AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
January 19, 2016 6:00 PM

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

3 1. Approval of Minutes for the December 21, 2015 Regular Meeting

PUBLIC HEARINGS

41 2. **BZ-388 – Jessica Faubert.** Public Hearing, discussion, and consideration of a rezoning request from RE Residential Estate District and/or CG General Commercial District to AG Agricultural District for approximately 2.94 acres in part of the SE/4 of Section 22, T17N, R13E.
Property Located: 15800-block of S. Sheridan Rd.

57 3. **PUD 81 – "Chateau Villas PUD" – Major Amendment # 2 – Black Gold Group, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 2 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.
Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.

PLATS

67 4. (Continued from 09/21/2015)
Final Plat – "Chateau Villas" – Cedar Creek Consulting (PUD 81). Discussion and consideration of a Final Plat for "Chateau Villas," 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. 121st St. S.

All items are for Public Hearing unless the item is worded otherwise

Persons who require a special accommodation to participate in this meeting should contact City Planner Erik Enyart, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: eenyart@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

OTHER BUSINESS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyart

Date: 12/28/2015

Time: 4:55 PM

All items are for Public Hearing unless the item is worded otherwise

Persons who require a special accommodation to participate in this meeting should contact City Planner Erik Enyart, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: eenyart@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

2

MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
December 21, 2015 **6:00 PM**

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

STAFF PRESENT:
Erik Enyart, AICP, City Planner
Patrick Boulden, Esq., City Attorney

OTHERS ATTENDING:
See attached Sign-In Sheet

CALL TO ORDER:

Chair Lance Whisman called the meeting to order at 6:00 PM.

ROLL CALL:

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

1. Approval of Minutes for the November 16, 2015 Regular Meeting

---

Chair Lance Whisman introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the November 16, 2015 Regular Meeting as presented by Staff. Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

1. Approval of Minutes for the November 16, 2015 Special-Called Meeting

---

Chair Lance Whisman introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the November 16, 2015 Special-Called Meeting as presented by Staff. Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Lance Whisman declared that, in the interest of time and those attending, the Agenda Items would be taken out of order and Agenda Item # 4 would be heard at this time.

PLATS

4. **Preliminary Plat & Final Plat of "Willow Creek Estates Amended" – Fritz Land Surveying, LLC (PUD 78).** Discussion and consideration of a Preliminary Plat and Final Plat for 44 acres, being an amended plat of all of *Willow Creek Estates*.
   Property Located: South and west of the intersection of 131st St. S. and Mingo Rd.

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

To:	*Bixby Planning Commission*
From:	*Erik Enyart, AICP, City Planner*
Date:	*Thursday, December 17, 2015*
RE:	*Report and Recommendations for:* *Preliminary Plat & Final Plat of "Willow Creek Estates Amended" (PUD 78)*

LOCATION:	– *South and west of the intersection of 131st St. S. & 93rd E. Ave.* – *All of Willow Creek Estates*
SIZE:	*43.965 acres, more or less*
EXISTING ZONING:	*RS-3 Residential Single-Family District, RM-3 Residential Multi-Family District, & PUD 78*
SUPPLEMENTAL ZONING:	*PUD 78 "Willow Creek" and Corridor Appearance District (partial)*
EXISTING USE:	*Platted residential lots, streets, and Reserve Areas in Willow Creek Estates*
REQUEST:	– *Preliminary Plat approval, being an amended plat of all of Willow Creek Estates* – *Final Plat approval, being an amended plat of all of Willow Creek Estates*

SURROUNDING ZONING AND LAND USE:

North: *CS & AG; The Faith Temple Assembly church, agricultural land, and a house on a 3-acre tract zoned CS, and agricultural land to the north of 131st St. S.*

South: *RS-3 & RE; Single family residential in Blue Ridge Estates, Blue Ridge II, Southbridge, and Southwood South Addition.*

East: *CS & AG; The Faith Temple Assembly church, agricultural land zoned CS, and, across Mingo Rd.: AAA Landscaping, the former Four Seasons Lawn Care business (now owned by the City of Bixby for Haikey Creek Flood Improvement Project channel right-of-way), agricultural land, and a cell tower, all in unincorporated Tulsa County.*

West: *RS-3, CG, & CS; Single family residential in Blue Ridge II and Sun Burst and, along 131st St. S.: a house on a 3-acre tract zoned CS, the WW Sprinkler Repair business, and the Broken Arrow Hitch & Trailer, and miscellaneous other uses, all zoned CS and CG.*

COMPREHENSIVE PLAN:

(1) Medium Intensity + Residential

(2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land

4

(3) Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

BZ-23 – Robert Leikam – Request for rezoning from AG to OL, CS, RM-2, & RS-2 for approximately 117 acres, including parent tract subject property – Modified approval as per Staff granted in 1974 (Ord. # 282).

BZ-31 – Robert Weir – Request for rezoning from AG to RS-2 for 8.0 acres of the parent tract subject property at about the 13400-block of S. Mingo Rd. – Approved together with BZ-23 November 19, 1974 (Ord. # 282).

BZ-236 – Faith Temple Assembly, Inc. – Request for rezoning from RM-1 to CS for area of parent tract subject property currently zoned RM-2 for future church parking lot – Recommended/Approved for RM-2 zoning in November 1997/January 1998 (Ord. # 765).

BZ-338 – Cardinal Industries, Inc. c/o Bob Lemons – Request for rezoning from RM-2, RM-1, CS, OL, RD, and RS-2 to RS-3 for approximately 104.74 acres (includes parent tract subject property) for a future "Willow Creek" residential subdivision – PC recommended Approval 05/19/2008 and City Council Approved 06/09/2008 (Ord. # 1000).

Preliminary Plat of Willow Creek – Cardinal Industries, Inc. c/o Bob Lemons – Request for Preliminary Plat and Modification/Waiver (maximum cul-de-sac length) approval for 104.74 acres (includes parent tract subject property) – PC recommended Conditional Approval on 05/19/2008 and City Council Conditionally Approved 05/27/2008.

BL-353 – Faith Temple Assembly, Inc. c/o Tony Genoff – Request for Lot-Split approval for 13 acres abutting to the north and east (but including approximately 2 acres of parent tract subject property currently zoned RM-2) to separate the church property from its surrounding acreage – PC Approved 05/19/2008.

BL-364 – HRAOK, Inc. for Prestige Trading Company – Request for Lot-Split approval for 104.74 acres (includes parent tract subject property) to allow for the conveyance of approximately 2.3 acres on the east side of the Old Fry Creek Ditch to adjoining property owner (Genoff) to the north (part of a land trade along with BL-365) – PC Approved 12/15/2008.

BL-365 – HRAOK, Inc. for Tony Genoff – Request for Lot-Split approval for 9 acres abutting to the north and east, to allow for the conveyance of the approximately 2 acres of parent tract subject property currently zoned RM-2 for attachment to the subject property (part of a land trade along with BL-364) – PC Conditionally Approved 12/15/2008.

Revised Preliminary Plat of Willow Creek – HRAOK, Inc. – Request for revised Preliminary Plat and Modification/Waiver (to exceed the 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F) approval for parent tract subject property – PC recommended Conditional Approval on 06/15/2009 and City Council probably Conditionally Approved 06/22/2009.

BBOA-562 – Hank Spieker for Cardinal Industries, LLC – Request for Special Exception per Zoning Code Section 11-7B-2 Table 1 to allow a Use Unit 5 church and Use Unit 5 private elementary school in the RS-3 and RM-2 Residential districts for parent tract subject property – Withdrawn by Applicant 07/03/2012.

PUD 78 – Willow Creek – Rosenbaum Consulting, LLC – Request for PUD approval for parent tract subject property – PC Recommended Conditional Approval 05/02/2013 and City Council Conditionally Approved 05/13/2013 (Ord. # 2120 approving PUD approved 09/23/2013 upon receipt of the "Final As Approved" PUD on 09/11/2013).

Preliminary Plat of Willow Creek – Rosenbaum Consulting, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a 291-lot residential subdivision for parent tract subject property – PC Recommended Conditional Approval 05/02/2013 and City Council Conditionally Approved 05/13/2013.

Final Plat of Willow Creek I – Rosenbaum Consulting, LLC – Request for Final Plat approval for a 111-lot residential subdivision for subject property, then known as "Willow Creek I" – PC Recommended Conditional Approval 04/21/2014 and City Council Conditionally Approved 04/28/2015 (Final Plat approval extension granted by letter dated 04/28/2015; Willow Creek Estates Plat # 6625 recorded 08/24/2015).

PUD 78 – "Willow Creek" – Major Amendment # 1 – Rosenbaum Consulting, LLC for Willow Creek Development, LLC – Request for approval of Major Amendment # 1 to PUD 78 for subject property, which amendment proposes to allow off-street parking to be located off the subject property and within the Public street right-of-way (cf. Zoning Code / City Code Section 11-10-2.D), to remove the

7.5' minimum width parking lot setback and landscaped strip requirements (cf. Zoning Code / City Code Section 11-10-3.B Table 1 and 11-12-3.A.2), and make certain other amendments – PC recommended Conditional Approval 11/19/2015 and CC Conditionally Approved application 12/14/2015. Ordinance Second Reading and consideration for adoption pending 12/28/2015.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list and does not include cases located in unincorporated Tulsa County)

BZ-342 – JR Donelson for Cardinal Industries – Request for rezoning from RS-3 to CS for southerly approximately 2.3 acres of the planned plat of "Willow Creek Plaza" abutting subject property to the east – PC recommended Approval 04/20/2009 and City Council Conditionally Approved 05/11/2009 (Ord. # 2015).

Preliminary Plat of Willow Creek Plaza – Request for Preliminary Plat approval for approximately 9 acres abutting subject property to the east – PC recommended Conditional Approval on 04/20/2009 and City Council Conditionally Approved 04/27/2009.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of approximately 43.965 acres, more or less, consists of all of Willow Creek Estates and is composed of platted residential lots, streets, and Reserve Areas. The property is zoned RS-3 Residential Single-Family District, RM-3 Residential Multi-Family District, and PUD 78.

The subject property parent tracts, combined, have 1,469.95 feet of frontage on 131st St. S. and approximately 1,505 feet of frontage on Mingo Rd. The recorded plat of Willow Creek Estates has only 218.73' of frontage on Mingo Rd., corresponding to the Reserve 'B' frontage platted with that first phase. The subject property is bounded on the east by Mingo Rd., on the south and west by residential subdivisions Southwood South Addition, Southbridge, Blue Ridge Estates / Blue Ridge II, and Sun Burst, on the west by the Broken Arrow Hitch & Trailer business on a 4-acre tract zoned CG and a house on a 3-acre tract zoned CS, on the north by 131st St. S., and on the northeast by "Twin Hills Creek" / "Old Fry Creek." Per the EPA My WATERS Mapper, "Twin Hills Creek" was that drainageway that, since the Fry Ditch project was constructed, is now known as Fry Creek # 2 from its northernmost extent to its confluence with Fry Creek # 1. The drainageway was also previously rerouted southwest of the intersection of 141st St. S. and Mingo Rd. to discharge directly to the Arkansas River. The portion of this drainageway abutting/within the subject property has been incorporated into a drainage channel, located in Reserve 'B,' and is being coordinated with the Haikey Creek Flood Improvement project per the City Engineer.

The land is relatively flat and appears to slope slightly to the southeast along a trajectory paralleling "Twin Hills Creek" / "Old Fry Creek," which then drains more or less due south after it crosses to the east side of Mingo Rd.

Although the Haikey Creek Flood Improvement project may affect the floodplain situation, certain Reserve Areas currently contain areas of 100-Year (1% Annual Chance) Regulatory Floodplain. The residential building lots, however, have been removed from the 100-year Floodplain per a FEMA-approved LOMR-F per letter from FEMA dated May 22, 2015 (Case No. 15-06-2469A). Elevating the residential building lots out of the 100-year floodplain has avoided conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O.

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

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

The existing RS-3 and RM-2 districts both allow the single-family development as proposed. Per the Matrix, the existing RS-3 and RM-2 districts are In Accordance or May Be Found In Accordance with all the Comprehensive Plan designations.

Per the Matrix, PUDs (as a zoning district) are In Accordance or May Be Found In Accordance with all designations of the Comprehensive Plan Land Use Map. As the City Council approved PUD 78, it has been found In Accordance with the Comprehensive Plan as a zoning district.

Therefore, Staff believes that the existing underlying zoning patterns and PUD 78, the existing Willow Creek Estates single-family residential development, and this proposed amended plat should all be recognized as being not inconsistent with the Comprehensive Plan.

6

General. The Preliminary and Final Plat of "Willow Creek Estates Amended" propose an amended plat to correct certain survey data errors contained on the recorded plat. No changes are proposed to any lots, blocks, streets, Utility Easements or other easements, Reserve Areas, etc.

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.

As no substantive changes were proposed and there were no other substantial applications to consider, Staff did not call a meeting of the Technical Advisory Committee (TAC) and instead requested comments only. No relevant comments were received.

Access and Internal Circulation. No changes are proposed as compared to Willow Creek Estates.

Land Use Restrictions. The Deed of Dedication and Restrictive Covenants (DoD/RCs) of the plat include proposed land use restrictions, as required by Subdivision Regulations Section 12-5-3.A, and the land use restrictions include proposed minimum house size and masonry standards which are consistent with the PUD 78. No changes are proposed as compared to Willow Creek Estates.

Staff Recommendation. Staff recommends Approval.

Erik Enyart noted that this was the best way to clear up the survey data errors.

Chair Lance Whisman recognized no one had signed the Sign-In Sheet to discuss the item. Erik Enyart gestured to Ryan McCarty of Select Design, LLC, but Mr. McCarty indicated he had nothing to add to the Staff Report.

There being no further discussion, Thomas Holland made a MOTION to Recommend APPROVAL of the Preliminary Plat and Final Plat of Willow Creek Estates Amended. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

3. **PUD 81 – "Chateau Villas PUD" – Major Amendment # 2 – Black Gold Group, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 2 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.
   Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.

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

To:	*Bixby Planning Commission*
From:	*Erik Enyart, AICP, City Planner*
Date:	*Thursday, December 17, 2015*
RE:	*Report and Recommendations for:*
	PUD 81 Major Amendment # 2 – "Chateau Villas PUD" – Black Gold Group, LLC

7

LOCATION:

16-Acre Tract: 8300-block of E. 121st 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 # 2 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 change parking requirements within Development Area B 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, a QuikTrip under construction and commercial in the Town and Country Shopping Center to the northwest, and farther north, duplexes along 119th 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 and the Bixby Fire Station #2 in the Houser Addition.

West: CG, CS, & 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 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).

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 (includes Reserve Area 'A' part of subject property) – 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.

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (includes Reserve Area 'A' part 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 (includes Reserve Area 'A' part of subject property) – BOA Approved 01/11/1988.

8

<u>Final Plat of 121st Center</u> – Request for Final Plat approval for 121st Center (includes Reserve Area 'A' part 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).

<u>BCPA-3, PUD 68, & BZ-341 – North Bixby Commerce Park – Lou Reynolds for Alvis Houser</u> – 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.

<u>Preliminary Plat of North Bixby Commerce Park (PUD 68)</u> – 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.

<u>Final Plat of North Bixby Commerce Park (PUD 68)</u> – 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.

<u>BSP 2010-01 – North Bixby Commerce Park – RK & Associates, PLC / McCool and Associates, P.C. (PUD 68)</u> – 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.

<u>PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC</u> – 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.

<u>PUD 81 – "Chateau Villas PUD" – Major Amendment # 1 – Larry Kester of Architects Collective</u> – Request for approval of Major Amendment # 1 to PUD 81 for a Use Unit 8 multifamily residential and commercial development for subject property – PC recommended Conditional Approval 03/25/2015 and City Council Conditionally Approved application 03/30/2015. Applicant Larry Kester withdrew from application 05/19/2015. New architect engaged, site and building designs changed, and new PUD documents received 06/17/2015. City Council Conditionally Approved revised PUD Major Amendment # 1 by ordinance by 3:0:0 vote 06/22/2015 (Ord. # 2153).

<u>BSP 2015-04 – "Chateau Villas" – Larry Kester of Architects Collective (PUD 81)</u> – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for subject property – Withdrawn by Applicant 05/28/2015.

<u>Preliminary Plat of "Chateau Villas" – Cedar Creek Consulting (PUD 81)</u> – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a Use Unit 8 multifamily residential and commercial development for subject property and adjacent Reserve Area 'A' of 121st Center – PC recommended Conditional Approval 09/21/2015 and City Council Conditionally Approved 09/28/2015.

<u>Final Plat of "Chateau Villas" – Cedar Creek Consulting (PUD 81)</u> – Request for approval of a Final Plat and certain Modifications/Waivers for a Use Unit 8 multifamily residential and commercial development for subject property and adjacent Reserve Area 'A' of 121st Center – PC Tabled 09/21/2015, with allowance to return to a future meeting when ready.

<u>BSP 2015-07 – "Chateau Villas" – Cedar Creek Consulting (PUD 81)</u> – 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 12/21/2015.

9

BACKGROUND INFORMATION:
ANALYSIS:
Per BSP 2015-07, also on this December 21, 2015 Planning Commission Agenda for consideration, the Applicant is seeking PUD Detailed Site Plan approval. This PUD 81 Major Amendment # 2 application was submitted when the Applicant counted parking spaces and believed them to be insufficient to meet the minimum requirements of the Zoning Code. Staff has since counted the parking and found it to be adequate, and also observed that parking standards can be modified in the context of the PUD Detailed Site Plan application, per the terms of the PUD Text. It is possible, however, that the Applicant may want to use this Major Amendment # 2 application to make other minor adjustments to the PUD, such as the design elements outlined in the Site Plan analysis. The Public Notice and agenda both simply state that this is a PUD Major Amendment, and so does not specify any restricted scope of potential amendments. Please refer to that report for potential changes.
If the Applicant requests any changes, they should be spelled out specifically in a PUD Amendment document, and discussed by the Planning Commission. If no changes are sought, the Applicant should Withdraw this PUD Major Amendment, or the Planning Commission should Table it.

Erik Enyart stated that the original purpose for this PUD Major Amendment # 2 was to amend the minimum parking requirements for "studio" or "efficiency" apartment units. Mr. Enyart stated that, during his review of the site plan, he observed that the project was not short of parking spaces after all, and furthermore, the PUD provided that minimum and maximum parking requirements could be amended in the context of the PUD Detailed Site Plan. Mr. Enyart stated that he had just finished meeting with the Applicant for about an hour and 45 minutes and discussed every one of the review comments for the site plan. Mr. Enyart stated that, in the meeting, the Applicant stated that they wanted to proceed with the parking ratio change as they may want that flexibility for future expansions. Mr. Enyart stated that the Applicant also identified that they would like the amendment to include an allowance for a ground sign in the multifamily development area, which has no arterial street frontage per the revised Final Plat he had received that day. Mr. Enyart stated that he had no objection to the sign and had no philosophical objection to the parking change, as the design included a large pool of parking spaces centrally located and convenient for most of the buildings, and as he expected parking needs to be reduced in time with demographic and technological changes. Mr. Enyart stated that he believed the Applicant may request some additional changes with this PUD Major Amendment, which they should specifically identify and discuss. Mr. Enyart stated that the Applicant was represented by Kevin Jordan, Art Kennedy, Tim Homburg of the architect [NSPJ Architects] of the Kansas City area, and Jason Mohler of Cedar Creek Consulting. Mr. Enyart offered to answer any questions for him at this time.

Thomas Holland asked what future changes the Applicant was contemplating.

Kevin Jordan stated that, today, he had signed a contract on the ministorage site immediately south, and that he may want to come back to the City for lower[-profile] apartments, such as the carriage houses. Mr. Jordan stated that the Memorial Dr. frontage was planned for commercial, such as a *Waterfront Grill* or *Los Cabos*, with three (3) stories having apartments up above. Mr. Jordan stated that these would be smaller units, and that this design was seen in Dallas and Denver but not yet here.

Tim Homburg, AIA, NCARB, of *NSPJ Architects*, Prairie Village, KS, stated that [he and his firm] looked at national trends in parking and believed that 1.5 parking spaces per studio apartment unit was not necessary. Mr. Homburg demonstrated on the overhead projector certain plan drawings, including new ones not included in any submittal, at this time and others throughout the meeting.

10

Chair Lance Whisman asked if the rooves would be flat, and Tim Homburg indicated agreement and stated that there would also be some low-pitched shed rooves. Mr. Homburg stated that the previous design included the flat rooves with cornice work. Mr. Homburg demonstrated Exhibit J to PUD 81 as added and approved by the City Council in June, 2015.

Thomas Holland and Jerod Hicks asked if the previous design was not a Tuscan theme with pitched rooves, and Tim Homburg indicated agreement. Mr. Holland asked what was the reason for the change. Mr. Homburg stated that the [parapets] would shield the noise and visual clutter of the rooftop HVAC units.

Kevin Jordan stated that the clubhouse was now proposed to be 7,700 square feet, and that the previous plan was to have one (1) or two (2) elevators but now four (4) were planned, three (3) in Building A and one (1) in a three (3) story building. Mr. Jordan stated that this would be the only project in the south Tulsa area like this. Mr. Jordan stated that Building A would have enclosed hallways. Mr. Jordan stated that the first phase would be 198 units. Mr. Jordan indicated the second phase land could be sold temporarily for financing purposes, but that the whole project would become one after it was fully constructed. Mr. Jordan stated that he would like to build a mixed use project [in Development Area A] with retail or restaurants on the first floor and apartments up above, which now existed "nowhere in town, only in downtown [Tulsa]." Mr. Jordan indicated further plans for the ministorage [to the south]. Erik Enyart clarified that the ministorage referenced was the land to the south, which had been zoned for a ministorage but had not yet been built as such. Mr. Jordan stated that his commitment was to build the nicest [multifamily development] in the city. Mr. Jordan stated that he was building in a market with $37.00 [per barrel] oil. Mr. Jordan stated that he expected a lot of empty-nesters, who would like the ability to walk to a restaurant to eat. Mr. Jordan stated that he would have "2.7 miles of sidewalks and walking trails."

Tim Homburg and/or Kevin Jordan stated, "We believe this will be first class," that the clubhouse would now be larger than previously planned, and that the property was positioned for empty-nesters with kids gone.

Tim Homburg stated that the planned program included a larger workout facility, gourmet kitchen, wine locker for residents, massage therapy on call, a private trainer on call, a yoga studio and integrated virtual trainers, concierge service, and media room with [high-end] television(s).

Erik Enyart clarified with Tim Homburg, at this time or another, a previous statement that Building A would have fully enclosed hallways throughout the entire building.

Thomas Holland asked about the "urban" design.

Kevin Jordan indicated that this design was not common in the suburbs but was starting to be. Mr. Jordan stated that there were 300 [urban-style] apartments being built in the middle of Edmond, and that [they were becoming increasingly popular] in the northern Dallas and Kansas City suburbs. Mr. Jordan stated that the target customers would be previous homeowners. Mr. Jordan stated that he had to build high-end to get people to live there. Mr. Jordan stated that the new plans included

11

more stucco, and less brick and "faux stone," and asserted "Most cities consider Hardie board as masonry." Mr. Jordan stated that he would like to modify where the masonry went, and not have to put 25% masonry on [every side of every building], so that he could put more of the masonry on the [west- and north-facing sides of the forward-most buildings] to "give the show up here." Mr. Jordan stated, at this time or another, that most multifamily developments were doing 20% masonry, but he was doing 40%. Mr. Jordan indicated he wanted a sign [at the Memorial Dr. intersection] for the "Boardwalk shops" and another [in Development Area B] for the "Boardwalk apartments."

Chair Lance Whisman asked Erik Enyart, at this time or another, if there was a requirement for 25% masonry on every side of every building, and Mr. Enyart stated that he did not recall or have the PUD with him, but the architect had stated this was the case and he believed it was so. Tim Homburg indicated agreement.[1]

Tim Homburg noted the location of the proposed 4th-story sections within Building A.

It was noted that the project would be phased until FEMA removed the floodplain by [LOMR], and that the infrastructure for both phases would cost $38 Million.

Jerod Hicks clarified with Tim Homburg and Kevin Jordan that the 4th-story building portions would be on the waterfront [of the stormwater retention pond in Reserve Area 'A' of *121st Center*].

Tim Homburg stated that the 40% [masonry standard] would be a "fictitious number if we have to do 75%" masonry [on the fronts of the forward-most buildings and maintain 25% masonry on each face of each building]. Mr. Homburg noted that, of the percent of masonry in the "40% box," they now proposed to increase the stucco and have less brick and stone.

Chair Lance Whisman expressed concern that the project was now "drastically different," and that, when the Applicant originally proposed it, they stated there would be nothing like it between Dallas and Kansas City, but the Applicant was now stated that it would be unparalleled except for downtown Tulsa. Mr. Whisman asked if the buildings could still be "considered luxury," and expressed concern that the project could be "backsliding." Mr. Whisman noted that there were now more studio apartments proposed when previous plans called for more 2- to 3-bedroom units for families.

Erik Enyart stated that, comparing the 4th-story sections of Building A to the 4-story elevations represented on Exhibit J of the PUD, in his opinion, there was now less masonry proposed. Mr. Enyart clarified that the Applicant was requesting, in the context of this PUD Major Amendment, to change the requirement to have 25% masonry on every side of every building to only 25% per building, and "throw all that [masonry] on the front buildings." Mr. Enyart stated, at this time or another, that the purpose of the PUD Detailed Site Plan approval requirement was so that the City had control over the quality of the development outcome. Mr. Enyart stated that this had been a standard requirement for multifamily developments for several years, and allowed the City Council,

[1] After the meeting, Staff found that the PUD did not contain a 25% masonry standard for every face of every building.

and in this case, the Planning Commission also, to review and approve the plans so they know precisely what they are getting.

Kevin Jordan stated that he did not believe this was a drastic change.

A Planning Commissioner noted that it was a drastic change since the project was presented [March 25, 2015] [to the Planning Commission].

The Planning Commissioners clarified with the Applicant and Erik Enyart, at this time or another, that Exhibit J, as shown on the overhead projector, was the new design presented to and approved by the City Council in June, 2015, after the Planning Commission had seen previous designs in the PUD 81 Major Amendment # 1 on March 25, 2015. Jerod Hicks expressed concern that he had not received this new design [in the September and December, 2015 Agenda Packets].

Thomas Holland noted that a lot of things being discussed were in the Staff Report for the site plan[, and not strictly the PUD Major Amendment]. Mr. Holland and Erik Enyart suggested opening Agenda Item # 5 for concurrent discussion and consideration.

OTHER BUSINESS

5. (Continued from 09/21/2015)
BSP 2015-07 – "Chateau Villas" – Cedar Creek Consulting (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 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. 121st St. S.

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

To:	*Bixby Planning Commission*
From:	*Erik Enyart, AICP, City Planner*
Date:	*Thursday, December 17, 2015*
RE:	*Report and Recommendations for:*
	BSP 2015-06 – "Chateau Villas" – Cedar Creek Consulting (PUD 81)

LOCATION:	
	16-Acre Tract: 8300-block of E. 121st 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*

13

pursuant to PUD 81 for a Use Unit 8 multifamily residential and commercial development

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, a QuikTrip under construction and commercial in the Town and Country Shopping Center to the northwest, and farther north, duplexes along 119th 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 and the Bixby Fire Station #2 in the Houser Addition.

West: CG, CS, & 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 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).

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 (includes Reserve Area 'A' part of subject property) – 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.

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (includes Reserve Area 'A' part 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 (includes Reserve Area 'A' part of subject property) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for 121st Center (includes Reserve Area 'A' part 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).

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

14

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.

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 subject property – PC recommended Conditional Approval 03/25/2015 and City Council Conditionally Approved application 03/30/2015. Applicant Larry Kester withdrew from application 05/19/2015. New architect engaged, site and building designs changed, and new PUD documents received 06/17/2015. City Council Conditionally Approved revised PUD Major Amendment # 1 by ordinance by 3:0:0 vote 06/22/2015 (Ord. # 2153).

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 – Withdrawn by Applicant 05/28/2015.

Preliminary Plat of "Chateau Villas" – Cedar Creek Consulting (PUD 81) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a Use Unit 8 multifamily residential and commercial development for subject property and adjacent Reserve Area 'A' of 121st Center – PC recommended Conditional Approval 09/21/2015 and City Council Conditionally Approved 09/28/2015.

Final Plat of "Chateau Villas" – Cedar Creek Consulting (PUD 81) – Request for approval of a Final Plat and certain Modifications/Waivers for a Use Unit 8 multifamily residential and commercial development for subject property and adjacent Reserve Area 'A' of 121st Center – PC Tabled 09/21/2015, with allowance to return to a future meeting when ready.

PUD 81 – "Chateau Villas PUD" – Major Amendment # 2 – Black Gold Group, LLC – Request for approval of Major Amendment # 2 to PUD 81 for a Use Unit 8 multifamily residential and commercial development for subject property – Pending PC consideration 12/21/2015.

BACKGROUND INFORMATION:

Per the original PUD 81 Exhibit B Conceptual Site Plan, the multifamily element of the "Chateau Villas" 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 façades except for protruding exterior stairwells. The façades, considering their description as "masonry," appeared to be traditional stucco or otherwise another cementitious product resembling stucco. The original intent was not clear.

Since the original November, 2013 PUD application approval, and February 24, 2014 PUD approval by Ordinance # 2126, the developer acquired the 16-acre parcel in mid-2014 and the 7-acre parcel at the end of 2014. In early 2015, the developer engaged an architect, Architects Collective of Tulsa, and the designs changed.

15

PUD 81 Major Amendment # 1 originally proposed:

(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."

After application submittal, City Staff had several meetings and other communication with the Applicant to refine the intent of the amendments, and suggested other amendments be made to facilitate the most appropriate development of the property. Staff was not supportive of the original approach to redefine "masonry," even in the context of this application. In its final form, the Major Amendment included a 50' maximum building height, a fourth story, and a 40% traditional masonry and 60% approved masonry alternatives standard, among other things.

At its March 25, 2015 Special Meeting, the Planning Commission recommended Conditional Approval of PUD 81 Major Amendment # 1. 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 at that time, and perhaps also because of the 3:1:1 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. The Ordinance First Reading (no action) was to be heard on the April 13, 2015 City Council Regular Meeting, but there was no quorum and that meeting was cancelled. The Ordinance First Reading was held April 27, 2015. Since the PUD Major Amendment was not ready, it was delayed for a time from being returned to a City Council agenda for Ordinance Second Reading and possible approval by majority vote.

Because the PUD Major Amendment had not yet been approved, PUD Detailed Site Plan application BSP 2015-04 was Continued from the April 20, 2015 Planning Commission Regular Meeting to the May 18, 2015 Planning Commission Regular Meeting, and then again to the June 15, 2015 Regular Meeting. It was not heard on June 15, 2015 because the Applicant Withdrew the application during a meeting with Staff on May 28, 2015, since the designs had changed and the Applicant was going to submit a new application for PUD Detailed Site Plan when the Applicant was closer to construction.

Subsequent to the Ordinance First Reading at the April 27, 2015 City Council meeting, the developer changed architects to NSPJ Architects of Prairie Village, KS, and the building designs and site layout changed again. The revised PUD documents were received June 17, 2015.

The June 17, 2015 plans called for a 7,000 square foot "clubhouse" and 13 multifamily buildings with a mix of 2-, 3-, and 4-story buildings with variegated façades and certain percentage of "concrete stone masonry material" (a.k.a. "manufactured stone" / "synthetic stone"), "brick veneer masonry," and stucco) and 60% masonry alternatives (including only fiber cement cladding), with exceptions for trim. The open stairwells were brought within the building footprints, but exterior stairwells were evident in the new 4-story building elevation on the building ends, perhaps as access auxiliary to the proposed elevators.

Additionally, a non-exhaustive list of the most significant changes included:

1. *New "Urban Contemporary" building designs, featuring:*
    - *a. More, or perhaps all buildings included attached garages*
    - *b. 5 4-story buildings all featuring elevators*
    - *c. Flat rooves with parapets rather than pitched rooves with shingles.*
2. *New site layout featuring:*
    - *a. Removal of internal water features*
    - *b. Realignment of boulevard entrance street/drive*
    - *c. Reconfiguration of buildings and internal drives layout*
    - *d. Fewer buildings, especially by the removal of smaller garage/apartment buildings*
    - *e. Clubhouse was larger, pool was smaller*
    - *f. Carports throughout development (with garages suggested, but not represented on plans)*
    - *g. Commercial development area design changes.*
3. *Building elevations reflected only one (1) building type, and did not contain height information or a full schedule of proposed exterior materials or their relative percentages.*

16

On June 22, 2015, by 3:0:0 vote, the City Council Conditionally Approved the revised PUD Major Amendment # 1 (Ord. # 2153).

The original applications for Preliminary Plat, Final Plat, and PUD Detailed Site Plan (BSP 2015-06) were received August 21, 2015. The building designs and site layout changed again. A non-exhaustive list of the most significant changes included:

1. *New building designs, featuring:*
    a. *12 multifamily buildings including:*
        i. *2 large, segmented buildings (Buildings A and B)*
        ii. *4 3-story buildings*
        iii. *6 smaller, 2-story garage/apartment buildings*
    b. *Clubhouse was smaller[2] and embedded (Segment B) within large Building A*
    c. *Only 1 4th story, Segment D of Building A, versus 5 4-story buildings*
    d. *Evidently less brick/stone and less façade articulation/variegation (Building A)*
    e. *Evidently fewer parapet roof articulations and embellishments (Building A)*
    f. *New unit mix with 57 studio units now proposed and fewer 1-, 2-, and 3-bedroom units*
2. *New site layout featuring:*
    a. *Incorporation and modification of stormwater retention pond in Reserve A of 121st Center*
    b. *Pond / canal water feature added along west side of Development Area B*
    c. *Removal of tower feature next to clubhouse*
    d. *Realignment of boulevard entrance street/drive and removal of roundabout/water feature*
    e. *Reconfiguration of buildings and internal drives layout*
    f. *Pool/spa appears larger*
    g. *16 carports removed and 6 detached 6-car garages added*
    h. *Fry Creek tributary channel area widened from roughly 45' to 60'*

On September 21, 2015, due to substantial design issues, the Planning Commission Tabled BSP 2015-06 and the Final Plat of "Chateau Villas," with allowance to return to a future meeting when they are ready. At that time, the plats and site plan included adjacent Reserve Area 'A' of 121st Center. The Preliminary Plat was recommended for Conditional Approval, and the City Council Conditionally Approved same, subject to removing the adjacent Reserve Area 'A' of 121st Center, to which the Applicant was not then (and is not now) entitled. The intent of the approval of the Preliminary Plat was to allow the developer to proceed with grading, drainage, and infrastructural improvements pursuant to approved engineering construction plans.

On November 03, 2015, Staff received revised site plan drawings. The designs appear to be essentially the same, with the exception of:

1. *Removal of Reserve Area 'A' of 121st Center as required until/unless Applicant acquires same or adequate rights to modify same*
2. *Pool/spa and patio relocated onto the subject property and reduced in size; spa slightly larger*
3. *"Asphalt path" pedestrianway removed from around the stormwater retention pond in the adjacent Reserve Area 'A' of 121st Center*
4. *No changes proposed to 'shoreline' of stormwater retention pond in the adjacent Reserve Area 'A' of 121st Center*
5. *Building A contains substantially less brick/stone masonry (30% → 23%)*
6. *Building B contains substantially less brick/stone masonry (30% → 18%)*
7. *Buildings C contains substantially less brick/stone masonry (30% → 7%)*
8. *Garage buildings contain substantially less brick/stone masonry (specifics not available)*

During a meeting with the developer and developer's associates on November 13, 2015, the developer requested that the site plan be returned to the December 21, 2015 Planning Commission agenda.

PUD 81 Major Amendment # 2 is also on this December 21, 2015 Planning Commission Agenda for consideration. It was submitted when the Applicant counted parking spaces and believed them to be insufficient to meet the minimum requirements of the Zoning Code. Staff has since counted the parking

---

[2] *Roughly 3,300 : 6,402 square feet versus 7,000 square feet by interpolation of site and elevations drawings*

17

and found it to be adequate, and also observed that changes could be made in the context of this PUD Detailed Site Plan application, per the terms of the PUD Text. It is possible, however, that the Applicant may want to use this Major Amendment # 2 application to make other minor adjustments to the PUD, such as the design elements outlined in this analysis.

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. 121st St. S.,*
2. *An approximately 7-acre tract at 12303 S. Memorial Dr. with what appears to be an unoccupied split-level house on it, and*

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 (Case No. 09-06-0671R) 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 has already been widened per Alan Betchan of AAB Engineering, LLC on September 02, 2015. Per Mr. Betchan 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. As acknowledged in the "Drainage" section of PUD 81, the floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed, and the development will pay a fee-in-lieu of providing onsite stormwater detention.

Subdivision Regulations § 12-3-2.O prohibits platting development lots within the 100-year (1% Annual Chance) Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance. By Modification/Waiver, platting Reserve Areas may be permitted, provided their use is passive and use restrictions prohibit building construction. To fully comply with applicable regulations, the floodplain and drainage improvements must be completed, the developer must secure FEMA approval of a LOMR upon completion of these improvements, the 100-year Floodplain must be entirely contained within a Reserve Area, and the Applicant must request and be approved for a Partial Modification/Waiver of SRs Section § 12-3-2.O to allow the platting of a Reserve Area in the 100-year Floodplain.

The Zoning Code and PUD 81 prohibit the issuance of Building Permits until the land has been platted, and the Subdivision Regulations prohibit platting building lots in the 100-year Floodplain. Until all Floodplain-related requirements are satisfied, the development may be limited to grading and utility work, performed pursuant to an Earth Change Permit, utilities permits, and other permits as may be required.

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. 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 review 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

18

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) are In Accordance with the Medium Intensity and May Be Found In Accordance with the Low Intensity designations of the Comprehensive Plan Land Use Map. Since PUD 81 and its Major Amendment # 1 were approved by ordinances of the City Council, they have been recognized as being In Accordance with the Comprehensive Plan as a zoning district. PUD 81 Major Amendment # 1 proposed making certain changes to design features of the development, but no significant changes to the schedule of land uses compared to the original PUD 81.

The multifamily and commercial development anticipated by this PUD Detailed Site Plan would not be inconsistent with the Comprehensive Plan.

General. Staff understands that the developer only intends to develop, at this time, (1) the Use Unit 8 multifamily Development Area B (proposed Lot 3, Block 1, "Chateau Villas"), and (2) certain other DA B-dependent site elements (private street/drive connections to Memorial Dr. and 121st St. S. and the drainage channel along the east side of the plat). Staff recommends that speculative commercial buildings, parking lots, etc. represented within Development Area A / proposed Lots 1 and 2, Block 1, "Chateau Villas," should be removed if not proposed at this time. Staff has not reviewed the commercial development areas as a part of this site plan application. If proposed, the Site Plan needs to be updated to include building elevations and all necessary details for such commercial buildings.

The Detailed Site Plan represents a suburban-style design with certain urban design elements. The site plan indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property lots proposed by the Conditionally-Approved Preliminary Plat of "Chateau Villas" conform to PUD 81 (subject to the completion of outstanding Conditions of Approval, including the removal of Reserve Area 'A' of 121st Center) and, per the plans generally, the development elements proposed at this time would conform to the applicable bulk and area standards for PUD 81 and the underlying CS, RM-3, and OL districts, except as otherwise outlined herein.

The PUD Detailed Site Plan application was submitted by Cedar Creek Consulting, Inc. but the plans were all prepared by NSPJ Architects of Prairie Village, KS, as reported on the plan drawings. The submitted plan-view Site Plan drawing consists of "Concept Site Plan for Chateau Villas" drawing A0.01 (hereinafter sometimes "Site Plan" or "site plan"). The landscape plan consists of a "Tree Planting Plan for Chateau Villas" drawing L1.00. Appearance and height information is provided on the elevations drawings SP1.10, SP1.11, SP1.13, A1.42, A2.05, A2.06, A2.15, A2.26, A2.27, A2.35, A2.36, A2.45, A2.55, A2.56, A2.66, and A2.67 (hereinafter, individually or together, sometimes "Elevations Drawings" or similar). Fence/screening information is provided by the representation of such information on A0.01, SP1.10, and SP1.11. The Lighting Plan consists of "Photometric Plan" drawing E0.01 (submitted August 21, 2015). Signage information is provided by the representation of such information on site plan drawing A0.01 and drawings SP1.10, SP1.12, SP1.14, and A2.06.

Further, PUD 81 provides certain minimum standards for screening and landscaping, including a provision that "Landscape screening / buffering along the East boundary shall be at least as good, if not superior to that conditionally approved for the former "North Bixby Commerce Park" development, as will be determined by the City Council." Consistent with the "North Bixby Commerce Park" development, as described in the PUD 81 Major Amendment # 1 Staff Report, screening would include a minimum of 125' of 6'-high masonry wall along the northerly end, and a certain minimum number of landscaping trees. Since PUD requirements pertain to Development Area D and not individual lots, and for practical reasons pertaining to screening fence/wall and drainage channel maintenance, Staff recommends the Applicant consider making all of Development Area D a Reserve Area and provide, in the plat, appropriate Restrictive Covenants pertaining to the dedication, purpose, right of access and use, and share of perpetual maintenance responsibilities. Reference how this was done for the Reserve Area in the Conditionally Approved Final Plat of "North Bixby Commerce Park."

Per the Preliminary Plat, proposed Lot 3, Block 1, "Chateau Villas" will have no frontage on either Memorial Dr. or 121st St. S., and will instead have access to both via Mutual Access Easements (MAEs). Unless proposed Lot 3 is modified to have at least 75' of frontage on a Public street, or the MAE is

19

converted to private street right-of-way, the present configuration will require a PUD Minor Amendment to relieve the frontage requirement of Zoning Code Sections 11-7C-4 Table 3 and 11-8-4, and also a Modification/Waiver from Subdivision Regulations Section 12-3-4.B. If proposed Lot 3, Block 1, "Chateau Villas" is modified using either of these methods, proposed Lot 1 may need to be reconfigured to have at least 150' of frontage on Memorial Dr. per Zoning Code Section 11-7D-4 Table 2, or a PUD Minor Amendment may be sought to reduce the lot width.

The Technical Advisory Committee (TAC) reviewed the Preliminary Plat, Final Plat, and PUD Detailed Site Plan per BSP 2015-06 on September 02, 2015. The Minutes of the meeting are attached to this report.

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

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

Access and Internal Circulation. Plans for access and internal circulation are described in the "Vehicular and Pedestrian Access and Circulation" section of the PUD 81 Text as follows:

"The attached Exhibit B 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 private boulevard-style street and /or drive. 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 Chief, Fire Marshal and Engineering. Access to the lots within Development Area C will be derived by privately maintained streets and / or drives and shall not be permitted more than one (1) direct connections to 121st Street South per lot. All private driveway and/or street connections shall be subject to City Engineer curb cut and/or ODOT driveway permit approval for the proposed access points to Memorial Dr. (US Hwy 64) and 121st St. S., and the Fire Chief's and Fire Marshal's approval of locations, spacing, widths, and curb return radii.

Pedestrian connectivity will be provided by new sidewalks along all abutting public streets and 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. All sidewalk layouts will be developed and presented in detail at the PUD detailed site plan submittal."

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/drive connecting to Memorial Dr. and serving DAs A and B, and a secondary private street/drive connecting to 121st St. S. The multifamily development will be gated.

PUD 81 describes internal accessways as private streets and/or drives. This was pursuant to a review comment that called for clarification, which was ultimately resolved by using this more flexible terminology, allowing the decision on private access format to be resolved at a later date. As per other recommendations in the analyses of the Preliminary and Final Plats and PUD Detailed Site Plan, some of the shared entrances may be or become private streets. However, internal parking lot drive aisles are not likely to be "streets" as they are presently termed on the Site Plan. If so, the plat would need to dedicate them as such and provide names for each. If otherwise, they should be retitled as "drives," "driveways," "drive lanes," "drive aisles," or similarly as appropriate.

As indicated on the PUD Detailed Site Plan, the entire development will be served by sidewalks along Memorial Dr. and 121st St. S. and by internal sidewalks and boardwalks. In Staff's opinion, the current site plan indicates adequate 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.

20

Maintenance of Original Minimum Buffering Standards. As expressed in the review of PUD 81 Major Amendment # 1, 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, at 6' in height, 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 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 addition of new or replacement 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 easterly line of DA D, with no plans for the easterly line of DA C. Recognizing that the most critical areas in need of buffering are to the east and southeast, as recommended by Staff, PUD 81, as amended by Major Amendment # 1, provides that the commercial and multifamily uses be screened by no less a standard than was last approved for the subject property. See related recommendations in the General, Screening, Landscaping, and Distribution of Private Maintenance Responsibilities sections of this analysis.

Distribution of Private Maintenance Responsibilities. For developments such as this, and invariably when a Reserve Area will be platted, an Owners Association is customarily formed for the purposes of improvement and maintenance of the private and common development elements. In this case, such private and common elements would appear to include the private streets/drives within the MAEs, any Reserve Area(s) which may be platted, stormwater drainage and detention/retention facility(ies), the drainage channel along the east side, required screening fence and masonry wall along the drainage channel, canal and bridges, boardwalks, and other common or potentially common areas of the subdivision such as any signage, entrance features, and/or landscaping. Staff recommends the DoD/RCs of the plat provide for the formation of an Owners Association and/or otherwise adequately spell out the distribution of private maintenance responsibilities of the various lot owners in "Chateau Villas" for the privately-maintained common features.

Such DoD/RC covenants typically provide a specific percentage/formula for proportional maintenance responsibilities for each lot, based on its relative size and/or other appropriate factors. Staff

21

recommends using clear and immutable formula language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and without City approval, per the City Attorney).

Finally, the "Chateau Villas" Preliminary Plat's Deed of Dedication and Restrictive Covenants Section I.G.1 presently provides that the maintenance for the Mutual Access Easement (MAE) falls on the owner of the lot on which the MAE is located. All of the MAE falls on proposed commercial Lots 1, 2, and 4, Block 1, "Chateau Villas," but the drives will serve as the only access to proposed multifamily Development Area B / Lot 3, Block 1, "Chateau Villas." Staff is not supportive of the present approach, as most of the traffic and wear and tear on these MAEs will be by the multifamily development, which may suppress the chances of commercial/retail development on the commercial lots and the future value of these commercial lots.

Also to avoid suppressing the chances of commercial/retail development on commercial Development Area (DA) C / proposed Lot 4, Block 1, "Chateau Villas," Staff recommends the Applicant consider constructing the minimum 125' of 6'-high masonry wall along the northerly end of DA D along with the development of the multifamily DA B, starting where feasible at the drainage channel and stopping at the southwest corner of the Fire Station # 2 property, and closing the intervening fence gap (if any) with the 8'-high wood fence that continues southeasterly.

Parking & Loading Standards. PUD 81 provides the following for parking:

"Parking shall be provided in accordance with the City of Bixby Zoning Code. Final parking requirements may be modified at the time of detailed site plan review."

For a Use Unit 8 multifamily development, Zoning Code Section 11-9-8.D requires 1.5 parking spaces per efficiency or 1 bedroom dwelling unit and 2 per 2 or more bedroom dwelling unit. The Project Data Form table on the site plan drawing reports the apartment unit count at 375 and 599 parking spaces are required. However, the parking requirement would depend on changing the 1.5 parking space ratio for "studio" / efficiency units to 1.0 for this development, as was originally requested with PUD 81 Major Amendment# 2. Staff counted the parking spaces proposed and found errors. Per Staff's review, changing the ratio is not necessary because, at 1.5 parking spaces per studio/efficiency, the Zoning Code would require 627 parking spaces for the entire multifamily development area and 632 parking spaces were found. The number claimed on the plans is incorrect and should be double-checked for accuracy and corrected.

Zoning Code Section 11-10-2.H provides a "minimum plus 15%" maximum parking number cap, to prevent excessive parking that results in pressure to reduce greenspaces on the development site. The 632 parking spaces proposed is less than 1% more than the 627 required.

The 20 handicapped-accessible parking spaces proposed appears to meet the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) and Zoning Code Section 11-10-4.D Table 2. The Applicant has stated, "12.32 are required. (2% of total spaces per ADA standards Table 208.2 and IBC Table 1106.1). With the exception of Type "D" Buildings (carriage homes), all buildings have at minimum (2) accessible spaces adjacent accessible entries on the first floor."

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan indicates four (4) such van-accessible spaces, which appears to meet this standard. The Applicant claims that only 3.33 such spaces are required per 2009 IBC 1106.5).

The previous Site Plan did not provide dimensions for regular- or van-accessible spaces, access aisles, or accessible routes to the entrances, or information indicating signage to be used to reserve the accessible spaces. Staff had recommended the Applicant make use of a regular- and/or van-accessible handicapped-accessible parking space/access aisle/accessible route detail diagrams as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards (see Figure 3 in Section 11-10-4.C). Dimensions were added to the A0.01 site plan and drawing SP1.12. This information demonstrates that regular accessible spaces will not comply with Bixby Zoning Code standards. Reconfiguration to meet standards, reconfiguration to "Universal" design (which is not subject to the City of Bixby standard), or a PUD Amendment would appear necessary.

Van-accessible spaces have been designed to the left of the accessible aisle, allowing for passenger-side convenience, as recommended.

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

22

The individual parking space and represent (typically) 9'-wide X 18'-deep parking stalls, which demonstrates compliance with standards for the same Zoning Code Section 11-10-4.

Zoning Code Section 11-10-3.B Table 1 provides certain minimum setbacks from streets and R districts. All proposed multifamily DA B parking lots meet these setback standards.

Parking areas and/or driveway paving may encroach on the 17.5'-wide Perimeter U/E along the south side of the multifamily DA B and/or the 17.5'-wide Perimeter U/E recommended to be alternatively-placed outside and along the west side of DA D and/or any U/Es which may result upon consultation with franchise utility companies and/or any other easements of record which are not yet represented on the plats or site plans. Paving and site improvements on public Utility Easements is subject to City Engineer and Public Works Director approval.

For Use Unit 8 multifamily development, Zoning Code Section 11-9-8.D requires no loading berths. No loading berths are indicated on the site plan.

Screening/Fencing. Site plan drawing A0.01 indicates existing and proposed fences within and along the perimeters of the subject property, and fence elevations / profile view detail diagrams are represented on drawings SP1.10 and SP1.11, all as required.

PUD 81 requires for screening for multifamily Development Area B: "All trash and mechanical areas shall be screened from public view of person standing at ground level. A fabric mesh with a minimum opacity of 95% may be allowed on enclosure doors. Separation between Development Area C and Development Area B may be provided using either a wood screening fence and (sic) wrought iron fence with masonry columns. The limits and configuration of screening will be determined at detailed site plan submittal.

....

Landscape screening / buffering along the East boundary shall be at least as good, if not superior to that conditionally approved for the former "North Bixby Commerce Park" development, as will be determined by the City Council[.]"

PUD 81 requires for screening for Development Area D: "The east boundary of Development Area D will be screened from the adjoining residential district with a 8' wood offset screening fence, as shown herein, provided the city council may require modification at the time of Detailed Site Plan review screening fence shall conforming (sic) to Zoning Code Section 11-8-10. The fence shall be allowed to stop at the southwest corner of the Fire station property located immediately south of 121st Street.

The PUD shall meet the requirements of the City of Bixby Zoning code in all other manners.

Landscape screening / buffering along the East boundary shall be at least as good, if not superior to that conditionally approved for the former "North Bixby Commerce Park" development, as will be determined by the City Council."

The plans, at diagram # 7 on SP1.10, provide certain information on proposed vehicle gates. These should be found satisfactory to the Fire Marshal.

The masonry columns, per the PUD Text, are not clearly shown on the wrought / ornamental iron fence elevation / profile view detail diagrams on drawings SP1.11.

As noted elsewhere in this report, to avoid suppressing the chances of commercial/retail development on commercial Development Area (DA) C / proposed Lot 4, Block 1, "Chateau Villas," Staff recommends the Applicant consider constructing the minimum 125' of 6'-high masonry wall along the northerly end of DA D along with the development of the multifamily DA B, starting where feasible at the drainage channel and stopping at the southwest corner of the Fire Station # 2 property, and closing the intervening fence gap (if any) with the 8'-high wood fence that continues southeasterly.

PUD 68 provided that the wood fences shall be constructed with all braces and supports on the interior. Per PUD 81, this should be done for this project as well. The recommendations call for clarification on this point.

Per the "Final As Approved" version of the PUD 68 Detailed Site Plan (BSP 2010-01), the screening fence along the westerly side of the drainage channel included approximately 138' of overlap, west of and paralleling a line extending northerly from the north end of the 386'-long property boundary. On the west side of the channel / PUD 68 Development Area D, this fence was 8' in height and was to be located at or

23

near the top of the west bank of the channel. Similarly, all of the landscaping trees were to be planted on the west side of the channel at or near the top of the bank.

The equivalent section of fence in this site plan is proposed to be a 6'-high "Combination Wood and Ornamental Iron Fence." For the sake of screening, Staff recommends this be changed to an 8'-high wood screening fence located at or near the top of the channel bank: Fence along west side of drainage channel starting at the East Line of Government Lot 4 (NW/4 of the NW/4) of this Section and extending northwesterly, west of and parallel to the S 19° 52' E 946.20' call along westerly line of Houser Addition, to a point which is due west of a point on the westerly line of Houser Addition, said point being 138' from the East Line of Government Lot 4 (NW/4 of the NW/4) of this Section.

The screened dumpster area locations are identified on the site plans, and their locations appear appropriate. Per the elevations / profile view detail diagrams on drawing SP1.10, they will be 8' in height and be composed of 1" X 6" wood siding hung on 6" X 6" wood posts and gates secured by 6" [diameter] X 10'-high concrete-filled pipe bollards. The diagram demonstrates compliance with the 95% opacity requirement of PUD 81.

Other than as outlined above and in the recommendations below, all other fence plans appear to be substantially consistent with the PUD Text and the representation of fences on the PUD site plan, and appear to be in order.

Landscape Plan. PUD 81 requires compliance with the landscaping standards of the Zoning Code and provides the following descriptions and special standards for landscaping:

"The 13 (sic) buildings will create three separate "environments" for the residents. One "environment" will focus around the existing pond and the remaining buildings will be divided between two Center-Green "environments" that contain large, unobstructed parks space with berms and heavy landscaping.

...

The Community will be completely interconnected with sidewalks that link all buildings as well as a hike-bike path surrounding the pond and the perimeter of the entire property. The design for the community's initial development presently includes beautiful landscape throughout with full landscape beds that include Over-story, Evergreen & Ornamental Trees; Evergreen and Deciduous Scrubs; Tall Grasses, Ground Cover and Colorful Perennials and Annual Flower Beds in fronts of all buildings and along thoroughfares, Reading Benches along sidewalks in Center Green and along pond with Lighting, a Grilling Cabana with Table Seating, Pond Views with Water Feature...."

Specific to DA B:

"Minimum internal landscaped space: 30%

Landscaping space is noted on Exhibit "B" as lawn area. These areas will contain sod, plants and trees.

The PUD shall meet the requirements of Chapter 12 Landscape Requirements of the City of Bixby Zoning code in all other manners.

Landscape screening / buffering along the East and South boundaries shall be at least as good, if not superior to that conditionally approved for the former "North Bixby Commerce Park" development, as will be determined by the City Council[.]"

Specific to DA D:

"The PUD shall meet the requirements of the City of Bixby Zoning code in all other manners. Landscape screening / buffering along the East boundary shall be at least as good, if not superior to that conditionally approved for the former "North Bixby Commerce Park" development, as will be determined by the City Council."

The landscaping trees proposed along the west side of the drainage channel appear to exceed those shown on the plans for "North Bixby Commerce Park," and they appear to be located on/along the high bank. As this PUD boundary is critical from a screening/buffering standpoint, Staff recommends no fewer trees here than were represented on Exhibit B1. As recommended, there are now proposed to be approximately 91 trees proposed in DA D, which is more than as represented on the PUD site plan Exhibit B1 (approximately 73 using one accounting method).

24

As it pertains to the description, "two Center-Green "environments" that contain large, unobstructed parks space with berms and heavy landscaping," the two areas corresponding to those indicated in the PUD site plan do not appear to reflect "berms," and "heavy landscaping" is questionable as the northern location appears to be smaller and contain fewer landscaping trees and/or shrubs (approximately 57 versus 45 using one accounting method). The southerly one appears to have roughly the same number of trees and/or shrubs.

As it pertains to the description, "full landscape beds that include Over-story, Evergreen & Ornamental Trees; Evergreen and Deciduous Scrubs; Tall Grasses, Ground Cover and Colorful Perennials and Annual Flower Beds in fronts of all buildings and along thoroughfares, Reading Benches along sidewalks in Center Green and along pond with Lighting, a Grilling Cabana with Table Seating," several of the described elements are not reflected on the landscape plan or any other plan drawing (benches, table seating, planting beds along "thoroughfares," and any others not now shown). Furthermore, the entire site now appears to propose fewer trees than were represented on PUD 81 Exhibit B1 (roughly 300 versus roughly 284; 300 reported on landscape plan). Staff recommends that the plans be revised to represent all specified design elements and not fewer than the total number of trees as represented on Exhibit B1. The Applicant should also advise their accounting method used to report 300 trees or increase to 300 if not now represented.

The "Landscape Requirements" summary reports the 30% landscaped lot area standard required by PUD 81. If the cited 704,593.6 square feet [proposed Lot 3, Block 1, "Chateau Villas" lot area] is correct, 30% would be 211,378 square feet cited. Per the landscape plan, 258,253 square feet will be impervious, which appears to comply with this PUD 81 standard.

The proposed landscaping is compared to the Zoning Code and PUD 81 as follows:

1. *<u>15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1)</u>: Standard is not less than 15% of the Street Yard area shall be landscaped. The Street Yard is the Zoning setback along an abutting street. The multifamily DA B / proposed Lot 3, Block 1, "Chateau Villas" presently has no street frontage, but this may change per other recommendations for the Preliminary and Final Plats and this PUD Detailed Site Plan.* ***Compliance with this standard will be determined upon receipt of revised plans.***
2. *<u>Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7)</u>: Standard is minimum Landscaped Area strip width shall be 7.5', 10', or 15' along abutting street rights-of-way. The multifamily DA B / proposed Lot 3, Block 1, "Chateau Villas" presently has no street frontage, but this may change per other recommendations for the Preliminary and Final Plats and this PUD Detailed Site Plan.* ***Compliance with this standard will be determined upon receipt of revised plans.***
3. *<u>10' Buffer Strip Standard (Section 11-12-3.A.3)</u>: Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. As there are no R Districts abutting multifamily DA B / proposed Lot 3, Block 1, "Chateau Villas",* ***this standard is met.***
4. *<u>Building Line Setback Tree Requirements (Section 11-12-3.A.4)</u>: Standard is one (1) tree per 1,000 square feet of building line setback area. The "Landscape Requirements" summary includes 30' and 25' setbacks along the east side, but there is a 75' setback from the easterly line of DA D shared with Houser Addition. The 75' setback will likely encompass the 10' setback between DAs B and D. The PUD 81-specific setbacks to 4-story portions of buildings are not recognized as building setbacks as per the intent of this Code provision. The west propertyline does have tree requirements, which will also include those common with Reserve Area 'A' of 121st Center. Other similar errors are likely; the Applicant should review, make all corrections, and double check for accuracy prior to resubmission. Street frontage and the existence, configuration, and ultimate size of a Reserve Area corresponding to Development Area D are likely to change per other recommendations for the Preliminary and Final Plats and this PUD Detailed Site Plan. Thus,* ***compliance with this standard will be determined upon receipt of revised plans.***
5. *<u>Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2)</u>: Standard is no parking space shall be located more than 50' or 75' from a Landscaped Area, which Landscaped Area must contain at least one (1) or two (2) trees. For a lot of this size, the standard calls for a maximum of 75' spacing, with two (2) trees required within the Landscaped Area. Based on provided dimensions and relative distances between site features, it appears* ***this standard is met.***

25

6. *Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of Street Yard. The Street Yard is the Zoning setback along an abutting street. The multifamily DA B / proposed Lot 3, Block 1, "Chateau Villas" presently has no street frontage, but this may change per other recommendations for the Preliminary and Final Plats and this PUD Detailed Site Plan.* ***Compliance with this standard will be determined upon receipt of revised plans.***
7. *Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. The number of parking spaces cited is incorrect. Until the total minimum number of Street Yard and setback trees are calculated and compared to the total number proposed for the site,* ***Compliance with this standard cannot be determined; compliance will be determined upon receipt of revised plans.***
8. *Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.*
9. *Irrigation Standards (Section 11-12-3.D.2): Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. Note # 4 (and perhaps others) on the landscape plan indicates a plan to have a plan for irrigation, and that drawing L3.00 will include a "description" of the system. An irrigation plan was not found. Drawing L3.00 was not included, so it cannot be determine if it is the required irrigation plan.* ***This standard is not met.***
10. *Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The reported heights and calipers of the proposed trees, tree planting diagram(s), planting instructions, the notes on the drawings, and other information indicate compliance with other miscellaneous standards, with the following exceptions:*
    a. *Please resolve text/linework congestion along 121st St. S., around southwest corner of multifamily DA B, and elsewhere as needed/appropriate.*
    b. *Changes required on the site plan, as represented on the landscape plan, should also be made here.*
    c. *The "Landscape Requirements" summary is inconsistent with the interpretations rendered in this analysis, and should be reconciled therewith or removed. If retained, it should be bifurcated into DAs B and D or proposed Lot 3 and the Reserve Area corresponding to DA D, if not coterminous with DA D.*
    d. *Planting instructions, as customary and required per Section 11-12-4.A.5, appear on L3.00. Materials note # 11 discusses "existing irrigation system/controllers" and "existing irrigation heads." Please confirm these notes are for this and not another project, and make any adjustments necessary.*
    e. *General Note # 5 may refer to a different project. Please update to speak more generally to utilities and utility easements or discuss. This note also appears on L2.00 series drawings.*
    f. *Please represent, dimension, and label all U/Es and other easements.*
    g. *Tree species list: Recognizing individual trees are represented in specific locations by tree type category and total number of trees are provided, please add numbers of each tree species or otherwise each tree type category.*
    h. *Tree Type Legend: "Understory Trees" is at variance with "Overstory Trees" in tree species list.*
    i. *Symbols customarily representative of existing trees indicated along the west side of the south line of proposed Lot 3, Block 1, "Chateau Villas." Some may also be located along the east end of the south line. Please advise / represent if / which trees / what kinds may be located within the subject property.*
    j. *"Lawn" term used on earlier site plan was imprecise, and has since been removed. Please restore and define "lawn" on the plan or use more precise terminology such as "sod," "proposed grass," or otherwise as appropriate.*
    k. *Development Area A label removed from this version. Please restore all DA labels.*
    l. *45'-wide Drainage Easement indicated by linework along the east side of the subject property, but the label was removed with this version. Please restore and avoid conflicts with tree symbols and other features.*
    m. *Number of dwelling units appears to sum to 371. Please reconcile appropriately.*
    n. *"South Perimeter (Street Yard)" dimension label should be located appropriately in respect to south perimeter.*

26

o. *"South Perimeter (Street Yard)" and similar dimension labels should not include "(Street Yard)." See analysis for terminology and interpretation.*

p. *"South Perimeter (Street Yard)" and similar dimension labels appear to have a rendering issue resulting in rectangular symbols. Please resolve appropriately.*

q. *It appears several leaderlines are indicated which, on other drawings, are used to indicate dimensions. Please restore dimensions or remove leaderlines.*

r. *Linetypes appear to have lost differentiation with this version. Please identify all represented linetypes in a Legend or in situ.*

s. *Landscape Plan: Please restore perimeter dimensions.*

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

11. *Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard applies to commercial, office, and industrial lots. Development is a Use Unit 8 multifamily development. See discussion on PUD 81-specific standards elsewhere herein.* ***This standard is not applicable.***

Exterior Materials and Colors. Appearance and height information is provided on the elevations drawings SP1.10, SP1.11, SP1.13, A1.42, A2.05, A2.06, A2.15, A2.26, A2.27, A2.35, A2.36, A2.45, A2.55, A2.56, A2.66, A2.67 (hereinafter, individually or together, sometimes "Elevations Drawings" or similar). PUD 81 provides for "Building Façades" for multifamily DA B: "Not less than 40% of all buildings facades within Development Area B, on average, shall be constructed of masonry (including stone, "concrete stone masonry material" (a.k.a. "manufactured stone" / "synthetic stone"), "brick veneer masonry" and stucco) and not less than 60% of all buildings within Development Area B, on average, shall be constructed with masonry alternatives (including only fiber cement cladding), which percentages may exclude negligible amounts of trim, such as pre-finished metal accents from the ground at the building to the top floor top plate. Provided no building shall have less than 25% masonry, as used herein. Building facades directly facing Memorial Dr. and 121st St. shall have 75% masonry, as used herein, and facades shall be determined by the City Council at Detailed Site Plan review."

Per the elevations drawings, the multifamily buildings will primarily consist of (1) siding (60%) and (2) masonry (40%) of proportions 6% brick, 9% stone, and 25% stucco. Per the project totals summary on the elevations drawings, the entire project proposes 40% masonry, which meets the 40% minimum masonry required by PUD 81. The plans indicate less brick/stone masonry and more stucco masonry than the version received in August:

1. *Building A contains substantially less brick/stone masonry (30% → 23%)*
2. *Building B contains substantially less brick/stone masonry (30% → 18%)*
3. *Buildings C contains substantially less brick/stone masonry (30% → 7%)*
4. *Garage buildings contain substantially less brick/stone masonry (specifics not available)*

Buildings D ("carriage homes") will contain the same proportions of stone and stucco masonry.

By comparing the 4-story segments of Building A to the 4-story conceptual elevations on Exhibit J of PUD 81, it appears that there is now less brick/stone masonry than represented in the PUD.

The "Construction Methods" diagrams on the elevations drawings demonstrate the siding will equal the "fiber cement cladding" as per the terminology used in PUD 81.

Per the elevations drawings, no building will have less than 25% masonry, as required.

The Development Standards for DA B of PUD 81 provides, in relevant part, "Building facades directly facing Memorial Dr. and 121st St. shall have 75% masonry, as used herein, and facades shall be determined by the City Council at Detailed Site Plan review." *Per the elevations drawings, none of the required façades meet the 75% standard, which was included in the PUD as recommended by Staff to honor the spirit and intent of the 75% masonry standard of the original PUD. The façades to which the 75% standard appears to apply include, and are proposed as follows (here and elsewhere in this analysis, ~~strikeout text~~ indicates statistics proposed with August version, and* ***bold, blue text*** *indicates current proposal):*

1. *The western end of Building A faces Memorial Dr. directly, but only proposes ~~26% masonry (16% brick/stone and 10% stucco)~~* ***34% masonry (2% stone and 32% stucco).***
2. *The northern end of Building A faces 121st St. S. directly, but only proposes 34% masonry (23% ~~brick~~/stone and 11% stucco).*
3. *The northern end of Building B faces 121st St. S. directly, but only proposes ~~26% masonry (16% brick/stone and 10% stucco)~~* ***34% masonry (2% stone and 32% stucco).***
4. *The westerly façades of Building A arguably all face Memorial Dr. directly, but propose:*

27

a. *Segment A:* ~~*46% masonry (29% brick/stone and 17% stucco)*~~
53% masonry (36% brick/stone and 17% stucco).

b. *Segment B (clubhouse):* ~~*33% masonry (16% brick/stone and 17% stucco)*~~
42% masonry (20% brick/stone and 22% stucco).

c. *Segment C:* *52% masonry (30% brick/stone and 22% stucco).*

d. *Segment D:* ~~*42% masonry (23% brick/stone and 19% stucco)*~~
43% masonry (25% brick/stone and 18% stucco).

5. *The westerly façades of the westernmost two (2) Building(s) C arguably face Memorial Dr. directly, but each proposes* ~~*30% masonry (20% brick/stone and 10% stucco)*~~ ***32% masonry (3% stone and 29% stucco).***
6. *The northern façade of the northernmost Building [D] ("Carriage Home") arguably faces 121st St. S. directly, but proposes 25% masonry (25%* ~~*brick/*~~*stone).*

The subject property is within the Corridor Appearance District, which, as of 2013, has a masonry and/or approved masonry alternatives requirement for all building elevations facing a Public street. Building A is partially within the Corridor Appearance District but, as noted above, the westerly façades of Building A would have less than 50% masonry, the balance to be a cementitious fiber product which has not previously been recognized as an approved masonry alternative under the Corridor Appearance District. The Corridor Appearance District requires 100% masonry or approved masonry alternatives. Even if the concerned façades of Building A are increased to at least 75% masonry, this standard would not be met but for the specific provisions of PUD 81. The final exterior materials treatment of Building A and all buildings is subject to City Council consideration per the intent of the Council approval provisions of PUD 81.

Furthermore, although it was not ultimately made a Condition of Approval of PUD 81 Major Amendment # 1, Staff would encourage the Houser Addition- / east-facing façades of the Buildings [D] / "Carriage Homes" and the east-facing end of Building B to increase masonry content in respect for the need to buffer from the single-family neighborhood. The Buildings [D] / "Carriage Homes" only propose 36% masonry (12% brick/stone and 24% stucco), and the east end of Building B only proposes ~~*26% masonry (16% brick/stone and 10% stucco)*~~ *33% masonry (4% stone and 29% stucco).*

Staff recommends that the specific cementitious fiber product(s) planned should be specified on the plan drawings. These site plans are to be the 100%-ready-to-build plan set. The specific product type cannot be determined from composition specified.

The "Construction Methods" diagrams on the elevations drawings show that the stucco will be a 3-coat system applied to a "self-furring lath." See plans for details.

Color information has now been provided on new A2.00-series elevations drawings, and is open for City Council consideration per the intent of the Council approval provisions of PUD 81.

While rooves will primarily be flat with some parapets, "V"-shaped rooflines of undisclosed pitch are indicated on the northern end of Building A and east end of Building B. These rooflines should be clarified, but may not be expected or found in character with the surrounding context. This is subject to City Council consideration per the intent of the Council approval provisions of PUD 81.

The locations of six (6) garage buildings are indicated on the site plan, and their elevations / profiles are detailed on drawing SP1.10. They appear to be lap-siding buildings with some stone [veneer] and a shed roof of composition shingle with a 1.5/12 pitch. As buildings, they are subject to the 40% project average minimum masonry standard of Development Area B of PUD 81. Compared to the August version, all of the [brick] and some of the stone appears to have been removed. Since the original plans claimed 40% project total masonry and the garages contain only 16% masonry, which was reduced from the previous version, the Applicant should double check and confirm the claimed 40% project total masonry is still maintained.

The locations of two (2) "Grilling Cabana" structures are indicated on the site plan, in the greenspaces between groups of apartment buildings. Their elevations / profiles are detailed on drawing SP1.11, which shows them to be covered shelters with built-in gas grills, each composed of "stone veneer," "brick veneer," "stucco veneer," with "cut stone" and "EIFS" trim, and a "standing seam metal" shed roof. They do not appear to be visible from public streets, and not particularly visible from Houser Addition. The plans appear to be in order and do not conflict with PUD 81.

<u>Outdoor Lighting</u>. The Lighting Plan consists of "Photometric Plan" drawing E0.01.

PUD 81 provides for lighting:

26

"All pole mounted and building mounted lighting shall be oriented to minimize light leaving the development. All lights shall be designed or have the ability to control the light pattern to minimize the light leaving the site at the boundary of the development. The mounting height of each fixture light shall not exceed 30' as measured from the pavement to the light fixture. A maximum light level of .00 foot candles shall be obtained at the Eastern boundary of Development Area D. A photometric study will be provided to verify the .00 foot candle measurement at the property line. All lights shall face down and away from the boundary of the development."

The photometric plan does not demonstrate that the footcandle effects of the proposed lighting will be reduced to 0.0 at the easterly boundary of DA D, shared with an existing single-family dwellings in Houser Addition. Plans must be revised as necessary to achieve and demonstrate compliance, including compliance with the PUD requirements and Zoning Code restrictions on lighting used to illuminate off-street parking areas.

Although not indicated, streetlights will likely be required at the Memorial Dr. and 121st St. S. entrances to the development. Streetlights / pole-mounted lights will likely be necessary to illuminate the private street / drive entrances to the multifamily development area / proposed Lot 3, Block 1, "Chateau Villas." Finally, [pedestrian] asphalt paths and sidewalks around the existing stormwater retention pond (along the back sides of the businesses in 121st Center), sidewalks around the perimeters (including behind garage buildings), sidewalks around the greenspaces between buildings, and building entrances may all need lighting. The Applicant should add locations and full specifications for all proposed outdoor lighting as required by the site plan application and as necessary for a full review of a PUD Detailed Site Plan.

The photometric plan indicates light output between Segments A, B, and C of Building A, but these areas are understood to be part of the Building A complex. This should be resolved.

Signage. Signage information is provided by the representation of such information on site plan A0.01 and drawings SP1.10, SP1.14, SP1.12, and A1.16 (submitted August 21, 2015).

PUD 81 provides for signs in Development Area B:

"Signs shall be limited to the following:

- *Wall signs shall be limited to 2 square feet per linear foot of building wall to which the signs are affixed, or 50 square feet, whichever is less. Wall signs shall be limited to the clubhouse and / or office building. Apartment buildings shall be permitted two (2) address signs per building, limited to four (4) square feet per each such sign.*
- *No roof or projecting signs shall be permitted.*
- *Directional signage limited to 6 square feet of display surface area per side and customary parking and driveway signage will be permitted subject to Detailed Site Plan approval."*

PUD 81 provides for signs in Development Area A:

"Signs shall be limited to the following:

- *One double sided project identification ground sign not exceeding 25' in height shall be permitted along Memorial Drive, provided it does not exceed 175 square feet of display surface area per side. Signage for both Development Areas A and B shall be allowed on this sign.*
- *One double sided ground sign not exceeding 20' in height shall be permitted for each lot along Memorial Drive, provided it does not exceed 100 square feet of display surface area per side.*
- *Wall signs shall be limited to 2 square feet per linear foot of building wall to which the signs are affixed.*
- *No roof or projecting signs shall be permitted."*

The site plan indicates the location of one (1) "Proposed Development Sign" at the southeast corner of the intersection of Memorial Dr. and the main entrance private street / drive, in the same general location as represented on the PUD 81 site plan, and one (1) "Proposed Future Monument [Sign]" element in front of Building A near the entrance to Development Area B / proposed Lot 3, Block 1, "Chateau Villas."

Per the "Proposed Development Sign" detail diagram on Drawing SP1.10, this sign will comply with the signage provisions of PUD 81 for Development Area A. The sign appears to be 9' 11" in height and

29

composed of stucco with a cast stone base (which resembles brick), a stone veneer columnar accent, copy reading "CHATEAU VILLAS" against a tile background, and cast stone cap and lintel.

Regarding the one (1) "Proposed Future Monument [Sign]" element in front of Building A near the entrance to Development Area B / proposed Lot 3, Block 1, "Chateau Villas," the signage provisions for DA B do not provide an exemption from the requirement to have arterial street frontage in order to have a ground sign here. If proposed Lot 3, Block 1, "Chateau Villas" is not reconfigured pursuant to recommendations for the Preliminary and Final Plat and this PUD Detailed Site Plan, a PUD Amendment would be required to allow the apparent ground sign. Details for same (height, width, display surface area, composition, and appearance) have not been provided. If it is not now planned, as suggested by "future" qualifier, it should be removed.

The Applicant has stated that there will be no signage for the 121st St. S. entrance as part of this site plan submittal, and that future such signage will likely placed at the 121st St. S. entrance when Development Area "C" develops due to potential re-alignment of that drive / private street "83rd E. Ave."

Per drawing A1.16, the front elevation for the clubhouse segment of Building A reflects "Club Signage," but dimensions are not provided. It is, rather, intended as a placeholder for a future sign design. No other wall signs are indicated.

"Directional," "parking," and "driveway" signage does not appear to be indicated. The same should be provided as a part of the site plan per the PUD Text quoted above. Some such information was found on A1.13, but not all. The ones represented appear to be in order.

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

<u>Staff Recommendation</u>. The Detailed Site Plan adequately demonstrates compliance with the Zoning Code and PUD 81 and is in order for approval, subject to the following corrections, modifications, and Conditions of Approval:

General

1. *The multifamily Development Area B / proposed Lot 3, Block 1, "Chateau Villas" is partially within the 100-year (1% Annual Chance) Regulatory Floodplain. To fully comply with applicable regulations, the floodplain and drainage improvements must be completed, the developer must secure FEMA approval of a LOMR upon completion of these improvements, the 100-year Floodplain must be entirely contained within a Reserve Area, and the Applicant must request and be approved for a Partial Modification/Waiver of SRs Section § 12-3-2.O to allow the platting of a Reserve Area in the 100-year Floodplain.*
2. *Easterly "Future 1-Story Office / Retail" building may not meet 10' setback from easterly line of Development Area A / proposed Lot 2, Block 1, "Chateau Villas" per PUD 81. The parking lots shown may not meet parking lot setbacks from a Residential Development Area / proposed Lot 3, Block 1, "Chateau Villas." Other problems of this nature may exist. Speculative commercial buildings, parking lots, etc. within Development Area A / proposed Lots 1 and 2, Block 1, "Chateau Villas," should be removed if not proposed at this time. Staff has not reviewed the commercial development areas as a part of this site plan application. If proposed, the Site Plan needs to be updated to include building elevations and all necessary details for such commercial buildings. Some of the specificity has been removed with this current version. However, continued representation continues the concerns raised by this item. Please remove completely or address as per this item.*
3. *Please update site plan to reflect Reserve Area corresponding to DA D as per recommendations in the Staff Report for the Preliminary and Final Plat of "Chateau Villas."*
4. *Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.*
5. *Project Data Form: Reports clubhouse at 7,000 (same as Exhibit B of PUD 81), but building elevations indicate roughly 3,300 : 6,402 square feet.*

   RESPONSE: Site plan compliance confirmed with all Fire Marshal and City Engineer recommendations and requirements per memo's attached. Reference related plat comment responses.

   A floor plan diagram will help illustrate the math. The number of floors within Building A Segment B occupied by the clubhouse was not clear, leading to the range estimate.

30

6. *Please add all existing and proposed U/Es and other easements (e.g. M.A.E.) within and along the perimeters of the subject property, identify as to type, and dimension.*
7. *Per related recommendations for the Preliminary and Final Plats, the private street / drive connecting to Memorial Dr. may be reconfigured for the purpose of achieving minimum public street frontage for proposed Lot 3, Block 1, "Chateau Villas." Please reconcile site plans with any changes on the plat.*
8. *All changes necessary for the plat of "Chateau Villas," to the extent relevant for this PUD Detailed Site Plan, should also be made here.*
9. *Site Plan: A certain linetype is used apparently to indicate DA boundary lines. However, DA Boundary lines are coterminous with proposed propertylines per the draft plat of "Chateau Villas." Since propertylines are more important, please replace with same (propertyline linetype is of same design but heavier weight).*
10. *Site Plan: Please represent and provide survey data for proposed propertyline common to proposed Lots 1 and 2 per the draft plat of "Chateau Villas." Survey data (509.72' call) added but does not match plat.*
11. *Site Plan: Please clarify extents and/or confirm accuracy of leaderlines for 10' BLDG Setback Line along the east side of proposed Lot 4.*
    RESPONSE: Tag refers to the 10'-0" building offset setback boundary from lot line (which is 45'-0" from NE property line of proposed lot 4). Leader line is accurate and offset setback boundary applies to West, South and East property lines of proposed Lot 4.
    Acknowledged. 10' B/L may move depending on ultimate configuration of DA D, required to become a Reserve Area per the Conditions of Approval of the Preliminary Plat. See related items.
12. *Please dimension garage buildings along south line of proposed Lot 3 and increase setback to 17.5', corresponding with the 17.5'-wide Perimeter U/E to be platted. Civil engineering construction plans indicate an 8" sanitary sewerline within 17.5'-wide U/E shown on plat along south line here.*
13. *Garages along south line should be relocated out of U/Es.*
14. *Consider a 20' setback for garages along the south line, to provide at least a 2.5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the 17.5'-wide U/E up to its interior edge.*
15. *26'-wide "Private Street...Asphalt" linework originally projected from the southeast corner northerly into the drainage channel area, but the linework has been clarified as recommended. However, the 26' drive width dimension needs to be relocated appropriately.*
16. *Please clarify "BMP" as used in the pond area in the southwest corner of proposed Lot 3, Block 1, "Chateau Villas." Please add to legend or spell out in situ.*
17. *Please dimension the width of the proposed pedestrian bridge over the canal.*
18. *Please represent setbacks (and/or dimensions of encroachment) from both corners of the existing ministorage building.*
19. *Note pertaining to potential realignment of drive connecting to 121st St. S.: Please clarify with additional statement to the effect that drive will be constructed at the time of the development of proposed Lot 3, Block 1, "Chateau Villas."*
20. *Please add to Legend or label in situ unidentified symbols and linework at the northeast corner of proposed Lot 4, Block 1, "Chateau Villas." Some appear to be identified. Please identify the two (2) linetypes roughly perpendicular to easterly plat boundary and 'dot-dot-dash' linetype along the channel.*
21. *Please identify feature (likely U/E per Preliminary Plat) with dashed linetype near DAs A and B common line.*
22. *Accessible Parking...Diagram: Line Type Legend: Please confirm intent to specify elevators within Buildings C.*
23. *R107 and R133 on previous site plan would appear to be survey data references. Please identify survey data to which these correspond.*
24. *Please restore R133 or explain.*

31

25. *New linetype added around "83rd E. Ave." entrance street/drive, which appears to correspond to the MAE and U/E shown on the Preliminary Plat of "Chateau Villas." Please identify linework and add missing survey data.*
26. *10' Building Setback Line added along west side of Reserve Area 'A' of 121st Center. Does not appear to correspond to plat of 121st Center or Preliminary Plat of "Chateau Villas." Please remove or advise.*
27. *Linetype added within Memorial Dr. R/W with leaderline pointing to north side of ministorage driveway connection. Please identify in Legend or in situ, if pertinent to this Site Plan, or remove.*
28. *"U.E." notation with leaderline pointing to "17.5" [foot] width notation with leaderline – 2 instances found along westerly PUD boundary. Southernmost actually points to another note altogether. Consider notation consolidation.*
29. *Survey data widths and other dimensions inconsistently include apostrophe (') used for designating feet. Please resolve.*
30. *Leaderline points to MAE / "U.E." 45' dimension corresponding to that part shown on the Preliminary Plat as affecting proposed Lot 1, Block 1, "Chateau Villas." That part affecting Lot 2 not indicated. Please resolve and consider annotating efficiently.*
31. *Consider reconciling "U.E." and "U/E" as used variously throughout.*
32. *Linetype designating propertyline separating DA D from DAs B and C, required to be a Reserve Area per the Conditions of Approval of the Preliminary Plat, should be bolded as per the Legend and as used elsewhere throughout.*
33. *General Notes: # 3 is blank. Please complete or remove if not intended.*
34. *Please correct Location Map as follows:*
    a. *Southern Memorial Acres No. 2 Corrected (typos)*
    b. *The Boardwalk on Memorial (mislabeled)*
    c. *East 131st Street South (typo)*
    d. *Bixby Landing Second may be added if/as desired.*
35. *Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).*
36. *Minor changes in the placement / locating individual trees or parking spaces, or other such minor site details, are approved as a part of this Detailed Site Plan, subject to administrative review and approval by the City Planner. The City Planner shall determine that the same are minor in scope and that such changes are an alternative means for compliance and do not compromise the original intent, purposes, and standards underlying the original placement as approved on this Detailed Site Plan, as amended. An appeal from the City Planner's determination that a change is not sufficiently minor in scope shall be made to the Board of Adjustment in accordance with Zoning Code Section 11-4-2.*
37. *Any recommendations in the analysis inadvertently omitted from this itemized list are included as if fully set forth here.*

Access and Internal Circulation

38. *The proposed new and any modifications to existing driveway/street intersections on 121st St. S. require City Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.*
39. *The proposed new and any modifications to existing driveway/street intersections on Memorial Dr. requires City Engineer curb cut approval, ODOT driveway permit approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.*
40. *Internal private streets / drives require Fire Marshal's approval in terms of locations, widths, and curb return radii.*
41. *PUD 81 describes internal accessways as private streets and/or drives. This was pursuant to a review comment that called for clarification, which was ultimately resolved by using this more flexible terminology, allowing the decision on private access format to be resolved at a later date. As per other recommendations in analyses of the Preliminary and Final Plats and PUD Detailed Site Plan, some of the shared entrances may be or become private streets. However, internal parking lot drive aisles are not likely to be "streets" as they are presently termed. If so, the plat would need to dedicate them as such and provide names for each. If otherwise, they*

32

should be retitled as "drives," "driveways," "drive lanes," "drive aisles," or similarly as appropriate.

42. *Parking areas and/or driveway paving may encroach on the 17.5'-wide Perimeter U/E along the south side of the multifamily DA B and/or the 17.5'-wide Perimeter U/E recommended to be alternatively-placed outside and along the west side of DA D and/or any U/Es which may result upon consultation with franchise utility companies and/or any other easements of record which are not yet represented on the plats or site plans. Paving and site improvements on public Utility Easements is subject to City Engineer and Public Works Director approval.*
43. *Please clarify design of sidewalk as it approaches/crosses the 121st St. S. bridge over the Fry Creek Ditch # 1 tributary.*
    RESPONSE: The 5'-0" wide sidewalk will cross the 121st St. S. bridge between back of curb and existing guard rail. See site plan for further clarification.
    No curb exists. Please clarify 5' is available between paving edge and [existing] guardrail.
44. *Curb return radii missing throughout – please add. A data table may be used to avoid text/feature congestion.*

Parking & Loading Standards

45. *Project Data Form: Parking: Zoning Code Section 11-9-8.D requires 1.5 parking spaces for efficiency ("studio") apartment units. Please correct ratio and product.*
46. *The Project Data Form table on the site plan drawing provides that 599 parking spaces are required and 616 provided. However, the table reports a 1 parking space per efficiency ("studio") apartment unit ratio, when Zoning Code Section 11-9-8.D requires 1.5 spaces. Please correct ratio.*
47. *Notwithstanding the 3-lot parking lot strip south of Building 6 (which is missing a citation), the number of open-air parking spaces cited within each individual parking lot strip total 511 parking spaces. The 514 cited in in the table likely include the following which were mislabeled:*
    - *The parking lot strip along the south line citing 17 has 18 spaces.*
    - *The parking lot strip near the water feature pond citing 5 spaces has 6.*
    - *The parking lot strip in front of Building B citing 17 spaces has 18.*

    Please correct all these instances.
48. *The parking table cites 616 parking spaces, but the number of attached garage units (66) was in error. There appear to be a total of 82 attached garage units (18 space discrepancy believed to be 2 Buildings D in southeast corner). Staff counted a grand total of 632 parking spaces. The 18 attached garage units appears to account for the grand total discrepancy as well. Please correct all citation errors and double check again for accuracy.*
49. *The plans indicate that regular handicapped-accessible spaces will not comply with Bixby Zoning Code standards (see Figure 3 in Section 11-10-4.C). Reconfiguration to meet standards, reconfiguration to "Universal" design (which is not subject to the City of Bixby standard), or a PUD Amendment would appear necessary.*
50. *During the design of the ADA parking features, the designer should consult with the Building Inspector to confirm the plans will comply with ADA standards (locations, proximity to primary entrance, maximum slopes, transition areas, level landing areas, pavement coloring, etc.).*

Screening/Fencing

51. *The elevations / profile view / details of proposed vehicle gates, provided as diagram # 7 on SP1.10, must be found satisfactory to the Fire Marshal.*
52. *The masonry columns, per the PUD Text, are not shown on the wrought / ornamental iron fence elevation / profile view detail diagrams on drawings SP1.11. Masonry Column diagram added, but is not integrated/associated with wrought / ornamental iron fence detail diagram.*
53. *To avoid suppressing the chances of commercial/retail development on commercial Development Area (DA) C / proposed Lot 4, Block 1, "Chateau Villas," Staff recommends the Applicant consider constructing the minimum 125' of 6'-high masonry wall along the northerly end of DA D along with the development of the multifamily DA B, starting where feasible at the drainage channel and stopping at the southwest corner of the Fire Station # 2 property, and closing the intervening fence gap (if any) with the 8'-high wood fence that continues southeasterly. This should be represented on the site plan and notes should provide that it will be constructed at the time of development of proposed Lot 3, Block 1, "Chateau Villas."*

33

RESPONSE: The Applicant would request that the construction of the above referenced wall be deferred until Development Area C is submitted for Detailed Site Plan

Staff's recommendation has not changed. You will need to address this specifically at the PC and CC meetings and explain reasoning.

54. *SP1.10 or SP1.11: Please add masonry wall elevation for northerly portion of Development Area D, as per other recommendations in this report.*
55. *PUD 68 provided that the wood fences shall be constructed with all braces and supports on the interior. Per PUD 81, this should be done for this project as well. Please provide appropriate notation. Detail diagrams ('sheets'?) not numbered on SP1.11. Found notation on 6' and 8' wood fence section diagrams. Appearance of combination wrought / ornamental and wood fence section is not clear. Bracing elements, if/as possible, should also have notation similar to the other two.*
56. *Please add the 8'-high wood screening fence along the west side of the channel / PUD 68 Development Area D as recommended in the screening section of this report.*

    RESPONSE: The Applicant would request that the 8'-high wood screening fence (currently shown on the East side of the channel) remain and that the applicant work with the adjacent home owners to use this screening fence as a replacement to their current wood / chain link fence. A screening fence on this side of the channel, closer to the single family properties, will provide greater privacy as it will cut off the view angle to the adjacent DA B. There is currently a 6'-0" Combination Wood and Ornamental Iron Fence on the West boundary of DA

    Response acknowledged. Staff's recommendation for overlapping fence sections has not changed.
57. *Site Plan: Please correct typo in "Combination Wood and <u>Ornamental</u> Iron Fence" in Line Type Legend. Please search and correct any other similar instances.*
58. *Drawing SP1.11: Pedestrian gate detail diagram appears to be specific to pool. Please provide detail diagram for pedestrian gates used elsewhere in the development found on SP1.11. One of pool notes removed, but others remain.*
59. *The new single gate apparently retains 6' width notation of double-gate detail diagram. Please correct this and any other such errors.*
60. *Please provide offset dimensions of proposed easterly and southerly PUD boundary fences/walls.*

Landscape Plan

61. *As it pertains to the description, "two Center-Green "environments" that contain large, unobstructed parks space with berms and heavy landscaping," the two areas corresponding to those indicated in the PUD site plan do not appear to reflect "berms," and "heavy landscaping" is questionable as the northern location appears to be smaller and contain fewer landscaping trees and/or shrubs (approximately 57 versus ~~35~~ 45 using one accounting method). Staff recommends that the plans be revised to represent all specified design elements.*
62. *As it pertains to the description, "full landscape beds that include Over-story, Evergreen & Ornamental Trees; Evergreen and Deciduous Scrubs; Tall Grasses, Ground Cover and Colorful Perennials and Annual Flower Beds in fronts of all buildings and along thoroughfares, Reading Benches along sidewalks in Center Green and along pond with Lighting, a Grilling Cabana with Table Seating," other than landscaping trees, none of the described elements appear to be reflected on the landscape plan or any other plan drawing. Furthermore, the entire site now appears to propose fewer trees than were represented on PUD 81 Exhibit B1 (roughly 300 versus roughly ~~200~~ 284; ~~198~~ 300 reported on landscape plan). Staff recommends that the plans be revised to represent all specified design elements and not fewer than the total number of trees as represented on Exhibit B1.*

    RESPONSE: The landscape plan will, at a minimum, meet the requirements of Chapter 12 Landscape Requirements of the City of Bixby Zoning code. Further detailing of all design elements will be represented during final development plan.

    This is the final development plan. More elements are represented on L2.00 series drawings. Please identify balance of items specified in PUD (benches, table seating, planting beds along "thoroughfares," and any others not now shown). Please advise accounting method used to report 300 trees or increase to 300 if not now represented.

34

63. *Please resolve the 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1) matter as described in the Landscape Plan analysis above.*
64. *Please resolve the Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7) matter as described in the Landscape Plan analysis above.*
65. *Please resolve the Building Line Setback Tree Requirements (Section 11-12-3.A.4) matter as described in the Landscape Plan analysis above.*
66. *Please resolve the Street Yard Tree Requirements (Section 11-12-3.C.1.a) matter as described in the Landscape Plan analysis above.*
67. *Please resolve the Tree to Parking Space Ratio Standard (Section 11-12-3.C.2) matter as described in the Landscape Plan analysis above.*
68. *Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.*
69. *Please resolve the Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.) matter as described in the Landscape Plan analysis above.*

Exterior Materials and Colors

70. *Staff recommends that the specific cementitious fiber product(s) planned should be specified on the plan drawings.*
71. *The Development Standards for DA B of PUD 81 provides, in relevant part,* "Building facades directly facing Memorial Dr. and 121st St. shall have 75% masonry, as used herein, and facades shall be determined by the City Council at Detailed Site Plan review." *Per the elevations drawings, none of the required façades meet the 75% standard, which was included in the PUD as recommended by Staff to honor the spirit and intent of the 75% masonry standard of the original PUD. Please revise appropriately.*
    RESPONSE: As stated in the Applicant's responses to Staff comments on the PUD on this item, we request that, as stated above, the facades be determined by the City Council at Detailed Site Plan review. The Applicant feels that the apartment buildings are of a distance from the both Memorial Dr. and 121st Street that additional masonry would not be discernable from traffic on these streets. Development of DA A and DA C will further screen the apartment buildings.
    The 75% is a PUD requirement.
72. *Although it was not ultimately made a Condition of Approval of PUD 81 Major Amendment # 1, Staff would encourage the Houser Addition- / east-facing façades of the Buildings [D] / "Carriage Homes" and the east-facing end of Building B to increase masonry content in respect for the need to buffer from the single-family neighborhood. The Buildings [D] / "Carriage Homes" only propose 36% masonry (12% brick/stone and 24% stucco), and the east end of Building B only proposes 33% masonry (4% stone and 29% stucco). Item is subject to City Council consideration per the intent of the Council approval provisions of PUD 81.*
    RESPONSE: In conjunction with the response to Item #75, there will be limited visibility of the 2-story carriage homes from the adjacent homes in the House Addition. Masonry finishes are generally located on the bottom stories of buildings and will not be visible to the adjacent homes.
    Staff's recommendation has not changed.
73. *Please clarify the "V"-shaped rooflines on the northern end of Building A and eastern end of Building B. These rooflines may not be expected or found in character with the surrounding context. Item is subject to City Council consideration per the intent of the Council approval provisions of PUD 81.*
74. *The locations of six (6) garage buildings are indicated on the site plan, and their elevations / profiles are detailed on drawing SP1.10. They appear to be lap-siding buildings with some stone [veneer] and a shed roof of composition shingle with a 1.5/12 pitch. As buildings, they are subject to the 40% project average minimum masonry standard of Development Area B of PUD 81. Since the August version, all of the [brick] and some of the stone appears to have been removed. In the colored version on SP1.13, the note still reflects "brick." Please correct appropriately. Since the original plans claimed 40% project total masonry and the garages contain only 16% masonry, which was reduced from the previous version, please double check and confirm the claimed 40% project total masonry is still maintained.*

35

75. *Color information has now been provided on new A2.00-series elevations drawings. Item open for City Council consideration per the intent of the Council approval provisions of PUD 81.*
76. *Elevations drawings appear to be incomplete (e.g. missing information on windows, doors, trim, roof details, etc.). Some information added (codes for windows without a code key, pitch and composition of "V"-shaped rooflines, possibly other minor element(s)), but not as this item expects. Elevations drawings are to be 100%-ready-to-build plans.*
77. *Elevations drawings: Project Totals: Please clarify line items such as "Approved Masonry Alternatives."*
78. *SP1.10: Building Totals: Please correct typo in term "Alternative[s]." Please search all drawings and correct all errors.*
79. *SP1.10: Filltypes for stone and stucco appear to be mismatched in legend.*
80. *A2.15: Key Plan for Building A Segment C points to Segment D. Please double-check all for accuracy.*
81. *A2.05: The westerly façade of Building A Segment A evidently has less brick and stone masonry but more is now claimed (~~46% masonry (29% brick/stone and 17% stucco)~~ → **53% masonry [36% brick/stone and 17% stucco]**). Please correct or advise.*

Outdoor Lighting

82. *Lighting Plan: Does not demonstrate compliance with the 0.0 footcandle requirement of PUD 81 pertaining to residential areas. Please revise appropriately.*
83. *Lighting Plan: Streetlights will likely be required at the Memorial Dr. and 121st St. S. entrances to the development. Streetlights / pole-mounted lights will likely be necessary to illuminate the private street / drive entrances to the multifamily development area / proposed Lot 3, Block 1, "Chateau Villas." Finally, [pedestrian] asphalt paths and sidewalks around the existing stormwater retention pond (along the back sides of the businesses in 121st Center), sidewalks around the perimeters (including behind garage buildings), sidewalks around the greenspaces between buildings, and building entrances may all need lighting. Please add locations and full specifications for all proposed outdoor lighting as required by the site plan application and as necessary for a full review of a PUD Detailed Site Plan.*
84. *Photometric plan indicates light output between Segments A, B, and C of Building A, but these areas are understood to be part of the Building A complex. This should be resolved.*
85. *Please discuss where photometric plan shows all four (4) light fixture types will be mounted no higher than 30' as per the PUD standard.*

Signage

86. *Regarding the one (1) "Proposed Future Monument [Sign]" element in front of Building A near the entrance to Development Area B / proposed Lot 3, Block 1, "Chateau Villas," the signage provisions for DA B do not provide an exemption from the requirement to have arterial street frontage in order to have a ground sign here. If proposed Lot 3, Block 1, "Chateau Villas" is not reconfigured pursuant to recommendations for the Preliminary and Final Plat and this PUD Detailed Site Plan, a PUD Amendment would be required to allow the apparent ground sign. If it is not now planned, as suggested by "future" qualifier, it should be removed.*
87. *Please provide the missing details (height, width, display surface area, composition, and appearance) of the missing of the "Proposed Future Monument [Sign]" at the entrance to the multifamily development area. If it is not now planned, as suggested by "future" qualifier, it should be removed.*
88. *"Directional," "parking," and "driveway" signage does not appear to be indicated. The same should be provided as a part of the site plan per the PUD Text quoted in the signage analysis above. Some found on A1.13, but not all.*

Kevin Jordan stated that he needed approval of the amendment to remove the requirement for 25% masonry for each face of each building and allow them to simply be 25% per building. Mr. Jordan stated that he would agree to do the 125' of masonry wall. Mr. Jordan stated that he also needed the parking change. Mr. Jordan stated that the masonry wall was $40,000 that was not in the budget, but "we will go ahead and do that." Mr. Jordan described plans for apartment interiors and finishes,

36

including big faucets, granite countertops, can lighting, stained cabinets, and islands in the kitchens. Mr. Jordan stated that this would be a "Class A or Class A plus" development.

A Planning Commissioner asked about the red color of the buildings. Tim Homburg stated that this may be an effect of printing the plans on paper and the print quality, and showed the Commissioners the difference in colors as represented on the overhead projector. Mr. Homburg stated that the buildings would not be bright red, but rather would have deep, rich colors.

Jerod Hicks asked how much the project would cost, and Kevin Jordan responded $50 Million.

A Planning Commissioner asked about the "V-shaped" northern end of Building A and eastern-end of Building B. Tim Homburg displayed the elevation of the northern end of Building A and described the design and intent of the inward-sloping shed roof. Erik Enyart clarified with Mr. Homburg that the breezeway / stairwell indicated would now be enclosed. Mr. Enyart stated that he was not an architect and may use the wrong terminology, but asked Mr. Homburg if the west- and east-facing parapets could be "wrapped around" the northern end [to avoid the "V-shaped" effect]. Mr. Homburg described the design intent, to be reminiscent of a Midcentury home, and its purpose to attract a certain demographic by reflecting a "cool, hip place." Mr. Homburg contrasted other designs as being for a different generation, which the target audience may find stuffy.

Jerod Hicks compared the design to those used for *Aloft* hotels, and Tim Homburg indicated agreement.

Chair Lance Whisman asked Erik Enyart what he intended with recommendation # 73 in the Staff Report. Mr. Enyart responded, "I wanted us to have this discussion, and I wanted us to have this discussion at the City Council." Mr. Enyart stated, "I thought it was a little unusual, so I wanted to point this out" to be discussed specifically.

Jerod Hicks expressed concern that apartments can "start out nice, but after a few years," when the economy was down, they would lower rents. Mr. Hicks stated that he wanted to protect the city. Mr. Hicks stated that a small community could be easily overwhelmed with apartments.

Tim Homburg described plans for a mixed use, walkable development.

Chair Lance Whisman asked if anyone else wished to speak on the item. Four (4) people in attendance initially declined to comment, but Terry Adams of 6626 E. 127th St. S. decided to speak on the item and signed the Sign-In Sheet. Ms. Adams stated that the building designs looked like the 1960s, which memories and design she did not like, and "looks a bit sterile." Ms. Adams expressed concern about the back units having less masonry, and that one might feel "swindled" [if they saw the higher-masonry fronts and then received a back unit]. Ms. Adams expressed preference that the buildings and whole complex look more uniform.

The Commissioners clarified with Erik Enyart his intent for recommendations # 61 and 62 in the Staff Report. Mr. Enyart stated that the PUD Text included specific descriptions of landscaping elements which were not represented on the plans. Mr. Enyart stated that, when they are

37

specifically listed in the PUD, they become regulatory. Mr. Enyart stated that an example of a missing element was a "sitting bench."

Thomas Holland asked Erik Enyart about the recommendation in the body of the Staff Report that the streets not impact the commercial development areas. Mr. Enyart clarified with Mr. Holland that this was not a numbered recommendation. Mr. Enyart stated that he reviewed the Preliminary and Final Plat together with the PUD Detailed Site Plan, and identified areas of overlap, and that, although the same language was in the Staff Reports for both, this recommendation primarily pertained to the plats. Mr. Enyart stated that the plat and site plan designs had to fit together. Mr. Enyart stated that the initial design of the plat had Mutual Access Easements over the commercial lots, and the language in the Deed of Dedication and Restrictive Covenants called for the maintenance responsibility to fall on the owner of the underlying lots. Mr. Enyart stated that most of the traffic would be from the multifamily development area and, so that it did not diminish the value and likelihood of development on the commercial lots, the plat should have a more equitable share of maintenance responsibilities. Mr. Enyart stated that he had received a revised Final Plat that day, which showed Reserve Areas containing the private streets, and he expected the revised Deed of Dedication and Restrictive Covenants would spell this out as recommended.

Tim Homburg stated that the reserve area for the floodplain was designed to "allow us to get started and get the lender to allow" the development to proceed until that land was "out of the floodplain." Mr. Homburg stated that, in reality, there should be no gap in construction, as the first phase buildings will get started while the floodplain work is in progress, and this should transition directly into the second phase of construction. Mr. Homburg summarized the current masonry proposal as: 75% on the fronts, 40% project average, and 25% on each building but not each face [of each building]. Mr. Homburg agreed to revise the "V-shape" design with an alternative and present both alternatives to the City Council.

Responding to a prompt, Erik Enyart suggested an approval Motion for Agenda Items # 3 and 5 should include (1) subject to all of the Staff recommendations, and (2) all of the amendments made by the Applicant in the meeting and agreed to by the Planning Commission, and (3) a statement that the City Council has final approval on aesthetic elements.

There being no further discussion, Jerod Hicks made a MOTION to (1) Recommend APPROVAL of PUD 81 Major Amendment # 2 as follows:

1. To include the proposed amendment to the minimum parking ratio for studio / efficiency units from 1.5 to 1.0 parking spaces per unit,
2. To include the allowance of a ground sign in Development Area B, which has no arterial street frontage, and
3. To remove the 25% minimum masonry requirement for every face of every building, but retain the 25% minimum masonry requirement per building.

and (2) to APPROVE BSP 2015-07 subject to the following Conditions of Approval:

1. All Staff recommendations,

38

2. To incorporate all amendments proposed at the meeting and agreed to by the Planning Commission,

and (3) to include in the Motion a statement that the City Council has final approval on aesthetic elements.

Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Lance Whisman declared the meeting Adjourned at 7:39 PM.

APPROVED BY:

_____ _____

Chair Date

_____

City Planner/Recording Secretary

39

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: December 21, 2015

NAME	ADDRESS	ITEM
1. Tim Homburg	3515 W 75 Pv., Ks	Chateau Villas
2. Kevin Jordan		"
3. Nic Penrod	12108 S. 85th E Ave	
4. Terry Adams	66216 E. 127th St.	S.O.
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

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

STAFF REPORT

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner

Date: Wednesday, January 06, 2016

RE: Report and Recommendations for:
BZ-388 – Jessica Faubert

LOCATION:
- 15800-block of S. Sheridan Rd.
- Part of the SE/4 of Section 22, T17N, R13E

LOT SIZE: 2.94 acres, more or less

EXISTING ZONING: RE Residential Estate District and/or CG General Commercial District

EXISTING USE: Agricultural land

REQUESTED ZONING: AG Agricultural District

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: RE; Approximately 236 acres of agricultural land zoned RE, RM-3, and CG, previously proposed for an "Atherton Farms Equestrian Estates" housing addition (never built).

South: RM-3 and CG; Approximately 236 acres of agricultural land zoned RE, RM-3, and CG, previously proposed for an "Atherton Farms Equestrian Estates" housing addition (never built), and a 2.7-acre unplatted, rural residential tract zoned RE and CG at 15802 S. Sheridan Rd.

East: (Across Sheridan Rd.) AG; Vacant/wooded and agricultural land.

41

West: RE; Approximately 236 acres of agricultural and vacant/wooded land zoned RE, RM-3, and CG, previously proposed for an "Atherton Farms Equestrian Estates" housing addition (never built).

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area

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

BZ-120 – Calvin Tinney – Request for rezoning from AG to RS-3 for the E/2 of the SW/4 of Section 22, T17N, R13E (80 acres) of the approximately 236 acres of the Atherton family farm (includes subject property) – PC Recommended Approval 08/30/1982 and City Council Approved 09/07/1982 (Ord. # 460).

BZ-126 – Georgina Landman – Request for rezoning from RS-3 to RS-1 for approximately 80 acres (E/2 SW/4 Section 22, T17N, R13E) of the approximately 236 acres of the Atherton family farm (includes subject property) – Applicant did not own the property requested for downzoning – PC Recommended Approval 12/27/1982 and City Council Denied 01/03/1983 upon recommendation of City Planner and City Attorney.

BZ-181 – W.S. Atherton – Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres including subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, for an "Atherton Farms Equestrian Estates" residential subdivision (never built) – City Council Approved 06/23/1987 (Ord. # 562).

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

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

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

BBOA-485 – Phillip Faubert – Request for Special Exception per Zoning Code Section 11-7D-2 Table 1 to allow a Use Unit 6 single-family dwelling and customary accessory structures in the CG district for a 2.7-acre tract at 15802 S. Sheridan Rd., located within subject property the subject property parent tracts, previously proposed to be the "Atherton Farms Equestrian Estates" residential subdivision (never built) – BOA Approved 08/04/2008.

42

BBOA-486 – Phillip Faubert – Request for Variance from certain bulk and area requirements of Zoning Code Section 11-7D-4 Table 2, including, but not necessarily limited to: The setback from an abutting R district and the 100-foot minimum street frontage requirement, to allow a Use Unit 6 single-family dwelling and customary accessory structures in the CG district for a 2.7-acre tract at 15802 S. Sheridan Rd., located within subject property the subject property parent tracts, previously proposed to be the "Atherton Farms Equestrian Estates" residential subdivision (never built) – BOA Approved 08/04/2008.

BBOA-610 – Jessica Faubert – Request for a Special Exception to permit a Use Unit 9 manufactured home in an AG Agricultural District for subject property – Pending BOA consideration 02/01/2016.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list; does not include cases in unincorporated Tulsa County)

BZ-73 – Roger Miner for Town of Bixby on behalf of J.R. Atkinson – Administrative rezoning from AG to RS-1 to resolve a zoning designation change upon annexation for approximately 30 acres to the south of subject property parent tracts, which 30 acres was later partially platted as *Atkinson Acres Blocks 4, 5, and 7*, partially platted as *Atkinson Acres II*, and otherwise consists of a 4.6-acre unplatted tract at 16522 S. Joplin Ave. – PC Recommended Approval 01/08/1979 and City Council Approved 01/15/1979 (Ord. # 372).

BBOA-76 – William C. Bailey – Request for Special Exception to allow a mobile home in an AG district on 40 acres abutting subject property parent tracts to the south including current rural residential tracts at 6300 and 6440 E. 161st St. S. – BOA Conditionally Approved 07/08/1980.

BBOA-77 – Sherman Lewis – Request for Special Exception to allow an existing double-wide mobile home in an AG district on a 1-acre tract at 6408 E. 161st St. S. abutting subject property parent tracts to the south – BOA Conditionally Approved 08/12/1980.

BBOA-91 – Eugene L. Harrison – Request for Special Exception to allow oil well drilling in an AG district on approximately 50 acres abutting subject property parent tracts to the south including rural residential tracts at 6300, 6440, and 6408 E. 161st St. S. and 16210 and 16352 S. Sheridan Rd. – BOA Conditionally Approved 09/14/1981.

BBOA-95 – Eugene L. Harrison – Request for Special Exception to allow oil well drilling in an AG district on approximately 13 acres abutting subject property parent tracts to the south and including rural residential tracts at 5712 and 5716 E. 161st St. S. – BOA Conditionally Approved 02/08/1982.

BBOA-105 – Randy Buchanan of Home Folks, Inc. for Claude E. & Dewell Bailey / William C. & Gertrude Bailey – Request for Special Exception to allow an addition to an existing mobile home in an AG district on 40 acres abutting subject property parent tracts to the south including rural residential tracts at 6300 and 6440 E. 161st St. S. – BOA Conditionally Approved 05/18/1982.

BZ-132 – J.R. Atkinson for Atkinson et al. – Request for rezoning from RS-1 to AG for gas or oil well drilling for approximately 13 acres to the south of subject property parent tracts, which 13 acres was later rezoned to RS-1 (BZ-146) and platted as *Atkinson Acres II* – PC Recommended Approval 02/28/1983 and City Council Approved 03/07/1983 (Ord. # 475).

BBOA-114 – J.R. Atkinson for J.R. Atkinson Development Co. – Request for Special Exception to allow oil well drilling in an AG district on approximately 18 acres to the south of subject property parent tracts, which 18 acres was later platted as *Atkinson Acres II* and

43

otherwise consists of a 4.6-acre unplatted tract at 16522 S. Joplin Ave. – BOA Conditionally Approved 03/14/1983.

BBOA-124 – Shaun McLaury for Reggie Cooke – Request for Special Exception to allow a mobile home on approximately 1.5 acres (E. 1.5 acres of the NE/4 NE/4 NE/4 NE/4; less right-of-way = 0.95 acres) abutting subject property parent tracts to the south at the southwest corner of 161st St. S. and Sheridan Rd., which acreage is a part of the rural residential tract at 16210 S. Sheridan Rd. – BOA Denied 03/12/1984.

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

BBOA-166 – Gertrude Bailey – Request for Variance to allow for Lot-Split per BL-111 (Denied 05/22/1986) / BL-116 (Denied 08/25/1986) / BL-123 (Approved 08/31/1987 but not now divided as approved) for a 5-acre tract abutting subject property parent tracts to the south at 6300 E. 161st St. S. – BOA Conditionally Approved 06/09/1986.

BZ-185 – J. Edward Bates for Preferred Investments – Request for rezoning to CG, OM, RM-3, and RE for the 150-acre King of Kings Lutheran Church, Inc. (now Lutheran Church Extension Fund-Missouri Synod) agricultural tract abutting subject property parent tracts to the north – Approved in May, 1988 (Ord. 585).

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

BBOA-244 – James E. Bruner – Request for Special Exception to allow a mobile home on approximately 4.33 acres abutting subject property parent tracts to the south at 5716 W. 161st St. S. – BOA Approved 08/05/1991.

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

BBOA-310 – Gary Goins for Juanita Watkins – Request for Variance from bulk and area requirements to allow for Lot-Split per BL-205 (Approved 12/18/1995 but not now divided) for a 4.33-acre tract abutting subject property parent tracts to the south at 5988 E. 161st St. S. – BOA Approved 01/02/1996.

BZ-246 – Al Osko of Metro Realty of Tulsa, Inc. for Atkinson Trust – Request for rezoning from AG to RS-2 for approximately 13 acres to the south of subject property parent tracts, which 13 acres was later platted as *Atkinson Acres II* – PC Recommended Approval of RS-1 zoning 11/16/1998 and City Council Approved RS-1 zoning 03/22/1999 (Ord. # 789; RS-2 zoning shown on official Zoning Map in error and correction request to INCOG placed 09/01/2015).

BBOA-386 – Catholic Diocese of Tulsa – Request for Special Exception to allow the construction of a church, private school, and associated uses in the AG district for the E/2 of the NW/4 of this Section (80 acres) abutting subject property parent tracts to the south – BOA Approved 07/01/2002.

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

44

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

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

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

BBOA-508 – Tim Remy for First Baptist Church Bixby – Request for Special Exception to allow a Use Unit 5 church in the AG Agricultural District for a 12.435-acre tract to the north of subject property parent tracts at the 6000-block of East 151st St. S. – BOA Conditionally Approved 08/03/2010.

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 to the northeast of subject property parent tracts 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.

BBOA-575 – Blake Fugett – Request for a Variance from the accessory building maximum floor area per Zoning Code Section 11-8-8.B.5 to allow a new 40.25' X 60.25' (2,425) square foot accessory building in the rear yard for property in the RE Residential Estate District for approximately 1.2 acres abutting subject property parent tracts to the west at 5257 E. 161st St. S. – BOA Approved 04/01/2013.

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 to the east of subject property parent tracts – 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 to the east of subject property parent tracts – 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.

45

Sketch Plat of "Conrad Farms" – Request for approval of a Sketch Plat for a single-family residential development on 136 ½ acres to the east of subject property parent tracts – 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.

PUD 87 & BZ-381 – "Shadow Valley" – Khoury Engineering, Inc. – Request for rezoning from RMH to RM-3 and approval of PUD 87 for approximately 21.1 acres for a multifamily residential redevelopment of the *Shadow Valley Manufactured Home Community* to the northeast of subject property parent tracts at 7500 E. 151st St. S. – PC recommended Conditional Approval 05/18/2015 and City Council Denied 05/26/2015.

BBOA-604 – Chris & Rachel Taylor – Request for a Variance from certain bulk and area requirements in the AG Agricultural District per Zoning Code Section 11-7A-4 Table 3, including the minimum lot width, for approximately 4.33 acres abutting subject property parent tracts to the south at 5858 E. 161st St. S. – BOA Approved 09/08/2015.

BACKGROUND INFORMATION:

Per a discussion with the Applicant November 20, 2015, Staff understands the Applicant is interested in placing a double-wide manufactured home on the Atherton family farm property near the southeast corner of the first roundabout/traffic circle on that parcel, for a period of a couple years, while the Applicant builds a new house on the Faubert parcel of 2.7 acres at 15802 S. Sheridan Rd. However, the application does not specify that the manufactured home is still planned to be temporary.

After reviewing the Zoning Code, Staff can find no easier way to accomplish this proposal than to 'downzone' the concerned double-wide manufactured homesite to AG Agricultural District and apply to the Board of Adjustment for a Special Exception for a Use Unit 9 manufactured home in an AG district. State Statutes and the Bixby Zoning Code do not permit "Use Variances," and the Zoning Code does not provide for a Use Unit 9 manufactured home, by right or by Special Exception, in any zoning district except RMH (manufactured home park) or AG.

The Applicant is seeking approval of a 'downzoning' of the 2.94-acre manufactured homesite per BZ-388 and a Special Exception for the Use Unit 9 manufactured home in the pending AG district per BBOA-610, which the Board of Adjustment is scheduled to consider February 01, 2016. The application narratives attached to the rezoning and/or Special Exception applications are attached to this report for further information.

ANALYSIS:

Subject Property Conditions. The subject property parent tract consists of the E/2 of the SE/4 of Section 22, T17N, R13E, Less & Except the Faubert residence parcel of approximately 2.7 acres, located within same. It is zoned RE Residential Estate District, CG General Commercial District, and RM-3 Residential Multi-Family District, and is agricultural in use. It has approximately ½ mile of frontage on Sheridan Rd. and ¼ mile of frontage on 161st St. S.

46

The subject property consists of 2.94 acres from the approximate middle of the Sheridan Rd. frontage. Its location and configuration correspond to the minimum bulk and area requirements of the AG district, as recommended by Staff, and the proposed location of the manufactured homesite.

The subject property may or may not be served by Bixby city or sanitary sewer service. GIS indicates a 6" sanitary sewer forcemain along the west side of Sheridan Rd. but no waterline in the area. Electric, natural gas, telephone, and cable utility access is not known. Borrow ditches attend Sheridan Rd. and 161st St. S.to provide street and streetside drainage.

The subject property parent tracts are moderately sloped and appear to primarily drain to an unnamed tributary of Posey Creek, which flows northerly through the subject property. Easterly portions of the subject property appear to drain to the east across Sheridan Rd., and appear to be in the Bixby Creek drainage basin. There appear to be several large "farm ponds" onsite.

The farm has primary access via a gated entrance resembling a housing addition entrance. As noted in the Previous/Related Cases section of this report, the subject property parent tracts were previously planned for a housing addition by name of "Atherton Farms Equestrian Estates," which was not fully built and is not now planned. The entrance is used as the private driveway for the Atherton family farm and the Faubert residence.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity and (2) Commercial Area.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested AG zoning is *In Accordance* with the Medium Intensity designation of the Comprehensive Plan Land Use Map.

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

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

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

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

47

The subject property is arguably undeveloped/underdeveloped. The requested AG zoning may not be consistent with the Commercial Area Land Use designation of the Plan Map. However, AG zoning is typically recognized as a 'holding district' for future rezonings. Therefore, Staff believes that the proposed AG zoning should be found *In Accordance* with the Comprehensive Plan.

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

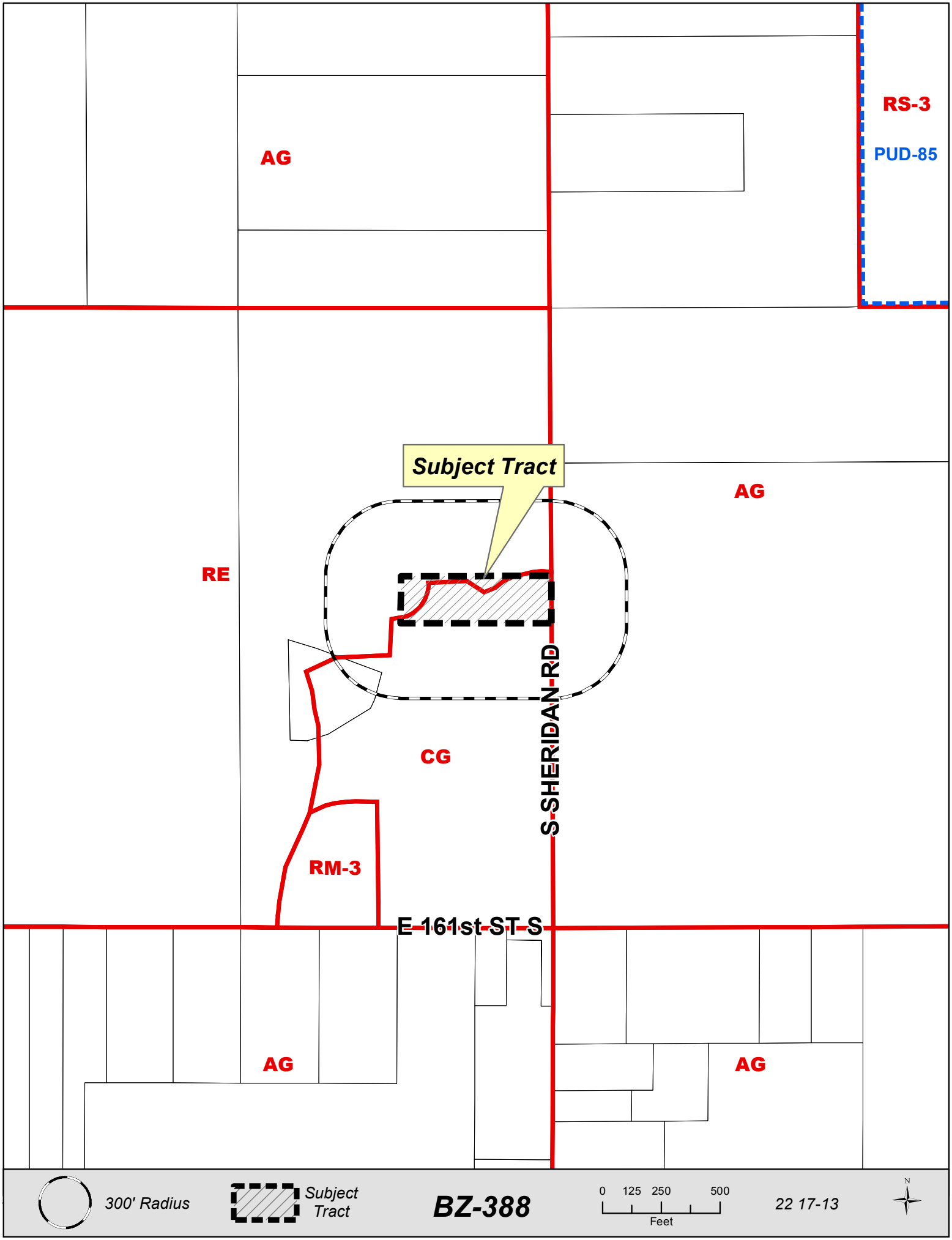
To the north, west, and south of the subject property are the balance of the approximately 236 acres of Atherton family farmland zoned RE, RM-3, and CG, previously proposed for an "Atherton Farms Equestrian Estates" housing addition (never built).

Across Sheridan Rd. to the east is vacant/wooded and agricultural land zoned AG.

The existing RE and CG zoning is an appropriate zoning pattern for the subject property, particularly when/if the property is prepared for residential and commercial development. However, the requested AG zoning is *In Accordance* with the Comprehensive Plan and is consistent with existing and surrounding zoning and land use patterns and the currently-proposed use of the property, a single-family manufactured home dwelling for the farm owner family.

Staff Recommendation. For the reasons outlined above, Staff is supportive of AG zoning.

48


AG
RS-3
PUD-85
Subject Tract
AG
RE
CG
S SHERIDAN RD
RM-3
E 161st ST S
AG
AG
300' Radius
Subject Tract
BZ-388
0 125 250 500
Feet
22 17-13
N

City of Bixby
Application for Rezoning

Applicant: Jessica A. Faubert
Address: 15802 S. Sheridan Rd. Bixby, OK 74008
Telephone: 918-749-4423 *Cell Phone:* 918 625-0948 *Email:* jessfaubert@icloud.com

Property Owner: WS & Delores Ann Atherton Trust If different from Applicant, does owner consent? Yes
Property Address: 15500 S. Sheridan Rd., Bixby, OK 74008
Existing Zoning: RE *Requested Zoning:* AG *Existing Use:* Farm
Proposed Use: Use Unit 9 manufactured home in AG *Use Unit #:* 9

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

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

If Applicant is other than Owner, indicate interest: Daughter of Landowner

Is subject tract located in the 100 year floodplain? [ ] YES [X] NO

BILL ADVERTISING CHARGES TO: Same as above
(NAME)

(ADDRESS) (CITY) (PHONE)

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

Signature: Jessica Faubert Date: 12-18-15

APPLICANT – DO NOT WRITE BELOW THIS LINE

BZ-388 Date Received 12/18/2015 Received By Enyart Receipt # 0130 6250
Planning Commission Date 01/18/2016 City Council Date

1 Sign(s) at $50.00 each = $ 110.00; Postage $ 78.00; Total Sign + postage $ 188.00

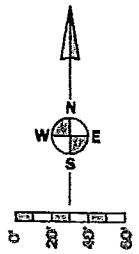
FEES: TYPE	ZONING	ACREAGE	BASE FEE	ADD.	TOTAL
L M H MP			$235.00	$188.00	$423.00

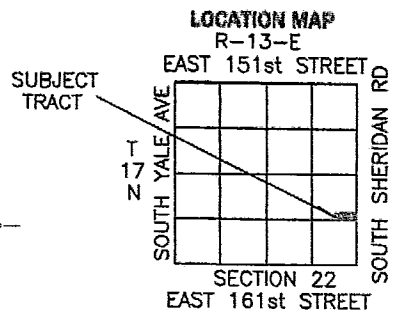
PC Action City Council Action

DATE / VOTE DATE / VOTE
STAFF REC. ORD. NO.
Building Permit # Case Reference #

50

PLAT OF DESCRIPTION FOR ZONING CHANGE

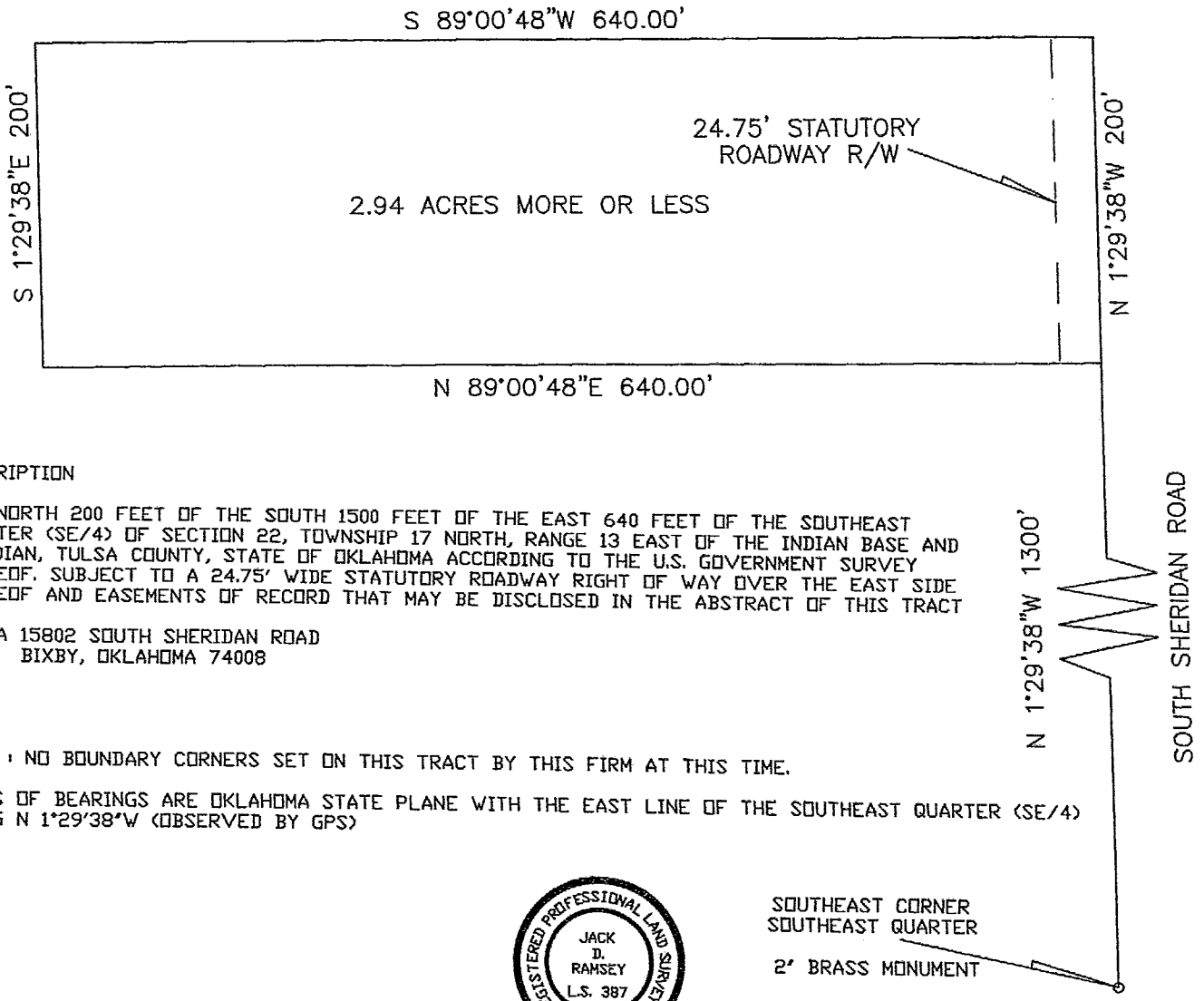




LEGEND

IRON PIN FOUND	⊕	UNDERGROUND LINE	
IRON PIN SET	⊙	OVERHEAD LINE	
FENCE		EASEMENT LINE	

PREPARED FOR : MR PHIL FAUBERT 918 645 0431
15802 SOUTH SHERIDAN ROAD
BIXBY, OKLAHOMA 74008
philf@arstulsa.com



DESCRIPTION

THE NORTH 200 FEET OF THE SOUTH 1500 FEET OF THE EAST 640 FEET OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 22, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. SUBJECT TO A 24.75' WIDE STATUTORY ROADWAY RIGHT OF WAY OVER THE EAST SIDE THEREOF AND EASEMENTS OF RECORD THAT MAY BE DISCLOSED IN THE ABSTRACT OF THIS TRACT

A/K/A 15802 SOUTH SHERIDAN ROAD
BIXBY, OKLAHOMA 74008

NOTE : NO BOUNDARY CORNERS SET ON THIS TRACT BY THIS FIRM AT THIS TIME.

BASIS OF BEARINGS ARE OKLAHOMA STATE PLANE WITH THE EAST LINE OF THE SOUTHEAST QUARTER (SE/4) BEING N 1°29'38"W (OBSERVED BY GPS)

REGISTERED PROFESSIONAL LAND SURVEYOR
JACK D. RAMSEY
L.S. 387
OKLAHOMA

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

JACK D RAMSEY LS 387 DECEMBER 17,2015

RAMSEY SURVEYING SERVICE
P.O. BOX 366 BIXBY, OKLAHOMA 74008
918 366 4520 918 740 1124
OKLAHOMA CERTIFICATE OF AUTHORIZATION
NUMBER 2112 EXPIRES JUNE 30,2017
ramseysurvey4520@yahoo.com

EXHIBIT A

If the current zoning code remains residential, then Phil and I would be unable to return to our property. Our home burned down in June, 2015 due to lightning. For the following four reasons listed below, it is imperative we change zoning of a small area (3 acres) back to agricultural to allow for a new mobile home:

1) To provide daily care for our horses, dogs, chickens and barn cats
2) To assist and watch over our ranch hand whose health has become increasingly unstable
3) To be on-site for the re-build and construction of our new home
4) To have a home: Our lease on current rent house runs out in June, 2016

EXHIBIT B

Our property contains one single family home (well...once we rebuild it), a barn and an arena on 240 acres of beautiful, prime Bixby ranch land. My family has owned and cared for this land since 1976, maintaining and making improvements for almost 50 years. We intend to keep this land intact and preserved for many generations to come.

EXHIBIT C

Granting this variance will not in any way cause any detriment to anyone ever. In fact, up until thirteen years ago, the old farm house sat in the exact location where we desire to place a nice, new mobile home. It is surrounded by existing shrubs and trees which diminish its visibility from Sheridan.

EXHIBIT D

Changing the zoning from residential to agricultural would alleviate a great amount of hardship that we are currently enduring. We loved our home, loved living in Bixby, loved being with our horses, but on June 14th a lightning strike changed everything. We need to be back on the ranch, in a mobile home for the next year and a half, to be able to rebuild our home and our lives and hug our horses every day!

Google earth feet 600 meters 200

- Mobile Home Site

56

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

STAFF REPORT

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner

Date: Thursday, January 07, 2016

RE: Report and Recommendations for:
PUD 81 Major Amendment # 2 – "Chateau Villas PUD" – Black Gold Group, LLC

LOCATION:

16-Acre Tract: 8300-block of E. 121st 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 # 2 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 change

parking requirements within Development Area B 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, a *QuikTrip* under construction and commercial in the *Town and Country Shopping Center* to the northwest, and farther north, duplexes along 119th 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 and the Bixby Fire Station #2 in the *Houser Addition.*

West: CG, CS, & 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 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).

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* (includes Reserve Area 'A' part of subject property) – 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.

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for *121st Center* (includes Reserve Area 'A' part 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* (includes Reserve Area 'A' part of subject property) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for *121st Center* (includes Reserve Area 'A' part 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).

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.

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 subject property – PC recommended Conditional Approval 03/25/2015 and City Council Conditionally Approved application 03/30/2015. Applicant Larry Kester withdrew from application 05/19/2015. New architect engaged, site and building designs changed, and new PUD documents received 06/17/2015. City Council Conditionally Approved revised PUD Major Amendment # 1 by ordinance by 3:0:0 vote 06/22/2015 (Ord. # 2153).

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 – Withdrawn by Applicant 05/28/2015.

Preliminary Plat of "Chateau Villas" – Cedar Creek Consulting (PUD 81) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a Use Unit 8 multifamily residential and commercial development for subject property and adjacent Reserve Area 'A' of *121st Center* – PC recommended Conditional Approval (including removal of Reserve Area 'A') 09/21/2015 and City Council Conditionally Approved 09/28/2015.

Final Plat of "Chateau Villas" – Cedar Creek Consulting (PUD 81) – Request for approval of a Final Plat and certain Modifications/Waivers for a Use Unit 8 multifamily residential and commercial development for subject property and adjacent Reserve Area 'A' of *121st Center* – PC Tabled 09/21/2015, with allowance to return to a future meeting when ready; revised and resubmitted 12/21/2015, and returned to this 01/19/2016 PC Agenda for consideration.

BSP 2015-06 – "Chateau Villas" – Cedar Creek Consulting (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for subject property – PC Tabled 09/21/2015, with allowance to return to a future meeting when ready; During a meeting with the developer and developer's associates on 11/13/2015, the developer requested that the site plan be returned to the 12/21/2015 PC agenda – PC Conditionally Approved 12/21/2015; pending City Council consideration 01/25/2016.

BACKGROUND INFORMATION:

ANALYSIS:

On December 21, 2015, the Planning Commission Conditionally Approved the PUD Detailed Site Plan per BSP 2015-07 and recommended Conditional Approval of this PUD 81 Major Amendment # 2. After the meeting, however, Staff discovered a newspaper publication error which caused the December Public Hearing to lack adequate Public Notice for the PUD Amendment. As discussed with the Applicant, the application has been readvertised properly for this January 19, 2016 meeting. It is anticipated that the same two (2) amendment elements will be requested for reapproval.

This PUD 81 Major Amendment # 2 application was originally submitted when the Applicant counted parking spaces and believed them to be insufficient to meet the minimum requirements of the Zoning Code. Staff has since counted the parking and found it to be adequate, and also observed that parking standards can be modified in the context of the PUD Detailed Site Plan application, per the terms of the PUD Text. At the December 21, 2015 Planning Commission meeting, however, the Applicant expressed desire to proceed with the parking ratio change as they may want that flexibility for future expansions.

Also at the December meeting, the Applicant sought to use this Major Amendment # 2 application to make two (2) other minor adjustments to the PUD, which Staff had suggested as a possibility. In December and now in January, the Public Notice and Agenda both simply state that this is a PUD Major Amendment, and so do not specify any restricted scope of potential amendments. These other adjustments included:

(1) Allow a ground sign in multifamily Development Area B, which has no Arterial Street frontage as required by the Zoning Code, and
(2) To remove the 25% minimum masonry requirement for every face of every building, but retain the 25% minimum masonry requirement per building (gives flexibility to bring frontward façades of buildings up to the 75% required without causing the project average to exceed the 40% minimum).

After the meeting, Staff checked the PUD and found it does not contain a 25% per each face of each building standard. The pertinent Staff Reports also do not suggest such a standard. Further, the Applicant found no such standard upon their inspection of the PUD. Thus, this amendment element may be ignored.

Regarding the relaxation of the minimum parking ratio for studio / efficiency units, Staff takes no exceptions to the rationale presented in the original amendment request letter and relies in substantial part on the information and expertise of the Architect, for which multifamily development design appears to be a core competency. Further, Staff anticipates that the need for parking will diminish in time due to demographic and technological changes. Finally, Staff is supportive in this instance as the development is a higher-density, multi-use, potentially truly mixed-use development (subject to future PUD Amendment), as described by the Applicant, and the large pools of parking spaces indicated on the site plans appear to be centrally- and conveniently-located for benefit of the majority of multifamily and commercial buildings. Recognizing the 4-story designs with elevators and large apartment buildings, the development design also appears to be slightly denser than a typical suburban multifamily development. Higher-density and multiple- and mixed-use developments typically demand less parking than truly suburban development designs.

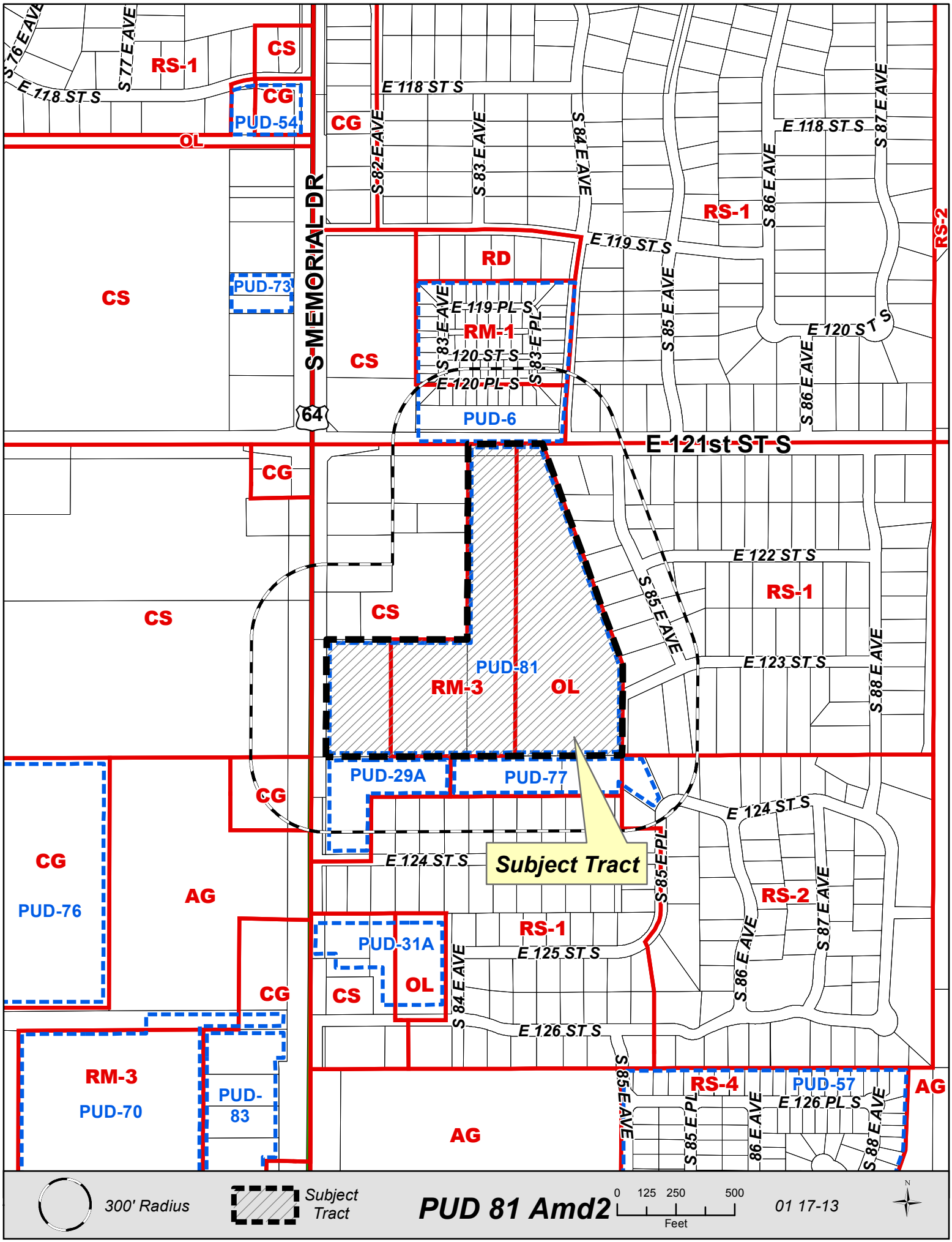
The Site Plan indicates one (1) "Proposed Future Monument [Sign]" element in front of Building A near the entrance to Development Area B / proposed Lot 3, Block 1, "Chateau Villas." The signage provisions for DA B do not provide an exemption from the requirement to have Arterial Street frontage in order to have a ground sign here. As it should be expected at the primary entrance to the multifamily development area, Staff is supportive of this amendment element.

To complete the PUD Major Amendment, the Applicant must supply a document that provides amendatory language within the framework of the PUD Text. The provided letter format may be used, but it will need to cite the sections of the PUD Text to be amended and provide the amendatory language.

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

1. Please supply a document providing amendatory language within the framework of the PUD Text. The provided letter format may be used, but it will need to cite the sections of the PUD Text to be amended and provide the amendatory language.

61


S 76 E AVE
S 77 E AVE
RS-1
CS
CG
PUD-54
E 118 ST S
OL
S MEMORIAL DR
S 82 E AVE
S 83 E AVE
S 84 E AVE
S 86 E AVE
S 87 E AVE
RS-1
RS-2
E 119 ST S
RD
PUD-73
CS
E 119 PL S
RM-1
S 83 E AVE
S 83 E PL
120 ST S
E 120 PL S
S 85 E AVE
E 120 ST S
S 86 E AVE
PUD-6
64
E 121st ST S
CG
E 122 ST S
RS-1
CS
CS
S 85 E AVE
E 123 ST S
S 88 E AVE
PUD-81
RM-3
OL
PUD-29A
PUD-77
CG
E 124 ST S
Subject Tract
E 124 ST S
S 85 E PL
CG
PUD-76
AG
RS-2
S 87 E AVE
RS-1
PUD-31A
E 125 ST S
S 86 E AVE
CG
CS
OL
S 84 E AVE
E 126 ST S
RM-3
PUD-70
PUD-83
S 85 E AVE
RS-4
PUD-57
E 126 PL S
AG
AG
S 85 E PL
86 E AVE
S 88 E AVE
300' Radius
Subject Tract
PUD 81 Amd2
0 125 250 500
Feet
01 17-13
N

City of Bixby
Application for PUD

Applicant: Black Gold Group, LLC
Address: 2021 S Lewis Ave, Suite 301 Tulsa, OK 74104
Telephone: _____ *Cell Phone:* (918)605-5600 *Email:* kevin@blackgoldgroup.com

Property Owner: Same If different from Applicant, does owner consent? ____
Property Address: Southeast corner of E 121st Street and S Memorial Dr.
Existing Zoning: CS, OL, AG *Requested Zoning:* _____ *Existing Use:* Undeveloped
Proposed Use: Mixed Use, Office, Retail, Multi-Family *Use Unit #:* _____

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

Attached here into.

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

Application for: [ ] PUD [✓] Major Amendment [ ] Minor Amendment [ ] Abandonment

BILL ADVERTISING CHARGES TO: Black Gold Group, LLC; Attn: Mr. Kevin Jordan (NAME)

2012 S Lewis Ave., Suite 301 (ADDRESS) Tulsa, OK 74104 (CITY) (918) 605-5600 (PHONE)

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

Signature: _____ Date: 11-23-15

APPLICANT – DO NOT WRITE BELOW THIS LINE

PUD ____ Date Received _____ Received By _____ Receipt # _____
Planning Commission Date _____ City Council Date _____

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

FEES:	PUD TYPE	ACREAGE	BASE FEE	ADD.	TOTAL

PC Action _____ City Council Action _____
DATE / VOTE _____ DATE / VOTE _____
STAFF REC. _____ ORD. NO. _____

Last revised 11/08/2012

63

EXHIBIT G

Legal description

Part of the NW/4 NW/4 Section 01, Township 17 North, Range 13 East. BEGINNING at the Southeast corner of the NW/4 NW/4; thence North 386'; thence Northwesterly to a point 976' East of the Northwest corner of the NW/4; thence West to centerline [Northwest Corner] of NW/4 NW/4; thence South 1320'; thence East along the South line of the NW/4 to P.O.B., Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

Containing 715,171.78 square feet or 16.418 acres, more or less.

And also:

The West half of the Northwest Quarter of the Northwest Quarter (W/2 NW/4 NW/4) (Otherwise described as the W/2 of Lot 4) of Section One (1), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS & EXCEPT: The North 825 feet thereof AND LESS & EXCEPT: BEGINNING at the Southwest Corner of said SW/4 NW/4 NW/4; Thence East along the South line of said SW/4 NW/4 NW/4 a distance of 64.38 feet; Thence N 00°58'54" West a distance of 507.85 feet; Thence West a distance of 64.61 feet to a point on the West line of said SW/4 NW/4 NW/4; Thence South along said West line a distance of 507.98 feet to the Point of Beginning.

64

NSPJ
ARCHITECTS

Date: November 23, 2015

To: Mr. Erik Enyart, AICP
City Planner; City of Bixby
PO Box 70
Bixby, OK 74008

From: Timothy Homburg; NSPJ Architects, PA

Re: **Request for Major Revision to PUD 81.**

Dear Mr. Enyart,

I am writing on behalf of Black Gold Group, LLC, the current owner of the properties, to request the following amendment to the current PUD-81.

The Applicant requests a variance on the parking requirement for Studio units from the ordinance required 1.5 per bedroom to 1.0 per bedroom.

The National Multi Family Housing Council (HMHC) has written reports analyzing the true parking requirements for multi-family projects. Their most current report has the following analysis on parking needs:

Motor Vehicles Owned by Apartment Residents (average number per occupied apartment)	
U.S.	1.0
Northeast	0.7
Midwest	1.1
South	1.2
West	1.2
Central City	0.9
Suburban Ring	1.2
High Rise (4+ stories)	0.6
Low Rise/Garden (1-3 stories)	1.2
Public Transportation	
Is nearby	1.0

3515 W. 75TH STREET, SUITE 201, PRAIRIE VILLAGE, KS 66208
P. 913.831.1415 | F. 913.831.1563 | NSPJARCHITECTS.COM

NSPJ
ARCHITECTS

Is used		0.5
Is not used		1.1
Is not nearby		1.2
Bedrooms		
efficiency/one		0.8
two		1.2
three		1.2
Monthly Rent		
less than $700		1.0
$700+		1.2

The currently proposed 375 Units are parked in the following manner:

Studio – 1.0 per unit
1BR – 1.5 per unit (per ordinance)
2BR – 2.0 per unit (per ordinance)
3BR – 2.0 per unit (per ordinance)

Furthermore, a more accurate representation of parking needs analyzes total bedrooms. With the proposed 375 Units, there are 55-Studio, 201-1BR, 95-2BR & 24-3BR for a total of 518 bedrooms. The proposed parking provided is 616 stalls (98 stall difference for guest parking)

Thank you for your consideration of this request and we are available for questions or comments.

Best regards,

Timothy W. Homburg, AIA | NCARB
Principal Architect | Co-President
NSPJ Architects, PA

66

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

STAFF REPORT

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner

Date: Thursday, January 07, 2016

RE: Report and Recommendations for:
Final Plat of "Chateau Villas" (PUD 81)

LOCATION:

16-Acre Tract: 8300-block of E. 121st 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

REQUEST:

- 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
- Modification/Waiver from Subdivision Regulations Section 12-3-2.O to allow Reserve Areas (only) to be platted in the 100-year Regulatory Floodplain

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, a *QuikTrip* under construction and commercial in the *Town and Country Shopping Center* to the northwest, and farther north, duplexes along 119th 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 and the Bixby Fire Station #2 in the *Houser Addition.*

West: CG, CS, & 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 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).

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* (includes Reserve Area 'A' part of subject property) – 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.

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for *121st Center* (includes Reserve Area 'A' part 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* (includes Reserve Area 'A' part of subject property) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for *121st Center* (includes Reserve Area 'A' part 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).

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.

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 subject property – PC recommended Conditional Approval 03/25/2015 and City Council Conditionally Approved application 03/30/2015. Applicant Larry Kester withdrew from application 05/19/2015. New architect engaged, site and building designs changed, and new PUD documents received 06/17/2015. City Council Conditionally Approved revised PUD Major Amendment # 1 by ordinance by 3:0:0 vote 06/22/2015 (Ord. # 2153).

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 – Withdrawn by Applicant 05/28/2015.

Preliminary Plat of "Chateau Villas" – Cedar Creek Consulting (PUD 81) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a Use Unit 8

multifamily residential and commercial development for subject property and adjacent Reserve Area 'A' of *121st Center* – PC recommended Conditional Approval (including removal of Reserve Area 'A') 09/21/2015 and City Council Conditionally Approved 09/28/2015.

Final Plat of "Chateau Villas" – Cedar Creek Consulting (PUD 81) – Request for approval of a Final Plat and certain Modifications/Waivers for a Use Unit 8 multifamily residential and commercial development for subject property and adjacent Reserve Area 'A' of *121st Center* – PC Tabled 09/21/2015, with allowance to return to a future meeting when ready; revised and resubmitted 12/21/2015, and returned to this 01/19/2016 PC Agenda for consideration.

BSP 2015-06 – "Chateau Villas" – Cedar Creek Consulting (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for subject property – PC Tabled 09/21/2015, with allowance to return to a future meeting when ready; During a meeting with the developer and developer's associates on 11/13/2015, the developer requested that the site plan be returned to the 12/21/2015 PC agenda – PC Conditionally Approved 12/21/2015; pending City Council consideration 01/25/2016.

PUD 81 – "Chateau Villas PUD" – Major Amendment # 2 – Black Gold Group, LLC – Request for approval of Major Amendment # 2 to PUD 81 for a Use Unit 8 multifamily residential and commercial development for subject property – PC recommended Conditional Approval 12/21/2015, but discovery of newspaper publication error required readvertisement; pending PC reconsideration 01/19/2016.

BACKGROUND INFORMATION:

Per the original PUD 81 Exhibit B Conceptual Site Plan, the multifamily element of the "Chateau Villas" 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 façades except for protruding exterior stairwells. The façades, considering their description as "masonry," appeared to be traditional stucco or otherwise another cementitious product resembling stucco. The original intent was not clear.

Since the original November, 2013 PUD application approval, and February 24, 2014 PUD approval by Ordinance # 2126, the developer acquired the 16-acre parcel in mid-2014 and the 7-acre parcel at the end of 2014. In early 2015, the developer engaged an architect, Architects Collective of Tulsa, and the designs changed.

PUD 81 Major Amendment # 1 originally proposed:

(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."

After application submittal, City Staff had several meetings and other communication with the Applicant to refine the intent of the amendments, and suggested other amendments be made to facilitate the most appropriate development of the property. Staff was not supportive of the original approach to redefine "masonry," even in the context of this application. In its final form, the Major Amendment included a 50' maximum building height, a fourth story, and a 40% traditional masonry and 60% approved masonry alternatives standard, among other things.

At its March 25, 2015 Special Meeting, the Planning Commission recommended Conditional Approval of PUD 81 Major Amendment # 1. 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 at that time, and perhaps also because of the 3:1:1 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. The Ordinance First Reading (no action) was to be heard on the April 13, 2015 City Council Regular Meeting, but there was no quorum and that meeting was cancelled. The Ordinance First Reading was held April 27, 2015. Since the PUD Major Amendment was not ready, it was delayed for a time from being returned to a City Council agenda for Ordinance Second Reading and possible approval by majority vote.

Because the PUD Major Amendment had not yet been approved by ordinance, PUD Detailed Site Plan application BSP 2015-04 was Continued from the April 20, 2015 Planning Commission Regular Meeting to the May 18, 2015 Planning Commission Regular Meeting, and then again to the June 15, 2015 Regular Meeting. It was not heard on June 15, 2015 because the Applicant Withdrew the application during a meeting with Staff on May 28, 2015, since the designs had changed and the Applicant was going to submit a new application for PUD Detailed Site Plan when the Applicant was closer to construction.

Subsequent to the Ordinance First Reading at the April 27, 2015 City Council meeting, the developer changed architects to *NSPJ Architects* of Prairie Village, KS, and the building designs and site layout changed again. The revised PUD documents were received June 17, 2015.

The June 17, 2015 plans called for a 7,000 square foot "clubhouse" and 13 multifamily buildings with a mix of 2-, 3-, and 4-story buildings with variegated façades and certain percentage of "concrete stone masonry material" (a.k.a. "manufactured stone" / "synthetic stone"), "brick veneer masonry," and stucco) and 60% masonry alternatives (including only fiber cement cladding), with exceptions for trim. The open stairwells were brought within the

71

building footprints, but exterior stairwells were evident in the new 4-story building elevation on the building ends, perhaps as access auxiliary to the proposed elevators.

Additionally, a non-exhaustive list of the most significant changes included:

1. New "Urban Contemporary" building designs, featuring:
    a. More, or perhaps all buildings included attached garages
    b. 5 4-story buildings all featuring elevators
    c. Flat rooves with parapets rather than pitched rooves with shingles.
2. New site layout featuring:
    a. Removal of internal water features
    b. Realignment of boulevard entrance street/drive
    c. Reconfiguration of buildings and internal drives layout
    d. Fewer buildings, especially by the removal of smaller garage/apartment buildings
    e. Clubhouse was larger, pool was smaller
    f. Carports throughout development (with garages suggested, but not represented on plans)
    g. Commercial development area design changes.
3. Building elevations reflected only one (1) building type, and did not contain height information or a full schedule of proposed exterior materials or their relative percentages.

On June 22, 2015, by 3:0:0 vote, the City Council Conditionally Approved the revised PUD Major Amendment # 1 (Ord. # 2153).

The original applications for Preliminary Plat, Final Plat, and PUD Detailed Site Plan (BSP 2015-06) were received August 21, 2015. The building designs and site layout changed again. A non-exhaustive list of the most significant changes included:

1. New building designs, featuring:
    a. 12 multifamily buildings including:
        i. 2 large, segmented buildings (Buildings A and B)
        ii. 4 3-story buildings
        iii. 6 smaller, 2-story garage/apartment buildings
    b. Clubhouse was smaller[1] and embedded (Segment B) within large Building A
    c. Only 1 4th story, Segment D of Building A, versus 5 4-story buildings
    d. Evidently less brick/stone and less façade articulation/variegation (Building A)
    e. Evidently fewer parapet roof articulations and embellishments (Building A)
    f. New unit mix with 57 studio units now proposed and fewer 1-, 2-, and 3-bedroom units
2. New site layout featuring:
    a. Incorporation and modification of stormwater retention pond in Reserve A of *121st Center*
    b. Pond / canal water feature added along west side of Development Area B
    c. Removal of tower feature next to clubhouse

[1] Roughly 3,300 : 6,402 square feet versus 7,000 square feet by interpolation of site and elevations drawings

72

d. Realignment of boulevard entrance street/drive and removal of roundabout/water feature
e. Reconfiguration of buildings and internal drives layout
f. Pool/spa appears larger
g. 16 carports removed and 6 detached 6-car garages added
h. Fry Creek tributary channel area widened from roughly 45' to 60'

On September 21, 2015, due to substantial design issues, the Planning Commission Tabled BSP 2015-06 and the Final Plat of "Chateau Villas," with allowance to return to a future meeting when they were ready. At that time, the plats and site plan included adjacent Reserve Area 'A' of *121st Center*. The Preliminary Plat was recommended for Conditional Approval, and the City Council Conditionally Approved same, subject to removing the adjacent Reserve Area 'A' of *121st Center*, to which the Applicant was not then (and is not now) entitled. The intent of the approval of the Preliminary Plat was to allow the developer to proceed with grading, drainage, and infrastructural improvements pursuant to approved engineering construction plans.

On November 03, 2015, Staff received revised site plan drawings. During a meeting with the developer and developer's associates on November 13, 2015, the developer requested that the site plan be returned to the December 21, 2015 Planning Commission agenda. The November, 2015 designs appeared to be essentially the same as received in August, 2015, with the exception of:

1. Removal of Reserve Area 'A' of *121st Center* as required until/unless Applicant acquires same or adequate rights to modify same
2. Pool/spa and patio relocated onto the subject property and reduced in size; spa slightly larger
3. "Asphalt path" pedestrianway removed from around the stormwater retention pond in the adjacent Reserve Area 'A' of *121st Center*
4. No changes proposed to 'shoreline' of stormwater retention pond in the adjacent Reserve Area 'A' of *121st Center*
5. Building A contained substantially less brick/stone masonry (30% → 23%)
6. Building B contained substantially less brick/stone masonry (30% → 18%)
7. Buildings C contained substantially less brick/stone masonry (30% → 7%)
8. Garage buildings contained substantially less brick/stone masonry (specifics not available)

PUD 81 Major Amendment # 2 is also on this January 19, 2016 Planning Commission Agenda for consideration. On December 21, 2015, the Planning Commission heard it and recommended Conditional Approval. After the meeting, however, Staff discovered a newspaper publication error which caused the December Public Hearing to lack adequate Public Notice. As discussed with the Applicant, the application has been readvertised properly for this January 19, 2016 meeting. It is anticipated that the same two (2) amendment elements will be requested for reapproval.

73

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. 121st 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 (Case No. 09-06-0671R) 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 has already been widened per Alan Betchan of AAB Engineering, LLC on September 02, 2015. Per Mr. Betchan 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. As acknowledged in the "Drainage" section of PUD 81, the floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed, and the development will pay a fee-in-lieu of providing onsite stormwater detention.

Subdivision Regulations § 12-3-2.O prohibits platting development lots within the 100-year (1% Annual Chance) Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance. By Modification/Waiver, platting Reserve Areas may be permitted, provided their use is passive and use restrictions prohibit building construction. To fully comply with applicable regulations, the floodplain and drainage improvements must be completed, the developer must secure FEMA approval of a LOMR upon completion of these improvements, the 100-year Floodplain must be entirely contained within a Reserve Area, and the Applicant must request and be approved for a Partial Modification/Waiver of SRs Section § 12-3-2.O to allow the platting of a Reserve Area in the 100-year Floodplain.

The Zoning Code and PUD 81 prohibit the issuance of Building Permits until the land has been platted, and the Subdivision Regulations prohibit platting building lots in the 100-year Floodplain. Until all Floodplain-related requirements are satisfied, the development may be

74

limited to grading and utility work, performed pursuant to an Earth Change Permit, utilities permits, and other permits as may be required.

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. 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 review 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) are *In Accordance* with the Medium Intensity and *May Be Found In Accordance* with the Low Intensity designations of the Comprehensive Plan Land Use Map. Since PUD 81 and its Major Amendment # 1 were approved by ordinances of the City Council, they have been recognized as being *In Accordance* with the Comprehensive Plan as a zoning district. PUD 81 Major Amendment # 1 proposed making certain changes to design features of the development, but no significant changes to the schedule of land uses compared to the original PUD 81.

The multifamily and commercial development anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. This subdivision of 23 acres, more or less, proposes four (4) lots, one (1) Block, and four (4) Reserve Areas. Staff understands that the developer only intends to develop, at this time, (1) the multifamily Development Area (DA) B (proposed Lot 3, Block 1, "Chateau Villas") and (2) certain other DA B-dependent site elements (private street/drive connections to Memorial Dr. and 121st St. S. and the drainage channel along the east side of the plat).

Reserve Area 'A,' roughly corresponding to PUD 81 Development Area D, contains the drainage channel. Upon completion of the floodplain and drainage improvements, it will

75

contain 100-year (1% Annual Chance) Regulatory Floodplain. As noted elsewhere in this analysis, Subdivision Regulations § 12-3-2.O prohibits platting development lots within the 100-year Floodplain, but Reserve Areas may be permitted upon request and approval of a Modification/Waiver of this Section. Thus, the ultimate 100-year Floodplain, at a minimum, or otherwise all of the area planned for use for drainage and common features should be placed into a Reserve Area, and the Applicant must request and be approved for a Modification/Waiver of SRs Section § 12-3-2.O to allow the platting of a Reserve Area in the 100-year Floodplain.

Reserve Area 'B' is designed as a temporary Reserve Area containing the 100-year Regulatory Floodplain until such time as FEMA officially removes same by LOMR. After this occurs, the Applicant has stated they will combine this area with the originally-planned Lots 3 and 4, by Replat or Amended Plat, to form singular multifamily and commercial lots. The first phase of construction will occur on Lot 3 as originally platted, and by the time of the LOMR and Replat or Amended Plat, Reserve Area 'B' will become a second construction phase. As the Final Plat will be approved and recorded while Reserve Area 'B' is still in the 100-year Regulatory Floodplain, a Modification/Waiver of SRs Section § 12-3-2.O will also be required. Although the Deed of Dedication and Restrictive Covenants do not presently specify this, Reserve Area 'B' must have language prohibiting construction of buildings or structures, and providing for the defeasance of this restriction upon the recording of a Replat or Amended Plat.

Further, PUD 81 provides certain minimum standards for screening and landscaping, including a provision that "Landscape screening / buffering along the East boundary shall be at least as good, if not superior to that conditionally approved for the former "North Bixby Commerce Park" development, as will be determined by the City Council." Consistent with the "North Bixby Commerce Park" development, as described in the PUD 81 Major Amendment # 1 Staff Report, screening would include a minimum of 125' of 6'-high masonry wall along the northerly end, and a certain minimum number of landscaping trees. Since PUD requirements pertain to Development Area D and not individual lots, and for practical reasons pertaining to screening fence/wall and drainage channel maintenance, as recommended by Staff, the Applicant has added Reserve Area 'A' to contain all of Development Area D[2]. Staff continues to recommend appropriate Restrictive Covenants pertaining to the dedication, purpose, right of access and use, and share of perpetual maintenance responsibilities for these common features. Reference how this was done for the Reserve Area in the Conditionally Approved Final Plat of "North Bixby Commerce Park."

Reserve Area 'C' corresponds to private street 123rd St. S. and Reserve Area 'D' corresponds to private street 83rd E. Ave. All proposed lots will meet the minimum frontage and lot width requirements per the Zoning Code, Subdivision Regulations, and PUD 81. Proposed Lot 3, Block 1, "Chateau Villas" will have access to Memorial Dr. and 121st St. S. via these private streets. The commercial lots will have direct frontage on either Memorial Dr. or 121st St. S. but will be restricted by Limits of No Access (LNA). Instead, access to commercial lots will be afforded via the private streets.
Per the PUD Detailed Site Plan, it cannot be determined whether some or all of the nearest existing ministorage building encroached proposed Lot 1. Per the response letter received

[2] PUD 81 DA D is 45' in width, and proposed Reserve Area 'A' is 61' in width.

76

December 21, 2015, "The signed Topographic & Boundary Survey does not show an encroachment."

With the exceptions outlined elsewhere in this report, the Final Plat appears to conform to the Zoning Code, Subdivision Regulations, and PUD 81 as amended by Major Amendment # 1.

The Technical Advisory Committee (TAC) reviewed the Preliminary Plat, Final Plat, and PUD Detailed Site Plan per BSP 2015-06 on September 02, 2015. The Minutes of the meeting are attached to this report.

Subdivision Regulations Section 12-3-3.A requires a 17.5' Perimeter U/E. The plat is missing the Perimeter U/E along substantial parts of the plat boundary. These should be added per Planning and Engineering Staff. The drainage channel along the east side will be contained within Reserve Area 'A.' The nature of the channel would make installation of utilitylines within this easterly perimeter difficult, and so the 17.5'-wide Perimeter U/E may need to be relocated parallel the west side of the channel. This will require a Partial Modification/Waiver of SRs Section 12-3-3.A, and the Applicant must request same in writing. Staff would not object to this partial Modification/Waiver, recognizing the design challenges the channel presents.

Per the discussion at the TAC meeting, it is possible that franchise utility companies will need internal utility corridors supported by easements specific to a utility or Public General Utility Easements. The Applicant should check with all utility companies and add appropriate easements as needed. Confirmation of utility approval of the provided easements will be achieved by the receipt of release letters from all required utility companies per the Subdivision Regulations and the related recommended Condition of Approval. Public General Utility Easements, if added, may require special water, sanitary sewer, and/or stormsewer infrastructure design modifications for those parts within or crossing the U/E.

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.

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

Access and Internal Circulation. Plans for access and internal circulation are described in the "Vehicular and Pedestrian Access and Circulation" section of the PUD 81 Text as follows:

"The attached Exhibit B 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 private boulevard-style street and /or drive. 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 Chief, Fire Marshal and Engineering. Access to the lots within Development Area C will be derived by privately maintained streets and / or drives and shall not be permitted more than one (1) direct connections to 121st Street South

per lot. All private driveway and/or street connections shall be subject to City Engineer curb cut and/or ODOT driveway permit approval for the proposed access points to Memorial Dr. (US Hwy 64) and 121st St. S., and the Fire Chief's and Fire Marshal's approval of locations, spacing, widths, and curb return radii.
Pedestrian connectivity will be provided by new sidewalks along all abutting public streets and 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. All sidewalk layouts will be developed and presented in detail at the PUD detailed site plan submittal."

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/drive connecting to Memorial Dr. and serving DAs A and B, and a secondary private street/drive connecting to 121st St. S. within Reserve Areas 'C' and 'D,' to be named 123rd St. S. and 83rd E. Ave., respectively. Based on existing addresses and street names, measured dimensions, and/or Tulsa regional E-911 block numbering conventions, the proposed street names are appropriate and consistent with the related Conditions of Approval of the Preliminary Plat.

The multifamily development will be gated.

PUD 81 describes internal accessways as private streets and/or drives. This was pursuant to a review comment that called for clarification, which was ultimately resolved by using this more flexible terminology, allowing the decision on private access format to be resolved at a later date. With this Final Plat, the shared entrances are becoming private streets 123rd St. S. and 83rd E. Ave. However, internal parking lot drive aisles are not likely to be "streets" as they are presently termed on the Site Plan. If so, the plat would need to dedicate them as such and provide names for each. If otherwise, they should be retitled as "drives," "driveways," "drive lanes," "drive aisles," or similarly as appropriate.

As indicated on the PUD Detailed Site Plan, the entire development will be served by sidewalks along Memorial Dr. and 121st St. S. and by internal sidewalks and boardwalks.

Distribution of Private Maintenance Responsibilities. For developments such as this, and invariably when a Reserve Area will be platted, an Owners Association is customarily formed for the purposes of improvement and maintenance of the private and common development elements. In this case, such private and common elements would appear to include the private streets within Reserve Areas 'C' and 'D,' any stormwater drainage and detention/retention facility(ies), the drainage channel along the east side in Reserve Area 'A,' required screening fence and masonry wall along the drainage channel, canal and bridges, boardwalks, and other common or potentially common areas of the subdivision such as any signage, entrance features, and/or landscaping. Staff recommends the DoD/RCs of the plat provide for the formation of an Owners Association and/or otherwise adequately spell out the distribution of private maintenance responsibilities of the various lot owners in "Chateau Villas" for the privately-maintained common features. This has been suggested in new DoD/RCs language, but the DoD/RCs do not actually cause the formation as recommended.

Such DoD/RC covenants typically provide a specific percentage/formula for proportional maintenance responsibilities for each lot, based on its relative size and/or other appropriate

factors. Staff recommends using clear and immutable formula language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and without City approval, per the City Attorney).

The initial plat provided that the maintenance for the private streets would fall on the owner of the commercial lots on which the Mutual Access Easement (MAE) was located. The MAEs have now been converted to Reserve Areas 'C' and 'D,' and the Deed of Dedication and Restrictive Covenants provide that the "Chateau Villas Property Owners Association" will maintain them. As noted in the previous Staff Report, the private streets will serve as the only access to proposed multifamily Development Area B / Lot 3, Block 1, "Chateau Villas," and most of the traffic and wear and tear will be by the multifamily development. In order to avoid suppressing the chances of commercial/retail development on the commercial lots and the future value of these commercial lots, Staff recommends that the specific percentage/formula for proportional maintenance responsibilities be balanced equitably.

Also to avoid suppressing the chances of commercial/retail development on commercial Development Area (DA) C / proposed Lot 4, Block 1, "Chateau Villas," Staff recommends the Applicant consider constructing the minimum 125' of 6'-high masonry wall along the northerly end of DA D along with the development of the multifamily DA B, starting where feasible at the drainage channel and stopping at the southwest corner of the Fire Station # 2 property, and closing the intervening fence gap (if any) with the 8'-high wood fence that continues southeasterly. This was agreed to by the Applicant upon approval of BSP 2015-06 by the Planning Commission on December 21, 2015.

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

1. Subject to City Council approval of a Modification/Waiver of the restriction on platting within the 100-year (1% Annual Chance) Regulatory Floodplain per SRs Section 12-3-2.O, to allow platting of Reserve Areas 'A' and 'B,' as described more fully in the analysis above.

   For Reserve Area 'A,' Staff believes that the intent of the subdivision Regulations will have been met and can support this Modification/Waiver subject to (1) the completion of the drainage channel, (2) FEMA's approval of the LOMR-F, (3) compliance with Floodplain Development Permit / Earth Change Permit requirements, and (4) the 100-year Floodplain being fully contained within a Reserve Area with provisions in the DoD/RCs restricting building development, as per the related recommendations of this plat.

   For Reserve Area 'B," Staff believes that the intent of the subdivision Regulations will have been met and can support this Modification/Waiver subject to modifying the Deed of Dedication and Restrictive Covenants to (1) prohibit construction of buildings or structures and (2) provide for the defeasance of this restriction upon the recording of a Replat or Amended Plat. See related recommendation(s).
2. PUD 81 describes internal accessways as private streets and/or drives. This was pursuant to a review comment that called for clarification, which was ultimately

resolved by using this more flexible terminology, allowing the decision on private access format to be resolved at a later date. As per other recommendations in the analyses of the Preliminary and Final Plats and PUD Detailed Site Plan, some of the shared entrances may be or become private streets. However, internal parking lot drive aisles are not likely to be "streets" as they are presently termed on the Site Plan. If so, the plat would need to dedicate them as such and provide names for each.

3. 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.
4. All Modification/Waiver requests must be submitted in writing.
5. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
6. Face of Plat: The plat excludes the existing 50' right-of-way (easement?) per cited Tulsa County Clerk's Office Document # 2007112986. Unless there was another dedication as fee-simple right-of-way, this may only be an easement, and should be rededicated as fee-simple right-of-way by this plat.
7. Please update legal descriptions, plat area citations, and any other affected information upon the inclusion of the 50' right-of-way (easement?) for 121st St. S.
8. Face of Plat: Please represent existing right-of-way (easement?) per cited Tulsa County Clerk's Office Document # 2007112986.
9. A 60' half-street right-of-way dedication is required for 121st St. S., which is designated a Primary Arterial on both the Bixby Comprehensive Plan and the TMAPC Major Street and Highway Plan. Primary Arterials require a total right-of-way width of 120'. The dedication must be increased to the minimum 60' required.
10. Please represent Temporary Construction Easement per Tulsa County Clerk's Office Document # 2007112987 if a subsequent instrument did not release same.
11. The recorded plat of *121st Center* indicates a 10'-wide ONG easement along the east side of Memorial Dr. It is likely this easement continues farther south along Memorial Dr., and possibly through the subject property. Please research and add same if existing and if same affects subject property.
12. Several easements of record represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" are not represented on the plats. Per SRs Section 12-4-2.B.2, please represent all existing easements of record affecting the subject property, and those adjacent as pertain to the proposed development plans. An ALTA / ACSM survey is recommended to ensure all easements and other instruments of record are found and represented on the plat, and those requiring release are done as required prior to development.
13. Please provide ALTA / ACSM survey prior to Building Permit issuance as a part of the PUD Detailed Site Plan.
14. Per the discussion at the TAC meeting, it is possible that franchise utility companies will need internal utility corridors supported by easements specific to a utility or Public General Utility Easements. Please check with all utility companies and add appropriate easements as needed. Confirmation of utility approval of the provided easements will be achieved by the receipt of release letters from all required utility companies per the Subdivision Regulations and the related recommended Condition of Approval.

80

15. Public General Utility Easements, if added, may require special water, sanitary sewer, and/or stormsewer infrastructure design modifications for those parts within or crossing the U/E.
16. Several monuments and other surveying elements are represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" that are not represented on the plats. This may be due to different surveying methodologies. However, please double-check for existing monuments useful for platting purposes and include those as may be appropriate.
17. Subject to ODOT approval of the proposed curb cut / driveway permit location on Memorial Dr. / U.S. Hwy 64.
18. Subject to City Engineer and/or Fire Marshal approval of proposed curb cut locations on 121st St. S.
19. Upon completion of the Floodplain and drainage improvements pursuant to the FEMA-approved CLOMR, and after FEMA has effectively changed the 100-year Regulatory Floodplain boundaries by the approval of a LOMR, the new, reduced floodplain boundaries should be represented on the "Final As Approved" version of the Preliminary Plat. It is not required on the Final Plat per a related Condition of Approval pertaining to SRs Section 12-4-2.B.6.
20. Please represent the PUD 81 building setback lines and labels, where missing, per SRs Section 12-5-2.A.5.
21. The Location Map (Vicinity Map) is required to include all platted additions within the Section per SRs Section 12-4-2.A.5.
22. Preliminary Plat & Final Plat: Underlying Zoning district boundary lines are not represented as required per SRs Section 12-4-2.B.3.
23. Face of Plat: Please add proposed addresses to the lots; Lot 4 is recommended to be 8310 E. 121st St. S. as per the corresponding commercial lot fronting on 121st St. S. within the Conditionally Approved plat of "North Bixby Commerce Park."
24. Face of Plat: Please add the standard address caveat/disclaimer: "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 the legal description."
25. Linetype used along the internal boundaries shared with Reserve Area 'A' of *121st Center* is different than the solid linetypes used elsewhere to denote boundaries of mutually exclusive elements. Please address appropriately.
26. Certain angle/bearing and dimension calls along certain plat boundaries do not correspond with recorded plats of *121st Center*, *Houser Addition*, or *The Boardwalk on Memorial* or previous draft plats of "North Bixby Commerce Park" or "Byrnes Mini-Storages." This may be due to different surveying methodologies. However, please double-check and make any modifications necessary.
27. Face of Plat: Missing notes pertaining to monumentation (reference SRs Section 12-1-8).
28. DoD/RCs: Third page header/title "Restrictive Covenants Continued": The dedication of easements and Reserve Area(s) may necessitate the use of a Deed of Dedication. Should be styled "Deed of Dedication and Restrictive Covenants Continued," or this header may be removed.
29. Please represent the S. 85th E. Ave. half-street platted in *Houser Addition*, such as was represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" (SRs Section 12-4-2.A.6).

81

30. Please represent the abutting 20'-wide Road Easement platted in *Southern Memorial Acres No. 2*, Plat # 2794, such as was represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" (SRs Section 12-4-2.A.6).
31. Discuss the possibility of extending south the recommended Reserve Area corresponding to the drainage channel to incorporate the east 25' of Government Lot 4, or providing a B/L restriction in this area, to allow for potential future 85th E. Ave. half-street right-of-way.
32. All changes necessary for the PUD Detailed Site Plan, to the extent relevant for these plats, should also be made here.
33. Existing 11'-wide U/E and MAE along and within the abutting Lot 1, Block 1, *The Boardwalk on Memorial*: Please consolidate notation and use full name of plat as recorded.
34. Face of Plat and DoD/RCs: Includes term "Addition" in Title Blocks, DoD/RCs Preamble, and Certificate of Survey signature block. DoD/RCs Preamble states that further instances will use term "Addition," but certain parts of DoD/RCs cite "Subdivision." Please reconcile all instances.
35. DoD/RCs: Based on the PUD Detailed Site Plan, for proposed commercial Lots 1 and 2, Staff recommends the PUD and DoD/RCs of the plat include a Mutual Parking Privileges covenant, so that each lot may allow their excess spaces to be used by patrons of the other lot, which is common in developments such as this, especially when developed as a unit by a singular developer. Examples may be provided upon request.
36. DoD/RCs: Staff recommends employing reasonable Restrictive Covenants typical for commercial/nonresidential subdivisions. As an example, a "Maintenance Covenant" pertaining to maintenance and upkeep of properties free of trash, debris, and litter. Examples may be provided upon request.
37. DoD/RCs Section II Preamble: Please correct the PUD approval date by City Council to June 22, 2015.
38. DoD/RCs Section II: Please double-check and make any corrections necessary to achieve consistency with the "Final As Approved" version of PUD 81 as amended by Major Amendment # 1.
39. The proposed common propertyline between Lots 3 and 4 is projected through Reserve Area 'A,' creating an ambiguity. This is acceptable if the respective part of Lot 4 is made a new Reserve Area, copying the language for Reserve Area 'B.' Otherwise, please remove the dividing line.
40. DoD/RCs Section I: Reserve Area dedications sections are not integrated with the numbering system of Section I.
41. DoD/RCs Section I: "Chateau Villas - Reserve Area 'B'": Must have language prohibiting construction of buildings or structures, and providing for the defeasance of this restriction upon the recording of a Replat or Amended Plat.
42. DoD/RCs Section I: "Chateau Villas - Reserve Area 'C'" and "Chateau Villas - Reserve Area 'D'": Middle Paragraphs: Please remove the following clause, which is in conflict with the final paragraph: "...at the sole cost and expense of the owner of the lot upon which improvement serves."
43. Face of Plat: Owner appears to contain a typo.
44. Staff recommends the DoD/RCs of the plat provide for the formation of an Owners Association and/or otherwise adequately spell out the distribution of private maintenance responsibilities of the various lot owners in "Chateau Villas" for the

82

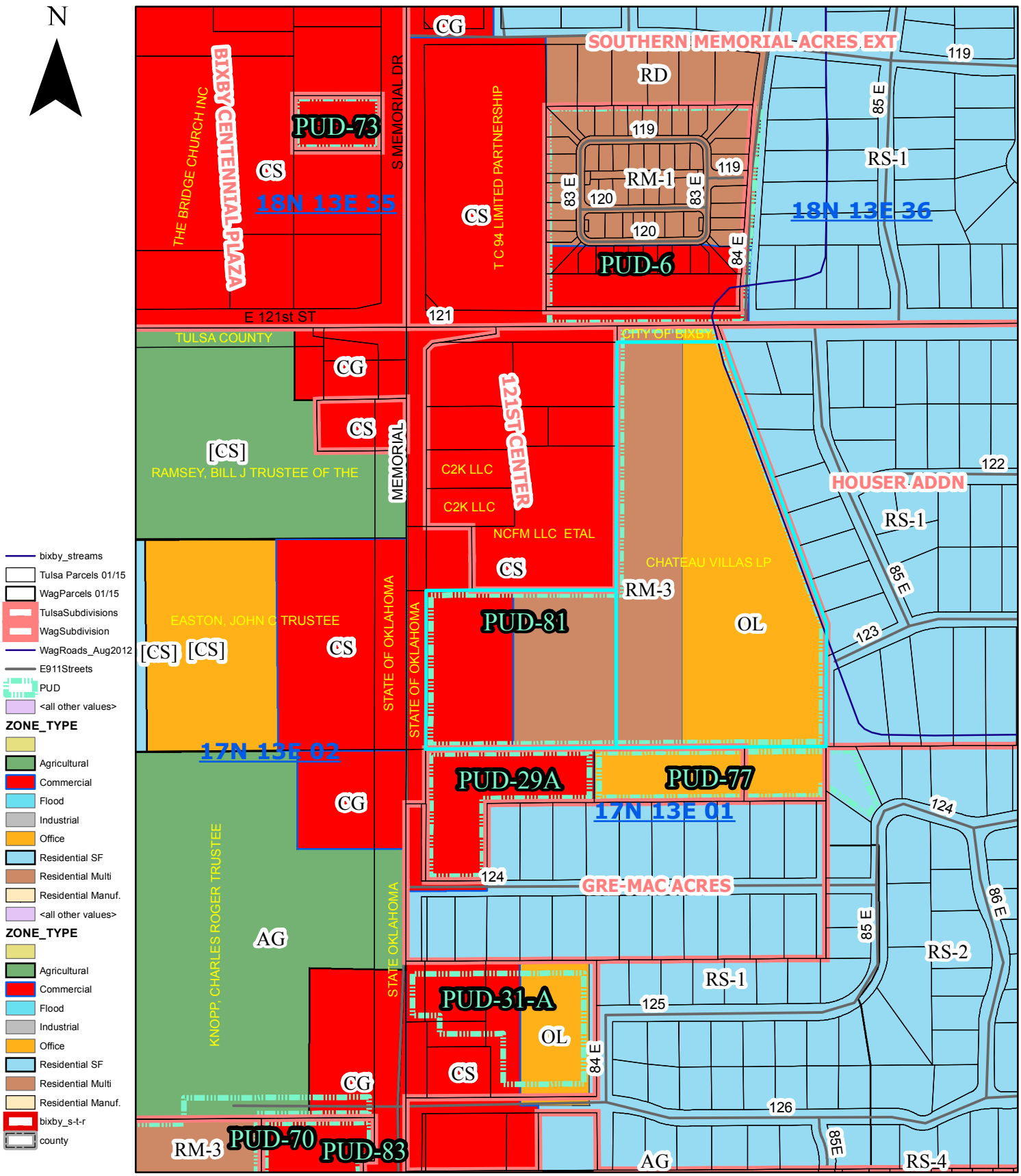
privately-maintained common features. This has been suggested in new DoD/RCs language, but the DoD/RCs do not actually cause the formation as recommended.

Such DoD/RC covenants typically provide a specific percentage/formula for proportional maintenance responsibilities for each lot, based on its relative size and/or other appropriate factors. Staff recommends using clear and immutable formula language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and without City approval, per the City Attorney). In order to avoid suppressing the chances of commercial/retail development on the commercial lots and the future value of these commercial lots, Staff recommends that the specific percentage/formula for proportional maintenance responsibilities be balanced equitably.

45. Face of Plat: Right-of-way dedication for 121st St. S.: please add width of dedication to "Right-of-way Dedicated by This Plat."
46. Reserve Area 'A' is 61' in width and there is a 15' B/L beyond. PUD 81 provides a 75' Zoning Setback / B/L. Please confirm intent to increase, by this plat, to 76', or advise.
47. Face of Plat: DoD/RCs Preamble: Final instance of "*121st Center*" has typo in term "*Center*."
48. Face of Plat: DoD/RCs Preamble: Equivocation of "Addition" and "Subdivision" does not appear to be appropriate. Please reconcile as per Condition of Approval of the Preliminary Plat and recommendation herein or advise.
49. Final Plat: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
50. 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.
51. Any recommendations in the analysis inadvertently omitted from this itemized list are included as if fully set forth here.
52. 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).
53. 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).

83

Preliminary Plat & Final Plat – "Chateau Villas" – Cedar Creek Consulting (PUD 81) & BSP 2015-06 – "Chateau Villas" – Cedar Creek Consulting (PUD 81)



City of Bixby ~ Planning
Printed 08/27/2015

CITY OF BIXBY

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

Engineering Department Memo

To: Erik Enyart, City Planner

From: Jared Cottle, City Engineer JWC

CC: Bea Aamodt, Public Works Director
File

Date: 08/28/15

Re: Chateau Villas
Preliminary and Final Plat Review

General Comments:

1. The Plats seem to indicate that the Storm Water Retention Pond is to be included in the Plat. Before a re-plat is proposed, written agreement by the owner(s) of the Pond must be provided. If a re-plat is not proposed, the area should be labeled according to the Plat in which it is dedicated.
2. The CLOMR approval does not appear to have been incorporated into the boundaries for either the Shaded X or AE zones but rather appear to show pre-development conditions. If the inclusion of floodplain boundaries are not required as part of the Platting process, I would recommend their removal. If they are required, I recommend that they reflect the final disposition of the boundaries in accordance with an approved LOMR.
3. Conceptual utility layouts were not provided on the Preliminary Plat.
4. Standard (17.5') perimeter Utility Easement corridors do not appear to have been provided along the west and north sides of Lot 3 or Lot 4, Block 1.
5. Additional labeling and clarification should be provided for the various lines on the east side of the Plat. No perimeter Utility Easements have been included along the east side of the development.
6. Additional comments on Utility Easements and Mutual Access Easements will be provided as part of the Plan Review Comments.
7. The Covenants refer to "Bixby Memory Care" and do not appear to address maintenance responsibilities for the Storm Water Detention Pond.

85

CITY OF BIXBY FIRE MARSHAL

Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 09-17-2015

Re: PUD 81 "Chateau Villas"

PUD 81 "Chateau Villas" are approved by this office with the following conditions:

1. Fire Hydrant spacing shall be no further than 300 feet apart. All hydrants shall be operable before construction begins.
    - Brand- AVK or Mueller , Color- Chrome Yellow
    - Fire line supporting the fire hydrants shall be looped.
    - Fire hydrant distribution shall be installed as per meeting with Jason Mohler.
2. All roads and Second means of access capable of supporting an imposed load of 75,000 pounds shall be in place before construction. (IFC 2009 Appendix D)
    - Turn Around shall conform to 2009 IFC Chapter 5 and Appendix D
    - Fire Lanes shall be installed per 2009 IFC Chapter 5 and Appendix D. Shall be addressed as last project.
    - Main entrance shall have 15 foot face of curb to face of curb drive.
    - Fire Apparatus access roads shall extend to within 150 feet of all portions of the facility or portions of the exterior walls. (2009 IFC 503.1.1)
        - One (1) hour fire rated breezeways with sprinkler coverage will allow for hose lay distances.
    - Gate shall conform to City of Bixby Ordinance 9-7-2
        - Recommend radio transmitters for emergency vehicle access.
3. Each building shall be addressed independently to allow emergency response with Fire Alarm system.
4. All open ended corridors/breezeways and balconies shall be sprinkled.

86

5. Property Line – Whenever the exterior wall is located in excess of 11 feet and less than 30 feet at any point from the nearest property line, the wall shall have a fire resistance rating of at least one (1) hour per City of Bixby Ordinance 9-7-2.

6. Turn radiuses to be further discussed with Mr. Mohler as we noted some areas of concern during our meeting.

7. One (1) hour fire ratings between units with two (2) hour separation walls to meet fire area requirements per IBC 2009.

8. Balconies shall be of non-combustible construction.

9. Future development "A" has limited ingress/egress would be approved with appropriate sprinkler protection and/or building area limitations.

Joey Wiedel

9-17-2015

Date

MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
September 02, 2015 – 10:00 AM

MEMBERS PRESENT
Jim Peterson, *BTC Broadband*

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

OTHERS PRESENT
Alan Betchan, PE, CFM, *AAB Engineering, LLC*
Jason Mohler, PE, *Cedar Creek Consulting, Inc.*

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

Jason Mohler was the only design professional in attendance. Erik Enyart asked, and Mr. Mohler stated that he was the only one expected to attend for the Chateau Villas applications, as Kevin Jordan was out of the country and the architect is in the Kansas City area. Mr. Enyart stated that, due to those in attendance at this time, the agenda items would be taken out of order and the Chateau Villas items would be discussed together at this time.

3. **Preliminary Plat & Final Plat – "Chateau Villas" – Cedar Creek Consulting (PUD 81).** Discussion and review of a Preliminary Plat and a Final Plat for "Chateau Villas," 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. 121st St. S.

4. **BSP 2015-06 – "Chateau Villas" – Cedar Creek Consulting (PUD 81).** Discussion and review of a PUD Detailed Site Plan and building plans for "Chateau Villas," a Use Unit 8 multifamily residential and commercial development 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. 121st St. S.

Erik Enyart introduced the two (2) related items and summarized the location and the situation. Mr. Enyart recounted the zoning and development review history of the subject property, including the PUD and rezoning in late 2013, the approval of the rezoning and PUD by ordinance in early 2014, the ordinance provision allowing the reversion of the former PUD and underlying zoning patterns if the PUD were abandoned, due to the developer not being in title to the property, the developer's acquisition of the 16-acre tract in mid-2014, the family-related complications delaying the

acquisition of the 7-acre tract on Memorial Dr. with the split-level house, the developer's acquisition of the 7-acre tract in late 2014, the resumption of development plans with PUD 81 Major Amendment # 1 in early 2015, to allow for the change to four (4) stories with elevators and the modification of masonry standards, the departure of Larry Kester with Architects Collective prior to Major Amendment approval, and the engagement of the new architect which allowed the approval of the Major Amendment in June, 2015.

Alan Betchan arrived around this time. Erik Enyart noted to Alan Betchan that the agenda items had been taken out of order and the Chateau Villas items were being discussed at this time.

Erik Enyart asked Alan Betchan if he was still engaged with the Chateau Villas project from a drainage and FEMA LOMR standpoint. Mr. Betchan stated that it depended on the final design and the inclusion of other properties, but that the development design was being handled first. Mr. Enyart confirmed that, upon the completion of the civil site design and completion of construction, Mr. Betchan would be doing the LOMR. Mr. Betchan noted that the development had a couple different options as to final drainage/LOMR design. Mr. Betchan described the downstream channel modifications completed so far, and the other channel modifications and grading yet to be completed on the subject property, which would be related to an upstream development area if included in the overall design.

Erik Enyart noted that the Applicant was seeking approval of the Preliminary Plat, Final Plat, and PUD Detailed Site Plan. Mr. Enyart noted that review comments requiring changes on one will likely require changes on the other. Jim Peterson confirmed that all of these applications were being proposed at once, and noted that a lot of work was still required. Jason Mohler noted how much work had to be done to get the project to this point so quickly. Mr. Mohler confirmed with Erik Enyart that the applications would be on the September 21, 2015 Planning Commission agenda and September 28, 2015 City Council agenda. Mr. Mohler stated that his clients would like to "move dirt" this Fall. Mr. Mohler stated that the developer would like to start the grading and utility work in the Fall, and that the Building Permit issuance would follow subsequently.

Joey Wiedel noted that the site and building designs had changed, and asked about the building heights. Mr. Wiedel referred to correspondence provided by the previous Architect Larry Kester regarding site and building plan modifications offered in order to allow the buildings to go up to a 50' maximum height. Jason Mohler stated that he would ask the architect to come down and visit with Mr. Wiedel to discuss these architectural matters.

Joey Wiedel discussed with Jason Mohler and Alan Betchan the 150' maximum hose-lay requirement with [buildings employing fire sprinkler systems]. Mr. Wiedel discussed the standard in relation to the large, long buildings fronting the stormwater retention pond in *121st Center*. Alan Betchan asked if standpipes could be used, and Mr. Wiedel indicated agreement. Mr. Wiedel discussed the history behind the 4th story and 50' building height from the Fire Department's standpoint. Erik Enyart noted that there had been concern for setting a precedent for allowing four (4) stories and 50', along the lines of, 'if we do it once, we may be asked to do it again, and then what?'

89

Joey Wiedel asked about the commercial building. Erik Enyart stated that the building was represented on the plans but no elevations were provided. Jason Mohler and Mr. Wiedel discussed that the building was "conceptual" in nature. Mr. Enyart stated that the City gets excited when things show upon plans, because it then had to determine how to respond to them. Mr. Enyart indicated the building should be labeled as "conceptual" since it was not a part of what was being built at this time.

Joey Wiedel, Jason Mohler, and Alan Betchan discussed maximum hose-lay standards at 150', 200', 300', and 600' for the subject development, other development types, the subject development and other development types with other modifications, and all the same in certain other jurisdictions. Mr. Wiedel, Mr. Mohler, and Mr. Betchan discussed Fire Code Appendices B, C, and D. Mr. Wiedel explained that the City of Bixby had not adopted Appendices B or C, as certain other jurisdictions had. Mr. Wiedel discussed fire flow testing arrangements. Mr. Wiedel noted that the 14'-wide gates needed to be widened to 15'.

Discussion ensued pertaining to the hose-lay length standard, building heights and widths, standpipes, fire lane separation from the buildings pertaining to aerial fire suppression, and related matters. Erik Enyart confirmed with Jason Mohler that the plans showed paving up to the westerly buildings, with [first floor embedded garages]. Joey Wiedel referred to the letter from previous Architect Larry Kester. Erik Enyart indicated that the particulars offered within the letter were still in effect, since the letter became part of the PUD 81 Major Amendment # 1's approval document corpus.

Erik Enyart stated that a central review comment would be the representation of modifications to the existing stormwater retention pond in Reserve A of *121st Center*. Mr. Enyart stated that representing this presupposed that the developer would acquire the property or a controlling interest in it, such as would allow the developer to make modifications. Mr. Enyart stated that Kevin Jordan had asked him, prior to application submission, if it would be acceptable to show this on the PUD Detailed Site Plan, and he had said that it would be acceptable if it were labeled such that the improvements were subject to the developer acquiring the rights to modify the property. Mr. Enyart stated that he had considered it not appropriate to show such changes on the PUD entitlement documents, but for a PUD Detailed Site Plan, which should be 100% 'ready-to-built-as-shown,' this would be acceptable with the proper caveats.

Erik Enyart stated that he would be working on the Staff Report and would provide it to the Applicant as soon as he could finish it.

Erik Enyart asked Jim Peterson if he had any questions or comments from a utility standpoint. Mr. Peterson expressed concern that the plat showed no internal U/Es corresponding to building locations, or plans for service connection locations. Jason Mohler stated that there were perimeter U/Es but that water and sewer would both be private, and indicated that other utilities were expected to be so as well. Alan Betchan stated that the plat typically contains language that states that the gas company [and/or other utilities] gets a 5'-wide U/E, 2.5' on either side of wherever the gasline lies. Mr. Mohler stated that there would be a master meter and internal lines would be built to Public standards. Mr. Enyart stated that the City of Bixby likes water and sewer in greenspaces, and suggested that the other utility companies might also like that arrangement. Mr. Enyart noted that

90

they had to sign off on the plat, and some of them may want specific, defined internal U/Es. Mr. Mohler and Mr. Peterson discussed the likelihood and likely particulars of Cox Communications providing service to the development.

Joey Wiedel discussed fire grading for Building A and the commercial building.

Erik Enyart noted that the new design was more "urban," and the configuration, including the clubhouse within the large building complex, was unique to this area. Jason Mohler stated that this was why Kevin Jordan had hired [*NSPJ Architects* of Prairie Village, KS], as multifamily was their specialty.

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.

2. **PUD 91 – "The Village at Twin Creeks" – AAB Engineering, LLC.** Discussion and review of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 6 acres in part of the W/2 of the W/2 of Section 31, T18N, R14E.
   Property Located: 11625 S. Mingo Rd.

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart stated the PUD proposed a housing addition development with RS-2 underlying zoning and flexibility on lot widths and other bulk and area standards. Mr. Enyart stated that, as the City had been requesting, the PUD included development standards on minimum house sizes and 100% masonry, less trim. Mr. Enyart stated that there was a "wrinkle" in the schedule, as the newspaper did not publish the Public Notice in time, and so he had asked the Applicant if they wanted to ask the Chair to call a Special Meeting, subject to achieving quorum, or reschedule for the October Regular Meeting. Alan Betchan stated that he would like to have a Special Meeting, and Mr. Enyart agreed to make the request. Mr. Betchan indicated that he and his client would prefer not to use an Emergency Clause option on the approval ordinance. Mr. Enyart consulted his calendar and noted that the ordinance First Reading could occur October 12, 2015 and the Second Reading and adoption by majority vote could occur on October 19, 2015. Mr. Betchan clarified with Mr. Enyart that the application submission deadline for plats for the October 19, 2015 Planning Commission was September 21, 2015.

Joey Wiedel and Alan Betchan discussed gate location design matters and as it related to an amendment made to the Fire Code a couple years prior in response to a specific housing addition development.

Alan Betchan noted that the water and sewer would both be along the street, and that the developer would like franchise utilities to be in the backs of the lots. Erik Enyart confirmed with Mr. Betchan that the waterlines and sewerlines would be on opposite sides of the street. Mr. Betchan stated that sewer would be on the north side and water on the south side. Mr. Betchan noted that ONG would bore under the street. Mr. Betchan stated that the addition was being developed by High Pointe Homes and a second builder.

91

Alan Betchan confirmed with Joey Wiedel that the City would want the existing fire flow tested first, rather than testing the new line. Mr. Wiedel stated that, if the existing flows were poor, this would likely require the increase in the number of fire hydrants. Discussion ensued regarding fire flow standards and methods for meeting code requirements.

Discussion ensued pertaining to various rural water district and municipal water relations in the greater Tulsa area.

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

5. Old Business – None.

6. New Business – None.

7. Meeting was adjourned at 11:26 AM.

92

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, September 02, 2015

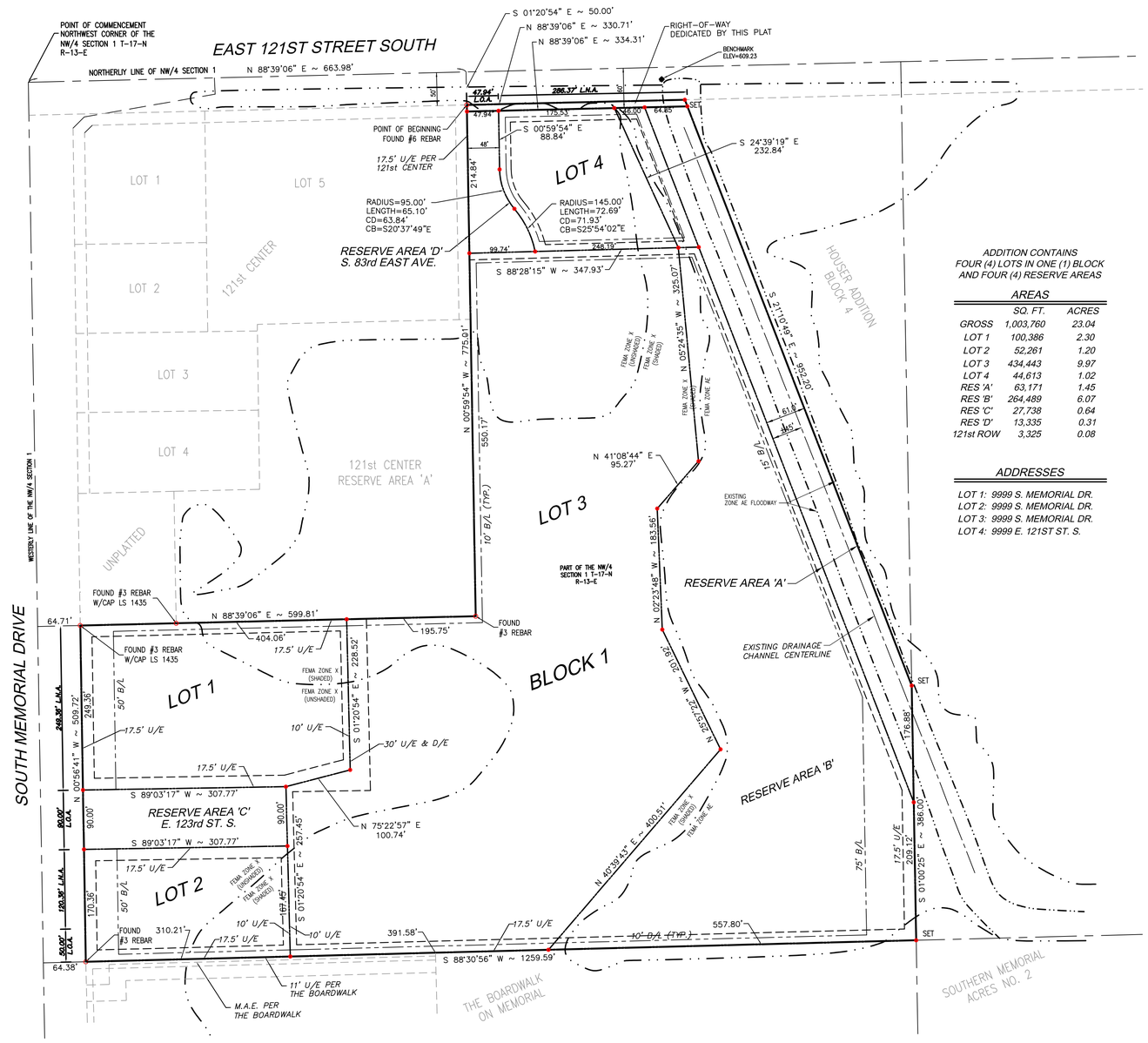
NAME	COMPANY	PHONE
1. Erik Enyart	City of Bixby	918 366 4430
2. Jim Peterson	BTC Broadband	918-366-0253
3. Joey Wiedel	City of Bixby	918-366-0436
4. Alan Betchan	AAA Engineering	918-514-4883
5. Jason Mohler	Cedar Creek	918-619-2113
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

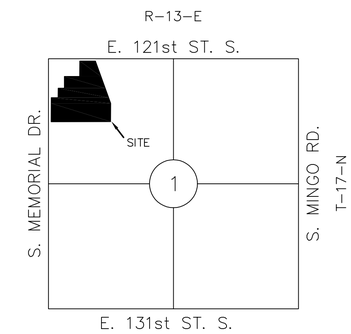
FINAL PLAT
(PUD 81)
CHATEAU VILLAS

A PART OF THE NW/4 OF THE NW/4 OF
SECTION 1, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE I.M.,
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA

1" = 100'

0' 100' 200' 300'





VICINITY MAP
1" = 2000'

BENCHMARK

CHISELED BOX ON TOP OF CONCRETE HEADWALL APPROXIMATELY 31 FEET NORTH AND 35 FEET WEST OF THE NORTHEAST CORNER OF SUBJECT TRACT.

ELEV. = 609.23' (NAVD '88)

ADDITION CONTAINS FOUR (4) LOTS IN ONE (1) BLOCK AND FOUR (4) RESERVE AREAS

AREAS

	SQ. FT.	ACRES
GROSS	1,003,760	23.04
LOT 1	100,386	2.30
LOT 2	52,261	1.20
LOT 3	434,443	9.97
LOT 4	44,613	1.02
RES 'A'	63,171	1.45
RES 'B'	264,489	6.07
RES 'C'	27,738	0.64
RES 'D'	13,335	0.31
121st ROW	3,325	0.08

ADDRESSES

LOT 1: 9999 S. MEMORIAL DR.
LOT 2: 9999 S. MEMORIAL DR.
LOT 3: 9999 S. MEMORIAL DR.
LOT 4: 9999 E. 121ST ST. S.

BASIS OF BEARING:

The bearing of North 88°39'06" East, along the north line of the Northwest Quarter of Section 1, Township 17 North, Range 13 East of the Indian Meridian, Tulsa County, Oklahoma was used as the basis of bearing for this survey.

NOTES:

1. *THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.*
2. *SURVEYOR HAS EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, CITY OF BIXBY, TULSA COUNTY, OKLAHOMA AND UNINCORPORATED AREAS, MAP #40143C0432L, REVISED DATE OCTOBER 16, 2012, WHICH SHOWS THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE X AND ZONE AE. SHOWN HEREON FOR GRAPHICAL PURPOSED ONLY.*

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

CHATEAU VILLAS LP, *HEREINAFTER COLLECTIVELY REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:*

A TRACT OF LAND BEING PART OF THE NW/4 OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 13 EAST, I.B.M., TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW/4 OF SECTION 1;
THENCE NORTH 88°39'06" EAST ALONG THE NORTH LINE OF SAID NW/4 A DISTANCE OF 663.98 FEET;

THENCE SOUTH 01°20'54" EAST PERPENDICULAR TO SAID NORTH LINE A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF EAST 121ST STREET SOUTH, POINT BEING THE POINT OF BEGINNING;

THENCE NORTH 88°39'06" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY A DISTANCE OF 330.71 FEET TO THE NORTHWEST CORNER OF HOUSER ADDITION, BLOCK 4;

THENCE SOUTH 21°10'49" EAST ALONG THE WEST LINE OF HOUSER ADDITION A DISTANCE OF 952.20 FEET TO A POINT ON THE EAST LINE OF GOVERNMENT LOT 4;

THENCE SOUTH 01°00'25" EAST ALONG SAID EAST LINE A DISTANCE OF 386.00 FEET TO THE SOUTHEAST CORNER OF GOVERNMENT LOT 4;

THENCE SOUTH 88°30'56" WEST ALONG THE SOUTH LINE OF GOVERNMENT LOT 4 A DISTANCE OF 1259.59 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE;

THENCE NORTH 00°56'41" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 509.72 FEET;

THENCE NORTH 88°39'06" EAST A DISTANCE OF 599.81 FEET TO THE SOUTHEAST CORNER OF RESERVE AREA "A" AS RECORDED IN THE PLAT OF 121ST CENTER;

THENCE NORTH 00°59'54" WEST ALONG THE EAST LINE OF SAID PLAT OF 121ST CEMTER A DISTANCE OF 775.01 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 1,003,760 SQUARE FEET OR 23.04 ACRES.

CHATEAU VILLAS LP, *HEREINAFTER COLLECTIVELY REFERRED TO AS THE "OWNER/DEVELOPER" HAS CAUSED THE ABOVE DESCRIBED LANDS TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED AND DEDICATED , ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO FOUR (4) LOTS IN ONE (1) BLOCK AND FOUR (4) RESERVE AREAS IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT") AND HAS ENTITLED AND DESIGNATED THE ADDITION AS "* ***CHATEAU VILLAS"****, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER THE "ADDITION" = "SUBDIVISION" =* ***"CHATEAU VILLAS"****).*

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
L.O.A.	– LIMITS OF ACCESS
L.N.A.	– LIMITS OF NO ACCESS
M.A.E.	– MUTUAL ACCESS EASEMENT
○	– FOUND MONUMENTS
●	– SET MONUMENTS

DATE OF PREPARATION: DECEMBER 18, 2015

0WNER: KEVIN JORDAN
CHATEAU VILLAS LP
BLACK GOLD GROUP
2021 S. LEWIS AVE., SUITE 301
TULSA, OKLAHOMA 74104
918.585.5900

ENGINEER: JASON C. MOHLER, P.E.
CEDAR CREEK CONSULTING
OKLAHOMA P.E. NO. 21115
CERTIFICATE OF AUTHORIZATION NO: 5864
EXPIRES: JUNE 30, 2016
918.619.2113

SURVEYOR: JOSHUA R. LAMB, P.L.S.
TULSA LAND SURVEYING
OKLAHOMA L.S. NO. 1678 (OK P.E. NO. 24902)
CERTIFICATE OF AUTHORIZATION NO: 6038
EXPIRES: JULY 31, 2016
918.794.6777

FINAL PLAT
(PUD 81)
CHATEAU VILLAS

A PART OF THE NW/4 OF THE NW/4 OF
SECTION 1, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE I.M.,
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

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 "U/E" 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 WITHIN THE UTILITY EASEMENTS, PROPERLY PERMITTED 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 APERTURES, 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 SUBECTION B SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

C. UNDERGROUND SERVICE:

1. STREET LIGHT POLES OR STANDARDS SHALL 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 ADDITION 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 ENFORCABLE 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 ENFORCABLE 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 PROPERLY PERMITTED LANDSCAPING AND PAVING OCCASIONED BY THE NECESSARY INSTALLATION OF OR MAINTENANCE TO THE UNDERGROUND WATER, SEWER, STORM WATER, GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THAT THE CITY OF BIXBY, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

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 SOUTH MEMORIAL DRIVE AND EAST 121st STREET SOUTH WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" OR "L.N.A." ON THE PLAT, EXCEPT AS MAY HEREINAFTER 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.

CHATEAU VILLAS - RESERVE AREA 'A'

THE OWNER DOES HEREBY DEDICATE, CREATE, ESTABLISH AND DECLARE A PERMANENT, NON-EXCLUSIVE DRAINAGE EASEMENT OVER, THROUGH, UPON AND ACROSS THAT PORTION OF THE PROPERTY SHOWN ON THE ACCOMPANYING PLAT AS RESERVE AREA 'A'. SAID DRAINAGE EASEMENT IS ESTABLISHED IN ACCORDANCE WITH THE CONSTRUCTION PLANS FOR FRY DITCH TRIBUTARY 1 RECHANNELIZATION PROJECT. MAINTENANCE OF THIS RESERVE AREA WILL BE THE RESPONSIBILITY OF THE CITY OF BIXBY.

CHATEAU VILLAS - RESERVE AREA 'B'

THE AREA DESIGNATED ON THE ACCOMPANYING PLAT AS RESERVE AREA 'B' IS HEREBY ESTABLISHED BY GRANT OF THE OWNER AS A TEMPORARY EASEMENT CONTAINING THE EXISTING 1% (100-yr) FEMA FLOOD BOUNDARY. IT IS HEREBY ACKNOWLEDGED THAT A CLOMR HAS BEEN APPROVED BY FEMA, CONSTRUCTION OF THE CHANNEL IMPROVEMENTS HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED CLOMR PLANS (CONSTRUCTION PLANS FOR FRY DITCH TRIBUTARY 1 RECHANNELIZATION), AND THE LOMR HAS BEEN SUBMITTED TO FEMA FOR ACCEPTANCE. THE AMENDED 1% (100-yr) FEMA FLOOD BOUNDARY WILL BE CONTAINED WITHIN RESERVE AREA 'A'. UPON FEMA'S ACCEPTANCE OF THE AMENDED 1% (100-yr) FEMA FLOOD BOUNDARY, THE OWNER RESERVES THE RIGHT TO FILE AN AMENDED CHATEAU VILLAS PLAT ON WHICH RESERVE AREA 'B' WILL BE COMBINED WITH LOT 3, BLOCK 1.

CHATEAU VILLAS - RESERVE AREA 'C'

THE OWNER DOES HEREBY DEDICATE, CREATE, ESTABLISH AND DECLARE A PERMANENT, NON-EXCLUSIVE PRIVATE STREET RIGHT-OF-WAY (R.O.W.) OVER, THROUGH, UPON AND ACROSS THAT PORTION OF THE PROPERTY SHOWN ON THE ACCOMPANYING PLAT AS RESERVE AREA 'C'. THE STREET NAME FOR SAID RESERVE AREA 'C' SHALL BE "EAST 123rd STREET SOUTH".

THE AREA IS HEREBY ESTABLISHED AS A MEANS OF INGRESS AND EGRESS TO, FROM AND BETWEEN THE LOTS WITHIN THE ADDITION ADJOINING SUCH PRIVATE STREET R.O.W. AND SUCH R.O.W. SHALL BE FOR THE MUTUAL USE AND BENEFIT OF THE RECORD OWNERS OF EACH AFFECTED LOT, THEIR GRANTEES, SUCCESSORS, ASSIGNS, TENANTS, GUESTS AND INVITEES AND SHALL BE APPURTENANT TO EACH AFFECTED LOT. ANY DRIVEWAY, AISLE, WALKWAY, CURB CUT AND OTHER IMPROVEMENTS LOCATED WITHIN SUCH R.O.W. SHALL BE MAINTAINED IN GOOD CONDITION AND SHALL BE REPAIRED AND REPLACED AS NECESSARY, AT THE SOLE COST AND EXPENSE OF THE OWNER OF THE LOT UPON WHICH IMPROVEMENT SERVES.

MAINTENANCE OF THIS RESERVE AREA SHALL BE THE RESPONSIBILITY OF THE CHATEAU VILLAS PROPERTY OWNERS ASSOCIATION WHICH SHALL BE FORMED PRIOR TO THE SALE OF ANY LOTS WITHIN THE CHATEAU VILLAS ADDITION.

CHATEAU VILLAS - RESERVE AREA 'D'

THE OWNER DOES HEREBY DEDICATE, CREATE, ESTABLISH AND DECLARE A PERMANENT, NON-EXCLUSIVE PRIVATE STREET RIGHT-OF-WAY (R.O.W.) OVER, THROUGH, UPON AND ACROSS THAT PORTION OF THE PROPERTY SHOWN ON THE ACCOMPANYING PLAT AS RESERVE AREA 'D'. THE STREET NAME FOR SAID RESERVE AREA 'D' SHALL BE "SOUTH 83rd EAST AVENUE".

THE AREA IS HEREBY ESTABLISHED AS A MEANS OF INGRESS AND EGRESS TO, FROM AND BETWEEN THE LOTS WITHIN THE ADDITION ADJOINING SUCH PRIVATE STREET R.O.W. AND SUCH R.O.W. SHALL BE FOR THE MUTUAL USE AND BENEFIT OF THE RECORD OWNERS OF EACH AFFECTED LOT, THEIR GRANTEES, SUCCESSORS, ASSIGNS, TENANTS, GUESTS AND INVITEES AND SHALL BE APPURTENANT TO EACH AFFECTED LOT. ANY DRIVEWAY, AISLE, WALKWAY, CURB CUT AND OTHER IMPROVEMENTS LOCATED WITHIN SUCH R.O.W. SHALL BE MAINTAINED IN GOOD CONDITION AND SHALL BE REPAIRED AND REPLACED AS NECESSARY, AT THE SOLE COST AND EXPENSE OF THE OWNER OF THE LOT UPON WHICH IMPROVEMENT SERVES.

MAINTENANCE OF THIS RESERVE AREA SHALL BE THE RESPONSIBILITY OF THE CHATEAU VILLAS PROPERTY OWNERS ASSOCIATION WHICH SHALL BE FORMED PRIOR TO THE SALE OF ANY LOTS WITHIN THE CHATEAU VILLAS ADDITION.

SECTION II. PLANNED UNIT DEVELOPMENT

"CHATEAU VILLAS" IS SUBJECT TO PLANNED UNIT DEVELOPMENT (PUD NO. 81) WHICH WAS APPROVED BY THE CITY OF BIXBY PLANNING COMMISSION ON MARCH 25, 2015, AND BY THE BIXBY CITY COUNCIL ON MARCH 30, 2015.

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 - Area A

Land Area

Gross Lot Area:	209,987 sq. ft.	4.83 ac
Net Lot Area:	177,082 sq. ft.	4.03 ac

Permitted Uses

Uses permitted by right (including all uses customarily accessory thereto) within the CS district except any Sexually Oriented Business (as defined by Zoning Code Section 11-7D-6) and Use Unit 19 shall be restricted to Hotel uses only. The following special exception uses shall also be allowed:

Use Unit 15: Other Trades and Services
Use Unit 17: Automotive and Allied Activities
Use Unit 18: Drive-in Restaurants

Maximum Building Square Footage 56,600 sq. ft.

Minimum Building Setbacks

South Memorial Drive Right of Way	50 FT
All other Boundaries	10 FT*

*Building line shown shall be the minimum allowed and may be increased due to the proximity of the existing offsite structures and drainage facilities or as required for utility installation within perimeter easements.

Maximum Building Height: 30 FT

Lighting

All parking and building mounted lighting shall be oriented to minimize light leaving the development. All lights shall face down and away from the boundary of the development. All pole mounted lighting shall be located to minimize light crossing property lines. No lighting standard shall exceed 30' in height as measured from the pavement to the light fixture. A lighting standard of 0 foot candles shall be enforced at the eastern boundary of Development Area D.

Signage

Signs shall be limited to the following:

- One double sided project identification ground sign not exceeding 25' in height shall be permitted along Memorial Drive, provided it does not exceed 175 square feet of display surface area per side. Signage for both Development Areas A and B shall be allowed on this sign.
- One double sided ground sign not exceeding 20' in height shall be permitted for each lot along Memorial Drive, provided it does not exceed 100 square feet of display surface area per side.
- Wall signs shall be limited to 2 square feet per linear foot of building wall to which the signs are affixed.
- No roof or projecting signs shall be permitted.

Screening

All trash and mechanical areas shall be screened from public view of person standing at ground level. A fabric mesh with a minimum opacity of 95% may be allowed on enclosure doors. The fencing between Development Area A and Development Area B will be provided by a security fence with a mix of wood screening fences and wrought iron fence with masonry columns. Limits of and configuration of screening will be determined at PUD detailed site plan submittal.

Landscaping

The PUD shall meet the requirements of Chapter 12 Landscape Requirements of the City of Bixby Zoning code in all other manners.

Development Standards - Area B

Land Area

Gross Lot Area:	709,114 sq. ft.	16.28 ac
Net Lot Area:	709,114 sq. ft.	16.28 ac

Permitted Uses

Uses permitted by right (including all uses customarily accessory thereto) within the following Use Units: Use Unit 8: Multi-Family Dwelling and Similar Uses

Maximum Number of Dwelling Units Allowed: 375 - Units (Total Maximum)
75 - Single Bedroom (Minimum)
300 - Two Bedroom (Maximum)

Dwelling unit plans will be provided with the PUD Detailed Site Plan submittal.

Minimum Building Setbacks

West Development Boundary (Memorial) to 4 story portions:	500 FT
South Development Area Boundary:	10 FT
Eastern Line of Development Area D (Houser Addn):	75 FT
Eastern Line of Development Area D (Houser Addn) to 4 story portions:	200 FT
All other Boundaries	10 FT*

*Building line shown shall be the minimum allowed and may be increased due to the proximity of the existing offsite structures and drainage facilities or as required for utility installation within perimeter easements.

Maximum Building Height: 50 FT

Maximum Number of Stories: Four Stories

Building Description:

Development Area B will have a range of 2-story, "Carriage Homes" and 3-story & 4-story apartment buildings. All buildings will have attached enclosed garages with central breezeway corridors and enclosed stairs. The 4-story apartment buildings will have elevator service. There will also be carports distributed throughout the development area

Building Façades

Not less than 40% of all buildings facades within Development Area B, on average, shall be constructed of masonry (including stone, "concrete stone masonry material" (a.k.a. "manufactured stone" / "synthetic stone"), "brick veneer masonry" and stucco) and not less than 60% of all buildings within Development Area B, on average, shall be constructed with masonry alternatives (including only fiber cement cladding), which percentages may exclude negligible amounts of trim, such as pre-finished metal accents from the ground at the building to the top floor top plate. Provided no building shall have less than 25% masonry, as used herein. Building facades directly facing Memorial Dr. and 121st St. shall have 75% masonry, as used herein, and facades shall be determined by the City Council at Detailed Site Plan review.

Conceptual proposed architecture character elevations of a 4-story Apartment building are included as Exhibit J. Final building elevations for every building side, but only one (1) per each unique building type shall be submitted for council review at the time of detailed site plan.

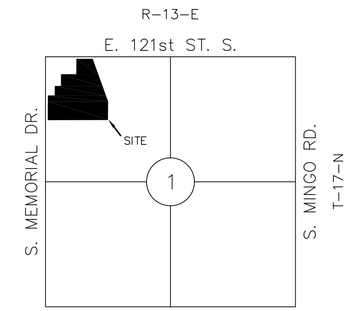
Lighting

All pole mounted and building mounted lighting shall be oriented to minimize light leaving the development. All lights shall be designed or have the ability to control the light pattern to minimize the light leaving the site at the boundary of the development. The mounting height of each fixture light shall not exceed 30' as measured from the pavement to the light fixture. A maximum light level of .00 foot candles shall be obtained at the Eastern boundary of Development Area D. A photometric study will be provided to verify the .00 foot candle measurement at the property line. All lights shall face down and away from the boundary of the development.

Signage

Signs shall be limited to the following:

- Wall signs shall be limited to 2 square feet per linear foot of building wall to which the signs are affixed, or 50 square feet, whichever is less. Wall signs shall be limited to the clubhouse and / or office building. Apartment buildings shall be permitted two (2) address signs per building, limited to four (4) square feet per each such sign.
- No roof or projecting signs shall be permitted.
- Directional signage limited to 6 square feet of display surface area per side and customary parking and driveway signage will be permitted subject to Detailed Site Plan approval.



VICINITY MAP
1" = 2000'

Screening

All trash and service areas shall be screened from public view of person standing at ground level. A fabric mesh with a minimum opacity of 95% may be allowed on enclosure doors. Screening and security separation between Development Area B and the surrounding properties/development areas will be provided by a mix of wood screening fences and wrought iron fence with masonry columns.

Fencing between the adjacent mini storage uses is proposed to be a 6' solid wood screening fence. A security fence, constructed of ornamental iron and masonry columns shall be allowed between Development Area B and adjacent Development Areas A & C. The limits and configuration of screening are shown on Exhibit "B", the details of which shall be determined at detailed site plan submittal.

Landscaping

Minimum internal landscaped space: 30%

Landscaping space is noted on Exhibit "B" as lawn area. These areas will contain sod, plants and trees.

The PUD shall meet the requirements of Chapter 12 Landscape Requirements of the City of Bixby Zoning code in all other manners.

Landscape screening / buffering along the East and South boundaries shall be at least as good, if not superior to that conditionally approved for the former "North Bixby Commerce Park" development, as will be determined by the City Council

0WNER: KEVIN JORDAN
CHATEAU VILLAS LP
BLACK GOLD GROUP
2021 S. LEWIS AVE., SUITE 301
TULSA, OKLAHOMA 74104
918.585.5900

ENGINEER: JASON C. MOHLER, P.E.
CEDAR CREEK CONSULTING
OKLAHOMA P.E. NO: 21115
CERTIFICATE OF AUTHORIZATION NO: 5864
EXPIRES: JUNE 30, 2016
918.619.2113

SURVEYOR: JOSHUA R. LAMB, P.L.S.
TULSA LAND SURVEYING
OKLAHOMA L.S. NO. 1678 (OK P.E. NO. 24902)
CERTIFICATE OF AUTHORIZATION NO: 6038
EXPIRES: JULY 31, 2016
918.794.6777

DATE OF PREPARATION: DECEMBER 18, 2015

RESTRICTIVE COVENANTS CONTINUED

Development Standards - Area C

Land Area

Gross Lot Area:	86,466 sq. ft.	1.99 ac
Net Lot Area:	72,824 sq. ft.	1.67 ac

Permitted Uses

Uses permitted by right (including all uses customarily accessory thereto) within the CS district except any Sexually Oriented Business (as defined by Zoning Code Section 11-7D-6) and Use Unit 19.

Maximum Building Square Footage: 28,800 sq. ft.

Minimum Building Setbacks

East 121st Street South Right of Way:	50 FT
All other Boundaries:	10 FT

Maximum Building Height: 30 FT

Lighting

All parking and building mounted lighting shall be oriented to minimize light leaving the development. All lights shall face down and away from the boundary of the development. All pole mounted lighting shall be located to minimize light crossing property lines. No lighting standard shall exceed 30' in height as measured from the pavement to the light fixture. A lighting standard of 0 foot candles shall be enforced at the eastern boundary of Development Area D. All lights shall face down and away from the boundary of the development.

Signage

Signs shall be limited to the following:

- One double sided project identification ground sign not exceeding 25' in height shall be permitted along 121st Street, provided it does not exceed 175 square feet of display surface area per side. Signage for both Development Areas C and B shall be allowed on this sign.
- One double sided ground sign not exceeding 20' in height shall be permitted for each lot along 121st, provided it does not exceed 100 square feet of display surface area per side.
- Wall signs shall be limited to 2 square feet per linear foot of building wall to which the signs are affixed.
- No roof or projecting signs shall be permitted.

Screening

All trash and mechanical areas shall be screened from public view of person standing at ground level. A fabric mesh with a minimum opacity of 95% may be allowed on enclosure doors. Separation between Development Area C and Development Area B may be provided using either a wood screening fence and wrought iron fence with masonry columns. The limits and configuration of screening will be determined at detailed site plan submittal.

Landscaping

The PUD shall meet the requirements of Chapter 12 Landscape Requirements of the City of Bixby Zoning code in all other manners.

Landscape screening / buffering along the East boundary shall be at least as good, if not superior to that conditionally approved for the former "North Bixby Commerce Park" development, as will be determined by the City Council

Development Standards - Area D

Land Area

Gross Lot Area:	47,190 sq. ft.	1.03 ac
Net Lot Area:	44,747 sq. ft.	1.08 ac

Permitted Uses

Development Area D will be an open area used for storm sewer conveyance, floodplain, and landscaping. No buildings, parking, lighting, signage, or other above ground improvements shall be permitted. Such proscription shall not apply to fences or City of Bixby approved drainage improvements.

Screening

The east boundary of Development Area D will be screened from the adjoining residential district with a 8' wood offset screening fence, as shown herein, provided the city council may require modification at the time of Detailed Site Plan review screening fence shall conforming to Zoning Code Section 11-8-10. The fence shall be allowed to stop at the southwest corner of the Fire station property located immediately south of 121st Street.

Landscaping

The PUD shall meet the requirements of the City of Bixby Zoning code in all other manners.

Landscape screening / buffering along the East boundary shall be at least as good, if not superior to that conditionally approved for the former "North Bixby Commerce Park" development, as will be determined by the City Council.

Development Information and Standards for All Areas

Topography & Soils

The elevation of the existing site varies from approximately 612' along the Memorial frontage to 607' at the top of the tributary channel bank (all elevations referenced to the North American Vertical Datum). The Tributary channel drains from north to south with elevations ranging from 603' at the north to 601' at the south. The developed site will maintain this drainage pattern with the inclusion of a storm sewer system that will route onsite drainage to the Fry Ditch Tributary channel.

The Tulsa County Soils survey defines the onsite soils as 50% Choska Fine Sandy Loam and 50% Osage Silty Clay. A geotechnical engineer has been contracted to perform a preliminary soils analysis but the results are not yet complete.

The attached Exhibit D depicts an aerial of the existing site as well as topography.

Drainage

The tributary of Fry Ditch No. 1 has been widened to allow for the majority of the site to be removed from the FEMA floodplain. The widening of the tributary also removes the requirement of onsite detention. A CLOMR-F for the widening work was previously approved by FEMA. The work has mostly been completed with the notable exception of a need for additional fill along the southern portion of the site. This project will complete those fills and provide the necessary construction documentation for City of Bixby and FEMA approval. The proposed project grading and drainage plans, as well as any deviations from the previously approved CLOMR, will be submitted to City of Bixby for approval prior to any construction. Any widening or channel modifications will be covered by easements as required by City of Bixby Engineering and it is understood that the floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed.

The majority of the site will be graded to allow for surface water to drain directly to the improved tributary or be collected in an internal storm sewer system that will route it to the improved tributary. The final drainage and grading design will allow for an overland flow capacity capable of routing discharges from the existing total retention facility within 121st Center across the site to the tributary. This will be designed in conformance with City of Bixby Engineering Design Criteria.

Vehicular and Pedestrian Access and Circulation

The attached Exhibit B 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 private boulevard-style street and /or drive. 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 Chief, Fire Marshal and Engineering. Access to the lots within Development Area C will be derived by privately maintained streets and / or drives and shall not be permitted more than one (1) direct connections to 121st Street South per lot. All private driveway and/or street connections shall be subject to City Engineer curb cut and/or ODOT driveway permit approval for the proposed access points to Memorial Dr. (US Hwy 64) and 121st St. S., and the Fire Chief's and Fire Marshal's approval of locations, spacing, widths, and curb return radii.

Pedestrian connectivity will be provided by new sidewalks along all abutting public streets and 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. All sidewalk layouts will be developed and presented in detail at the PUD detailed site plan submittal.

Utilities

Water service is provided to the site by an existing 12" waterline along the north side of 121st Street South and an existing 12" waterline along the east side of Memorial Drive. A waterline loop will be constructed to provide fire protection and water service to Development Area B.

A 10" sanitary sewer line extends northwest to southeast on the east side of the tributary of Fry Ditch No. 1 along the eastern property line of the PUD. A line will be extended of this existing line to serve the site as required by the City of Bixby.

Other utility services are currently provided to the site and will continue to be provided via underground services. The required 17.5' perimeter utility easement may be reduced by wavier during the plating and site plan process. See attached Exhibit "F" for the conceptual improvements plan.

Parking

Parking shall be provided in accordance with the City of Bixby Zoning Code. Final parking requirements may be modified at the time of detailed site plan review.

Detailed Site Plan Review

No building permit shall be issued until a detailed site plan is submitted to and approved by the Bixby Planning Commission and City Council in accordance with the City of Bixby Zoning Code. Any standard requirements of the City of Bixby Fire Chief, Fire Marshal, City Engineer, and City Attorney shall be met as part of the PUD detailed site plan approval.

Requirement to Plat

No building permit shall be issued until a plat containing restrictive covenants memorializing the above development standards is prepared and filed in accordance with the City of Bixby Subdivision Regulations.

Schedule of Development

Development of the apartment complex is expected to begin in Summer of 2015.

SECTION III: ENFORCEMENT, DURATION, AMENDMENT & SEVERABILITY

A. ENFORCEMENT:

1. IF ANY LOT OWNER SHALL VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR THE CITY OF BIXBY OR ANY PERSONS OWNING A LOT WITHIN THE ADDITION TO MAINTAN AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT(S) TO PREVENT HIM/HER OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT(S) OR TO RECOVER DAMAGES FOR SUCH VIOLATION(S).

B. DURATION

1. THE RESTRICTIONS HEREIN SET FORTH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS GRANTEES, TRANSFEREES, SUCCESSORS AND ASSIGNS AND ALL PARTIES CLAIMING UNDER IT FOR A PERIOD OF THIRTY (30) YEARS FROM THE DATE OF RECORDING OF THIS DEED OF DEDICATION, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS AMENDED OR TERMINATED AS HEREAFTER PROVIDED.

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 EXCEUTED THIS _____ DAY OF _____, 2016.

CHATEAU VILLAS LP

BY: _____
KEVIN JORDAN, MANAGER

STATE OF _____)
) SS)
COUNTY OF _____)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2016 BY KEVIN JORDAN , AS MANAGER OF CHATEAU VILLAS LP .

NOTARY PUBLIC: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

CERTIFICATE OF SURVEY:

I, JOSHUA R. LAMB, 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 "**CHATEAU VILLAS"**, 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 _____, 2016.

BY: _____
JOSHUA R. LAMB, P.L.S.
OKLAHOMA PROFESSIONAL LAND SURVEYOR NO. 1678

STATE OF _____)
) SS)
COUNTY OF _____)

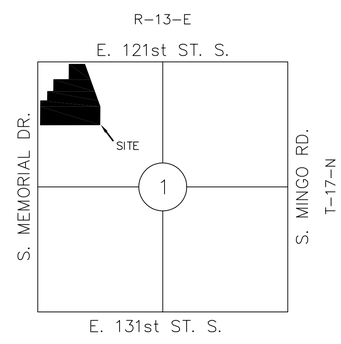
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS _____DAY OF _____, 2016 , PERSONALLY APPEARED TO ME JOSHUA R. LAMB KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____,2016.

NOTARY PUBLIC: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____



VICINITY MAP
1" = 2000'

DATE OF PREPARATION: DECEMBER 18, 2015

FINAL PLAT
(PUD 81)
CHATEAU VILLAS

A PART OF THE NW/4 OF THE NW/4 OF
SECTION 1, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE I.M.,
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA

0WNER: KEVIN JORDAN
CHATEAU VILLAS LP
BLACK GOLD GROUP
2021 S. LEWIS AVE., SUITE 301
TULSA, OKLAHOMA 74104
918.585.5900

ENGINEER: JASON C. MOHLER, P.E.
CEDAR CREEK CONSULTING
OKLAHOMA P.E. NO. 21115
CERTIFICATE OF AUTHORIZATION NO: 5864
EXPIRES: JUNE 30, 2016
918.619.2113

SURVEYOR: JOSHUA R. LAMB, P.L.S.
TULSA LAND SURVEYING
OKLAHOMA L.S. NO. 1678 (OK P.E. NO. 24902)
CERTIFICATE OF AUTHORIZATION NO: 6038
EXPIRES: JULY 31, 2016
918.794.6777