

ROLL CALL:

AYE: Baldwin, Holland, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

3. Approval of Minutes for the December 19, 2011 Regular Meeting (Record of No Meeting)
4. Approval of Minutes for the January 16, 2012 Regular Meeting (Record of No Meeting)
5. Approval of Minutes for the February 20, 2012 Regular Meeting (Record of No Meeting)

Chair Thomas Holland introduced the items and asked to entertain a Motion. Lance Whisman made a MOTION to APPROVE Consent Agenda Items numbered 3, 4, and 5, the Minutes as presented by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Baldwin, Holland, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

6. Case # AC-11-12-01. Discussion and possible action to approve wall sign(s) for “Lifetime Fitness Preview Center” at 10462 S. 82nd E. Ave. Ste. 105-106, Lot 7, Block 1, *Regal Plaza*.
7. Case # AC-12-01-01. Discussion and possible action to approve wall sign(s) for “Hine Dental Family Dentistry” at 12345 S. Memorial Dr. Ste. 104 in the *The Boardwalk on Memorial* shopping center, part of Lot 1, Block 1, *The Boardwalk on Memorial*.
8. Case # AC-12-01-02. Discussion and possible action to approve wall sign(s) for “South Tulsa Carpet & Tile” at 10807-B S. Memorial Dr., part of the SW/4 of Section 25, T18N, R13E.
9. Case # AC-12-01-03. Discussion and possible action to approve wall sign(s) for *My Dentist Dental Clinic* at 12106 S. Memorial Dr., Lot 1, Block 1, *Braums Addition*.
10. Case # AC-12-02-01. Discussion and possible action to approve wall sign(s) for Crosscreek / “The Crossing of South Tulsa, Inc.” at 12800 S. Memorial Dr., Lot 1, Block 1, *Crosscreek*.
11. Case # AC-12-02-02. Discussion and possible action to approve a relocated and improved ground sign, including an LED/Electronic bulletin/message board for *Bixby Free Will Baptist Church*, part of the W/2 SW/4 SW/4 of Section 24, T17N, R13E; 15801 S. Memorial Dr.
12. Case # AC-12-02-03. Discussion and possible action to approve a ground sign for *Stumpff & Cooke Insurance* at 12844 S. Memorial Dr. Ste. B, part of Lot 1, Block 1, *Clyde Miller Acreage*.
13. Case # AC-12-02-04. Discussion and possible action to approve a wall sign for *Midwest Sporting Goods* at 12005 S. Memorial Dr. in the *Town and Country Shopping Center*, All of Block 18, *Southern Memorial Acres Extended*.
14. Case # AC-12-02-05. Discussion and possible action to approve a ground sign for *Elevate AV* at 125 W. Needles Ave., Lots 18, 19, & 20, Block 9, *Midland Addition*.

15. Case # AC-12-02-06. Discussion and possible action to approve a wall sign for *FreshBerry*, to be relocated from 11085 S. Memorial Dr. to 11087/11089 S. Memorial Dr. in the “Market Place” shopping center.
16. Case # AC-12-03-01. Discussion and possible action to approve a wall sign for “Napoli’s Italian Restaurant” at 13330 S. Memorial Dr. Ste. 4 in the “Riverbend Shoppes” shopping center, Lots 1, 2, & 3, Block 1, *Riverbend Commercial Center Amended*.

Chair Thomas Holland introduced Consent Agenda Items numbered 6 through 16, inclusive, and asked Erik Enyart if any of them required any exceptions. Mr. Enyart stated that there were several months’ worth of sign permits to approve, as he did not see fit to call a meeting just to approve signs that had already been permitted. Mr. Enyart stated that there were several stories behind several of them, but in response to Mr. Holland’s question, any exceptions required were already approved in the form of a Variance. Mr. Enyart requested ratification of the approval given.

Larry Whiteley made a MOTION to APPROVE Consent Agenda Items numbered 6 through 16, inclusive. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Baldwin, Holland, Whiteley, & Whisman
 NAY: None.
 ABSTAIN: None.
 MOTION CARRIED: 4:0:0

PUBLIC HEARINGS

17. **BZ-355 – JR Donelson for Town & Country Real Estate Company.** Public Hearing, Discussion, and consideration of a rezoning request from [AG Agricultural] District to CS Commercial Shopping Center District for part of the N/2 NE/4 NE/4 of Section 02, T17N, R13E.
Property located: The 7700-block of E. 121st St. S.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Monday, March 12, 2012
RE: Report and Recommendations for:
 BZ-355 – Town & Country Real Estate Co.

LOCATION: – 7700-block of E. 121st St. S.
 – Part of the N/2 NE/4 NE/4 of Section 02, T17N, R13E
LOT SIZE: 1.6 acres, more or less
EXISTING ZONING: AG General Agricultural District
EXISTING USE: Agricultural
REQUESTED ZONING: CS Commercial Shopping Center District
SUPPLEMENTAL ZONING: None
SURROUNDING ZONING AND LAND USE:

North: (Across 121st St. S.) CS & CS/OL/PUD 51; Agricultural/vacant 11-acre tract to the northwest and vacant platted lots in Bixby Centennial Plaza.

South: AG & RS-3/OL/CS; Agricultural and the Easton Sod sales lot.

East: AG, CG, & CS; Agricultural and the Pizza Hut zoned CG and the My Dentist Dental Clinic zoned CS.

West: AG; Agricultural.

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

PREVIOUS/RELATED CASES: (not a complete list)

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

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

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area at approximately the 12600-block of S. Memorial Dr., located on part of the large 125-acre acreage tracts owned by Knopp abutting subject property to the west – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

BZ-135 – Eddie McLearn – Request for rezoning from AG to CS for approximately 19-acre tract at 12300 S. Memorial Dr. located 368' to the south of the subject property (now zoned RS-3, OL, and CS) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for approximately 19-acre tract at 12300 S. Memorial Dr. located 368' to the south of the subject property (now zoned RS-3, OL, and CS; same as BZ-135) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. 482).

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area at approximately 12340 S. Memorial Dr., located on part of the large 125-acre acreage tracts owned by Knopp abutting subject property to the west – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on part of the large 125-acre acreage tracts owned by Knopp abutting subject property to the west – BOA Conditionally Approved 04/02/2001 (not since built).

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

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the large 125-acre acreage tracts owned by Knopp abutting subject property to the west. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

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

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

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on approximately 12 acres at the southwest corner of the intersection of 121st St. S. and S. 73rd E. Ave. located approximately 800' to the west of the subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to

Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting “for more research and information,” based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site of approximately 14 acres at the southwest corner of 126th St. S. and Memorial Dr., were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property is relatively flat and appears to slope slightly to the southeast. It is zoned AG and appears to be agriculturally-used.

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

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 with the Corridor designation of the Comprehensive Plan Land Use Map.

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

For the reasons outlined above, the proposed CS zoning is In Accordance with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily CS, CG, and AG.

Across 121st St. S. to the northwest is an unplatted agricultural/vacant 11-acre tract zoned CS/OL/PUD 51. Across 121st St. S. to the north and northeast are vacant platted lots in Bixby Centennial Plaza zoned CS.

To the south is agricultural land zoned AG and the Easton Sod sales lot zoned RS-3, OL, and CS. Agricultural land zoned AG is west of the subject property.

Finally, to the east is agricultural land zoned AG, the Pizza Hut zoned CG, and the My Dentist Dental Clinic zoned CS.

The requested CS zoning would be a logical extension of the existing, established CS zoning district abutting to the north, and would be compatible with the CS and CG zoning to the north, east, and southeast and with future uses anticipated by surrounding zoning patterns.

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

Erik Enyart noted that, as someone had brought to his attention, the agenda item stated that the rezoning was to be from Residential to CS Commercial, and that this was not correct. Mr. Enyart stated that it was zoned AG Agricultural and was proposed to be rezoned to CS Commercial.

Chair Thomas Holland asked if the reference to “OL” zoning on the third page of the report was a typo, and Erik Enyart confirmed that it was.

Chair Thomas Holland indicated concern that the acreage in this area would be developed absent a master plan. Mr. Holland stated that this land was prime real estate, and Erik Enyart stated “Yes, it is.”

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant’s representative JR Donelson of 12820 S. Memorial Dr. # 100 stated that the rezoning was being done in anticipation that the entire sod farm area will be commercial or office.

Lance Whisman clarified with JR Donelson that the subject property of 1.6 acres was all that was being considered for rezoning as it was all the land that Mr. Donelson’s client owned. Mr. Donelson stated that it was a [full] two-acre piece under the original legal [description] but [was reduced by the widened] 121st St. S. right-of-way. Mr. Donelson stated that it was proposed to go commercial so that “it would be in tune with all the other properties surrounding it,” and so it could be included “as part of what’s in the rumor-mill.”

Chair Thomas Holland clarified with JR Donelson that it would not be developed with storage units. Mr. Donelson stated that the land was too small for that. Mr. Donelson continued by saying, “It’s too small by itself” and that it was “to be part of a [larger, overall development].”

Larry Whiteley stated, “It boils down to whoever owns the largest part,” and noted that the largest landowner would build the roads where they wanted them.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of CS Zoning as recommended by Staff. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Baldwin, Holland, Whiteley, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 6:20 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary