

**MINUTES**  
**PLANNING COMMISSION**  
**116 WEST NEEDLES**  
**BIXBY, OKLAHOMA**  
**April 16, 2012** **6:00 PM**

**STAFF PRESENT:**

Erik Enyart, AICP, City Planner

**OTHERS ATTENDING:**

Jerry D. Reeves, Investment Real Estate, LLC  
Darin Akerman, Sisemore, Weisz & Associates, Inc.  
Brett Mann, Massey-Mann & Associates, LLC  
Mark Capron, Sack & Associates, Inc.  
Jack Nance, Communication Federal Credit Union  
Kevin Caskey, Leadership Bixby X Intern  
See attached Sign-In Sheet

**CALL TO ORDER:**

Vice/Acting Chair Larry Whiteley called the meeting to order at 6:05 PM.

**ROLL CALL:**

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

**CONSENT AGENDA:**

1. Approval of Minutes for the March 19, 2012 Regular Meeting
2. Case # AC-12-04-01. Discussion and possible action to approve a wall sign for “Twisted Soul Sisters” at 15285 S. Memorial Dr., Lots 7, 8, 9, & 10, & Lot 6 Less West 20.93’ thereof, Block 23, *Midland Addition*.
3. Case # AC-12-04-03. Discussion and possible action to approve a replacement ground sign for *Schlotzky’s Deli* at 10205 S. Memorial Dr., part of the NW/4 NW/4 Section 25, T18N, R13E and the N. 17’ of the W. 240’ of Tract B, Block 1, *101 South Memorial Center*.
4. Case # AC-12-04-04. Discussion and possible action to approve replacement wall signs for *Schlotzky’s Deli* at 10205 S. Memorial Dr., part of the NW/4 NW/4 Section 25, T18N, R13E and the N. 17’ of the W. 240’ of Tract B, Block 1, *101 South Memorial Center*.

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Vice/Acting Chair Larry Whiteley introduced the Consent Agenda. Lance Whisman and John Benjamin noted that Mr. Benjamin was not present at the March 19, 2012 meeting, per the draft Minutes. Erik Enyart suggested that the Minutes be Passed to the end of the agenda, in the event another Planning Commissioner showed up.

Vice/Acting Chair Larry Whiteley declared that the Consent Agenda Items were PASSED to the end of the Agenda.

## PUBLIC HEARINGS

5. **PUD 65 – 101 Memorial Square – Major Amendment # 1.** Discussion and possible action to approve a Major Amendment to PUD 65, which proposes changes to parking and signage requirements.

Property located: Southeast corner of 101<sup>st</sup> St. S. and Memorial Dr.

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Vice/Acting Chair Larry Whiteley 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, April 09, 2012  
**RE:** Report and Recommendations for:  
PUD # 65 – 101 Memorial Square – Major Amendment # 1

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**LOCATION:** – 10101, 10111, & 10121 S. Memorial Dr. and 8200 E. 101<sup>st</sup> St. S.  
– Southeast corner of 101<sup>st</sup> St. S. & Memorial Dr.  
– All of 101 Memorial Square

**LOT SIZE:** 6.558 acres more or less, in five (5) lots

**EXISTING ZONING:** CS Commercial Shopping Center District & CG General Commercial District

**SUPPLEMENTAL ZONING:** PUD 65 for “101 Memorial Square” & Corridor Appearance District

**EXISTING USE:** CVS/Pharmacy at 10101 S. Memorial Dr., the new Whataburger fast-food restaurant at 10121 S. Memorial Dr., & vacant lots in 101 Memorial Square

**REQUEST:** Major Amendment # 1 to PUD 65

**SURROUNDING ZONING AND LAND USE:**

**North:** CO (Corridor)/PUD-411C; Target Supercenter and other businesses in the South Town Market shopping center in the City of Tulsa.

**South:** CG/CS/PUD 63; The Schlotzsky's Deli restaurant and vacant commercial land in 101 South Memorial Plaza.

**East:** CS & CS/PUD 63; Vacant north balance of Tract C, 101 South Memorial Center and the Holiday Inn Express & Suites Tulsa South/Bixby in 101 South Memorial Plaza.

**West:** CS & AG; Commercial in the Memorial Crossing shopping center, a Blockbuster video rental store, and vacant land zoned AG across Memorial Dr. in the City of Tulsa. The QuikTrip gas station is to the northwest zoned CS.

**COMPREHENSIVE PLAN:** Corridor + Medium Intensity + Commercial Area.

**PREVIOUS/RELATED CASES:** (Not necessarily a complete list and does not include TMAPC-jurisdiction areas)

**BZ-89 – Ron Koepp** – Request for rezoning from AG to CG for 3.6 acres including the southerly 0.96 acres (more or less) of the subject property – Recommended for Approval by PC 04/28/1980 and Approved by City Council 05/19/1980 (Ord. 401).

**BZ-148 – John Moody for William E. Manley, et al.** – Request for rezoning from AG to CG (amended to CS) for the subject property, less the southerly 0.96 acres (more or less) thereof – Recommended for Approval by PC 10/31/1983 and Approved by City Council 11/07/1983 (Ord. 496).

**BBOA-341 – Roy D. Johnsen for William E. Manley** – Request for Special Exception to allow used car sales on the northwest 0.7 acres of the subject property – Denied by BOA 11/02/1998 – Notice of Appeal in District Court found in case file but with no followup information as to its ultimate disposition.

BBOA-409 – Eric Sack for William & Betty Manley – Request for Variance to Chapter 11, Section 1140(d) “Unenclosed off-street parking areas shall be surfaced with an all-weather material,” and a Special Exception per Chapter 10 Section 1002.3(a) “Temporary open air activities, may continue for a period not to exceed thirty days per each application.... for the sale of Christmas Trees, wreaths, bows and other seasonal goods from November 25, 2003 through December 24, 2003 for subject property – Withdrawn by Applicant in September 2003.

BBOA-410 – Eric Sack for William & Betty Manley – Request for Variance to Chapter 11, Section 1140(d) “Unenclosed off-street parking areas shall be surfaced with an all-weather material,” and a Special Exception per Chapter 10 Section 1002.3(a) “Temporary open air activities, may continue for a period not to exceed thirty days per each application.... for the sale of Halloween related items such as pumpkins, gourds, hay and other seasonal goods and related activities such as pony rides and miniature train rides, from September 26, 2003 through October 31, 2003 for subject property – Withdrawn by Applicant in September 2003.

PUD 65 – 101 Memorial Square – Manley 101<sup>st</sup> & Memorial, LLC – Request for PUD approval for subject property – Recommended for Conditional Approval by PC 11/17/2008 and Conditionally Approved by City Council 01/05/2009.

Preliminary Plat of 101 Memorial Square – Manley 101<sup>st</sup> & Memorial, LLC – Request for Preliminary Plat approval for subject property – Recommended for Conditional Approval by PC 11/17/2008 and Conditionally Approved by City Council 11/24/2008.

Final Plat of 101 Memorial Square – Request for Final Plat approval for subject property – Recommended for Conditional Approval by PC 02/17/2009 and Conditionally Approved by City Council 03/02/2009.

AC-09-02-02 – CVS/Pharmacy – Jacobs Carter Burgess – Request for Detailed Site Plan approval for Lot 1, Block 1, 101 Memorial Square – Architectural Committee Conditionally Approved 02/17/2009. Developer Appealed the Approval in order to do away with the landscaped berm and Council took no action on 03/09/2009 based on the City Attorney’s opinion that the Council had removed the berm requirement for this Detailed Site Plan upon the approval of the Final Plat of 101 Memorial Square.

BSP 2009-01 – CVS/Pharmacy – Jacobs Carter Burgess – Request for Detailed Site Plan approval for Lot 1, Block 1, 101 Memorial Square as required by PUD 65 – PC Conditionally Approved 02/17/2009. Developer Appealed the Approval in order to do away with the landscaped berm and Council took no action on 03/09/2009 based on the City Attorney’s opinion that the Council had removed the berm requirement for this Detailed Site Plan upon the approval of the Final Plat of 101 Memorial Square.

BBOA-547 – Kimley-Horn & Associates, Inc. – Request for Special Exception per Zoning Code Section 11-10-2.H to allow a total of 40 parking spaces, in excess of the 24 space maximum standard for a proposed restaurant in the CG General Commercial District and CS Commercial Shopping Center District with PUD 65 – BOA Approved 11/07/2011.

BL-382 – Sisemore, Weisz & Associates, Inc. – Request for Lot-Split approval for Lot 3, Block 1, 101 Memorial Square (included part of subject property) – PC Approved 11/21/2011 subject to the attachment of the north 54.56’ to Lot 2, Block 1, 101 Memorial Square.

AC-11-01-02 – Whataburger – Kimley-Horn & Associates, Inc. – Request for Detailed Site Plan approval for a Use Unit 12 fast-food restaurant for the S. 189.99’ of Lot 3, Block 1, 101 Memorial Square abutting subject property to the south – PC Conditionally Approved 11/21/2011.

BSP 2012-01 / AC-12-04-05 – “Sprouts Farmers Market” – Sisemore, Weisz & Associates, Inc. – Request for Detailed Site Plan approval for a “Sprouts Farmers Market,” a Use Unit 13 specialty grocery store development for Lots 2, 4, and the N. 54.56’ of Lot 3, Block 1, 101 Memorial Square of subject property – Pending PC consideration 04/16/2012.

RELEVANT AREA CASE HISTORY: (not a complete list; case history not available for areas within the City of Tulsa)

BL-352 – American Southwest Properties, Inc. – Request for Lot-Split for Tract C abutting to the east in 101 South Memorial Center (now includes the Holiday Inn Express & Suites Tulsa South/Bixby in 101 South Memorial Plaza) – Conditionally approved by PC 04/21/2008.

PUD 63 – 101 South Memorial Plaza – American Southwest Properties, Inc. – Request for PUD approval for property abutting to the south and east in 101 South Memorial Plaza – Conditionally approved by PC and City Council in April/May of 2008 (Ord. # 1004).

Preliminary Plat of 101 South Memorial Plaza – Request for Preliminary Plat approval for property abutting to the south and east in 101 South Memorial Plaza – Conditionally approved by PC and City Council in April of 2008. The City Council also approved a Modification/Waiver from the street right-of-way widths to allow the 30' to 40' right-of-way widths as proposed.

BSP 2009-03 / AC-09-12-05 – Holiday Inn Express – ArcTech Incorporated, PC – Request for Detailed Site Plan approval for the Holiday Inn Express & Suites Tulsa South/Bixby on Lot 1, Block 3, 101 South Memorial Plaza abutting subject property to the east – PC Conditionally Approved 12/21/2009.

Final Plat of 101 South Memorial Plaza – Request for Final Plat approval for property abutting to the south and east in 101 South Memorial Plaza – Conditionally approved by PC and City Council in October of 2008, and City Council approved a Revised Final Plat on 04/26/2010 as the original approval had expired (recorded 07/30/2010).

**BACKGROUND INFORMATION:**

**ANALYSIS:**

Property Conditions. The subject property, consisting of Lots 2, 4, and the N. 54.56' of Lot 3, Block 1, 101 Memorial Square, is moderately sloped and will drain through an underground stormsewer system in a southeasterly direction to an upstream tributary of Fry Creek # 1. The property is presently vacant.

General. The Applicant is proposing to build a 24,944 square foot building for a Unit 13 Sprouts Farmers Market specialty grocery store. This PUD Major Amendment proposes changes to parking and signage requirements.

The Technical Advisory Committee (TAC) reviewed this PUD Major Amendment on April 04, 2012. The Minutes of the meeting are attached to this report.

Parking Requirements. Per BSP 2012-01 / AC-12-04-05, the "Detail Site Plan" drawing DSP-1 indicates a total of 133 parking spaces. Zoning Code Section 11-9-13.D requires a minimum of 111 parking spaces for a 24,944 square foot building. Zoning Code Section 11-10-2.H provides a "minimum plus 15%" maximum parking number standard, to discourage developers from selecting properties which are too small to contain their buildings and all of the parking they anticipate need for. The maximum number of parking spaces allowed for this property, for 24,944 square feet, is 127 parking spaces (reference Zoning Code Section 11-9-13.D), and a total of 133 parking spaces is proposed. Therefore, by this proposed Major Amendment # 1, the Applicant has proposes an allowance of up to 10% of additional parking spaces. If approved, this would allow a total of 140 parking spaces for the subject property, and thus the 133 proposed would be in compliance.

Zoning Code Section 11-7I-5.F provides a lot percentage landscaping standard for PUDs, which would be 10% of a commercial lot in this case. Per the "Plant Material List" summary on the Detail Landscape Plan drawing L-100, 14,503 square feet of sod will be used, which would be approximately 12% to 13% of the lot area, exceeding the minimum required. Secondly, most developments provide only the bare minimum required landscaped strip widths. This plan proposes the standard 15' landscape strip along Memorial Dr., but has at least 10' more landscaped strip width along S. 83<sup>rd</sup> E. Ave. than is required per PUD 65. The subject property does not have the typical 7.5' landscaped strip requirement along S. 83<sup>rd</sup> E. Ave., as that street has no right-of-way and the setback applies to the property line (presumably the centerline of S. 83<sup>rd</sup> E. Ave.) per PUD 65. Instead, PUD 65 specifically calls for a 7.5'-width landscaped strip. A landscaped strip measuring at least 17.64' is proposed along S. 83<sup>rd</sup> E. Ave., to include landscaping trees. Finally, although not required, the development proposes relatively wide landscaped strips along the west side of the north line (10' width) and the east side of the south lines of the subject property (almost 20' in width).

As the proposed development proposes more landscaping than is required in several instances, Staff has no objection to the proposed 10% additional parking space allowance.

In the Staff Report for the original PUD 65, Staff recommended the inclusion of a Mutual Parking Privileges covenant, allowing all lots to share their excess spaces with patrons of other lots in the shopping center, which is common in commercial developments, especially when developed as a unit by a singular developer. This was not included at that time. Staff encourages the Applicant to consider including such a provision in the PUD Major Amendment text and in a document attaching to the Deed of Dedication and Restrictive Covenants of the plat of 101 Memorial Square.

Signage Requirements. As represented on the [sign] "Site Plan" drawing and the ground sign diagram drawing by Chandler Signs dated 4/2/12, the Applicant proposes two (2) freestanding ground signs: One along Memorial Dr., to be located toward the center of the frontage of the subject property, and one along

101<sup>st</sup> St. S., to be located toward the center of Lot 5's 101<sup>st</sup> St. S. frontage. Both are proposed to be 25' in overall height, which is consistent with the 25' standard for 101 Memorial Square and with sign heights in the surrounding area.

Per the [sign] "Site Plan" drawing, it appears that both ground signs are proposed to be placed within platted Utility Easements, and will require the specific approval of the City Engineer and Public Works Director, as a part of the Detailed Site Plan. The PUD Major Amendment, as proposed, does not affect the allowable placement of the ground signs.

Per the ground sign diagram drawing by Chandler Signs dated 4/2/12, both signs will advertise two (2) businesses: Sprouts Farmers Market and a "proposed bank or future use building site," the latter of which would appear to be planned for Lot 5, Block 1, 101 Memorial Square. Both signs would comply with the maximum display surface area standards, based on the available street frontage of their respective lots. Per Zoning Code Sections 11-2-1 and 11-9-21.F, any sign not physically located on the lot containing the business would be recognized as an "Outdoor Advertising Sign (Billboard)," which are not permitted in Bixby. Therefore, if a singular ground sign located on the subject property contained a second sign cabinet for the "proposed bank or future use building site," and vice-versa, those would be unallowable "Outdoor Advertising Signs." As proposed by PUD 65 Major Amendment # 1, PUD 65 would allow "... a total of two (2) 25' height double-cabinet display sign advertising the Sprouts store and the proposed business to the north ("Bank" or future user, to be constructed upon Lot 5, Block 1, 101 Memorial Square) shall be permitted, provided that only one (1) such sign along each respective arterial street frontage (S. Memorial Dr. and E. 101<sup>st</sup> St. S.) shall be allowed upon the respective Sprouts store and Bank or future use development lots as conceptually illustrated upon the signage plan documentation provided with the Sprouts Detail Site Plan documentation under separate application." If approved, both proposed ground signs would be allowed to cross-advertise each business on the different lots.

It is common for large commercial developments to have combined development / shopping center entrance signs, including on all arterial streets on which they have frontage. Such signs are typically located within a "sign easement" or Reserve area within a plat, and they invariably advertise the different major tenants on the various lots within the development. All such signs in Bixby, when not located on the same lot as all of the tenants being advertised, require Zoning approval of some form, whether that be specific authorizing language in the PUD (the preferred method) or a Variance. A quick survey of major shopping centers in Bixby will likely find that some are not conforming, and lack such specific authorization.

As this is a very common situation and is reasonable to allow, and as the proposed signs otherwise meet the signage standards of the Zoning Code, Staff has no objection to this flexibility measure.

Although not indicated, Staff anticipates that there may be a period of time between when the Sprouts store opens and a building is constructed on Lot 5, and that the ground sign may be proposed on Lot 5 prior to the development of same. As the Applicant's use of "future use development lots" and similar language indicates this situation is anticipated, this proposed Major Amendment will be recognized as authorizing the construction of a Use Unit 21 "accessory use" ground sign on Lot 5 prior to the development of Lot 5. Essentially, the sign will be temporarily permitted as the principal use of Lot 5 until the lot is developed.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor, (2) Medium Intensity, and (3) Commercial Area.

Due to the relatively limited scope of proposed changes, the proposed PUD 65 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CS, CG, and CO (Corridor). Surrounding zoning and land use patterns would support the commercial development existing in 101 Memorial Square and contemplated by this Major Amendment to PUD 65 and the existing underlying CS and CG zoning.

The Major Amendment proposed to PUD 65 would not appear to be inconsistent with surrounding Zoning or land use patterns.

Staff Recommendation. Staff believes that the proposed PUD Major Amendment # 1 is consistent with the purposes and intent of the Zoning Code and the original PUD 65, and is appropriate and in order for approval, as a tool to allow for the efficient development of the commercial property. Staff recommends Approval.

Lance Whisman, Larry Whiteley, and Erik Enyart discussed the location of the proposed signs.

Lance Whisman asked if the approval would allow them to put a sign on Lot 5 at this time. Erik Enyart stated that this request would allow both signs, but that the [Detailed Site Plan] would not authorize the Applicant to install a sign at this time, and that it would have to come back to the Planning Commission for sign approval. One of the Planning Commissioners asked what the sign would look like. Jerry Reeves approached the Commissioners and provided and described the sign exhibit from the Detailed Site Plan showing the two (2) proposed ground signs. Mr. Enyart noted that the Commissioners had that drawing. Mr. Enyart clarified with Darin Akerman that the Detailed Site Plan did not request [approval for] sign permit at this time. Mr. Enyart stated that the signage on Lot 5 would be approved later.

Vice/Acting Chair Larry Whiteley asked Erik Enyart if there would be any problem if this was approved. Mr. Enyart stated that he had no problem recommending approval.

Vice/Acting Chair Larry Whiteley asked to entertain a Motion. John Benjamin made a MOTION to RECOMMEND APPROVAL of PUD 65 Major Amendment # 1 as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whisman, Benjamin, & Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 3:0:0

PLATS

OTHER BUSINESS

Erik Enyart addressed Vice/Acting Chair Larry Whiteley and stated that, as the Commission had just considered the Sprouts development-related item, he would suggest the Chair take the agenda items out of order and introduce next # 7, the Detailed Site Plan for Sprouts.

7. **BSP 2012-01 / AC-12-04-05 – “Sprouts Farmers Market” – Sisemore, Weisz & Associates, Inc.** Discussion and consideration of a Detailed Site Plan and building plans for “Sprouts Farmers Market,” a Use Unit 13 specialty grocery store development for Lots 2, 4, and the N. 54.56’ of Lot 3, Block 1, *101 Memorial Square*.  
Property located: 10111 S. Memorial Dr.

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Vice/Acting Chair Larry Whiteley 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, April 09, 2012  
**RE:** Report and Recommendations for:  
BSP 2012-01 / AC-12-04-05 – “Sprouts Farmers Market” – Sisemore, Weisz & Associates, Inc.

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**LOCATION:** – Lots 2, 4, and the N. 54.56' of Lot 3, Block 1, 101 Memorial Square  
– 10111 S. Memorial Dr.

**SIZE:** 2.6 acres, more or less

**EXISTING ZONING:** CS Commercial Shopping Center District with PUD 65 for “101 Memorial Square”

**DEVELOPMENT TYPE:** Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to Zoning Code Sections 11-7G-4 and 11-7G-6 for a Use Unit 13 specialty grocery store development.

**SURROUNDING ZONING AND LAND USE:**

**North:** CS/PUD 65; CVS/Pharmacy and the vacant commercial Lot 5, Block 1, 101 Memorial Square.

**South:** CS, CG, PUD 65 & PUD 63; The new Whataburger fast-food restaurant on the south balance of Lot 3, Block 1, 101 Memorial Square, vacant commercial lots in 101 South Memorial Plaza, 102<sup>nd</sup> St. S. (private), and the Schlotzsky's Deli restaurant.

**East:** CS & CS/PUD 63; Vacant north balance of Tract C, 101 South Memorial Center and the Holiday Inn Express & Suites Tulsa South/Bixby in 101 South Memorial Plaza.

**West:** (across Memorial Dr.) CS/PUD 378 & AG; Commercial in the Memorial Crossing shopping center, a Blockbuster video rental store, and vacant land zoned AG to the southwest, all in the City of Tulsa.

**COMPREHENSIVE PLAN:** Corridor + Medium Intensity + Commercial Area.

**PREVIOUS/RELATED CASES:** (Not necessarily a complete list and does not include TMAPC-jurisdiction areas)

**BZ-89 – Ron Koeppe** – Request for rezoning from AG to CG for 3.6 acres including the southerly 0.96 acres (more or less) of the subject property – Recommended for Approval by PC 04/28/1980 and Approved by City Council 05/19/1980 (Ord. 401).

**BZ-148 – John Moody for William E. Manley, et al.** – Request for rezoning from AG to CG (amended to CS) for the area which was eventually platted as 101 Memorial Square, including subject property, less the southerly 0.96 acres (more or less) thereof – Recommended for Approval by PC 10/31/1983 and Approved by City Council 11/07/1983 (Ord. 496).

**BBOA-341 – Roy D. Johnsen for William E. Manley** – Request for Special Exception to allow used car sales on the northwest 0.7 acres of the area which was eventually platted as 101 Memorial Square – Denied by BOA 11/02/1998 – Notice of Appeal in District Court found in case file but with no followup information as to its ultimate disposition.

**BBOA-409 – Eric Sack for William & Betty Manley** – Request for Variance to Chapter 11, Section 1140(d) “Unenclosed off-street parking areas shall be surfaced with an all-weather material,” and a Special Exception per Chapter 10 Section 1002.3(a) “Temporary open air activities, may continue for a period not to exceed thirty days per each application.... for the sale of Christmas Trees, wreaths, bows and other seasonal goods from November 25, 2003 through December 24, 2003 for area which was eventually platted as 101 Memorial Square, including subject property – Withdrawn by Applicant in September 2003.

**BBOA-410 – Eric Sack for William & Betty Manley** – Request for Variance to Chapter 11, Section 1140(d) “Unenclosed off-street parking areas shall be surfaced with an all-weather material,” and a Special Exception per Chapter 10 Section 1002.3(a) “Temporary open air activities, may continue for a period not to exceed thirty days per each application.... for the sale of Halloween related items such as pumpkins, gourds, hay and other seasonal goods and related activities such as pony rides and miniature train rides, from September 26, 2003 through October 31, 2003 for the area which was eventually platted as 101 Memorial Square, including subject property – Withdrawn by Applicant in September 2003.

**PUD 65 – 101 Memorial Square – Manley 101<sup>st</sup> & Memorial, LLC** – Request for PUD approval for area which was eventually platted as 101 Memorial Square, including subject property – Recommended for Conditional Approval by PC 11/17/2008 and Conditionally Approved by City Council 01/05/2009.

**Preliminary Plat of 101 Memorial Square – Manley 101<sup>st</sup> & Memorial, LLC** – Request for Preliminary Plat approval for area which was eventually platted as 101 Memorial Square, including

subject property – Recommended for Conditional Approval by PC 11/17/2008 and Conditionally Approved by City Council 11/24/2008.

Final Plat of 101 Memorial Square – Request for Final Plat approval for area which was eventually platted as 101 Memorial Square, including subject property – Recommended for Conditional Approval by PC 02/17/2009 and Conditionally Approved by City Council 03/02/2009.

AC-09-02-02 – CVS/Pharmacy – Jacobs Carter Burgess – Request for Detailed Site Plan approval for Lot 1, Block 1, 101 Memorial Square – Architectural Committee Conditionally Approved 02/17/2009. Developer Appealed the Approval in order to do away with the landscaped berm and Council took no action on 03/09/2009 based on the City Attorney's opinion that the Council had removed the berm requirement for this Detailed Site Plan upon the approval of the Final Plat of 101 Memorial Square.

BSP 2009-01 – CVS/Pharmacy – Jacobs Carter Burgess – Request for Detailed Site Plan approval for Lot 1, Block 1, 101 Memorial Square as required by PUD 65 – PC Conditionally Approved 02/17/2009. Developer Appealed the Approval in order to do away with the landscaped berm and Council took no action on 03/09/2009 based on the City Attorney's opinion that the Council had removed the berm requirement for this Detailed Site Plan upon the approval of the Final Plat of 101 Memorial Square.

BBOA-547 – Kimley-Horn & Associates, Inc. – Request for Special Exception per Zoning Code Section 11-10-2.H to allow a total of 40 parking spaces, in excess of the 24 space maximum standard for a proposed restaurant in the CG General Commercial District and CS Commercial Shopping Center District with PUD 65 – BOA Approved 11/07/2011.

BL-382 – Sisemore, Weisz & Associates, Inc. – Request for Lot-Split approval for Lot 3, Block 1, 101 Memorial Square (included part of subject property) – PC Approved 11/21/2011 subject to the attachment of the north 54.56' to Lot 2, Block 1, 101 Memorial Square.

AC-11-01-02 – Whataburger – Kimley-Horn & Associates, Inc. – Request for Detailed Site Plan approval for a Use Unit 12 fast-food restaurant for the S. 189.99' of Lot 3, Block 1, 101 Memorial Square abutting subject property to the south – PC Conditionally Approved 11/21/2011.

PUD 65 – 101 Memorial Square – Major Amendment # 1 – Request for approval of a Major Amendment to PUD 65, including subject property, which amendment proposes changes to parking and signage requirements – Pending PC consideration 04/16/2012.

#### BACKGROUND INFORMATION:

##### ANALYSIS:

Property Conditions. The subject property, consisting of Lots 2, 4, and the N. 54.56' of Lot 3, Block 1, 101 Memorial Square, is moderately sloped and will drain through an underground stormsewer system in a southeasterly direction to an upstream tributary of Fry Creek # 1. The property is presently vacant.

Per BL-382, the south 189.99' of Lot 3, Block 1, 101 Memorial Square was approved to be separated from the 54.56' northern balance. The southern part has been developed with a Whataburger fast-food restaurant, and the northern balance is part of the subject property.

General. The Applicant is proposing to build a 24,944 square foot building for a Unit 13 Sprouts Farmers Market specialty grocery store.

The Site Plan represents a conventional, suburban-style grocery store. The subject property lot conforms to PUD 65. The proposed building will be placed toward the east end of property, primarily on Lot 4, and appears to comply with the height, maximum FAR, and minimum building setback standards of PUD 65. The plans propose a parking lot on the west and south sides of the building.

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

The Technical Advisory Committee (TAC) reviewed this Detailed Site Plan on April 04, 2012. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. An existing north-south roadway crosses through the western part of the subject property and connects Lots 1 and 2 to the north to 102<sup>nd</sup> St. S. to the south. It is located within a 25'-wide Mutual Access Easement per the recorded plat of 101 Memorial Square. The subject property does not have direct access to Memorial Dr., nor is an exclusive driveway planned. It will access Memorial Dr. via 102<sup>nd</sup> St. S. and a curb-cut Mutual Access Easement drive located at the southwest corner of the CVS/Pharmacy / Lot 1 lot.

The “(Overall Site)” site plan drawing indicates an additional Mutual Access Easement (MAE) is proposed along the common line shared by Lot 5, Block 1, and the subject property, and along the west line of Lot 5, Block 1. Further, a new Utility Easement is proposed connecting the subject property to the northeast corner of the Whataburger / Lot 3 lot. The plans indicate an area reserved for citing the Document #s where the easements will be recorded with the Tulsa County Clerk. Staff respectfully requests copies of the easements be provided the City, after they are executed and recorded with the Tulsa County Clerk, to be placed in the plat and/or project file.

The provided drawings indicate the widths of the proposed driveways and their curb return radii. All these dimensions must comply with applicable standards and City Engineer and/or Fire Marshal requirements.

A sidewalk will flank the west/front of the building, and will connect pedestrians from the proposed sidewalk along Memorial Dr. and from the parking lots to the entrance on the west side of the building (reference Zoning Code Section 11-10-4.C). The sidewalk widths are dimensioned on the plans and appear appropriate.

The plans indicate a 5'-wide sidewalk will be constructed along Memorial Dr. as a part of this project. Further, a 5'-wide sidewalk is proposed along the north side of the subject property. The plans also propose a striped pedestrianways to connect the sidewalk along Memorial Dr. through the parking lot, through the sidewalk along the north line, to the sidewalk in front of the building.

Another sidewalk is represented along the east side of the property along S. 83<sup>rd</sup> E. Ave, to be 5' in width. This sidewalk is not designed to have a pedestrian connection to the front of the building, which would have been appropriate.

A loading berth area is planned along the north side of the building, with dimensions adequate for the satisfaction of the two (2) required per Zoning Code Section 11-9-13.D and the dimensional standards of Zoning Code Section 11-10-5.A. It will be partially shielded by a partition wall extending westward from the northeast, protruding section of the building.

Parking Standards. The “Detail Site Plan” drawing DSP-1 indicates a total of 133 parking spaces. Zoning Code Section 11-9-13.D requires a minimum of 111 parking spaces for a 24,944 square foot building. Zoning Code Section 11-10-2.H provides a “minimum plus 15%” maximum parking number standard, to discourage developers from selecting properties which are too small to contain their buildings and all of the parking they anticipate need for. The maximum number of parking spaces allowed for this property, for 24,944 square feet, is 127 parking spaces (reference Zoning Code Section 11-9-13.D), and a total of 133 parking spaces is proposed. Therefore, the Applicant has requested, per PUD 65 Major Amendment # 1, an allowance of up to 10% of additional parking spaces. If approved, this would allow a total of 140 parking spaces for the subject property, and thus the 133 proposed would be in compliance.

The proposed 9' X 18' regular parking space dimensions comply with the minimum standards for the same per PUD 65.

The six (6) handicapped-accessible parking spaces would comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces).

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 one (1) ADA space will be of van-accessible design, as required.

The regular and van-accessible handicapped-accessible parking spaces and access aisles are dimensioned, but do not indicate compliance with the space width or striping standards Zoning Code Section 11-10-4.C Figure 3. These design items need to be corrected. The Applicant should make use of a handicapped-accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards. During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.

The parking lot is subject to a 15' minimum setback from Memorial Dr. and a 7.5' setback from S. 83<sup>rd</sup> E. Ave. per Zoning Code Section 11-10-3.B Table 1. Dimensions provided on the plan indicate that this setbacks will be met along both S. 83<sup>rd</sup> E. Ave. and S. Memorial Dr.

The plans show internal drives and parking spaces being paved over certain Utility Easement areas along the west and south sides of the subject property. Paving over public Utility Easements is subject to City Engineer and Public Works Director approval.

Screening/Fencing. The Zoning Code does not require a sight-proof screening fence for the subject property, as it does not abut an R district. No fences are proposed.

PUD 65 provides:

“All trash, mechanical and equipment areas (excluding utility service transformers, pedestals or equipment provided by a franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by a person standing at ground level.”

The trash compactor is identified and appears to be behind a partition wall, and compliance with this standard is further indicated in a note on the site plan. The appearance of the partition is reflected on the “Conceptual Elevations” drawing.

Landscape Plan. The Landscape Plan consists of “Detail Landscape Plan” drawing L-100, “Planting Details” plan sheet L101, “Irrigation Details” drawing L102, “Landscape Irrigation System Design Specifications” plan sheet L103, and “Irrigation Specifications” plan sheet L104. The proposed landscaping is compared to the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 70’ from the Memorial Dr. right-of-way. The subject property does not have a “Street Yard” along S. 83<sup>rd</sup> E. Ave., as that street has no right-of-way and the setback applies to the property line (presumably the centerline of S. 83<sup>rd</sup> E. Ave.) per PUD 65. A 15’ parking lot setback / landscaped strip is proposed along Memorial Dr., to include landscaping trees. **This standard is met.**

2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 15’ along Memorial Dr. A 15’ parking lot setback / landscaped strip is proposed along Memorial Dr., to include landscaping trees.

The subject property does not have the typical 7.5’ landscaped strip requirement along S. 83<sup>rd</sup> E. Ave., as that street has no right-of-way and the setback applies to the property line (presumably the centerline of S. 83<sup>rd</sup> E. Ave.) per PUD 65. Instead, PUD 65 specifically calls for a 7.5’-width landscaped strip. A landscaped strip measuring at least 17.64’ is proposed along S. 83<sup>rd</sup> E. Ave., to include landscaping trees. **This standard is met.**

3. 10’ Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10’ landscaped strip between a parking area and an R Residential Zoning District. There are no R districts abutting. **This standard is not applicable.**

4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Excluding the building line setbacks along Memorial Dr. (which is a Street Yard), PUD 65 provides a 25’ setback along the east property line (presumably the centerline of S. 83<sup>rd</sup> E. Ave. Tree requirement calculations are as follows:

East line @ 271.98’ X 25’ = 6,799.5 square feet / 1,000 = 7 trees. Provided the Applicant’s Landscape Architect or Engineer determines the Hollies will be trees and not shrubs, 10 trees are proposed in this setback area. **This standard is met.**

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 75’ from a Landscaped Area, which Landscaped Area must contain at least one (1) or two (2) trees. **This standard is met.**

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 right-of-way.

The subject property has 218.52’ of frontage along Memorial Dr. (per BL-382), which has a 70’ setback per PUD 65. 218.52’ X 70’ = 15,296.4 square feet / 1,000 = 16 trees required in the Memorial Dr. Street Yard (3/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down). Provided the Applicant’s Landscape Architect or Engineer determines the Hollies will be trees and not shrubs, 16 trees are proposed in this setback area. **This standard is met.**

7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. The “Detail Site Plan” drawing DSP-1 indicates a total of 133 parking spaces. 133 / 10 = 13.3 = 14 (3/10 of a tree is not possible, and minimum numbers of required trees are

not rounded-down) trees required by this standard. Excluding trees elsewhere accounted for, 24 trees proposed. **This standard is met.**

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): Per a note on the "Detail Landscape Plan" drawing stating "All landscape area required by the Landscape Ordinance shall be irrigated by an underground sprinkler system," and "Irrigation" plan sheets L102, L103, and L104, the landscaping will employ an underground irrigation system. **This standard is met.**
10. Miscellaneous Standards (Sections 11-12-3.C.7, 11-12-3.D, etc.): The tree planting diagrams, reported heights and calipers of the proposed trees, the notes on the "Detail Landscape Plan" drawing, and other information indicates compliance with other miscellaneous standards, with the possible exception noted in the following paragraph. Provided the caliper issue is clarified, **this standard is met.**
11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 10% of a commercial lot must be landscaped open space. Per the "Plant Material List" summary on the Detail Landscape Plan drawing L-100, 14,503 square feet of sod will be used, which would be approximately 12% to 13% of the lot area. **This standard is met.**

The "Plant Material List" summary on the Detail Landscape Plan drawing L-100 does not indicate whether the Acer ginnala 'Flame' / Flame Amur Maple trees will have the minimum caliper required by Zoning Code Section 11-12-3.C.7.

Eighteen (18) Ilex x 'Conaf' / Oak Leaf Red Holly [trees] are proposed in partial satisfaction of the landscaping requirement of the Zoning Code. Per internet sources, it would appear that some Oak Leaf Red Hollies may be classified as trees, while others appear to be shrubs. If they are intended to be recognized as trees, the Applicant's Landscape Architect or Engineer should provide a statement to that effect, preferably on the plan sheet. This would also aid the plan executors in selecting the correct tree form cultivar.

Exterior Materials and Colors. The "Conceptual Elevations" drawing indicates the proposed exterior materials and colors. The exterior material will primarily consist of (1) 2 shades of tan-colored "Painted EIFS" on concrete masonry units (2) a mauve-colored "Painted Wainscot" along the bottoms of the back and sides of the building, (3) a brownish "Face Brick Veneer Wainscot" highlighting edges of horizontal changes in the building walls, and (4) "Crown Molding" and "Foam Molding" trim.

Per the "Conceptual Elevations" drawing, the building will be approximately 28' in height measured from the ground elevation of the front of the building, with 38' the total height of the parapet wall on the front building elevation.

The roof will not be visible.

Outdoor Lighting. The lighting plans consist of (1) "Electrical Site Lighting Plan" drawing ES-02, "Electrical Site Lighting Photometric Plan" drawing ES-03, and "cut sheets" showing the proposed sizes and models of pole- and building-mounted lights. ES-02 and ES-03 both indicate the locations of pole- and building-mounted light fixtures, and ES-03 represents the total outdoor lighting proposed for the site. According to the "Light Fixture Schedule" on ES-02, the two (2) types of pole-mounted light fixtures will each have a maximum height of 19', and the building-mounted lights will be mounted at 16' in height. All of proposed mounting heights are within the 20' maximum height restriction per PUD 65. There are no residential areas remotely close to the subject property. The proposed lighting complies with applicable standards and appears appropriate for this development in its context.

Signage. Per PUD 65, the maximum ground sign height standard applicable to the subject property is 25'. Display surface area and other signage standards are as per the underlying Zoning district.

As represented on the [sign] "Site Plan" drawing and the ground sign diagram drawing by Chandler Signs dated 4/2/12, the Applicant proposes two (2) freestanding ground signs: One along Memorial Dr., to be located toward the center of the frontage of the subject property, and one along 101<sup>st</sup> St. S., to be located toward the center of Lot 5's 101<sup>st</sup> St. S. frontage. Both are proposed to be 25' in overall height, which is consistent with the 25' standard for 101 Memorial Square and with sign heights in the surrounding area.

Per the [sign] "Site Plan" drawing, it appears that both ground signs are proposed to be placed within platted Utility Easements, and would require specific approval by the City Engineer and Public Works Director approval.

*Per the ground sign diagram drawing by Chandler Signs dated 4/2/12, both signs will advertise two (2) businesses: Sprouts Farmers Market and a “proposed bank or future use building site,” the latter of which would appear to be planned for Lot 5, Block 1, 101 Memorial Square. Both signs would comply with the maximum display surface area standards, based on the available street frontage of their respective lots. Per Zoning Code Sections 11-2-1 and 11-9-21.F, any sign not physically located on the lot containing the business would be recognized as an “Outdoor Advertising Sign (Billboard),” which are not permitted in Bixby. Therefore, if a singular ground sign located on the subject property contained a second sign cabinet for the “proposed bank or future use building site,” and vice-versa, those would be unallowable “Outdoor Advertising Signs.” As proposed by PUD 65 Major Amendment # 1, PUD 65 would allow “... a total of two (2) 25’ height double-cabinet display sign advertising the Sprouts store and the proposed business to the north (“Bank” or future user, to be constructed upon Lot 5, Block 1, 101 Memorial Square) shall be permitted, provided that only one (1) such sign along each respective arterial street frontage (S. Memorial Dr. and E. 101<sup>st</sup> St. S.) shall be allowed upon the respective Sprouts store and Bank or future use development lots as conceptually illustrated upon the signage plan documentation provided with the Sprouts Detail Site Plan documentation under separate application.” If approved, both proposed ground signs would be allowed to cross-advertise each business on the different lots. Thus, approval of the signage plans element of this Detailed Site Plan is subject to the approval of PUD 65 Major Amendment # 1.*

*Although not indicated, Staff anticipates that there may be a period of time between when the Sprouts store opens and a building is constructed on Lot 5, and that the ground sign may be proposed on Lot 5 prior to the development of same. The proposed PUD Major Amendment # 1 will be recognized as authorizing the construction of a Use Unit 21 “accessory use” ground sign on Lot 5 prior to the development of Lot 5. Essentially, the sign will be temporarily permitted as the principal use of Lot 5 until the lot is developed.*

*The “Conceptual Elevations” drawing indicates wall signs will be applied only to the west-facing (front) elevation of the building. However, it does not contain display surface area information, such that would allow it to be used for determining compliance with wall signage standards. The Applicant should submit a full set of sign plans, to include wall, directional, and any other incidental signage proposed, showing the location on the lot or building wall, general appearance, and display surface areas of each.*  
Staff Recommendation. *The Detailed Site Plan adequately demonstrates compliance with the Zoning Code and is in order for approval, subject to the following corrections, modifications, and Conditions of Approval:*

- 1. Subject to the proposed PUD 65 Major Amendment # 1.*
- 2. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.*
- 3. The “(Overall Site)” site plan drawing indicates an additional Mutual Access Easement (MAE) is proposed along the common line shared by Lot 5, Block 1, and the subject property, and along the west line of Lot 5, Block 1. Further, a new Utility Easement is proposed connecting the subject property to the northeast corner of the Whataburger / Lot 3 lot. The plans indicate an area reserved for citing the Document #s where the easements will be recorded with the Tulsa County Clerk. Staff respectfully requests copies of the easements be provided the City, after they are executed and recorded with the Tulsa County Clerk, to be placed in the plat and/or project file.*
- 4. The proposed driveways and their curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements.*
- 5. The regular and van-accessible handicapped-accessible parking spaces and access aisles are dimensioned, but do not indicate compliance with the space width or striping standards Zoning Code Section 11-10-4.C Figure 3. These design items need to be corrected. The Applicant should make use of a handicapped-accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards. During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.*
- 6. The plans show internal drives and parking spaces being paved over certain Utility Easement areas along the west and south sides of the subject property. Paving over public Utility Easements is subject to City Engineer and Public Works Director approval.*

7. The “Plant Material List” summary on the Detail Landscape Plan drawing L-100 does not indicate whether the Acer ginnala ‘Flame’ / Flame Amur Maple trees will have the minimum caliper required by Zoning Code Section 11-12-3.C.7.
8. Eighteen (18) Ilex x ‘Conaf’ / Oak Leaf Red Holly [trees] are proposed in partial satisfaction of the landscaping requirement of the Zoning Code. Per internet sources, it would appear that some Oak Leaf Red Hollies may be classified as trees, while others appear to be shrubs. If they are intended to be recognized as trees, the Applicant’s Landscape Architect or Engineer should provide a statement to that effect, preferably on the plan sheet. This would also aid the plan executors in selecting the correct tree form cultivar.
9. Per the [sign] “Site Plan” drawing, it appears that both ground signs are proposed to be placed within platted Utility Easements, and would require specific approval by the City Engineer and Public Works Director approval.
10. The Applicant should submit a full set of sign plans, to include wall, directional, and any other incidental signage proposed, showing the location on the lot or building wall, general appearance, and display surface areas of each.
11. 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).

Vice/Acting Chair Larry Whiteley asked if the Commissioners had any questions or comments. There being none, Vice/Acting Chair Larry Whiteley asked to entertain a Motion. Lance Whisman made a MOTION to APPROVE BSP 2012-01 / AC-12-04-05 with the corrections, modifications, and Conditions of Approval as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Whisman, Benjamin, & Whiteley  
 NAY: None.  
 ABSTAIN: None.  
 MOTION CARRIED: 3:0:0

6. **AC-12-04-02 – Communication Federal Credit Union – Sack & Associates, Inc.**  
 Discussion and possible action to approve a Detailed Site Plan and building plans for “Communication Federal Credit Union,” a Use Unit 11 bank for the S. 216’ of Lot 6, Block 1, *Bixby Centennial Plaza*.  
Property located: 11894 S. Memorial Dr.

Vice/Acting Chair Larry Whiteley 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:** Tuesday, April 03, 2012  
**RE:** Report and Recommendations (revised April 13, 2012 to reflect new information submitted April 12, 2012) for:  
 AC-12-04-02 – Communication Federal Credit Union – Sack & Associates, Inc.

**LOCATION:** – The 11800 : 11900-block of S. Memorial Dr.  
 – 11894 S. Memorial Dr.  
 – The S. 216’ of Lot 6, Block 1, Bixby Centennial Plaza  
**SIZE:** 1.4 acres, more or less  
**EXISTING ZONING:** CS Commercial Shopping Center District

DEVELOPMENT TYPE: Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to Zoning Code Sections 11-7G-4 and 11-7G-6 for a Use Unit 11 credit union / banking facility.

SURROUNDING ZONING AND LAND USE:

North: CS, OL, and CG/OL + PUD 54; A vacant lot, the IBC Bank and the Jiffy Lube.

South: CS; A vacant lot, the Santa Fe Cattle Co. restaurant, and a Bank of Oklahoma bank branch, all in Bixby Centennial Plaza.

East: (Across Memorial Dr.) CS & CG; The Town and Country Shopping Center, the Bank of the West, a multi-tenant building at 11835 S. Memorial Dr. containing the Rod Smith Company real estate business and DTAGS, LLC (Digital Transport Agnostic Gateway Solutions) video services general business office, and the Advantage Motors of Oklahoma used car sales lot.

West: CS; Vacant lots in Bixby Centennial Plaza and an unplatted 11-acre vacant/agricultural tract zoned CS/OL + PUD 51.

COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area.

PREVIOUS/RELATED CASES:

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, which became Bixby Centennial Plaza and Fox Hollow and an unplatted 11-acre tract later approved as 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). Subject property included in that part approved for CS zoning.

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval including subject property – PC Approved 07/17/2006 and City Council Approved 07/24/2006.

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval including subject property – PC Approved 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/04/2007).

BL-350 – Khoury Engineering, Inc. – Request for Lot-Split approval to separate the south 46.08' of Lot 5 of Bixby Centennial Plaza and add to Lot 6 (includes subject property) – PC Conditionally Approved January 2008.

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

BL-376 – Khoury Engineering, Inc. for Bixby Investors, LP – Request for Lot-Split approval for Lot 6 (included part of subject property) – PC Conditionally Approved 12/20/2010.

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

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

AC-11-02-01 – Firestone Complete Auto Care – Khoury Engineering, Inc. – Request for Detailed Site Plan approval for a Use Unit 17 automotive repair and sales business for the S. 165.5' of Lot 6, Block 1, Bixby Centennial Plaza (included part of subject property) – Withdrawn by Applicant prior to Planning Commission meeting 02/22/2011.

BL-381 – Khoury Engineering, Inc. for Bixby Investors, LP – Request for Lot-Split approval ~~for~~ (includes part of subject property) – PC Conditionally Approved 11/21/2011.

BBOA-544 – Khoury Engineering, Inc. – Request for Variance (A) from the 150' minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[9].a, (B) from the maximum display surface area restrictions of Zoning Code Section 11-9-21.D.3 to allow three (3) square feet of display surface area per ground sign, and (C) from any other Zoning Code restriction preventing the erection of three (3) freestanding ground signs at three (3) square feet in display area each for Lot 6, and the South 46.08' of Lot 5, Block 1, Bixby Centennial Plaza (included subject property) – BOA Approved 10/03/2011.

BBOA-556 – Sack & Associates, Inc. – Request for Special Exception per Zoning Code Section 11-10-2.H to allow a total of 30 parking spaces, in excess of the 13 space maximum standard for a proposed bank in the CS Commercial Shopping Center District for subject property – BOA Approved 04/02/2012.

**BACKGROUND INFORMATION:**

Previous Plans for Firestone Development. BBOA-529, BBOA-535, BL-376, and AC-11-02-01 (December 2010 to February 2011) were all applications in support of a Use Unit 17 Firestone Complete Auto Care & Tire Store development, which was to occur on the S. 165.5' of Lot 6, Block 1, Bixby Centennial Plaza. BBOA-536 was a request for the remaining land between the Firestone development and IBC Bank to have its own freestanding ground sign.

Ultimately, Firestone decided to cancel the project and did not buy the land or build the store.

Lot-Split / Lot-Combination Considerations. A Communication Federal Credit Union development is now proposed for the S. 216' of Lot 6. BL-381 was a request for Lot-Split to separate the subject property from the North 104' balance of Lot 6, which will be added to the S. 46.08' of Lot 5 to create another future development lot. The Planning Commission Approved that Lot-Split on 11/21/2011 with a Condition of lot combination, described more fully in the following paragraphs.

Per BL-350, Lot 5 to the north was approved for Lot-Split to separate the South 46.08' from the balance of that lot, which was sold and developed with an IBC Bank. Per the Planning Commission's Conditional Approval, because it would otherwise violate the 150' minimum frontage requirement of the CS district, that 46.08' "sliver tract" was required to be attached to Lot 6, Block 1, Bixby Centennial Plaza. Deed restriction language to that effect was used on the deed presented to Staff for the Lot-Split approval certificate stamp and signature. However, the Tulsa County Assessor's parcel data does not reflect the attachment. This could be because the deed Staff stamped was not used, the Assessor's Office did not recognize the deed restriction language as requiring changes to the parcel data, or did not recognize it as adequate for this purpose, such as because there was not reciprocal deed restriction specifically concerning a conveyance of Lot 6.

The deed restriction language provided that the Planning Commission could reverse the combination by future Lot-Split approval. Therefore, as a Condition of Approval for BL-381, the Planning Commission required that the deed for the northerly tract (North 104' balance of Lot 6) include a deed restriction correspondingly attaching that tract to the South 46.08' of Lot 5.

**ANALYSIS:**

Subject Property Conditions. The subject property is a vacant commercial lot zoned CS. It is a rectangular lot measuring 275' along the east-west axis and having 216' of frontage on Memorial Dr., and so contains approximately 1.4 acres.

The subject property is located toward the center of the Memorial Dr. frontage of the Bixby Centennial Plaza subdivision, which contains 40 acres and is primarily zoned CS. To the west are larger vacant lots in Bixby Centennial Plaza, and; further west is an unplatted 11-acre vacant/agricultural tract zoned CS/OL + PUD 51.

To the east ~~is the~~ (across Memorial Dr.) is a 9+ acre CS district containing the Town and Country Shopping Center, a large CG district containing the Bank of the West, a multi-tenant building at 11835 S. Memorial Dr. containing the Rod Smith Company real estate business and DTAGS, LLC (Digital Transport Agnostic Gateway Solutions) video services general business office, and the Advantage Motors of Oklahoma used car sales lot.

To the north is the remaining vacant parts of Lot 6 and Lot 5, the IBC Bank bank branch zoned CS, and the Use Unit 17 Jiffy Lube zoned CG/OL + PUD 54.

General. The Applicant is proposing to build an approximately 3,400 square foot building for a Unit 11 Communication Federal Credit Union.

The Site Plan represents a conventional, suburban-style bank branch. The subject property lot conforms to the CS district, and the proposed building appears to comply with the height, maximum FAR, and minimum building setback standards of the Zoning Code for the CS district. The plans propose a parking lot on the east and north sides of the lot, with 16 parking spaces on the east and 14 spaces on the north. A four- or five-bay drive-through teller area will be located behind / to the west of the building.

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

The Technical Advisory Committee (TAC) reviewed this Detailed Site Plan on April 04, 2012. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. An east-west shopping center roadway abuts the subject property to the south, and one abuts to the west, and they connect the subject property to Memorial Dr. and 121<sup>st</sup> St. S., respectively. Both roadways are located within a 36'-wide Mutual Access Easement and Utility Easement per the recorded plat of Bixby Centennial Plaza. The subject property does not have direct access to Memorial Dr., nor is an exclusive driveway planned.

The provided drawings indicate the widths of the proposed driveways and their curb return radii. All these dimensions must comply with applicable standards and City Engineer and/or Fire Marshal requirements.

A sidewalk will flank the east/front and north side of the building, and will connect pedestrians from the parking lots to the building entrances (reference Zoning Code Section 11-10-4.C). The sidewalk widths are dimensioned on the plans.

The access aisle attending the handicapped-accessible parking spaces in the front of the building will doubly-serve as pedestrian ~~accessway~~ **crosswalk** connecting the building to the existing sidewalk along Memorial Dr., as represented on the plan drawing. ~~However, the pedestrian accessway sidewalk/crosswalk will be four (4) feet in width is not dimensioned, nor is the sidewalk itself.~~

Parking & Loading Standards. The Site Plan indicates 30 parking spaces (2 of which will be handicapped-accessible). Per Zoning Code Section 11-9-11.D, for 3,400 square feet of building on the lot, 11 parking spaces would be required. The 30 spaces comply with the minimum number of parking spaces required. However, Zoning Code Section 11-10-2.H limits the number of parking spaces to no more than 15% of the minimum number required, unless approved by the Board of Adjustment for a Special Exception. The Applicant requested a Special Exception per BBOA-556 to allow the 30 parking spaces as proposed, and the Board of Adjustment approved it on April 02, 2012. Therefore, the proposed 30 parking spaces is in conformance to the Zoning Code.

The two (2) handicapped-accessible parking spaces would comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces).

Per the Building Inspector, the 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). Therefore, the one (1) handicapped-accessible parking space must be of van-accessible design, **and one (1) is proposed.**

~~The Detail Site Plan does not indicate which, if any, of the handicapped accessible parking spaces will be of van accessible design. Secondly, signage to reserve the regular handicapped accessible and van accessible spaces is not indicated. Finally, the striping on either sides of the handicapped accessible spaces is not dimensioned such as to allow for review for compliance. The handicapped-accessible spaces appear to comply with the striping design standard of Zoning Code Section 11-10-4.C Figure 3. Per the Applicant's Memo received April 12, 2012, the Applicant is coordinating with the Applicant should make use of a handicapped accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards. During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.~~

The proposed 9.5' X 18' regular parking space dimensions comply with the standards for the same.

The parking lot complies with the 15' minimum setback from Memorial Dr. per Zoning Code Section 11-10-3.B Table 1.

Parking areas and internal drives appear to be located outside Utility Easements, as is appropriate.

Zoning Code Section 11-9-11.D provides that no loading berth is required.

Screening/Fencing. The Zoning Code does not require a sight-proof screening fence for the subject property, as it does not abut an R district. Except for the trash enclosure, no fences are proposed.

Per the "Detail Site Plan" drawing, the trash enclosure will be located behind (west of) the building, which would be an appropriate siting in respect to Memorial Dr. ~~However, the Applicant has not provided a profile view / perspective drawing representing the appearance of the enclosure, as is customary. Staff respectfully requests this information be submitted for the Planning Commission's review and approval as a part of this Detailed Site Plan.~~ **The "Proposed Perspectives" drawing A1.0 indicates it will be a stained wood fence with brick columns, which appear to match the building. The design appears to be consistent with the quality of other screening fence enclosures recently permitted in Bixby and appropriate for a "bank" branch application.**

Landscape Plan. The Landscape Plan consists of the “Landscape Plan,” which indicates the location of proposed landscaping, and the “Landscape Notes & Detail” plan sheet. The Landscape Plan is compared to the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 50’ from the Memorial Dr. right-of-way. A 20’ parking lot setback / landscaped strip is proposed along Memorial Dr., to include landscaping trees. **This standard is met.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 15’ along Memorial Dr. A 20’ parking lot setback / landscaped strip is proposed along Memorial Dr., which will allow this standard to be met. **This standard is met.**
3. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Excluding the building line setbacks along Memorial Dr. (which is a Street Yard), there are no other applicable setbacks. **This standard is not applicable.**
4. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): 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. **This standard is met.**
5. 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 right-of-way. The subject property has 216’ of frontage along Memorial Dr., which has a 50’ setback.  $216' \times 50' = 10,800$  square feet / 1,000 = 11 trees required in the Memorial Dr. Street Yard. Eleven (11) trees are proposed in this Street Yard. **This standard is met.**
6. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. For 30 parking spaces, three (3) trees would be required. Excluding the trees elsewhere accounted for, three (3) trees are proposed. **This standard is met.**
7. 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.
8. Irrigation Standards (Sections 11-12-3.D.2 and 11-12-4.A.7): The “Irrigation Notes” on the “Landscape Notes & Detail” plan sheet describe the proposed underground irrigation system to be employed for “all planting beds and sod areas.” **This standard is met.**
9. Miscellaneous Standards (Sections 11-12-3.C.7, 11-12-3.D, etc.): The tree planting diagram, reported heights and calipers of the proposed trees, the notes on the “Landscape Notes & Detail” plan sheet, and other information indicates compliance with other miscellaneous standards. **This standard is met.**

The Applicant is advised that the Landscape Summary on the “Landscape Plan” drawing is inconsistent with the calculations provided above, in terms of number of trees required ~~and number provided.~~

Exterior Materials and Colors. The “Proposed Elevations” drawing A2.0 “Generator / Transformer Enclosure” drawing SK-3 and an unnamed artists’ conceptual rendering of the front of the building “Proposed Perspectives” drawing A1.0 indicate the proposed exterior materials and colors. ~~The drawing name appears to be a mistake.~~ The exterior material will be primarily “brick veneer,” an “aluminum curtain wall,” glass windows and doors, and “manufactured stone pilasters.” In the rendering, the brick appears to be a customary “brick red” color, and the “manufactured stone pilasters” appear to be a mottled mix of mauve and brownish earthtones.

The building will be 22’ in height to the top plate, and above that will have a partially visible composition shingle roof with a 3/12 pitch in part and a 5/12 pitch in part.

~~Side and rear building elevations have not been submitted, as is customary and necessary to convey the full picture of the exterior, as required per Zoning Code Section 11-7G-6.A.~~

Outdoor Lighting. ~~The Applicant has provided “cut sheets” showing the proposed sizes and models of pole mounted lights. The locations of the four (4) proposed pole mounted lights are indicated on the “Detail Site Plan” drawing.~~

~~“Generator / Transformer Enclosure” drawing SK 3 indicates the location of wall mounted lights on the front of the building. However, it does not appear the Applicant has provided “cut sheets” for these lights.~~

The locations of the four (4) proposed pole-mounted lights are indicated on the “Detail Site Plan” drawing, and the “Proposed Elevations” drawing A2.0 indicates the location of wall-mounted lights on the front of the building. The Applicant has provided “cut sheets” showing the proposed sizes and models of pole- and building-mounted lights.

Signage. The “Detail Site Plan” indicates a small, rectangular-shaped area toward the north end of the front of the lot, where a ground sign is ~~presumably~~ planned. The same plan drawing also indicates a larger rectangular-shaped area at the southeast corner of the lot, where the future Bixby Centennial Plaza’s shopping center sign is ~~presumably~~ planned (reference BBOA-544). Both locations are indicated to be outside the 17.5’ Perimeter Utility Easement, as is appropriate. ~~The plan should label these presumed sign locations as appropriate.~~

An unnamed exhibit indicates a proposed monument-style ground sign in profile view. Per this exhibit, the total sign height appears to be less than 16’, in conformity to the maximum sign height standard in the CS district. Also per this exhibit, the proposed display surface area is less than the maximum allowed per BBOA-544. The unnamed exhibit appears to have been replaced with a new unnamed, undated exhibit by MetroSign Corporation with the information received April 12, 2012. Per the new sign exhibit, small changes have been made, including reducing the sign width, reducing the sign height to 13’, and removing the capital on top of the column. Per a note on the drawing, the main sign face will actually be an electronic/LED message center.

~~The unnamed artists’ conceptual rendering of the front of the building “Proposed Perspectives” drawing A1.0 indicates wall signage, or otherwise signage located within the building but visible through the front windows. However, information on the claimed sign types, complete appearance, and display surface area has not been submitted for review and approval as required. Two (2) new exhibits by MetroSign Corporation received April 12, 2012 indicate better how they will appear inside the building, by superimposing the images on photos of (evidently) another Communication Federal Credit Union site under construction. Per the new exhibits, both types of signs will be “stud mounted to [the] interior [screen] wall[s]” behind glass. The new exhibits indicate the dimensions of the copy area, but not the entire sign area. However, signs located within a building are categorically exempt from the display surface area standards per Zoning Code Section 11-9-21.C.3.j, and so will be approved as a part of this Detailed Site Plan.~~

The “Proposed Perspectives” drawing A1.0 received April 12, 2012 indicates the proposed ground sign will be located in the southeast corner of the subject property, where the future combined development entrance / shopping center tenant sign will be located. This is not correct, per item # 11 of the Applicant’s memo dated April 12, 2012 and the revised Detail Site Plan drawing received the same date.

The Applicant has not submitted information on any planned directional or other customary incidental signage. The Applicant’s memo dated April 12, 2012 states, “Approval of direction[al] signage is not requested at this time.” Directional and any other incidental signage will not be approved as a part of this Detailed Site Plan. Signs require sign permit(s), which will be subject to Planning Commission approval at that time.

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

1. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
- ~~2. To ensure the Detailed Site Plan accurately represents the lot of record, the deed creating the subject property must be recorded before or as a part of this approval. A copy of the deed creating the subject property is respectfully requested for placement in the permanent BL 381 and AC 12 04 02 files.~~
3. The proposed driveways and their curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements.
4. ~~The access aisle attending the handicapped accessible parking spaces in the front of the building will doubly serve as pedestrian accessway connecting the building to the existing sidewalk along~~

~~Memorial Dr., as represented on the plan drawing. However, the pedestrian accessway is not dimensioned, nor is the sidewalk itself. Please dimension.~~

- ~~5. The Detail Site Plan does not indicate which, if any, of the handicapped accessible parking spaces will be of van accessible design. Secondly, signage to reserve the regular handicapped accessible and van accessible spaces is not indicated. Finally, the striping on either sides of the handicapped accessible spaces is not dimensioned such as to allow for review for compliance with Zoning Code Section 11 10 4.C Figure 3. The Applicant should make use of a handicapped accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards. During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.~~
- ~~6. The Applicant has not provided a profile view / perspective drawing representing the appearance of the enclosure, as is customary. Staff respectfully requests this information be submitted for the Planning Commission's review and approval as a part of this Detailed Site Plan.~~
- ~~7. The Landscape Summary on the "Landscape Plan" drawing is inconsistent with the calculations provided in the Landscape Plan analysis above, in terms of number of trees required and number provided. Advisory.~~
- ~~8. The "Generator / Transformer Enclosure" name of building elevations drawing SK 3 appears to be a mistake. Advisory.~~
- ~~9. Side and rear building elevations have not been submitted, as is customary and necessary to convey the full picture of the exterior, as required per Zoning Code Section 11 7G 6.A. Please submit.~~
- ~~10. "Generator / Transformer Enclosure" drawing SK 3 indicates the location of wall mounted lights on the front of the building. However, it does not appear the Applicant has provided "cut sheets" for these lights. Please submit.~~
- ~~11. The "Detail Site Plan" indicates a small, rectangular shaped area toward the north end of the front of the lot, where a ground sign is presumably planned. The same plan drawing also indicates a larger rectangular shaped area at the southeast corner of the lot, where the future Bixby Centennial Plaza's shopping center sign is presumably planned (reference BBOA 544). The plan should label these presumed sign locations as appropriate.~~
- ~~12. The unnamed artists' conceptual rendering of the front of the building indicates wall signage, or otherwise signage located within the building but visible through the front windows. However, information on the claimed sign types, complete appearance, and display surface area has not been submitted for review and approval as required. Please submit.~~
- ~~13. The Applicant has not submitted information on any planned directional or other customary incidental signage. Please submit.~~
- ~~14. 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).~~

Erik Enyart clarified with Mark Capron that the Detailed Site Plan would approve the ground sign and the signs within the building, for which a technical term was not known, but would not approve the directional [and other incidental] signs, which would be approved at a later date.

John Benjamin asked Erik Enyart how long Fire Marshal and City Engineer approvals take. Mark Capron stated that the Fire Marshal and City Engineer had already approved the plans. Mr. Enyart referenced the copies of the Fire Marshal and City Engineer memos included in the agenda packet and noted that there was "nothing big outstanding," per the memos. Mr. Enyart stated that the remaining "subject to" recommendations were standard "coverall, catchall item[s]," and took into account any recommendations they may have "during the building permit stage."

Vice/Acting Chair Larry Whiteley made a MOTION to APPROVE AC-12-04-02 with the Conditions of Approval as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whisman, Benjamin, & Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 3:0:0

8. **BL-383 – Massey-Mann & Associates, LLC for Debra L. Bailey.** Discussion and possible action to approve a Lot-Split for part of Lot 5, Block 1, *121st Center*, to be attached to Lot 1, Block 1, *121st Center*.

Property located: 8200-block of E. 121<sup>st</sup> St. S. / 12101 S. Memorial Dr.

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Vice/Acting Chair Larry Whiteley introduced the item and asked Erik Enyart for the Staff Report and recommendations. Brett Mann confirmed with Mr. Enyart that the Public Notice of the Lot-Split was not properly advertised, and so had been advertised for the next regular meeting. Mr. Enyart recommended the Lot-Split be CONTINUED to the May 21, 2012 Regular Meeting. The Commissioners clarified with Mr. Enyart that the Detailed Site Plan did not require a Public Notice and so was in order to approve at this meeting.

Vice/Acting Chair Larry Whiteley asked to entertain a Motion. John Benjamin made a MOTION to CONTINUE BL-383 to the May 21, 2012 Regular Meeting. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whisman, Benjamin, & Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 3:0:0

9. **AC-12-04-06 – McDonald’s – Massey Mann & Associates, LLC.** Discussion and possible action to approve a Detailed Site Plan and building plans for a major remodel of *McDonald’s*, a Use Unit 12 fast-food restaurant for Lot 1, Block 1, and the W. approximately 72’ of the N. approximately 200’ of Lot 5, Block 1, *121st Center*.

Property located: 12101 S. Memorial Dr.

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Vice/Acting Chair Larry Whiteley 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:** *Wednesday, April 04, 2012*  
**RE:** *Report and Recommendations for:*  
*AC-12-04-06 – McDonald’s – Massey Mann & Associates, LLC*

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LOCATION: – *Lot 1, Block 1, and the W. approximately 72’ of the N. approximately 200’ of Lot 5, Block 1, 121st Center*  
– *12101 S. Memorial Dr.*

SIZE: *1.25 acres, more or less, in two (2) tracts*

EXISTING ZONING: *CS Commercial Shopping Center District*

DEVELOPMENT *Approval of Detailed Site Plan including as elements: (1) Detailed Site*

TYPE: Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to Zoning Code Sections 11-7G-4 and 11-7G-6 for a major remodel of a Use Unit 12 fast-food restaurant.

SURROUNDING ZONING AND LAND USE:

North: (Across 121<sup>st</sup> St. S.) CS; The Town and Country Shopping Center.

South: CS; Carpet Center / Floorhaus Flooring America and the North Carolina Furniture Mart in the 121st Center shopping center.

East: CS, CS/OL/PUD 68, & CS/RM-1/PUD 6; Vacant north balance of Lot 5 and Atlas General Contractors office to the southeast in 121st Center, the "North Bixby Commerce Park" ministorage and commercial development under construction on a 16-acre tract, and the Memorial Square duplex-style apartments zoned CS/RM-1/PUD 6 across 121<sup>st</sup> St. S. to the northeast.

West: (across Memorial Dr.) CG, CS, & AG; The Pizza Hut restaurant, the My Dentist Dental Clinic, Bank of Oklahoma to the northwest across 121<sup>st</sup> St. S., and agricultural land to the southwest zoned AG.

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area.

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

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E, including the 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 (included part of subject property) – PC Motion to Approve died for lack of a Second 02/26/1979 and 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, including 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 subject property) – BOA Approved 01/11/1988.

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

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

BL-168 – Jack Spradling for Arkansas Valley Development Corporation – Request for Lot-Split approval for Lot 5, Block 1, 121st Center (included part of subject property); created a new tract, the E. 215' of the S. 125' of Lot 5, which is now the Atlas General Contractors office – PC Conditionally Approved 02/15/1993 (Mutual Access Easement created to give access to 121<sup>st</sup> St. S.).

BL-383 – Massey-Mann & Associates, LLC for Debra L. Bailey – Request for Lot-Split approval for part of Lot 5, Block 1, 121st Center, to be attached to Lot 1, Block 1, 121st Center (includes part of subject property) – Pending PC consideration 04/16/2012.

BBOA-557 – Sean Rohrbacker for Archland Property I, LLC and Debra L. Bailey – Request for Special Exception for subject property per Zoning Code Section 11-10-2.H to allow a total of 61 parking spaces, in excess of the 24 space maximum standard for a remodeled fast-food restaurant in the CS Commercial Shopping Center District – Pending BOA consideration 05/07/2012.

BACKGROUND INFORMATION:

McDonald's construction contractor contacted Staff on 03/12/2012 to discuss the major remodel project. Staff requested plans be emailed so that the full scope of approvals could be determined, and the

draft plans were received on that date. Staff responded with a review email including detailed instructions on 03/13/2012. On 03/15/2012, a pre-development coordination meeting was held with McDonald's and their associates, including McDonald's owner operator Jay Wagner, Travis Thomason of Morrison Construction Co., W. Brett Mann of Massey-Mann & Associates, LLC, the project engineer, and the owner of Morrison Construction Co. City representatives included Mayor Ray Bowen, Economic Development Director Trish Richey, City Planner Erik Enyart, Building Inspector Bill May, Fire Marshals Jim Sweeden and Joey Wiedel, and City Engineer Jared Cottle. In the meeting, the Mayor and McDonald's developers expressed interest in an accelerated development review time. McDonald's owner Jay Wagner expressed interest in being able to proceed as soon as possible so that the project was completed by summer, in time for the heavy business periods corresponding to the summer sports season and summer break for the schools. Planning Staff suggested a Conditional / Provisional Building Permit, subject to the City Manager's authorization. The City Manager authorized it on 03/15/2012, based on Staff's summary email on that date, including as preconditions the submission of all required applications, including the Building Permit application, and Building Inspector and Fire Marshal review and approval of the building permit plans. The Building Permit application form was 03/15/2012, and included three (3) sets of draft building plans (since amended in part).

As authorized by the City Manager, on or about March 21, 2012, Staff signed the Conditional / Provisional Building Permit with Conditions listed as follows: "Conditions: This permit approves work to building only. Permit is subject to the approval of Lot-Split application BL-383, the Detailed Site Plan per AC-12-04-06, and the Special Exception application BBOA-557 and any conditions attached to the approval of any of them. Owner proceeds at their own risk prior to final approvals as required. All as per City Manager 03/15/2012."

On 03/22/2012, the City Engineer reviewed and approved an Earth Change Permit, including civil plans for drainage for the expanded parking lot area. The approved Earth Change Permit authorizes the drive-thru, parking lot, and driveway improvements work, but the owner proceeds at their own risk prior to the final approvals of Lot-Split application BL-383, the Detailed Site Plan per AC-12-04-06, the Special Exception application BBOA-557, the release of Limits of No Access (LNA) imposed by the plat of 121st Center, and any conditions attached to the approval of any of them.

ANALYSIS:

Property Conditions. Per BL-383, the W. 72' of the N. approximately 200' of Lot 5, Block 1, 121st Center is proposed to be separated from its original tract, presently the N. approximately 200' of Lot 5, Block 1, 121st Center, and it will be added to Lot 1, Block 1, 121st Center. Thereupon, the subject property will consist of Lot 1, and the W. 72' of the N. approximately 200' of Lot 5, Block 1, 121st Center. BL-383 is also on this Planning Commission agenda for approval.

The Lot 1 portion of the subject property contains a McDonald's fast-food restaurant, and the proposed "W. 72' tract" property is presently vacant and contains a gravel driveway connecting the back side of Carpet Center / Floorhaus Flooring America to 121<sup>st</sup> St. S.

The subject property is relatively flat and drains to the north to 121<sup>st</sup> St. S., which drains to the east to an upstream tributary of Fry Creek # 1. As recommended by the City Engineer, the proposed parking lot and drive-thru expansion area is now planned to connect to the City's underground stormsewer system along the south side of 121<sup>st</sup> St. S., according to the amended construction plans.

General. McDonald's is doing a major remodel of their Use Unit 12 fast-food restaurant, primarily (1) expanding the drive-thru to a double-lane, paving the existing north-south driveway, and building a new parking lot area to the east of that, all upon a piece of land to the east that the McDonald's owner is acquiring, (2) exterior upgrade, and (3) some interior renovations (bathrooms, etc.). The drive-thru/driveway/parking lot expansion project will also involve curbing-off the existing driveway connection to 121<sup>st</sup> St. S. and improving the existing driveway connection on the "W. 72' tract."

The Site Plan represents a conventional, suburban-style fast-food restaurant. Upon combination by deed restriction (or other approved method) of the "W. 72' tract" to Lot 1, Block 1, the subject property lot will conform to the CS district. The existing building contains 3,025 square feet, and will not be spatially expanded as a part of this remodel project. The existing building is located toward the center of Lot 1, and appears to comply with the height, maximum FAR, and minimum building setback standards of CS.

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

The Technical Advisory Committee (TAC) reviewed this Detailed Site Plan on April 04, 2012. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. The subject property has a driveway connection to Memorial Dr. at its southwest corner, which connection appears to be shared with the Carpet Center / Floorhaus Flooring America business to the south. It has an existing driveway connection to 121<sup>st</sup> St. S., but that one will be curbed-off when the existing gravel driveway connection on the "W. 72' tract" to the east is improved.

A 24'-wide "Proposed Access Easement" is labeled on drawing C2.0, corresponding to the existing gravel driveway. Staff respectfully requests copies of the easement be provided the City, after it is executed and recorded with the Tulsa County Clerk, to be placed in the plat and/or project file.

The plat of 121st Center imposes Limits of No Access (LNA) along 121<sup>st</sup> St. S., with the exception of an Access Opening corresponding to the existing driveway connection on 121<sup>st</sup> St. S. As a part of this project, the Applicant will need to submit a proper instrument to release the LNA where the improved driveway will be relocated to, which instrument must comply with Subdivision Regulations Section 8.2 / Section 12-8-2. Approval should be subject to City Engineer, Public Works Director, and Fire Marshal approval of the change of access, and approval of this Detailed Site Plan should be subject to City Council approval of a change to Limits of No Access (LNA) on the plat of 121st Center.

An existing driveway encircles the building. There is a 30'-wide Mutual Access Easement (MAE) along the west side of the property (approximately the E. 30' of the W. 40' of Lot 1), and the north 40' of the subject property is another MAE per the plat of 121st Center. The MAEs appear to provide cross-access between the lots within 121st Center. It appears that most of the MAE areas within the Lot 1 portion of the subject property are developed with parking spaces. The MAEs are private and are for the benefit of the private property owners within 121st Center.

The provided drawings indicate the widths of the existing and proposed driveways and their curb return radii. All these dimensions must comply with applicable standards and City Engineer and/or Fire Marshal requirements.

A sidewalk flanks the west/front and south sides of the building, and there is existing pedestrian crossing striping connecting the north parking lot to the northwest corner of the building.

The plans indicate a 4'-wide sidewalk will be constructed along and within Memorial Dr. and 121st St. S. rights-of-way as a part of this project, as required. It is proposed to be located within the right-of-ways, 1' from the property lines, and at least 10' from the curb, which is consistent with the location standards for the same per Engineering Design Criteria Manual Section C.4.3.

The site does not appear to have the one (1) loading berth required per Zoning Code Section 11-9-12.D. However, as the building is not being expanded (the basis for the loading berth standard), one will not be required to be added per Zoning Code Sections 11-10-1 and 11-11-8. This assumes one was not required when the store was originally built, as suggested by the fact that it doesn't have one. The Applicant has been requested to advise if they know otherwise.

Parking Standards. The "Site Plan" drawing C2.0 indicates a total of 61 parking spaces upon project completion. Zoning Code Section 11-9-12.D requires a minimum of 20 parking spaces for a 3,025 square foot building. Zoning Code Section 11-10-2.H provides a "minimum plus 15%" maximum parking number standard, to discourage developers from selecting properties which are too small to contain their buildings and all of the parking they anticipate need for. The maximum number of parking spaces allowed for this property, for 3,025 square feet, is 24 parking spaces (reference Zoning Code Section 11-9-12.D). Therefore, the Applicant has requested, per BBOA-557, a Special Exception to allow the proposed additional parking spaces. Approval of this Detailed Site Plan should be subject to the final approval of BBOA-557 by the Board of Adjustment.

The existing and proposed 9' X 18' regular parking space dimensions comply with the minimum standards for the same.

The three (3) handicapped-accessible parking spaces would comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces).

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). By notation, the Site Plan indicates the easternmost ADA space will be of van-accessible design.

The regular and handicapped-accessible parking spaces and access aisles are dimensioned in Detail A on C2.0. The Site Plan indicates pole-mounted signage to reserve the accessible spaces, labeled by notation. As the accessible spaces will be angled at 45° or 60°, the 90° angle striping design standard per

Figure 3 in Section 11-10-4.C does not apply. During the remodeling project, the Applicant should consult with the Building Inspector to confirm the accessible parking area complies with ADA standards.

The parking lot is subject to a 15' minimum setback from Memorial Dr. and a 10' setback from 121<sup>st</sup> St. S. per Zoning Code Section 11-10-3.B Table 1. Dimensions provided on the plan indicate a 15' setback along Memorial Dr.

Dimensions have not been provided along 121<sup>st</sup> St. S., and it is not clear if the proposed new parking lot strip along the new east property line will meet the 10' minimum setback. This dimension needs to be provided on drawing C2.0 and the setback needs to be increased to 10' if not currently planned.

The plans show internal drives and parking spaces being paved over certain Utility Easement areas along the east side of the north line of the subject property, and over the 10' Drainage Easement between Lots 1 and 5 per the plat of 121st Center. Paving over public Utility Easements and drainage easements is subject to City Engineer and Public Works Director approval.

Screening/Fencing. The Zoning Code does not require a sight-proof screening fence for the subject property, as it does not abut an R district. The transmittal letter dated March 19, 2012 states, "1. Fence Plan – Per the attached site plan, the existing wood stockade fence will be demolished as part of this remodel project. Since there is no mandated requirement for fencing on this project said fence will not be replaced along the East property line."

Per "Various Trash Enclosure Details" drawing TE1, the trash enclosure will be composed of CMU material and paint to match the building. It will be relocated behind (southeast of) the building on the "W. 72' tract," which would be an appropriate siting in respect to Memorial Dr. However, it is proposed to be constructed on the 10' Drainage Easement between Lots 1 and 5 per the plat of 121st Center. Construction of the trash enclosure area on the drainage easement is subject to City Engineer and Public Works Director approval. The design appears to be consistent with the quality of other screening fence enclosures recently permitted in Bixby and appropriate for a fast-food restaurant application.

Landscape Plan. The transmittal letter dated March 19, 2012 states, "3. Landscape Plan – There are no current plans to remodel the landscape, it will remain as-is. Areas disturbed by construction will be covered with new sod."

Zoning Code Section 11-12-2 provides an exemption for the current situation: The building is not being spatially expanded, and the parking lot expansion does not trigger the landscaping standards in and of itself. Therefore, no new landscaping is required.

However, the Zoning Code still requires the submission of a Landscape Plan, even if it only reflects the current conditions.

Per "Existing Landscaping Plan" drawing C2.3, the subject property has existing sod and six (6) crape myrtles "to remain" along the Memorial Dr. and 121<sup>st</sup> St. S. frontages of the lot, and areas of sod existing and/or proposed along the south and east sides of the expanded lot. Miscellaneous areas about the property have or will also have sod. The existing driveway connection to 121<sup>st</sup> St. S., when curbed-off, will be replaced with new sod.

Exterior Materials and Colors. Per the R2.0 and R2.1 "Reference Photos" plan sheets, the existing building appears to be primarily composed of concrete masonry units (CMU) painted mauve with yellow and white accent colors.

Per "Elevations" drawing A2.0 and "Colored Elevations" drawing A2.1, the exterior will be upgraded by re-painting existing sections of CMU brown with tan as an accent color, adding new EIFS sections, and adding stone veneer, primarily to the front and certain sections of the sides and rear building walls. Yellow and gray trim is also planned. For clarity and ease of plan review, it would have been helpful had the labels "Drive Thru Elevation" and "Non-Drive Thru Elevation" been supplemented with "North" and "South" as appropriate.

Per "Elevations" drawing A2.0, the building is approximately 12' in height measured, with 17' 11" the total height of the parapet wall. The roof will not be visible.

Outdoor Lighting. The transmittal letter dated March 19, 2012 states, "2. Lighting Plan – Existing site lighting is to remain as is with one exception. The location of the light standard east of the existing drive through will move approx. 20' east into the new landscape island."

"Site Plan" drawing C2.0 represents the existing and "relocated" pole-mounted lights on the subject property. The R2.0 and R2.1 "Reference Photos" plan sheets indicate the location of existing building-mounted lights, which, while the A2.0 and A2.1 elevations drawings do not depict them as planned for the new exterior, are believed planned to remain per the statement on the transmittal letter.

*There does not appear to be residential land use in the immediate area. The nearest residential land uses are the duplex-style apartments in Memorial Square, located more than 300' to the northeast across 121<sup>st</sup> St. S. from the northeast corner of the subject property. The existing and proposed relocated lighting appears appropriate for this development in its context.*

*Signage. Per "Site Plan" drawing C2.0, the existing ground/pole sign is located in the northwest corner of the subject property, within the 17.5' U/E and the MAE per the plat of 121st Center. Per a note on that drawing, it is 30' in height, as allowable in the CS district. It is depicted on the R2.0 and R2.1 "Reference Photos" plan sheets, but does not contain display surface area information, such that would allow it to be used for determining compliance with wall signage standards. It is not clear if any modifications to this sign will be proposed as a part of this project.*

*Per the SD1 "Detail" drawing, the several proposed menuboard signs (including "pre-sell" / "gateway merchandizer") and the various directional signs ("gateway," "canopy," "bollard," etc.) will all face south/southeast and do not appear to be visible from either Memorial Dr. or 121<sup>st</sup> St. S. (public streets), and so appear to be permit-able per Zoning Code Section 11-9-21.C.3.d. Existing and/or proposed new signage is also indicated on plan drawings SD1, SD2, SD4, SD5, and SD7, including the standard directional signs (which appear to be less than 3 square feet in display surface area when cabinet rim area is excluded) and signs reserving the ADA accessible parking spaces, and all appear to be in order (reference Zoning Code Section 11-9-21.C.3.k).*

*The A2.0 and A2.1 elevations drawings indicate wall signs are, or will be applied to all four (4) sides of the building. However, it does not contain display surface area information, such that would allow it to be used for determining compliance with wall signage standards. The A2.0 and A2.1 elevations drawings include a note that signage is "by others – under separate permit," and that the owner plans to "reuse all existing signs where possible." This is consistent with Staff's understanding pursuant to the Applicant's statement in the pre-development meeting, that the signage plans were not prepared as a part of this project, are not requested for approval by this Detailed Site Plan, and will follow subsequently with a sign permit application. Therefore, wall and ground signs are not approved as a part of this Detailed Site Plan. Signs require sign permit(s), which will be subject to Planning Commission approval at that time.*

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

- 1. Subject to the proposed Special Exception to exceed the parking maximum per BBOA-557.*
- 2. Subject to Lot-Split approval per BL-383.*
- 3. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.*
- 4. A 24'-wide "Proposed Access Easement" is labeled on drawing C2.0, corresponding to the existing gravel driveway. Staff respectfully requests copies of the easement be provided the City, after it is executed and recorded with the Tulsa County Clerk, to be placed in the plat and/or project file.*
- 5. The plat of 121st Center has Limits of No Access (LNA) along 121<sup>st</sup> St. S., with the exception of an Access Opening corresponding to the existing driveway connection on 121<sup>st</sup> St. S. As a part of this project, the Applicant will need to submit a proper instrument to release the LNA where the new driveway will be relocated to, which instrument must comply with Subdivision Regulations Section 8.2 / Section 12-8-2. Approval should be subject to City Engineer, Public Works Director, and Fire Marshal approval of the change of access, and approval of this Detailed Site Plan should be subject to City Council approval of a change to Limits of No Access (LNA) on the plat of 121st Center.*
- 6. The proposed driveways and their curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements.*
- 7. During the remodeling project, the Applicant should consult with the Building Inspector to confirm the accessible parking area complies with ADA standards.*
- 8. Dimensions have not been provided along 121<sup>st</sup> St. S., and it is not clear if the proposed new parking lot strip along the new east property line will meet the 10' minimum setback. This dimension needs to be provided on drawing C2.0 and the setback needs to be increased to 10' if not currently planned.*
- 9. The plans show internal drives and parking spaces being paved over certain Utility Easement areas along the east side of the north line of the subject property, and over the 10' Drainage*

*Easement between Lots 1 and 5 per the plat of 121st Center. Paving over public Utility Easements and drainage easements is subject to City Engineer and Public Works Director approval.*

10. *Construction of the trash enclosure area on the drainage easement is subject to City Engineer and Public Works Director approval.*
11. *Wall and ground signs are not approved as a part of this Detailed Site Plan. Signs require sign permit(s), which will be subject to Planning Commission approval at that time.*
12. *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).*

Erik Enyart stated that there was only one (1) recommended correction item that necessarily required changes to the plan drawings, as the rest were "subject to" approval requirements. Mr. Enyart stated that [recommendation Item # 8] pertained to the parking lot setback at the northeast corner of the lot, and according to the revised site plan drawing he received just prior to the meeting, that item had been taken care of. Mr. Enyart asked Brett Mann how the matter had been resolved. Mr. Mann stated that he had shifted the parking lot down two (2) feet. Mr. Enyart clarified with Mr. Mann that there was no reduction in the number of parking spaces.

Vice/Acting Chair Larry Whiteley asked if the Commissioners had any questions or comments. There being none, Vice/Acting Chair Larry Whiteley asked to entertain a Motion. Lance Whisman made a MOTION to APPROVE AC-12-04-06 with all of the 12 corrections, modifications, and Conditions of Approval as recommended by Staff, if any of the 12 were not already taken care of. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whisman, Benjamin, & Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 3:0:0

CONSENT AGENDA (Resumed):

2. Case # AC-12-04-01. Discussion and possible action to approve a wall sign for "Twisted Soul Sisters" at 15285 S. Memorial Dr., Lots 7, 8, 9, & 10, & Lot 6 Less West 20.93' thereof, Block 23, *Midland Addition*.
3. Case # AC-12-04-03. Discussion and possible action to approve a replacement ground sign for *Schlotzky's Deli* at 10205 S. Memorial Dr., part of the NW/4 NW/4 Section 25, T18N, R13E and the N. 17' of the W. 240' of Tract B, Block 1, *101 South Memorial Center*.
4. Case # AC-12-04-04. Discussion and possible action to approve replacement wall signs for *Schlotzky's Deli* at 10205 S. Memorial Dr., part of the NW/4 NW/4 Section 25, T18N, R13E and the N. 17' of the W. 240' of Tract B, Block 1, *101 South Memorial Center*.

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Vice/Acting Chair Larry Whiteley and made a MOTION to APPROVE Consent Agenda Items Numbered 2, 3, and 4. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whisman, Benjamin, & Whiteley

NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 3:0:0

1. Approval of Minutes for the March 19, 2012 Regular Meeting

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Vice/Acting Chair Larry Whiteley introduced Consent Agenda Item number 1. Erik Enyart recommended the Minutes be Continued to the May 21, 2012 regular meeting. Vice/Acting Chair Larry Whiteley asked what would happen [if the Commission simply Passed the item rather than Continuing it]. Mr. Enyart indicated he would place it on the next agenda for approval. John Benjamin asked if the Commissioners could approve the Minutes by email. Mr. Enyart stated that he did not know, and would have to check the Bylaws, if they existed. (This item was Passed by acclamation).

OLD BUSINESS:

None.

NEW BUSINESS:

Erik Enyart recognized Kevin Caskey with Leadership Bixby. The Commissioners welcomed Mr. Caskey.

ADJOURNMENT:

There being no further business, Vice/Acting Chair Larry Whiteley made a MOTION to ADJOURN. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whisman, Benjamin, & Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 3:0:0

Meeting Adjourned at 6:32 PM.

APPROVED BY:

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Chair

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Date

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City Planner/Recording Secretary