

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
May 21, 2012 6:00 PM**

**STAFF PRESENT:**

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

**OTHERS ATTENDING:**

Brett Mann, Massey-Mann & Associates, LLC  
Ron Kelley, First Equity Corporation  
See attached Sign-In Sheet

**CALL TO ORDER:**

Chair Thomas Holland called the meeting to order at 6:01 PM.

**ROLL CALL:**

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

**CONSENT AGENDA:**

1. Annual nominations and elections for Chairperson, Vice-Chairperson, and Secretary (City Code Section 10-1-3).

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Chair Thomas Holland introduced the Consent Agenda Number 1 and called for nominations. John Benjamin suggested that the current officers be retained for another year, and Lance Whisman indicated agreement. In response to a question, Erik Enyart stated that he was currently serving as Secretary, and that he would be happy to serve again if nominated.

John Benjamin made a MOTION to NOMINATE and ELECT Thomas Holland as Chair, Larry Whiteley as Vice-Chair, and Erik Enyart as Secretary. Lance Whisman SECONDED the Motion. Roll was called:

**ROLL CALL:**

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

In response to a question, Erik Enyart stated that the Planning Commission Bylaws may need to be studied and amended in the future, since the way the Commission operates is not always consistent with what is written in the Bylaws. Mr. Enyart stated that he would bring this up at a later date.

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

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Chair Thomas Holland introduced Consent Agenda Item number 2 and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE Consent Agenda Item number 2, the Minutes as presented by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

3. Approval of Minutes for the April 16, 2012 Regular Meeting

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Chair Thomas Holland introduced Consent Agenda Item number 3 and asked to entertain a Motion.

Erik Enyart stated that, according to the Minutes under consideration, Lance Whisman, John Benjamin, and Larry Whiteley were present at that meeting.

John Benjamin made a MOTION to APPROVE Consent Agenda Item number 3, the Minutes as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whisman, Benjamin, & Whiteley  
NAY: None.  
ABSTAIN: Holland.  
MOTION CARRIED: 3:0:1

4. Case # AC-12-05-01. Discussion and possible action to approve a ground sign for “Happy Hearts Academy of Early Learning # 2” at 13406 S. Memorial Dr., part of the S/2 of the NE/4 of Section 11, T17N, R13E.

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Chair Thomas Holland introduced the Consent Agenda Number 4 and asked Erik Enyart if there was anything out of the ordinary. Erik Enyart stated that this case was somewhat unusual as it had a lot of information issues, but that the Applicant had resolved all of them and the permit had been issued. Mr. Enyart requested ratification of the prior approval given.

Larry Whiteley made a MOTION to APPROVE. John Benjamin SECONDED the Motion. Roll was called:

**ROLL CALL:**

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

**PUBLIC HEARINGS**

5. **BZ-356 – K.S. Collins for Lee & Twilah A. Fox.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RS-1 Residential Single Family District for part of the SW/4 of the SW/4 of Section 14, T17N, R13E.  
Property located: 15015 S. Sheridan Rd.

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

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Tuesday, May 15, 2012  
**RE:** Report and Recommendations for:  
BZ-356 – K.S. Collins for Lee & Twilah A. Fox

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**LOCATION:** – 15015 S. Sheridan Rd.  
– Part of the SW/4 of the SW/4 of Section 14, T17N, R13E

**LOT SIZE:** 0.81 acres, more or less

**EXISTING ZONING:** AG General Agricultural District

**EXISTING USE:** Agricultural land and the Church on the Hill (parent tract), and a single-family dwelling (subject property area)

**REQUESTED ZONING:** RS-1 Residential Single Family District

**SUPPLEMENTAL ZONING:** Corridor Appearance District (small strip along south line only)

**SURROUNDING ZONING AND LAND USE:**

**North:** AG; Unplatted rural residential along 149<sup>th</sup> / 148<sup>th</sup> St. S. in an unplatted subdivision possibly known as “Abbett Acres” and agricultural land north of that.

**South:** CS & AG; The Leonard & Marker Funeral Home zoned CS and AG and 151<sup>st</sup> St. S. to the south of that.

**East:** AG; Unplatted rural residential along 149<sup>th</sup> / 148<sup>th</sup> St. S. and 68<sup>th</sup> E. Ave. in an unplatted subdivision possibly known as “Abbett Acres.”

**West:** (Across Sheridan Rd.) AG & RS-3; Rural residential homes on 1+ acre tracts, with agricultural land beyond to the west. The Lantern Hill residential subdivision is to the northwest, zoned RS-3.

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

**PREVIOUS/RELATED CASES:**

**BBOA-137 – Lee Fox** – Request for Special Exception to allow a mobile home on a previously 10.3-acre tract, of which the subject property is a part – BOA Denied 12/10/1984.

**BBOA-137 – Twilah A. Fox, M.D.** – Request for Special Exception per Zoning Code Section 310 to allow a Use Unit 5 church (now the Church on the Hill) on the Southwest approximately 1.16 acres of a previously 10.3-acre tract, of which the subject property is a part – BOA Approved 09/04/1990.

**BBOA-293 – Lee & Twila[h] Fox** – Request for Variance from the minimum size and width bulk and areas standards of the AG district, to allow a Lot-Split (BL-184) on a previously 10.3-acre tract, of which the subject property is a part – BOA Approved 04/17/1995.

**BL-184 – Joe Donelson for Lee & Twilah A. Fox** – Request for Lot-Split approval to separate a 1-acre tract at 6668 E. 148<sup>th</sup> St. S. from an original tract of 10.3 acres, of which the subject property is a part – PC Approved 04/17/1995.

BBOA-345 – Twilah Fox – Request for “Special Exception” from Zoning Code Section 310 to allow a Use Unit 9 mobile home to be temporarily placed in the AG district on subject property – BOA Conditionally Approved 07/06/1999.

BL-384 – K.S. Collins for Lee & Twilah A. Fox – Request for Lot-Split approval for subject property – Pending PC consideration 05/21/2012.

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

BZ-283 – Mike Marker – Request for rezoning from AG to CS for the 1.3-acre tract abutting subject property to the south and containing the Leonard & Marker Funeral Home main building – PC Recommended Approval 02/19/2002 and City Council Approved 03/11/2002 (Ord. # 848).

BBOA-381 – Mike Marker – Request for Variance from the parking standards of Zoning Code Chapter 10 Section 1011.4 for the 1.3-acre tract abutting subject property to the south and containing the Leonard & Marker Funeral Home main building – BOA Approved Variance, to include requiring 62 parking spaces, 05/06/2002.

BZ-199 – Dan Stilwell – Request for rezoning from RMH to CG for approximately 3 ¾ acres located to the southeast of subject property – now includes the commercial properties containing the Bixby Chiropractic and (existing or former) Living Water Family Church establishment buildings at 7100, 7102, and 7106 E. 151<sup>st</sup> St. S. – PC recommended Approval 05/18/1992 and City Council Approved 05/25/1992 (Ord. # 667). However, the legal description used does not close and the ordinance did not contain the approved Zoning District. The official Zoning Map reflects CS instead of CG. Needs to be corrected upon initiative effort of one or more of the affected property owners.

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

BZ-291 – Cleatus & Deloris Tate – Request for rezoning to CG for approximately 16 acres located to the west of subject property for the Allison Tractor Co. Inc. tractor sales business – PC (06/20/2003) recommended Approval for 4.6 acres as per the amended reduced acreage request and City Council (07/14/2003) approved as recommended/amended (Ord. # 870). Zoning acreage reduction amendment letter dated 06/18/2003 additionally requested a “plat waiver,” but Staff found no record of such being approved at that time. See Plat Waiver granted 04/14/2008.

BZ-333 – Lantern Hill, LLC – Request for rezoning from AG to RS-3 for a 40-acre tract located across Sheridan Rd. to the northwest of the subject property (later platted and developed as the Lantern Hill residential subdivision) – PC recommended Approval 07/16/2007 and City Council Approved 08/13/2007 (Ord. # 974).

BACKGROUND INFORMATION:

The Applicant desires to split an approximately 0.81-acre “flag-lot,” containing the Applicant’s dwelling, from the balance of the subject property parent tract. The balance of the parent tract contains the Church on the Hill and agricultural land. As the proposed tract is too small to meet the bulk and area requirements of the AG district, Staff advised the Applicant’s surveyor to suggest the Applicant rezone the smaller tract, if not both tracts, to an RS-1 district, so that the lot will conform to the Zoning and be approved for Lot-Split. The Applicant is requesting to rezone only the 0.81-acre area containing the Applicant’s dwelling, and leave the balance of the acreage zoned AG.

ANALYSIS:

Subject Property Conditions. The subject property contains the top of a small hill and contains significant slope. It appears to drain to the north, east, and south, ultimately to Bixby Creek. It is zoned AG and appears to be agriculturally-used, with the exception of (1) the Church on the Hill at the southwest corner of the property, and (2) the Applicant’s residence atop the highest point of the hill in the south-central portion of the property. It also contains two (2) sizeable ponds toward the north end of the property. The subject property is located within an unplatted subdivision occupying the SW/4 SW/4 of this Section 14, T17N, R13E, which, according to certain records, including the subject property’s legal description, may go by the name “Abbett Acres.”

The subject property parent tract has 675.84’ of frontage on Sheridan Rd., and 509.75’ of frontage on 149<sup>th</sup> / 148<sup>th</sup> St. S. The name of the street is not clear, as it curves south and then back east as one approaches S. 68<sup>th</sup> E. Ave., and as there are houses on either side of the road which are alternately addressed on “149<sup>th</sup>” and “148<sup>th</sup>” Streets South, with no apparent correspondence with the disjointed trajectory. Per available records, this road is private; it does not appear to be dedicated and has no public or private right-of-way attendant.

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

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that RS-1 zoning May Be Found In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map.

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

For the reasons outlined in the following sections of this report, Staff believes that the proposed RS-1 zoning should be found In Accordance with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily AG, CS, CG, and RS-3.

Areas to the north, east, and southeast are unplatted rural residential along 149<sup>th</sup> / 148<sup>th</sup> St. S. in an unplatted subdivision possibly known as “Abbett Acres.” Agricultural land is also to the north.

To the south, the Leonard & Marker Funeral Home is zoned CS and AG and 151<sup>st</sup> St. S. is to the south of that.

Finally, to the west (across Sheridan Rd.) are rural residential homes on 1+ acre tracts, with agricultural land beyond to the west, all zoned AG, and the Lantern Hill residential subdivision is to the northwest, zoned RS-3.

The requested RS-1 zoning would be consistent with the established RS-3 zoning district to the northwest (Lantern Hill), and would be compatible with the existing low-density residential areas to the west, north, east, and southeast.

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

Larry Whiteley asked about the location of the subject property in relation to the road that was the back way into the neighborhood. Erik Enyart stated that the larger tract, from which the subject property was a part, had 149<sup>th</sup> St. S. / 148<sup>th</sup> St. S. at its north end. Mr. Enyart stated that the actual name of the street was not clear, as it had different addresses on different parts.

The Applicant was not present. No one else spoke on the item.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of BZ-356. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

OTHER BUSINESS

6. (Continued from April 16, 2012)

**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, 121<sup>st</sup> Center, to be attached to Lot 1, Block 1, 121<sup>st</sup> Center.

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

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

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Tuesday, May 15, 2012  
**RE:** Report and Recommendations for:  
BL-383 – Massey-Mann & Associates, LLC for Debra L. Bailey

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**LOCATION:** – The North Approximately 200' of Lot 5, Block 1, 121st Center  
– The 8200-block of E. 121<sup>st</sup> St. S.  
– 10121 S. Memorial Dr.

**LOT SIZE:** 2 acres, more or less

**ZONING:** CS Commercial Shopping Center District

**EXISTING USE:** Vacant

**REQUEST:** Lot-Split approval

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

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

BL-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 part of subject property) to reduce the minimum lot width/frontage in CS from 150' to 0' to permit a Lot-Split creating the E. 215' of the S. 125' of Lot 5, which tract is now the Atlas General Contractors office – BOA Conditionally Approved 02/01/1993 (Mutual Access Easement created to give access to 121<sup>st</sup> St. S.).

BL-168 – Jack Spradling for Arkansas Valley Development Corporation – Request for Lot-Split approval for Lot 5, Block 1, 121st Center (includes 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.).

AC-12-04-06 – McDonald's – Massey-Mann & Associates, LLC – Request for Detailed Site Plan approval for a major remodel of a Use Unit 12 fast-food restaurant for Lot 1, Block 1, 121st Center and the W. 72' tract portion 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 Lot 1, Block 1, 121st Center and the W. 72' tract portion of 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 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," hereinafter described.

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.** The subject property consists of the N. approximately 200' of Lot 5, Block 1, 121st Center. Per this application, the W. 72' of the subject property is proposed to be separated and added to Lot 1, Block 1, 121st Center.

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. It appears that a southwest part of Lot 5, Block 1 was split and added to Lot 2, on which the Carpet Center / Floorhaus business is constructed. A Lot-Split application was not found to correspond to this land division.

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.** The "W. 72' tract" is proposed to be separated from the subject property and attached to Lot 1, Block 1, abutting it to the west. Upon combination as recommended herein, all resultant tracts would comply with the 150' minimum Lot Width standard of the CS district.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on April 04, 2012. The Minutes of the meeting are attached to this report.

*Staff Recommendation.* Staff recommends Approval, subject to the “W. 72’ tract” being attached to the adopting Lot 1, Block 1 by deed restriction language such as:  
[INSERT THE LEGAL DESCRIPTION OF THE NORTHERN TRACT].

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

[INSERT THE LEGAL DESCRIPTION OF THE ADOPTING LOT 1, BLOCK 1, 121ST CENTER]

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

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

[NEW INFORMATION AS OF MAY 15, 2012]:

*As recommended by Staff, the Planning Commission Continued this application from its April regular meeting, as adequate Public Notice had not been achieved. It has been adequately achieved for this meeting. Staff’s recommendation has not changed.*

Chair Thomas Holland asked if this Lot-Split was not almost approved the meeting before last. Erik Enyart confirmed and stated that it was almost approved, until it was recalled that the Public Hearing for the Lot-Split was not properly advertised to the Public. Mr. Enyart stated that he had posted the sign and now the Lot-Split was properly advertised.

Lance Whisman asked about the gravel driveway. Erik Enyart confirmed that it served the back side of the *Carpet Center* store, and stated that it was to be paved as a part of this project. Mr. Whisman asked about the elevation of the driveway in relation to *McDonald’s* and the surrounding property. Mr. Enyart deferred to Brett Mann of Massey-Mann & Associates, LLC. Mr. Mann stated that the new paved driveway would be approximately in the same location as the existing driveway. Mr. Mann stated that the site was being regraded to drain into the inlets.

There being no further questions, Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to APPROVE BL-383 subject to the lot-combination requirement as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

|                 |  |
|-----------------|--|
| AYE:            | Whisman, Holland, Benjamin, & Whiteley |
| NAY:            | None.                                  |
| ABSTAIN:        | None.                                  |
| MOTION CARRIED: | 4:0:0                                  |

7. **Change of Limits of No Access (LNA) – Massey-Mann & Associates, LLC for Debra L. Bailey.** Discussion and consideration of a request to release Limits of No Access (LNA) along 121<sup>st</sup> St. S. for part of Lot 5, Block 1, *121st Center* in accordance with Subdivision Regulations Section 8.2 / 12-8-2.  
Property located: 8200-block of E. 121<sup>st</sup> St. S. / 12101 S. Memorial Dr.

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

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Wednesday, May 16, 2012  
**RE:** Report and Recommendations for:  
Change of Limits of No Access (LNA) – Massey-Mann & Associates, LLC for Debra L. Bailey

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**LOCATION:** – The North Approximately 200' of Lot 5, Block 1, 121st Center  
– The 8200-block of E. 121<sup>st</sup> St. S.  
– 10121 S. Memorial Dr.

**LOT SIZE:** 2 acres, more or less

**ZONING:** CS Commercial Shopping Center District

**EXISTING USE:** Vacant

**REQUEST:** Change of Limits of No Access (LNA)

**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 (includes 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.).

AC-12-04-06 – McDonald's – Massey-Mann & Associates, LLC – Request for Detailed Site Plan approval for a major remodel of a Use Unit 12 fast-food restaurant for Lot 1, Block 1, 121st Center and the W. 72' tract portion of subject property – PC Conditionally Approved 04/16/2012.

BBOA-557 – Sean Rohrbacker for Archland Property I, LLC and Debra L. Bailey – Request for Special Exception for Lot 1, Block 1, 121st Center and the W. 72' tract portion of 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 – BOA Approved 05/07/2012.

BL-383 – J Massey-Mann & Associates, LLC for Debra L. Bailey – Request for Lot-Split approval for subject property – Pending PC consideration 05/21/2012.

**BACKGROUND INFORMATION:**

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," hereinafter described.

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 121<sup>st</sup> Center, and any conditions attached to the approval of any of them.

ANALYSIS:

Property Conditions. The subject property consists of the N. approximately 200' of Lot 5, Block 1, 121<sup>st</sup> Center. Per this application, the W. 72' of the subject property is proposed to be separated and added to Lot 1, Block 1, 121<sup>st</sup> Center.

Lot 1 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. It appears that a southwest part of Lot 5, Block 1 was split and added to Lot 2, on which the Carpet Center / Floorhaus business is constructed. A Lot-Split application was not found to correspond to this land division.

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. The Applicant is requesting to release Limits of No Access (LNA) along 121<sup>st</sup> St. S. for part of Lot 5, Block 1, 121<sup>st</sup> Center in accordance with Subdivision Regulations Section 8.2 / 12-8-2. The LNA was imposed by the plat of 121<sup>st</sup> Center.

The Change of Access request involves removing the LNA from the new driveway for McDonald's, which is actually an existing gravel driveway, to be paved as a part of this project. Staff has reviewed the

*Change of Access request internally and has no objection. It is actually preferable, from a traffic standpoint, to seal off the driveway closest to Memorial Dr., which is planned to occur per AC-12-04-06. Staff Recommendation. Staff recommends Approval.*

Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to RECOMMEND APPROVAL. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

8. **BL-384 – K.S. Collins for Lee & Twilah A. Fox.** Discussion and possible action to approve a Lot-Split for part of the SW/4 of the SW/4 of Section 14, T17N, R13E.  
Property located: 15015 S. Sheridan Rd.
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Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Tuesday, May 15, 2012  
**RE:** Report and Recommendations for:  
BL-384 – K.S. Collins for Lee & Twilah A. Fox

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LOCATION: – 15015 S. Sheridan Rd.  
– Part of the SW/4 of the SW/4 of Section 14, T17N, R13E  
LOT SIZE: 9.3 acres, more or less  
ZONING: AG General Agricultural District (RS-1 Residential Single Family District requested per BZ-356)  
EXISTING USE: The Church on the Hill, a single-family dwelling, and agricultural land  
REQUEST: Lot-Split approval  
COMPREHENSIVE PLAN: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.  
PREVIOUS/RELATED CASES:

BBOA-137 – Lee Fox – Request for Special Exception to allow a mobile home on a previously 10.3-acre tract, of which the subject property is a part – BOA Denied 12/10/1984.

BBOA-137 – Twilah A. Fox, M.D. – Request for Special Exception per Zoning Code Section 310 to allow a Use Unit 5 church (now the Church on the Hill) on the Southwest approximately 1.16 acres of a previously 10.3-acre tract, of which the subject property is a part – BOA Approved 09/04/1990.

BBOA-293 – Lee & Twila[h] Fox – Request for Variance from the minimum size and width bulk and areas standards of the AG district, to allow a Lot-Split (BL-184) on a previously 10.3-acre tract, of which the subject property is a part – BOA Approved 04/17/1995.

BL-184 – Joe Donelson for Lee & Twilah A. Fox – Request for Lot-Split approval to separate a 1-acre tract at 6668 E. 148<sup>th</sup> St. S. from an original tract of 10.3 acres, of which the subject property is a part – PC Approved 04/17/1995.

BBOA-345 – Twilah Fox – Request for “Special Exception” from Zoning Code Section 310 to allow a Use Unit 9 mobile home to be temporarily placed in the AG district on subject property – BOA Conditionally Approved 07/06/1999.

BZ-356 – K.S. Collins for Lee & Twilah A. Fox – Request for rezoning from AG to RS-1 for the proposed 0.81-acre tract section of subject property – Pending PC consideration 05/21/2012.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. *The subject property contains the top of a small hill and contains significant slope. It appears to drain to the north, east, and south, ultimately to Bixby Creek. It is zoned AG and appears to be agriculturally-used, with the exception of (1) the Church on the Hill at the southwest corner of the property, and (2) the Applicant's residence atop the highest point of the hill in the south-central portion of the property. It also contains two (2) sizeable ponds toward the north end of the property. The subject property is located within an unplatted subdivision occupying the SW/4 SW/4 of this Section 14, T17N, R13E, which, according to certain records, including the subject property's legal description, may go by the name "Abbett Acres."*

*The subject property parent tract has 675.84' of frontage on Sheridan Rd., and 509.75' of frontage on 149<sup>th</sup> / 148<sup>th</sup> St. S. The name of the street is not clear, as it curves south and then back east as one approaches S. 68<sup>th</sup> E. Ave., and as there are houses on either side of the road which are alternately addressed on "149<sup>th</sup>" and "148<sup>th</sup>" Streets South, with no apparent correspondence with the disjointed trajectory. Per available records, this road is private; it does not appear to be dedicated and has no public or private right-of-way attendant.*

General. *The Applicant desires to split an approximately 0.81-acre "flag-lot," containing the Applicant's dwelling, from the balance of the subject property parent tract. The balance of the parent tract contains the Church on the Hill and agricultural land. As the proposed tract is too small to meet the bulk and area requirements of the AG district, Staff advised the Applicant's surveyor to suggest the Applicant rezone the smaller tract, if not both tracts, to an RS-1 district, so that the lot will conform to the Zoning and be approved for Lot-Split. The Applicant is requesting, per BZ-356, to rezone only the 0.81-acre area containing the Applicant's dwelling, and leave the balance of the acreage zoned AG.*

*Upon rezoning the proposed 0.81-acre tract to RS-1, both resultant tracts would comply with the bulk and area standards of their respective zoning districts.*

*The Technical Advisory Committee (TAC) reviewed this Lot-Split application on May 02, 2012. The Minutes of the meeting are attached to this report.*

Staff Recommendation. *Staff recommends Approval subject to the final approval by the City Council of RS-1 zoning for the proposed 0.81-acre tract.*

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE subject to final approval of the rezoning to RS-1 by the City Council. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

9. **BL-385 – JR Donelson for First Equity Corp.** Discussion and possible action to approve a Lot-Split for Lot 6, Block 1, *Jade Crossing II*.  
Property located: 14924 S. Grant St.

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

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Tuesday, May 15, 2012  
**RE:** Report and Recommendations for:  
BL-385 – JR Donelson, Inc. for First Equity Corp.

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LOCATION: – 14924 S. Grant St.  
– Lot 6, Block 1, Jade Crossing II  
LOT SIZE: 2 acres, more or less  
ZONING: IM Industrial Moderate District and PUD 50  
EXISTING USE: Vacant  
REQUEST: Lot-Split approval  
COMPREHENSIVE PLAN: Special District # 3 + High Intensity + Industrial Area  
PREVIOUS/RELATED CASES:

BZ-45 – Warren Morris – Request for IH, IL, CG, & CS zoning for all of the E/2 SE/4 of this Section (80 acres, includes all of Jade Crossing) – Approved for IM, IL, and CS zoning only by the City Council 10/1976 (Ord. # 320).

BZ-101 – Warren Morris – Request for CS, RM-2, and RMH zoning for all of Jade Crossing – City Council referred matter back to Planning Commission and Applicant withdrew application.

BZ-109 – Warren Morris – Request for CS and RM-2 zoning for southerly acreage of Jade Crossing – Approved for CS zoning only by the City Council 09/08/1981 (Ord. # 447).

Preliminary Plat of ‘151 Business Park’ aka ‘151 Center’: Preliminary Plat approved by PC 07/16/2001 and by City Council 07/23/2001 subject to hydrology issues being worked out.

Final Plat of ‘151 Business Park’ aka ‘151 Center’: Final Plat approved by PC 03/18/2002 and by City Council 03/25/2002.

PUD 50 – Request for PUD zoning for subject property – Approved in May, 2006 (Ord. # 940).

Preliminary Plat of Jade Crossing: Preliminary Plat approved by PC 06/19/2006 and by City Council 06/26/2006.

Final Plat of Jade Crossing: Final Plat approved by PC 10/16/2006 and by City Council 10/23/2006.

PUD 50 Minor Amendment # 1 – Request for PUD Minor Amendment approval for subject property to change the number of permitted lots to allow for six (6) as proposed by Jade Crossing II – PC approved 01/21/2008.

Preliminary Plat of Jade Crossing II – Request for Preliminary Plat approval for Jade Crossing II part of subject property – Conditionally Approved by PC 01/21/2008 and by City Council 01/28/2008.

Final Plat of Jade Crossing II – Request for Final Plat approval for Jade Crossing II part of subject property – Conditionally Approved by PC 05/19/2008 and by City Council 05/27/2008 and re-approved 08/10/2009 after the initial approval expired (plat recorded 09/04/2009).

PUD 50 Minor Amendment # 2 – Request for PUD Minor Amendment approval to change the number of permitted lots to remove the maximum number of lots standard for Development Area C, replatted as all of Jade Crossing II – PC Conditionally Approved 03/21/2011.

BL-378 – JR Donelson, Inc. for First Equity Corporation – Request for Lot-Split approval for Lot 1, Block 1, Jade Crossing II, addressed 15010 & 15038 S. Grant St. – PC Approved 03/21/2011.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of Lot 6, Block 1 in Jade Crossing II, zoned IM + PUD 50. It contains approximately 2 acres and is vacant. The proposed Lot-Split would result in each building being situated on its own lot and sharing a singular entrance drive.

General. This application proposes to split the largest lot in Jade Crossing II, the “flag-lot” Lot 6, Block 1, to convey an “extension area” tract to the owner of Lot 3, Block 1. This “extension area” tract will be attached to the adopting lot, which has the required public street frontage on S. Grant St.

Provided the “extension area” tract is attached to the adopting Lot 3, Block 1, all the proposed lots would comply with the bulk and area and other requirements of PUD 50 and appear to be reasonably sized for their intended use.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on May 02, 2012. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval, subject to the “extension area” tract being attached to the adopting Lot 3, Block 1 by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE EXTENSION AREA TRACT].

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

*[INSERT THE LEGAL DESCRIPTION OF THE ADOPTING LOT 3, BLOCK 1, JADE CROSSING II]*

*unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,  
Or other language provided by the Applicant for this purpose subject to City Attorney approval.*

Erik Enyart noted that the site plan on page 133 of the Agenda Packet best explained the situation.

Chair Thomas Holland clarified with Erik Enyart where the property was located, and the location of the previous Lot-Split in *Jade Crossing*.

Chair Thomas Holland asked if the Commissioners had any questions or comments. There being none, Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to APPROVE BL-385 subject to the lot combination requirement as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

**ROLL CALL:**

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

Erik Enyart asked Ron Kelley if he had a copy of the Staff Report, containing the recommended lot combination deed restriction language. Mr. Kelley stated that he did not have the Staff Report but that JR Donelson may have it. Mr. Enyart stated that he would get a copy of the Staff Report to Mr. Kelley and Mr. Donelson.

10. **Zoning Code Text Amendment.** Report by the City Planner and scheduling of Public Hearing(s) before the Planning Commission pertaining to Bixby Zoning Code/City Code Title 11 Section 11-5-3, regarding landscaping requirements for certain campus uses.

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

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Wednesday, May 16, 2012  
**RE:** Report and Recommendations for:  
Zoning Code Text Amendment – Landscaping requirements for certain campus uses

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**AGENDA ITEM:**

**Zoning Code Text Amendment.** Report by the City Planner and scheduling of Public Hearing(s) before the Planning Commission pertaining to Bixby Zoning Code/City Code Title 11 Section 11-5-3, regarding landscaping requirements for certain campus uses.

**ANALYSIS:**

*On April 23, 2012, the City Council approved Ordinance # 2080, and subsequently attached an Emergency Clause, pursuant to the following agenda item,*

*“Consider and take action on an ordinance declaring a moratorium on the enforcement of landscaping requirements codified in Bixby City Code Title 11, Chapter 12, “Landscape Requirements”, as they pertain to certain campus land uses.”*

*The City Attorney’s report for that item and the approved ordinance are attached to this report. The moratorium is in effect until October 31, 2012, and contains an October 01, 2012 deadline for the Planning Commission to review and provide recommendation to the City Council on a Zoning Code amendment.*

*This Planning Commission item is not actionable. Between now and October 01, 2012, Staff will prepare an analysis and recommendations to the Planning Commission for its consideration and recommendation to the City Council.*

Erik Enyart noted that the Agenda Packet included the City Attorney’s Staff Report, the ordinance as approved, and an estimate by the Bixby Public Schools’ [Landscape] Architect describing the cost to comply with the landscaping requirements in strict accordance with the landscape plan as submitted and approved for the new Middle School on Mingo Rd. The Commissioners discussed the Landscape Architect’s estimate and one of the Commissioners asked Mr. Enyart if the two sets of estimates were to be added together. Mr. Enyart reviewed the two estimates and noted that, per the titles at the top of each page, the first appeared to be for the Middle School on Mingo Rd. in Bixby, and the second appeared to be for the “NE Elementary Campus,” and stated that he believed this was the one under construction in unincorporated Tulsa County in the Broken Arrow [Annexation] Fenceline. Mr. Enyart stated that the second one was not in Bixby’s jurisdiction and so would not be subject to Bixby’s landscaping requirements. The Commissioners and Mr. Enyart speculated that the second may have been included to be used to contrast the total costs for the site in Bixby versus the one not subject to Bixby’s minimum standards. The Commissioners noted that the estimates in Bixby included roughly 300 landscaping trees (311 later determined by counting). The Commissioners asked how the landscaping requirements for “campus uses” compared to a regular business. Mr. Enyart responded that the Zoning Code didn’t treat different land uses differently. Mr. Enyart noted that the number of trees required was a function of the amount [and configuration] of land and the zoning district. Mr. Enyart noted that the Middle School’s campus had ¼ of a mile of street frontage on Mingo Rd., and had a ¼ mile-long rear yard, which drove the number of trees. Mr. Enyart calculated the number of trees required by these two (2) areas at approximately 100 (reference BLPAC-8 September 2011). The Commissioners asked Mr. Enyart why the estimates included [311] trees when only 100 were required. Mr. Enyart stated that he did not know, and estimated that the Zoning Code wouldn’t require much more than about 120 trees (126 total later determined – see BLPAC-8 September 2011). The Commissioners asked Mr. Enyart why the [Landscape Architect] selected the tree species, including “[Yarwood] Sycamore, bald cypress, and [Loblolly] pine trees.” Mr. Enyart stated that it was up to the owner to select the tree species they desired, and that the Zoning Code would not prevent one from selecting the cheapest species trees available, provided it met the minimum caliper standards. Mr. Enyart agreed to, as a part of preparing the report on the future Zoning Code Text Amendment matter, research the estimate and compare it to the approved landscape plan [BLPAC-8], and talk to the Landscape Architect as required. Mr. Enyart also agreed to find other examples of recently-approved landscape plans and report how they would be affected by whatever recommended changes may be promulgated.

Chair Thomas Holland suggested a Worksession meeting could be used for the Zoning Code Text Amendment. Erik Enyart stated that he had originally expected to do as was always done for these Zoning Code Text Amendments, advertising the Public Hearing and Continuing the matter from month to month as needed until the issues were worked out, but that the Chair could call a Worksession meeting instead. Mr. Holland stated that he would consider the options and get back to Mr. Enyart on it.

Larry Whiteley asked, “Wasn’t this [moratorium and Zoning Code Text Amendment directive to the Planning Commission] to allow [the school’s project] to go forward?” Erik Enyart responded that he did not know the school’s purposes or motivations, but that, as a side consequence of the [moratorium and Zoning Code Text Amendment directive to the Planning Commission] ending in October, the school projects would not have to comply with the landscaping requirements at all. Upon further discussion, Mr. Enyart explained that the Middle School was under construction, having been issued a building permit several months ago, and that he anticipated the school may request the Certificate of Occupancy in the near future, before the end of the moratorium. The Commissioners discussed this matter for a time.

No action taken.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 6:38 PM.

APPROVED BY:

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Chair

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Date

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City Planner/Recording Secretary