

MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
August 20, 2012 **6:00 PM**

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:00 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the June 18, 2012 Regular Meeting

Chair Thomas Holland introduced the Consent Agenda Number 1. It was determined that there was no quorum now of those present at that meeting. Chair Thomas Holland declared the item Continued to the September 17, 2012 regular meeting.

2. Approval of Minutes for the July 16, 2012 Regular Meeting

Chair Thomas Holland introduced the Consent Agenda Number 2. It was determined that there was no quorum of those present at the meeting. Erik Enyart recommended that the item be Passed to the end of the agenda, in the event that Larry Whiteley arrived during the meeting. Chair Thomas Holland declared the item Passed to the end of the agenda.

3. Case # AC-12-08-01. Discussion and possible action to approve a ground sign for *Reasor's* at 11116 S. Memorial Dr., to be a new sign face to be added to an existing ground sign located in a sign easement on Lot 4, Block 1, *Resubdivision of Lots 3 and 4 of Bixby Commons* at 11130 S. Memorial Dr. in the "Bixby Commons Shopping Center."

Chair Thomas Holland introduced the Consent Agenda Number 3 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: Thursday, August 16, 2012
RE: AC-12-08-01

Agenda Item number 3 is a request for approval of a ground sign for Reasor's at 11116 S. Memorial Dr., to be a new sign face to be added to an existing ground sign located in a sign easement on Lot 4, Block 1, Resubdivision of Lots 3 and 4 of Bixby Commons at 11130 S. Memorial Dr. in the "Bixby Commons Shopping Center." The lot on which it is placed is the Zudz Car Wash. Zudz was approved, per BBOA-504 on 06/01/2009, for a Variance from the signage regulations to allow it to have its own freestanding ground sign. The Variance as requested and as approved conferred Zoning approval on both ground signs.

The permit has already been issued by the City, as the sign complies with the Zoning Code. Staff requests ratification of prior approval given.

John Benjamin made a MOTION to APPROVE Consent Agenda Number 3. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

4. **PUD 72 – Southridge at Lantern Hill – Lantern Hill, LLC.** Public Hearing, Discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for all of *Lantern Hill*.
Property Located: 146th St. S. and Sheridan Rd.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Monday, August 13, 2012
RE: Report and Recommendations for:
PUD 72 – Southridge at Lantern Hill – Lantern Hill, LLC

LOCATION: – 14728 S. Sheridan Rd. (pre-platted parcel address)
– 146th St. S. and Sheridan Rd.
– The NE/4 of the SE/4 of Section 15, T17N, R13E
– All of Lantern Hill
LOT SIZE: 39.9 acres, more or less
EXISTING ZONING: RS-3 Residential Single-Family High Density District
SUPPLEMENTAL ZONING: None
EXISTING USE: Lantern Hill, a vacant residential subdivision
REQUEST: Approval of PUD 72
SURROUNDING ZONING AND LAND USE:
North: AG; Agricultural along S. Sheridan Rd.

South: AG; Rural residential, agricultural, and vacant along S. Sheridan Rd. & S. Kingston Ave.

East: AG; Agricultural along S. Sheridan Rd.

West: RS-3/CS/OL/PUD 62 and RS-3/PUD-46; 80-acres of agricultural land for a future development tentatively known as "Hawkeye." The Ridge at South County residential development is to the northwest.

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

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

BZ-333 – Lantern Hill, LLC – Request for RS-3 zoning for subject property – PC Recommended Approval 07/16/2007 and City Council Approved 08/13/2007 (Ord. # 974).

Preliminary Plat of Lantern Hill – Request for Preliminary Plat for subject property and Waivers from: (1) The 2:1 maximum depth-to-width ratio standard per SRs Section 11-3-4.F, (2) The stub-out street requirement per SRs Section 12-3-2.C, and (3) The 300' maximum length for a dead end/cul-de-sac street per SRs Section 12-3-2.T for 147th St. S. – PC Recommended Approval 11/19/2007 and City Council Approved with all Waivers 12/26/2007.

Final Plat of Lantern Hill – Request for Final Plat approval for subject property – PC Recommended Conditional Approval 09/15/2008 and City Council Approved 10/13/2008 (recorded 02/04/2009).

RELEVANT AREA CASE HISTORY: (not a complete list)

BACKGROUND INFORMATION:

Lantern Hill was platted February 04, 2009. Infrastructure was completed and the lots were released for Building Permit issuance about a year later. Since then, not one lot has been sold, nor house built. The developer is proposing a PUD to reduce the lot size requirements, which will likely reduce the lot costs, making them more affordable. Typical lots in Lantern Hill range from 90' X 150' (13,500 square feet, 0.31 acres) to 110' X 160' (17,600 square feet, 0.404 acres). The Zoning Code requires a minimum lot width of 65' in the RS-3 district. The PUD would reduce this to 60'. The developer has expressed this situation within the PUD as follows, "Due to market conditions the redevelopment of Lantern Hill is primarily based on a smaller lot size and excellent location to drive the residential market to this area of Bixby. With great access and a consistent market of residential home construction this PUD redevelopment will greatly improve the Southridge at Lantern Hill success and completion of an already beautiful site.

This Planned Unit Development (PUD) is an overlay covering the RS-3 zoning district and will generally follow RS-3 dimensional and density standards with certain notable exceptions. The purpose of this PUD is to modify the dimensional and development standards allowing the site to be developed into 60' minimum lot widths."

ANALYSIS:

Subject Property Conditions. The subject property contains 40 acres and is zoned RS-3. It has been developed as Lantern Hill, a single-family residential subdivision with large lots, all of which are vacant and still belong to the developer/Applicant. Lantern Hill contains 75 lots, four (4) Reserves, and three (3) blocks. Typical lots range from 90' X 150' (13,500 square feet, 0.31 acres) to 110' X 160' (17,600 square feet, 0.404 acres).

The subject property is bounded on the north by an 80-acre agricultural tract zoned AG, on the east by Sheridan Road, on the south by rural residential, agricultural, and vacant tracts along S. Sheridan Rd. and S. Kingston Ave, and on the west by an 80-acre tract approved for RS-3, CG, and OL zoning and PUD 62 for a development tentatively known as "Hawkeye."

The subject property is on the side of a hill and appears to drain to the east and northeast, ultimately to Bixby Creek.

General. This PUD primarily proposes to reduce the minimum lot width requirement in the RS-3 district from 65' to 60', to allow for replatting as "Southridge at Lantern Hill."

Staff has observed the following typographical and minor errors which should be corrected:

1. Entire document: Please add PUD number where appropriate (PUD # 72 presuming approval).
2. Page 3 Project Description 1st and last paragraphs: Lantern Hill was platted in 2009 not 2008.
3. Page 4 Design Standards: "Design Standards" is typically titled "Development Standards" pursuant to the operative terms "development standards" of Zoning Code Section 11-71-8.B.1.b, and to indicate a scope broader than design. The subsection entitled "Development Standards" does not appear consistent with the narrative that follows.

4. *Page 4 Design Standards; Use Regulations: Staff recommends clarifying the text such as follows, "All uses ~~defined~~ **allowed by right** in the RS-3 zoning district and specifically **single-family residential development**".*
5. *Page 4 Design Standards; Development Standards; Previous Waivers/Sidewalk waiver: A Modification/Waiver of the Subdivision Regulations may be requested in the context of an application for subdivision plat. A PUD cannot abrogate requirements of the Subdivision Regulations. However, having this text in the PUD is not problematic. However, under "Development Standards; Previous Waivers," the phrase "as per this PUD document" in subsection 1) should be removed or modified as it suggests the PUD may abrogate requirements of the Subdivision Regulations.*
6. *Page 4 Design Standards; Development Standards; Sidewalk waiver: If the "Sidewalk waiver" section is retained, it should acknowledge the City Engineer's and City Planners recommendation that there be payment of a fee-in-lieu of sidewalk construction along Sheridan Rd., so that monies in proportion to sidewalk construction along Sheridan Rd. be collected and placed in escrow for sidewalk construction in other locations within Bixby, to be determined as prioritized by capital improvements planning.*
7. *The "Conceptual Plat" is recognized as the site plan required by Zoning Code Section 11-7I-8.B.1. The following corrections or enhancements should be made:*
 - a. *Because all streets represented are existing and no name changes are anticipated, the street names should be added.*
 - b. *The Reserve areas should indicate purpose of each (stormwater detention/water features and/or landscaping assumed) per requirement to represent land uses.*
 - c. *The entry feature Reserve D of the plat of Lantern Hill is not labeled as a Reserve.*
 - d. *The 130'-wide AEP/PSO easement is not represented as it is on the plat of Lantern Hill.*
 - e. *The graphic scale does not appear to correspond to map features. The numeric scale was not checked as its native paper size is not known.*
8. *Zoning Code Section 11-7I-8.B.1.c calls for the provision of plans for pedestrian access and circulation, in addition to vehicular access and circulation. The PUD needs to have wording to acknowledge that the Subdivision Regulations require sidewalks along the perimeter and internal streets, such as follows, "Sidewalks shall be constructed by the developer or individual lot owners along ~~perimeter and~~ internal streets in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer. A Modification/Waiver from the Subdivision Regulations will be requested along with application for subdivision plat for the perimeter sidewalk along Sheridan Rd., proposing payment of fee-in-lieu thereof in an amount as determined by the City of Bixby."*
9. *Information on signage, as required per Zoning Code Section 11-7I-8.B.1.f, is missing. Staff suggests adding a "Signage" subsection stating that signage must comply with the Zoning Code standards for the same or otherwise provide flexibility for the existing residential development ground signs. Specifically, the PUD should request approval for any deviation from pertinent signage standards that the current sign requires, if any (cannot be determined as plans for signage have not been received) per Zoning Code Section 11-7B-3.B.4.b:*

"b. One identification sign may be erected on each perimeter street frontage of a multi-family development, mobile home park, single-family subdivision or permitted nonresidential use. The sign shall not exceed two-tenths ($\frac{2}{10}$) of a square foot of display surface area per linear foot of street frontage; provided, however, that in no event shall the sign be restricted to less than thirty two (32) square feet nor permitted to exceed ten (10) square feet of display surface area. The sign shall not exceed twenty feet (20') in height, and illumination, if any, shall be by constant light."
10. *Zoning Code Section 11-7I-8.B.1.e calls for the provision of plans for screening and landscaping. The existing development has a wall along the Sheridan Rd. frontage at the entry features at the 146th St. S. and 148th St. S. intersections. The wall has not been completed along the entire frontage. The development also has Reserve Areas that have, or may someday have landscaping*

(sod, trees, etc.). The PUD does not have, and needs to represent existing and proposed screening/walls, entry features, and landscaping throughout. A description within the text would also be in order.

11. Information on soils, as required per Zoning Code Section 11-7I-8.B.2, is missing. Please provide an appropriate exhibit or, at a minimum, please describe soils in an appropriate section of the PUD Text.

The Technical Advisory Committee (TAC) reviewed this PUD Major Amendment on August 01, 2012. The Minutes of the meeting are attached to this report.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor, (2) Vacant, Agricultural, Rural Residences, and Open Land, and (3) Development Sensitive.

The proposed PUD should be recognized as being not inconsistent with the Corridor, Vacant, Agricultural, Rural Residences, and Open Land, and Development Sensitive designations or the Comprehensive Plan itself.

Surrounding Zoning and Land Use Compatibility. To the north of the subject property are large, agricultural tracts along Sheridan Rd. zoned AG.

To the south are rural residential, agricultural, and vacant along S. Sheridan Rd. & S. Kingston Ave., zoned AG.

East of Sheridan Rd. are large agricultural tracts zoned AG.

Abutting to the west is an 80-acre agricultural tract zoned RS-3/CS/OL/PUD 62 for a future development tentatively known as "Hawkeye." The The Ridge at South County residential subdivision to the northwest is zoned RS-3 with PUD 46.

Within the nearest subdivision, lots in The Ridge at South County are typically 70' in width, but also sometimes range from 65' to 75'. Lots in Celebrity Country and White Hawk Estates the west and Eagle Rock to the north are much larger. Lots in White Hawk Golf Villas, Falcon Ridge, and Falcon Ridge 2nd are typically 65' in width, consistent with RS-3 zoning without a PUD. Smaller lots in this area are not unprecedented, however. Lots in The Auberge' and The Auberge' Village each contain lots at 50' and 55' typical widths.

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

Staff Recommendation. Staff believes that the proposed PUD is consistent with the purposes and intent of the Zoning Code and recommends Approval subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of any outstanding Fire Marshal and City Engineer recommendations.
2. Subject to the correction of the above-listed "typographical and minor errors."
3. For the recommended Conditions of Approval necessarily requiring changes to the text or exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption per the City Attorney, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which are not completed by the time of City Council ordinance approval and/or which cannot be fully completed otherwise.
4. A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: One (1) hard copy and one (1) electronic copy (PDF preferred).

Lance Whisman asked why the lots would be 60' in width, and noted that new houses are [not] typically 50' in width and usually have a two (2) or three (3) car garage.

Applicant Barrick Rosenbaum responded that it was a "market-driven issue." Mr. Rosenbaum stated that there were costs already invested in the land and costs [involved] in replatting the subdivision. Mr. Rosenbaum stated that there had been a really big slowdown [in sales] on large lots since this was originally platted. Mr. Rosenbaum stated that [the lot width was determined for] "balancing out the differences in the market." Mr. Rosenbaum provided copies of a draft Preliminary Plat of "Southridge at Lantern Hill." Mr. Rosenbaum stated that there were "builders

ready now” [to design houses for lots of this width], and that replatting would remove “an eyesore to the City of Bixby and make something happen.”

Lance Whisman asked if the size of the houses would need to change. Barrick Rosenbaum responded that the house sizes would drop down to 1,600 square feet [minimum], but would have 100% masonry required. Mr. Rosenbaum stated that the land was beautiful, but because of the market downturn, homes that would normally be priced between \$400,000 to \$600,000 will now be priced between \$200,000 to \$300,000, and would be comparable to those in *The Ridge at South County*.

Chair Thomas Holland stated that he shared Lance [Whisman’s] comments regarding the 60’ lot widths, and stated that this would be high density. Mr. Holland stated that the change would not allow for too many more lots than are there now. Barrick Rosenbaum stated that the development would go from 75 to 115 lots.

One of the Commissioners asked Erik Enyart what other changes would be expected if this PUD was approved, and Mr. Enyart responded that the only change [currently] proposed [to the development standards] would be the reduction in lot width to 60’. Mr. Enyart stated that he did not think there were any other [significant] changes proposed. Barrick Rosenbaum indicated agreement.

Chair Thomas Holland indicated that he did not give much credit to statements such as how much masonry will be used because the developer can say it will be done but then not do it.

John Benjamin asked if anyone in attendance was here to protest. No one responded.

John Benjamin asked if there had been notices. Erik Enyart responded that there had been Public Notice given, and that he had mailed out notices to all property owners within 300’ of the subject property, placed a sign on the property, and published the notice in the newspaper. One of the Commissioners asked if the “Hawkeye” owner had received notice. Mr. Enyart stated that there were two (2) owners of the “Hawkeye” PUD, one owning the back, residential parcel and one owning the front, commercial parcel, and that he had mailed notices to both of them. Chair Thomas Holland clarified with Mr. Enyart that there were a certain number of lots within *The Ridge at South County* that received notice. Mr. Enyart stated that the case map on page 41 of the Agenda Packet included a 300’ radius which indicated how many and which property owners received the [mailed] notice.

Lance Whisman asked what would be the minimum price of the new lots, and if the lots were not currently about \$75,000 each. Barrick Rosenbaum stated that the lots are currently in the upper \$70 thousands, and that he believed the new lots would be in the range of \$40,000 to \$45,000.

Barrick Rosenbaum stated that he had talked to Erik Enyart prior to the meeting about selecting a lot to be used as a pool, that Mr. Enyart thought it would be a Use Unit 5, and indicated this may be a change to the PUD. Mr. Enyart stated that Staff’s recommendation was that the language used include language stating that the approved Use Unit 5 neighborhood facility will “only attach to the lot used for that purpose, and be subject to a site plan.”

Chair Thomas Holland asked Erik Enyart if the PUD was consistent with the Comprehensive Plan for a Corridor. Mr. Enyart responded that it was not inconsistent [with the Comprehensive Plan].

Lance Whisman and Chair Thomas Holland expressed reservation about the 60' lot widths proposed. Mr. Holland expressed concern for the trend [this represented].

Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to RECOMMEND APPROVAL of PUD 72 subject to all of the recommendations in the Staff Report and subject to the change discussed by the Applicant in the meeting regarding a neighborhood facility and Staff's recommendations in that regard. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

5. **BZ-357 – JR Donelson for Clinton Miller and Roger Metcalf.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to CS Commercial Shopping Center District for part of Government Lot 7 lying West of the Centerline of Old U.S. Hwy 64 and lying North of Bentley Park in Section 13, T17N, R13E.
Property located: North dead-end of Riverview Rd.; Northeast corner of the intersection of Riverview Rd. and E. Westminster Pl. N.
6. **BZ-358 – JR Donelson for Jerry & Sandra Green and Leon & Norma James.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to CS Commercial Shopping Center District for part of Government Lots 4 and 5 in Section 13, T17N, R13E.
Property located: Southeast corner of the intersection of Memorial Dr. and the Arkansas River.
7. **Zoning Code Text Amendment.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Zoning Code of the City of Bixby, Oklahoma, pursuant to Oklahoma Statutes Title 11 Section 43-101 et seq. and Bixby Zoning Code/City Code Title 11 Section 11-5-3, regarding landscaping requirements for certain campus uses and other related amendments.

Chair Thomas Holland introduced Agenda Items Numbered 5, 6, and 7 and announced that they would all be Continued to the next meeting. Erik Enyart clarified that the owner's agent in the case of BZ-357 had asked that it be Continued to the September 17, 2012 Regular Meeting, but that the owner's agent in the case of BZ-358 had asked that it be Continued to the October 15, 2012 Regular Meeting. Mr. Enyart stated that handling them in two (2) Motions would be most appropriate.

Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to CONTINUE Agenda Items Numbered 5 and 7 to the September 17, 2012 Regular Meeting. Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Thomas Holland made a MOTION to CONTINUE Agenda Item Number 6 to the October 15, 2012 Regular Meeting. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

8. **Zoning Code Text Amendment.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Zoning Code of the City of Bixby, Oklahoma, pursuant to Oklahoma Statutes Title 11 Section 43-101 et seq. and Bixby Zoning Code/City Code Title 11 Section 11-5-3, to remove the Corridor Appearance District and Central Business District overlay districts, Zoning Code Sections 11-7G and 11-7H, and cause all site plans and signs to be administratively approved.

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: Thursday, August 16, 2012
RE: Report and Recommendations for:
Zoning Code Text Amendment – Remove Corridor Appearance and Central Business Districts

AGENDA ITEM:

Zoning Code Text Amendment. Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Zoning Code of the City of Bixby, Oklahoma, pursuant to Oklahoma Statutes Title 11 Section 43-101 et seq. and Bixby Zoning Code/City Code Title 11 Section 11-5-3, to remove the Corridor Appearance District and Central Business District overlay districts, Zoning Code Sections 11-7G and 11-7H, and cause all site plans and signs to be administratively approved.

BACKGROUND INFORMATION:

In the context of McDonald's recent decision not to expand their facility, the Mayor asked Staff how the City could expedite commercial building permits further, and Staff responded that the Council could remove the Planning Commission-approval requirement for Detailed Site Plans (DSPs), and have them instead administratively approved as a part of the Building Permit process. This would mean that the plans do not have to be submitted by a certain deadline and wait to be placed on the next Planning

Commission (PC) agenda for its approval. The Mayor expressed favor for this concept, and it was decided to send the matter to the City Council for consideration.

As examples, administrative approval was what was done for the Reasor's development as (1) it was beyond the 600'-wide strip of Corridor Appearance District west of Memorial Dr. and (2) was not within a PUD requiring PC approval of a DSP. Secondly, this is also done for commercial/industrial developments in Jade Crossing, as the buildings are beyond the Corridor Appearance District and as that PUD specifically exempts that development from the Planning Commission (PC) approval requirement.

On June 25, 2012, the City Council approved the following agenda item,

"Discussion and possible action to authorize city staff to work on an amendment to the Zoning Code to remove the Corridor Appearance District and Central Business District overlay districts and cause all site plans and signs to be administratively approved."

The amendment has been advertised to the Public for a Public Hearing at this Planning Commission meeting.

ANALYSIS:

It appears that the Corridor Appearance District and similar Central Business District overlay districts were established by Ordinance # 814 passed 05/08/2000. They are now found in Title 11 Zoning Code Chapters 7G and 7H. The primary effect of those overlay districts was to mandate PC-approval of a DSP, and to allow for the application of architectural / appearance standards. Design standards were adopted by the Architectural Committee, but they had no ordinance authority; they were 'guidelines' and have been treated as such. The Planning Commission, by Code, has the responsibility of approving DSPs, as it has always been written in the Code since the creation of these two (2) districts. However, this was not practiced, as the Architectural Committee had been performing that role exclusively, evidently since the beginning, per the Minutes of that body. One of Staff's proposed amendments to the Zoning Code Text in 2009 was to reconcile the Code Text with the Architectural Committee's actual enforcement role. However, that plan was abandoned when the City Council dissolved the Architectural Committee, voided its By-Laws, and repealed Ordinance # 893 in the summer of 2009. The PC started enforcing the DSP-approval mandate at that time, and has been since.

Repeal of Ord. # 814 and/or removal of 11-7G and 11-7H would remove the requirement for PC approval of a DSP. Staff would recommend that, should the Council ultimately remove them, the Zoning Code be clarified in an appropriate section that a non-residential building permit must be accompanied by a site plan demonstrating compliance with applicable Zoning Code standards, to be administratively approved as part of the Building Permit process. If it were not specified it would still be understood, but Staff believes it would be best that it be in writing where architects, engineers, planners, or other design professionals can use it as a checklist of information to submit with the Building Permit.

Further, Staff would recommend in that case that the ordinance provide that PUDs which have specifically self-mandated PC-approval requirement for DSPs continue to be subject to such a requirement unless amended otherwise.

Another consequence would be the removal of the requirement that all signage within the Corridor Appearance District and Central Business District receive PC approval. All sign permits are currently administratively reviewed and approved upon submission of a Si[gn] Permit application, and they are presented to the PC at the next meeting for "ratification" of the prior approval given. This is as per the specific authorization written in the Zoning Code. Staff reviews and ensures the signs meet the signage regulations, and then issues the permit. The PC has sometimes asked why they are being asked to ratify what has already been permitted, and what would happen if they declined to do so (but it hasn't denied any yet). Removal of this would reduce paperwork and administrative efforts.

Staff recommends the following changes to the Zoning Code pursuant to the City Council's expressed intent:

"SECTION 1. That Ordinance # 814 be, and the same is hereby repealed in its entirety.

SECTION 2. That the Corridor Appearance District and the Central Business District, respectively Chapters 7G and 7H of City Code Title 11, the Zoning Code of the City of Bixby, be, and the same are hereby removed in their entirety, and that Chapter 7I of the same be renumbered 7G.

SECTION 3. That the Zoning Code of the City of Bixby, Oklahoma, shall be amended as follows:

Section 11-7I-8.G shall be amended as follows:

"G. Amendments: Minor changes in the PUD may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained with the outline development plan and the purposes

and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require compliance with the notice and procedural requirements of an original Planned Unit Development.

When the Planning Commission is authorized by the City Council to approve a PUD Detailed Site Plan, **the City Council will consider and take action on any appeal from any Planning Commission action.** Upon ~~the Commission's approval of said plan, it may delegate to the city planner~~ **shall have the** ~~its~~ authority to review and approve minor revisions to the previously approved plan. Such minor revisions may include the placement or locating of individual landscaping trees or parking spaces, incidental realignments of internal drives, or other such minor site details. The city planner shall determine that the same are minor in scope and that such changes are an alternative means for compliance and do not compromise the original intent, purposes, and standards underlying the original or amended approved Detailed Site Plan. An appeal from the city planner's determination that a change is not sufficiently minor in scope shall be made to the ~~planning commission~~ **City Council** by the filing of a notice of appeal with the ~~secretary of the planning commission~~ **city clerk** within ten (10) days from the date of the city planner's decision.”

A new section, to be known as Section 11-9-0.E, shall be added as follows:

“E. All new structures requiring a Building Permit, other than a small job permit, within Use Units 2, 5, and 8 through 27, inclusive, shall require the submission of a site plan demonstrating compliance with the requirements of this Title. A site plan shall be submitted with the Building Permit application as follows: Five (5) full-size hard copies, four (4) 11” X 17” hard copies, and one (1) copy in an acceptable electronic file format. The city planner may refer a site plan the Technical Advisory Committee for input. If agreement of interpretation of any site plan requirement cannot be achieved between the city planner and proposer, the city planner may require City Council approval of the site plan or any required element thereof. The Board of Adjustment has authority over interpretations of development standards in accordance with this Title. Compliance with the approved site plan shall be a condition of Building Permit approval and continued occupancy. The site plan shall specifically include:

1. A plan-view site plan representing:
 - a. All property lines with dimensions of the parcel or parcels on which the building permit is sought.
 - b. All existing and proposed improvements represented to scale and dimensioned from the lot lines.
 - c. The names and widths of all adjacent street, road, highway, alley, and railroad rights-of-way of record.
 - d. Any roadway paving edges, curb lines, sidewalks, culverts, and/or borrow ditch centerlines, if the same are located within or along the boundary of the subject property.
 - e. Any road, access, drainage, utility, and other such easements, including County Clerk recording references (i.e. Book/Page or Document #) for each.
 - f. Amount of post-construction impervious area in square feet and percentage of lot area, calculated by a surveyor, architect, or engineer.
 - g. The topographical layout of the land at no greater than two (2) foot contours if site elevation changes 10 feet or more, or if necessary for proper site design review in the opinion of City staff.
 - h. Any Special Flood Hazard Areas and Flood zone designations as identified by the adopted, effective Floodplain maps.
 - i. Any significant streams, swales, ditches, or natural drainageways.
 - j. Any existing or proposed ponds or stormwater detention or retention facilities.
 - k. All existing and/or proposed driveways and internal drives, to include labeling the surface material to be used (e.g. concrete or asphalt) for each.
 - l. Dimensions and labels for any existing access limitations and access openings.
 - m. Water wells, septic or other on-site disposal systems, oil or gas wells or underground lines, significant oil or gas extraction appurtenances, and other critical site features.

- a. *Unique identifiers so that the plan may be related to the subject property if ever separated from the file, such as property owner's name, property or building address, and/or legal description.*
 - b. *Name, address, and contact information of the site plan preparer.*
 - c. *A unique drawing number or name to distinguish the site plan from any other drawings submitted.*
 - d. *Seal and signature of the design professional preparing the site plan if/as required.*
 - e. *Date of the site plan, including any dates of revision.*
 - f. *North arrow.*
 - g. *Graphic scale; a numeric scale may also be used if the native paper size is specified on the site plan.*
 - h. *Location map identifying the site within the land Section, arterial or larger streets within or along the boundaries of the land Section, along with sufficient subdivisions or other land features to allow for the identification of the site within the land Section.*
 - i. *Other existing and/or proposed critical features not listed above if necessary for proper site design review in the opinion of City staff.*
 - j. *Representation of critical features within a sufficient area outside the site if necessary for proper site design review in the opinion of City staff.*
2. *A landscape plan representing all existing and/or proposed landscaping prepared if and as required to demonstrate compliance with the landscaping standards of this Title.*
 3. *A sign plan, if applicable, representing all existing and/or proposed signs and demonstrating compliance with the signage requirements of this Title.*
 4. *Building elevations or building height information demonstrating compliance with height restrictions of this Title.*
 5. *A screening and fence plan or representation on another drawing of all existing and/or proposed fences, walls, gates, and trash receptacle screening enclosures.*
 6. *A lighting plan and information if required to demonstrate compliance with the outdoor lighting requirements of this Title.*

SECTION 4. That, within all Planned Unit Developments specifically requiring Planning Commission approval of a Detailed Site Plan prior to issuance of a Building Permit, the same shall continue to be in force and effect unless a Major Amendment to the Planned Unit Development expressly nullifies the requirement."

Lance Whisman asked if, other than the *McDonald's* [expansion], has the City lost out on any other commercial developments because of the Detailed Site Plan approval requirement. Erik Enyart responded that he could not answer that question with any certainty. Mr. Enyart stated that, if the Detailed Site Plan approval requirement had not been in place all these years, things certainly would be different, but how they would be different is impossible to know. Mr. Enyart stated that it is impossible to identify things that don't exist.

One of the Commissioners asked Erik Enyart if other cities had a site plan approval requirement. Mr. Enyart stated that he had not researched this question specifically, but could respond anecdotally. Mr. Enyart stated that, from the few codes he had read in the past, he could say that most cities in the Tulsa area have different approaches to this matter. Mr. Enyart stated that, when he was the City Planner for Collinsville, Collinsville's Zoning Code required the Planning Commission approve a Site Plan for all non-residential Building Permits. Mr. Enyart asked Patrick Boulden if the City of Tulsa had a site plan approval requirement. Mr. Boulden stated that it did but only in certain cases. Mr. Enyart stated that Jenks has a special, historic ["Theme District"] and a ["Riverfront District,"] which have certain site plan and appearance requirements. Mr. Enyart stated that it appeared to him that Bixby's site plan regulations and appearance criteria were promulgated in the year 2000, just after Jenks instituted their theme districts [in 1998], but that in

Bixby's case, Bixby chose to focus the requirement only along its commercial corridors: Memorial Dr., 131st St. S., 151st St. S., and 171st St. S. [and the downtown area].

Chair Thomas Holland stated that the Commission already sees minimal information on the Detailed Site Plans it gets, and he can only imagine what they would look like if they only went to Staff. Mr. Holland stated that he thought this was a bad thing in general. Mr. Holland stated that, without this and signs approval, he did not know what the need for the Planning Commission would be.

John Benjamin asked Erik Enyart if this proposal was from Staff or the Mayor and City Council. Erik Enyart responded that it came from the Mayor and City Council.

Lance Whisman stated that he was uncomfortable taking out the [appearance] guidelines.

One of the Commissioners asked Erik Enyart if he recommended the change, and Mr. Enyart stated, "Staff has provided recommendations consistent with what I believe is the Council's direction."

Lance Whisman asked Erik Enyart for clarification on the *McDonald's* situation. Mr. Enyart stated that the Commission may have recalled the remodeling project from the Detailed Site Plan it approved in a meeting some months prior. Mr. Enyart stated that he was not sure about the details about the possible expansion, as he was only informed about the possible expansion from the project engineer. Mr. Enyart stated that, per the engineer, *McDonald's* had some sort of approval from corporate to expand the store, at the same time it was going to remodel it, but it only had a short window of time in which corporate would approve it. Mr. Enyart stated that he had told the engineer that he and the rest of City Staff would do whatever would be needed to help that happen, but that it will require going back to the Planning Commission for approval of another Detailed Site Plan, since the plan approved did not allow for an expansion. Mr. Enyart stated that the expansion would trigger requirements to bring the property up to code in terms of landscaping, parking, and loading, which were not problematic and could be fixed easily. Mr. Enyart stated that the engineer indicated that corporate would not give the approval required if they had to wait that long [and would not proceed even if issued an immediate Conditional Building Permit].

The Commissioners and Erik Enyart discussed the different elements of the amendment text provided in the Staff Report. Mr. Enyart clarified the change proposed to Detailed Site Plans in the cases of PUDs, and differentiated it from the changes proposed to eliminate the overlay districts and the requirement to get Planning Commission approval of a Detailed Site Plan. Mr. Enyart stated that the change to the PUD Detailed Site Plans only pertained to those instances when the developer self-imposes a Detailed Site Plan approval requirement in the PUD. Mr. Enyart confirmed with a Commissioner that the majority of the Detailed Site Plans the Commission reviewed came from the mandate from the overlay districts, and not PUD requirements. Mr. Enyart stated that PUDs requiring Planning Commission approval of a Detailed Site Plan would continue to be subject to that requirement, including new PUDs that include this requirement. In response to a question, Mr. Enyart confirmed that the list of information specifications in the Staff Report would be used to ensure that site plans submitted with the Building Permit application contain all of the information necessary for Staff's Zoning Code review. Mr. Enyart stated that he believed it was better to be clear on that issue. In response to a question, Mr. Enyart stated that, in the current case, Staff does

all of the review work and produces a comprehensive, detailed analysis and presents it in a Staff Report to the Planning Commission, and that, under the change, Staff would still do all the work, but Staff would be responsible for approving the site plan in the context of the Building Permit application.

Chair Thomas Holland recognized a couple of individuals in the audience and asked if they were present to speak on this or another item. The gentleman introduced himself as the President of the Silverwood Homeowners Association and stated that they were simply attending to hear what was going on.

John Benjamin stated, "I expect this would expedite commercial site plans."

Lance Whisman asked if this amendment would repeal the guidelines. Erik Enyart responded that it would not, "but there would be nothing in place to give it effect. It would still be a document passed by a Committee that no longer exists." Mr. Whisman expressed concern that this amendment was a "knee jerk reaction" to the *McDonald's* situation, and that he had a hard time believing that *McDonald's*, being a large corporation with [restaurants all over the United States], didn't expand because of the site plan requirement. Mr. Whisman stated that he knows of examples all over the country where other cities have appearance standards and are successful in getting them accomplished with new commercial developments.

One of the Commissioners asked what approval was required of *McDonald's* corporate and Mr. Enyart stated that he was not sure, and had the impression it was either financial or [organizational]. One of the Commissioners asked if the store was a corporate store or privately owned. Mr. Enyart stated that he was not sure but did know it was a franchise store. Patrick Boulden stated that it was a franchise owned by Jay Wagner.

Lance Whisman noted that the removal of the overlay districts was the first thing written in the amendment text. Mr. Whisman asked if the Commission could recommend retaining them but recommending the site plan change. Erik Enyart responded that it was the Commission's prerogative to recommend to the Council whatever it felt best, but that, in his opinion, it is not useful to keep [Zoning] districts that don't do anything. Mr. Whisman stated that the signs were not a problem, but he was concerned that, if the City got rid of the overlays and the guidelines, it would be losing them forever.

Chair Thomas Holland pointed to a recent example of the metal building built downtown on 151st St. S., which was done with a PUD. Mr. Holland stated that [in approving the Detailed Site Plan] the Commission was able to get the building to have a little brick on the bottom, and that, [under the current system,] the developer could always appeal the Commission's decision, as it did. Mr. Holland stated that this proposed amendment came to him as a step backward. Erik Enyart responded that this change would cause the need to shift emphasis to PUDs, and when those are done, the PUDs may contain a Detailed Site Plan approval requirement. Mr. Enyart stated that, in that PUD example Mr. Holland cited, the brick was not in the PUD. Mr. Enyart stated that, with the amendment, he would be responsible for reviewing site plans, and if something is not in the PUD, and is not in the [Zoning] Code, it's not required.

Chair Thomas Holland asked Erik Enyart why the City Council was wanting to do this. Mr. Enyart responded that he could not answer this question, but that it would appear to him “consistent with the Council’s past actions, which have been always in a singular intent to expedite commercial development.” Mr. Holland stated that he acknowledged that it would be beneficial for commercial developers, but “how would this benefit the City of Bixby?”

John Benjamin noted that sometimes commercial projects are delayed when the Commission has no quorum.

Lance Whisman expressed favor for the concept of not removing the overlay districts or the guidelines and just changing the [Detailed] Site Plan approval requirement.

Erik Enyart stated that, in the future, due to the ways cities go with these things, he believed that, if Bixby put [overlay districts or site plan approval requirements] in place again, they would want to go through the process [of promulgating appearance guidelines and requirements] all over again. Mr. Enyart stated that, if it helped, Owasso just created an overlay district along [U.S.] Highway 169, and that he would not be surprised if, in five (5) to 10 years, Bixby did not reinstitute a new overlay district or site plan approval requirement, and in that case, the guidelines from 12 years ago would be seen as a vestige of old times, and would not be used. Mr. Enyart stated that, if done again in the future, it will certainly be different, and new ideas will be desired.

Lance Whisman stated that he was not opposed to leaving the overlay districts and guidelines in place and adding the steps for Erik to okay the site plans.

Erik Enyart asked Patrick Boulden if he had anything to add at this time. Mr. Boulden indicated he did not.

Erik Enyart stated that his only concern was that it was not useful to have districts that do not do anything.

Lance Whisman stated that he was concerned that, “once it’s gone, it’s gone. Eliminating [the overlay districts and appearance guidelines] feels like we will never get them back.”

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to RECOMMEND APPROVAL of the amendment as recommended by Staff, but to leave the Corridor Appearance District and Central Business District overlay districts with their appearance guidelines in place. Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

OTHER BUSINESS

2. Approval of Minutes for the July 16, 2012 Regular Meeting (Continued)

Chair Thomas Holland introduced the Consent Agenda Number 2 and declared the item Continued to the September 17, 2012 regular meeting.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 6:59 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary