

**MINUTES
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
116 W. NEEDLES AVE.
BIXBY, OK 74008
June 01, 2015 6:00 PM**

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

STAFF PRESENT:
Erik Enyart, AICP, City Planner

ATTENDING:
See attached Sign-in Sheet

CALL TO ORDER

Meeting called to order by Vice-Acting Chair Murray King at 6:00 PM.

ROLL CALL

Members Present: Larry Whiteley, Murray King, and Darrell Mullins.
Members Absent: Jeff Wilson and JR Donelson.

MINUTES

1. Approval of Minutes for April 06, 2015

Vice-Acting Chair Murray King introduced the item and observed that there was not a quorum present of those in attendance at the April meeting. Upon conferring with the other Board members, Mr. King declared that the Minutes would be Passed to the next meeting.

OLD BUSINESS

Vice-Acting Chair Murray King asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS

2. **BBOA-600 – JR Donelson for Jack & Karla Jenkins.** Discussion and possible action to approve a Special Exception to allow a Use Unit 6 single-family dwelling for Lots 56,

57, 28, & 59, Block 34, *Midland Addition*, located within the CS Commercial Shopping Center District.

Property located: 116 W. Breckenridge Ave.

Chair Jeff Wilson introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: *Bixby Board of Adjustment*
From: *Erik Enyart, AICP, City Planner*
Date: *Tuesday, May 26, 2015*
RE: *Report and Recommendations for:
BBOA-600 – JR Donelson for Jack & Karla Jenkins*

LOCATION: – *116 W. Breckenridge Ave.*
– *Lots 56, 57, 58, & 59, Block 34, Midland Addition*
LOT SIZE: *0.27 acres, more or less*
ZONING: *CS Commercial Shopping Center District*
SUPPLEMENTAL ZONING: *Central Business District and Corridor Appearance District*
REQUEST: *Special Exception to allow a Use Unit 6 single-family dwelling for Lots 56, 57, 58, & 59, Block 34, Midland Addition, located within the CS Commercial Shopping Center District*

SURROUNDING ZONING AND LAND USE:

North: *CH; Six (6) single-family residential houses, the Bixby Youth Football Association office at 7 N. Kidd St., the Crossroads Fellowship church at 100 W. Dawes Ave., and the Pepper Express restaurant at 103 W. Breckenridge Ave., all in Block 25, Midland Addition.*

South: *CG & RS-3; The Green Country Mitsubishi zoned CG at 15309 S. Memorial Dr. in Block 1, Devine-Ellard Addition. Farther south is single-family residential zoned RS-3 along W. 5th St. in Blocks 2 and 3, Devine-Ellard Addition. To the southeast is a new cellular tower on City of Bixby property at 11 W. 5th St. on the E. 30' of Block 1, Devine-Ellard Addition zoned CG and an additional vacant, unplatted tract owned by the City of Bixby and the Bixby Post Office at 16 S. A Ave. in [the Original Town of] Bixby, both zoned RS-3.*

East: *RS-3; Single-family residential along Breckenridge Ave. zoned RS-3 and CS, Charley Young Park zoned CH, and vacant lots zoned RS-3, and downtown buildings at the intersections of Breckenridge Ave. with A Ave. and Armstrong St., all zoned CH in Midland Addition.*

West: *CS & CH; A single-family house at 122 W. Breckenridge Ave. and vacant commercial lots along the south side of Breckenridge Ave. in Midland Addition. Farther west is a large building complex at 15325 S. Memorial Dr. occupying Block 24 of Midland Addition.*

COMPREHENSIVE PLAN: *Low Intensity/Development Sensitive + Commercial Area + Special District # 1*

PREVIOUS/RELATED CASES:

BZ-131 – Bill Watts for J.E.M.E. LP – *Request for rezoning from RS-3 to CS for “office” for subject property Lots 56 : 59, inclusive, Block 34, Midland Addition – PC recommended Approval 02/28/1983 and City Council Approved 03/07/1983 (Ord. # 474).*

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

BBOA-110 – George Brown – *Request for Special Exception to allow a Use Unit 2 post office on property to the east at 16 S. A Ave., All of Block 1, [Original Town of] Bixby – Approved 11/08/1982.*

BZ-26 – Irwin W. Ellard – *Request for rezoning from RS-3 to CG for “business” for Lots 62 : 64, inclusive, Block 34, Midland Addition to the west of subject property at 124 and 126 W. Breckenridge Ave. – PC recommended Approval 04/29/1974 and Board of Trustees Approved 05/07/1974 (Ord. # 275 dated 06/18/1974).*

BBOA-515 – Shelley Hensley for Kevin Potter and the City of Bixby – Request for (1) A Variance from the 60’ maximum communications tower height restriction of Zoning Code Section 11-9-4.C.2.a, (2) a Variance from the 400’ setback from a Residential Zoning District of Zoning Code Section 11-9-4.C.2.d, and (3) a Variance from any other Zoning Code standard which would prevent the construction of a 130’-high communications tower, all in the CG General Commercial District for the E. 30’ of Block 1, Devine-Ellard Addition to the southeast of subject property at 11 W. 5th St. – BOA Conditionally Approved 01/04/2010.

BZ-351 – Bixby Properties, LLC – Request for rezoning from RS-3 to CH for the western part of the BTC Broadband headquarters building to the east of subject property at 6 E. Breckenridge Ave. to allow for commercial signage – PC Recommended Approval 12/20/2010 and City Council Approved 01/24/2011 (Ord. # 2052).

BZ-360 – Rodney Stacey for True Life Tabernacle, Inc. – Request for rezoning from RS-3 to CH for the True Life Tabernacle church to the east of subject property at 2 W. Breckenridge Ave. to allow for church redevelopment or expansion – PC Recommended Approval 10/15/2012 and City Council Approved 10/22/2012 (Ord. # 2093).

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property consists of four (4) platted lots, Lots 56, 57, 58, & 59, Block 34, Midland Addition, zoned CS Commercial Shopping Center District. Altogether, the four (4) platted lots have 100’ of frontage on Breckenridge Ave. and contain approximately 0.27 acres.

Per the survey submitted with the application, it contains a two-story house with basement that is presently used for the Jack H. Jenkins, CPA, P.C. (possibly f/k/a “Jenkins Tax & Bookkeeping Services” per a former sign at the business’ former location at 7 W. Dawes Ave.) professional business and three (3) accessory buildings behind the main structure. Per a site inspection May 26, 2015, the “frame building not on slab” in the extreme southwest corner of the property has been removed. This leaves the 365 square-foot “one story brick building,” which has a door facing Breckenridge Ave., and the 532 square-foot “metal industrial type building on slab” building, which has a large garage door opening to the east.

The subject property is relatively flat. Drainage patterns are not immediately evident, but the subject property appears to drain to the east toward the downtown drainage system constructed around 2007/2008, which ultimately drains to Bixby Creek.

Special Exception Request. The Applicant is requesting a Special Exception to allow a Use Unit 6 single-family dwelling for Lots 56, 57, 58, & 59, Block 34, Midland Addition, located within the CS Commercial Shopping Center District. Staff understands that the Applicant desires to renovate and/or expand an existing garage accessory building on the subject property to include living quarters. Use Unit 6 single family residential use would require approval of a Special Exception, requested by this application.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low Intensity/Development Sensitive, (2) Commercial Area, and (3) Special District # 1.

The subject property is and will continue to be primarily used as a professional office commercial business. The application seeks to allow the conversion of an existing accessory building to add an incidental single-family dwelling use element.

The Comprehensive Plan provisions for Special District # 1 do not appear to address the central question of this application, whether a single-family residential use element would be appropriate for the subject property.

Staff believes that proposed single-family residential use element would not be inconsistent with the Comprehensive Plan.

Surrounding Zoning and Land Use. Across Breckenridge Ave. to the north of the subject property are six (6) single-family residential houses, the Bixby Youth Football Association office at 7 N. Kidd St., the Crossroads Fellowship church at 100 W. Dawes Ave., and the Pepper Express restaurant at 103 W. Breckenridge Ave., all in Block 25, Midland Addition and all zoned CH.

South of the subject property is the Green Country Mitsubishi zoned CG at 15309 S. Memorial Dr. in Block 1, Devine-Ellard Addition. Farther south is single-family residential zoned RS-3 along W. 5th St. in Blocks 2 and 3, Devine-Ellard Addition. To the southeast is a new cellular tower on City of Bixby property at 11 W. 5th St. on the E. 30’ of Block 1, Devine-Ellard Addition zoned CG and an additional

vacant, unplatted tract owned by the City of Bixby and the Bixby Post Office at 16 S. A Ave. in [the Original Town of] Bixby, both zoned RS-3.

East of the subject property are single-family residential houses along Breckenridge Ave. zoned RS-3 and CS, Charley Young Park zoned CH, and vacant lots zoned RS-3, and downtown buildings at the intersections of Breckenridge Ave. with A Ave. and Armstrong St., all zoned CH in Midland Addition.

West of the subject property is a single-family house at 122 W. Breckenridge Ave. and vacant commercial lots along the south side of Breckenridge Ave. in Midland Addition, all zoned CG. Farther west is a large building complex at 15325 S. Memorial Dr. occupying Block 24 of Midland Addition zoned CG.

The subject property is along the westerly edge of, and may be considered by some to be part of the downtown area. Downtown areas, including Bixby's downtown area, often feature a mix of uses in an urban setting, and this is generally encouraged in order to maintain and create a vibrant area for all land uses to mutually complement each other. Staff believes that the proposed single family residential use element on the subject property would not be incompatible; rather, it could contribute to the vibrancy of Bixby's downtown.

Staff believes that the proposed single-family dwelling use element would not be incompatible or inconsistent with surrounding zoning and land use patterns.

Staff Recommendation. *For all the other reasons outlined above, Staff recommends Approval subject to:*

- (1) Approval shall be limited to one (1) dwelling unit on the subject property, and*
- (2) Any exterior remodeling of the renovated metal building and/or expansion of the metal building shall comply with the masonry / approved masonry alternatives standard of the Central Business District and Corridor Appearance District.*

Erik Enyart stated that the subject property was in or on the periphery of downtown [Bixby], and that a good mix of land uses, such as commercial, office, residential, and community services, can revitalize a downtown or keep a downtown area vital. Mr. Enyart recommended Approval subject to the two (2) recommended Conditions of Approval. Mr. Enyart stated that the second recommendation should have the “metal” word taken out [in both instances], as he was previously under the impression that the metal garage building was the one being renovated and expanded because, in his previous discussions with the Applicant, he was told it would be the garage building.

Vice-Acting Chair Murray King recognized Jack Jenkins of 116 W. Breckenridge Ave. Mr. Jenkins stated that he was planning to do the [renovation and expansion] for his father, and later, for his son, who recently graduated from Bixby High School.

Darrell Mullins clarified with Erik Enyart that the subject property included the four (4) platted lots, which were each 25' in width.

There being no further discussion, Larry Whiteley made a MOTION to APPROVE BBOA-600 with the Conditions of Approval as recommended by Staff. Murray King SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Whiteley, King, & Mullins
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

Erik Enyart explained the Decision of Record process to Jack Jenkins.

ADJOURNMENT

Darrell Mullins made a MOTION to ADJOURN. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, King, & Mullins
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

Meeting was Adjourned at 6:06 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary