AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
October 15, 2012 6:00 PM

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

2 1. Approval of Minutes for the June 18, 2012 Regular Meeting
9 2. Approval of Minutes for the July 16, 2012 Regular Meeting
32 3. Approval of Minutes for the August 20, 2012 Regular Meeting
49 4. Approval of Minutes for the September 17, 2012 Regular Meeting
65 5. Approval of schedule of meetings and application cutoff dates for 2013

PUBLIC HEARINGS

66 6. **BZ-359 – Roger & LeAnn Metcalf.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RM-2 Residential Multi-Family District for part of the W/2 of the NW/4 of Section 23, T17N, R13E.
Property located: 15329 S. Sheridan Rd.

79 7. **BZ-360 – Rodney Stacy for True Life Tabernacle, Inc.** Public Hearing, Discussion, and consideration of a rezoning request from RS-3 Residential Single-Family District to CH Commercial High Intensity District for Lots 41, 42, and 43, Block 34, *Midland Addition*.
Property located: 2 W. Breckenridge Ave.

89 8. (Continued from August 20 and September 17, 2012)
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.

PLATS

OTHER BUSINESS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyart Date: 09/19/2012 Time: 4:30 PM

All items are for Public Hearing unless the item is worded otherwise

MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
June 18, 2012 6:00 PM

STAFF PRESENT:
Erik Enyart, AICP, City Planner

OTHERS ATTENDING:
See attached Sign-In Sheet

CALL TO ORDER:

Vice-Acting Chair Larry Whiteley called the meeting to order at 6:01 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the May 21, 2012 Regular Meeting

Vice-Acting Chair Larry Whiteley introduced the Consent Agenda Number 1. It was determined that a quorum was not present of those who attended the May meeting. Vice-Acting Chair Larry Whiteley declared that the item would be moved to the July 16, 2012 Regular Meeting.

2. Case # AC-12-06-01. Discussion and possible action to approve a wall sign for "Bling Boutique" at 10907 S. Memorial Dr. in the "South Park Shopping Center," part of the W/2 of the SW/4 Section 25, T18N, R13E.
3. Case # AC-12-06-02. Discussion and possible action to approve a ground sign for *Sutherlands* at 15050 S. Memorial Dr. on Lot 2, Block 1, Less and Except the E. 200' thereof, *Wal-Mart Stores Addition* in the "Spartan Family Shopping Center."
4. Case # AC-12-06-03. Discussion and possible action to approve a wall sign for *Mattress King* at 11083 S. Memorial Dr. in the "South Memorial Center" / "South Memorial Center II" shopping center, part of the SW/4 SW/4 Section 25, T18N, R13E.
5. Case # AC-12-06-04. Discussion and possible action to approve a wall sign for *Liberty Mutual Insurance* at 10462 S. 82nd E. Ave. # 106, Lot 7, Block 1, *Regal Plaza.*

Vice-Acting Chair Larry Whiteley introduced the Consent Agenda Numbers 2 through 5, inclusive, 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, June 12, 2012*
RE:	*AC-12-06-01, AC-12-06-02, AC-12-06-03, & AC-12-06-04*

Agenda Items numbered 2 through 5, inclusive, involve approving sign permits. These permits have already been issued by the City.

This Staff Report covers all of the sign permit ratification cases: All sign permits comply with the Zoning Code and Staff requests ratification of prior approval given.

John Benjamin made a MOTION to APPROVE Consent Agenda Numbers 2 through 5, inclusive. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

PLATS

OTHER BUSINESS

6. **AC-12-06-05 – Bixby Public Schools – Graber & Associates, PC.** Discussion and possible action to approve a Detailed Site Plan and façade construction plans for the Use Unit 11 Bixby Public Schools Administration Center for Lots 2 through 10, inclusive, and the vacated alley adjacent, Block 20, *Midland Addition.*
   Property located: 109 N. Armstrong St. & 7 E. Dawes Ave.

Vice-Acting Chair Larry Whiteley introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To:	*Bixby Planning Commission*
From:	*Erik Enyart, AICP, City Planner*
Date:	*Tuesday, June 12, 2012*
RE:	*Report and Recommendations for:*
	AC-12-06-05 – Bixby Public Schools – Graber & Associates, PC

LOCATION:
- *Lots 2 through 10, inclusive, and the vacated alley adjacent, Block 20, Midland Addition*
- *109 N. Armstrong St.*
- *7 E. Dawes Ave.*

SIZE: *2/3 acre, more or less, in three (3) parcels*

EXISTING ZONING: *CH Commercial High Intensity District*

DEVELOPMENT TYPE: *Approval of a Detailed Site Plan and façade construction plans for the Use Unit 11 Bixby Public Schools Administration Center in the Central Business District.*

SURROUNDING ZONING AND LAND USE:

North: *CH; Commercial downtown storefront buildings along N. Armstrong St., a house at 1 E. Needles Ave. and properties belonging to the Bixby Historical Society, including some old commercial/storage buildings at 21 E. Needles Ave., an old filling station at 27 E. Needles Ave., the Bixby Historical Society Museum at 24 E. McKennon Ave., and vacant and underutilized lots*

South: *CH; Commercial downtown storefront buildings along N. Armstrong St. and E. Dawes Ave.*

East: *CH & IL; Commercial downtown storefront buildings along E. Dawes Ave., a parking lot owned by the Bixby Public Schools, and an outdoor storage business zoned IL.*

West: *CH; Commercial downtown storefront buildings along N. Armstrong St. and W. Dawes Ave., and the Dollar General store at 111 N. Cabanis St.*

COMPREHENSIVE PLAN: Low Intensity + Commercial Area + Special District # 1.

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

BL-320 – Houston Shirley, Attorney for Red Stevenson – request for Lot-Split to divide the abandoned Railroad Right-of-Way property between Blocks 19 and 20, Midland Addition, (includes subject property) to allow for the sale of the westerly part to Bixby Public Schools and retaining the easterly part for the property owner – PC Approved 03/21/2005.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property contains approximately 2/3 acres in three (3) tracts:

(1) The approximately 2,200 square-foot parcel, containing the BPS Enrollment Center building at 7 E. Dawes Ave. (Lot 10 Less and Except the N. 60' of the W. 14' thereof, Block 20, Midland Addition; Tulsa County Assessor's Parcel # 57825732404380),

(2) The approximately 20,000 square-foot parcel, containing most of the Administration Building complex, addressed 109 N. Armstrong St. (Lots 4 through 9 and the N. 60' of the W. 14' of Lot 10, and the vacated alley adjacent on the N. of Lots 7, 8, & 9, all in Block 20, Midland; Tulsa County Assessor's Parcel # 57825732404300), and

(3) The approximately 7,300 square-foot parcel, containing the small "The Armory BPS Spartan Spirit Store" building and parking areas (Tulsa County Assessor's Parcel # 57825732404290).

The subject property is zoned CH Commercial High Intensity District and is relatively flat, but appears to drain through the streets generally to the south/west and south/east.

General. Bixby Public Schools is replacing the façade on the Administration Building on the subject property. The building is not being expanded.

This Detailed Site Plan was placed on the Technical Advisory Committee (TAC) agenda of June 06, 2012. However, no one attended the TAC meeting. Minutes for the meeting, including communication received on this Detailed Site Plan prior to the meeting, is attached to this report.

Access and Internal Circulation. The subject property has street frontage on N. Armstrong St., E. Dawes Ave., and E. Needles Ave. in downtown Bixby. All three (3) streets have sidewalks for pedestrian accessibility. The building complex has doors opening to N. Armstrong St. and E. Dawes Ave. The "Armory" building at the north end of the subject property has a door opening to N. Armstrong St. There is a parking lot covering certain northerly and easterly parts of the subject property, and it is accessed from Needles Ave.

The alleys separating Blocks 19 and 20 of Midland Addition are used as part of the parking lot, and also provide access to the back sides of buildings fronting on Dawes Ave. to the east. To the north and east of the alleys is another parcel owned by BPS, Lot 1, Block 20, and part of the abandoned Railroad Right-of-Way lying north thereof, which is also used for parking.

The façade improvement will not affect existing access.

Parking Standards. Parking and loading standards do not apply to subject property located in the CH district per Zoning Code Section 11-9-0.D. The subject property has on-street parking along N. Armstrong St., E. Dawes Ave., and E. Needles Ave., and a parking lot covers certain northerly and easterly parts of the subject property, accessed from Needles Ave. No changes to the parking are proposed for this façade replacement project Detailed Site Plan. The Detailed Site Plan is not required to represent existing parking as (1) parking is not required, (2) changes to parking are not proposed, and (3) the building is not being expanded.

Screening/Fencing. The Zoning Code does not require a sight-proof screening fence for the subject property, as it does not abut an R district. The Detailed Site Plan is not required to represent

screening/fencing as (1) screening is not required, (2) screening does not exist per a site inspection on June 12, 2012, (3) screening is not proposed, and (4) the building is not being expanded.

Landscape Plan. Zoning Code Section 11-12-2 provides an exemption for the current situation: The building is not being spatially expanded. Therefore, no new landscaping is required.

The Detailed Site Plan is not required to represent existing landscaping as (1) landscaping is not required, (2) landscaping is not proposed, and (3) the building is not being expanded.

Exterior Materials and Colors. Per drawings A1, A2, A3, and A4, the existing brick and concrete block building will be refaced with Nichiha © or equivalent fiber cement panels, brick pilasters for accent, and new awnings over windows and doors. Additional incidental work will be done to the exterior.

Per drawing A2, the fascia colors will be "Vintage Brick White Wash" and "Vintage Brick Alexandria Buff." The colors appear on the plans as variations of conventional red brick, with gray-colored brick column pilasters. The awnings appear on the plans to be [Bixby Spartan] blue, and the canopy over the main entrance appears white.

Per drawing A1, the building is approximately 24' in height at the highest point (southwest corner of building complex). The roof is not, and will not be visible at ground level. Existence of parapets is not clear.

Per Detail G on drawing A2, the pilasters will extend approximately 20" from the wall face. By email on June 12, 2012, the Architect has stated that this dimension has been changed to between 8" to 10". Staff has requested revised drawings as of June 12, 2012, and they will be provided to the Planning Commission if received prior to the meeting date.

Assuming the building wall is currently (more or less) flush with the property line, as is typical for downtown Bixby, it would appear possible the column pilasters will extend into the right-of-way. A plan-view site plan drawing was not submitted representing the relationship of the building wall, existing and proposed, to the property line. Extension into the right-of-way may require City Council approval of a License Agreement, if the Architect determines an encroachment would occur.

Outdoor Lighting. There are existing downtown-theme streetlights adjacent to the subject property within the Dawes Ave., Armstrong St., and Needles Ave. rights-of-ways. It does not appear there are any pole-mounted lights on the subject property. There appears to be a conventional streetlight in the alley just beyond the northeast corner of the subject property. No new pole-mounted lights are proposed with this façade replacement project.

The provided drawings represent building-mounted lighting, including that underneath canopies, some of which will be replaced as noted.

As there are no adjacent R Districts and there is no parking lot lighting (save that underneath the former Citizens Security Bank drive-through lanes now used as covering for parking spaces), Zoning Code Section 11-10-4.G does not appear to apply.

Signage. Per the transmittal letter dated 5/21/2012, a wall sign consisting of the School's logo and lettering will be placed over the main entrance.

"Bixby Administration Facade" drawing 0000-0001 indicates the general appearance and location over the entrance, and "Bixby Administration Facade" drawing 0000-0002 provides the dimensions, which are consistent with the display surface area standards of the CH district. This wall sign will be permitted as a part of the Detailed Site Plan approval request.

There is an existing pole-mounted ground sign at the northwest corner of the building advertising the "The Armory BPS Spartan Spirit Store." The Detailed Site Plan is not required to represent the ground sign as (1) recognizing its existence, it is presumed legally conforming or legally nonconforming to the Zoning Code, (2) no changes to same are proposed, (3) approval of same is not hereby requested, and (4) the building is not being expanded.

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

1. *Subject to the receipt of either:*
    a. *A plan-view drawing demonstrating the column pilasters will be fully contained within the subject property, or*
    b. *A statement from the Architect on whether or not the column pilasters will extend into the right-of-way.*

2. *If the column pilasters will extend into the right-of-way by any amount, approval shall be subject to the City Council's approval of a License Agreement covering the encroachment, if / as required by the City Attorney.*
3. *Please submit complete copies of the Detailed Site Plan incorporating the changes to the depth of the pilasters as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).*

Erik Enyart described the License Agreement process, and stated that it was a document that (1) acknowledged the existence of improvement(s) encroaching on Public Property, (2) authorized the continued maintenance of the improvement(s), (3) subject to the City's right to remove the improvements at any time if needed for street widening, sidewalk repair, utilities replacement, etc., and (4) without obligation or expense to the City of Bixby to restore the same.

One of the Commissioners asked if this was likely to be approved, and if others had been approved. Erik Enyart responded that the Council had approved several License Agreements in the recent past, and that, if it was not opposed by the City Engineer or Public Works Director, most of them get the Council's approval.

Jeff Baldwin asked[, if the request was approved,] how the City would be covered for the future. Erik Enyart responded that, if the Commission approved the request using the recommended Conditions of Approval, the City would be covered as it concerns the proposed encroachment of the pilasters into the right-of-way.

Vice-Acting Chair Larry Whiteley indicated he had no problems with the request.

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

Vice-Acting Chair Larry Whiteley asked to entertain a Motion. John Benjamin noted that the City of Bixby had covered itself on the encroachment matter and that there would be no expense to the City of Bixby.

John Benjamin made a MOTION to APPROVE AC-12-06-05 with all of the Conditions of Approval as recommended by Staff. Jeff Baldwin SECONDED the Motion. Roll was called:

<u>ROLL CALL:</u>

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

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ADJOURNMENT:

There being no further business, Vice-Acting Chair Larry Whiteley declared the meeting Adjourned at 6:23 PM.

APPROVED BY:

_____ _____

Chair Date

_____

City Planner/Recording Secretary

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: June 18, 2012

NAME	ADDRESS	ITEM
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

8

MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
July 16, 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 6:05 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the May 21, 2012 Regular Meeting

Chair Thomas Holland introduced the Consent Agenda Number 1 and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes as prepared by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

During the Roll Call, Jeff Baldwin stated that he was Abstaining as he was not present at that meeting.

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

Chair Thomas Holland introduced the Consent Agenda Number 2 and asked to entertain a Motion. Jeff Baldwin made a MOTION to APPROVE the Minutes as prepared by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Baldwin & Whiteley
NAY:	None.
ABSTAIN:	Holland and Whisman.
MOTION FAILED:	2:0:2

During the Roll Call, Thomas Holland and Lance Whisman stated that they were Abstaining as they were not present at that meeting.

After clarification with Erik Enyart, Chair Thomas Holland declared that the item would be CONTINUED to the August regular meeting.

3. Case # AC-12-07-01. Discussion and possible action to approve a replacement wall sign for *Edward Jones* at 13330 S. Memorial Dr. Ste. 2 in the "Riverbend Shoppes" shopping center, Lots 1, 2, & 3, Block 1, *Riverbend Commercial Center Amended.*
4. Case # AC-12-07-02. Discussion and possible action to approve a replacement wall sign for *Tulsa Teachers Credit Union* at 13475 S. Memorial Dr. on Lot 2, Block 1, *Bixby Crossing* in the Bixby Crossing shopping center.
5. Case # AC-12-07-03. Discussion and possible action to approve a replacement wall ground for *Tulsa Teachers Credit Union* at 13475 S. Memorial Dr. on Lot 2, Block 1, *Bixby Crossing* in the Bixby Crossing shopping center.
6. Case # AC-12-07-04. Discussion and possible action to approve a replacement wall sign for *Family Dollar* at 15036 S. Memorial Dr. on part of Lot 1, Block 1, *Wal-Mart Stores Addition* in the "Spartan Family Shopping Center."

Chair Thomas Holland introduced the Consent Agenda Numbers 3 through 6, inclusive, 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, July 12, 2012*
RE:	*AC-12-07-01, AC-12-07-02, AC-12-07-03, & AC-12-07-04*

Agenda Items numbered 3 through 6, inclusive, involve approving sign permits. These permits have already been issued by the City.

This Staff Report covers all of the sign permit ratification cases: All sign permits comply with the Zoning Code and Staff requests ratification of prior approval given.

Lance Whisman made a MOTION to APPROVE Consent Agenda Numbers 3 through 6, inclusive. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Thomas Holland announced that, in the interest of time and those attending, the Agenda Items would be taken out of order and Agenda Item Numbered 8 would be introduced at this time.

OTHER BUSINESS

8. **Change of Limits of No Access (LNA) – Sisemore, Weisz & Associates, Inc. for Manley 101st & Memorial, LLC.** Discussion and consideration of a request to change Limits of No Access (LNA) along 101st St. S. for parts of Lots 1 and 5, Block 1, *101 Memorial Square*, in accordance with Subdivision Regulations Section 8.2 / 12-8-2. Property located: 10101 S. Memorial Dr. / 8200 E. 101st St. S.

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

To: *Bixby Planning Commission*
From: *Erik Enyart, AICP, City Planner*
Date: *Thursday, July 12, 2012*
RE: *Report and Recommendations for:*
Change of Limits of No Access (LNA) – Sisemore, Weisz & Associates, Inc. for Manley 101st & Memorial, LLC

LOCATION:
- *Lots 1 and 5, Block 1, 101 Memorial Square*
- *8200 E. 101st St. S.*
- *10101 S. Memorial Dr.*

LOT SIZE: *3 acres, more or less, in two (2) lots*
ZONING: *CS Commercial Shopping Center District with PUD 65*
EXISTING USE: *CVS/Pharmacy on Lot 1; Lot 5 is vacant*
REQUEST: *Change of Limits of No Access (LNA)*
COMPREHENSIVE PLAN: *Corridor + Medium Intensity + Commercial Area.*
PREVIOUS/RELATED CASES: *(Not necessarily a complete list and does not include TMAPC-jurisdiction areas)*

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

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

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

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

11

eventually platted as 101 Memorial Square, including subject property – Withdrawn by Applicant in September 2003.

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

Preliminary Plat of 101 Memorial Square – Manley 101st & Memorial, LLC – Request for Preliminary Plat approval for area which was eventually platted as 101 Memorial Square, including subject property – PC Recommended Conditional Approval 11/17/2008 and City Council Conditionally Approved 11/24/2008.

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

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

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

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

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

BZ-89 – Ron Koepp – Request for rezoning from AG to CG for 3.6 acres including the southerly 0.96 acres (more or less) of 101 Memorial Square, in which the subject property is located – PC Recommended Approval 04/28/1980 and City Council Approved 05/19/1980 (Ord. 401).

BBOA-547 – Kimley-Horn & Associates, Inc. – Request for Special Exception per Zoning Code Section 11-10-2.H to allow a total of 40 parking spaces, in excess of the 24 space maximum standard for the Whataburger restaurant in the CG General Commercial District and CS Commercial Shopping Center District with PUD 65, on part of Lot 3, Block 1, 101 Memorial Square to the south of subject property – BOA Approved 11/07/2011.

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

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

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

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property consists of Lots 1 and 5, Block 1, 101 Memorial Square. Lot 1 contains a CVS/Pharmacy and Lot 5 is presently vacant. The subject property is moderately sloped and will drain through an underground stormsewer system in a southeasterly direction to an upstream tributary of Fry Creek # 1.

General. The Applicant is requesting to release Limits of No Access (LNA) along 101st St. S. from the west side of the north line of Lot 5, Block 1, 101 Memorial Square in accordance with Subdivision Regulations Section 8.2 / 12-8-2. The LNA was imposed by the plat of 101 Memorial Square. New LNA

will be placed along part of the east side of the north line of the CVS lot. Essentially, the driveway opening will be shifted to the east, to be located more on Lot 5 than on Lot 1.

The reason for the change is to avoid head-in traffic conflicts with the CVS drive-thru, when Sprouts to the south and Lot 5 are developed. The CVS development encroached on the Mutual Access Easement of the plat of 101 Memorial Square, so a new MAE will be added to the east on Lot 5, allowing for better traffic movement for the shopping center.

The TAC reviewed the request on 07/05/2012, and Staff has reviewed the request internally, and no objections have been expressed from any involved.

Staff Recommendation. Staff recommends Approval.

One of the Commissioners asked by what amount the driveway was being shifted. Erik Enyart deferred to Applicant Darin Akerman. Mr. Akerman stated that it would be about 25'.

Chair Thomas Holland asked if the change was related to a previous development the Commission had approved. Erik Enyart responded that it was related to the *Sprouts* development to the south.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Change of Access as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

PUBLIC HEARINGS

7. **PUD 12-A – Major Amendment # D "Geiler Park."** Discussion and possible action to approve a Major Amendment to PUD 12-A, to be known as "PUD 12-D" for Geiler Park, which amendment proposes the extension of the business/industrial park areas, the inclusion of additional permitted uses within the business/industrial park areas and the modification of bulk and area limitations.
   Property located: Northeast corner of 151st St. S. and Harvard Ave.

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, July 12, 2012*
RE:	*Report and Recommendations for:*
	PUD 12-A – Major Amendment # D "Geiler Park"

LOCATION:

- *Northeast corner of 151st St. S. and Harvard Ave.*
- *W/2 Section 16, T17N, R13E lying S. of Springtree, Less & Except the E. 300' thereof, which includes:*
- *Lot 6, Block 1, Sitrin Center Addition, Less & Except the E. 300' thereof*

LOT SIZE: *244 acres more or less, in two (2) tracts*

EXISTING ZONING:

- *IL Industrial Light District (73 acres, 30%, more or less)*
- *CS Commercial Shopping Center District (24.4 acres, 10%, more or less)*
- *OL Office Low Intensity District (2.5 acres, 1%, more or less)*
- *RM-2 Residential Multi-Family Medium Density District (10 acres, 4%, more or less)*
- *RM-1 Residential Multi-Family Low Density District (10 acres, 4%, more or less)*
- *RD Residential Duplex District (1.5 acres, 0.6%, more or less)*
- *RS-3 Residential Single-Family High Density District (100 acres, 41%, more or less)*
- *RS-1 Residential Single-Family Low Density District (19.1 acres, 8%, more or less)*

SUPPLEMENTAL ZONING: *PUD 12-A & Corridor Appearance District (partial inclusion)*

EXISTING USE: *Vacant and agricultural*

REQUEST: *Major Amendment to PUD 12-A, to be known as "PUD 12-D" for Geiler Park, which amendment proposes the extension of the business/industrial park areas, the inclusion of additional permitted uses within the business/industrial park areas and the modification of bulk and area limitations*

SURROUNDING ZONING AND LAND USE:

North: *RS-1; Single-family residential in Springtree.*

South: *(South of 151st St. S.) CS, AG, CS/PUD 41, & RS-2; Agricultural and vacant land and the New Beginnings Baptist Church.*

East: *AG & IL/OM/OL/CS/PUD 12-A; The 300'-wide AEP-PSO overland transmission powerline right-of-way and vacant land in the Sitrin Center Addition, with agricultural land across 151st St. S. to the southeast.*

West: *(West of Harvard Ave.) AG, RS-3, RS-2, & CS; Single-family residential homes and vacant lots in The Reserve at Harvard Ponds and The Enclave at Harvard Ponds, agricultural, vacant, and rural residential along Harvard Ave. and 151st St. S.*

COMPREHENSIVE PLAN: *Special District 2 + High Intensity + Development Sensitive/Vacant, Agricultural, Rural Residences, and Open Land + Community Trails*

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

BZ-11 – Louis Levy for Tom Sitrin – Request for I-1, C-1, and R-1 zoning for approximately 660 acres (all of Sitrin Center Addition) – the Lot 6, Block 1, Sitrin Center Addition part of subject property included in that 360-acre area requested for R-1 zoning – believed to have been rezoned with modifications, per case notes and correspondence found in case file (Ordinance not found) by City Council on 02/06/1973.

BZ-57 – Joe Donelson/J-B Engineering Co. for Frank & Maria Sweetin/Jody Sweetin – Request for rezoning from AG to RS-1 for approximately 142 acres (all of the NW/4 Less & Except the E. 300' thereof) (included part of subject property) – PC Recommended Approval 07/25/1977 and City Council Approved 09/12/1977 (Ord. 337).

BZ-58 – Joe Donelson/J-B Engineering Co. for Frank & Maria Sweetin/Jody Sweetin – Request for rezoning from AG to RS-2 for approximately 142 acres (all of the NW/4 Less & Except the E. 300' thereof) (included part of subject property) – Withdrawn 10/03/1977.

Final Plat of Springtree – Jody L. Sweetin – City Council approved the Final Plat of Springtree 04/03/1978 and plat recorded April 28, 1978 (appears to have been a part of a parent tract which also includes part of subject property).

BZ-66 – Jody L. Sweetin – Request for rezoning from RS-1 to RS-2 for approximately 100.53 acres (all of the NW/4 lying south of Springtree, Less & Except the E. 300' thereof) (included part of subject property) – PC Recommended Approval 07/31/1978 and City Council Approved 10/16/1978 (Ord. 364).

Final Plat of "Springtree South" – Jody Sweetin – Request for Final Plat for "Springtree South," including 189 lots, for approximately 101 acres (all of the NW/4 lying south of Springtree, Less & Except the E. 300' thereof) – included part of subject property – PC Recommended Conditional Approval 07/30/1979 (not ever platted).

BZ-86 – Louis Levy – Request for RS-3, RD, RM-2, OL, OM, and CS zoning for approximately 602 acres (Sitrin Center Addition Less & Except Lot 1, Block 1, and Less & Except the E. 300' of Lot 6,

Block 1) – Lot 6, Block 1 section of subject property included in that area approved for RS-3 zoning – PC Recommended Modified Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. 402).
PUD 1 – Royal Park Estates – Louis Levy – Request for PUD approval for approximately 602 acres (Sitrin Center Addition Less & Except Lot 1, Block 1, and Less & Except the E. 300' of Lot 6, Block 1) – included that part of subject property within Lot 6, Block 1 – PC Recommended Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. 403).
PUD 3 – Celebrity Country – Replaced PUD 1 but retained underlying zoning (included subject property) – PC Recommended Approval 09/27/1982 and City Council Approved 10/04/1982 (Ord. 465).
BZ-186 – Gary L. Sulander for Preferred Investments Corp. – Request for CS, OL, RM-1, and RD zoning for approximately 30 acres (S/2 SW/4 SW/4 and NE/4 SW/4 SW/4 of this Section) – included subject property – PC Recommended Approval 05/02/1988 and City Council Approved 05/24/1988 (Ord. 586).
BZ-197 – Stephen D. Carr / George Suppes – Request for rezoning to RS-3, RM-2, CS, and IL for approximately 399.49 acres (Lots 2, 3, and 5, Block 1, Sitrin Center Addition, Less & Except that part lying E. of the Centerline of Kimberly-Clark Pl., and Lot 6, Block 1, Sitrin Center Addition, Less & Except the E. 300' thereof, and the NW/4 of this Section lying south of Springtree, Less & Except the E. 300' thereof) – included subject property – PC Recommended Modified Approval 03/21/1991 and City Council Approved 04/13/1991 (Ord. 652).
BPUD (PUD) 12 – George Suppes / Stephen D. Carr & Associates – Request for PUD approval for approximately 399.49 acres (Lots 2, 3, and 5, Block 1, Sitrin Center Addition, Less & Except that part lying E. of the Centerline of Kimberly-Clark Pl., and Lot 6, Block 1, Sitrin Center Addition, Less & Except the E. 300' thereof, and the NW/4 of this Section lying south of Springtree, Less & Except the E. 300' thereof) – replaced PUD 3 for the concerned part thereof – included subject property – PC Recommended Approval 03/21/1991 and City Council Approved 04/13/1991 (Ord. 653; ordinance appears to have excluded the W/2 of the SW/4 of Section 16, T17N, R13E).
PUD 12 Major Amendment – "Amendment A" – Stephen D. Carr & Associates – Request for Major Amendment to PUD 12 – redesignated BPUD 12 as "PUD 12-A" – included subject property – PC recommended Conditional Approval 11/21/1994 and City Council Approved 01/09/1995 (Ord. 713; ordinance appears to have used a legal description that does not properly close. The part with the deficient legal description corresponds to the subject property acreage lying outside Sitrin Center Addition. Because of the legal description error, INCOG has not changed the official Zoning Map to reflect "PUD 12-A").
PUD 12-A Major Amendment – "Amendment B" – Stephen D. Carr & Associates – Request for Major Amendment to PUD 12 – included subject property – PC recommended Conditional Approval 11/21/1994 and City Council Approved 03/23/1998. However, it was not approved by ordinance, as required (reference Zoning Code Sections 11-7I-8.G, 11-7I-8.D, and 11-5-4.E.3). Rather, it was approved by majority vote of the City Council per the approved Minutes of the March 23, 1998 City Council meeting.
PUD 12-A Major Amendment – "Amendment C" – "Amendment C" to PUD 12 was received from attorney George Suppes on 10/17/2007. It was not formally submitted for consideration, was not approved, and so has no effect. It is listed here for accounting purposes. This application has been designated Amendment # D "Geiler Park" to account for all versions known to have existed.

RELEVANT AREA CASE HISTORY: (not a complete list)

BACKGROUND INFORMATION:

On July 10, 2012, the Applicant held a neighborhood meeting for residents and property owners in the area of PUD 12-A, to discuss the plans and answer questions.

The City of Bixby owns an approximately 21.5-acre tract, identified on the proposed Major Amendment as Development Area E. The City Manager has consented to the inclusion of the City's property in this application.

ANALYSIS:

Property Conditions. The subject property of 244 acres, more or less, consists of the W/2 of Section 16, T17N, R13E lying South of Springtree, Less & Except the East 300' thereof, which includes Lot 6, Block 1, Sitrin Center Addition, Less & Except the E. 300' thereof. The East 300' of the W/2 of this Section belongs to AEP-PSO and is used as right-of-way for overland transmission powerlines. This 300' strip

15

separates the subject property from the balance of PUD 12-A, which balance is under separate ownership.

The subject property is moderately sloped and will drain in a northeasterly direction via Posey Creek. The property is presently agricultural and vacant/wooded.

The current underlying zoning pattern includes IL, CS, OL, RM-2, RM-1, RD, RS-3, and RS-1. This pattern is the result of several rezonings which started in the 1970s, but primarily per BZ-186 and BZ-197 in the late 1980s and early 1990s, respectively.

General. This PUD Major Amendment proposes the extension of the business/industrial park areas, the inclusion of additional permitted uses within the business/industrial park areas and the modification of bulk and area limitations.

Among the more significant changes, Amendment A to PUD 12 eliminated multifamily uses from the PUD, and the same would not be restored by this amendment. Amendment A replaced the park and open space uses in Development Area "PA-1" with IL uses, redesignating it "BCA-1," and this change is essentially retained. Amendment A also eliminated a collector street from the northwest section of the subject property, and this collector street is not now proposed to be added. Amendment A also allowed senior care facilities in the northwest section of the subject property, which allowance is being retained with this Amendment # D. Finally, Amendment A changed Development Area "BCA-1," containing about 18 acres, to "RA-5," keeping residential areas more or less located north of Posey Creek. An exception was Development Area "RA-4," which allowed Use Unit 5 uses, which this proposed Amendment # D would continue to allow, along with office uses, per a (more or less) replacement "Development Area C."

Amendment # B, although not recognized as being in effect due to not having been approved by ordinance, would have changed all of the areas north of Posey Creek back to "Business-Corporate" use, with the exception of the thin strip of single-family residential along the south line of Springtree. With this proposed Amendment # D, those areas, more or less, are being returned to residential use, but will allow office and Use Unit 5 uses as "Alternative Standards" in Development Areas B and C. This would appear to be a "middle way," allowing these areas to be either residential, office, or Use Unit 5 uses as the market dictates when such areas are developed.

Other observed changes include, and are reviewed here as follows:

1. *The Development Areas (DAs) have been reconfigured somewhat, with some smaller DAs being collapsed into larger DAs. The total number have been reduced, and the designations have been simplified (e.g. DA "COA-1" → DA "F").*
2. *The single-family residential strip along the south side of Springtree, DA A (cf. RA-1), has somewhat relaxed setbacks vis-à-vis the ones currently in effect. Although somewhat relaxed, they are still more restrictive than most residential PUD developments observed in Bixby in recent years. The overall density, at 4.0 dwelling units per acre, would not change.*
3. *Residential DAs A, B, and C have increased the allowable residential height from 26' to 35', which is less than what the underlying RS-1 and RS-3 districts allow by right. Also, the non-residential DAs have had their maximum heights increased from 26', but the same in any case do not exceed the maximum permitted by the underlying OL and CS districts. The 26' maximum height restriction in the IL district would be relaxed by this Amendment # D to 70', which is consistent with the highest maximum allowable building height city-wide. This increase may prove necessary if an industrial use has a requirement for crane equipment within the building.*
4. *DA B (cf. RA-2, RA-3, and RA-5) would not change overall density allowance (8.0 Dwelling Units / Acre), but the setbacks are relaxed. Setbacks for DA C would similarly be relaxed. Staff notes that, while attached housing (e.g. townhouses and duplexes) are allowed, the setbacks do not appear to provide for this. Staff recommends the Applicant clarify and provide standards for townhomes or other attached housing forms.*
5. *DAs B and C (cf. DAs RA-2, RA-3, RA-4, and RA-5) previously provided, as permitted uses, "pedestrian ways, off street-parking, covered parking, open space areas, swimming pools, management office, clubhouse/common building, etc." While much of this is suggestive an apartment complex, which is no longer permitted, it is most common with new single-family developments in Bixby to include a neighborhood swimming pool and clubhouse, and other Use Unit 5 uses. DAs B and C already allow for UU 5 within their Alternative Standards sections.*
6. *DA C (cf. DA RA-4): DA C is similar to existing DA RA-4 in permitting detached and attached residential and Use Unit 5 uses, and a nursing home / assisted living facility. The residential Development Standards for DA C appear to include Use Unit 2 Areawide Special Exception Uses*

in error. The City of Tulsa's UU 2 includes nursing homes, but the Bixby Zoning Code includes them as UU 8. Further, Bixby's UU 8 includes "Elderly/retirement housing" and "Life care retirement center," which have specific definitions in the Code which are not quite covered by the terms used. If "Elderly/retirement housing" and "Life care retirement center" are contemplated, it would be appropriate to specify so here. Staff recommends this section be properly clarified.

7. *The residential Development Standards for DA C (cf. DA RA-4) would not realize an increase in density, which will remain 16 dwelling units per acre.*
8. *DAs D and E: Would realize an increase in FAR from roughly 0.47 in current DAs BCA-1, BCA-2, and BCA-3 to 0.70. However, this is permissible, due to there being no maximum FAR in the IL district, and as Zoning Code Section 11-7I-5.A.2.a would allow up to 0.75 FAR (and Section 11-7I-5.A.2.c would allow more still if achieved by increased height).*
9. *DA F: Would realize a slight increase in FAR from roughly 0.36 in current DA COA-1 (not changed by Amendment A) to 0.40. This is allowable as the OL district allows up to 0.40 by Special Exception (or PUD as per the Amendment requested here) and the CS district allows up to 0.50 by right.*
10. *DA G: Would realize a slight increase in FAR from roughly 0.36 in current DA CRA-1 (not changed by Amendment A) to 0.40. This is allowable as the OL district allows up to 0.40 by Special Exception (or PUD as per the Amendment requested here) and the CS district allows up to 0.50 by right.*

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

1. *Title Page: Please specify that it is a "PUD Major Amendment" or "Major Amendment to PUD 12-A."*
2. *Title Page: Please add the contact information (name, address, phone number) for the property owner (reference Zoning Code Section 11-8-11) and the compan(ies) responsible for preparing the document.*
3. *Title Page: "East 151st Street"*
4. *Development Concept on page 3: Please cite the scope of this Major Amendment by adding appropriate language to the development concept, following the second paragraph, such as "This application is for approval of a Major Amendment to PUD 12-A in accordance with Bixby Zoning Code Section 11-7I-8.G, to be known and designated on the official Zoning Map as 'PUD 12-D,' and concerns a part of PUD 12-A as per Exhibit 6. For all other areas within PUD 12-A, no changes are made by this amendment."*
5. *Page 3 First Paragraph: Amendment A approval date year was 1995 (Ord. 713 01/09/1995).*
6. *Exhibit 4 used an incorrect version of the PUD 12-A Development Areas map, which changed "BCA-1" to "RA-5" and changed "PA-1" to "BCA-1."*
7. *Page 8 Section III.A: Double comma after "Zoning Code."*
8. *Page 8 Section III.B: "151st Street"*
9. *A conceptual screening and landscaping plan, as required per Zoning Code Section 11-7I-8.B.1.e and as was included in the original PUD, is missing. Alternatively, the text can recognize by reference the Figure 3 "Landscape and Open Space Concept" included in the original and/or subsequent version of PUD 12, with modifications for physical reconfigurations, in satisfaction of this requirement.*
10. *Information on soils, as required per Zoning Code Section 11-7I-8.B.2, is missing. At a minimum, please describe in an appropriate section of the PUD Text. Alternatively, the text can recognize by reference the detailed soils maps and narrative included in the original and/or subsequent version of PUD 12 in satisfaction of this requirement.*
11. *Information on signage, as required per Zoning Code Section 11-7I-8.B.1.f, is missing. Staff suggests adding a "Signage" subsection to Section III stating that signage must comply with the Zoning Code standards for the same and be approved by the Bixby Planning Commission, but also provide flexibility for residential development ground signs and flexibility to allow for signs to be located on perimeter streets advertising uses on "back" lots, recognizing the prohibition of off-premise ground signs per Zoning Code Section 11-9-21.F.*
12. *Page 8 Section III.B: The 24' street width specified does not meet Bixby's minimum roadway width for a local, minor residential street per the Subdivision Regulations / Bixby City Code Title 12. Commercial streets and collector roads have higher standards for minimum width. This*

17

width should not be specified, and should be replaced with language pointing to Bixby's minimum applicable geometric street standards.

13. *Page 8 Section III.B: 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. It would be appropriate in this Access and Circulation section to indicate whether trails are still planned within Geiler Park, in recognition of the Comprehensive Plan's designation of certain Neighborhood Trails through the subject property and the "Walking and Jogging Path System" and "Sidewalk System" proposed and approved in the original PUD 12. Further, if such trails are still planned, they should be indicated on an appropriate exhibit per Section 11-7I-8.B.1.c.*
14. *Page 8 Section III.B: It 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 along perimeter and internal streets in accordance with the Bixby Subdivision Regulation. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer."*
15. *Development Standards for Development Areas B through G, inclusive: If the Applicant anticipates exceeding the 15% maximum parking space standard per Zoning Code Section 11-10-2.H, which is common, consider specifying new maximum parking number requirements that will be allowed by this PUD.*
16. *The nonresidential landscaping percentages, compared to the minimums required per Zoning Code Section 11-7I-5.F, exceed the 5% minimum required for industrial land uses, meet the 10% required for commercial uses, but would not meet the 15% required for office uses. The text should be amended in an appropriate manner to specify that the 15% standard will be applied for those lots developed with office uses.*
17. *The Alternative Standards for DAs B and C should specify a height restriction, retaining the "2 stories" as a complementary, lesser height allowance if desired.*
18. *The Permitted Uses of the Development Standards for DAs D and E, as written, would appear to exclude community and commercial UUs 5, 12, 13, 14, 18, 19, and 20, as it restricts principal uses by Special Exception to UU 26. Advisory.*
19. *The Permitted Uses of the Development Standards for DA G, as written, includes UU 23, but the underlying CS zoning does not support UU 23 by right or by Special Exception/PUD. Therefore, actual UU 23 development would require usage of available IL-zoned acreage (see next item). Advisory.*
20. *Page 9 Section III.E: The text should be clarified to recognize the limitations on transfers between classes of land uses per Zoning Code Section 11-7I-5.A.2.b, which restricts the uses dependent on IL zoning to that acreage (roughly 73 acres) zoned IL, uses dependent on CS zoning to those that acreage zoned CS, etc. While transfers of FAR between commercial and industrial land uses, for example, may be permitted, transfers of land areas put to different classes of land uses are not transferrable. Zoning Code Section 11-7I-5.A.2.b provides:*

    "<u>The intensity of use</u> of a PUD located within two (2) or more zoning districts of the following differing general classifications: residential, <u>office, commercial</u> and industrial, shall be separately calculated and allocated within the planned unit development <u>by said general classification</u>." (emphasis added).

    Staff believes the intent of this provision is to segregate the use category (industrial, commercial, office, etc.) by the available area within the respective use district (industrial, commercial, office, etc.) and restrict its FAR accordingly.

    UU 11 Office and UU 5 uses would appear to be somewhat less restricted, as the same may be supported by RM and OL zoning within PUD 12. However, industrial uses especially may be restricted by this provision.

    Industrial use flexibility can be achieved by sharing UU 10 parking area tracts with non-IL-dependent uses and/or the development of no more than roughly 73 acres of IL-dependent industrial uses.

As another avenue for increased industrial flexibility, the PUD may be amended in the future to re-incorporate the balance of PUD 12-A, which balance is mostly zoned IL.

Finally, if the market dictates industrial use development beyond what the underlying zoning would support, the Applicant could apply to change the non-needed underlying districts to IL.

The same applies to other uses dependent on other underlying zoning district acreages (e.g. CS, OL, RM-1, RM-2), and this will be reviewed and confirmed, cumulatively based on the lowest-intensity district having acreage still available and in which district each use depends, upon the submission of Detailed Site Plans as required by this PUD.

Finally, the 10% self-imposed restriction of this section may prove to be somewhat inflexible, and the Applicant may consider increasing this percentage or remove it completely. The final sentence should be amended to state "...transfer of floor area <u>or residential density</u>..."

21. *Page 9 Section III.C: The subject property is not eligible for payment of fees-in-lieu of onsite stormwater detention, so language suggesting this possibility should be removed.*

The Technical Advisory Committee (TAC) reviewed this PUD Major Amendment on July 05, 2012. The Minutes of the meeting are attached to this report.

<u>Comprehensive Plan</u>. The Comprehensive Plan designates the subject property as (1) Special District 2, (2) High Intensity, (3) Development Sensitive/Vacant, Agricultural, Rural Residences, and Open Land, and (4) Community Trails.

Pages 18 and 20 of the Comprehensive Plan describe Special District 2 (all of this Section except Springtree) thus:

b. The area generally depicted in the Special District 2 exhibit is recommended as an Industrial-Business Park Special District. The district is located in Section 16, Township 17 North, Range 13 East of the Indian Base and Meridian. This area has been planned and zoned consistent with the following standards. These standards of the approved PUD should be considered for other business and/or industrial parks which develop in the Bixby area. The development guidelines for the Special District 2 and any business and/or industrial park are as follows:

(1) The tract of land should be assembled under one continuing control.

(2) The park should be a comprehensive planned development with specific development guidelines, restrictions and controls that ensure compatibility of uses and activities and provision of necessary infrastructure.

(3) A set of physical development and operational requirements and standards should be developed for the park applicable to all land owners within the park which will ensure a high standard of design and development.

(4) The purpose of Special District 2 and other business and/or industrial parks is to create a physical environment that will achieve the following: consistency with the Bixby Comprehensive Plan goals; efficient business and industrial operations; human scale and values; compatibility with natural and man-made environment; achieving and sustaining highest land values; and foster economic development.

(5) ST, IR, and IL zoning classifications are appropriate for such special districts once a comprehensive special district plan has been approved by the City. Such special district plans are recommended to be prepared by the property owner/developer by means of Planned Unit Development overlay district zoning.

The CS is appropriate and CG zoning classifications may be found to be appropriate in this special district. The IM zoning classification may or may not be appropriate within this special district. IH zoning is most likely inappropriate for this special district and special planning and development concerns associated with strictly IH uses must be satisfactorily resolved prior to any approval of this zoning in this special district.

It appears that Special District 2 was written in specific recognition of PUD 12, as was in effect when the Plan was last updated (circa 2002). The changes to PUD 12 proposed hereby do not appear to be inconsistent with Special District 2.

The proposed PUD Major Amendment should be recognized as being not inconsistent with the High Intensity and Development Sensitive/Vacant, Agricultural, Rural Residences, and Open Land designations. As for the Neighborhood Trails, see related recommendations in this report.

Due to the relatively limited scope of proposed changes, the proposed PUD 12-A Major Amendment # D ("Geiler Park") should be recognized as being not inconsistent with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. To the north of the subject property is single-family residential in Springtree zoned RS-1.

South of 151st St. S., zoning includes a mixture of CS, AG, CS/PUD 41, and RS-2, and includes agricultural and vacant land and the New Beginnings Baptist Church.

Abutting to the east is a 300'-wide AEP-PSO overland transmission powerline right-of-way zoned AG. Beyond this to the east is vacant land in the Sitrin Center Addition zoned IL/OM/OL/CS/PUD 12-A. Agricultural land zoned AG is located across 151st St. S. to the southeast.

West of Harvard Ave. are located single-family residential homes and vacant lots in The Reserve at Harvard Ponds and The Enclave at Harvard Ponds, both zoned RS-3, with agricultural land zoned RS-2 beyond them to the west. Also across Harvard Ave., along Harvard Ave. and 151st St. S., is agricultural, vacant, and rural residential zoned AG, with a small, agricultural tract zoned CS at the southwest corner of the 151st St. S. and Harvard Ave. intersection.

The Major Amendment proposed to PUD 12-A would not appear to be inconsistent with surrounding Zoning or land use patterns.

Staff Recommendation. Staff believes that the proposed PUD Major Amendment # D is consistent with the purposes and intent of the Zoning Code and the original PUD 12-A, and is appropriate and in order for approval, as a tool to allow for the efficient development of the subject property. Staff 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 remedial recommendations from the above-listed "observed changes" numbered 4 and 6.*
3. *Subject to the correction of the above-listed "typographical and minor errors."*
4. *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.*
5. *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 Erik Enyart why, in the Staff Report, Mr. Enyart had stated that the proposal was "not inconsistent" with the Comprehensive Plan, versus "in accordance." Erik Enyart stated that, when he uses the term "is in accordance," he is specifically referring to the Matrix in the Comprehensive Plan, such as "CS zoning is in accordance" with the Comprehensive Plan per the Matrix. Mr. Enyart stated that, in this case, since the PUD Amendment cannot be directly related to the Comprehensive Plan via the Matrix, he felt the best way to express the relationship to the Comprehensive Plan was to describe it as "not inconsistent."

Chair Thomas Holland asked Erik Enyart what the Commission should think about all of the recommendations listed in the Staff Report in regard to approving the amendment this evening. Erik Enyart stated that, if the Commission recommended approval subject to all of those corrections, modifications, and Conditions of Approval as listed, it would then be up to the Applicant to work with Staff to write them all into the text. Mr. Holland asked Mr. Enyart about the document that the Applicant presented to the Commission at the meeting, which document responded to input from surrounding neighbors. Mr. Enyart stated that the Applicant, by the

21

submission of this document, had amended their application conceptually, and that it would be up to them to work with Staff to incorporate the concepts into the PUD text. Mr. Holland referred to certain recommendations in the Staff Report which called for information not yet submitted, and asked Mr. Enyart who would be responsible for approving those plans [when submitted after the Commission's approval]. Mr. Enyart stated that, if the Commission approved with all of the recommended conditions, it would be up to Staff to determine that the new information was consistent with the conditions and amendments conceptually. Mr. Holland asked about the reconciliation of the PUD text, the amendments per the submitted document, and the recommended Conditions of Approval. Mr. Enyart stated that the submitted document had already included those amendments in the PUD application conceptually, and that, if the Commission recommended approval with the Conditions as per the Staff Report, [that would cover all the parts].

Chair Thomas Holland asked about Use Unit 5. Erik Enyart responded that Use Unit 5 most commonly took the form of churches, schools, parks, and public facilities. After further discussion, Mr. Enyart described Use Unit 5 by way of example, summarizing the Included Uses of Zoning Code Section 11-9-5.B as follows:

"Aquarium.

Art gallery, not operated for profit.

Children's nursery.

Church.

College.

Community center.

Cultural facility, NEC.

Day camp.

Emergency and protective shelter.

Golf course.

Hospital.

Library.

Marina.

Museum.

Planetarium.

22

Private club or lodge, the chief activity of which is a service not carried on as a business.

Public park.

Public tennis court.

Residential treatment center.

Schools, offering a compulsory curriculum.

Transitional living center.

University."

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant Roy Johnsen of 1 W. 3rd St., Tulsa, was present and stated that [he and his client] had met with the neighboring property owners the previous week, and then met a second time with the President of the [Harvard Ponds] Homeowners Association, and that the items included in [the document presented to the Commission prior to the meeting] responded to those particular items mentioned. Mr. Johnsen stated that [he and his client] were submitting them as part of the PUD. Mr. Johnsen stated that Use Unit 5 included universities. Mr. Johnsen stated that, in 1991 [the original] PUD permitted multifamily. Mr. Johnsen stated that PUD Amendment A took multifamily out, and that this amendment would reinforce that multifamily would not be permitted. Mr. Johnsen stated that, by definition, multifamily meant three (3) or more dwelling units in a building, and that townhouses were not considered multifamily developments. Mr. Johnsen stated that [representatives of] Harvard Ponds had [expressed] a concern about buffering. Mr. Johnsen stated that Posey Creek was significant and there is a lot of floodplain [with it]. Mr. Johnsen stated that Barrick Rosenbaum had produced copies of a new exhibit, and Mr. Johnsen presented copies of the exhibit to the Commissioners and Erik Enyart. Mr. Johnsen stated that the hatched area was to be a buffer. Mr. Johnsen clarified with Barrick Rosenbaum that the hatched area represented at least 10 acres [of floodplain land] "to remain substantially natural." Mr. Johnsen stated that the Chognard family had owned this land since the early 1980s and wanted a quality development, and so this Amendment would be more restrictive on landscaping than Amendment A. Mr. Johnsen stated that Amendment B had substantially more industrial – including on the north side of the creek, and that [he and his client] had taken that out.

Larry Whiteley asked Roy Johnsen if the development on the north side of the subject property next to *Springtree* would have a road connecting to Harvard Ave. Mr. Johnsen stated that there would be more congestion for people that live on Harvard Ave., but that major streets were for handling more traffic, and that Harvard Ave. was designated as a major arterial, to have five (5) lanes ultimately. Mr. Whiteley asked when Harvard would have five (5) lanes, and Mr. Johnsen stated that it takes time but as cities grow, [it gets done].

23

Larry Whiteley clarified with Roy Johnsen and Erik Enyart that Development Area B would have no multifamily, and would be limited to single family, duplexes, townhouses, [and related attached and detached single family housing] only.

Roy Johnsen stated that, since the original PUD, the floodplains have been changed by FEMA. Mr. Johnsen stated that the industrial use would be increased by 20 acres to the south and east (away from Harvard Ave.). Mr. Johnsen stated that the 21-acre property was owned by the City of Bixby. Mr. Johnsen stated that there would be good separation between [the industrial and commercial] and residential areas. Mr. Johnsen stated that the underlying zoning sets the uses, and intensities in residential are measured by dwelling units per acre, and measured in Floor Area Ratio for [non-residential]. Mr. Johnsen stated that, in Amendment B, all of Development Area B was industrial, but that Amendment B was not approved by ordinance, and it takes an ordinance. Mr. Johnsen stated that he and Erik Enyart, therefore, determined that Amendment B had no effect. Mr. Johnsen stated that this amendment meets the plan and that the existing PUD was being modified for the better, in his opinion. Mr. Johnsen stated that the amendment included the recommendations from the neighbors. Mr. Johnsen stated that the Staff Report was very careful and precise. Mr. Johnsen asked that the Commission approve the amendment subject to the Staff recommendations. Mr. Johnsen stated that, before this goes to the City Council, he would incorporate all the changes into a new document.

Larry Whiteley confirmed with Roy Johnsen that he had met with the neighbors.

Chair Thomas Holland confirmed with Erik Enyart that there were changes to the [Development] Areas to some degree. Mr. Holland referred to recommendations included in item # 4 [under the "Other observed changes" section] of the Staff Report and asked for clarification. Erik Enyart stated that that Development Area would allow for townhouses and other forms of attached single-family housing, but did not provide standards corresponding to them. Roy Johnsen indicated this would be done.

Chair Thomas Holland referred to recommendations included in item # 6 [under the "Other observed changes" section] of the Staff Report and asked about nursing homes and assisted living centers. Roy Johnsen stated that, [per the amendment responding to the neighbors,] "nursing homes" was being taken out, but "assisted living centers" was staying in.

Chair Thomas Holland referred to recommendations included in item # 13 [under the "typographical and minor errors" section] of the Staff Report and asked what would be done in terms of sidewalks or trails. Roy Johnsen stated that PUDs have standard conditions, including (1) you have to plat, and that the Subdivision Regulations will require sidewalks, and (2) the required Detailed Site Plan will provide refinement of some of those conditions.

Chair Thomas Holland asked Erik Enyart about a masonry requirement. Mr. Enyart stated that masonry was not required by the [Zoning] Code, and would only be required if imposed by PUD.

Chair Thomas Holland consulted the Sign-In Sheet and recognized Mr. and Mrs. John Carter of 9443 S. Jamestown, Tulsa. Mrs. Carter stated that she and her husband did not know about the meeting the previous week. Mrs. Carter stated that she and her husband had together lived "for 700

years," through one (1) 500-year flood and one (1) 100-year flood. Mrs. Carter indicated that she and her husband were sensitive to development when it involved floodplains.

Roy Johnsen addressed Chair Thomas Holland and asked for the ability to respond. Mr. Holland recognized Mr. Johnsen.

Roy Johnsen stated that, under the code [the owner] has to plat, and will have to dedicate the right-of-way as per the Major Street and Highway Plan—to dedicate 50 feet toward an ultimate 100-foot right-of-way. Mr. Johnsen stated that one could build a 5-lane street in 100 feet of right-of-way quite well.

Roy Johnsen stated that, for drainage, Bixby is tough on drainage, and requires [stormwater] detention. Mr. Johnsen stated that the City of Bixby would make sure that the drainage was property taken care of.

Chair Thomas Holland consulted the Sign-In Sheet and recognized David Morgan of 3670 E. 143rd St. S. Mr. Morgan stated "I have nothing at this time. Thank you."

Chair Thomas Holland consulted the Sign-In Sheet and recognized Stacy Shipman of 14952 S. Harvard Ave. Ms. Shipman stated that she was not part of a residential development. Ms. Shipman expressed concern that the [east-west collector road] would intersect with Harvard Ave. near her house, for traffic flow, the narrow road, and an increase in traffic. Ms. Shipman asked that the Applicant move the entrance closer to 151st St. S.

Chair Thomas Holland consulted the Sign-In Sheet and recognized Ryan Fairfield of 3280 E. 145th Pl. S. Mr. Fairfield stated that he had "nothing at this time."

Chair Thomas Holland consulted the Sign-In Sheet and recognized Jayne Bowen of 14505 S. Florence Pl. E. Ms. Bowen stated that she was on the Board of Directors of [the] Harvard Ponds [Homeowners Association]. Ms. Bowen thanked the developer and the attorney for meeting with her and [Harvard Ponds Homeowners Association President] Chris Griffin, and stated that they had addressed all their concerns. Ms. Bowen stated that the zoning had been in place for 20 years. Ms. Bowen stated that she hoped that the cooperation continues and that they are advised of any major changes in the future. Ms. Bowen stated that Harvard Ponds had 188 homes.

Chair Thomas Holland consulted the Sign-In Sheet and recognized Nalahi Nordean of 3608 E. 143rd St. S. Ms. Nordean stated that she had a question on the street situation. Ms. Nordean stated that [her house] backed up to Development Area A. Barrick Rosenbaum showed Ms. Nordean on a large posterboard aerial map where the 14.5 acres of Development Area A was located in relation to her property. Mr. Rosenbaum stated that there would be a double row of homes tying into *Springtree*. Ms. Nordean expressed concern for traffic going through her neighborhood. Mr. Rosenbaum stated that most people would probably go straight out to Harvard Ave., then north or south, rather than winding through her neighborhood, and indicated these movements with gestures to the map.

25

Jeff Baldwin clarified with the Applicant that there would be no second major street going through [Development Area B].

Lance Whisman asked if there was a maximum number of developments that could be tied into Harvard Ave. Erik Enyart responded that Harvard Ave. was a County road, and that it was up to Tulsa County to widen the street based on available revenue and prioritization.

Mrs. John Carter asked "What about water?" Mrs. Carter asked if the developer would have to install a pressure increaser. Roy Johnsen clarified with Mrs. Carter that water pressure was sometimes an issue in her areas. Barrick Rosenbaum stated that, through the plat process, the City would check the water pressure to make sure it was adequate.

Chair Thomas Holland consulted the Sign-In Sheet and recognized Jerry Ezell of 16315 S. Sheridan Rd. Mr. Ezell stated that he was speaking for his daughter, and asked if the development would connect to Yale Place [S. Kimberly-Clark Pl.]. Mr. Ezell stated that a cul-de-sac could be used [just shy of Harvard Ave.] so that there would not be an entrance onto Harvard Ave. Roy Johnsen stated that [his client] did not have access to Yale Pl. [S. Kimberly-Clark Pl.] as he did not own the property to connect to it. Mr. Johnsen indicated that losing a connection to Harvard Ave. was not an acceptable outcome.

Chair Thomas Holland asked if the floodplain property would be dedicated as floodplain, not to be developed. Roy Johnsen stated that it would be open space. Mr. Holland asked if it would be deeded over, such as if FEMA bought it out. Mr. Johnsen clarified with Mr. Holland and Erik Enyart that the floodplain property would not be deeded to the Public.

Chair Thomas Holland asked if the property was wetland. Barrick Rosenbaum stated that it was floodplain but not determined to be wetland. Mr. Rosenbaum stated that the [U.S. Army] Corps [of Engineers] had jurisdiction to determine wetlands, and that [he and his client] would have to do a Corps determination request.

Lance Whisman referred to recommendations included in item # 3 [under the "Other observed changes" section] of the Staff Report and clarified with Erik Enyart that 70' was the maximum building height city-wide.

Lance Whisman referred to recommendations included in item # 13 [under the "typographical and minor errors" section] of the Staff Report and asked Erik Enyart for clarification. Mr. Enyart stated that he had observed that community and commercial uses were not allowed within those Development Areas, which restricted uses allowed by Special Exception to Use Unit 26. Roy Johnsen stated that IL allowed commercial uses by right. Mr. Enyart clarified with Mr. Johnsen that Bixby's Zoning Code required a Special Exception for Use Unit 5 and the commercial Use Units in IL. Mr. Johnsen noted that the City would certainly be in favor of commercial uses.

Chair Thomas Holland confirmed with Erik Enyart that the proper verbiage would be included in the approval, as pertained to stormwater detention, in the platting process.

Chair Thomas Holland stated that he would echo the comments of Jayne Bowen, showing appreciation to the Applicant for their efforts to address the neighbors' concerns. Mr. Holland stated that that was commendable. Mr. Holland stated that he hoped the Applicant would continue with that mentality.

Chair Thomas Holland asked to entertain a Motion. Upon clarification on wording with Erik Enyart, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 12-A Major Amendment # D "Geiler Park," subject to all of the recommendations in the Staff Report and subject to the changes represented in the document dated July 13, 2012 presented by the Applicant, which includes the map exhibit on the second page showing the buffer area. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:22 PM.

APPROVED BY:

Thomas E. Holland
Chair

8/
Date

City Planner/Recording Secretary

27

CITY OF BIXBY

JUL 16 2012

RECEIVED

By Enyart

GEILER PARK

Planned Unit Development No. 12-D

July 13, 2012

In response to the concerns of the neighbors as discussed at a meeting on July 10, 2012, the applicant herein submits the following supplemental development standards:

Development Area C

1. The permitted uses are herein amended to delete nursing home (Use Unit 2. Area Wide Special Exception Uses).

2. The permitted uses, as set forth within the PUD Text, shall not include multifamily dwellings as defined by the Bixby Zoning Code.

Development Area D

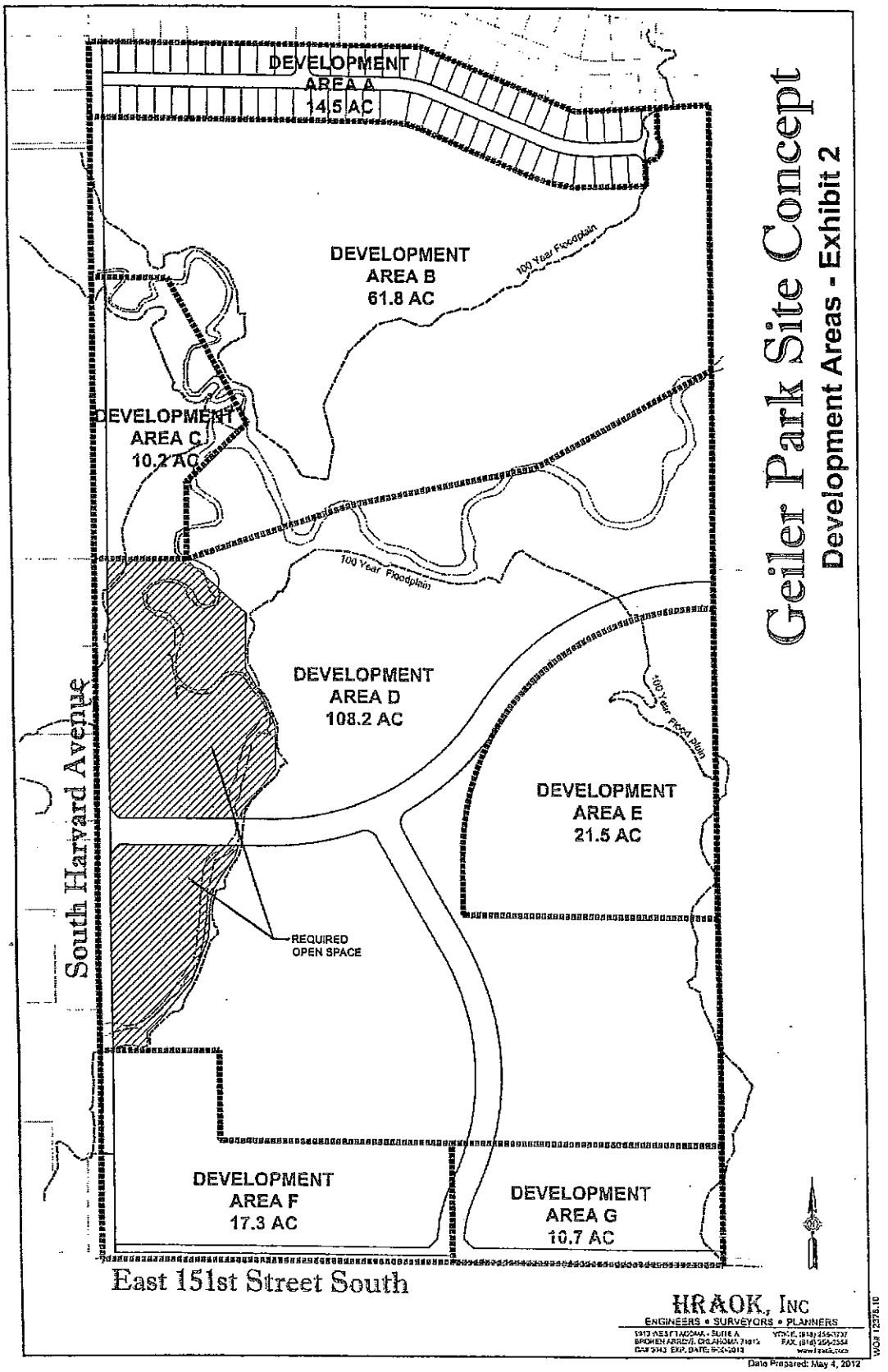
1. The flood plain area commencing at the mainstream of Posey Creek and extending west to South Harvard Avenue, and depicted within the attached Exhibit A, shall be remain as open space and maintained in a substantially natural state.

2. The front exterior wall of an industrial building shall have a minimum 25 % masonry finish.

Development Areas C, D, F, and G

1. Exterior lighting shall be limited to shielded fixtures designed to direct light downward. Lighting shall be designed so that the light producing element of the shielded fixture shall not be visible to a person standing within an adjacent residential district or residential development area.

28


DEVELOPMENT AREA A 14.5 AC
DEVELOPMENT AREA B 61.8 AC
DEVELOPMENT AREA C 10.2 AC
DEVELOPMENT AREA D 108.2 AC
DEVELOPMENT AREA E 21.5 AC
DEVELOPMENT AREA F 17.3 AC
DEVELOPMENT AREA G 10.7 AC
100 Year Floodplain
100 Year Floodplain
100 Year FEMA Plain
REQUIRED OPEN SPACE
South Harvard Avenue
East 151st Street South
Geiler Park Site Concept
Development Areas - Exhibit 2
HRAOK, INC
ENGINEERS • SURVEYORS • PLANNERS
Date Prepared: May 4, 2012

29

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: July 16, 2012

NAME	ADDRESS	ITEM	
1. John Carter	9443 S. Jamestown Tulsa	# 7	✓
2. Jane Carter	" "	# 7	✓
3. DAVID MORGAN	3670 E 143rd street	# 7	✓
4. Stacy Shipman	14952 S. Harvard Ave.	#7	✓
5. Ray Tolbert	1 West 3 Tulsa	Item 2 - Attorney for Applicant	
6. Ryan Fairfield	3280 E. 145th Pl. S.	#7	✓
7. Jayne Boyer	[illegible] Florence	#7	✓
8. Nalani Nora[illegible]	[illegible]	[illegible]	
9. Jerry Ezell	16315 S. Sheridan	# 7	
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

30

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:

31

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 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 11-7I-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.*

33

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 ($^2/_{10}$) 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

35

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 with 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.

37

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, ast 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

39

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

411

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 life 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.

43

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:

<u>ROLL CALL:</u>

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

45

Prelimin

Southridge at

A RESUBDIVISION OF 'LANTERN HILL' PLAT #6268, IN THE CITY OF
OF SECTION FIFTEEN (15), TOWNSHIP 17 NORTH, RA

Owner / Developer

LANTERN HILL, LLC
P.O. BOX 35218
TULSA, OKLAHOMA 74153
PHONE: (918) 299-0398
CONTACT: MR. ROBERT A. LEMONS

Land Summary

SUBDIVISION CONTAINS ONE HUNDRED - FIFTEEN (115) LOTS IN THREE (3) BLOCKS AND FOUR (4) RESERVE AREAS

BLOCK 1 _____ 30 LOTS
BLOCK 2 _____ 48 LOTS
BLOCK 3 _____ 17 LOTS

SUBDIVISION CONTAINS 39.90 ACRES

Legend

B/L _____ BUILDING LINE
LNA _____ LIMITS OF NO ACCESS
ACC _____ LIMITS OF ACCESS
FL/E _____ FENCE & LANDSCAPE EASEMENT
U/E _____ UTILITY EASEMENT
0134 _____ STREET ADDRESS

Monumentation

ALL CORNERS SHOWN HEREON WERE SET USING A 3/8"X 18" STEEL PIN WITH A PLASTIC CAP STAMPED "PLS 1283" AT ALL CORNERS.

Basis of Bearings

ASSUMED BEARING OF S 0°00'11" E ALONG THE EAST LINE OF THE SE/4 OF SECTION 15, T-17-N, R-13-E, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA.

ADS Benchmark

5/8" REBAR-1 1/2" ALUMINUM CAP-FLUSH-SET IN CONCRETE-STAMPED "49", SET S.E. OF THE INTERSECTION OF 131ST SOUTH, AND YALE PLACE. ELEV=693.26 (NAVD1988)

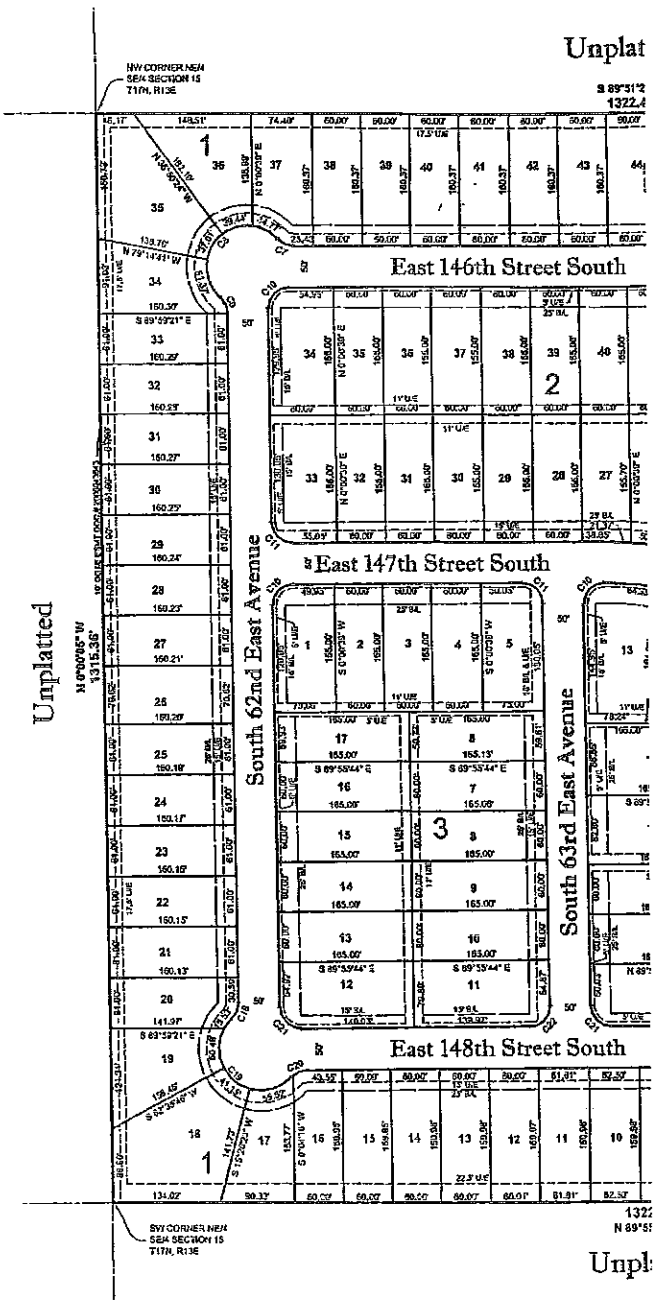
Notes

ALL STREET RIGHT-OF-WAY SHALL BE DEDICATED AS PUBLIC STREETS BY THIS PLAT.

ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

Curve Table

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH
C1	90°00'51"	35.00'	54.99'
C2	89°59'09"	35.00'	54.97'
C3	15°39'51"	262.50'	71.77'
C4	24°21'18"	337.50'	143.46'
C5	15°32'56"	600.00'	162.83'
C6	24°14'23"	550.00'	232.68'
C7	48°04'28"	25.00'	20.98'
C8	186°18'35"	50.00'	162.59'
C9	48°07'13"	25.00'	21.00'
C10	90°06'55"	25.00'	39.32'
C11	89°53'05"	25.00'	39.22'
C12	27°19'18"	325.00'	154.99'
C13	27°19'18"	275.00'	131.13'
C14	27°19'18"	175.00'	83.45'
C15	27°19'18"	225.00'	107.29'
C16	48°11'23"	25.00'	21.03'
C17	276°22'46"	50.00'	241.19'
C18	48°14'15"	25.00'	21.05'
C19	186°25'38"	50.00'	162.69'
C20	48°15'00"	25.00'	21.05'
C21	89°58'23"	25.00'	39.24'
C22	90°03'37"	25.00'	39.30'
C23	25°03'37"	250.00'	109.35'
C24	25°03'37"	300.00'	131.22'
C25	24°59'09"	225.00'	98.12'
C26	24°59'09"	175.00'	76.32'
C27	90°00'00"	35.00'	54.98'



46

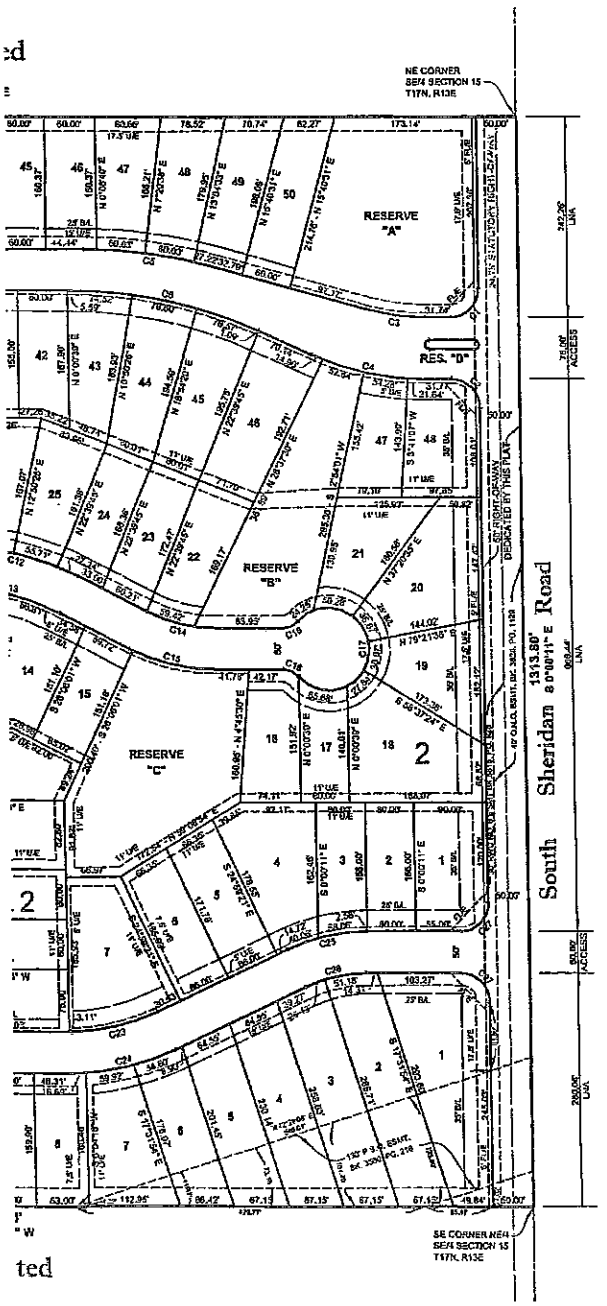
ıry Plat

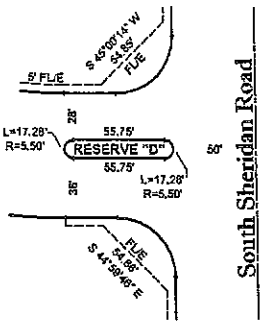
Lantern Hill

IXBY, TULSA COUNTY, OKLAHOMA BEING A PART OF THE SE/4
GE 13 EAST, OF THE INDIAN BASE AND MERIDIAN.

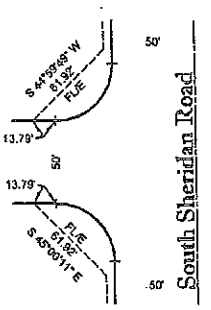
Engineer/Surveyor

HRAOK, INC.
1913 WEST TACOMA, SUITE A
BROKEN ARROW, OKLAHOMA 74012
PHONE: (918) 258-3737
FAX: (918) 258-2544
C.A. #3643 EXPIRES JUNE 30, 2013
INFO@HRAOK.COM



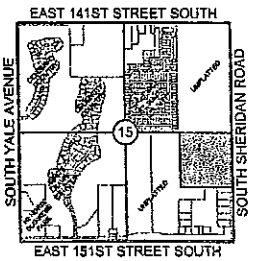


North Entry Detail
SCALE: 1"=50'



South Entry Detail
SCALE: 1"=50'

R 13 E



T 17 N

Location Map
SCALE: 1"=2000'

Scale: 1"=100'

FINAL PLAT

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF BIXBY.

ON _____

BY _____
MAYOR - VICE MAYOR

THIS APPROVAL IS VOID IF THE ABOVE SIGNATURE IS NOT ENDORSED BY THE CITY MANAGER OR CITY CLERK.

BY _____
MAYOR - VICE MAYOR

COUNTY CLERK STAMP

COUNTY TREASURER STAMP

CITY OF BIXBY
AUG 20 2012
RECEIVED
By Engrav
cf. PUD 72

Southridge at Lantern Hill
Sheet 1 of 1
Date Prepared: July 24, 2012

47

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: August 20, 2012

NAME	ADDRESS	ITEM
1. Tom W. Martin	301 E. Breckenridge	
2. Mike Daniels	220 E. Breckenridge	
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

48

MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
September 17, 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:

Acting Chair John Benjamin called the meeting to order at 6:02 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the June 18, 2012 Regular Meeting
2. Approval of Minutes for the July 16, 2012 Regular Meeting
3. Approval of Minutes for the August 20, 2012 Regular Meeting

---

Acting Chair John Benjamin introduced the Consent Agenda Numbers 1, 2, and 3. It was determined that there was no quorum of those present at those meetings. Erik Enyart recommended that the items be Continued to the October 15, 2012 Regular Meeting. Acting Chair John Benjamin declared the items Continued to the October 15, 2012 Regular Meeting.

PUBLIC HEARINGS

4. (Continued from August 20, 2012)
BZ-357 – JR Donelson for Clinton Miller and Roger Metcalf. Public Hearing, Discussion, and consideration of a rezoning request from RS-2 Single Family Dwelling 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.; Northwest corner of the intersection of Riverview Rd. and E. Westminster Pl. N.

49

Acting Chair John Benjamin introduced the item. Erik Enyart noted that he had passed out copies of a printout of an email from Applicant JR Donelson requesting that the item be Continued to the November 19, 2012 Regular Meeting.

Lance Whisman made a MOTION to CONTINUE BZ-357 to the November 19, 2012 Regular Meeting. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

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

5. (Continued from August 20, 2012)
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.

Acting Chair John Benjamin 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, September 11, 2012*
RE:	*Report and Recommendations for:*
	Zoning Code Text Amendment – Landscaping requirements for certain campus uses

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, regarding landscaping requirements for certain campus uses and other related amendments.*

BACKGROUND INFORMATION:

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.

On May 21, 2012, the Planning Commission discussed an informational item related to this conceptual Zoning Code Text Amendment. At that meeting, the Commissioners asked Staff why the School's Landscape Architect's estimates included [311] trees when only 126 were required (see BLPAC-8 September 2011). Answers were not known. Staff 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

50

landscape plan [BLPAC-8], and talk to the Landscape Architect as required. Staff 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.

No action was taken.

At the August 20, 2012 regular meeting, at the request of City Staff, the Planning Commission Continued the Public Hearing and consideration of this matter to this September 17, 2012 regular meeting.

ANALYSIS:

City Staff has met and discussed this matter internally and recommends the following pursuant to its understanding of the City Council's intent:

Zoning Code Sections 11-12-2 currently provides:

"11-12-2: APPLICABILITY AND EXEMPTIONS:

The landscape requirements herein established shall be effective upon the adoption date hereof and shall be applicable to all land for which a building permit is sought; provided, however, that the landscape requirements shall not be applicable to the following:

A. Individual single-family or duplex lots wherein only one such structure is to be constructed on the lot;

B. Restoration of buildings constructed prior to the adoption date hereof which are damaged by fire, flood or other catastrophe;

C. Interior remodeling;

D. Construction of a structure, other than a building, which does not increase the developed area of a lot more than thirty (30) square feet;

E. Developed area of a lot if all proposed new buildings and/or additions to buildings contain less floor area than the floor area of existing buildings which remain on the lot after completion of the new construction; and

F. For the purposes of this section, "developed area" shall mean the area of a lot which, on October 9, 1995 and after, is covered by a structure, off street parking or loading areas or other areas paved with all weather material. "Existing buildings" shall mean buildings completed and existing prior to the adoption date hereof. The definition of a "structure" is as follows: Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground, and including buildings, walks, fences and signs."

Zoning Code Sections 11-12-2 shall be amended as follows:

"11-12-2: APPLICABILITY AND EXEMPTIONS:

The landscape requirements herein established shall be effective upon the adoption date hereof and shall be applicable to all land for which a building permit is sought, ***except as hereinafter provided.*** *For the purposes of this section, "developed area" shall mean the area of a lot which, on October 9, 1995 and after, is covered by a structure, off street parking or loading areas or other areas paved with all weather material. "Existing buildings" shall mean buildings completed and existing prior to the adoption date hereof. The definition of a "structure" is as follows: Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground, and including buildings, walks, fences and signs.* ***The landscape requirements shall not,*** *be applicable to the following:*

A. Individual single-family or duplex lots wherein only one such structure is to be constructed on the lot;

B. Restoration of buildings constructed prior to the adoption date hereof which are damaged by fire, flood or other catastrophe;

C. Interior remodeling;

51

D. Construction of a structure, other than a building, which does not increase the developed area of a lot more than thirty (30) square feet;

E. The developed area of a lot if all proposed new buildings and/or additions to buildings contain less floor area than the floor area of existing buildings which remain on the lot after completion of the new construction; and

F. ***Lands belonging to federal, state, county, and municipal governmental entities, and all instrumentalities, political subdivisions, departments, agencies, and authorities thereof, including, but not limited to, public school districts."***

On August 15, 2012, Staff requested the Schools' architect and landscape architect assist in the reconciliation of the tree count matter. No response has been received. Staff will report if a response is given by the meeting date.

On the other research matter, pertaining to other examples of recently-approved landscape plans, a comparison is not applicable as a specific class of land uses would, by this amendment, be fully excepted from the landscaping requirements.

Erik Enyart noted that, if the Commission was to Continue this case to allow for more members to be present [and to allow for longer discussion and deliberation], it would need to Continue it to a date after October 01, 2012, as he would be out of the office until this date. Mr. Enyart stated that there was an issue with this, however, in that the ordinance the City Council passed creating a Moratorium [on the application of the landscaping to "certain campus uses"] had an October 01, 2012 deadline for the Planning Commission to deliver its recommendation to the City Council.

Lance Whisman asked Erik Enyart why the City was now proposing to make the amendment exempt all public entities. Mr. Enyart deferred to City Attorney Patrick Boulden. Mr. Boulden stated that the change would relieve governmental entities [of the costs], and let them decide what amount of landscaping should be budgeted, and that they not be burdened with the regulations. Mr. Boulden stated that the current regulations do not take into consideration budget constraints governmental entities are subject to. Mr. Whisman again asked "Why," and Mr. Boulden stated that the amendment was refined after talking to people in the City about what the Council expects. Mr. Whisman objected that businesses in the City will argue that they should be exempt too. Mr. Boulden stated there was no disputing that the new proposal was more broad [than the initial proposal]. Mr. Whisman asked, from a legal standpoint, if the City would be opening itself to a lawsuit. Mr. Boulden responded that, from a political standpoint, a business could make a claim, but "I'm not concerned legally," particularly because of the budgetary considerations government is subject to. Mr. Boulden stated that he would have no difficulty demonstrating that this is fair and why [governmental entities] should be treated differently.

Erik Enyart asked Patrick Boulden if there was any flexibility of the dates in the Moratorium ordinance, and if it was not allowable to exceed the October 01, 2012 deadline to deliver the Planning Commission's recommendations to the City Council. Mr. Enyart stated that, if the Commission held its Public Hearing and consideration of the item at the October 15, 2012 Regular Meeting, it would still be in time to allow the City Council to pass an ordinance at the final October meeting, before the end of the Moratorium on October 31, 2012. Mr. Enyart stated that the Commission could direct Staff to report to the City Council at its September 24, 2012 meeting that the deadline would be exceeded to allow for the completion of the review. Mr. Boulden did not express objection.

Erik Enyart recommended, in the interest of time, (1) that this item be Continued to the October 15, 2012 Regular Meeting, (2) that the Commission direct Staff to report to the City Council that the

52

October 01, 2012 deadline would be exceeded for this reason, and (3) the Commission hold a Worksession meeting in the first half of the month of October.

Lance Whisman expressed concern that the City could be entering a "slippery slope."

Acting Chair John Benjamin asked to entertain a Motion. Jeff Baldwin made a MOTION to CONTINUE the item to the Public Hearing and consideration of this item to the October 15, 2012 Regular Meeting, to direct Staff to report to the City Council that the October 01, 2012 deadline would be exceeded for this reason, and to direct staff to coordinate a Worksession meeting in the first half of the month of October. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

OTHER BUSINESS

6. **BL-386 – William G. Elliott.** Discussion and possible action to approve a Lot-Split for Lot 15, Block 1, *Village at the Legends.*
   Property located: 9555 E. 109th St. S.

Acting Chair John Benjamin 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, September 10, 2012*
RE:	*Report and Recommendations for:*
	BL-386 – William G. Elliott

LOCATION: – *9555 E. 109th St. S.*
– *Lot 15, Block 1, Village at the Legends*
LOT SIZE: *0.2 acres, more or less*
ZONING: *RS-4 Residential Single-Family District + PUD 44*
EXISTING USE: *Vacant*
REQUEST: *Lot-Split approval*
COMPREHENSIVE PLAN: *Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land*
PREVIOUS/RELATED CASES: *(not necessarily a comprehensive list)*
PUD 44 – Village at the Legends – Request for rezoning from AG to RS-4 and PUD 44 for Village at the Legends – Recommended for Approval by PC 05/16/2005 and Approved by the City Council 09/12/2005 (Ord. 913).
Final Plat of Village at the Legends – Request for Final Plat approval for Village at the Legends (includes subject property) – Approved by PC 06/19/2006 and by the City Council on 06/26/2006.
BACKGROUND INFORMATION:
ANALYSIS:

53

Subject Property Conditions. The subject property consists of Lot 15, Block 1 in Village at the Legends, zoned RS-4 + PUD 44. It contains approximately .02 acres and is vacant.
General. The Lot-Split is proposed to allow the houses on the east and west sides to have larger side yards. As the resulting tracts would otherwise be too small, they must be attached to the adopting lots on both sides. Provided this is done, the combined, enlarged lots would comply with the minimum bulk and area and other requirements of PUD 44.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application and comments were requested in lieu of a meeting. The comments received are attached to this report.
Staff Recommendation. Staff recommends Approval, subject to both resultant tracts being attached to the adopting lots on both sides by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE EASTERLY OR WESTERLY TRACT].
The foregoing is restricted from being transferred or conveyed as described above without including:
[INSERT THE LEGAL DESCRIPTION OF THE RESPECTIVE ADOPTING LOT]
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.

Acting Chair John Benjamin asked if the Applicant was present and wished to speak on the item. Applicant William Elliott of 10021 S. Sheridan Rd. was present and stated "We go along with Staff."

Steve Winegeart of 9539 E. 109th St. S. stated, "We're the west split. We will keep it maintained and landscaped." Mr. Winegeart stated that he wanted a larger side yard.

Erik Enyart noted that, prior to the meeting, he had presented copies of a letter he had received in regard to the property. Mr. Enyart advised the Commission, "It's your right as a property owner to use and dispose of your land as you see fit, subject to governmental regulations." Mr. Enyart stated that, if combined with the adopting lots as recommended, the Lot-Split met the applicable governmental regulations.

Acting Chair John Benjamin asked if anyone else wished to speak on the item. Dr. Jim West of 9587 E. 109th St. S. stated he was opposed to the Lot-Split. Dr. West stated that the subdivision was [initially] planned as a "zero lot line" development, and that everyone knew [that each lot would have a house]. Dr. West stated that, if split, [the subdivision residents] would never have a house there. Dr. West stated that there were eight (8) to 10 [vacant] lots left in the subdivision. Dr. West stated that the maintenance of the lot as of today is awful, with its native grass. Dr. West stated that it was now an eyesore, and that it should be made to have a house on it. Dr. West stated that it looks like the neighborhood is unfinished. Dr. West stated that, if unbuilt, there would never be tax revenue for the City of Bixby. Dr. West stated that he was not sure the covenants would allow for the Lot-Split.

Andra Winegeart of 9539 E. 109th St. S. stated that the sprinkler system company told them they would have to have the land split before the sprinkler system was put in because you could not split the system [if the Lot-Split was denied].

Dr. Jim West stated that the owner of 9464 E. 109th Pl. S. [was another case of someone owning a vacant lot next door], but in that case it was not being split.

Laverne McCoy of 9571 E. 109th St. S. stated that she owned the [subject property] lot, and that [Andra Winegeart] was her neighbor. Ms. McCoy stated that she had checked with an attorney and [was informed that the Lot-Split could be done].

William Elliott stated that, if the Commission approved the Lot-Split, it would be landscaped. Mr. Elliott stated that he was an appraiser in Tulsa since 1958, and that, in those years, lots were typically 50' in width, and owners would split them as needed to suit their desire for the sizes of their houses and yards.

Jeff Baldwin clarified with the interested parties where their properties were located in relation to the subject property.

Acting Chair John Benjamin asked if anyone else wished to speak on the item.

Kevin Steck of 9523 E. 109th St. S. stated that he was opposed to the application. Mr. Steck stated that this was [originally] intended to be a "zero lot line" development, and that approval would "destroy the community plan you approved." Mr. Steck stated that the Homeowners Association had 49 lots, and that the split would cause it to go to 48 lots. Mr. Steck stated that one (1) lot equaled one (1) vote. Mr. Steck stated that the other owner with two (2) lots is paying [dues] for both lots. Mr. Steck objected that approval would make the [lot removal] permanent, and revenue taxes for Bixby would be foregone. Mr. Steck asked Keith Bartsch if this was not correct, and Mr. Bartsch stated that it was unless the subdivision [Covenants] state otherwise. Mr. Bartsch stated that he lived just to the west of this lot and was a neighbor. Mr. Bartsch stated that the closeness of the houses was a known thing, and if someone comes in to buy a [house or lot], they will see that all the houses are 10' apart, as it is obvious. Mr. Bartsch stated that this is why the legislature makes [Lot-Split applications] come to you first before going to the City Council.

Gary Stamper stated that he had asked for a variance before, "an 18" variance to twist the house in[to] the easement," but was denied "even if there wasn't any sewer in the easement." Mr. Stamper stated, "If I can't, I don't see how you can approve this."

Lance Whisman stated that he has lived in a neighborhood and can see that these can go either way.

Erik Enyart addressed Acting Chair John Benjamin and stated that he would like to revisit and refine what he had said earlier. Mr. Enyart stated a property owner has rights, along with responsibilities, to use and dispose of land as the owner sees fit, subject to certain governmental regulations. Mr. Enyart stated that one of the rights is to be able to use, develop, or choose not to develop one's land. Mr. Enyart stated that [some responsibilities include] private restrictions and covenants, but that the City does not have the responsibility to interpret or the standing to enforce private restrictions. Mr. Enyart stated, "Therefore, the report and recommendation only consider the governmental restrictions."

Mr. or Mrs. Winegeart stated, "We're fine with the Homeowners Association dues so there will not be a change. We're prepared for that."

55

Jeff Baldwin stated that he was concerned that these neighbors were sold their homes with one [idea] and then there is a change. Mr. Baldwin stated that he hadn't read the Restrictive Covenants. Erik Enyart stated that the City had no standing to enforce the private restrictions either way.

Acting Chair John Benjamin asked the Applicant if they had brought this matter before the Homeowners Association. William Elliott responded, "No, it is not required. We're in our legal right to do this." Mr. Benjamin indicated that neighbors will have a concern over whether or not the land is divided.

A man introduced himself as the President of the Homeowners Association. Acting Chair John Benjamin asked what the Homeowners Association's position was on the Lot-Split. The man responded, "We haven't held a meeting, but we can if it is a requirement." Mr. Benjamin stated that it was not a requirement. The man stated, "By your directive we can hold a session." Mr. Benjamin asked if an attorney had looked at this, and The man responded that the subdivision had Covenants and that Steck and [another subdivision resident] were both attorneys. The man stated, "At your recommendation we can make this more clear to our residents." Mr. Benjamin stated he would think the Applicant would have approached the Homeowners Association before they came to the Planning Commission.

Kevin Steck or Keith Bartsch read from Section 3 of the Deed of Dedication and Restrictive Covenants for *Village at the Legends*, pertaining to compatibility, architectural committee review, and substantive changes. Kevin Steck or Keith Bartch stated that this [Lot-Split] matter is addressed under compatibility and consistency, and objected that approval would "change the fundamental design" according to the plat on file, which considered the [interests] of all the homeowners.

The Planning Commission read the Deed of Dedication and Restrictive Covenants and discussed them for a time.

Lance Whisman stated that he didn't see in the Deed of Dedication and Restrictive Covenants anything [specifically prohibiting this Lot-Split], and that the restrictions were "outside the scope" of [the Planning Commission's authority].

Jeff Baldwin asked whether lot maintenance was an issue the Commission should be considering. Dr. Jim West stated that the lot "hasn't been scraped." William Elliott stated that the lot was not being landscaped before the Lot-Split was approved. Ms. Winegeart stated that it was a "chicken or egg" issue.

Lance Whisman stated that he recommended approval of the Lot-Split. Mr. Whisman stated that it met the requirements under the Code, and was within the property owner's rights to do this. Mr. Whisman stated that the Commission should determine, "Does this meet Code?" Mr. Whisman stated that it does, and [Ms. McCoy] has the right to do it.

Kevin Steck or Keith Bartsch asserted the Restrictive Covenants required 5' of separation on each side of the house, which would be impossible if the lot was split [and no house built on it]. Acting Chair John Benjamin noted that this was a minimum 5' setback [and not a maximum setback

between houses]. Mr. Steck or Mr. Bartch responded, "Yes, but the theme was that each house would be in the center of each lot, and this would be destroyed if [the Lot-Split] is allowed to go through."

Patrick Boulden stated that the Deed of Dedication and Restrictive Covenants require a minimum of 5,000 square feet per lot. Erik Enyart responded that this will be achieved if the lots are combined as recommended. Mr. Boulden indicated agreement. Jeff Baldwin clarified with Mr. Enyart that, as he was recommending, the lots would be legally combined [with the adopting lots on either side] into [two larger lots]. Acting Chair John Benjamin asked Mr. Enyart to clarify the 5,000 square foot issue, and Mr. Enyart responded that the resultant, combined lots would be larger than the 5,000 square feet minimum [of the Restrictive Covenants].

Erik Enyart offered to explain "the mechanics behind the combination." Mr. Enyart stated that, the west part of the subject property was being sold to the neighbor, and deed conveying the land will have a deed restriction stating that it cannot be sold separate or apart from the adopting lot unless a new Lot-Split is requested of and approved by the Planning Commission. Mr. Enyart stated that the same would hold for the eastern part: it would be deeded from the owner to the owner with a restriction that it be legally combined with the owner's adopting lot.

A woman who did not identify herself stated that this would "depreciate my property," and objected to there being a big space between [the houses on either side].

William Elliott described an example [of a similar case] in Tulsa, and asserted, "I cannot see that this will have any change on the value of the lots."

Dr. Jim West stated, of William Elliott, "This gentleman is very articulate but he doesn't live in our neighborhood."

Discussion ensued.

Lance Whisman stated that he did not see that there was anything to be used to deny this application.

A man who did not give his name stated, "Since there are questions at your table and in the crowd," the Commission could require a special meeting of the Homeowners Association.

William Elliott addressed Acting Chair John Benjamin and asked "What does your [legal] counsel think?"

Erik Enyart solicited the attention of Patrick Boulden. Mr. Boulden advised the Commission, "You decide if you have enough information to decide [the application]."

Erik Enyart addressed Acting Chair John Benjamin and asked to interject a statement. Mr. Benjamin indicated agreement. Mr. Enyart stated that he believed the intent of the City Council, when it introduced the Public Notice requirement for Lot-Splits in 2006, was to address cases where one wanted to split a lot into two (2) lots, to allow for two (2) houses from one. Mr. Enyart stated

57

that the intent did not seem aimed at this type of situation. Mr. Enyart stated, "However, this is a Public process and Public comments are to be allowed into the record and used for deliberation." Mr. Enyart stated that the Commission should continue to decide Lot-Splits based on the governmental regulations and not subjugate the property owner's rights to a private process.

Kevin Steck asserted, "Oklahoma law gives you discretion."

Patrick Boulden stated that the Commission "shouldn't defer to the Homeowners Association to make your decision for you." Mr. Boulden stated that the Commission should determine if the Lot-Split was appropriate or not in terms of the regulations and the Subdivision Regulations. Mr. Boulden stated that the Commission had allowed for discussion, and that it is not a foregone conclusion that [the Lot-Split] be granted."

Lance Whisman stated that, if the Commission Continued it to another meeting, at that meeting there would be lawyers on either side of the issue arguing with each other. Mr. Whisman stated that, in regard to the Deed of Dedication and Restrictive Covenants, "I don't see anything" that would otherwise prevent the Lot-Split.

Lance Whisman made a MOTION to APPROVE BL-386 subject to both tracts being attached to the adopting lots on either side and the deeds reflecting that. Erik Enyart confirmed with Mr. Whisman the wording of the Motion for the Minutes. Acting Chair John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

Acting Chair John Benjamin stated that the Commission was approving the Lot-Split based on the legality of the application.

7. **BLPAC-9 – American Foundry Group.** Discussion and possible action to approve a Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for the construction of a storage building to support an existing Use Unit 26 foundry and related manufacturing facility on Lot 1, Block 1, *Morris-Bright Industrial Park Addition.*
   Property located: 14602 S. Grant St.

Acting Chair John Benjamin introduced the item and confirmed with Erik Enyart that it had been withdrawn by the Applicant. Mr. Enyart stated that no action as required. No action taken.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ADJOURNMENT:

There being no further business, Acting Chair John Benjamin declared the meeting Adjourned at 7:09 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

59

Erik Enyart

From: eenyart@bixby.com
Sent: Sunday, September 16, 2012 6:31 PM
To: JR Donelson
Cc: Erik Enyart
Subject: Re: from JR Donelson / BZ-357

I will communicate that to the PC and recommend they Continue it to 11/19/2012.

Thanks,

Erik

> Erik
> Continued until a meeting date of 11/19/2012 is acceptable.
> JR
> ----- Original Message -----
> From: Erik Enyart
> To: 'JR Donelson'
> Sent: Friday, September 14, 2012 3:33 PM
> Subject: RE: from JR Donelson / BZ-357
>
>
> Hi JR:
>
> The October meeting is actually 10/15/2012. There is not enough
> time to get the public notice done for that meeting. The next
> available meeting is 11/19/2012.
>
>
>
> The fee schedule is attached. The fee depends on the acreage, and I
> think there may be some question on this due to different sources and
> assumptions (Tulsa County Assessor's parcel data, survey data if
> different, and ownership to the centerline of the River if assumed).
> I trust you are able to calculate the proper fee based on the correct
> acreage. Please add $50.00 for sign posting.
>
>
>
> There is not fee associated with the Comprehensive Plan Amendment
> request.
>
>
>
> Please advise on the above matters as appropriate.
>
>

60

>
> I will be out of the office next week except for Thursday (OFMA
> conference Monday through Weds and vacation through the end of
> September; will be back in the office 10/01).
>
>
>
> Erik Enyart
>
>
>
> From: JR Donelson [mailto:jrdon@easytelmail.com]
> Sent: Friday, September 14, 2012 3:49 PM
> To: Erik Enyart
> Subject: from JR Donelson / BZ-357
>
>
>
> Erik,
>
> Here is a letter requesting continuance for the BZ-357.
>
>
>
> Can you tell me the City fee for the Comprehensive Plan and the
> City fee for the PUD.
>
>
>
> I am trying to get those cost for the owner.
>
>
>
> Thank you,
>
> JR Donelson
>
>
> ---
> ---
>
> No virus found in this message.
> Checked by AVG - www.avg.com
> Version: 2012.0.2221 / Virus Database: 2437/5268 - Release Date:
> 09/14/12
>

61

9523 East 109th Street South
Tulsa, Oklahoma 74133

CITY OF BIXBY
SEP 11 2012
RECEIVED
By Enyout
cf. BL-386

City of Bixby Planning Commission
116 West Needles
Bixby, Oklahoma 74008

Re: Lot 15, Block 1, Village of the Legends a/k/a
9555 East 109th Street, Tulsa, Oklahoma 74133

Hearing Date: September 17, 2012 at 6:00 p.m.

Dear Bixby Planning Commission:

It is our understanding that a request has been submitted to rezone and subdivide the above described lot. As property owners directly affected by this matter, we would like to express our opposition to the request and ask that it be denied for the following reasons:

1. The Village of the Legends is a small planned community comprised of forty-nine (49) "zero lots," and the requested variance will significantly alter the existing plan and the appearance of the community;

2. The requested variance will likely have a detrimental effect on surrounding property values by creating an anomaly and exception to the overall appearance of the Village, especially as this involves a small planned "zero lot" community;

3. When we purchased into the Village of the Legends, we did so with the full expectation that the "planned development" would remain consistent and abide by the established plan;

4. The variance, if approved, will effectively preclude the future building of a home on the lot, ensuring that the community plan will never be completed as envisioned and as previously approved by the Commission; and

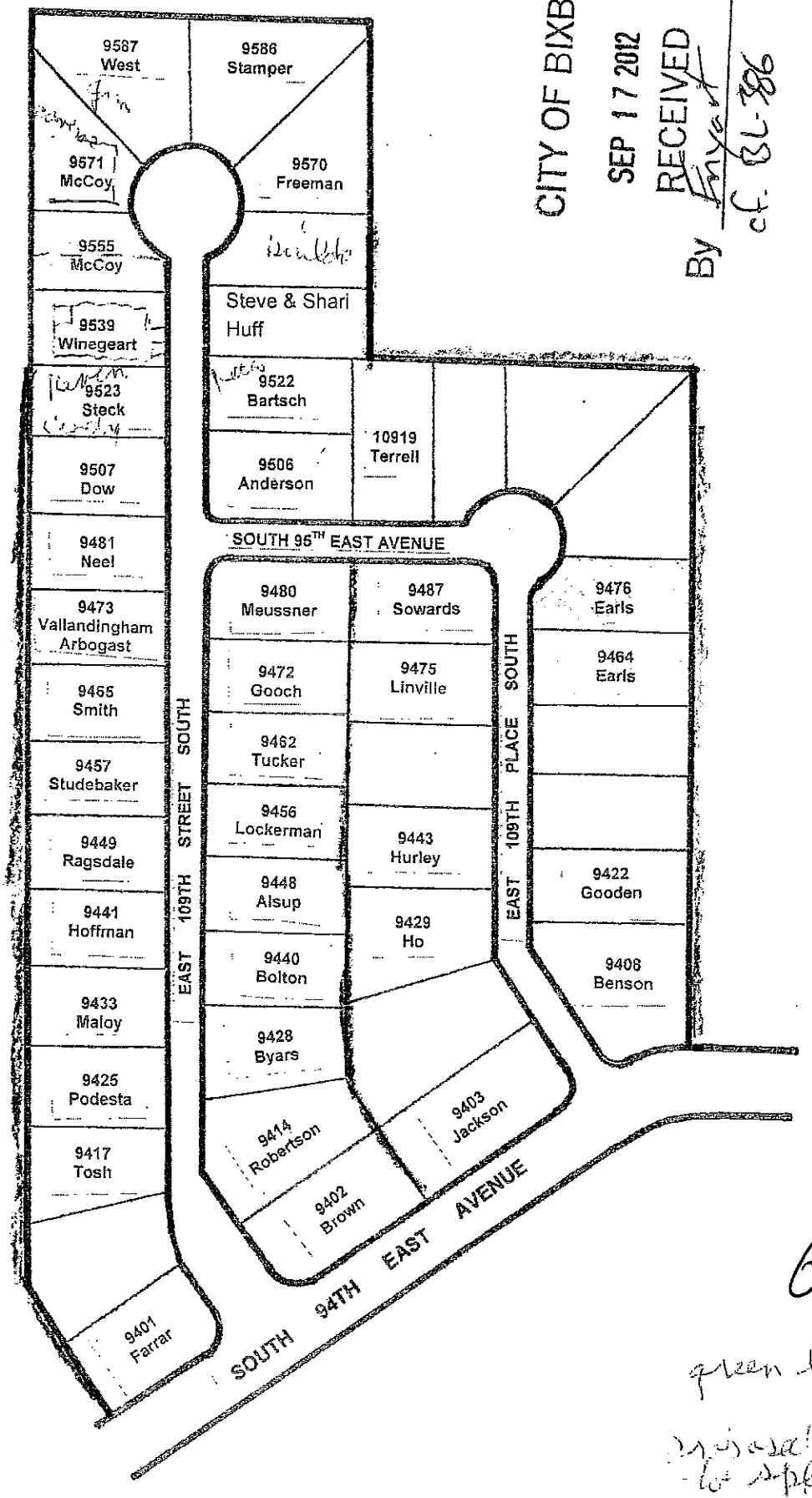
5. The variance, if approved, will have a negative effect on the City of Bixby's tax base, as it will preclude significant improvements being made to the property, thereby preventing the future enhancement of the lot's value and related taxes generated there from.

CITY OF BIXBY
SEP 17 2012
RECEIVED
By
cf. BL-786

Double Ref
Subdivision
Legends

Village at the Legends

A SUBDIVISION OF PART OF THE
SE/4 OF SECTION 25, T 8 N – R 13 E
CITY OF BIXBY, TULSA COUNTY, OKLAHOMA



63

green belt

proposal that
to replat
[illegible]
[illegible]
open/[illegible]
[illegible]

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: September 17, 2012

NAME	ADDRESS	ITEM
1. Andra Winegarner	9539 E 109th St	6
2. Teresa Bolton	9440 E 109 St	6
3. LaVerne McCoy	9571 E 109 St	6
4. William G Elliott	10:21 So Sheridan Rd	6
5. James West	Tulsa, 9587 E 109th	6
6. Valenda West	9587 E. 109th	6
7. [illegible]	9481 E. 109th	6
8. [illegible]	9481 E. 109th	6
9. Dustin Perry	806 N. Riverview Dr	4
10. Kevin		
11. Gary Stanton		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

MEMORANDUM

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner EE

Date: Monday, October 08, 2012

RE: Planning Commission meeting schedule and application deadlines for 2013

Staff proposes the following schedule for the Planning Commission:

DATE	TIME	PLACE OF MEETING
January 22, 2013 (Tues)	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
February 19, 2013 (Tues)	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
March 18, 2013	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
April 15, 2013	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
May 20, 2013	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
June 17, 2013	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
July 15, 2013	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
August 19, 2013	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
September 16, 2013	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
October 21, 2013	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
November 18, 2013	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
December 16, 2013	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby

APPLICATION DEADLINES

Four (4) weeks prior to the Planning Commission meeting, or the South County Leader's Public Notice publication deadline plus one (1) working day, whichever is sooner. The City Manager shall have the authority to make an exception to the deadline in cases of hardship or unusual circumstances.

65

CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner

Date: Monday, October 08, 2012

RE: Report and Recommendations for:
BZ-359 – Roger & LeAnn Metcalf

LOCATION:
- 15329 S. Sheridan Rd.
- Part of the W/2 of the NW/4 of Section 23, T17N, R13E

LOT SIZE: 25 acres composed of a 15- and a 10-acre tract, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Agricultural with a single-family dwelling

REQUESTED ZONING: RM-2 Residential Multi-Family District

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: AG & CS; A 20-acre agricultural tract zoned AG and the *Leonard & Marker Funeral Home* zoned CS north of 151st St. S.

South: AG; Agricultural, rural residential, and vacant/wooded land along S. Sheridan Rd.

East: RMH & AG; The Shadow Valley Mobile Home Park zoned RMH and the Conrad Farms' farmland further to the east and southeast.

West: (Across Sheridan Rd.) AG; The Bixby Cemetery and rural residential land.

66

COMPREHENSIVE PLAN:

Northerly 15 Acre Parcel: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.

Southerly 10 Acre Parcel: Low Intensity/Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land + Special District # 4.

PREVIOUS/RELATED CASES: None found.

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

BZ-120 – Calvin Tinney – Request for rezoning from AG to RS-3 for approximately 80 acres (E/2 SW/4 Section 22, T17N, R13E) to the southwest of subject property – PC Recommended Approval 08/30/1982 and City Council Approved 09/07/1982 (Ord. # 460).

BZ-126 – Georgina Landman and/or W.S. Atherton – Request for rezoning from RS-3 to RS-1 for approximately 80 acres (E/2 SW/4 Section 22, T17N, R13E) to the southwest of subject property – Applicant did not own the property requested for downzoning – PC Recommended Approval 12/27/1982 and City Council Denied 01/03/1983 upon recommendation of City Planner and City Attorney.

BBOA-137 – Lee Fox – Request for Special Exception to allow a mobile home on a previously 10.3-acre tract located to the north of subject property at 15015 S. Sheridan Rd. – BOA Denied 12/10/1984.

BZ-181 – W.S. Atherton – Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres to the southwest of subject property for an "Atherton Farms Equestrian Estates" residential subdivision (never built) – Approved by City Council 06/23/1987 (Ord. # 562).

BBOA-190 – W.S. Atherton – Request for "Use Variance" to allow the keeping of horses on individual lots as an accessory use for approximately 240 acres to the southwest of subject property for an "Atherton Farms Equestrian Estates" residential subdivision (never built) – Approved by BOA 07/13/1987.

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 located to the north of subject property at 15015 S. Sheridan Rd. – BOA Approved 09/04/1990.

BZ-199 – Dan Stilwell – Request for rezoning from RMH to CG for approximately 3 ¾ acres located to the northeast 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. 151st 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.

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 located to the north of subject property at 15015 S. Sheridan Rd. – 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. 148th St. S. from an original tract of 10.3 acres located to the north of subject property at 15015 S. Sheridan Rd. – PC Approved 04/17/1995.

67

PUD 20 – Atherton Farms Equestrian Estates – Phillip Faubert – Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres located to the southwest of subject property for an "Atherton Farms Equestrian Estates" residential subdivision (never built) – Recommended for Approval by PC 01/20/1998. However, this case was evidently never presented to the City Council, as it did not appear on any agenda from January 26, 1998 to April 27, 1998, no Ordinance was found relating to it, and there are no notes in the case file suggesting it ever went to City Council. Further, PUD 20 does not exist on the official Zoning Map. An undated application signed by Phillip Faubert from circa March, 2001 was found in the case file requesting to "rescind PUD 20," but no records or notes were found to determine the eventual disposition of this request, if any.

BZ-238 – W.S. Atherton – Request for rezoning from AG to RE for approximately 10 acres located to the southwest of subject property for part of an "Atherton Farms Equestrian Estates" residential subdivision (never built) – Approved by City Council 02/23/1998 (Ord. # 768).

BL-228 – Phillip Faubert – Request for Lot-Split to separate a 2.7-acre tract from balance of 240 acres located to the southwest of subject property – Approved by PC 03/16/1998 and by City Council 03/23/1998.

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 for a 9-acre tract located to the north of subject property at 15015 S. Sheridan Rd. – BOA Conditionally Approved 07/06/1999.

BZ-283 – Mike Marker – Request for rezoning from AG to CS for a 1.3-acre tract to the north of subject property and containing the *Leonard & Marker Funeral Home* main building at 6521 E. 151st St. S. – 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 a 1.3-acre tract to the north of subject property and containing the *Leonard & Marker Funeral Home* main building at 6521 E. 151st St. S. – BOA Approved Variance, to include requiring 62 parking spaces, 05/06/2002.

BZ-287 – Randy King – Request for rezoning from AG to CG for a 4-acre tract to the north of subject property at 6825 E. 151st 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 northwest 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.

BL-384 – K.S. Collins for Lee & Twilah A. Fox – Request for Lot-Split approval to separate a 0.81-acre tract from a 9-acre tract located to the north of subject property at 15015 S. Sheridan Rd. – PC Conditionally Approved 05/21/2012.

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 a 9-acre tract located to the north of subject property at 15015 S. Sheridan Rd. – PC Recommended Approval 05/21/2012 and City Council Approved 06/11/2012.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of a 15-acre tract on the north and a 10-acre tract on the south, and has over 800' of frontage on Sheridan Rd. It contains the top of a small hill and contains significant slope. It contains the northern tip of a pond located on another tract abutting to the south, which is part of a natural drainageway that skirts along the southerly line of the southern parcel.

The subject property appears to drain to the east and south, ultimately to Bixby Creek. It is zoned AG and appears to be agriculturally-used, with the exception of (1) a small grove of trees at the northeast corner of the 15-acre tract, and (2) the Applicant's residence toward the west end of the 10-acre tract.

Comprehensive Plan. The Comprehensive Plan designates the two (2) parcels of the subject property differently. The northerly 15-acre parcel is designated (1) Corridor and (2) Vacant, Agricultural, Rural Residences, and Open Land. The southerly 10-acre parcel is designated (1) Low Intensity/Development Sensitive, (2) Vacant, Agricultural, Rural Residences, and Open Land, and (3) Special District # 4.

The Development Sensitive designation is along the eastern lines of both tracts of land, and appears to correspond (more or less) to those parts of each located within the 500-year (0.2% Annual Chance) Floodplain. Floodplain areas may sometimes have soils which are not naturally conducive to construction, and may require remedial soil chemical work and/or special construction methods.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that RM-2 zoning *Is In Accordance* with the Corridor, *Is Not In Accordance* with the Low Intensity, and *May Be Found In Accordance* with the Development Sensitive designations of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the requested RM-2 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.

A southerly strip of the southerly 10-acre tract is designated within Special District # 4, for which the Bixby Comprehensive Plan provides on Pages 20 and 21:

> "d. Special District 4 is that area previously designated In the 1991 Bixby Comprehensive Plan in which a majority of the land is located within the 100 year flood plain. This development sensitive area is located

69

> approximately from one-quarter mile south of S. H. 67, west of S. Memorial Drive, north of 171" Street South, and east of the upland area along S. Sheridan Road. The majority of this land is used for agricultural purposes. This [is] prime farm land and contributes strongly to the "green theme" characteristic of Bixby . Preservation of those Special District areas should continue with AG zoning the primary designation. Certain select areas adjacent to major roadway intersections may be appropriate for different zoning designations in accordance with the other Urban Design Development Guidelines. Any change in use in this area should be designed to integrate continuing agribusiness uses, provide onsite drainage control solutions, it should provide appropriate buffers between adjoining land uses on the upland area along S. Sheridan Road, south of 171st Street South, and along S. Memorial Drive." (emphasis added)

Special District # 4 calls for areas within to "continue with AG zoning the primary designation," but that "[c]ertain select areas adjacent to major roadway intersections may be appropriate for different zoning designations..." It would appear that the part of the subject property located within Special District # 4 "should continue with AG zoning," as it is not within a reasonable distance of a major street intersection.

Due to all of the factors listed and described above, Staff believes that the proposed RM-2 zoning should be found *In Accordance* with the Comprehensive Plan, but only partially. If approved for RM-2 zoning strictly in accordance with the differing designations of the Comprehensive Plan, a Low Intensity-designated strip of land in the center of the acreage would have to be disapproved. This pattern would likely confound any reasonable development pattern for the property. Within the context of a PUD, underlying Zoning districts may vary and remain *In Accordance* with the Comprehensive Plan, such as if an area of the subject property equal to the Low Intensity strip could be calculated and relocated outside the future development areas, to be reserved for the preservation of natural site features as an amenity to the development.

For the balance of the areas to be fully recognized as *In Accordance*, Staff recommends the RM-2 zoning only be approved with appropriate detailed planning and safeguards as per an appropriate PUD. The PUD may deal with the outlying conditions suggested in those designations within which RM-2 zoning is not fully in accordance, such as by reserving natural pond and drainageway areas, incorporating the appropriate parts of the small tree grove if not incompatible with development plans, and the properly-planned use and incorporation into site plans of areas of significant slope change. The PUD should also address buffering the subject property from the residential uses to the east (Shadow Valley Mobile Home Park), the agricultural uses to the south, and the more intensive development that may be expected on the 20-acre property at the 151st St. S. (State Hwy 67) and Sheridan Rd. intersection. Finally, the PUD should address what would be done with the existing improvements on the subject property (house and agricultural buildings).

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

To the north is a 20-acre agricultural tract zoned AG and the *Leonard & Marker Funeral Home* zoned CS north of 151st St. S.

South of the subject property, agricultural, rural residential, and vacant/wooded lands zoned AG lie along S. Sheridan Rd.

East of the subject property is the Shadow Valley Mobile Home Park zoned RMH and the Conrad Farms' farmland further to the east and southeast zoned AG.

Finally, to the west is the Bixby Cemetery and rural residential land zoned AG.

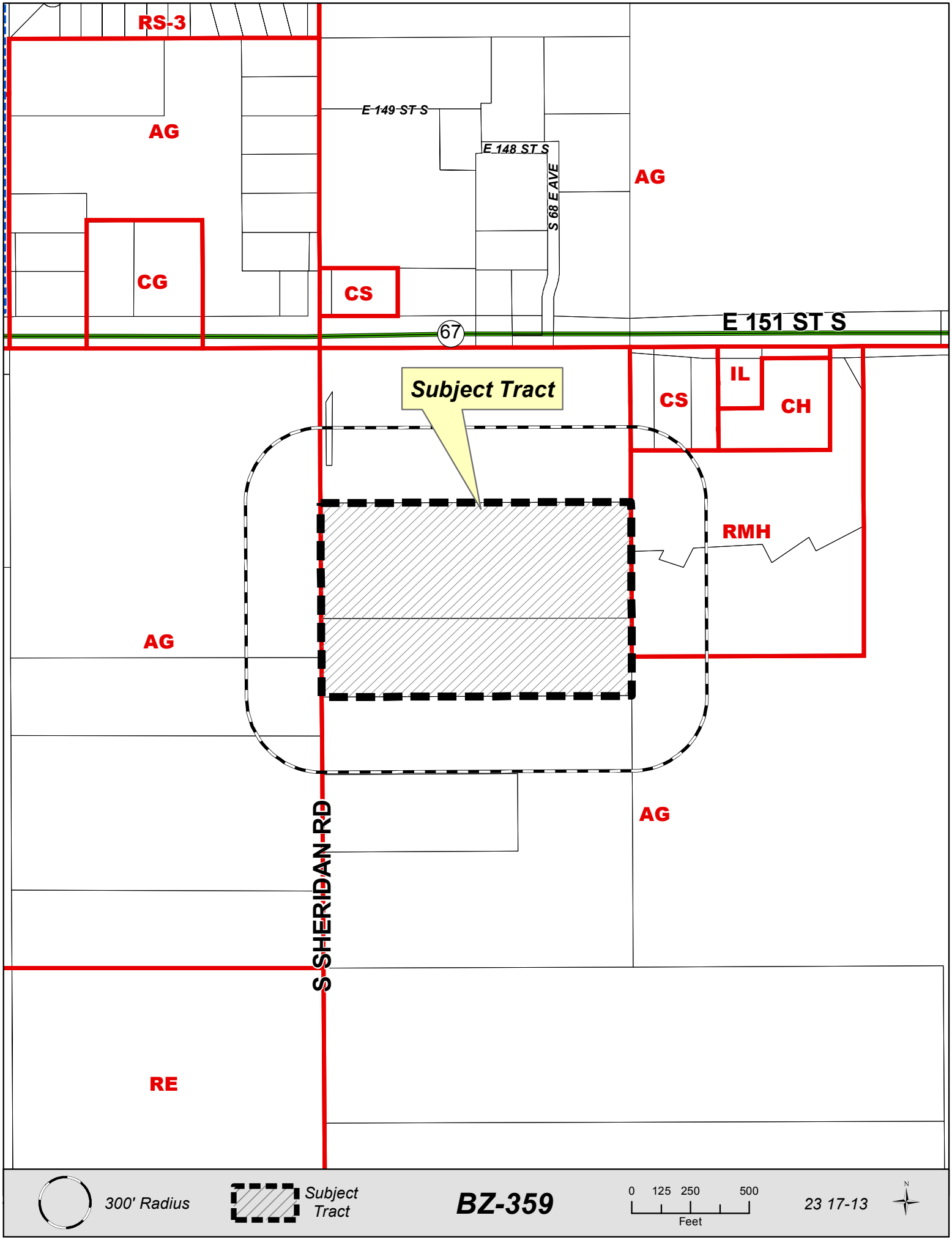
The requested RM-2 zoning would be fairly consistent with the established RMH district to the east, containing the manufactured home park, as the densities allowed by each district and the overall land use category are similar. However, due to the significant slope change, the proximal relationship is more tenuous and areas "up on the hill" will be more directly impacted by the establishment of a new RM-2 district on the subject property. There should be no conflict with the Bixby Cemetery to the west, but care should be given when allowing the development and use of an apartment complex in respect to the agricultural land to the south, the rural residential land to the south and southwest, and the intensive use (commercial or greater) that may be anticipated on the 20-acre tract abutting to the north, which is located in a Corridor designation of the Comprehensive Plan, has ¼ mile of street frontage along 151st St. S. (State Hwy 67), and is located at the highway's intersection with Sheridan Rd.

Not including assisted living facilities, Bixby has four (4) apartment complexes. Parkwood Apartments was constructed in or around 1973. The Links at Bixby was developed in or around 1996, and was done with PUD 16. Marquis on Memorial was developed in 2008/2009, and was done with PUD 61. Encore on Memorial was developed in 2011 and was done with PUD 70. Since 1973, no apartment development has been developed in Bixby absent a PUD, and the PUDs arguably help contribute to the improvement of the value and quality of such projects. If a "straight rezoning" was approved absent a PUD, it is unlikely that a PUD would later be requested. To ensure the highest value and quality for any multifamily development that may occur on the subject property, a PUD should be applied.

Staff Recommendation. For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the proposed rezoning only if approved along with a PUD that (1) ensures full consistency with the purposes and intent of the Comprehensive Plan, (2) appropriately incorporates safeguards to sensitive geographical features, (3) provides for land use buffering and compatibility needs, and (4) helps ensure the highest value and quality for any multifamily development that may occur on the subject property.

If the Applicant is in agreement, Staff recommends the Public Hearing and consideration of this application be Continued far enough into the future to allow for the preparation, submission, and concurrent review of a request for PUD.

71


RS-3
AG
E 149 ST S
E 148 ST S
S 68 E AVE
AG
CG
CS
67
E 151 ST S
Subject Tract
CS
IL
CH
RMH
AG
AG
S SHERIDAN RD
RE
300' Radius
Subject Tract
BZ-359
0 125 250 500
Feet
23 17-13
N

APPLICATION FOR ZONING

BZ-359 CZM N/A

CITY OF BIXBY

STR 23-17-13 Atlas ____

PD ____

GENERAL LOCATION 151ST & SHERIDAN RD

REQUESTED ZONING RM-2 PROPOSED USE APARTMENTS

RECORD OWNER ROGER & LEANN METCALF PRESENT USE RESIDENCE & PASTURE

LEGAL DESCRIPTION OF TRACT (ATTACH PLAT OF SURVEY IF METES AND BOUNDS):

Does Record Owner consent to the filing of this application? ☒ YES ☐ NO

If Applicant is other than Owner, indicate interest: ____

Is subject tract located in 100 year floodplain? ☐ YES ☒ NO

BILL ADVERTISING CHARGES TO: ROGER METCALF (Name)

15329 S. SHERIDAN RD BIXBY, OK 74008 (Address) (City) 918-906-7500 (Phone)

I do hereby certify that the information submitted herein is complete, true and accurate:

Signature LeAnn Metcalf Date: 8/20/2012

Address: 15329 S. SHERIDAN RD. BIXBY, OK Phone: 918-906-7500

APPLICANT - DO NOT WRITE BELOW THIS LINE

P.H. Date 10/15/2012 Date Received 08/20/2012 Received By Enyart

PRESENT ZONING AG RECEIPT NOS. ____

FEES: TYPE	ZONING	ACREAGE	BASE FEE	ADD.	TOTAL
L M H MP					

____ Sign(s) at $ ____ each = $ ____ Postage ____ $ ____ Total Sign/postage $ ____

PC ACTION ____ CITY ACTION ____

PROVISIONS ____ PROVISIONS ____

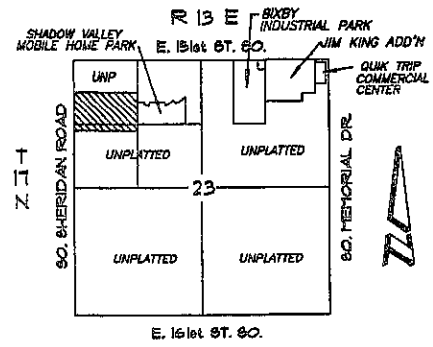
DATE/VOTE ____ DATE/VOTE ____

STAFF REC. ____ ORD. NO. 73

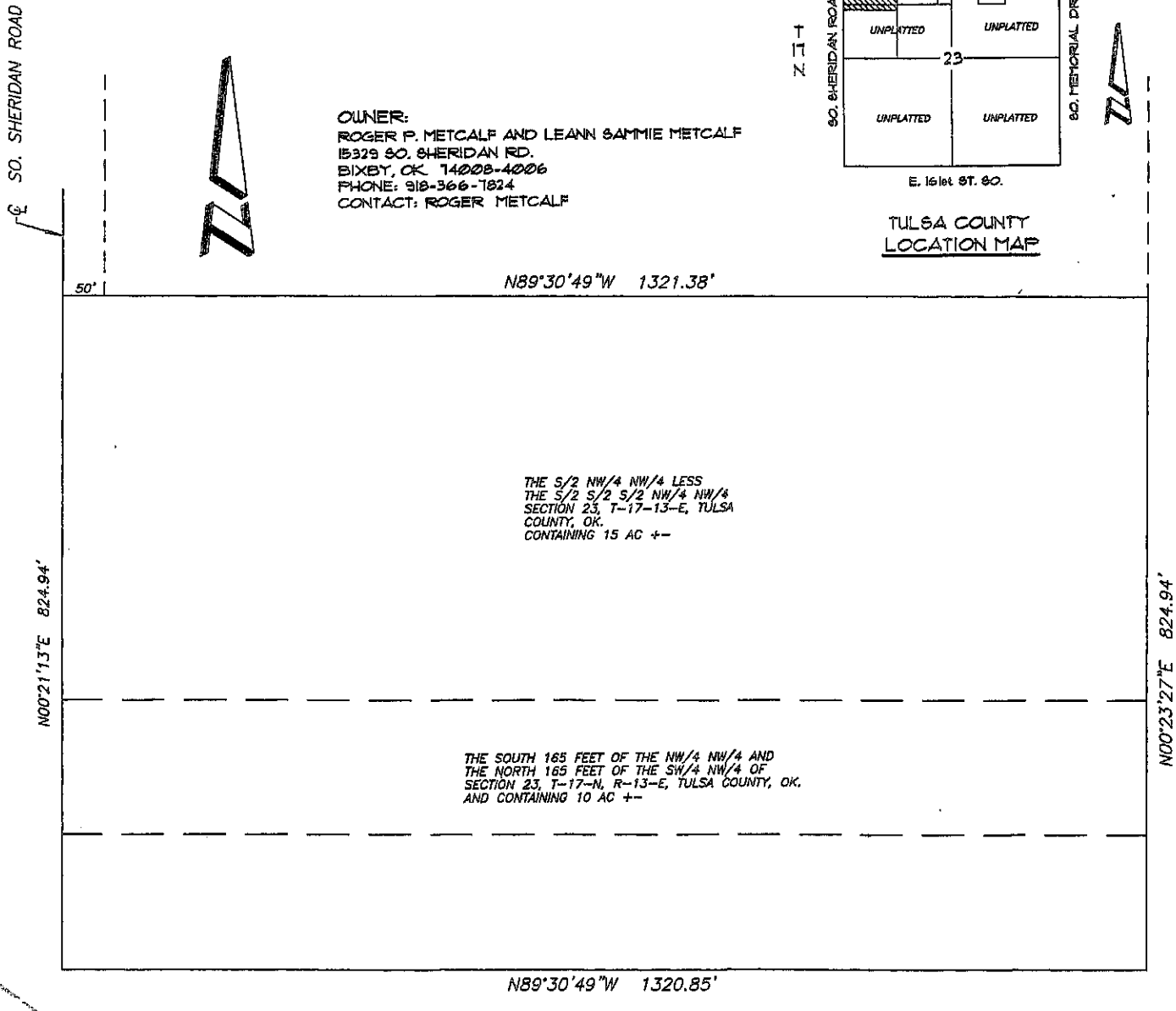
PLAT NAME ____

24

OWNER:
ROGER P. METCALF AND LEANN SAMMIE METCALF
15329 SO. SHERIDAN RD.
BIXBY, OK. 74008-4006
PHONE: 918-366-7824
CONTACT: ROGER METCALF



TULSA COUNTY
LOCATION MAP



No Image Available

Ken Yazel
Tulsa County Assessor

Server Date 06-10-2008

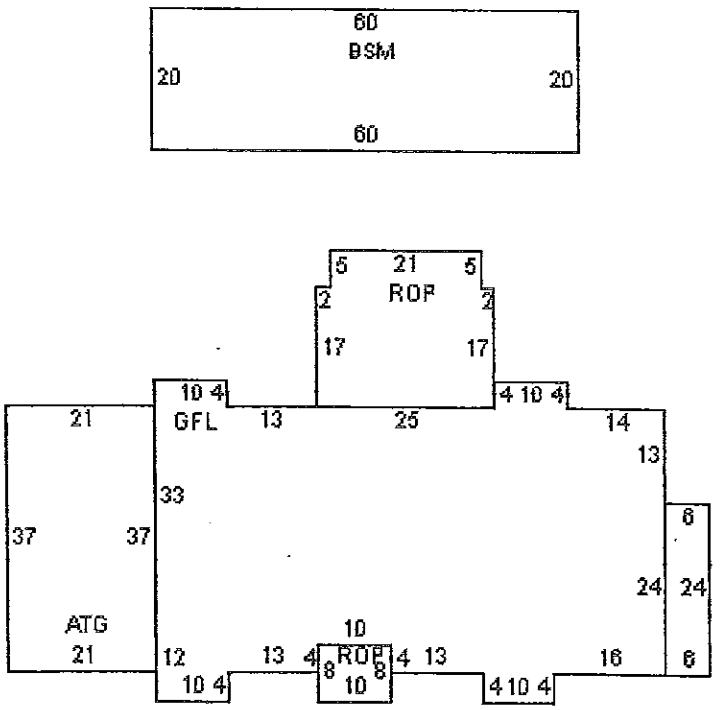
Account Number 97323-73-23-34260
Inspection Date 05-2005

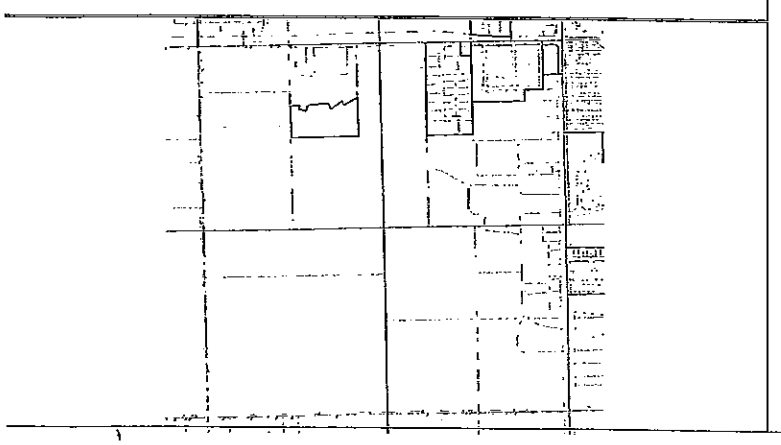
Mailing Addr. METCALF, ROGER P &
SAMMIE LEANN
15329 S SHERIDAN RD
BIXBY OK 74008-4006

Book/Page 04791-02292 GWD Deed Date 05-22-84
Property Addr. 15329 S SHERIDAN RD E

Subdivision
-

Legal Description
S165 NW NW & N165 SW NW SEC 23 17 13 10AC



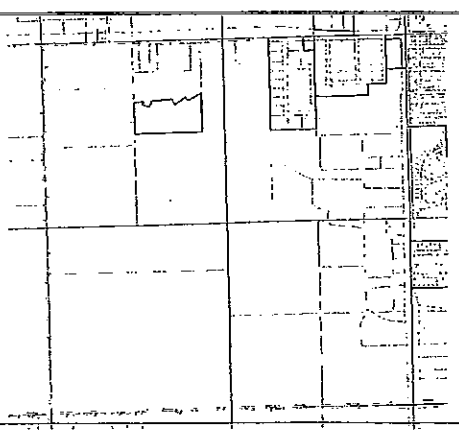


Class Code	XAX	Nbrhd	9005
Zone	AG	School Dist	BI-4B
Constr. Quality	AVERAGE+	Year Built	1980
Living Area	3984 sqft	Story Height	100
1st Floor	2784 sqft	Exterior Wall	FRAME
2nd Floor		Air Cond	HEAT DUCTS
3rd Floor		Roof Material	ASPHALT
Finished Bsmt	1200 sqft	Fireplace	2
Balcony		Full Bath	3
Physical Cond	GOOD	Half Bath	0
Porch 1	224 sqft OPEN		
Porch 2	530 sqft OPEN		
Garage 1	777 sqft ATT FRAME		
Garage 2			
Pool			
Site Addn 1			
Site Addn 2			
Site Addn 3			
Site Addn 4			
Land Area	435600.00 Sq. Ft.		
Snd Land	$ 1,490		
Snd Impr.	$ 214,600		
Total Snd	$ 216,090		
Taxb Land	$ 1,490		
Taxb Impr.	$ 214,600		
Total Taxb	$ 216,090		
Asd Land	$ 164		
Asd Impr.	$ 23,606		
Total Asd	$ 23,770		
Homestead	1000		
Dbl Homestead	0		
Freeze	N		

75

No Image Available

io Sketch



16

Ken Yazel
Tulsa County Assessor

Server Date 06-10-2008

Account Number 97323-73-23-29260
Inspection Date

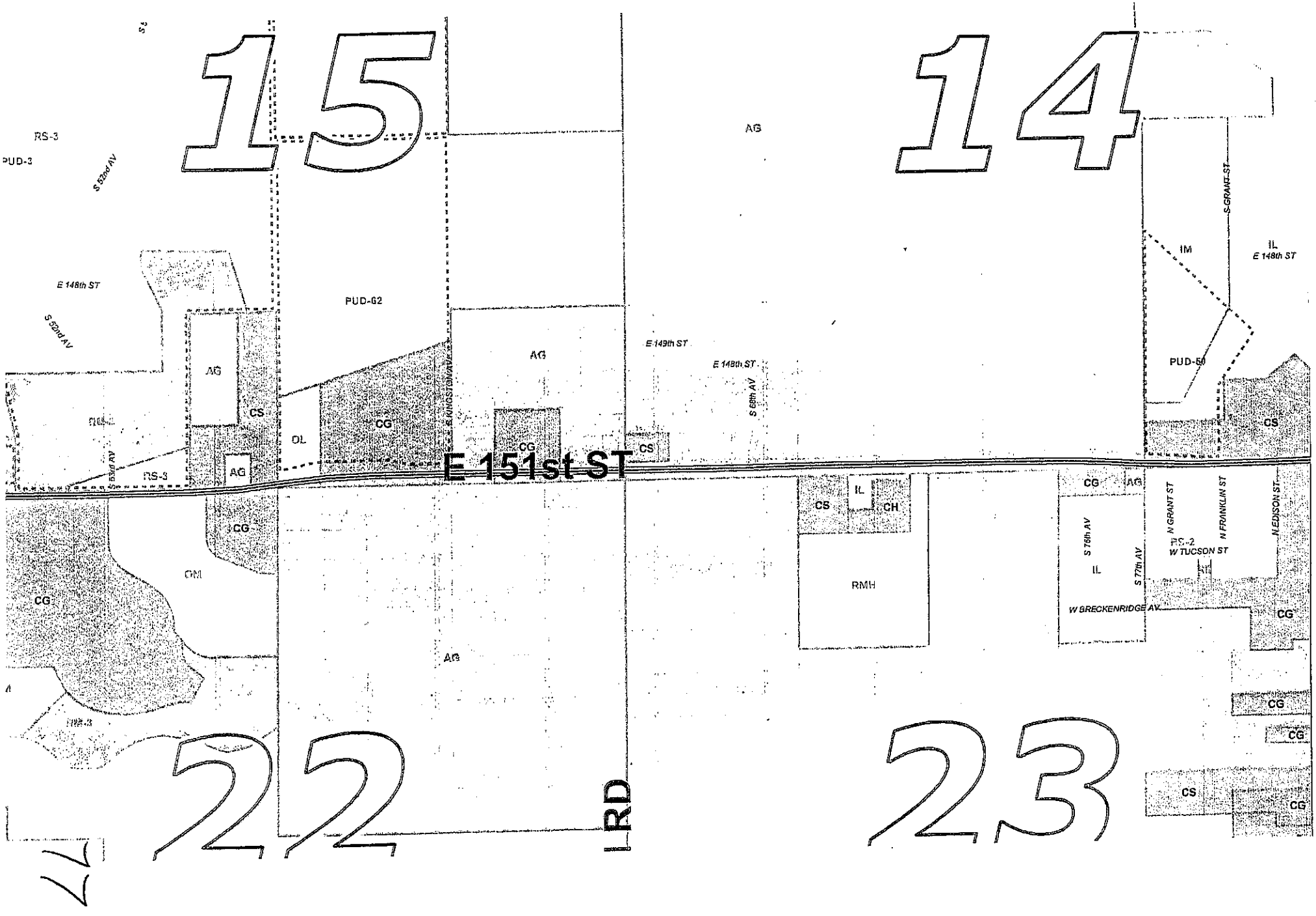
Mailing Addr. METCALF, ROGER P &
SAMMIE LEANN
15329 S SHERIDAN
BIXBY OK 74008

Book/Page 06459-01801 GWD Deed Date 01-04-01
Property Addr.

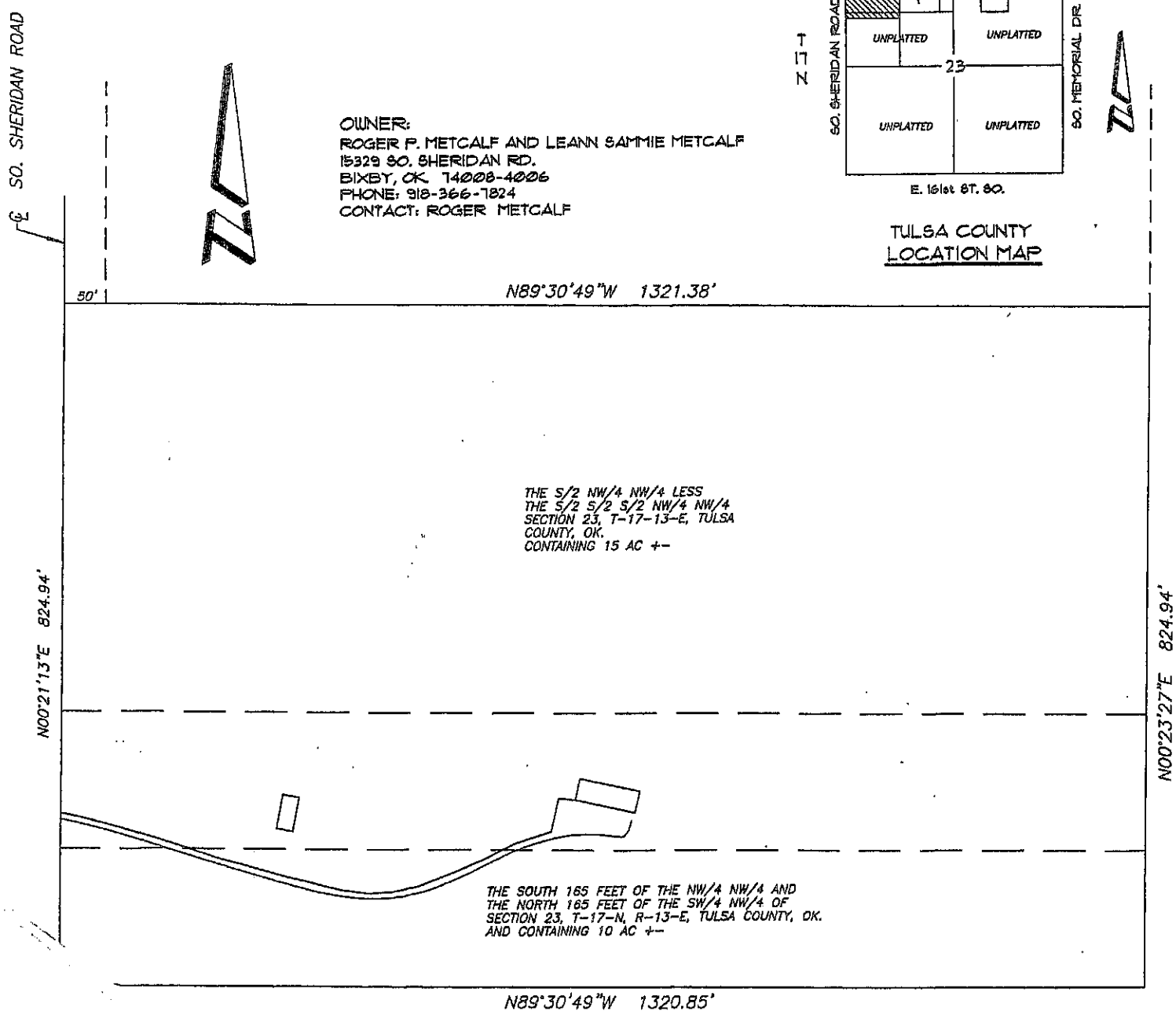
Subdivision
-

Legal Description
S/2 NW NW LESS S/2 S/2 S/2 NW NW SEC 23 17 13 15AC
S

Class Code	XV	Nbrhd	9005
Zone	AG	School Dist	BI-4B
Constr. Quality		Year Built	0
Living Area		Story Height	0
1st Floor		Exterior Wall	
2nd Floor		Air Cond	
3rd Floor		Roof Material	
Finished Bsmt		Fireplace	0
Balcony		Full Bath	0
Physical Cond		Half Bath	0
Porch 1			
Porch 2			
Garage 1			
Garage 2			
Pool			
Site Addn 1			
Site Addn 2			
Site Addn 3			
Site Addn 4			
Land Area	653400.00 Sq. Ft.		
Snd Land	$ 1,720		
Snd Impr.	$		
Total Snd	$ 1,720		
Taxb Land	$ 1,720		
Taxb Impr.	$		
Total Taxb	$ 1,720		
Asd Land	$ 189		
Asd Impr.	$		
Total Asd	$ 189		
Homestead	0		
Dbl Homestead	0		
Freeze	N		


15
14
22
23
E 151st ST
LRD
RS-3
PUD-3
S 52nd AV
E 148th ST
PUD-62
AG
CS
OL
CG
S KINGSTON AV
E 149th ST
E 148th ST
S 68th AV
IL
CH
RMH
IM
PUD-50
S GRANT ST
E 148th ST
S 76th AV
S 77th AV
W BRECKENRIDGE AV
N GRANT ST
N FRANKLIN ST
N EDISON ST
RS-2
W TUCSON ST
OM

78


SO. SHERIDAN ROAD
OWNER:
ROGER P. METCALF AND LEANN SAMMIE METCALF
15329 SO. SHERIDAN RD.
BIXBY, OK. 74008-4006
PHONE: 918-366-7824
CONTACT: ROGER METCALF
R 13 E
BIXBY INDUSTRIAL PARK
SHADOW VALLEY MOBILE HOME PARK
E. 151st ST. SO.
JIM KING ADD'N
QUIK TRIP COMMERCIAL CENTER
UNP
UNPLATTED
UNPLATTED
23
UNPLATTED
UNPLATTED
SO. SHERIDAN ROAD
SO. MEMORIAL DR.
T 17 N
E. 161st ST. SO.
TULSA COUNTY
LOCATION MAP
50'
N89°30'49"W 1321.38'
THE S/2 NW/4 NW/4 LESS
THE S/2 S/2 S/2 NW/4 NW/4
SECTION 23, T-17-13-E, TULSA
COUNTY, OK.
CONTAINING 15 AC +-
N00°21'13"E 824.94'
N00°23'27"E 824.94'
THE SOUTH 165 FEET OF THE NW/4 NW/4 AND
THE NORTH 165 FEET OF THE SW/4 NW/4 OF
SECTION 23, T-17-N, R-13-E, TULSA COUNTY, OK.
AND CONTAINING 10 AC +-
N89°30'49"W 1320.85'

CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner

Date: Monday, October 08, 2012

RE: Report and Recommendations for:
BZ-360 – Rodney Stacy for True Life Tabernacle, Inc.

LOCATION: – 2 W. Breckenridge Ave.
– Lots 41, 42, and 43, Block 34, *Midland Addition*

LOT SIZE: 0.2 acres more or less

EXISTING ZONING: RS-3 Residential Single Family District

EXISTING USE: *True Life Tabernacle* church

REQUESTED ZONING: CH Commercial High Intensity District

SUPPLEMENTAL ZONING: Central Business District

SURROUNDING ZONING AND LAND USE:

North: (across Breckenridge Ave.) CH; Charley Young Park, and to the northeast, downtown commercial storefront buildings along N. Armstrong St., including *The Ice House* fitness facility, the Masonic Lodge, the *Cookie Advantage* business, the *Just My Style* hair salon, the former *Jake's Place Bar-B-Q* restaurant, and the general business office of *Armour Management, Inc.*

South: RS-3, CH, & RM-3; The *Bixby Post Office* at 16 S. A Ave., vacant/underutilized land to the southeast including parking for the *BTC Broadband* central office, and residential areas south of 5th St.

79

East: (across A Ave.) CH & RS-3; The *BTC Broadband* central office, the *Bixby Library* and the former *First United Methodist Church* property (now belongs to the Tulsa City-County Library Commission), all along E. Breckenridge Ave.

West: RS-3, CS, & CG; Vacant land and residential houses along the south side of Breckenridge Ave. The *Pepper Express* restaurant is across Breckenridge Ave. to the northwest.

COMPREHENSIVE PLAN: Development Sensitive + Commercial Area + Special District # 1.

PREVIOUS/RELATED CASES: None found.

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

BZ-42 – Lloyd Tomberlin for Vela Moore – Request for rezoning from RS-3 to CH for property across A Ave. to the east (now the eastern part of the *BTC Broadband* headquarters building) – Approved in January 1975 (Ord. # 304).

BZ-110 – Bixby Telephone Co. – Request for rezoning from RS-3 to CH for vacant/underutilized property to the southeast of subject property, Lots 5 & 6, Block 2, [Original Town of] *Bixby* – Approved in September 1981 (Ord. # 448).

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

BZ-127 – Norman Ahrend – Request for rezoning from RS-3 to RM-3 for property to the southeast at the northwest corner of 5th St. & B Ave., Lots 1, 2, & 3, Block 2, [Original Town of] *Bixby* (now vacant land owned by *Bixby Telephone Co.*) – Approved in February 1983 (Ord. # 471).

BZ-180 – Norman Ahrend – Request for rezoning from RS-3 to RM-3 for property to the southeast at the northeast corner of 5th St. & A Ave., Lot 4, Block 2, [Original Town of] *Bixby* (now vacant land owned by *Bixby Telephone Co.*) – Approved in June 1987 (Ord. # 561).

BBOA-189 – Norman Ahrend – Request for Variance from bulk & area and parking requirements for a proposed "Town Square" apartment development for property to the southeast at the northwest corner of 5th St. & B Ave., Lots 1, 2, 3, & 4, Block 2, and Lot 1, Block 11, [Original Town of] *Bixby* (now vacant land owned by *Bixby Telephone Co.*) – Approved July 13, 1987.

BZ-336 – Jill Hamilton – Request for rezoning from RS-3 to CS for a 'boutique' for sale of small household items, with upstairs office space for property located to the south at 8 W. 5th St. – PC Recommended Denial 11/19/2007 (not appealed).

BZ-343 – Robert M. Hamilton – Request for rezoning from RS-3 to RM-2 for five (5) attached 'townhouse-style' apartment buildings for property located to the south at 8 W. 5th St. – Temporarily Withdrawn by Applicant 12/18/2009.

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

BACKGROUND INFORMATION:

The Applicant has expressed to Staff interest in rebuilding the church larger than its current size. The current RS-3 zoning makes it difficult, if not impossible, to redevelop the lot and still comply with all development requirements, such as setbacks and parking. The requested CH zoning would afford much more flexibility to redevelop the site. CH zoning has no setbacks or maximum Floor Area Ratios, no minimum number of required off-street parking spaces, provides that a Use Unit 5 church is allowed by right, and is otherwise more flexible. As suggested by Staff, the Applicant has requested rezoning to CH, consistent with surrounding Zoning patterns and recent rezoning applications on the peripheries of the downtown area. The Applicant has provided drawings and a survey site plan that represent the redevelopment plans; these are attached to this report for reference.

ANALYSIS:

Property Conditions. The subject property of approximately 0.2 acres is located in downtown Bixby and consists of Lots 41, 42, and 43 in Block 34, *Midland Addition*. The subject property is zoned RS-3 Residential Single Family District and contains the *True Life Tabernacle* church. It is relatively flat and appears to drain generally to the south through the downtown drainage project.

Each lot measures 123' in depth (parallel to S. A Ave.) and has 25' of frontage along E. Breckenridge Ave. There is 15' alley to the south, separating the subject property from Post Office on all of Block 1, [Original Town of] *Bixby*. Divided into northerly and southerly parcels, the three (3) platted lots abutting to the west are vacant and belong to Bixby Real Estate Investments, LLC.

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

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that CH zoning *May Be Found In Accordance* with the Development Sensitive designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the CH zoning would be in accordance with the Commercial Area Land Use designation of the Plan Map.

Page 7, item numbered 1 of the Comprehensive Plan states:

> " The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands." (emphasis added)

This language is also found on page 30, item numbered 5.

81

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific "Land Use" (other than "vacant, agricultural, rural residences, and open land," which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the "Land Use" designation on the Map should be interpreted to "recommend" how the parcel should be zoned and developed.

Therefore, it is evident from this section that the "Land Use" designation of the Comprehensive Plan Land Use Map, in addition to the Intensity designation, is also intended to inform/provide direction on how rezoning applications and land use decisions should be considered.

The subject property is developed, however, as is most of the historic downtown area, which is also primarily zoned CH. Arguably, if the church on the subject property would have been razed prior to making this application for rezoning, the lot would then be "undeveloped." Staff believes that CH zoning, a commercial zoning district, if not manifestly *In Accordance*, should nonetheless be recognized as being consistent with the Commercial Area Land Use designation of the Comprehensive Plan.

The Comprehensive Plan includes the subject property in Special District # 1 (Downtown Area). Per the "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan, the requested CH zoning *Is In Accordance* with the Special District # 1 designation.

Nothing in the Comprehensive Plan text would appear to discourage a rezoning from RS-3 to CH. In fact, CH zoning could enable some of the recommended design characteristics for Special District # 1, such as buildings constructed up to the front property line with parking in the rear and an "emphasis ...on the pedestrian scale," as is seen on the subject property and other properties along Armstrong Street and Breckenridge Ave. Comprehensive Plan page 15, item numbered 4, provides:

> "Emphasis should be placed on the pedestrian scale and external linkages to the "downtown area,"

and item numbered 7 on the same page provides,

> "Scale and Texture: A pleasant combination of materials and scale should be used in area modifications and improvements that relate to the one and two story scale of existing and historical facades and architectural motifs suitable for the area theme. <u>New buildings and construction should use materials and styles indigenous to the region</u>." (emphasis added).

Special District # 1 specifically provides for CH zoning, and indeed most of the downtown area is already zoned CH (which is particularly suitable for downtown buildings, due to having no setback or off-street parking requirements and having a broader scope of allowable uses).

For all the reasons outlined above, the proposed CH zoning is *In Accordance* with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily CH, RM-3, and RS-3.

To the north (across Breckenridge Ave.) is Charley Young Park and, to the northeast, downtown commercial storefront buildings along N. Armstrong St., all zoned CH, and including the *Jake's Place Bar-B-Q* restaurant, the general business office of *Armour Management, Inc.*, *The Ice House* fitness facility, the Masonic Lodge, the *Cookie Advantage* business, and the *Just My Style* hair salon.

To the south the zoning is a mix of RS-3, CH, & RM-3. Immediately south of the 15' alley is the *Bixby Post Office*, zoned RS-3, at 16 S. A Ave. To the southeast is a large area of vacant/underutilized land in Block 2 of the [Original Town of] *Bixby*, including parking for the *BTC Broadband* central office zoned CH and RM-3. There is residential use zoned RS-3 to the south of 5th St.

Zoning to the east (across A Ave.) is a mix of CH and RS-3. Immediately to the east is the *BTC Broadband* central office, zoned CH. Further east along Breckenridge Ave. are the *Bixby Library*, a parking lot serving the current library, the former First United Methodist Church facility (which now belongs to the Tulsa City-County Library Commission), and the First Baptist Church of Bixby property.

Finally, to the west is vacant land and residential houses along the south side of Breckenridge Ave. The *Pepper Express* restaurant is across Breckenridge Ave. to the northwest.

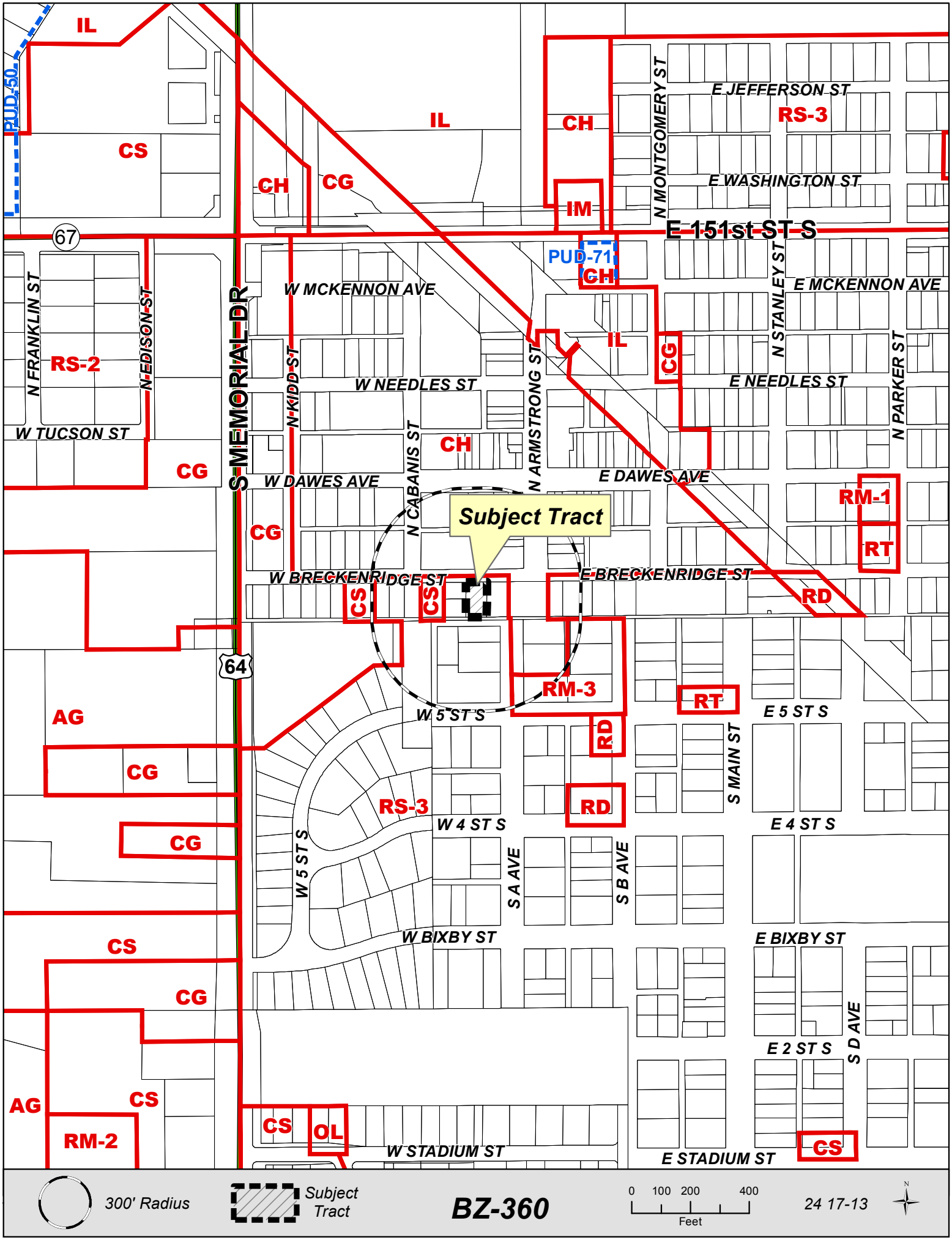
The requested CH zoning would be a logical extension of the existing, established CH zoning district abutting to the north, east, and southeast, and would be highly compatible with the surrounding CH zoning and the CS and CG districts further to the west along Breckenridge Ave. Further, the subject property is already developed with a nonresidential use, and would be compatible with the balance of the nonresidential uses surrounding on all sides but west.

For the most part, therefore, the requested CH zoning would be compatible with and complimentary to existing and future surrounding land uses and zoning patterns.

Further, Staff believes that it would be most appropriate to extend the CH district further west along the south side of Breckenridge Ave. to connect to the CS districts at Cabaniss St. This would accommodate the existing downtown-style *True Life Tabernacle* church building, and could facilitate the further redevelopment, in a similar appropriate urban style, of properties along Breckenridge Ave. encircling the south side of Charley Young Park.

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

83


IL
PUD-50
CS
CH
CG
IL
CH
IM
N MONTGOMERY ST
E JEFFERSON ST
RS-3
E WASHINGTON ST
E 151st ST S
67
PUD-71
CH
N STANLEY ST
E MCKENNON AVE
W MCKENNON AVE
N FRANKLIN ST
N EDISON ST
RS-2
S MEMORIAL DR
N KIDD ST
W NEEDLES ST
N ARMSTRONG ST
IL
CG
E NEEDLES ST
N PARKER ST
W TUCSON ST
CG
CH
N CABANIS ST
W DAWES AVE
E DAWES AVE
RM-1
RT
Subject Tract
CG
W BRECKENRIDGE ST
E BRECKENRIDGE ST
CS
CS
RD
64
RM-3
RT
AG
W 5 ST S
E 5 ST S
RD
CG
S MAIN ST
RS-3
RD
W 4 ST S
E 4 ST S
CG
W 5 ST S
S A AVE
S B AVE
W BIXBY ST
E BIXBY ST
CS
CG
S D AVE
E 2 ST S
AG
CS
CS
OL
RM-2
W STADIUM ST
E STADIUM ST
CS
300' Radius
Subject Tract
BZ-360
0 100 200 400
Feet
24 17-13
N

APPLICATION FOR ZONING
CITY OF BIXBY

BZ- 360 CZM N/A
STR 2473 ATLAS N/A
PD N/A

GENERAL LOCATION 2 W. Breckenridge Ave.
REQUESTED ZONING Commercial PROPOSED USE House of Worship
RECORD OWNER True Life Tabernacle PRESENT USE House of Worship

LEGAL DESCRIPTION OF TRACT (ATTACHED PLAT OF SURVEY IF METES AND BOUNDS):

Lots forty-one (41) forty-two (42) and forty-three (43) Block thirty-four (34) Midland Addition to the Town (now City) of Bixby, Tulsa County, State of Oklahoma (see Recorded Plat)...

Does Record Owner consent to the filing of this application? ☑ YES ☐ NO

If Applicant is other than Owner, indicate interest: _____

Is subject tract located in 100 year floodplain? ☑ YES ☐ O

BILL ADVERTISING CHARGES TO: True Life Tabernacle, P.O Box 775
(NAME)
Bixby OK 74008 (918) 439-6932
(ADDRESS) (CITY) (PHONE)

I do hereby certify that the information submitted herein is complete, true and accurate:
Signature: [signature] Date: 9/12/12
Address: 15044 Ranger Rd Broken Arrow OK 74047 Phone: (918) 364-4402

APPLICANT – DO NOT WRITE BELOW THIS LINE

P.H. Date 10/15/2012 Date Received Envelope Received By 09/12/2012
PRESENT ZONING RS-3 RECEIPT NOS. _____

FEES: TYPE	ZONING	ACREAGE	BASE FEE	ADD.	TOTAL
L M H MP	CH	2	$100.00	$50.00	$150.00

1 Sign(s) at $ 50 each = $ _____ Postage _____ $ _____ Total Sign / postage $ 50.00

PC ACTION _____ CITY ACTION _____

PROVISIONS _____ PROVISIONS _____
DATE / VOTE _____ DATE / VOTE _____
STAFF REC. _____ ORD. NO. _____

95

PLAT OF SURVEY

LEGEND

- IRON PIN FOUND
- IRON PIN SET
- FENCE LINE
- GAS GAS GAS GAS - GAS LINE
- UNDERGROUND ELECTRIC CABLE

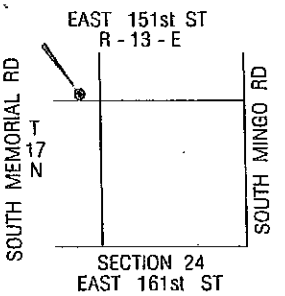
NOTE: NOT ALL ITEMS IN LEGEND MAY APPEAR HEREON.

(PARK LAND)

0' 10' 20' 30' 40' 50'

SUBJECT TRACT

LOCATION MAP



THIS SURVEY AND PLAT PREPARED FOR:

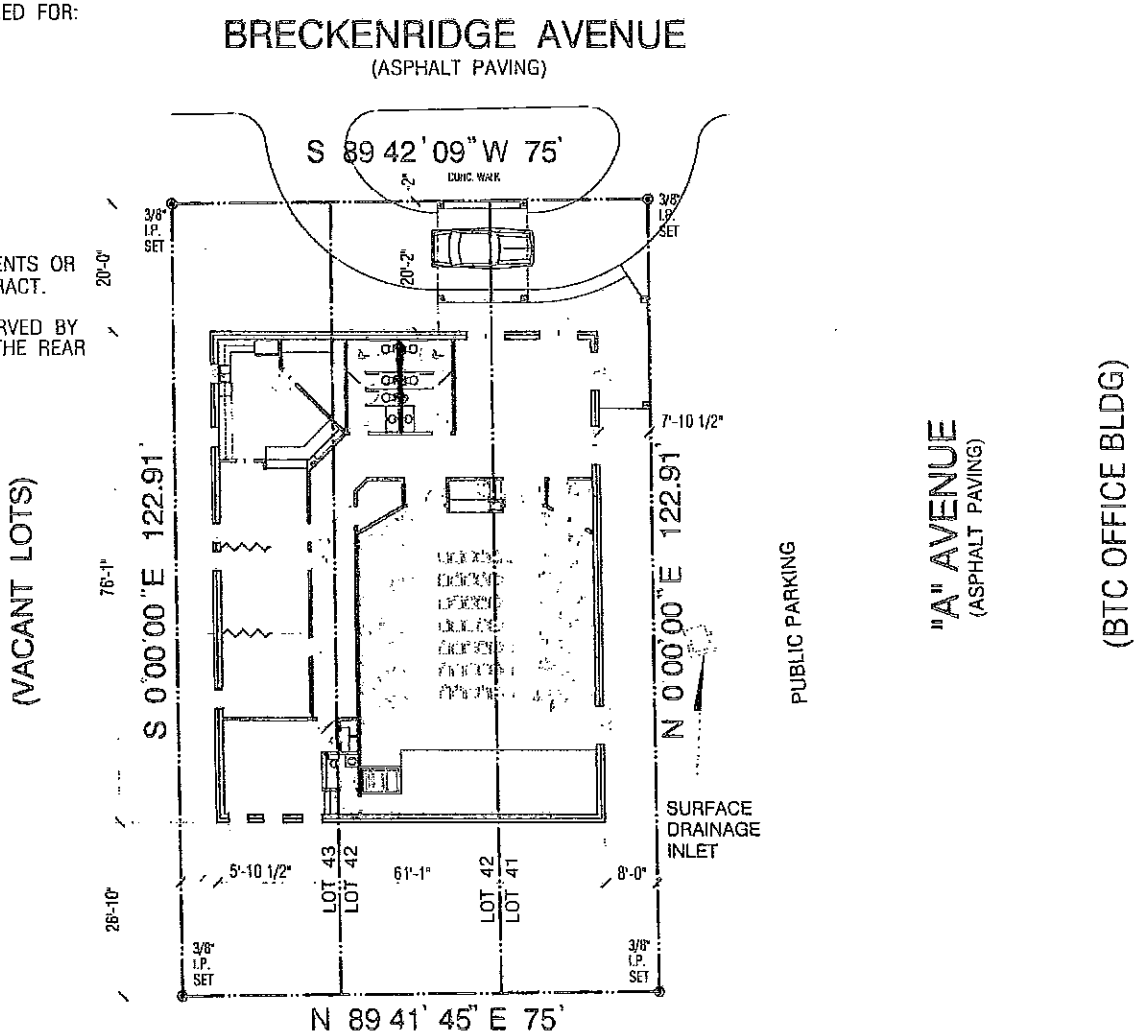
TRUE LIFE TABERNACLE
P.O. BOX 775
BIXBY, OKLAHOMA 74008

ATTN:

RODNEY STACY 918 439 6932
918 364 4402

IT IS UNKNOWN IF ANY EASEMENTS OR RIGHTS OF WAY AFFECT THIS TRACT.

THE TRACT APPEARS TO BE SERVED BY UTILITIES IN AN ALLEY ALONG THE REAR (SOUTH SIDE)

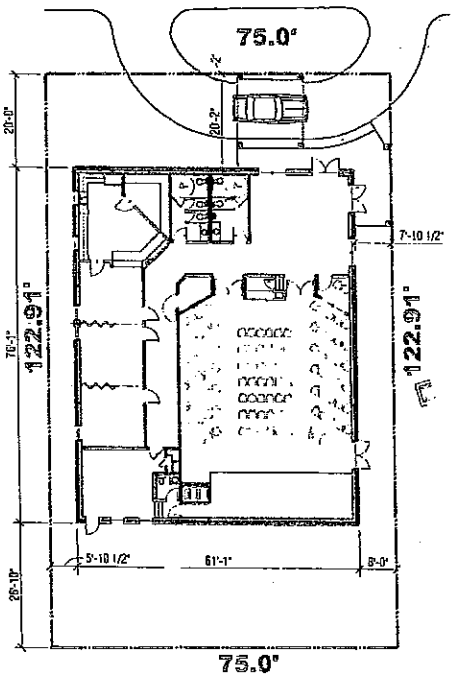


DESCRIPTION

LOTS FORTY-ONE (41), FORTY-TWO (42), AND FORTY-THREE (43), BLOCK THIRTY-FOUR (34) MIDLAND ADDITION TO THE TOWN (NOW CITY) OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF.

NOTE: THE SOUTH LINE OF BLOCK THIRTY-FOUR (34) IS SHOWN ON THIS PLAT AS N 80° 41' 45" E. THE SOUTH LINE OF SAID BLOCK THIRTY-FOUR (34) MEASURED BY G.P.S. (OKLAHOMA STATE PLANE ZONE NORTH) IS N 88 22' 42" E (A ROTATION OF 1 19' 03"

86



87

PLAT OF SURVEY

LEGEND

o - IRON PIN FOUND

o - IRON PIN SET

-o———o——— - FENCE LINE

- GAS LINE

- UNDERGROUND ELECTRIC CABLE

NOTE: NOT ALL ITEMS IN LEGEND MAY APPEAR HEREON.

(PARK LAND)

0' 20' 40'

10' 30' 50'

LOCATION MAP

SUBJECT TRACT

EAST 151st ST
R-13-E

SOUTH MEMORIAL RD

T 17 N

SOUTH MINGO RD

SECTION 24
EAST 161st ST

FACE CURB

THIS SURVEY AND PLAT PREPARED FOR:

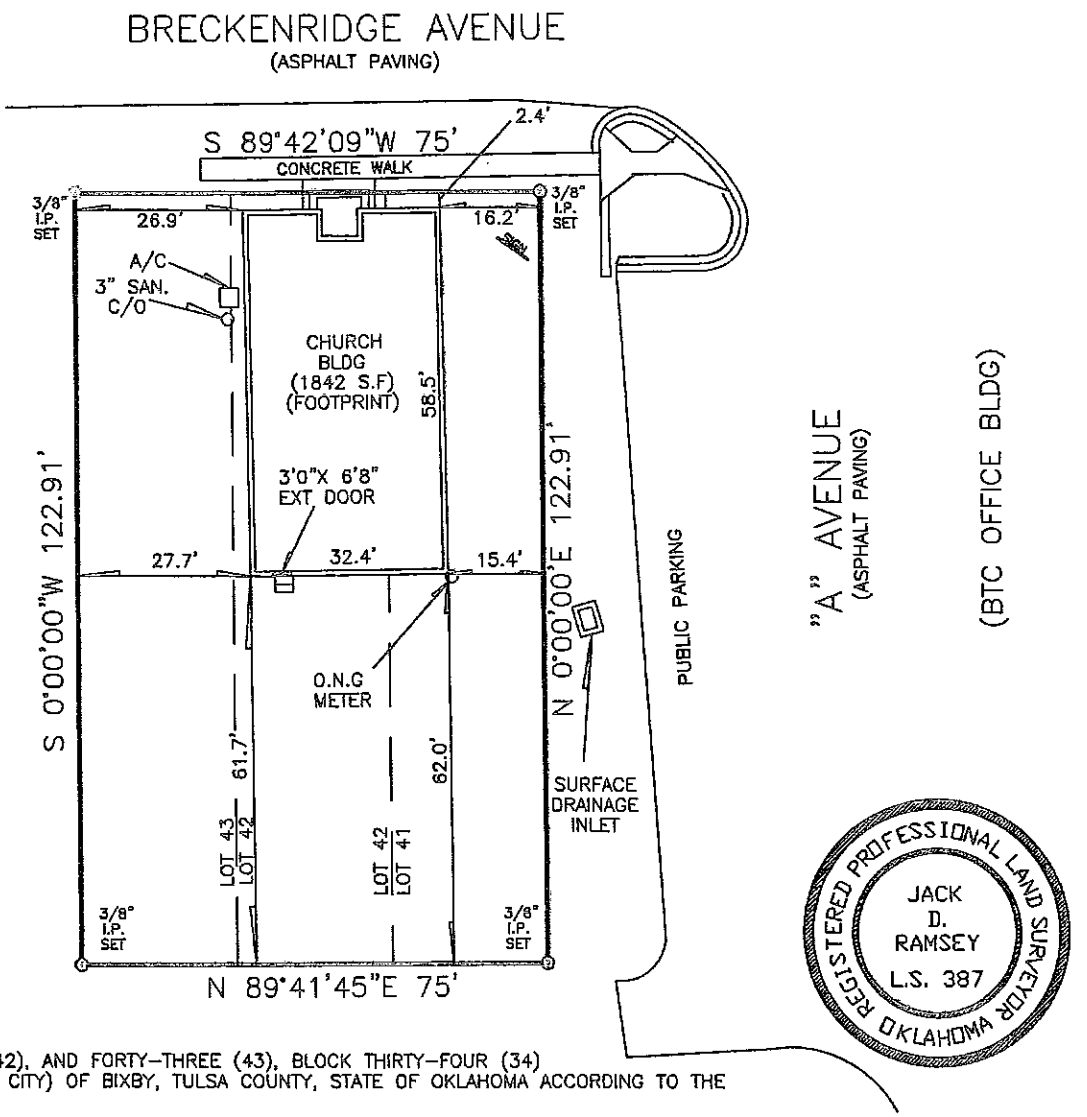
TRUE LIFE TABERNACLE
P.O. BOX 775
BIXBY, OKLAHOMA 74008

ATTN :

RODNEY STACY 918 439 6932
918 364 4402

IT IS UNKNOWN IF ANY EASEMENTS OR RIGHTS OF WAY AFFECT THIS TRACT.

THE TRACT APPEARS TO BE SERVED BY UTILITIES IN AN ALLEY ALONG THE REAR (SOUTH SIDE)



REGISTERED PROFESSIONAL LAND SURVEYOR
JACK D. RAMSEY
L.S. 387
OKLAHOMA

DESCRIPTION

LOTS FORTY-ONE (41'), FORTY-TWO (42), AND FORTY-THREE (43), BLOCK THIRTY-FOUR (34) MIDLAND ADDITION TO THE TOWN (NOW CITY) OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF.

NOTE : THE SOUTH LINE OF BLOCK THIRTY-FOUR (34) IS SHOWN ON THIS PLAT AS N 89°41'45"E. THE SOUTH LINE OF SAID BLOCK THIRTY-FOUR (34) MEASURED BY G.P.S. (OKLAHOMA STATE PLANE ZONE NORTH) IS N 88°22'42"E (A ROTATION OF 1°19'03"

NO ABSTRACT OR TITLE OPINION WAS PROVIDED FOR THE EXECUTION OF THIS SURVEY.

88

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

JACK D RAMSEY L.S. 387

JUNE 29.2012

RAMSEY SURVEYING SERVICE
P.O. BOX 366 BIXBY, OKLAHOMA 74008
918 740 1124 FAX 918 366 4529
OKLAHOMA CERTIFICATE OF AUTHORIZATION
NUMBER 2112 EXPIRES JUNE 30,2013
ramsey @ reagan.com

CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner EE

Date: Monday, October 08, 2012

RE: Report and Recommendations for:
Zoning Code Text Amendment – Landscaping requirements for certain campus uses

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, regarding landscaping requirements for certain campus uses and other related amendments.

BACKGROUND INFORMATION:

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.

69

On May 21, 2012, the Planning Commission discussed an informational item related to this conceptual Zoning Code Text Amendment. At that meeting, the Commissioners asked Staff why the School's Landscape Architect's estimates included [311] trees when only 126 were required (see BLPAC-8 September 2011). Answers were not known. Staff 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. Staff 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.

No action was taken.

At the August 20, 2012 regular meeting, at the request of City Staff, the Planning Commission Continued the Public Hearing and consideration of this matter to this September 17, 2012 regular meeting.

At the September 17, 2012 regular meeting, the Planning Commission discussed the matter and Continued the Public Hearing and consideration of this matter to the October 15, 2012 regular meeting, discussed plans to have an early-October Special/Worksession meeting to discuss the matter, and directed Staff to report to the City Council that the October 01, 2012 deadline would necessarily be exceeded. This was reported to the City Council on September 24, 2012. Due to scheduling conflicts, a Special/Worksession meeting was not called.

ANALYSIS:

City Staff has met and discussed this matter internally and recommends the following pursuant to its understanding of the City Council's intent:

Zoning Code Sections 11-12-2 currently provides:

"11-12-2: APPLICABILITY AND EXEMPTIONS:

The landscape requirements herein established shall be effective upon the adoption date hereof and shall be applicable to all land for which a building permit is sought; provided, however, that the landscape requirements shall not be applicable to the following:

A. Individual single-family or duplex lots wherein only one such structure is to be constructed on the lot;

B. Restoration of buildings constructed prior to the adoption date hereof which are damaged by fire, flood or other catastrophe;

C. Interior remodeling;

D. Construction of a structure, other than a building, which does not increase the developed area of a lot more than thirty (30) square feet;

E. Developed area of a lot if all proposed new buildings and/or additions to buildings contain less floor area than the floor area of existing buildings which remain on the lot after completion of the new construction; and

F. For the purposes of this section, "developed area" shall mean the area of a lot which, on October 9, 1995 and after, is covered by a structure, off street parking or loading areas or other areas paved with all weather material. "Existing buildings" shall mean buildings completed and existing prior to the adoption date hereof. The definition of a "structure" is as follows: Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground, and including buildings, walks, fences and signs."

Zoning Code Sections 11-12-2 shall be amended as follows:

"11-12-2: APPLICABILITY AND EXEMPTIONS:

The landscape requirements herein established shall be effective upon the adoption date hereof and shall be applicable to all land for which a building permit is sought**, except as hereinafter provided**. For the purposes of this section, "developed area" shall mean the area of a lot which, on October 9, 1995 and after, is covered by a structure, off street parking or loading areas or other areas paved with all weather material. "Existing buildings" shall mean buildings completed and existing prior to the adoption date hereof. The definition of a "structure" is as follows: Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground, and including buildings, walks, fences and signs. **The landscape requirements shall not** be applicable to the following:

A. Individual single-family or duplex lots wherein only one such structure is to be constructed on the lot;

B. Restoration of buildings constructed prior to the adoption date hereof which are damaged by fire, flood or other catastrophe;

C. Interior remodeling;

D. Construction of a structure, other than a building, which does not increase the developed area of a lot more than thirty (30) square feet;

E. **The** developed area of a lot if all proposed new buildings and/or additions to buildings contain less floor area than the floor area of existing buildings which remain on the lot after completion of the new construction; and

F. **Lands belonging to federal, state, county, and municipal governmental entities, and all instrumentalities, political subdivisions, departments, agencies, and authorities thereof, including, but not limited to, public school districts.**"

On August 15, 2012, Staff requested the Schools' architect and landscape architect assist in the reconciliation of the tree count matter. No response has been received. Staff will report if a response is given by the meeting date.

On the other research matter, pertaining to other examples of recently-approved landscape plans, a comparison is not applicable as a specific class of land uses would, by this amendment, be fully excepted from the landscaping requirements.