

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
January 25, 2011                      6:00 PM**

***SPECIAL-CALLED MEETING***

**STAFF PRESENT:**

Erik Enyart, AICP, City Planner

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

Chair Thomas Holland called the meeting to order at 6:16 PM.

Just prior to calling the meeting to order, Erik Enyart discussed with the Commissioners which members were present at which meetings represented by Minutes scheduled for approval at this meeting, and how best to go about dispatching with each.

**ROLL CALL:**

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

Members Absent: John Benjamin.

**CONSENT AGENDA:**

1. Approval of Minutes for the July 19, 2010 Regular Meeting
2. Approval of Minutes for the August 16, 2010 Regular Meeting
3. Approval of Minutes for the December 20, 2010 Regular Meeting
4. Approval of Minutes for the January 18, 2011 Regular Meeting (Record of No Meeting)

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Chair Thomas Holland introduced Consent Agenda Items numbered 1 through 4, inclusive. Mr. Holland clarified with Erik Enyart what he believed should be done with each. Mr. Enyart stated that, due to John Benjamin not being present, the Minutes for the July and December meetings should be Continued to the February 22, 2011 regular meeting. Mr. Enyart stated that, due to the fact that Michael Wisner resigned the Planning Commission, it would no longer be possible to get all three (3) members attending the August meeting to take a quorum vote to approve the Minutes, and so the Commission should approve the Minutes with the caveat that only two (2) of the members voting on the Minutes were present at that meeting, the third having resigned the Commission. Mr. Enyart stated that the Commission should approve the Minutes of January 18, 2011, which are a record of no meeting.

Larry Whiteley made a MOTION to (1) CONTINUE the Minutes for the July and December meetings to the February 22, 2011 regular meeting, (2) APPROVE the Minutes of the August 16, 2010 meeting with the caveat that only two (2) of the members voting on the Minutes were present at that meeting, the third having resigned the Commission, and (3) APPROVE the Minutes of January 18, 2011, which are a record of no meeting. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

5. Case # AC-11-01-02. Discussion and possible action to approve a wall sign for “Dukes Southern Kitchen” at 10441 S. Regal Blvd. # 111, Lot 12, Block 1, *Regal Plaza*.
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Chair Thomas Holland introduced the remaining Consent Agenda item and asked Erik Enyart for the report and recommendation. Mr. Enyart reported that the signs complied with the Zoning Code and he had already signed the permit and was requesting ratification. Larry Whiteley made a MOTION to APPROVE AC-11-01-02. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS:

6. **BCPA-5 – Millworx, LLC.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan of the City of Bixby, Oklahoma, specifically to redesignate a certain property on the Comprehensive Plan Land Use map from “Residential” to “Commercial” and from “Low Intensity” to “High Intensity.”  
Property Located: Lots 5 through 9, inclusive, Block 4, *Midland Addition*; 17 and 21 and/or 27 E. McKennon Ave.
7. **PUD 71 – Millworx Addition – JR Donelson, Inc.** Discussion and comment on a rezoning request for approval of a Planned Unit Development (PUD) for proposed Lot 1, Block 1, “Millworx Addition,” a proposed replat of Lots 5 through 9, inclusive, Block 4, *Midland Addition*.  
Property Located: 17 and 21 and/or 27 E. McKennon Ave.
8. (Continued from December 20, 2010 and January 17, 2011)  
**BZ-352 – Daniel R. Holcomb.** Public Hearing, Discussion, and consideration of a rezoning request from IL Industrial Light District and RS-3 Residential Single Family District to CH

Commercial High Intensity District for real property in Section 24, T17N, R13E: Lots 5 through 9, inclusive, Block 4, and Lot 8, Block 12, and abandoned Railroad Right-of-Way real property located between Blocks 11 and 12, all in *Midland Addition*.

Property located: 17 and 21 E. McKennon Ave. and 219 N. Armstrong St.

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After clarifying the matter with Erik Enyart, Chair Thomas Holland introduced Agenda Items numbered 6, 7, and 8 and called on Erik Enyart to report. Mr. Enyart stated that the Planning Commission failed to achieve quorum at the Tuesday, January 18, 2011 Regular Meeting, and the meeting was consequently cancelled. Mr. Enyart stated that the Public Notice for BZ-352 was therefore lost. Mr. Enyart stated that he had inspected the three (3) forms of Public Notice for PUD 71, the sign posting, 300' radius mailing, and newspaper publication, and found that in all three (3) cases the notices included the fact that the Applicant was requesting an underlying zoning change from RS-3 to CH [for the Millworx property]. Mr. Enyart stated that he believed, and the City Attorney concurred, that this provided adequate Public Notice for the Planning Commission to hold a Public Hearing and consider a recommendation for an underlying zoning change [for the Millworx property] under the PUD 71 application. Mr. Enyart stated that this had been done in the past, and that the only reason it was not originally done this way was due to BZ-352 having been filed first, with the PUD and Comprehensive Plan Amendment requests following after Staff recommended the Applicant do them also. Mr. Enyart recommended that BZ-352 be Tabled.

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to TABLE BZ-352. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Thomas Holland reintroduced Agenda Items numbered 6 and 7 and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the following Staff Report:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Wednesday, January 19, 2011  
**RE:** Report and Recommendations for:  
BCPA-5 – Comprehensive Plan Amendment – Millworx, LLC,  
PUD 71 – “Millworx Addition” – JR Donelson, Inc., and  
BZ-352 – Daniel R. Holcomb

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**(NOTE: BZ-352 concerns two (2) properties, while BCPA-5 and PUD 71 concern only the vacant land at 17/21 E. McKennon Ave.).**

LOCATION:

219 N. Armstrong St.: Lot 8 and part of Lot 9, Block 12, and abandoned Railroad Right-of-Way real property located between Blocks 11 and 12, all in Midland Addition

17 & 21 E. McKennon Ave.: Lots 5 through 9, inclusive, Block 4, Midland Addition

LOT SIZE:

219 N. Armstrong St.: 0.6 acres, more or less

17 & 21 E. McKennon Ave.: 0.37 acres, more or less

EXISTING ZONING:

219 N. Armstrong St.: IL Industrial Light District

17 & 21 E. McKennon Ave.: RS-3 Residential Single Family

EXISTING USE:

219 N. Armstrong St.: The Use Unit 15 Rohleder Custom Cabinetry cabinet and related manufacturing and sales business

17 & 21 E. McKennon Ave.: Vacant

REQUESTED ZONING: CH Commercial High Intensity District

SUPPLEMENTAL ZONING:

219 N. Armstrong St.: Central Business District (part)

17 & 21 E. McKennon Ave.: None.

SURROUNDING ZONING AND LAND USE:

North: IM, IL, & CH; The Stone Mill manufactured stone manufacturing and sales at 15 and/or 21 E. 151<sup>st</sup> St. S., 151<sup>st</sup> St. S. (planned for widening), a metal storage building, and residential houses to the northeast at the Montgomery St. & Washington St. intersection.

South: IL & CH; A private chapel, a mixed-use red metal building named “Red’s Roost,” and commercial downtown storefront buildings along N. Armstrong St. To the southeast are 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.

East: IL & RS-3; 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. East of Lots 5:9, Block 4, Midland Addition are houses along E. McKennon Ave.

West: IL & CH; Vacant/underutilized land on Lots 10:14, Block 4, and across Armstrong St., an old industrial/warehouse building located on the old railroad right-of-way. To the southwest, the Bixby Community Center is on the west side of the block at 211 N. Cabaniss St. To the northwest is a house at 8455 E. 151<sup>st</sup> St. S., and the Holland Bros. Enterprises “machine tools and equipment” at 8453 E. 151<sup>st</sup> St. S.

COMPREHENSIVE PLAN:

219 N. Armstrong St.: Low Intensity + Commercial Area + Special District # 1.

17 & 21 E. McKennon Ave.: Low Intensity (High Intensity requested per BCPA-5) + Residential Area (Commercial Area requested per BCPA-5) + Special District # 1

PREVIOUS/RELATED CASES:

BBOA-359 – Mike Rohleder – Request for Variance from the setback requirements [to allow a new Rohleder Custom Cabinetry showroom/office building to be constructed on the 219 N. Armstrong St. subject property up to the projected east line of the Armstrong St. right-of-way] for a 0.634-acre tract: Lot 8 and part of Lot 9, Block 12, and the ½-acre abandoned Railroad Right-of-Way property in projected Block 12, Midland Addition – BOA Approved 06/05/2000.

Preliminary Plat of Millworx Addition – Request for approval of a Preliminary Plat for 17/21 E. McKennon Ave. subject property – PC recommended Conditional Approval 12/20/2010 and City Council Conditionally Approved 01/10/2011.

Final Plat of Millworx Addition – Request for approval of a Final Plat for 17/21 E. McKennon Ave. subject property – Pending PC Consideration 01/25/2011.

BSP 2011-01 – Millworx Addition – JR Donelson, Inc. – Request for Detailed Site Plan approval for 17/21 E. McKennon Ave. subject property – Pending PC Consideration 01/25/2011.

RELEVANT AREA CASE HISTORY: (not a complete list)

BZ-138 – Charley Ethridge for Justin Kindley/Easton – Request for rezoning from IL to IM for metal casting on the (now) Stone Mill manufactured stone manufacturing and sales property located to the north at 15 and/or 21 E. 151<sup>st</sup> St. S. – PC Recommended Denial 04/25/1983 and the City Council Approved 05/16/1983 on appeal (Ord. # 484).

BBOA-292 – Jim Brown for Doc’s Market – request for Variance from the maximum ground sign height restriction to allow a sign up to 60’ in height for an abandoned Railroad Right-of-Way

property adjacent to Blocks 5 and 10, Midland Addition, located in the block to the west of subject property at or about 211 N. Cabaniss St. – BOA Approved 03/06/1995.

BBOA-362 – Steven Smith for Plymouth Pharmaceuticals, Inc. – request for Special Exception for a Use Unit 25 office, warehouse, and pharmaceutical manufacturing use for the former Doc’s Apple Market grocery store property located one block to the west of subject property in Block 10, Midland Addition, addressed 211 N. Cabaniss St. – Withdrawn by Applicant 08/22/2000.

BL-268 – Jim Ferris for Jim Brown – request for Lot-Split to divide the abandoned Railroad Right-of-Way property adjacent to Blocks 5 and 10, Midland Addition, located in the block to the west of subject property at or about 211 N. Cabaniss St., to allow for the sale of the westerly part to Tulsa County for the Bixby Community Center, and retaining the easterly part – case notes indicate it was given Administrative / Prior Approval on or around 07/15/2002 (does not appear to have been placed on a Planning Commission agenda).

BZ-320 – Gary Nulliner – request to rezone Lots 15 and 16, Block 13, Midland Addition, located one (1) block to the southeast of subject property at 101 E. Needles Ave. and containing an old storage commercial building, from RS-3 to CG for a heating and air conditioning and/or landscape business – PC recommended Approval 11/20/2006 and City Council Approved 12/11/2006 (Ord. # 955).

BZ-345 – JR Donelson for N.W. Easton, Jr. – request to rezone 2.7 acres, more or less, located to the north of subject property at 505 and 525 N. Armstrong St. from IL to CH to allow for bulk and area flexibility for two (2) “office/warehouse” buildings – PC recommended Approval only with a PUD on 09/21/2009 and City Council Approved as submitted 10/12/2009.

Plat Waiver for N. W. Easton, Jr. – Request for Waiver of the platting requirement per Zoning Code Section 11-8-13 for property to the north at 505 and 525 N. Armstrong St. – Conditionally Approved by City Council 10/12/2009 after accepting a right-of-way dedication for Armstrong St. and a U/E dedication at the same meeting.

BZ-349 – Harold Dean “Red” & Betty Margaret Stevenson – request for rezoning from IL to CH for three (3) tracts of land abutting to the south at 205 N. Armstrong St. to facilitate BL-374 – PC Recommended Approval 04/19/2010 and City Council Approved 05/10/2010 (Ord. # 2038).

BL-374 – Harold Dean “Red” & Betty Margaret Stevenson – request for Lot-Split to divide land abutting to the south at 205 N. Armstrong St. into two (2) tracts to “square off” ownership patterns – Approved by PC 04/19/2010.

BBOA-526 – JR Donelson, Inc. for N. W. Easton, Jr. – request for Variance from certain parking regulations of the Zoning Code for a Use Unit 19 batting cage use and a commercial building facility on property located to the north of subject property at 505 and 525 N. Armstrong St. – BOA Conditionally Approved 11/01/2010.

#### BACKGROUND INFORMATION:

History of the Applications. The Applicant has expressed to Staff intent to construct a metal building on Lots 5 through 9, inclusive, Block 4, Midland Addition, in support of the expansion of the Use Unit 15 Rohleder Custom Cabinetry cabinetmaker and Use Unit 15 Millworx, LLC woodworking shop and related manufacturing and sales business. In meetings with the owner/developer on 08/27/2008, 09/29 or 09/30/2009, 07/02/2010, and 12/02/2010, Staff has recommended a PUD be used for this development, and at the latest meeting, the owner/developer agreed to do one, primarily because certain landscaping standards absent flexibility afforded by a PUD. A Comprehensive Plan Amendment and PUD are also required for rezoning to CH per Zoning Code Section 11-5-2.

BZ-352 was submitted and originally advertised for the December 20, 2010 meeting of the Planning Commission. As recommended by Staff and with the Applicant’s agreement, the Planning Commission Continued the Public Hearing and consideration of the item to the January 18, 2011 regular meeting. With only two (2) members available to meet, the Planning Commission failed to achieve quorum and the January 18, 2011 meeting was cancelled. Therefore, since the Planning Commission did not meet, there was no action to Continue the Public Hearing and consideration and so preserve the public notice.

BCPA-5 and PUD 71 were properly advertised for the January 25, 2011 Special-Called meeting of the Planning Commission. Staff has inspected all of the public notices and found that they all include the fact that the request includes to rezone from RS-3 to CH. In the past, developers and Staff did not always include a BZ rezoning application to change the underlying zoning, and used the PUD as a vehicle to approve both the underlying zoning change and the PUD. Planning Staff is of the opinion that the following substantially meet the requirements under State Statutes and Bixby Zoning Code Section 11-5-4.C:

1. Newspaper publication 20 days prior to the meeting, including:  
**“From: RS-3 (Residential)**  
**To: CH (Commercial) with Planned Unit Development # 71”**
2. Mailed public notices to property owners within a 300’ radius of the subject property, 20 days prior to the meeting, including the same text quoted above.
3. Public Notice sign erected on subject property, 20 days prior to the PC meeting, including:

“ZONING FROM: RS3  
 ZONING TO: CH PUD 71”

Staff has asked the City Attorney to review the above and determine whether or not the PUD 71 Public Notice is also adequate for advertising the Public Hearing on the consideration of CH zoning for the subject property. If so, Staff will recommend BZ-352 be Tabled. The City Attorney’s opinion will be made available to the Planning Commission as soon as it is received.

The Nature and Value of the Comprehensive Plan. Comprehensive Plans are the result of intensive study, broadly garnered and comprehensive information, professional analysis and coordination, public input, and general consensus of the City’s staff, Planning Commission, and City Council. They bring together all planning functions (e.g., housing, land use, transportation, physical environment, energy, infrastructure and community facilities, demographics, etc.), analyze and compare them all on the community-wide scale, relate them to specific geographical areas within the community (i.e. the Land Use Map), and consider all this with a long-range time perspective (e.g., 15-20 years into the future).

The Comprehensive Plan is a thorough, complete, and well researched policy document used to inform the Planning Commission, City Council, and the Public at large how land can best be developed and used (among other things), and so how rezoning applications should be accepted or rejected. Comprehensive Plans, when followed, prevent arbitrary, unreasonable, or capricious exercise of the legislative power resulting in haphazard or piecemeal rezonings (read: rezoning decisions legally indefensible in a court of law).

Comprehensive Plans can be highly prescriptive, prescribing specific land uses and land use intensities to specific parcels of land, or can be highly generalized, merely mapping out large swaths of land which may be suitable for certain intensities of development, and including a broad range of zoning districts which may be authorized therein. Bixby’s Comprehensive Plan falls somewhere in between, specifically designating certain areas with specific land uses, and others more generally (e.g. the “Corridor” designation.).

Relationship of the Comprehensive Plan to Rezoning and State Law. In Oklahoma, the Law requires that all communities which exercise zoning and land use regulation have a Comprehensive Plan. Oklahoma Statutes Title 11 Section 43-103 provides:

“Municipal regulations as to buildings, structures and land shall be made in accordance with a comprehensive plan and be designed to accomplish any of the following objectives...”

The Oklahoma Supreme Court in *Higginbotham vs. City of The Village* (1961 OK 78, 361 P.2d 191) held that the Comprehensive Plan need not be a separate document, and that “the zoning map and the zoning ordinance, when considered together, substantially meet the statutory requirements.” However, most advanced and sophisticated communities in Oklahoma have separate Comprehensive Plans.

The Oklahoma Courts have generally held (in reliance on precedent cases in other states) that the required Comprehensive Plan is to be considered a “guide” for rezoning decisions, and the community is not bound to approve or disapprove rezoning applications in strict conformity with the Plan, as is required in more progressive other states in the U.S.

That being said, from a sound planning and public policy standpoint, the Comprehensive Plan should never be compromised by approving a rezoning which is not consistent with the Plan. Doing so undermines the integrity of the Comprehensive Plan and the City’s ability to use it as a tool for achieving quality, compatible, and sustainable development, and to defend its decisions in the event they are appealed in a court of law.

Alternatively stated, if the City were to approve or disapprove most rezoning applications on the basis of the Comprehensive Plan, but conveniently ignore the Comprehensive Plan when it wishes to depart from it in other certain cases, the Comprehensive Plan’s authority and viability as a tool for discerning appropriate and inappropriate rezonings is lost. In that case, citing its inconsistency in applying the Comprehensive Plan to different cases, a court would likely not allow reliance on the Plan to be used as an argument to justify a challenged action in a rezoning application.

According to previous City Planner Jim Coffey, the Comprehensive Plan has not been compromised since its adoption in 2002. Staff can also confirm that all rezoning applications have been approved or disapproved consistent with the Comprehensive Plan since Staff's tenure in June 2007.

Zoning Code Section 11-5-2 prohibits rezonings which would conflict with the Comprehensive Plan, and requires that such rezonings "must be processed along with a request to amend the land use map and a PUD in order to be accepted and considered."

Procedure for Comprehensive Plan Amendments. Certain passages in the Comprehensive Plan text (page 30, 55, etc.) suggest the anticipation of amendments to the Plan. However, the Comprehensive Plan does not provide, nor do State Statutes, a definite procedure or method for the City or property owners to request to amend the Comprehensive Plan. The City of Broken Arrow regularly (quarterly, etc.) considers applications to amend their Comprehensive Plan, for cases where a rezoning application would not be consistent with the Plan, but the plan amendment and rezoning application may be appropriate.

After receiving the first two (2) requests in mid-2008 (BCPA-1 and BCPA-2), Staff consulted the City of Broken Arrow to determine how that community goes about facilitating applications for Comprehensive Plan amendments, and followed the same method, which was supported by the Applicant's attorney in those cases, which was to advertise the public hearing in the same manner used for a rezoning application: By sign posting on the property, newspaper publication, and mailing a notice to all property owners within a 300' radius of the subject property. This method was used in the successful applications BCPA-3 and BCPA-4 in 2009, and all of these have been done in this application case as well.

#### ANALYSIS:

General. The Applicant originally requested to rezone the entire property to CH per BZ-352, and subsequently made application for PUD 71 and a request to amend the Comprehensive Plan per BCPA-5 for the 17/21 E. McKennon Ave. subject property. Additional information in this regard is in the Background Information section of this report.

Because the review methodology is similar, and all three (3) applications are essentially rezoning-related and propose to prepare the subject property for the same heavy commercial / light industrial development, this review will, for the most part, include all three (3) applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

The submitted site plans for the development exhibit a relatively urban-style design, with the building to be set back five (5) feet from the 151<sup>st</sup> St. S. right-of-way and three (3) feet from the west property line, and a near-on-street parking design, with the individual spaces just within the property line and the approaches located in the right-of-way for McKennon Ave. It is not clear, however, how the building will relate to 151<sup>st</sup> St. S., as the entrance is proposed to be along McKennon Ave. and the profile view / elevations drawings do not indicate a building entrance, windows, or other articulating elements which would serve to embrace 151<sup>st</sup> St. S.

Although not clearly indicated, due to the project size and design, the proposed internal automobile traffic and pedestrian flow and circulation and parking can be inferred from the provided site plan drawings.

The Applicant is proposing to build a 105' X 102' (10,710 square feet) building. Per Zoning Code Section 11-9-15.D, at one (1) parking space to 400 square feet of building floor area, 27 parking spaces would normally be required, and nine (9) are proposed. However, if granted CH zoning, Zoning Code Section 11-9-0.D provides that the off-street parking and loading requirements do not apply to uses within the CH district.

The parking lot does not comply with the 7.5' minimum setback of Zoning Code Section 11-10-3.B Table 1, which is also the minimum required landscaped strip per Zoning Code Section 11-12-3.A.2. However, if granted CH zoning, Zoning Code Section 11-9-0.D provides that the off-street parking and loading requirements do not apply to uses within the CH district.

Proposed PUD 71 provides that "There will be no parking or loading setback from East McKennon Avenue," (Development Standards Section B.6.a) and "With surface off street parking areas, landscaped areas will not be established" (Development Standards Section B.1.b). Although Staff understands the intent, the language does not specify that the 7.5' landscaped strip requirement of Zoning Code Section 11-12-3.A.2 would be set aside by the PUD. This must be specified if there will be no landscaped strip, or otherwise the 5' strip will not comply with the 10' minimum width required.

Zoning Code Section 11-12-3.A.3 requires a 10' landscaped strip along property lines abutting an R Residential district, as is the situation for the east property line. PUD 71 does not currently provide an exception to this requirement, and the provided site plans do not indicate this landscaped strip. The

*Applicant should specify in the PUD that this requirement is being set aside, or otherwise plan to install the 10' landscaped strip.*

*The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.). Plans for utilities are indicated on Exhibit E and described in the City Engineer's memo.*

*Staff recommends that the PUD text include a provision requiring Planning Commission review and approval of a PUD Detailed Site Plan approval, as is being requested per BSP 2011-01.*

*In the interest of efficiency and avoiding redundancy, regarding PUD particulars for needed corrections and site development considerations, such as screening, buffering, and exterior materials, please review the recommended Conditions of Approval as listed at the end of this report.*

*Fire Marshal's and City Engineer's memos are attached to this Staff Report. Their comments are incorporated herein by reference.*

*The Technical Advisory Committee (TAC) discussed BCPA-5 and PUD 71 at its regular meeting held January 05, 2011. Minutes of that meeting are attached to this report.*

*Property Conditions. The subject property contains approximately one (1) acre in two (2) parts separated by McKennon Ave.:*

- (1) The 0.6-acre Lot 8 and part of Lot 9, Block 12, and abandoned Railroad Right-of-Way real property located between Blocks 11 and 12, all in Midland Addition, containing the Rohleder Custom Cabinetry business complex, located at 219 N. Armstrong St. (Tulsa County Assessor's Parcel # 97324732454330) (reference the Plat of Survey by Edward R. Seaton dated 04/07/2000, attached to this report, less and except the "North Description" on Cooper Surveying Plot Plan submitted with BL-374, as conveyed to the adjoining landowner to the south by Quit Claim Deed on 02/10/2003, Book 6979 Page 680), and*
- (2) The 0.37-acre Lots 5 through 9, inclusive, Block 4, Midland Addition, vacant, located at 17 and 21 E. McKennon Ave. (Tulsa County Assessor's Parcels # 57825732402970 and 57825732402960, respectively).*

*The 219 N. Armstrong St. subject property is zoned IL Industrial Light District (CH Zoning requested) and is relatively flat and appears to drain generally to the east.*

*The 17 and 21 E. McKennon Ave. subject property is zoned RS-3 Residential Single Family District (CH Zoning and PUD 71 requested) and is relatively flat and appears to drain generally to the east. The two (2) houses that used to occupy the lots were demolished around late 2009/early 2010.*

*Per FEMA floodplain maps, both properties are located in the Shaded Zone X – 500-Year (0.2% Annual Chance) Floodplain.*

*Access. Per the submitted site plans, individual parking spaces are proposed just within the property line and the approaches would be located in the right-of-way for McKennon Ave. The building would have one (1) loading bay and one (1) entrance door on the south side along McKennon Ave., and is not oriented toward, nor does it appear to propose any access to 151<sup>st</sup> St. S. Staff recommends the Applicant consider using Limits of No Access (LNA) along 151<sup>st</sup> St. S. on the Final Plat.*

*This parking design, including paving the parking space approaches within the McKennon Ave. right-of-way, should be subject to City Engineer and Public Works Director approval.*

*Although normally such parking lot designs should be discouraged, for traffic safety purposes, in the current application, the following may be considered reasons adequately justifying an exception in this case:*

- The relatively low traffic volume on this section of McKennon Ave.;*
- The relatively short block length of this section of McKennon Ave., capped by stop signs at both ends, which reduce traffic speeds;*
- The location of the subject property in the middle of the block, which should allow for adequate visibility of backing vehicles;*
- The fact that McKennon Ave. is a straight street with a wide right-of-way and negligible obstacles to visibility;*
- The approximately 20' depth of the driveway approaches to each parking space, and*
- The location of the subject property in relation to the downtown area, which has extensive areas of on-street angled parking, allowing for this parking situation to be anticipated by motorists.*

*Plans for access and circulation are adequately discussed in PUD Text Section B.5. Access, Circulation and Parking.*

On the PUD site plans, sidewalks are not indicated as planned along 151<sup>st</sup> St. S. or McKennon Ave., as required by the Subdivision Regulations. A sidewalk will be required along 151<sup>st</sup> St. S. within the abutting right-of-way, which will have 5' of separation between the property line and the roadway, adequate for this purpose per the City Planner and City Engineer. Staff recommends that the language in PUD Text Section B.5. Access, Circulation and Parking be amended to reflect that the owner/developer will construct this sidewalk, as described more fully below.

A sidewalk would be problematic along McKennon Ave., due to the design of the parking lot. PUD Text Section B.5. Access, Circulation and Parking provides that a sidewalk along this street is not planned. A Modification/Waiver of the Subdivision Regulations would be required in order to set aside the sidewalk requirement along McKennon Ave.

Staff recommends that the Applicant revise this section to remove the statement that sidewalks will not be constructed along McKennon Ave., and reword the same such as "Sidewalks shall be constructed by the developer along the entire frontage of 151<sup>st</sup> St. S. and McKennon Ave., except for the driveway approach along McKennon Ave., not to exceed 103' in width, which shall be recognized as satisfying Subdivision Regulations Section 12-3-2.N. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer."

Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Comprehensive Plan – 17/21 E. McKennon Ave. The Comprehensive Plan designates the 17/21 E. McKennon Ave. subject property as (1) Low Intensity, (2) Residential 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 Is In Accordance with the Special District # 1 designation of the Comprehensive Plan, but would not be consistent with the Low Intensity designation.

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.

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 also inform/provide direction on how rezoning applications should be considered by the Planning Commission and City Council.

The proposed CH zoning and Use Unit 15 heavy commercial / light industrial use would not be considered consistent with the Residential Area designation. Therefore, by letter dated December 09, 2010, the Applicant has submitted BCPA-5, a request to change the Low Intensity + Residential Area designations to High Intensity + Commercial Area designations, and has also submitted PUD 71 for the development on the 17/21 E. McKennon Ave. subject property. For the reasons outlined in this report, including Comprehensive Plan considerations for downtown-style development patterns as discussed in the next section, Staff is supportive of the requested High Intensity and Commercial Area redesignations per BCPA-5. If BCPA-5 is approved, the CH zoning requested for the 17/21 E. McKennon Ave. subject property will be In Accordance with the Comprehensive Plan.

Per the Matrix, PUDs are In Accordance or May Be Found In Accordance with all designations of the Comprehensive Plan Land Use Map. If BCPA-5 is approved, the proposed PUD requested for the 17/21 E. McKennon Ave. subject property will be In Accordance with the Comprehensive Plan.

Comprehensive Plan – 219 N. Armstrong St. The Comprehensive Plan designates the 219 N. Armstrong St. subject property as (1) Low Intensity, (2) Commercial Area, and (3) Special District # 1.

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 IL 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 along Armstrong Street south of McKennon 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. New buildings and construction should use materials and styles indigenous to the region.” (emphasis added).

Although, technically speaking, the Low Intensity designation would not support CH zoning, all of the downtown area is in Special District # 1, which 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 requirements and a broader scope of allowable uses).

There is an apparent ambiguity inherent in the Comprehensive Plan Land Use Map: The Special District # 1 designation would indicate that the subject property, and similarly situated properties in the downtown area, are eligible for a number of intense Zoning districts, including CH, but the Land Use Map also designates certain of the same properties (such as the subject property) with the specific Land Use Intensity, Low Intensity, and sometimes also with a specific Land Use, such as Commercial Area. The Comprehensive Plan text does not appear to provide a clear way to reconcile this apparently ambiguity (nor does it explain, to any great extent, how to interpret the “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) or the Land Use Map – see page 7 numbers 1 and 2).

In absence of clear direction in the Plan text, an apparent ambiguity must be resolved in favor of the most applicable and directly relevant designation(s). In this case, the Special District # 1 and Commercial Area designations are more to the point, and are instructive as to what Zoning district(s) should be applied. Special District # 1 describes the downtown area in great detail, and there is no misunderstanding in the Plan text that the downtown area is intended for higher intensity use and redevelopment.

Further, recognizing that this area of duplicate designations covers a significantly large area (all of downtown Bixby not designated Development Sensitive) currently developed with downtown-style commercial buildings and uses, it does not appear in order to disallow these properties within the Low Intensity designation from qualifying for intense districts as otherwise allowed by Special District # 1 and/or Commercial Area.

Finally, it is generally observed that most of the 2002, and previous, Comprehensive Plan Land Use Map designations follow existing established Zoning patterns, and the CH and IL zoning patterns were evidently established with the original late 1960s/early 1970s Zoning Ordinance and Zoning Map, and it would not appear to be in order for the Land Use Map to have ignored the established Zoning patterns.

In Staff’s professional opinion, it was not the intent for the Comprehensive Plan to designate the subject property, and similarly-situated downtown properties in Special District # 1, as Low Intensity; this appears to have been an oversight.

For all the reasons outlined above, Staff believes that the proposed CH zoning Is In Accordance with the Comprehensive Plan for the 219 N. Armstrong St. subject property.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily CH, IL, and RS-3. In the interest of efficiency and avoiding redundancy, please see the case map for illustration of existing zoning patterns, which are described, along with surrounding land use patterns, in the Surrounding Zoning and Land Use summary section of this report.

The requested CH zoning would be a logical extension of the existing, established CH zoning district abutting to the north, south, and west, and would be highly compatible with such surrounding CH-zoned properties. The requested CH zoning is also not incompatible with surrounding IL zoning. The requested CH zoning would not, however, be compatible with the RS-3 zoning abutting to the east, but this area may be expected to redevelop, and PUD 71 will help to ensure that incompatibility is minimized in the

meantime, subject to adequate buffering as described in the recommended Conditions of Approval as listed at the end of this report.

Per BZ-345 in 2009, the City Council approved a rezoning from IL to CH of 2.7 acres, more or less, located approximately one (1) block to the north of subject property at 8455 E. 151<sup>st</sup> St. S. and 505 and 525 N. Armstrong St. This property is located further from the existing, established CH district than the subject property, which abuts it directly on its south and west.

To the south and west, CH zoning appears to have been established with the original late 1960s/early 1970s Zoning Ordinance and Zoning Map, designed to include the commercial downtown storefront buildings along N. Armstrong St. Abutting immediately to the south at 205 N. Armstrong St., a private chapel and a mixed-use red metal building named "Red's Roost" were approved for CH zoning per BZ-349 in 2010. Those buildings were constructed, relatively recently, up to the projected east line of the N. Armstrong St. right-of-way.

The westernmost building for the Rohleder Custom Cabinetry cabinet and related manufacturing and sales business on the 219 N. Armstrong St. subject property was constructed in or around 2000, up to the projected east line of the N. Armstrong St. right-of-way. Together with the buildings at 205 N. Armstrong St., this new building completes the block from Needles to McKennon Aves. with "downtown/storefront" style buildings. This was accomplished on the subject property, in part, by the Board of Adjustment's approval of a Variance per BBOA-359 in 2000. Therefore, the requested CH zoning is consistent with the urban building style of the subject property and surrounding properties, including ones recently constructed.

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 along N. Armstrong St., through the subject properties, to connect to the newly established CH district approved in 2009 per BZ-345. This would accommodate existing downtown-style buildings constructed on the subject property, and could facilitate the further redevelopment, in a similar appropriate urban style, of properties along Armstrong St., to complete the commercial corridor connecting Bentley Park to downtown Bixby.

In 2009, North Armstrong Street was extended from 151<sup>st</sup> St. S. to 148<sup>th</sup> St. S. This is a new corridor connecting the new 100-acre Bentley Park directly to downtown, and the 219 N. Armstrong St. subject property fronts on this newly-extended corridor. This new street also serves as a stormwater drainage conduit, draining the north part of the downtown area to the stormwater detention facility in Bentley Park. A sidewalk is being constructed along Armstrong St. and will connect the intersection of 151<sup>st</sup> St. S. and Armstrong St. to Bentley Park.

Also, 151<sup>st</sup> St. S. is being widened to the north of and abutting the 17/21 E. McKennon Ave. subject property, further enhancing accessibility, drainage, and utility purposes. These new infrastructure investments, if anything, should increase the commercial viability of the subject property, by funneling more traffic to, through, and around downtown Bixby.

This request for CH zoning is in order recognizing these new infrastructure investments.

Recognizing historical and recent zoning and development patterns, which have resulted in the subject property being surrounded on three (3) sides with CH Commercial zoning and on the balance of the sides with IL Industrial zoning, and recognizing that the pattern has already been set to complete a CH commercial strip from its original northern limit at Armstrong St. and Needles Ave. up to the 500-block of N. Armstrong St., Staff believes that the surrounding zoning and land use patterns support rezoning the subject property to CH.

Finally, Staff believes that the proposed PUD substantially meets the following prerequisite findings as per Zoning Code Section 11-7I-8.C:

1. Whether the PUD is consistent with the comprehensive plan;
2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
3. Whether the PUD is a unified treatment of the development possibilities of the project site; and

4. Whether the PUD is consistent with the stated purposes and standards of this article.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested amendment and rezoning applications generally. Therefore, Staff recommends Approval of all three (3) requests, subject to the following corrections, modifications, and Conditions of Approval:

1. A Detailed Site Plan, adequate to demonstrate compliance with applicable standards and including details on proposed parking, sign locations, landscape plans, screening plans, lighting plans, building plan and profile view renderings, and exterior material details (composition, color, etc.) shall be submitted for Planning Commission and approval as required by the Zoning Code Sections 11-7G and 11-7I-8.B.5 and this PUD.
2. For the recommended Condition of Approval immediately above, 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 above language into an appropriate section of the PUD Text verbatim, 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.
3. Subject to the satisfaction of all outstanding Fire Marshal and City Engineer recommendations.
4. Subject to City Engineer and Public Works Director approval of the proposed parking lot design calling for paving extensively over the McKennon Ave. right-of-way.
5. Introduction: Please correct: "As depicted on Exhibit B to this Planned Unit Development (PUD) ~~Text~~, the proposed PUD consists of one development area."
6. Exhibit B does not label Development Area A – please label.
7. 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.
8. Proposed PUD 71 provides that "There will be no parking or loading setback from East McKennon Avenue," (Development Standards Section B.6.a) and "With surface off street parking areas, landscaped areas will not be established" (Development Standards Section B.1.b). Although Staff understands the intent, the language does not specify that the 7.5' landscaped strip requirement of Zoning Code Section 11-12-3.A.2 would be set aside by the PUD. This must be specified if there will be no landscaped strip, or otherwise the 5' strip will not comply with the 10' minimum width required.
9. Zoning Code Section 11-12-3.A.3 requires a 10' landscaped strip along property lines abutting an R Residential district, as is the situation for the east property line. PUD 71 does not currently provide an exception to this requirement, and the provided site plans do not indicate this landscaped strip. The Applicant should specify in the PUD that this requirement is being set aside, or otherwise plan to install the 10' landscaped strip.
10. Please replace Exhibit A with the latest version of the Preliminary Plat as approved.
11. Development Standards Section A, Permitted Uses: "Those uses permitted in accordance with the following Use Units of the City of Bixby Zoning Code; and all accessory uses permitted in the underlying zoning district and in the Planned Unit Development Chapter of the City of Bixby Zoning Code." Use Units are not listed. Staff recommends listing the Use Units, or otherwise stating "all Use Units allowed by right within the CH district," or something to that effect, as is the intent indicated by the "Zoning" section of the PUD text. Also, this section, as presently worded, does not include Use Unit 25. Please revise as appropriate.
12. Development Standards Section B.1.b, Frontage and Perimeter Requirements: Please specify what landscaping will be installed within the 5' setback area along north side of the building. Presently, this includes 3' of "shrubs" and 2' of grass (per the Detailed Site Plan and Exhibit E, which is not consistent with the 3' total indicated on Exhibit F). Include flexibility language as needed to allow modifications to landscaping/perimeter standards, to be subject to Planning Commission approval.
13. Please reconcile the 5' vs. 3' north line setback on all drawings, to include the Detailed Site Plan and Exhibits E and F.

14. Development Standards Section B.1.b, Frontage and Perimeter Requirements: Please specify that a screening fence will be installed along the east property line shared with a dwelling in an RS-3 district, and describe the proposed type, size, and materials to be used.
15. Recognizing the existing dwelling in an RS-3 district on the lot abutting to the east, the Applicant should explain, to the Planning Commission's satisfaction, how a "6'-0" privacy fence," 20' setback, and no proposed landscaping along the east property line, will be adequate buffering in light of Zoning Code Sections 11-71-6, 11-71-8.B.1, 11-8-10.E, and 11-12-3.A.3. If found not satisfactory, the Planning Commission and Applicant shall determine appropriate buffering methods during the PUD and Detailed Site Plan review and approval as authorized by the Zoning Code.
16. Development Standards Section B.1.b, Frontage and Perimeter Requirements: Please specify that brick / "brick wainscot," as the Applicant has stated will be used, will be applied to the north / front of the metal building facing 151<sup>st</sup> St. S., and describe the spatial extent of the exterior materials. A minimum percentage of wall surface area is typically specified for this purpose.
17. Development Standards Section B.5.a, Topography: Please correct: "Topography of the Site is depicted on Exhibit s D ~~of the PUD text.~~"
18. Development Standards Section B.5.b, Drainage: Please correct: "... on Exhibit E ~~to the PUD text.~~"
19. Development Standards Section B.5.c, Utilities: Please correct: "... on Exhibit E ~~to the PUD text.~~"
20. Development Standards Section B.6.a: Please correct: "... on Exhibit B ~~to the PUD text.~~"
21. Development Standards Section B.6.c: Please revise section to remove statement that the City of Bixby will construct the sidewalk along 151<sup>st</sup> St. S., and that sidewalks will not be constructed along McKennon Ave. Please reword such as "Sidewalks shall be constructed by the developer along the entire frontage of 151<sup>st</sup> St. S. and McKennon Ave., except for the driveway approach along McKennon Ave., not to exceed 103' in width, which shall be recognized as satisfying Subdivision Regulations Section 12-3-2.N. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer."
22. Please label the Exhibits A and C in the PDF version of the PUD.
23. Please identify the subject property in Exhibits C and D.
24. Please add a North Arrow to the proper Exhibits.
25. Please reorient Exhibit D to make consistent with the orientation of the other Exhibits used in the PUD.
26. Please reconcile the differences in the two (2) versions of Exhibit F reflected in the hard copy and electronic copies thereof.
27. 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).

Erik Enyart stated that the Applicant could always re-request CH zoning for the *Rohleder Custom Cabinetry* property [at 219 N. Armstrong St.] in the future if and as they determine appropriate.

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item.

Applicant JR Donelson was present and stated that his client was proposing a 102' X 105' building for *Rohleder* [Custom Cabinetry], and *Millworx* was a subsidiary. Mr. Donelson stated that the building would be for storage of wood materials and manufacturing and milling of wood for door jambs and doors and windows. Mr. Donelson stated that his client would continue to build [wood products] in the original building. Mr. Donelson stated that his client had overflow-storage containers on the property, which he would do away with after constructing the new building. Mr. Donelson stated that his client had run out of space. Mr. Donelson stated that the new building would have two (2) to three (3) employees. Mr. Donelson stated that his client had agreed to Staff's

recommendations to do a Comprehensive Plan amendment, and it was later discovered that the Zoning Code already required it. Mr. Donelson stated that his client was requesting a change in the Comprehensive Plan from residential to commercial.

JR Donelson stated that the owners have gone back and forth on some decisions as a result of the cost of getting the building. Mr. Donelson stated that, when the building was going to be “on the corner,” the owners had agreed to add a 3’ brick wainscot, but now they were proposing only a brick ledge on the foundation footing.

JR Donelson stated that, of the recommendations in the Staff Report, # 14 pertained to that brick wainscot, and as for the sidewalk on McKennon Ave., the City Council had already waived that requirement. Mr. Donelson stated that he and his client would put a sidewalk in on the north side of the building. Mr. Donelson stated that he had talked to [City Engineer] Jared [Cottle] on the design of the sidewalk. Mr. Donelson stated that he thought the sidewalk would look strange on the north side of the building [without connecting to sidewalks on either side]. Mr. Donelson stated that it would be 16” behind the street curb and be designed as per the City Engineer.

JR Donelson stated that the north side of the building would have no windows, for security purposes. Mr. Donelson stated that Limits of No Access would be added to the plat [as recommended by Staff], as there would be no parking or access along 151<sup>st</sup> St. S. Mr. Donelson stated that there would be a privacy fence on the east [property line], and that the City Engineer was reviewing the grading and drainage [plans].

Erik Enyart addressed Chair Thomas Holland and expressed intent to speak to the Applicant. Mr. Enyart clarified with JR Donelson that the recommendation in the Staff Report pertaining to brick wainscoting was # 16 and not # 14. Mr. Enyart asked if there were any other recommendations that his client would not be able or would not want to comply with. JR Donelson stated that the plans originally called for an underground sprinkler system for the hedges along the north side of the building, and that the owner had decided to use hose bibs instead.

Erik Enyart stated that, also, the City Council had not waived the sidewalk requirement. Mr. Enyart stated that, with the Preliminary Plat, the City Council had approved a Modification/Waiver to reduce and remove parts of the 17.5’ Perimeter Utility Easement, and that with the Final Plat, which the Planning Commission would consider for the first time later on this meeting agenda, the Commission could discuss recommending a Modification/Waiver on the sidewalk matter. JR Donelson indicated agreement.

Erik Enyart stated that he was scanning the list of recommendations. Mr. Enyart stated that recommendation # 15 was the only one that appeared to be unresolved, as it called for the Planning Commission and Applicant to discuss what was being planned to buffer the commercial building from the residence to the east. Mr. Enyart stated that the current plans call for a 20’ setback from the east property line and a 6’ privacy fence, presumably wood, with no landscaping.

JR Donelson stated that the east side of the property would be concrete, where the plans originally indicated gravel. Mr. Donelson stated that, on the north side [of the 20’ strip], there would be a dust collection system enclosed in [the] privacy fence. Mr. Donelson stated that *Bixby Telephone*

*Company* owned the land to the east and were renting it out, and that they had told him there would be a time when they flip the property and the house would go away, and that they too want to go commercial.

Lance Whisman confirmed with JR Donelson that the fence would be on the east side of the property.

Chair Thomas Holland stated that the filtration exhaust system would be used for the sawdust and asked JR Donelson what kind of noise that would make. Mr. Donelson stated that he had been by the property and did not hear it make any noise, and that he didn't hear any noise from the *S & S [Custom Wood Moldings* at 14625 S. Grant St. in Bixby] facility either. Mr. Donelson stated that the Fire Marshal and Building Inspector had no problems with the plan per his discussions with them, and that he understood that [the exhaust system] had to be installed.

Chair Thomas Holland, referencing the Final Plat drawing, clarified with JR Donelson that *BTC* owned Lots 1 through 4, inclusive, and Lots 10 through 14, inclusive, in this block. Mr. Holland clarified with Mr. Donelson and Erik Enyart that the property to the west was zoned Industrial.

Chair Thomas Holland indicated that the paving [of the entire McKennon Ave. frontage] would suffice as a sidewalk.

Erik Enyart recapped the recommendations in the Staff Report which would need to be specifically called out in any approval Motion as follows: # 16, to reflect that the 3' brick wainscot was not now planned per statements by the Applicant, # 21, to recognize the new plan to pave the entire [McKennon Ave.] frontage in lieu of a sidewalk, and # 15 to determine whether the proposed buffering was adequate.

Chair Thomas Holland stated that the property was on a major Bixby thoroughfare, and was right across from the [stone-faced *Stone*] *Mill* [business], and indicated objection to the plan to remove the 3' brick wainscot. Mr. Holland stated that the brick was the most important [to him of the proposed changes to the plans].

JR Donelson stated that his client was considering whether to move or to expand, and that they had already had a contract to buy property in Broken Arrow, but chose instead to expand here and add employees to Bixby.

Chair Thomas Holland asked if a sprinkler system was required. JR Donelson responded that there would be a fire suppression system for the entire building. Mr. Donelson stated that the Fire Marshal and Building Inspector wanted to know from the manufacturer [of the dust exhaust system], which was located in Germany, whether [determined that a fire suppression system was not required when their dust exhaust system was in use]. Mr. Donelson stated that they were expecting a letter on that question from Germany, but that it had not yet been received. Mr. Donelson stated that his client was already using that system in the existing building and had no sprinkler system. Mr. Holland confirmed with Mr. Donelson that the brick wainscot would depend on the information that they got back. Mr. Donelson stated that his client was weighing the brick veneer versus the fire suppression system, [the latter of which] would be \$20,000 for a 10,000

square foot building. Mr. Donelson stated that his client wanted a dry system, so that [it would not cause as much damage] if it went off by accident with all of the wood products. Mr. Donelson and Mr. Holland discussed the differences in a standpipe system versus another system.

Erik Enyart recommended the Commission make a Motion to approve the Comprehensive Plan Amendment and the underlying zoning change, and leave the PUD for subsequent vote, as he expected it to be difficult to sort out the Conditions of Approval.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of a Comprehensive Plan redesignation to Commercial and High Intensity per BCPA-5 and the underlying zoning change from RS-3 to CH. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

Erik Enyart stated that, so far, he had seen that there are questions on recommended Conditions of Approval numbered 15, 16, and 21. Mr. Enyart stated that, for # 15, there was a house to the east of the subject property and the plans called for a 20' setback, a 6' privacy fence, presumably wood, and no landscaping. Mr. Enyart stated that four (4) sections of the Zoning Code provide that it is the Planning Commission's prerogative to determine perimeter treatments and buffering requirements when commercial is proposed to be established next to residential.

Erik Enyart stated that, for # 16, the Applicant has stated that the client no longer plans to install the 3' brick wainscot along the bottom of the north side of the building, so if the Commission were amenable to that change, it would need to strike # 16 from its Motion.

Erik Enyart stated that, for # 21, the Commission should include in its Motion that it is to be modified as per the discussion at this meeting.

JR Donelson stated that there would be a band of two (2) different colors on the building so that his client could [paint] the name of the business on the building.

Larry Whiteley asked how wide the building would be [along 151<sup>st</sup> St. S.], and JR Donelson stated that it would be 102' wide. Mr. Whiteley asked how much it would cost to do the 3' of brick. Mr. Donelson stated that he did not know and that the only thing he could say is that it would be cheaper than the fire suppression system.

Chair Thomas Holland asked if the Commission could require the PUD specify that, if the fire suppression system was not required, the brick would be required. JR Donelson indicated objection and clarified with Erik Enyart that, once that was in the PUD, if it could not be met, it would require a minor or major amendment to the PUD.

Erik Enyart stated that he understood the Applicant's concern, and that he would be concerned for requiring language be put in the PUD requiring one or the other, as that would be awkward. Mr. Enyart stated that the Commission could still bring that matter up at the Detailed Site Plan item later on the agenda. Mr. Enyart agreed that, if it were left out as a Condition of Approval, it would not be necessary to have to come back to the next month's meeting to approve an amendment to the PUD if the brick was not going to be included.

Chair Thomas Holland asked if the property was not in a corridor. Erik Enyart stated that it was not in a Corridor on the Comprehensive Plan, and was not in either the Corridor Appearance or Central Business District overlay districts, but that it was located in Special District # 1 on the Comprehensive Plan. Mr. Holland asked if the Comprehensive Plan did not call for [masonry siding], and Erik Enyart stated that he had read the Special District # 1 section and did not recall reading anything to that effect, but that there was a document called the Corridor Appearance District Guidelines that do suggest such siding materials, but that they did not apply to the subject property. JR Donelson stated that he also read the section of the Comprehensive Plan and that it did not call for masonry.

Chair Thomas Holland asked Erik Enyart, considering the plans already show the [3' brick wainscot], if the Commission could not just approve the PUD as submitted and with the conditions recommended by Staff. Mr. Enyart stated that, technically, it could approve as submitted, but it should then acknowledge that the Applicant had changed the plans from what was originally represented and no longer was proposing the 3' brick wainscot. Mr. Holland indicated preference for approving the plans as submitted, which represented the 3' brick wainscot.

JR Donelson stated that the Commission could do this, but the owner can just go before the Council the next [meeting] and ask that it not be in the PUD. Chair Thomas Holland confirmed with Mr. Donelson that they both believed that the City Council would probably waive that requirement.

Chair Thomas Holland made a MOTION to RECOMMEND APPROVAL of PUD 71 with all of the corrections, modifications, and Conditions of Approval as recommended by Staff.

Lance Whisman asked for clarification on recommendation # 15. Erik Enyart stated that it was the Planning Commission's prerogative to consider whether the proposed buffering was adequate, and that so far, the plans only proposed a 20' setback, a 6' privacy fence, and no landscaping. Mr. Enyart stated that the Zoning Code currently requires a 10' landscaped strip. Mr. Enyart stated that this was the appropriate forum to discuss the adequacy of buffering. Mr. Enyart stated, in his honest opinion, he considered the proposal to be lacking. Mr. Enyart asked JR Donelson if all of the 20' was needed for parking and storage, and Mr. Donelson stated that the entire 20' was proposed for concrete paving.

Chair Thomas Holland rescinded his Motion.

Jeff Baldwin asked if the owner would be moving any product along that 20'. JR Donelson responded that the owner would move the product [straight into] the building from the overhead door on McKennon Ave.

Larry Whiteley stated that the property owner of the house [to the east] was not against this at all. Mr. Whiteley stated that, "If the fence blocks, then they need to rent something else."

Jeff Baldwin stated "The telephone company owns it; it would be different if it was owned by someone else."

JR Donelson stated "[My client and I] met with *BTC* and they saw our plans," and the owner "tried to negotiate for trades of lots."

Jeff Baldwin asked how tall the building would be, and JR Donelson responded that it would be 16' in eave height. Mr. Baldwin clarified with Mr. Donelson that the bright blue collector system would stick up higher than the fence.

Chair Thomas Holland expressed concern for metal buildings.

JR Donelson stated that, if the owner planted hedges, "you can't see the brick anyway."

Erik Enyart stated that, to assist the Commission in forming a Motion, he recommended Approval of PUD 71, subject to all of the corrections, modifications, and Conditions of Approval as listed in the Staff Report, to include # 16, as that could be specified in the PUD anyway and would be determined by the Commission's action on the Detailed Site Plan later on this agenda, to remove # 15, as the buffering could be determined by the Commission's action on the Detailed Site Plan later on this agenda, and to modify # 21 to state that it is modified to recognize the entire McKennon Ave. frontage will be paved in lieu of a sidewalk, as per the discussion at this meeting.

Lance Whisman made a MOTION to RECOMMEND APPROVAL of PUD 71, subject to all of the corrections, modifications, and Conditions of Approval as listed in the Staff Report, to include # 16, as that could be specified in the PUD anyway and would be determined by the Commission's action on the Detailed Site Plan later on this agenda, to remove # 15, as the buffering could be determined by the Commission's action on the Detailed Site Plan later on this agenda, and to modify # 21 to recognize the entire McKennon Ave. frontage will be paved in lieu of a sidewalk, as per the discussion at this meeting.

Chair Thomas Holland and Erik Enyart clarified with Lance Whisman that his Motion included the building as it was represented on the site plans, to include the 3' brick wainscot, and Mr. Whisman confirmed this was included.

Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

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

## PLATS

9. **Final Plat of Millworx Addition.** Discussion and review of a Final Plat for “Millworx Addition,” a replat of Lots 5 through 9, inclusive, Block 4, *Midland Addition*.  
**Property Located:** 17 and 21 and/or 27 E. McKennon Ave.
- 

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the following Staff Report:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Wednesday, January 19, 2011  
**RE:** Report and Recommendations for:  
Final Plat of “Millworx Addition”

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**LOCATION:** – 17 and 21 E. McKennon Ave.  
– Lots 5 through 9, inclusive, Block 4, Midland Addition

**SIZE:** 0.37 acres, more or less

**EXISTING ZONING:** RS-3 Residential Single Family District (CH Commercial High Intensity District zoning requested per BZ-352 and PUD 71 requested)

**EXISTING USE:** Vacant

**REQUEST:** Final Plat approval

**SURROUNDING ZONING AND LAND USE:**

**North:** (across 151<sup>st</sup> St. S.) IM, IL, & CH; The Stone Mill manufactured stone manufacturing and sales at 15 and/or 21 E. 151<sup>st</sup> St. S., 151<sup>st</sup> St. S. (planned for widening), a metal storage building, and residential houses to the northeast at the Montgomery St. & Washington St. intersection.

**South:** IL & CH; The Rohleder Custom Cabinetry cabinet and related manufacturing and sales business at 219 N. Armstrong St., a private chapel, a mixed-use red metal building named “Red’s Roost,” and commercial downtown storefront buildings along N. Armstrong St. To the southeast are 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.

**East:** RS-3; A house on Lots 1:4, Block 4, Midland Addition, and additional houses further east along E. McKennon Ave.

**West:** IL & CH; Vacant/underutilized land on Lots 10:14, Block 4, and across Armstrong St., an old industrial/warehouse building located on the old railroad right-of-way. To the southwest, the Bixby Community Center is on the west side of the block at 211 N. Cabaniss St. To the northwest is a house at 8455 E. 151<sup>st</sup> St. S., and the Holland Bros. Enterprises “machine tools and equipment” at 8453 E. 151<sup>st</sup> St. S.

**COMPREHENSIVE PLAN:** Low Intensity (High Intensity requested per BCPA-5) + Residential Area (Commercial Area requested per BCPA-5) + Special District # 1.

**PREVIOUS/RELATED CASES:**

**Preliminary Plat of Millworx Addition** – Request for approval of a Preliminary Plat for subject property – PC recommended Conditional Approval 12/20/2010 and City Council Conditionally Approved 01/10/2011.

**BZ-342 – Daniel R. Holcomb** – Request for rezoning from RS-3 to CH for subject property and land at 219 N. Armstrong St. – Pending PC Consideration 01/25/2011.

**BCPA-5 – Millworx, LLC** – Request to amend the Comprehensive Plan Land Use Map to redesignate the subject property “Commercial” and “High Intensity” – Pending PC Consideration 01/25/2011.

**PUD 71 – Millworx Addition – JR Donelson, Inc.** – Request to approve PUD 71 for subject property – Pending PC Consideration 01/25/2011.

BSP 2011-01 – Millworx Addition – JR Donelson, Inc. – Request for Detailed Site Plan approval for subject property – Pending PC Consideration 01/25/2011.

**BACKGROUND INFORMATION:**

The Applicant has expressed to Staff intent to construct a metal building on Lots 5:9, Block 4, Midland Addition, in support of the expansion of the Use Unit 15 Rohleder Custom Cabinetry cabinetmaker and Use Unit 15 Millworx, LLC woodworking shop and related manufacturing and sales business.

In meetings with the owner/developer on 08/27/2008, 09/30/2009, 07/02/2010, and 12/02/2010, Staff has recommended a PUD be used for this development, and at the latest meeting, the owner/developer agreed to do one, primarily because the project cannot meet certain landscaping standards absent flexibility afforded by a PUD. A Comprehensive Plan Amendment and PUD are also required for rezoning to CH per Zoning Code Section 11-5-2.

**ANALYSIS:**

Property Conditions. The subject property contains approximately 0.37-acres and consists of Lots 5 through 9, inclusive, Block 4, Midland Addition. The vacant subject property includes two (2) existing parcels, addressed 17 and 21 E. McKennon Ave. (Tulsa County Assessor's Parcels # 57825732402970 and 57825732402960, respectively).

The subject property is zoned RS-3 Residential Single Family District and is relatively flat and appears to drain generally to the east. The Applicant has requested CH Zoning per BZ-342 and PUD 71, both pending Planning Commission consideration January 25, 2011.

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

The Use Unit 15 Rohleder Custom Cabinetry cabinet and Use Unit 15 Millworx, LLC woodworking shop and related manufacturing and sales business anticipated by this plat would be consistent with the Special District # 1 designation of the Comprehensive Plan, but would not be consistent with the Low Intensity and Residential Area designations. Along with PUD 71, the Applicant has requested BCPA-5, a request to amend the Comprehensive Plan Land Use Map to change these designations to High Intensity and Commercial Area, respectively, which would allow the requested CH zoning and commercial land use to be consistent.

General. This subdivision of 0.37 acres proposes one (1) lot, one (1) block, and no (0) Reserve Areas.

The plat proposes a 5' U/E along the east line and a 10' U/E along the south line. On December 20, 2010 the Planning Commission recommended Approval, and on January 10, 2011 the City Council approved a Modification/Waiver of the 17.5' Perimeter U/E standard per Subdivision Regulations Section 12-3-3.A to allow for this arrangement of U/Es. Staff supported this Modification/Waiver, recognizing (1) the locations and widths of all of the surrounding street rights-of-ways, (2) the fact that the subject property is already served by the necessary utilities, and (3) the TAC did not request additional easement width.

With the exceptions outlined in this report, the plat appears to conform to the Zoning Code and Subdivision Regulations.

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

The Technical Advisory Committee (TAC) reviewed this plat on January 05, 2011. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. The subject property will continue to have existing frontage on 151<sup>st</sup> St. S. and E. McKennon Ave. Per the submitted site plans, individual parking spaces are proposed just within the property line and the approaches would be located in the right-of-way for McKennon Ave. Zoning Code Section 11-10-3.B Table 1 requires a 7.5' minimum parking lot setback. However, if granted CH zoning, Zoning Code Section 11-9-0.D provides that the off-street parking and loading requirements do not apply to uses within the CH district.

This parking design, including paving the parking space approaches within the McKennon Ave. right-of-way, should be subject to City Engineer and Public Works Director approval.

Although normally such parking lot designs should be discouraged, for traffic safety purposes, in the current application, the following may be considered reasons adequately justifying an exception in this case:

- The relatively low traffic volume on this section of McKennon Ave.;

- The relatively short block length of this section of McKennon Ave., capped by stop signs at both ends, which reduce traffic speeds;
- The location of the subject property in the middle of the block, which should allow for adequate visibility of backing vehicles;
- The fact that McKennon Ave. is a straight street with a wide right-of-way and negligible obstacles to visibility;
- The approximately 20' depth of the driveway approaches to each parking space, and
- The location of the subject property in relation to the downtown area, which has extensive areas of on-street angled parking, allowing for this parking situation to be anticipated by motorists.

The building would have one (1) loading bay and one (1) entrance door on the south side along McKennon Ave., and is not oriented toward, nor does it appear to propose any access to 151<sup>st</sup> St. S. Staff recommends the Applicant consider using Limits of No Access (LNA) along 151<sup>st</sup> St. S. on the Final Plat.

On the PUD site plans, sidewalks are not indicated as planned along 151<sup>st</sup> St. S. or McKennon Ave., as required by the Subdivision Regulations. A sidewalk will be required along 151<sup>st</sup> St. S. within the abutting right-of-way, which will have 5' of separation between the property line and the roadway, adequate for this purpose per the City Planner and City Engineer. Staff recommends that the language in PUD Text Section B.5. Access, Circulation and Parking be amended to reflect that the owner/developer will construct this sidewalk, as described more fully below.

A sidewalk would be problematic along McKennon Ave., due to the design of the parking lot. PUD Text Section B.5. Access, Circulation and Parking provides that a sidewalk along this street is not planned. A Modification/Waiver of the Subdivision Regulations would be required in order to set aside the sidewalk requirement along McKennon Ave.

Staff recommends that the Applicant revise this section in the PUD to remove the statement that sidewalks will not be constructed along McKennon Ave., and reword the same such as "Sidewalks shall be constructed by the developer along the entire frontage of 151<sup>st</sup> St. S. and McKennon Ave., except for the driveway approach along McKennon Ave., not to exceed 103' in width, which shall be recognized as satisfying Subdivision Regulations Section 12-3-2.N. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer."

Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Staff Recommendation. Staff recommends Approval of the Final Plat subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of all outstanding Fire Marshal and City Engineer recommendations.
2. Please consider using Limits of No Access (LNA) along 151<sup>st</sup> St. S. on the Final Plat.
3. Sidewalks, as required by Subdivision Regulations Section 12-3-2.N, shall be constructed by the developer along the entire frontage of 151<sup>st</sup> St. S. and McKennon Ave., except for the driveway approach along McKennon Ave., not to exceed 103' in width, which shall be recognized as satisfying Subdivision Regulations Section 12-3-2.N. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer.
4. DoD/RCs: Missing PUD development standards.
5. DoD/RCs Section [I].2.e: Misplaced term "hereby": "...and the hereby Owner of the Lot agrees to be bound." Should probably be worded "...and the Owner of the Lot agrees to be bound hereby."
6. A copy of the Final Plat including all recommended corrections shall be submitted for placement in the permanent file.

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant JR Donelson was present but had no comment.

Erik Enyart asked JR Donelson if there were any recommendations that his client could not or did not want to comply with, and Mr. Donelson indicated there were none.

Lance Whisman clarified with Erik Enyart that recommendation # 3 would need to be modified to include a recommendation of a Modification/Waiver to recognize the entire McKennon Ave. frontage will be paved in lieu of a sidewalk.

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to RECOMMEND APPROVAL of the Final Plat of Millworx Addition with all of the corrections, modifications, and Conditions of Approval as recommended by Staff, except to modify recommendation # 3 to be: RECOMMEND APPROVAL of a Modification/Waiver to recognize the entire McKennon Ave. frontage will be paved in lieu of a sidewalk. Larry Whiteley SECONDED the Motion. Roll was called:

**ROLL CALL:**

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

**OTHER BUSINESS**

10. **BSP 2011-01 – Millworx Addition – JR Donelson, Inc.** Discussion and review of a Detailed Site Plan and building plans for a Use Unit 15 woodworking shop, cabinetmaking, and related manufacturing and sales business for proposed Lot 1, Block 1, “Millworx Addition,” a proposed replat of Lots 5 through 9, inclusive, Block 4, *Midland Addition*. Property Located: 17 and 21 and/or 27 E. McKennon Ave.

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Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the following Staff Report:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Wednesday, January 19, 2011  
**RE:** Report and Recommendations for:  
BSP 2011-01 – Millworx Addition – JR Donelson, Inc.

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**LOCATION:** – 17 and 21 E. McKennon Ave.  
– Lots 5 through 9, inclusive, Block 4, Midland Addition  
**SIZE:** 0.37 acres, more or less  
**EXISTING ZONING:** RS-3 Residential Single Family District (CH Commercial High Intensity District zoning requested per BZ-352 and PUD 71 requested)  
**EXISTING USE:** Vacant  
**DEVELOPMENT TYPE:** Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations for a building expansion for a Use Unit 15 Rohleder Custom Cabinetry cabinetmaker and Use Unit 15 Millworx, LLC woodworking shop and related manufacturing and sales business.  
**SURROUNDING ZONING AND LAND USE:**  
**North:** (across 151<sup>st</sup> St. S.) IM, IL, & CH; The Stone Mill manufactured stone manufacturing and sales at 15 and/or 21 E. 151<sup>st</sup> St. S., 151<sup>st</sup> St. S. (planned for widening), a metal storage

building, and residential houses to the northeast at the Montgomery St. & Washington St. intersection.

South: IL & CH; The Rohleder Custom Cabinetry cabinet and related manufacturing and sales business at 219 N. Armstrong St., a private chapel, a mixed-use red metal building named "Red's Roost," and commercial downtown storefront buildings along N. Armstrong St. To the southeast are 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.

East: RS-3; A house on Lots 1:4, Block 4, Midland Addition, and additional houses further east along E. McKennon Ave.

West: IL & CH; Vacant/underutilized land on Lots 10:14, Block 4, and across Armstrong St., an old industrial/warehouse building located on the old railroad right-of-way. To the southwest, the Bixby Community Center is on the west side of the block at 211 N. Cabaniss St. To the northwest is a house at 8455 E. 151<sup>st</sup> St. S., and the Holland Bros. Enterprises "machine tools and equipment" at 8453 E. 151<sup>st</sup> St. S.

COMPREHENSIVE PLAN: Low Intensity (High Intensity requested per BCPA-5) + Residential Area (Commercial Area requested per BCPA-5) + Special District # 1.

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

Preliminary Plat of Millworx Addition – Request for approval of a Preliminary Plat for subject property – PC recommended Conditional Approval 12/20/2010 and City Council Conditionally Approved 01/10/2011.

BZ-342 – Daniel R. Holcomb – Request for rezoning from RS-3 to CH for subject property and land at 219 N. Armstrong St. – Pending PC Consideration 01/25/2011.

BCPA-5 – Millworx, LLC – Request to amend the Comprehensive Plan Land Use Map to redesignate the subject property from "Residential Area" and "Low Intensity" to "Commercial Area" and "High Intensity" – Pending PC Consideration 01/25/2011.

PUD 71 – Millworx Addition – JR Donelson, Inc. – Request to approve PUD 71 for subject property – Pending PC Consideration 01/25/2011.

BSP 2011-01 – Millworx Addition – JR Donelson, Inc. – Request for Detailed Site Plan approval for subject property – Pending PC Consideration 01/25/2011.

Final Plat of Millworx Addition – Request for approval of a Final Plat for subject property – Pending PC Consideration 01/25/2011.

#### BACKGROUND INFORMATION:

The Applicant plans to construct a metal building on the subject property in support of the expansion of the Use Unit 15 Rohleder Custom Cabinetry cabinetmaker and Use Unit 15 Millworx, LLC woodworking shop and related manufacturing and sales business. The Applicant has previously estimated that the building would be used 90% for the Millworx operation, and thus, 10% for the Rohleder operation, but this would naturally be subject to change.

In meetings with the owner/developer on 08/27/2008, 09/29 or 09/30/2009, 07/02/2010, and 12/02/2010, Staff has recommended a PUD be used for this development, and at the latest meeting, the owner/developer agreed to do one, primarily because the project cannot meet certain landscaping standards absent flexibility afforded by a PUD. A Comprehensive Plan Amendment and PUD are also required for rezoning to CH per Zoning Code Section 11-5-2.

#### ANALYSIS:

Property Conditions. The subject property contains approximately 0.37-acres and consists of Lots 5 through 9, inclusive, Block 4, Midland Addition. The vacant subject property includes two (2) existing parcels, addressed 17 and 21 E. McKennon Ave. (Tulsa County Assessor's Parcels # 57825732402970 and 57825732402960, respectively). The two (2) houses that used to occupy the lots were demolished around late 2009/early 2010. The land is proposed to be replatted as Lot 1, Block 1, "Millworx Addition" with a proposed new address of 27 E. McKennon Ave.

The subject property is zoned RS-3 Residential Single Family District and is relatively flat and appears to drain generally to the east. The Applicant has requested CH Zoning, per BZ-342, and PUD 71, both pending Planning Commission consideration January 25, 2011.

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

*The Use Unit 15 Rohleder Custom Cabinetry cabinet and Use Unit 15 Millworx, LLC woodworking shop and related manufacturing and sales business anticipated by this Detailed Site Plan would be consistent with the Special District # 1 designation of the Comprehensive Plan, but would not be consistent with the Low Intensity and Residential Area designations. Along with PUD 71, the Applicant has requested BCPA-5, a request to amend the Comprehensive Plan Land Use Map to change these designations to High Intensity and Commercial Area, respectively, which would allow the requested CH zoning and commercial land use to be consistent.*

*General. The Applicant is proposing to build a 105' X 102' (10,710 square feet) building. The Overall Site Plan drawing exhibits a relatively urban-style design, with the building to be set back five (5) feet from the 151<sup>st</sup> St. S. right-of-way and three (3) feet from the west property line, and a near-on-street parking design, with the individual spaces just within the property line and the approaches located in the right-of-way for McKennon Ave. It is not clear, however, how the building will relate to 151<sup>st</sup> St. S., as the entrance is proposed to be along McKennon Ave. and the profile view / elevations drawings do not indicate a building entrance, windows, or other articulating elements which would serve to embrace 151<sup>st</sup> St. S.*

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

*The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.). Plans for utilities are indicated on Exhibit E and described in the City Engineer's memo.*

*The Technical Advisory Committee (TAC) reviewed this Detailed Site Plan on January 05, 2011. The Minutes of the meeting are attached to this report.*

*The subject property lot conforms to the requested CH district and PUD 71, and the proposed building appears to comply with the height, maximum FAR, and minimum building setback standards for the requested CH district and proposed PUD 71.*

*Access and Internal Circulation. Although not clearly indicated, due to the limited project size and straightforward design, the proposed internal automobile traffic and pedestrian flow and circulation and parking can be adequately inferred from the Overall Site Plan drawing.*

*Per the Overall Site Plan, individual parking spaces are proposed just within the property line and the approaches would be located in the right-of-way for McKennon Ave. The building would have one (1) loading bay and one (1) entrance door on the south side along McKennon Ave., and is not oriented toward, nor does it appear to propose any access to 151<sup>st</sup> St. S. Staff recommends the Applicant consider using Limits of No Access (LNA) along 151<sup>st</sup> St. S. on the Final Plat.*

*The parking arrangement would normally require relief from the 7.5' minimum parking lot setback requirement of Zoning Code 11-10-3.B Table 1, which PUD 71 proposes (Development Standards Section B.1.b). However, if granted CH zoning, Zoning Code Section 11-9-0.D provides that the off-street parking and loading requirements do not apply to uses within the CH district.*

*This parking design, including paving the parking space approaches within the McKennon Ave. right-of-way, should also be subject to City Engineer and Public Works Director approval.*

*Although normally such parking lot designs should be discouraged, for traffic safety purposes, in the current application, the following may be considered reasons adequately justifying an exception in this case:*

- The relatively low traffic volume on this section of McKennon Ave.;*
- The relatively short block length of this section of McKennon Ave., capped by stop signs at both ends, which reduce traffic speeds;*
- The location of the subject property in the middle of the block, which should allow for adequate visibility of backing vehicles;*
- The fact that McKennon Ave. is a straight street with a wide right-of-way and negligible obstacles to visibility;*
- The approximately 20' depth of the driveway approaches to each parking space, and*
- The location of the subject property in relation to the downtown area, which has extensive areas of on-street angled parking, allowing for this parking situation to be anticipated by motorists.*

*On the Overall Site Plan, sidewalks are not indicated as planned along 151<sup>st</sup> St. S. or McKennon Ave., as required by the Subdivision Regulations. A sidewalk will be required along 151<sup>st</sup> St. S. within the abutting right-of-way, which will have 5' of separation between the property line and the roadway,*

adequate for this purpose per the City Planner and City Engineer. Staff recommends that the language in PUD Text Section B.5. Access, Circulation and Parking be amended to reflect that the owner/developer will construct this sidewalk, as described more fully below.

A sidewalk would be problematic along McKennon Ave., due to the design of the parking lot. PUD Text Section B.5. Access, Circulation and Parking provides that a sidewalk along this street is not planned. A Modification/Waiver of the Subdivision Regulations would be required in order to set aside the sidewalk requirement along McKennon Ave.

Staff recommends that the Applicant revise the language in PUD Text Section B.5. Access, Circulation and Parking to remove the statement that sidewalks will not be constructed along McKennon Ave., and reword the same such as "Sidewalks shall be constructed by the developer along the entire frontage of 151<sup>st</sup> St. S. and McKennon Ave., except for the driveway approach along McKennon Ave., not to exceed 103' in width, which shall be recognized as satisfying Subdivision Regulations Section 12-3-2.N. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer."

Staff recommends that the Applicant represent on the Overall Site Plan the sidewalks along 151<sup>st</sup> St. S. and McKennon Ave. as described above.

Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Parking and Loading Standards. Overall Site Plan drawing indicates the location of proposed parking areas just within the property line, with the drive approaches connecting to McKennon Ave. planned to be located within the street right-of-way.

The Applicant is proposing to build a 105' X 102' (10,710 square feet) building. Per Zoning Code Section 11-9-15.D, at one (1) parking space to 400 square feet of building floor area, 27 parking spaces would normally be required, and nine (9) are proposed. However, if granted CH zoning, Zoning Code Section 11-9-0.D provides that the off-street parking and loading requirements do not apply to uses within the CH district.

The Overall Site Plan drawing indicates the regular and handicapped-accessible parking space dimensions. The regular parking spaces are 20' in depth and 9.0' in width, which comply with Zoning Code Section 11-10-4.B Figure 1.

The one (1) handicapped-accessible parking space indicated would comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces).

Per the Building Inspector, the ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). Therefore, the one (1) handicapped-accessible parking space must be of van-accessible design.

The one (1) proposed handicapped-accessible parking space is located at the east end of the parking lot strip, and does not appear to be the space closest to the south/front door entrance, based on its relative location as represented on the "MILLWORX, LLC" profile view/elevations drawing. Further, the dimensions are not provided, an access aisle is not indicated, an accessible route to the entrance is not evident, and information has not been provided indicating signage to be used to reserve the accessible space. The Applicant should make use of a van-accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards (see Figure 3 in Section 11-10-4.C). During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.

The parking lot does not comply with the 7.5' minimum setback of Zoning Code Section 11-10-3.B Table 1, which is also the minimum required landscaped strip per Zoning Code Section 11-12-3.A.2. However, if granted CH zoning, Zoning Code Section 11-9-0.D provides that the off-street parking and loading requirements do not apply to uses within the CH district.

Proposed PUD 71 provides that "There will be no parking or loading setback from East McKennon Avenue," (Development Standards Section B.6.a) and "With surface off street parking areas, landscaped areas will not be established" (Development Standards Section B.1.b). Although Staff understands the intent, the language does not specify that the 10' and 7.5' landscaped strip requirement of Zoning Code Section 11-12-3.A.2 would be set aside by the PUD. This must be specified if there will be no landscaped strips along 151<sup>st</sup> St. S. and McKennon Ave., or otherwise if they will not meet the minimum landscaped

strip width. See the Landscape Plan review section of this report for additional considerations for the landscaped strip requirement.

Per Zoning Code Section 11-9-15.D, one (1) loading berth is required and one (1) is provided. The hatched area on the plan appears to indicate this, but the hatched area is not included in the Legend. The Applicant should include the hatching in the Legend, or otherwise label as "Loading Berth" or "Loading Bay," or something to that effect.

The loading berth would not comply with the 25' setback per Zoning Code Section 11-10-3.B Table 1. However, PUD 71 provides that "There will be no parking or loading setback from East McKennon Avenue." The CH district also provides relief from this requirement.

Zoning Code Section 11-10-5.A requires a 10' X 30' dimension for loading berths, which does not appear possible recognizing the 20' depth of the loading area, with no (0) setback. As stated above, if granted CH zoning, Zoning Code Section 11-9-0.D provides that the off-street parking and loading requirements do not apply to uses within the CH district.

Screening/Fencing. The Zoning Code requires a sight-proof screening fence for the subject property along the east property line, as it abuts an RS-3 Residential district. The PUD Development Standards Section B.1.b, Frontage and Perimeter Requirements does not mention any plans for screening or fences or any specifications therefor.

The Overall Site Plan drawing indicates only a "6'-0" privacy fence" along the east property line and along the north line of the building projected to the east property line, and indicates a "gate" along the south line of the building projected to the east property line. A profile view / elevation diagram, as is customary, has not been provided showing either the fence or the gate. No details have been provided as to the proposed type, size, and materials to be used for the fence or gate.

Zoning Code Section 11-12-3.A.3 requires a 10' landscaped strip along property lines abutting an R Residential district, as is the situation for the east property line. PUD 71 does not currently provide an exception to this requirement, and the provided site plans do not indicate this landscaped strip. The Applicant should specify in the PUD that this requirement is being set aside, or otherwise plan to install the 10' landscaped strip.

As also recommended in the PUD 71 Staff Report, recognizing the existing dwelling in an RS-3 district on the lot abutting to the east, the Applicant should explain, to the Planning Commission's satisfaction, how a "6'-0" privacy fence," 20' setback, and no proposed landscaping along the east property line, will be adequate buffering in light of Zoning Code Sections 11-71-6, 11-71-8.B.1, 11-8-10.E, and 11-12-3.A.3. If found not satisfactory, the Planning Commission and Applicant should determine appropriate buffering methods during the PUD and Detailed Site Plan review and approval as authorized by the Zoning Code.

Proposed PUD 71 Development Standards Section B.4.a provides, "There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. All trash, ground supported mechanical and equipment areas, shall be screened from adjacent properties, E. 151<sup>st</sup> Street South and East McKennon Avenue."

The plans do not indicate the location of any planned waste or recyclable material storage receptacle, or ground supported mechanical and equipment areas, or any screening to be applied thereto. A plan and profile of any planned waste disposal and/or "ground supported mechanical and equipment area" enclosure(s) should be provided to demonstrate compliance with the Zoning Code and proposed PUD 71.

Landscape Plan. Overall Site Plan drawing includes plans for landscaping, which consists of the label "shrubs" along the north side of the building within the south 3' of the 5' building setback, along with a note on the drawing stating "The proposed landscaping consists of shrubs in a planting bed along the north side of the proposed building, as shown."

Proposed PUD 71 Development Standards Section B.1 provides:

- "
- a. A Preliminary Landscape and Screening Plan is depicted on [Exhibit F].
  - b. Frontage and Perimeter Requirements. The street yard landscape percentage requirement does not apply to this Site. The minimum setback requirement along both E. 151<sup>st</sup> Street South and E. McKennon Avenue can be 0 feet. There will be no tree requirement for this Site. There will be no required trees in the street yards for both E. 151<sup>st</sup> Street South and E. McKennon Avenue. With surface off street parking areas, landscaped areas will not be established."

The Landscape Plan is compared to the Landscape Chapter standards of the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 0' from both the 151<sup>st</sup> St. S. and McKennon Ave. rights-of-way for the proposed CH district and PUD 71. Although not required, PUD 71 and Detailed Site Plan propose a 3' to 5' landscaped strip within the 5' building setback along 151<sup>st</sup> St. S. **This standard is not applicable.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 10' along 151<sup>st</sup> St. S. and 7.5' along McKennon Ave. Proposed PUD 71 provides, "With surface off street parking areas, landscaped areas will not be established" (Development Standards Section B.1.b). Although Staff understands the intent, the language does not specify that the 10' and 7.5' landscaped strip requirement of Zoning Code Section 11-12-3.A.2 would be set aside by the PUD. This must be specified if there will be no landscaped strips, or otherwise the 5' strip will not comply with the 10' minimum width required along 151<sup>st</sup> St. S. **This standard is not met.**
3. Abutting Residential District Landscaping Requirement (Section 11-12-3.A.3): Standard requires a 10' landscaped strip along property lines abutting an R Residential district, as is the situation for the east property line. PUD 71 does not currently provide an exception to this requirement, and the provided site plans do not indicate this landscaped strip. The Applicant should specify in the PUD that this requirement is being set aside, or otherwise plan to install the 10' landscaped strip. **This standard is not met.**
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area, exclusive of Street Yards. There are no setback areas. **This standard is not applicable.**
5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' from a Landscaped Area, which Landscaped Area must contain at least one (1) tree. This standard would not be met as there is a parking lot strip along the south side of the building and no (0) trees are proposed. However, PUD 71, as proposed, would preempt any landscaping trees from being required. Provided, PUD 71 is approved with this preemptive language, **this standard will be not applicable.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of street yard. The Street Yard is are the setbacks along 151<sup>st</sup> St. S. and McKennon Ave. There are no setbacks in the proposed CH district or proposed PUD 71. **This standard is not applicable.**
7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. No (0) landscaping trees are proposed. However, PUD 71, as proposed, would preempt any landscaping trees from being required. Provided, PUD 71 is approved with this preemptive language, **this standard will be not applicable.**
8. Irrigation Standards (Section 11-12-3.D.2): There is a landscaped area along the north side of the building, but plans for irrigation have not been provided, and are needed to demonstrate compliance with this Section. **This standard is not met.**
9. Miscellaneous Standards (Section 11-12-3.D, etc.): **This standard is not applicable.**

Exterior Materials and Colors. Profile View/Building Elevations diagrams are represented on the "MILLWORX, LLC" drawing, and indicate the proposed exterior materials and general architectural appearance for the proposed building.

The proposed building would be surface-mounted metal siding, with metal fascia along the pitched roofline of the east and west elevations. The north elevation (facing 151<sup>st</sup> St. S.) will have a 3'-tall brick wainscot along the bottom of the building.

The roof is planned to be a standing-seam metal roof, sloping down to the north and south with a 4.5/12 pitch.

Continuing the brick façade of the 219 N. Armstrong building would be more aesthetically attractive than the proposed bare sheet metal with standing-seam metal roofs sloping down toward public streets. Adding windows and/or a real or realistic false door, to perforate the mass of the solid, flat wall, would also be an aesthetic improvement to the north elevation facing 151<sup>st</sup> St. S.

Color information, as required by Zoning Code Section 11-7G-6.A and as requested by Staff, has not been represented on the plans. The color information needs to be represented on the plans as is necessary for architectural site plan review.

Outdoor Lighting. Proposed PUD 71 Development Standards Section B.3.a provides:

- “ a. Lighting used to illuminate the development area shall be so arranged as to shield and direct the light away from adjacent residential areas. No light standard or building-mounted light shall exceed 20 feet in height.”

The “MILLWORX, LLC” profile view/elevations drawing does not indicate the proposed locations of the wall-mounted lights on the building. This information needs to be provided, and can either be represented on the elevations drawings or on an appropriate plan-view drawing indicating the locations about the building perimeter.

There is a residential dwelling immediately east of the subject property, creating the possibility of artificial lighting encroachment on these adjoining residences. A note on the Overall Site Plan drawing provides, “Outdoor lighting will be building-mounted. The lighting will be located at the corners of the building on the east and west sides and will be shielded.”

No details have been provided as to the type of lights to be used, proposed wattage or luminosity, shielding methods, or the location of the lights, other than generally that they will be on the corners of the building and will face west and east.

Recognizing the potential for adverse effects on the adjoining residence to the east, Staff recommends the Applicant provide a photometric plan (or equivalent) demonstrating no additional artificial light will be shed onto adjoining residential properties beyond ambient conditions, or otherwise that the Applicant’s lighting engineer, or other qualified expert, certify that the proposed lighting will not exceed the industry standard as it pertains to this type of commercial development and in proximity to dwelling units as in the present case. The Planning Commission may determine that moderate flexibility in this regard is warranted, recognizing that the residence to the east may be expected to redevelop. However, such redevelopment is not certain, and no timeline for the same can be known, nor can it be known that it would not redevelop residential, as per the RS-3 zoning.

Signage. PUD 71 essentially requires all signage comply with the Zoning Code standards for the same, and be approved by the Planning Commission for a “detail sign plan.” A note on the Overall Site Plan drawing provides, “There are no free standing signs shown [at] this time. Future signage will be presented to the Bixby Planning Commission and approved per PUD 71.

Per conversations with the Applicant, it is understood that a wall sign will be placed on the north facing elevation of the building. However, the “MILLWORX, LLC” profile view/elevations drawing does not indicate the proposed locations of the wall signs on the building, and no information has been submitted regarding their dimensions. This information must be submitted if to be approved by the Planning Commission as a part of this Detailed Site Plan.

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 approval of BCPA-5, BZ-352, and PUD 71 for all Detailed Site Plan particulars that require relief from the Zoning Code as proposed by PUD 71.
2. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
3. Subject to City Engineer and Public Works Director approval of the proposed parking lot design calling for paving extensively over the McKennon Ave. right-of-way.
4. The proposed driveway approaches and their curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements
5. Please amend language in proposed PUD 71 Development Standards Section B.6.c pertaining to sidewalks and represent on the Overall Site Plan the sidewalks along 151<sup>st</sup> St. S. and McKennon Ave. as described in the analysis above.
6. The one (1) proposed handicapped-accessible parking space is located at the east end of the parking lot strip, and does not appear to be the space closest to the south/front door entrance, based on its relative location as represented on the “MILLWORX, LLC” profile view/elevations drawing. Further, the dimensions are not provided, an access aisle is not indicated, an accessible route to the entrance is not evident, and information has not been provided indicating signage to be used to reserve the accessible space. The Applicant should make use of a van-

*accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards (see Figure 3 in Section 11-10-4.C). During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.*

7. *The hatched area on the plan appears to indicate a loading berth, but the hatched area is not included in the Legend. Please include the hatching in the Legend, or otherwise label the area as "Loading Berth" or "Loading Bay," or something to that effect.*
8. *Please provide a profile view / elevation diagram showing the proposed fence and gate, and details as to the proposed type, size, and materials to be used for both.*
9. *Recognizing the existing dwelling in an RS-3 district on the lot abutting to the east, the Applicant should explain, to the Planning Commission's satisfaction, how a "6'-0" privacy fence," 20' setback, and no proposed landscaping along the east property line, will be adequate buffering in light of Zoning Code Sections 11-7I-6, 11-7I-8.B.1, 11-8-10.E, and 11-12-3.A.3. If found not satisfactory, the Planning Commission and Applicant shall determine appropriate buffering methods during the PUD and Detailed Site Plan review and approval as authorized by the Zoning Code.*
10. *The plans do not indicate the location of any planned waste or recyclable material storage receptacle, or ground supported mechanical and equipment areas, or any screening to be applied thereto. A plan and profile of any planned waste disposal and/or "ground supported mechanical and equipment area" enclosure(s) should be provided to demonstrate compliance with the Zoning Code and proposed PUD 71.*
11. *Zoning Code Section 11-12-3.A.2 provides that there shall be a minimum Landscaped Area strip, 10' in width along 151<sup>st</sup> St. S. and 7.5' in width along McKennon Ave. Proposed PUD 71 provides, "With surface off street parking areas, landscaped areas will not be established" (Development Standards Section B.1.b). Although Staff understands the intent, the language does not specify that the 10' and 7.5' landscaped strip requirement of Zoning Code Section 11-12-3.A.2 would be set aside by the PUD. This must be specified if there will be no landscaped strips, or otherwise the 5' strip will not comply with the 10' minimum width required along 151<sup>st</sup> St. S.*
12. *Zoning Code Section 11-12-3.A.3 requires a 10' landscaped strip along property lines abutting an R Residential district, as is the situation for the east property line. PUD 71 does not currently provide an exception to this requirement, and the provided site plans do not indicate this landscaped strip. The Applicant should specify in the PUD that this requirement is being set aside, or otherwise plan to install the 10' landscaped strip.*
13. *Please provide plans for irrigation per Zoning Code Section 11-12-3.D.2.*
14. *Color information, as required by Zoning Code Section 11-7G-6.A and as requested by Staff, has not been represented on the plans. The color information needs to be represented on the plans as is necessary for architectural site plan review.*
15. *The "MILLWORX, LLC" profile view/elevations drawing does not indicate the proposed locations of the wall-mounted lights on the building. This information needs to be provided, and can either be represented on the elevations drawings or on an appropriate plan-view drawing indicating the locations about the building perimeter.*
16. *No details have been provided as to the type of lights to be used, proposed wattage or luminosity, shielding methods, or the location of the lights, other than generally that they will be on the corners of the building and will face west and east.*
17. *Recognizing the potential for adverse effects on the adjoining residence to the east, Staff recommends the Applicant provide a photometric plan (or equivalent) demonstrating no additional artificial light will be shed onto adjoining residential properties beyond ambient conditions, or otherwise that the Applicant's lighting engineer, or other qualified expert, certify that the proposed lighting will not exceed the industry standard as it pertains to this type of commercial development and in proximity to dwelling units as in the present case. The Planning Commission may determine that moderate flexibility in this regard is warranted, recognizing that the residence to the east may be expected to redevelop. However, such redevelopment is not certain, and no timeline for the same can be known, nor can it be known that it would not redevelop residential, as per the RS-3 zoning.*

18. *Per conversations with the Applicant, it is understood that a wall sign will be placed on the north facing elevation of the building. However, the "MILLWORX, LLC" profile view/elevations drawing does not indicate the proposed locations of the wall signs on the building, and no information has been submitted regarding their dimensions. This information must be submitted if to be approved by the Planning Commission as a part of this Detailed Site Plan.*
19. *Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).*

Erik Enyart stated that he was scanning the recommended Conditions of Approval to see if there were any conflicts based on changed plans. Mr. Enyart stated that recommendations # 11 and 12 could be resolved by changing language in the PUD.

Erik Enyart stated that recommendations # 15, 16, and 17 all pertained to lighting. JR Donelson stated that the building would have "pack lights" on the side of the building. Mr. Enyart discussed with JR Donelson his recommendation for a photometric lighting plan to be prepared by a professional, and Mr. Donelson indicated agreement and said he would advise his client that this was needed.

Erik Enyart stated that recommendation # 9 was the same as was discussed with the PUD, the recommendation that the Planning Commission find with the Applicant that the plans provide adequate buffering to the house to the east.

Larry Whiteley stated, "I agree with JR: if they cover it with a hedge, what's the use [of the brick wainscot] if they cover with bushes?"

Lance Whisman asked how long [the shrubs] would last.

Larry Whiteley stated, "They last a long time," and said he has had some for years and they have not died.

Lance Whisman addressed Erik Enyart and said that he had heard him point out recommendations # 9 and 15 through 17, and asked where the recommendation was regarding the brick [wainscot]. Mr. Enyart stated that it was not included because, when the report was published, the brick was represented on the plans as being proposed.

JR Donelson stated that, in regard to recommendation # 9, he could get a letter from *BTC* stating that they had seen the plans and considered there to be adequate buffering.

Larry Whiteley made a MOTION to APPROVE BSP 2011-01 subject to all of the corrections, modifications, and Conditions of Approval as recommended by Staff, with recommendation # 9 to be satisfied by a letter from the property owner to the east that the buffering is adequate and will not interfere with the house in any way. Lance Whisman SECONDED the Motion. Roll was called:

**ROLL CALL:**

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

11. **AC-11-01-01 – “My Dentist Dental Clinic” – Sam Gresham Architect.** Discussion and review of a Detailed Site Plan and building plans for **“My Dentist Complete Care Dentistry.”** a Use Unit 11 dental office for Lot 1, Block 1, *Braums Addition*.  
Property located: 12106 S. Memorial Dr.
- 

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the following Staff Report:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Wednesday, January 19, 2011  
**RE:** Report and Recommendations for:  
AC-11-01-01 – “My Dentist Dental Clinic” – Sam Gresham Architect

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**LOCATION:** – 12106 S. Memorial Dr.  
– Lot 1, Block 1, Braums Addition

**SIZE:** 2/3 acre, more or less

**EXISTING ZONING:** CS Commercial Shopping Center District

**EXISTING USE:** Vacant (the former Braum’s Ice Cream and Dairy Store restaurant was demolished 12/2010)

**DEVELOPMENT TYPE:** Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations for a building expansion for a Use Unit 11 dental office.

**SURROUNDING ZONING AND LAND USE:**

**North:** CG & CS; The Pizza Hut restaurant, and north of 121<sup>st</sup> St. S., Bank of Oklahoma.

**South:** AG, CS, OL, & RS-3; Agricultural land and a 19-acre tract zoned RS-3, OL, and CS, which is primarily agricultural but contains the Easton Sod sales lot toward its east end at 12300 S. Memorial Dr.

**East:** (Across Memorial Dr.) CS; Commercial in the 121st Center shopping center including the McDonald’s restaurant, Carpet Center / Floorhaus Flooring America, and the North Carolina Furniture Mart.

**West:** AG; Agricultural.

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

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

**BZ-130 – J. F. Langley, Jr. for Billy Joe Ramsey** – Request for rezoning the future Braums Addition land from AG to CS – PC Recommended Approval 01/31/1983 and City Council Approved 02/07/1983 (Ord. # 473).

**BL-79 – J. F. Langley, Jr. for Billy Joe Ramsey** – Request for Lot-Split to separate the future Braums Addition land from the abutting agricultural land to the south and west – PC Recommended Approval subject to BZ-130 01/31/1983 and City Council presumably Approved in February, 1983.

**Preliminary and Conditional Final Plat of Braums Addition** – Request for Preliminary and Conditional Final Plat approval for Braums Addition – PC Conditionally Approved 02/28/1983 and City Council presumably Approved. Plat recorded 05/26/1983.

**BACKGROUND INFORMATION:**

This Detailed Site Plan was originally placed on the January 18, 2011 regular meeting. With only two (2) members available to meet, the Planning Commission failed to achieve quorum and the January 18, 2011

meeting was cancelled. In order to ensure there is no further delay to the project, Staff has re-placed the item on this Special-Called meeting agenda.

ANALYSIS:

Subject Property Conditions. The subject property is relatively flat and appears to drain to the west and to the south to a borrow ditch along Memorial Dr. Parts of the northwesterly, west, and southern perimeters of the property are located in the Shaded Zone X – 500-Year (0.2% Annual Chance; Non-Regulatory) Floodplains, and the balance of the property (including the site over which the building will be located) is located in Unshaded Zone X – outside of the 500-Year Floodplain.

The subject property is zoned CS and is now vacant. The former Braum's Ice Cream and Dairy Store restaurant building, containing approximately 3,403.8 square feet, was demolished in December of 2010. The concrete parking lot and drives, light poles, and signage remain.

General. The A1.1 Site Plan and Details drawing exhibits a conventional, suburban-style design. The plan indicates the proposed building, driveways, and parking spaces.

The Applicant is proposing to build a 62' X approximately 83' 1" (5,257.17 square feet) building for a Unit 11 "My Dentist Dental Clinic."

Site Plan and Details drawing A1.1 indicates, as differentiated with hatching, that there is/will be an "Existing Building" and a "New Building Addition," suggesting that the old Braum's building would be retained and added onto. However, the old Braum's building was demolished in December of 2010. This should be noted when reviewing the Detailed Site Plan.

Site Plan and Details drawing A1.1 indicates, using muted and dashed line-types, the existing site features, including parking areas and curb lines, which will be removed in favor of the larger building and redeveloped site features.

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

The Technical Advisory Committee reviewed this Detailed Site Plan on January 05, 2011. The Minutes of the meeting are attached to this report.

The subject property lot conforms to the CS district, and the proposed building appears to comply with the height, maximum FAR, and minimum building setback standards of the Zoning Code for the CS district.

Access and Internal Circulation. Primary access will be from Memorial Dr. via an existing driveway, and another driveway connects to 121<sup>st</sup> St. S. through the unplatted agricultural acreage owned by the Bill J. Ramsey Trust. Site Plan and Details drawing A1.1 indicates there is an "easement by prescription." Any easement situation is a private matter between the affected property owners.

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

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

Parking and Loading Standards. A1.1 Site Plan and Details drawing indicates the location of existing and proposed parking areas and driveways.

The proposed building would contain 5,257.17 square feet. Per Zoning Code Section 11-9-11.D, at one (1) parking space to 300 square feet of building floor area, 18 parking spaces are required, and 31 parking spaces are proposed.

The A1.1 Site Plan and Details drawing indicates the regular and handicapped-accessible parking space dimensions. The regular parking spaces are 18' in depth and 9.0' in width, which comply with Zoning Code Section 11-10-4.B Figure 1.

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

Per the Building Inspector, the ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The two (2) "Universal" accessible parking spaces are understood to satisfy this requirement.

Per “ADA guidelines” (ADAAG Section 502.2, DOJ Standards for Accessible Design Section A4.6.3/4.6.3, IBC/ANSI Section 502.2), “Universal” spaces must have 132 inches (11’) in width with an access aisle a minimum of 60 inches (5’) in width. The two (2) “Universal” spaces appear to comply with this design standard.

The “Universal” handicapped-accessible spaces appear to meet the standards per Zoning Code Section 11-10-4.C Figure 3. The Applicant should confirm with the Building Inspector that the wheelchair ramps and access aisles between the spaces and the building entrance comply with ADA standards.

The existing parking lot does not comply with the 15’ minimum setback of Zoning Code Section 11-10-3.B Table 1. According to the ALTA survey, the parking lot extends into the Memorial Dr. right-of-way by approximately one 1 to 2 ½ feet. As Staff recommended, the Applicant is proposing to bring the parking lot up to code, installing a new 15’ parking lot setback. This 15’ will also satisfy the required landscaped strip per Zoning Code Section 11-12-3.A.7.

New planting islands will also be installed about the centers of the north and south lines of the property, replacing existing parking spaces. Drawing A1.1 indicates they measure approximately 9’ X 18’ and will be protected by curbs. These will help achieve compliance with the maximum distance between parking spaces and landscaped areas standard per Zoning Code Section 11-12-3.B.1.

The building does not meet the minimum threshold for requiring a loading berth per Zoning Code Section 11-9-11.D.

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.

For waste disposal, the existing trash dumpster enclosure area at the southwest corner of the subject property will be demolished in favor of a smaller replacement enclosure area in the same location. The new enclosure will be concrete block, likely to be clad with EIFS exterior to match the building per notes on the plan. Diagrams 2 through 6 on Site Plan and Details drawing A1.1 provides details on the proposed enclosure, which appears to be consistent with the quality of other screening fence enclosures permitted in Bixby in recent months and appropriate for a dental clinic application.

Landscape Plan. Landscape Plan and Details drawing A1.2 is compared to the Landscape Chapter standards of the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 50’ from the Memorial Dr. right-of-way. A new 15’ parking lot setback / landscaped strip is proposed along Memorial Dr., to include landscaping trees. **This standard is met.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 15’ along S. Memorial Dr. A new 15’ parking lot setback / landscaped strip is now proposed along Memorial Dr., which will allow this standard to be met. **This standard is met.**
3. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Excluding the building line setbacks along Memorial Dr. (which is a Street Yard), there are no other setback areas. **This standard is met.**
4. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50’ from a Landscaped Area, which Landscaped Area must contain at least one (1) tree. **This standard is met.**
5. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of street yard. The Street Yard is the 50’ setback along S. Memorial Dr.

The Memorial Dr. Street Yard is calculated as follows: 50’ setback X 160’ frontage = 8,000 / 1,000 = 8 trees required in Street Yard. 10 trees are planned within Street Yard. **This standard is met.**

6. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. For 31 parking spaces, four (4) trees are required (1/10 of a tree is not possible, and required numbers of trees are not rounded-down). Excluding the eight (8) required Street Yard trees already accounted for, five (5) trees are proposed. **This standard is met.**
7. Parking Areas within 25’ of Right-of-Way (Section 11-12-3.C.5.a): Standard will be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.

8. Irrigation Standards (Section 11-12-3.D.2): Note on the Landscape Plan states “All landscaping to be maintained by an automatic sprinkler system.” Plans for the system have been provided, and demonstrate compliance with this Section. **This standard is met.**
9. Miscellaneous Standards (Section 11-12-3.D, etc.): The reported calipers of the proposed trees and other information indicates compliance with other miscellaneous standards. **This standard is met.**

Exterior Materials and Colors. Profile View/Building Elevations diagrams are represented on the “Elevations” drawings A3.1 and A3.2, and indicate the proposed exterior materials and general architectural appearance for the proposed building.

The exterior materials will be primarily (1) EIFS with a (2) thin cut applied stone on the pilaster trim, and (3) stone veneer along the base of the building. The roof will not be visible.

Color information, as required by Zoning Code Section 11-7G-6.A, has not been represented on the plans. The color information needs to be represented on the plans as is necessary for architectural site plan review.

Outdoor Lighting. Lithonia Lighting brand cut sheets have been provided for outdoor lighting, to include pole-mounted and building-mounted lights.

According to the ALTA survey, there are three (3) existing pole-mounted lights: one about the center of and just within the north property line, one about the center of and just outside the south property line, and one just to the north of the Memorial Dr. entrance drive just east of the property line within the ODOT right-of-way for U.S. Hwy 64. Per notes on the plan, all three (3) existing pole-mounted lights will remain.

“Elevations” drawings A3.1 and A3.2 do not indicate the proposed locations of the wall-mounted lights on the building. This information needs to be provided, and can either be represented on the elevations drawings or on an appropriate plan-view drawing indicating the locations about the building perimeter.

Presuming typical arrangements of pole- and building-mounted lighting, the lighting would appear appropriate for this development in its context. There are no residential areas remotely close to the subject property, and so a photometric plan should not be required for something as simple as a replacement building on an existing developed site.

Signage. Site Plan and Details drawing A1.1 indicates the location of the “Existing Sign” about the southeast corner of the property, just within the south property line. This is the same location as the existing sign is located per the submitted ALTA survey.

The Applicant has provided a profile view / elevation drawing of the replacement ground sign, along with an email on January 07, 2011 explaining that the new sign and new pylon will replace the old sign, but in the same location.

The new ground sign would comply with the maximum number, height, display surface area, and other such signage standards for the CS district.

Per the ALTA survey, there are two (2) existing Braum’s directional signs located on either sides of the Memorial Dr. entrance drive, several feet within the ODOT right-of-way for U.S. Hwy 64. The City of Bixby cannot permit the replacement of these signs within the public highway right-of-way per Zoning Code Sections 11-9-21.C.5, 11-9-21.D.3, and 11-9-21.F (and possibly others) and as it would not be in order to permit or allow the placement of signs on land owned by a third party (see also 23 CFR Chapter 1 §750.704). These signs will be removed, per notes added to Site Plan and Details drawing A1.1 as received January 07, 2011.

“Elevations” drawings A3.1 and A3.2 indicate wall signs will be placed on the front/east and both north and south sides of the buildings. However, the Applicant has stated that there will only be one (1) sign, facing front/east. The sign will be [internally-]illuminated by LED lights and will conform to maximum display surface area standards. The elevations drawings will need to remove indications of signage on the north- and south-facing building walls.

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

1. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
2. Diagram 2 on drawing A3.1 misspells “East” – please correct.

3. *The existing and proposed driveways and their curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements*
4. *The Applicant should confirm with the Building Inspector that the wheelchair ramps and access aisles between the “Universal” parking spaces and the building entrance comply with ADA standards.*
5. *Color information, as required by Zoning Code Section 11-7G-6.A, has not been represented on the plans. The color information needs to be represented on the plans as is necessary for architectural site plan review.*
6. *The elevations drawings do not indicate the proposed locations of the wall-mounted lights on the building. This information needs to be provided, and can either be represented on the elevations drawings or on an appropriate plan-view drawing indicating the locations about the building perimeter.*
7. *“Elevations” drawings A3.1 and A3.2 indicate wall signs will be placed on the front/east and both north and south sides of the buildings. However, the Applicant has stated that there will only be one (1) sign, facing front/east. The elevations drawings will need to remove indications of signage on the north- and south-facing building walls.*

Erik Enyart asked Applicant Steve Smith if the back/east wall would be demolished like the rest of the building. Mr. Smith stated that he would use the service connections on the wall. Mr. Smith stated that he had originally planned to build onto the front of the building, but when he got in to look at it, it was all “molded up” and “ate up” and so had to be demolished. Mr. Smith introduced himself as a representative of *Taylor Construction*, and stated that he and his company exclusively build for *My Dentist*.

Erik Enyart noted that recommended corrections/Conditions of Approval items numbered 2 and 7 had been resolved between the time the agenda packet was published and this meeting.

Steve Smith stated that there would be two (2) signs: a pole sign and a [wall] sign on the front/east elevation.

Larry Whiteley stated, “[It] looks like a nice building,” and observed that the Applicant planned to remove a few of the [*Braum’s*] parking spaces to move the building forward.

Larry Whiteley made a MOTION to APPROVE AC-11-01-01, subject to the Conditions of Approval as recommended by Staff.

One of the Commissioners asked what colors would be used, and Steve Smith stated the building would be “Amarillo white” with “burns white” and “bands of a tannish color.”

Lance Whisman confirmed with Steve Smith that it would be similar to the *My Dentist* location in Broken Arrow.

Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Whiteley, Baldwin, Holland, & Whisman
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 7:59 PM.

APPROVED BY:

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Chair

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Date

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City Planner/Recording Secretary