

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
March 21, 2011                      6:00 PM**

**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 6:05 PM.

Chair Thomas Holland recognized Leadership Bixby interns Ron Bussert of OSU-Tulsa and Stacie McFarlin of Beck Design, Tulsa.

**ROLL CALL:**

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

Members Absent: Jeff Baldwin.

**CONSENT AGENDA:**

1. Approval of Minutes for the February 22, 2011 Regular Meeting
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Chair Thomas Holland introduced Consent Agenda Item number 1.

John Benjamin made a MOTION to APPROVE the Minutes of the February 22, 2011 meeting as presented by Staff. Larry Whiteley SECONDED the Motion.

John Benjamin asked why Firestone's committee chose not to develop the site after going through the review process, as indicated in the Minutes. Mr. Benjamin stated that he would think Firestone spent a considerable amount of money on the project, only to not develop it. Erik Enyart stated that the only thing he knew was what the developer's engineer had stated, which was that it was probably a money issue.

Chair Thomas Holland asked if it would be in order for a Commissioner to vote to approve Minutes if they were not present at that meeting. Erik Enyart stated that this has been done before, and that it was up to the member if they wanted to approve the Minutes. John Benjamin stated that he had read the Minutes and found no problems with it.

Roll was called:

ROLL CALL:

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

2. Case # AC-11-03-01. Discussion and possible action to approve wall sign(s) for “Avon” at 10921 S. Memorial Dr. in the “South Park Shopping Center,” part of the SW/4 Section 25, T18N, R13E.
  3. Case # AC-11-03-02. Discussion and possible action to approve a replacement ground sign for *The Palazzo* shopping center, 8222 E. 103<sup>rd</sup> St. S., part of Tract A, *101 South Memorial Center*.
  4. Case # AC-11-03-03. Discussion and possible action to approve a replacement ground sign for *St. Clement of Rome Catholic Church*, 15501 S. Memorial Dr., part of the N/2, N/2, NW/4, SW/4 of Section 24, T17N, R13E.
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Chair Thomas Holland introduced Consent Agenda Items numbered 2, 3, and 4, and asked Erik Enyart if they were like similar such cases where they had already been approved. Mr. Enyart confirmed and stated that, in all of these cases, Staff has reviewed and approved the sign permits, finding that the signage conformed to the Zoning Code requirements. Mr. Enyart requested ratification of the approval given. Mr. Holland confirmed with Mr. Enyart that the Commission could approve all of the items with a singular Motion.

Larry Whiteley made a MOTION to APPROVE Consent Agenda Items numbered 2, 3, and 4. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS:

None.

PLATS

None.

OTHER BUSINESS

5. **PUD 50 – Jade Crossing – Minor Amendment # 2.** Discussion and possible action to approve a Minor Amendment to PUD 50 to remove the maximum number of lots standard for Development Area C, replatted as all of *Jade Crossing II*.  
Property located: North of the intersection of Grant St. and 151<sup>st</sup> St. S.
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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:** Tuesday, March 15, 2011  
**RE:** Report and Recommendations for:  
PUD # 50 – Jade Crossing II – Minor Amendment # 2

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**LOCATION:** – North of the intersection of Grant St. and 151<sup>st</sup> St. S.  
– All of Jade Crossing and Jade Crossing II

**SIZE:** – 22 acres, more or less (PUD 50 area)  
– 5 acres, more or less (Development Area C area)

**EXISTING ZONING:** IM, IL, & CS + PUD 50 Jade Crossing

**REQUEST:** Minor Amendment to PUD 50 to remove the maximum number of lots standard for Development Area C, replatted as all of *Jade Crossing II*

**SURROUNDING ZONING AND LAND USE:**

**North:** IM; Abandoned railroad R/W and industrial in Morris-Bright Industrial Park Industrial Park Addition along Grant St.

**South:** (Across 151<sup>st</sup> St. S.) RS-2, AG, & IL; Residential in the Jim King Addition, a residential tract zoned AG, and industrial in the Bixby Industrial Park to the southwest.

**East:** IL & CS; Commercial in Spartan Family Shopping Center in Wal-Mart Stores Addition.

**West:** AG; An approximately 152-acre agricultural tract.

**COMPREHENSIVE PLAN:** Special District # 3 + High Intensity + Industrial Area + Regional Trail

**PREVIOUS/RELATED CASES:** (not a complete list)

**BZ-45 – Warren Morris** – Request for IH, IL, CG, & CS zoning for all of the E/2 SE/4 of this Section (80 acres, includes all of Jade Crossing) – Approved for IM, IL, and CS zoning only by the City Council 10/19/1976 (Ord. # 320).

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

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

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

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

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

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

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

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

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

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

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

**RELEVANT AREA CASE HISTORY:**

**BACKGROUND INFORMATION:**

*The original PUD 50 restricted Development Area C to a maximum of three (3) lots. Per PUD Minor Amendment # 1, this maximum was increased to six (6) lots. This allowed Development Area C to be replatted as Jade Crossing II, which had six (6) lots. The largest lot, Lot 1, Block 1, has two (2) buildings on it, and the owner has requested a Lot-Split per BL-378 to divide it so that each building is on its own lot. This would result in seven (7) lots in Development Area C. The Applicant is therefore requesting to amend PUD 50 as it concerns Development Area C to remove the maximum lot standard.*

*The Applicant/developer no longer owns all lots in Jade Crossing, and so considering an amendment to PUD 50 (or a replat of part of Jade Crossing, for that matter) is complicated somewhat by the potential for changes to PUD standards affecting owners other than the Applicant. Normally, Staff would request a legal opinion to determine the extent of such complications and prescribe any actions necessary to mitigate such complications. However, Staff notes that Restrictive Covenants Section 6.C of Jade Crossing, which is the same or substantially similar to Section 6.C of Jade Crossing II, gives explicit authority to the Developer to make applications for amendments to PUD 50. This would also appear to implicitly authorize the Developer to make applications for replatting and/or Lot-Splitting part of Jade Crossing / II, recognizing that the PUD Minor Amendment provisions of the Zoning Code call for replatting as the case may warrant.*

**ANALYSIS:**

*A Minor Amendment is in order recognizing (1) That the underlying IL and IM zoning has no minimum lot sizes and the new lots as proposed by BL-378 do not otherwise violate bulk and area standards of the underlying districts, and (2) The Applicant's previous statement that there was no significance to the former number '3' standard imposed by the original PUD 50, supported by cursory Staff research revealing no indication of significance in the case file.*

*The PUD is the same as it was originally approved, with the only exception being the removal of the maximum number of permitted lots in Development Area C.*

*Special District # 3 of the Bixby Comprehensive Plan provides that the existing CS, IL, and IM districts May Be Found In Accordance with the Comprehensive Plan. Page 91 of the Comprehensive Plan indicates that industrial development within the existing industrially-zoned area are "suitable for business and industrial development." The existing CS, IL, and IM districts, and the existing industrial development within Jade Crossing / II, are In Accordance with the High Intensity and Industrial Land Use designations. Therefore, the proposed Minor Amendment is not inconsistent with the Comprehensive Plan.*

*Staff Recommendation. Staff recommends Approval subject to correcting the date citation in Section D. Scope to May, 2006.*

Larry Whiteley and Chair Thomas Holland asked if the [d]etention pond could be developed if the Minor Amendment was approved. Erik Enyart stated that it was engineered and designed to be the size it was to meet the stormwater, and possibly compensatory storage requirements for the entire development. Mr. Enyart stated that he was not aware of any current plans to develop the detention pond, but if it was possible to re-engineer it to reclaim developable land, then this could be done, and the Minor Amendment would enable that land to be created by future Lot-Split.

Larry Whiteley asked JR Donelson if there were any plans to develop the [detention pond] and Mr. Donelson responded, "Not at this time."

Chair Thomas Holland expressed concern that the developer would continue to Lot-Split the development, creating more and smaller lots. Mr. Holland expressed concern for the lack of control over what types of industries occupy the buildings, and asked what types of businesses were in [the buildings on the BL-378 property] now. Erik Enyart stated that the buildings were under construction. JR Donelson confirmed that the buildings were under construction and stated that there was a company that wanted to buy one whole building from his client, as they wanted the building, the property, and to meet the requirements of the Zoning [Code]. Mr. Donelson discussed Lot-Split considerations for the BL-378 property and other lots in the Jade Crossing development and companies that were buying, had options on, or were looking at occupying certain properties in the Jade Crossing development. Mr. Donelson stated that Mr. Enyart had advised him, [in order that the PUD not be required to be amended again,] to simply remove the maximum lot PUD standard.

Erik Enyart stated that he was not sure why there was a maximum lot standard. Mr. Enyart stated that he had seen such a standard in residential developments, but that it was not common in commercial developments in Bixby. Mr. Enyart stated that he was not in his current position when this development was planned, and said that he believed the original PUD was prepared by [Jeffrey] Levinson. Mr. Enyart asked JR Donelson if he recalled the circumstances surrounding this provision of the original PUD. Mr. Donelson confirmed that the PUD was originally written by Mr. Levinson, and speculated that, since Mr. Levinson had just “[done a] residential [PUD] for the same developer, [he must have] fell into the same [PUD format for this industrial / commercial development].”

Lance Whisman asked if the Commission should use some new maximum number, rather than removing the standard entirely, and the Commissioners discussed the matter. Larry Whiteley asked if the developer would not have to come back to the Commission [if any changes were proposed]. Erik Enyart stated that any new Lot-Splits would have to come back to the Commission. Lance Whisman asked Erik Enyart if approving the change removing the standard would set a precedent, and Mr. Enyart stated, “No, not that I can think of.”

After further discussion, Larry Whiteley made a MOTION to APPROVE PUD 50 Minor Amendment # 2 subject to the correction of the date as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

6. **BL-378 – JR Donelson, Inc. for First Equity Corporation.** Discussion and possible action to approve a Lot-Split for Lot 1, Block 1, *Jade Crossing II*. Property located: 15010 & 15038 S. Grant St.

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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:** Tuesday, March 15, 2011  
**RE:** Report and Recommendations for:  
BL-378 – JR Donelson, Inc. for First Equity Corporation

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**LOCATION:** – 15010 & 15038 S. Grant St.  
– Lot 1, Block 1, Jade Crossing II  
**LOT SIZE:** 0.8 acres, more or less  
**ZONING:** IM Industrial Moderate District and (the south approximately 40' of Lot 1, per legal descriptions) IL Industrial Light District and PUD 50  
**EXISTING USE:** Two (2) heavy commercial / light industrial / trade center buildings  
**REQUEST:** Lot-Split approval  
**COMPREHENSIVE PLAN:** Special District # 3 + High Intensity + Industrial Area + Regional Trail

**PREVIOUS/RELATED CASES:**

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

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

**BACKGROUND INFORMATION:**

The original PUD 50 restricted Development Area C to a maximum of three (3) lots. Per PUD Minor Amendment # 1, this maximum was increased to six (6) lots. This allowed Development Area C to be replatted as Jade Crossing II, which had six (6) lots. The largest lot, Lot 1, Block 1, has two (2) buildings on it, and the owner has requested a Lot-Split per BL-378 to divide it so that each building is on its own lot. This would result in seven (7) lots in Development Area C. The Applicant is therefore requesting to amend PUD 50 as it concerns Development Area C to remove the maximum lot standard.

**ANALYSIS:**

Subject Property Conditions. The subject property consists of Lot 1, Block 1 in Jade Crossing II, zoned IM/IL + PUD 50. It contains approximately 0.8 acres. Two (2) heavy commercial / light industrial / trade center buildings are under construction on the lot, one oriented lengthwise paralleling the north lot

line and the other oriented lengthwise paralleling the south lot line. The proposed Lot-Split would result in each building being situated on its own lot and sharing a singular entrance drive.

General. Provided PUD 50 Minor Amendment # 2 is approved, the proposed lots would comply with the bulk and area and other requirements of PUD 50 and appear to be reasonably sized for their intended use.

The Technical Advisory Committee (TAC) members provided written comments, none of which indicated any objection to the application.

Staff Recommendation. Staff recommends Approval, subject to the approval of PUD 50 Minor Amendment # 2.

Chair Thomas Holland asked if there were any questions or comments. There being none, Mr. Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE BL-378. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, Holland, Benjamin, & 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 6:22 PM.

APPROVED BY:

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Chair

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Date

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City Planner/Recording Secretary