

UNOFFICIAL MINUTES UNTIL APPROVED

MINUTES
ARCHITECTURAL COMMITTEE
6:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
Monday
September 17, 2007

STAFF PRESENT:

Erik Enyart, AICP, City Planner
Deborah Forbes, Asst. City Planner

ATTENDING:

See attached Sign-in Sheet

CALL TO ORDER:

Meeting called to order by Chair Jim Powell at 6:02 PM.

ROLL CALL:

Members Present: Jim Powell, Beverly Savage, Richard Altmann, and David Skaggs
Members Absent: Tim Remy

CONSENT AGENDA: None

1. Approval of Minutes for August 20, 2007

Chair Jim Powell asked to entertain a Motion on the Minutes of the August 20, 2007 A MOTION to APPROVE was made by David Skaggs and SECONDED by Richard Altmann. Roll was called:

ROLL CALL:

AYE: Powell, Savage, Altmann, & Skaggs
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

PUBLIC HEARINGS:

- 1. Case # 07-09-01** Discussion and possible action to approve a wall sign for Audio Video Connections, LLC in the Palazzo Shopping Center at 8222 E. 103rd St. S. #126.

Enyart summarized the staff report as follows:

Applicant: Audio Video Connections, LLC
Location: – 8222 E. 103rd St. S. #126
– The Palazzo Shopping Center

Zoning: CS
Development Type: Sign permit for a 5' wide by 3' tall full color LED wall sign.
Analysis:

The proposed wall sign would replace an existing wall sign of approximately equal display surface area. The sign, as proposed, would not exceed the display surface area standard per Zoning Code Section 11-9-21.D.2.

Although the minutes of the May 21, 2007 Architectural Committee meeting were not taken and do not exist in any official format, city records suggest the Committee approved an "Optec LED" digital video sign for Sonic Drive In on that date (AC-07-05-02). The proposed LED sign is anticipated to be similar in appearance and function.

Bixby Zoning Code Section 11-9-21.C.2 provides:

"2. All signs shall be of a constant light. No flashing or intermittent type of lighted signs are allowed."

Staff has observed LED signs similar to the Sonic Drive In sign, and would consider that they are in fact not of constant light, by necessary function of the technology which relies on turning individual or clusters of Light Emitting Diodes on and off in order to change the imagery and message. Staff has observed also that such LED signs may be programmed to flash or be turned on/off, in whole or in part, intermittently. Staff does not consider LED signs to comply with the Zoning Code restriction cited above.

It is the City Council's prerogative to amend the Zoning Code to provide for newer technologies when the code would presently prohibit the same. Although philosophically not opposed to the technology, Staff cannot recommend approval at this time.

Enyart stated, if the Committee was considering not approving the application, recognizing the Applicant was not present, it should instead Continue the case to the next meeting to allow the Applicant to attend.

Altmann questioned about if the sign is to replace the old sign. Richard suggests that there should be stipulations set for the location of these signs in concern of the traffic vision.

Enyart stated that it was and on page 18 is the picture of the signage along with other signs that have been approved, suggesting to him that the Applicant may have anticipated resistance to the sign's approval.

Chair Jim Powell expressed his preference that the Committee recommend to the City Council a change to consider LED lighting. Mr. Powell recalled the history of such signs in Bixby, noting that the precedent began with the banks, and followed by the school, and then Carpet City. Mr. Powell suggested that since the Board has already approved the other LED signs that the Ordinances be updated to include a standards for flashing levels, brightness, colors, location, size, light levels, and set a limit of brightness and animation from dusk till dawn, as things have sort of got out of hand.

Altmann noted that the standards should consider the location of the LED signs – visibility from streets and residential areas.

Skaggs noted that the bright lights at night can be blinding, and when they flash they can be confused with emergency vehicles.

A MOTION to APPROVE Case # 07-09-01, subject to the light intensity to be dimmer at night, was made by Richard Altmann and SECONDED by Beverly Savage. Roll was called:

ROLL CALL:

AYE: Powell, Savage, Altmann, & Skaggs
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

2. **Case # 07-09-02** Discussion and possible action to approve a wall sign for Select Physical Therapy, 11055 S. Memorial.

Enyart summarized the staff report on page 25 of the agenda packet:

Applicant: Select Physical Therapy
Location: 11055 S. Memorial Dr.
Zoning: CS
Development Type: Sign permit for a 2' tall by 19' wide (28 square feet) wall sign.
Analysis:
*The proposed wall sign would replace an existing wall sign of approximately equal display surface area. The sign, as proposed, would not exceed the display surface area standard per Zoning Code Section 11-9-21.D.2.
Staff recommends approval.*

Chair Jim Powell remarks to Enyart that the new color maps are helpful.

A MOTION to APPROVE Case # 07-09-02 was made by Beverly Savage and SECONDED by Richard Altmann. Roll was called:

ROLL CALL:

AYE: Powell, Savage, Altmann, & Skaggs
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

3. **Case # 07-05-01 (Request for Reconsideration/Alternative Compliance Plan)** Discussion and possible action to approve a portable building at 11725 S Memorial.

Enyart summarized the staff report on page 31 of the agenda packet:

Applicant: Ali Farooqui
Location: – 11725 S. Memorial Dr.
– Lot 5 Block 2, Southern Memorial Acres
Zoning: CG
Development Type: Portable building
Background Information:
Although the minutes of the May 21, 2007 Architectural Committee meeting were not taken and do not exist in any official format, the Architectural Committee and other city staff present at the May meeting have stated that this application was denied, and the Applicant was directed to remove the portable building and go through the proper process. As of a week ago, the building has not been removed. The Applicant has requested for the case to be returned to the agenda for reconsideration and/or to propose an alternative compliance plan.
Analysis:
The staff report for the May 21, 2007 Architectural Committee meeting is repeated as follows:

“The building has been place on the property and the property owner was issued a stop work order. The building has plumbing which the inspector will not approve without the approval of building permit. The accessory building is not addressed in the building code because it is less than 160 square feet. City Code 11-7D-3B3 says accessory structure are exempt if less than 400 square feet. So this item is under the minimums square ft. However, it is in the Corridor District and the Corridor Ordinance directs the approval of all structures 600 feet each side of the Corridor. For that reason this item is brought to the committee for approval or denial. Staff does not feel a portable building is appropriate for this area unless it would be storage building appropriately placed on the lot.”

As of the date of this report, no additional information has been submitted. The Applicant is anticipated to be present at the meeting to represent the request for reconsideration/alternative compliance plan. See attached letters, emails, and drawings for additional information.

Chair Powell stated that the case has come before the Board before and the owners had asked to for the case to be removed from the agenda at that time. Powell stated that the Committee advised the Applicant to go through the Planning Commission to rezone the property for a car lot, and then return to the Architectural Committee for building and signage approval. Powell stated that the outbuilding was still there and a sign has been erected [without the property permit or approval].

Savage stated that the Applicant is already open and selling cars. Beverly stated she has seen used cars on the lot numeral times.

Enyart stated that the zoning CG does allow for the car sales, and that he believed the Applicant had a license from the state, and perhaps even a letter from the previous planner confirming the zoning of the property allowed for auto sales.

Chair Powell stated that the applicant had no documentation of any thing when he presented to the board. Jim stated at this point the board has no evidence of the applicant operating legally and without a representation of his organization the Corridor doesn't allow the building.

Jim Powell made a MOTION to DENY the Case # 07-05-01 (Request for Reconsideration/Alternative Compliance Plan), with direction to the Applicant to remove the [unpermitted] sign and portable building, to bring documentation demonstrating the business is in good standing, and to return to the Committee prior to any changes in the building. The Motion was SECONDED by Beverly Savage. Roll was called:

ROLL CALL:

AYE:	Powell, Savage, Altmann, & Skaggs.
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

4. Case # 07-08-06 Discussion and possible action to approve the construction of a commercial building for Spectrum Painting, 7228 E. 151st St. S.

Chair Jim Powell introduced the item and called on Erik Enyart for the Staff Report and recommendation.

Enyart stated that, during the Architectural Committee meeting of August 20, 2007, Applicant's agent JR Donelson provided the numbers demonstrating that all parts of the proposed building would be, in fact, beyond the reach of the Corridor Appearance District which extends only 300' from the centerline of 151st St. S. on the north and south sides of 151st St. S. Mr. Enyart stated that no action is required due to lack of jurisdiction. Mr. Enyart advised that the Applicant is seeking a downzoning to CH, Planning Commission, and Board of Adjustment approval, all as provided within the Zoning Regulations, to remedy Zoning deficiencies of the present proposal.

No action taken.

5. Report by the City Planner on Code Enforcement programs

Enyart summarized the staff report on page 46 of the agenda packet:

Background Information. At the regular meeting held July 18, 2007, the Architectural Committee discussed the efficacy and current issues with Bixby's code enforcement program, and directed Staff to research and report on examples from the metro area of programs considered to be successful. The previous report dated August 06, 2007 and presented to the Architectural Committee on August 20, 2007 described the Broken Arrow and Sapulpa Code Enforcement Programs. This report adds to the previous report a summary of the current Bixby Code Enforcement program.

Broken Arrow. One of the larger programs in the area, second perhaps only to Tulsa / Tulsa County, is the Broken Arrow code enforcement program. Staff interviewed by telephone Broken Arrow Manager of One Stop Services Russell Gray on Friday, August 03, 2007. Here are the highlights of the information provided by interview:

- *Broken Arrow ("BA") has two (2) Code Enforcement ("CE") officers. A third (3rd) position is approved but pending.*
- *BA's CE officers enforce all municipal codes that the police do not enforce.*
- *Citations can result in fines.*
- *For nuisances, a notice of abatement is given.*
- *When necessary, a work order is cut to do the abatement.*
- *When citations are involved, municipal courts are used.*
- *Authority comes from Title 11 O.S. and BA City Code Chapter 15.*
- *If a landowner does not agree with the CE officer's determination, they can appeal to the Hearing Officer.*
- *City crews do the abatement, but BA is presently looking at doing RFPs for demolitions of derelict structures and for mowing and cleaning, etc.*
- *City charges \$300/hour to the property owner to do the abatement.*
- *The trend is to move away from calling it 'code enforcement' to: Tulsa: "Neighborhood Inspections Officers;" BA: "Neighborhood Improvement Officers." More politically correct.*
- *Russell advised that one (1) CE officer may be adequate for Bixby at 20,000 populations, but when it reaches 30,000, Bixby will really need a second officer.*
- *Russell offered to personally assist Bixby in any effort to establish a CE program.*

Sapulpa. Staff interviewed Sapulpa Code Enforcement Officer Carl Prescott on Friday, August 03, 2007. Here are the highlights of the information provided by interview:

- *Sapulpa has one (1) Code Enforcement ("CE") officer.*
- *Approximately 75% to 80% of CE cases are driven by citizen-complaint; the balance are obvious violations observed by the CE officer while driving around investigating other cases or while out for other reasons.*

- *Initial contact with property owner in violation is a warning notice attached (taped) to the front door of nicer residences, or a letter sent to the property owner of record for less welcoming residences.*
- *After 10 days notice, if the violation is not alleviated, a ticket is issued for single-offences.*
- *For multiple offences, or for offences where the total cost of fines levied against the property is excessive, the case goes through a Public Hearing process. Administrative findings are written based on documentation, and the matter is set for Public Hearing before the City Manager or Assistant City Manager. The CM or Assistant CM makes a determination, which is appeal-able only to the City Council.*
- *Work order is issued, and city crews abate the violation (mow lawn, remove trash, demolish dilapidated structure, etc.). The total of costs and fines are placed on a bill sent to the property owner.*
- *Bills not paid within 30 days are filed against the property as a lien.*
- *When properties are sold, the liens are satisfied.*

Bixby. Staff interviewed Bixby Fire Chief Steve Abel on Tuesday, August 28, 2007. Here are the highlights of the information provided by interview:

- *Bixby's CE program is citizen-complaint-driven.*
- *CE program headed by Fire Chief Steve Abel with assistance from Assistant City Clerk Janda Williams.*
- *Bixby's CE issues would compare to other similar communities such as Jenks and Sapulpa as thus: not really more [per capita], and not really less [per capita].*
- *Certain neighborhoods and areas of town, primarily downtown and some of the older additions generate the most CE issues.*
- *Newer neighborhoods sometimes have issues with construction trash, and vacant lots when not mowed by the developer.*
- *Number of CE issues has increased with the increase in the population.*
- *Recent influx of illegal nonconforming signs and signs in the right-of-way has resulted from the increase in new businesses and due to lack of awareness of the regulations.*
- *Procedure: (1) Receive complaint form, (2) investigate by visiting property and making contact, personal or by letter, with property owner, (3) have issue resolved, or (4) place on City Council agenda for action to abate the nuisance by (5) issuing work order to city contractor to do the abatement, (6) cost of abatement filed as lien against the property.*
- *Properties with subsequent violations do not required Council-reauthorization and are processed starting at number (5) above.*
- *If one person was given a full-time job to do CE, there may be enough work to keep them busy but it would require 'digging up' work, as opposed to complaint only.*
- *Fire Chief does not do 'zoning' code enforcement, which is the job of the city planner. Nuisance abatement CE consists of weeds, trash, junk or improperly placed cars, signs, etc.*

Chair Powell stated that he has contacted smaller cities out of state, Indiana and New Mexico, but has not received response as of yet.

Altmann stated that the city is big enough to have a Code Enforcement Officer, and couldn't rely on just a citizen-complaint to take care of the issues.

Chair Powell suggested having a person within the city employee take on a part time job as the Code Enforcement Officer. Powell noted that Broken Arrow has an aggressive program, and stated that he will be looking more into the Ordinances from other cities for a solution.

Forbes suggested to the board to look at the City of Owasso for answers because of the rapid growth is the same as the City of Bixby.

No action taken.

Old Business: None

New Business:

Altmann stated that the other board committees have been approving cases that have not been coming in front of the Architectural Committee.

Chair Powell states that the Architectural Committee was created to beautify the City of Bixby and without communication between the boards there will be some cases that slip by for approvals. Powell made a MOTION to direct Staff to publish the Minutes of every meeting of the other boards and committees to allow each of them to know what is going on with each of the others. The Motion was SECONDED by Beverly Savage. Roll was called:

ROLL CALL:

AYE:	Powell, Savage, Altmann, & Skaggs
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

Adjournment:

A MOTION to ADJOURN was made by David Skaggs and SECONDED by Beverly Savage. Roll was called:

ROLL CALL:

AYE:	Powell, Savage, Altmann, & Skaggs
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

Meeting adjourned at 6:55 PM.

Approved _____

Date _____