

**MINUTES
BIXBY BOARD OF ADJUSTMENT
BIXBY CITY HALL, COUNCIL CHAMBERS
7 PM, September 7, 2004**

MEMBERS PRESENT	STAFF PRESENT	MEMBERS ABSENT
CARL CARNAHAN	JIM COFFEY	DAVE HILL
DARRELL MULLINS		
JEFF WILSON		
LONNIE JEFFRIES		

- 1. CALL TO ORDER**
- 2. Approval of Minutes from August 7, 2004. Carl Carnahan moved and Darrell Mullins seconded to approve minutes.
VOTING FOR: Mullins, Carnahan, Wilson, Jeffries
VOTING AGAINST: None
ABSTAINING: Jeffries
MOTION PASSED: 4-0-0**

- 3. BBOA 427 Discussion and possible action to approve a Special Exception to allow a Car Wash and Auto Detailing Shop on property zoned CS (Commercial Shopping in Bixby Commons at 111th and Memorial.**

Staff Report:

The planning department has not received calls concerning this request. The developer of Bixby Commons, the Desco Group was contacted and was in agreement with the Special Exception. This is an upscale car wash and detail shop. No additional entry will be allowed off Memorial. I received a letter from Bixby Real Estate Investment opposing the Special Exception. Letter is attached.

Public Hearing:

David Davis, 11906 S Erie Avenue, we are proposing is a high-end car wash experience. The technology is new to the area. The car wash is not designed to look like a car wash, aesthetically it will have no negative impact on the area. The technology is very friendly to the environment, with a recovery system to reuse the water. Showed drawing of the building and explained how it would be located and how it would look. The building

will look a lot like the building at the Shops of Seville, at 101st and Yale. Entrance and exit to the property is off the access road.

Darrell Mullins asked if the employ or the car owner drives through the car wash.

Car Wash is designed for the car owner to drive through although the customer would determine what kind of services they wanted.

Darrell Mullins asked if the tunnel had doors. And was told it was commercial overhead doors on each end.

The technology is amazing and it allows everything to be done inside the building. The building is also being designed as a multi use facility. The building can be converted to retail should the car wash not work.

Carl Carnahan asked concerning the lay out of the building and how traffic would enter for a car wash. The applicant explained the traffic patterns using the drawing.

Darrell Mullins asked about the Special Exception, and the Planner explains why this item was before the board.

Carl Carnahan asked about Wendy's and was told the plan had been abandoned for this location.

Carl Carnahan asked about the traffic in and out.

The traffic will access the building off the service road; there will not be additional Memorial access. The cars can go through is about a minute and half, and there are multiple cars in the tunnel at the same time.

The Planner outlined the access for the total Bixby Commons complex.

George Penndel, 10908 S Erie Ave, we have designed the wash tunnel long enough so everything is inside and not visible from the street. The building lies east west so there is no water spray on property on either side. There is also automotive on the other side of Chili's Restaurant, Robinson Tire, and Wittie Automotive the street. The building is not designed so it looks industrial or like a car wash, it could easily be a retail shopping area.

Marty Hill, 5372 East 81st Street, I will be the managing partner on site, and I want to say how the building will look. It will be a quality building and will look very pleasing. It will have new technology. It will be very upscale and very presentable.

Carl Carnahan asked if this was the first item to be considered and other items would follow. The planner responded that the Architectural Committee would have to approve on the site, the building officials would have to approve of the building drawings, engineer would have to approve of the drainage and other item, and the Fire Marshal would have to review the plans. There are also lighting issues, trash issues, landscaping issues, etc.

Carl Carnahan asked them this is just a Special Exception to allow a CG zoning item in a CS Zone. The planner responded that this was a special exception to allow Use Unit 17, i.e. a car wash in a CS Zone. The Exception is particular to this application and this use for this business. It is not a rezoning; it is a permit particular to this application.

Francine Halter, Bixby Telephone, Opposes petition. When we purchased the property two years ago it was zoned CS. We have complied with the City of Bixby in developing our building. We were shocked at the re-zoning because our agreement with Bixby Commons, it says this is Commercial Shopping. It lists uses that cannot be done and one of those is a car wash. We knew we were going to be measured by the standards as set forth in the agreement. We wanted neighbors who complied with these standards. We were happy with these restrictions. We are shocked at the car wash proposal. We bought the property because it was commercial shopping. As for Robinson Tire we never received notice of that business. We were faxed notice for tonight's hearing. Others may not be at the hearing because they did not receive notice. Bixby Telephone requests that the zoning not be changed.

Ron Kellogg, sales Bixby Telephone, we contacted MidFirst Bank, building next door and were advised they were also opposed to the car wash. They were to have a representative here. We do not feel a car wash fits in this area.

Carl Carnahan asked the planner to refresh his memory on Robinson Tire that was heard by this board. The planner replied that no one showed for the

public hearing and that the agreements presented hear tonight were not public knowledge that the city was party too. I do have the list of people who were notified for this meeting and Bixby Telephone, Lowes, and Mid First are on that list. I contact Bixby Commons and they were in support of the car wash.

Chip Seay. 12912 S Memorial, I do not have problem with the car wash, I feel that when you enter into Bixby there are nice building and the car wash seems out of place. Noise and traffic are another questions. This is a prime location and could be better utilized.

Carl Carnahan, was concerned about notification, and was shown the list that INCOG used in their notification. The planner said properties within 300 feet were notified.

There was a board discussion on the agreements between the boards. Jeff Wilson asked to see Bixby Telephone agreement. The planner indicated he had not seen the agreements and that the board could act independently of agreements. The planner indicated this is not a covenant it is an agreement between the buyer and the seller.

Darrell Mullins ask if the Board of Adjustment turns this down can the applicant go to the Planning Commission to have the zoning changed. The planner answered that is an option. A decision of this board can be reviewed by District Court. As to the agreement the recourse would be between the people who sold the property and the people who purchased the property.

The Board discussed the matter on how to proceed with this item.

Carl Carnahan moved and Darrell Mullins seconded to table this matter to the next meeting and contact the City Attorney for explanation on the agreements and the authority of this board.

VOTING FOR: Mullins, Carnahan, Jeffries, and Wilson,

VOTING AGAINST: None

ABSTAINING: Jeffries

MOTION PASSED: 4-0-0

- 4. BBOA 428 Discussion and possible action to approve a variance to Chapter 4, Section 430 Bulk Requirements for a building Set Back Line at 11709 South 96th East Place.**

Staff Report:

See survey report. Garage and dwelling area are encroached .3 (4") over the building line. Patio is encroached but a concrete slab is allowed by ordinance. Staff recommends approval.

Public Hearing: No Comments

Carl Carnahan moved and Lonnie Jeffries seconded for approval.

VOTING FOR: Mullins, Carnahan, Jeffries, and Wilson,

VOTING AGAINST: None

ABSTAINING: Jeffries

MOTION PASSED: 4-0-0

- 5. BBOA 429 Discussion and possible action to approve a Variance to Chapter 4, Section 430 Bulk Requirement for Building Set Back Line at 14232 S Toledo.**

Staff Report:

See Survey report. Dwelling is encroached by 4" on the south west corner. No utilities or easements are affected. Staff recommends approval.

Public Hearing: No comments

Darrell Mullins moved and Lonnie Jeffries seconded for approval.

VOTING FOR: Mullins, Carnahan, Jeffries, and Wilson,

VOTING AGAINST: None

ABSTAINING: Jeffries

MOTION PASSED: 4-0-0

- 4. New Business: None**
- 5. Old Business: None**
- 6. Adjournment**

Approved _____ Date _____