

**PLANNING COMMISSION  
MINUTES  
BIXBY CITY HALL, COUNCIL CHAMBERS  
7:00 PM, March 18, 2002**

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF</b>
Bill Davis Roy Paxson Jim Powell Bill Campbell	Scott Sherrill	Ken Bradford

- 1. CALL TO ORDER 7:00 PM** by Vice Chairman, Jim Powel
- 2. Consideration and approval of Minutes from February 19, 2002.**  
**Davis Moved Paxson seconded for approval**  
**VOTING FOR:** Davis, Paxson, and Powell  
**VOTING AGAINST:** None  
**ABSTAINING:** Bill Campbell  
**MOTION PASSED: 3-0-1**
- 3. PUD #29 Public Hearing, Discussion and Possible action on a Planned Unit Development for a Commercial Building at 124<sup>th</sup> Street and Memorial.**

**STAFF REPORT FOR MARCH 18, 2002, PUD 29**

PUD #29 Public Hearing, Discussion and Possible action on a Planned Unit Development for a Commercial Building at 124<sup>th</sup> Street and Memorial.

The purpose of a PUD is to: (1) Permit innovative land development while maintaining appropriate limitations on the character and intensity of use and assuring compatibility with adjoining and proximate properties; (2) Permit flexibility within the development to best utilize the unique physical features of the particular site; (3) Provide and preserved meaningful open space; (4) Achieve a continuity of function and design within the development.

A PUD is a supplemental zoning resting on the underlining zoning characteristics. In this case the proposal is asking for Lot one to be PUD-CS and Lot two to be PUD OL. It is the intent of the Bixby City Code that the aggregate intensity of uses within the PUD remain substantially the same as that which is permitted if the area were developed conventionally but with the PUD zoning the permitted uses for the underlining zoning may be

reallocated within the development irrespective of the general zoning districts boundaries.

The Development Plan must reflect the following:

- (1) Proposed location of uses, including off-street parking, open spaces and public uses;
- (2) Development standards for location, height, setback and size of building and other structures;
- (3) Public and private vehicular and pedestrian circulation;
- (4) The approximate intensity of nonresidential uses expressed in floor area, allocated to each identifiable segment of the PUD;
- (5) Proposed screening and landscaping;
- (6) Propose location, height and size of any ground sign;
- (7) Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
- (8) Existing topographic character of the land including identification of floodplain areas, treed areas, slope analysis and soil analysis.
- (9) An explanation of the character of the PUD
- (10) The expected schedule of development.

The Public Hearing and Planning Commission Action shall determine:

- (1) Whether the PUD is consistent with the Comprehensive Plan.
- (2) Whether the PUD harmonized 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.
- (4) Whether the PUD is consistent with the stated purposes and standards of the Bixby City.

The staff has identified several problems with PUD 29 including:

- (1) The lots in questions have easements belonging to the City and to Utility Companies that must be vacated to allow the proposed building to be constructed. There are utility easements crossing the proposed building site in multiple places and all directions. The easements include electric, telephone, and cable to be relocated. Attached are two letters from the electric and phone companies indicating they would allow relocation at the owner's expense. There is also a city utility easement that would have to be relocated and a Temporary Road Easement of 30 foot that contains a city sewer line.

We have no indication from the City Council if they would consider vacating easements.

- (2) Use Unit 15 requested is allowed only by special exception in a CS zone. Staff has reservations concerning many of the items in Use Unit 15 listed on page 2 of the development plan. Items that may require storage, items with possible out door sales, items requiring fabrication, and item that use chemicals raise serious questions. This project is adjacent to and part of a residential sub division where many these items would not be appropriate.
- (3) 124<sup>th</sup> Street is not designed for commercial traffic.
- (4) It is indicated that Drainage will comply with the Bixby Code yet no indication how this can be accomplished. The building site is much lower than Memorial and it remains to be proven that storm water can be addressed. Is there adequate room to address storm water detention?
- (5) Midnight (page 3, development plan) may not be an appropriate closing hour adjacent to a residential area.
- (6) No location for sign is indicated (see development plan items above).
- (7) Parking ratio (page 1, development plan) not indicated. Staff believe it should be 1 to 225 sq ft (see code)
- (8) The Architectural Committee should be indicated in the review process.

Staff has serious doubt the two lots in question will support the proposed development. The concept drawings and development plan raises many questions. The staff cannot recommend approval of this PUD as presented.

1. The PUD fails to show the compatibility with the surrounding area. As listed above the PUD must harmonize with the existing development.
2. The PUD fails to show a unified treatment of the development possibilities of the project site. It is questionable that the proposed development can be placed on this site.

The Staff recommends PUD 29 be denied.

Ted Sack of Sack and associates, 111 So Elgin, Tulsa, Ok, the engineer representing the applicant Bill Wilson. The item was brought to the Planning Commission before with a proposal for straight CS Zoning. The Planning Commission desire was to see a PUD on these two lots. So we

bring to the Commission tonight a proposal to zone the first lot CS and the second Lot OL in a PUD. This item is tied to the PUD so it cannot be developed any other way. Our PUD will overlay the zoning on the two lots. We have set up the development standards that would go with the properties. There was a concern about easements, there are easements on the property, and we see that as a platting issue that will be taken care of in the platting stage. The zoning issues are what we need to discuss tonight and the PUD is developed according to the development standards set forth in the PUD document. We have tried to make the uses compatible to the neighborhood by not allowing some items that are allowed in a CS zoning. Let me answer some of the staff comments. One comment was concerning outside sales and storage, we can restrict the PUD further by restricting outside sales and storage. We have restricted the floor area to 10,250 sq feet, which is a little more than half what would be allowed under straight zoning. Set backs are 50 feet from centerline of 124<sup>th</sup> street, 115 ft from center line of Memorial, 30 ft from north boundary, and 45 ft from east boundary which is critical since the east boundary is along the residential area. Memorial makes the first couple lots not as compatible to residential any more because of the noise of traffic on Memorial. We are trying to make the PUD more compatible to the neighborhood so it would serve as a buffer from the CG zoning across Memorial. The maximum building height is one story or 20 feet so you want end up with a multi story building. The Landscape area is 18%, greater than the 15% required. In our neighborhood meeting there was a concern about a 24-hour business and we have limited hours of operation to 6:00 am to Midnight. We would consider further hour operation restrictions. This is a conceptual site plan; we will come back with a plat that uses the design standards with details. We have addressed the lighting and the screening with a wall in exhibit "E". The traffic on Memorial will be louder than any noise from this development. One of Mr. Coffey's concerns was the landscape and Exhibit "D" shows the landscape concept.

A question was asked if the Planning Commission would have further review and the engineer, Mr. Sack, stated that the plat and plans would come back to the Planning Commission once the construction plat had been completed. 124<sup>th</sup> Street is a public street and the traffic generated by this little development will not add much in additional load and the exit to 124<sup>th</sup> gives two means of egress for safety purposes and fire protection. It provides access to the center for the neighbors without going out on to Memorial. There is a lot of merit for access to 124<sup>th</sup>.

In response to the question from Vice Chairman Powell, concerning the adequacy of the street Mr. Bradford, city engineer, stated the street is not constructed to commercial standards but to residential standards. It is not designed for the delivery trucks that might use 124<sup>th</sup> Street.

Mr. Sack made the point that the delivery trucks were small trucks much like what make delivery in a neighborhood.

Commissioner Paxson asked about the floodplain areas. There is nothing in the document that address flooding and I know we have a flood problem in that area. Mr. Sack responded there might be a flood problem but the flood map does not designate this area as a flood area. Commissioner Paxson continued by asking what they were going to do with the water that runs off into that area from Memorial. Mr. Sack said they were looking at several possibilities and would address the question when the plat was done. One method might be detention on site, or taking the water across Memorial to the ditch on the west side.

Commissioner Paxson asked if the item had been before the Architectural Committee. Mr. Sack said it had not been before that committee but that would be one of the steps they would have to do.

Commissioner Paxson asked about the location of the sign. The sign will be to City Code.

Vice Chairman Powell stated if we approve we are approving what we see hear no matter what is said. I hear promises but what we approve in this document is what we can expect to get. This PUD document is the only thing we have to evaluate and that is why we ask questions.

Mr. Paxson stated they are missing a whole step because this has not been before the Architectural Committee. When we talk about a plan like this that will go to the city council I have a problem because there are specific things the Architectural Committee Request.

Mr. Sack stated they would go before the architectural committee when the plat was prepared. I have worked with PUD's in other communities and we will come back with a plat when the zoning is approved. Mr. Powell instructed Mr. Sack that what other communities do is not necessarily what Bixby does.

Mr. Paxson felt this item should go to the Architectural Committee before it came to the Planning Commission. Mr. Sack said if the Planning Commission wanted to table the PUD they would go to Architectural Committee for their approval first.

Mr. Powell went over some areas to be addressed. One was 124<sup>th</sup> street being a residential street, another is the hours of operation may be to late, no indication concerning how drainage might be addressed, no location for sign indicated, parking ratio is not right, and appearance before the architectural committee was missed. Also staff has outlined two items that we must find to approve. One is the PUD fails to show the compatibility with the surrounding area, and two, it fails to show a unified treatment of development possibilities of the site. It is questionable that the proposed development can be place on this site. These items are true and we must go by the document you have presented which causes a lot of concern for me.

Commissioner Davis suggest the item be continued and Mr. Sack go back to Mr. Coffey and staff and satisfy their desires and also to the Architectural Committee. Mr. Sack replied that if Mr. Coffey had instructed that we needed to go before the architectural committee we would have done so. There was further discussion about continuing the item. Vice Chairman Powell said we should continue the public meeting and hear those who wanted to respond before a decision is made.

Bob Pierce, 8104 E 124<sup>th</sup> Street, lives across the street. How far is this road at the east of the development? It will fall right in line with my driveway. That will be a hazard. Dumpsters and trash will be a problem. I'm hopeful this will be turned down; I do not want a shopping center across the street.

Roy Maddox, 12345 S Memorial, these properties are designated in the comprehensive plan to be zoned commercial. I own the property and it has been for sale for ten years. They are willing to work with the city and replace a house that is run down. This will improve this area.

Jerry Cowen, 8114 E 124<sup>th</sup> Street, I am concerned about the drainage problem. When we moved in several years ago the ditches were always full of water but the Fry Ditch projected helped the area. Now that the water problem is solved we have a new plan for commercial to raise the water problem again. Water will go somewhere, and it will go into our houses.

There is no drainage ditch on the east side of Memorial; it all comes through the neighborhood. We have many children in the area and traffic will be a problem. The main concern is the drainage.

Ted Sack asked the Commission to table the issue and let them go back and work on the PUD, and go to the Architectural Committee.

Commissioner Davis ask the engineer for the developer to address the easement the city would have to vacate and the location of the sewer line. Mr. Sack said the sewer line would not have to be re-located. Commissioner Paxson asked for something in writing concerning the vacation of easement.

Chairman Powell felt that we were premature with the PUD and would like to see in writing the city's abandonment of the utility easements, and I am not satisfied with the developer taking water off a residential tab, which is not being a good neighbor.

Motion was made by Commissioner Davis and seconded by Bill Campbell that the item be continued until the items in the staff report and the other items discussed in this meeting are addressed.

**VOTING FOR: Davis, Powell, Paxson, and Campbell.**

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

Mr. Paxson stated this item could not come before the Architectural Committee this month because it is passed the cut off date.

City Engineer, Ken Bradford, stated the item would not be re-advertised, but that the agenda is posted each month.

**4. FINAL PLAT 151 CENTER Discussion and possible action on approval of Final Plat for 151 Center.**

Staff recommends approve.

Motion was made by Bill Davis and seconded by Bill Campbell to approve.

**VOTING FOR: Davis, Campbell, Paxson, and Powell**

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

**5. OLD BUSINESS: NONE**

**6. NEW BUSINESS: NONE**

**7. ADJOURNMENT**

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APPROVED

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DATE