

UNOFFICIAL MINUTES UNTIL APPROVED

**MINUTES
PLANNING COMMISSION
7:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
Monday
October 15, 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 Jim Powell at 7:03 PM.

ROLL CALL:

Members Present: Larry Whiteley, Jim Powell, Thomas Holland, and Bill Davis
Members Absent: Scott Sherrill

CONSENT AGENDA:

1. Approval of Minutes for September 17, 2007

A MOTION to APPROVE the Minutes of the September 17, 2007 was made by Larry Whiteley and SECONDED by Jim Powell. Davis asked if it would be acceptable to vote on the Minutes as he was not present at the meeting, and Erik Enyart responded that he could if he had confidence in the Motion and Second. Roll was called:

ROLL CALL:

AYE: Powell, Whiteley, & Davis
NAY: None.
ABSTAIN: Holland
MOTION CARRIED: 3:0:1

PUBLIC HEARINGS:

Erik Enyart, AICP, City Planner introduced and welcomed Mike Butler as the new intern on the from the Leadership Bixby VI class. The Commission greeted Mr. Butler and thanked him for attending.

1. **PUD-60 – Riverside Group – Randy Pickard** Public Hearing, Discussion, and consideration of a rezoning request for a parcel of land located in the NW/4 NW/4 of Section 31, T18N, R14E, from AG (Agricultural) to CS (Commercial) and OL (Office) with a Planned Unit Development Number 60.
Property located: 10422 E. 111th St. S.

Vice-Chair Jim Powell introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart recommended a Continuance to 11/19/2007 meeting as requested by the Applicant, who will be considering other development alternatives.

A MOTION to CONTINUE the PUD 60 to the November 19, 2007 regular meeting was made by Bill Davis and SECONDED by Larry Whitely. Roll was called:

ROLL CALL:

AYE: Powell, Whiteley, Holland & Davis
 NAY: None.
 ABSTAIN: None.
 MOTION CARRIED: 4:0:0

2. **BZ-335 – JR Donelson for Oman Guthrie** Public Hearing, Discussion, and consideration of a rezoning request from IL (Industrial) to CH (Commercial) for property in Section 23, T17N, R13E.
Property located: 7228 E. 151st St. S.

Vice-Chair Jim Powell introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

Applicant: JR Donelson for Oman Guthrie
Location: 7228 E. 151st St. S.
Land Area: 3.4 acres, more or less
Existing Zoning: IL Industrial Light District
Requested Zoning: CH Commercial High Intensity District

Surrounding Zoning and Land Use:

North: (Across 151st St. S.) AG; Agricultural
South: RMH; Shadow Valley Mobile Home Park.
East: AG; Agricultural and Conrad Farms commercial.
West: CG; Ace Auto Sales, GoBob Pipe & Steel Sales, LLC, and the Bixby Chiropractic Clinic. (Zoning Map shows CS in error, per BZ-199 – Dan Stillwell, approved by Bixby Ordinance # 667 on May 26, 1992).

Previous / Related Cases: (Not a complete list)

BZ-81: Subject property part of that area approved for rezoning from RMH to IL in 1980.
AC-05-01-01: Commercial buildings at the southwest corner of the subject property approved by the Architectural Committee on January 27, 2005.
AC-07-08-06: Architectural Committee reviewed the building plans for proposed building on subject property August 20, 2007 and continued the case pending the resolution of Zoning issues. AC took no action on September 17, 2007 due to discovery of lack of jurisdiction (not within 300' Corridor Appearance District).
BLPAC-1: Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D – pending PC review October 15, 2007.

BBOA-460: *Special Exception per Zoning Code Section 11-11-8 for an alternative compliance plan to parking and screening requirements in the CH Commercial High Intensity District – Approved by the BOA October 01, 2007.*

Background Information:

The proposal is to construct a 125' X 50' (6,250 square feet) metal building in the southeast corner of the subject property of approximately 3.4 acres. It is anticipated that the building will appear similar to the metal buildings constructed toward the west end of the property, which are leased to primarily Use Unit 15 contractor's offices/equipment storage type facilities. This building is understood to be used for storage for the Spectrum Painting business.

During the original building permit application review, Staff identified several Zoning noncompliance issues: (1) Screening (existing and proposed) did not meet standards, (2) Parking spaces did not meet standards, (3) 75' setback standard from the east and south property lines would not meet standards, and (4) Landscaping would not meet standards.

Screening and Parking. The Board of Adjustment, on October 01, 2007, approved a Special Exception per Zoning Code Section 11-11-8 to allow alternative compliance plans for parking and screening: Parking would be allowed to be reduced from approximately 11 spaces as required for a Use Unit 15 use to 4, recognizing the limited need for parking based on the intended design and use of the storage building, and the screening was permitted to shield only the new building proposed, thus alleviating the need to screen the entire length of the south property line for buildings previously permitted.

Setbacks. The subject property is presently zoned IL, and the abutting property to the east and south is zoned RMH residential. The required setback to the east and south, per Section 11-7F-4 Table 2, from an R Residential district, is 75', and the building is proposed to be 13' from the east line, and 12' from the south line. The Applicant is requesting, by this application, a 'downzoning' from the IL district to the CH district, which has no setback requirement.

Landscaping. Zoning Code Sections 11-12-3.A and .C requires a landscaped area along the street yard, which shall be no less than 15' in width as 151st St. S. is an arterial road. Within the landscaped area, trees are required to be planted or existing trees are required to be accounted for and included in the tree calculations. On the submitted Landscape Plan, no trees are represented as existing or proposed within the required 15' landscaped strip. The Applicant is proposing trees closer to the proposed building and along the internal driveway instead.

The Applicant has requested, per BLPAC-1, a Landscape Plan Alternative Compliance plan, which the Planning Commission will review and consider on October 15, 2007.

Zoning Analysis:

The Comprehensive Plan Map designates the property as Corridor in terms of its Urban Design Element with a Development Sensitive supplemental Land Use Intensity designation. Although the Comprehensive Plan Map is not clear, it appears to Staff that the [current] Land Use designation was Industrial. However, the Applicant has supplied an inventory of the land uses occupying "Spectrum Plaza," and all of them appear to be primarily Use Unit 15 Other Trades and Services commercial uses or are otherwise Use Unit uses permitted by right in the CH district.

Along with the current IL zoning, the requested CH zoning May Be Found In Accordance with the Comprehensive Plan in terms of both Plan Intensity and Urban Development Design Guidelines.

CH zoning is similar to IL zoning, but permits more commercial uses by right and requires Special Exception approval for a Use Unit 25 Light Manufacturing and Industry uses. Therefore, the requested zoning would be considered a 'downzoning,' as it would further restrict the intensity of land uses permitted. Additionally, Commercial zoning would be more compatible with existing uses on the subject property and commercial properties in the immediate area. Finally, the CH district would be more compatible with the CG zoning to the west than the present IL zoning.

Therefore, Staff recommends Approval as requested.

JR Donelson 8410 E. 111th St. S. Bixby, representing Oman Guthrie with Spectrum Painting stated the case went in front of the Board of Adjustment for approval of [a Special Exception for an alternative compliance plan for] fencing and parking. Mr. Donelson added that this is the fourth and last building to be built on the property and stated that he was not aware that it was not in compliance until Mr. Enyart notified him of that fact. Mr. Donelson stated that the building is to be used basically for storage use only. Mr. Donelson stated the property owner does not have a problem with downzoning to CH, which would be more compatible with surrounding properties than the present IL zoning. Mr. Donelson stated that the reason for the rezoning is to correct the setback requirements for the building.

Davis questioned if the building is going to be used for storage of paint. Mr. Donelson stated that it would not be for storing paint, but for some equipment, a boat, and storage of other personal effects. Mr. Donelson stated that the property was originally used for storing earth-moving equipment, including scrapers and backhoes.

Holland expressed concern over whether or not the building will be used for paint storage in the CH zone.

Enyart stated the uses of the property would be considered a Use Unit 15, which is presently permitted in the IL district as it would be also in the CH district.

After further discussion, a MOTION to Recommend APPROVAL of CH zoning per BZ-335 was made by Bill Davis and SECONDED by Thomas Holland. Roll was called:

ROLL CALL:

AYE:	Powell, Whiteley, Holland & Davis
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

PLATS

3. Discussion and possible action to approve a Final Plat for Woodcreek Village Amended, located at the 7700: 7800-block of E. 111th St. S. in Section 35, T18N, R13E.

Vice-Chair Jim Powell introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

Applicant: Sack & Associates
Location: 7700: 7800-block of E. 111th St. S. in Section 35, T18N, R13E
Land Area: 6 acres, more or less
Existing Zoning: CS, RT & PUD 47
Surrounding Zoning and Land Use:
North: (Across 111th St. S.) OL, RD, PUD 707, RS-3 & PUD 578A; Former commercial horse stables and riding academy now Ravens Crossing residential subdivision, Wal-Mart Supercenter, and commercial in Tulsa.
South: RM-2 & PUD 16; The Links at Bixby multifamily and golf facility.

East: CS; Lowe's and commercial in Bixby Commons.

West: RS-3; Residential in WoodCreek.

Previous / Related Cases: (Not a complete list)

BZ-304: Subject property included in that area approved for rezoning by PC 06/21/2004 and by City Council 07/12/2004 (Ordinance # 891).

PUD 47 – Woodcreek Village: Approved by PC 11/21/2005 and by City Council 12/12/2005 (Ordinance # 928).

Preliminary Plat of Woodcreek Village: Approved by PC 12/19/2005 and by City Council 01/09/2006.

Final Plat of Woodcreek Village: Approved by PC 07/17/2006 and by City Council 07/24/2006. Final Plat recorded February 13, 2007.

PUD 47A – Amendment to PUD 47: Amendment to PUD 47 approved by PC 05/21/2007 and by City Council 05/29/2007 to allow commercial use in the commercially-zoned 111th St. S. frontage area.

Preliminary Plat Woodcreek Village Amended: Application submitted on or about April 19, 2007 – No record of PC review of this application.

Background Information:

This subdivision is an amended plat amending Woodcreek Village, plat number 6084, recorded February 13, 2007. The former plat included 38 lots for single family detached dwellings.

The original PUD proposed 52 units of primarily Zero-Lot-Line Patio Homes for the entire addition. An Amendment to PUD 47 approved in May, 2007 changed the concept to single family [detached] homes, with a commercial lot along the 111th St. S. frontage.

It is anticipated that the underlying plat will be vacated upon the successful approval and recording of Woodcreek Village Amended.

A scrivener's error was discovered in the PUD 47 amendment, which had reversed the Development Area A and B (commercial and residential, respectively) on the Exhibit 'E' Development Areas. According to Jerry Emanuel of Sack and Associates during the TAC meeting held October 03, 2007, this will be corrected by the Deed of Dedication and Restrictive Covenants.

Analysis:

This subdivision proposes 31 lots (one of which is commercial), two (2) Reserves (one of which, "Reserve 'A'," is the private streets), and three (3) blocks.

The typical residential lot in Block 3, along the east side of the addition, is 60' X 119.69', or 7,181.4 square feet. The typical residential lot in Blocks 1 and 2, along the west side of the addition, is 62' X 130.31, or 8,079.22.

The Final Plat and all lots conform to the underlying RT and CS zoning districts, and to the development standards of PUD 47, and as amended.

• **Fire Marshal's Comments**

- Small island needs to be removed.
- Large island shall have rolled type curbs.
- Sign needs to be posted at entrance that it is not a through street.
- A turn-around is to be installed 18 feet X 36 feet before the gated area.
- A total of 4 hydrants plus 1 existing hydrant. A hydrant has been moved over to the entrance off of 111th St. So.
- Provide a detail of the gate area showing turn-around for trucks.

• **City Engineer's Comments**

- Revised water, sewer, and storm sewer Plans have been reviewed and approved. Provided the Final Plat is consistent with the final Utility Plans, no exceptions taken.

The Development Standards of the original PUD 47 proposed private streets with 26' width roadway. The proposed Reserve A private streets [right-of-way] does not conform to the 50' minimum width as per Subdivision Regulations Section 9.2.2, and so would require a Waiver, which Staff supports recognizing the intent of the original PUD was to allow such private streets, the City Engineer and Fire Marshal do not object to the proposed streets, and the paving width will meet the 26' minimum standard for public streets.

Staff recommends Approval as follows:

1. *The Final Plat is approved as a Preliminary Plat in satisfaction of the Preliminary Plat approval requirement of the Subdivision Regulations.*
2. *The Final Plat is approved as a Final Plat.*
3. *Recommend approval of a Waiver to allow a 30' wide private street right-of-way in accordance with the PUD.*
4. *Subject to the satisfaction of the Fire Marshal's recommendations.*
5. *Subject to the expansion of the 11' perimeter U/E along the ease line of the addition to 17.5' in width as requested by the TAC or 15' by the PUD is amended.*
6. ~~*Subject to the addition of a 10' U/E along and parallel to the west line of the street around the curve around the commercial lot, in addition to the perimeter U/E along the west line of the addition as requested by the TAC.*~~
7. ~~*Correct language in the Restrictive Covenants referencing Memorial Drive and 136th St. S. Use of generic language such as "shall be in accordance with the Bixby Zoning Code" is recommended.*~~

Holland questioned on the 50' minimum street regulations.

Ted Sack of Sack & Associates clarified with Erik Enyart that the Subdivision Regulations require a 50' wide street right-of-way, but this is a PUD with a reserve private street and so the width is 30' with a 26' wide standard paving.

Davis clarified with Staff and the Applicant that the streets would be private.

A MOTION to APPROVE the Final Plat for Woodcreek Village Amended was made by Bill Davis and SECONDED by Thomas Holland subject to all five (5) of the remaining corrections and Conditions of Approval as recommended by Staff. Roll was called:

ROLL CALL:

AYE:	Powell, Whiteley, Holland & Davis
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

4. Discussion and possible action to approve a Final Plat for Legends II, located south of 101st St. S. and west of Mingo Rd. in Section 25, T18N, R13E.

Vice-Chair Jim Powell introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

Applicant: Sack & Associates
Location: South of 101st St. S. and west of Mingo Rd. in Section 25, T18N, R13E
Land Area: 37 acres, more or less
Existing Zoning: RS-3
Surrounding Zoning and Land Use:
North: RT & PUD 35; Spicewood Pond residential subdivision.
South: RS-3; Legends residential subdivision.
East: AG and (across Mingo Rd.) R-2 and PUD-112; Woodlake Assembly of God and residential in Lakeside Villas at the Greens and Berwick on Cedar Ridge in Broken Arrow, respectively.
West: AG; Bixby reserve for Fry Ditch Creek drainage.
Previous / Related Cases: (Not a complete list)
BZ-311: Subject property included in that area approved for rezoning to RS-3 by PC 08/15/2005 and by City Council 09/12/2005 (Ordinance # 912).

Preliminary Plat of Legends II: Preliminary Plat approved by PC 11/20/2006 and by City Council 11/27/2007.

Analysis:

This subdivision proposes 134 lots, no Reserves, and five (5) blocks.

The Preliminary Plat proposed 135 lots; one (1) lot appears to have been lost along the south side of 106th Pl. S. to provide for larger adjoining lots.

The Final Plat and all lots conform to the underlying RS-3 District, including the 30' minimum frontage standard. All lots appear to be conventionally configured and attractively arranged around a cul-de-sac street system, which appears to consider the underlying natural grade of the land.

No stormwater detention is planned to be provided. Development is planned to use fee-in-lieu, and to drain, for the most part, to the Oliphant detention facility adjoining Legends and The Enclave at Legacy to the south.

The addition will tie into Spicewood Pond at 104th St. S., renamed or to be renamed 103rd St. S. in accordance with the Amendment to the Deed of Dedication/Restrictive Covenants of Spicewood Villas approved by the Planning Commission September 17, 2007 and by the City Council September 24, 2007. As the street enters the addition at its north end and intersects with E. 105th St. S., this north-to-south street connection should be given an appropriate Avenue designation, such as S. 94th E. Ave. or E. Place.

The addition will tie into Legends at both S. 93rd E. Ave. and S. 96th E. Ave.

Addresses are not listed on the plat, but the Subdivision Regulations do not require them to be. Addressing lots on the official plat of the subdivision is an effective way to coordinate and maintain accurate and authoritative addresses for large subdivisions. Staff recommends the developer coordinate with Tulsa County 911 Coordinator Vickie Atchley and place addresses on the Final Plat prior to recording.

- **Fire Marshal's Comments**

- *Final Plat is approved as per hydrant location plans dated 12/20/2006.*

- **City Engineer's Comments**

- *Water, sewer, and storm sewer Plans have been reviewed and approved.*

- Provided the Final Plat is consistent with the final Utility & Grading Plans, no exceptions taken.*

No further comments or concerns were voiced by the TAC during the meeting held October 03, 2007.

Staff recommends Approval subject to the following:

- ~~1. Add '50' right of way dedicated by this plat,' or using similar terms, on page 1 for Mingo Road dedication.~~
- ~~2. Designate the northern most north to south street connection S. 94th E. Ave. or S. 94th E. Place, or as otherwise directed by Tulsa County 911 Coordinator Vickie Atchley.~~
3. *The developer shall coordinate with Tulsa County 911 Coordinator Vickie Atchley and place addresses on the Final Plat prior to recording.*

A MOTION to APPROVE Final Plat for Legends II was made by Larry Whitely and SECONDED by Thomas Holland subject to the remaining corrections and Conditions of Approval as recommended by Staff. Roll was called:

ROLL CALL:

AYE:	Powell, Whiteley, Holland & Davis
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

OTHER BUSINESS:

5. **BLPAC-1 – JR Donelson for Oman Guthrie.** Discussion and possible action to approve a Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for property in Section 23, T17N, R13E.
Property located: 7228 E. 151st St. S.

Vice-Chair Jim Powell introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

Applicant: JR Donelson for Oman Guthrie
Location: 7228 E. 151st St. S.
Land Area: 3.4 acres, more or less
Existing Zoning: Industrial Light District (CH requested per BZ-335)
Request: Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D

Surrounding Zoning and Land Use:

North: (Across 151st St. S.) AG; Agricultural
South: RMH; Shadow Valley Mobile Home Park.
East: AG; Agricultural and Conrad Farms commercial.
West: CG; Ace Auto Sales, GoBob Pipe & Steel Sales, LLC, and the Bixby Chiropractic Clinic. (Zoning Map shows CS in error, per BZ-199 – Dan Stillwell, approved by Bixby Ordinance # 667 on May 26, 1992).

Previous / Related Cases: (Not a complete list)

BZ-81: Subject property part of that area approved for rezoning from RMH to IL in 1980.

AC-05-01-01: Commercial buildings at the southwest corner of the subject property approved by the Architectural Committee on January 27, 2005.

AC-07-08-06: Architectural Committee reviewed the building plans for proposed building on subject property August 20, 2007 and continued the case pending the resolution of Zoning issues. AC took no action on September 17, 2007 due to discovery of lack of jurisdiction (not within 300' Corridor Appearance District).

BBOA-460: Special Exception per Zoning Code Section 11-11-8 for an alternative compliance plan to parking and screening requirements in the CH Commercial High Intensity District – Approved by the BOA October 01, 2007.

BZ-335: Subject property requested for downzoning from IL to CH – pending PC review October 15, 2007.

Background Information:

The proposal is to construct a 125' X 50' (6,250 square feet) metal building in the southeast corner of the subject property of approximately 3.4 acres. It is anticipated that the building will appear similar to the metal buildings constructed toward the west end of the property, which are leased to primarily Use Unit 15 contractor's offices/equipment storage type facilities. This building is understood to be used for storage for the Spectrum Painting business.

During the original building permit application review, Staff identified several Zoning noncompliance issues: (1) Screening (existing and proposed) did not meet standards, (2) Parking spaces did not meet standards, (3) 75' setback standard from the east and south property lines would not meet standards, and (4) Landscaping would not meet standards.

Screening and Parking. The Board of Adjustment, on October 01, 2007, approved a Special Exception per Zoning Code Section 11-11-8 to allow alternative compliance plans for parking and screening: Parking would be allowed to be reduced from approximately 11 spaces as required for a Use Unit 15 use to four (4), recognizing the limited need for parking based on the intended design and use of the storage building, and the screening was permitted to shield only the new building proposed, thus alleviating the need to screen the entire length of the south property line for buildings previously permitted.

Setbacks. The subject property is presently zoned IL, and the abutting property to the east and south is zoned RMH residential. The required setback to the east and south, per Section 11-7F-4 Table 2, from an R Residential district, is 75', and the building is proposed

to be 13' from the east line, and 12' from the south line. The Applicant is requesting, per BZ-335, a 'downzoning' from the IL district to the CH district, which has no setback requirement.

Landscaping. Zoning Code Sections 11-12-3.A and .C requires a landscaped area along the street yard, which shall be no less than 15' per Section 11-12-3.A.7. Within the landscaped area, trees are required to be planted or existing trees are required to be accounted for and included in the tree calculations. On the submitted Landscape Plan, no trees are represented as existing or proposed within the required 15' landscaped strip. The Applicant is proposing trees closer to the proposed building and along the internal driveway instead.

The Applicant is requesting a Landscape Plan Alternative Compliance plan.

Analysis:

Per Zoning Code Section 11-12-3.A.1, not less than 15% of the Street Yard must be established and maintained as a Landscaped Area. The Zoning Code definition of Street Yard, essentially, is all of that area between the street and the required zoning setback. Section 11-12-3.A.7 requires there be a Landscaped Area not less than 15' in width along and parallel to the street right-of-way, as this is State Highway 67. At 15' in width, 15' X the frontage of 289.75' = 4,346.25, which is 30%, such a Landscaped Area would exceed the 15% standard per Section 11-12-3.A.1.

The proposed spacing of the parking spaces to serve the new building appears to comply with the 75' maximum separation standard per Zoning Code Section 11-12-3.B.2.

Tree Requirements. The street yard for the subject property, in the present IL district, is the 50' front yard setback requirement times (X) the frontage of 289.75' = 14,487.5 square feet, divided by 1,000 per Section 11-12-3.C.1.a = 15 total trees required in the Street Yard. Section 11-12-3.A.4 requires Landscaped Areas in other required building setbacks (side and rear) to the same standard as the Street Yard. Therefore, in the present IL district, the required number of trees to be planted on the east side is 75' X 390.25 = 29,268.75, divided by 1,000 per Section 11-12-3.C.1.a = [(30 Less and Except overlapping areas on the north and south) = 20 total trees required in the east side yard].

In the present IL district, the required number of trees to be planted on the south side is 75' X 477.87 = 35,840.25, divided by 1,000 per Section 11-12-3.C.1.a = 36 total trees required in the [south/rear] yard.

Zoning Code Section 11-12-3.C.2 requires one (1) tree per each 10 parking spaces. Not considering existing parking spaces constructed previously to serve previously permitted buildings, the four (4) new parking spaces, as approved by the Board of Adjustment for Special Exception on October 01, 2007, would require one (1) additional tree.

Frontage Trees:	15
East Line Trees:	(20)
South Line Trees:	36
<u>Parking Space Trees:</u>	<u>1</u>
Total Required Trees:	72

The Applicant has argued that the four (4) trees to be planted immediately north of the planned building would exceed the minimum required. As Staff has outlined above, this statement is not true.

1995 Landscape Ordinance. Staff understands the benefit to the citizens of the City of Bixby and the Public at large to require new developments to be constructed in an aesthetically pleasing and ecologically beneficial manner. Staff agrees with the following purposes for the establishment of the Landscaping Ordinance in 1995, Zoning Code Section 11-12-1, as follows:

"The purpose of the landscape requirements is to:

- A. Promote the beautification of the city and to enhance its aesthetic quality in keeping with the image of the "garden spot of Oklahoma";

- B. Promote reasonable preservation and replenishment of valued trees and vegetation;
- C. Aid in establishing an ecological balance by contributing to air purification, oxygen regeneration, ground water recharge and storm water runoff retardation; and
- D. Achieve a meaningful urban forest, while permitting economically feasible urban development to occur. (Ord. 727, 10-9-1995)" (emphasis added)

Staff also understands that the reason for providing for Alternative Compliance Plans as per Zoning Code Section 11-12-4.D is to allow flexibility when the same is warranted.

In arriving at a specific recommendation, Staff has recognized the following facts and considerations:

- 72 trees as required by Code should be the benchmark for any negotiation to agree to a lesser standard.
- The property is proposed to be downzoned from IL to CH, which has no setback requirements, the basis for the majority of the tree standards listed in detail above.
- The Board of Adjustment granted Special Exception approval specifically addressing the added requirements appurtenant to the new building only, and not considering other buildings previously permitted.
- The rear property line appears, from the standpoint of the street and entrance drive, to have already a stand of mature trees along the property line shared with the mobile home park to the south, most of which may not be on the subject property, but nonetheless appears to satisfy the intent of the Code in regard to the rear property line.
- The east property line will have a new 6' high screening fence installed.
- The new building is being constructed on a pad elevated to be out of the floodplain, and the grading involved to build up the pad has left a significant slope along and between the new building and the property line, which, together with the new fence, could be considered a constraint for tree plantings.

Staff recommends APPROVAL as follows:

1. Plant all four (4) trees as proposed.
2. Plant trees spaced 25' on center along the frontage of the entire property (to allow for adequate spacing upon the maturity of the trees) within the Street Yard, for a total to be not less than 11 trees.
3. Plant trees along the north 254' of the east line of the property, spaced 25' on center, for a total to be not less than 10 trees.
4. As per Zoning Code Section 11-12-4.B.1, "Prior to the issuance of a certificate of occupancy, written certification shall be submitted to the city by an architect, landscape architect or engineer authorized to do business in the state that the installation of the landscaping and appurtenances has been accomplished in accordance with the approved [Alternative Compliance] landscaping plan."

JR Donelson stated that the Commission had just approved CH zoning, and due to the new 0' setbacks, all of the tree requirements had been removed. Mr. Donelson stated that his client had offered as many as 10 trees along the street to make it look pretty. Extensive debate and some contentious discussion occurred between the Planning Commission and Applicant's agent JR Donelson over the need for trees and the way that Mr. Donelson approached the matter, requesting CH zoning and then arguing that no trees could be required. Mr. Donelson stated that the amount of trees he was authorized to discuss was 10. Richard Altmann of 9105 E. 121st St. S., Bixby, stated that he was on the Architectural Committee and discussed the lack of coordination between the different city boards. Mr. Altmann expressed interest in requiring the right amount of trees. Mr.

Enyart stated that the Zoning Code would still require a certain number of trees, and this would have to be determined.

After further discussion, a MOTION to CONTINUE BLPAC-1 to the 11/19/2007 regular meeting was made by Bill Davis and SECONDED by Larry Whitely, with direction to the developer to meet with Staff to work out the best possible plan for return to the agenda. Roll was called:

ROLL CALL:

AYE: Whiteley, Holland & Davis
NAY: Powell
ABSTAIN: None.
MOTION CARRIED: 3:1:0

6. **BLPAC-2 - William E. Lewis.** Discussion and possible action to approve a Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for property in *Jade Crossing*.
Property located: 14989 and 15005 S. Grant St.

Vice-Chair Jim Powell introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

Applicant: William E. Lewis
Location: 14989 and 15005 S. Grant St.; Lots 4 and 5, Block 1, Jade Crossing
Land Area: 1 acre, more or less, in two (2) platted lots
Existing Zoning: IL Industrial Light District
Request: Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D
Previous / Related Cases: (Not a complete list)
BZ-45: Subject property part of that area approved for rezoning from AG to IL approved October 19, 1976 (Ordinance 320).
PUD 50: PUD supplemental zoning approved by PC 04/17/2006 and by City Council 05/08/2006 (Ordinance 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.

Analysis:

The proposed Landscape Plan Alternative Compliance plan proposes landscaping that will conform to the Landscape Requirements chapter of the Zoning Code, City Code Title 11 Section 11-12, with the exception that the width of the buildings and the requirement for minimum number of parking spaces precludes the 50' maximum separation standard from parking space to tree from being met (Section 11-12-3.B.1). To comply fully with this 50' maximum separation standard would require planting a tree in the middle of the parking area, which would cause the parking standards to not be met.

The plan meets the 10 trees required for both lots. See letter to William Lewis dated August 24, 2007, attached to this report, for a detailed analysis of how the landscaping then proposed met the landscaping standards of the Zoning Code.

Upon consulting with the City Engineer, Staff understands that the Overland Drainage Easement along the east line of the two lots in Jade Crossing will in fact carry stormwater and so the planned placement of a tree within this easement may cause conflict with the

function of the easement. Staff and the City Engineer recommend relocating this tree to the west to avoid such conflict.

Recognizing the physical constraints of the property and the fact that the landscaping will otherwise meet the standards of the Zoning Code, Staff recommends APPROVAL subject to the relocation of the tree as stated above.

A MOTION to APPROVE BLPAC-2, subject to moving one tree out of the drainage easement as recommended by Staff, was made by Thomas Holland and SECONDED by Bill Davis. Roll was called:

ROLL CALL:

AYE: Powell, Whiteley, Holland & Davis
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

OLD BUSINESS: None.

NEW BUSINESS:

JR Donelson brought up the matter of the PUD platting requirement for Jiffy Lube and submitted a letter to the board. Erik Enyart explained that ultimately it will be the City Council and City Attorney's call on how to remedy the situation. After some discussion, Staff and Mr. Donelson advised that no action was being requested at this meeting, and this was a 'FYI' and 'heads up,' as this new business may be before the Commission in the near future, subject to Council and City Attorney action.

ADJOURNMENT:

There being no further business, a MOTION to ADJOURN was made by Jim Powell and SECONDED by Thomas Holland.

ROLL CALL:

AYE: Powell, Whiteley, Holland & Davis
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

The meeting was adjourned at 8:13 P.M.

Approved: _____

Date: _____