

**MINUTES
PLANNING COMMISSION
7:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
Monday
January 21, 2008**

STAFF PRESENT:

Erik Enyart, AICP, City Planner

OTHERS ATTENDING:

See attached Sign-in Sheet

CALL TO ORDER:

Meeting called to order by Chair Scott Sherrill at 7:00 PM.

ROLL CALL:

Members Present: Larry Whiteley, Thomas Holland, Jim Powell, Scott Sherrill, and Bill Davis
Members Absent: None

CONSENT AGENDA:

1. Approval of Minutes for December 17, 2007.
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Chair Scott Sherrill introduced the item and asked to entertain a Motion. Jim Powell made a MOTION to APPROVE the Minutes of December 17, 2007 as presented by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Powell, Holland, Whiteley, Sherrill, & Davis
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 5:0:0

Chair Scott Sherrill announced that, in the interest of time and those attending, certain items on the agenda should be taken in a different order.

PUBLIC HEARINGS:

3. **Zoning Code Text Amendment** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Zoning Code of the City of Bixby, Oklahoma, pursuant to Oklahoma Statutes Title 11 Section 43-101 et seq. and Bixby Zoning Code/City Code Title 11 Section 11-5-3, regarding the Use Unit designation, location, Zoning districts in which authorized, density and

intensity, Special Exception requirements, and minimum development and appearance standards for mini-storage uses, and other related amendments.

Chair Scott Sherrill introduced item number 3 on the agenda and stated that he would recommend the Planning Commission have a [Worksession] meeting to discuss further, prior to taking any official action.

Thomas Holland asked Erik Enyart if there would be a problem if a quorum of the Planning Commission members was present, and Erik Enyart responded that he believed it would not be a problem for a quorum to be present at a Worksession meeting, as long as the meeting agenda was posted at least 48 hours in advance, the meeting is open to the Public, and only discussion occurs and no official action is taken.

Chair Scott Sherrill asked to entertain a Motion. Jim Powell made a MOTION to CONTINUE the item to the February 18, 2008 regular meeting, pending a Worksession meeting and further discussion. Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Powell, Holland, Whiteley, Sherrill, & Davis
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 5:0:0

4. (Continued from October 15, November 19, and December 17, 2007)

PUD-60 & BZ-337 – Riverside Group – Randy Pickard (Amended Application) 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 OL (Office) with a Planned Unit Development Number 60.

Property located: 10422 E. 111th St. S.

Chair Scott Sherrill introduced item number 4 on the agenda and asked, in consideration of the previous item, what the Applicant would request. Applicant Randy Pickard stated that, as he had expressed by email to Erik Enyart, he and his client would request the matter be Continued until after [the City Council] had taken action on the Zoning Code Text Amendment. Mr. Pickard clarified with Erik Enyart that, if not Continued to a date certain, the Public Notice would be lost and the case would have to be readvertised.

There being no further discussion, Larry Whiteley made a MOTION to CONTINUE PUD-60 and BZ-337 to the February 18, 2008 regular meeting. Jim Powell SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Powell, Whiteley, Sherrill, Holland, & Davis
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 5:0:0

OTHER BUSINESS

5. **PUD 50 Minor Amendment # 1**. Discussion and possible action to approve a Minor Amendment to PUD 50 to allow for a total of 6 lots instead of 3 lots in Development Area C, Lot 2, Block 2, *Jade Crossing* for Jade Crossing II.
Property located: North of the intersection of Grant St. and 151st St. S.

Chair Scott Sherrill introduced the item number 5 on the agenda and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, January 11, 2008
RE: Report and Recommendations for:
PUD # 50 – Jade Crossing II – Minor Amendment # 1

LOCATION: – North of the intersection of Grant St. and 151st St. S.
– All of Lot 2, Block 2, Jade Crossing
LOT SIZE: 5.18 acres (or 5.128 acres, per the legal description of page 2 of Preliminary Plat),
m/l
EXISTING ZONING: IM Industrial Moderate District and (the south approximately 40' of Lot 1, per legal descriptions) IL Industrial Light District and PUD 50
REQUEST: Minor Amendment to PUD 50 to remove the three (3) lot maximum yield from Development Area C to allow for six (6) lots as proposed in 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: CS; Vacant commercial lots in Jade Crossing along 151st St. S.

East: IL & CS; Vacant industrial lots and some industrial buildings under construction along the east side of Grant St. in Jade Crossing and commercial in Spartan Family Shopping Center in Wal-Mart Stores Addition.

West: AG; An approximately 152-acre Agricultural tract.

COMPREHENSIVE PLAN: Corridor + [Existing] Industrial Area

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 10/19/76 (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.

Preliminary Plat of Jade Crossing II – Request for Preliminary Plat for subject property – PC Continued from 11/19/2007 meeting to 01/21/2008 meeting pending the submission of PUD Minor Amendment # 1.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

The Preliminary Plat of Jade Crossing II was Continued from the November 19, 2007 agenda due to the fact that it proposed six (6) lots when the PUD restricted the subject property to a maximum of three (3) lots. In the interim, this PUD Minor Amendment application was submitted in order to change the number of lots permitted in Development Area C to allow for six (6) as now proposed. Approval of the Preliminary Plat is therefore dependent upon the approval of this Minor Amendment.

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 this plat, 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 part of Jade Crossing, 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 IM zoning has no minimum lot sizes and the six lots do not otherwise violate bulk and area standards of the underlying IM district, and (2) The Applicant's statement that there was no significance to the number '3' standard imposed by the 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 increase in the number of permitted lots in Development Area C to six (6).

Staff Recommendation. Staff recommends Approval subject to the following:

1. Development Area C Development Standards: Missing legal description – use Lot 2, Block 2, Jade Crossing, according to the recorded plat thereof.
2. This will not actually be known as “PUD 50A,” as that would suggest a Major Amendment and this is only a Minor Amendment by interpretation. Remove all references to “PUD 50A” and replace the same, where appropriate, to “PUD 50 Minor Amendment # 1.”
3. A copy of the revised PUD Minor Amendment including all recommended corrections shall be submitted for placement in the permanent file.

Chair Scott Sherrill asked if the Applicant was available and wished to speak on the item. Applicant JR Donelson of 8410 E. 111th St. S. was present and indicated agreement with the Staff recommendations.

Chair Scott Sherrill asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE PUD 50 Minor Amendment # 1 subject to the Staff recommendations. Bill Davis SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Powell, Whiteley, Holland, Sherrill, & Davis
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 5:0:0

PLATS

9. (Continued from November 19, 2007)

Preliminary Plat for Jade Crossing II (PUD 56), being a replat of Lot 2, Block 2, *Jade Crossing*, located in the SE/4 SE/4 of Section 14, T17N, R13E.

Property Located: North of the intersection of Grant St. and 151st St. S.

Chair Scott Sherrill introduced the item number 9 on the agenda and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, January 11, 2008
RE: Report and Recommendations for:
Preliminary Plat of Jade Crossing II

LOCATION: – North of the intersection of Grant St. and 151st St. S.
– All of Lot 2, Block 2, Jade Crossing

LOT SIZE: 5.18 acres (or 5.128 acres, per the legal description of page 2), m/l

EXISTING ZONING: IM Industrial Moderate District and (the south approximately 40' of Lot 1, per legal descriptions) IL Industrial Light District and PUD 50

PUD DEVELOPMENT AREAS AFFECTED: (1) Development Area C of PUD 50

REQUEST: Preliminary Plat approval

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: CS; Vacant commercial lots in Jade Crossing along 151st St. S.

East: IL & CS; Vacant industrial lots and some industrial buildings under construction along the east side of Grant St. in Jade Crossing and commercial in Spartan Family Shopping Center in Wal-Mart Stores Addition.

West: AG; An approximately 152-acre Agricultural tract.

COMPREHENSIVE PLAN: Corridor + [Existing] Industrial Area

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 10/1976 (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).

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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 for subject property to change the number of permitted lots to allow for six (6) as now proposed – Pending PC review 01/21/2008.

BACKGROUND INFORMATION:

This application was Continued from the November 19, 2007 agenda due to the fact that it proposed six (6) lots when the PUD restricted the subject property to a maximum of three (3) lots. In the interim, a PUD Minor Amendment application was submitted in order to change the number of lots permitted in Development Area C to allow for six (6) as now proposed. Approval of this application is therefore dependent upon the approval of the Minor Amendment.

ANALYSIS:

This application is a proposed replat of Lot 2, Block 2, Jade Crossing containing 5.18 (or 5.128) acres, more or less. The subdivision proposes six (6) lots, one (1) block, and no (0) Reserves. The three (3) typical small lots are 100' X 190' (19,000 square feet, 0.44 acres). The three (3) remaining larger lots have an average of 56,213.6 square feet (1.29 acres).

The proposed subdivided area composes all of Development Area C as per PUD 50, less half of Grant St., and has an underlying zoning of IM in accordance with Zoning Code 11-7I-4.A, recognizing the fourth (4th) Development Area in effect (although not in name) is the stormwater detention area Reserve A, which is zoned IM.

The Preliminary Plat and all lots conform to the underlying IM District per PUD 50, with the exception that the 7th paragraph of page 1 of PUD 50 restricts Development Area C to three (3) lots. This restriction would be removed if Minor Amendment # 1 is approved.

Planning Staff Comments. Staff has identified the following recommended corrections, modifications, and conditions of approval:

4. Correct the wrong instance of the two acreage citations: acreage under Location Map at 5.18 acres or acreage included in the first paragraph of legal description in the Deed of Dedication at 5.128 acres.
5. The Center Line symbol as used does not match the initialized version in the legend.
6. Fix overlapping text along the northerly line of Lot 2, Block 1.
7. Represent underlying Zoning District boundary lines as per SRs Section 12-4-2.B.3.
8. Elevation contours as represented on Utility Layout drawing dated 05/01/2006 are not represented on the plat as required per SRs Section 12-4-2.B.6. One contour, which appears to be elevation 602, is represented with no label. This may also be the 100-year floodplain elevation, also required to be represented per SRs Section 12-4-2.B.5.
9. Add a Utility Easement between Lots 2 and 3 and along the back sides of Lots 3, 4, and 5, all as requested by the TAC during the meeting of November 07, 2007.
10. Add another fire hydrant on Lot 6 due to its excessive depth, to ensure hydrants spaced not more than 300' if/as requested by the Fire Marshal during the TAC meeting of November 07, 2007.
11. The developer shall coordinate with Tulsa County 911 Coordinator Vickie Atchley and place addresses on the Preliminary Plat.
12. Area in Jade Crossing designated "Existing Detention" needs to accurately be labeled Reserve A, recognizing its citation for assessment and maintenance responsibility purposes in the Restrictive Covenants.
13. Per SRs Section 12-4-2.A.5, the Location Map must include a scale at 1" = 2,000'.
14. Deed of Dedication & Restrictive Covenants: First paragraph of legal description used includes 'according to the recorded plat thereof' instead of 'according to the United States Government Survey thereof.'
15. Deed of Dedication & Restrictive Covenants: Second paragraph of legal description used includes 'according to the United States Government Survey thereof,' instead of 'according to the recorded plat thereof.' Consider whether the qualifier 'A Re-plat of' is needed before Lot 2, Block 2...
16. Deed of Dedication & Restrictive Covenants Section I.F: May be removed as it pertains to Limits of No Access (LNA), but no LNA is proposed or required for this subdivision.
17. Deed of Dedication & Restrictive Covenants Section II: Replace the Zoning Code Chapter 9 citation with a generic "PUD provisions," as the codified Zoning Code relocated the PUD sections within the Code.
18. Deed of Dedication & Restrictive Covenants Section II: Correct February 26, 1996 date of the adoption of the Zoning Ordinance 272 or remove date completely.
19. Deed of Dedication & Restrictive Covenants Section II: A large blank space is left presumably due to the removal of the Development Areas A and B. Reallocating this wasted space would make the plat more presentable.
20. Deed of Dedication & Restrictive Covenants Section II Development Area C Development Standards:
 - a. Correct typo on acreage.
 - b. Replace legal description 'Exhibit A-3' reference with 'See PUD 50' as the former is not included in the plat.
 - c. Change Maximum Number of Lots to six (6) presuming Minor Amendment # 1.
 - d. Remove section pertaining to Reserve Area A as it is not a part of this plat.
21. Deed of Dedication & Restrictive Covenants Section II.B.6: The first part of this section appears to be missing.

22. Deed of Dedication & Restrictive Covenants Section II.B.9: Apparently refers to Lots in Jade Crossing which are not a part of this plat. Check other sections for similar 'leftover' applicable provisions.
23. Deed of Dedication & Restrictive Covenants Section II.B.11: Last sentence has an occurrence of 'Building Frontage,' when 'front of the building' or 'building line' is presumed the intended phrase.
24. Deed of Dedication & Restrictive Covenants Section III: Reallocating more wasted space here would make the plat more presentable.
25. Deed of Dedication & Restrictive Covenants Section V.H: Last sentence has an occurrence of 'proceeding' when 'preceding' is presumed intended. Advisory.
26. Deed of Dedication & Restrictive Covenants Section V.H: Typo in 'Owner's shareholders.' Advisory.
27. Deed of Dedication & Restrictive Covenants: Four (4) occurrences of "January" at the end of the DoD/RCs should be left blank to allow for signatures in months other than January.
28. Deed of Dedication & Restrictive Covenants: Check to ensure that 'First Equity Corporation,' as title owner in name, is not intended to include an 'LLC' throughout the plat, to ensure there is no chain-of-title problem created.
29. Due to the number of minor errors, Staff does not claim that the above represents all of the necessary corrections. The Applicant is encouraged to re-review the plat and Deed of Dedication and Restrictive Covenants and satisfy themselves as to its correctness.

Staff Recommendation. Staff recommends Approval of the Preliminary Plat as follows:

1. Subject to the above-listed corrections, modifications, and conditions of approval.
2. Subject to compliance with all Fire Marshal recommendations and requirements.
3. A copy of the Preliminary Plat including all recommended corrections shall be submitted for placement in the permanent file.
4. Subject to the approval of PUD 50 Minor Amendment # 1.

Chair Scott Sherrill asked if the Applicant was available and wished to speak on the item. Applicant JR Donelson of 8410 E. 111th St. S. was present and indicated agreement with the Staff recommendations.

Thomas Holland referenced the Fire Marshal's memo and expressed concern that, if the fire hydrant was not installed, it would be difficult or impossible for the City to require it be installed later. Thomas Holland clarified with Erik Enyart that the fire hydrant and certain building and fire code requirements may depend on the particular use group/occupancy type. Mr. Holland expressed concern that, if the initial industrial occupant goes out of business in six (6) months, the City could find it difficult or impossible to require a fire hydrant be installed at that time. Mr. Enyart noted that the Fire Marshal will require any necessary fire hydrants as a part of the site plan or building plan permit review. Mr. Enyart also noted that one of the recommended Conditions of Approval, if adopted by the Commission, would make the fire hydrant a requirement if recommended by the Fire Marshal. Mr. Holland indicated agreement.

Chair Scott Sherrill asked to entertain a Motion. Bill Davis made a MOTION to APPROVE the Preliminary Plat subject to the Staff recommendations. Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Powell, Whiteley, Holland, Sherrill, & Davis
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	5:0:0

6. **PUD 54 Minor Amendment # 1**. Discussion and possible action to approve a Minor Amendment to PUD 54 to amend the Development Standards as for requirements Bixby Jiffy Lube.

Property located: 11800 S. Memorial Dr.

Chair Scott Sherrill introduced item number 6 on the agenda and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, January 09, 2008
RE: Report and Recommendations for:
PUD # 54 – Bixby Jiffy Lube – Minor Amendment # 1

LOCATION: – 11800 S. Memorial Dr.
– Southwest corner of Memorial Dr. and E. 118th St. S.

LOT SIZE: 1.19 acres, more or less

EXISTING ZONING: CG Commercial General District and OL Office Low Intensity District and PUD 54

PROPOSED USE: A Use Unit 16/17 Jiffy Lube auto service station and a Use Unit 11 office building

REQUEST: Minor Amendment to PUD 54 to amend the Development Standards as for requirements for Bixby Jiffy Lube

SURROUNDING ZONING AND LAND USE:

North: CS and RS-1; Residential and a vacant lot in Amended Plat of Block 7 North Heights Addition, and the North Heights Church of Christ.

South: CS and OL; 40-acre commercial development presently under construction in the Bixby Centennial Plaza addition.

East: CG; Memorial Dr. and commercial along the east side of Memorial Dr. (KFC, Urgent Care of Green Country, McGraw Davisson Stewart Realtors, etc.).

West: RS-1; Single-family residential in North Heights Addition.

COMPREHENSIVE PLAN: Medium Intensity + [Existing] Residential Area.

PREVIOUS/RELATED CASES: (not a complete list)

BZ-182 – Eugene Green – Request for rezoning from RS-1 to CG for Lots 1 and 2 of Block 5, North Heights Addition of subject property for a car lot – Approved by City Council August 11, 1987 (Ord. # 569).

BBOA-449 – Request for Special Exception to authorize a Use Unit 17 Automotive and Allied Activities for the auto service facility for subject property – Denied by Board of Adjustment 10/02/2006.

BZ-318 – SBM Corporation for Eugene & Norma Green – Request for rezoning from RS-1 to OL for Lot 3 Block 5, North Heights Addition of subject property – Recommended for Approval by PC October 16, 2006 and Approved by City Council November 13, 2006 (Ord. # 953).

AC-07-04-01 – Subject property requested for Architectural Committee approval of site plans and the proposed Jiffy Lube building – Approved in April, 2007.

AC-07-10-07 – Subject property placed on Architectural Committee agenda for approval of site plans and the proposed Jiffy Lube building – Tabled/No Action on October 15, 2007 due to realization that the site plans and building were already approved as per AC-07-04-01.

PUD # 54 – Jiffy Lube – Request for PUD overlay zoning for subject property – Recommended for Approval by PC 03/19/2007 and Approved by City Council 04/09/2007 (Ord. # 963).

Preliminary Plat of Bixby Jiffy Lube – Request for Preliminary Plat approval for subject property – Pending City Council consideration 01/14/2008.

Final Plat of Bixby Jiffy Lube – Request for Final Plat approval for subject property – Pending PC review 01/21/2008.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

The building plans have changed significantly, and so will require Architectural Committee approval for the new plans.

ANALYSIS:

The Applicant has stated that a Minor Amendment is needed to change setbacks due to the dedication by plat of additional right-of-way for the primary entrance on 118th St. S.

The PUD is the same as it was originally approved, with the following minor changes:

1. Development Area A (Jiffy Lube building): Setback from 118th St. S. is to be reduced from 40' to 25', which meets the required minimum setback of the CG district.
2. Development Area B (Office building): Setback from 118th St. S. is to be reduced from 40' to 25', which meets the required minimum setback of the OL district.
3. Page 4 includes additional text at the end of the section titled 'Landscaped Area and Visual Screening' to reflect the specific requirement for a block wall for the screening along the west side of the subject property, as per the approval of the Planning Commission (03/19/2007) and City Council (04/09/2007).

A Minor Amendment is in order recognizing (1) that it is substantially consistent with the original PUD in satisfaction of Zoning Code Section 11-7I-8.G, (2) that the setbacks as now proposed conform to the underlying Zoning districts, (3) that the changed setback on the plat and PUD standards will not affect the location of the building as proposed and as approved by the Architectural Committee in April, 2007, and (4) the Applicant's statement and City Engineer's confirmation that a temporary waterline (or general utility) easement will be granted within the location the plat will ultimately dedicate it, which easement may be defeated upon the recording of the plat of Bixby Jiffy Lube.

Staff has reviewed the PUD Minor Amendment and finds that there are no errors or necessary changes significant enough to warrant rewriting the document.

Staff Recommendation. For the reasons outlined above, Staff recommends Approval.

Chair Scott Sherrill asked if the Applicant was available and wished to speak on the item. Applicant JR Donelson was present but had no comment.

Chair Scott Sherrill asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE PUD 54 Minor Amendment # 1. Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Powell, Whiteley, Holland, Sherrill, & Davis
 NAY: None.
 ABSTAIN: None.
 MOTION CARRIED: 5:0:0

10. **Final Plat for Bixby Jiffy Lube (PUD 54)**, being a replat of Lots 1, 2, and 3 of Block 5, *North Heights Addition*, located in part of the NE/4 SE/4 of Section 35, T18N, R13E.
Property Located: 11800 S. Memorial Dr.

Chair Scott Sherrill introduced item number 10 on the agenda and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, January 09, 2008
RE: Report and Recommendations for:
 Final Plat of Bixby Jiffy Lube

LOCATION: – 11800 S. Memorial Dr.
 – Southwest corner of Memorial Dr. and E. 118th St. S.

LOT SIZE: 1.19 acres, more or less

EXISTING ZONING: CG Commercial General District and OL Office Low Intensity District and PUD 54

PROPOSED USE: A Use Unit 16/17 Jiffy Lube auto service station and a Use Unit 11 office building

REQUEST: Preliminary Plat approval for "Bixby Jiffy Lube," being a replat of Lots 1, 2, and 3 of Block 5, North Heights Addition.

SURROUNDING ZONING AND LAND USE:

North: CS and RS-1; Residential and a vacant lot in Amended Plat of Block 7 North Heights Addition, and the North Heights Church of Christ.

South: CS and OL; 40-acre commercial development presently under construction in the Bixby Centennial Plaza addition.

East: CG; Memorial Dr. and commercial along the east side of Memorial Dr. (KFC, Urgent Care of Green Country, McGraw Davison Stewart Realtors, etc.).

West: RS-1; Single-family residential in North Heights Addition.

COMPREHENSIVE PLAN: Medium Intensity + [Existing] Residential Area.

PREVIOUS/RELATED CASES: (not a complete list)

BZ-182 – Eugene Green – Request for rezoning from RS-1 to CG for Lots 1 and 2 of Block 5, North Heights Addition of subject property for a car lot – Approved by City Council August 11, 1987 (Ord. # 569).

BBOA-449 – Request for Special Exception to authorize a Use Unit 17 Automotive and Allied Activities for the auto service facility for subject property – Denied by Board of Adjustment 10/02/2006.

BZ-318 – SBM Corporation for Eugene & Norma Green – Request for rezoning from RS-1 to OL for Lot 3 Block 5, North Heights Addition of subject property – Recommended for Approval by PC October 16, 2006 and Approved by City Council November 13, 2006 (Ord. # 953).

AC-07-04-01 – Subject property requested for Architectural Committee approval of site plans and the proposed Jiffy Lube building – Approved in April, 2007.

AC-07-10-07 – Subject property placed on Architectural Committee agenda for approval of site plans and the proposed Jiffy Lube building – Tabled/No Action on October 15, 2007 due to realization that the site plans and building were already approved as per AC-07-04-01.

PUD # 54 – Jiffy Lube – Request for PUD overlay zoning for subject property – Recommended for Approval by PC 03/19/2007 and Approved by City Council 04/09/2007 (Ord. # 963).

PUD # 54 Minor Amendment # 1 – Request for PUD Minor Amendment for subject property to revise building setback lines to reflect the newly-dedicated additional right-of-way as proposed by this plat – Pending PC review 01/21/2008.

Preliminary Plat of Bixby Jiffy Lube – Request for Preliminary Plat approval for subject property – Pending City Council consideration 01/14/2008.

BACKGROUND INFORMATION:

The Technical Advisory Committee reviewed this Final Plat on January 02, 2008 – draft Minutes of the meeting are attached to this report.

ANALYSIS:

General. This commercial plat of 1.19 acres, more or less, proposes two (2) Lots, one (1) Block, and zero (0) Reserves. Both lots appear to meet PUD 54 zoning standards.

The Fire Marshal's and City Engineer's memos are attached to this Staff Report. Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

Access. Primary access to the subdivision would be via 118th St. S., which connects to S. Memorial Dr. / U.S. Highway 64. As a part of this development, additional right-of-way is being dedicated for 118th St. S. and additional lanes will be added to improve access at this intersection, which serves as a residential collector for subdivisions to the north and west. Limits of No Access (LNA) has been placed along the Memorial Dr. frontage preventing direct access to Memorial. A secondary access will be through the Bixby Centennial Plaza development to the south, by agreement with the developer of that commercial subdivision, as the Applicant has stated has been reached.

Planning Staff Comments. Staff has identified the following recommended corrections, modifications, and conditions of approval, which are primarily the same identified with the Preliminary Plat:

1. Per SRs Sections 12-5-2.A.1 and 12-4-2.A.5, the Location Map must include:
 - a. Represent all platted additions with the Section.

- b. Scale at 1" = 2,000'.
- 2. As represented on the plat, the full and correct names of the adjoining subdivisions are Amended Plat of Block 7 North Heights Addition and North Heights Addition.
- 3. Deed of Dedication & Restrictive Covenants Section 1.E: Unless allowed by the City Engineer, remove all of Section 1.E, as it pertains to storm sewers, but there will be no public storm sewer lines within the platted area. The land will drain to Bixby Centennial Plaza by agreement with the developers thereof, and to S. Memorial Dr., but all within private storm sewer infrastructure.
- 4. Deed of Dedication and Restrictive Covenants Section 1.F.2: "...on file..."
- 5. Deed of Dedication and Restrictive Covenants Section 2 Development Standards for All Lots; Drainage and Access, Circulation and Parking: Include self-references and should be worded differently to account for the fact that the plat itself actualizes these requirements.
- 6. Deed of Dedication: Section 3.A.5 does not waive the Detailed Site Plan requirements of the PUD or the Zoning Code. The developer should explain the purpose for its inclusion, or remove entirely.
- 7. Deed of Dedication: Section 4.C makes reference to Reserve or common areas, but neither such are represented on the plat.
- 8. Represent the underlying OL and CG zoning district boundary lines as per SRs Sections 12-5-2.A.1 and 12-4-2.B.3.
- 9. Deed of Dedication & Restrictive Covenants Section 2 PUD Restrictions: The development standards are different than PUD 54, such as the 40' setback from 118th St. S. in Development Area A, the inclusion of height standards when not included in PUD 54, etc. Use the development standards as per PUD Minor Amendment # 1, subject to the latter's approval.

Staff Recommendation. Staff recommends Approval Staff of the Final Plat as follows:

- 1. Subject to the above-listed corrections, modifications, and conditions of approval.
- 2. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
- 3. A copy of the Final Plat including all recommended corrections shall be submitted for placement in the permanent file.

Chair Scott Sherrill asked if the Applicant was present and wished to speak on the item. Applicant JR Donelson was present but had no comment.

Chair Scott Sherrill asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Final Plat for Bixby Jiffy Lube. Jim Powell SECONDED the Motion.

Chair Scott Sherrill asked to entertain a Motion to allow for an amendment to the Motion and Second to include the Staff's recommended Conditions of Approval. Jim Powell made a MOTION to Allow an Amendment to the Motion and Second. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Powell, Whiteley, Holland, Sherrill, & Davis
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	5:0:0

Larry Whiteley made an Amended MOTION to APPROVE the Final Plat for Bixby Jiffy Lube subject to the staff recommendations. Jim Powell made an Amended SECOND to the Motion. Roll was called:

ROLL CALL:

AYE: Powell, Whiteley, Holland, Sherrill, & Davis
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 5:0:0

- 7. **PUD 56 Minor Amendment # 1.** Discussion and possible action to approve a Minor Amendment to PUD 56 to amend height and other bulk and area Development Standards for South Village.

Property located: Northeast corner of Memorial Dr. and E. 146th St. S.

Chair Scott Sherrill introduced item 7 on the agenda and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Monday, January 14, 2008
RE: Report and Recommendations for:
PUD # 56 – South Village – Minor Amendment # 1

LOCATION: – Northeast corner of Memorial Dr. and E. 146th St. S.
– Approximately the 14500-block of S. Memorial Dr.

LOT SIZE: 20.165 acres, more or less

EXISTING ZONING: CG General Commercial District and RM-1 Residential Multi-Family District and PUD 56

REQUEST: Minor Amendment to PUD 56 to remove the three (3) lot maximum yield from Development Area C to allow for six (6) lots as proposed in Jade Crossing II

SURROUNDING ZONING AND LAND USE:

North: CG, RM-1, and AG; Vacant land and the Riverwalk Trail of Bixby (per INCOG) and the Arkansas River.

South: CS, CG, and RM-1/PUD 5; The River Run shopping center and a pending ‘Marquis on Memorial’ multifamily apartment development in Market South Second, attached townhouses in the Pecan Valley Addition, and Bentley Park.

East: RM-1 and AG; Vacant land and the Riverwalk Trail of Bixby (per INCOG) and the Arkansas River.

West: AG and IL; S. Memorial Dr. and vacant and agricultural land.

COMPREHENSIVE PLAN: Corridor + Development Sensitive/Low Intensity + [Existing] Vacant, Agricultural, Rural Residences, and Open Land.

PREVIOUS/RELATED CASES: (not a complete list)

PUD # 42 – RiverOaks – Request for PUD overlay zoning for a mixed use riverfront development – Recommended for Approval by PC June 20, 2007 but not placed on the City Council agenda thereafter – PUD application assumed withdrawn.

PUD # 56 – South Village – Request for PUD overlay zoning for a mixed use riverfront development (replaced PUD # 42) – Recommended for Approval by PC 03/19/2007 and Approved by City Council 04/09/2007 (Ord. # 965).

Preliminary Plat of South Village – Request for Preliminary Plat – Conditionally Approved by PC 12/17/2007 and pending City Council consideration January 14, 2008.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

ANALYSIS:

This Minor Amendment proposes two changes to PUD 56:

- 1. Prescribing absolute maximum height standards for Development Area B, which presently only states “3 stories”:

- a. All uses, except hotel use: 45 feet
 - b. Hotel use: 75 feet
2. Clarifying the PUD language that commercial uses may occupy stories above the first story in hotels only, which considers hotel usage to be a commercial use.

A Minor Amendment is in order recognizing (1) That the proposed amended standards are substantially consistent with the original PUD in satisfaction of Zoning Code Section 11-7I-8.G, (2) That the proposed 75' maximum height restriction is reasonably in line with the 70' maximum height standard of the underlying CG district, recognizing that Zoning Code Section 11-7I-5.D provides the flexibility for the Planning Commission to prescribe height restrictions with no absolute maximum height standard, and (3) The clarification allowing for commercial use to occupy stories above the first story in hotels only is a reasonable accommodation and is substantially consistent with the original intent of the approved PUD.

Staff notes that the Minor Amendment changes made must be incorporated into the plat of South Village.

Staff Recommendation. Staff recommends Approval.

Chair Scott Sherrill asked if the Applicant was available and wished to speak on the item. Applicant JR Donelson was present but had no comment.

Thomas Holland clarified with Erik Enyart and JR Donelson that the part about removing the restriction from commercial use in stories above the first story in the hotel only was due to the developer's interpretation that accepting money for providing lodging in rooms above the first story could be considered a commercial use, and that this restriction would apply to hotels only and would thus not permit a multi-story mall. Mr. Enyart stated that this development had always been known to plan a hotel, and this change would only clarify the original intent of the PUD as approved.

Chair Scott Sherrill asked to entertain a Motion. Thomas Holland made a MOTION to APPROVE PUD 56 Minor Amendment # 1. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Powell, Whiteley, Holland, Sherrill, & Davis
 NAY: None.
 ABSTAIN: None.
 MOTION CARRIED: 5:0:0

8. **BL-350 – Khoury Engineering, Inc.** Discussion and possible action to approve a Lot-Split. Property located: Lot 5, Block 1, *Bixby Centennial Plaza*, 11800-block of S. Memorial Dr.

Chair Scott Sherrill introduced item 8 on the agenda and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Monday, January 14, 2008
RE: Report and Recommendations for:
 BL-350 – Khoury Engineering, Inc.

LOCATION: – Approximately the 11800 : 11900-block of S. Memorial Dr.
 – Lot 5, Block 1, Bixby Centennial Plaza
LOT SIZE: 56,237.5 square feet (1.3 acres, more or less)

EXISTING ZONING: CS Shopping Center District

REQUEST: Lot-Split approval

PREVIOUS/RELATED CASES: (not a complete list)

BZ-279 – Charles Norman – Request for rezoning to CS, OM, OL, RS-3, and RS-2 for approximately 80 acres (now Bixby Centennial Plaza, Fox Hollow, and 10 acres in between) – Approved in December, 2001 (Ord. # 842).

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval – Approved by PC 07/17/2007 and by City Council 07/24/2006.

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval – Approved by PC 10/16/2006 and by City Council 10/23/2006.

BACKGROUND INFORMATION:

Staff would have processed this Lot-Split application as a Prior Approval / would have administratively approved the Lot-Split, except that Bixby Ordinance # 944, adopted June 12, 2006, introduced a Public Notice requirement. Staff concluded that the only way to preserve the intent and purpose of the new Public Notice requirement of Bixby Ordinance # 944 is to give the Public opportunity to ‘protest’ the Lot-Split at the Public Hearing as advertised by sign posting and ‘posting’ in the newspaper.

The Ordinance # 944 retains language which would authorize the City Planner to administratively approve a Lot-Split, but at the same time, makes a blanket requirement that any protest requires the Lot-Split receive City Council approval. There is no way to reconcile the possibility of administrative approval only with the mandate to advertise to the public the opportunity to protest at a later date.

At the TAC meeting held January 02, 2008, the Applicant noted that he would soon file on behalf of the developer a plat application to adjust additional lot lines in Bixby Centennial Plaza. At that time, it will be necessary and appropriate to fix Lot 7, which does not conform to the 150’ minimum lot width standard for the CS district as platted.

ANALYSIS:

Subject property Lot 5 contains approximately 1.3 acres and has 204.5’ of frontage on Memorial Dr. This request is to detach the south 46.08’ of the subject property and add it to Lot 6, Block 1, Bixby Centennial Plaza, which would then have 100,672 square feet (2.3 acres) and 366.08 frontage-feet on Memorial Dr.

Both lots would conform to the lot width and other bulk and area standards of the CS district. The TAC and city staff did not object to the Lot-Split or have any recommendations on requirements for approval.

Staff Recommendation. Staff recommends Approval subject to the 46.08’-wide ‘sliver’ tract being attached to adopting Lot 6, Block 1, Bixby Centennial Plaza by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE PROPOSED SLIVER TRACT] .

The foregoing is restricted from being transferred or conveyed as described above without including:

Lot 6, Block 1, Bixby Centennial Plaza, according to the recorded plat thereof.

unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,

Or other language provided by the Applicant for this purpose subject to City Attorney approval.

Chair Scott Sherrill asked if the Applicant was available and wished to speak on the item. Applicant Malek Elkhoury was present and indicated agreement with the Staff recommendation.

Chair Scott Sherrill asked to entertain a Motion. Jim Powell made a MOTION to APPROVE BL-350 subject to the Staff recommendation. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Powell, Whiteley, Holland, Sherrill, & Davis
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 5:0:0

2. **PUD-62 – Hawkeye – Hawkeye Holding, LLC** Public Hearing, Discussion, and consideration of a rezoning request for a parcel of land located in the W/2 SE/4 of Section 15, T17N, R13E, from AG (Agricultural) to CG (Commercial) and RS-3 (Residential) with a Planned Unit Development Number 62.
Property located: Northwest corner of the intersection of E. 151st St. S. and S. Kingston Ave.
-

Chair Scott Sherrill introduced item number 2 on the agenda and called on Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the following Staff Report:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Monday, January 14, 2008
RE: Report and Recommendations for:
PUD # 62 – Hawkeye – Hawkeye Holding, LLC

LOCATION: Northwest corner of the intersection of 151st St. S. & S. Kingston Ave.

LOT SIZE: 53.1425 acres, more or less (RS-3), plus
22.1729 acres, more or less (CG)
= 75.3154 acres, more or less

EXISTING ZONING:AG

REQUEST: RS-3 and CG and PUD 62 for a single family residential and commercial development

SURROUNDING ZONING AND LAND USE:

North: RS-3 & PUD 46; Single Family Residential development under construction in Fiddler’s Creek Amended.

South: AG, CG, OM; Agricultural and rural residential to the south, the Bixby Cemetery to the southeast, and a 150-acre King of Kings Lutheran Church, Inc. agricultural tract to the southwest zoned CG, OM, RM-3, and RE.

East: AG & CG; Agricultural, rural residential, and commercial on several unplatted tracts along S. Kingston Ave. and 151st St. S. The Allison Tractor Co. Inc. tractor/farm equipment sales business is to the east on approximately 2.4 acres zoned CG.

West: RS-3, RM-2, CS, & AG; The White Hawk Golf Club, residential in Celebrity Country and White Hawk Estates, and vacant, rural residential, and agricultural tracts fronting on 151st St. S.

COMPREHENSIVE PLAN: Corridor/Low Intensity + [Existing] Vacant, Agricultural, Rural Residences, and Open Land + Community Trail.

PREVIOUS/RELATED CASES:

RELEVANT AREA CASE HISTORY:

PUD 1 / BZ-86 – Request for PUD and RS-3, RD, RM-2, OL, OH, and CS zoning for approximately 600 acres (including Celebrity Country, Sitrin Center, etc.) abutting subject property on the west – Both Approved April 16, 1980 (Ord. 402 and 403).

PUD 3 – Replaced PUD 1 but retained underlying zoning on property abutting subject property to the west – Approved 10/04/1982 (Ord. 465).

BZ-185 – J. Edward Bates for Preferred Investments – Request for rezoning to CG, OM, RM-3, and RE for a 150-acre King of Kings Lutheran Church, Inc. agricultural tract to the southwest – Approved in May, 1988 (Ord. 585).

BZ-291 – Cleatus & Deloris Tate – Request for rezoning to CG for approximately 16 acres to the east for the Allison Tractor Co. Inc. tractor sales business – Approved for 2.4 acres of CG as per the amended reduced acreage request in July, 2003 (Ord. 870) (Zoning Map correction pending to reflect 2.4 acres only).

BZ-295 – Norbert Young – Request for rezoning to CS for approximately 1 acre to the southwest – Withdrawn by Applicant September 15, 2003 upon sale of the property.

BZ-300 – Jerry Hull – Request for rezoning to CS for 3.3 acres located approximately 300' to the west on a 10-acre tract at 5801 E. 151st St. S. – Approved in January, 2004 (Ord. 883).

BZ-312 – Roy Johnsen for Stone Creek Partners, LLC – Request for rezoning to RS-4 for 65 acres abutting the subject property to the north for the (now) Fiddler's Creek Amended residential subdivision – Application abandoned in favor of PUD 46.

PUD 46 – Roy Johnsen for Stone Creek Partners, LLC – Request for rezoning to RS-4 and PUD for 65 acres abutting the subject property to the north for the (now) Fiddler's Creek Amended residential subdivision – Denied by City Council 12/12/2005 and reconsidered and Approved for RS-3 01/09/06 (Ord. 934).

BZ-315 – B. Jack Smith – Request for rezoning to CG for an 8-acre vacant tract abutting the subject property to the west – Approved for CS in May, 2006 (Ord. 941) (Zoning Map correction pending to represent approved CS district).

BZ-333 – Lantern Hill – Request for rezoning to RS-3 for 40 acres for the planned Lantern Hill residential subdivision abutting the subject property to the east – Approved in July/August, 2007.

ANALYSIS:

Fire Marshal's and City Engineer's memos are attached to this Staff Report. Their comments are incorporated herein by reference.

Subject Property Conditions. The subject property is moderately sloped and primarily drains to the west to an unnamed tributary of Posey Creek. The property is presently pasture land.

The Comprehensive Plan. The subject property is designated Corridor, except for the west approximately 330', which is designated Low Intensity. CG zoning may be found in accordance with the Corridor designation, but is not in accordance with the Low Intensity designation. OL zoning is the most intense district which may be found in accordance with Low Intensity designation.

Page 13 of the Comprehensive Plan recommends the use of buffers and transition areas between areas of higher and lower intensity use. For these reasons, Staff recommends the west 330' of the Commercial Development Area B (which primarily contains the 100-year floodplain and stormwater detention pond and entrance street) be zoned OL. Staff advised the developer of this recommendation during the January 02, 2008 TAC meeting, and the developer indicated agreement. The developer has since then indicated disagreement with this recommendation.

RS-3 zoning may be found in accordance with the Corridor designation, and is in accordance with the Low Intensity designation.

Surrounding Zoning and Land Use. Surrounding zoning patterns reflect a mixture of AG, CS, CG, OM, RM-2, and RS-3. Recent area zoning cases have resulted in the approval of Commercial zoning to the east and west along 151st St. S. There is an approximately 7-acre CG district to the southwest (across 151st St. S.), approved as part of BZ-185 in 1988, there is an approximately 2.4-acre CG district to the east, approved per BZ-291 in July, 2003 (a Zoning Map correction, to reduce the approximately 18.5 acres shown to the 2.4 acres approved, is pending), and there is an approximately 11.3-acre CS district abutting to the west established per BZ-300 approved in January, 2004 and BZ-315 approved in May, 2006 (a Zoning Map correction, to represent the latter approved 8-acre part, is pending).

CG zoning would be compatible with existing CG districts to the east and west, and would be consistent with the CG Use Unit 17 farm/tractor sales business to the east. In accordance with the Comprehensive Plan page 12, if CG zoning is to be approved for a Corridor, "it should be when a PUD is also applied."

The RS-3 zoning request is consistent with the RS-3 zoning to the west (Celebrity Country and White Hawk Estates), north (Fiddler's Creek Amended) and east (Lantern Hill).

Planning Staff comments:

1. The PUD does not include details on landscaping and screening as per Zoning Code Section 11-7G-8.B.1.e, as Staff understands the developer's intent is to leave the Commercial area free of extra requirements, in order to make it attractive to the broadest spectrum of potential

commercial tenants. The PUD likewise does not include architectural or aesthetic standards for commercial buildings. A good PUD would include such details.

2. The CG district permits, and this PUD would permit many uses which may not be appropriate in relation to abutting residential and other uses, such as (UU 15) contractor's offices and equipment/materials storage, (UU 16) gasoline services stations, (UU 17) Agricultural implement sales, carwash, mini-storage, and automobile repair and service, etc. If permitted, strong architectural and aesthetic standards for buildings, outdoor storage restrictions, screening, and landscaping will be necessary to mitigate the visual effects which commonly attend such uses and use categories.
3. Because the PUD does not offer architectural and aesthetic minimum standards for Commercial buildings along the 151st St. S. corridor, Staff notes that such items will be subject to Architectural Committee and Planning Commission review and approval as a part of the Detailed Site Plan required by the Corridor Appearance and PUD District sections of the Zoning Code, respectively. Absent self-proposed development standards, approval of this PUD should be subject to a Condition which gives broad authority and discretion to the Planning Commission and Architectural Committee to place all reasonable and appropriate requirements for commercial buildings in Development Area B, and to ensure harmony and consistency in design with all buildings in this development and on other surrounding properties.

Staff Recommendation. Due to the Comprehensive Plan, surrounding Zoning and land use patterns, and recent area case history approving Commercial zoning, Staff recommends Approval subject to the following Conditions of Approval:

1. The West 330' of Development Area B shall be approved for OL zoning in accordance with the Comprehensive Plan Low Intensity designation, or this case should be Continued to a meeting date allowing for the proper Public Notice of a possible amendment to the Comprehensive Plan to allow for commercial zoning.

Staff would support an amendment to the Comprehensive Plan recognizing the CS zoning approved to the west, the buffering effects of the creek and 130' PSO overhead electrical transmission line easement, and other such significant characteristics of the subject and surrounding properties. Amending the Comprehensive Plan will necessitate due process Public Notice and thus a Continuance of this application, if the developer so requests such an amendment. Otherwise, OL zoning should not present a problem recognizing the non-use/non-development for this 100-year floodplain/Reserve for detention pond area.

2. Subject to the satisfaction of all outstanding Fire Marshal and City Engineer recommendations.
3. Absent self-proposed development standards, this PUD shall be subject to Planning Commission and Architectural Committee review and approval of a PUD Detailed Site Plan to demonstrate compliance with applicable standards. The PUD Detailed Site Plan shall include details on proposed parking, sign locations, landscape plans, and lighting plans, building plan and profile view renderings, and proposed exterior material details (composition, color, etc.), as required by the Zoning Code Sections 11-7G and 11-7I-8.B.5 and this PUD.
4. As a part of a required PUD Detailed Site Plan approval, the Planning Commission and Architectural Committee shall have broad authority and discretion to place all reasonable and appropriate architectural and aesthetic standards for commercial buildings in Development Area B, outdoor storage restrictions, and screening, landscaping, and signage controls as necessary to mitigate the visual effects which commonly attend uses and use categories permitted in the CG district, and to ensure harmony and consistency in design with all buildings in this development and on other surrounding properties.

Chair Scott Sherrill asked if the Applicant was available and wished to speak on the item.

Tim Terral of Tulsa Engineering and Planning Associates, Inc., 6737 S. 85th E. Ave., Tulsa, indicated agreement with the staff recommendations, including the rezoning of the west 330' to OL. Mr. Terral stated that the development would be pretty straightforward, with not much change from the Zoning Code.

Larry Whiteley asked if there would be two (2) entrances, and Tim Terral responded that there would and that the second would be through the commercial area.

Tom Holland asked if the PUD would allow for mini-storage. Vern Suess, Managing Partner of General Properties Development Corporation, 7020 S. Yale Ave., Suite 268, Tulsa, stated that the PUD would restrict uses. Mr. Suess stated that the City of Bixby did not recognize Kingston Ave. as a [public] street, but that there was a street sign.

Larry Whiteley asked for clarification about access to Kingston Ave., and Erik Enyart stated that, if there was a preexisting easement, it must be represented on the plat where it affects the land being platted, to maintain its visibility to the Public, and it would remain in effect until and unless the property owner took the matter to court to have it vacated.

Vern Suess stated that the PUD has eliminated uses which would be allowed in CG, and also restricted outside storage. Tom Holland again asked if the PUD would restrict mini-storage, and Mr. Suess stated that it would not, and that the PUD was structured for extreme flexibility.

Chair Scott Sherrill expressed concern about the density/intensity of commercial development in terms of Floor Area Ratio. Erik Enyart noted that the Zoning Code allowed for a .75 FAR in the CG district, versus .50 in the CS district. Tim Terral stated that, due to parking requirements, the 130' PSO easement, and other constraints, it would not be physically possible to develop to the maximum density, unless there was structured parking.

Chair Scott Sherrill expressed concern for the 100 square foot display surface area of the development entrance signage. Vern Suess and Tim Terral indicated it would be acceptable to consider each side of the two sided sign to have 50 square feet, for a total of 100 square feet.

Chair Scott Sherrill asked if anyone else wished to speak on the item.

Ken Gibson of 14901 S. Kingston Ave. stated that he had lived at this residence for 40-plus years, and that Kingston Ave. was originally a Tulsa County road, and that it used to be chipped [and sealed] by the County until the area was annexed by Bixby, which now did not claim [the road]. Mr. Gibson stated that he believed his abstract [of title] showed that the road was dedicated to Tulsa County.

Larry Whiteley stated that he did not want anyone to be cut off from access by this development. Vern Suess stated that he had an ALTA survey done, which demonstrates the location of the roadway in relation to his property [and the easement].

Ken Gibson stated that Ken Laster had acquired the former ODOT property on the corner of Kingston Ave. and 151st St. S., and that there are three (3) houses on Kingston Ave. that people live in.

Vern Suess discussed with Scott Sherrill the fact that he was working with the City on the size of the new lift station to serve this and other surrounding developments.

Tom Holland stated that he would discourage RS-4 zoning, and that this plan would allow for higher densities in certain areas which could achieve RS-4 densities. Tim Terral and Erik Enyart discussed the total lot yield proposed by this PUD, and noted that it was less than would be permitted if granted straight RS-3 zoning. Chair Scott Sherrill clarified with Erik Enyart that, if developed under RS-2 zoning, it would allow for a lot yield of about 212.

Chair Scott Sherrill asked for further questions or comments. There being none, Scott Sherrill asked to entertain a Motion on the underlying zoning, and a second Motion on the PUD.

Bill Davis made a MOTION to Recommend APPROVAL of the requested CG, OL, and RS-3 zoning, as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, Sherrill, & Davis
NAY: Powell & Holland.
ABSTAIN: None.
MOTION CARRIED: 3:2:0

Larry Whiteley made a MOTION to Recommend APPROVAL of the PUD with the modifications and Conditions of Approval as recommended by Staff. Jim Powell SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Powell, Whiteley, Sherrill, & Davis
NAY: Holland.
ABSTAIN: None.
MOTION CARRIED: 4:1:0

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT:

There being no further business, Scott Sherrill made a MOTION to ADJOURN. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Powell, Whiteley, Holland, Sherrill, & Davis
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 5:0:0

The meeting was adjourned at 8:30 P.M.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary