



City of Bixby Board of Adjustment Meeting Agenda

Friday, June 23, 2023

3:00 PM

**Municipal Building
116 W. Needles Ave., Bixby,
OK 74008**

Call to Order

Chairman

Roll Call

OC Walker, Secretary

Public Hearing

- 1) Acceptance of the minutes from the April 17, 2023, Board of Adjustment Regular Meeting.
- 2) Discussion, consideration, and possible vote on an interpretation of the Zoning Code and the Downtown Design Overlay District standards do not prohibit freestanding, commercial buildings with a single use for Chick-fil-A, which is located at 14811 South Memorial Drive, Bixby, Oklahoma 74008.

Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of June 21, 2023, on or before 12:00 p.m., at City Hall, 116 W. Needles Bixby Oklahoma.

Respectfully Submitted

OC Walker, City Planner

Persons who require a special accommodation to participate in this meeting should contact City Planner O.C. Walker: 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or via Email: ocwalker@bixbyok.gov as far in advance as possible and preferably at least 48- hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

BIXBY BOARD OF ADJUSTMENT MINUTES

Tuesday| April 17, 2023 | 6:00 PM

City Hall, Council Chambers | 116 West Needles, Bixby, OK

CALL TO ORDER: 6:01 PM

Roll Call was taken

MEMBERS PRESENT: Murray King, Chairman
Kaylin Coody
Jason Mohler
Mike David

MEMBERS ABSENT: Jeff Sloan

STAFF PRESENT: O.C. Walker, Director of Development Services
Gwen Plante, Assistant City Planner

Discussion, consideration, and confirmation of the nomination and appointment of Mr. Mike David to the Bixby Board of Adjustment, filling the resigned seat of Mr. Richard Altmann.

Judge Tamera Childers, administered the oath to Mr. David.

Public Hearing

Chairman King said Item #1 on the Agenda is:

Approval of Minutes of February 21, 2023, regular meeting

Chairman King asked for a motion to approve the February 21, 2023 meeting minutes. Chairman King made a motion to approve minutes, seconded by Mr. Jason Mohler

Yes: King, Mohler, David, Coody

No: None

Abstain: None

Motion carried.

Chairman King said Item #2 on the Agenda is:

Discussion, consideration, and possible vote to approve a variance for property located at 18335 South 154th East Avenue, Bixby, Oklahoma.

Director O.C. Walker stated that this is the second time this has been presented before the Board of Adjustment. In December 2022 the project came forward and was denied because of the location of the accessory building. The applicant has changed the location of the building from the side yard to the rear yard and staff is in support of the Board's approval of the project.

The adjacent property owners were able to review the new location and no objections were made.

Chairman King asked for a motion, and Board Member Mohler made the motion to approve the variance for BXBA 23.05 to allow an accessory building larger than 800 sq. ft. in the rear yard. Chairman Coody seconded the motion.

Yes: Mohler, Coody, David, King

No: None

Abstain: None

Motion carried.

Old Business:

None

New Business:

Ms. Plante reminded the Board that Matrix would be in town the week of May 8th and if they had not signed up for the interviews to please do so.

Meeting adjourned at 6:10 pm

Murray King, Chairman

O.C. Walker, Secretary



City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Board of Adjustment

From: O.C. Walker, Development Services Director/City Planner
Gwen Plante, Assistant City Planner

Date: Tuesday, June 20, 2023

RE: BXBA 23.07 – Application for interpretation of the Zoning Code.

Location: 14811 S. Memorial Drive, Bixby, OK 74008
Platted: Scooter's at Market Square

STR: Section 13, Township 17, Range 13

Project: Chick Fil A – 148th and Memorial

Applicant: Lou Reynolds, Eller & Detrich, P.C.

Staff Review

The applicant has applied to request an interpretation of the Zoning Code and the Downtown Design Overlay District (Mixed Use B).

The applicant states the Downtown Design Overlay District is a Zoning District of Chapter 7 of the Bixby Zoning Code, (along with Agricultural, Residential, Office, Commercial, Science-Technology, Industrial, Corridor Appearance, Mixed-Use, and PUD Districts).

The Design Standards were adopted by Council as Ordinance No. 2302 as an amendment to the Zoning Code, not the Comprehensive Plan, and accordingly are a regulatory provision of the Zoning Code. Currently, the language of the Standards only permits specific building types and a single-use commercial building is not allowed.

Section 11-7H-4 of the Code states: “Upon the effective date of the Downtown Design Overlay Standards or any subsequent amendment, **any new building**, additions, or other structure or any

use of land **must be constructed or developed in accordance with all applicable provisions of the Downtown Design Overlay Standards.**”

City Staff:

The Downtown Design Overlay Standards are intended to guide Bixby’s prosperous and sustainable future by:

1. Providing clear regulations and processes that result in a predictable, efficient, and coordinated review process.
2. Promoting sustainable building and site design practices.
3. Promoting diverse housing options.
4. Provide standards for interconnected streets and development patterns that support all modes of travel (walking, bicycling, public transit, driving).

The location 14811 S. Memorial Drive, Bixby, OK 74008, is in District 2 of the Downtown Design Overlay Standards. District 2 is on the Northwestern edge of Downtown, much of this district is zoned for general commercial use and has strip centers, fast food establishments, grocery, big box retail, gas and convenience stores. Businesses are encouraged to include amenity space for outdoor dining, patios, or attractive landscaping.

Staff consulted with the City Manager and City Attorney, both advised that the Downtown Design Overlay Standards as well as the Comprehensive Plan are guidance documents and do not restrict Council approval of any project that they deem to be in the City’s best interest. The design standards are considered and enacted not to regulate use but to establish appearance standards for new development as well as existing building modifications.



Figure 1: City of Bixby Zoning Map

Existing Zoning; Use:

(CG) Commercial General

Abutting Zoning; Uses:

(CS) Commercial Shopping – North, South

(IL) Industrial Light – East, West

Public Comments: No comments were received at the time of writing this Staff Report.

Staff Comments: Staff recommends approval on the basis that the Downtown Design Overlay Standards are a guide and do not prohibit free-standing commercial buildings with a single use.

Sample Motion:

In BOA Case BXBA-23.07 Variance, I move that we (approve/deny) with a conclusion that the design standards are considered and enacted not to regulate use but to establish appearance standards for new development and existing building modifications.
