

BIXBY BOARD OF ADJUSTMENT

AGENDA

CITY HALL COUNCIL CHAMBERS ~ 116 WEST NEEDLES ~ BIXBY, OKLAHOMA

TUESDAY ~ SEPTEMBER 5, 2017 ~ 6:00 PM

CALL TO ORDER

ROLL CALL

NEW BUSINESS

1. Introduction and greetings from City Attorney, Tammy Ewing
2. Introduction of Spencer Pittman as Board of Adjustment Member
3. Election of Secretary

CONSENT AGENDA

4. Approval of Minutes for Board of Adjustment Meeting: October 3, 2016

PUBLIC HEARING

5. **SPECIAL EXCEPTION: BXBA-17.01 STUNKARD:** Applicant, JR Donelson
BXBA-17.07 STUNKARD: Discussion and possible action to approve a request for a Special Exception from the Board of Adjustment, to permit a Single-family dwelling to be built on an undeveloped lot zoned (CS) Commercial Shopping and (OL) Office Light, the property is generally located: west of Mingo and south of 161st Street, in part of Section 25, T17N, R13E

ADJOURNMENT

Posted By: *Marcae' D. Hilton*

Date: August 23, 2017

Time: 5:00 PM

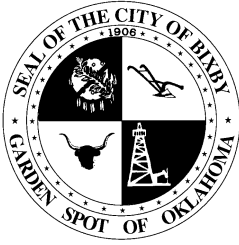
AGENDA – Board of Adjustment: SEPTEMBER 5, 2017

Page 1 of 1

All items are for Public Hearing unless the item is worded otherwise

Persons who require a special accommodation to participate in this meeting should contact City Planner Marcae' Hilton, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: mhilton@bixbyok.gov as far in advance as possible and 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.

**MEETING MINUTES FROM
OCTOBER 3, 2016
ARE NOT AVAILABLE IN THIS PACKET.**



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

STAFF REPORT

To: Bixby Board of Adjustment

From: Marcae' Hilton, City Planner

Date: August 23, 2017

RE: **SPECIAL EXCEPTION: BXBA-17.01 STUNKARD**
BXBA-17.07 STUNKARD: Discussion and possible action to approve a request for a Special Exception from the Board of Adjustment, to permit a Single-family dwelling to be built on an undeveloped lot, zoned (CS) Commercial Shopping and (OL) Office Low Intensity, the property is generally located: west of Mingo and south of 161st Street, in part of Section 25, T17N, R13E

REQUEST: SPECIAL EXCEPTION: BXBA-17.01 STUNKARD

LOCATION: West of Mingo and south of 161st Street

STR: Section 25, T17N, R13E

SIZE OF TRACT: 2.94 Acres

LOT INFO: One Lot, One Block

ZONING: (CS) Commercial Shopping and (OL) Office Low Intensity

EXISTING USE: Undeveloped, AG use

PUBLIC INPUT: Staff is NOT aware of any calls as of August 23, 2017

BACKGROUND INFORMATION:

GENERAL: Applicant, JR Donelson

The applicant is asking for a Special Exception from the Board of Adjustment, to permit a Single-family residence to be built on an undeveloped lot zoned (CS) Commercial Shopping and (OL) Office Low Intensity.

The City of Bixby Zoning Regulations can allow for this request through the Special Exception process, please see the excerpt below.

Per the Zoning Code:

11-7D-2: PRINCIPAL USES PERMITTED in CS, Single-family is not allowed without a Special Exception from the Board of Adjustment.

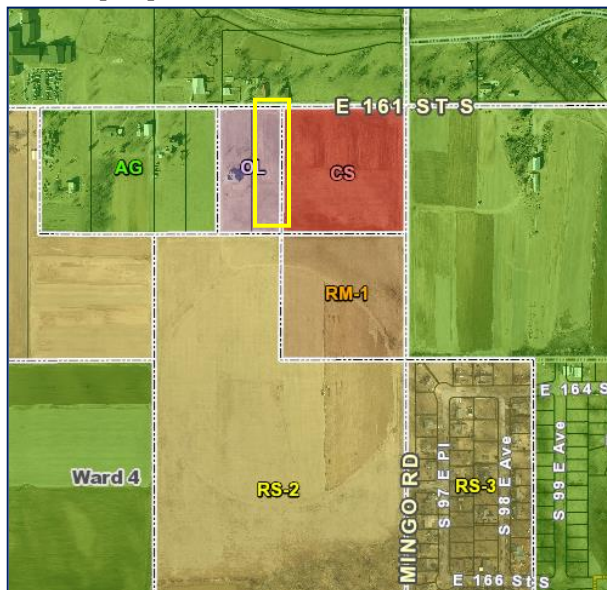
11-7D-5: SPECIAL EXCEPTION USES; REQUIREMENTS: The special exception uses permitted in commercial districts, as designated in section 11-7D-2, table 1, of this article, are subject to the minimum requirements set out below and such additional safeguards and conditions as may be imposed by the board of adjustment:

B. Special Exceptions: Except as provided, all special exceptions shall comply with the bulk and area requirements of the use district in which located.

11-7C-2: PRINCIPAL USES PERMITTED in OL, Single –family is not allowed without a Special Exception from the Board of Adjustment

11-7C-5: SPECIAL EXCEPTION USES; REQUIREMENTS:

The applicant began this process with a request to lot split the undeveloped tract for the purpose of the Single-family residence. Staff has required the right-of-way along 161st Street to be dedicated along with required utility easements. There are no plans at this time to develop the parent tract. The item was heard by the Planning Commission on August 21, 2017. The lot split was approved 4-0-1, Tom Holland, Planning Commissioner abstained from voting citing he did not want to set a precedence for residential dwellings in OL and CS zoned properties.



This item was presented at the August 2, 2017 Technical Advisory Committee (TAC) Meeting for approval. There were no comments.

PREVIOUS/RELATED CASES:

(not a complete list)

LOT SPLIT: BXLS-17.09 STUNKARD

ZONING: No Ordinance could be located confirming when the zoning was changed.

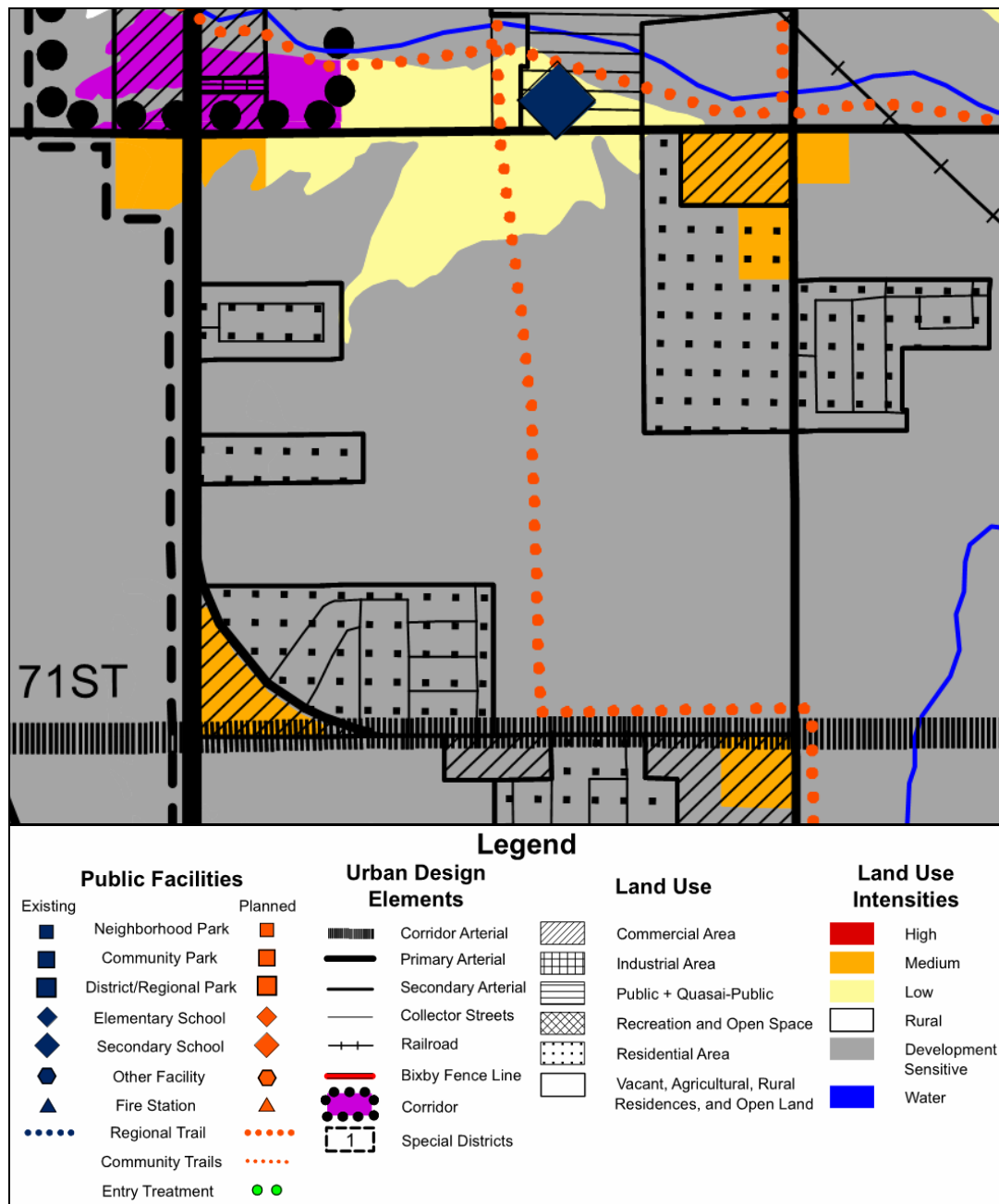
SURROUNDING ZONING AND LAND USE:

North: AG (Agriculture), Single-family use,

South: RM-1, RS-2, Undeveloped

East: CS, Undeveloped

West: OL, Single-family



COMPREHENSIVE PLAN:

LAND USE INTENSITIES: MEDIUM

LAND USE: COMMERCIAL

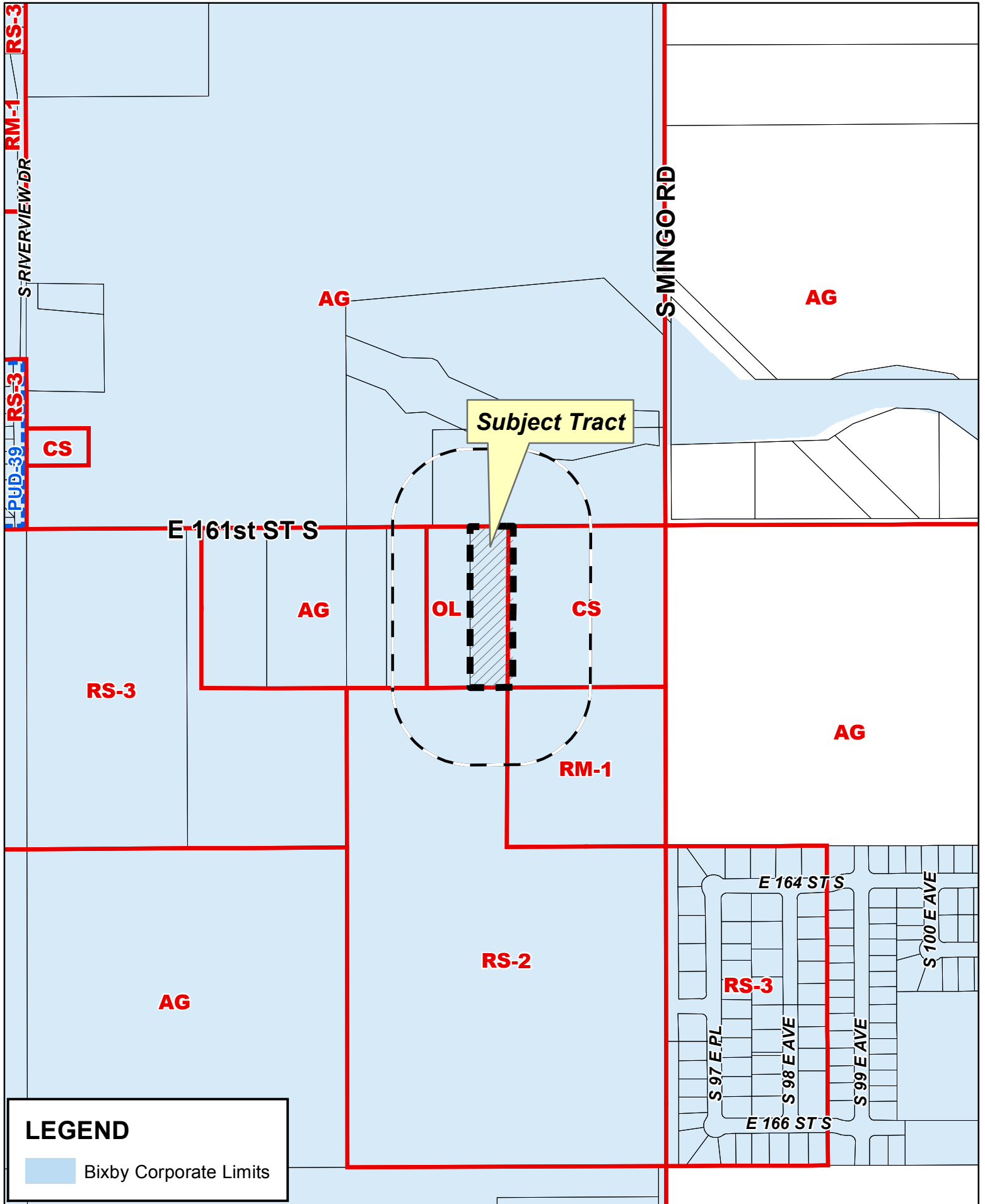
URBAN DESIGN ELEMENTS: SECONDARY ARTERIAL

PUBLIC FACILITIES: NEAR PLANNED REGIONAL TRAIL

On Page 27 of the Comprehensive Plan, the Matrix to determine Bixby Zoning Relationship to the Comp Plan does allow for Residential on OL and can allow in CS.

EXHIBITS: LOT SPLIT PACKET

STAFF RECOMMENDATION: STAFF recommends Approval of a Special Exception for BXL-17.01 to allow a Single-family residence on a lot with CS and OL zoning.



300' Radius



Subject Tract

BXBA-17.01



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CITY OF BIXBY
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

STAFF REPORT

To: Bixby Planning Commission

From: Marcae' Hilton, City Planner

Date: Monday, August 21, 2017

RE: **LOT SPLIT:** BXLS-17.09 STUNKARD: Applicant, JR Donelson, on behalf of owner
Discussion and review of a Lot Split dedicating Right-of-way and Utility Easements for a new Single-family residence the property is located south of 161st Street and west of Mingo in the City of Bixby, OK

REQUEST: Lot-Split approval

LOCATION: South of 161st and west of Mingo

STR: Section 25, T17N, R13E

LOT SIZE: (1) One Lots **(Original/New Tract Unplatted)**

ZONING: CS (Commercial Shopping), OL (Office Low Intensity)
(Parent Tract) RM-1 (Residential Multi-family) RS-2 (Residential Single-family)

EXISTING USE: Vacant Undeveloped

PROPOSED USE: Single-family residence

PUBLIC INPUT: None, not advertised

BOA: Board of Adjustment (BOA) Single-family residence will require a Special Exception from the BOA. Scheduled for Tuesday, September 5, 2017

BACKGROUND INFORMATION:

The applicant requests to lot split the undeveloped tract for the purpose of a Single-family residence. Staff has required the right-of-way along 161st Street to be dedicated along with required utility easements. There are no plans at this time to develop the parent tract. The applicant has applied for a Special Exception from the Board of Adjustment, single-family residences are not allowed by right in OL and CS.

This item was presented at the August 2, 2017 Technical Advisory Committee (TAC) Meeting for approval.

OL Code Requirements: Bixby Zoning **11-7D-4: BULK AND AREA REQUIREMENTS:** 

- Frontage (minimum feet)*:
 - Arterial 75
 - Not an arterial 50
 - Floor area ratio (maximum) 0.30
- *Setback from centerline of abutting street (minimum feet): Measured from centerline of abutting street; add to the distance designated in the column to the right 1/2 of the right of way width designated on the major street plan, or 25 feet if the street is not designated on the major street plan:
 - Arterial 50
 - Not an arterial 25
- Setback from abutting R district:
 - Boundary lines (minimum feet) 10*
 - Building height (maximum feet) 5 stories or 70 feet

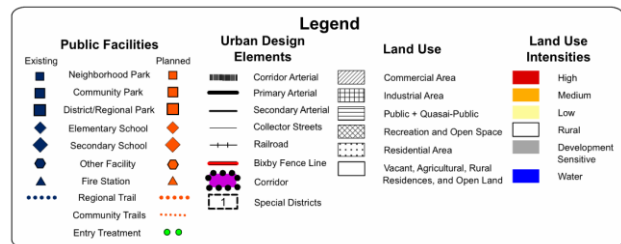
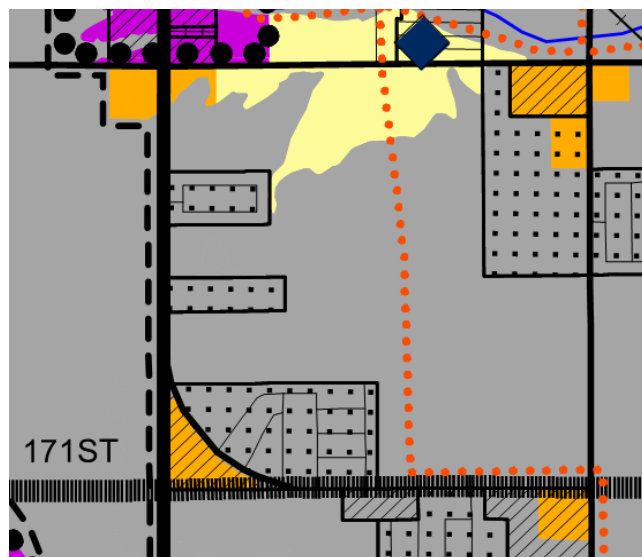
COMPREHENSIVE PLAN:

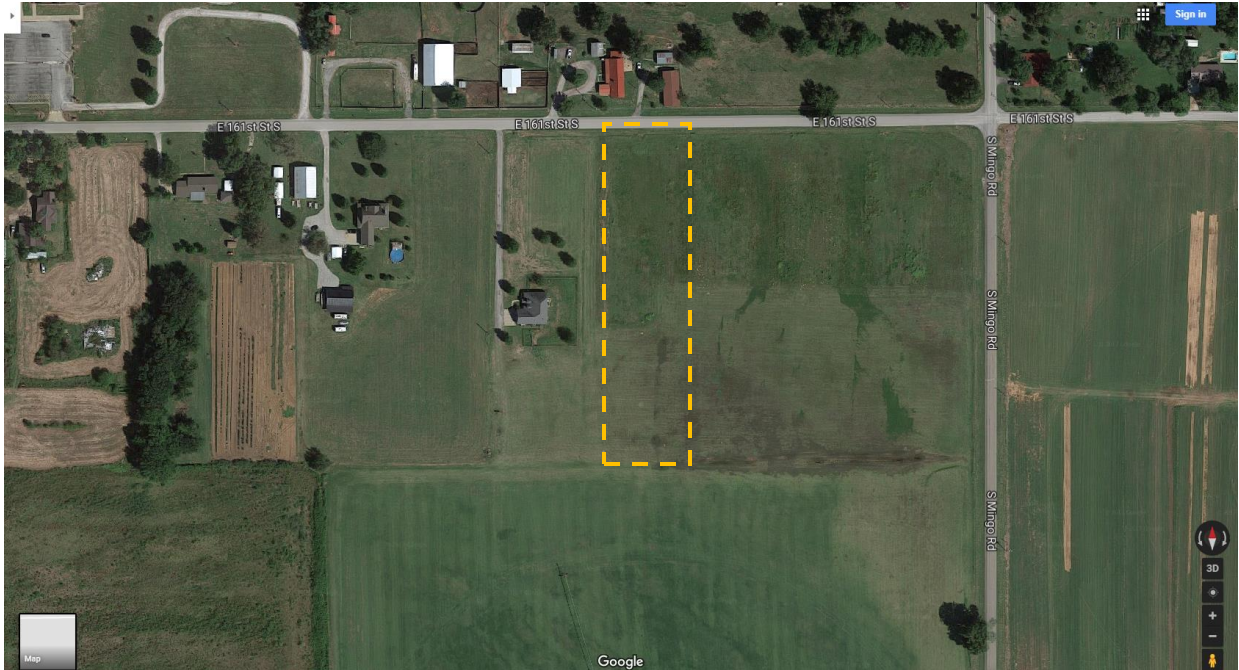
Land Use Intensities: Medium (moderate activity, transitional uses not highest and best use but allowed per the matrix)

Land Use: Commercial Area

Urban Design Elements: Primary Arterial

Public Facilities: Secondary School





ATTACHMENTS:

1. Case Map
2. Lot Split Exhibits

Staff believes the proposed Lot Split request meets the requirements of the Zoning Regulations and Land Use objectives.

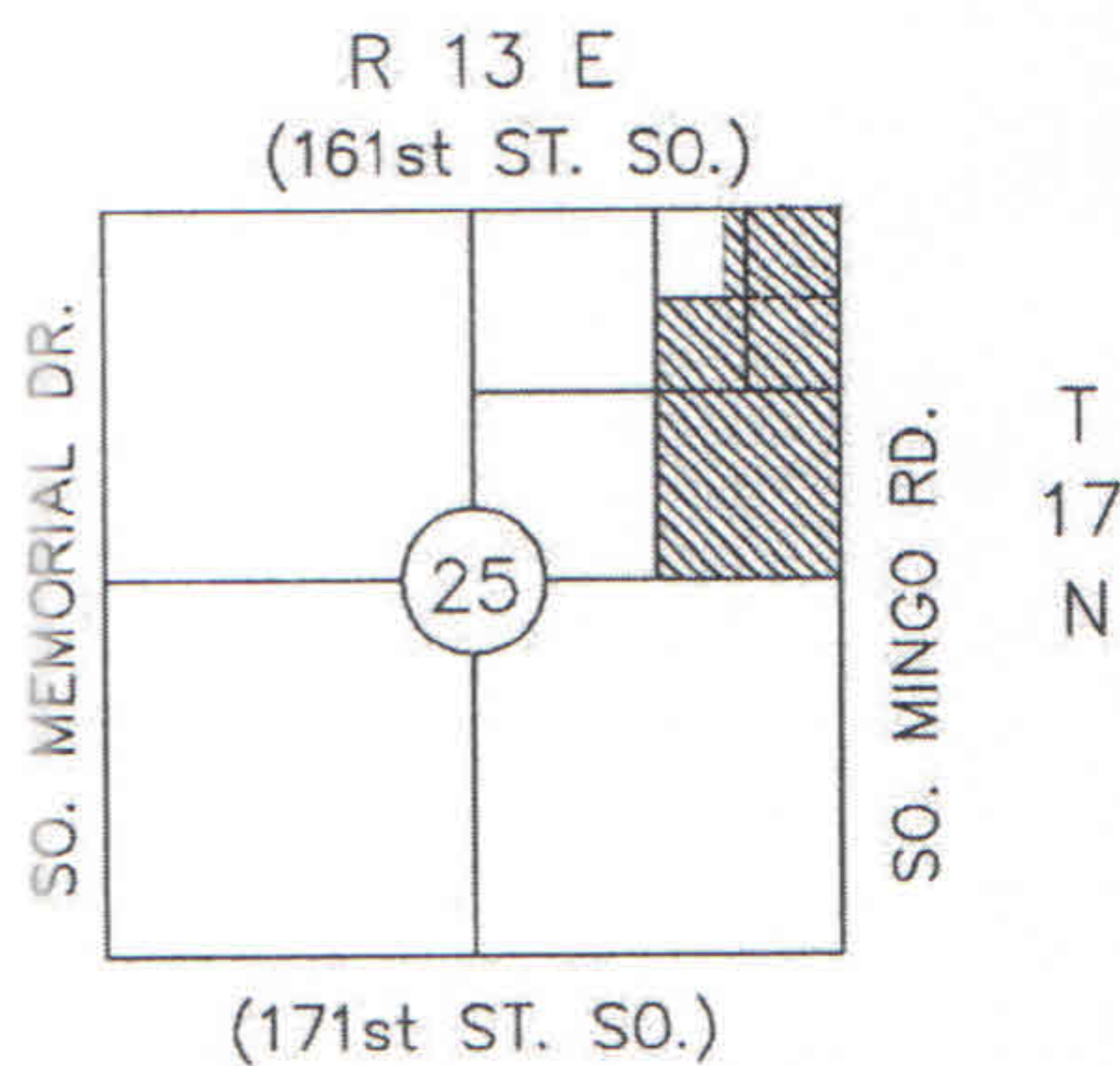
STAFF RECOMMENDATION: Staff and the Technical Advisory Committee recommend Approval of **BXLS-17.09** with the following conditions:

1. INCLUDE DEED OF DEDICATION FOR RIGHT-OF-WAY
2. BRING WARRANTY DEED TO OFFICE OF CITY PLANNER TO BE STAMPED AFTER APPROVAL OF PLANNING COMMISSION AND BEFORE FILING AT TULSA COUNTY
3. PROVIDE COPY OF FILED DOCUMENT TO OFFICE OF CITY PLANNER

LOT SPLIT PLAT TRACT 'A'



NO SCALE

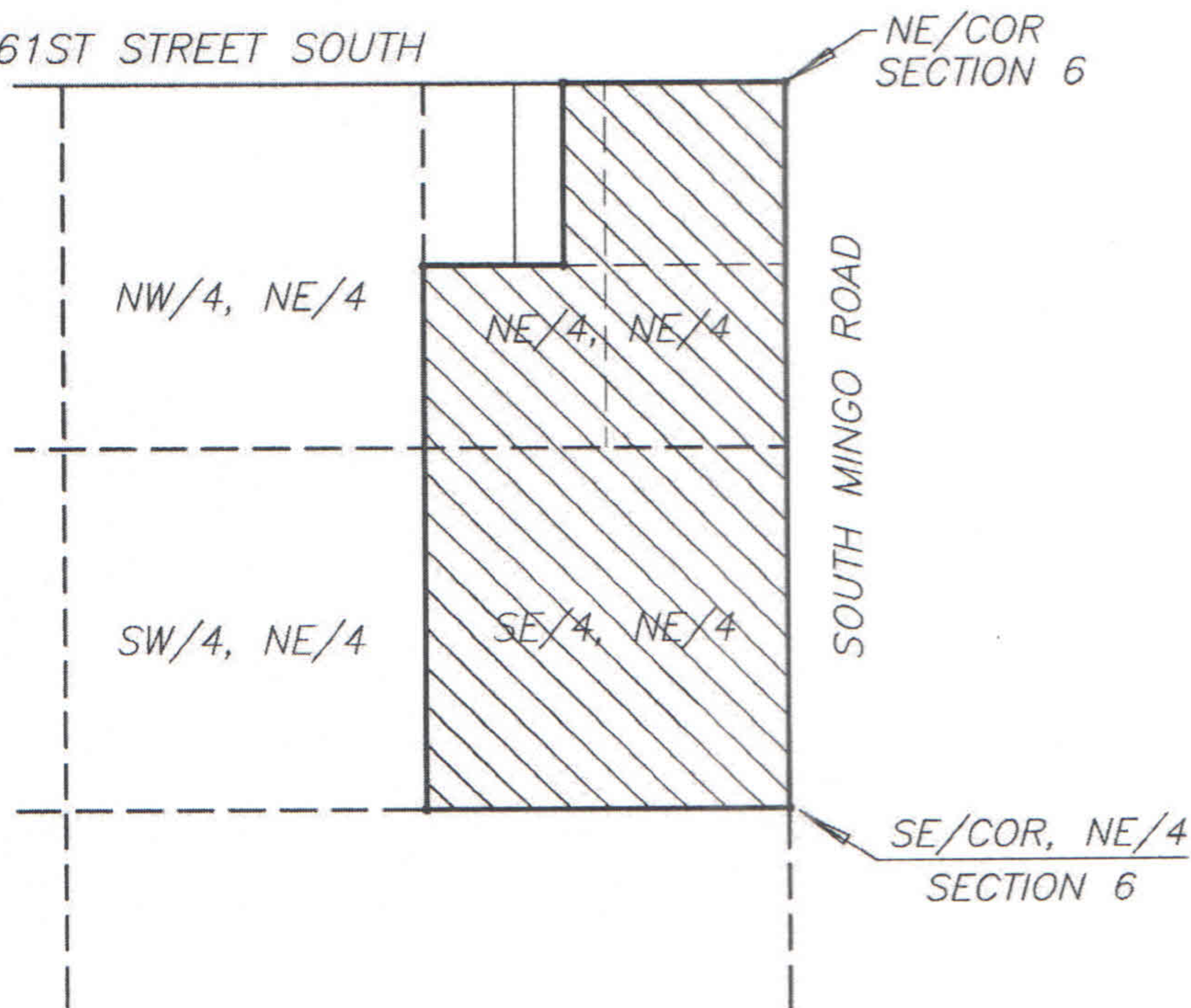


TULSA COUNTY LOCATION MAP

LEGEND

NE/4 NORTHEAST QUARTER
NW/4 NORTHWEST QUARTER
W/2 WEST HALF
E/2 EAST HALF
COR CORNER

EAST 161ST STREET SOUTH



LEGAL DESCRIPTION TRACT 'A'

THE E/2 OF THE NE/4, LESS THE W/2 OF THE NW/4 OF THE NE/4 OF THE NE/4 AND THE W 179 FEET OF THE E/2 OF THE NW/4 OF THE NE/4 OF THE NE/4 OF SECTION 25, T-17-N, R-13-E, TULSA COUNTY, OK.

I, CHARLES K. HOWARD CERTIFY THAT THE ABOVE PLAT OF SURVEY FOR A LOT SPLIT CLOSES IN ACCORD WITH EXISTING RECORDS AND IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED.

Charles K. Howard

CHARLES K. HOWARD
C.A.NO. 5611 EXP.DATE: 6/30/19

8/4/17
DATE



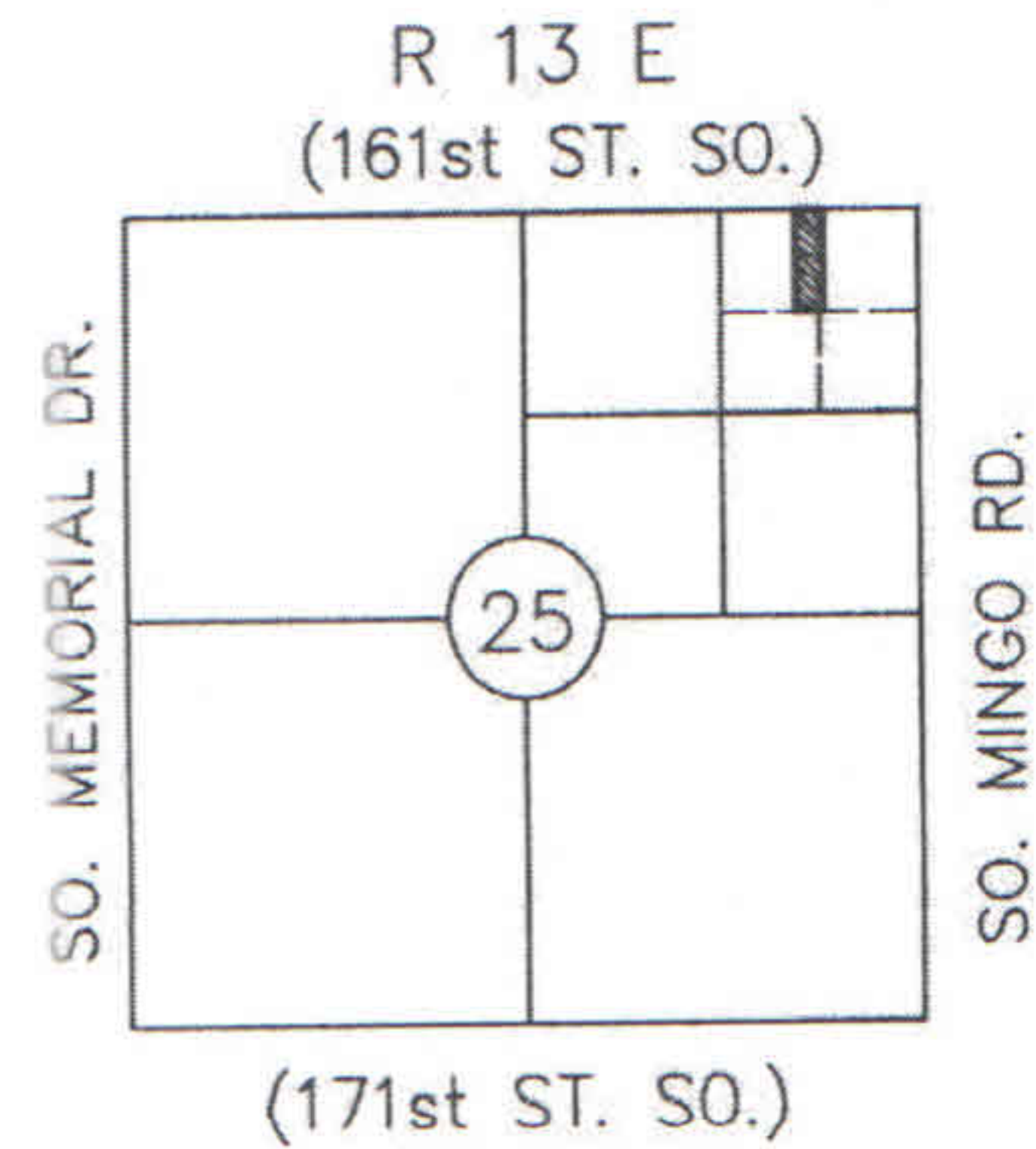
LOT SPLIT PLAT TRACT 'B'



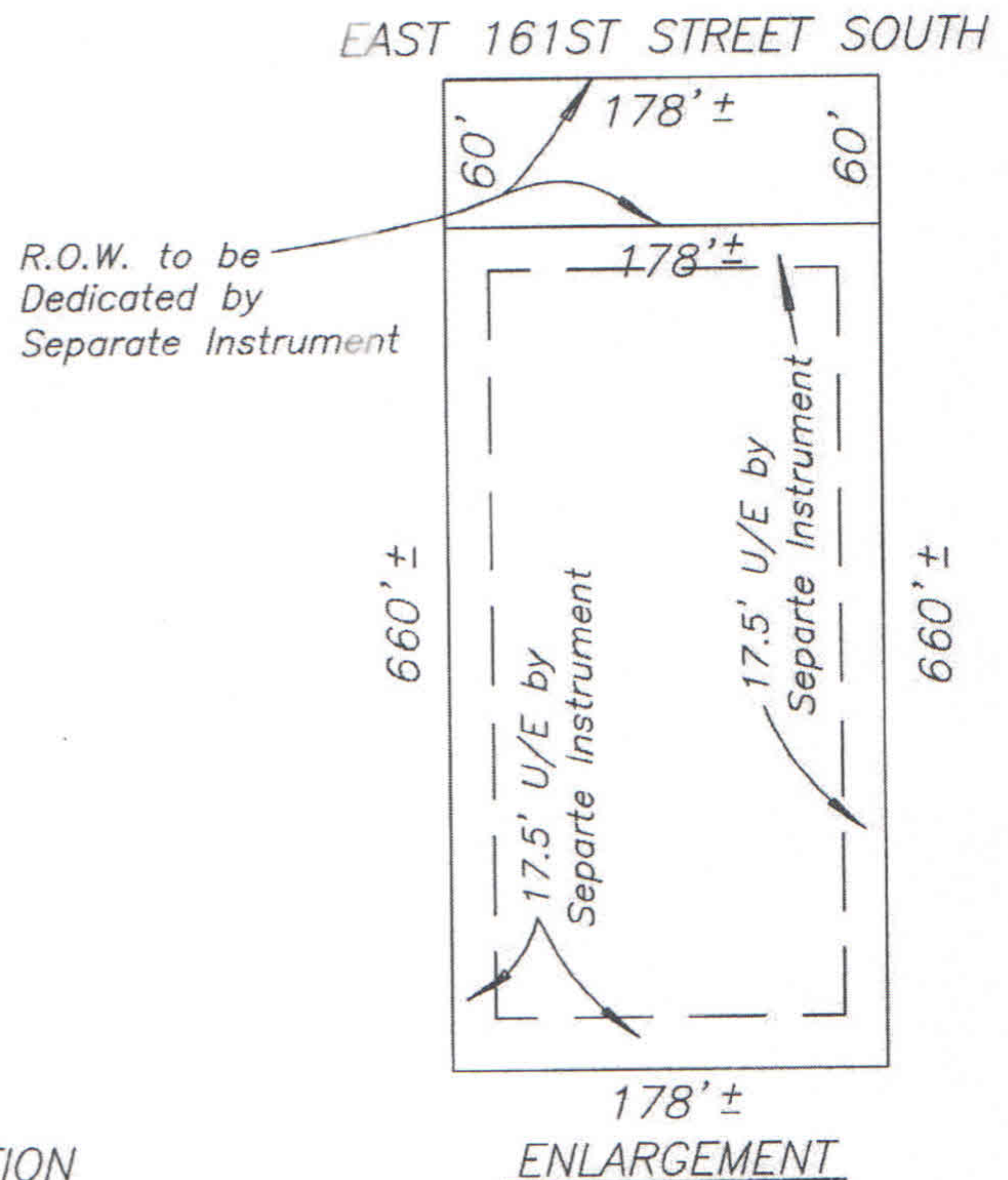
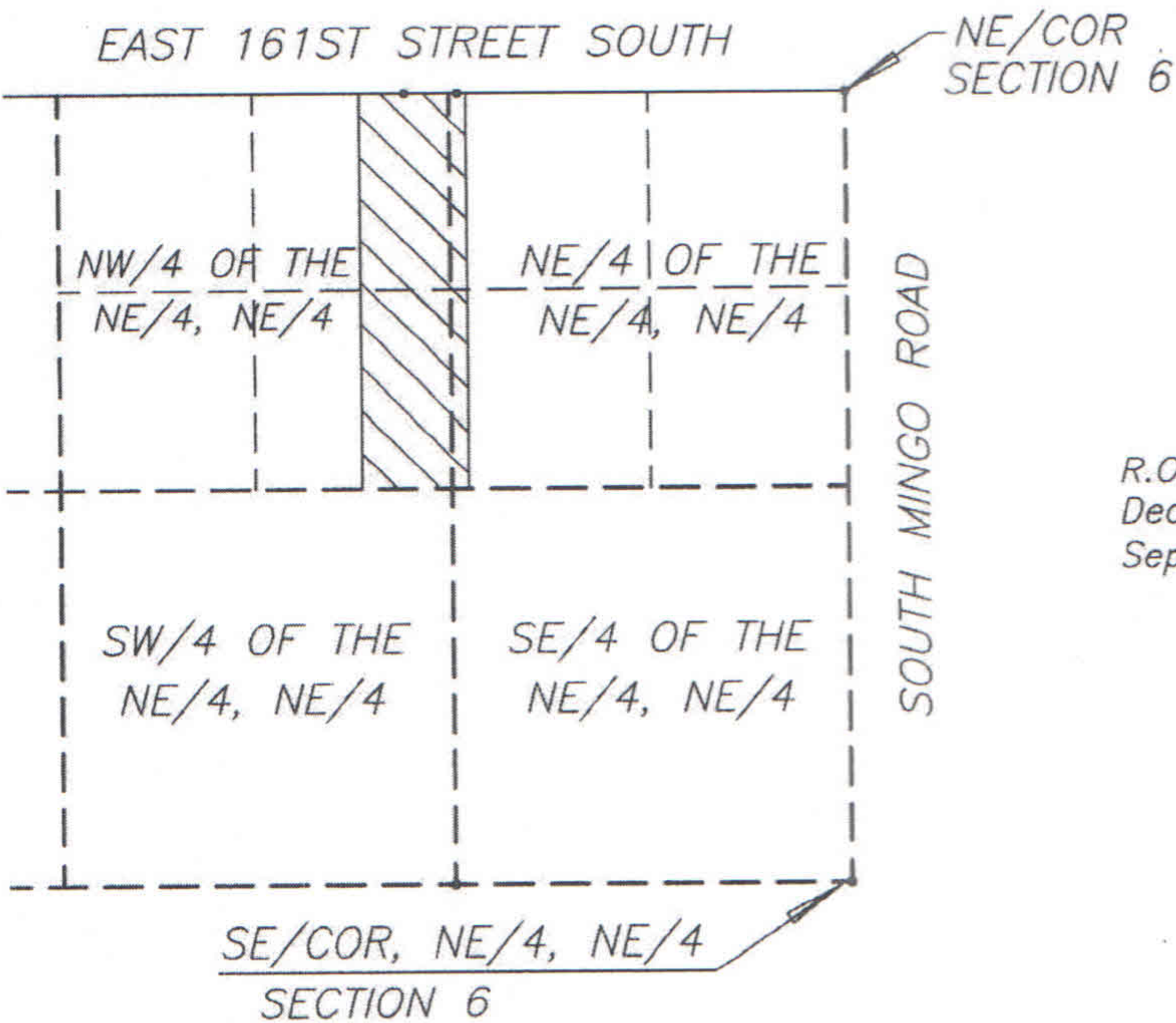
NO SCALE

LEGEND

R.O.W.	RIGHT OF WAY
U/E	UTILITY EASEMENT
NE/4	NORTHEAST QUARTER
NW/4	NORTHWEST QUARTER
W/2	WEST HALF
E/2	EAST HALF
COR	CORNER



TULSA COUNTY
LOCATION MAP



LEGAL DESCRIPTION TRACT 'B'

THE EAST 151 FEET OF THE E/2 OF THE NW/4 OF THE NE/4 OF THE NE/4 AND THE W 27 FEET OF THE NE/4 OF THE NE/4 OF THE NE/4 OF SECTION 25, T-17-N, R-13-E, TULSA COUNTY, OK.

I, CHARLES K. HOWARD CERTIFY THAT THE ABOVE PLAT OF SURVEY FOR A LOT SPLIT CLOSSES IN ACCORD WITH EXISTING RECORDS AND IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED.

Charles K. Howard

CHARLES K. HOWARD
C.A.NO. 5611 EXP.DATE: 6/30/19

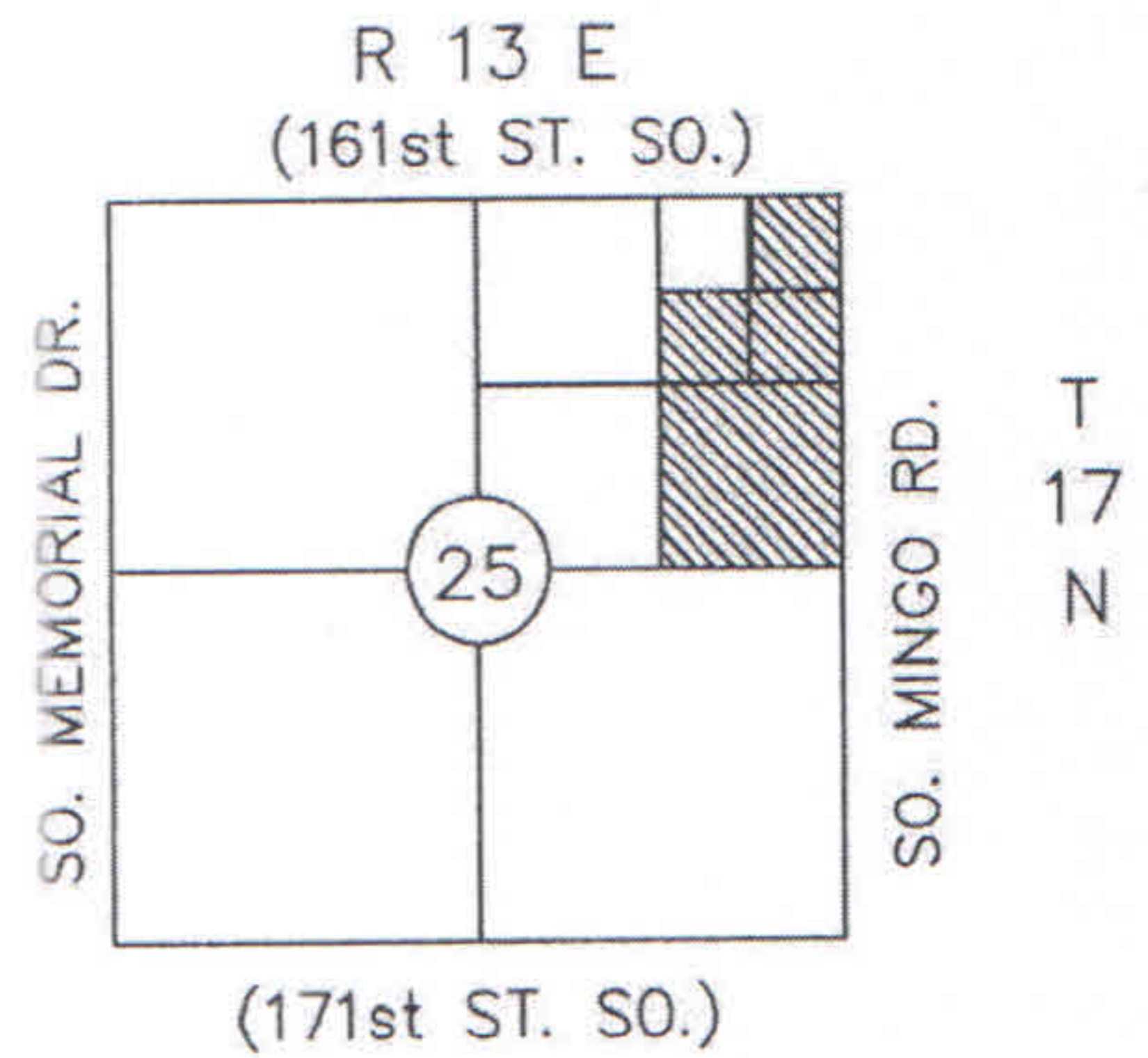
8/4/17
DATE



LOT SPLIT PLAT TRACT 'C'



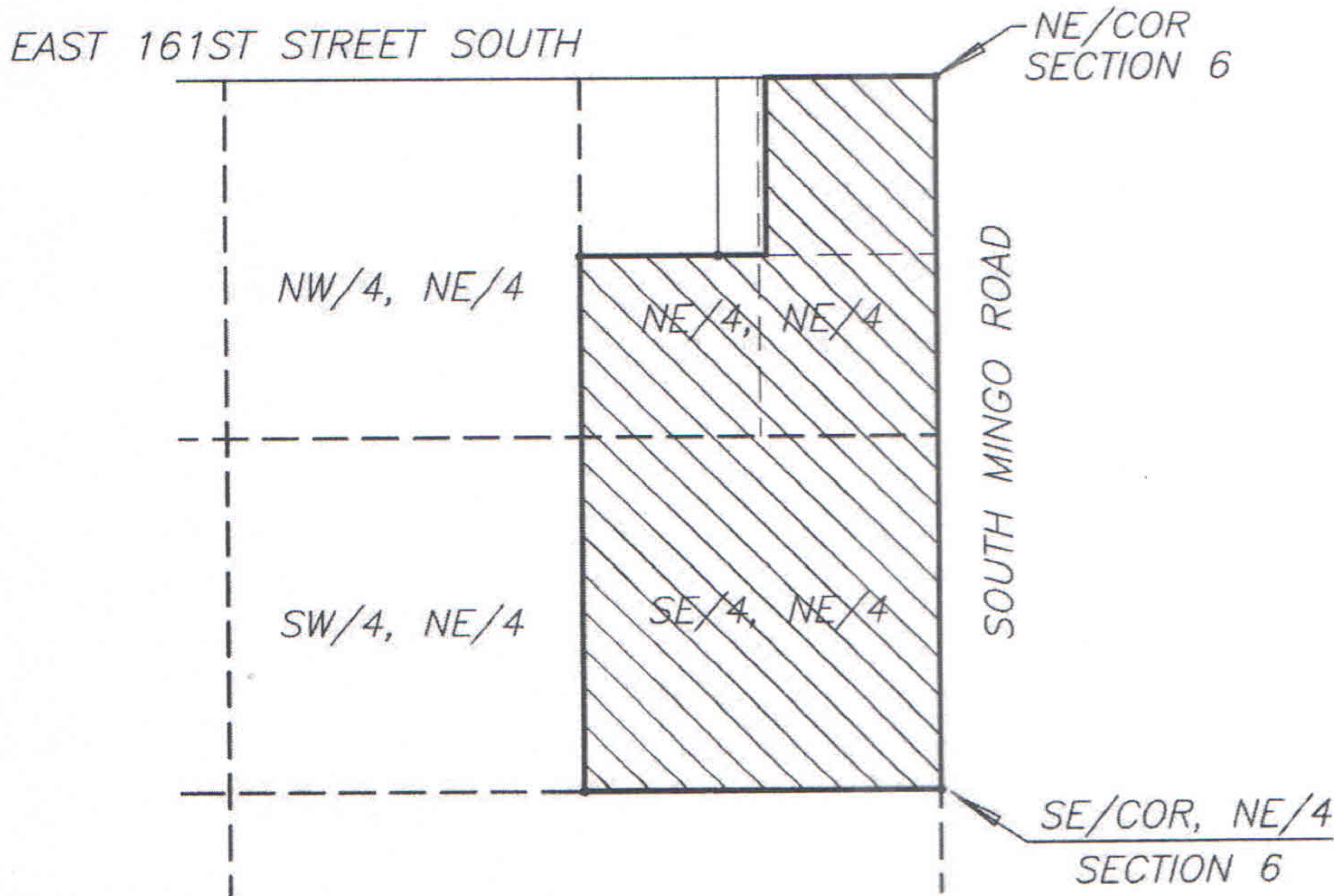
NO SCALE



TULSA COUNTY LOCATION MAP

LEGEND

NE/4 NORTHEAST QUARTER
NW/4 NORTHWEST QUARTER
W/2 WEST HALF
E/2 EAST HALF
COR CORNER



LEGAL DESCRIPTION TRACT 'C'

THE SE/4 OF THE NE/4 (SE/4 NE/4) AND THE S/2 OF THE NE/4 OF THE NE/4 (S/2 NE/4 NE/4 OF SECTION 25, T-17-N, R-13-E, TULSA COUNTY, OK.

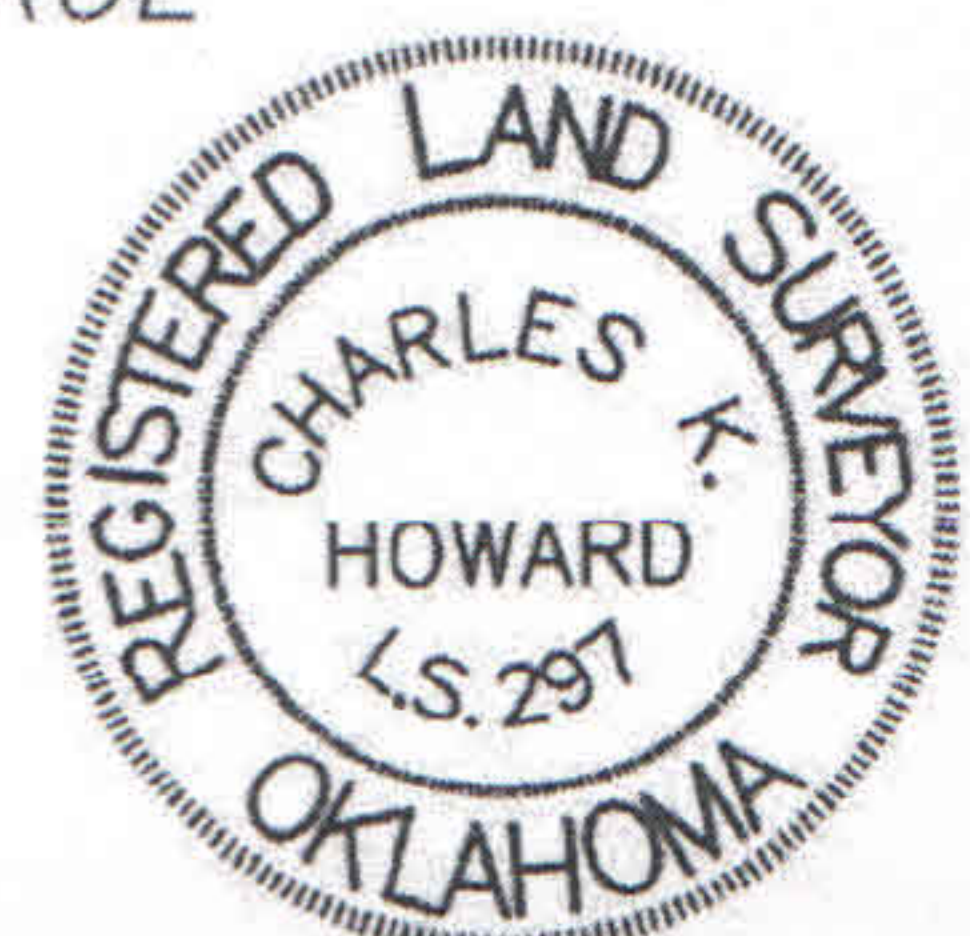
AND.....

THE EAST 633.00 FEET OF THE NE/4 OF THE NE/4 OF THE NE/4 SECTION 25, T-17-N, R-13-E, TULSA COUNTY, OK.

I, CHARLES K. HOWARD CERTIFY THAT THE ABOVE PLAT OF SURVEY FOR A LOT SPLIT CLOSES IN ACCORD WITH EXISTING RECORDS AND IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED.

Charles K. Howard
CHARLES K. HOWARD
C.A.NO. 5611 EXP.DATE: 6/30/19

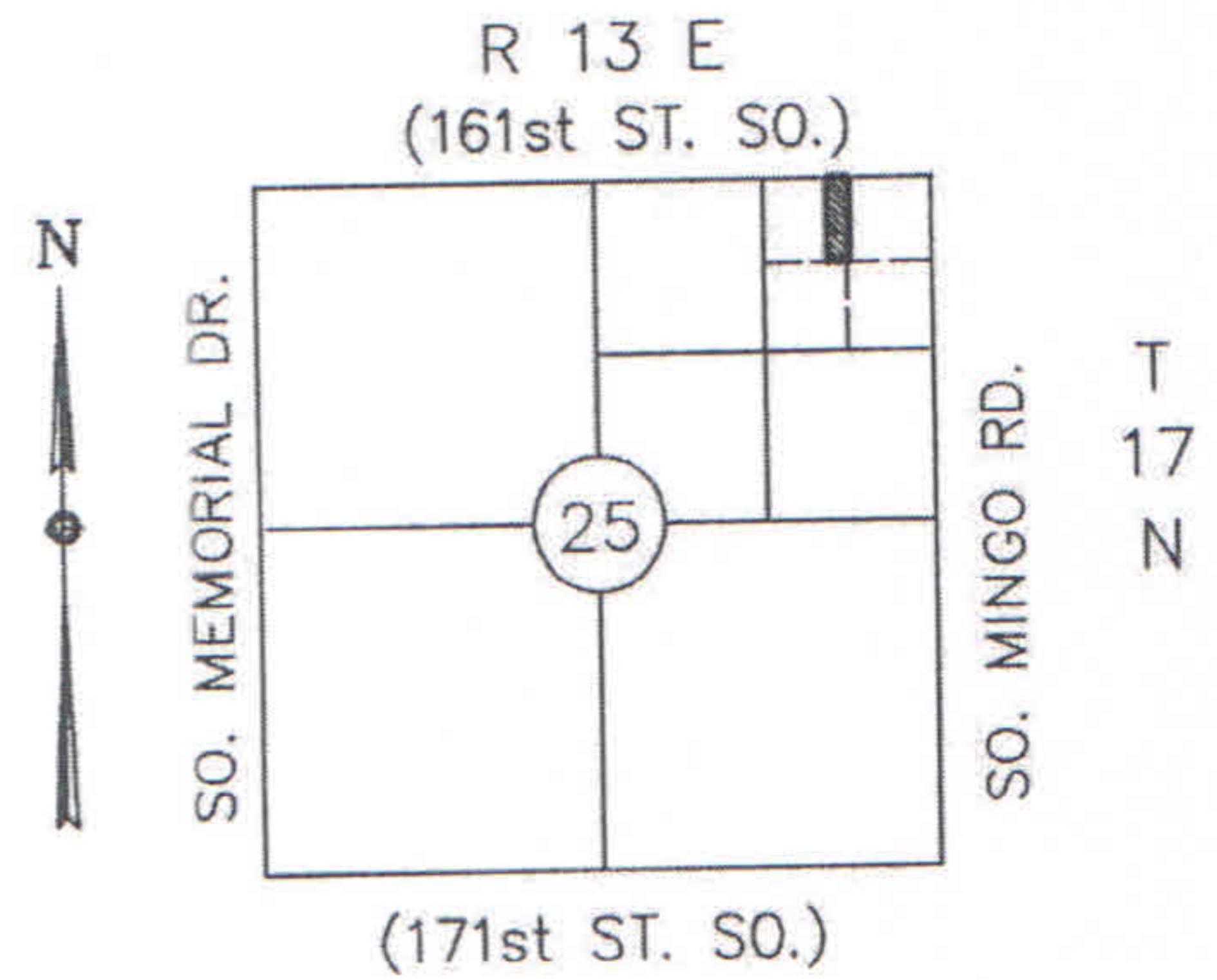
8/4/17
DATE





NO SCALE

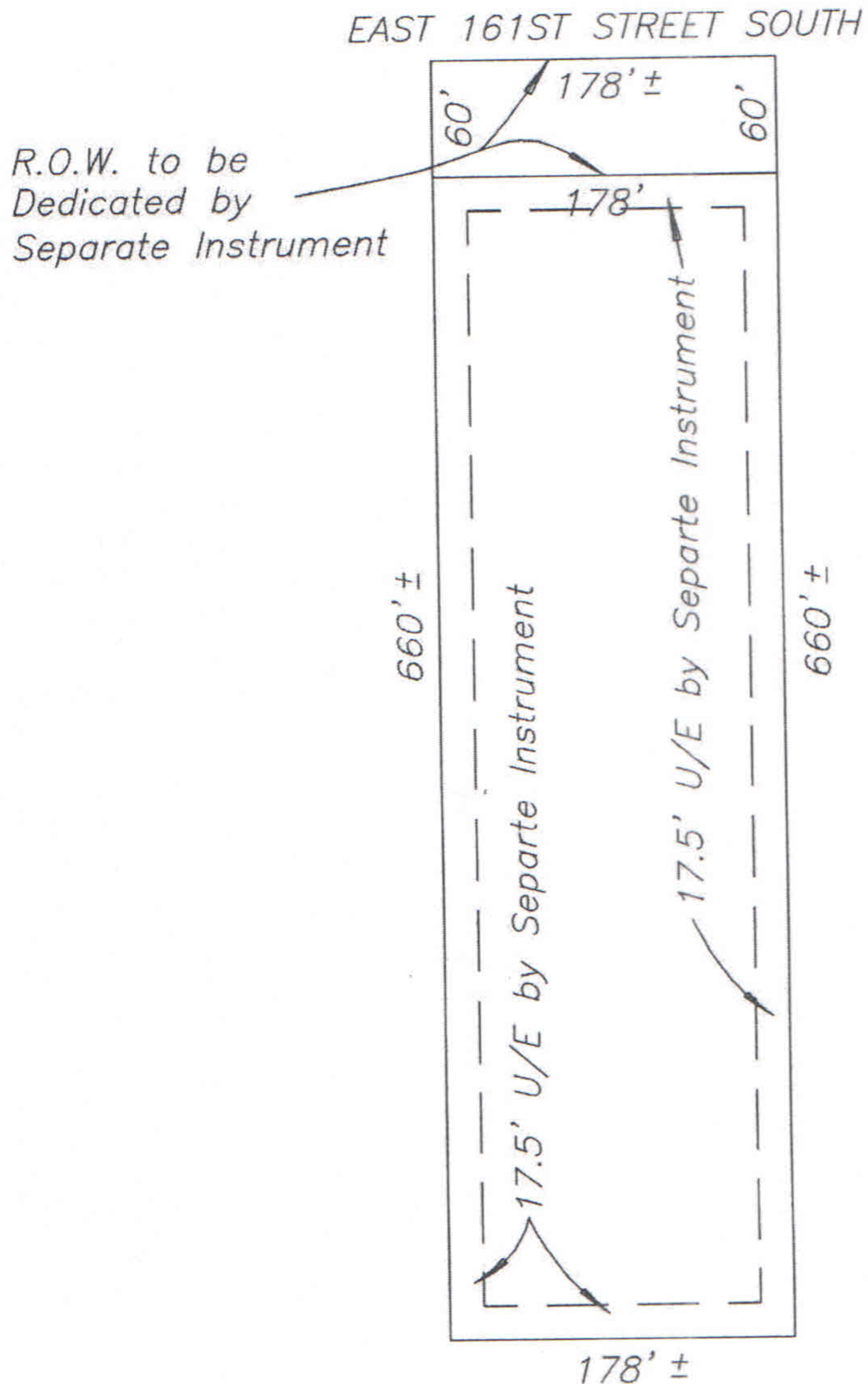
TRACT 'B' EXHIBIT



TULSA COUNTY LOCATION MAP

LEGEND

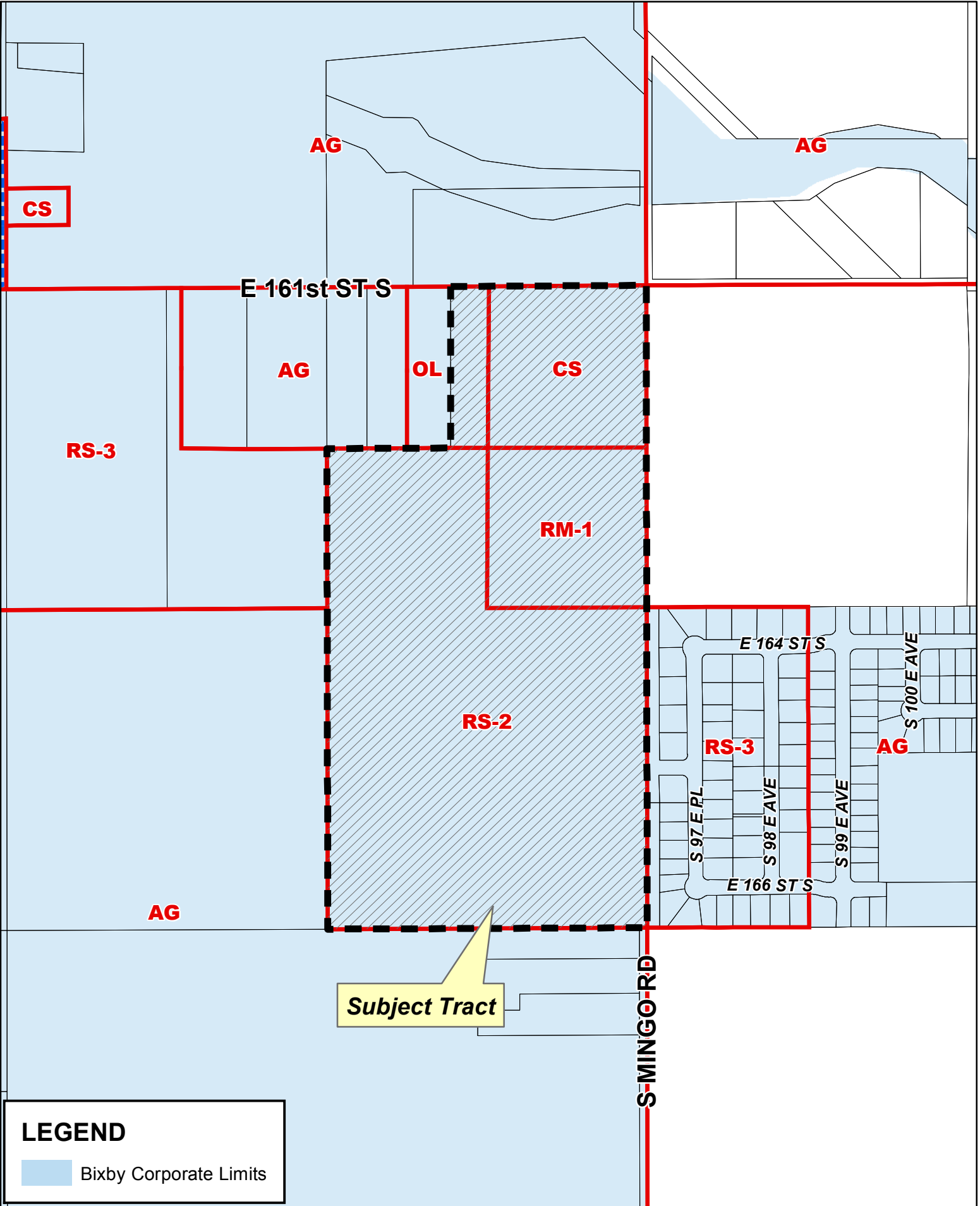
R.O.W.	RIGHT OF WAY
U/E	UTILITY EASEMENT
NE/4	NORTHEAST QUARTER
NW/4	NORTHWEST QUARTER
W/2	WEST HALF
E/2	EAST HALF
COR	CORNER



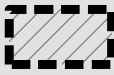
TRACT 'B'
ENLARGED

LEGAL DESCRIPTION TRACT 'B'

THE EAST 151 FEET OF THE E/2 OF THE NW/4 OF THE NE/4 OF THE NE/4 AND THE W 27 FEET OF THE NE/4 OF THE NE/4 OF THE NE/4 OF SECTION 25, T-17-N, R-13-E, TULSA COUNTY, OK.

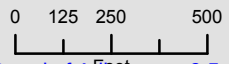


300' Radius



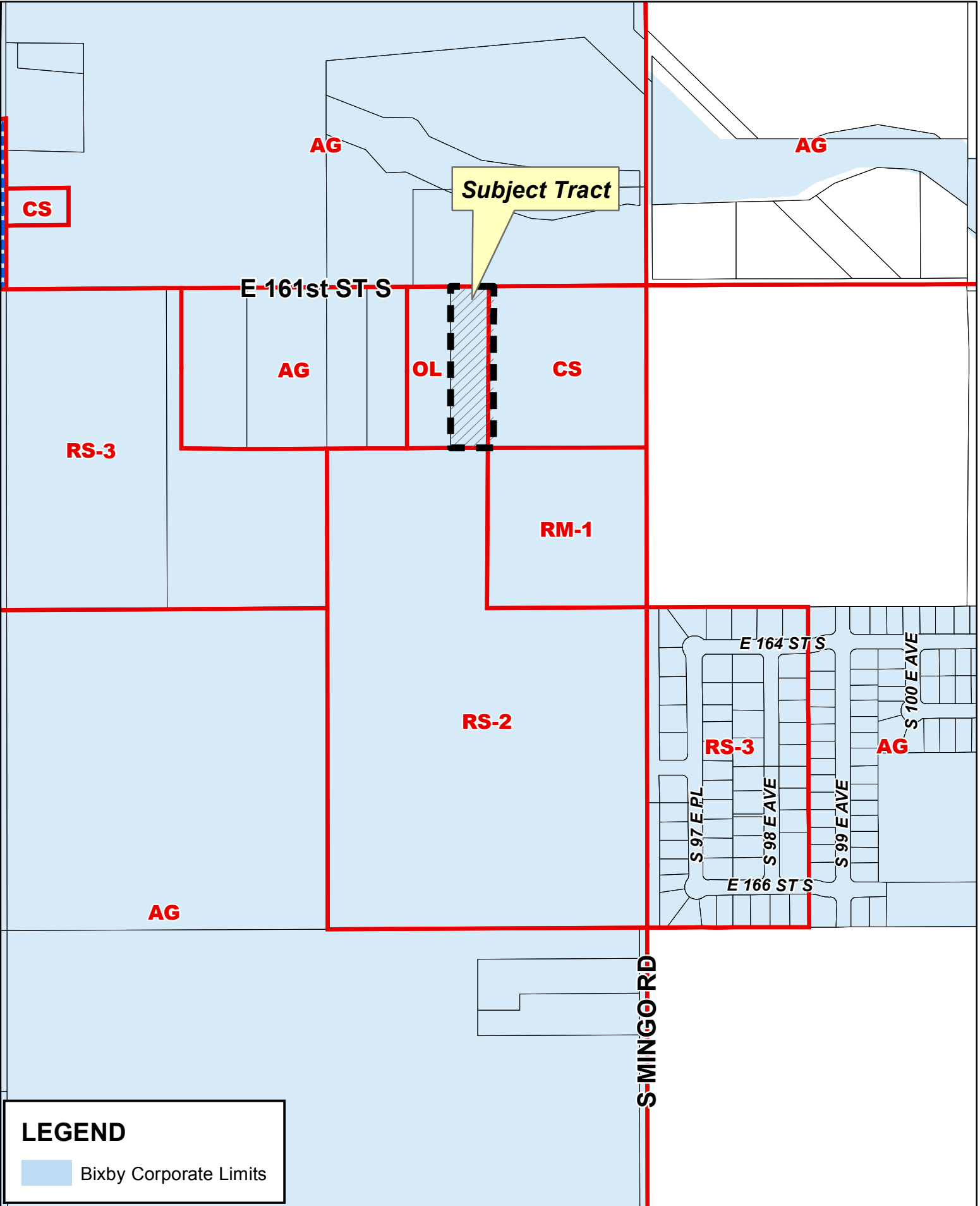
Subject Tract

**PARENT TRACT:
TRACT A**



25 17-13





CS

AG

AG

Subject Tract

E 161st ST S

AG

OL

CS

RS-3

RM-1

RS-2

E 164 ST S

RS-3

AG

S 100 E AVE

S 97 E PL

S 98 E AVE

S 99 E AVE

E 166 ST S

AG

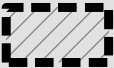
S-MINGO RD

LEGEND

 Bixby Corporate Limits

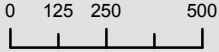


300' Radius



Subject Tract

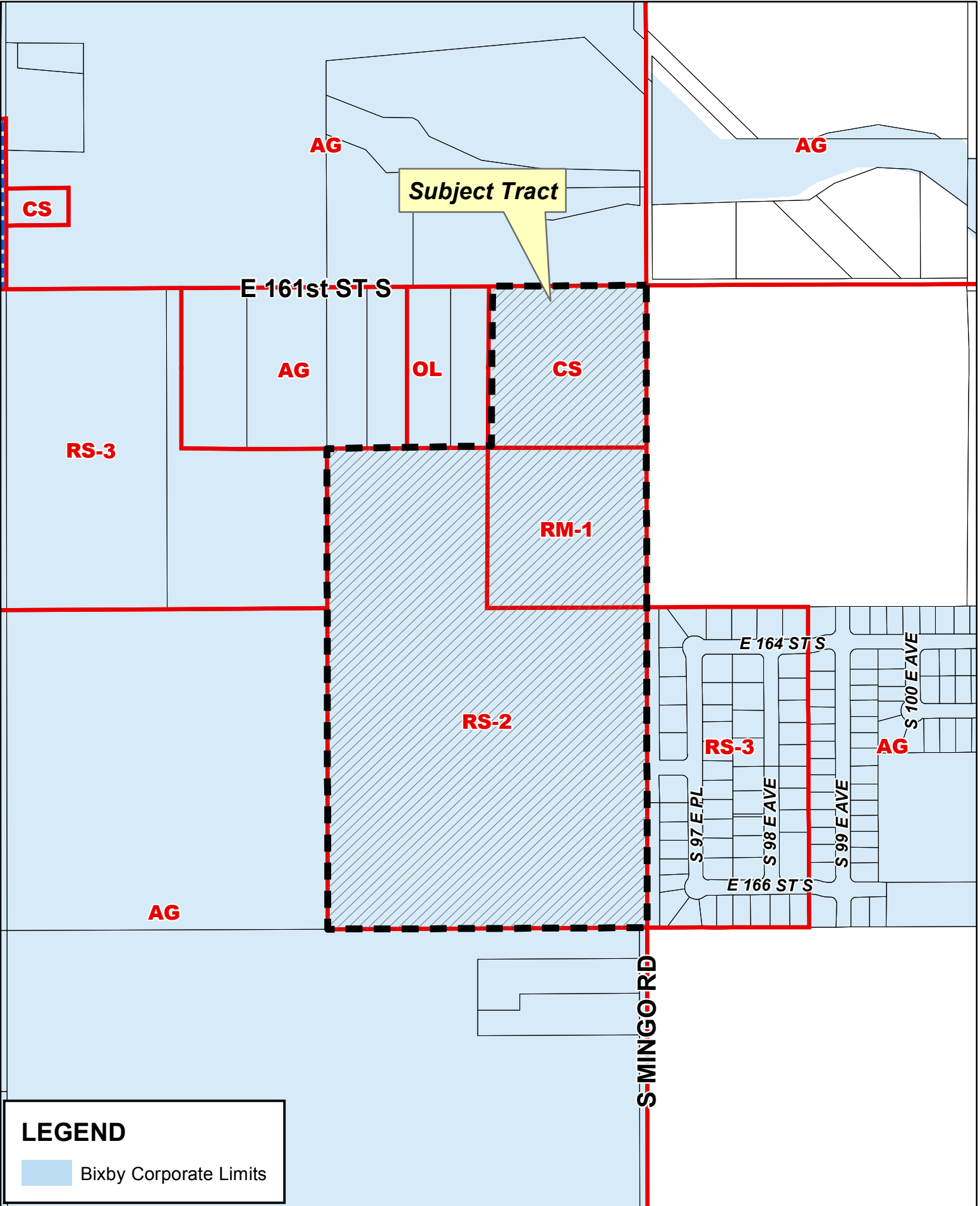
**SPLIT TRACT:
TRACT B**



25 17-13

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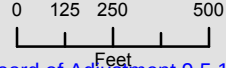
LEGEND

 Bixby Corporate Limits



Subject
Tract

**BALANCE OF TRACT:
TRACT C**



25 17-13

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DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, _____ the owner(s) of the legal and equitable title to the following described real estate situated in the City of Bixby, Tulsa County, Oklahoma, for and in consideration of the sum of One Dollar, cash in hand, paid by the City of Bixby, Oklahoma and other good and valuable considerations, receipt of which is here acknowledged, do(es) now dedicate to the City of Bixby for the benefit of the public, forever, the following described property, to wit:

SEE EXHIBIT "A" ATTACHED

for the purpose of permitting the construction of a public street and right-of-way thereon, through, over, under and across said property, together with all necessary and convenient appurtenances, for the use and enjoyment of the public as a public street and right-of-way; and to use and maintain the same, and affording the City of Bixby, its officers, agents, employees, and/or all persons under contract with it, the right to enter upon the premises and strip of land for the purpose of surveying, excavating for, constructing, operating, repairing and maintaining such public street and right-of-way.

TO HAVE TO HOLD such public street and right-of-way, for the benefit of the public, by the City of Bixby, its successors and assigns, forever.

DATED this _____ day of _____, 20____.

By: _____

Title: _____

INDIVIDUAL ACKNOWLEDGEMENT

State of Oklahoma)
) ss.
County of _____)

Before me, the undersigned, a Notary Public within and for said County and State, on the _____ day of _____, 20__, personally appeared _____ to me known to be the identical person(s) who executed the foregoing instrument in writing and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes set forth.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal the day and year last above written.

My Commission Expires: _____
My Commission No.: _____

Notary Public

ACCEPTED BY THE BIXBY CITY COUNCIL

ACCEPTED in an open meeting of the Bixby City Council by an affirmative majority vote of the entire membership of the City Council, to wit: ____ YES, ____ NO, ____ ABSTAINING, ____ ABSENT, on this _____ day of _____ 20____.

Mayor of the City of Bixby, Oklahoma

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney