

**MINUTES  
PLANNING COMMISSION  
7:00 PM  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
Monday  
February 18, 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 7:03 PM.

**ROLL CALL:**

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

Chair Scott Sherrill recognized Leadership Bixby VI intern Mike Butler and noted that he was with the city Fire Department. The Commission welcomed Mr. Butler.

**CONSENT AGENDA:**

1. Approval of Minutes for January 21, 2007.
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Chair Scott Sherrill introduced the item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of January 21, 2007 as presented by Staff. Bill Davis 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.

PLATS:

4. **Preliminary and Final Plat of VNB Addition – Khoury Engineering, Inc.**, being a part of the NE/4 NE/4 NE/4 Section 11, T17N, R13E.  
Property Located: 13112 S. Memorial Dr.

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Chair Scott Sherrill introduced item number 4 on the agenda and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

LOCATION: – 13112 & 13124 S. Memorial Dr.  
– Southwest corner of the intersection of Memorial Dr. & 131<sup>st</sup> St. S.  
– Part of the NE/4 NE/4 NE/4 Section 11, T17N, R13E

LOT SIZE: 2.41 acres, more or less

EXISTING ZONING: CG General Commercial District

REQUEST: (1) Preliminary Plat approval  
(2) Final Plat approval  
(3) Partial Modification/Waiver from the 17.5' perimeter utility easement requirement of Subdivision Regulations/City Code Section 12-3-3.A.

SURROUNDING ZONING AND LAND USE:

North: CG & RS-1; Church building, vacant lot, and commercial.

South: CG & RS-1; A vacant/underutilized commercial building and a commercial building.

East: CG; The Kum & Go gas station and a strip commercial shopping center.

West: RS-1 and AG; Rural residential along 131<sup>st</sup> St. S.

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

PREVIOUS/RELATED CASES: (not a complete list)

BBOA-373 – Bill Ramsey – Request for Special Exception to place a temporary sales building for the Use Unit 17 Automotive and Allied Activities sale of trucks and horse trailers in a CG district – Approved by Board of Adjustment 11/05/2001.

AC-04-02-01 – Request for approval for an exterior remodel for the former Tom's BBQ – Approved by Architectural Committee 03/15/2004.

BACKGROUND INFORMATION:

At the TAC meeting held February 06, 2008, the developer's engineer reported that the dedication of 10' of right-of-way, as required, caused the building to conflict with the required Zoning setback, and so the lot line separating Lots 1 and 2 was moved 5' to the south, and the building would be moved a similar distance. An 11" X 17" copy of the first page of the new plat was submitted on that date, and a slightly revised (to show Detention Easement) version was received February 08, 2008, but a full set of plans has not been submitted as of the date of this report.

ANALYSIS:

General. This subdivision of 2.41 acres (2.36 upon the dedication of right-of-way) proposes two (2) lots, one (1) block, and no Reserves. Both lots conform to CG zoning. The required minimum 10' Zoning setback from the west and south lines abutting R districts is shown.

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 S. Memorial Dr. / U.S. Highway 64 and 131<sup>st</sup> St. S. Limits of No Access (LNA) has been placed along sections of the Memorial Dr. and 131<sup>st</sup> St. S. frontage preventing direct access except for the planned Access Openings.

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

1. The City Engineer's memo stated that the required stormwater detention was not shown. The Final Plat version received February 08, 2008 now shows a Detention Easement toward the back/west side of Lot 2. Stormwater detention for both lots is required by Subdivision Regulations Section 12-10-1.

2. *No section of the Deed of Dedication / Restrictive Covenants adequately explains how maintenance responsibilities will be shared between the owners of Lots 1 and 2 for the stormwater detention facility to be located on Lot 2 but to also serve Lot 1. Maintenance responsibility must be spelled out in the DoD/RCS as per Section 12-10-2.B.*
3. *Add the Block number (Block 1).*
4. *Section 20 in the Title area needs to be corrected to Section 11.*
5. *The 17.5' perimeter U/E is not shown along the east line of the southern tip of Lot 2. Staff agrees that, due to the size and configuration of this area of Lot 2, it would pose an unnecessary hardship to require the full 17.5' U/E and so cover substantially more of it, and the intent of the requirement is satisfied by the alternative placement of the 17.5' U/E as shown on the plat. The TAC indicated no objection during its meeting of February 06, 2008. This will require a Waiver of Subdivision Regulations/City Code Section 12-3-3.A, which Staff supports for the above reasons.*
6. *Per SRs Section 12-4-2.A.5, the Location Map must include a scale at 1" = 2,000'.*
7. *Add 1' contours to both plats as per Sections 12-4-2.B.6 and 12-5-2.A.1. Contours may be removed from the final mylar and paper copies of the plat prior to signatures and recording, in accordance with conventional platting procedures.*
8. *Add 'L.N.A.' to Legend.*
9. *Deed of Dedication and Restrictive Covenants Section B.1: Word "parameter" used in place of the more common "perimeter" as in "perimeter utility easement."*
10. *Deed of Dedication and Restrictive Covenants Section D.1: Words "certificate of dedication" used in place of the more common "Deed of Dedication."*
11. *Deed of Dedication and Restrictive Covenants Section D.4: Section appears to be out of order, especially when read after Section D.3.*
12. *Deed of Dedication and Restrictive Covenants Section J: Discusses a "Landscape Easement" but no such easement is represented on the plat.*

Staff Recommendation. *Staff recommends Approval Staff of the Preliminary and Final Plats 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 and Final Plats including all recommended corrections shall be submitted for placement in the permanent file.*
4. *Subject to final approval by the City Council of a Modification from the 17.5' perimeter utility easement requirement per Subdivision Regulations/City Code Section 12-3-3.A.*

Chair Scott Sherrill asked if the Applicant was available and wished to speak on the item. The Applicant was not present at this time.

Chair Scott Sherrill asked if there were any questions or comments from the Commission.

Tom Holland discussed with Erik Enyart the fire hydrant and stormwater detention requirements as noted in the Technical Advisory Committee meeting minutes included in the agenda packet. Mr. Enyart stated that, in regard to these items, as he had it written in his report, they would be subject to the requirements of the Fire Marshal and City Engineer, and would or would not be required if/as the two may require. Chair Scott Sherrill noted that the outstanding issues listed in the staff report were very short by comparison with other plats that he had been involved with, and noted a development he had done in Broken Arrow and the level of detail each city department added to the checklist of correction items.

Applicant Malek Elkhoury, P.E. arrived around 7:15 PM. Mr. Elkhoury stated that he was the civil engineer on this project, and that he had struggled with it. Mr. Elkhoury described the development, and stated that, technically, according to Bixby's codes, the bank would not have to provide stormwater detention, due to the planned impervious surfaces versus the impervious areas

previously covering the property. Mr. Elkhoury stated that the City Engineer had required he provide stormwater detention on Lot 2 for future development, and that the business that would buy and develop Lot 2 may be required to add more detention and/or may want to relocate the detention pond.

Tom Holland asked for clarification on Mr. Elkhoury's statement regarding the fact that the property previously had impervious surfaces. Mr. Elkhoury acknowledged that the land had been cleared, and stated that the new impervious surfaces would be less than the impervious surfaces before the land was cleared.

Tom Holland clarified with Mr. Elkhoury that the stormwater detention on Lot 2 was only to serve Lot 2. Mr. Elkhoury stated that, whoever developed Lot 2 would have to deal with any additional detention required, but that it was designed presuming an 80% impervious surface coverage, and that if only 50% covered, the pond would be oversized.

Chair Scott Sherrill noted that the QuikTrip was a good example of creative stormwater design, as it put the stormwater detention under the paved areas in a series of pipes.

Malek Elkhoury stated that the City of Tulsa did not require he put in stormwater detention in one of his developments, but required he put a note on the plat stating that whoever buys or builds on the land must put in stormwater detention.

Chair Scott Sherrill asked for further questions or comments. There being none, Scott Sherrill asked to entertain a Motion. Jim Powell made a MOTION to APPROVE subject to all of the recommended corrections, modifications, and conditions of approval as listed in the Staff Report. 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

PUBLIC HEARINGS:

2. (Continued from January 21, 2008)

**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.

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Chair Scott Sherrill introduced the item number 2 on the agenda and noted that Erik Enyart had invited Bob Lemons, a mini-storage business owner, to the meeting to describe mini-storage from the owner's perspective.

Bob Lemons stated that he owned the mini-storage at 2850 E. 101<sup>st</sup> St. S. in Tulsa on a CS-zoned property. Mr. Lemons provided and described aerial photographs showing his property. Mr. Lemons stated that he had had issues with lighting, but that he had solved that one. Mr. Lemons stated that, generally speaking, his business made a good neighbor to the housing addition behind it. Mr. Lemons stated that sometimes the people complain that the trash dumpster bins have been emptied during early morning hours, but that that was usually due to someone new doing the garbage route. Mr. Lemons stated that self storage was a retail business, and needed access to a main thoroughfare, as the customer needed to be able to see it. Mr. Lemons stated that he had a message board, which was integral to his business. Mr. Lemons stated that the gates operated between 6:00 AM and 10:00 PM, as there should be no reason to use the facility during later hours. Mr. Lemons stated that his facility did not have a live-in manager, as others do. Mr. Lemons stated that the reason for this was that he did not want to have to require someone move out in 30 days if he had to fire the person, as he would want them to be able to just go. Mr. Lemons stated that the mini-storage could function in IL or Office zoning. Mr. Lemons stated that the buildings were metal with a brick front, a tilt-wall building, and that the building also served as the back wall along the perimeter. Mr. Lemons stated that he did not allow outside storage, as he thought outside storage would make it not as nice. Mr. Lemons stated that he considered mini-storage would be better in a CS district versus an IL district. Mr. Lemons stated that, in a shopping center, no-one wanted to be in the inside corner, and so mini-storage would be a good use of that space.

Larry Whiteley asked Bob Lemons about the width of the facility, and Mr. Lemons stated that it was 330' from east to west.

Bob Lemons stated that he had one (1) secondary location, and two (2) primary locations, and that the primary locations were better because otherwise people could not find the business.

Jim Powell clarified with Bob Lemons that he considered mini-storage to be a 'business' as it involved selling the use of space.

Bob Lemons described typical individual spaces at 10' by 10' and 12' by 30', and noted that some units have air conditioning. Mr. Lemons explained that the term 'climate controlled' was not as appropriate as 'temperature controlled,' as it was hard to control the climate in a metal building, as the spaces get a little damp and dry as the seasons change. Mr. Lemons stated that pharmaceutical representatives typically store their goods in the 'temperature controlled' units. Mr. Lemons stated that mini-storage makes a very good neighbor to residential. Mr. Lemons stated that the 12' by 30' spaces would allow for a fishing boat, but so the facility must be open during early morning hours to allow fishers to get to their boats. Mr. Lemons stated that he has yet to hear of a good enough reason to be on the premises after 10:00 PM.

Chair Scott Sherrill stated that he had mentioned at the last Special-Worksession meeting what he wanted to do, and that he planned to do that. Mr. Sherrill stated that, if the Commission made any change, it would need to make all three (3) changes: (1) If mini-storage goes in an I Industrial

district, there should be none of the extra restrictions; mini-storage should be allowed in CH [and CG] by right and in CS by Special Exception, but that they must go through a PUD in C Commercial districts; that the Commission should figure out some type of vehicle to allow, by PUD or otherwise, mini-storage in OL and [OM] Office districts, and as an ancillary use in Multifamily; (2) Provide a set of regulations to make sure mini-storage developments are at least as good as Mr. Lemons' facility, and if so, that they cannot be seen from major streets and arterials, and to make them look good; and (3) to create a new Use Unit for mini-storage.

Larry Whiteley reminded the Commission of his suggestion to allow mini-storage in Office districts but only up to a certain percentage of the land, and subject to the office buildings being actually constructed first.

Chair Scott Sherrill stated that, if the Commission wanted to pursue this item, then it would need to consider a Motion and to turn Erik Enyart loose to write up the proposed rules.

Jim Powell stated that Erik Enyart had already provided his recommendations on rules, and they were included on pages 32 through 34 of the agenda packet. Mr. Powell recommended the Commission follow Erik Enyart's recommendations.

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

Randy Pickard of 1500 S. Utica, Suite 400, Tulsa, stated that, when the City of Tulsa changed its Zoning Code in 1995, the standards as listed in the staff report had resulted, when mini-storage was allowed in O Office and multifamily Residential districts. Mr. Pickard stated that the recommended [development and use standards] as Erik Enyart had included would be a great improvement over what Bixby already had. Mr. Pickard handed out a memo dated February 18, 2008. Mr. Pickard stated that his wife should not have to drive 10 miles to an industrial park to use mini-storage. Mr. Pickard stated that Broken Arrow's Zoning Code said that mini-storage made a good buffer use, due in part to the low height of the buildings.

Chair Scott Sherrill stated that it was important that all of these things be tied together. Mr. Sherrill made a MOTION to recommend that Bixby change the Zoning Code to: allow mini-storage [by right] in Industrial districts, allow them in OL and [OM] Office districts [by PUD] and RM multifamily districts as ancillary uses by PUD, and allow them in CS and [CG] districts by PUD, and that mini-storage be subject to the development standards in all districts except IL, and that, if Staff felt it necessary, to change the Use Units to include mini-storage as a separate Use Unit. Erik Enyart read back the Motion as he had it written down, and Scott Sherrill agreed and said to add to it that a Committee determine the best development standards, such committee to be composed of members of the Planning Commission, Architectural Committee, planning staff, and representatives of the mini-storage development community. Mr. Sherrill explained that the Architectural Committee should be included because it deals with community aesthetics, and the development community should be included for their perspective.

Discussion ensued. After a time, Jim Powell stated that the Motion had died for a lack of a second.

The Commission discussed how best to proceed. Erik Enyart stated that the biggest issue was to determine which districts mini-storage should be allowed in, and stated that the Commission should give him direction on what to include in an ordinance to effect the changes the Commission wanted.

Larry Whiteley noted that he did not want to just open up office districts to mini-storage uses without proper requirements.

Chair Scott Sherrill then made a MOTION to CONTINUE the item to the March 17, 2008 regular meeting, and to have Erik Enyart work on an Ordinance to allow mini-storage in Office and RM multifamily residential [by PUD], allow them in CS and [CG] by PUD, make no changes to how they are permitted in Industrial districts, and that development standards be instituted in all districts except [Industrial] districts, with a Committee composed of Staff, members of the Architectural Committee, members of the Planning Commission, and mini-storage operator representatives to determine changes for development standards for mini-storage, and if necessary, to change the Use Units to provide for mini-storage, with all the work to then come back to the Planning Commission to determine if the Ordinance should be passed on to the City Council for it to approve or not to.

Erik Enyart suggested the Motion include the date of the Committee meeting, and Scott Sherrill agreed to help him determine a date and coordinate who would be on the Committee.

Bill Davis and Larry Whiteley clarified with Scott Sherrill that his Motion did not involve approving mini-storage in Office districts at this time, but that the Planning Commission would vote on the ordinance at a later time.

Bill Davis SECONDED the Motion. Roll was called:

ROLL CALL:

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

3. (Continued from October 15, November 19, and December 17, 2007, and January 21, 2008)  
**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. 111<sup>th</sup> St. S.
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Chair Scott Sherrill introduced item number 3 on the agenda and asked, in consideration of the previous item, what the Applicant would request. Applicant Randy Pickard stated that he and his client would request the matter be Continued until after action had been taken on the Zoning Code Text Amendment in March. Chair Scott Sherrill and Erik Enyart asked Randy Pickard if it would not be in order to Continue the item until after the Planning Commission and City Council had considered approving the amendment, and Mr. Pickard agreed that this would be in order and clarified with Erik Enyart that the item should be Continued to the April regular meeting.

There being no further discussion, Scott Sherrill made a MOTION to CONTINUE PUD-60 and BZ-337 to the April 21, 2008 regular meeting. Larry Whiteley 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: None.

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