

**MINUTES
PLANNING COMMISSION
7:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
Monday
March 17, 2008**

STAFF PRESENT:

Erik Enyart, AICP, City Planner
Deborah Forbes, Asst. City Planner

OTHERS ATTENDING:

See attached Sign-in Sheet
Kathy Welch, Leadership Bixby VI intern

CALL TO ORDER:

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

ROLL CALL:

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

Chair Scott Sherrill recognized Leadership Bixby VI intern Kathy Welch.

CONSENT AGENDA:

1. Approval of Minutes for January 28, 2008 (Special-Worksession meeting)
 2. Approval of Minutes for February 11, 2008 (Special-Worksession meeting)
 3. Approval of Minutes for February 18, 2008
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Chair Scott Sherrill introduced the items and announced that, in the interest of time and those attending, all items on the consent agenda should be taken together. Mr. Sherrill asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of January 28, 2008, February 11, 2008, and February 18, 2008 as presented by Staff. Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS:

4. (Continued from January 21 and February 18, 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.

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

ANALYSIS:

The Planning Commission has considered this item on the December 17, 2007, January 21, 2008 and February 18, 2008 regular meeting agendas, and has discussed the item during Special-Worksession meetings held January 28, February 11, and March 06, 2008 (the last of which was also a 'called committee' meeting for the purpose of discussing details of development and use standards for mini-storage developments where permitted).

The attached draft ordinance would amend the Zoning Code pursuant to the Planning Commission's Motion approved by 3 to 2 vote on February 28, 2008, as follows:

"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."

The attached ordinance also incorporates the changes recommended to it during the Special-Worksession/Called Committee meeting held March 06, 2008, which are as follows:

- 1. Clarify in Section 11-9-16.C.3.b that the buildings are the things to be screened, as outside storage will not be permitted in districts other than I Industrial districts, which this section would not apply to anyway.*
- 2. Remove the section previously known as Section 11-9-16.C.2.c, which previously allowed for multiple-story mini-storage buildings and/or the maximum height to exceed 12' by Special Exception granted by the Board of Adjustment.*
- 3. Add Section 11-9-16.C.14 as follows:*

"When developed as a mixed-use development, the Planning Commission shall determine the appropriate percentage of land to be devoted to mini-storage and to the other use, and whether the mini-storage component will be permitted to be constructed first."

Draft Minutes of the March 06, 2008 meeting are attached to this report for reference.

The Staff's recommendation is contained in the Staff Report for the February 28, 2008 meeting and is attached to this report for reference.

Chair Scott Sherrill asked to entertain a Motion. Larry Whiteley clarified with Erik Enyart that the three (3) items recommended by the Planning Commission from the last Worksession meeting were included in the draft ordinance. Mr. Whiteley made a MOTION to APPROVE the Zoning Code

Text Amendment as per the draft ordinance provided by Staff. Bill Davis SECONDED the Motion. Roll was called:

ROLL CALL:

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

5. **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 permitting Use Unit 21 electronic and LED lighted signage, providing a Special Exception approval requirement, providing certain functional and appearance standards, amending the Definitions, and other related amendments.

Chair Scott Sherrill introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart recommended the item be Continued to the April 21, 2008 regular meeting to allow additional time to prepare the proposed amendment.

Chair Scott Sherrill asked to entertain a Motion. Larry Whiteley made a MOTION to Continue the Public Hearing and consideration of the Zoning Code Text Amendment to the next meeting on April 21, 2008. Bill Davis SECONDED the Motion. Roll was called:

ROLL CALL:

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

6. **PUD-63 – 101 South Memorial Plaza – American Southwest Properties, Inc.** Public Hearing, Discussion, and consideration of a request for approval of a Planned Unit Development for a parcel of land located in a part of *101 South Memorial Center* and the NW/4 NW/4 of Section 25, T18N, R13E with underlying zoning CS and CG Commercial. Property located: South 101st St. S. and east of Memorial Dr.

Chair Scott Sherrill introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart referred to the email printouts he had provided prior to the meeting and advised that the Applicant has requested a Continuance for this and the related cases to the April 21, 2008 regular meeting.

Chair Scott Sherrill asked to entertain a Motion. Larry Whiteley made a MOTION to Continue the Public Hearing and consideration of the item to the next meeting on April 21, 2008. Bill Davis SECONDED the Motion. Roll was called:

ROLL CALL:

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

OTHER BUSINESS

7. **BL-352 – American Southwest Properties, Inc.** Discussion and possible action to approve a Lot-Split.

Property located: Tract C, *101 South Memorial Center*, 8300- to 8400-block of E. 101st St. S.

PLATS

8. **Preliminary Plat of 101 South Memorial Plaza – American Southwest Properties, Inc.**, being a part of *101 South Memorial Center* and a part of the NW/4 NW/4 of Section 25, T18N, R13E.

Property Located: South 101st St. S. and east of Memorial Dr.

Chair Scott Sherrill introduced items numbered 8 and 9 on the agenda and clarified with Erik Enyart that the Applicant has requested a Continuance of these items also to the April 21, 2008 regular meeting.

Chair Scott Sherrill asked to entertain a Motion. Bill Davis made a MOTION to Continue BL-352 and the Preliminary Plat of 101 South Memorial Plaza to the April 21, 2008 regular meeting. Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

OTHER BUSINESS

9. **BL-351 – Khoury Engineering, Inc.** Discussion and possible action to approve a Lot-Split.

Property located: Lot 8, Block 1, *Bixby Centennial Plaza*, 12000-block of S. Memorial Dr.

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

LOCATION: – *Approximately the 12000-block of S. Memorial Dr.*
– *Lot 8, Block 1, Bixby Centennial Plaza*
LOT SIZE: 84,150 square feet (1.9 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.

BL-350 – Khoury Engineering, Inc. – Request for Lot-Split approval to separate the south 46.08’ of Lot 5 and add to Lot 6 – Approved by PC in January 2008.

BACKGROUND INFORMATION:

At the TAC meeting held January 02, 2008, pertaining to BL-350, 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. However, this plat was not submitted and this new Lot-Split application has been submitted instead.

ANALYSIS:

Subject property Lot 8 contains approximately 1.9 acres and has 306 frontage-feet on Memorial Dr. This request is to detach the north 42.00’ of the subject property and add it to Lot 7, Block 1, Bixby Centennial Plaza, which would then have 36,300 square feet (0.83 acres) and 174 frontage-feet on Memorial Dr. This would remove the currently nonconforming lot status of Lot 7, as the CS district requires a minimum of 150 frontage feet.

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 42.00’-wide ‘sliver’ tract being attached to adopting Lot 7, 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 7, 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.

The remaining tract, the balance of Lot 8, does not require deed restriction language.

Chair Scott Sherrill asked if the Applicant was present and wished to speak on the item. Applicant Malek Elkhoury stated that he had no comments but would be happy to answer any questions the Commission may have. Mr. Sherrill clarified with Mr. Elkhoury that it would be Lot 8 that would be reduced in size in order to make Lot 7 larger.

Chair Scott Sherrill asked to entertain a Motion. Bill Davis made a MOTION to APPROVE BL-351 subject to the 42.00’-wide ‘sliver’ tract being attached to adopting Lot 7, Block 1, Bixby Centennial Plaza by deed restriction language as recommended by Staff. Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Sherrill, & Davis

NAY: None.

ABSTAIN: None.

MOTION CARRIED: 4:0:0

PLATS

10. **Preliminary Plat of Memorial Commercial Center – Tanner Consulting, LLC**, being a replat of part of *Midland Addition* in the NW/4 NW/4 of Section 24, T17N, R13E.
Property Located: Southeast corner of the intersection of 151st St. S. and S. Memorial Dr.
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Chair Scott Sherrill introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the staff report as follows:

- LOCATION: – Southeast corner of the intersection of 151st St. S. & Memorial Dr.
– Part of *Midland Addition* in the NW/4 NW/4 of Section 24, T17N, R13E
- SIZE: 2.215 acres, more or less
- EXISTING ZONING: CG
- REQUEST: Preliminary Plat approval for a Walgreen's drugstore development
- COMPREHENSIVE PLAN: Low Intensity/Development Sensitive + Special District # 1 + [Existing] Commercial Area.
- PREVIOUS/RELATED CASES: (not a complete list)
- 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 composed of small platted lots and the existing street rights-of-way for McKennon and Kidd between them. The Applicant is anticipated to file an application to close/vacate McKennon and Kidd for those portions located within the proposed platted area. The existing houses and commercial structures would be cleared to prepare for the Walgreen's chain drugstore development.
General. This subdivision of 2.215 acres, more or less, proposes one (1) lot in one (1) block and zero (0) Reserves. The subdivision appears to meet CG zoning standards.
Planning Staff comments:
1. Preliminary Plat is predicated upon the closure and permanent vacation of McKennon and Kidd streets as they are located within the proposed platted area. The right-of-way closure ordinance should specify that the zoning of the closed streets shall be CG pursuant to Zoning Code Section 11-6-3.
 2. Add the 17.5' perimeter U/E along the southerly perimeter as per Subdivision Regulations and the TAC.
 3. Discuss the likelihood of acquiring a driveway permit/curb cut approval from ODOT for Lot 1 fronting on S. Memorial Dr.
 4. Add acreages and square footages to the lots.
 5. Basis of bearings notation contains a question mark (?) in place of quotation mark (") for designating angle/bearing seconds.
 6. Designate width of area labeled "Report of Commissioners Case No. CJ-85-1727 Book 4876, Page 220." Based on a scaling of the plat, this area appears to be approximately 10'. This area of the plat does not match the Assessor's parcel data for this area, which represents another 10.93'-wide right-of-way parcel (part of Lot 5 Block 8 beginning 10' east of the southwest corner, north 114.88', northeasterly 15.56', south 125.90', west 10.93' to POB) and so would appear to not show existing right-of-way.
 7. Per Assessor's parcel data, the existing right-of-way for the portion south of McKennon appears to be (60' + 25' + 10' + 10.93' =) 105.93' +/- . The TMAPC Major Street and Highway Plan and the Comprehensive Plan both designate this section of Memorial Dr. a Major Arterial, for which 120' of right-of-way is required. Per Assessor's parcel data and the Plans, approximately 14.07' of additional right-of-way dedication is required for the part of the subdivision located south of McKennon.
 8. Per SRs Section 12-4-2.A.5, the Location Map must include all platted additions with the Section
 9. Add proposed address(es) to the lot as provided by the Tulsa City/County 911 Coordinator.
 10. Add the centerline symbol as used to the legend.

11. *Deed of Dedication/Restrictive Covenants Section 1.D.1: Words “Certificate of Dedication” used in place of the more common “Deed of Dedication.”*
 12. *Deed of Dedication/Restrictive Covenants Section 1.E.1: Inconsistent capitalization.*
- Staff Recommendation. *Staff recommends Approval Staff 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 and City Engineer recommendations and requirements.*
 3. *A copy of the Preliminary Plat including all recommended corrections shall be submitted for placement in the permanent file.*

Jim Coffey of 2925 W. H St., Jenks, indicated agreement with the recommendations and stated that the developer would dedicate the additional 14’ of right-of-way for Memorial Dr. Mr. Coffey provided copies of City Council Resolution 2008-02 and stated that he considered it to mean that the City Council supported vacating Kidd and McKennon streets. Mr. Coffey predicted that this project would be the beginning of Bixby’s downtown redevelopment.

Thomas Holland clarified with Jim Coffey the comments from City Engineer Jared Cottle’s memo regarding direction of storm sewer drainage and temporary detention.

Chair Scott Sherrill asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Preliminary Plat of Memorial Commercial Center subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Bill Davis SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT:

There being no further business, Scott Sherrill declared the meeting adjourned at 7:21 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary