

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
July 14, 2014 6:00 PM**

***SPECIAL-CALLED MEETING***

In accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Section 311, the agenda for this meeting was posted on the bulletin board in the lobby of City Hall, 116 W. Needles Ave., Bixby, Oklahoma on the date and time as posted thereon, a copy of which is on file and available for public inspection, which date and time was at least twenty-four (24) hours prior to the meeting, excluding Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

**STAFF PRESENT:**

Erik Enyart, AICP, City Planner  
Patrick Boulden, Esq., City Attorney

**OTHERS ATTENDING:**

See attached Sign-In Sheet

(See City Council Minutes for additional attendance information)

**CALL TO ORDER:**

Acting Chair/Vice-Chair Lance Whisman called the meeting to order at 6:08 PM.

**ROLL CALL:**

Members Present: Larry Whiteley, Steve Sutton, Lance Whisman, and Jerod Hicks.  
Members Absent: Thomas Holland.

1. Introductions and opening statements regarding concurrent City Council meeting

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(This was mentioned during the corresponding item on the City Council agenda, whose meeting was called to order prior to the Planning Commission meeting being called to order. See the City Council Minutes for their meeting on this date for additional information on discussions held during the Planning Commission meeting.)

**CONSENT AGENDA:**

No items; No action taken.

## PUBLIC HEARINGS

2. **BCPA-11 – City of Bixby.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan Text regarding policy on land uses within areas designated Corridor on the Comprehensive Plan Map.

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Acting Chair/Vice-Chair Lance Whisman introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby City Council  
  
and  
  
Bixby Planning Commission

**From:** Erik Enyart, AICP, City Planner

**Date:** Monday, July 07, 2014

**RE:** Report and Recommendations for:  
BCPA-11 – City of Bixby

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**PLANNING COMMISSION AGENDA ITEM:**

**BCPA-11 – City of Bixby.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan Text regarding policy on land uses within areas designated Corridor on the Comprehensive Plan Map.

**CITY COUNCIL AGENDA ITEM TITLE:**

- Discussion and consideration of an ordinance to amend the Comprehensive Plan Text regarding policy on land uses within areas designated Corridor on the Comprehensive Plan Map (BCPA-11).
- Discussion and consideration to attach an Emergency Clause to the previous item ordinance.

**INITIATOR:** Erik Enyart, AICP, City Planner

**STAFF INFORMATION SOURCE:** Erik Enyart, AICP, City Planner

**BACKGROUND / ANALYSIS:**

At a Worksession meeting held May 27, 2014, the City Council and City Staff discussed the Bixby Comprehensive Plan and an apparent recent trend in which commercial property in Bixby is being converted to residential and other non-retail land uses. Pursuant to discussion there and discussions with City Staff afterward, a City Staff consensus emerged in support of a strategic amendment to the Comprehensive Plan Text pertaining to retail land uses in areas designated Corridor on the Plan Map. The City Manager directed the City Planner to prepare this strategic amendment.

BCPA-11 is a proposed amendment to the Comprehensive Plan Text that would, in concept, specify that it is the Council's policy to prefer, with certain exceptions for flexibility, retail land use within areas designated Corridor on the Comprehensive Plan Map, and to prefer a PUD when properties are rezoned within Corridor districts, to allow the City Council to have discretion over the types of land uses allowed (e.g. retail in commercial districts).

Staff has found the section of the Comprehensive Plan Text where the clarified / specified policy language should be most appropriate:

Page 36, Commercial Area Policies:

Replace Item # 3 with the following: "Due to the critical need for retail development to support capital improvements and municipal services, within areas designated "Corridor" and "Commercial Area" or "Vacant, Agricultural, Rural Residences, and Open Land" on the Land Use Map, it is City policy to (1) prefer retail development over all other land use types where appropriate in context and (2)

*prefer that a Planned Unit Development (PUD) application be processed along with any application for rezoning to commercial.”*

*The clause, “where appropriate in context,” preserves flexibility and gives more control to surrounding zoning and land use patterns, infrastructure considerations, and current development trends.*

*The text on page 36, Commercial Area Policies # 3 currently calls for setbacks in the CG districts from Residential districts, which change appears to have already been made to the Zoning Code. Thus, it is superfluous, and its order (3<sup>rd</sup> out of 6 policy items) appears appropriate in relation to the others for the proposed replacement text.*

*Staff looked at other parts of the Text but did not find any other areas which would be enhanced by duplicating the above policy language.*

*The second part, a preference for PUDs when rezoning to commercial, would only be made mandatory if the Zoning Code were also amended to require it. Zoning Code Section 11-5-2 “Policy on Zoning Map Amendments” was amended in 2009 to require consistency with the Comprehensive Plan and to require a PUD when amending the Comprehensive Plan. This section would be an appropriate place within the Zoning Code to additionally require a PUD for all commercial rezonings within the Corridor, consistent with the new policy language. See related part of the Zoning Code Text Amendment case, also on this agenda for consideration.*

*There is already language within the Corridor section of the Plan Text (Policies for Corridors Section 5.a on page 12) which recommends PUDs for rezonings to intensive zoning districts, starting with CG. Extending this policy to the CS district would further bolster the City’s ability to prefer retail uses in new commercial districts established. Thus, this section on Page 12 will also be amended to remove CS from the fourth (4<sup>th</sup>) sentence and add it to the second (2<sup>nd</sup>).*

**EXHIBITS:** Draft Ordinance

**PLANNING COMMISSION KEY ISSUES:** (1) Hold Public Hearing, and (2) Recommend Approval, Denial, or Approval with Modifications

**CITY COUNCIL KEY ISSUE:** Approve, Deny, or Approve with Modifications

**RECOMMENDATION:**

*The proposed amendments are the product of City Staff consensus, and are thus recommended for Approval. The Planning Commission will hold a Public Hearing and give a recommendation to the City Council at its concurrent meeting.*

Erik Enyart noted that this item stemmed from a City Council Worksession held in late May, 2014, in which the Council and Staff discussed the Comprehensive Plan and also what appeared to be an emerging trend wherein commercial properties were being put to non-retail uses, such as housing additions. Mr. Enyart stated that this amendment would state that it was the City Council’s policy to prefer retail uses within areas designated Corridor and “Commercial Area” or with no land use designation, whenever appropriate within context. Mr. Enyart stated that this would be some clear policy language that the Public, especially real estate development interests or investors, could see what the City Council’s preference is toward these commercial corridors within the City of Bixby. Mr. Enyart noted that this would give some clarity and certainty to the private sector so they know, when going into [a property development and/or development property acquisition], what to expect. Mr. Enyart noted that this was a Public Hearing and anyone in attendance could speak on the item.

Jay Mauldin of 7341 E. 119<sup>th</sup> Pl. S. stated that he did not oppose and was supportive of the Staff’s recommendations, discussed the need for the Comprehensive Plan, indicated preference for high quality commercial businesses versus suburban sprawl, and suggested preference for citywide City Council elections, rather than Ward-specific elections.

Acting Chair/Vice-Chair Lance Whisman referred to a map, projected on the screen, of the Tulsa area with major shopping centered highlighted, and discussed the need for retail sales for the City,

including at 121<sup>st</sup> St. S. and Memorial Dr. Mr. Whisman expressed concern, with this new policy, for long-term property owners being able to sell their properties to whomever they want.

Councilor Dennis Loudermilk noted that the City of Bixby, through the ICSC conventions and additional outreach efforts, had brought Target, Costco, and Warren Theatres to Bixby, but those businesses ended up picking other locations just outside of Bixby.

Councilor Ritchie Stewart noted that sales taxes are the “lifeblood of the City.”

Acting Chair/Vice-Chair Lance Whisman asked if the Planning Commission had any more comments. There were none.

Acting Chair/Vice-Chair Lance Whisman asked if the Public had any further comments. Jerry Perez of 17216 S. 92<sup>nd</sup> E. Ave. expressed concern that there were not enough jobs available in [Bixby and/or the Tulsa Metropolitan Area], such as manufacturing, such that would keep the kids here, rather than them going to Dallas.

Councilor Dennis Loudermilk and City Manager Doug Enevoldsen indicated that the City also pursues other types of businesses but, due to the way municipal governmental finance is structured in Oklahoma, retail sales taxes take precedence.

There being no further discussion, Steve Sutton made a MOTION to RECOMMEND APPROVAL of the proposed Comprehensive Plan Text Amendment per BCPA-11 as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE:	Hicks, Sutton, Whiteley, and Whisman
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

(The City Council then considered and approved the related ordinance approval items on the City Council agenda. See the City Council Minutes for further information.)

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, to allow modifications, upon City Council approval of a site plan, to certain development standards for nonresidential redevelopments on an existing lot of record, and other related amendments.

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Acting Chair/Vice-Chair Lance Whisman introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

*To: Bixby City Council*

and

Bixby Planning Commission

**From:** Erik Enyart, AICP, City Planner

**Date:** Monday, July 07, 2014

**RE:** Report and Recommendations for:  
Zoning Code Text Amendments – Nonresidential Redevelopments and Expansions

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**PLANNING COMMISSION AGENDA ITEM:**

**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, to allow modifications, upon City Council approval of a site plan, to certain development standards for nonresidential redevelopments on an existing lot of record, and other related amendments.

**CITY COUNCIL AGENDA ITEM TITLE:**

- Discussion and consideration of an ordinance to amend the Zoning Code to allow modifications, upon City Council approval of a site plan, to certain development standards for nonresidential redevelopments on an existing lot of record, and other related amendments.
- Discussion and consideration to attach an Emergency Clause to the previous item ordinance.

**INITIATOR:** Erik Enyart, AICP, City Planner

**STAFF INFORMATION SOURCE:** Erik Enyart, AICP, City Planner

**BACKGROUND / ANALYSIS:**

In City Staff discussions on June 23, 2014, several pending commercial redevelopments and expansions were discussed. These discussions focused on the difficulties encountered when working with existing lots of records and developed sites as far as constraints on meeting modern Zoning Code development standards (e.g. parking lot setbacks/landscaped strips, parking lot design, etc.). A City Staff consensus emerged in support of this amendment which, in concept, would allow the City Council to modify, upon its approval of a Site Plan, minimum development standards for existing nonresidential developments which are redeveloped or expanded. The City Manager directed the City Planner to prepare the amendment.

Staff has found the part of the Zoning Code where this new should be most appropriate:

“11-9-0.F

For redevelopments or expansions of existing nonresidentially-developed lots of record, the City Council may authorize modifications to the minimum development standards of this title upon its approval of an application for site plan prepared as provided in Section 11-9-0.E.”

Consistent with the proposed Comprehensive Plan Text Amendment per BCPA-11, also on this agenda for consideration, Staff has prepared language which would require a PUD when rezoning to commercial within appropriate areas designated Corridor on the Comprehensive Plan Map. See the report for that item, which precedes this one on the agendas, for narrative and reasoning. The language has a provision allowing the City Council to Waive this requirement. However, if the Council does not want to require, at all, a PUD in such cases, and is satisfied instead with the Plan’s language to “prefer” them, Section 2 of the attached ordinance may be struck.

**EXHIBITS:** Draft Ordinance

**PLANNING COMMISSION KEY ISSUES:** (1) Hold Public Hearing, and (2) Recommend Approval, Denial, or Approval with Modifications

**CITY COUNCIL KEY ISSUE:** Approve, Deny, or Approve with Modifications

**RECOMMENDATION:**

The proposed amendments are the product of City Staff consensus, and are thus recommended for Approval. The Planning Commission will hold a Public Hearing and give a recommendation to the City Council at its concurrent meeting.

Erik Enyart noted that this matter stemmed from City Staff discussions. Mr. Enyart noted that, at this time, he had about 10 site plan applications, some of which were redevelopments or expansions involving established business that may have been built in the 70s or 80s, which want to expand or take down their old building and build a new one. Mr. Enyart noted that, in cases like this, the owners are constrained by existing geography and can only deal with the parcels they have, and in a lot of cases they would like to keep the parking lots they have built. Mr. Enyart stated that likely development standard modifications would be reducing the parking lot setbacks and landscaped strip widths. Mr. Enyart stated that, in order to accommodate Bixby's existing business that want to expand or redevelop, this would be an additional tool of flexibility where existing developed parcels, through the site plan approval process at the City Council level, can have modifications made to the developmental standards. Mr. Enyart noted that the City Staff was bringing this policy change for consideration. Mr. Enyart noted that there was a separate element to the ordinance that would implement the policy the Council just passed, whereby the City would ask for a PUD whenever rezoning to commercial [in qualifying Corridor designations], and that those were the two (2) things the proposed ordinance would do.

Mayor John Easton asked Erik Enyart how much time he thought this change could save a developer. Mr. Enyart estimated that, if they didn't have to put together an application to the Board of Adjustment and/or Planning Commission for landscaping alternative compliance, it could save about a month and a half on average.

Jay Mauldin confirmed with Patrick Boulden that the language used in the amendment would allow the City Council to modify the development standards to be more than the minimum required, in addition to less than required.

Steve Sutton and Vice Mayor Brian Guthrie discussed the potential for negative impacts on commercial development if the PUD requirement was implemented. Mr. Guthrie, in turn, asked Erik Enyart what impacts this change may have. Mr. Enyart responded that he would anticipate there could be circumstances where the City Council would want to set aside that requirement to make it easier for the developer to rezone the parcel to commercial, especially if it was a smaller parcel and it would be a burden to do a PUD, to engage the experts to put it together, and so the language in the ordinance would allow them to come to the Council, ahead of time, to say that 'this would be a hardship to me and we would like you to waive the requirement.' Mr. Enyart stated that, with that [Waiver option,] he did not think the City would be placing an undue burden on potential commercial development.

Acting Chair/Vice-Chair Lance Whisman asked to entertain a Motion. Steve Sutton made a MOTION to Recommend Approval of the proposed Zoning Code Text Amendment as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Hicks, Sutton, Whiteley, and Whisman
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

(The City Council then considered and approved the related ordinance approval items on the City Council agenda. See the City Council Minutes for further information.)

**PLATS**

No items; No action taken.

**OTHER BUSINESS**

No items; No action taken.

**OLD BUSINESS:**

No items; No action taken.

**NEW BUSINESS:**

No items; No action taken.

**ADJOURNMENT:**

There being no further business, Acting Chair/Vice-Chair Lance Whisman declared the meeting Adjourned at 7:14 PM.

(The City Council then continued with its agenda.)

**APPROVED BY:**

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Chair

\_\_\_\_\_

Date

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City Planner/Recording Secretary