

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
February 17, 2015 6:00 PM**

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

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:04 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the January 20, 2015 Regular Meeting

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the January 20, 2015 Regular Meeting as presented by Staff. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, and Hicks.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

Chair Thomas Holland declared that the agenda items would be taken out of order and that the two (2) Lot-Split items, which had representatives present, would be considered at this time.

OTHER BUSINESS

6. (Continued from January 20, 2015)

BL-396 – Rebecca Coffee for Dorothy L. Biggers Living Trust. Discussion and possible action to approve a Lot-Split for property in the NE/4 of Section 21, T17N, R13E.
Property located: 15400 S. Yale Ave.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, February 13, 2015
RE: Report and Recommendations for:
BL-396 – Rebecca Coffee for Dorothy L. Biggers Living Trust

LOCATION: – 15400 S. Yale Ave.
– Part of the NE/4 of Section 21, T17N, R13E
LOT SIZE: 139 acres, more or less
ZONING: AG Agricultural District
SUPPLEMENTAL ZONING: Corridor Appearance District (partial)
EXISTING USE: Agricultural land and a single-family dwelling
REQUEST: Lot-Split approval
COMPREHENSIVE PLAN: Corridor + Development Sensitive + Water + Community Trail + Vacant, Agricultural, Rural Residences, and Open Land
PREVIOUS/RELATED CASES:
BZ-162 – J.C. Biggers – Request for rezoning from AG to CS for the NE/4 NE/4 NE/4 of this section, consisting of the northeast approximately 10 acres of subject property – PC recommended Approval 04/29/1985 and City Council Approved 05/14/1985 (Ord. # 528).
BBOA-597 – Rebecca Coffee for Dorothy L. Biggers Trust – Request for Variance from certain bulk and area requirements in the AG Agricultural District to allow for a Lot-Split for subject property – BOA Conditionally Approved 02/02/2015.

BACKGROUND INFORMATION:
This application was Continued from the January 20, 2015 Planning Commission Regular Meeting to this February 17, 2015 Regular Meeting to allow for the Board of Adjustment’s disposition of BBOA-597 on February 02, 2015. The Board of Adjustment Conditionally Approved the application. See details in the following analysis.

ANALYSIS:
Subject Property Conditions. *The subject property consists of the NE/4 of Section 21, T17N, R13E, Less & Except right-of-way and other tracts sold. It contains 139 acres, more or less, and is zoned AG Agricultural District, except for the NE/4 NE/4 NE/4, approximately 10 acres, which is zoned CS Commercial Shopping Center District. It contains a house addressed 15400 S. Yale Ave. It contains branches of an upstream tributary to Posey Creek along its westerly side, and generally slopes downward and drains to the west toward same. It also contains a few farm ponds, an AEP-PSO overhead electric transmission line, fences, and miscellaneous farm and oil extraction structures.*

General. *The owner is seeking Lot-Split approval to separate approximately 2.88 acres with the existing dwelling addressed 15400 S. Yale Ave. from the balance of the agricultural tract. This proposed 2.88-acre tract with the existing dwelling is intended for sale, which the application states will be used for “AG / residence.” Per the submitted drawing and the legal description provided by the surveyor, the proposed 2.88-acre tract would not meet the 2.2-acre minimum land area requirement of the AG district. The buyer of the smaller tract does not want the zoning changed, such as to a Residential district that would allow for the Lot-Split to be approvable. The Applicant, therefore, applied for a Variance per BBOA-597 to allow for the reduction of the bulk and area standards to allow for this Lot-Split. On February 02, 2015,*

the Board of Adjustment Conditionally Approved BBOA-597, subject to the Lot-Split application resulting in not more than two (2) tracts, the smaller of which shall be not less than 2.05 acres upon the findings of the final survey. As of the date of this report, Staff has not yet received the final survey.

Per the submitted drawing and the legal description provided by the surveyor, the proposed 2.88-acre tract would meet the minimum lot area and minimum lot width standards in the AG district. Although the final survey has not been received, it appears, based on aerial and GIS data, that the existing house will meet the AG district's minimum setback requirements from the proposed new lot lines.

The Technical Advisory Committee (TAC) reviewed this Lot-Split on February 04, 2015. The Minutes of the meeting are attached to this report.

***Staff Recommendation.** Based on the approved Variance, Staff recommends Approval, subject to the receipt of the final survey and subject to the final survey determining that the proposed smaller tract contains no less than the 2.05 acres per the approved for Variance.*

Fred Keas respectfully requested that the Planning Commission approve the Lot-Split.

The Planning Commissioners asked Erik Enyart about the Variance. Mr. Enyart stated that most of these types of situations are done by rezoning the smaller tract to a Residential district, which had smaller lot width and other bulk and area requirements, but that in this case, the buyer did not want to have the property rezoned, and so the seller sought a Variance instead.

Chair Thomas Holland asked about the use of the property, and Fred Keas stated that the barn went with the house and that the property was used and had been used for agriculture for 70 years.

The Planning Commissioners asked about the smaller tract not meeting the minimum requirements in the AG district, and Erik Enyart noted that the Board of Adjustment had approved the Variance, and that the north and south boundaries corresponded to the existing white pipe fence that was already in place.

There being no further discussion, Larry Whiteley made a MOTION to APPROVE BL-396. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, and Hicks.
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	3:0:0

7. (Continued from January 20, 2015)

BL-397 – Michael Ward on behalf of QuikTrip Corporation for T C 94, LP.

Discussion and possible action to approve a Lot-Split for All of Block 18, *Southern Memorial Acres Extended*.

Property located: 12037 S. Memorial Dr.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To:	<i>Bixby Planning Commission</i>
From:	<i>Erik Enyart, AICP, City Planner</i>
Date:	<i>Thursday, January 15, 2015</i>

RE: Report and Recommendations for:
BL-397 – Michael Ward on behalf of QuikTrip Corporation for T C 94, LP

LOCATION: – The 11900 : 12100-block of S. Memorial Dr.
– Block 18, Southern Memorial Acres Extended, Less & Except right-of-way of record
– The Town & Country Center shopping center, including the
– Former May's/Drug Warehouse store site addressed 12037 S. Memorial Dr.

LOT SIZE: 7 1/3 acres, more or less

EXISTING ZONING: CS Commercial Shopping Center District

SUPPLEMENTAL ZONING: Corridor Appearance District

ZONING:

EXISTING USE: The Town & Country Center shopping center

REQUEST: Lot-Split approval

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

BBOA-11 – Richard Ketchum for Tri-Kay Developers, Inc. – Request for [Variance] from bulk and area standards for subject property (“amended application” received 12/26/1972 deleted the additional request for a Variance from the off street parking requirements). Bulk and area standards requested for Variance appear to have been from Zoning Ordinance Section 6.3A “Waive the 2 acre maximum” lot area standard and Section 6.4 “Change the Floor area ratio from (1 to 4) to (1 to 3 ½)” in the C-1 District – BOA Approved 01/16/1973 “to change the floor area from (1 to 4) to (1 to 3 ½)” per case notes and a draft letter found in the case file (Minutes not found for any BOA meetings in 1973).

AC-02-08-01 – Request for approval of wall signs for “HV&M Factory Direct” for the Applicant’s tenant space at 12003 S. Memorial Dr. on subject property – Architectural Committee Approved 08/27/2002.

AC-02-08-02 – Request for approval of a ground sign for May’s Drug Warehouse for the tenant space at 12037 S. Memorial Dr. on subject property – Architectural Committee Conditionally Approved 08/27/2002.

AC-10-02-05 – AKiN’s Natural Foods – Request for approval of a Detailed Site Plan pursuant to Zoning Code Sections 11-7G-4 and 11-7G-6 for an exterior remodel for a Use Unit 13 grocery store for the tenant space at 12003 S. Memorial Dr. on subject property – Planning Commission Conditionally Approved 02/16/2010.

BSP 2015-02 – QuikTrip No. 0098 – Request for approval of a Site Plan and modifications to certain development standards per Zoning Code Section 11-9-0.F for subject property – City Council Conditionally Approved 02/09/2015.

BACKGROUND INFORMATION:

By email on January 05, 2015, the Applicant requested this application be Continued from the January 20, 2015 Planning Commission Regular Meeting to this February 17, 2015 Regular Meeting to allow additional time to resolve site plan matters. The Planning Commission Continued the application as requested. On February 09, 2015, the City Council Conditionally Approved BSP 2015-02, a request for approval of a Site Plan and modifications to certain development standards per Zoning Code Section 11-9-0.F for subject property.

On February 06, 2015, the Applicant provided a revised Lot-Split survey which reduced, by 4’, the north-south lot dimension of the proposed QuikTrip redevelopment tract in order to allow additional separation between the reconstructed Kelly-Moore Paints southern wall and the common property line. This helped resolve a number of technical complications identified during the site plan application review, and perhaps others identified by the Applicant and shopping center owner.

ANALYSIS:

Subject Property Conditions. The subject property of approximately 7 1/3 acres, more or less, consists of Block 18, Southern Memorial Acres Extended, Less and Except right-of-way of record. It is developed with the Town & Country Center shopping center and is zoned CS. This approved Site Plan application proposed to allow for the replacement of the southernmost tenant space in the shopping center, the former May’s/Drug Warehouse store site addressed 12037 S. Memorial Dr., with a new Use Unit 14 QuikTrip convenience store / gasoline service station. That tenant space will be removed and the exposed party

wall between it and the Kelly-Moore Paints store to the north will become the new southerly exterior wall for Kelly-Moore Paints and the balance of the multitenant shopping center building.

The subject property is relatively flat and appears to drain to the east, ultimately to an un-named upstream tributary of Fry Creek Ditch # 1.

A part of the easterly side of the subject property is located within the Zone AE 100-year (1% Annual Chance) Regulatory Floodplain. See the Floodplain analysis section of the BSP 2015-02 Site Plan report for details.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.).

General. The Applicant is seeking Lot-Split approval to separate the southerly approximately 2.012 acres (now, approximately 2 acres), containing the southernmost tenant space in the shopping center, the former May's/Drug Warehouse store site addressed 12037 S. Memorial Dr., to allow for its replacement with a new Use Unit 14 QuikTrip convenience store / gasoline service station.

The proposed tract complies with all the bulk and area standards of the CS district. For the new, standalone store building and for the reconstructed southern wall of the Kelly-Moore Paints tenant space, which will have an approximate 4' setback from the proposed common line, the CS district requires no setbacks. The Applicant has informed Staff that they are working with the shopping center owner on private agreements necessary to facilitate the reconstruction of the shopping center's new south wall and other arrangements necessary to allow the shopping center to continue to function upon the separation of the proposed QuikTrip redevelopment tract. All existing and proposed buildings appear to comply with the zoning setback requirements of the CS district upon the approval of this Lot-Split.

The Technical Advisory Committee (TAC) reviewed this Lot-Split on February 04, 2015. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval.

Erik Enyart explained that the City Council had approved the Site Plan with certain modifications as requested, primarily based on the existing geometries that *QuikTrip* had to fit their site within. Mr. Enyart noted that *QuikTrip* needed certain driveway widths throughout their site to allow for fuel trucks and other vehicles to maneuver about the site.

Jerod Hicks asked about the driveways. Erik Enyart stated that the driveways would be moved slightly in one case and widened in all [cases].

Chair Thomas Holland asked about the modification pertaining to the ADA parking. Erik Enyart responded that Bixby had a unique and special design standard for handicapped-accessible parking spaces which was in addition to ADA standards. Mr. Enyart stated that *QuikTrip* builds their facilities to ADA standards precisely, and so Bixby's unique, extra design standard was not necessary. Mike Ward of *QuikTrip* stated that *QuikTrip* had to reduce to a "flat entry" store by 8' due to the site constraints. Mr. Ward confirmed that the parking would comply with ADA requirements.

Chair Thomas Holland asked about the modification pertaining to the additional sign height. Mike Ward stated that *QuikTrip* had a 10 second rule, requiring that the sign be visible for 10 seconds before the motorist arrives at the driveway entrance. Mr. Ward stated that the shopping center's sign would be blocking the view of the *QuikTrip* sign. Erik Enyart confirmed with Mr. Ward that visibility was blocked from the perspective of those coming [southbound] down the hill. Mr. Holland stated that the sign at the new facility [at 9111 S.] Mingo Rd. was smaller and would have been more appropriate here. Mr. Ward stated that that location was not on a highway, and that *QuikTrip* had different sign height requirements on highways.

Erik Enyart stated that he should have been more clear earlier, in that the City Council had already approved the Site Plan with the modifications that were now being discussed.

Chair Thomas Holland inquired further about the sign. Erik Enyart stated that these matters were not in the Staff Report. Mr. Holland stated that he was reading about this in the TAC Minutes included in the agenda packet. Mike Ward stated that the Zoning Code allowed higher signs with additional setback, and “We’re 3’ so we were really asking for two (2) feet” of height. Mr. Holland indicated that, for the sake of aesthetics, it would be better were it lower. Mr. Enyart stated that this was all “well documented and explained to the [City] Council.” Mr. Holland stated that, in this case, he would appeal to *QuikTrip* for a lower sign, since [Memorial Dr.] was not a “normal highway.” Mr. Holland added that he was “glad you’re here.”

Larry Whiteley asked Mike Ward if *QuikTrip* would leave their other store [at 15102 S. Memorial Dr.] open, and Mr. Ward responded, “Yes.”

There being no further discussion, Jerod Hicks made a MOTION to APPROVE BL-397. Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, and Hicks.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

PUBLIC HEARINGS

2. **Subdivision Regulations Text Amendment.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Bixby Subdivision Regulations, pursuant to Oklahoma Statutes Title 11 Section 45-104 et seq., to remove the requirement for application fees to be adopted by Ordinance and allow for adoption by Resolution, and make other related amendments.
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 remove the requirement for application fees to be adopted by Ordinance and allow for adoption by Resolution, and make other related amendments.

Chair Thomas Holland introduced the two (2) related items and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report covering both agenda items as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Tuesday, February 10, 2015

RE: *Report and Recommendations for:
Zoning Code Text Amendment – Application Fees Adoption by Resolution*

and

Subdivision Regulations Text Amendment – Application Fees Adoption by Resolution

AGENDA ITEM(S):

Subdivision Regulations Text Amendment. *Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Bixby Subdivision Regulations, pursuant to Oklahoma Statutes Title 11 Section 45-104 et seq., to remove the requirement for application fees to be adopted by Ordinance and allow for adoption by Resolution, and make other related amendments.*

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 remove the requirement for application fees to be adopted by Ordinance and allow for adoption by Resolution, and make other related amendments.*

ANALYSIS:

Bixby's primary fee schedule was adopted by Ordinance # 599 in 1988, and fees adopted thereby have not kept pace with inflation, more modern development review practices, or all planning services presently provided.

City Staff has conducted a fee schedule analysis, including a survey of several Tulsa Metropolitan Area communities to compare their fees to those presently charged by the City of Bixby. Surveyed communities include Broken Arrow, Glenpool, Jenks, Sand Springs, Tulsa, and Tulsa County. Using the policy guidance provided by the City Council, City Staff will propose new fees at the City Council meeting February 23, 2015.

All, or almost all fees charged by the City of Bixby are established by Resolution, not Ordinance. The City of Bixby did a comprehensive fee and preset fine analysis in 2013, and compiled all of the fees into a singular Resolution 2013-09. This Resolution was designed to be a singular resource for all existing fees and fines charged by the City for the conduct of City business. It was also designed to allow for future updates with any new fees or fines established by the City Council.

Since most of the Zoning and development-related fees were adopted by an Ordinance, they cannot be updated by a Resolution, and so an Ordinance must repeal Ordinance # 599 and allow for fees to be established by Resolution.

Additionally, certain provisions of the Zoning Code and Subdivision Regulations specify that fees are to be established by Ordinance. The City Attorney has stated that State Statutes do not require these fees be adopted by Ordinance. The amendments proposed by the attached draft Ordinance would remove the Ordinance adoption requirement of these provisions.

RECOMMENDATION:

Staff recommends Approval of both amendments.

After some discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the Zoning Code Text Amendment and Subdivision Regulations Text Amendment as recommended by Staff. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, and Hicks.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

Jerod Hicks expressed favor for updating permit fees as well as Zoning and planning-related fees. Erik Enyart stated that, after this fee schedule update, the City would be proposing certain Building Permit-related fees. Mr. Hicks stated that the City of Muskogee charged \$35.00 per house for a “roof permit,” with which they collected a lot of money when there was a recent hailstorm there. Mr. Hicks stated that this would help keep out the “fly-by-night” contractors. Mr. Hicks suggested that roofing contractors should get business licenses or contractors licenses just like electricians and plumbers do. Mr. Enyart clarified with Mr. Hicks that the City did not presently charge for a roofing permit. Mr. Enyart clarified with Mr. Hicks that he was suggesting (1) roofing contractors get licenses, and (2) that the City start charging a Building Permit fee for roofing projects. Mr. Enyart agreed to communicate this suggestion to the Public Works Director, who would be working on these Building Permit-related fees. Mr. Hicks stated that door-to-door contractors should be required to get a license. Mr. Enyart stated that the City had a “peddler’s license” for this purpose. Mr. Hicks stated that a license would require they show their identification to the City, which could help prevent crime. Larry Whiteley referenced a recent news report of a contractor entering a woman’s home in Moore after the 2013 tornados.

Patrick Boulden in around this time around 6:35 PM.

Erik Enyart reiterated that he would communicate Jerod Hicks’ suggestion to the Public Works Director, who would be working on these Building Permit related fees.

PLATS

4. **Sketch Plat – Conrad Farms – Crafton Tull & Associates, Inc.** Discussion and consideration of a Sketch Plat for “Conrad Farms” for approximately 82.98 acres in part of the SE/4 of Section 23, T17N, R13E.
Property Located: North and west of the intersection of 161st St. S. and Memorial Dr.

OTHER BUSINESS (Resumed)

5. **PUD 85 – Conrad Farms – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 85 for approximately 136.48 acres in Section 23, T17N, R13E, with underlying zoning RS-3 Residential Single Family District, which amendment proposes to amend specific standards for Collector Street design, and making certain other amendments.
Property Located: 7400 E. 151st St. S.

Chair Thomas Holland introduced the two (2) related items and asked Erik Enyart for the Staff Report and recommendation.

Erik Enyart stated that the developer had asked that both applications be Tabled “for now.” Mr. Enyart recommended that both applications be Tabled with the provision that they may be returned to any Planning Commission agenda within one (1) year, provided the Applicant gives the City at least one (1) month’s advance notice of the next agenda placement. Chair Thomas Holland indicated question of the reason for the request for Tabling the applications. Mr. Enyart explained that the developer requested this just after the previous Friday’s death in the Conrad family, that the

buyer and seller were in the middle of negotiating sale terms, that the City was insisting on the Collector Street connection to 151st St. S., which would likely require a bridge over Bixby Creek, and that he understood that the bridge and Collector Street extension matter was to be included in the negotiation of sale terms.

There being no further discussion, Larry Whiteley made a MOTION to TABLE the PUD 85 Minor Amendment # 1 and Sketch Plat of “Conrad Farms,” provided that the Applicant may return the applications to any Planning Commission agenda within one (1) year, provided the Applicant gives the City at least one (1) month’s advance notice of the next agenda placement, as recommended by Staff. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, and Hicks.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

OLD BUSINESS:

Chair Thomas Holland asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS:

Chair Thomas Holland asked if there was further New Business to consider. Erik Enyart stated that he had none. No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 6:40 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary