

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

SPECIAL-CALLED MEETING

CALL TO ORDER

ROLL CALL

1. Introductions and opening statements regarding concurrent City Council meeting

CONSENT AGENDA

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.
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.

PLATS

OTHER BUSINESS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyart Date: 07/10/2014 Time: 2:10 PM



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

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

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 (3rd 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 (4th) sentence and add it to the second (2nd).

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.

(Published in the South County Leader,
City of Bixby, Tulsa County, Oklahoma
_____, 2014)

ORDINANCE No. _____

CITY OF BIXBY, OKLAHOMA

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN PER BCPA-11, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the City Council of Bixby, Oklahoma:

SECTION 1. That the Comprehensive Plan be, and the same is hereby amended as follows:

Replace “Commercial Area Policies” item # 3 on page 36 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.”

SECTION 2. That the Comprehensive Plan be, and the same is hereby amended as follows:

Within “Policies” for “Corridors,” Section 5.a on page 12, remove “CS” from the fourth (4th) sentence and add it to the first (1st).

SECTION 3. That all Ordinances or parts of Ordinances in conflict herewith be, and the same are hereby repealed.

SECTION 4. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is hereby declared to exist for the preservation of the Public Peace, Health and Safety, by reason whereof this Ordinance shall take effect and be in force immediately upon its passage and publication.

Adopted by a _____ vote of the City Council of the City of Bixby, Oklahoma, this 14th day of July, 2014, with Emergency Clause voted upon separately.

Mayor

Adopted as an Emergency Measure by a _____ vote of the City Council of the City of Bixby, Oklahoma, this 14th day of July, 2014.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney



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STAFF REPORT

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

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 Report – Zoning Code Text Amendment – Nonresidential Redevelopments and Expansions
July 14, 2014

Page 1 of 2

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.

(Published in the South County Leader
City of Bixby, Tulsa County, Oklahoma
_____, 2014)

ORDINANCE No. _____

CITY OF BIXBY, OKLAHOMA

AN ORDINANCE AMENDING ORDINANCE NO 272 AND THE ZONING CODE OF THE CITY OF BIXBY, OKLAHOMA, CITY CODE TITLE 11, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, Title 11 O.S. Section 43-101 et seq. enables the City of Bixby, Oklahoma, to enact and enforce the Zoning Code of the City of Bixby, Oklahoma; and

WHEREAS, pursuant to Title 11 O.S. Section 43-105 et seq. and City Zoning Code Sections 11-5-1 and 11-5-3, the City of Bixby is authorized to prepare, adopt, and amend, as needed, in whole or in part, the said Zoning Code of the City of Bixby, Oklahoma.

WHEREAS, at meeting on July 14, 2014, the Planning Commission held a properly advertised Public Hearing; and

WHEREAS, pursuant to Title 11 O.S. Section 43-109 et seq. and City Zoning Code Sections 11-5-1 and 11-5-3, the Planning Commission has filed with the City Council its final report and recommendations on said amendment, all according to law; and

WHEREAS, the Council of the City of Bixby, Oklahoma finds that this amendment should be adopted in the interest of the health, safety, and general welfare of the Public and that the same are necessary and expedient;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bixby, Oklahoma:

SECTION 1. That the Zoning Code of the City of Bixby, Oklahoma, City Code Title 11, shall be amended as follows:

Section 11-9-0.F shall be added as follows:

“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.”

SECTION 2. That the Zoning Code of the City of Bixby, Oklahoma, City Code Title 11, shall be amended as follows:

Following the final sentence of Section 11-5-2, a new paragraph shall be added as follows:

“Within areas designated “Corridor” and “Commercial Area” or “Vacant, Agricultural, Rural Residences, and Open Land” on the Comprehensive Plan Land Use Map, it is City policy to require that a Planned Unit Development (PUD) application be processed along with any application for rezoning to commercial, provided, however, that the City Council may Waive this requirement upon finding of sufficient good cause.”

SECTION 3. That all Ordinances or parts of Ordinances in conflict herewith be, and the same are hereby repealed, to the extent of the conflict. However, nothing in this Ordinance shall be construed to prevent the enforcement of other ordinances, laws, or regulations which prescribe more restrictive limitations.

SECTION 4. That if any one or more of the sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, the invalidity of such section, sentence, clause or part shall not affect or prejudice in any way the applicability and validity of any other section, sentence, clause or part of this Ordinance.

SECTION 5. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is hereby declared to exist for the preservation of the Public Peace, Health and Safety, by reason whereof this Ordinance shall take effect and be in force immediately upon its passage and publication.

Adopted by a _____ vote of the City Council of the City of Bixby, Oklahoma, this 14th day of July, 2014, with Emergency Clause voted upon separately.

Mayor

Adopted as an Emergency Measure by a _____ vote of the City Council of the City of Bixby, Oklahoma, this 14th day of July, 2014.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney