

BIXBY PLANNING COMMISSION

MINUTES OF REGULARLY SCHEDULED MEETING

CITY HALL, COUNCIL CHAMBERS ~ 116 WEST NEEDLES, BIXBY, OKLAHOMA

MONDAY, SEPTEMBER 18, 2017 ~ 6:00 PM

CALL TO ORDER: TIME: 6:06 pm

ROLL CALL

Planning Commission Members	HERE	ABSENT
Chris Cloyde	H	
Jerod Hicks (VICE CHAIR)	H	
Tom Holland	H	
Joshua Nave	H	
Lance Whisman (CHAIR)	H	
Other staff present: Tammy Ewing, City Attorney, Jason Mohler, Development Services Director, Marcae' Hilton, City Planner		

CONSENT AGENDA

(LANCE) "MARCAE' CAN YOU PLEASE PRESENT THE CONSENT AGENDA?"

Marcae' presentation of consent agenda

(LANCE) "THE CONSENT AGENDA IS HEARD AS ONE ITEM, THESE ITEMS DO NOT MOVE ON TO CITY COUNCIL. TONIGHT THERE IS ONE (1) ITEM ON THE CONSENT AGENDA, IF THERE ARE NO COMMENTS OR CONCERNS, DO I HAVE A MOTION TO APPROVE ITEM 1?"

1. Approval of Minutes: Regularly Scheduled Planning Commission Meeting~August 21, 2017

1. CONSENT MOTION: Josh Nave-approve with Correction to the record of vote on the Links Item was approved 5-0-0 (PC 8.21.17)	SECOND: Chris Cloyde	
MOTION/NOTES: Josh Nave noted the meeting minutes were incorrect on page 25 of 35 of the Planning Commission packet/minutes. The Item was approved with correction on page 25 of 35 Packet. Correction: Mr. Whisman voted NO on the Links, the vote will be corrected on the filed Approved minutes. Tom Holland had a question on the screening text, the text only reflected what was submitted by City Planner, other comments were to be submitted in the future.		
Planning Commission Members	Yes	No
Chris Cloyde	Y	
Tom Holland	Y	
Jerod Hicks	Y	
Joshua Nave	Y	
Lance Whisman	Y	

PUBLIC HEARINGS

2. **ZONING:** Discussion and recommendation of the approval of a rezoning request BXZO-17.06 WEST, the applicant proposes to change the zoning from RS-3 (Single-family Residential) to CS (Shopping Center District) for Lots 1 (One), 2 (Two), 3 (Three), & 4 (Four) of Block 29 (Twenty-nine) in the Midland Addition, Plat No. 112, the property is located at 124 E. Dawes Ave. (south of Dawes, east of Memorial in Downtown, Downtown Bixby), Bixby, OK, containing approximately .25 Acres

PRESENTATION FROM STAFF~Marcae' Hilton, City Planner-explained a special exception could not be found, staff moved forward with the application, Commissioner Whisman had concerns about the proximity of houses as relevant to changes in use.

REQUEST: Zoning Change

EXISTING ZONING: RS-3 (Single-family Residential)

REQUESTED ZONING: CS (Shopping Center District)

LOCATION: 124 E. Dawes Ave., south of Dawes, east of Memorial in Downtown in the Midland Addition, Downtown Bixby

PLAT: Lots 1 (One), 2 (Two), 3 (Three), & 4 (Four) of Block 29 (Twenty-nine) in the Midland Addition, Plat No. 112, filed June 30, 1911

STR: Section 24, T17N, R13E

LOT SIZE: 0.25 Acres

EXISTING USE: Church Building, Vacant

PROPOSED USE/DETAILS: The applicant requests the zoning change from RS-3 to CS. WEST FAMILY INVESTMENTS is in the process of converting the existing vacant house and church into a daycare. The requested CS (Shopping Center District) zoning allows a Children's Nursery by right, 11-9-5: USE UNIT 5 COMMUNITY SERVICES AND SIMILAR USES: 🌐. Mr. West is making improvements to the entire lot, he is removing one portion of the church building which encroaches the right of way, as well as, an accessory structure.

BACKGROUND INFORMATION:

PREVIOUS/RELATED CASES: Staff was unable to find any Special Exception from the Board of Adjustment on this property which would have allowed for a church in a Residential zoning.

SURROUNDING ZONING AND LAND USE:

North: RS-3-Single-family residences

West: RS-3 former railroad right of way & CH (Commercial Heavy), Undeveloped

South: RS-3 former railroad right of way, CH (Commercial Heavy), Undeveloped

East: RS-3 Single-family Residential, Undeveloped lot

COMPREHENSIVE PLAN:**Land Use Intensities:** LOW**Land Use:** COMMERCIAL AREA**Urban Design Elements:** PLANNED REGIONAL TRAIL**Public Facilities:** NEAR PUBLIC FACILITIES**ATTACHMENTS:**

1. Case Map
2. Site Plan

Staff believes the proposed Zoning request meets the requirements of the Zoning Regulations and Land Use objectives per Ordinance 272, 4-2-1974: 11-7I-2, with the following exception. This project is just outside of the new streetscape improvements area for the downtown. Initially while discussing the paving requirements on this project, staff required the applicant to improve the entire parking area per the Engineering Design Manual, as well as, sidewalks. However, Chapter 8 (Supplementary Regulations, 2, a, b, c) states the City requires a dust free hard surface unless it is a *lot of record* before October 10, 2005. This lot was platted in 1911 and is currently exempt from hard surface materials for parking. The applicant is willing to pave the handicap parking and improve the sidewalk along Dawes per ADA/City specifications. If the use of this facility is ever changed and improvements are required for the new use, all dust free surfacing will be required for parking and or drive through areas.

12-2-5: FINAL CONSTRUCTION PLANS:

A. Requirements: Before any construction can begin, four (4) copies of the final proposed construction plans prepared by a licensed engineer, registered in the State, shall be submitted along with all other documents required by this title, to the City for review and approval. The plans shall reflect any corrections from the preliminary plat review. These construction plans shall include the final information (plans, profiles, details, etc.) concerning hydrology, hydraulics, topography, water distribution systems, wastewater systems, grading (existing and proposed), stormwater drainage systems, and paving which comply with the current Engineering Design Manual. (Ord. 854, 9-9-2002; amd. 2006 Code; Ord. 2026, 10-12-2009; Ord. 2217, 6-12-2017)

Chapter**SUPPLEMENTARY REGULATIONS**

C. Parking And Yard Areas:

1. No inoperative or unlicensed motor vehicles shall be parked or stored within the front or exterior side yard within an R district.
2. In all districts, all driveways and all parking areas shall be constructed of a dust free, all weather, hard surface material complying with the Bixby engineering design criteria; provided, however, that an exemption shall be allowed under the following qualifying criteria and conditions:
 - a. The lot of record is used for dwelling purposes;
 - b. The lot of record was created prior to October 10, 2005;**
 - c. The lot of record contains a lot area of 1.0 acre or more;

STAFF RECOMMENDATION: Staff recommends conditional Approval of BXZO-17.06 WEST with the following comments (not a complete list):

1. If there is a change of use, from Day Care a Zoning Clearance Permit is required to be filed with the City for review
2. All parking is required to be improved if/when use changes.
3. All City Code requirements will be met if/when use changes (not complete list)
 - a. Paving
 - b. Zoning
 - c. Landscaping
 - d. Building
 - e. Engineering
 - f. Other
4. The City will not issue a Certificate of Occupancy unless/until zoning is approved to meet the requirements of the code for Use Unit 5.

(LANCE) IS THE APPLICANT PRESENT? APPLICANT PRESENTATION Dean West, 15366 E 104th Street N, Owasso OK, purchased property to use as a Daycare, likes Bixby and would like to do more development as City Develops. He sees it as a good location with long term potential.

Tom Holland: Q-downtown development plans, bothered by exception due to grandfathering of parking and paving requirements. Believes this will take away from long term development plans.

(LANCE) IS ANYONE HERE TO SPEAK ON THIS ITEM? NO PUBLIC COMMENT

(LANCE) ARE THERE ANY COMMENTS FROM PC? Discussion ensued

DO WE HAVE A MOTION?

ITEM WAS APPROVED AND PLACED ON THE SEPTEMBER 25 CITY COUNCIL AGENDA.

2. MOTION: Jarod Hicks		SECOND: Chris Cloyde
MOTION/NOTES: APPROVED 5-0-0		
CONDITIONS OF APPROVAL: 1. If there is a change of use, from Day Care a Zoning Clearance Permit is required to be filed with the City for review 2. All parking is required to be improved if/when use changes. 3. All City Code requirements will be met if/when use changes (not complete list) a. Paving b. Zoning c. Landscaping d. Building e. Engineering f. Other 4. The City will not issue a Certificate of Occupancy unless/until zoning is approved to meet the requirements of the code for Use Unit 5.		
Planning Commission Members	Yes	No
Chris Cloyde	Y	
Tom Holland	Y	
Jerod Hicks	Y	
Joshua Nave	Y	
Lance Whisman	Y	

ADJOURNMENT: TIME 6:25 pm

APPROVED BY:

Chair



Date

10-16-17

Marcae' Hilton, Jason Mohler



City Planner or Recording Secretary