

BIXBY PLANNING COMMISSION MINUTES

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

Monday | August 17, 2020 | 6:00 PM

CALL TO ORDER: 6:00 PM

ROLL CALL

Planning Commission Members	HERE	ABSENT
Open Seat	A	A
Tom Holland	H	
Joshua Nave (Vice Chair)	H	
Lance Whisman	H	
JR Donelson (Chair)	H	
Other Staff Present: Jason Mohler, Development Services Director Alex O'Connell, Assistant City Planner		

CONSENT AGENDA

1. **APPROVAL OF MINUTES** | Regular Scheduled Planning Commission Mtg. | July 20, 2020

2. **PRELIMINARY PLAT CONRAD VILLAGE BLKS 8-15 (BXPT-20.06)**

Applicant, Tanner Consulting

Discussion and review of Preliminary Plat *Conrad Village Blocks 8-15 (BXPT-20.06)*.

29.695 Acres, One Hundred and Fifteen (115) Lots, Eight (8) Blocks, and Six (6) Reserve areas. Section 23, Township 17, Range 13 in the City of Bixby.

General Location: North of 161st St. South and West of Memorial Dr.

(CHAIR) WE WILL HAVE THE READING OF TITLES BY STAFF

Jason Mohler: Development Services Director

(STAFF) | READING OF TITLES 1 & 2

(CHAIR) IS THE APPLICANT PRESENT AND WANT TO SPEAK ON THE ITEM?

The applicant was not present.

(CHAIR) DOES ANYONE ELSE WISH TO SPEAK ON THE ITEM?

(CHAIR) DO WE HAVE A MOTION?

Persons who require a special accommodation to participate in this meeting should contact Development Services, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: jmohler@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

Consent Approval Items 1 & 2		
Motion: Tom Holland	Second: Lance Whisman	
Notes:		
	YES	NO
Open Seat	N/A	N/A
Tom Holland	Y	
Joshua Nave (Vice Chair)	Y	
Lance Whisman	Y	
JR Donelson (Chair)	Y	

PUBLIC HEARING

1. SPECIFIC USE PERMIT (BXSUP-20.04)

Applicant, Phylicia Moreland

Discussion and review of Specific Use Permit (BXSUP-20.04) *Moreland*.

Request for a Commercial Grow Facility in an accessory structure in the backyard of a residentially used property. Zoned (CG) Commercial General, containing, 0.60 Acres. Section 25, Township 17, Range 13 in the City of Bixby.

Location: 8141 E. 171st Street

(CHAIR) WE WILL HAVE THE READING OF TITLE BY STAFF

Jason Mohler: Development Services Director

(STAFF) | READING OF TITLE 1

>Jason Mohler: Introduction of the item, a request for a medical marijuana grow facility in an accessory structure. The lot is currently used for residential single family purposes, but it is zoned (CG) Commercial General. A medical marijuana commercial grow falls under Use Unit 3 Agriculture and Use Unit 23 Warehousing and Wholesaling. In (CG) Commercial General Zoning, Use Unit 23 is allowed with a Specific Use Permit (SUP) which is why the applicant is here today. Use Unit 23 is allowed by right in IL, IM, IH, and CH zoning and allowed with a Specific Use Permit (SUP) in CG, ST, and IR zoning.

>The surrounding zoning of this property includes:

East: Undeveloped Land zoned (CG) Commercial General

South: Undeveloped Land zoned (AG) Agriculture

West: Residentially Used Land zoned (CG) Commercial General

North: Residentially Used Land zoned (CG) Commercial General

>Last meeting we had some discussion about Specific Use Permits (SUP's) and I wanted to provide some more information today:

Prior to August 2018, the SUP uses would have required a Special Exception that would have to be approved by the Board of Adjustment.

The SUP is intended for uses that fall into the following categories:

1. The size of the land a project requires.
2. The specialized nature of the use

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3. The use more intensely dominates an area in which they are located
4. The effects on the general public are broader in scope than other types of uses permitted in the zoning district.

Staff believes that this case falls into the #2 category: "The specialized nature of the use."

The SUP is a tool that Planning Commission and City Council can use to review these special cases.

Planning Commission can review an SUP case based on the following:

"B. Planning Commission Requirements: The Planning Commission may recommend to the City Council that certain safeguards and conditions concerning setbacks, ingress and egress, off-street parking and loading arrangements and location or construction of buildings and uses and operation be required. If the Planning Commission fails to review and make a recommendation within forty five (45) days from the date the application is accepted for processing, the applicant can request that City Council take action, or the City Council can take action on the application." (Bixby City Code Reference)

> Joshua Nave: Does an SUP go with the property or with the property owner?

> Jason Mohler: I will have to ask our City Attorney and get back to you on that question.

(CHAIR) IS THE APPLICANT PRESENT AND WANT TO SPEAK ON THE ITEM?

> Phylicia Moreland (Applicant), 8141 E. 171st Street.

Request for a commercial grow in the building behind my home. She wants to work towards her retirement and this will provide an added income.

Will work independently and apply for a grow license and transporter license with OMMA.

She explains the submitted photos of the building. Showing the side of the building with two entry ways, the back side of the building with a 6 foot wooden fence around the back of the property, and the street view showing the amount of foliage and that the building cannot be seen clearly from the street.

(CHAIR) DOES ANYONE ELSE WISH TO SPEAK ON THE ITEM?

> Raymond Courtney (Nearby Property Owner), purchased property to the northwest of Phylicia Moreland's property as an investment property. Strongly objects to this Specific Use Permit. This decreases the value of property and his investment.

"It just doesn't fit." Concerned about traffic and large trucks coming in and out of the facility. Concerned with the flooding of this area, but has been informed by staff that flooding would be addressed if there is a building permit.

> Kenneth Barber (Contractor for Applicant), HVAC Contractor.

This will be an 18' X 30' building, so very small facility. Typically the first step is to go in and cover everything with spray foam insulation which will should trap the smell. This

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will have 60-70 plants so a very small operation. Has worked on many commercial grow facilities that are in Commercial zoning in Tulsa. There should be no trucks or traffic. If smell becomes an issue then there are carbon filtration systems that can mitigate it. No one would know that it is there it's a small facility.

>Joshua Nave: If we are attaching the SUP to a property then I have a concern.

>JR Donelson: This is outside the guidelines of the State of Oklahoma and this does not fit the surrounding land use. I'm voting No.

>Lance Whisman: I agree with JR and I'm inclined to vote No.

>Tom Holland: Does not like the residential homes nearby this proposed facility, does not like the location of the proposed facility. Inclined to vote No.

(CHAIR) DO WE HAVE A MOTION?

Approval of Item 1: BXSUP-20.04 Moreland: This is a Motion to Deny BXSUP-20.04		
Motion: Tom Holland	Second: Lance Whisman	
Notes:		
	YES	NO
Open Seat	N/A	N/A
Tom Holland	Y	
Joshua Nave (Vice Chair)	Abstain	Abstain
Lance Whisman	Y	
JR Donelson(Chair)	Y	

Within 48 hours the applicant can appeal this denial and be heard at City Council on Monday, August 24th. This appeal should be sent by email to Jason Mohler. jmohler@bixbyok.gov

ADJOURN: 6:49 PM

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