**PLANNING AND ZONING COMMISSION**

**REGULAR MEETING**

**TUESDAY, NOVEMBER 10, 2015**

**3:00 P.M.**

The Grove Planning and Zoning Commission met in regular session on Tuesday, November 10, 2015 at 3:00 PM with Chairman Dave Claggett presiding. Members present were Jim Simmons and Judith Read. Member Ruth Ann Barnhart resigned and Doug Hulse term expired. Also present was Assistant City Manager, Debbie Bottoroff; Code Enforcement / Building Inspector, Calvin Igney and City Clerk, Bonnie Buzzard.

**PUBLIC HEARING**:

At 3:03 PM Read made the motion to open a Public Hearing to take public comments regarding a request from Jay R. Teel and Kelly L. Teel, Trustees of the Jay R. and Kelly L. Teel Revocable Living Trust to rezone the following described property from R-2 Two-Family Residential District to R-1 Single Family Residential District: Lots 2, 4, 7, 9 and 10 Austin Estates, a subdivision according to the recorded plat thereof, City of Grove, Delaware County, Oklahoma, aka 912, 915, 916, 918, and 919 Britini Lane, Grove, OK. Seconded by Simmons. AYE: Simmons, Read and Claggett. NAY: None. Motion carried. Property Owner, Jay Teel addressed the Board to report of his intentions to construct single family resident(s) starting in the spring of 2016. Teel added that there was some confusion on his part pertaining to the previous request for rezoning of the said property some years ago, but since has been resolved. Teel entertained questions, comments and concerns from the Board. No opposition was heard. Bottoroff added that the Staff mailed out letters to the required property owners with no response back.

At 3:06 PM Simmons made the motion to close the Public Hearing. Seconded by Read. AYE: Simmons, Read and Claggett. NAY: None. Motion carried.

Simmons made the motion to approve the minutes of the July 14, 2015 regular meeting. Seconded by Read. AYE: Simmons, Read and Claggett. NAY: None. Motion carried.

Simmons made the motion to approve the minutes of the September 29, 2015 special meeting. Seconded by Read. AYE: Simmons, Read and Claggett. NAY: None. Motion carried.

Claggett opened the floor for discussion regarding a request from Jay R. and Kelly L. Teel, Trustees of the Jay R. and Kelly L. Teel Revocable Living Trust to Re-zone the above-described property from the Public Hearing from R-2 to R-1 upon recommendation to the Mayor and Council. Simmons made the motion to approve the re-zoning request as presented upon recommendation to the Mayor and City Council. Seconded by Read. AYE: Simmons, Read and Claggett. NAY: None. Motion carried.

Claggett opened the floor for discussion regarding a site plan application submitted by Baycrest Apartments, LLC to construct a Multi-Family Apartment Complex at 810 N. Quail Run Road. Property Owner / Investor, David Lagere addressed the Board to present the property project as a total of 72 units consisting of either a one/two bedroom apartment unit(s) with a clubhouse, exercise room and swimming pool. Lagere indicated that there are three group investors involved in this project. This is a gated community with an estimated completion date of summer of 2016. Simmons asked if the investors had done a traffic impact study on this project prior to construction. Lagere indicated that he was not aware of any study. Simmons strongly suggested that they conduct that study. Lagere added that he didn’t have a problem with that. Read also expressed her concern for no indication of a ‘handicap parking’ space around the swimming pool area. Lagere entertained questions, comments and concerns from the Board and Staff. No opposition was heard. Simmons made the motion to approve the site plan application submitted by Baycrest Apartments, LLC as presented and discussed contingent upon a traffic study impact and handicap parking indicators at the swimming pool facility. Seconded by Read. AYE: Simmons, Read and Claggett. NAY: None. Motion carried.

Claggett then opened the floor for discussion regarding an Ordinance amending Section 5-5.4 Mobile Storage Containers of the City of Grove Zoning Regulations, and making a recommendation to the Mayor and Council. Bottoroff reported that on June 16th City Council meeting, the Council approved an Ordinance regulating the placement of mobile storage containers and portable onsite storage containers. Since that time the Council heard comments regarding the containers that has been in place for 10-15 years, particularly containers located in residential districts. The Council then directed the Staff to re-visit the Ordinance to develop a middle ground to regulate the placement of containers within the city limits. Bottoroff reported that after much review and discussion with the City Attorney, the proposed Ordinance changes are being presented to the Board for their consideration:

Chapter 5, Section 5-5.4 shall be amended be to read in its entirety as follows:

5-5.4 DESIGNATED LOCATION OF MOBILE STORAGE CONTAINERS AND TEMPORARY PORTABLE ONSITE STORAGE CONTAINERS.

A. DEFINITIONS:

The following words, terms and phrases when used in the chapter, shall have the meanings ascribed to them in the section:

*NON-CONFORMING MOBILE STORAGE CONTAINERS: Any mobile storage container located within a Residential Zoned District prior to June 16, 2015.*

TEMPORARY PORTABLE ONSITE STORAGE CONTAINER: A transportable container designed for temporary storage of goods, temporary office space or temporary building space.

B. MOBILE STORAGE CONTAINERS.

2) Mobile Storage Containers may be located in Highway Commercial and Commercial Recreation District (C-3) and Agriculture District (A-1) under the previous provisions listed above plus the following provisions:

* 1. *Mobile Storage Containers shall be painted in a neutral color that matches the surrounding structures.*
  2. *Mobile Storage Containers shall be located or screened in a manner that no ~~part~~ more than fifty percent (50%) of the container is visible from a U.S. Highway, State Highway; ~~or any street;~~*

1. *The screening may include various types of landscaping, opaque fencing, opaque wall or a combination thereof. The screening shall be durable and secure and constructed in an aesthetical manner that will complement the surrounding area;*
2. *The screening shall not display any type of advertising or signage;*
3. *A screening plan shall be submitted to the Building Inspector and only upon approval shall the screening be constructed;*
4. Placement of Mobile Storage Containers on property located in a C-3 or A-1 District that abuts a Residential District shall provide a ‘Buffer Zone’ as set-forth in Chapter 4 of the City of Grove Zoning Regulations.
5. Mobile Storage Containers shall be placed on an asphalt or concrete surface; and shall be anchored to surface.
6. Mobile Storage Containers shall not exceed forty feet (40’) in length.
7. Written permission is required from the property owner prior to placement of a Mobile Storage Container.

3) Mobile Storage Containers shall be prohibited from all other Zoning Districts within the City of Grove, *unless otherwise allowed for in this Ordinance*.

C. CONTINUTATION OF NON-CONFORMING MOBILE STORAGE CONTAINERS.

* 1. *Non-conforming Mobile Storage Containers as defined herein may be allowed to remain unless the container is or becomes a threat or danger to the health, safety or welfare of the general public, or becomes a dilapidated container or a nuisance and shall only remain under the following provisions:*
     1. *An application to allow continuation of a Non-Conforming Mobile Storage Container must be submitted within ~~thirty (30)~~  sixty (60) days of the date of the passage of this Ordinance or the Mobile Storage Container will lose its Non-Conforming status and shall be removed.*
     2. *Non-conforming Mobile Storage Containers shall be used for storage only; containers shall be prohibited from being used for human or animal habitation;*
     3. *No part of the Non-conforming Mobile Storage Container shall be allowed to extend beyond the property line and said container shall not be allowed to remain within the public right-of-way or easements.*
     4. *When calculating the maximum lot coverage allowed, the area of the Mobile Storage Containers shall be included;*
  2. *Mobile Storage Containers shall be painted in a neutral color that matches the surrounding structures.*
  3. *Mobile Storage Containers shall be located or screened in a manner that no ~~part~~ more than fifty percent (50%) of the container is visible from a U.S. Highway, State Highway, or any street.*

1. *The screening may include various types of landscaping, opaque fencing, opaque wall or a combination thereof. The screening shall be durable and secure and constructed in an aesthetical manner that will complement the surrounding area;*
2. *The screening shall not display any type of advertising or signage;*
3. *A screening plan shall be submitted to the Building Inspector within sixty (60) days of the passage of this Ordinance and only upon approval shall the screening be constructed;*
4. *The screening shall be completed within ~~thirty (30)~~ sixty (60) days of the date the Building Inspector approves the screening plan.*

B. TEMPORARY PORTABLE ONSITE STORAGE CONTAINERS:

Temporary Portable Onsite Storage Containers may be permitted only under the following provisions:

1. Temporary Portable Onsite Storage Containers not to exceed twenty (20) feet may be placed in any zoned district for the purpose of *temporary* storage when moving from or into a building/residence. Portable Onsite Storage Containers shall be removed within thirty (30) days of placement; a minimum of six (6) months’ time lapse must occur between the removal of a container and the placement of another Temporary Portable Onsite Storage Container;
2. Temporary Portable Onsite Storage Containers not to exceed thirty-two (32) feet in length may be placed on a construction site in any zoned district for the purpose of a *temporary* office or *temporary* storage. The Temporary Portable Onsite Storage Container shall be placed on the construction site only during the construction phase and shall be removed within thirty (30) days after construction is complete;
3. A public or private school or church may use a Temporary Portable Onsite Storage Container as a *temporary* classroom, on school, church or private property. The Temporary Portable Onsite Storage Container shall be removed within one (1) year of placement;
4. Temporary Portable Onsite Storage Containers shall be prohibited from being used for human or animal habitation;
5. Permitted Temporary Portable Onsite Storage Containers shall be placed on private property only and shall be prohibited from being placed in easements or rights-of-way;
6. Permitted Temporary Portable Onsite Storage Containers shall be placed on an asphalt or concrete surface. (EXCEPTION: Portable Onsite Storage Containers located in an Industrial Zoned District (I-1), (I-2) or an Agriculture Zoned District (A-1).

C. PERMITS

1. An application for a Permit must be submitted, prior to placement of a Mobile Storage Container or a Temporary Portable Onsite Storage Container EXCEPTION: No permit is required for placement of a container in an Industrial Zoned District (I-1) (I-2).
2. *An application for a Permit to allow the continuation of a Non-Conforming Mobile Storage Container must be submitted within ~~thirty (30)~~ sixty (60) days of the date of the passage of this Ordinance or the Mobile Storage Container will lose its Non-Conforming status and shall be removed*.

D. REMOVAL OF EXISTING CONTAINERS:

All non-compliant *~~or non-conforming~~* Mobile Storage Containers shall be made compliant or removed within one-hundred twenty (120) days of the passage of this Ordinance.

Bottoroff entertained questions, comments and concerns from the Board. Simmons made the motion to approve the Ordinance as presented and discussed upon recommendation to the Mayor and City Council. Seconded by Read. AYE: Simmons, Read and Claggett. NAY: None. Motion carried.

Simmons made the motion to approve the “Notice of Posting” for the Planning and Zoning Commission regular meetings for 2016. Seconded by Read. AYE: Simmons, Read and Claggett. NAY: None. Motion carried.

**STAFF REPORT**:

Bottoroff reported to the Board that the current subdivision regulations were last updated in 1985, and suggested that it is time for Grove to revisit that project for possible revisions.

Bottoroff advised the Board that there are currently two vacant seat that need to be filled, and with the resignations of Simmons it would leave three seats that the Staff will need to advertise for letters of applications.

Bottoroff updated the Board on the Wolf Creek Park project.

Igney updated the Board on the following projects:

* Airport Taxiway / terminal building
* Precision Machine
* Pride Plating
* Ferra
* Harps rental building (old facility)
* Various other home remodel / reconstruction projects

**TRUSTEES REPORT**:

Claggett expressed thanks to Jim Simmons for his service to the Board.

At 3:47 PM Read made the motion to adjourn. Seconded by Simmons. AYE: Simmons, Read and Claggett. NAY: None. Motion carried.