

**MINUTES
BIXBY PLANNING COMMISSION
BIXBY CITY HALL, COUNCIL CHAMBERS
7:00 P M, JULY 16, 2001**

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT
Bill Davis	Jim Craig	Jim Coffey
Scott Sherrill		
Bill Campbell		
Roy Paxson		

- 1. CALL TO ORDER** – Chairman Scott Sherrill called the meeting to order at 7:00 p.m.
- 2. CONSIDERATION OF MINUTES** – JUNE 18, 2001. Motion was made Campbell and seconded by Davis to approve the minutes as presented.

VOTING FOR: Davis, Sherrill, Campbell, and Paxson

VOTING AGAINST: None

ABSTAINING: None

MOTION APPROVED: 4-0-0

- 3. BZ 273** Public Hearing, Discussion, and Possible action on a request by Jody Sweetin, applicant, to zone 160 acres, more or less, located in SE/4 of Section 2, T-16-N, R-13-E boarded by Memorial Drive and south 191st Street. Staff has received only one call concerned about the moving of the city limits. The staff recommends approval.

Jack Spradling, the engineer on the project, explained that the zoning was sought because the applicant wanted to plat the property into 12 lots. Eight (8) lots of about 10 acres each and 4 lots of about 20 acre each. The lots all face on Memorial or 191 Street and could not be divided into 12 lots all at one time if left Agriculture.

John Mulkey, an adjoining property owner, spoke and said he had a \$300,000.00 home and he was concerned about Mobil Homes. Jack Spradling said the mobiles on the property are being removed.

Scott Sherrill asked the City Planner if Mobiles could be placed in a RE District and Planner said no, not by right.

Paxton Moved and Davis seconded a motion to approve.

VOTING FOR: Davis, Sherrill, Campbell, and Paxson

VOTING AGAINST: None

ABSTAINING: None

MOTION APPROVED: 4-0-0

4. Southridge Preliminary Plat Review and discussion on a request for Preliminary Plat approval for Southridge Addition an addition to the City of Bixby, Oklahoma, being the SE/4 of Section 2, T-16-N, R-13-E, Tulsa County, Oklahoma. A subdivision of 12 lots on 160 acres. (Jody Sweetin, Applicant).

Jim Coffey gave the staff report stating that he had received a letter from Jan Payne, Rural Water District No. 6 concerning the approval of eight (8) taps for Southridge addition. Jack Spradling had indicated to Jim Coffey they already had four (4) taps so there is an approved water tap for each lot, a total number of twelve (12). Rural water cannot offer adequate fire protection nor are they required to do so. Most of the lines in the area are 2" lines. Rural water might not be able to supply a 6" line. Sub division regulations require a minimum of a 6" water line, and adequate fire protection. The area is detached from the body of the City Limits and the city will not be able to supply water to this area or offer adequate fire protection.

Scott Sherrill asked if the Planning Commission could approve this subdivision. The City planner said the Planning Commission would be in conflict with our ordinance if they approved the sub division.

Davis asked Jack Spradling if he had given this item any thought. Spradling stated there are a lot of sub divisions away from the city limits that do not have adequate fire protection and this is the nature of a rural water supply. Liberty Fire Department serves the area. Rural water cannot supply adequate water. Spradling wanted the commission to approve of the sub division with the condition that the city could not supply fire protection.

Davis stated that the City would have to provide water to this area by Oklahoma Statue. Davis asked if a law suite could be brought to force the city to supply adequate fire protection.

Sherrill asked for the item to be continued and asked the City Planner to contact the City Attorney concerning the fire protection issue. He told Spradling that they might want to consider de-annexation. Sherrill did not feel the Planning Commission could approve this Sub Division. Jack Spradling asked for it to be forwarded to the City Council.

Campbell asked about the unplugged oil wells. Spradling said they did not know where the wells are but would plug them if they can find them.

The city planner was asked if they could forward this on to the City Council. The Planner reminded the Commission that the Council has asks to not receive incomplete items to consider. Davis said he thought the Planner should contact the City Attorney.

Sherrill made a motion seconded by Davis that the item be continued, that the City Planner contact the City Attorney, and that a Special Meeting be called to take action on the item if it resolved before the next meeting.

VOTING FOR: Davis, Sherrill, Campbell, and Paxson

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 4-0-0

- 5. 151 Business park Preliminary Plat** Review and discussion on a request for Preliminary Plat approval for the development of 5 commercial lots and a reserve area for detention on 21.67 acres located west of the northwest corner of 151 Street/SH67 and Memorial Drive in Section 14 Township 17 North Range 13 East. (One Fifty One LLC, Applicant)

The Planner gave the following report. The development of this area includes property that is in the 100 year and 500 year flood plain. There are 5 commercial lots shown and a reserve area for detention to accommodate compensatory and urbanized water run off. I understand in the past we have not allowed urbanized water to be stored in the 100-year flood plain. We do not have clear direction from the ordinance so we have asked the questions concerning urbanized water. At the moment I do not have a written report from Janet Meshek but I have meet with her on this item. I have also contacted FEMA. Development in the sensitive 100-year flood plain and adjacent areas has far reaching implications to the development of the City of Bixby. All of us want to see Commercial Development but we do not want to create a problem in the flood plain. The stakes are high for development in the Downtown and Commercial areas along 151 Street and Memorial; we want to do it right. This plat was in the office when I came and it was necessary to bring it forward because of the long delay in answering the questions. We need direction on how to handle urbanized water in the flood plain and develop areas in accordance with the city's desires and with FEMA. I asked for and received the engineer's survey of the area with elevation marks last Friday and passed them on to Janet Meshek for consideration. I cannot say with confidence that the item should be

approved or denied. I believe it should be continued. We cannot allow little bits of water to be controlled wrong in the flood plain or we will have a major problem as we develop. I do not know how it will affect the Bixby Creek Project.

Bill Lewis, the applicant's engineer, stated that the project was tabled about a year ago because of a road. The detention pond can store 100 per cent of the development run off without pumping. The pond has adequate compensatory storage, meets the ordinance, and will pump water out of the detention pond at a very low rate.

Davis asked about taking the water to the Bixby Creek. Lewis said the creek is too high because the pond is 9 foot deep. Lewis stated they would need detention. If they could get the water to the Arkansas River they would not need detention but this development does not have that option. Lewis explained they had more storage in the pond than in the flood plain now, and their discharge was less than existing conditions.

Sherrill asked where the water would be pumped to. Lewis answered it would go to a bar ditch along 151st Street. Sherrill asked about a power failure. Lewis said they could store 100 per cent of their run off without pumping. Davis asked if this was the 100-year run off. Lewis said it is the 100-year run off.

Davis said he was not opposed to the project but wanted to be in accordance with the ordinances. Lewis said it appears there are questions that only the council can answer and they would like a recommendation to pass the item along to the council for a resolution. Sherrill mentioned this is a Preliminary Plat and they would get to see it again on the Final Plat. Lewis said they have been a year and half on the project, then it was revised, and now five or six months and they would like a decision.

Davis asked about the Bixby Creek Project. The City Planner did not know when the project would be constructed. Davis stated this would affect the Bixby Creek Project. How will the project be affected? The Planner did not have the answer. Sherrill thought the project would help Bixby Creek but Davis wanted to be sure that it did not affect adversely either with this project or future projects. The Planner said it was his understanding that the Bixby Creek Project would not accommodate the 100-year flood. There are areas designed for much less than a 100 year run off. Only the part next to the river will accommodate a 100-year flood.

Sherrill asked if everything was here accepting the drainage for a Preliminary Plat? The planner said we have a Hec 2 study, survey data, design data, etc. We do not have a grading plan. Lewis responded that they have everything submitted for a final design.

Ronnie McGlothlin stated with the change in engineers and planners they had very little results in getting issues resolved. He asked the Planner if the flood issue was resolved if he could recommend the project. The planner said he could. There had been several issues that have taken over a year to resolve. He asked the Planning Commission to act and send the Preliminary on to the City Council.

Campbell moved and Davis seconded that the Preliminary be approved with the condition that the flood issue be worked out before the Final Plat came back to the Planning Commission.

VOTING FOR: Davis, Sherrill, Campbell, and Paxson

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 4-0-0

- 6. PUD 27** Review, discussion, and possible action to affirm approval of PUD 27, which was approved on June 28, 2001 and adjudged by the City Attorney to be conditional zoning.

Jim Coffey gave the staff report. Attached is the revised PUD 27 that incorporates the changes agreed to be the Planning Commission on June 28, 2001. Also attached is a request from the developer that the Planning Commission reconsider the item with the conditions of the earlier approval removed and incorporated in the new PUD documents. In light of the action previously taken by Planning Commission the staff asked that the Planning Commission re-affirm its action.

Ricky Jones recapped the last Planning Commission. Stating they had agreed to several conditions for a vote of four people approving and one obtaining. They understood that the City Attorney had ruled the action as conditional zoning. They have now removed the conditions from the submittal and ask for approval.

Davis moved and Campbell seconded that the Planning Commission affirm its previous vote and approve PUD 27.

VOTING FOR: Davis, Sherrill, Campbell, and Paxson.

VOTING AGAINST: None

ABSTAINING: None

MOTION APPROVED: 4-0-0

7. Legacy II Preliminary Plat Review and discussion on a request for Preliminary Plat approval for a development of 217 lots on 63.803 acres more or less located as a part of the SE/4 of the NW/4 of Section 25, Township 18 North, Range 13 East an addition to the City of Bixby, Tulsa County, Oklahoma. (Graystone Development, Applicant)

Jim Coffey said the PUD 27 area is on the plat for Legacy II so the access questions are now part of the preliminary plat. Police and Fire are not happy with the PUD 27 gated community access. The emergency exit is listed as a utility easement. It is not a standard paved road, is inaccessible by large truck as configured, and can be easily be blocked by local traffic. The next item has to do with storm water detention. The plan has just now gone to Janet Meshek but I spoke to her here today. She has in the past approved the off site detention for Legacy I and Stone Creek but was not sure the detention would be adequate to add Legacy II. The access to 111th is not on the plat. The developer has indicated it, but we do not have legal documents such as easement, deeds, or legal documentation. Staff has not had the opportunity to review and address all the concerns because we received the construction drawings at 4:30 pm on July 10. Additional drawings on Fire Hydrants were received on July 12 and have not been reviewed by the Fire Department. Water distribution is a concern and we have forwarded as set to the construction drawings to Dewberry Design Group to evaluate and make recommendations. The Public Works department had the following issues. The PUD 27 narrative requests a 34-foot wide street right of way. The drawings identify a 30-foot wide street right-of-way. Staff recommends a 34-foot street right-of-way to be consistent with other approved variances from the required 50-foot right-of-way. The PUD27 is submitted with a 26-foot wide street back of curb to back of curb. Staff recommends a 26-foot drivable surface. There are storm water and sanitary sewer improvements being proposed offsite of the plat. Therefore additional issues of ownership, the type of easements, recording, etc., will need to be addressed. The required water distribution between Stone Creek Estates and the development are not on the drawings. Staff recommends the building setback in the PUD be 30-foot due to the requested 34-foot street right-of-way. There are conflicts and unresolved areas with the sanitary sewer on the plans submitted.

The two biggest items is the drainage problem and how it will affect drainage in the area, and the access item.

Sherrill ask which access. The Planner said to 111th or some other place, and the access to the PUD area.

Lindsay Perkins, the developer, said they need direction from the Planning Commission and Council on access. We have an arrangement with the property owner to 111th Street and we have meet with the people in South Country Estates. While we found out that zoning cannot be conditional we believe a preliminary plat can have conditions. We want to work with the Commission and the Staff to work out these conditions. Our goal tonight is to find out if this is a concept that Bixby wants and then we will work out the conditions. We want this to go on to the council and get their conditions. We will work out any condition.

Paxton wanted to make comments and asked about South Country Estates. The street is not designed for heavy traffic. I estimate there will be 400 cars and the street is not adequate. I would like to see a letter stating there will be a street out to 111th before this is approved. Perkins was willing to make this a conditioning of the plat. Paxton said the Council does not like us to pass things along without legal documents in place. Perkins said he would not ask for any approval beyond the preliminary plat until he could provide the legal documents for access to 111th Street. Paxton said all we have now is your word. Perkins said his word was his bond. Ricky Jones asked if a letter from Graystone would be acceptable. Paxton said he did not doubt Lindsay's word but felt the council would require documentation. Perkins said conditional plats are approved all the time and if he could not provide the access he would not do the project.

Perkins asked Paxton if he could provide a letter on the 111th street if it would ease his fears on sub division circulation? Paxton replied if it doesn't but trucks on 106th Street. Perkins replied that is an issue for the City of Bixby.

Davis asked why problems were not worked with the staff before they were presented to the Planning Commission. Ricky Jones said they had several meetings with staff. Seven or eight meetings have been scheduled on the issues. Ricky Jones mentioned the TAC and stated that the only person who attended was Jim Coffey from the City. Ricky Jones said it is disturbing to him that public works has all these issues and that the no one shows up from public works.

Davis asked Ricky Jones if they would not have to work out all the issues before they can get approval from the city council? Ricky

Jones answered he was right, but issues can be worked out on the final plat. We will meet the conditions on the final plat but do not want to spend all this money without knowing that the sub division is acceptable by the approval of the preliminary plat.

Ricky Jones said all the issues can be worked out and if not they would not come back with a final plat. If the City Council denies the preliminary plat then we don't want to spend the money to develop an offsite drainage facility that can be approved by Janet Meshek. Jones said they wanted to get past the first hurdle, the preliminary plat, put the conditions on the plat, and we will meet the conditions, or ask for waivers and bring it back on final plat.

Sherrill asked if police, fire, etc were advised of TAC meetings. Coffey said they were advised.

Sherrill asked the Planner that after they approve the preliminary plat with conditions then it goes to the council. After it is approved by the council it goes back to staff to work out the details and then it comes back as a final plat for Planning Commission approval and then it goes on the council as a Final Plat for approval. The Planner answered yes.

Perkins said that some communities have a sketch plat to work out the problems, but in Bixby the problems are worked out the preliminary plat. The developer needs to know if the plat is acceptable so he can work out the problems and develop a plat that is acceptable to the city.

Coffey pointed the Planning Commission to Chapter 4 of the sub division regulations for information on the submittal of the Preliminary Plat. They can be subject to interpretation and they do not include a sketch plat. Perkins said they would have come with a sketch plat if it had been in the regulations. Perkins further stated that they cannot get direction from the staff, phone calls answered, response to a fax. He stated they have no recourse but to come to the Planning Commission. Coffey responded that he did not believe this was true but had given them a list of items in the past. Perkins acknowledges the list and said the items were addressed.

Sherrill said he wanted to review the concerns. One is the access to the PUD. Coffey responded it is also the congestion in the area. Sherrill said there are two situations, one is the access to the PUD area and the other is the access to 111th. Coffey responded those are two of the items, it could be to 111th or to another area. Sherrill said the other items are the detention. Coffey said this is an item that

could make or break the project. The storm water must be worked out. Perkins stated they realized the importance of the detention area. Sherrill asked if they need 100 percent of their hydrology worked out at this time. Coffey responded not all at this time.

Sherrill asked if other items could be worked out on sewer and water on the final plat? Coffey said yes but we need preliminary information on the preliminary plat. Sherrill asked about the street in Golf Villas. Perkins responded they would take what Tom got. Perkins said he did not see why set backs were a big deal, but they would give the city what they want. Sherrill asked Ricky Jones, what kind of front yards do we have on our deal and where does the easement go.” Jones responded that he does not have 5 to 8 feet that is actual property line. Jones went on to say this is why we do a PUD.

Sherrill said he felt the people in the South Country left the last meeting in agreement with the plan and he did not see how the plan that Perkins has come up with can be improved. The access street will take traffic off 106th Street.

Paxton said there are two issues on the street. One 106th, the traffic problems, and the street are made up of very thin concrete. Paxton mentioned the problem at Memorial at 106th.

Perkins said he could not control a public street. Paxton said they need to open 106th last. Perkins said he would accept that condition and tie it in last.

Paxton stated that the right-of-way to 111th is not assured. Perkins said he can provide that right of way and would do so by some legal instrument. It would at the minimum be a road right-of-way easement.

Davis said he thought that all these things could be work out. Brandon Perkins said we have to bring these items to you because the staff will not answer our questions.

Perkins said he had a good plat, was willing to spend over \$400,000. on a road. The PUD is a little different and he felt like he must come with hat in hand to get this worked out.

Perkins asked for the key issues from this Commission. Sherrill responded that most of the stuff was just common stuff that would have to be worked out on anyone’s plat. Sherrill said the biggest concern was the street access. Coffey mentioned the drainage as a major issue.

Sherrill stated that all the issues could be worked out before the submittal of the Final Plat. Perkins asked about the building set back.

Sherrill said he was not the one to be asked because he had a project with about 15 foot set back and 14 foot easement. Sherrill asked Coffey if he had a problem with 25 foot set back. Coffey responded that one community had gone to 30-foot set back so two cars could be parked and still not block the sidewalk. Coffey said there is 25 foot set backs in many communities. There are studies that indicate that set backs have a relation to speed. But what one community does is not what another community should do. Coffey stated we should be consistent in the set back issue.

Davis made a motion to be approved and asked Sherrill to read the conditions. Sherrill listed the access to 111th street must be included in a legal manner, that the streets to the existing subdivision would not be paved until paving was completed in Legacy Park II, and that all other issues with detention, police, fire, etc. be handled in a normal manner. Davis said he made the motion with those conditions. Campbell seconded the motion.

VOTING FOR: Davis, Sherrill, Campbell, and Paxton

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 4-0-0

8. Lot Split Deeds Review, discussion and possible action to designate the City Planner as signature on Lot Split deeds that have been approved by the Planning Commission.

Coffey stated that in the past the Planning Commission had allowed the City Planner as Secretary to sign deeds on Lot Splits approved by the Planning Commission

Sherrill said he believed that a Lot Split that meet all the ordinance and sub division requirements should be taken care of administratively. Sherrill made this a motion, Paxton seconded.

VOTING FOR: Davis, Sherrill, Campbell, and Paxton

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 4-0-0

Paxton made a motion that the Planner serving as secretary and sign lot split deeds approved by the Planning Commission. Campbell seconded the motion

VOTING FOR: Davis, Sherrill, Campbell, and Paxton
VOTING AGAINST: None
ABSTAINING: None
MOTION PASSED: 4-0-0

9. OLD BUSINESS None

10. NEW BUSINESS None

11. ADJOURNMENT 9:30 PM

MINUTES APPROVED

DATE _____

PLANNING COMMISSION CHAIRMAN SIGNATURE