

**MINUTES
BIXBY PLANNING COMMISSION
BIXBY CITY HALL, COUNCIL CHAMBERS
7:00 P.M. JUNE 18, 2001**

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT
Bill Davis	None	Jim Coffey
Jim Craig		
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 – MAY 21, 2001.** Motion was made by Jim Craig and seconded by Bill Campbell to approve the minutes as presented.
VOTING FOR: Davis, Craig, Paxson, Sherrill, and Campbell
VOTING AGAINST: None
ABSTAINING: None
MOTION APPROVED: 5-0-0
- 3. WAVIER OF SUBDIVISION REGULATIONS** – Discussion and possible action on a request to waive the requirements in the Subdivision Regulations for sidewalks in the Atkinson Acres II Addition consistent with development in Atkinson Acres I. (Chris and Paula Osko, Applicant) Staff presented the staff report stating as directed by the Planning Commission in the meeting of May 21, 2001, when this item was tabled, staff contacted the City Attorney to answer the question of legality concerning the waiver of sidewalks as directed in the subdivision regulations. The City Attorney opinion to the Planning Commission confirm the legality of the Planning Commission to recommend the waiver of sidewalks and the power of the City Council to take action to approve or deny the waiver. Staff presented a letter from the Public Works Director, Mike Jones, recommending the waiver.

Jim Craig stated that sidewalks are a safety issue for the protection of children and citizens in the subdivision.

Bill Davis would like to view this item differently. Atkinson Acres I does not have sidewalks, sidewalks were not on the final plat, and this area is not constructed with curbs and gutters.

Scott Sherrill was in favor of the waiver because it is much like an RE district with bar ditches and no curbs.

Motion was made by Bill Davis and seconded by Bill Campbell to approve the waiver of sidewalks in Atkinson Acres II.

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

VOTING AGAINST: None

ABSTAINING: None

MOTION APPROVED: 5-0-0

4. **SILVERWOOD FINAL PLAT** Discussion and possible action on the Final Plat of Silverwood Addition to allow the development of 127 lots on approximately 40 acres, located approximately ¼ mile east of the intersection of 111th Street South and South Memorial Drive (Silverwood Development LLC Applicant) Staff reported that Silverwood Final Plat was approved by the City Council on January 22, 2001, but because of problems with lot numbering, designation of drainage area, and covenants the items is presented again to the Planning Commission with corrections. All items have been corrected and the staff can recommend approval.

Jim Craig asked for information on the lots used for water detention. The City Planner explained that the lots were numbered and the area would be used for detention. If and when an offsite area is approved and built, if the lots remain exactly as indicated on the plat then they could be used for development. If the lots were altered after being used for detention, the lots would have to be approved and would remain a detention area until re-plated.

Motion for approval was made by Jim Craig and seconded by Bill Davis.

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

ABSTAINING: None

MOTION APPROVED: 5-0-0

5. **WHITE HAWK ESTATES FINAL PLAT** Discussion and possible action on the Final Plat of White Hawk Estates to allow the development of 21 lots on approximately 9.2981 acres, a re-subdivision of Part of Reserve A, Celebrity Country Addition to the City of Bixby, Tulsa, County, Oklahoma, Part of Planed Unity Development No. 3. Staff reported that the Final Plat for consideration was reworked for errors in covenants the plat. All items have been corrected and the staff can recommend approval.

Being no discussion or questions the Chairman, Scott Sherrill moved for approval. Bill Davis seconded the motion

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

VOTING AGAINST: None

ABSTAINING: None

MOTION APPROVED: 5-0-0

6. **ZONING ITEM PUD 27** Discussion on possible action on a request for rezoning of a parcel of land from RS-3 (Residential Single Family High Density) to PUD (Planned Unit Development with RS-3), a parcel of land located approximately in the W/2 of the NW/4 of Section 25 Township 18 North, Range 13 East, Tulsa County, Oklahoma (Graystone Development LLC, Applicant).

Chairman, **Scott Sherrill** suggested that the staff not make their recommendation at this time but since there were changes today in the developer's plan, that he be given the opportunity to online the changes before the staff made comment.

Ricky Jones – Tanner Consulting. **Ricky Jones** made his presentation to the Planning Commission using charts and drawings giving a History of development in this area. (a) 3 years ago the Planning Commission was introduced to the overall plan for the 37 acres of development. Phase One is Legacy Park I and now Phase Two will be Legacy Park II and the PUD the Reserve at Legacy Park. (b) He showed a time line chart and commented that the PUD had include 6 to 9 meetings with the developer and meetings with the City Staff. He stated they had done all they can do to work with City. They have also had meetings with the South County Estates Home Owners Association to explain the development and get input into the project. (c) Jones showed a plat of the Utility Lay out for the entire area of Legacy Two and the PUD and mentioned the 20-acre PUD would be part of

the Legacy Two plat. (d) He stated that a PUD is an overlay or supplemental district that allows flexibility (Such things as smaller lots, gated entry, and private streets.) Some association has been made that the lots were for “empty nesters”, however, they may also be sold to first time buyers. (e) He stated that two items that cannot be varied in a PUD are the front set back requirement and the minimal lot area. These he stated are in compliance with the RS-3 zoning. (f) **Jones** said that if the area was developed as a RS-3 it could have a lot density of 103 lots. The PUD asked for 86 lots so it is less dense. (g) Staff has a recommendation for denial and the staff report has several items he would like to address. First the Sewer lines that the staff had problem with for maintenance reasons will be moved to the front of the lots. Second, the 3-foot side set backs on each side of the property line will be modified to 5 foot set backs. Third, the 15-foot rear yard on the west and south will be enlarged to a 20 foot set back. This would make the set back adjacent to South Country a 20-foot set back. Four, the south side utility easement adjacent to South County would be increased from 15 foot to 17.5 foot and the easement on the west side would be increased to 20 foot.

Ricky Jones continued by addressing the stub streets at South Country Estates. He stated they wanted to work with the City and had offered to hire a traffic engineer. **Jones** said they were willing to modify the connections as directed by the City.

Connection to 111th Street was **Jones** next issue. Graystone Development is negotiating with the Olphant property owners to make a connection to 111th street from the development. If Graystone is successful the road right-of-way easement will be dedicated to the City with the development of a street by separate instrument.

Jones admitted that there is a problem at Memorial and 106th Street but added that the street is a collector street of 60-foot right of way. He stated that Graystone would connect to the collector or modify their connections to one, two, or none,

Legacy I, has a city approved street of 50-foot right of way with 28 foot paving. This was allowed by the city and they would ask for the same waiver for Legacy II.

Jones said that the number one point of contention is one point of ingress and egress to the PUD; **Dan Tanner** will talk about the entry and address the Drainage issue.

Dan Tanner Tanner shows a drawing with emergency vehicles on the single entry. He states that the drive into the PUD is 26 foot wide and the lane out of the development is 18 foot wide separated by an 11-foot island. The drawing shows a 55-foot moving van, a 35-foot Fire Engine, a 45-foot truck moving through the intersection and 2 more in the Median. In all the drawing has 8 emergency vehicles moving through the space. **Tanner** said the drawing is for a point of reference to show that one entry can work and answer the city's concern over only one entry.

Jim Craig asked how will the gates be opened. **Ricky Jones** said he had met with the Fire Marshall and that a knock box would be installed for use by emergency vehicles. He further stated that the box, like in Tulsa, could be opened by remote control in the Fire Truck.

Jim Crain asked who owns 101 street. The Planner did not know at this time **Scott Sherrill** called point of order and ask that the discussion return to the PUD.

Ricky Jones asked the Planning Commission to recommend approval to the City Council with the modifications as listed in his Fax of June 18 to the City Planner.

Scott Sherrill asked the Planner to respond.

Jim Coffey, the City Planner stated He did not have the luxury of having the report ahead of time to respond to. The staff report has not been changed. The fax was not delivered to his office until after 4:00 pm and staff did not have the opportunity to met and discuss the items. Looking at the fax it does change several of the areas that were addressed in the staff report. It is difficult for a planner to respond for the fire and police. He stated that his conversation with police and fire do not always match the response the developer has said he received. It is difficult to make decision for others.

As you read the staff recommendations there are significant issues. One is safety, which Mr. Crag mentioned. We have a difficult situation at Memorial as you exit South Country on 106th. The City Manager was asked by the Council to consider placing "No Parking" signs in this area. The

corner is a blind corner turning to the right and to the left. We are adding additional traffic to that area.

Coffey was in a meeting with the developer where the additional entry was discussed through the Olphant property. The developer has made steps in that direction and it is a step in the right direction.

The developer had the staff report and has done a good job of responding to the staff report. Coffey has a problem in bringing a recommendation because the staff has not had the opportunity to meet on the changes and consider each item. This is a PUD and at this moment the plan is not written in stone – it is a development plan brought to the council with proper notification of property owners. The developer application, the outline of their plan, and the recommendation of the Planning Commission will be sent to the City Council. The City Council can return it to the Planning Commission for further consideration; they can return it to the developer to begin work on the development plans to be approved by the Planning Commission and the City Council. This is a zoning issue, however, the PUD is not complete. At this time nothing is written in stone.

The other issue is drainage – At this point we are not required to address all the drainage questions, however, we need assurances that it will be addressed and solved before the PUD is allowed to be built. I have not had time to address the issue and have staff members address the changes.

SCOTT SHERRIL opened the public meeting.

Niel Trowbridge, 8611 E 106th Street – Mr. Trowbridge stated he was a resident of South Country Estates and Vice President of the Home Owner's Association. He was speaking for the association and asked the members to please raise their hands. (A number of members were present) The Homeowners Association had meet with the developer and expressed their concerns. They understand there will be development north of South Country Estates but did not want that development to negatively impact their quality of life or property value.

A major issue is Drainage. A creek runs through South Country and when it rains the creek is impacted substantially. We want to make sure that water from a new development does not negatively impact South Country Estates.

The flow after a rain is at an extreme point now and the present homeowners are concerned about additional flow.

Traffic is an issue. Most developments have more than one entrance. South Country has three entrances. As we drive through other subdivisions in Bixby like Graystone they have several entrances. At present Legacy Park has only one entrance and the new development proposes using 106th Street as a designated collector street. We like hearing about the street to South 111th Street, but for now that is only Blue sky. It might happen and it might not. This is a major concern.

Trees are another concern. We would like to save the trees and the developer says he will try to save them, but we must work on the assumption that they will not be saved until it is written down in an agreement.

106th Street is a wide and straight street. We have documented traffic at 50mph on the street. We know when there are 300 more cars conservatively from Legacy Park there will be major traffic problems. We know it will at some point be a collector street, but because of the safety issue we should step back and see if there is another way traffic can be converted through Legacy, like an entrance to Memorial or 111th Street. Right now it is not a good plan because we do not want the traffic on 106th Street.

Another Issue is the Wall. How high it will be and what will be the composition of the wall. If the addition is build we feel the stubs streets should not be open until close to the completion of the development because the city has spent thousands of dollars in the last year redoing the streets. We appreciate what the city has done and would like to keep the streets in good condition. Construction traffic would negatively impact the streets.

Wesley S. Holmes, 8505 E 106th Street So. Mr. Holmes stated he lived at the corner of 85th Street East and 106th Street So. Three years ago he stood before the Planning Commission and talked about a drainage problem. After several months a concrete channel 10-foot wide and 175 long was built at a cost of twenty-five thousand dollars across his back yard. The channel drains the Olphant property to the North. His concern now is that with a rain, like last week, the flow was to the top of the concrete channel, and what will happen when we add more water. The development has homes on small lots, streets, and drives. I would guess that 75 percent of the land that now absorbs the water would now allow the water to flow in greater

amounts. Over 75 percent of the property being developed flows to the SW corner, which is the corner of Mr. Holmes lot. If there is a pond or drainage system to carry the water it might be adequate, but I have major concerns. When I stood here three years ago we were assured that we would not receive more water. Prior to construction to the north and the building of the theater and parking lots we had a nice grassy area and water flowed fine, but now when the water flows we are washed out. The flow washed away his landscaping timbers. We talked to the developer and finally got a concrete channel and it has helped. We had to build a second channel to drain the water that comes from the property development being proposed. It comes into the side of the other channel. If they can build a pond or a drainage system it might be OK but I want some kind of assurance that it will be done. Last time it looked good on paper but it did not work. We have more water now, it runs faster, and it has greater force. If the developer wants to turn dirt by August then let his first dirt moving be for a drainage control.

Scott Sherrill summarized the items brought forth in the public meeting and asked **Lindsey Perkins** to respond. The first is Hydrology. **Dan Tanner** did a good job explaining what the developer proposes to do. Mr. Homes is correct, about 60 percent of the water presently flows to his property. However, it appears the water can be diverted to the east as shown by Dan Tanner.

Second there are three existing exits from South Country Estates. This would add 2 maybe 3 more exits for a total of 5 exits. Currently there is only one exit from Legacy Park I to the North but ultimately there would be 2 or 3 to the south through South Country Estates for a total of 5. The ultimate goal is a street out to Mingo to the east and a street to 111th. This would benefit the South Country residents in the future.

The other item is the single entrance into the PUD for fire and safety issues. That is what I would like **Lindsey Perkins** to comment on.

Lindsey Perkins – We visited with the South County Home Owners to discuss traffic flows, traffic moving at an excessive rate of speed, and the rental Co with exit at 106th and Memorial. We will accept the will of the City as to the connection to streets in South Country. Traffic moves in both directions and provides opportunity to residents of South Country as well as Legacy Park. We will make the access to 111th a condition of approval of the development plan and the PUD. We don't have it worked out yet, and it

is a burden to acquire and build the street of over \$400,000. but it is a major issue to the City and residents so we are willing to try to obtain and build the street and willing to make this a condition of the Planning Commissions approval tonight.

We are sensitive to Drainage and the property owners even though we feel we have the right to develop our property. We will work with the property owners. We have a good staff and we will take care of the problem. The City has Janet Mesheck to protect their interest. She is an excellent engineer and will protect the rights of the city. We have good people and we do good work.

Trees were mentioned. We have an urban forester on retainer to help us save trees. Our plats require 2 trees in the front and one in the back. We have moved the sewer lines to the front and increased the size of the easement and we will work to save trees. We cannot be responsible for the utility companies but we will have our urban forester out there and do all we can to save the trees. Are there any questions?

Berry Sauderfield. Did you say you could keep the trees? **Jenny Harney** said there are fleas and ticks out there, it is a mess and needs to be cleaned up. What the developer does might enhance the area. **Mike Bird** was concerned about the wall. **Neil Trowbridge** wanted to know the height of the fence and about overhead poles. **Perkins** said the fence is 6 foot and constructed just inside the property line. The electric is underground. **Chris Foster** concerned about maintenance of the fence. **Perkins** said the Home Owners Association would maintain it. **Walter Gough** wanted to know if stub streets would be gated and was told they would not be gated.

Lindsey Perkins said the main issue seems to be the one point of access into the PUD which is really not one but two. The area to the North of the Island is a 26-foot street, then an 11-foot island and an 18-foot street to the south. Dan will take questions on the access.

Scott Sherrill commented that there are many examples of one-access communities in the area. Apartments for example that other cities agree with the concept. Is there another alternative? **Perkins** said they believe that paving of 44 feet in width is a better scenario than a small street with a crash gate.

Jim Craig wanted to see the gates and **Dan Tanner** put up the drawing again. **Tanner** explained the access again and showed the location of additional Fire Hydrants just inside the gates. He also mentioned the call box, knock box and showed the escape lanes.

Scott Sherrill mentioned that the developer had given the Fire Marshall what he asked for and there were connections to the adjoining streets.

Jim Craig asked if the street south to 111th would be later in the project. **Dan Tanner** said they would meet all the requirements of the city.

Scott Sherrill mentions and since this project had begun there have been two City Planners, two City Engineers.

Jim Coffey, City Planner, mentioned that the items discussed should have been worked out before coming to the Planning Commission. The eleventh hour is not the time to address the questions. The plan needs to be worked out and presented not changed at the last minute. The Planner was of the opinion that the item should have been withdrawn, changes made, and presented at a later time.

Scott Sherrill said he did not know what the City Council would do on the points of access where it is one or two. The Fire Marshall has addressed it.

Jim Craig wanted to know what would be done about drainage. **Perkins** said they would satisfy Janet Mesheck. **Craig** was concerned about allowing the storm water to 111th Street. He stated we must be concerned with the people who live there and 111th Street is a problem. **Scott Sherrill** called point of order and stated this is only a zoning issue at this time.

Ricky Jones, the developers planner wanted to give **Scott Sherrill** a motion for approving the PUD with the conditions found on his Fax to the Planner and Commission.

Jim Coffey, the Planner stated that the motion should not be taken and that the Planning Commission was capable of constructing their own motion and should do so.

Scott Sherrill made a motion to approve the PUD with the 5 points on the FAX from Ricky Jones as conditions of approval. **Bill Davis** Seconded the motion.

VOTING FOR: Davis, Paxson, Sherrill, and Campbell

VOTING AGAINST: None

ABSTAINING: Craig

MOTION APPROVED: 4-0-1

Bill Davis asked about the street to 111th Street. If we needed a second motion. **Jim Coffey** said they should resend the motion and vote only one motion. **Bill Davis** made a motion to resend the previous motion and **Bill Campbell** seconded the motion.

VOTING FOR: Davis, Paxson, Sherrill and Campbell

VOTING AGAINST: None

ABSTAINING: Craig

Scott Sherrill made a motion. In regards to Zoning the PUD 27 I move to accept the PUD as presented with the following conditions that the five items as indicated on the Fax from Tanner Consulting and the access to 111th street to the south as agreed to by the developer, that will be known as 91st East Ave, be approved. **Bill Campbell** seconded the motion.

VOTING FOR: Davis, Paxson, Sherrill, and Campbell

VOTING AGAINST: None

ABSTAINING: Craig

MOTION APPROVED: 4-0-1

7. OLD BUSINESS; None

8. NEW BUSINESS: None

9. ADJOURNMENT **Sherrill** adjourned the meeting at 10

APPROVED

DATE