

**MINUTES
BIXBY PLANNING COMMISSION
BIXBY CITY HALL, COUNCIL CHAMBERS
7:00 P.M. MAY 21, 2001**

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT
Bill Davis	None	Irving Frank
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 -APRIL 24, 2001, AND SPECIAL METING OF APRIL 30, 2001.**
Motion was made by Jim Craig and seconded by Roy Paxson to approve both sets of minutes as presented.
VOTING FOR: Davis, Craig, Paxson, Sherrill, Campbell on Special Meeting
VOTING AGAINST: None
ABSTAING: Bill Campbell on April 24, 2001, meeting.
MOTION APPROVED: Special Meeting 5-0-0 April 24, 2001 meeting 4-0-1
3. **CHAIRMAN SHERRIL STATED THE PLANNING COMMISSION WOULD CONSIDER ITEM 4 & 5 FIRST, THEN ITEM 3.**
4. **Item 4 Waiver 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, Applicants) Staff presented the item with a letter of request from Chris and Paula Osko to waive sidewalks in the addition, a memorandum from Mike Jones in support because of evidence that sidewalks would present some unique problems, and a staff report.
 1. Jim Craig commented on the need for sidewalks as a safety issue to keep citizens, especially children, out of traffic flow.
 2. Scott Sherrill reminded the Commission that sidewalks are required by ordinance and the developer was aware of that requirement.

3. Chris Osko, developer, said he was willing to put in sidewalks if someone would show him where they should go. He questioned if he could legally place them on private property beyond the ditch area.

The Staff commented: “This is an RS-1 without curbs and gutters that is construction like an RE District” After additional discussion on Sidewalks and the Legal aspects of a Waiver, Jim Craig moved and Bill Davis seconded that the matter be continued to the next Planning Commission Meeting to allow staff to research the legality of the waiver and get comment from the City Attorney.

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

VOTING AGAINST: None

ABSTAINING: None

MOTION APPROVED: 5-0-0

5. **Item 5. Lot Line Adjustment** – Discussion and possible action on a request for a Lot Split in Graystone Estates, Section 35, T-18-N, R-13-E, City of Bixby, Tulsa County, Oklahoma, to adjust the lot line between Lot 12 & 13 of Block 2. (Sack and Associates, Inc., Applicant) Staff introduced the item with a staff report, legal descriptions, and comments concerning utility easements. Staff recommended approval contingent upon the easements being re-aliened as necessary. Utility companies have been contacted concerning their utilization of the easements on the lots in questions and the applicant is willing to re-alien the easements as necessary. Motion was made by Roy Paxson and seconded by Bill Campbell for approval of the Lot Line Adjustment between lots 12 & 13, Block 2, on the condition that easements be adjusted as necessary

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

VOTING AGAINST: None

ABSTAINING: None

MOTION APPROVED: 5-0-0

6. **Item 3 BZ-272** Public hearing, discussion and possible action on a request to rezone a parcel of land from AG Agriculture to RS-1 Residential Single-Family Low Density District, located at approximately one-fourth (1/4) mile west of the southwest corner of the intersection of 121st Street South and South Garnett Road. (Scott Sherrill, applicant) Scott Sherrill, Chairman of the Planning Commission, dismissed himself from consideration of this item

because he is the applicant. Jim Craig took the Chair position and instructed those in attendance; “we are all equal and the comments of citizens has as much weight as does the applicant’s petition for rezoning.” Scott Sherrill will speak only as the applicant and will not make comments as a Commission nor take action on BZ-272. Jim Crain asked staff to make their presentation. Staff presented the item stating that it complies with the Comprehensive Plan. Review of the flood maps indicates the property is an “X” zone, an area of minimal flooding. Water is available but sewer is not. Staff recommended approval. Jim Craig opened the public hearing, calling on each person who had signed the sign-in sheet. He asks that each person state his or her name and address before making comment.

- a. Dorothy Mitchell, 10213 E 121st, wanted to know about sewer. She was concerned about the drainage, high water table, and the ability of the property to perk. She would be in favor of the project if it included public sewer.
- b. David Gibson, 10808 E 121st, stated he was the property owner on the west. He was concerned about sewer. He had question if the property would perk. He was concerned about Drainage to his stock pond, a possible sewer lagoon, the high water table, the ability to make a septic system work, a possible artesian well on the property, and a gas well he feared had not been property plugged and abandoned. Jim Craig asked if he knew how the gas well was plugged. David Gibson was not sure but feared it was only a mudpack and plug, not a proper closing. Gibson also stated he would be happy if public sewer was brought to the property.
- c. Don Wilson, 11000 E 121st, is the property owner to the East and presently has drainage problems. An area of His property stays so wet that it is late July or August before it can be mowed. He was concerned about seepage form a septic system.
- d. Lucien Roush, 10910 E 121st, spoke concerning the water problems from a possible spring. He was concerned that drives, houses, etc., would add to his water problems.
- e. Robert Vaughn, 10215 E 121st, spoke concerning water problems. He is the property owner across the street to the North. He stated that 121st Street was built up when re-surfaced and traps water on his property. The culvert was closed off during street construction and the water collects

on his property. He was concerned about how the water on his property could be addressed and the problems of water on the property being re-zoned.

The applicant, Scott Sherrill, answered the questions presented by citizens.

- a. Scott Sherrill stated he plans to plat and build 2 or 4 houses depending on what can be properly drained and how the sewer question can be addressed with DEQ. He has contacted Janet Meshek concerning a drainage design and study.
- b. The applicant stated that he had a perk test done in two locations and the test indicated it would perk.
- c. Sherrill is also looking at a D-1 system for sewer that utilizes grinder pumps and a two-inch line to an existing public sewer.
- d. He has contacted the State concerning the gas well to see that it was properly closed when abandoned. If not, he will take steps to close the well in accordance with state requirements.
- e. The sewer disposal will not be an evaporation system nor will the sewer water be sprayed over an area. He stated that the project does not have enough acres to utilize that kind of sewer system.

Jim Craig reminded everyone that this is a zoning application. That development design and criteria would be addressed in accordance with the city code and sub division regulations when the applicant presents the preliminary and final plats. Motion was made by Bill Campbell and seconded by Roy Paxson to approve the zoning request.

VOTING FOR: Craig, Paxson, Davis, & Campbell.

VOTING AGAINST: None

ABSTAINING: None

MOTION APPROVED: 4-0-0

6. **OLD BUSINESS:** Staff reported that Golf Villa at White Hawk was denied by the City Council and that the Estates of Stone Creek was approved by the City Council with several exceptions and conditions. Staff reported that the City Council was not pleased with items being forward for their consideration that was not complete and ready for approval. The City Council requested that exceptions to the Code and

Sub-division regulations, even in PUD's, be done only with compelling evidence that a change should be made, and that the compelling evidence be presented to substantiate the exception. Staff stated that in the future every attempt will be made to the present each item to the Planning Commission and the City Council will the "I's" dotted and the "T's" crossed.

7. **NEW BUSINESS:** Commission asked the new City Planner, Jim Coffey, to introduce himself and share his qualifications and background. Jim Coffey complied as requested.
8. **ADJOURNMENT:** There being no further business, Scott Sherrill adjourned the meeting at 8:35 p.m.

APPROVED

DATE