

**PLANNING COMMISSION
MINUTES
BIXBY CITY HALL, COUNCIL CHAMBERS
7:00 PM, JANUARY 22, 2002**

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

- 1. CALL TO ORDER 7:14 PM** by Chairman, Scott Sherrill
- 2. Consideration and approval of Minutes from November 19, 2001**
Davis Moved Paxson seconded for approval
VOTING FOR: Davis, Sherrill, Campbell, Paxson, and Powell
VOTING AGAINST: None
ABSTAINING: None
MOTION PASSED: 5-0-0
- 3. BZ-278 Discussion and Possible action on an appeal by Graystone Development to consider a parcel of land in Section 25, Township 18 North, Range 13 East for a change in zoning from Agriculture District to Residential Duplex. Appeal reviewed by the City Council and returned to the Planning Commission for action and recommendation.**

The Planning Commission considered this item in a Special Meeting on October 29, 2001. At that time the Planning Commission considered RM-1 zoning for this area. The Planning Commission did not consider RD for this area. The decision of the Planning Commission was appealed to the City Council. The City Council on advise of the City Attorney instructed the Council that the Planning Commission should of considered RD because it is a less dense area. The council voted unanimously to return the item to the Planning Commission for consideration as an RD zoning. The Planner was instructed to re-advertise the item and place it on the Planning Commission Agenda.

The Comprehensive Plan indicates this a low to medium density area. An RD zoning is a medium density zoning. Although not preferred it can be allowed in a low-density area.

Although there is drainage ditches on both side of the property to be re-zoned the property is within an “x” area on the FIRM map, which indicates an area of minimal flooding. The area is separated from the RS area by a drainage ditch.

RD (Residential Duplex) will allow Single Family and Duplex Dwellings by right. By Special Exception Public Protection and Utility Facilities, Community Services and Similar Uses (Church), nursing homes, community group home, convent, monastery may be allowed.

Zoning is requested by another applicant as a separate case for the area to the East for OL (Office Low Intensity) and CS (Commercial Shopping). RD would be a transitional area between RS and OL as requested.

Lindsey Perkins, 4735 S Atlanta Place, Tulsa, Ok., president of Graystone Development, applicant.

Mr. Perkins stated that he had been developing in the Bixby area since 1993. We listened to the response of the public in the last hearing concerning this area and have revised our application from RM to RD. We appealed to the City Council for an RD zoning which the Planning Commission could have considered during the first hearing. The City Council returned the item to the Planning Commission and instructed that another public hearing should be held before the Planning Commission for RD.

Mr. Perkins shows a map for clarity. Later the Planning Commission will consider an OL and CS zoning to the east of the RD property. RD is a good transitional zoning from RS to OL and then to CS. There is also a green belt to the North in the form of a park across 101st Street. It agrees with the Comprehensive Plan and is good logical use for the property. There is also a buffer to the East in the form of a drainage ditch. Some had suggested a PUD but at this point there is no plan on how the property will be developed. He read from the Bixby City Code, “The RD District is designed to permit a more intense yet compatible use of tracts in or near single-family residential and other neighborhoods which because of size, topography, or adjacent land use are not ideally suited for single-family use.” The Planning

Commission can see that this area is not ideally suited for single-family use. We will answer any question from the audience or from the members of the commission.

Bill Campbell asked how much space is there to the west from the property to single family homes? Perkins said it was about 150 feet. The area is a major drainage area and makes a good green belt buffer.

Roy Paxson asks about density. The planner said it required 8400 sq feet per unit.

Scott Sherrill asked what RS-3 required? The planner replied 8400 sq feet per unity.

Scott Sherrill stated it was the same density. Planner agreed. Perkins explained that RD allows for 60-foot wide lots instead of 65 and 5-foot side set backs instead of 10 and 5.

Ricky Jones, 6215 West Orlando Street, Broken Arrow, OK. I am the applicant for the property to the east and have discussed the development by Perking and it is a very compatible development. Ricky Jones pointed out that 101st is a primary arterial and that the Bixby Comprehensive Plan is in error. The street is intended to carry more traffic. Jones is a nearby property owner and drives the street several times a day and believes that RD is a good land use making a good transition commercial uses.

The planner stated that the Master Street and Road Plan by INCOG does agree with the comments made by Ricky Jones.

Steven Calvaress 10111 S 92nd East Ave., president of Stone Creek Home Owners Associations. They have the same opposition as they had when the item was first presented as a zoning request for RM. They have nine reasons. (1). We believe the proposal does not provide a reasonable buffer between the proposed zoning and the existing single-family homes. (2) The duplex proposal does not reflect the desire of our neighborhood. When my wife and I purchased our home in 1988, we were advised that the area in question, directly east of our home was zoned for Agriculture. If duplexes occupied or if the property had been zoned for duplexes I seriously doubt that we would have purchased our home which is a mere 150 feet from the tract in question. (3) This proposal will adversely alter the characteristics of

nearby areas, which are primarily single-family homes. Duplexes would be inconsistent with the existing residential developments in the area. (4) This proposal would lead to increased traffic congestion and will pose an unnecessary increased risk for traffic accidents. Access to this property is located at a dangerous stretch of 101st Street, across from an outlet road serving a large residential area to the north. (5) It will create a more serious safety problem for families from Stone Creek. Currently there is a walkway across to a park area. Many homeowners use the cross walk to get across. With cars going 50 to 60 miles hour it is a safety hazard. Bixby City police were out this morning giving speeding tickets. (6) The intensity of the proposal will pose additional health and safety threats to our neighborhood and other existing neighborhoods in the area. (7) The proposal will negatively affect our property values. (8) The proposal would not be in harmony with nature as the beautiful naturally-wood area is right now. (9) There is no inordinate economic burden or hardship on the property owner sufficient to justify this proposed change in zoning. As president of the Stone Creek Home Owners Association I urge the Bixby Planning Commission to reject this propose as amended.

Bill Campbell asked if there would be any kind of fencing between Stone Creek and this area? Lindsey Perkins replied it is hard to answer because they do not have a plan. I don't believe you might want a fence because it would kill much of the beauty that presently exists. Many Stone Creek homeowners have chosen not to put up fencing so they can see that beauty.

Annette Brusilt, 10033 S. 93 East Ave., The area of the detention pond to the north and the park has been flooded more than the detention pond. Water will be a problem. We thought there was a verbal agreement for the item to come back as a PUD, he promised to bring it back as a PUD, and now the City Attorney lets him bring it back as a RD. My understanding that it would come back as a PUD. Hydrology studies need to be done.

Chairman Scott counseled that this is a zoning hearing in which hydrology question are not addressed.

Candice Chonka, 10211 S 92nd East Ave., brought a news article about a glut in apartments and felt duplex would be the same. The ragging river overflows its banks and our house has lost landscape timbers, playground equipment. and other things. Cannot imagine what might happen if there was a flood like the one in 1985. The City manager said in the news article

that the drainage projects, when completed, do not solve the flooding problem but make them manageable, the open spaces will be seen as a positive for Bixby.

Scott Sherrill, Chairman, asked Lindsey Perkins the developer to respond. The hydrology issues will be addressed on the proposed development. We are not talking about additional density allowed under RS-3 are the same as RD. We have offered to meet with the people of Stone Creek and discuss our proposal and discuss the quality of our developments.

Walter Cook, 8910 East 114th Street, President Home Owners Association of Saddle Ridge that is north of the area in Tulsa County, and west of the park. Has an ecological research study been done on the area? There are a lot of ducks that use the area and I would like to see it not disturbed and proposal rejected.

Considerable discussion between those in attendance and the developer. Chairman Sherrill called for order.

Chairman Sherrill described the process of zoning and that zoning and the plat are different items. Bill Campbell explained that after zoning the Planning Commission still has review of the Plat and how the property will be developed.

Perkins, the developer, said he was willing to get the input of the Stone Creek Homeowners Association when the property is developed.

Chairman asked for questions from the Planning Commission Members. Bill Campbell suggested that the developer and Stone Creek people get together and work out some of the concerns. Perkins said he would do that, when they start to get some sketches on paper.

Chairman asked for a motion. Bill Campbell moved for approval, Scott Sherrill seconded.

VOTION FOR: Campbell, Davis, and Sherrill

VOTING AGAINST: Powell, Paxson

ABSTAINING: None

MOTION APPROVED: 3-2-0

4. BZ-280 Discussion and Possible action on an application for rezoning of a parcel of land located in the North Half of Section Twenty, Township Seventeen North, Range Thirteen East from Agriculture to Industrial Light District, applicant Tanner Consulting LLC.

The Comprehensive Plan indicates this area as a Corridor Area. Corridors are defined as specific areas located along expressways and are to contain major employment and region-serving functions in concert with a relatively high residential base. High intensity zoning classifications such as IL may or may not be appropriate within a corridor district. If such districts are approved for a corridor, consideration should be given to a PUD zoning. High intensity development should be designed by utilization of extensive setbacks, buffering uses and other separations or transitions to be compatible with any adjoining low intensity development. Land uses that are more intense in nature should have exposure and convenient access to high-speed transportation facilities. Appropriate access should be provided to arterial streets from corridor collector streets. All tracts within corridors should have direct access to the corridor collector streets or service roads. The IR District (Industrial Research and Development) is the most preferred industrial zoning designation for a corridor.

The area is surrounded by AG, RS-3, RS-2. Other proximate zonings include RM-1, RM-2, CS, OL, RD. and IL.

IL Zoning will allow the following by right”

Use Unit 4, Public Protection & Utility Facilities, Use Unit 11 Office and Studios, Use Unit 15 Other Trades and Services, Use Unit 16 Gasoline Service Stations, Use Unit 17 Automotive and Allied Activities, Use Unit 21 Business and Outdoor Advertising Signs, Use Unit 22 Research and Development, Use Unit 23 Warehousing and Wholesaling, Use Unit 25, Light Manufacturing and Industry.

By Special Exception an IL Zoning can allow: Use Unit 5 Community Service and Similar Uses, Use Unit 12 Entertainment Establishments and Eating Places, other than Drive-Ins. Use Unit 13 Convenience Goods and Services, Use Unit 14 Shopping Goods and Services, Use Unit 18 Drive-In Restaurants, Use Unit 19 Hotel, Motel, and Recreational Facilities, Use Unit 20 Commercial Recreation, Intensive, Use Unit 26 Moderate Manufacturing and Industry.

Part of the area was recently annexed into the City on the request of the property owner by the City Council.

The Planner receive a letter from the Assistant School Supt. Today apposing the zoning request because a future school is planned across Harvard from this zoning.

Chairman Sherrill asked the applicant to respond.

Ricky Jones, Tanner Consulting, 5323 S Lewis Ave, Tulsa, who represent the property owner. The property is about 75 acres, part of it being annexed into the city, and it is on the South side of a State Highway. Part of the property is located in a flood plain. There has been hydrological study and we know a lot about what must happen to this property. We are asking for IL Zoning. The zoning code says that an IL zoning is to provide an area suitable for manufacturing, wholesaling, warehousing, and other industrial activities which have no objectionable environmental influences. IL is one of the lowest industrial zoning classifications. IL zoning is the clean industrial zoning as apposed to IM or IH which are salvage yards, smelting plants, etc. The zoning code places many restrictions when you abut a residential area. We are aware of the sensitive nature of the agriculture property that is surrounding this area. The zoning code sets forth a 50 foot set back building line from the property line. A conception plan that is not worth much at this stage but it does show that the requirements of a collector street can be met, large lots of ten acres or more, and we have investigated extending the sewer line to the property. We also represent the property owner on the North side of 151st with RS zoning. We are sensitive to the agricultural property and industrial requirements to develop the property. The zoning code would also require a screening fence. Uses that are 300 feet from a residential area must be conducted indoors. No open area activities next to residential or agriculture areas.

Commissioner Davis asked if the applicant was aware of the school property. Jones replied that the zoning code sets forth restrictions requiring screening, set backs, and buffer requirements. The code sets for the safeguards to protect the surrounding property.

The concept plan shows an entrance to 151 and to Harvard. This is only a concept plan that may not work. It shows a street out to Harvard and this may not work because of the drainage ditch that flows through the property that would most likely require a bridge making it impractical.

There are no users at this time, and no one waiting to purchase the property, or to develop lots. We would plat the property, address access, do hydrology, public streets, etc. It agrees with the comprehensive plan.

Chairman Sherrill asked what would happen if the collector street could not be constructed to Harvard because of the bridge.

Ricky Jones responded that there would be a cul de sac off 151st Street or a loop street to 151 Street. That might be a good option to minimize traffic onto Harvard.

Chairman opened the meeting for public comment.

Jack Williams, 16032 S Harvard, I have worked with Chamber of Commerce as Chairman of the Economic Committee. I am not opposed to economic development. There are good reasons why I appose this petition. First, Look at the area as a whole. At the corner of 151st and Harvard there is a 40-acre track zoned for a shopping center. You have to have enough money, enough people, to attract retail to move into your town. Retail will not come without adequate residential development. Approximately 300 Acres running south to 161st Street and including acres going to the west is presently zoned which is ¼ mile for the applicant and is already zoned RS-3. So we're talking substantial growth for Bixby in the residential area. I do not know of really nice housing districts that are developed right next to industrial. We are being asked to swallow a poison pill on an area very valuable to Bixby in terms of our growth and improvement economically. If the area develops residential then it is likely that the 40 acres of commercial on the corner will develop as a shopping center bringing sales tax dollars for the community. If however we put in industrial we will not see that kind of development occur. We're putting in water at the moment down to Harvard, Sewer is in the area and it posed for development. Second, notice the shape of this development. When we talk about corridor development we talk of development along the major highway corridor, but the most narrow part of the property meets the corridor. The property goes back a quarter mile and then cuts over to Harvard. That will impact a lot of land that is not along the corridor. We're talking about warehouse, light manufacturing, that require a lot of big truck traffic. The exit is a quarter mile from the school, we know about congested traffic around a school. If you bring big trucks down the street you will have to rebuild the street and find a way to solve the traffic problems. I do not believe this zoning request should be approved.

James Parker, 2750 East 151st Street, Owns all the land to the west of proposed area and feels the development of IL would lower his property value. He has been their 30 years.

Frank Sielmier, 2606 East 151 Street South, the best use is residential for this area, we have some industrial parks and industry should be in the industrial parks not in the residential. We have developers doing big homes in the area now that will later be in the City of Bixby.

Ira Nickleson, 15322 S Harvard, I know were talking about hydrology but we should think about the creek that goes through this property because it floods every time it rains.

Sam Hollinger, 1005 S Memorial, some of the houses being built across the street to the north are in access of \$500,000.00. Ten-acre Industrial tracks would be devastating on property values. If you look at the areas zoned residential you'll see a lot of people have made plans for really nice residential development that would be an asset to the city.

Gregg Hollinger, 2729 East 151st Street, I have 40 acres across the 151st that we are developing in five and ten acres tracks, we have sold the land from \$125,000. to \$175,000. for raw land and individuals are planning to build homes in excess of \$500,000. Now you tell me there will an industrial park across the street. The development is coming to Bixby and you will kill that development if you approve this zoning request.

Scott Ashmore, 14901 S Columbia Avenue, I am Gregg Hollinger's partner in the Posey Creek Development, and this will damage the future growth of Bixby. People have faith in purchasing this property in Posey Creek. Now we see their property value reduced.

Danny Hendrix, 2808 E 151st, Industrial property should be placed in the area behind the bank on Memorial where it would not hinder residential growth. Part of that area is now industrial and it would be a logical place. Don't put it in area where they are trying to build houses or they will not build houses.

Ricky Jones, the applicant, said we need a vision of what will happen. That vision is the Comprehensive Plan approved by the Planning Commission and City Council less than 6 months ago. This area is designated a Corridor in the Comprehensive Plan along 151st to the fence line of Bixby. The plan goes further back, before the present plan, with the same vision. There is a vision and it is the Comprehensive Plan. You should not deny this zoning request because to do so would be to deny what your comprehensive plan says. The man who fought in two wars made excellent comments on hydrology, we plan to make it better. Bixby is the second fastest growing city in the area and growth is coming. You control growth by your zoning and if you look at the safeguards in your code IL zoning is a good zoning for this area. We are sensitive to residential and we represent a residential zoning across the street.

Chairman Sherrill asked if the residential zoning across the street was the same owner as the proposed IL. Jones said it is different owners but the same attorney represents both property owners.

There was a discussion with the planner to clarify the zoned areas surrounding 151st and Harvard on the Map.

Paul Haggard, 15505 S Harvard, I suggest you put it down in the city and leave us folks out there along.

Ken Jones, 2704 E 151st Street, Bixby has a lot of nice homes and developments. An industrial area will detract from that new development.

Jim Powell, Vice Chairman Planning Commission, when we put together the Architectural Committee we addressed the corridors. Our thoughts when we wrote

the Comprehensive Plan was to develop this area in residential homes, and commercial shopping, but at no time did we consider parceling up our corridors with industry. Our design was more homes, more population, to increase shopping centers and to deal with light industry in the areas already provided. I help write the plan and I know we were thinking of residential and commercial for this area.

Ricky Jones, the applicant, asked for a continuance.

Chairman Sherrill stated that the applicant is requesting a continuance for one month. The planner asked for a vote of the commission to continuance to a date specific.

Jim Powell moved and Roy Paxson seconded to continue to Feb 19, 2002.

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

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 5-0-0

5. BZ-281 Discussion and Possible action on an application for rezoning of Lots 1 &2, Block 1, Gre-Mac Addition, City of Bixby, Tulsa County, Oklahoma, applicant William Wilson. Lot 1 from OL to CS and Lot 2 from RS-1 to CS.

The Comprehensive Plan indicates this area is within a Corridor. It also indicates that that the Lots in question are in a medium density area. Lot 1 is presently OL (Office Light) and falls well within a medium density classification. The request is to change the OL to CS that is also a commercial zoning allowed in medium density area. Lot 2 is presently zoned RS-1 which is allowed in a medium density area. The request is to Zone this adjacent lot CS. The step from RS-1 to CS is allowable under the comprehensive plan, however the step is not preferred. Utilization of setbacks and buffering of residential areas should be considered. The setbacks and buffering are required by the building code to include a ten-foot set back and a buffering site proof fence.

CS (Commercial Shopping) will allow the following by right:

Use Unit 4 Public Protection and Utility Facilities, Use Unit 5 Community Services & Similar Uses, Use Unit 10 Off Street Parking, Use Unit 11 Office and Studios, Use Unit 12 Eating and Entertainment facilities other than drive-ins, Use Unit 13 Convenience Goods and Services, Use Unit 14 Shopping Goods and Services, Use Unit 16 Gasoline Service Stations, Use Unit 19, Hotels, Motels, and Recreation facilities, Use Unit 21 Business Signs and Outdoor Advertising.

In Addition by Special Exception CS will allow:

Use Unit 6 Single Family Dwelling, Use Unit 7 Duplex Dwelling, Use Unit 8 Multifamily Dwelling limited to nursing home, community group home, convent, and monastery, Use Unit 15 Other Trades and Services, Use Unit 17 Automotive and Allied Activities, Use Unit 18 Drive-in restaurants, and Use Unit 20 Commercial Recreation.

Property along Memorial will at some point most likely as designated on the Comprehensive Plan by Commercial. The Properties in question are bordered by zoning classifications of AG and RS. Proximate properties are zoned OL and CS.

Bill Wilson 14441 So 50th, applicant. I have lived in Bixby for a long time and my children went to Bixby schools and live in the area and we are concerned about being a good neighbor. We are interested in changing this area to retail. Our marketing research tells us there is no retail area available for small merchants. On January 10 we meet with some of the lot owners and heard their objections and insured them we wanted to be a good neighbor. We heard the concerns on: water drainage - and we will meet the code, Noise – We propose a masonry wall along the residential areas, traffic – most of our cliental would not be using Memorial in the early morning when it is most congested. ODOT has verbally agreed to give us a curb cut on Memorial. Another complaint was the loss of property value. I use to live at 108th and Memorial when the commercial was developed and had the same concern, but I found it actually helped my property value. The objections of the property owners are the present problems of the property owner along Memorial. Residential on Memorial is hard to sale. We have a plan and we plan to develop quality retail space. This is the best use for this parcel. Ted Larkin has developed our concept plan and will present it to the Commission.

Ted Larkin, 5243 East 93rd Street, Tulsa, an architect. We believe we can develop about a 10,000 square feet building with parking for 46 cars. We are not interested in Bars, Restaurants, that would take up a lot of space and parking. Are market is general retail. We have laid out the property so most traffic will use Memorial and tenants will use 124th Street. We have a landscaped buffer of 25 feet against the residential area.

Leon Miller, 8110 East 124th Street, I lived there 25 years and I have flooded twice. I don't want this in my residential area. There are other places that are vacant, do we need this. There are kids down the street and I am opposed.

Roy Maddox, 8921 E 116th Street, I am a local dentist and own Lot one of this application. I bought the property before the highway was widened with the idea of putting my dental office on the site. The highway construction took longer than

anticipated and made this area less desirable for my office. House is vacant and has been for sale for some time.

J M Blain, 8101 East 124th Street, I was the second family to move into the addition and own Lot 2 of this proposed development. The property is too close to Memorial and the Noise is always there. I want to sale the property.

Robert Pierce, 8104 E 104th Street. I live across the street. This is a residential area and it should remain the same. My concern is my property value will go down if it goes commercial. Were in a hole if they build up a pad then it will flood our homes. We have traffic problems, we need a stoplight, you can't get out onto Memorial. I'm asking you to turn this down.

Dennis Larson 8102 E 124th Street, I did not know when I purchased my house you would make this commercial. If they are going to make the first two lots commercial then purchase out properties and help us get out of the hole.

Jim Powel asked about the 600-foot corridor and was assure the area was within the 600 foot.

Chairman Sherrill stated he had a concern for neighbors and could not support the change to straight commercial but possibly would consider it in a PUD. If we zone it commercial and you have a chance to sale the property we might end up with a use against the residential area that is not compatible. I would only vote for it under a PUD.

Jim Powell moved to deny the application and Dave Campbell seconded.

VOTING TO DENY: Davis, Campbell, Powell, Paxson, Sherrill

VOTING TO ACCEPT: None

ABSTAINING: None

MOTION TO DENY: 5-0-0

6. BZ-282 Discussion and Possible action on an application for rezoning of a parcel of land located in the northeast quarter of the north east quarter of section twenty-five, township eighteen north, range thirteen east, from AG (Agriculture) to OL (Office Low Intensity) and CS (Commercial Shopping) applicant Tanner Consulting LLC.

The Comprehensive Plan indicates this area as low intensity adjacent to 101st Street and Mingo with the southwest corner of the 101st Street and Mingo intersection being a Medium Intensity Area. OL is the preferred Office Zoning for a Low Intensity Area and CS is a preferred zoning for a

Medium Intensity Area. The zoning areas approximate the intensity indicated in the Comprehensive Plan and can be considered preferred for the property in question. The Comprehensive Plan would support an area on the corner of 10 acres and the applicant is only requesting 5 acres. The Intersection is denoted as a Primary Arterial on the Major Street and Highway Plan. The zoning request is in accordance with the Comprehensive and Major Street and Highway Plan.

The area is bordered by a CS node of the same approximate size to the North, a larger CS zone on the North East Side of the intersection, RS-2 to the East across Mingo, RS-3 and RM-0 to the north of the OL requested zoning, with AG to the west and south. The area is at the most northerly and easterly boundary of the City Limits of Bixby, which is 101st Street and Mingo Road. The Properties to the East are in Broken Arrow, and the properties to the North are in Tulsa.

CS (Commercial Shopping) will allow the following by right: Use Unit 4 Public Protection and Utility Facilities, Use Unit 5 Community Services & Similar Uses, Use Unit 10 Off Street Parking, Use Unit 11 Office and Studios, Use Unit 12 Eating and Entertainment facilities other than drive-ins, Use Unit 13 Convenience Goods and Services, Use Unit 14 Shopping Goods and Services, Use Unit 16 Gasoline Service Stations, Use Unit 19, Hotels, Motels, and Recreation facilities, Use Unit 21 Business Signs and Outdoor Advertising.

In Addition by Special Exception CS will allow: Use Unit 6 Single Family Dwelling, Use Unit 7 Duplex Dwelling, Use Unit 8 Multifamily Dwelling limited to nursing home, community group home, convent, and monastery, Use Unit 15 Other Trades and Services, Use Unit 17 Automotive and Allied Activities, Use Unit 18 Drive-in restaurants, and Use Unit 20 Commercial Recreation.

OL (Office Light) will allow the following by right: Use Unit 10 Off Street Parking, Use Unit 11 Office and Studios. By Special Exception Use Unit 4 Public Protection and Utility Facilities, Use Unit 5 Community Services and Similar Uses, Use Unit 6 Single Family Dwellings, Use Unit 7 Duplex Dwellings, and Use Unit 8 Multi-Family Dwellings and Similar Uses.

The zoning requested is an appropriate use of the property.

Ricky Jones, Tanner Consulting, 5323 S Lewis, Tulsa. This is a unique area with the southwest corner of the intersection in the City of Bixby, the North in the city of Tulsa, and the Southeast corner in Broken Arrow. 101st Street is a primary arterial street. In your Comprehensive Plan this is a type two activity center meaning 660 feet is what the plan designates medium intensity uses for this corner. We propose not to zone all ten acres to commercial. We propose commercial zoning for five acres on the corner that line up with the City of Tulsa CS on the adjacent corner. On the Northwest corner in Tulsa that is a 10-acre plat zoned commercial and approved for a PUD. The Northwest corner was platted in 1991 and the Greens Subdivision on the Southeast corner was platted in 1994. The corner in Bixby has been on the Comprehensive Plan in Bixby since the early 80,s, and still appears in the latest addition of the Plan. We are asking for 5 acres of commercial with an additional wrap around buffer of OL. This creates a smooth transition from residential to commercial. The Comprehensive Plan indicates that CS and OL are appropriate for this intersection. It uses low intensity buffers in the OL to buffer between residential and commercial. You have a letter from Mike Lester who lives in the Greens supporting the application. Jones mentioned he is also a resident of the Greens.

Dr. Sandra K Rana, 3708 S Yellow Pine Ave., I live in the Greens and I did speak with Mr. Jones. Mr. Jones is eloquent in telling me nothing. I want to know what is going to be built on the corner while his position is only to get the zoning so I must go with what I know. I know my back bedroom window will be less than 100 feet from the commercial site. I know a Comprehensive Plan is a living document as the community grows. The reason for having a Planning Commission is assure that growth is done with thought and with care. This change will significantly change what will happen. There has been a sale sign on the property for over two years and to allude to it as a possible golden arches sign is misleading. The plan talks about a major four-lane highway but this may never happen. To zone commercial now when you have a two-lane street, with residential all around it will create a traffic congestion problem.

Motion was made by Jim Powell and seconded Bill Davis to approve BZ 282.

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

VOTING AGAINST: None

ABSTAINING: None

MOTION APPROVED: 5-0-0

7. Discussion and Possible action on approval of a revised preliminary plat for Southbridge Subdivision by Victory Properties LLC.

The Southbridge Subdivision preliminary plat has been discussed by the Planning Commission and the City Council over the past few years. As a result of the last

meetings a checklist was created with conditions for passage of the plat. Those conditions have been reviewed by staff during the review of the enclosed plat. Many of the items on that checklist do not apply because the plat has been revised to include a drainage facility. Answers to Check List from October 9, 2000, attached.

1. Not required
2. The developer has designated 136th street from Memorial to Mingo as a collector street with proper 60 feet right of way. The traffic circle with a center island at approximately mid-way does not show on the plat. No indication is made of the improvements to 136th street within Southwood.
3. Many through streets have been eliminated as earlier required.
4. The issue with the drainage channel across the south of the subdivision has been addressed by the creation of a drainage facility.
5. Although the city made allowance for the depth to width ratio of the lots along the overhead power transmission lines there still needs to be a review and approval by the power company where the lots impede of their easement for items that cross, and items that are placed under or near the transmission lines. The first response from the power company indicates they will not have a problem with the platted lots. However, some formal indication may be needed on the plat and in the covenants.
6. Covenants will be reviewed with the final plat.
7. No response to design by the police. Response by Fire Marshal was noted.
8. Reserve "D" has been provided for the location of the lift station and staff is working with the developer on design for sewerage of the area.
9. The Industrial access road has been addressed. Staff will require the street to be shown on the final plat.
10. Drainage has been discussed with Meshek and Associate.

Required documents, easements, etc will be submitted with the final plat. The staff review documents are here and indicate that 97th street might be closed with a crash gate. Indication for a traffic circle, attention to slopes on drainage, easement adjustments. The staff recommends approval.

Jack Ramsey, 16905 So. 69th East Ave. The preliminary plat was conditionally approved on September 5, 2000 in a joint meeting of the Planning Commission and the City Council. Regarding the traffic circle, at that time a request was made with the increase of the size of the lots that a traffic circle not be put in but that a curve be included on 136th street. The lots adjacent to Southwood South were requested that they be 35,000 square feet and this was complied with for the purpose of satisfying the neighborhood. It was determined we would connect to Blue Ridge at 91st Street but that we would put in a crash gate. It was determined at that time that 136th street into Southwood would not have a crash gate. The

developer agrees to put in the crash gate. The fire department had no issue with the crash gate because they could get through a gate, the police did have issue because they could not get through a crash gate. The question was raised by a member of the City Council concerning the drainage ditch going into a wetland. We met with Mr. Andy Corner of the Corps of Engineers to determine if this was a wetland. He determined and provided a letter that it was not a wetland, but is an improved natural drainage. They took jurisdiction over it and required that we could clean it, grub it, mow it, take trees out: but that we could not grade it. That required that we do on site detention which substantially reduced the number of lots. The metering system from the detention will not allow water to leave the subdivision faster than it does in its natural state. The access road is an industrial road. The property belongs to an adjacent property owner and he has stipulated that he will provide a deed of dedication for the road property that will be affective when the Southridge Plat is filed. For this reason the industrial road is not part of the plat, it will happen simultaneously with the filing of the plat and be the main means of access to the subdivision. It was alluded to that we need 300 foot spacing of the Fire Hydrants. If you look at Section 7.4 of the sub division regulations they require a six hundred foot spacing. We have attempted to address everything that was brought up in the meeting of September 5.

Gerri Mooney, 8717 E 133 Place So., The property owners of Southwood may not be opposed, but we would like to have a copy of the plat and meet with the developer to express our concerns.

Laurie Thomas, 9428 E. 140th Street South is concerned about drainage across her property. The street should not be opened. Hydrology is a bad word tonight, but if you cover up this area with streets, drives, houses, etc; you but the water in her backyard in a creek that flows even in a dry year. It is a step backwards in time from the progress made by Bixby on flood problems. We want to raise our families and not a have fear of flooding.

Roger Eldridge, 2900 Mid Continent Towers, Tulsa, Attorney for the developer. The delay in the last year has been because of the wetland issue and we have that solved. We're happy to meet with the property owners but there is no need to delay decision pending that meeting, because it has to go on to the City Council. Approval of the plat is administer ail for the Planning Commission. You look at the plat and the sub-division regulations. If we comply you recommend approval, if we do not comply then you recommend denial. We believe we have satisfied the requirements. We have addressed the issues. This has been considered for a very long time and we would like to get it approved or disapproved by the Planning Commission.

Chairman Sherrill stated that there are many steps to go through, but the staff by their action has agreed to work through these steps and have recommended this as a preliminary plat. This has been handled more by the City Council than us and I think it is time to pass the preliminary plat through to the City Council.

Bill Davis moved and Bill Campbell seconded for approval of the preliminary plat.

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

VOTING AGAINST: None

ABSTAINING: None

MOTION APPROVED: 5-0-0

8. Discussion and Possible action on approval of a preliminary plat for Twin Creeks III by Twin Creeks Development LLC.

The preliminary plat is a part of the PUD development as approved by the Planning Commission and the City Council. The preliminary plat has been review and minor changes were noted as to the placement of sewer and water lines. Information was shared with the developer on items that will be required on the Final Plat. The preliminary plat agrees with the PUD as approved and is recommended for approval.

Chairman Sherrill asked for questions. There were none.

Jim Powell moved and Bill David second for approval.

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

VOTING AGAINST: None

ABSTAINING: None

MOTION APPROVED: 5-0-0

9. Discussion and Possible action of approval of a preliminary plat for Jordan Park Subdivision by Gerald Snow Developer.

The planner explained the staff does not require all the hydrology on the preliminary plat yet in this case it may affect the plat significantly. The drainage might work but our hydrologist, Janet Meshek reserves the right to review the item completely before the Final Plat is approved. There is also an issue of a turn around because this is a dead end street. The staff received some of the items after the agenda was set and would like to recommend that the item be continued.

The developer spoke in opposition to the continuance stating he hired only the best people and would meet the demands of the city.

Jim Power moved and Bill Campbell seconded that the item be continued until February 19, 2002.

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

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 5-0-0

10.**OLD BUSINESS:** None

11.**NEW BUSINESS:** None

12.**ADJOURNMENT:** 10:50 pm

Date Approved

Scott Sherrill, Chairman