

**PLANING COMMISSION
MINUTES
BIXBY CITY HALL, COUNCIL CHAMBERS
7:00 PM, OCTOBER 22, 2002**

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

1. CALL TO ORDER

Chairman Sherrill identified the session as a special called meeting in lieu of October 21, 2002, regular meeting which did not have a quorum.

2. Consideration and approval of minutes for September 16, 2002, 2002.

Motion made by Bill Campbell seconded Roy Paxson to approve.

VOTING FOR: Paxson, Campbell, and Sherrill

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 3-0-0

3. Explanation and discussion on Multi-Hazard Mitigation Plan Grant to develop a Hazard Mitigation Plan for the City of Bixby and create a plan to be included in the City of Bixby CRS (Community Rating System) program.

STAFF REPORT

It is very important for the future of our City that a Multi-Hazard Plan be developed. It is the plans that will direct the city's response to any disaster be it floods, tornados, fire, winds, ice, or any hazard that we might identify. It is the plan on which future federal funding is based.

The Mayor has requested and appointed the Planning Commission as citizens of Bixby to direct and contribute to the development of the plan. This item will be an ongoing agenda item as we direct the creation of the plan. The staff will provide information and be a resource for the creation of the plan.

The City has employed Flanagan and Associates to guide the creation of the plan and give professional guidance. Mr. Ron Flanagan is here tonight to brief the Commission on the creation of the plan. Your packet contained information for your review and a proposed project schedule.

The importance of this plan cannot be stressed enough. The Commission will be key in its development. The staff, including the fire marshal, the police chief, the city engineer, the public works director, our consulting hydrologist, and the city planner will be at your disposal in the development of the plan.

Ron Flanagan, Flanagan and Associates, Damages in the nation are approaching 4 billion dollars, and in an attempt to get a handle on this expenditure the Federal Government has developed this training program and requiring that any communities in the future that want to access money after a disaster event must have a Hazard Mitigation Plan in Place. Recently the city has received a grant that is 75 percent federal and 25% local to develop the plan. The city presently has applied for Federal Money to construct a drainage channel to correct a flooding area in the downtown area of Bixby. It will take a year to develop and we will meet with the planning commission during you monthly meeting. At the next meeting we will develop some goals and identify hazards that we will address. We will hold at least three public meetings that are required for the formulation of the plan. Bixby is also in the CRS program so we will structure the process so we can receive credit in that program so citizens can receive a greater discount on their flood insurance. We have given you an outline of how we would like to proceed and would be open to any questions.

The committee asked questions concerning how the work would proceed.

4. Discussion and possible Action to approve a Preliminary Plat for Twin Creeks Villas part of PUD 28, Developer Twin Creeks LLC, Engineer, Tulsa Engineering

STAFF REPORT

The Preliminary Plat meets the qualifications for approval. The staff has meet with the Tulsa Engineering and discussed the conceptual construction

drawings and the preliminary plat. The Hydro gist, Janet **Meshek** has reviewed and approved the preliminary plan.

Chairman Sherrill asked concerning the direction of the water from the subdivision and the Engineer, Jerry Ledford, Tulsa Engineering explained how the water issue was addressed, taking most of the water to an existing regional drainage facility.

Bill Campbell moved and Roy Paxson seconded for approval.

VOTING FOR: Campbell, Paxson, and Sherrill

VOTING AGAINST: None

ABSTAINING: None

MOTION TO CONTINUE: 3-0-0

5. Discussion and possible Action to approve a Preliminary Plat for Enclave at Legacy, Developer Legacy Park LLC, Engineer Tanner Consulting LLC.

STAFF REPORT

The Preliminary Plat meets the qualifications for approval. The staff has reviewed the plat and discussed the conceptual construction drawings. The Hydro gist, Janet Meshek has reviewed and approved the preliminary plan. Mike Jones has meet with property owners in the area who are concerned about drainage. Please review attached letters and response.

Bill Campbell explained to the public present that this was a preliminary plat and not the final. A preliminary plat does not receive the in dept review as does a final plat. Be assured that the final plat will take every item into consideration and it will not be approved unless every eye is dotted and tee crossed. Chairman Sherrill referred to Mr. Jones Letter and outlined the many steps a plat has to go through before it is approved.

PUBLIC HEARING

Matt Cyran, 525 So Main, identified himself as the attorney for some of the property owners in a boundary dispute that borders the plat. He also anticipates additional lawsuits concerning the property and tonight's action.

Chairman Sherrill explains that was a civil matter and did not pertain to the action of this committee. Additional lawsuits might but a boundary dispute does not apply to the action of this committee.

Rex Webb, 10709 S 89th East Ave, asked if the preliminary plat is approved when can they start the sale of lots. The Planner responded not until the final plat is approved and filed of record in Tulsa County.

Rusty Napp, asked concerning new subdivision regulations passed by the City Council. Can the developer start the sale of lots when the preliminary plat is approved to builders? The planner explained that the sale of the property, transfer of title, could only be accomplished after the filling of the final plat. Under the new subdivision regulations the construction of the infrastructure can begin on the approval of the City Engineer and the posting of performance bonds on each section like water, sewer, earth change, etc. The actual transfer of title cannot be done until the final plat is approved and filled of record. Rust Napp asked if they could build homes and the planner said they could not build homes only infrastructure.

Ricky Jones, developer representative. He showed the master plan first shown to the planning commission in 1998. This plat is part of that master plan. The Enclaves has submitted both the preliminary plat and the second submittal on water and sewer plans that are presently being review, so they are ahead of schedule. We were confident on the plat and went ahead with the design of the water and sewer. The street was platted with Legacy II and we are now platting the lots around that street. We are still working with Janet Meshek on the hydrology report that we submitted to the city that included Legacy I, II, III, and IV. There has been a lot of hydrology study done to protect the surrounding area. All the issues have not been resolved but we have done considerable work on the project. We know there is a boundary dispute and if the people who filed the lawsuit are successful we will amend the preliminary plat.

Chairman Sherrill allowed Ricky Jones to take questions from citizen present. They talked about drainage issues.

Lindsey Perkins, developer, said there was confusion on the land. The property was purchased from the Oliphants and part of that negotiation that city was to possible obtain the creek area. Those negotiations are proceeding and the city may own the creek area.

Chairman Sherrill asked if the street was part of this plat or a previous plat. Lindsey Perkins explain the street was part of a previous plat because the city council would not allow 106th street to continue and require an access to 111th Street.

Chairman Sherrill said the Planning Commission wanted to go on record that they were not in favor of the closing of 106th Street. The Planning Commission would prefer to open all streets and feel that citizens who objected will at sometime regret that the street was not opened.

Roy Paxson stated that he needs to abstain from voting because he is part of the South Country Homeowners Association Government Committee. Chairman Sherrill acknowledges that the item could be dealt with on a majority vote but without a quorum they could not vote. The Planner asked Mr. Paxson if he was party to any lawsuit concerning the property. Neal Poltridge, chairman of the homeowner association reminded Mr. Paxson that the Homeowners Association did not have involvement in the litigation of some of the property owners. He felt there was no conflict of interest because the Association was not party to the lawsuit nor in anyway connected to the lawsuit. Ricky Jones asked the Commission if there is a quorum of three and two vote to approve and one abstains then the plat can be approved. The Planner explained that if there were a quorum, the majority vote would be needed for approval. Mr. Paxson said he wanted the minutes to reflex that he was not part of the litigation of some of the property owners. The attorney, Matt Cyran, stated that the boundary dispute did not involve the homeowners association but that the drainage issue may and a lawsuit on the drainage issue might at some point become part of the litigation. Mr. Perkins stated that the drainage issue is resolved on the final plat not the preliminary plat, the other issue is boundary dispute, if it turns out that property is not ours then we will change the plat to not include the area in dispute. Mr. Paxson stated that this being part of the minutes he would respond with a vote.

Chairman asked for a motion. Bill Campbell made a motion to approve and Roy Paxson seconded the motion.

VOTING FOR: Campbell, Paxson, and Sherrill

VOTING AGAINST: None

ABSTAINING: None

MOTION APPROVED: 3-0-0

6. OLD BUSINESS: None

7. NEW BUSINESS: None

8. ADJOURNMENT: 8:10 pm

APPROVED – CHAIRMAN

DATE