

**SPECIAL MINUTES  
PLANNING COMMISSION  
7:00 P M  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
July 21,2003**

**MEMBERS PRESENT**  
**Scott Sherrill**  
**Bill Campbell**  
**Jim Powell**  
**Bill Davis**

**MEMBERS ABSENT**  
**Roy Paxson**

**STAFF PRESENT**  
**Jim Coffey**

- 1. Call to Order: Vice Chairman Sherrill called the meeting to order at 7:00PM.**
- 2. Approval of Minutes of June 16, 2003.** Jim Powell moved and Bill Campbell seconded for approval  
**VOTING FOR: Davis, Campbell, Powell, and Sherrill**  
**VOTING AGAINST: None**  
**ABSTAINING: None**  
**MOTING PASSED: 4-0-0**
- 3. Approval of Minutes of Special Meeting June 20, 2003.** Bill Davis noted that he was present at the meeting and voter for the action taken on the Tate Re-Zoning. Jim Powell made a motion to approve as amended and Bill Davis seconded.  
**VOTING FOR: Davis, Powell, and Sherrill**  
**VOTING AGAINST: Campbell**  
**ABSTAINING: None**  
**MOTING PASSED: 3-1-0**
- 4. Discussion and possible action to make recommendation to the City Council on the annexation of Eagle Rock Sub-Division between Sheridan and Yale and North of 141<sup>st</sup> Street.**

**Staff Report:**

Attached is a plat and additional information on the PUD for Eagle Rock that was approved by Tulsa County. Eagle Rock will be utilizing the water and sewer capacity of the City of Bixby. The subdivision is North of 141<sup>st</sup> Street between Sheridan and Yale. It would be a normal planning activity to accept the

subdivision into the City Limits because of the utilization of the City water and sewer system and the location of the subdivision in relation to the City Limits.

There are some factors to be considered from a Planning perspective. This subdivision does not meet zoning classification as defined in the Bixby City Code. However, this PUD was approved by Tulsa County. Modifications are allowed in a PUD as indicated in the PUD documents. Bixby code indicates a Planned Unit Development is an alternative to conventional development where the particular tract is under common ownership or control, and a detailed plan for the development of the tract as a unit is proposed and submitted for public review.

In the Bixby Code, every PUD is to be reviewed as to proposed location and character of the uses and the unified treatment of the development of tract. The regulations of the general zoning district or districts remain applicable except as specifically modified. Modification of use or bulk area requirements are permitted as approved by the Planning Commission and City Council

A PUD is like a contract between the developer and the governing body. In this case the approval and acceptance was by Tulsa County. In our annexation we are accepting the conditions as set forth in the PUD documents, Plat, and Covenants as approved and filed of record. The question in our evaluation is can we accept these documents and do will feel that it is in the best interest of citizens of Bixby to annex this area. As pointed out on the attached memo there are several areas that do not agree with our Code. There are also issues on the maintenance of common areas and the storm water drainage plan. Water is discharged into the Arkansas River under the old railroad bed per an agreement with the railroad (see attached). This would be the first PUD were additional living quarters may be erected on a building lot with a single family home. The Streets in Eagle Rock are private.

The City attorney has directed the staff to bring this item to the Planning Commission and asked that you review the pros and cons and make a recommendation to the City Council.

Jim Powell asked about the issues as listed by Mike Jones.

1. The current stormwater drainage design violates our drainage ordinance. It allows uncontrolled discharge of stormwater onto adjoining properties (No Detention).

2. The necessary information has not been submitted in order to verify if the storm sewer piping has been designed (sized) in accordance with our ordinances.
3. The current storm sewer piping is HDPE (plastic) which is not currently allowed whether the system is private or public.
4. There is a private separate agreement between the developer and Union Pacific that is not reflected on the plat (insurance & pipe encasement requirements). I believe those requirements should be covered in the covenants.
5. The actual filed plat, drainage easements, lots configuration, reserve area, and submitted engineering drawings are different than the PUD documents. I defer to Phil on this issue as a legal matter.
6. The plat does not comply with our easements requirements.
7. Even private streets within the City are required to comply with our standards. We have no information to determine the street construction.
8. The language in the covenants of the plat is not consistent with our language requirements (street construction, base, grading, certificate of owner, certificate of surveyor, etc).
9. The covenants convey all jurisdictional authority to Tulsa County not Bixby (except water & sewer). Again I defer to Phil if this is any issue.
10. The covenants allow for Reserve Area "A" to be converted to a single-family residence if not utilized for detention. The development is complete and the reserve has not been utilized to detention.
11. The major language covering drainage, detention, maintenance, and jurisdictional authority is missing.
12. The enforcement, duration, and amendment language of the covenants is different than we require.
13. Language in the covenants allow for 18-inches of fill or excavation within easement areas. The City does not allow this activity. In the past, this is how our storm sewers, manholes, valves have been covered or damaged.
14. It appears the PUD, the stormwater design drawings, and the plat are different. We need to confirm the actual constructed drainage between Block 5 to 6.

Jim Powell asked which are the most important and the Planner replied the Stormwater issues.

Scott Sherrill asked about the authority of Tulsa County as listed in the Covenants.

Tom Wenrick, the developer, said the covenants would have to be amended to reflect the authority of Bixby if the city accepts Eagle Rock into the City Limits.

The board had a brief discussion about the issues.

Jim Powell moved and Bill Davis seconded to recommend annexation to the City Council.

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

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED; 4-0-0**

**5. Old Business: None**

**6. New Business: None**

**7. Adjournment**

**Approval**\_\_\_\_\_ **Date**\_\_\_\_\_