

Minutes done without recordings. They were not audible.

**PLANNING COMMISSION  
7:00 P M  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
June 21, 2004**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

**Roy Paxson**

**STAFF PRESENT**

**Jim Coffey**

- 1. Call to Order: Chairman Sherrill called the meeting to order at 7:00 PM.**
- 2. Approval of Minutes of May 17, 2004.** Davis moved and Campbell seconded to approve the minutes.  
**VOTING FOR: Powell, Campbell, Davis, and Sherrill**  
**VOTING AGAINST: None**  
**ABSTAINING: None**  
**MOTION PASSED: 4-0-0**

**Chairman moved PUD 33 on the agenda to be heard first because of the large number of people present to speak.**

- 7. PUD 33 Public Hearing, Discussion and Possible action to approve a Planned Unit Development for a parcel of land located South of 181st Street and East of 158 East Avenue, Lot 1, Block 1, Bixby Lake Estates, Allen Smith, applicant.**

**The Planned Unit Development is a private gated community that is located adjacent to Bixhoma Lake Estates. The area was part of the original plat and carried a CS Zoning. In 1980 the property was re-Zoned to RE (Residential Estates to match the rest of the sub-division. The Comprehensive Plan indicates it as a rural area and Development Sensitive. The PUD will take exception to the following bulk requirements of the underlining zoning. 1. Some lot wicths will be less than 150 feet, 2. Lot Area will be about 22,500 square feet per lot less**

**than the 24,000 square feet in a RE Zoning. These changes can be approved as a Planning Unit Development**

**The Fire Marshal has reviewed the plan and asked for a second point on entry which is on the plat. The Hydrologist reviewed the plan and the drainage concept looks as though it will work. The City Engineer is concerned about negative water pressure at the plant that is to the east of the development. The developers engineer submitted a study and the new engineer has yet to consider the matter at the time of this writing. As a zoning questions the concept is acceptable and staff can recommend approval of the PUD. The development of the other concerns as to water and drainage will be addressed in the platting stage.**

**PUBLIC HEARING:**

**Kathy Pursley, 15801 E 183<sup>rd</sup> Street South, I have two concerns that I believe will negatively impact construction of the PUD. First issue is Drainage, increased rainwater run-on to my property, and the effect of increased drainage on the watershed of Lake Bixhoma. Second the impact on wildlife. The environment cannot speak for itself and it is the responsibility of my elected officials to protect and preserve these environmental treasures. (Letter attached)**

**Ken Koellh, 18386 S 156<sup>th</sup> Street, I heard the engineer at the water plant had problems with this why should we go forward**

**Chairman Sherrill responded we are only handling zoning issues tonight.**

**Campbell said it will still need to be platted.**

**James Staves, 15832 E 138<sup>th</sup> Street South, hand contact Wagoner County Records and was concerned about devaluation of the properties that surround the development.**

**Gay Downing, 1400 E 161 Street, Lenard, Ok. A realtor who believes that the development will raise property values. There are only two sales for comps in the area and they are foreclosures.**

**Mark Cultright, 18101 S 158<sup>th</sup> East Ave. Lived there 23 years. We would like to see it built but we want it built right so it makes the area better for everyone.**

**Vickey Taylor, 18110 S 156<sup>th</sup> East Ave. How will this development affect our covenants.**

**Chairman Sherrill explained that this development would have its own covenants and those covenants would not affect those of the other subdivision.**

**Jack Seay 1219 E 13<sup>th</sup>, Tulsa, Ok, Showed a plat for the area that Jo Donaldson had done in 1981. This was approved at that time and it would be good to approve this PUD.**

**Mary Duffy, 15822 E 183<sup>rd</sup> Street, Concerned about environment and wildlife.**

**Dennis Foegen, 18388 S 154 East Ave, Was concerned about density of homes.**

**Chairman Sherrill explain that they could build one less home by right.**

**William Ryan, 15833 E 183 Street, Concerned about the look, will it fit the area, would hate to see it changed from the rural atmosphere.**

**Justin Friend, 18131 S 158<sup>th</sup> East Ave. was concerned about the emergency access road across Lot 9, of Bixhoma Lake Estates. Will it be a blacktop road is it part of the subdivision? How will affect Bixhoma Lake Estates.**

**Chairman Sherrill explained it was only an emergency road and would not be for traffic to PUD 33 only for emergency vehicles with a crash gate.**

**Sharon McCaig 15823 E 183 Street. Will Lot 9 have another house on it, and who's covenants will it follow.**

**Allen Smith, 4309 E 119<sup>th</sup> Stree Tulsa, Ok Developer of PUD. Replied it will have only the emergency street and be part of Bixhoma Lake Estates if other structures were built on Lot 9. He continued, We want to do it right, we do not want to add to any drainage problems, or other water problems, We want to upgrade the neighborhood, save every tree we can save, and develop a first class development that will add to property values. We are open for suggestion from the subdivision and will work with them any way we can.**

**Jack Shridan, Engineer for the project. We will work with the property owners and do a good job on the development**

**Allen Smith, the first two houses will be built as homes for the developers..**

**A board consulted with each other. Davis moved and Campbell seconded to approve PUD 33.**

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

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

- 3. BZ303 Public Hearing, Discussion and Possible action to approve a zoning change on a parcel of land located West of Riverview between Jefferson and Washington Streets from RS-3 (Single Family) to RS-4 (Single Family), Kendal Goodell, applicant.**

#### **STAFF REPORT**

Re-Zoning of this parcel is necessary because it will not meet the City of Bixby Ordinance for building because of the lot width. As you remember the City Council adopted the RS-4 Zoning classification primarily for the downtown area because the lots could not be developed under the existing ordinances. No comments have been received from the public and the zoning agrees with the Comprehensive Plan. Staff recommends approval.

**Public Hearing: No Comments**

**Davis moved and Powell seconded for approval**

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

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

- 4. BZ304 Public Hearing, Discussion and Possible action to approve a zoning change of a parcel of land South of 111<sup>th</sup> Street West of LOWES and East of Fry Ditch from AG (Agriculture) to Part One RS-3 (Single Family), Part Two RT (Residential Townhouse, and Part Three CS (Commercial Shopping), Brumble Dodson Construction, applicant.**

#### **STAFF REPORT:**

**The west half of the subject parcel was presented and approved for re-zoning by the Planning Commission on October 20, 2003. The request was later withdrawn because of negotiations on the purchase of the property to increase**

the sale from 36 areas to 65.27 acres. The re-zoning is divided into three areas. Area one is 56.7793 acres of RS3 Single Family which is East of Fry Ditch along the South side of 111<sup>th</sup> Street. Area two is 6.2464 acres of RT residential townhouse that is the east 280 feet and the south 1321 feet of the property directly behind the LOWES property and North of the Links. The Third parcel is the east 280 feet by 350 feet that is behind LOWES and is long 111<sup>th</sup> Street.

The Comprehensive Plan indicates that about half of the property located east of Fry Ditch should be low intensity. RS3 zoning is considered a low intensity use. The rest of the property to the east is within the Corridor. A Corridor will support medium intensity uses such as RT and CS. The Corridor would also support a High Intensity use in a PUD but not High Intensity use is requested. The Zoning classifications as requested agree with the comprehensive plan. Staff Recommends approval.

#### **PUBLIC HEARING**

**Cheryl Tinker, 11406 S 69<sup>th</sup> East Place. Concerned about houses per acre, how smaller homes would devalue her property. Was concerned about noise the LOWES and now from a development that would be between her and LOWES. Was concerned about traffic.**

**Planner espained the density for RS3 homes.**

**Ted Sack, engineer for the project, commented on the development as one much like those Brumble and Dodson had done in the area before. Planning Commission approved most of the RS3 zoning before but the item was not voted on by the City Council because the developer wanted to include the total 60 some acres.**

**Powell moved and Davis seconded for approval.**

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

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

- 5. BL301 Discussion and Possible action to approve a Lot split on a parcel of land zoned agriculture on 109<sup>th</sup> East Avenue South of 111<sup>th</sup> Street South in Section 31, T 16 N, R 14 E, Wade Sessions, applicant.**

## **STAFF REPORT:**

The Lot Split is presented to the Planning Commission for approval because it varies from the requirements of the Ordinance to split Agriculture land into parcels by right of at least 2.2 acres each (Section 330 Bulk Requirements). The Planning Commission does have the authority to split the land. Removing the parcel from the undivided tract would leave access to the undivided tract along the roadway, of 70.25 feet and 152.27 feet. There is presently a house on Tract A and the division of property would make the lot a non conforming lot for the present agriculture zoning. The bulk requirement for an agriculture lot is 200 foot frontage (new lot would be 107.67 feet) and a 40 foot rear lot set back (rear set back would be 20 feet). Since the house is existing it would not be affected, however later development of the lot would require the developer for the any addition to follow the bulk requirements. It should be noted the house was built by the applicant for their parents and the surrounding property is owned by the applicant. The water line is a private line and City sewer is not available. Further development of the lot would be possible under present ordinance in that most of the width of lot is greater than 200 feet (330.20 ft). The only exception to further development would be the Flood Ordinance and further construction would require a one foot freeboard above Base Flood Elevation.

### **Powell moved and Campbell seconded for approval**

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

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

- 6. PUD32 Public Hearing, Discussion and Possible action to approve a Planned Unit Development for a parcel of land located on the Northeast Corner of 131<sup>st</sup> Street and Sheridan Road, Section 2, T-17-N, R-13-E, Owasso Land Trust, applicant.**

## **STAFF REPORT:**

The PUD has been reviewed by Staff. The property is presently zoned RD (Residential Duplex) and CS (Commercial Shopping). The PUD would utilize the property for single family homes. Using the density allowed by the zoning 99 Dwelling Units could be placed on the property. The developer is proposing 90 units. Each lot would have one Single Family Detached

**Dwelling. Each lot would be a minimum of 5500 square feet and exception from the RD zoning that would require 6900 square feet. Lot widths would be 50 foot and exception from the 60 foot required by RD Zoning. Front Yards would be 20 feet and exception from 25 feet by RD Zoning. Another exceptions is the sewer line would be in the rear of the lots. These exceptions are spelled out in the Plan Unit Development Design Concept and approval of the PUD would allow the developer to develop the land with the exceptions as noted.**

**Since the property is adjacent to the Fry Ditch, Drainage requirements would be met by the payment of a fee in lieu. The Hydrologist has reviewed the drainage concept plans and believes the plan is workable.**

**The PUD does agree with the Comprehensive Plan that recommends residential low intensity. Single family homes are considered a low intensity use.**

**The location of the houses is adjacent to the fry ditch and west of an area zoned RMH (Residential Mobil Homes). The area to the north and west is a Special Flood Hazard Area and will at this point probably remain Agriculture which is the present use. The area to the South is Zoned RS-1 (Single Family). Residential housing does fit well within the area. The homes would probably be around 1500 square feet and would sell in the low to mid \$100,000 category. Bixby does not have many homes being developed at present in this size or price range.**

**Because of the low inventory of houses this size and if this price range the Planning Staff recommends that the exceptions in bulk requirement and utility placement be allowed and that the PUD be approved.**

## **PUBLIC HEARING**

**James Sevel, 12927 S Sheridan Rd., lives directly north of the development. Concerned about storm water. Had 3 feet in house in 1986. Concerned that the development area that was raised when Fry Ditch was developed would add to his flooding problems.**

**Chairman Sherrill explained that the development would have to be developed in accordance with the flood ordinance and drainage designed so as not to flood surrounding properties.**

**Chairman Sherrill was concerned about the sewers in the rear.**

**Jerry Ledford Jr. 6687 E 67 East Ave, explained they were designing the storm water to be carried to Fry Ditch and that the sewers were in the rear.**

**Sherrill made the motion to approve on one condition that the utilities meet the subdivision regulations for placement. Powell seconded the motion.**

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

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

**8. Discussion and Possible action to approve a Final Plat for Trinity Presbyterian Church located on 111<sup>th</sup> Street East of Mingo, Section 23, T-18-N, R-13-E.**

**STAFF REPORT:**

**Final Plat has been reviewed by staff. The Hydrologist at this writing is still reviewing the drainage report, but on initial review it appears the drainage can be approved. Staff recommends approval.**

**No Comments**

**Powell moved and Campbell seconded for approval.**

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

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

**9. Discussion and Possible action to approve a Final Plat for Bishop Market Square, Lot 1, Block 1, Market South Second, Section 13, T-17-N, R-13-E, located on the East side of Memorial at 148<sup>th</sup> Street South, Bishop Commercial, applicant.**

**STAFF REPORT:**

**Staff has review the plat and recommends approval.**

**No Comments**

Powell moved and Davis seconded for approval.

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

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

**10. Discussion and Possible action to approved an amendment to PUD 29A to allow a change in hours of operation and an entry door on the south side of the building.**

**STAFF REPORT:**

PUD 29A has operational limitations. “Business hours shall be limited to the period 6:00 am to 10:00 am” “Restaurant patrons shall not be seated outdoors after 9:00 pm and indoors after 10:00pm” The developer would like to removed this limitation on hours of operation. A present the development plan does not show a door on the south side of the building. The developer would like to have a door on the south side.

**PUBLIC COMMENTS:**

Lynn Ledford, 17429 S 90<sup>th</sup> mother lives at 8107 S 124<sup>th</sup> Street. The PUD first restricted the hours of operation from 6 am to 10 pm. The developer has a lack of concern for the property owners. We had a deal on the present hours and those hours should not be extended.

Keith Boulton, 8122 S 124<sup>th</sup> Street. Traffic will be a problem. We do not want longer hours. We do not want the traffic using 124<sup>th</sup> Street which they will. This is our home, we do not want the longer hours.

Bob Pierce 8104 E 124<sup>th</sup> Street. A door on the south end would open up into his front door. We do not want a south entry to the development or longer hours. The driveway out of the business lines up with my driveway. We are apposed to the change.

Deric Newell, 8105 S 124<sup>th</sup> Street was concerned about the noise. He has small children.

Ted Sack, engineer for the developer, explained the after hours was a card entry into 4000 square feet of space. Members of a women fitness group would be able to come and go around the clock to use the equipment. The center is unmanned and there would be only a few women that would use it after hours. The side door requested is actual a small patio with a wall and gates. The door would let patrons of a coffee shop go out on the patio and drink their coffey.

Chairman Sherrill ask how much landscaping was the developer willing to do since this was an issue to get 15 % when it was first approved.

Ted Sack said they were willing to do landscaping.

Discussion between chairman, planner, and members.

Chairman Sherrill moved that the late entry by card be approved and only be for this one particular business. If the business changed then the late entry would not be in effect. The entry will be only through the front door that is on Memorial. He also said that the item should be given to legal, the City Attorney to see if the Planning Commission could restrict approval to the one business. The other item as to the door would be tabled for further information and be brought back at the next meeting. Davis seconded the motion.

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

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

**11. New Business: None**

**12. Old Business: None**

**13. Adjournment**

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