

**MINUTES
PLANNING COMMISSION
7:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
MONDAY
NOVEMBER 15, 2004**

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

- 1. Call to Order: Chairman Sherrill called the meeting to order at 7:00 PM.**
- 2. Approval of Minutes of October 21, 2004. Powell moved and Paxson seconded for approval.
VOTING FOR: Powell, Campbell, Paxson, and Sherrill
VOTING AGAINST: None
ABSTAINING: Bill Davis
MOTION PASSED: 4-0-1**

Chairman Sherrill announced that the commissions would consider item number 6 on the agenda first.

Discussion and Possible Action to approve a Preliminary Plat for PUD 34, the Cottages at Falcon Ridge, Westec Properties, applicant.

STAFF REPORT: Plan reviewed by engineering, hydrology, public works and planning. The staff recommends approval.

PUBLIC HEARING: No Comments

**Powell moved and Paxson seconded for approval.
VOTING FOR: Powell, Campbell, Paxson, Davis and Sherrill
VOTING AGAINST: None
ABSTAINING: None
MOTION PASSED: 5-0-0**

BZ 308 Public Hearing Discussion and Possible Action to approve a zoning change on a tract of land in Section 11, Township 17 North, Range 13 East on the east side of 78th East Avenue and South of 131st Street from RS1 to R3 4, Ken Laster, applicant.

STAFF REPORT:

Item was continued from last meeting. Zoning request has been modified from RT to RS-4. Proper legal notification was given for the RS4.

The Comprehensive Plan indicates this area as residential. The designation of low intensity was given to all areas in accordance with their present zoning. The plan does indicate that other residential zoning may be possible. The zoning of RS-4 was created after the Comprehensive Plan was approved but does fit well into the intent of the plan. The property to be re-zoned has commercial on one side and RMH of another. It would qualify as a transitional area and could be zone RS-4. The area could not be zoned CS or CG. The zoning request does satisfy the Comprehensive Plan. This area is on a dead end street which is a draw back for access to the property. The platting process will have to address the street. This might be accomplished by additional access or more than one access onto the existing street. These items can be addressed in the platting stage. Staff believes this is a proper use of the property and recommends approval. At the last meeting discussion was to leave the property along 131st Street as RS-1. Staff can recommend approval on either the original application or the modification.

PUBLIC HEARING:

Buddy Grisham, 7841 E 134 Street, we would like to have the entire 6 and 1/2 acres as RS-4. If the area along 131st is left as RS1 we could have only three lots. We would at least like to have RS2 so we could have 75 foot lots.

Davis asked if he had talked with the neighbors and Grisham said he had and they mainly discussed the type of houses. We discussed full brick homes and the square footage.

Sherrill said the Commission felt in the last meeting the area along 131st street should remain RS-1.

Grisham would like to amend our applicant for RS2 in that area?

Sherrill asked the length of the area that would not be zoned RS4. Grisham answered it is 330 feet. Sherrill so with RS2 you can get four lots? Grisham agreed.

Tom Holland 7818 E 131st Street, I talked with the applicant but I still have apprehension. Once this is zoned, then what ever is applicable for that zoning can be done. Mr. Laster assured me he will build nice homes but he is not going to build all the homes. 1100 square foot house is a small house. There are some in the neighborhood but they are on a 1/2 acre lot. Most of the houses are not the size. My house is 2200 sq feet and abuts this property. I know the economics of development, but I do not see willingness to compromise.

Sherrill said what we are talking about is the difference between RS1 and RS2 or the difference between 3 or 4 lots. Holland, my concern is the transition to the south. From larger homes to an 1100 square foot house on some lots. I do not think this is in the best interest of Bixby.

Discussion by Board to identify area.

Board discussed modifying the description of property to make the South part RS4 and RS2. Applicant was asked if he would agree to the change, and wanted to continue with the application.

Laster, we would like the RS4 but we will take what we can get.

Davis made a motion and Campbell second to zone the lots along 131st Street RS2 and the remainder RS4.

VOTING FOR: Davis & Campbell

VOTING AGAINST: Powell, Paxson, and Sherrill

ABSTAINING: None

MOTION PASSED: 2-3-0

Powell moved to remove the area along 131 streets from the application and rezone the remainder of the property RS4

VOTING FOR: Powell, Paxson, and Sherrill

VOTING AGAINST: Davis and Campbell

ABSTAINING: None

MOTION PASSED: 3-2-0

PUD 29A Discussion and possible action to approve a minor amendment in PUD 29A to allow a wood fence in lieu of a masonry wall running east and west along the south side of the property.

STAFF REPORT:

The Ordinance Section 250 requires a Screening Fence (1) to be constructed of customary fencing materials; (2) be designed and arranged to provide visual separation; (3) not be less than six (6) feet in height; (4) constructed will braces and supports on the interior except when both sides are of the same design and appearance; and (5) erect prior to occupancy of building.

Eric Sack, Sack & Associates, presented a plan showing a six foot fence on top of a railroad retaining wall, with the drainage swells in place before the property line. He explained that the goal was to save the trees along the property line. A masonry wall with a footing would kill the trees.

PUBLIC HEARING:

Jim Speck, 8109 E 124th Street, had question about the anchoring of the wall and the height of the fence. Eric Sack explained how the wall was constructed the fence anchored and the height of 6 foot... Jim Speck had no further questions.

Powell moved and Davis seconded for approval.

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

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 5-0-0

Chairman Scott Sherrill tuned the meeting to the Vice Chairman and left the room because he had interest in the next item.

PUD 35 Public Hearing, Discussion, and Possible Action to approve a zoning change on a tract of land in Section 25, Townships 18 North, Range 13 East, Spicewood Ponds, Spicewood LLC applicant.

STAFF REPORT: The PUD has been reviewed by engineering, hydrology, public works, the Fire Marshal, and planning. The staff recommends approval.

PUBLIC HEARING:

Ricky Jones, Tanner Consulting, we are excited to bring before you the next development of this square mile of development called Spicewood III. The name has been changed now to Spicewood Ponds. You have the PUD before you. This project is much like Spicewood Park which is just about sold out that fronts off 101st Street. This property will tie into Spicewood Park development via a walking trail. Although it is going to be separate it is very similar in nature. The units have increased in size. The is a 7.9 acre project. We are requesting in the PUD a maximum of 45 dwelling units. The site plan you have before you has 42 units. This property appears to be isolated and have no access, but the property will have access off Mingo on a curved street you see off Mingo is a collector type street. We have submitted a PUD called Spicewood Villas that will come before you next month. We plan to plat both at the same time and they are similar in development type. This property backs up to the drainage way easement that was dedicated by Mr. Oliphant to the city. So it backs up to this green area.

We had opportunity to meet with the interested parties before this meeting and I think we are in agreement for the most part with the parties and with staff. They did give us a list of request of about 13 items before the meeting. We are in substantial agreement. I think the issue that they are most concerned with is trees. We set this development far enough away from their development to maintain a green space. Everyone likes trees. But at the same time we cannot guarantee that every tree is going to live. As evident in the Spicewood Park development we tried to save as many of the trees as we can. We also have a minimum rear set back requirement of 17.5 feet. If you scale off the some off the buildings are 50 foot back. If you scale the green belt there is at least 250 foot within the green belt between the property lines of the two developments. It is important to point out that from rear of building to rear of building there is over 300 foot separation. It is our intent to maintain a buffer with some trees. Distance is used in the zoning code to provide visual separation. That is why you have building set back lines. Distance is a buffer. We designed this project to maximized a set back from any existing development. They ask us to maintain trees of a 4 inch caliber in size and if they die, replace them in the same location with two tree of not less that 2 inch in caliber or eight feet in height. We are not willing to agree to that request. I believe this plan does provide visual separation. The other point of contention is the request that all exterior building elevations be at least 30 percent masonry construction. Zoning codes do not regulate exterior building materials. In their neighborhood there are some structures that are total masonry on the back and some that do not have any masonry. With the visual separation 30 percent separation is insignificant. They also wanted some language on lighting, and I have seen this in some PUD's however I

have also seen this to be a gray area. We do not want light spilling over into their neighborhood just like we do not want their light in our area. We will use the same lighting that is presently in Spicewood. We do not have wall packs on the back of our buildings. I cannot grantee that light will not spill over if you are a foot off the property line. I disagree with the wording but the concept I do agree with. The best way to deal with this is to say that we will do was done in the Spicewood Park concept. We will continue working with the interested parties the best we can and we understand the recommendation you make here will go on to the City Council and we will be willing to consider the request. We ask that you approve a recommendation to the City Council in accordance with the staff recommendation before you, and let us go forward to the City Council.

Davis asks for the list of items that were being discussed between the developer and other property owners.

Jones said he could have his list or the other property owners would provide a list.

List was provided to the four members on the commission.

Roger Tucker, 10420 S 92nd East Ave, asked if any of the garages would be accessed along the west boundary. Jones stated there was no access into the garage from the west side. All side loaded garages is from the east not from the west. Roger Tucker asked if there would be headlights coming into that area. Will there be a sealed buffer to shield the headlights? Jones answer no if would be similar to what is in Spicewood Park. There would be wrought iron type fence along the entire west boundary. We want the people to be able to enjoy the green space just like the people on the other side. The other question is where the lights will be placed. Jones answered, that is dictated by Public Service. We will work with them to place the light in the interior. Final design of the lights has not been decided at this time.

Jane Courtney, 9132 E 103rd Street. Lives in the last cul-de-sac of Stone Creek Park. I have been part of the homeowners association for all six years. I felt safe and we have a landscape company and we have done work for contractors on several of the developments in Bixby, South Tulsa, and Stone Creek. We have the detention pond that we have landscaped with a sprinkler system, bench, etc, spent a lot of money. I want you to realize the terrain. The street in Spicewood is much higher than the detention pond. The trees in the creek are down; they are not up as a buffer. The land they want to develop is higher. Trees have been removed and it is very barren. We paid for some threes on the pond up close to 92nd and in our budget we

will need to come up with funds to solve issues. That is why we want the structures to be one story. Bixby is known for not having high rises. In Bixby we are not up around big apartment complexes and high rises. We would like for it to be in writing that it can only be one story high.

Davis asked with only two small areas with short entries how often will you have to worry about lights. It is not a through street, how often will a car be there to interfere with anything.

You're going to have company, coming home in the evening. It is very visual.

Davis asked with only two streets that are short between structures. How could you be bothered by lights?

The trees are out and there is no buffer at all.

Davis, I do not see the problem.

Powell, it is not like 24 hours a day.

Granted, but in Stone Creek there are houses that back along there, and you will be shinning into their family room.

Davis and if it does it will be only seconds.

Streets light, security lights may cause some affect from that, and some of the people back directly to the pond.

Powell your own neighborhood has lights. Davis as you drives down the street you are shinning light on your neighbors.

We understand there is going to be some light, but there is a way to vision it so we don't get as much. We are also concerned about security lights that will light that place up.

Powell, are you assuming they are going to put up more lights than you have in your subdivision? My opinion is they will not light this thing up like a Christmas Tree and there will no more lights than in you neighborhood. Don't you think that the property owners in this development will not do landscaping in their yards? You have 300 feet between sub-divisions, I do not understand your complaint.

We have lost significant trees that were a natural buffer from the sewer line installation in the creek bed and we do not have the buffer.

Davis. Who took the trees out?

City of Bixby, there was a tree farm over their and there were once was a lot of trees.

Craig Tomlinson, 9162 E 102nd Street. I have a list of modification we would like to see included. (hands out list) First we would like this area to be zoned RD and not RT. Spicewood Park was RD and not RT. The question is dwelling units. We would like to see a maximum of 45 units. Second we want only one-story buildings. We would like for the clubhouse to be set back a minimum of 250 feet from the west boundary of the PUD. We would like the outdoor parking areas along the south and west boundaries to be screened with a double row of evergreen trees. All trees referred to in this section shall not be less than two inch caliper, nine feet in height and planted on eight foot centers. Any tree that dies shall be replaced in the same location by trees of the same caliper and height. We would like fencing on the west boundary of the PUD that is six foot high and constructed of wrought iron. Prior to issuance of an Occupancy Permit, we would like a Landscape Architect licensed to do business in the State of Oklahoma to certify in writing to the Building Inspector that all landscaping, screening and appurtenances have been installed in accordance with the approved landscape plan. We want no bulk trash containers, no outdoor covered parking or carports, and we want all exterior building elevations to be 30 per cent masonry.

Powell. We cannot tell a person the kind of masonry. We don't deal in that. I don't deal with hydrology, water, building materials; I deal with changing the zoning. This board is here to change the zoning. The developer has a plan and he is going to specify what he wants to do. Once approved, he can't change it. The only way he can change it is to come back and make an amendment. We had an item earlier were the guy wanted to change to an RS4 from RS1, then he wanted RS2 on part of it. I though it looked great as an RS1 neighborhood. We are here for you guys. But remember the land will be developed, if not by this guy then by someone else. Work with these guys, they will give you what you want; they want to work with you.

Tomlinson, I would like to say one more thing before I set down. I appreciate you guys considerably; this is a little bit complicated because of the parties involved. I will respectfully disagree with you on one point. The exact reason this is a PUD so item that are as picky as this can be included in it. Part of the job of this group is to step up and say we think that ought to be in

their or no we do not thing that ought to be in their. I encourage you not to pass on or advocate the responsibility to try and make this thing compatible.

Davis, asked Jones to come to the podium and tell us what you can agree with.

Jones, We are alright with 1, 2 ,3 , with disagree with 4 and 5 , 6 we agree with as modified, 7 is ok, 8 is ok, 9 is ok, 10 is a no, 11 is ok, 12 we are in the same ball park, 13 and 14 we are OK with. I think it may boil down to masonry and trees.

Davis said we could vote of this. Powell Yes. (No motions)

Hank Grimmer, 6206 S 72nd East Ave. I am a real estate broker for the last 34 years. I would like to ask Mr. Tomlinson when his Homeowners Association gets notice of this meeting.

Tomlinson, I do not know

Grimmer, was it 30 days ago.

Tomlinson, I will not be cross examined. All I know is I have a notice to come to this meeting.

Grimmer, when did you first ask for a copy of the PUD? Yesterday or the day before.

Tomlinson I will not be cross examined.

Grimmer, so 30 days ago you got the notice, yesterday you ask for the PUD. So my question is this, the list does not amend anything.

Powell we cannot vote on this list. The PUD has to be amended. Is that right Jim (Planner)? Yes you can amend the PUD.

Campbell, how much have you people talked together. I tell you what we have found in the past. If you will get together, 99 per cent of the time you will come to an agreement. And all this stuff will not be necessary.

Tomlinson, we cannot do that if you pass their application.

Jones, we are willing to work with them between now and the City Council, and we will do that. But I do not want to continue this for a month. What

Hank was trying to say, is that Jim was required by law to send out notices 30 days prior to public meeting. If you vote to approve tonight we will continue to work with the property owners. We want it resolved; we do not want to fight at the City Council. That would look bad on you guys and on us that we cannot work this out.

Powell it looks like you are close.

Tomlinson, I have the notice and all it says is you can appear to present argument for or against.

Powell took out the notice and showed it to all people. This is the notice that was sent out. I can tell you this city follows all state laws in notification. When you get one of these it is your duty to find out what you need to do, to call and see what it is all about. Mr. Coffey will give you all the information you request.

Davis we do not want to delay this item. We are a recommending board we do not want to delay this item if it is basically alright. We want to vote for it. But we are not the final approval on anything; the City Council is the final approval. So let us vote on it and you gut get your troops together and be at the next City Council Meeting.

Powell, The developer wants you to be pleased he will do all he can to work it out. I look at this 300 feet separation, my I do not understand.

Tomlinson, I don't know your procedure, but if you could insert our request in the application, for a matter of form and record. That would sure be nice.

Jane Courtney, I would ask you put out request in the application for the record.

Tomlinson, we make a motion that we submit this in the application for the record.

Planner I can accept the item for record. Unless you amend, the motions you have before you are: To accept this PUD, or Deny this PUD, or to continue this PUD. You cannot amend this PUD without the developer's agreement to amend his PUD application.

Janine Gehle, 10281 S 92nd East Avenue. You said the final vote happens at the City Council. So what does this vote do?

Planner, this is a recommending body to the City Council, they either approve to recommend, or they approve to deny. If this body votes to deny then the item is dead at this point, if they recommend approval then it goes to the City Council in the form of an Ordinance. Ordinance is read on one occasion, and then on the second reading action is taken by the City Council. At that point it becomes the Planned Unity Development with any amendments that have been made up to that particular point.

Janine Gehle, if you deny they can come back at a later date after negotiation with us.

Planner not for a period of time. I think it is one year.

Dan Keithline 10271 S 92nd Street. My question is the PUD 35 has the RT designation and my question to the City Planner is what intensity of plan is RT according to the Comprehensive Plan.

City Planner. RT was not in existence when the plan was done. The low intensity does include everything up to including RD. So sense it is basically the same bulk requirements you would have to assume that it does include an RT. Medium intensity starts at multi-family RM1. So I would say this is within the low intensity.

Dan Keithline, so this matches the Comprehensive Plan.

The Comprehensive Plan does show this area to be low intensity, but when this plan was put together, the areas that were agricultural where at that time marked as low intensity areas. Agricultural is not a zoning designation but is considered by the plan as a holding designation that will at some point be developed in another way.

Dan Keithline, the items on this list are very modest, the tree were destroyed during a sewer installation. What we are asking is for the developer put back some of the trees. On masonry it was said ours is 0 to 100 percent we could go with 50 per cent.

John Oliver, 10319 S 96th East Ave. The trees taken down for the sewer line are still stacked up. Is anyone going to clean that up? They also put up a silt fence during construction. The creek is full of silt. Will the developer be required to put up a silt fence? The answer was yes.

Paxson, I make a motion we approve the PUD as stated. Powell, I second that.

VOTING FOR: DAVIS, CAMPBELL, PAXSON, AND POWELL
VOTING AGAINST: NONE
ABSTAINING: NONE
MOTION PASSED: 4-0-0

City Planner. The item will be read before the City Council, next Monday night and no action will be taken. On the first Monday in December the item will come before the City Council for action.

New Business: None
Old Business: None
Adjournment

- 3. Old Business None**
- 4. New Business Non**
- 5. Adjournment**

Chairman

Date