

**MINUTES
PLANNING COMMISSION
7:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
THURSDAY
October 21, 2004**

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

- 1. Call to Order: Chairman Sherrill called the meeting to order at 7:00 PM.**
- 2. Approval of Minutes of SEPTEMBER 23, 2004. Powell moved and Paxson seconded for approval.
VOTING FOR: Powell, Campbell, Paxson, and Sherrill
VOTING AGAINST: None
ABSTAINING: None
MOTION PASSED: 4-0-0**
- 3. 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.

PUBLIC HEARING

Buddy Grisham, applicant's representative, I work for the applicant Ken Laster. He had to go to North Carolina, his wife's mother is ill. I will answer any questions the best I can.

Tom Holland, 7818 E 131st Street, Property abuts on two sides. This is the fourth time we have been here to discuss this property. The issues I see are: This property adjoins a neighborhood and is zoned RS-1 since it changed from Agricultural. Each lot I own is an acre and one quarter each with a house on each, and lot sizes would qualify for residential estates. Almost every lot in the area is a half acre site, we are not objecting to development of the land, but we want the land use to be the best for the area and fit it with the rest of the neighborhood. I spoke to Mr. Laster concerning the land and he assured me that he was going to build nice homes but want 50 foot wide lots. He directed me to one of his developments and I went by and looked at one in Glenpool. The area is very nice but it is a RS-1 area not a RS-4 area. If it were RS-1 I would support the development. RS-4 would allow 7 houses per acre and is a high density development. RS-3 is considered high density. The developer plans to develop the land not live there. My motives are for the well being of the neighborhood. The developer motive is to make money. Ken will not build many of the homes but other builders will build the homes. Remember when a property is zoned the owner can make the land use anything that is appropriate for the zoning. I came to this town for quality of life and high density development is not a quality of life use.

Buddy Grisham showed a possible plat of the area. We have not settled on the design, but we will not be platting 40 lots.

Sherrill, how many lots do you have there. Answer is 25 lots

Powell asked about modifying the request and leaving the lots along 131st Street as RS-1.

Grisham said he could not speak for Laster but if that was what they could get they would settle for that.

Powell moved and Paxson seconded to continue item to the next meeting on November 15, 2004.

VOTING FOR: Powell, Campbell, Paxson, and Sherrill

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 4-0-0

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

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.

PUD 29A says, “A six-foot masonry wall having an exterior finish similar on both sides shall be constructed and maintained along the east and south boundaries of the planner unit development adjacent to residential properties”

The plat shows the masonry wall on the south side along the area of the development and a wood fence for the remainder of the property. The masonry fence is not a requirement of code.

The developer would like to make all the south fence wood because of the trees along the property line. By construction a wood fence in lieu of masonry the trees could possibly be saved because their root systems would not be exposed in the same degree as a footing for a masonry wall. Drainage has been addressed in this area with a small swell to allow water drain to the west. The design would not in the opinion of the hydrologist place any additional water on the property owners. A letter in your packet from Newell is in opposition.

Staff recommends approval.

Applicant had no further comments but reserved the right to respond to the public hearing

PUBLIC HEARING

Jim Speck, 8109 E 124th Street, I represent three of the neighbors closes the development. I have five issues. 1. Why is the change from concrete to wood a Planning Commission item? Changes have gone through the City Engineer and not through this board, often after the fact.

Chairman asked the Planner to respond. The change is from an item outlined in the PUD document and would be a change to the PUD document. So the Planning Commission would consider changes to the PUD. Drainage questions were not specified in the PUD only that it would be built to City of Bixby standards.

Jim Speck, since changes have been made, some for the neighbors, others to lesson what the neighbors thought they were getting. There is a confidence problem with the developer and with the City. 2. I believe there is an engineering issue with the fence. I have some picture showing water standing on the lots. We have measured with a transit and have confirmed the grade has changed different from the average yard grade. The property is 2' 11" higher. I understand the curb takes this water away from our property. However on the swell, when we did our survey, we see the grade is down 2" to the east and not to the west. So the suggest flow is to the west not to the east. The swell as it now is runs the wrong direction, and flows behind the neighbor to the east. We also have an issue of back fill against the curb which is significant. With a concrete wall it would act as a retainage wall and the wood fence would not. I seem to me that the sequence of construction would have been to build the wall and then the parking lot curb instead if the curb that is higher and then the fence. Is there an issue if the wall can be built? There is now a space constraint. I would like to ask why we are going from concrete to wood. The height of the fence is as question. If the fence is 6 foot we have basically a three foot fence on one side and six foot on the other. That is a concern. I have pictures from July that show the water in my back yard which has never happened in all the time I have lived there.

Eric Sack, 111 S Elgin, Tulsa. Engineer for the applicant. In response to the last comment of Jim Speck, please be advised that earth work on the site had not bee done in July. Why a wood fence instead of concrete? This is not a construction issue related to sequencing but to a footing a wall would require. There are a number of trees that a footing would disturb. The neighbors have expressed a desire to keep and the developer would like to keep as well. If we trench a footing we will be cutting the root system of the trees and I would anticipate the trees would not survive very long. The developer has hired an arborist who has looked at the trees, and the wall, and it his opinion the wall would not survive. For that reason we would like to install a wood fence so we could have metal poles in spot location every eight feet and not

have a continuous footing. There is room available to construct either a fence or a wall. The swell is something that would occur in the final grading of the property. The construction sequence is about what would be expected. Swell has not been constructed. Swell will come back to an inlet.

Jim Speck and I would like a comment on a peering of the fence that could have a concrete wall without a foundation.

Eric Sack, There is a post column construction, with panels that slip down between the columns. The placement will be on the slop of the swell and this item may not work well. In some place a footing is required. I do not know if this situation would require that.

Sherrill, I will have to be convinced that a plan will work with the swell and retain the fill, and some kind of plan that shows how it will work. My recommendation is for this Commission to continue this item until we see a plan on how it works.

Powell moved and Paxson seconded to continue the item until the next meeting with a plan that shows how the fence will work.

VOTING FOR: Powell, Campbell, Paxson, and Sherrill

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 4-0-0

4. Old Business None
5. New Business Non
6. Adjournment

Chairman

Date