

**MINUTES
PLANNING COMMISSION
7:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
MONDAY
MARCH 21, 2005**

- 1 Call to Order all members of the Planning Commission were present.**
- 2 Approval of Minutes for February 11, 2005. Powell moved and Paxson second for approval.
VOTING FOR: Campbell, Davis, Paxson, Powell, and Sherrill
VOTING AGAINST: None
ABSTAINING: None
MOTION PASSED: 5-0-0**
- 3. PUD 37 Public Hearing, Discussion and possible action to approve Cross Creek, in Section 2, T17N, R13E, West of Memorial, North of 129th Street, and South of Fry Ditch with underlining zoning of CS (Commercial Shopping), Remy Co, Inc., applicant**

STAFF REPORT

The staff has reviewed PUD 37 and has the following comments. I just received and distributed to you tonight changes in the PUD that address the following items in the Staff Recommendation.

1. The Fire Marshal is concerned about Lot 1 with dead end parking area. This area does not provide for a turnaround for firefighting equipment. The new text opens this area up as the Fire Marshal requested.
2. The City Engineer directs your attention to page 8 which stipulates on-site detention will be provide. This area is adjacent to Fry Ditch and would require a fee-in-lieu for development. This item is understood by the developer and an item has been place on the City Council agenda.
3. No utility layouts or utility easement corridors have been identified. Both water and sewer are present and proper construction in accordance with the Bixby Code could be accomplished. Water lines would have to be looped and no dead end lines would be allowed. These items will be accomplished in the platting stage.
4. The development standards on page 2, 3, 4, 5, and 6 list a by right use of use Unit 15 Other Trades and Services. These uses are customarily allowed only by Special Exception but can be requested in a PUD. Use unit 15 is attached to this report and the staff would take issue to the inclusion of Bait

- Shops, Bottled Gas, Fuel Oil, Ice Plant, Lumber Yard, Model Homes, Monument shaping, Plastic materials, Frozen Food Locker, Kennel, Taxidermist, Woodworking, Armature Rewinding Service as items that should not be located adjacent to a residential area. One approach would be not to include Use Unit 15 and allow the Board of Adjustment to review and approve any uses listed in Use Unit 15 as a Special Exception. Staff would consider this an appropriate action. (See exhibit A for Use Unit 15). These items have now been changed to agree with the comments as set forth.
5. The development standards on page 3, 4, 5, and 6 list a by right use of Unit 17 Automotive and Allied Activities. The items in Use unit 17 our customarily by special exception but can be requested in a PUD. The staff would take exception to all the uses except a Mini-Storage, or indoor sales without outside display. The staff recommends that Use Unit 17 be avoided. (See Exhibit B for Use Unit 17). The items in this have now been restricted in accordance with the staff recommendations.
 6. Page 7 the landscaping does not meet the city ordinance of 15%. Staff would recommend that the landscaping as well as screening meet the present ordinance. It is further recommended by Staff that review and approval should be obtained from the Architectural Committee. Wording now has been changed to agree with this recommendation.
 7. Page 9 concerning access, circulation and parking. The area does not seem appropriate for a public street. It is basically a commercial development and streets should be maintained by the developer. The access/exit to 73rd East Ave. must be arranged with the City Council under agreement with the developer. 73rd East Ave should be a public street until it enters the development. (see Site Plan) Changes have been made to make this a private street.

Staff recommends as set forth above have now been satisfied and the staff recommends approval.

PUBLIC HEARING

Randy Pickard, 11908 S Sheridan, attorney for the applicant. The application is consistent with the Comprehensive Plan being within the corridor district. We are in agreement with the comments made by Mr. Coffey. We received the staff comments and then worked out each one of the recommendations that he made in his comments. The plan is compatible with the surrounding area and represents the interest of both the public and private development. We would like to turn an Agricultural property into an income producing plat for the developer and the City. We ask that you approve the re-zoning and the PUD application. Mr. Remy and the engineer J R. Donaldson are here if you have questions.

Marion Daniels, 7305 E 129th Street South, I have 5 acres that back up to this property. When Fry Ditch was built they were to raise my property but they did not and the slop is a drop of 5 to 6 feet onto my property on the back side of my 5 acres. Buildings would be above my property 15 feet high along the back of my property. I would not like to look at that. I have an investment of a half million dollars in my home. The street activity from 73 East Avenue would increase the traffic and the noise. We have a very quite neighborhood. I am opposed to this project.

Marilyn Rider, 12935 So 73rd East Ave. I agree with Mr. Daniels. We might get water from the property. It would increase the traffic.

Questions from Commission.

Davis when the street goes West does it turn back South on 73rd East Ave?
There is a public street that would be connected west of the property to a street through the property owned by the City. Engineer pointed the street out.

Sherrill the street would go across property owned by the City. Engineer that is correct and the City Council would have to approve the Street.

Sherrill can you tell me how far the buildings will set back from the property?
Engineer showed the area and indicated that a strip would need to be landscaped along the north boundary of the property owners. Sherrill my second question, what is the distance between buildings? On this drawing it is 36 feet. Have you calculated the density? Engineer the PUD says 50% which is the code but the density is not that great.

Tim Remy, developer, this is a sister project to the development at 111th and Memorial. The development would be like that area. Every one of the buildings are properly landscaped. Storm water will go to Fry Ditch.

Sherrill said he would like to see the development less dense.

Tim Remy, we know that we have to plat and go to Architectural Committee.

Planner said the percentages need to be as does the plating within the percentages as listed in the ordinance.

Powell asked the planner what the position of the Fire Department was on the project.

Planner responded they need both the east and west entries to approve the project. Otherwise they would be in objection. The item concerning the street will go to the city council and will be addressed before the zoning is adopted. Powell asked about the screening fence. The planner explained that the requirement for a screening fence would be on the South side of the property which separates the development from residential.

Davis asked Mr. Daniels if his primary objection was site. Daniels replied it was site, the tall wall, no one wants a 15 foot wall behind there property. Davis said it would only be 6 foot tall. Daniels replied it would be fifteen foot taking into accounts the drop in grade to his property. Davis asked if he was concerned about noise mostly at night. Daniels replied that he was and that it would be hard to control when people were going into and leaving the property.

Sherrill said his reservation were that we have industrial type uses next to residential areas. The area is somewhat secluded and this does seem like a proper use of the property.

Tim Remy mentioned the development at 111th backs up to South Country Estates on two sides and that development has work will. This is the same development as the one on 111th street.

Sherrill moved and Paxson seconded for approval with the PUD supplemental zoning to satisfy the items listed by staff in their report to the commission and the approval of the new street by the City Council. I also move for approval of the zoning change to CS.

VOTING FOR: Campbell, Davis, Paxson, Powell, and Sherrill
VOTING AGAINST: None
ABSTANING: None
MOTION PASSED: 5-0-0

4. PUD 38 Public Hearing, Discussion and possible action to approve Hendrix Row, a commercial PUD with CS (Commercial Shopping) and OM (Office Medium), amending PUD 3, located on the Northeast corner of 151st Street and Yale, Hendrix Properties, applicant

STAFF REPORT:

The staff has reviewed PUD38 and amendment to PUD 3 and found the document much in order and recommend approval. The items we would like for the applicant to be aware of:

1. Detention areas shown on the site plan may not be adequate for the increase impervious area and may require storage in the parking lot or in an additional pond.
2. No storm water drainage system has been shown and will need to be addressed in the platting stage.
3. No utility layouts or utility easement corridors have been identified. Water is accessible to the south and west sides of the development. Sewer lines will have to be evaluated and proper provision made to connect the sewer to an existing system.
4. The location of fire hydrants, fire lanes will have to be identified.
5. The Development concept document reserves the right to sell off parcels. Parcels may be sold but any division of land not set forth in this document or modification to the development as platted would have to be approved in an amendment by the Planning Commission and possible the City Council.

PUBLIC HEARING

Kenny Martin, Goldstar Design, making the proposal for Hendrix. Asked for questions to the application. Each piece of the property will be able to stand on its own.

Michel Burns, 14650 S 52nd East Ave. Lives in the housing area to the North in White Hawk Estates. I am relieved because I know Bret Neal, Goldstar Design and know they do quality development My reason for being here is two fold. I am on the board of directors of the homeowner's association and we look out for the best interest of the neighborhood. Our property value is integrated with the value of the golf course and our interest is to sustain the value of the property. The second reason I'm here is that I am on the "Make It Happen Committee" that represents over 200 people and business in the area and have interest in the beautification of our corridors. We would like to be assured of such things as enclosure on trash receptacles, finished backs to the buildings that face the golf course fairways. We do not want to look at a metal building. Please consider additional landscaping on the back of the buildings that face the golf course.

Davis emphasized that the landscaping and buildings in this are need to attractive.

Martin said the buildings will be brick on all four sides, with additional trees along the fairway. Some of the buildings will be two stories but be finished front and back.

Powell moved and Paxson seconded for approval.

Planner asked if there were any changes to the PUD. Powell stated that the PUD should be subjected to the items listed in the staff report. Paxson said he agree

with Powell and could second the amendment. Chairman Sherrill said we will vote first on the motion to approve.

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

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 5-0-0

Chairman Sherrill said we now vote on the amendment to include the items in the staff report

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

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 5-0-0

5. BL312 A Lot Spit for lot 14, Block 14, Original Town of Bixby, 115 & 113 South B Street for Nancy or Richard Walentiny.

STAFF REPORT

This item was review by the Planning Commission in your last meeting. The area is zoned RS3. RS3 requires a lot width of 65 feet and a lot area of 6900 square feet. If the property was zoned RS4 it would require a lot width of 50 feet and a lot area of 5500 square feet. If the property were divided as an RS3 neither lot would meet the code for bulk area requirements. If the lot was re-zoned to RS4 and split one lot would not meet the requirements and one lot would meet the requirements. At any rate to split the lot into two parcel either under RS3 or RS4 would leave a least one lot that could not be developed. If the house were to flood or burn down that house could not receive a building permit to rebuild. I spoke to the City Attorney and he felt it was unwise for the Planning Commission to split the lots and recommends denial.

Denny Landsford, 13407 S 123rd Place, representing applicant. Lansford is a partner with Richard Walentiny. The people with me are the renters on the property. Dianne Woods has rented 113 S B Street form us for 6 years. Ricky York has rented 115 S B Street for 10 years. We asked our renters if they would like to buy the houses and they agreed. We offered to sale with no down payment, low interest rate, and carry the note. They both jumped at this and said they would not be able to own a home without an offer like this. They do not have plans to rebuild a house, but wish to fix them up and live there. Please allow them to buy the homes and experience the pride of ownership and not have to continue to rent. They would become home owners

and no doubt make improvements to the property. The properties will become more attractive, more valuable for them and the City of Bixby.

Chairman Sherrill said he looked at the property today, and I realize the City Attorney feels we may be setting the wrong precedence, but many lots in this area are non conforming. We could allow the courts to make a decision, but because of the non conforming nature of the area being old houses and old lots I would be in favor of the lot split.

Davis moved and Powell second for approval of the lot split.

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

VOTING AGAINST: None

ABSTANING: None

MOTION PASSED: 5-0-0

6. BL319 A Lot Split in Sec 17, T17N, R13E at the entry into Harvard Ponds II to create a road right-of-way entry for a new subdivision off Harvard Avenue, located between 141st and 151st Streets on the west side of Harvard, Tony Baker, applicant.

STAFF REPORT

This property is outside of the Bixby City Limits and the Planning Commission should take no action but refer the applicant to Tulsa County.

Powell moved and Paxson seconded that we pass on action on this lot split until it becomes part of the city limits.

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

VOTING AGAINST: None

ABSTANING: None

MOTION PASSED: 5-0-0

7. BL320 A lot Split on Lot 1, Block 20, Midland Addition, to convey property of the Bixby Public Schools, Red Stevenson, applicant.

STAFF REPORT

Staff recommends this lot be divided for sale and that the remaining lot be attached to adjacent property owned by the applicant as not to create an unbuildable lot.

Powell move and Davis seconded that the lot be split and the remaining lot that is unbuildable be attached by deed to the adjacent lot.

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

VOTING AGAINST: None

ABSTANING: None

MOTION PASSED: 5-0-0

8. BL321 A reverse lot split joining to lots in the Reserve at Harvard Ponds for the building of a house. Lots 3, and 4, Block 10, would become one for building purposes, 3277 East 144th Place, Ronda and Stephen Knight, applicants.

STAFF REPORT

Staff recommends that these two lots be combined to allow the building of a single family home. This action is not against the covenants of the subdivision. The property owner should be advised that he still owns two lots but they have been combined only for building purposes. This will be two lots under one deed not a change in the plat.

Powell moved and Paxson seconded for approval.

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

VOTING AGAINST: None

ABSTANING: None

MOTION PASSED: 5-0-0

PLATS

9. Discussion and possible action to approve entry design for Harvard Ponds.

STAFF REPORT

Staff recommends approval of the entry with the stipulation that any utilities be sleeved so walls will not later need to be disturbed.

Powell moved and Paxson seconded for approval

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

VOTING AGAINST: None

ABSTANING: None

MOTION PASSED: 5-0-0

- 10.** Discussion and Possible action to approve a Preliminary Plat for Abbie Raelyn Estates located in Section 11, T17N, R13E, South of 131st Street and East 78th East Ave., Promise Land Development, LLC, developer.

STAFF REPORT

Staff has reviewed the Plat and has the following comments:

1. See comments by the City Engineer on Streets and Storm Water, Water and Sanitary Systems in attachment C.
2. See comments by the Fire Marshal in attachment D.
3. The Planner has no amending comments except to indicate that the covenants will be reviewed with the final plat.

Plat meets requirements for a preliminary plat approval.

Powell moved that the plat be approved with the condition the City Engineer review and approve the drainage and Fire Marshal approve the fire hydrants.

Seconded by Davis

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

VOTING AGAINST: None

ABSTANING: None

MOTION PASSED: 5-0-0

Chairman Sherrill turned the meeting to Vice Chair Powell and left the room because he had interested in the following items.

- 11.** Discussion and Possible action to approve a Preliminary Plat of Spicewood Pond, PUD 35, located in Sec 25, T18N, R13E, south of 101st Street, and West of Mingo, Spicewood Villas LLC, applicant.

STAFF REPORT

Staff has reviewed the plat and it meets the entire requirement for a preliminary plat. Position of Fire Hydrants will be required by the Fire Marshal. Staff Recommends approval.

Davis moved and Powell seconded for approval.

VOTING FOR: Campbell, Davis, Paxson, & Powell

VOTING AGAINST: None

ABSTANING: None

MOTION PASSED: 4-0-0

12. Discussion and Possible action to approve a Preliminary Plat of Spicewood Villas, PUD 36, located in Sec 25, T18N, R13E, south of 101st Street, and West of Mingo, Spicewood Villas LLC, applicant.

STAFF REPORT

Staff has reviewed the plat and it meets the entire requirement for a preliminary plat. Position of Fire Hydrants will be required by the Fire Marshal. Staff Recommends approval.

Campbell moved and Davis seconded for approval

VOTING FOR: Campbell, Davis, Paxson, & Powell

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 4-0-0

13. Old Business None

14. New Business None

15. Adjournment

Approved

Date