

**MINUTES  
PLANNING COMMISSION  
7:00 PM  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
MONDAY  
MAY 16, 2005**

- 1 Three members present. Sherrill, Paxson, & Powell**
- 2 Approval of Minutes for April 18, 2005**
- 3 Approval of Minutes for April 25, 2005 Special Meeting**

Sherrill mentioned the City Planner had been off ill for some time and minutes were not yet available to be reviewed and asked that they be continued to the next meeting.

Powell moved and Paxson seconded to continue approval of the minutes to the next meeting

**VOTING FOR: Paxson, Powell, and Sherrill**

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 3-0-0**

- 4. PUD 40 Public Hearing, Discussion and possible action to approve a PUD Supplemental Zoning for Regal Plaza located East of Memorial and South of 101<sup>st</sup> Street, Remyco Inc., applicant**

**STAFF REPORT**

*Regal Plaza, PUD 40 is zoned CS (Commercial Shopping) Commercial Shopping will allow by right Use Unit 11, Offices and Studios; Use Unit 12 Entertainment and Eating Establishments; Use Unit 13 Convenience Goods and Services; Use Unit 14 Shopping Goods and Services, Use Unit 16, Gasoline Service Stations, and Use Unit 19 Hotels, Motels, and Recreation Facilities. CS will allow by Special Exception Use Unit 15, Other Trades and Services, Use Unit 17, Automotive and Allied Activities, Use Unit 18, Drive In Restaurants, and Use Unit 20 Intensive Commercial Recreation.*

*On development area "A" along Memorial the Applicant is asking for Use Units 12, 13, & 14 that can be done under a CS zoning by right. As a PUD the applicant is asking for Dry Cleaning and Laundry, under Use Unit 15 Auto Sales, Auto Wash, and Vehicle Repair, under Use Unit 17; uses that*

*are by Special Exception. The applicant is also asking for Drive In Restaurants which are by Special Exception under Use Unit 18.*

*On development area "B" east back from Memorial the applicant is asking for Use Unit 11, 12, 13, and 14, all that can be done by right in a CS Zone. In addition the applicant is asking for Use Unit 18 Drive In Restaurants which can be done by Special Exception in a CS Zone.*

*On development area "C" south of the Pollazzo Shopping Center the applicant is asking for Use Unit 11, 12, 13, & 14, that can be done by right in a CS Zone and a restricted Use Unit 17 that can be done in a CS zone by Special Exception*

*On development area "D" the applicant is asking for Use Units 11, 12, 13, 14, and 19 that can all be done by right in a CS Zone.*

*On development area "E" the applicant is asking for Use Units 11, 12, 13, 14, and 19 that can all be done by right in a CS Zone.*

*The Fire Marshal is concerned about Fire Hydrant Placement, Fire Lane Marking, Access on Lot 9 and Parking and Passenger Loading Facilities. All of these items can be addressed in the plat as the area develops. Report attached*

*The City engineer is concerned about parking that is not shown on Lots 1 through 7, and the drainage system which has not been addressed at this stage. Storm water discharge and detention/retention will need to be addressed. Approval form ODOT will be necessary for entries off Memorial. He also made comments of future design of the water and sewer systems. Report attached.*

*Also attached are comments from Scott Rule, President of the South Country Estates Homeowner Association. They are very concerned about storm water discharge and erosion.*

*The Planning staff does not have issue on the zoning request for those items that are listed that are not by right but by Special Exception. The items listed with the exception of the Dry Cleaning are already present in the area.*

*Staff recommends approval.*

Randy Pickard, 10051 S Yale, attorney for the applicant. As Mr. Coffey noted this area with the exception of the Jack Wills property is all in an existing PUD 24. That PUD allows the items that are part of a CS zoning. As to the Height of buildings, PUD 24 allows whatever the zoning district will allow. The zoning code actually has no height limitations for CS zoning. The 60 foot limitation that was adopted by the City Council would actually be the limitation controlling the height for any structure built on the property if we were not coming in for a new PUD. Mr. Remy has authorized me to hand out replacement pages 6 and 7 that are the areas closest to the residential areas. We are agreeing to a 45 foot height limitation and a set back that is even greater than the old PUD. The calculation is based on the code that reads 10 foot plus 2 feet for every foot you go above 15 feet, so the set back would be 70 feet for a building of 45 feet. The new PUD is more compatible with the neighborhood. It appears that the major concern of the home owners is drainage. While it is an issue to work out we have indicated detention ponds and will have to comply with all the ordinances on drainage criteria in the platting process and will be addressed later. We will speak to that if you wish tonight and the engineer JR Donaldson is here to address those questions. I would add that the existing PUD provides for the same detention facility. We are not changing that from the original PUD. We came with a new PUD because we wanted additional uses along Memorial and we wanted to add the Jack Wills property which was not part of the original PUD.

### **PUBLIC HEARING**

**Wesley Holmes, 8505 E 106<sup>th</sup>**, my property is immediately adjacent to the area that is designated as a detention pond. About six years ago working with a developer and the city we were able to have constructed a concrete trickle channel to pass the water across the property. I do not understand the plan, but it appears that water is being piped from the detention channel just south of Dickerson Theater into this pond. My concern is erosion. It took a long time to get the trickle channel and erosion can be a big problem. We have extended the height of the concrete walls now and my concern that 25 acres of roof tops and asphalts will make the problem much worse. I also concerned about the 25 foot green area, we need a wall or something to shield the residents from the development.

**Scott Rule, 8506 E 106<sup>th</sup> Street.** I live just west of the green belt area running through the park were these detention ponds drain too. I have issue with the drainage. I'm president of the home owners association. I've lived there for ten years and I have submitted two photos to show erosion. The first seven years I lived there the water ran through the park in a matter

of an hour or less, and caused no erosion. In the three years since the detention pond was put in you can see the erosion that has taken place. A rain that would have taken a hour to drain before hand now may run for 8 hours. The length of time is what causes the erosion. It will not correct itself and to add another pond draining to the area will just add more flood hours. My second issue is the green belt area. We are concerned about the distance and the tree line area along the property line. Twenty five foot does not seem like much. The tree line provides a noise barrier between the property and the development. We would like to see that tree line as thick and as high as it can be, and see as much distance as possible with a wall separating the residential area from the development. We would also be opposed to any street opening from the development into this area.

**Darleen Settle, 10512 S 83<sup>rd</sup> East Circle,** My house is close to Jack Wills. My concern is the green belt area. There is a lot of wildlife, and an area that would allow the wildlife to remain would be best and also provide separation between the development and our homes.

**Ann Griffin, 10512 S 84<sup>th</sup> East Circle,** I agree with the other speakers, but I also would like to mention signs. Signs when they are up high can be eye sore. The green belt provides separating, a place for wildlife and it helps keep the temperature down. We want to see the original trees be left.

**Murray King, 10511 E 83<sup>rd</sup> East Circle,** those of us who abut the green belt have a 15 foot utility easement along our property line. Does the 25 foot set back that has been mentioned include that 15 foot.

Chairman Sherrill explained it will start at the property line not at the utility line. Obviously a big issue is the drainage. When you develop more water accumulates and does not go into the ground. Being detained so it does not come off the property at a greater rate the flows are going to last longer. That is the way detention ponds work, but that is not in our domain here. We take it into consideration but our main purpose is to consider the zoning. We can talk about the 25 foot screening. We talked about this several years ago when the property was originally zoned the developer at that time told us there would be a solid row of trees screening that property. The plan shows trees along the south but not along the east residential. Our intention when we first approved the zoning was to do what we could to buffer this area. I would say if the trees that are there could be left they could be included in the buffer zone instead of new trees being planted. But what I would like to see is a line of trees between the development and the residential areas. This item will go to the Architectural Committee and

they should approve the tree belt that goes in there. Access on the property should be worked out between the developer and the City Engineer

**Temy Remy, developer**, I agree on the trees. If we can save the trees that are there we will do so.

City Planner drew the attention of the Commission to the Ordinance that requires a 6 foot sight proof fence between residential and commercial areas. Fee in Lieu is not appropriate to this development. It can only be used were the drainage water is placed directly into a 100 year channel. Signs are approved by the Architectural Committee and must meet all qualifications of the ordinance. The ordinance requires the landscaping be approved by the Architectural Committee and must be 15 percent of the property.

Sherrill asked the engineer about the easement from the north pond to the south pond. Is there a pipe in that easement. J R Donaldson replied the easement was on the original PUD and is shown on this drawing. There is no pipe, however, a pipe may be constructed in the easement as required by future drainage design.

A discussion continued concerning the tree area and the location of the separating fence. The developer promised to get with the property owner before the fence was constructed and work out any problems.

City planner drew attention to the ordinance concerning voting. We have a quorum of three members present but the ordinance require three affirmative votes to approve.

Scott Sherrill made a motion to approved with the revised standards that were presented today, and that along the South and East side the green belt is to be a solid tree greenbelt and that it be approved by the Architectural Committee. Paxson seconded the motion.

**VOTING FOR: Paxson, Powell, and Sherrill**

**VOTING AGAINST: None**

**ABSTANING: None**

**MOTION PASSED: 3-0-0**

5. **BL322 Discussion and possible action to approve a lot split on 109<sup>th</sup> East Ave South of 111<sup>th</sup> Street, Gerald Snow, applicant.**

### **STAFF COMMENTS**

*The Planning Commission will remember that the four present lots were divided by the Planning Commission a couple of years ago after the plating of this area failed due to access to City Water and Fire Protection. At that time the developer and applicant said he would run individual water lines from 111<sup>th</sup> Street as he developed each lot for the four properties. The question of water still remains for the development of the lots. There is a private line across the street to the east and development has been allowed by an agreement of one property to the east. The Planning Commission can split the lot and it does meet the zoning bulk area requirements. However to develop a residence the water problem will still need to be addressed. If the applicant continues to divide the remaining three lots then we have virtually plated the area by lot splits.*

**Gerald Snow, 5114 S Hickory, Broken Arrow, Ok, applicant.** Jack Sheridan is my engineer and he is designing a 6 inch water line to supply water to these properties to submit to the city for approval.

Chairman Sherrill said one of the biggest concerns was the hydrology and water flow across the street.

Snow replied they started with 18 houses, and people were concerned about the hydrology. They were concerned about flooding but also about the supply to their ponds and they were concerned about small houses. The neighbors have large homes and these homes will be comparable to the houses that are there.

Sherrill these would be half acre lots? Snow they would be.

Sherrill I thought we had an agreement before. Snow we did but I have a buyer that would like to purchase and build a house on half the lot and build a house for his parents next door.

Sherrill when you do something like this there are no covenants. Once we approve this you can do anything you want with the lot. You can tell us one thing and then do another. Snow asked if they would like deed restrictions. Sherrill said that would make us a lot happier. Snow agree to do that. Sherrill what would be the deed restrictions? Snow the lots could not be split again, have to have a certain square footage no less than 2000 square foot.

Powell move for approval with the deed restrictions, no further division of the lot and square footage of 2000, and Paxson seconded.

**VOTING FOR: Paxson, Powell, and Sherrill**

**VOTING AGAINST: None**  
**ABSTANING: None**  
**MOTION PASSED: 3-0-0**

6. **BL323 Discussion and possible action to approve a lot split (lot line adjustment) between the rear yard of 8680 & 8684 E 105<sup>th</sup> Ct So, the Village of Legacy Park and 8517 E 106 St. So., South Country Estates, Legacy Park LLC, applicant.**

**STAFF COMMENTS**

*This lot split arises out of dispute over 4 feet of property between the developers of the Village at Legacy Park and a property owner in South Country Estates. The developer has agreed to take the four feet off the two lots in Legacy Park and allow the property owner in South Country to have the four feet. This is much like a lot line adjustment. The area is part of an easement area of fifteen feet with a storm drain in the easement. The staff recommends that if the lot split is approved that the resulting deeds state that the area is a utility easement.*

Powell moved and Paxson seconded for approval with the understanding that the utility easements would remain as indicated on the plat.

**VOTING FOR: Paxson, Powell, and Sherrill**  
**VOTING AGAINST: None**  
**ABSTANING: None**  
**MOTION PASSED: 3-0-0**

7. **Old Business None**
8. **New Business None**
9. **Adjournment**

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**Approved**

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**Date**