

**MINUTES  
PLANNING COMMISSION  
7:00 PM  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
MONDAY  
November 21<sup>st</sup>, 2005**

**1. Call to Order**

Chairman Sherrill called meeting to order at 7:05 pm. Members present: Sherrill, Paxson, Campbell, and Davis.

**2. Approval of Minutes for October 17<sup>th</sup>, 2005**

Paxson motioned for approval, Davis seconded.

**VOTING FOR: Davis, Campbell, Paxson, Sherrill**

**VOTING AGAINST: none**

**ABSTAINING: none**

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

**PUBLIC HEARINGS**

- 3. BZ 314 Public hearing, discussion and possible action to approve a zoning application from RE (Residential Estate) to CS (Commercial Shopping) on a tract of land located on the East side of Memorial just South of 116<sup>th</sup> St., John Mumey, applicant.**

**STAFF REPORT**

**BZ-276** Applicant asked for CS zoning for in-home medical practice

**BZ 274 & BZ 275** all three cases are in Southwood Estates and applied at the same time for CS zoning

**8/20/01 PC** voted 5-0 to deny; many citizens with traffic and drainage concerns. Also homeowners did not want commercial zone in their neighborhood. Applicants stated that properties are along Memorial which is designated in the Plan as a commercial corridor.

**9/24/01 CC** voted 5-0 to uphold PC decision to deny on applicant appeal to CC; comments were heard from both the applicants and homeowners

**Comments:**

- Zoning is NOT in agreement with the Bixby Comprehensive Plan
- The purpose of a Comprehensive Plan is to ensure proper land use for the future of a community
- The Comprehensive Plan designates this area remain residential; even though it is on Memorial in the corridor, therefore, rezoning this property to CS would conflict with Bixby's Comp Plan.
- **Staff recommends denial**

## **PUBLIC HEARING**

**Chairman Sherrill:** Asked if the applicant was present. He mentioned that this case has been before the planning commission in the past and has been turned down by them and by the City Council. Mr. Sherrill agreed with Mr. Coffey that, at this time, it is best to continue to deny this application. He made a motion to deny.

Chairman Sherrill motioned to **DENY**, Paxson seconded.

**VOTING FOR: Davis, Campbell, Paxson, Sherrill**

**VOTING AGAINST: none**

**ABSTAINING: none**

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

**4. PUD 46 Public hearing, discussion and possible action to approve a zoning application from AG (Agriculture) to RS-3 (Residential Single Family) with supplemental zoning PUD 46 Fiddler's Creek for a tract of land located on the South side of 141<sup>st</sup> St. West of Sheridan, Stone Creek Partners, applicant.**

## **STAFF REPORT**

**BZ-312** Application for zoning change from AG (Agriculture) to RS-4 (Residential Single Family); original staff report stated this area is designated as low intensity in the Bixby Comprehensive Plan and RS-4's intensity is 6.32, which is greater than what is allowed in a low intensity area. Staff recommended RS-3 zoning instead, or RS-4 with a PUD. Staff was also concerned with drainage, streets, fire hydrants, water, and sewer issues. Because of a great number of questions from the citizens of Bixby and the Planning Commission the Commission asked the developer to return the items as a PUD and they agreed.

**8/15/05 PC** voted 4-0 to continue the issue to September 22<sup>nd</sup>, 2005; after comments made by citizens, applicant asked for continuance

**9/22/05 PC** voted 4-0 to continue PUD 46 to November 21<sup>st</sup>, 2005; PUD 46 with RS4 was submitted. After a motion to deny the applicant asked for a continuance to November 21, 2005

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### **Comments:**

- The major concerns on September 22 were traffic, drainage, and density with limited access.
- The applicant provides for you a new drawing on an accelerate/decelerate lane with the widening of 141<sup>st</sup> Street. Preliminary drainage design by a registered engineer. A reduction in the number of lots and two stub streets to the east and south for later access, development and connectivity.
- Development does agree with Comprehensive Plan.
- **Fire Marshall Comments**
  - Indicates that the three lane entrances with no gates or islands are acceptable. Location of Fire Hydrants should be 300ft plus or minus because of access and located by the Fire Department.
  - Access between lots 33 and 34, Block 1 for emergency vehicles.
- **Engineer Comments**

- Streets and Storm Water
  - Significant off-site storm water runoff from Eagle Rock must be mitigated with this project. Storm water detention will be required. Off-site discharge of storm water from Fiddler's Creek onto downstream properties will also need to be addressed.
  - No storm water drainage has been shown.
  - Ingress/egress should be approved by the Fire Marshal.
  - Site distances on 141<sup>st</sup> must be evaluated for ingress/egress. Improvements on and traffic impact analysis for 141<sup>st</sup> are recommended for absorption of 248 lots.
- Water System
  - No utility layouts have been provided.
  - An 8" water main is accessible on the North side of the development.
- Sanitary Sewer System
  - No utility layouts have been provided.
  - Off-site sanitary sewer improvements will be required.
- Please see attached e-mails and traffic study.

## **PUBLIC HEARING**

**Roy Johnson, attorney for applicant:** Mr. Johnson maintained that the RS-3 zoning requested is a low intensity use and is consistent with the Comprehensive Plan. There have been several concerns raised about traffic and drainage, so the applicants addressed those this time with a traffic study and drainage plans. Mr. Johnson pointed out that street layout and drainage are all addressed during the platting process, but Stone Creek Partners went beyond that point to address citizen concerns. In an RS-3 zone, 5.18 dwelling units are allowed per acre. Fiddler's Creek is seeking RS-3 but the resulting density will be 3.75 units per acre. Seeking a slightly smaller minimum lot width, but lot size will exceed the minimum. Homes in this area will be around \$200,000 and up; these are not starter homes. Mr. Johnson went on to introduce John Eshelman, who did a traffic study for this development. He then presented an exhibit of the traffic study on the entry into the proposed development. Mr. Johnson explained how the developers deleted lots along the East side to accommodate a wider turning radius for school buses. The developers are proposing to put a turning lane on 141<sup>st</sup> street for westbound traffic going into Fiddler's Creek. An acceleration lane has also been proposed between the two access points in order for buses to gain speed before going up the hill. Mr. Johnson said that, after meeting with the Director of Transportation at Bixby School, Gabe Hayes, he felt that this was sufficient accommodation for the buses.

**Mr. Davis** asked for clarification on the bus acceleration lane.

**Roy Johnson:** Explained that there is a bus stop in the neighborhood and buses will not be going through the street of the development. They will pick up the kids, exit through the second access point, and be able to gain speed in the acceleration lane while heading East. Mr. Johnson turned it over to John Eshelman to discuss the traffic impact analysis.

**John Echelman, Traffic Engineering Consultants, traffic engineer for applicant:** Frequently asked to do impact analysis for commercial developments, and several residential developments. Mr. Echelman walked the audience through the process. He said they start with counting the existing traffic per day. Add

projected traffic to the existing count next. Projected traffic is calculated for any development by using a nationally accepted trip generation manual that gives rates for different land uses. Single-family detached homes was the land use chosen for this study. National average is approximately 10 trips per day per lot. A trip is a one-way movement; example was if you go to the grocery store and then back home that is two trips. Mr. Echelman went on to explain calculations in the traffic study. He also stated that the proposed traffic is a large increase, but is well below what is allowable on a two lane road. Mr. Echelman addressed the two hills to the east and west of the development and explained that he did a site distance and stopping distance study for the last Planning Commission meeting and found the distances to be adequate. If there are three or four cars waiting to turn into the neighborhood, the site distance is shortened, so the center turn lane is proposed to alleviate this problem. A warning sign is recommended for westbound traffic to be placed east of the east hill crest and one for eastbound traffic to be placed west of the west hill crest; just a sign indicating a side road turn in ahead. The acceleration lane for buses is an excellent idea and so is having the bus stop in the neighborhood and not on the arterial street.

**Mr. Davis** asked who would be responsible for caution lights on the warning signs and who would pay for them. Mr. Davis mentioned the flashing beacon at 101<sup>st</sup> & Louisville in Tulsa where there is a blinking light 24 hours a day.

**John Echelman:** said that flashing beacon lights are used on warning signs when there is an extreme hazard. However, flashing lights are not necessary here. Mr. Echelman could not answer as to who's responsibility the lights would be. As for the light at 101<sup>st</sup> & Louisville, Louisville serves a very large area and they had a problem with accidents in that area that has been documented for some time. The visibility is a whole lot better on 141<sup>st</sup> street.

**Roy Johnson:** Pointed out that the developers have been very responsive to all concerns presented. Eagle Rock was developed while still in Tulsa County, not Bixby. There was no detention pond required in Eagle Rock, which has caused a dramatic downstream effect on the south side of 141<sup>st</sup>. Due to the effect on properties to the west, the developers asked their hydrologist if there is any way to not only retain the runoff from Fiddler's Creek, but also improve the situation for existing residents. It is not a requirement in a PUD normally to try to correct someone else's drainage; the developers felt that it was necessary. Mr. Johnson introduced Heath Forbes, hydrologist for the applicants.

**Heath Forbes; Hall, Rosenbaum, Almon & Associates, Inc; Broken Arrow; hydrologist for applicants:** Have proposed to take the drainage that flows to the south and west and detain it in a series of detention ponds. A brand new detention pond will capture approximately 40% of the runoff from Eagle Rock. The remaining runoff will then flow to another pond which will detain runoff from Fiddler's Creek as well. At this point historical, not existing, flows will be reduced by 30%. Remainder of property will drain into a series of other ponds. Mr. Johnson asked Mr. Forbes to give some actual numbers.

**Chairman Sherrill:** when Mr. Forbes asked if the commission had any questions, Mr. Sherrill explained that they are not hydrologists and normally they do not get this deep into hydrology. This is a sensitive case and an exception. He felt the developers did the right thing by bringing the hydrological information into this phase of the development.

**Roy Johnson:** As a result of the increased detention, the development has reduced by 5 lots. He went on to explain that the detention pond along 141<sup>st</sup> street will be an amenity with a fountain and there will be very nice landscaping along the entryways.

**Ray Bowen 5908 E. 141<sup>st</sup> St:** Gave the commission packets with photos. Photos displayed length of road and the size of the hills in the area. Mr. Bowen said they are mostly concerned with traffic due to the location of the entrances between two hills and the amount of cars that will be added. He was “amazed” to hear the numbers given by the traffic report as to the number that will potentially be added to 141<sup>st</sup> street. Mr. Bowen goes on to say that the proposed center turn lane would only create confusion and danger as cars topping the hills from either side will be confronted with a changing roadway. He is concerned with the widening of the acceleration lane for buses because it affects about 120 ft. of frontage on his property to the east. Mr. and Mrs. Bowen feel this is an unnecessary reduction in the aesthetic value of their property. The development plans show the removal of a small runoff ditch which currently takes road runoff and diverts it through a culvert under Mr. Bowen’s driveway. He also mentions that there are utility lines in the area the developers wish to use for this widening. Mr. Bowen is alright with the County widening 141<sup>st</sup> street but feels that it is unfair to only affect his and Mr. Helmrich’s property for this one development. Mr. Bowen mentioned the zoning case for another sand company along 141<sup>st</sup> street that was denied due to the negative impact of trucks on 141<sup>st</sup> and the impact on Eagle Rock housing addition. Mr. Bowen feels this is a similar situation. He also spoke about runoff. All runoff ends up in Posey Creek, which threatens approximately 12-15 White Hawk homes and Bill Crowe’s home and property. Finally RS-3 zoning is too dense and incompatible with this area. Neighbors feel that this dense of a development will have a negative affect on property values. Mr. Bowen respectfully requested the commission to deny this application.

**Mr. Davis** asked Mr. Bowen what he thought would be acceptable.

**Ray Bowen:** “Definitely RS-1 and possibly RS-2” with the right drainage improvements.

**Stephen Lewis 14220 S. 50<sup>th</sup> East Ave:** “Mirror what he [Mr. Bowen] says. I oppose it.”

**J.H. Barnes 6026 E. 140 St. S.:** Lives in Eagle Rock and would never had bought in the area had she known that there was going to be a high density development across the street. Ms. Barnes mentioned that no one proposed the development put an entrance on Sheridan. She was also concerned with construction traffic and the fact that “more affordable housing” will have teenagers driving.

**Joe Massoth 6048 E. 140<sup>th</sup> St. S.:** Eagle Rock resident. Thought Mr. Bowen handled concerns well, but would like to add on a few points. Mr. Massoth is concerned with the additional amount of traffic projected on 141<sup>st</sup> and its affect on 141<sup>st</sup> & Memorial. He was also concerned that having the bus stop in Fiddler’s Creek would force Eagle Rock kids to cross 141<sup>st</sup> street to get to the bus.

**Bill Crow:** Lives at downhill from the proposed development. Mr. Crow currently gets runoff from 4 detention ponds at White Hawk when they overflow and Kimberly Clarke dumps excess water on White Hawk to water the fairways. Mr. Crows creek cannot handle all the water and it backs up into the yards of White Hawk residents. He is mainly concerned that this new development will flood his property.

**Brett Neil 5730 E. 139<sup>th</sup> St.:** Key points are “tripling the traffic on 141<sup>st</sup> St.”. Construction traffic will create a problem. Mr. Neil mentioned that two years ago the City turned down the sand company because it

would have added 200 trucks a day and this development will “triple” the amount of cars and add all the construction traffic; which could be more than the residential traffic.

**Jim Ferris 113 W. Dawes:** Represents an adjoining land owner. Mr. Ferris stated that the planning commission had heard several reasonable points on which to deny this development and that the developer chose to make this controversial with the high density they applied for. He went on to say that granting this application would create a bad precedent. A denial of this development will not condemn the property, the developer can make it compatible with the surrounding area.

**Bill Lawrence 14411 S. 53<sup>rd</sup> East Ave.:** First time to attend a meeting. Mr. Lawrence said that no one had brought up the condition of Sheridan Road. “It’s probably one of the worst roads in the City of Bixby.” He asked if there are any plans to improve Sheridan. Mr. Lawrence recalled an incident where he was traveling over the hill on 141<sup>st</sup> and had to slam on his brakes for a stopped car at the top of the hill. He went on to ask a few questions of the hydrologist: How did hydrologist come up with observed flow, did he use a meter? What kind of rain fall was used for 100 year flood; can this development handle a storm compatible to the 1986 flood? Also has a concern with the growing traffic on 151<sup>st</sup> street and at 141<sup>st</sup> & Memorial. Mr. Lawrence feels there should be a traffic light at 141<sup>st</sup> & Memorial instead of at the 148<sup>th</sup> street intersection. If this developer put in a light at 141<sup>st</sup>, redoes Sheridan, and makes provision like that Mr. Lawrence would be ok with it.

**Kari Brummett 5800 E. 141<sup>st</sup> St.:** Widening of roads will only lead to a “false sense of security” because you will think that you have extra time to turn; cars come over that hill and stray from their lane due to the uneven road surface. Traffic study was done by a firm more familiar with the Tulsa commercial area, not Bixby residential areas. Bixby’s standards are set a little higher than Tulsa, if we wanted to live in Tulsa, we would. Mrs. Brummett feels it is possible for developers to develop this area while keeping with the standard already set by existing homes along 141<sup>st</sup> street. She is further concerned with children either crossing 141<sup>st</sup> street or standing on 141<sup>st</sup> waiting for buses at the same time people are leaving for work. She said, as a school teacher, she knows that kids do not always do as they are told and may not stay in a designated waiting area for the bus. Mrs. Brummett brought up the potential for a fire covering both entrances into Fiddler’s Creek since they are along the same road and not all that far apart. With both entrances blocked, there would be no way to evacuate the residents or to get emergency vehicles into the neighborhood. There is a gravel road that has been approved for use by emergency vehicles in the event of an emergency, but Mrs. Brummett asked if this agreement would hinder the land owner from future development; she asked if the land owner was required to keep the gravel road open and undeveloped. Mrs. Brummett added that the traffic study did not include the fact that school buses take 12 seconds to reach 45 mph. Developers have gone above and beyond and we appreciate that, we are trying to work with them and find a happy medium. It’s just going to have to be one that we all agree on. Mrs. Brummett then asked Mr. Coffey if Roberts Rules of Order had been followed at the last meeting; Mr. Coffey responded that they were.

**Roy Johnson:** *in response to public questions:* The measurement used to determine flood level is the 100 year flood; which is used by several cities in the area.

**Chairman Sherrill:** What is a 100 yr flood?

**Heath Forbes, hydrologist:** a flood that has a 1% chance of being equal or exceeded in any given year. Statistical measurement based on a “limited sample size... If you were project the records over millions of years, on average this flood would occur once every year, however it could occur two years in a row.” Correction: would occur once every 100 years. The rainfall in a 100 year flood is set at 8.75 inches in a 24 hour period. 1986 flood had much heavier rainfall than that.

**Roy Johnson:** These numbers are all true, but Bixby has created a very stringent storm water retention program. Our hydrologist is satisfied that this drainage retention plan will be sufficient to handle the runoff of the area and it will be subject to approval by the City. This project will exceed City requirements. The drainage issue will be better after this development is put in. Traffic issues have been studied and the additional lanes were discussed with Mr. Hayes (Bixby School Transportation), who was satisfied with the added lanes. Two-lane streets will not be widened, in Mr. Johnson’s opinion, until the urban density increases. In many growing cities, development starts to occur along two-lane arterial streets. There are many examples of streets similar to 141<sup>st</sup> street with 10,000 cars a day; this is not an unusual situation. Street will be widened when the demand for it is high enough and the bond issue gets passed. It is not fair to tell this development they cannot develop as the rest of the city has (on two-lane streets). Mr. Johnson feels this development meets the plan and requirements. He feels that the neighborhood participation makes developments better because developers have to go above and beyond to meet the concerns of neighbors. This development will be residences; “extremely nice homes” with student who go to Bixby Schools, people who make purchases in Bixby and pay sales tax, it’s a neighborhood that will be a part of this community.

**Mr. Campbell:** Asked Mr. Johnson if the developers had met with Eagle Rock residents to discuss their concerns.

**Roy Johnson:** Yes, developers met with Ray Bowen, Bill Crow, and Helen Bolton. Mr. Johnson pointed out that this is an issue of economics. The developers must go along with the market in order to make any money off of the development. Today’s market tends to be larger homes on smaller lots.

**Chairman Sherrill:** Have there been any attempts to get additional access points into this neighborhood along Sheridan or 151<sup>st</sup> street?

**Roy Johnson:** Attempts were made in the beginning to obtain land for additional access points, but were unsuccessful. We are required to stub streets, so when the adjoining land owner develops, he is required to connect to our stub streets, thus creating another access point.

**Chairman Sherrill** addressed Mr. Lawrence’s concern with the condition of Sheridan Road by saying it is within Tulsa County jurisdiction and he should talk to the County. Mr. Sherrill resubmitted Mrs. Brummett’s question about the emergency access gravel road.

**Mr. Coffey:** Fire Marshal asked for that so that they could fight a fire to the west in the golf course. It is in a reserve area.

Chairman Sherrill clarified for Mrs. Brummett that this area will not be developed as it is a reserve area and will be maintained by the homeowners’ association. As for the land on the other side of the emergency access, that is golf course land. Mr. Sherrill then announced he would allow one lady in the audience to ask a question.

**Deserie Lawson; 14140 S. 50<sup>th</sup> East Ave:** Took offense to the comment about two-lane streets and our lack of wanting to develop because of two-lane streets. There is a huge difference between Yale & 151<sup>st</sup> street and 141<sup>st</sup> & Yale. It's not that we are against the development; there is just a big safety concern. Ms. Lawson mentioned that she has two teenage drivers. Chairman Sherrill interrupted to remind Ms. Lawson that she was to ask a question and not reprimand Mr. Johnson for his statements. She went on to express her concern with the hills and the lack of breaking (stopping) distance on the hills.

**Chairman Sherrill** asked Mr. Echelman how many cars travel along 81<sup>st</sup> street between Memorial and Mingo (two-lane street) and along 91<sup>st</sup> between Memorial and Sheridan (also a two-lane street) in a day

**John Echelman:** "Approximately 15,000 cars a day." They are very heavily traveled streets that have been overlaid several times and have 12 ft lanes, unlike 141<sup>st</sup> street is today.

**Ray Bowen:** Asked Mr. Coffey if the City's stance/recommendation has changed since the last meeting.

**Mr. Coffey:** Stated that the City is more satisfied with hydrology and with traffic issues.

**Chairman Sherrill:** "Ladies and Gentleman, as you can tell by the number of people here tonight and the number of questions that have been asked and the duration of the application and the process that it's gone through... this is a fairly controversial decision that must be made here tonight. And we respect the fact that you all have showed up and expressed your interest from both sides. At this time the chair will entertain a motion [Mr. Davis interrupted with a comment at this point].

**Mr. Davis** made the comment that this decision is difficult for the commission because all the requirements of the plans are being met.

**Mr. Coffey** reminded the commission that in the absence of one member, in order for the motion to pass, at least three (3) members must be for it. Mr. Coffey went on to say that there are two issues here, the PUD and the zoning change so staff recommends that the commission vote on each item separately.

Chair entertained a motion for the change of zoning from AG to RS-3.

Paxson motioned to approve the change of zoning, Davis seconded.

**VOTING FOR: Davis, Campbell, Paxson, Sherrill**

**VOTING AGAINST: none**

**ABSTAINING: none**

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

Chair entertained a motion for PUD 46

Campbell motioned to approve PUD 46, Paxson seconded.

**VOTING FOR: Davis, Campbell, Paxson, Sherrill\***

**VOTING AGAINST: none**

**ABSTAINING: none**

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

\* before voting, Chairman Sherrill stated that he would have liked to see this area developed with a less dense subdivision, however, that is not where the market is today. There are not going to be quite as many large houses built in the next few years as there have been in past years. People have the right to develop property even if the rest of us may not see fit to agree with them. In this particular case, the developers have fallen within the requirements that we have, therefore Mr. Sherrill votes yes.

**5. PUD 47 Public hearing, discussion and possible action to approve supplemental zoning application for PUD 47 (Patio Homes) for a tract of land located on the South side of 111<sup>th</sup> St. West of Memorial, Sack and Associates, applicant.**

**STAFF REPORT**

**BZ-304** Rezoned full 65 acres to RS-3, RT, and CS

**6/21/04 PC** voted 4-0 to approve; only one comment made from a citizen on noise and traffic issues

**7/12/04 CC** voted 5-0 to approve; no public comment

**Comments:**

- Zoning is presently RT (Residential Townhomes) and CS (Commercial Shopping)
- PUD 47 is a supplemental zoning for Patio Homes
- **Fire Marshal Comments**
  - Gated subdivisions shall have a minimum access opening of 14 feet.
  - Gates shall be equipped with a Knox Rapid Entry System
    - If E. 112<sup>th</sup> St. entrance into Woodcreek is gated as well, the above requirements apply.
  - Cul-de-sac turnarounds shall have an outside right-of-way radius of 50 feet and a paved radius not less than 40 feet
  - Hydrant spacing shall be no more than 300 feet
- **Engineer Comments**
  - There is a detention system provided in existing facility
    - Verification of pond capacity to include proposed development density will be required
  - Connection loop to Bixby Commons or to the Links may be required instead of a closed loop around cul-de-sac at the South end of the development
  - Water line and sanitary sewer clearances must be addressed at the South end of the development
- PUD meets Bixby Zoning Code requirements
- **Staff recommends approval**

**PUBLIC HEARING**

No public comment

Davis motioned to approve PUD 47, Paxson seconded.

**VOTING FOR: Paxson, Campbell, Davis, Sherrill**

**VOTING AGAINST: none**

**ABSTAINING: none**

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

6. **PUD 48 Public hearing, discussion and possible action to approve a zoning application from AG (Agriculture) to RS-2 (Residential Single Family) with supplemental zoning PUD 48 Pecan Meadows located on Sheridan between 161<sup>st</sup> St. and 171<sup>st</sup> St., Tanner Consulting, applicant.**

**STAFF REPORT**

**No zoning history. Property is currently zoned AG. Except for Atkinson Acres Subdivision directly to the West (RS-2), all land surrounding this property is currently zoned AG.**

**Comments:**

- This zoning and supplemental PUD agree with the Bixby Comprehensive Plan
- Minimum lot width, lot area, front yard requirement, and side yard abutting a street requirement do not meet requirements in an RS-2 zone. This is allowable due to the supplemental PUD.
- PUD document states that minimum right-of-way width will be 50' - this is allowable only if curb and gutters are installed
- Sign size set out in PUD is acceptable, as long as the maximum height is no more than 20' as stated in the Bixby Zoning Code 420.2d(2).
- Topography presents drainage concerns.
- **Fire Marshal Comments**
  - The development concept plan is approved, as per Bixby Subdivision Regulations and Engineering Design Standards
  - One item of concern is the inland at lot 34 through 38
    - Fire Marshal would like to see the inland cut down in size because of the sharp turn for fire department pumpers
- **Engineer Comments**
  - Streets and Storm Water
    - No exceptions taken provided layout is satisfactory to Fire Marshall
    - No storm water drainage or detention system has been shown. Discharge to the existing pond on the property to the North will only be allowed with the cooperation and agreement of the property owner.
    - Erosion control measures must be addressed for off-site discharge of storm water.
    - Off-site easements may be required for point releases of water in excess of existing sheet flows.
  - Water System
    - A 12" water main will be accessible on the West side of Sheridan upon completion of City Interim Water Project.
    - No utility layouts or utility easement corridors have been identified.
    - Internal loop lines will be required.
  - Sanitary Sewer System
    - Off-site gravity sewer is to be provided based on joint Public/Private agreement.
    - No utility plans or utility easement corridors have been identified.
    - An internal sanitary sewer system will be required with a connection point with sufficient easements, pipe size, and depth to allow connection to and elimination of the Atkinson Acres lift station. Other connection points on the North and South sides of the development should also be provided for future development.

- **Staff recommends approval**

## **PUBLIC HEARING**

**Ricky Jones, Tanner Consulting, 5323 S. Lewis Ave, Tulsa:** Mr. Jones went through the lot sizes, and density. He stated the applicant is in agreement with staff comments and they have been in discussions with the property owner of the pond. That portion of the pond will be filled in and a letter of agreement between the developer and the pond property owner will be obtained. Mr. Jones was very excited about the sanitary sewer improvements along 161<sup>st</sup> street and how it will open up the area for development. One technical issue: PUD document specified that the minimum lot width is 70'; lot width on a cul-de-sac is measured at the building setback line. Mr. Jones asked for this to be amended from measuring lot width at the building setback line to averaging the front and rear property line to come up with the average lot width. He asked that the commission approve the PUD as recommended by staff with the modification just stated. There is a Scissortail Energy line running through some lots that the developers have to move and Scissortail will need special easements in that area, that is why some of the lot widths get small in a few areas.

**Mr. Paxson** asked when Mr. Jones thought they would have the OK from Scissortail to move the line.

**Ricky Jones:** should be any day, Tanner Consulting is confident that Scissortail will let them move the line. If not, the planning commission will see a preliminary plat that is "significantly different" because the pipeline just "tore this piece of property apart."

**Melanie Frook 6410 E. 165<sup>th</sup>:** Feels Sheridan Road is not in good enough condition to handle the increased amounts of traffic. There is also a hill in the area and the speed limit is 50 mph on Sheridan. Ms. Frook was concerned about the ravine drop offs on either side of Sheridan Road and the steep slope of both 161<sup>st</sup> street and Sheridan. She expressed her skepticism over the public-private agreement to improve and extend the sewer lines occurring before this development was even brought before the planning commission.

**Mr. Campbell** brought up the fact that bringing in a new development may be what needs to happen in order for the City or County to step up and improve the roads.

**Melanie Frook:** in the mean time we are going to have to put up with years of rotten roads and traffic. She said that she doubts the County will do anything until the development is complete, which will probably take 3-4 years.

**Mr. Coffey:** Commented on the public-private agreement on the sewer system improvements and extension. This development is in no way contingent upon the sewer line project. This project will allow the City to remove the lift station located in Atkinson Acres, and for the first time give that neighborhood proper flow back to the lagoons without relying on a pump system.

**Jerry Ezeel:** Property owner to the North with the shared pond. He asked if the minutes would reflect that he and the developer need to sign a written agreement.

**Mr. Coffey:** The staff has requested that the developer have a written agreement with you. It is in the minutes.

**Ricky Jones**: Developer and pond owner have discussed the agreement, but Mr. Jones has not been privy to these discussions. However, the developer and Tanner Consulting want a written agreement as well.

**Mr. Coffey** again recommended that the commission vote separately on the zoning change and the PUD.

Davis made a motion to approve the zoning change from AG to RS-2, Paxson seconded

**VOTING FOR: Davis, Paxson, Campbell, Sherrill**

**VOTING AGAINST: none**

**ABSTAINING: none**

**MOTION APPROVED: 4-0-0**

Paxson made a motion to approve PUD 48 with the amendment to the calculation of lot width on cul-de-sacs to averaging the front and rear property line, Campbell seconded.

**VOTING FOR: Campbell, Paxson, Davis, Sherrill**

**VOTING AGAINST: none**

**ABSTAINING: none**

**MOTION APPROVED: 4-0-0**

## **LOT SPLITS**

7. **BL 332** Discussion and possible action to approve a Lot Split for Steve Osborne 8511 E. 106<sup>th</sup> St. S.

### **STAFF REPORT**

Staff recommends approval

Davis made a motion to approve, Paxson seconded

**VOTING FOR: Paxson, Davis, Campbell, Sherrill**

**VOTING AGAINST: none**

**ABSTAINING: none**

**MOTION APPROVED: 4-0-0**

8. **BL 333** Discussion and possible action to approve a Lot Split for John and Debra Gillenwater at 8724 E. 113<sup>th</sup> St.

### **STAFF REPORT**

Sewer line must be extended according to Bixby Code as approved by City Engineer and financed by property owner.

**Chairman Sherrill**: Asked if a house could be built on the newly created lot and if the subdivision covenants state that such a lot split is permitted. Mr. Sherrill also asked Mr. Coffey if the City has split lots in this Subdivision before.

**Mr. Coffey**: Lots have been divided in this subdivision before. There are covenants, which are over 30 years old on file, but the City Attorney stated to Mr. Coffey that the City does not enforce covenants and does have authority to separate the lot in the platting if so desired.

**Jerry Presley 11325 S. 87<sup>th</sup> East Ave:** Moved into Southwood in 1974 primarily because of the large lots. There are also restrictions in that neighborhood on the size of a second building on the lot. Several people in this neighborhood would like larger buildings on their property. Mr. Presley asked what is stopping those people from just splitting their lots and building a large secondary building on the new lot. The large lots in Southwood are important to Mr. Presley, and he feels that if smaller divided lots are allowed, the density of the neighborhood will increase and housing values will fall.

**Chairman Sherrill** asked Mr. Coffey to address Mr. Presley's question concerning the ability of property owners to split their lot and build a large accessory building on the new lot.

**Mr. Coffey:** If the lot were not split, the maximum size of an accessory building would be 750 sq. ft. He went on to say that an accessory building cannot be placed on a lot without first having a residence built on the lot. Another area of issue is that there is not currently an active homeowners' association in this neighborhood.

**Chairman Sherrill** told the homeowners that they are free to create a homeowners' associate at any time and that may help them in preventing further lot splits if it is undesirable to the neighborhood.

**Mr. Coffey** further explained to them that the covenants should read "no lot can be divided" instead of "each lot will be for residential use as platted." We are in fact changing the plat.

**Mr. Davis** asked if a motion needs to include the condition that the sewer line be extended

**Mr. Coffey** explained that the City will not issue a building permit until the sewer line is extended, but the condition could be included in the motion if the commission so desired

Davis made a motion to approve the lot split with the condition that the sewer line be extended to the new lot, Paxson seconded.

**VOTING FOR: Davis, Campbell, Paxson, Sherrill**

**VOTING AGAINST: none**

**ABSTAINING: none**

**MOTION APPROVED: 4-0-0**

**9. BL 334 Discussion and possible action to approve a Lot Split for Brian Coody, Lot 10, Block 3, Johns Park Addition Revised.**

**STAFF REPORT**

Staff recommends approval

**Chairman Sherrill** asked where Johns Park Addition is located.

**Mr. Coffey:** S. 94<sup>th</sup> East Ave. South of 161<sup>st</sup> Street East side of Mingo.

\*\*It was then determined that the packets distributed to the commission had the wrong attachment to the application for BL 334, which caused the commissioners to be confused when trying to locate the lot in question.\*\*

Campbell made a motion to approve, Paxson seconded  
**VOTING FOR: Campbell, Paxson, Davis, Sherrill**  
**VOTING AGAINST: none**  
**ABSTAINING: none**  
**MOTION APPROVED: 4-0-0**

**10. BL 335 Discussion and possible action to approve a Lot Split for David Pohl at 10807 S. 91<sup>st</sup> East Ave.**

**STAFF REPORT**

Staff recommends approval

Davis made a motion to approve, Campbell seconded  
**VOTING FOR: Paxson, Davis, Campbell, Sherrill**  
**VOTING AGAINST: none**  
**ABSTAINING: none**  
**MOTION APPROVED: 4-0-0**

**FINAL PLATS**

**11. Discussion and possible action on a Final Plat for The Enclave at Harvard Pond**

**STAFF REPORT**

Staff recommends approval.

**Mr. Coffey:** The preliminary plat for this subdivision was under the name of *Harvard Pond II*, it has now been changed to *The Enclave at Harvard Pond*. The infrastructure has already been approved.

Paxson motioned to approve, Davis seconded.  
**VOTING FOR: Davis, Campbell, Paxson, Sherrill**  
**VOTING AGAINST: none**  
**ABSTAINING: none**  
**MOTION APPROVED: 4-0-0**

**11. Discussion and possible action on a Final Plat for Crosscreek**

**STAFF REPORT**

Staff recommends approval

Davis made a motion to approve with an agreement for access to Fry Ditch access road, Paxson seconded  
**VOTING FOR: Davis, Campbell, Paxson, Sherrill**  
**VOTING AGAINST: none**  
**ABSTAINING: none**  
**MOTION APPROVED: 4-0-0**

3. **Old Business: None**
4. **New Business: None**
5. **Adjournment**

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**Approved**

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**Date**