

**MINUTES
PLANNING COMMISSION
7:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
THURSDAY
SEPTEMBER 22nd, 2005**

1 Call to Order

Chairman Sherrill called meeting to order at 7:02 pm. Members present: Sherrill, Powell, Paxson, Campbell, and Davis. Regularly scheduled meeting on a Thursday instead of a Monday due to staff scheduling conflicts.

2 Approval of Minutes for August 15, 2005

Davis motioned for approval, Powel seconded.

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

VOTING AGAINST: none

ABSTAINING: none

MOTION PASSED: 5-0-0

PUBLIC HEARINGS

- 3. PUD 43 Public Hearing, Discussion and possible action to approve a Zoning Application for CG (Commercial General) from CS (Commercial Shopping) with the supplemental zoning of PUD 43, Trinity Restoration, applicant.**

STAFF REPORT

Staff Report: In the last meeting of August 15 the Planning Commission voted to reconsider this item that had previously been denied on July 18 on a vote of two to approve and three to deny. A majority voter, Chairman Scott Sherrill asked for the item to be reconsidered. Reconsideration was approved on a vote of four to reconsider and one to deny. Since that time a new drawing was submitted that indicated the CG zoning only on the areas that could not be developed and were primarily within the building set back line. The City Planner indicated that he was unwilling to recommend to the Planning Commission a zoning change that attempted to do by zoning with a PUD what was denied by the Planning Commission to protect possible later development of the area. Since that time a Deed Restriction has been offered that indicates (1) Use of the property for automotive related purposes shall be subject to and consistent will all development standards contained in the PUD approved by the City of Bixby Council concerning the property; (2) Use of the property shall be subject to and consistent with all other conditions required by the City of Bixby Council approval of PUD 43, or any other PUD approved by the City of Bixby City Council, for the property; (3) In the event that the Grantee in the forgoing deed shall convey the property to any other individual, corporation, limited liability or any other legal entity, use of the property automatically shall be limited to only those uses allowed as of right or permitted by exception in the CS Zoning District according to the City of Bixby Zoning Code. Specifically, no uses allowed by right or permitted by exception in any other Commercial Zoning Distinct (such as the CG Zoning District) shall be lawful after recordation of the deed of conveyance.

The City Attorney has reviewed the deed restrictions and concluded that the revert to CS zoning from a CG zoning is in effect a conditional zoning of CG and is not an action that the City of Bixby can approve.

The Zoning and the PUD before you tonight is the same as the one that was denied on July 18 with an underlining CG Zoning and a supplemental zoning of PUD. The comments of the Staff delivered to you on July 18 remain the same with one notable modification. The Fire Marshal has meet with the engineer on the project and has outline the items that must be accomplished for his approval.

The Planner does not believe that the CG zoning is appropriate for this corner. As to the PUD the Planning Commission is directed to Section 930.1 Principal Uses of a PUD, in the Bixby City Code which states: "The development may consist of one or more of the uses permitted by right or exception within the general zoning district or districts within which the Planned Unit Development is located."

PUBLIC HEARING

Randall Pickard; attorney for Trinity Restoration, 11908 S. Sheridan: Mr. Sack has met with the Fire Marshall and has addressed all issues. The deed restriction was submitted in response to concern from July meeting in regards to future conveyance of property to a different company. The deed restriction was an attempt to reduce fears of a less attractive business taking over. We are willing to work with Mr. Frazier and the City Council; we really feel this deed restriction is more of a Council issue. I have never had a client that has worked as hard to try to address concerns and is still willing to pay a million dollars for a piece of property. That is the highest dollar that would be paid in the City of Bixby for a piece of land. Anybody coming in at a future time would have to pay a lot of money for that property. We are willing to work with the community, the council and anyone to address that issue.

Chairman Sherrill: There are several items on our agenda tonight with several people that would like to speak. So please keep your comments to 2 minutes or less, and if we have heard it once, we probably do not need to hear it again.

David Miller, applicant: Really haven't talked about who I am, what I do, and why I think this is a good fit for Bixby. *Passed out an information booklet to commission.* Trinity Restoration is very unique, you have to think about it and sleep on it. There is really nothing like it in Tulsa, Oklahoma, or any of the surrounding states. Have been in operation since 1987 as a mustang only restoration. Draw people from all over the country, even Canada and we don't advertise out of state. I personally like Bixby, we only live 3 miles from the site right now. My wife and I are about to have a family and we love the feel of Bixby. Basically we restore automobiles and we are going to spend a million dollars on the dirt, three quarters of a million on the building so it will be very nice and very new. It will be something you won't see in the rest of the state; very nice, very clean. We are spending a ton of money on it. The point is, the kind of customers we have, that's what they expect, that's what they want to see, and that's what makes us special. We keep it clean, it doesn't smell bad, it doesn't sound bad, it doesn't look bad. I promise I will be a good neighbor, I have already joined the chamber of commerce and talked to a lot of those folks; we plan to do about four to five million a year. I don't know what else that corner would be, maybe a sonic or a McDonalds. That's a lot of cheeseburgers. Five million dollars a year is a lot of business, and we actually should be able to do more than that. \$20 dollars a foot is a lot, but I think it's worth it. I can promise you a couple years from now, if this gets approved, you'll look back and think 'wow what were we thinking this is a great deal for Bixby.'

Tim Remy, 8315 E. 111th: I have met Mr. Miller and I think he is a fine man and that his business is very high quality. It is still a body shop, and I just don't agree with the fit for the location because it is a main arterial intersection and the entrance into our City. I think it will be a beautiful property but I just don't agree with the zoning. It all boils down to the fact that it is still a body shop and auto repair.

Greg Alberty, representing Boman Acres, 502 W. 6th St.: This use is inappropriate for a prime retail corner. We do not object to Mr. Miller, he has spent a lot of money and it seems he will run a fine operation. But allowing a CG and allowing an auto body use on a prime retail corner is inappropriate. Once you start approving CG on a retail corner, other businesses will reapply for zoning and you will end up with many more automotive and allied uses.

Scott Rule, South Country Estates HOA: Zoning this area CG would set a precedent for such places as the Market Place and Southpark Center to come back and request the CG zoning. I would hate to see less reputable firms move into adjacent locations. As a resident, I do not want to have to come back and fight CG zoning applications for companies in the future with less cash. Also, business like this have an overload of work piled up behind their business with a chain link fence so that criminals cannot get into the area without being seen. This could possibly become an eyesore.

David Miller, applicant: The fence issue would be an eyesore for us as well. We actually plan to do a solid fence that matches the building. Another point; there is a CG use four blocks North on Memorial called Desert Rose that I can see from my property so there already is a precedent set.

Mr. Powell: We have an architectural design standard for the City of Bixby which is defined as Mediterranean. The proposed building does not meet this standard, how willing are you to change the look of your building?

David Miller, applicant: That was just my personal idea for the building, I am willing to sit down with whoever; a committee, a person, and discuss the design. I'm willing to do whatever. I like Mediterranean, I am pretty much willing to do anything because I like the location so much.

Mr. Powell: What is it about the location that you like so much?

David Miller, applicant: A lot of people thought I was nuts to pay so much. You've got big city access with a small town feel. Everyone I've met, it has taken them a day or two to come on board. There is good visibility with lots of traffic and activity. We do the kind of stuff that ends up on television; I have already been approached about a TV show.

Mr. Davis: Do you think it would hurt your business to be located in a different spot, but somewhere close to this one?

David Miller, applicant: I don't know, I don't think it would be as good.

Mr. Davis: You just got through telling us that a majority of your business comes from out of state and other places, they don't care where you are located.

David Miller, applicant: That's true. There are plenty of local customers that do care and it's nice to have local visibility.

Mr. Davis: Did you look anywhere else?

David Miller, applicant: I did, I looked at about 15 other properties on Memorial and in Bixby. I really love this corner.

Mr. Davis: I would like to make a statement if I could. We as a planning commission actually have no authority whatsoever about anything. Well, what I'm about to say is if you can think about being on the City Council one of five persons and having to deal with every issue that comes before the City; every pot hole, every rain, every storm drain, every thing that is little bitty. They get cussed at and complaints about everything, so they have commissions and groups to help sort these things out and discuss it and hopefully come up with a good recommendation and advice. In other words, they vote and they are the authority. I think that a group like this (Planning Commission) should take into consideration that they only make recommendations that are good for the long range affects it will have on the City. I think we have made some mistakes, not us necessarily but in some of the planning that's been done. It's not coordinated as well as possible on everything. But it behooves us, whatever decision we make, to give the City Council a thought out decision based on staff recommendations and the information before us. I would like to say that I hope we come up with an appropriate decision in the best interest of the long range future, we've got that opportunity now at this point and time because we are a growing city. There are others that have applied for this type of zoning and been refused a number of times. So, I just wanted to say that.

Mr. Campbell: Mr. Campbell was worried about the legality of the deed restriction due to comments made by the City attorney. This was a misunderstanding because the deed restriction had been withdrawn prior to the meeting.

Powell motioned to approve the CG zoning with supplemental zoning of PUD 43, Paxson seconded.

VOTING FOR: Campbell, Powell, Paxson

VOTING AGAINST: Davis, Sherrill*

ABSTAINING: none

MOTION PASSED: 3-0-2

**Chairman Sherrill stated that he was the one who brought this item back before the commission previously because he wanted to give the applicant every benefit of a doubt in this particular situation, but based on the City Planner and the City Attorney's comments, he still votes no.*

4. PUD 45 Public hearing, discussion and possible action to approve supplemental zoning PUD 45 Spicewood Neighborhood Center on the SW/c of 101st and Mingo; Tanner Consulting, applicant

STAFF REPORT

The staff is in general agreement with this development. The Fire Marshal would like to approve placement of fire hydrants, fire lanes, and approve turn radius for ease of access for fire fighting. The City engineer would approve in accordance with the City of Bixby Ordinance the infrastructure including drainage, water, sewer, and paving. The Planner would like to restrict the placement of monument signs along 101st Street and Mingo to one every 150 feet. Signs will be approved on a separate permit. The language under drainage and utilities needs to reflect construction in accordance with Bixby Ordinances and approval of the City Engineer.

PUBLIC HEARING

Matt Baer, Tanner Consulting, 5323 S. Lewis, Tulsa: Before you tonight is the PUD for 101st & Mingo to spread commercial uses over office zoned area. Property was rezoned in early 2002 to commercial and office. We told the Planning Commission at this time that it was our intent to file a companion PUD to spread commercial uses over the area and to use the Wood Creek floodplain as a natural buffer for the residential areas. There are currently no known users, we are just taking the next step in the development process. Signage has been voluntarily restricted and we are in agreement with staff requests. Site contains three development areas: two pad sites and one long wrap around building. We have limited access to Mingo road and focused our primary access on 101st St. Limited uses listed in the development plan for each development area.

Mr. Powell: Why are they here for a second time?

Mr. Coffey: Bringing forth the PUD application separate from the zoning. The property has been zoned; this is just a PUD to spread the commercial zoning over the area.

Earl Edwards, 10141 S. 94th East Pl.: Questions about tree buffer on the East side of Spicewood. Are you going to leave just 25' of trees?

Matt Baer: Actually we are going to leave all the existing trees and add another 25' buffer.

Earl Edwards: Will there be any type of wall put up?

Chairman Sherrill: They would have to answer that, but if there is, it will be on the other side of the trees.

Paxson motioned to approve, Campbell seconded

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

VOTING AGAINST: none

ABSTAINING: none

MOTION PASSED: 5-0-0

- PUD 46 Public hearing, discussion and possible action to approve RS-4 zoning; previously submitted as BZ 312; now with supplemental zoning PUD 46 Fiddler's Creek on 141st between Sheridan and Yale; Stone Creek Partners, applicant.**

STAFF REPORT

When Zoning Case 312 was continued on August 15 the Planning Commission requested a PUD be prepared for consideration. The application has been received for the PUD and the applicant is now prepared as indicated in the text of the PUD to accept the zoning of RS3 with the supplemental zoning of PUD 46.

Staff has reviewed the PUD and have the following comments: The Fire Marshal would prefer an additional point of access to the property in lieu of the entry on 141st Street. If the entry on 141st Street is approved the Fire Marshal would like to see fire hydrants placed at 300 ft in lieu of 600 ft in most subdivisions. He further would

require that the entries be reviewed and approved to allow ample space of not less than 18 feet wide for clearance of emergency equipment.

The City Engineer has concerns about the significant off-site water runoff from Eagle Rock that flows on to this property and how the storm water problems can be mitigated. All drainage plans would have to be in accordance with the City of Bixby Ordinance and approved by the City Engineer and City Council in the form of an earth change permit. The Engineer is concerned with the site distance for traffic on 141st Street. He recommends an impact analysis for 141st indicating the effect of traffic from 248 lots. Water and Sewer systems must be supplied that agree with the Bixby City Ordinance and be approved by the City engineer.

The planner has included two e-mails. One from Lee Dusa concerning traffic and compatibility with surrounding area and the other from the Bowens concerning the water that is discharge from Eagle Rock. These e-mails point out the two major problems with development which are stormwater and traffic.

The fact that the applicant is willing to reduce their zoning request to RS3 which include only minor amendments to bulk area requirements being lot widths and building line set back is a step toward being more compatible to the Comprehensive Plan. The two major problems for staff are traffic and storm water discharge. Density affects both storm water discharge and traffic. Storm water discharge can possibly be controlled by proper drainage design and traffic could be controlled if there was a second point of access. Staff would like to see an area with more open space, less lots, and more amenities.

PUBLIC HEARING

Roy Johnson, Attorney for Stone Creek Partners; 201 W. 5th, Tulsa: We originally sought RS-4 zoning without a PUD because we felt that this was compatible with the low intensity use specified for this area by the Comprehensive Plan. We have now agreed to do a PUD with RS-3 zoning. An RS-3 zoning requires a minimum lot width of 65' and a minimum lot size of 6900 sq. ft. This PUD, we are asking for 60' lot width, but the minimum lot size is 7200 sq. ft. Our density is a little over 3 houses/acre and RS-3 permits over 5/acre. In theory we could build 346 homes on this tract in RS-3 but we are only building 248.

Mr. Johnson goes on to explain that drainage, points of access, and other issues are addressed in the platting stage and that he feels these issues would be easily solved for this development.

There are two entrances into the subdivision so there are two ways to get to every lot; even though they are located on the same street (141st). There is also a stub street planned at the South boundary for continuation into adjoining future neighborhoods.

Site line distances and stopping distances have been a concern with the two hills in the area. A traffic engineer was hired, John Eshelman, who is retired traffic engineer with the City of Tulsa and now is with Traffic Engineer Consulting Firm. There is a standard called the ASHTO GREEN BOOK; which Mr. Eshelman based his decisions on. Mr. Eshelman broke it down to the East access point and the West access point, he also set the speed limit for the test at 45 mph; which is 5 mph more than the posted speed limit on 141st St. The study stated that the site line distance exceeds the standards in both cases. A stopping distance test was also conducted, with similar results: the area exceeded the standards for both access points.

As for drainage issues, Mr. Johnson explained that Eagle Rock sits higher than this proposed neighborhood and was developed while still in Tulsa County, not the City of Bixby. Therefore, Eagle Rock was not held to the high drainage standards Bixby currently enforces. We will be required to detain drainage, the water that comes to us will be routed to our detention ponds, we will probably help Mr. Bowen by grabbing some of Eagle Rock's runoff.

There is already some RS-3 and RS-4 zoning in the area. There is RS-3 to the west of this development, RS-4 in Falcon Ridge and also some residential multifamily in the area. RS-3 seems to be the standard for most communities and we are meeting this standard.

Mr. Davis: I don't disagree with your planning you have done for this addition. It looks very good. But I don't think you have planned well for putting this out at that spot right now. Sheridan is just a group of potholes barely one car wide going to 151st. I drove out there myself and pulled off at every space along the hill and it scared me to death to pull out onto 141st. I might be able to live with that for individual cars, some 500 cars or more, but I've been a school person all my life and most of the time kids don't get much consideration. But it's just a nightmare for me to think of school busses pulling off and on to that road getting out of that addition with maybe 50-60 kids. I believe some time should elapse and go to the politicians, the county or whoever could do something about the roads. And maybe you can develop the entry way to some other place.

Roy Johnson: It is a historical occurrence for the development to happen before the streets are improved. It is not fair to tell someone they have to wait to develop.

Mr. Davis: I agree with that normally. But when I think of big busses with hundreds of children going off and on that road several times a day, I can't handle it.

Roy Johnson: We have history of much heavy bus loads [with more kids] on two lane roads.

Mr. Powell: Have you done an impact analysis?

Roy Johnson: No, the traffic study was done and said it is a feasible area. The plans that you adopt are based on projected densities and that is why 141st St. is shown as an arterial. It is extremely rough for you to say that we have to stay undeveloped until someday when the County or the City can take care of the streets. Warning lights or caution lights can be used at this point.

Mr. Davis: Have you tried to buy property to build another entrance/exit to a different road?

Roy Johnson: We have tried, it is not that easy to find a willing seller. I think the practice that you follow needs to be fairly consistent. Does it meet the plan? It does. The stopping distance and the site line distance is there and that's not heavy density. 81st and Harvard area was the same way. People adapt to changes and it can be done in a safe way.

Ray Bowen, 5908 E. 141st St., Bixby: Engineers are great, but I can personally tell you from a traffic stand point that traffic is bad. I don't want to go into drainage and traffic again, but it's major out there. Throw in White Hawk, Falcon Ridge I & II, Kimberly Clarke and all that traffic, and add another 500-700 cars out there, where are they going to go? To 141st St. & Memorial. We already have over 300-

400 trucks that go out there daily. The line at 7 or 7:30 in the morning is over 30 minutes just to make a right hand turn. I don't blame this development for that problem. The only thing I would like to see is less homes per acre. I've been told that they can solve the drainage issue, it hasn't happened in 43 years and it will continue to happen no matter what they do. You may divert some of the water, but due to the amount out here, some will still get through. Mr. Crow to my West can verify this. I know that drainage is not what you are here to discuss, but I went through the process with Eagle Rock through INCOG and the County. Nobody asked me anything. I went and told them that we have major problems and no one would listen. If you have not seen the video that Mr. Coffey has, take a look at it and tell me that they can divert all that water. Still strongly oppose high density zoning and fully agree with City staff. I would like to thank Mr. Coffey and Mr. Cottle for providing information and explaining the process.

Gabe Hayes; Bixby Public School Transportation Director: The issue has already come up on school busses and I would like to elaborate that a little more. I don't have a problem with houses being out there or with development. Water runoff, that's not my problem, I don't care. My issue is that we will have to run a minimum of four (4) busses per day. Twin Creeks area alone we are picking up 65 Kindergarten through 5th grade kids from that one subdivision. There is a huge potential for a large number of kids to come out of this proposed development. I've studied traffic and our interaction with it for other areas around town. And I've discovered it takes 4-5 seconds for a school bus to make a right hand turn and can take an additional 15 seconds to get up to 45 mph on a flat surface. We would have to approach from the West and make a right turn into the addition and a right turn to exit the addition so that we would not have to cross traffic. There is an 18' opening for emergency vehicles. Our 40' busses would still have to cross into the oncoming lane to make that turn without dropping the tires off into the ditch. I understand the traffic study that was done, but I do not want to have to rely on the OTHER driver's reaction time or line of site. I want my people in control of the bus to have proper vision to know when it's safe to pull out. There has to be some compromise on visibility. The minimum I would ask for is a widening of the turn lane to 25' or 30'. I know that sounds large, but that's what it would take for us to be able to turn without going into oncoming traffic. I would also require the speed limits to be dropped considerably with signage indicating busses entering. I ask that some provisions and changes be made before this is approved. Another issue is bad weather. If we have an ice storm, we will not service that area so all the students' parents will be trying to get them to school. I know that is not the developer's problem or your problem but it is an issue that will arise.

Mr. Paxson: Could you tell me how many children have been killed because of road conditions?

Gabe Hayes: I do not have that stat. We have seen numbers on cars going around busses, head on collisions, etc. but not on specific road conditions.

Mr. Paxson: Is there any plan to upgrade the road?

Mr. Coffey: Nothing in the plans now, I'm sure it will be upgraded at some point.

Helen Bolton, 10547 E. 161st St., Bixby: 22yr member of Bixby School Board and has had cattle on adjoining property since 1968. I just want to reiterate what I said last time, I know Bixby is growing; we are trying to keep up the quality of the education that is bringing new people to our community. We need to do this with a manner of great investigation. I ask that you do not approve this as stated.

Kari Brummett, 5800 E. 141st St., Bixby: Teacher at Bixby. Ms. Brummett is concerned for the kids waiting for busses on 141st St. She also mentioned that the kids in Eagle Rock and the ones in the proposed development will become friends and will be going across 141st St. to see each other. Widening the road will be a major undertaking because there is a sewer line that will have to be moved. Mr. Johnson spoke about the “standard” in the area with the different zonings, the “standard” out there is acreages. There is also a fire issue. If there is a fire at the entrance, the access points are so close together that no one will be able to go in or come out.

Jim Ferris 113 W. Dawes: Representative of an adjoining land owner and an interested citizen of Bixby. Narrow lots are incompatible with the area. There are appropriate places in the town for this development, but this is not one of them. I am normally in favor of development in this city, but I don't think this is the right place for this high density development and would set a bad precedent.

Brett Neil 5730 E. 139th (Eagle Rock): The street is 18' wide, I stopped and measured it tonight. I left at about the time Kimberly Clarke was getting out. They have about 30 cars that go through there at that time. The line to get on to Memorial was 8 cars deep. I counted the cars. There were no more than 30 cars and they were still 8 deep getting on Memorial at 5:00. Obviously since I live in Eagle Rock, I'm not wild about the development because of value. We've got homes that average \$140/sq. ft. and you're going to put in homes that average in the \$70's/sq. ft. But that's free enterprise and I can't do anything about that. Another concern for me is also traffic. My son already has to go stand on 141st St. and wait for the bus along with a lot of other kids. The entrances to this new development are basically 100' apart. There is no way you can get 600 cars per day in and out of that neighborhood without causing tremendous problems. Sheridan is a cow path, you cannot meet another car without getting over into the grass. Then, building 30, 40, or 50 homes at a time will bring all of the construction trucks. It's suicide.

Roy Johnson: Our development will probably help the drainage of Eagle Rock, but we did not create that. We will be subject to detention requirements of the city of Bixby which are very tough. We are required to plat and when you plat, you get into those issues. I disagree that RS-3 is dense. Yes, it is dense compared to the existing homes, but this situation is true in almost every city in the outlying areas. This is part of the City and the plan recognizes that it is available for urbanization. It also recognized 141st as an arterial street. When the demand gets high enough, there will be interim steps taken to improve the roads. It is terribly unfair to put a freeze on development. We definitely want to meet with the gentleman with the schools to address the turning issues.

Mr. Powell: An impact analysis would really help us see just how many cars this would bring. My main concern is that there is basically one entrance into this place. If you have a major catastrophe at both access points, the development is inaccessible. How important is a traffic impact analysis to this decision?

Mr. Coffey: This is a zoning issue and they are normally not required. Staff feels that traffic and drainage are the two major issues in this area. The Fire Marshall has also pointed out the issue of fighting fires, which you alluded to, with two entrances so close. The developer has made attempts to secure property for a second entrance but has not been successful.

Mr. Powell: We need all the information we can get to make the most informed decision we can. So, I think the impact study is something we need to see.

Mr. Coffey: The impact analysis is something that could be required after the zoning is approved with the consent of the City Council.

Mr. Powell: What happens if we approve the zoning and the impact analysis comes back to say that this is not an appropriate place?

Mr. Coffey: Your recommendation stands. If you approve this change of zoning and the PUD, it will be your recommendation to City Council. If you deny it, the issue will drop here unless the applicant would like to appeal that decision to City Council. City Council can then refer it back to the Planning Commission or act on it themselves.

Mr. Davis: I don't really believe we need an impact study. Anyone who drives that road now will say we don't have enough road for the traffic that's already there. Of course, number one is the school busses and kids. Let's think about kids and the lives of kids. You have one accident out there and kill one kid, none of this is worth it.

Chairman Sherrill: Asked Jim Coffey if a traffic analysis would be done before or after this goes to City Council.

Mr. Coffey: It would be after, during the platting process. The impact analysis would not have an impact on the zoning unless, in recommendation to the City Council, we mention your concern was for an impact study. They can then choose either to consider that or not. Your recommendation can contain any item in it that you like. I would warn you against placing a condition on the zoning. You can place a condition on the supplemental PUD but not on the RS-3.

Davis motioned to deny PUD 47, Powell seconded.

Chairman Sherrill: A motion has been made and seconded to deny PUD 47. Now, everyone knows that I am a developer and I am pro-growth in the City of Bixby. But I feel there are times when we are faced with a very tough decision to choose what's best for the City. Staff has looked at this case thoroughly and has made what they feel is a good recommendation when they say that they would like to see an area with more open space, less lots, and more amenities. For the people who live out there, yeah it's nice to have those open spaces, but that won't last forever. Hydrology is not something that we can go too deep into. The traffic is the one issue I am concerned with. I agree with Mr. Davis in that if one person is injured or killed, all of us would regret the decision we made. If I'm not mistaken, if we turn this down the applicant cannot come back for 6 months.

Mr. Coffey: They cannot come back to you for 6 months unless directed by the City Council on an appeal. The City Council could send it back to you for reconsideration or they could act on it.

Chairman Sherrill: My question to the applicants tonight: would you like to have this continued so you can further investigate the situation and try to find a better fit?

The applicant stated that they would like to continue and they would like contact information for the surrounding property owners to better address individual issues, Mr. Coffey reminded the Chairman that there was a motion and a second on the floor. Mr. Powell withdrew his second and Mr. Davis withdrew his motion. The motion was rescinded.

Paxsonl motioned to continue to the November 21st meeting, Campbell seconded.

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

VOTING AGAINST: none

ABSTAINING: none

MOTION PASSED: 4-0-0

*Mr. Brett Neil needs to be added to the list of property owners for the applicant.

LOT SPLITS

- 6. BL 327 Discussion and possible action to approve a warranty deed on property located on Lot 12, Block 7, Celebrity Country; Jim Walters, applicant.**

STAFF REPORT

Staff recommends approval. This deed correct an item as approved by the City Council in Ordinance 774

Davis motioned for approval with, Powell seconded.

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

VOTING AGAINST: none

ABSTAINING: none

MOTION DENIED: 5-0-0

- 7. BL 328 Discussion and possible action to approve a lot split on property located on S. 109th East Ave, South of 111th; Patricio Gomez, applicant.**
- 8. BL 329 Discussion and possible action to approve a lot split on property located on S. 109th East Ave., South of 111th; C & G Homes, applicant.**

STAFF REPORT

Both of the lot splits above are properties previously divided by Gerald Snow. A new water line has been submitted for review to supply City water to these lots. In consultation with the City Attorney the staff recommends approval.

Chairman Sherrill: This is a piece of property that we turned down for a plat early on. When you came back, we agreed to do 4 lots; that was kind of our compromise. Now, we have no control over the hydrology. We're basically platting through lot splits here.

Gerald Snow: There won't be any more splits. There was one that you did approve probably about 6 months ago on this property. There are two houses about \$250,000 or more each that are to be built there and we did put deed restrictions on this property that the homes must be a certain percentage brick and must be in excess of 2,000 square feet.

Chairman Sherrill: So, we could end up with 8 lots. We have no way to detain the drainage from all these lots since this was not platted. How are we supposed to address the runoff that will go across the street?

Gerald Snow: There is a bar ditch out front. The neighbors were concerned and Mr. Sheridan was going to build a detention pond. The neighbors across the street then said not to do that because their ponds would go dry. We are building what's comparable to what's already in the neighborhood, it's not going to increase drainage all that much.

Chairman Sherrill: Will the ditch that is currently there accommodate runoff from the new houses?

Gerald Snow: Yes it will

Chairman Sherrill: Can we vote on these at the same time?

Mr. Coffey: I would prefer that you vote separately since I have to stamp each as a separate deed.

Paxson motioned to approve, Davis seconded.

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

VOTING AGAINST: none

ABSTAINING: none

MOTION DENIED: 5-0-0

PRELIMINARY PLATS

- 9. Discussion and possible action to approve a preliminary plat Phase I, The Legends North of 111th, West of Mingo; Brumble Dodson, applicant.**

STAFF REPORT

Staff recommends approval

Powell motioned to approve, Paxson seconded

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

VOTING AGAINST: none

ABSTAINING: none

MOTION DENIED: 5-0-0

FINAL PLATS

- 10. Discussion and possible action to approve a final plat for Abbie Raelyn South of 131st, East of 73rd East Ave.; Rausch Coleman Realty Group, applicant.**

STAFF REPORT

Staff recommends approval with the condition that all fees, bonds, and contracts are received from the developer before the item is placed on the City Council Agenda

Paxson motioned to approve, Davis seconded.

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

VOTING AGAINST: none

ABSTAINING: none

MOTION DENIED: 5-0-0

11. Discussion and possible action to approve a final plat for Hendrix Row, a commercial development by Hendrix Properties North of 151st, East of Yale; Hendrix Properties, applicant.

STAFF REPORT

Staff recommends approval with the condition that all fees , bonds, and contracts are received from the developer before the item is places on the City Council Agenda.

Powell motioned to approve, Davis seconded.

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

VOTING AGAINST: none

ABSTAINING: none

MOTION DENIED: 5-0-0

12. Old Business: None

13. New Business: None

14. Adjournment

Approved

Date