

**MINUTES
PLANNING COMMISSION
7:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
MONDAY
March 20th, 2006**

1. Call to Order

Chairman Sherrill called meeting to order at 7:00 pm. Members present: Sherrill, Powell and Davis.

2. Approval of Minutes for February 21st, 2006

Powell motioned for approval, Davis seconded.

VOTING FOR: Davis, Powell, Sherrill

VOTING AGAINST: none

ABSTAINING: none

MOTION PASSED: 3-0

PUBLIC HEARING

3. Discussion and possible action to approve BZ-315 North of 151st St. midway between Sheridan and Yale from AG (Agricultural) to CG (Commercial General), Jack Smith, applicant.

STAFF REPORT

BZ 315 is along the commercial corridor and Commercial General is appropriate for this area. The Comprehensive plan suggests that zoning along the corridor be done in a PUD to allow more uniform development in the area. Commercial General would allow for mini storage, auto and allied activities, drive in restaurants, commercial recreation by right and warehousing, wholesaling and light manufacturing by special exception of the Board of Adjustment. Much of the property is within a 100 year flood plain and would be subject to the Flood Ordinance if developed. Staff has reviewed this application and feels that an open CG Commercial Zoning is not as appropriate at a PUD that indicated the use and development of the property. There is some control in that Architectural Review by the Committee when development occurs; however, we have required most recent development to present a PUD. Staff recommends the item be continued for a PUD or the zoning reduced on the approval of the applicant to CS Commercial Shopping.

PUBLIC HEARING

Coffey submitted a letter from applicant Jack Smith who was out of town at the time of the meeting. Mr. Smith's letter told the Commission that he is willing to change the zoning to CS (Commercial Shopping) if the Board so chooses. He also stated that, if necessary, he could bring the item back as a Planned Unit Development (PUD). If a PUD is necessary, Mr. Smith asked the Commission to continue this item in order to give him time to get a PUD document drawn up.

Sherrill motioned to continue the item to the next regularly scheduled meeting, Davis seconded.

VOTING FOR: Davis, Powell, Sherrill

VOTING AGAINST: none
ABSTAINING: none
MOTION PASSED: 3-0

4. Discussion and possible action to approve a PUD 49 a supplemental zoning located North of 136th St. and East of Memorial, Charles Norman, Applicant

STAFF REPORT

PUD 49 is a supplemental zoning for this area. The largest problem for development is the area is within the 100 year flood plain. Ordinance will not allow the platting of lots in the floodplain. This would necessitate the removal of the development area out of the flood plain using compensatory storage. The area is also adjacent to a tributary of the Arkansas River on the North and in the past developments have been done with the approval of the Corp of Engineers. The applicant has indicated they would do a CLOMR-F (Condition Letter of Map Revision – Fill) before the project and a LOMR after the project in their design statement. Staff would require an approved CLOMR and a Review by the 404 Permitting Officer of the Corp of Engineers before construction. It is true the area is being re-mapped and preliminary maps will be received very soon. However, these maps are not regulatory at this time although they indicate some change in this area that may aid development.

The Fire Marshal requests an entrance and access street off memorial into the storage area of at least 30 feet in width. That the distance between storage buildings be no less that 26 feet. That all gates have Know Boxes authorized by the Fire Department, That Fire Hydrant location be approved by the Fire Department along with approval of the water source to the northeast area of storage buildings. Fire grading may be an issue to be resolved before construction.

The City Engineer is concerned with the hydraulic analysis of the CLOMR-F and would have to approve of the design of Compensatory Storage and other drainage analysis for the site. Item such as site grading, storm water being discharged onto 136th Street and Memorial, Detention, etc are of concern and would require close evaluation. The Sanitary Sewer System should be extended to the west right of way of Memorial. If the water lines are placed under paved parking areas they should be placed inside conduit. ODOT approval will be required for Memorial access.

The use and intensity of the development is appropriate and can be approved as presented.

Staff recommends approval of the PUD with the condition that the items listed by the Fire Marshall, City Engineering, and the removal of the developed area from the floodplain in accordance with the Bixby Flood Ordinance and the design statement that agrees to a CLOMR-F and LOMR be completed.

PUBLIC HEARING

Chairman Sherrill asked Mr. Coffey about the City Engineer's requirement for putting waterlines in conduit if they are placed under the street. Mr. Sherrill explained that this practice may not be feasible when trying to repair the lines later. The conduit makes it hard for utility companies to get the lines out of the ground. He then asked if they could make a motion to approve this PUD in accordance with staff comments except the comment on requiring conduit.

Mr. Coffey said that is a condition that this Commission is allowed to put on a PUD.

Powell made a motion to approve the PUD with the conditions listed in the staff comments except for requiring waterlines under streets to be placed in conduit, Davis seconded.

VOTING FOR: Davis, Powell, Sherrill

VOTING AGAINST: none

ABSTAINING: none

MOTION APPROVED: 3-0

PLATS

- 5. Discussion and possible action to approve the Final Plat for Cross Creek located South between Miller Poe/LaCasa and Fry Ditch on the West side of Memorial, Tim Remy, applicant.**

STAFF REPORT

Staff recommends approval

Powell made a motion to approve, Davis seconded.

VOTING FOR: Davis, Powell, Sherrill

VOTING AGAINST: none

ABSTAINING: none

MOTION APPROVED: 3-0

- 6. Discussion and possible action to approve the Final Plat for Fiddler's Creek South of 141st St. between Sheridan and Yale, Roy Johnson, attorney for applicant.**

STAFF REPORT

Have had several things happen with this item and received several submittals since the Planning Commission packets were sent out. The final plat has been submitted along with the Deed of Dedication/Restrictive Covenants. We had asked for some changes in the Deed of Dedication, those changes have been made. Staff is pleased with the plat and Deed of Dedication. Revised Water and Sewer plans have been submitted with corrections made per Engineer's comments. The City Engineer is currently reviewing these revised plans. Engineer feels the construction plans will not alter the lot layout of the final plat. Plans regarding the update to the White Hawk lift station have not been received; however plans to update an offsite lift station have been submitted. These plans do not affect the Commissions ability to approve or deny the final plat tonight. Staff has asked there be an agreement made with the golf course concerning the sewer easement through the fairway, and ask that play not be restricted during construction. Staff has not yet received this agreement. Final grading plan and storm water detention/drainage report have not been received. Comments have been issued and were reviewed in a meeting at City offices with applicant. It is possible that we could have these items in hand in the next few days and be able to go to City Council for an earth change. Grading changes will be required to eliminate drainage across multiple lots. Applicant has sent correspondence stating the Overland Drainage Easements will not be required in the final design to meet City requirements. This result will be verified upon receipt of the Final Grading Plan. The grading design does not affect the approval/disapproval of the final plat. The lack of maintenance access to the detention ponds was a concern of the City Engineer as well. The detention pond designs will require a variance approval from City Council regarding vertical walls and side slopes greater than 4:1 that have been incorporated into the pond design. A variance for a wet detention facility will also be required; but based on past Council actions; the request for a wet pond is expected to be a minor

issue. We ask that, should you choose to approve this plat tonight, it be approved with the condition that staff comments be addressed.

Roy Johnson, attorney for applicant 201 W. 5th St, Tulsa stated that the hydrologist and engineer for the project are present and have been in close contact with the City Engineer, Mr. Coffey, and others on City Staff. We are down to minor revisions in the plans. Seems that City Engineer is confident that this is ready to move forward. There is an existing sanitary sewer easement that goes from the west boundary of Fiddler's Creek West to tie-in to the City Sanitary Sewer. Fiddler's Creek Development's objective, along with the Golf Course, is to not restrict play during construction. Mr. Johnson is currently in the process of drafting an agreement. We are in contact with them.

Matt Paquette, General Manager White Hawk Golf Course, 817 W. Atlanta, Broken Arrow: Golf Course lawyers have not received any plans yet. In fact the only plans the Golf Course attorneys have seen are the plans Mr. Paquette picked up from Jim Coffey. Mr. Paquette has given his attorneys the cell phone numbers of the developers, but they have yet to hear from the developers.

Roy Johnson: Asked Mr. Paquette if the Attorney if Dan Roth. Mr. Paquette said yes. There has been communication between Mr. Johnson and Mr. Roth. Mr. Johnson was just recently asked to draw up an agreement. Mr. Rosenbaum, engineer for Fiddlers Creek stated that the plans were submitted to the Gold Course attorneys that day (3/20/06).

Mr. Sherrill explained to Mr. Paquette that there is an existing easement there and the developers have a right to use it. However, they are trying to work out an agreement to keep the course in play. I suggest you work with Mr. Johnson. (Mr. Johnson exchanged contact information with Mr. Paquette at this time.)

Mr. Coffey stated that staff would really like to see them work out some equitable way to keep play going during construction, as Mr. Johnson has stated he is working on.

Mr. Sherrill: In the Deed of Dedication, there is one statement I do not like: "no lot shall be subdivided by replat or lot split." I know that does not carry that much weight on our decision tonight, but if we have to come back and do a lot line adjust later, this statement kind of ties our hands.

Mr. Johnson: This was a suggestion by Jim Coffey, if that situation you just described comes up, we would bring this back to the Planning Commission and ask for a slight departure from that standard.

Mr. Coffey: One of the major issues with the public over this subdivision has been the size of the lots. These are not large lots, and probably will not be able to be split due to the widths. I asked Mr. Johnson to put that statement in the covenants to address this issue.

Mr. Sherrill: What do we do if we get a house that is 4.8 feet away from the lot line instead of 5 feet? Could we add to the Deed of Dedications something to the affect of "unless it is a minor lot split or lot line adjustment."?

Mr. Johnson: I will refine that language. "Minor adjustments may be made with the approval of the Planning Commission but no addition or creation of new lots will be allowed," or something like that.

Mr. Powell: That would make it a lot easier on us.

Davis made a motion to approve the final plat giving Mr. Coffey the authority to ensure all comments have been addressed prior to the plat going before City Council, Powell seconded.

VOTING FOR: Davis, Powell, Sherrill

VOTING AGAINST: none

ABSTAINING: none

MOTION APPROVED: 3-0

7. Discussion and Possible action to approve a lot split for BL-337 Jerry Green on property located East of Memorial along the Arkansas River.

STAFF REPORT

The split is south of the City’s trail easement along the River and the new tract will include the trail and the property in the River. Staff recommends approval

Mr. Sherrill: Asked if this was part of a proposed subdivision that has previously come before the Commission.

J.R. Donnelson, representing applicant: It is part of that area and the owner, Mr. Green (applicant), cannot sell the property to the developers until it is split.

Mr. Sherrill: Brought up the code that states that if the lot is more than 5 acres, no lot split is needed.

Mr. Coffey: Stated that is correct unless the property is within the city limits, which this property is; therefore a lot split is required.

Powell made a motion to approve, Davis seconded.

VOTING FOR: Davis, Powell, Sherrill

VOTING AGAINST: none

ABSTAINING: none

MOTION APPROVED: 3-0

8. Old Business: None

9. New Business: None

10. Adjournment

Approved

Date