

**MINUTES
PLANNING COMMISSION
7:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
Monday
October 16, 2006**

MEMBERS PRESENT STAFF PRESENT MEMBERS ABSENT

Bill Davis	Jim Coffey	Tomas Holland
Neil Trowbridge		
Jim Powell		
Scott Sherrill		

Approval of Minutes for October 2, 2006. Powell moved and Trowbridge seconded for approval

VOTING FOR: Powell, Davis, Trowbridge, Sherrill

VOTING AGAINST: none

ABSTAINING: None

MOTION PASSED: 4-0-0

Chairman Sherrill recognized Sally Serna who was serving an internship through Leadership Bixby with the Planning Commission.

BZ 318 Public Hearing, Discussion, and possible action to approve a request for zoning from RS 3 Residential to RT Residential Townhouse on property locate on the Northwest corner of Breckenridge and Parker, Carl and Betty Davis, applicants.

STAFF REPORT

Property is being rezoned for the placement of townhouses (duplex). We have approved another like item for the applicant some time ago on the corner of Dawes and Parker to the North and the units built were very attractive and are a tremendous upgrade for the area. Staff feels this application is not only in accordance with the Comprehensive Plan but is part of the re-vitalization of the downtown area. Staff recommends approval.

PUBLIC HEARING

Mike Daniels, 220 Breckenridge, Concerned about flooding and storm water in the area. Pointed out how the water comes across the street. Wanted to know where water would go.

Sherrill reminded the citizen, this was a zoning hearing and the Planning Commission was not responsible for storm water issues.

Davis told the applicant there was a bond issue and grant funds, so it may be the city has not gotten to this area.

Tom Martin, 301 E Breckenridge, was also concerned about Storm Water in the area. Would like to see something done with the water of Breckenridge.

Carl Davis 4112 E 191 Street, said they would not be hauling dirt onto the site but would develop a new residence.

Trowbridge asked concerning the impact of other structure built in the area. Planner responded he was not aware on any impact except more run off from more impervious surfaces.

Daniels complained that zoning was being done without addressing the issue of storm water.

Sherrill said that storm water is not a zoning issue but after it is zoned and before a building is built the questions of storm water run off is an issue. Zoning comes first.

Powell moved and Davis seconded for approval.

VOTING FOR: Powell, Davis, Trowbridge, Sherrill

VOTING AGAINST: none

ABSTAINING: None

MOTION PASSED: 4-0-0

BZ319 Public Hearing, Discussion and possible action to approve a request for zoning from RS 1 Residential to OL Office Light on property located on 118th Street just West of Memorial, SBM Corporation, applicant.

STAFF REPORT

At the time of this report the property owners in North Heights are still considering the item. Indication has been they may be in support of this

application because of some considerations from the developer to which we cannot be party.

The Board of Adjustment considered the two lots to the East one of which faces Memorial in consideration for a Special Exception to build and operate a Jiffy Lube. The Board denied the request because of traffic problems on 118th Street and the automotive use next to a Sub Division. The property owners from North heights spoke in opposition.

If the OL zoning is approved the developer plans to build an office building on Lot 3 for his corporation. He may return with a PUD and further request the Jiffy Lube be located on Lot 1 and part of lot 2 which is not part of this zoning request.

It appears that some considerations between North Heights and the developer might gain the support of the North Heights subdivision with the possibility of green area separation and improve entry onto 118th Street with turn lanes to Memorial. The City Council would have to approve any modification to 118th Street. Staff recommended denial to the Board of Adjustment because of the relationship to the Sub Division. Staff would recommend the straight zoning of OL be continued and the Planning Commission allow the applicant to return with an application for a PUD that would satisfy the residents of North Heights and define in the application what would be done on the property with property underlying changes in zoning.

Sherrill asked if there was a house on the lot and the planner said there was not a house on this lot but one on the adjacent lot to the west.

PUBLIC HEARING

P. C. Moore, 9084 E 31st Street, Tulsa, applicant. I own SBM Corporation that was set up to operate Jiffy Lube operations in the area. The application is only for the third lot, it is in the 600 foot corridor district, the property owner in the forth lot has agreed to this application as well as other property owners in the North Heights Sub Division. I have a letter showing a unanimous vote of the property owners in their meeting indicating they would support this zoning. We have assured we would build a substantial fence to separate the area and we have assured a green belt. The earlier objects of the home owners have been addressed.

Powell asked about the lot directly across the street. Planner said he believe it was residential. P C Moore explained there are six lots on each side of 118th. The first two lots on both sides are commercial and the third lots on

each side are residential. There is one house on the north two lots and the third lot is vacant. On the south the first two lots have a use care dealership.

Harley Lundy 11647 S 73rd East Ave., Vice President of Home Owners Association. I would like to concur we support Mr. in his application.

Gene B Randal, 11635 S 73rd East Ave. We are here because we had objection during the Board of Adjustment Meeting. But we think the Planner has the right idea in putting is in a PUD. It caught us off board at first but now no one is against it. We would like the applicant to return with a PUD.

Sherrill said he believed the applicant had done a good job presenting his case to the applicant and that what Jim had said about a PUD is a good idea. Is the applicant willing to put this in the form of a PUD?

The applicant said he would later bring this back as a PUD. But he has a contract to purchase the property but it has time restraints. If this is not approved I have no use for the property or interest in purchasing the property for resale. Not zoning the third lot OL makes it difficult to move forward with the financing and purchase the lot. The zoning approval would give me the security of closing on the property. There is still an anvil over my head because I cannot develop my business on the first two lots unless I bring the item back as a PUD. The third lot is the transition lot because it is a residential lot. I would ask we rezone lot three as requested only because it will give me the ability to close on all three lots.

Sherrill said if we rezone this lot the applicant is under no obligation to due a PUD.

Trowbridge stated if we do re-zone this lot then he cannot go forward with his plans because he is land locked without changing the zoning of the first two lots to build his business.

Moore said he has given a letter to the property owners with a promise to put in the 50 foot green belt on the third lot. And I would give them a more legally bonding document.

The Planner reminded the Commission that we can not be party or consider such an agreement. We recommend approval of the application to the City Council, deny the request, or continue action and consideration to another meeting.

Sherrill asked if we rezone this lot he would have to do a PUD to due a Jiffy Lube on the other lots? Planner answer he would have to rezone lots one or

two or do a PUD. Sherrill asked if he could build a Kentucky Fried Chicken on Lots one and two. Planner answer that is correct. Sherrill said the worst thing is that if we rezone lot three the worst thing that could happen would be an office building without a green belt area.

Mr. Lundy said Mr. Moore had worked hard with his committee and that he appreciates the Commissions concern but he also believe that Mr. Moore would do as he has promised.

Powell said we can recommend zoning, but we cannot zone with conditions. We are concerned the property could be sold as a widget factor and we get on the site what we do not want. If it comes as a PUD we have some say in how the property is developed.

Gene Lundy, property owner, said he was aware of the Board of Adjustment actions and also confident in Mr. Moore. He appreciates the City is trying to protect the citizens but would like to go ahead so the property can be financed.

Sherrill said this is unprecedented to have such support for a project. So is there any further question from the Planning Commission or a motion.

Powell moved and Trowbridge seconded for approval.

VOTING FOR: Powell, Davis, Trowbridge, Sherrill

VOTING AGAINST: none

ABSTAINING: None

MOTION PASSED: 4-0-0

Zoning issues will be read to the City Council in the form of an Ordinance on October 23 and presented for action on November 13.

LOT SPLIT

BL 341 Discussion and possible action to approve a request for a lot split separating lots 23,24, 25, & 26, Block 30, Midland Addition into The North 64 feet of Lots 23, 24, 25, & 26, Block 30, and the South 66 feet of Lots 23, 24, 25, &26, Block 30. Carl and Betty Davis, applicants.

This is a part to the Zoning BZ318 above. It allows the lots to be split so two units can be built. Proper notification in the paper and signage of the property was done requesting comment on the Lot Split. No complaints are request were received. Staff recommends approval.

Davis moved and Trowbridge seconded for approval.

VOTING FOR: Powell, Davis, Trowbridge, Sherrill
VOTING AGAINST: none
ABSTAINING: None
MOTION PASSED: 4-0-0

Sherrill mentioned that we have several plats a year and would like for consideration to be brought before the Commission as a consent item. Discussion followed and the planner was instructed to place all plats on a consent agenda.

PLATS

Discussion and possible action to approve a Final Plat for Southbridge as Amended to include a pool area, located east of Memorial and South of Blue Ridge Sub Division.

A final plat is presented with an amendment designating two lots as a reserve area for a community pool. Staff has reviewed the plat and recommends approval.

Powell moved and Davis seconded for approval
VOTING FOR: Powell, Davis, Trowbridge, Sherrill
VOTING AGAINST: none
ABSTAINING: None
MOTION PASSED: 4-0-0

Discussion and possible action to approve a Final Plat for Jade Crossing, locate north of 151st Street and West of Sutherlands.

Powell moved and Davis seconded for approval.
VOTING FOR: Powell, Davis, Trowbridge, Sherrill
VOTING AGAINST: none
ABSTAINING: None
MOTION PASSED: 4-0-0

Discussion and possible action to approve a Final Plat for Bixby Centennial Plaza, located on the Northwest Corner of 121st Street and Memorial.

Davis moved and Powell seconded for approval
VOTING FOR: Powell, Davis, Trowbridge, Sherrill
VOTING AGAINST: none
ABSTAINING: None
MOTION PASSED: 4-0-0

Discussion and possible action to approve a Final Plat for Phase I Seven Lakes, located on the East side of Sheridan between 131st Street and 121st Street.

Trowbridge moved and Powell seconded for approval.

VOTING FOR: Powell, Davis, Trowbridge, Sherrill

VOTING AGAINST: none

ABSTAINING: None

MOTION PASSED: 4-0-0

Discussion and possible action to approve an Amendment to the Final Plat for Wood Creek to include a Swimming Pool on Lots 6 & 7, Block 2 Woodcreek Plat 5872, 81st and Memorial LLC, applicant.

At the time of this recommendation proper documents had not been received to allow the item to be considered, that being the approval of the property owners association. If proper documents cannot be presented, staff recommends continuance.

Powell moved and Davis seconded for approval.

VOTING FOR: Powell, Davis, Trowbridge, Sherrill

VOTING AGAINST: none

ABSTAINING: None

MOTION PASSED: 4-0-0

Discussion and possible action to a partial vacate of Market South Second Plat 3581, Tanner Consulting LLC applicant.

At the time of this recommendation proper documents had not been received to allow this item to be considered, that being the approval of 75% of the property owners on the existing plat. If proper documents cannot be presented, staff recommends continuance.

Item is withdrawn from the agenda by the City Planner

Discussion and possible action to approve a Plat Amendment for Pecan Valley Addition, Plat 4347, to add two additional lots, Lots 6 & 7, Block 3 to the plat.

Davis moved and Trowbridge seconded for approval.

VOTING FOR: Powell, Davis, Trowbridge, Sherrill

VOTING AGAINST: none

ABSTAINING: None

MOTION PASSED: 4-0-0

OTHER ITEMS

Discussion on a letter from Jim & Louise Winsworth concerning Protective Covenants for Southwood Addition.

Item withdrawn by City Planner

Discussion concerning a request from the Bixby Trail Committee for the inclusion of easements for future trail development on residential and commercial plats.

Discussion and general consent that the developer be encouraged we possible to include such easements.

No New or Old Business

Adjournment:

Approved_____Date_____