

UNOFFICIAL MINUTES UNTIL APPROVED

**MINUTES
PLANNING COMMISSION
7:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
Monday
August 20, 2007**

STAFF PRESENT:

Erik Enyart, AICP, City Planner
Deborah Forbes, Asst. City Planner

ATTENDING:

See attached Sign-in Sheet

CALL TO ORDER

Meeting called to order by Chair Scott Sherrill at 7:04 PM.

ROLL CALL

Members Present: Larry Whiteley, Jim Powell, Scott Sherrill, and Bill Davis
Members Absent: Thomas Holland

CONSENT AGENDA

1. Approval of Minutes for July 16, 2007

A MOTION to APPROVE the Minutes of the July 16, 2007 MOTION was made by Jim Powell and SECONDED by Larry Whiteley. Roll was called:

ROLL CALL:

AYE: Powell, Davis, Whiteley, & Sherrill
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

PUBLIC HEARINGS:

2. **BZ-332 – Larry Colt (Corrected)** Public Hearing, Discussion, and consideration of a rezoning request from AG Agriculture District to IM Industrial Moderate District for property in Section 01, T17N, R13E.
Property located: South dead-end of Garnett at 151st St. S. on the North Side of the Arkansas River, 14600 S. Garnett.

The Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) and [Government] Lot Five (5) of the Southwest Quarter of the Southeast Quarter (SW/4 SE/4) of Section Eighteen (18), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma according to the U.S. Government Survey thereof.

And

Description of "Sand Bar" Adjacent to Lot 5, and the SE/4 SE/4 of Section 18, T17N, R14E, Tulsa, County, Oklahoma

A tract of land lying in the SE/4 SE/4 and Government Lot 5 of Section 18, and a part of the Arkansas River lying adjacent thereto, all in Township 17 North, Range 14 East of the Indian Base and Meridian, according to the U.S. Government Survey thereof, City of Bixby, Tulsa County, Oklahoma, being more particularly described as follows, to-wit:

Beginning at a point in the south boundary of said SE/4 SE/4, 300 feet, more or less, west of the southeast corner there-of; said point lying on the northerly high bank of the Arkansas River; thence northwesterly along the said northerly high bank approximately 2570 feet to a point in the North boundary of said Government Lot 5; thence southwesterly approximately 1000 feet to the thread of the Arkansas River, thence southeasterly along said thread approximately 2100 feet; thence northeasterly approximately 1515 feet to the point of beginning, containing 62.2 acres, more or less.

Chair Scott Sherrill states that this is a continuance due to the correction on the legal description and the need to republish the corrected public notice.

Mr. Enyart replied he had reposted, re-mailed notices to area property owners, and republished the public notice in the newspaper using the correct information.

Chair Scott Sherrill asked if the Applicant was present and wished to speak on the item. The Applicant Larry Colt was not present at this time.

Harold Judd wanted to know the weight limits and if any road studies have been done on the road leading to the property.

Chair Scott Sherrill explained who is responsible for the streets and county to maintain the roads.

Harold Judd expressed concerns about the roads not being able to hold the weight of the trucks, and stated that since the land is owned by Holliday Sand & Gravel, there will be more traffic than there presently is. Mr. Judd asked about traffic counts and the weight limits of the bridges.

Erik Enyart replied that INCOG maintains the traffic counts and the posted weight limits on roads and bridges is the responsibility of Tulsa County. Enyart stated that this was the City of Bixby property and a rezoning application that is required by Bixby Code.

Chair Scott Sherrill introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Monday, August 13, 2007

Applicant: *Larry Colt*

Location: *– South dead-end of Garnett at 151st St. S. on the North Side of the Arkansas River*
– [14600 S. Garnett] Rd.

Land Area: *62.2 acres, more or less*

Existing Zoning: *AG*

Requested Zoning: *IM*

Surrounding Zoning and Land Use:

North: *AG; Agricultural along S. Garnett Rd. in unincorporated Tulsa County.*

South: *AG; Arkansas River in unincorporated Tulsa County.*

East: *AG; Agricultural and a municipal water or wastewater treatment facility along E. 151st St. S. in unincorporated Tulsa County.*

West: *AG; Arkansas River in Bixby.*

Background Information:

The Planning Commission first reviewed this request at a regular meeting held June 18, 2007. After the City Council's first reading of an ordinance to approve the rezoning, Staff discovered that the legal description advertised to the Public was in error and did not include all of the acreage requested for rezoning. Therefore, at Staff's suggestion and with the City Attorney's concurrence, City Council second reading and consideration of the rezoning ordinance was postponed pending the proper re-advertisement of this application and public hearing, consideration, and recommendation from the Planning Commission.

Due to a transition between city planners, there was previously no staff report for this request.

There was no protest received by Staff or anyone in attendance at the June 18, 2007 meeting in protest of this application.

Analysis:

The Planning Commission, by unanimous vote, recommended Approval of this request at the June 18, 2007 regular meeting. Staff would recommend consistency in the recommendation for approval of this correctly re-advertised application.

Chair Scott Sherrill asked if anyone else wished to speak on the item. No other person wishes to speak on the item.

There being no further discussion, a MOTION was made by Scott Sherrill, SECONDED by Bill Davis, to Recommend APPROVAL of BZ-332.

ROLL CALL:

AYE: Powell, Davis, Whiteley, & Sherrill
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

3. **PUD-57 – Bixby Station – Bruce Wood (Requested for Reconsideration of Amended Application)** Public Hearing, Discussion, and consideration of a rezoning request for a parcel of land located in the SW/4 of Section 1, T-17-N, R-13-E from AG (Agricultural) to RS-4 (Residential single-family) with a Planned Unit Development Number 57.

A tract of land situated in a part of the NE/4 of the SW/4, Section 1, T-17-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows:

Commencing at the Northwest Corner of the SW/4, of Section 1, T-17-N, R-13-E, according to the Corrected Plat of Southern Memorial Acres No.2, a subdivision in the S/2 of the NW/4 of Section 1, T-17-N, R-13-E; thence N 88°34'19"E along the North line of said SW/4 and the South line of said corrected plat of Southern Memorial Acres No. 2 a distance of 1324.59 feet to the point of beginning; thence continuing N 88° 34'19"E along said North line a distance of 1217.01 feet to a point on Fry Creek Right-of-Way; thence S 00° 00'00"W a distance of 354.97 feet; thence S 17°35'57"W continuing along said Right-of-Way a distance of 240.64 feet; thence S 59° 02'03"W continuing along said Right-of-Way a distance of 273.28 feet; thence N 87° 28'52"W continuing along said Right-of-Way a distance of 899.26 feet; thence N 00° 58'30"W a distance of 655.21 feet to the point of beginning and containing 18.518 acres more or less.

Chair Scott Sherrill introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner

Date: Monday, August 13, 2007

APPLICANT: *Bruce Wood*

LOCATION: *¼ mile east of Memorial, north and west of Fry Ditch, and south of Southern Memorial Acres 2*

LAND AREA: *18.518 acres, more or less*

EXISTING ZONING: *AG*

REQUESTED ZONING: *RS-4 and PUD #57*

SURROUNDING ZONING AND LAND USE:

North: RS-1 and RS-2; Residential in Southern Memorial Acres 2

South: AG; Fry Ditch

East: AG; Fry Ditch

West: AG; Vacant 18-acre tract fronting on S. Memorial

BACKGROUND INFORMATION:

At its regular meeting held July 16, 2007, the Planning Commission recommended Denial of PUD 57 by unanimous vote. The requested underlying zoning and was CS commercial and RM-3 high density multifamily residential.

The Applicant amended the application to remove the CS and RM-3 in favor of RS-4 high density single-family residential. Absent a specific provision for a request for reconsideration of an amended application in the Zoning Regulations, Staff accepted the request and, at the Applicant's request, re-advertised to the Public the new amended request for RS-4 zoning and PUD 57.

ANALYSIS:

The Comprehensive Plan. The Comprehensive Plan designates the property as Corridor in terms of its Urban Design Element and no supplemental Land Use Intensity designation. According to the Exhibit 5 Comprehensive Plan to Zoning Relationship Matrix, the RS-4 zoning district is not listed. The RS-3 district may be found in accordance, and the RM-1 district is in accordance with the Comprehensive Plan.

Therefore, Staff would recommend the requested underlying RS-4 zoning and PUD be found in accordance with the Comprehensive Plan.

Engineering and Safety. *City Engineer and Fire Marshal comments and recommendations are attached hereto and are incorporated herein by reference.*

Access and Internal Circulation. *This proposal plans to utilize one (1) means of regular ingress and egress for the development, a platted but unopened (not built) stub-out street to be known as S. 85th E. Ave. Access to Memorial is provided to the S. 85th E. Ave. entrance via E. 126th St. S., a residential street entrance to a single family lower intensity neighborhood (Southern Memorial Acres 2).*

The subject property has frontage only on approximately 1/2 of the platted stub-out street for S. 85th E. Ave., and thus does not have a full-width 50' right-of-way as required and as advised by the City Engineer.

The City Engineer's memo advises that a 50-foot full-width street right-of-way (or easement) will be required for the western entrance (S. 85th E. Ave.). It has been discussed that acquisition of a small, triangularly-shaped portion of the southwest corner of Lot 18, Block 7, Southern Memorial Acres 2, would be necessary to make up the balance of the 50' right-of-way as recommended by the City Engineer and Planning Staff. Staff recommends approval of this PUD be conditioned upon the acquisition of this additional right-of-way and the inclusion of specific language in the PUD text recognizing that access is subject to the acquisition of outside property for the purpose of a standard full-width right-of-way.

Compatibility with Existing Development and Buffering. *Although the coordinated planning, zoning, and development of the more logically developable parcel, the vacant 18-acre tract fronting on S. Memorial, would be preferable, from a land use and zoning standpoint, the requested RS-4 zoning and PUD would be consistent with the surrounding Zoning patterns and single-family residential in terms of land use, but not necessarily in terms of land use densities.*

The only boundary of the subject property which, in Staff's estimation, demands the most attention in terms of needed buffering is the northern boundary shared with Southern Memorial Acres 2. The zoning to the north is RS-2 and RS-1, as compared to RS-4, and residential densities, at approximately 1/3 acre per lot, are much lower in Southern Memorial Acres 2 than are proposed by this development (minimum lot area 5,500 or approximately 0.13 acres).

The submitted concept landscape and screening plan proposes five (5) trees: two (2) in the median in the off-site construction of the S. 85th E. Ave. stub-out street, and three (3) around the 'Club House Pool.' There is no proposal to erect a screening fence. Further, this development resembles a conventional, non-PUD development, in that there is nothing in this PUD which would appear to be a concession on the part of the developer in order to achieve density bonuses as afforded by a PUD.

It is the Planning Commissions' prerogative to review and consider potential incompatibilities in terms of scale of residential density, and may require screening measures be taken to mitigate such incompatibilities (Zoning Regulations Section 11-71-6).

Recommendation. *Staff recommends Approval of this amended PUD 57 and the underlying RS-4 zoning, subject to the following Conditions of Approval:*

- 1. Subject to acquisition of fee-simple right-of-way (or easement) from Lot 18, Block 7, to make up the balance of the 50' right-of-way as recommended by the City Engineer and Planning Staff, and the Lot-Split which would be required for this purpose.*
- 2. Subject to the inclusion of specific language in the PUD text recognizing that access is subject to the acquisition of outside property for the purpose of a standard full-width right-of-way.*
- 3. Subject to the satisfaction of all recommendations of the City Engineer and Fire Marshal where not already satisfied by the PUD text and exhibits.*
- 4. Subject to the addition of a standard 6' high wood or masonry screening fence along the northern PUD boundary shared with Southern Memorial Acres 2.*

Chair Scott Sherrill asked if the Applicant Bruce Wood was present and wished to speak on the item. Bruce Wood was not present but JR Donelson was present to represent the Applicant.

Daniel Edgings 12469 S. 85th E. Pl. Bixby expressed concern and asked, if the PUD was approved for single-family residential development, how long it will stay that way and if the developers could change to multi-family residential in the future. Mr. Edgings asked if the club house and pool were going to be open for the public use, and questioned if it is going to be a gated community, the size of the lots, and how the entrance to the subdivision was going to be addressed.

Chair Scott Sherrill replied that the home owners can come back at any time and amend the PUD but it will have to go through the same Zoning approval process with the board. Mr. Sherrill stated that the developer or the Council has no control over the entrance coming off of Memorial and the pressure should be put on the City Council to lighten up the flow or help with the streets.

Bill Davis stated that on the drawing the main entrance will be gated.

JR Donelson 8410 E. 111th St. Bixby stated the club house and pools are for the home owners use only, there is going to be a crash gate, and the size of the lots is going to be ¼ or 1/3 acres.

Betsy McConahay 12426 S. 86th E. Ave. Bixby questioned if there going to be an entrance created for the construction traffic flow, about the power lines along the addition and the 6-foot privacy fence, and will there be conflict between the fence and the electrical lines.

JR Donelson 8410 E. 111th St. Bixby replied that 85th E. Ave. is going to be the entrance for the construction traffic; the 6 foot fence will butt up against the already existing fences, and the utilities will be below ground.

Carl Murray 8525 E. 126th St. S. Bixby stated that he is satisfied with what the board and the developer has accomplished over the past meetings. Mr. Murray has concerns about the upkeep of the fence and suggested that masonry be used.

Jim Powell stated the home owners association would maintain the fence.

JR Donnellson stated that there has been a lot of dialog with this PUD but the owners believe this is an asset to the community. This is a single-family residential development that will be similar to Falcon Ridge or Auberge I & II with two (2) different price points. The general price range is going to be \$165,000 to \$200,000 per unit.

Bill Davis asked about difference in the numbers of RS-3 density and RS-4 density. JR Donnellson replied the differences in RS-3 and RS-4 zoning in terms of square feet.

Chair Scott Sherrill states that the total number of lots needs to be specified in the PUD to a maximum of 84 lots, as represented on the site plans.

Norma McCall 8509 E. 126th St. Bixby expressed concern about the width of the road to her driveway.

Misty McConahay 8612 E. 126th St. Bixby questioned the total amount of homes in her community with the additional community and is there regulations of how many entrances does it take to the amount of the addition.

Chair Scott Sherrill, referring to the Southern Memorial Acres 2 addition, stated there are two entrances: one going in and one going out.

Chair Scott Sherrill asked if anyone else wished to speak on the item. No one else spoke on the item.

Chair Scott Sherrill asked to entertain a Motion. Motion was made by Jim Powell to recommend APPROVAL of PUD-57 and RS-4 zoning with the following Conditions of Approval:

1. *Subject to acquisition of fee-simple right-of-way (or easement) from Lot 18, Block 7, to make up the balance of the 50' right-of-way as recommended by the City Engineer and Planning Staff, and the Lot-Split which would be required for this purpose.*
2. *Subject to the inclusion of specific language in the PUD text recognizing that access is subject to the acquisition of outside property for the purpose of a standard full-width right-of-way.*
3. *Subject to the satisfaction of all recommendations of the City Engineer and Fire Marshal where not already satisfied by the PUD text and exhibits.*

4. *Subject to the addition of a standard 6' high wood or masonry screening fence along the northern PUD boundary shared with Southern Memorial Acres 2.*
5. *The maximum number of lots permitted shall be 84.*

The Motion was SECONDED by Bill Davis. Roll was called:

ROLL CALL:

AYE:	Powell, Davis, Whiteley, & Sherrill
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

Old Business: None.

New Business: None.

Adjournment.

Chair Scott Sherrill declared the meeting adjourned at 7:40 P.M.

Approved: _____

Date: _____