

UNOFFICIAL MINUTES UNTIL APPROVED

**MINUTES
PLANNING COMMISSION
7:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
Monday
July 16, 2007**

MEMBERS PRESENT STAFF PRESENT MEMBERS ABSENT

Thomas Holland
Jim Powell
Scott Sherrill
Bill Davis
Larry Whiteley

Erik Enyart
Deborah Forbes
Donna Crawford

Consent Agenda –

1. Approval of Minutes for June 18, 2007.

Motion was made by Holland and seconded by Powell to approve.

VOTING FOR: Powell, Holland, Davis, Whiteley, & Sherrill
VOTING AGAINST: None
ABSTAINING: Whiteley
MOTION PASSED: 4-1-0

Sherrill announces the new member of the Planning Commission Larry Whiteley.

PUD-57 Public Hearing, Discussion, and possible action to approve the rezoning of a parcel of land located in the SW/4 of Section 1, T-17-N, R-13-E from AG (Agricultural) to RM-3 (multi-family) and CS (Commercial Shopping) with a Planned Unit Development Number 57, Bruce Wood, applicant. ITEM CONTINUED UNTIL DATE CERTAIN JULY 16, 2007.

Sherrill states this is a continued item from last meeting's agenda. The applicant and people who were opposed to the rezoning were to get together

and come up with an agreement. The applicant has come back with a new submittal that has eliminated all the commercial zoning on the PUD.

Enyart summarized the following Staff Report:

The applicant is Bruce Wood the location is ¼ mile east of Memorial, north and west of Fry Ditch and south of Southern Memorial Acres 2 on 14.01 acres, more or less. Requesting to rezone to AG with the original zoning was CS and RM-3 and PUD #57. The members were giving copy of the revised PUD also the minutes as provided by the developers and engineers of the meeting that was held on July 9, 2007. 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 requested RM-3 and CS zoning districts would be found in accordance with the Comprehensive Plan. Therefore, the requested underlying zoning and PUD is appropriate in concept. However, Staff believes development of the subject property for intense uses, including commercial and high intensity multifamily residential, as proposed, would be premature absent the coordinated planning, zoning, and development of the more logically developable parcel, the vacant 18-acre tract fronting on S. Memorial. The most troublesome element of this application is the proposal to utilize one (1) means of regular ingress and egress for all of the commercial and high intensity multifamily traffic, which is 126th St. S., a residential street entrance to a single family lower intensity neighborhood. Such commercial and multifamily traffic would have to pass halfway into an established residential neighborhood. Furthermore, it has been expressed by neighboring residents that the roadway is to some extent substandard, and too narrow to accommodate anticipated high traffic volumes. Staff would recommend that this roadway not be allowed to serve as the sole and regular traffic way for this proposed high intensity development. The Planning Commission may determine it is appropriate and in keeping with sound planning, growth, and development practices to require of the developer the coordinated planning for development of the more logical property, and thereby a more proper means of access directly to Memorial can be achieved.

Staff recommends this case be Continued to a date certain, which date would afford adequate time for the developer to coordinate the planned development of the intervening vacant parcel with its owner, and to achieve an alternative means of access, or be tabled indefinitely absent a commitment on the part of the developer to plan to coordinate.

Enyart amended his report and recommendation to the extent of acknowledging the Applicant is amending the proposal to remove the Commercial elements of this application. Enyart stated that it was his understanding that the proposal of 120 units of multi-family housing was remains on the original application. The developer will have to get with Staff to correct the proposed amendment and amend the application to its new proposal.

Bruce Wood, the applicant, lives at 9915 S. 86th E. Ave. Tulsa, Oklahoma. Bruce states that he doesn't have a lot to say since they have had two (2) meetings about this. Bruce has met with the home owner delegates last Monday to get something to work. The home owner delegates took it to the residents in the neighborhood and they still didn't like it. Bruce understands that it was a vacant field for a long time but what we proposed is to split the property down the middle West and East and on the North side to a single-family dwelling and on the South side to residential town homes which would not be high density residential but would be moderate high density three-story apartments. On the 8 acres we are proposing to develop the multi-family with 250 to 300 units if I built them in three-story with accommodations of junior one bedroom and two bedrooms apartments. JR Donelson, my engineer, did an analysis of the PUD that shows we couldn't accommodate dividing the property in half. Going west and east it will create a long straight away on the North side where the single-family dwelling would be causing a straight road with houses on each side. We are still receptive to possible doing a single-family dwelling but it would have to be a neighborhood of homes on the west part of the property than the residential homes on the east but I haven't submitted this yet. Bruce asks for the Commission to take a yes or no vote tonight on the PUD.

Enyart asks for the total of units to be in the multi-family dwelling.

Wood states that there would be a least a total of 120 or less on the multi-family dwelling due to a park is going to be built as well. The proposal I

submitted is the first 8 acres are going to be zoned residential town homes and the other 8 acres are going to be leave as Agriculture zone.

Davis questioned on the East or West to the map.

Holland questioned the duplex town houses if they are going to be two-stories.

Wood states the duplex town houses will be only two-story and about less than 40 feet in height. Will agree if the PUD passes through the Planning Commission or the City Council would like to meet with the home owners over the building working hours to address concerns about being too noisy and messy.

Powell questioned if the access road was to be public or private and who would maintain its upkeep.

Wood states it is going to be private with the home owners association with monthly dues, board, and property management team set up of budgets for major or future repairs. If the dues are not paid they will be taken to court. The owners and rental occupied are going to be invested at 30/70.

Sherrill states the on any owner of property is a clause of payment of funds to be due.

Keith Bolton lives at 8122 124th St. He has a problem with the access road causing too much traffic and wants another access road ran out to Memorial.

Sherrill asks Erik Enyart what reason JR Donelson gave at the last meeting for not getting access directly to Memorial. Enyart stated that, as he recalled, Donelson speculated there would be difficulty based on his past experience with getting Corps of Engineers approval for similar properties. Sherrill recalled that it was actually getting DOT approval which Donelson stated would be the problem.

Sherrill states that the owner would not sell [the intervening property]. Even if they did sell it DOT would not allow another entrance off of Memorial to that piece of property and due to the line of site having so many feet to have clearance will not get approved.

Davis asks questions has it been considered to another exit route.

Betsy McConahy lives at 12426 S. 86th E. Ave. Submitted a petition that was collected against the PUD to not be in their neighborhood. There are 57 petitions with approximately 125 signatures of residents.

Dennis Armstrong lives at 8422 E. 126th St. Has a problem with accidents that may accrue from the street not being adequate to the extra amount of traffic that will be caused from the PUD.

Carl Murray lives at 8525 126th St. S. and expressed disappointment with the builders proposing the lowest end of rental apartments. They have fewer amenities in it with no garages, no overflow of parking, no yards, the 20 feet that is allowed will not be sufficient, and no masonry construction. Refer to Pecan Valley has more construction to it than these units are going to have. Memorial Square Gardens is not some thing that Bixby wants to repeat. If the PUD was upgraded would make it more presentable will not have an issue with it.

Jeff Raven Cross 8517 E. 124th St. Wants to know where the abundance of children that will be going to school where would they go and if another school is going to be built.

Powell states there is another school being built as we speak for the 6th grade center.

Betsy McConahy had stated that in the meeting that was held with home owners Bruce Wood had explained to them how the money and investment involved in the property will not make a profit. It showed us how it was not economical to him and they understood the engineering side of the view.

Wood states for the all single-family land that he had paid out \$1.75 dollars per square foot of land that works out to around \$70,000 thousand dollars to an acre. If you can get 4 lots per acre, and excluding for street rights-of-way, we could probably sell the lots for \$30,000. So if our land cost is \$70,000 and can sell the property for \$120,000 it leaves us only \$50,000 this doesn't account for the payments on the streets, water, sewer, sanitary sewer, storm sewer, electrical, water lines, engineering, the city probably would want me to pay for something else and even the county. It just will not work out and will be having to build middle income homes causing us to break even. I offered to use part of the land as a buffer. It's not all about money but part is because I have to make a living too. The units are not going to be a cheap

made with the three bedroom will be 1100 a month with 2 ½ bath in a 1600 sq. ft. and two bedroom 900 a month with 2 ½ bath in a 1200 sq. ft. and one bedroom 700 a month with 1 bath in a 850 sq. ft. all of them have a powder room on the rental.

Holland moved to Table indefinitely until we can get road access to the development that would work out for heavy traffic back and forth.

Sherrill announced the motion was made to Table is indefinitely until such time when an access road can be agreeable with every one to be established. Sherrill addressed the Applicant and stated, “You have asked earlier for a vote to be made one way or the other. Is this acceptable to motion to you or no?”

Wood requests and ‘up or down’ vote, and stated that Tabling would take up more time and thus cost him more money in land interest payments.

Sherrill states that if appealed it will go before the City Council that will help on getting a road established.

Motion was made by Holland and seconded by Powell to Deny.

VOTING FOR: None
VOTING AGAINST: Powell, Holland, Davis, Whiteley, & Sherrill
ABSTAINING: Whiteley
MOTION PASSED: 4-0-1

BZ 333 Public Hearing, Discussion, and consideration of a rezoning request from AG Agriculture District to RS-3 Residential Single Family District. Property located: ¼ mile north of 151st St. S. on the west side of Sheridan Rd.

Enyart summarized the following Staff Report:

The applicant is Lantern Hill, LLC which is location at 14728 S. Sheridan Rd. on 40 acres, more or less with original zoning of AG requesting zoning of RS-3.

Surrounding Zoning and Land Use:

North: AG; Agricultural along S. Sheridan Rd.

South: AG & CG; Rural residential, agricultural, and vacant along S. Sheridan Rd. & S. Kingston Ave.

East: AG; Agricultural along S. Sheridan Rd.

West: RS-3/PUD-46; Fiddler's Creek residential development (under construction)

The Comprehensive Plan designates the property as Corridor in terms of its Urban Design Element with no supplemental Land Use Intensity designation. At 6,900 square feet minimum lot area, or approximately 6.31 units per gross acre, the requested RS-3 zoning may be found in accordance with the Comprehensive Plan, recognizing especially the Corridor designation. There are some areas of the subject property designated Development Sensitive, which an inspection of the Natural Features maps of the Comprehensive Plan, suggests this is due to the presence of areas of frequently flooded soils. Any development sensitive areas may be discovered and adequately addressed during the engineering review portion of the plat review stage. Furthermore, the requested RS-3 zoning is consistent with the approximately 65 acres of RS-3 zoning granted with PUD #46 in 2005 for the Fiddler's Creek development. Approval of 40 acres of RS-3 zoning would be a logical extension of this established 65-acre RS-3 district.

Enyart recommended Approval.

Motion was made by Powell and seconded by Trowbridge to approval.

VOTING FOR: Powell, Holland, Davis, Whiteley, & Sherrill
VOTING AGAINST: None
ABSTAINING: None
MOTION PASSED: 5-0-0

Old Business: None

New Business: None

Adjournment.

Sherrill states meeting adjourned.

Approved _____ Date _____