

**MINUTES  
PLANNING COMMISSION  
7:10 PM  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
Monday  
May 21, 2007**

MEMBERS PRESENT	STAFF PRESENT	MEMBERS ABSENT
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Thomas Holland  
Jim Powell  
Scott Sherrill  
Bill Davis

Jim Coffey  
Deborah Forbes

Neil Trowbridge

Consent Agenda –

1. Approval of Minutes for April 16, 2007.

Coffey states there is a change to be made on the BZ328 motion made by Holland and second by Powell was to approve not to deny. The vote was the same.

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

**VOTING FOR: Powell, Holland, Davis, & Sherrill**

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 3-0-1**

**PUD57** 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.

Coffey states this is a rezoning of Agricultural land to RM3 and CS. The Comprehensive Plan shows this area as a Corridor District which would allow for commercial and residential development. Commercial being indicated as the area closest to Memorial with Residential further away from Memorial. The Bulk Area Requirements fit well into the zoning classification. The Front yards are listed as 20 ft a reduction from 25 ft

which is in the RM-3 zoning qualifications, an item we have approved in the past.

The Fire Marshal recommendation include two entries, a minimum access of 14 ft each lane at the gated entry, equipped with a knox rapid entry system. He would also like to place the fire hydrants within the project in the plating stage. The Engineer has several comments on Water, Sewer, and Drainage, that can be worked out in the plating stage of the project.

Comments have been received from the property owners concerning traffic on 126<sup>th</sup> Street, storm water run off in the ditches along 126<sup>th</sup> Street, it is not a curb area with residential type streets at least 16 ft. wide streets, multi-family backing up to Single family homes.

There is a negotiation with the property owner to the West to allow a larger entry street on the west side of the development. There is a mutual access agreement with the owner for that entry in the future with 50 ft. right-a-way of 26 ft. Wide Street. There is also the need for the West lot to be purchased or an easement obtained to allow a second entry street to the property.

It is the recommendation of staff that the zoning issues be voted on separately. The Commission cannot place restrictions on zoning. However, the PUD can be voted on separately and restrictions can be placed on development. The staff recommends that the PUD be conditioned on the west lot being purchased or at least an easement obtains for the second entry. Further conditions would be that all problems concerning fire, water, sewer, and drainage, be addressed to the satisfaction of the City Engineer and Fire Marshal.

Christine McDonald 8525 E. 126<sup>th</sup> St. lived there only three years. I am a real estate investor and the problems I have is the infrastructure of the PUD.

1. If the units are being individual owned, rental, and what is the price range.
2. What kind of signage is going to be used up on Memorial for the mini-storage and development units?
3. What kind of road is going to be used going into the mini-storage also the width of the street is not going to be wide enough for the extra traffic.
4. Applicant shows pictures of S. 188<sup>th</sup> E. Ave. St. that is not a road at this time.
5. Having issue about the speeders once the project is passed.
6. Issue of the drainage, sewage, and flooding problems that will arise with the extra units being put in.

7. How high is the elevation of the units for flooding purposes?
8. How will you be tapping into the water lines and will there is enough water for the extra units?

JR Donaldson states they are going to be individually owned, couldn't tell the price range, and couldn't tell what kind of signs are going to be used at this time. The access of the mini-storage is going to be from the developer itself using the West entry point according with the Fire Marshall as and exit only, access threw the gated entry right-a-way will be 85<sup>th</sup> Street that is written in the amenity. The mini-storage and development is going to be a gated community with the exception to Mrs. Roberts for the right-a-way to 85<sup>th</sup> Street. The price point of the development is going to range of about 150,000.00 dollars per unit. The City of Bixby owns the road and will be opening up as a public street. The drainage of extra water will go to the fee-in-lie. Any thing built will be one foot above the elevation of the unit. The fry ditch was designed to hold the water and not come out of its banks by the Coors of engineer. The development will be designed with the 100 year flood zone. The sewage will be installed PVC pipe with the existing sewage system by the standards of the City of Bixby requirements. The development will be required to access the City of Bixby public water located off of 126<sup>th</sup> Street.

Norma McCall 8509 E. 126<sup>th</sup> St. lived there for 35 years assume the lots will be residential and no change to the zoning when bought into Bixby. Has a problem with the structure of changing the neighborhood and zoning. Norma wants a new entrance to the area from Memorial if development is passed.

Carl Murray 8525 S. 126<sup>th</sup> St. E. Ave. has questions about the Fire Marshall is asking for 15 foot on both sides of the right-a-way of the road. The road is 16 foot with no sidewalks at this time and is not up to the safety standards of the Fire Marshall. There are at least 117 units going in and only one entrance causing more traffic to dell with. If approved wants the City of Bixby to widen and approve my road safe for family. The mini-storage will create commercial traffic problems. If the mini-storage doesn't work out they will be rented out to other enmities causing a problem. Signage will be needed and where it will be placed in my residential neighborhood to get to the unit. School buses and trash trucks will pose as more problems. Question about the road that is not there wants two entries to the development. The commercial is not up against the Memorial area where it needs to be not in a residential area.

David McConahy 12426 S. 86<sup>th</sup> St. E. Ave. lived about 35 years. Totally object to the sale of the property to the developer and letting it get this far. David doesn't like the zoning of the property, traffic that it will create, and should have two accesses roads to it.

Davis had questions about the zoning.

JR Donaldson showed pictures that are two story single units of first phase of 60 units and second phase of 60 units. He discussed drainage that goes to a fry ditch, sewer, and landscape of trees that are going to be used in the project. The units are to be sold as commercial zoning hoping will be sold as commercial to Memorial frontages. There will be a 25 foot sliver to widen the street to a full 26 foot wide street.

Davis asked questions on density of the buildings being multi-story and cause not enough space.

Holland wants this to be noted stipulations for a single unit to be specified for the PUD.

Powell wants to have more than two entries to the project and doesn't like the rental property. What is the width of the covert sack in that area?

JR Donaldson states that there is no covert sack that it will have to be built.

Davis suggest that residential be considered rather than Commercial and also wants to know if it needs to be rezoned at this time.

Sherrill asks questions on the turn-around of the provisions at either one of the gated entries, need to use unit 15 not 17 for mini-storages, is the lots going to be lot splits for sale in the future, and to specify a height of a multi-family of 45 foot to limit the number of two stories it can be. The CS height needs to be specified the height of the buildings with a 10 foot setback. The street needs to be a private street that needs meet or receive city standards with sidewalks are going to be in the right-a-way. A full landscape plan of the PUD needs to be presented. Need to make 88<sup>th</sup> street the primary entrance with using Use Unit 15 (Other Trades & Storages).

Powell states he does not like the residential area for the growth of the community.

Davis states a definite purchase of property to make the main entrance to 85<sup>th</sup> E. Ave., and the entrance at the end for emergency uses, and takes the commercial zoning off.

Holland states the infrastructure is inadequate of drainage and storm flood waters.

JR Donaldson asks for a continuance of the PUD.

Motion was made by Powell and seconded by Holland to continue till June 18, 2007.

**VOTING CONTINUED: Powell, Holland, Davis, & Sherrill**

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

**PUD 58** Public Hearing, Discussion, and possible action to approve a Planned Unit Development on property south of 121<sup>st</sup> Street between Mingo and Garnett on property zoned RS3. Development is a gated community call Juniper Hills Villas, Haikey Creek Partners, applicant.

Sherrill asks to step out on the PUD which he has an interest in the matter giving the room to Jim Coffey and leaves the room.

Coffey states the request is for a supplemental zoning to the present RS3. It is a gated community known as Juniper Hills Villas. It is surrounded by Agricultural Zoned Property. Development will have private streets, allow for 40 homes, and has all utilities available. The bulk area requirements take some exception to a RS3 zoning. These are: Maximum building height is less than allowed, front yards are 20 foot set back instead of 25 ft, rear yards are 15 ft instead of 20 feet, the density per lot is 4800 square ft less than RS3, and however the total density for RS 3 within the development is within limits. Lots width is reduced from 65 ft to 50 ft. All of these items have been approved in the past for other like developments. And since this is a private community the planning department recommends approval. The Fire Marshal has requested rolled type curbs, will approve the fire hydrant locations, and specks that access gates shall be at least 14 feet each lane and equipped with a Knox Rapid Entry System. The engineer has forwarded a report to the developer concerning Water, Sewer, and Drainage. There are items to be address as in any new development. Staff Recommends Approval.

Mark McGuire the engineer for the project at 8415 S. Regency Dr. states every thing has been covered in Jim Coffey statement related to Spicewood Villas. They will be individual homes that are going to be individual gated lots.

Davis asks about the property going to be developed later?

Mark McGuire states that it doesn't require any PUD zoning and it has to be developed at the same time due to the infrastructure is going to be connected to the Villas such as the storm water detention in the Juniper Hills Estates.

Powell asks about the question of provisions of the Fire Marshall has been approved.

Lora Burley 3538 S. 65<sup>th</sup> W. Ave. has concerns of the property with flood issues, water drainage, and a single road use of her mother's 10 acres directly behind the development. She wants to know if it is going to be a gated development and is the use of the pond going to be shared.

Mark McGuire states the entry to the road from the mother's property will be assessed to the new entry road. Drainage is in process for no runoff, and will be grated down to other property.

Davis questioned about the access road.

Bob Froning questioned about the access road and about the school bus access.

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

**VOTING APPROVED: Powell, & Davis**

**VOTING AGAINST: Holland**

**ABSTAINING: None**

**MOTION PASSED: 2-1-0**

**BZ329** Public Hearing, Discussion, and possible action to approve a rezoning request on property located on the Northeast corner of Mingo and 131<sup>st</sup> Street, from AG (Agriculture) to CS (Commercial Shopping), Mike and Diana Witter, applicants.

Coffey states there are no plans for development on this corner at this time. Corner areas such as this one are designated commercial on the Comprehensive Plan. There are several issues to be addressed if the property is developed. One of these is Drainage and Flood Issues. The property is within a 100 year floodplain. The work in the future on Haikey Creek will most likely help this area. Water is available to the site but sewer is not presently available. Zoning is appropriate for this parcel; however development will be more difficult until other items are addressed. The corner property on the Southeast and Southwest corners is zoned commercial. The property on the North West corner is agriculture. Recommend approval.

Motion was made by Holland and seconded by Davis to approval.

**VOTING APPROVED: Powell, Holland, Davis, & Sherrill**

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

**BZ330** Public Hearing, Discussion, and possible action to approve a rezoning request on property located at 25 E Dawes from CH (Commercial Heavy) to CS (Commercial Shopping), City of Bixby. Applicant.

Coffey states this is City property that will place up for public bids. The City has requested the zoning be reduced from CH to CS so appropriate retail development will happen on the site. Staff Recommends approval.

David Morris 21 & 23 E. Dawes states this will not give him the opportunity to purchase the property if it is change to CS zoning.

Davis asks if the city is trying to restore area for future growth and generate revenue.

Holland asks about the building zoning if it will be used as storage.

Sherrill has to have proof to buy the property from Davis Morris before making a decision and will help the city to down zone the property from CH to CS.

Mr. Daniels has issue with the down zoning of property making it hard to go back to original zoning in the near future.

Motion was made by Holland and seconded by Sherrill to approval.

**VOTING APPROVED: Powell, Holland, Davis, & Sherrill**

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 3-1-0**

**BZ331** Public Hearing, Discussion, and possible action to approve a rezoning request on property located South of Breckenridge and East of Memorial from CH (Commercial Heavy) to CS (Commercial Shopping), City of Bixby. Applicant.

Coffey states the property is a City Property that will be sold at public action. The City has requested a reduction in the zoning from CH to CS so it promotes retail development. Staff Recommends Approval.

Davis noticed that the location was incorrect.

Coffey asks for a continued at later date due to a legal miss print.

Motion was made by Sherrill and seconded by Davis to continue at a later date.

**VOTING CONTINUED: Powell, Holland, Davis, & Sherrill**

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

**BL347** Public Hearing, Discussion, and possible action to approve a lot split North of Needles and East of Armstrong, Red Stevenson, applicant.

Coffey states no comments have been received concerning this application. Staff recommends approval.

Red Stevenson 205 N. Armstrong has the railroad land for sale to a lady that will clean area up and give him access road to the property.

Motion was made by Holland and seconded by Davis for approval.

**VOTING APPROVED: Powell, Holland, Davis, & Sherrill**

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

**PLAT** Discussion and possible action to approve a Vacation of Plat for Fiddler's Creek, located South of 141<sup>st</sup> Street between Sheridan and Yale, Fiddlers Creek LLC, applicant. (New Plat with amendments has been submitted and approved)

Holland restrict covenants requires a book keeping job to replace the old plat.

Motion was made by Davis and seconded by Powell for approval.

**VOTING APPROVED: Powell, Holland, Davis, & Sherrill**

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

**PUD47A** Discussion and possible action to approve an amendment to PUD 47 to change and entry lots to commercial as zoned instead of residential, 81<sup>st</sup> and Memorial LLC., applicant.

Coffey states this is an amendment to the PUD to allow the area along 111<sup>th</sup> Street to be Commercial. The area is presently zoned Commercial, so this is only a change in the PUD. The TAC Committee and Staff recommend approval.

Motion was made by Powell and seconded by Holland for approval.

**VOTING APPROVED: Powell, Holland, Davis, & Sherrill**

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

**PUD 40** Discussion and possible action to approve a minor amendment or Regal Plaza PUD 40.

Coffey states the landscape and screening requirements for Development Area E are amended to provide for the construction of an eight feet high masonry screening fence along the east boundary of Development Area E, which masonry fence shall extend a distance of 595 feet from the northeast corner of Regal Plaza along the east boundary of that part of Development Area E that has been platted as Lot 12, Block 1 in Regal Plaza.

In consideration of Item 1, the minimum building setback in that part of Development Area E that has been platted as Lot 12, Block 1 in Regal Plaza shall be 75 feet from the east boundary of Lot 12.

Except as herein amended the Development Standards for PUD No. 40 shall remain the same as approved by the Bixby City Council on June 13, 2005 and as previously amended by Minor Amendment No. 1 to PUD No. 40.

Davis made motion for approval stating action is to document an agreement between property owners and the developer concerning screening walls and setbacks.

Seconded was made by Powell for approval.

**VOTING APPROVED: Powell, Holland, Davis, & Sherrill**

**VOTING AGAINST: None**

**ABSTAINING: None**

**MOTION PASSED: 4-0-0**

**Old Business: None**

**New Business: None**

**Adjournment.**

Approved\_\_\_\_\_Date\_\_\_\_\_