

**MEETING MINUTES
PLANNING COMMISSION
116 WEST NEEDLES, BIXBY, OKLAHOMA
May 31, 2016 6:00 PM**

SPECIAL-CALLED MEETING

In accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Section 311, the agenda for this meeting was posted on the bulletin board in the lobby of City Hall, 116 W. Needles Ave., Bixby, Oklahoma on the date and time as posted thereon, a copy of which is on file and available for public inspection, which date and time was at least twenty-four (24) hours prior to the meeting, excluding Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

CALL TO ORDER: Chair Lance Whisman called the meeting to order at 6:11 PM.

POINT OF ORDER: Mr Maguffee:

Please exclude item #5, it was not on the previous agenda, discussion of language on allowing the items to stay on agenda. The previous meeting agenda items were continued to the May meeting, but PC did not have quorum the developer asked for a special meeting. The city staff agreed and a special Meeting was scheduled for May 31. Patrick Boulden replied to Mr. Maguffee. City Attorney stated the items were OK to be heard; they were properly advertised and meet all the legal requirements. (COMMENTS FROM: Maguffee, Sutton, Hilton, Boulden)

ROLL CALL

PLANNING COMMISSION (PC):

Members Present: Lance Whisman (Chairman)
Steve Sutton (Vice Chair)
Larry Whiteley
Tom Holland
Jerod Hicks

STAFF PRESENT:

Patrick Boulden, Esq., City Attorney
Marcae' Hilton, City Planner
Jason Mohler, Development Services Director & City Engineer
Jim Coffey, City (Consultant)

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OTHERS ATTENDING:

See attached Sign-In Sheet (35 adults, 4 children-present for Addison Creek/Seven Lakes VII)

Tanner Consulting (Ricky Jones, Justin Morgan)

CONSENT AGENDA

1. Approval of Minutes for the Regular Meeting's: March 21 and April 18, 2016
2. Approval of Minutes for the Specially Scheduled Work Session between Planning Commission and City Council on Monday, March 28, 2016

DISCUSSION: Chairman Lance Whisman

MOTION TO APPROVE NO 1: Larry Whitley

SECOND: Vice Chair, Steve Sutton

ROLL CALL:

MOTION PASSED: 3:0:2

MOTION TO APPROVE NO 2: Larry Whitley

SECOND: Chair, Lance Whisman

ROLL CALL:

MOTION PASSED: 3:0:2

PUBLIC HEARINGS:

PLATS:

3. **FINAL PLAT-PINE VALLEY ADDITION, PUD 12-D, BLOCKS 4-9: Applicant, Tanner Consulting on behalf of Stone Horse Development, LLC**

Discussion and consideration of a Final Plat for *Pine Valley Addition, PUD 12-D, Blocks 4-9*, 84 Lots, 33.717 Acres

Section 16, Township 17, Range 13

Property generally located: east of Harvard Avenue and south of 141st Street about one-quarter mile

4. **FINAL PLAT-PINE VALLEY ADDITION, PUD 12-D, BLOCKS 10-11: Applicant, Tanner Consulting on behalf of Stone Horse Development, LLC**

Discussion and consideration of a Final Plat for *Pine Valley Addition, PUD 12-D, Blocks 10-11*, 9 Lots, 4.346 Acres

Section 16, Township 17, Range 13

Property generally located: east of Harvard Avenue and south of 141st Street less than half a mile

GENERAL ITEM 3: *The Final Plat for Pine Valley Addition Blocks 4-9 is generally located one-quarter to one-half mile south of 141st Street and east of Harvard Avenue.*

The plat has 33.717 Acres, 84 Lots in 6 Blocks with five reserves. The property is currently zoned RS-1 and RS-3 Residential Single-Family Districts with PUD 12-D. PUD 12-D is in accordance with the Comprehensive Plan as a zoning district. The proposed subdivision plat is consistent with PUD 12-D. PUD 12-D did not show planned trail routes, but did include plans to provide trails under PUD 12-D Section II.C. The applicant has asked for a waiver, see waiver below.

GENERAL ITEM 4: *The Final Plat for Pine Valley Addition Blocks 10-11 is generally located one-half mile south of 141st Street and east of Harvard Avenue. The plat has 4.346 Acres, 9 Lots in 2 Blocks with 2 reserves. The property is currently zoned RS-3 and RS-1/PUD 12-D. The proposed subdivision plat is consistent with PUD 12-D. In addition, PUD 12-D did not show planned trail routes, but did include plans to provide trails under PUD 12-D Section II.C. The applicant has asked for a waiver, see waiver section below.*

This plat represents a conventional, suburban design and appears similar to The Reserve at Harvard Ponds and The Enclave at Harvard Ponds to the southwest, with lots similar in size and configuration. Typical lots range from 65' X 125' (8,125 square feet, 0.19 acres) to 70' X 142' (9,940 square feet, 0.23 acres).

TAC: The Final Plat for Pine Valley Addition Blocks 4-9 was heard by Technical Advisory Committee (TAC) on Wednesday, May 4, 2016 no new comments were made. The comments from the Fire Marshal are attached. Staff requests all outstanding comments be resolved before submittal of the Final Plat to City Council.

MODIFICATIONS/WAIVERS:

Upon its approval of the Preliminary Plat in November 10, 2014, the City Council approved the following Modifications/Waivers, as recommended by the Planning Commission:

SIDEWALK WAIVER:

CITY COUNCIL AGENDA ITEM COMMENTARY

November 10, 2014 (City Planner, Eric Enyart)

RECOMMENDATION: Staff and the Planning Commission concur in recommending Approval of the Preliminary Plat with the following corrections, modifications, and Conditions of Approval:

5. The Subdivision Regulations requires sidewalks along interior streets and Harvard Ave. To ensure this requirement is not inadvertently overlooked for the sidewalks along Harvard Ave. and Reserve Area frontages (developer's responsibility prior to the construction of any homes), the engineering construction plans should show locations, widths, and design details, which are subject to the Engineering Design Criteria Manual and City Engineer approval. The Applicant may request to do a fee-in-lieu by Modification/Waiver.

TANNER CONSULTING RESPONSE: Letter Dated-October 27, 2014

"Formally request a waiver of the Bixby Subdivision Regulations, Section 12-3-2-N and be permitted not to construct a sidewalk along the South Harvard frontage. Based on the current condition of South Harvard Avenue and the large amount of floodplain involved, we feel it is more practical to be permitted to pay a fee in lieu of construction of the sidewalk. We will provide you with an engineer's estimate of the cost of construction for the sidewalk in order to base you fee amount."

Letter attached.

CITY STAFF RESPONSE: This item will require coordination with Development Services Staff before submittal of Final Plat for City Council Approval.

Along with this Final Plat, the Applicant is requesting additional Modification/Waiver:

TRAILS WAIVER/MODIFICATION:

TAKEN FROM THE PRELIMINARY PLAT OF PINE VALLEY PER (City Planner, Eric Enyart)

DOD.4.Access and Circulation per PUD 12-D, "It is proposed that a trail system be provided that is meaningful and provides reasonable pedestrian opportunities extending from Harvard Avenue through the Posey Creek flood plain and continuing to the East boundary of Geiler Park. Prior to the issuance of occupancy permits for development which in the aggregate comprises 20% of the land area of Geiler Park, a trail system plan, including a construction phasing schedule, shall be submitted to and approved by the Bixby Planning Commission."

CITY COUNCIL AGENDA ITEM COMMENTARY

November 10, 2014

RECOMMENDATION

6. The division of trail construction responsibility between the residential and non-residential development areas was not addressed in PUD 12-D. The Applicant should consult with the current property owner and advise how the trail provisions will be addressed.

TANNER WAIVER REQUEST: As shown on the approved construction plans, a 4'-wide sidewalk will be constructed around the perimeter of the stormwater detention pond within Reserve Area C, which may serve as a walking amenity for residents of Pine Valley Addition. Further, the dedication language for Reserve Area A provides for potential future trail.....we respectfully request that the sidewalk system constructed along the Reserve Areas and around the stormwater detention pond within Reserve Area C and the Reserve Area A dedication language be accepted in satisfaction of any trail system obligation under PUD 12-D for the area included within the submitted plats.

CITY STAFF RESPONSE: the Development Services Staff is thoughtful of master planning for trails especially in conjunction with the proposed INCOG "GO Plan" a regional pedestrian and bicycle plan connecting major destinations in the region. Staff believes the City of Bixby will be a competitive viable Destination City with trails and pedestrian connectivity. Currently, the GO Plan does not include a master trail system within the proposed plat area. However it does have several recommended areas within the same Section 16, Township 17 Range 13. Staff will recommend future development in the area follow or improve upon the trails plan in order to create a community with greater accessibility along with economic and recreational opportunities for all our citizens. The sidewalks along the "reserve areas" will be satisfactory for this plat.

Staff recommends approval of the Final Plat for Pine Valley Blocks 4-9 & Blocks 10-11 subject to the resolution of comments from staff.

1. Subject to compliance with any outstanding Fire Marshal and City Engineer recommendations and requirements.
2. Before the City Council Final Plat hearing: Please coordinate the Sidewalk fee-in-lieu process with the City Engineer.
3. Please note the defining trails language in the Deed of Dedication as applicable.
4. Before the City Council Final Plat hearing: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
5. Deed of Dedication and Restrictive Covenants Section III. A: Provides "The Owner/Developer has formed or shall cause to be formed" an HOA. When the HOA is formed, please submit a copy of the Secretary of State Incorporation documents for placement in the permanent file and for notification to the Bixby Neighborhood Coordinator, along with the names and contact information of the Officers.

Consulting Comments: Ricky Jones 5323 S. Tulsa, OK Tanner consulting representing Stone Horse Development-Agree with recommendation; they are under construction please approve the final plat

Planning/Staff Comments: Jerod: tie into Spring Creek, does this tie into Spring Creek or is it a one way cul-de-sac? Ricky-it is a cul-de-sac.

Jason: there is a minimum number of lots requirements, this has been approved by Fire Marshal

Tom Holland: Trails, will sidewalk tie into the INCOG GO Plan? Staff, NO there is no trail plan.

Jason: vote separately or combined

Patrick: vote combined

MOTION TO APPROVE BLOCKS 4-9 AND 10-11: Tom Holland

SECOND: Larry Whiteley

ROLL CALL:

AYE: Whitley, Sutton, Whisman, Hicks, Holland

NAY: None

ABSTAIN: None

MOTION PASSED: 5:0:0

5. PRELIMINARY PLAT-SEVEN LAKES VII: Applicant, Tanner Consulting on behalf of Stone Horse Development, LLC

Discussion and possible action to approve a Preliminary Plat for *Seven Lakes VII*, 2 Lots, 0.625 Acres

Section 2, Township 17, Range 13

Property generally located: east of Sheridan Road and one-half mile north of 131st Street.

COMPREHENSIVE PLAN:

Low Intensity Land Use, the area is currently shown in the 100-Year Floodplain, but not listed as development sensitive per the Comprehensive Plan.

The preliminary plat for Seven Lakes VII is generally located East of Sheridan and one-half mile north of 131st Street. The proposed plat was originally part of the Preliminary Plat for Addison Creek (proposed plat, Planning Commission Agenda, ~~May 16, 2016~~ April 18, 2016). However, after the first planning commission meeting (April 18, 2016) ~~the developer made arrangements with Seven Lakes who accepted the 2 lots into the Seven Lake's development and (HOA) Home Owners Association~~ (this was discovered to be untrue and should be struck from the record). The plat consists of 2 lots on 0.625 acres. The

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property is currently zoned RS-4. The *Final Plat of Seven Lakes I* was approved by City Council 10/23/2006 (plat recorded 04/26/2007).

The south portion of the plat is located within a 100-year floodplain. The City Engineer has extensive comments requiring FEMA approval and documentation along with finish floor elevations to be included in the Final Plat.

GENERAL:

This item was heard by Technical Advisory Committee (TAC) on Wednesday, May 4, 2016 no specific comments were made from utilities or the Fire Marshal. Staff requests all outstanding comments be resolved before submittal of the Final Plat to City Council.

STAFF RECOMMENDATIONS:

Staff recommends approval of the Preliminary Plat for Seven Lakes VII subject to the resolution of comments from staff.

1. Approval is subject to compliance with any outstanding or new Fire Marshal and/or City Engineer recommendations and requirements.
2. Before the City Council Final Plat hearing: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
3. Please confirm the City of Bixby has the current HOA information including a copy of the Secretary of State Incorporation documents for placement in the permanent file and for notification to the Bixby Neighborhood Coordinator, along with the names and contact information of the current HOA Officers.

Correction to staff report: **see red highlighted area above**

May 16, 2016-April 18, 2016

Developer and HOA agreed to allow the Seven Lakes VII into Seven Lakes VII-this was incorrect and should be stricken from the staff report

CONSULTANT: Ricky Jones 5323 S, Tulsa, OK: we are in agreement

Mike Maguffee: 6698 E 127th Street Ms. Hilton please read the part about Seven Lakes and the Developer met-Item was never addressed with the HOA, this was incorrectly written, it was never brought before the HOA board to be formally considered accepted.

Steve Sutton (PC Vice Chair): What meeting are you referring to?

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Marcae': spoke about the statement and acknowledged it may be incorrect, it was believed this was the case. Cannot confirm the meeting.

Brian Doyle-developer: spoke

Steve Sutton (PC Vice Chair): has the effected parties had a meeting as requested by Planning Commission, and have you gotten any resolution.

Mike Maguffee: as a corporate body we have not received a request to accept Seven Lakes VII as part of Seven Lakes

Steve Sutton (PC Vice Chair): has the effected parties meet to get a resolution?

Mike Maguffee: never been considered by the HOA for acceptance.

Steve Sutton (PC Vice Chair): modified question, did all the affected parties get together?

Jason Mohler: Meeting occurred on May 6, 2016 between Seven Lakes and the developer; the City Staff as directed by Staff facilitated it. Three members of Seven Lakes, at the beginning at that meeting there was a question as to whether or not those lots would be accepted.

Steve Sutton (PC Vice Chair): that is why I jumped in.

Tom Holland: Which properties are we speaking of? Are the two properties already built?

Marcae': they were not included in the original plat for Seven Lakes I, when Addison Creek plat came in they included the two lots, it did not make sense to put the two lots in the Addison Creek plat.

Mike Maguffee: discussion of history of Seven Lakes slides are included for reference.

Steve Sutton (PC Vice Chair): this is important to everyone, important to have a meeting with Tanner; I did have a meeting at my house, what was discussed at that meeting. Marcae? What is the date of the meeting of the meeting you are referencing? (Maguffee)It was after you suggested we get together (no date was given)

Steve Sutton (PC Vice Chair): what was discussed?

Mike Maguffee: placement of channel and drainage

Steve Sutton (PC Vice Chair): what was the bulk of the meeting?

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Mike Maguffee: drainage and flooding and addition comments were given

Brian Doyle-developer: stone horse development, meeting Mike is talking about was held before the PC meeting the meeting you are speaking about was held after the PC meeting, it was held by the staff...We spoke of drainage, the location of the fence....

Jim Coffee: 2925 W. H Street, Jenks, OK, consultant during development of Seven Lakes

Jim Coffee: Noticed, we have difficulty with dates and times; the memory of some is this happened today. Hard to know whether or not is current or happened a long time ago. Need to know the current information. Wetlands conversation, this in not wetlands, it is documented. Three requirements: does not meet any – from our perspective it is wrong.

Mike Maguffee: more history of Seven Lakes and surrounding properties, continued with slide show....

Tom Holland (PC): what is the purpose of this information?

Mike Maguffee: comprehensive information on surrounding properties, FEMA, and other information, continued with slide show,,,,

Coffee: wetlands conversation....

Mike Maguffee: more comments.... continued with slide show

Lance Whisman (Chair): let's not get out of hand

Tom Holland (PC): already in minutes but this is not wetlands the point is irrelevant

Maguffee: more comments.... continued with slide show

Marcae': wetlands identification, Initial meeting with Developer is referenced, lime green color on west

Mike Maguffee: more comments.... slide show

Tom Holland (PC): west side of Sheridan?

Jason: map identification

Mike Maguffee: continued with slide show....

Lance Whisman (Chair): thank you very much

Jim Coffee: the job you have been given is to see if it meets the Zoning Code if it meets the general qualifications of the preliminary plat. All these other issues are because people are upset.

Lance Whisman (Chair)/ Tom Holland (PC): Clarify is this even a part of Addison Creek?

CONSULTANT: Ricky Jones 5323 S, Tulsa, OK: the HOA does not have to accept these two lots. I am prepared to talk about engineering.

Tom Holland (PC): making sure the HOA is comfortable with the HOA

Lance Whisman (Chair): This is not something you want to seek? HOA acceptance? Can be accepted afterward?

Patrick Boulden (City Attorney): What direction is the HOA leaning?

CONSULTANT: Ricky Jones 5323 S, Tulsa, OK: we tried to do what we understood the HOA wanted.

Larry Whiteley (PC): if these two lots are not in your HOA they can do what they want.

Tom Holland (PC): The meeting was not for the HOA, is that correct. Were you not notified of that meeting?

Mike Maguffee: I was not there, the residents which were present were....

Marcae': the meeting was for anyone, it was not a closed meeting anyone could have come. I did ask for representatives from the Seven Lakes, but no one was excluded.

Jason: I would ask we hear from Mr. Adams

Mike Maguffee: this body does represent the interest of the homeowners.

Larry Whiteley (PC): cannot move mobile homes, if you don't allow them to join the HOA you cannot regulate, your

Mr. Adams: 6626 E 127th Street South.-on HOA it was never addressed with HOA. The Developer never came to us about the 2 lots. I was at TAC meeting; I do not recall anything about the Seven Lakes VII.

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Steve Sutton (PC Vice Chair): was there any resolution?

Adams: No, there was not, flooding, Jared Cottle was in the meeting he mentioned it is a technical issue and will be addressed at a later date. More discussion ensued regarding the May 6th meeting and other concerns.

Jerod Hicks (PC): is there a lot of water in the neighborhood? I have grown up here; Seven Lakes was like this before it was developed. I believe Jared was addressing this with his discussion. The engineer will look at it extensively.

Adams: what guarantee do we have this will not be another Frye Creek in regards to erosion. There was not resolution in the end of the TAC meeting. The fence is staying up. My understanding is the Addison Creek development is only 1 foot above the floodplain. That could be an issue. More discussion ensued.

Marcae': that was not a TAC meeting; it was May 6, 2016.

Adams: took time off work. Others took time off to get some sort of resolution. Still a page and ½ of items

Marcae': items were sent to me, I categorized the questions which were sent to me. As the Meeting began Mr. Cottle asked for the top 3 items. Flooding was addressed from Mr. Cottle and it lasted for about an hour with exhaustive historical analysis. Run off, flooding, erosion, I would disagree, it seemed there were no more questions and everyone was satisfied. I misunderstood; I actually thought they were fine with the discussion.

Adams:more comments

Larry Whiteley (PC): what time was the meeting?

Marcae': I set up the meeting, the CM wanted to be involved

Justin Morgan, Tanner Consulting: all the water will be taken to Frye Creek, turn the Clock back, Frye Ditch did not exist.

Larry Whiteley (PC): it's not a flood plain? We are bound, we do not have much choice, if we turn it down we could get sued, discussion ensued regarding voting and Planning Commission duties. Take them to court if you have documentation.

Lance Whisman (Chair): drainage question, how much water do we think that will be?

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Jason: the original basin was 1500 acres, that basin has already been reduced to 400 acres approximately, future development could reduce it further, detailed discussion ensued. There will be a full drainage study.

Lance Whisman (Chair): master plan for what to expect with flooding

Marcae: did not and would never purposefully misrepresent the public or my Planning Commission

Mark Adams: all we are asking for: if we can follow the proper protocol so the item can be approved, I think we are OK, we just want to follow the proper procedure to get the two lots in Seven Lakes

Joseph Tiereny: not opposed to the addition, just giving a history. Told it was un-farmable wetlands. Changed when they drained it. Detailed history was given, this whole project is about drainage, I believe it can be done. Fences? Concrete? Give them the greenbelt, you get the drainage, and everyone is happy.

Brian Doyle/Tiereny: discussion

Tiereny: the want to knock down all my trees

Larry Whiteley (PC): have you signed any agreement they can take any trees out?

Tiereny: How are you going to remove the water, drain pipe? 5 feet off the property line. Roots out

Larry Whiteley (PC): comment...

Tiereny: Try to do the right thing, let me keep some of my trees, let them keep the green belt,

Larry Whiteley (PC): they can only keep the greenbelt if they buy it.

Tiereny/Whiteley: greenbelt discussion....

Larry Whiteley (PC): flooding, drainage, don't see any reason to develop it

Tiereny: the property should still be wetlands if done properly,

Tom Holland (PC): you answered your own question: it is doable

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Tiereny: I believe it is doable.

Larry Whiteley (PC): are we voting

Tiereny: give the greenbelt, accept the two lots.

Liz Hulz: I do not live on the greenbelt. List you can tick off this meets all the criteria, we need to know what is going on to the south. Too secretive, entire neighborhood should have been able to come to the meeting. Mr. Sutton said this is not where to bring it up. Mr. Whiteley-HOA, they need to ask if we want them. If the homeowners are kept in the dark, we will always have questions. Developer more open with home owners, if there is a floodway, we have children. It is helpful to have information and communicate. Lack of communication, lack of trust.

Kirk Walker: 2626 S. 126th street: 2 lots and discussion with regards to drainage. This will be an agenda item with our HOA. Table it until we have an opportunity to meet about the 2 lots.

Steve Sutton (PC Vice Chair): this is a preliminary plat; it could be pulled and addressed later.

CONSULTANT: Ricky Jones, we would like to have the go together to the city council.

Brian Fleming: what do we have to offer, I believe the meeting went: can we not have a fence? How about we pay more money to get the additional footage and move the fence back. No, we are not selling the land, it is out of the question. Other side, no we are not doing that. The meeting was attempted, all we have to negotiate: can you move it back or can we buy it.

Marcae': Mr. Doyle said he would go back and ask the other owners if access was an option.

Mark Adams: it was addressed, fence-will go around the perimeter, can fence be moved or taken down, no there is no way around it. The owner was there, but he was asked to leave the room at that time.

Marcae':

Brian Doyle-developer: first thing was buffer/drainage ditch; we went out there earlier and walked the area, Accommodations: moved the ditch south away from their houses. Fence: the answer today the fence is going back up. There methods for working with us is to file a

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lawsuit, they were concerned about lot size, house height, two lots will have the same covenants as seven lakes. Meeting with them, not a problem, not going to give them property, it is their amenity, they have ponds. We will meet with them prior to City Council. We would like to get all these lots approved.

Marcae': the meeting was not set up with malicious intent, I felt I followed Mr. Sutton's request. I sincerely apologize.

Brian Doyle-developer: as far as platting, we have no intent of giving up any property.

Tom Holland (PC): acknowledge there was not malicious intent

Mike Maguffee: comments regarding staff.

Mike Maguffee: previous owner...3000 documents, tell me the principles of Stone Horse, more history of the area development. Daniel Ruhl is involved.

Larry Whiteley (PC): drainage statement about Frye Ditch vs Arkansas River ...Are we going to vote on these two lots?

Lance Whisman (Chair): is there anyone else going to

Mike Ramsey: thank you to Mr. Sutton, I appreciate you taking the time to come walk the property. I would like to show you photos, (Marcae; you will need to leave them for the Planning Commission report), all of this was put in by the developer, why are stairs there? Ask you to do the right thing.

Tom Holland (PC): the Seven Lakes ownership

Mike Maguffee: development/owner details see slide presentation for more information

Tom Holland (PC): drainage from Seven Lakes going into the Addison Creek area?

Mike Maguffee: yes

Tom Holland (PC): are the original owners at that time and charged them extra money? Is it the same developer who is developing the property now?

Mike Maguffee: developer discussion see slides

Todd Hanson: petrified to talk.... I did want to show you my photos of my back yard, is this appropriate? FENCE issue/photo

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Brian Fleming: glossy pics, tape measure, 21 inches from bottom of rocks/retention wall to fence, landscaping

Whiteley/Fleming: extra money for access to greenbelt, advertising

Mark Adams: submittal of original plat, "use it as if it is yours"

Andy Oiler: 6860 E. 11th Street, submit pics, will apply to both, address something that I believe to have happened. "Sales people, they work off of commission" this is not about what happened in the past, it is about what is right for the community. The message needs to be we are no longer going to operate with that mentality.

Whiteley/Oiler: car analysis, sales people often exaggerate. Can see how people were fooled, should have done more due diligence. What about the ponds? Wetlands on map, drainage pipe, discussion ensued. Federally protected wetlands will never be developed.

Whiteley/Coffee: wetland designation does not stay with property forever.

Lance/Coffee: Frye Ditch discussion and wetlands.

Justin Morgan: Frye Ditch was part of Tulsa County mitigation with corps jurisdiction

Coffee: wetland comment

Andy Oiler: drainage pipes under Sheridan

Jason: water goes over Sheridan; we would like it to go under for public safety purposes

Mark Adams: rock house/Sheridan discussion. Just recently, someone changed the ditch and we had no flooding.

Joseph Tiereny: Sheridan flooding/improvements to

Justin Morgan: Rock house discussion and models Justin asked for the culvert to be cleaned out. Tanner made the improvements

Mike Maguffee: Daniel.... 1 comment

Lance Whisman (Chair): comment about drainage on Sheridan.

Oiler: spec home, everything was done, yard was built for access to wetlands. Slanted yard for mowing wetland. Sprinkler system in wetland. Retaining wall steps. Case not thrown

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out, judge said let me tell you how to write this litigation. Legally, has to end up in court. Profit over people, when does it stop, when do we consider the people.

Tom Holland/Justin Morgan: 1 foot to 10-12 feet deep in the middle, it will raise about 2 feet in parts; the hole will be a couple of feet lower than seven lakes.

Steve Sutton/Justin Morgan: next to the are you going to level everything? Seven lakes fence line 150-foot drainage, pushed straight channel to Addison Creek side. Had to match the drainage culvert to Frye Ditch, surveyed all the trees to keep as many as possible. Are the new Addison Creek Home owners going to have access to the greenbelt, asphalt trail, chat, 4 foot sidewalk? Mutual access to greenbelt, has this been asked,

Brian Doyle/Steve Sutton, mutual access: lots in Addison Creek 80,000-100,000 lots, dues to reserve area. HOA paying dues, it is hard to sale. Might add to your monetary fund to have access, it is a possibility, I hear about two different Seven Lakes. Need to discuss, but it is a hard deal to sale to Home Owners to Addison Creek. Reserve are on plat as platted reserve area.

Amid: house backs to greenbelt march 27, 2015, only reason I bought the home was because the of greenbelt. PHD in engineering did everything possible to make sure we did everything, I have it in writing in my contract, my contract is part of the lawsuit. Second, I did survey myself; land is at least 6 or 6 feet deep. I thought in his right mind would build anything here, they are sloped lots and all the drainage goes to wetland. Have standing water when it rains heavy. Got it in writing. I have photo to submit. No one would ever do that, I have daughters and need play area, now we cannot, all of our garden. Holland what year did you buy your property? March 2015, received a letter one month later from Shaw homes, we have sold the property, please remove your personal items. We looked all over Tulsa and purchased because it had a green belt.

Mark Adams:-submit pics for Mike Collier, if we write you a check will you accept it at May 6, 2016, we were told no.

Mike Maguffee: first slide, lawsuit has been going on for over a year, in process of writing the third petition, I am really anxious to have our case heard. I would at least address one thing, Mr. Ruhl having no interest, filed to court clerk, is also listed on the initial platting and same consultant on all the properties. Forget about the lawsuit, when someone said you have 3 options: approve, continue or disapprove

Lance Whisman (Chair): motion?

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Tom Holland (PC): question, waiver or modification decreasing from 100% masonry to 75% masonry? Is it on one story or two story?

Lance Whisman (Chair): just the 2 lots-

Motion: Larry Whiteley (PC): deny the two lots being added.

Discussion

Motion: Larry Whiteley (PC): postpone the plat

CONSULTANT: Ricky Jones, defer to the City Attorney, this is not an issue

Tom Holland (PC): is this part of the other plat? Is this a problem?

CONSULTANT: Ricky Jones, we would like both heard

Tom Holland (PC): they were integral to each other

CONSULTANT: Ricky Jones, not significant issue

Patrick Boulden, Esq., City Attorney: not final plat, mostly private issues, approved with Seven Lakes VII approval from HOA acceptance.

Motion: Larry Whiteley (PC Chair) **Second:** Steve Sutton (PC Vice Chair)

MOTION: Larry Whitley

SECOND: Steve Sutton, Vice Chair

ROLL CALL:

AYE: Whitley, Sutton, Whisman, Hicks, Holland

NAY: None

ABSTAIN: None

MOTION PASSED: 5:0:0

6. PRELIMINARY PLAT-ADDISON CREEK: (Continued from the Regularly Scheduled Planning Commission Meeting of April 18, 2016, with modifications)

Applicant, Tanner Consulting on behalf of Stone Horse Development, LLC

Discussion and possible action to approve a Preliminary Plat for *Addison Creek*, 61 lots, 29.138 Acres

Section 2, Township 17, Range 13

Property generally located: east of Sheridan Road and one quarter to one-half mile north of 131st Street

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Low Intensity Land Use, the area is currently shown in the 100-Year Floodplain, but not listed as development sensitive per the Comprehensive Plan.

The preliminary plat for Addison Creek is generally located East of Sheridan and one-quarter to one-half mile north of 131st Street. The proposed plat consists of 61 lots on 29.138 acres. The property is currently zoned RS-4, per BZ-309 which was sent to City Council as a second reading for approval amending Ordinance No. 272 and was filed in Tulsa County as Ordinance No. 901 on March 3, 2005.

The entire plat is located within a 100-year floodplain. The City Engineer has detailed comments requiring extensive documentation and finish floor elevations to be included in the Final Plat. Please see attached Engineering Memo.

This item was heard by Technical Advisory Committee (TAC) on Wednesday, April 6, 2016 (comments attached) and again on Wednesday, May 4, 2016 (no new comments). The request for additional easements from the utility companies has been addressed. The comments from the Fire Marshal have been addressed as part of the modified plat under review. The original comments from the Fire Marshal are attached. Staff requests all outstanding comments be resolved before submittal of the Final Plat.

NOTED MODIFICATIONS SINCE THE APRIL 18, 2016 MEETING: (not complete list)

Original Submittal	(April 22 Submittal)
63 LOTS	61 LOTS
29.762 ACRES	29.138 ACRES
No Stub-out Street	Added Stub-out Street to south
Request for additional easements	Added additional easements
100% Masonry	75% Masonry

This item was heard at the April 18, 2016 Planning Commission (PC) Meeting. There were 29 adults and 7 children present from the Seven Lakes Neighborhood, most of them live in lots adjacent to the reserve area at the north side of the proposed Addison Creek Plat. The Planning Commission gave everyone the opportunity to speak, however only 6 residents spoke, most deferred their time to Mr. Mike Maguffee. The meeting notes are attached to this agenda packet, in brief, Mr. Maguffee and others asked the Planning Commission to postpone the item until the next Planning Commission meeting

in order to gather more information and learn the outcome of pending litigation concerning the reserve area of this plat. The Planning Commission did continue the item to the next PC meeting (May 16, 2016) and urged the applicant, developer and Seven Lakes residents to have an additional meeting in an effort to resolve outstanding issues. The Development Services Staff facilitated the requested meeting on May 6, 2016 at 1:30PM which lasted a little over 2 hours, the meeting details are attached. The May 16, 2016 Planning Commission Meeting was cancelled due to *LACK OF QUORUM* a SPECIAL MEETING was then created for May 31, 2016. Based on the information presented in the meeting and the outcome of the litigation; Staff believes the Preliminary Plat for Addison Creek meets the requirements of the Zoning Regulations and Bixby Land Use.

CONSULTANT: Ricky Jones, we did reduce the masonry from 100 to 75% we think it will enhance the exterior

Tom Holland (PC): existing additions, PUD come in; new additions should take into effect what is in the area. Everything is 100% masonry in surrounding areas.

CONSULTANT: Ricky Jones, the developers are wanting to do something different, the market is saturated with cookie cutter developments.

Tom Holland (PC): I agree in theory, then we get something we don't like. It is always a consideration. The style of home might be different and may not be conducive to masonry veneer. Not sure where I am going with that

Marcae': are you comfortable with a masonry type product.

CONSULTANT: Ricky Jones, we just wanted a little bit of variety

Tom Holland (PC): rivers edge,

Jerod Hicks (PC): lot of character, appreciated now such as midtown.

Tom Holland (PC): In theory I agree, in practice I am really concerned.

Andy Oiler: The homes would be 2800 sq. feet minimum, 450,000 single story. 160.00 square foot. Seven Lakes 110-130 per square foot.

CONSULTANT: Ricky Jones, minimums surprised if you see any houses in there that size. That is the minimum 3000-3500 square feet.

Andy Oiler: 2800 and 250,00 dollars.

CONSULTANT: Ricky Jones, I do not want to get into economics can't build a house for 250,000, meets zoning, meets square footage minimums.

Lance Whisman (Chair): take a five minute break- thank you all for coming we tried to listen to everyone, we are a recommending body, city council ultimately makes the decision, so keep that

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in mind, as a group we cannot speak to property or legal issues, we have to take what we have on hand and make a vote

Comments:

Motion: Tom Holland-most convoluted case I ever recall, staff has recommended approval with no exceptions, confirmation of drainage input? I can see drainage being a safety issue. Other discussion...they have met all the requirements staff has indicated, I make a motion to approve based on staff's recommendation

Second: Larry Whiteley

MOTION: Tom Holland

SECOND: Larry Whiteley

ROLL CALL:

AYE: Whitley, Holland

NAY: Hicks, Sutton, Whisman

ABSTAIN: None

MOTION FAILED: 2:3:0

Lance Whisman (Chair): The motion doesn't carry

Marcae': is there another motion?

Patrick Boulden (City Attorney): there is no procedure for appeal of preliminary plat, (Patrick reads zoning ordinance). In depth discussion of process: approve, approve with modification, or disapprove

CONSULTANT: Ricky Jones, there is no appeal process for preliminary plats?

Steve Sutton (PC Vice Chair): this issue needs to go to City council

CONSULTANT: Ricky Jones, there is not an appeal

Marcae': what happens if there is an appeal process discovered? Notify the developer in writing
The motion was to approve and that failed it was not denied. That is why I asked for another motion, the item was not denied.

Steve Sutton (PC Vice Chair): Approve with adding to: approve with modifications to have a mutually accessible greenbelt.

Jerod Hicks (PC): second.

Passed 5-0-0

Planning Commission recommended approval subject to the following modifications and Conditions of Approval: the Preliminary Plat of Addison Creek is to include a mutually accessible greenbelt for the adjacent residents of Seven Lakes and Addison Creek.

MOTION: Steve Sutton

SECOND: Steve Sutton

ROLL CALL:

AYE: Whitley, Sutton, Whisman, Hicks, Holland

NAY: None

ABSTAIN: None

MOTION PASSED: 5:0:0

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OTHER BUSINESS

7. Discussion of Use Unit 17 and Use Unit 25: Development Services Staff

Discussion and consideration of Use Unit 17 and Use Unit 25 in regards to the proper zoning designation for automotive collision repair requiring the use of paint to complete their restoration project

MOTION: Larry Whitley-continue discussion to the next meeting

SECOND: Steve Sutton

ROLL CALL:

AYE: Whitley, Sutton, Whisman, Hicks, Holland

NAY: None

ABSTAIN: None

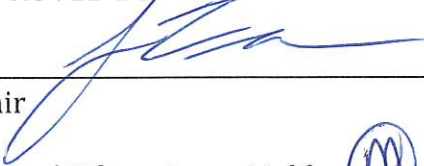
MOTION PASSED: 5:0:0

OLD BUSINESS

NEW BUSINESS: NONE

ADJOURNMENT: Chair Lance Whisman declared the meeting adjourned. 9:24PM

APPROVED BY:


Chair

11-21-16
Date


Marcae' Hilton, Jason Mohler
City Planner/Recording Secretary

**FINAL AS APPROVED BY
PLANNING COMMISSION AT THE
SEPTEMBER 19, 2016
REGULARLY SCHEDULED MEETING**