

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

May 16, 2002

1:30 p.m.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Mr. Will K. Jones, at 1:30 p.m., in Room 103, Oklahoma County Office Building, 320 Robert S. Kerr, with the following individuals present:

Mr. David Richey, Vice Chairman

Ms. Cheryl Dorrance, Member

Mr. Curtis Roberts, Member

Ms. JoAn Lamson, Chief Deputy Commissioner, District 1

Also in attendance:

Mr. Tyler Gammon, Jr. Secretary

The Planning Commission Secretary, Mr. Gammon, called roll and a quorum was declared.

Mr. Roberts made a motion to approve the minutes from the previous meeting of March 21, 2002. Ms. Dorrance seconded the motion. Vote taken: Lamson – Aye; Dorrance – Aye; Roberts – Aye; Richey – Aye. The minutes for the meeting of March 21, 2002, were approved.

Deferred Item: (March 21, 2002 Meeting) Zoning: (Z 02-01)

From: AA – Agricultural & Rural Residential District

To: CG-Urban General Commercial & Office District

Applicant:

PEGGY ARTER

The applicant proposes to expand an existing commercial district for use as a drive-through Smoke Shop. The following is the legal description of the property:

A piece or parcel of land in Lot 3 of Section 4, Township 14 North, Range 2 West of the Indian Meridian, Oklahoma County, State of Oklahoma, to wit: Beginning at the Southeast Corner (SE/C) of the Northwest Quarter of said Section 4: Thence S89°06'18"W on the South line of said Northwest Quarter (NW/4), Section 4, a distance of 135.14 feet to a point on the West right-of-way line of IH-35; Thence N00°01'50"W on the West right-of-way line of IH-35 a distance of 1347.41 feet; Thence N02°53'50"W on the said West right-of-way line of IH-35 a distance of 179.36 feet; Thence Northwesterly on a curve to the left having a radius of 1070.92 feet a distance of 158.74 feet on the West right-of-way line of IH-35 to the point or place of beginning. Thence continuing along the said curve to the left having a radius of 1070.92 feet a distance of 86.74 feet; Thence N16°01'50"W on the West right-of-way line of IH-35 a distance of 466.52 feet; Thence Northerly on curve to the right having a radius of 1220.92 feet a distance of 280.92 feet to the corner of IH-35 West right-of-way line and the IH-35 Waterloo Rd. South right-of-way line; Thence Westerly on a curve to the right having a radius of 1205.92 feet a distance of 205.64 feet; Thence S10°41'40"W a distance of 60 feet; Thence S79°18'20"E a distance of 60 feet; Thence S52°05'51"E a distance of 140.61 feet;

Thence Southward on a curve to the left parallel to the West right-of-way line of IH-35 and 60 feet distant there from, having a radius of 1280.92 feet, distance of 158.00 feet; Thence S16°01'50"E, parallel to the West right-of-way line of IH-35 and 60 feet distant there from, a distance of 466.52 feet; Thence Southward on a curve to the right having a radius of 1010.92 feet, and parallel to the West right-of-way line of IH-35 and 60 feet distant there from, a distance of 86.75 feet; Thence N73°58'10"E a distance of 60.21 feet to the point of beginning, containing 1.4657 acres more or less.

Location: Referred to as N. Interstate 35 Frontage Road. (County Hwy District#3)

Mr. Gammon gave the Staff Report stating that the item was deferred in March due to the concern of the width of the property and whether there was sufficient space to operate such a facility. "Ms. Arter was asked to bring in the filed legal description of the property and a detailed plot plan."

Ms. Arter stated that she had brought in a copy of the road easement and that Mr. Gammon had the legal description.

Mr. Gammon stated that he in fact did not have the legal description or the copy of the road easement. Ms. Arter had taken all of the documents with her after their last meeting.

Ms. Arter gave Mr. Gammon the copy of the road easement, which she brought in.

Ms. Dorrance asked whether there was enough room on the property to allow for setbacks, utility easements and parking.

Mr. Gammon stated that without the legal description they would not be able to answer the question. However they would be required to have at least one handicapped parking spot regardless of the situation. Mr. Gammon also stated that a member of the Staff had checked into restroom requirements and a restroom is required. DEQ had been asked if there was enough space to use the lateral lines and they said she could use the aerobic system.

Ms. Dorrance stated that there was still not enough information to warrant a decision.

Mr. Richey stated that it sounded like they weren't much further along than during the March meeting.

Mr. Roberts made a motion to defer the item for one month until the next meeting. Ms. Lamson seconded the motion. Vote taken: Lamson – Aye; Richey – Aye; Dorrance – Aye; Roberts – Aye. The item was deferred.

Zoning: (Z02-02)

From: IU – Urban Industrial District
To: CH-Highway Commercial District

Applicant:

FRANCIS O. COOK

The applicant proposes to rezone property to accommodate Fireworks Sales. The following is the legal description of the property:

LOT SIX (6) IN BLOCK THREE, CRUTCHO PARK ADDITION TO OKLAHOMA CITY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

LOCATION: 6700 N.E. 23rd (COUNTY HIGHWAY DISTRICT# 1)

Mr. Gammon gave the Staff Report stating that the applicant wished to change the zoning in order to obtain a fireworks permit. Mr. Gammon stated that following two items were the same type rezoning.

Mr. Frances Cook stated that he had been in the fireworks business for many years for the grandchildren to have something to do and a way for them to earn some money during the summer.

Ms. Dorrance made a motion to approve the application for the zoning change for the fireworks stand. Mr. Roberts seconded the motion. Vote taken: Lamson – Aye; Richey – Aye; Dorrance – Aye; Roberts – Aye. The item passed unanimously.

Zoning: (Z03-02)

From: IU – Urban Industrial District
To: CH-Highway Commercial District

Applicant: **JOANNE LOTSPEICH c/o RUBY PEAKE ESTATE**

The applicant proposes to rezone property to accommodate Fireworks Sales. The following is the legal description of the property:

LOT ONE (1), EXCEPT THE SOUTH THIRTY (30) FEET, BLOCK SEVEN (7), CRUTCHO PARK ADDITION, OKLAHOMA COUNTY, OKLAHOMA; AND LOT TWO (2), EXCEPT THE SOUTH THIRTY (30) FEET, BLOCK SEVEN (7), CRUTCHO PARK ADDITION, OKLAHOMA COUNTY, OKLAHOMA.

LOCATION: 6618 & 6620 NE 23rd (COUNTY HIGHWAY DISTRICT#1)

Mrs. Lotspeich stated that she, like Mr. Cook just wanted to be compliant.

Mr. Roberts made a motion to approve the application for the zoning change for the fireworks stand. Ms. Dorrance seconded the motion. Vote taken: Lamson – Aye; Richey – Aye; Dorrance – Aye; Roberts – Aye. The item passed unanimously.

Zoning: (Z04-02)

From: IU – Urban Industrial District
To: CH-Highway Commercial District

Applicant: **WILBERT C. MOSLEY, JR.**

The applicant proposes to rezone property to accommodate Fireworks Sales. The following is the legal description of the property:

LOT THREE (3) IN BLCOK THREE (3) OF CRUTCHO PARK ADDITION, A PART OF THE NE ¼ OF SECTION 28, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE IM OKLAHOMA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

LOCATION: 6708 NE 23rd (COUNTY HIGHWAY DISTRICT#1)

Mr. Mosley stated that he was also just trying to be compliant with the regulations set forth by the Planning Department.

Mr. Roberts made a motion to approve the application for the zoning change for the fireworks stand. Ms. Lamson seconded the motion. Vote taken: Lamson – Aye; Richey – Aye; Dorrance – Aye; Roberts – Aye. The item passed unanimously.

Preliminary Plat: (PP02-03) WESTWINDS II @ SETTLERS' CROSSING

Applicant: **SETTLERS' CROSSING, LLC**

The applicant proposes to develop the third phase of Planned Unit Development (PUD) 2-97 with a new category of single-family housing. This phase will consist of 40 residential lots on 18.3 acres. The paving and storm sewer for the project will be consistent with that provided in Westwind I at Settlers Crossing. Water will be provided by Deer Creek Water Corporation and sewage disposal by Oklahoma City. The following is the legal description of the property:

A part of the N/W/4 of Section 17, T14N, R3W, IM, Oklahoma County, Oklahoma being more particularly described as follows: beginning at the SW corner of said NW/4; thence N00°00'09"E along the East line of said NW/4 a distance of 689.00 ft.; thence S89°59'51"E a distance of 180.00 ft.; thence S00°00'09"W a distance of 15.89 ft.; thence S89°59'51"E a distance of 50.00 ft.; thence S76°48'52" a distance of 355.74 ft.; thence N79°08'38"E a distance of 227.38 ft.; thence N59°00'33"E a distance of 269.68 ft.; thence S13°30'09"E a distance of 85.75 ft.; thence S34°30'00"E a distance of 451.89 ft.; thence S00°19'26"W a distance of 325.00 ft. to a point on the south line of said NW corner; thence N89°40'34"W along said south line a distance of 1265.00 ft. to the Point or Place of Beginning. The above-described tract contains 795,135 square feet or 18.25 acres, more or less, and is subject to easements, rights-of-way and restrictions of record.

**Location: SE corner of Pennsylvania Avenue and N.W. 220th (Coffee Creek)
(County Highway District #3)**

Mr. Gammon gave the Staff Report stating that the applicant had changed the name from Settlers' Crossing to Westwind. They completed Westwind I and are seeking approval of the preliminary plat for Westwind II. The applicant met all the requirements. There was only one protestor asking for a fence to separate the properties.

Mr. Keith Beatty was present to represent the applicant.

Mr. Versel Rice, the protestor, stated that he just wanted the applicant to agree to maintain their part of the fence separating their properties. The South property line is the portion of the fence in question. Mr. Rice stated that he keeps up the East portion of the existing fence and Settlers' Crossing would be responsible for the West portion. He would like the construction trash kept picked up to prevent it from blowing onto his property.

Ms. Dorrance asked Mr. Beatty if that was a plausible possibility to maintain the West portion of the South fence line.

Mr. Patrick Myers, also a representative for the applicant, stated that he was not sure what the cost would be to maintain the fence but didn't imagine it would be great. He stated that they would be willing to fix the portion of the fence. Mr. Myers stated that he had not been aware of the trash problem but would check into it and make certain it would not be an issue.

Ms. Dorrance asked who would take care of the fence line after the development was complete.

Mr. Myers stated that he did not think it could be part of the homeowners association's responsibility but would be willing to exchange phone numbers with Mr. Rice to see what could be negotiated.

Ms. Dorrance made a motion for approval of the preliminary plat for West Winds II addition. Ms. Lamson seconded the motion. Vote taken: Lamson – Aye; Richey – Aye; Dorrance – Aye; Roberts – Aye. The item passed unanimously.

General Plat: (GP01-02) CEDAR RIDGE ESTATES

Applicant: **JERRY BERNHARDT**

The applicant proposes to develop an Agricultural & Rural Residential Subdivision with restrictive covenants placed on the size and type of structures to be erected. If approved there will be individual water wells and septic systems on each lot. The roads will be built to County standards and County maintained. Each lot will be a minimum of two acres and the subdivision will have a total of eleven (11) lots. The following is the legal description of the property:

A part of the Northeast Quarter (NE/4) of Section Ten (10), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, in Oklahoma County, Oklahoma, being more particularly described as follows: commencing at the Northwest corner of the Northeast Quarter (NE/4) of said section; thence South 00°14'19" East a distance of 907.46 feet to the point or place of beginning; thence continuing South 00°14'19" East along the West line of said Northeast Quarter (NE/4) a distance of 423.49 feet; thence North 89°55'08" East and parallel to the North line of said Northeast Quarter (NE/4) a distance of 1129.91 feet; thence North 00°14'32" West a distance of 423.49 feet; thence South 89°55'08" West a distance of 1129.48 feet to the point or place of beginning. And Beginning at the Northwest corner of the Northeast Quarter (NE/4) of Section Ten (10), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma, thence N89°55'08" E a distance of 1129.83 feet, thence S00°14'32"E a distance of 907.46 feet, thence S89°55'08"W a distance of 1129.88 feet, thence N00°14'19"W a distance of 907.46 feet to the point or place of beginning.

**Location: South of NW 234th (Sorghum Mill Rd), approx. 1,000 ft West of Meridian Ave.
(County Highway District #3)**

Mr. Gammon gave the Staff Report stating that Mr. Bernhardt was the developer that did the Quail Ridge Addition. Mr. Bernhardt is aware of the requirements needed to develop this addition.

Mr. Bernhardt stated that the addition would be on Deer Creek water and not have individual water wells. He also stated that he was not sure whether or not they would dedicate the road to the county or have it as a gated community but would build to county standards never the less.

Mr. Gammon stated that there were no protestors written or verbal.

Ms. Lamson made a motion for approval of the general plat for Cedar Ridge Estates. Ms. Dorrance seconded the motion. Vote taken: Lamson – Aye; Richey – Aye; Dorrance – Aye; Roberts – Aye. The item passed unanimously.

March 2002 and April 2002 Fee Fund Reports:

Mr. Gammon reported the fees collected for March 2002 were \$ 8,612.65 and the fees collected for April 2002 were \$ 16,630.16. Mr. Roberts made a motion to receive the report. Ms. Lamson seconded the motion. Vote taken: Lamson – Aye; Richey – Aye; Dorrance – Aye; Roberts – Aye. The motion was approved to accept the Fee Fund Reports for March and April 2002.

Discussion and Possible Action on Final Draft of Cell Tower Regulations:

The Board received copies of the Final Draft for review prior to the meeting.

Ms. Dorrance made a motion to present the Final Draft of the Cell Tower Regulations to the Board of County Commissioners. Mr. Roberts seconded the motion. Vote taken: Lamson – Abstained; Richey – Aye; Dorrance – Aye; Roberts – Aye. The motion was approved to present the item to the Board of County Commissioners.

Update on County Building Permit Inspection Program:

Ms. Ruth Walters was not present due to the Budget Board meeting scheduled at the same time. Ms. Walters was in the process of presenting the Budget Board with a proposal for an inspection program.

Mr. Gammon stated that there had been a question about whether it would be more economical to pay mileage, with the inspectors using their own vehicles, or to provide transportation for them. Mr. Gammon stated that Ms. Walters was explaining to the Budget Board her findings about the possible savings in providing the vehicles.

Other Business: None

Adjournment:

Mr. Roberts motioned for adjournment. Ms. Dorrance seconded the motion. Vote taken: Lamson – Aye; Richey – Aye; Dorrance – Aye; Roberts – Aye.

The meeting was adjourned at 3:45 P.M.