

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

January 16, 2003 1:30 p.m.

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

Mr. Will K. Jones, Chairman
Ms. Cheryl Dorrance, Vice Chairperson
Mr. David Richey, Member
Mr. Dee Wynn, Member
Mr. Curtis Roberts, Member
Mr. Charlie Thomason, Member

Also in attendance:

Ms. Ruth Walters, County Planner
Mr. Ray Reaves, P.E., D.E.E., County Engineer
Ms. Gretchen Crawford, Assistant District Attorney
Ms. Markita Shaw, Assistant Planner

Ruth Walters, County Planner, called roll and a quorum was declared.

Ms. Dorrance made a motion to approve the minutes from the previous meeting of December 19, 2002. Mr. Roberts seconded the motion. Vote taken: Dorrance – Aye; Wynn – Aye; Richey – Aye; Roberts – Aye; Thomason – Aye; Jones – Aye. The minutes for the meeting of December 19, 2002, were approved.

Rezoning: (Z-08-02) From: AA – Agricultural and Rural Residential
Deferred Item To: RA – Acreage Residential

Application of: **TY BURROUGHS**

The applicant proposed rezoning approximately 30 acres of land to develop a rural residential subdivision. The following is a legal description of the property:

A TRACT OF LAND LYING IN AND BEING A PART OF THE NORTHWEST QUARTER (NW/4) AND A PART OF GOVERNMENT LOT 8, ALL IN SECTION 12, TOWNSHIP 12 NORTH, RANGE 1 WEST, I.M., OKLAHOMA COUNTY, OKLAHOMA; SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NW/4 OF SECTION 12; THENCE S00°00'00"E (SOUTH), ALONG THE WEST LINE OF SAID NW/4, A DISTANCE OF 1364.43 FEET; THENCE S89°29'58"E, A DISTANCE OF 821.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°29'58"E, A DISTANCE OF 1913.99 FEET TO A POINT ON THE EAST LINE OF SAID NW/4; THENCE S00°05'00"W, ALONG SAID EAST LINE, A DISTANCE OF 683.22 FEET; THENCE N89°28'42"W, A DISTANCE OF 1913.50 FEET; THENCE N00°02'30"E, A DISTANCE

OF 682.52 FEET TO THE POINT OF BEGINNING; CONTAINING AN AREA OF 1,306,800 SQUARE FEET OR 30.00 ACRES, MORE OR LESS.

Location: Between NE 50th St. and NE 63rd St. on McDonald R. (County Highway District #1)

Ms. Walters stated that Commissioner Jim Roth asked for a change in the Staff Report to read, “McDonald Road ‘may’ be resurfaced at a future date” rather than “McDonald Road ‘would’ be resurfaced at a future date.”

Mr. Paul Lefevre, representing Mr. Ty Burroughs, stated that they intend to construct a development consisting of 20 houses on approximately one (1) acre lots. He stated that the development would be similar to the Champion Glenn development south of the proposed development and two developments west on 63rd; Cedar Ridge and Deer Run. Mr. Lefevre stated that Mr. Burroughs had talked with Mr. Mike Steele, Superintendent of Jones Schools. Mr. Lefevre stated that McDonald Rd. is a school bus route and that additional children would be welcome in Jones schools.

Ms. Dorrance asked how far Cedar Ridge and Deer Run were from the proposed property.

Mr. Lefevre stated that he thought it was one (1) mile west.

There were many protesters present:

- Mr. David Webb, owner of a 155 acre farm east of the proposed development and across McDonald Rd., was concerned about drainage affecting his property and did not want the development in their “farm” area.
- Ms. Jennifer McElvany, property owner south of the proposed development, was concerned about property values decreasing. She moved to the MacDonald Rd. area to avoid things like “David Whetstone.” Mr. Whetstone accumulated dilapidated vehicles and stored them outside in his yard.
- Ms. Connie Barnes, property owner directly across McDonald Rd. for 15 years, was concerned about drainage.
- Ms. Phyllis Webb’s family has owned property since 1939 in the area and questioned the road maintenance and drainage.
- Ms. Chloe Calhoun was concerned that Mr. Burroughs would not develop the property as proposed.
- Ms. Ann Teater was concerned about children around the ponds and horses.
- Ms. Jane Wall, 5401 McDonald Rd., south of the proposed development was concerned about the water table.
- Mr. Phil Webb, resident, farmer, and Harrah schoolteacher absolutely opposed the development.
- Ms. Arlene Nelson was concerned about losing the integrity of the area and strongly opposed.
- Mr. Scott Limpke, property owner, wanted to see the heritage of the area preserved.
- Mr. Albert Lutomski was concerned about drainage.

Mr. Reeves stated that until the preliminary plat was presented; there was no way of knowing what was going to be done about the drainage.

There was much concern from the protestors concerning police protection and enforcement of restrictive covenants. Many of the protestors also stated that there was already a drainage problem without further development. Other concerns were about additional traffic on McDonald Road, which is already in poor condition. It was brought to the attention of the Commission that Mr. Burroughs had purchased forty (40) acres, keeping ten (10) acres for himself. He plans to build one home, facing Choctaw Road and wants to put twenty (20) homes on the other thirty (30) acres with access to McDonald Road. Some protesters stated that they would be satisfied with the development entrance on Choctaw Road and Mr. Burroughs home on ten (10) acres facing McDonald Road. However it would not solve the drainage issue.

Mr. Lefevre stated that the drainage issues were a current problem. He stated that detention areas and drainage issues would be approached in the platting process. He also stated that if it would make the Commission more comfortable, they would be willing to defer the item and return with a preliminary plat to be determined at the same time as the zoning.

Mr. Thomason asked if the ten (10) acres directly west also belonged to Mr. Burroughs.

Mr. Lefevre stated that it did.

Mr. Thomason stated that it was a forty (40) acre tract with frontage along Choctaw Road.

Ms. Dorrance asked to look at the plat draft.

Mr. Lefevre stated that Mr. Burroughs felt that from a developer's viewpoint, it was better to have the development on the east portion of the property and have improvements to McDonald Road.

Mr. Thomason made a motion to deny Mr. Burroughs application for rezoning from AA to RA. Ms. Dorrance seconded the motion. Vote taken: Dorrance – Aye; Wynn – Aye; Richey – Aye; Roberts – Aye; Thomason – Aye; Jones – Aye. The item was denied unanimously.

Final Plat: (FP-08-02)

SOUTHERLY FARMS V

Application of:

SOUTHERLY FARMS, LLC

The applicant proposed developing the fifth phase of a private road, gated, 132-acre, residential subdivision. This phase would consist of 27.147 acres, more or less. The following is a legal description of the property:

A tract or parcel of land lying in the Southwest Quarter (SW/4), of Section 8, Township Fourteen North (T14N) , Range Three West (R3W) of the Indian Meridian, Oklahoma County, Oklahoma and being more particularly described as follows: Commencing at the Northwest (NW) corner of said Southwest Quarter (SW/4); Thence South 89°21'48" East along the North line of said Southwest Quarter (SW/4), a distance of 589.98 feet to the Point of Beginning; Thence South 89°21'48" East continue easterly along the North line of said line, a distance of 2,033.96 feet; Thence South 00°01'04" East along the East line of said Southwest Quarter (SW/4), a distance of 450.03 feet; Thence North 89°21'48" West, a

distance of 320.74 feet; Thence South 49°15'01" West. A distance of 87.24 feet; Thence South 37°33'34" West, a distance of 326.36 feet; Thence North 52°26'26" West, a distance of 240.56 feet; Thence South 37°33'34" West a distance of 73.78 feet; Thence North 52°26'26" West a distance of 205.54 feet; Thence South 90°00'00" West, a distance of 384.59 feet; Thence South 00°00'00" West, a distance of 42.50 feet; Thence South 90°00'00" West, a distance of 655.00 feet; Thence North 00°00'00" East, a distance of 556.58 feet; Thence North 89°21'48" West, a distance of 10.02 feet; Thence North, a distance of 57.09 feet to the Point or Place Beginning. Containing 1,182,526.41 square feet or 27.147 acres more or less.

Location: NE corner of 220th and Pennsylvania (County Highway District #3)

Ms. Walters gave the Staff Report stating staff had spoken to MGR, representing Mr. Alexander. They made quite a few revisions to the final plat concerning drainage issues.

Mr. Laxman Godhania, representing Mr. Alexander, stated they had proposed bigger bar ditches on the west side of the street to allow the water to drain through rather than jumping the road and running through yards. He also stated that in critical areas they would solid sod.

Mr. John Turner, President of the Homeowner's Association for Southerly Farms, stated that Mr. Alexander was headed in the right direction and he had been in contact with and reported to them. They look forward to Phase 5 being completed.

Mr. and Mrs. Mark Wallace provided pictures showing how drainage was fixed after tin horns were replaced with larger ones.

Mr. Reaves stated that the drainage plans, in his opinion, were over and above what was required.

Mr. Wynn made a motion to approve the Final Plat for Southerly Farms Phase 5. Mr. Richey seconded the motion. Vote taken: Dorrance – Aye; Wynn – Aye; Richey – Aye; Roberts – Aye; Thomason – Aye; Jones – Aye. The item was approved unanimously.

Rezoning: (Z-10-02)

From: AA – Agricultural and Rural Residential

To: RA – Acreage Residential

Application of:

NORTH STAR COMPANIES, LLC

The applicant proposed rezoning approximately 157.73 acres of land to develop a rural, residential subdivision. The following is a legal description of the property:

A tract of land in the East One Half (E/2) of Section Ten (10), Township Eleven North (T11N), Range One West (R1W), of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows: Beginning at the Northeast (NE) corner of the Southeast Quarter (SE/4) of said Section Ten (10); Thence S00°05'06"E on the East line of said Southeast Quarter (SE/4) a distance of 805.00 feet; Thence S89°54'54"W, a distance of 299.77 feet; Thence S00°05'06"E, a distance of 145.31 feet; Thence N89°54'54"E, a distance of 299.77 feet to a point on said East line; Thence S00°05'06"E on said East line a distance of 788.21 feet; Thence N89°59'02"W, a distance of 596.21 feet; Thence N00°00'02"W, a distance of 1488.00 feet; Thence N89°55'39"W, a distance of 400.00 feet; Thence S00°00'02"E, a distance of 1071.18 feet; Thence N89°55'39"W, a distance of

1549.77 feet; Thence S00°00'46"E, a distance of 917.00 feet; Thence S89°55'39"E, a distance of 175.00 feet; Thence S00°00'46"E, a distance of 400.00 feet to a point on the South line of the said Southeast Quarter; Thence N89°59'15"W on said South line a distance of 249.47 feet to the Southwest Corner of the Southeast Quarter (SW/4); Thence N00°02'24"W on said West line a distance of 2642.89 feet to the Northwest (NW) corner of said Southeast Quarter (SE/4); Thence continuing N00°02'24"W on the West line of the Northeast Quarter (NE/4) of said Section Ten (10) a distance of 1322.16 feet to the North line of the South One Half (S/2) of said Northeast Quarter (NE/4); Thence S89°46'12"E on said North line a distance of 2618.55 feet to the Northeast (NE) corner of said South One Half (S/2); Thence S00°04'43"E on the East line of said South One Half (S/2) a distance of 1318.30 feet to the Point of Beginning, containing 157.73 acres, more or less.

Location: South Henney Rd. between SE 15th St. and SE 29th St. (County Hwy. Dist. #2)

Ms. Walters gave the Staff Report stating that there were two protest letters received. The Board took a moment to review the letters.

Mr. Joe Atkinson, representing North Star Companies LLC, stated that they planned to build approximately 100 homes, approximately 2,000 square feet in size, on one to two acre lots. All homes would have private well and septic. Mr. Atkinson stated that it would be a private, walled community and possibly gated. Private roads, curbed and guttered, would be built to meet County standards.

Mr. Roberts asked if the sewage lagoon, belonging to the trailer park, could potentially cause problems.

Mr. Atkinson stated that they would consult an environmental specialist and look further into whether or not they would really use the lots close to the lagoon.

Mr. Evan Churchwell, a protestor living on Whispering Lane in the subdivision north of the proposed development, stated he was representing the residents in the subdivision. He stated that he was worried about the natural creek that drains from the property into the valley. Whispering Lane is located in the valley. He also stated that the lagoon overflows into the creek to the east of the ridge. He would like the drainage issues to be addressed.

Mr. Mark Witowski, a protestor living at 1832 Shirley directly west of the proposed development, stated that he gets the other half of the natural creek. He too is worried about the drainage.

Mr. Jones asked Mr. Reaves if there were any environmental considerations to be aware of with the natural creek.

Mr. Reaves stated that if it were classified as a warm water fishery, a natural type of creek, they would not be allowed to stop the flow or build on top of it. Allowances for creek drainage would have to be made.

Mr. Richey made a motion to approve the application for rezoning. Ms. Dorrance seconded the motion. Vote taken: Dorrance – Aye; Wynn – Aye; Richey – Aye; Roberts – Aye; Thomason – Aye; Jones – Aye. The item was approved unanimously.

General Plat: (GP-04-02) AUTUMN SPRINGS SUBDIVISION

Application of: **NORTH STAR COMPANIES, LLC**

The applicant proposed developing a single-family, residential subdivision on lots one (1) acre or greater in size. There would be a total of 105 lots on 153.86 acres, more or less. The following is a legal description of the property:

Part of the E/2, Section 10, T11N, R1W of the I.M., Oklahoma County, Oklahoma, being more particularly described as follows: Beginning at the NE corner of the SE/4 of said Section 10, Thence S00°05'06"E along the East line of said SE/4 a distance of 805.00 feet; Thence S89°54'54"W a distance of 299.77 feet; Thence S00°05'06"E a distance of 145.31 feet; Thence N89°54'54"E a distance of 299.77 feet to a point on said East line; Thence S00°05'06"E along said East line a distance of 788.21 feet; Thence N89°59'02"W a distance of 596.21 feet; Thence N00°00'02"W a distance of 1488.00 feet; Thence N89°55'39"W a distance of 400.00 feet; Thence S00°00'02"E a distance of 1071.18 feet; Thence N89°55'39"W a distance of 1624.86 feet to a point on the West line of said E/2, Section 10; Thence N00°02'24"W along said West line E/2 a distance of 2647.78 feet to the North line of the S/2, NE/4 of said Section 10; Thence S89°46'12" along said North line a distance of 2618.55 feet to the NE corner of said S/2, NE/4; Thence S00°04'43"E along the East line of said S/2, NE/4 a distance of 1318.30 feet to the point of beginning, containing 153.86 acres more or less.

Location: South Henney Rd. between SE 15th St. and SE 29th St. (County Hwy. Dist. #2)

Ms. Walters stated that the Staff Report was similar to the previous.

Mr. Atkinson stated that he believed the protestors had some good thoughts about the drainage and he would take their concerns into consideration when preparing the development. If there is need for a retention pond, he would put it in. The drainage data would be incorporated in the preliminary plat.

Mr. Witowski asked if the development were to cause problems with his property due to erosion and water, would the developer take the responsibility to pay for the damages.

Ms. Dorrance stated that the developer is required to address drainage issues and is not allowed to increase the runoff onto other properties. All of those issues would be addressed in the preliminary plat. Ms. Dorrance suggested lessening the amount of road cuts on Henney, possibly making a cul-de-sac instead of having so many driveways on Henney Rd.

Mr. Richey made a motion to approve the General Plat of Autumn Springs. Mr. Wynn seconded the motion. Vote taken: Dorrance – Aye; Wynn – Aye; Richey – Aye; Roberts – Aye; Thomason – Aye; Jones – Aye. The item was approved unanimously.

General Plat: (GP-05-02)

Application of:

BELL TRACE PROPERTY

JOHNSON AND ASSOCIATES FOR BELL TRACE, INC.

The applicant proposed developing a single-family, residential subdivision. Each lot would be one (1) acre or greater in size with a total of thirty (32) lots on 40.00 acres, more or less. The following is a legal description of the property:

The West Forty (40) Acres of the West Half (W/2) of the Southeast Quarter (SE/4) of Section Eighteen (18), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows: Beginning at the Southwest Corner of said Southeast Quarter (SE/4); Thence North 00°03'19" East, along the West line of said Southeast Quarter (SE/4), a distance of 2640.55 feet; Thence South 89°21'03" East, along the North line of said Southeast Quarter (SE/4), a distance of 660.09 feet; Thence South 00°03'19" West, along the East line of said West Forty (40) Acres, a distance of 2639.98 feet; Thence North 89°24'00" West, along the South line of said Southeast Quarter (SE/4), a distance of 660.08 feet, to the Point of Beginning. Said tract of land containing 40.0 acres more or less.

Location: West of N. Pennsylvania Ave. between 220th and 206th. (County Hwy. Dist. #3)

Ms. Walters gave the revised Staff Report, which the Board reviewed.

Mr. Johnson stated that the property was properly zoned for this type of development in 1983. He stated that they had already taken drainage into consideration and there would be a detention pond added to the common area, maintained by the homeowner's association and serve as a sediment pond during development. They would be proposing individual wells and septic, however they would like to tie into Deer Creek water.

There were several protestors present:

- Mr. Carston Stadler, resident of Mission Springs west of proposed development, stated that he would like to see fewer lots, larger homes, building restrictions, and possibly a tree buffer. He stated that the homes in the area are between 3,000 and 6,000 square feet. He was also concerned about the existing drainage runoff toward his property and the condition of Covell Rd.
- Mr. Drew Faulkner, area resident and owner of thirteen (13) acres north of the proposed development, stated that they have a substantial investment in their property and have a problem with eight to ten lots adjoining their property line. He stated that he also would like to see fewer lots, larger homes, building restrictions and a tree buffer. He stated that he felt like the developer was rude and had no intention of working with the surrounding homeowners.
- Ms. Virginia Aldridge, east of Mr. Faulkner, was concerned about additional traffic and the Deer Creek water issue. There are two wells that belong to Deer Creek Water on the property and access to the wells is through the property.

Ms. Dorrance stated that there seemed to be a possible easement issue that needed to be confronted. She asked Mr. Johnson if they had an easement for the wells with the water district.

Mr. Johnson stated that they were currently researching; they had not been able to find one thus far.

Ms. Dorrance stated that she was not comfortable with voting for approval with the easement issue unresolved. If an easement exists, the lots would be undersized and unusable.

Mr. Johnson stated that he believed it was a surface easement for access and not actually affect the lot. He also stated that the easement issue would be dealt with during the preliminary plat.

Mr. Wynn made a motion to approve the general plat for Bell Trace Property. Without a second, the motion died. Ms. Dorrance made a motion to defer the item, with the applicant's approval, until the next meeting. Mr. Richey seconded the motion. Vote taken: Dorrance – Aye; Wynn – Aye; Richey – Aye; Roberts – Aye; Thomason – Aye; Jones – Aye. The item was deferred until the next meeting.

December 2002 Fee Fund Report:

Ms. Walters reported the fees collected for December 2002 were \$14,364.55. Mr. Thomason made a motion to accept the report. Mr. Richey seconded the motion. Vote taken: Dorrance – Aye; Wynn – Aye; Richey – Aye; Roberts – Aye; Thomason – Aye; Jones – Aye. The motion was approved to accept the Fee Fund Report for December 2002.

Other Business:

None

Adjournment:

Mr. Roberts motioned for adjournment. Mr. Richey seconded the motion. Vote taken: Dorrance – Aye; Wynn – Aye; Richey – Aye; Roberts – Aye; Thomason – Aye; Jones – Aye.

The meeting was adjourned at 4:25 P.M.