

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

September 18, 2003

1:30 p.m.

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

Mr. David Richey, Chairman
Ms. Cheryl Dorrance, Member
Mr. Charlie Thomason, Member
Mr. Dee Wynn, Member

Also in attendance:

Mr. Tyler Gammon, Jr., Planning Secretary
Ms. Ruth Walters, County Planner
Mr. Ray Reaves, P.E., D.E.E., County Engineer
Ms. Gretchen Crawford, Assistant District Attorney

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

Ms. Dorrance motioned approval of the minutes from the meeting of August 21, 2003. Mr. Wynn seconded the motion. Vote taken: Dorrance – Aye; Richey – Aye; Thomason – Aye; Wynn – Aye. The minutes for the meeting of August 21, 2003, were approved unanimously.

Final Plat: (FP-2003-05) LAKE SHADOWS I @ SETTLERS' CROSSING

Applicant: **SETTLERS' CROSSING, LLC**

The applicant proposed developing a continuation of the Planned Unit Development (PUD) 2-97, with the addition of this project, which consists of 21 lots on 15.8 acres, including greenbelts and common areas. The paving and storm sewer for this project would be consistent with that provided in the previous Settlers' Crossing phases. Water would be provided by Deer Creek Water Corporation and sewer service by Oklahoma City. The following is the legal description of the property:

A part of the NW ¼ of Sec. 17, T14N, R3W, I.M., Oklahoma County, Oklahoma, being more particularly described as follows:

COMMENCING At the SW corner of said NW ¼;
THENCE S89°40'34"E along the South line of said NW ¼ for a distance of 1265.00 ft. to the POINT OR PLACE OF BEGINNING;
THENCE N00°19'26"E along the East line of Block X of Westwinds II at Settlers' Crossing for a distance of 325.00 ft.;
THENCE N34°30'00"W and continuing along said East line for a distance of 451.89 ft.;
THENCE N13°30'09"E and continuing along said East line and along the East line of Westwinds at Settlers' Crossing for a distance of 333.01 ft. to a point on the South right-of-way line of Settlers' Crossing;

THENCE Easterly along a non-tangent curve to the left having a radius of 625 ft. and a chord bearing of N73°22'28"E and a chord distance of 493.24 ft. for a length of 507.03 ft.;
THENCE N50°07'36"E and continuing along said South right-of-way line for a distance 122.01ft. to a point of curve;
THENCE Northeasterly and continuing along said right-of-way line the same being a curve to the left having a radius of 430.00 ft. and a chord bearing of N39°30'37"E and a chord distance of 158.42 ft. for a length of 159.33 ft.;
THENCE N69°38'35"E for a distance of 36.92 ft.;
THENCE Easterly along a non tangent curve to the left have a radius of 325.00 ft. and a chord bearing of S70°55'04"E and a chord distance of 21.00 ft. for a length of 21.00 ft.;
THENCE S17°13'52"W for a distance of 45.42ft.;
THENCE S14°58'31"E for a distance of 295.54 ft.;
THENCE S07°19'40"E for a distance 50.00 ft.;
THENCE Westerly along a non-tangent curve being to the left having a radius of 534.92 ft. and a chord bearing of S78°16'35"W and a chord distance of 82.00 ft. for length of 82.08 ft.;
THENCE S32°37'12"W for a distance of 37.59 ft.;
THENCE Southerly along a non-tangent curve to the right having a radius of 382.50 ft. and a chord bearing of S02°28'55"W and a chord distance of 147.57 ft. for a length of 148.50 ft.;
THENCE S13°36'15"W for a distance of 49.71 ft. to a point of curve;
THENCE Along said curve being to the left having a radius of 267.50 ft. and a chord bearing of S07°58'56"E and a chord distance of 196.83 ft. for a length of 201.56 ft.;
THENCE S29°34'06"E for a distance of 53.77ft.;
THENCE S60°25'52"W for a distance of 50.00ft.;
THENCE S59°28'03"W for a distance of 101.36 ft.;
THENCE S00°29'26"W for a distance of 430.72 ft. to a point on the South line of said NW ¼ of Sec. 17;
THENCE N89°40'34"W along said South line for a distance 415.19 ft. to the POINT OR PLACE OF BEGINNING
 Said described tract contains 15.78 acres more or less.

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 item was an additional phase of a PUD started in 1997. There were no letters of protest but Mr. Versel Rice, previous protestor had called stating that they have begun putting up poles for the fence he requested, but the fence has not been completed yet and trash is still blowing onto his property from the contractors.

Mr. Patrick Meyers, Turner & Co., representing the applicant, stated that he thought that the fence was complete but would check on the situation.

Ms. Dorrance asked Mr. Meyers to get with the builders about picking up their trash.

Ms. Dorrance made a motion to approve the final plat of Lake Shadows I. Mr. Thomason seconded the motion. Vote taken: Dorrance – Aye; Richey – Aye; Thomason – Aye; Wynn – Aye. The item was approved unanimously.

**Zoning: (Z-2003-05) From: CH-Highway Commercial District
To: IU-Urban Industrial District**

Applicant: **BRANDON FIELDS**

The applicant proposed rezoning the property to allow for motor vehicle sales. The adjacent lot would retain the zoning of CH to accommodate seasonal fireworks sales. The following is the legal description of the property:

Lot two (2), except the South 30 feet, Block seven (7) Crutch Park Addition, Oklahoma County, Oklahoma.

Location: NE 23rd & Air Depot (County Highway District#1)

Mr. Gammon gave the Staff Report stating that the applicant wished to return part of the property to IU for motor vehicle sales. The entire property was zoned CH last year for firework sales.

Mr. Brandon Fields was present for questions.

Mr. Wynn made a motion approval of the zoning request to IU. Mr. Thomason seconded the motion. Vote taken: Dorrance – Aye; Richey – Aye; Thomason – Aye; Wynn – Aye. The item was approved.

Preliminary Plat: (PP-2003-08) CUMBERLAND CROSSING

Applicant: **TURNER & CO., INC.**

The applicant proposed developing a Planned Unit Development (PUD-2003-01) which would consist of 76 single family, residential lots on 70 acres. The addition would also have common areas and ponds as amenities. The following is the legal description of the property:

The South Seven-sixteenths (7/16) of the Northwest Quarter (NW/4) of Section Eight (8), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian, in the County of Oklahoma, State of Oklahoma more particularly described by metes and bounds as follows: Commencing at the Northwest corner of said NW/4; Thence South 00°00'00" East along the West line of said NW/4 a distance of 1486.37 feet to the POINT OF BEGINNING; Thence South 89°21'39" East a distance of 2623.89 feet to a point on the East line of said NW/4; Thence South 00°00'11" West along said East line a distance of 1158.31 feet to the Southeast corner of said NW/4; Thence North 89°21'39" West along the South line of said NW/4 a distance of 2623.82 feet to the Southwest corner of said NW/4; Thence North 00°00'00" West along the West line of said NW/4 a distance of 1158.31 feet to the POINT OF BEGINNING. Above described parcel contains 3,039,055 square feet or 69.767 acres, more or less.

Location: North Pennsylvania Ave. between 220th & 234th.(County Highway District # 3)

Mr. Gammon gave the staff report stating they had discussed the radius of one of the cul-de-sacs and is aware that it has to be at least 50 feet paved.

Ms. Elizabeth Whitlock, representing the developer, stated that everything had remained the same with the development except that they would allow the necessary footage for the cul-de-sac.

Mr. Richey asked how long the main road was.

Ms. Whitlock stated that the road was just short of ½ mile.

Mr. Wynn made a motion to approve the Preliminary Plat for Cumberland Crossing Section I. Ms. Dorrance seconded the motion. Vote taken: Dorrance – Aye; Richey – Aye; Thomason – Aye; Wynn – Aye. The item was approved.

Zoning: From: AA-Agricultural & Rural Residential District
To: Planned Unit Development (PUD 2003-02)

Applicant: DEER CREEK FARM DEVELOPMENT, LLC

The applicant proposed developing a single-family, residential subdivision with 84 lots on 123 acres. The addition would also have common areas and ponds as amenities. The following is the legal description of the property:

A Tract of land being Section Fourteen (14), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma and more particularly described as follows: Point of beginning being at the Northwest Corner of said Section; thence North 89°26'09" East along the North boundary of said section a distance of 2643.74 feet; thence North 89°28'39" East along the north boundary of said section a distance of 290.47 feet; thence South 00°31'21" East a distance of 597.86 feet; thence South 60°46'35" West a distance of 257.38 feet; thence South 01°58'42" West a distance of 366.42 feet to a point on a curve to the left, said curve having a radius of 1475.00 feet, a central angle of 00°22'22", a chord bearing of South 88°12'29" East and a chord distance of 9.60 feet; thence along the arc of said curve a distance of 9.60 feet; thence South 01°36'20" West a distance of 50.00 feet; thence South 14°32'02" West a distance of 584.76 feet; thence North 75°27'58" West a distance of 215.00 feet; thence South 14°32'02" West a distance of 320.60 feet to a point on a curve to the right, said curve having a radius of 325.00 feet, a central angle of 02°35'03", a chord bearing of South 15°49'33" West and a chord distance of 14.66 feet; thence along the arc of said curve a distance of 14.66 feet; thence South 55°09'38" East a distance of 290.99 feet; thence South 40°42'54" West a distance of 178.75 feet; thence South 62°25'36" West a distance of 420.11 feet; thence South 80°43'26" West a distance of 228.85 feet; thence North 70°21'38" West a distance 242.17 feet; thence North 50°43'36" West a distance of 50.00 feet to a point on a curve to the left, said curve having a radius of 275.00 feet, a central angle of 19°41'51", a chord bearing of North 29°25'29" East and a chord distance of 94.08 feet; thence along the arc of said curve a distance of 94.54 feet; thence North 19°34'34" East a distance of 22.54 feet; thence North 70°25'26" West a distance of 255.66 feet; thence South 32°51'57" West a distance of 10.26 feet; thence North 36°39'18" West a distance of 253.61 feet to a point on a curve to the right, said curve having a radius of 275.00 feet, a central angle of 04°16'28", a chord bearing of South 55°28'56" West and a chord distance of 20.51 feet; thence along the arc of said curve a distance of 20.52 feet; thence South 57°37'10" West a distance of 23.67; thence North 32°22'50" West a distance of 223.17 feet; thence South 65°09'43" West a distance of 413.71 feet; thence North 24°50'17" West a distance of 232.50 feet; thence North 65°09'43" East a distance of 105.48 feet; thence North 24°50'17" West a distance of 182.50 feet; thence North 53°30'03" West a distance of 296.31 feet; thence North 30°51'18" West a distance of

535.60 feet; thence South 89°20'02" West a distance of 50.00 feet to a point on the west boundary of said section; thence North 00°39'58" West along the west boundary of said section a distance of 937.48 feet to the point of beginning containing 123.00 acres more or less.

Location: Northwest 220th (Coffee Creek & Meridian Ave. (County Highway District #3)

Mr. Gammon gave the Staff Report stating that the applicant was requesting rezoning for a PUD in this initial area, and at a later date will be expanding south.

Mr. Bryan Coon, representing the applicant, was present for questions.

Ms. Dorrance asked how they planned to keep the floodplain as the area is developed.

Mr. Coon stated that they would like to build a series of lakes, however won't know for sure until the flood study is completed.

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

General Plat: (GP-2003-04) CHATEAUS OF DEER CREEK

Applicant: **DEER CREEK FARM DEVELOPMENT, LLC**

The applicant proposes developing a single-family, residential subdivision with 84 lots on 123 acres. The addition will also have common areas and ponds as amenities. The following is the legal description of the property:

A Tract of land being Section Fourteen (14), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma and more particularly described as follows: Point of beginning being at the Northwest Corner of said Section; thence North 89°26'09" East along the North boundary of said section a distance of 2643.74 feet; thence North 89°28'39" East along the north boundary of said section a distance of 290.47 feet; thence South 00°31'21" East a distance of 597.86 feet; thence South 60°46'35" West a distance of 257.38 feet; thence South 01°58'42" West a distance of 366.42 feet to a point on a curve to the left, said curve having a radius of 1475.00 feet, a central angle of 00°22'22", a chord bearing of South 88°12'29" East and a chord distance of 9.60 feet; thence along the arc of said curve a distance of 9.60 feet; thence South 01°36'20" West a distance of 50.00 feet; thence South 14°32'02" West a distance of 584.76 feet; thence North 75°27'58" West a distance of 215.00 feet; thence South 14°32'02" West a distance of 320.60 feet to a point on a curve to the right, said curve having a radius of 325.00 feet, a central angle of 02°35'03", a chord bearing of South 15°49'33" West and a chord distance of 14.66 feet; thence along the arc of said curve a distance of 14.66 feet; thence South 55°09'38" East a distance of 290.99 feet; thence South 40°42'54" West a distance of 178.75 feet; thence South 62°25'36" West a distance of 420.11 feet; thence South 80°43'26" West a distance of 228.85 feet; thence North 70°21'38" West a distance 242.17 feet; thence North 50°43'36" West a distance of 50.00 feet to a point on a curve to the left, said curve having a radius of 275.00 feet, a central angle of 19°41'51", a chord bearing of North 29°25'29" East and a chord distance of 94.08 feet; thence along the arc of said curve a distance of 94.54 feet; thence North 19°34'34" East a distance of 22.54 feet; thence North 70°25'26" West a distance of 255.66 feet; thence South 32°51'57" West a distance of 10.26 feet; thence North

Mr. Ty Burroughs, the applicant briefed the Board with his intentions for the property. His intentions included 20 homes on 30 acres. He stated that he had checked into many things including the bus schedule for the area schools trying to prove prime locale for his addition. Mr. Burroughs stated that Champions Glenn located one mile south of the proposed is a very nice area with 18 one acre lots with large homes McDonald Road, which was a county maintained road. He stated that Cedar Ridge and Deer Run are two other recent additions located 2 miles northwest of the proposed.

Mr. Thomason asked why the 10 acres with frontage to Choctaw Road not involved. Why couldn't the traffic be routed to Choctaw Road instead of McDonald Road?

Mr. Burroughs stated that he originally in the process of purchasing ½ of the property for his own personal home. He was offered a good deal on the remainder of the property before closing so he took it. His original plans for his house include a sunroom in the back so the house has to face the east. He stated that he felt that the proposed property would be nicer to build a subdivision.

Mr. Burroughs stated that he believes that by building the development, which will also include a retention pond, would help control erosion to the east. He also stated that they would meet and exceed all of the county's requirements.

There were many protestors present:

- Ms. Jennifer McElvany, property owner south of the proposed development, was concerned about water drainage, terraces, and the fact that the County does not have a Master Plan. She stated that since 1949 or 1950 McDonald Road had not been resurfaced until now and there is now a large drop off which poses a safety hazard for drivers. She would also be opposed if it were to front Choctaw Road.
- Ms. Phyllis Webb's family has owned property for 66 years on both sides of the proposed she is concerned about the drainage, stating the pond won't save the land; who would be responsible for emergency services, and road traffic?
- Ms. Chloe Calhoun was asked if she would be opposed to the development if it were to come off of Choctaw Road. She stated that she would not be as opposed.
- Mr. Albert Lutomski was concerned about drainage. He would still be opposed if it were off of Choctaw Road.
- Mr. Phil Webb, resident, farmer, and Harrah schoolteacher absolutely opposed the development even if it were to front Choctaw Road.
- Ms. Ann Teater was concerned about children wondering to the horses and the liability that may occur from such.
- Mr. Fred Gibson, Norman, speaking for his in-laws Harold and Jane Wall. He stated that during the first application these people (property owners in the area) went through a lot of emotional distress and having to go through it again.
- Ms. Jane Wall stated that they have a major water concern.

Mr. Richey asked if Ms. Wall understood that Mr. Burroughs has the right to reapply.

Ms. Wall stated that they did understand. She stated that she would be glad to offer to purchase the property from Mr. Burroughs to turn into farmland.

Mr. Burroughs stated that there is traffic on every street and many with tractors that you have give way to. He stated too that he has no plans of removing all of the terraces. He stated that he has met and exceeded all of County expectations. The road situation had been taken care of with the resurfacing, and Mr. Burroughs felt the area would grow rapidly and asked for rezoning.

There was more discussion between the Planning Commission and Mr. Burroughs concerning the property and his plans for the property.

Mr. Thomason told Mr. Burroughs the Planning Commission's responsibility was to look beyond just the subdivision and foresee possible problems that may arise because of the subdivision.

Mr. Ritchie was concerned that the subdivision would not fit in to the rural area, and also was concerned about the number of protests from adjacent property owners.

Ms. Dorrance said she was concerned about the density of the proposed development.

Ms. Crawford said that because of the 20% protest rule, a recommendation would have to be made to the Board of County Commissioners, in writing, concerning the proposal. There were more than 20% of the adjacent property owners protesting the rezoning.

Mr. Thomason made a motion to deny, Mr. Wynn seconded the motion. Vote taken: Dorrance – Aye; Richey – Aye; Thomason – Aye; Wynn – Aye. The item was denied.

August 2003 Fee Fund Report:

Mr. Gammon reported the fees collected for August 2003 were \$33,339.94. He further reported that 29 Single Family Home Building Permit applications were approved in August. Ms. Dorrance made a motion to accept the report. Mr. Wynn seconded the motion. Vote taken: Dorrance – Aye; Richey – Aye; Thomason – Aye; Wynn – Aye. The motion was approved to accept the Fee Fund Report for August 2003.

Other Business:

- Ms. Dorrance asked about a Comprehensive Plan update concerning any progress and also what would be involved in the plan. She further stated that the Planning Commission should be petitioning the Budget Board for funds to update the Comprehensive Plan, not the planning staff.

Adjournment:

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

The meeting was adjourned at 3:30 P.M.