

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

November 16, 2006 1:30 p.m.

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

Mr. Mike Vorel, Vice-Chairman
Mr. Will K. Jones, Member
Mr. David Richey, Member
Mr. Roger Holloway, Member

Also in attendance:

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

Mr. Tyler Gammon called roll and a quorum was declared.

Mr. Jones motioned approval of the minutes from the meeting of October 19, 2006. Mr. Richey seconded the motion. Vote taken: Vorel – Aye; Jones – Aye; Richey – Aye; Holloway – Aye. The minutes for the meeting of October 19, 2006 were approved.

Re-Plat: RE-2006-03 ANTLEER FARMS

Application of: **BELL DEVELOPMENT, LLC**
% COON ENGINEERING

The applicant proposed removing one (1) lot from the fifty-six (56) lot single family residential subdivision. The following was the legal description of the property:

Part of the Northeast Quarter (NE/4) of Section Twenty-four (24), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma and more particularly described as follows:

Beginning at a FIP being the Northeast Corner of said NE/4 thence South 00°00'03" East along the east line of said NE/4 a distance of 2644.04 feet to a FIP being the Southeast Corner of said NE/4, thence South 89°35'00" West along the south line of said NE/4 a distance of 1656.57 feet; thence North 00°01'59" West a distance of 1500.00 feet, thence North 89°14'01" East a distance of 994.55 feet thence North 00°00'45" West a distance of 1138.36 feet to a set PK and Shiner of the north line of said NE/4, thence 89°37'03" East along the north line of said NE/4 a distance of 663.16 feet to the Point of Beginning, containing 74.5432 acres more or less.

**Location: West side of N. May Ave, ½ mile of South of 206th (Covell Road).
(County Highway District #3)**

Mr. Gammon gave the Staff Report and stated that the area to be re-platted was currently the common area for the subdivision. He also stated that the developer wanted to build a residential type structure for the storage of subdivision lawn maintenance equipment.

Mr. Dennis Box, attorney for the applicant, stated that all lawn materials for the subdivision would be stored in the proposed structure, as well as, have a live-in grounds keeper for security purposes.

Mr. Garland Bell, applicant, noted that the area to be re-platted was inaccessible and unusable to the subdivision. He stated that the property was separated from the community by a deep ravine and also housed an active oil well on site.

Mr. Vorel asked if there were any other common areas in the subdivision.

Mr. Bell stated that three and one-half acres (3 ½) of the current common area would remain common area for a park and playground. He stated that the proposed building would only be accessible from May Avenue and not from the subdivision due to the creek.

Mr. Vorel asked if the special use permit would be for two years and then revert back to RA.

Mr. Gammon stated that two years was the normal allowance for a special use permit but could be changed by the desire of the Board. Mr. Gammon also stated that the special use does not change the zoning; it just allows the applicant to use the area for purposes not specified in the zoning regulations for a limited time period.

Mr. Jones asked if the proposed building would be comparable to the homes in the subdivision and if the equipment stored would be for the use of Antlers Farms subdivision only.

Garland Bell stated that the building would be a five thousand (5,000) square foot metal barn with a finished interior for an employee of Bell Development. He also stated that the equipment would be used for Antler Farms and possibly other Bell Development projects.

Mr. Box noted that staff was concerned that the building would be used in a commercial sense; hence the request for a special use permit.

Mr. Richey asked if there would be any site-proof fencing around the proposed building.

Mr. Bell answered that there would be the same three rail PVC fencing as in the subdivision. He also commented that the building would be built behind a stand of trees to decrease visibility. Mr. Bell did mention that he would not be opposed to site-proof fencing if it were required by the Board.

Mr. Gammon stated that he had not received any verbal or written protests on the case.

Mr. Jones asked how common a case of this nature was, if the County was setting precedent and who enforced the special use permit regulations.

Mr. Gammon stated that there had never been a case of this type but did not believe there was precedent being set because the property would no longer be a part of the subdivision, it would be a separate piece of land if allowed to be re-platted. He acknowledged that the County Engineer would enforce all rules pertaining to the requested special use permit.

Mr. Jones asked what would happen if the Planning Commission were to decide at the time of review that they no longer wish to continue with the special use permit. Who would enforce it?

Mr. Gammon stated that they would make them cease operation and it would be enforced by the County Engineer.

Mr. Reaves stated that by statute the County Engineer would enforce the regulations but everything would be in conjunction with the District Attorney's Office.

Mr. Jones asked if the solution met with Ms. Crawford's approval.

Ms. Crawford stated that the proposed application was creative but the Planning Commission should look at what the original requirements were for the common area when they approved the plat. She stated that the proposed area was heavily wooded and that you really could not see the barn from the subdivision or from the road. Ms. Crawford stated that the building had been started even after the Planning Commission deemed the building non-conforming. She also stated that when she and Mr. Gammon met with the builder, they asked what the use of the building would be because it was so large, and commented that the builder at the time never could give a legitimate answer as to what the building would be used for. She feared that the property could possibly turn in to a commercial business.

Mr. Jones asked if the Board could make stipulations other than a two year time limit like whatever equipment is housed be required to stay inside and if the building could be requested to be a temporary building rather than a permanent building.

Mr. Box stated that if the Board had questions or concerns they could put it on the next agenda to give them time to go out and see the proposed site. He stated that if the Board was comfortable with putting conditions on the special use permit then they would not object to it.

Mr. Richey asked if a house could be built as part of the subdivision on the proposed site.

Mr. Bell stated that due to the oil well there could not be a house built on that piece of land as part of the subdivision and that is why it was designated as common area in the beginning. Mr. Bell reiterated that he did not intend for the property to be used for commercial purposes.

Mr. Holloway motioned for approval of the Re-Plat. Mr. Richey seconded the motion. Vote taken: Vorel – Aye; Holloway – Aye; Richey – Aye; Jones – Aye. The item was approved.

Zoning: Z-2006-04

**FROM:
TO:**

**RA - ACREAGE RESIDENTIAL DISTRICT
SPECIAL USE PERMIT**

Application of:

**BELL DEVELOPMENT, LLC
% COON ENGINEERING**

The applicant proposed using a single-family, residential, two (2) acre lot for a residence and equipment storage for the maintenance of property in the Antler Farms Subdivision. The following was the legal description of the property:

Part of the Northeast Quarter (NE/4) of Section Twenty-four (24), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma and more particularly described as follows:

Beginning at a FIP being the Northeast Corner of said NE/4 thence South 00°00'03" East along the east line of said NE/4 a distance of 2644.04 feet to a FIP being the Southeast Corner of said NE/4, thence South 89°35'00" West along the south line of said NE/4 a distance of 1656.57 feet; thence North 00°01'59" West a distance of 1500.00 feet, thence North 89°14'01" East a distance of 994.55 feet thence North 00°00'45" West a distance of 1138.36 feet to a set PK and Shiner of the north line of said NE/4, thence 89°37'03" East along the north line of said NE/4 a distance of 663.16 feet to the Point of Beginning, containing 74.5432 acres more or less.

**Location: West side of N. May Ave, ½ mile of South of 206th (Covell Road).
(County Highway District #3)**

Mr. Gammon gave the staff report and stated that it was the same as the one for the re-plat.

Mr. Dennis Box, attorney for the applicant, confirmed to the Board that all equipment would be stored inside of the proposed structure. If the Board came back after the allotted amount of time and were to find that it was used inappropriately, the Board would have the right to rescind the special use permit.

Mr. Jones asked about the stipulations on access from a section line road.

Ray Reaves, County Engineer, stated that all tin-horn or driveway construction had to be inspected by the County Commissioner district in which the work was to be completed.

Mr. Jones said "that previously items had been approved and the next time someone comes in they say, 'but you've done this before'; does that not set a precedent?" He stated that "many times before the Board had been accused of setting a precedent although the Board had taken action on only a particular space."

Mr. Box stated that considering land use, "each piece of property is totally unique and different; if you look at this piece of property there is an oil well that they are dealing with. Being able to separate the access to May Avenue; they had agreed on screening; they have a lot of trees, and a ravine that wouldn't allow for the people to utilize it." He stated that "if you were going to have a precedent and all the equipment is inside, this would probably be the best precedent you could have; other subdivisions that may come in might like to see that there is some facility that would

make sure that the rural area was taken care of;” he “would submit to you a good precedent.” Mr. Box also stated “just because you approved this, would the Board have to approve this again within a mile either direction?” He stated that “your legal council would tell you no; you take each site on what facts exist on each piece of property and that is the way that land use works.”

Mr. Vorel raised the question if the 2 year review stipulation was mandatory.

Mr. Gammon stated that the Planning Commission could specify any length of time for review they felt necessary.

Mr. Gammon reviewed the stipulations for the special use permit: 1 year review period; site-proof fencing between Antler Farms common area and the proposed building and on the building site to the north; and inside storage of all equipment.

Mr. Richey motioned for approval of the Special Use Permit for one year with site proof fencing requested and all equipment inside. Mr. Jones seconded the motion. Vote taken: Vorel – Aye; Holloway – Aye; Richey – Aye; Jones – Aye. The item was approved.

Preliminary Plat: PP-2006-05

SUNDANCE ACRES

Applicant:

DAVID & CYNTHIA RAMSEY

The applicant proposed developing a single-family, residential subdivision with County maintained roads. Minimum lot sizes would be one (1) acre or greater, on 19.8222 acres, more or less. The following was the legal description of the property:

Part of the SW/4, SW/4 of Section 15, T11N, R1E of the I.M., Oklahoma County, Oklahoma more particularly described as follows:

Commencing at the Southwest corner of said Section 15, THENCE N89°59'01"E on the South line of said Section a distance of 668.44 feet To The Point Of Beginning; THENCE continuing N89°59'01"E a distance of 653.26 feet to the Southeast corner of said SW/4, SW/4; THENCE N00°21'04"E on the East line of said SW/4, SW/4, a distance of 1320.17 feet to the Northeast corner of said SW/4, SW/4; THENCE S89°45'57"W on the North line of said SW/4, SW/4, a distance of 656.10 feet; THENCE S00°28'30"E a distance of 1317.69 feet To The Point of Beginning. Containing 19.8222 Acres, More or Less.

Location: SE 44th & Luther Rd. (County Highway District # 2)

Mr. Gammon gave the staff report and stated that the applicant had the erosion control bond in hand so that work could begin.

Ms. Cynthia Ramsey, applicant, stated that the proposed subdivision would have a large detention pond on an acreage not associated with the development. She also stated that there was an easement for the homeowners association to access the pond.

Mr. Gammon added that there had been no protests.

Mr. Holloway motioned for approval of the Preliminary Plat of Sundance Acres. Mr. Jones seconded the motion. Vote taken: Vorel – Aye; Holloway – Aye; Richey – Aye; Jones – Aye. The item was approved

Preliminary Plat: PP-2006-06 BROOKSIDE HILLS ADDITION

Applicant: **JOHNSON & ASSOCIATES**

The applicant proposed developing a single-family, residential subdivision with County maintained roads. Minimum lot size would be one (1) acre or greater, on 27.47 acres, more or less. The following was the legal description of the property:

A tract of land lying in the Northeast Quarter (NE/4) of Section Eight (8), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows:

Commencing at the Southeast corner of said Northeast Quarter (NE/4); thence North 00°24'35" West along the East line of said Northeast Quarter (NE/4) a distance of 200.00 feet to the Point of Beginning; thence North 89°41'11" West and parallel with the South line of said Northeast Quarter (NE/4) a distance of 435.00; thence South 00°24'23" East and parallel with the East line of said Northeast Quarter (NE/4) a distance of 200.00 feet to a point on the said South line; thence North 89°41'11" West along said South line a distance of 875.12 feet to a point on the West line of the East Half (E/2) of said Northeast Quarter (NE/4); thence North 00°19'26" West along said line a distance of 984.92 feet to a point on the South line of the North 1650.00 feet of said Northeast Quarter (NE/4); thence South 89°18'26" East and parallel with the North line of said Northeast Quarter (NE/4) a distance of 1308.84 feet to a point on the East line of said Northeast Quarter (NE/4); thence South 00°24'23" East along said East line a distance of 776.27 feet to the Point of Beginning.

Said Tract containing 1,196,923 square feet or 27.4776 acres more or less.

**Location: N. Western Ave. & South of NW 234th (Sorghum Mill Rd.)
(County Highway. District #3)**

Mr. Gammon gave the staff report and stated that the applicant was submitting paving plans to begin construction. He also stated that all required documentation had been submitted.

Mr. Jones asked why there was an abnormally large lot as opposed to the average lot size of roughly one (1) acre.

Mr. Tim Johnson, engineer, answered that a large creek was located on that lot and would be better maintained if it remained on all one lot.

Mr. Gammon commented that there could possibly be a phase two to the north of the proposed development.

Mr. Jones motioned for approval of the Preliminary Plat of Brookside Hills Addition. Mr. Richey seconded the motion. Vote taken: Vorel – Aye; Holloway – Aye; Richey – Aye; Jones – Aye. The item was approved

Fee Fund Report: October 2006

Mr. Gammon reported the fees collected for October 2006 were \$19,309.13. Mr. Holloway motioned to accept the report. Mr. Richey seconded the motion. Vote taken: Vorel – Aye; Holloway – Aye; Richey – Aye; Jones– Aye. The motion was approved to accept the Fee Fund Report for October 2006.

Other Business:

Mr. Richey wanted to be assured that the easement for the drainage pond in Sundance Acres was filed upon submission of the final plat. Mr. Gammon assured that the filed easement shall be in place when the final plat application is accepted.

Adjournment:

Mr. Jones motioned for adjournment. Mr. Richey seconded the motion. Vote taken: Vorel – Aye; Richey – Aye; Jones – Aye; Holloway – Aye. The meeting was adjourned at 2:35 p.m.

Approved this _____ day of _____, 2006.

**OKLAHOMA COUNTY
PLANNING COMMISSION**

Mike Vorel, Vice-Chairman

ATTEST:

Tyler Gammon, Jr., Secretary