

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

June 14, 2012

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
Mr. David Richey, Vice-Chairman
Mr. James Benson, Member
Mr. Edgar Frazier, Member
Ms. Willa Johnson, County Commissioner District #1

Also in attendance:

Mr. Tyler Gammon, Jr., Planning Secretary
Ms. Gretchen Crawford, Assistant District Attorney
Ms. Ruth Walters, County Planner

Mr. Gammon called roll and a quorum was declared.

Ms. Johnson stated she would possibly be leaving before adjournment of the meeting. She stated that she had a conflicting engagement. She added that Mr. Joe Blough was present in the audience and would stand-in for her if needed.

Approval of Minutes of the Previous Meeting: (May 10, 2012)

Mr. Richey motioned to approve the minutes from the previous meeting. Ms. Johnson seconded the motion. Vote taken: Benson – Aye, Frazier – Aye, Jones – Aye, Richey– Aye, Johnson – Aye. The minutes from May 10, 2012 were approved.

DEFERRED ITEM: Discussion and possible action to amend the Oklahoma County Zoning Regulations, pursuant to O.S. Title 19 §868.11, §868.15 and §868.16 to require property rezoned to a Residential District along a section line road be required to construct a lane running the entire width of the property to be developed, or fee in lieu of the construction.

Mr. Gammon stated that planning staff wished to defer the zoning regulation amendment until the July meeting.

Ms. Johnson motioned to defer the item until the July Planning Commission meeting. Mr. Benson and Mr. Frazier simultaneously seconded. Vote taken: Benson – Aye, Frazier – Aye, Jones – Aye, Richey – Aye, Johnson – Aye. The item was deferred.

Discussion and possible action to approve/deny a fee rate increase for basic building permits.

Mr. Gammon requested that this item also be deferred until the July meeting.

Mr. Richey motioned to defer the fee rate increase until the July meeting. Ms. Johnson seconded. Vote taken: Benson – Aye, Frazier – Aye, Jones – Aye, Richey – Aye, Johnson - Aye. The item was deferred.

Discussion and possible action to approve/deny the renewal of Special Use Permit (SUP-2012-01) for continuation of a “Year-Round Fireworks Sales Permit”.

Applicant: **FIREWORKS CENTER 25, LLC**

The applicant proposed renewing a Special Use Permit for Year-Round Fireworks Sales in a CH – Highway Commercial District. The following is the legal description of the property:

**A part of Lot One (1) of the Northwest Quarter (NW/4) of Section Eighteen (18), Township Twelve (12) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows, to-wit: Beginning at the Northwest Corner of Lot One (1) of the Northwest Quarter (NW/4); Thence East 757.2876 feet; Thence South 330.00 feet; Thence West to the West line of Lot One (1); Thence North to Beginning. LESS AND EXCEPT a tract on the West deeded to Oklahoma County for road purposes, said deed being recorded in Book 55, page 177 of the records of Oklahoma County, Oklahoma, AND FURTHER LESS AND EXCEPT a strip, piece or parcel of land lying in part of Lot One (1) of the Northwest Quarter (NW/4) of Section Eighteen (18), Township Twelve (12) North, Range Two (2) West, Oklahoma County, Oklahoma, said parcel of land being described by metes and bounds as follows: Beginning at a point 33.00 feet east of the West line: Thence East on a line parallel to and 33.00 feet South of said North line a distance of 32.00 feet; Thence South 00°08'33"East a distance of 311.75 feet; Thence North 14°10'49"West a distance of 131.86 feet to a point 33.00 feet East of the West line of said Lot One (1); Thence North 00°08'33"West a distance of 183.75 feet to the Point of Beginning.
Location: 2820 NE 50th St. (County Highway District #1)**

Mr. Gammon distributed the staff report and stated that the special use permit was required to be renewed annually. He added that the applicant was in the process of installing required fencing along the south side of the property in question. He also added that beyond completion of the fence all other requirements had been met.

Mr. Jones asked why the fence had not been installed at an earlier date.

Ms. Walters stated that when the property was originally zoned, planning did not have adequate staff to investigate all zoning conformance issues. She added that the fencing matter was resolved once planning staff realized that there was a problem.

Mr. Kent Herzog, applicant, stated that the proposed fence would be moved 15-20 feet north of his south property line to avoid possible drainage issues.

Mr. Richey motioned to approve the special use permit. Mr. Frazier seconded. Vote taken: Benson – Aye, Frazier – Aye, Jones – Aye, Richey – Aye, Johnson - Aye. The item was approved.

Discussion and possible action to approve/deny the Final Plat of Hiwassee Hills (FP-2012-02).

HIWASSEE HILLS

Applicant: **PATTERSON & PATTERSON, LLC**

The applicant completed a single-family, residential subdivision with 4 lots on 39.762 acres with an average lot size of 9.45 acres. The following is the legal description of the property:

Being the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10, T14N, R1W, of the Indian Meridian, Oklahoma County, Oklahoma and being more particularly described as follows: Commencing at the SW Corner of the SW $\frac{1}{4}$ of said Section 10, T14N, R1W, I.M.; Thence N00°05'58"E along the west line of said SW $\frac{1}{4}$ for a distance of 1323.45 ft. to the SW corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ Said point being The Point Or Place Of Beginning; Thence Continuing N00°05'58"E along the west line of said SW $\frac{1}{4}$ for a distance of 1323.44 ft. to the NW Corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; Thence S89°41'55"E along the north line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of 1306.46 ft. to the NE corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; Thence S00°05'19"E along the east line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of 1323.70 ft. to the SE corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; Thence N89°41'17"W along the south line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ to The Point Or Place Of Beginning. Said described tract contains 39.762 acres more or less and is subject to easements and Rights-Of-Way of record.

Location: NE 220th & Hiwassee Rd. (County Highway District #3)

Mr. Gammon distributed the staff report and stated that all requirements had been met. He added that planning and engineering staff wanted the required tinhorn size (18") to be placed on the mylar before it was submitted to the Board of County Commissioners for approval.

Mr. Ernie Isch, Mapco Engineering, stated that his client had agreed to place the tinhorn size on the mylar.

Mr. Benson motioned to approve the final plat application contingent upon addition of the required tinhorn size being placed on the mylar. Mr. Richey seconded the motion. Vote taken: Benson – Aye, Frazier – Aye, Jones – Aye, Richey – Aye, Johnson - Aye. The item was approved as amended.

Discussion and possible action to approve/deny a re-zoning (Z-2012-01) of a parcel of land from AA - Agricultural and Rural Residential District to RA - Acreage Residential District.

Application of: **MARK RITCHIE, CIVIL DESIGN & SURVEY
for 2G INVESTMENTS, LLC**

The applicant proposed developing a single-family, residential subdivision with 14 lots on 19.31 acres. Minimum lot size would be one (1) acre. The following is the legal description of the property:

**A part of the Southwest Quarter (SW/4) of Section Eighteen (18), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma. Said part is more particularly described as follows:
Commencing at the Southwest corner of Government Lot Four (4) of said section, said point**

monumented by a touching pair of 3/8" iron pins found without identifying information; THENCE South 89°25'18" East (Record ~ S88°51'52"E), along the South line of said lot and said quarter, a distance of 1,930.06 feet to the Point of Beginning (POB), said point monumented by a magnetic PK nail set with a washer stamped "CDS OK CA 4827"; THENCE from said POB, North 00°35'45" West (Record ~ Due North and parallel with the West line of Government Lot Four), a distance of 1,321.45 (Deed Record ~ 1,324.07) feet to a point on the South boundary of Lot 11 of Block 1 of Mission Springs 2nd Addition (a recorded plat), said point monumented by a 1/2" iron pin set with an aluminum cap stamped "CDS OK CA 4827"; THENCE South 89°25'18" East (Plat Record ~ S88°44'21"E & Deed Record ~ S88°49'50"E), along the South boundary of said plat a distance of 642.09 feet to the Southeast corner of said plat also being a point on the East boundary of said quarter and the West boundary of Lot 10 Block 1 of Highland Park (a recorded plat), said point monumented by a 1/2" iron pin set with an aluminum cap stamped "CDS OK CA 4827"; THENCE South 00°07'29" East (Plat Record ~ S00°03'33"W & Deed Record ~ S00°27'06"W), along the East boundary of said quarter and the West boundary of said plat, a distance of 1,321.28 (Deed Record ~ 1,323.52) feet to the Southeast corner of said quarter and Southwest corner of said plat, said point monumented by a 1/2" iron pin found with an aluminum cap stamped "Jividen"; THENCE North 89°25'18" West (Record ~ N88°51'52"W), along the South line of said quarter, a distance of 631.22 (Deed Record ~ 631.64) feet to the Point of Beginning (POB). Described parcel contains 19.31 Acres (841,135.31 Sq. Ft.) more or less. SUBJECT TO the Southern 33 feet being reserved for the Covell Road Statutory Right-of-Way.

Location: NW 206th & May Ave. (County Highway District #3)

Mr. Gammon disseminated the staff reports and stated that the developer wished to re-zone the property in question to one (1) acre lots. He added that the lot size would be comparable to the lot sizes in the adjacent subdivisions to the east and north.

Mr. Richey asked if the one (1) acre lot size was in accordance with the master plan.

Ms. Walters stated that the master plan called for two plus (2+) acres clustered with utilities. She added that this meant that there would be a two (2) acre density with smaller lot sizes with utilities and ample green space, also known as low-impact development. She also added that low impact development would only exist where utilities were accessible.

Mr. Richey asked if the proposed development met the requirements.

Ms. Walters replied that the sewer was over one mile away and the Deer Creek Water Corporation requirements for water service were exorbitant.

Ms. Johnson excused herself from the meeting and Mr. Blough joined the Board.

Mr. Mark Ritchie, engineer for the applicant, gave a brief summary of the proposed development which included the following points:

- Larger Lot Size
- Fewer Lots
- Decreased Green Space
- Increased Existing Detention Pond Size to Improve Drainage Issues

Mr. Jones asked if the developer could place private wells on the proposed lots if they did not utilize Deer Creek Water.

Mr. Gammon replied that the Department of Environmental Quality placed no stipulations on the number of private wells on an acreage.

Ms. Crawford stated that the issue at hand was for the Board to determine whether or not the requirements imposed by Deer Creek Water would fall under the definition of accessible.

Mr. Ritchie, using the map provided by Oklahoma County, demonstrated to the Board what would be required in order for his client to utilize Deer Creek Water and Oklahoma City sewer, which included installation of a one-half (1/2) mile long twelve (12) inch water line.

Mr. Blough asked for a definition of accessibility.

Ms. Crawford answered that the regulations did not give an exact definition of the term. She added that the factual issue of utility accessibility would have to be determined by the Board.

Mr. Matt Stevenson, Highland Park Addition resident, was present to voice his concerns on the following matters:

- Water Shortages in the Area
- Avoid Urban Sprawl
- Maintain Aesthetics of the Area
- Fire Protection Issues
- Flooding/Drainage Issues
- Abiding by the Master Plan

Mr. Jones asked Mr. Stevenson how large his lot was.

Mr. Stevenson answered that his lot was one (1) acre in size.

Mr. Larry Grable, Highland Park Addition resident, stated that he had concerns with a possible drop in the water table and the increased number of septic tanks and/or sewer hook-ups in the area.

Mr. Jones asked Mr. Grable how large his lot was.

Mr. Grable replied that his was just over one (1) acre in size.

Mr. Bryan Thomas, adjacent property owner to the west, stated that he opposed the development of anything less than two (2) acres in the area.

Ms. Aron Samwell, Highland Park Addition resident, also had concerns regarding the area's aesthetics and fire protection.

Mr. Terry McElmore, Highland Park Addition resident, stated that he had drainage issues. He stated that the current detention pond was at the top of a hill and did little to alleviate the flooding problem.

Mr. Ritchie stated that his client would not be opposed to adding an additional detention pond to the north end of the proposed development.

Ms. Walters affirmed that all drainage issues would be addressed at the preliminary plat phase of the development. She added that a drainage study would be completed to determine if more detention was needed, where it should be placed and how large it should be.

Mr. James Soter and Ms. Kayla Blount, both Highland Park residents, spoke in opposition of the development.

Mr. Richey motioned to deny the proposed zoning application. Mr. Blough seconded the motion. Vote taken: Benson – Aye, Frazier – Aye, Jones – Aye, Richey – Aye, Blough -Aye. The item was denied.

Mr. Jones stated that the zoning application would now go on to the Board of County Commissioners for their consideration. He added that approval of the case would depend on a unanimous BOCC vote due to the percentage of adjacent property owner protests.

Discussion and possible action to approve/deny the General Plat (GP-2012-04) of Cortona a single-family residential subdivision.

CORTONA

Application of:

**MARK RITCHIE, CIVIL DESIGN & SURVEY
for 2G INVESTMENTS, LLC**

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monumented by a 1/2" iron pin set with an aluminum cap stamped "CDS OK CA 4827";THENCE South 00°07'29" East (Plat Record ~ S00°03'33"W & Deed Record ~ S00°27'06"W), along the East boundary of said quarter and the West boundary of said plat, a distance of 1,321.28 (Deed Record ~ 1,323.52) feet to the Southeast corner of said quarter and Southwest corner of said plat, said point monumented by a 1/2" iron pin found with an aluminum cap stamped "Jividen";THENCE North 89°25'18" West (Record ~ N88°51'52"W), along the South line of said quarter, a distance of 631.22 (Deed Record ~ 631.64) feet to the Point of Beginning (POB). Described parcel contains 19.31 Acres (841,135.31 Sq. Ft.) more or less. SUBJECT TO the Southern 33 feet being reserved for the Covell Road Statutory Right-of-Way.

Location: NW 206th & May Ave. (County Highway District #3)

The general plat application became a mute subject after the zoning application was denied.

Mr. Richey motioned to deny the general plat request due to the denial of the zoning application. Mr. Blough seconded. Vote taken: Benson – Aye, Frazier – Aye, Jones – Aye, Richey – Aye, Blough – Aye. The item was denied.

Discussion and possible action to receive, May 2012 Fee Fund Report.

Mr. Richey motioned to receive the report from May. Mr. Blough seconded. Vote taken: Benson – Aye, Frazier – Aye, Jones – Aye, Richey – Aye, Blough – Aye. The report was received.

Other Business:

There was no other business.

Adjournment:

Mr. Richey motioned to adjourn the meeting. Mr. Frazier seconded the motion. Vote taken: Benson – Aye, Frazier – Aye, Jones – Aye, Richey – Aye, Blough – Aye. The meeting was adjourned at 2:45 p.m.

Approved this _____ day of _____, 2012

**OKLAHOMA COUNTY
PLANNING COMMISSION**

David Richey, Vice-Chairman

ATTEST:

Tyler Gammon, Jr., Secretary