

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

August 14, 2014

1:40 p.m.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Mr. James Benson, Vice-Chairman, at 1:40 p.m., in Room 103, Oklahoma County Office Building, 320 Robert S. Kerr, with the following individuals present:

Mr. James Benson, Vice-Chairman
Mr. Charles Defuria, Member
Ms. Irene Martin, Member
Mr. David Richey, Member
Mr. Roger Holloway, Member
Mr. Cody Compton on behalf of Ms. Willa Johnson, County Commissioner Dist. #1

Also in attendance:

Mr. Tyler Gammon, Secretary
Ms. Gretchen Crawford, Assistant District Attorney
Mr. Stacey Trumbo, P.E., County Engineer
Mr. Erik Brandt, County Planner

Mr. Gammon called roll and a quorum was declared.

Approval of Minutes of the Previous Meetings: (July 10, 2014)

Mr. Richey motioned to approve the minutes as submitted. Mr. Holloway seconded. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The minutes were approved.

(Deferred Item) Discussion and possible action to approve/deny the zoning change request from AA-Agricultural and Rural Residential to RS-Urban Single Family Residential District (Z-2014-03).

Application of: **GARRETT DEVELOPMENT, LLC**

The applicant proposed developing a residential subdivision with 510 lots on approximately 156 acres. The following is the legal description of the property:

**The Northwest Quarter (NW/4) of Section Nineteen (19), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma. Being more particularly described as follows:
Commencing at the Northwest Corner of the Northwest Quarter of Section 19, Township 14 North, Range 3 West; thence South 89°25'12" East along the North line of said Northwest Quarter a distance of 2561.50 feet to the Northeast Corner of said Northwest Quarter; thence South 00°26'42" East along the East line of the said Northwest Quarter a distance of 2645.20 feet to the Southeast Corner of the said Northwest Quarter; thence North 89°24'15" West along the South line of said Northwest Quarter a distance of 2568.54 feet to the Southwest Corner of said Northwest Quarter; thence North 00°17'34" West along the West**

line of said Northwest Quarter a distance of 2644.37 feet to the said Point of Beginning. Said tract of land containing ±155.7158 Acres and or 6,782,979.9569 Square feet more or less.

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

Mr. Gammon stated that the applicant requested to have this item moved to the heel of the agenda due to a conflicting meeting with Oklahoma City.

Ms. Martin motioned to move the item to the end of the agenda. Mr. Defuria seconded the motion. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The item was moved.

(Deferred Item) Discussion and possible action to approve/deny the General Plat (GP-2014-03) of Covell Creek.

Application of: **GARRETT DEVELOPMENT, LLC**

The applicant proposed developing a single-family, residential subdivision with 510 lots on approximately 156 acres. The following is the legal description of the property:

The Northwest Quarter (NW/4) of Section Nineteen (19), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma. Being more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of Section 19, Township 14 North, Range 3 West; thence South 89°25'12" East along the North line of said Northwest Quarter a distance of 2561.50 feet to the Northeast Corner of said Northwest Quarter; thence South 00°26'42" East along the East line of the said Northwest Quarter a distance of 2645.20 feet to the Southeast Corner of the said Northwest Quarter; thence North 89°24'15" West along the South line of said Northwest Quarter a distance of 2568.54 feet to the Southwest Corner of said Northwest Quarter; thence North 00°17'34" West along the West line of said Northwest Quarter a distance of 2644.37 feet to the said Point of Beginning. Said tract of land containing ±155.7158 Acres and or 6,782,979.9569 Square feet more or less.

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

Mr. Gammon stated that the applicant requested to have this item moved to the heel of the agenda due to a conflicting meeting with Oklahoma City.

Ms. Martin motioned to move the item to the end of the agenda. Mr. Defuria seconded the motion. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The item was moved.

Discussion and possible action to approve/deny the Preliminary Plat (PP-2014-01) of Deer Springs, III.

Application of: **DEER SPRINGS DEVELOPMENT, LLC**

The applicant proposed developing a single-family, residential subdivision with 7 lots on 8.398 acres. Minimum lot size would be one (1) acre. The following is the legal description of the property:

A tract of land situated within a portion of the Northwest Quarter (NW/4) of Section Twenty-Four (24) of Township Fourteen (14) North, Range Four (4) West, of the Indian Meridian, Edmond, Oklahoma County, Oklahoma; being more particularly described as

follows: Commencing at the Southwest corner of said NW/4; thence N89°23'19"E along the South line of said NW/4 a distance of 2657.94 feet to the Southeast corner of said NW/4; thence N00°21'07" along the East line of said NW/4 a distance of 330.46 feet to the POINT OF BEGINNING; thence N61°49'21"W a distance of 133.78 feet; thence N30°13'52"W a distance of 1021.20 feet to a point on the Southerly line of Deer Springs II Addition according to the recorded plat thereof; thence along the Southerly line of said Plat the following Ten (10) courses:

1. N77°16'20"E a distance of 124.89; thence
2. N74°58'39"E a distance of 148.42 feet; thence
3. N15°01'21"W a distance of 65.00 feet; thence
4. N74°58'39"E a distance of 60.00 feet; thence
5. S15°01'21"E a distance of 65.00 feet; thence
6. N53°21'00"E a distance of 81.45 feet; thence
7. S58°11'29"E a distance of 158.25 feet; thence
8. S06°03'23"E a distance of 52.00 feet; thence
9. N79°38'51"E a distance of 37.16 feet; thence
10. S50°21'08"E a distance of 80.00 feet to a point on the East line of said NW/4; thence S00°21'07"E along said East line a distance of 896.17 feet to the POINT OF BEGINNING. Said tract contains 365,813 square feet or 8.398 acres more or less.

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

Mr. Gammon gave the staff report stating that this was a project initially started in 2009 and all requirements had been met. He added that the erosion control cash bond had been submitted.

Mr. Kendall Dillon, Crafton Tull & Associates, was present to answer any questions.

There were no protestors present.

Mr. Richey motioned to approve the proposed preliminary plat. Ms. Martin seconded. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The application was approved.

Discussion and possible action to approve/deny the Preliminary Plat (PP-2014-02) of Cross Tie Industrial Park.

Application of: **FLOYD PERCIVAL**

The applicant proposed developing an industrial park with 11 lots on 31.45 acres. The following is the legal description of the property:

A tract of land lying in the Southeast Quarter (SE/4) of Section Twenty-nine (29), Township Twelve (12) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma being more particularly described as follows: COMMENCING at the southeast corner of said Southeast Quarter (SE/4); THENCE North 89°46'40" West along the south line of said Southeast Quarter (SE/4), a distance of 330.00 feet to the POINT OF BEGINNING; THENCE continuing North 89°46'40" West, along said south line, a distance of 687.20 feet; THENCE North 00°13'20" East, perpendicular to said south line, a distance of 390.30 feet; THENCE North 89°46'40" West, parallel with said south line, a distance of 483.92 feet; THENCE North 00°13'20" East, perpendicular to said south line, a distance of 73.10 feet; THENCE North 89°46'40" West, parallel with said south line, a distance of

182.34 feet; THENCE North 00°13'20" East, perpendicular to said south line, a distance of 397.68 feet to a point on the south right of way line of the St. Louis and San Francisco Railroad; THENCE North 49°31'10" East, along the south right of way line of said St. Louis and San Francisco Railroad, a distance of 711.80 feet; THENCE South 00°00'00" East, parallel with the east line of said Southeast Quarter (SE/4), a distance of 212.00 feet; THENCE South 89°46'40" East, parallel with the south line of said Southeast Quarter (SE/4), a distance of 1,138.70 feet to a point on the east line of said Southeast Quarter (SE/4); THENCE South 00°00'00" East, along said east line, a distance of 453.28 feet; THENCE North 89°46'40" West, parallel with the south line of said Southeast Quarter (SE/4), a distance of 330.00 feet; THENCE South 00°00'00" East, parallel with the east line of said Southeast Quarter (SE/4), a distance of 660.00 feet to the POINT OF BEGINNING. Said described tract of land contains and area of 1,369,818 square feet or 31.4467 acres, more or less.

Location: NE 10th & Sooner Rd. (County Highway District #1)

Mr. Gammon gave the staff report and stated that the proposed development would include eleven (11) lots to be slated for industrial uses only. He added that all required documentation had been submitted including the erosion control cash bond.

Mr. Floyd Percival, applicant, stated that he had owned the property for thirty (30) years, water would be provided by Midwest City and all lots would have private septic tanks. He added that the proposed development was compatible with the surroundings area. He stated that all the properties around the development were industrial uses.

There were no protestors present.

Mr. Richey motioned to approve the proposed preliminary plat. Mr. Defuria seconded the motion. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The item was approved.

Discussion and possible action to approve/deny a zoning change from AA – Agricultural and Rural Residential District to Planned Unit Development (PUD-2014-02).

Application of: **S. MARK WARD**

The applicant proposed expanding an existing storage facility that is currently on 4.98 acres of an 11.00 acre tract. If approved, the PUD would allow the expansion of personal storage facilities on the remaining acreage. The use on the entire 11 acres would be restricted to personal storage only per the PUD design statement. The following is the legal description of the property:

A tract of land described as follows: Beginning at a point 792 feet North of the Southwest corner of the Northwest Quarter (NW/4) of Section Five (5), Township Fourteen (14) North, Range Two (2) West of the Indian Meridian, in Oklahoma County, Oklahoma; thence North 726 feet; thence East 660 feet; thence South 726 feet; thence West 660 feet to the point or place of beginning.

Location: 6600 N. Coltrane Rd. (County Highway District#3)

Mr. Gammon gave the staff stating that Mr. Ward had tried to previously re-zone the property to commercial. He added that the re-zoning had failed. He went on to say that the applicant had submitted a PUD application in order to expand his storage facility. Mr. Gammon stated that the PUD statement allowed for enclosed personal storage only. Mr. Gammon added that one protest letter had been received.

Dr. Joshua Ward, applicant's son, spoke on behalf of the application. He stated that their storage building was a low-impact, first class facility that was utilized by several property owners in the area. He added that they had to turn away new customers due to unavailability of storage units and had not been a victim of any break-ins or vandals since they opened. Mr. Ward stated that the need to expand their business was imperative and would not decrease property values nor contribute to any light pollution as stated in the protest letter. He acknowledged that he and his family would do everything possible to maintain as many trees as possible on their property in order to create a buffer between the properties to the south and east. He also stated that he and his family had adhered to all Oklahoma County regulations regarding building, while the property owner to the south had complied with none of them.

Mr. Ward passed out a letter from three (3) adjoining property owners that stated that they were in favor of the application.

Mr. Stewart Kennedy, Mr. Robert Caplener and Ms. Karol Guerra; adjacent property owners, were present to voice their opposition to the application for the following reasons:

- Wanted to maintain rural feel of the area
- Increased traffic
- Increased crime
- Light pollution
- Decrease in property values
- Increased noise

Dr. Joshua Ward stated that they would compromise with the protestors and keep at least twenty-five (25) feet of trees along the east and south boundary to act as a buffer.

The protestors did not agree to the twenty-five (25) feet buffer. They asked for one hundred fifty (150) feet of trees along the east and south boundaries.

The applicant would not agree to the larger buffer area.

Mr. Holloway motioned to deny the application. Ms. Martin seconded the motion. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The PUD application was denied.

Discussion and possible action to approve/deny a zoning change from AA – Agricultural and Rural Residential District to Planned Unit Development (PUD-2014-01).

Application of: **CRAFTON TULL**

The applicant proposed developing a single-family residential subdivision in accordance with the proposed PUD. If approved the subdivision (**Estates at Coffee Creek**) would have 169 one-half acre residential lots and one 9.84 acre commercial lot on a 155 acre tract. The following is the legal description of the property:

A tract of land situated within a portion of the Southeast Quarter (SE/4) of Section Seven (7), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian (I.M.) in

Oklahoma County, Oklahoma, being more particularly described as follows: ALL of the SE/4 of said Section 7, LESS AND EXCEPT that 5 acre tract referenced in the Special Warranty Deed filed in the Office of the Oklahoma County Clerk in Book 8036, Page 120, being more fully described as the East Half (E/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Seven (7), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian (I.M.). Said tract contains approximately 155 acres, more or less.

Location: NW 220th and Pennsylvania Ave. (County Highway District #3)

Mr. Gammon gave the staff report and stated that numerous protests had been received.

Mr. Kendall Dillon, Crafton Tull & Associates, stated that the proposed development would be served by Deer Creek Water and would have individual septic tanks or aerobic systems. He added that the commercial area would be restricted to certain uses and would have landscaping and sight proof screening along the north and west boundaries. He also stated that the proposed development was in conformance with the neighboring developments with approximately 1.15 dwelling units per acre.

Mr. Glen Foster, applicant, stated that he had been a builder for years. He added that he built quality homes and felt that the proposed development would be a nice addition to the Deer Creek area.

Mr. Benson asked for a short recess. Mr. Richey motioned to recess the meeting. Mr. Defuria seconded the motion. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The meeting recessed at 2:55 p.m.

The meeting reconvened at 3:02 p.m.

Mr. Errol Myers and Mr. Jim Johnson; Fossil Creek residents were present to voice their opposition to the application for the following reasons:

- Drainage issues
- Wanted to maintain rural feel of area
- Erosion concerns
- Proposed development too drastic a change

Mr. Matt Stephenson, Mr. Lawrence Grable, Mr. Trevor Snyder, Mr. Phil Martin and Ms. Aron Samwell; Highland Park residents were present to speak against the proposed development for the following reasons:

- Non-compliance with Master Plan
- Schools already over capacity
- Wanted to maintain rural atmosphere
- Wanted minimum 2 acre lots
- Didn't want commercial properties in the area
- Too many septic tanks
- Traffic Issues
- Water Issues
- Strain on fire and sheriff departments

Mr. Aaron Gwartney, Mission Springs resident, was present to voice his opposition to the project for the reasons outlined by the Highland Park residents.

Mr. Barry Cunningham, Summit Lake Estates resident, was also present to speak against the application for the same reasons as previously listed.

Ms. Martin motioned to deny the application. Mr. Defuria seconded the motion. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – No Holloway – No, Compton - No. The motion failed for lack of a majority.

Mr. Kevin Ewing, adjacent property owner stated that he would be happy with one acre lots.

Mr. Brian Askew, Antler Farms HOA president, echoed the sentiments of the previous protesters and spoke against the proposed development.

Mr. Richey stated that he hoped the developer and protestors could get together and come up with a solution that would make both sides happy.

Mr. Richey motioned to deny the application. Ms. Martin seconded. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The PUD application was denied.

Discussion and possible action to approve/deny the General Plat of Estates at Coffee Creek (GP-2014-04).

Application of: **CRAFTON TULL**

The applicant proposed developing a single-family residential subdivision in accordance with the proposed PUD. If approved the subdivision would have 169 one-half acre residential lots and one 9.84 acre commercial lot on a 155 acre tract. The following is the legal description of the property:

A tract of land situated within a portion of the Southeast Quarter (SE/4) of Section Seven (7), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian (I.M.) in Oklahoma County, Oklahoma, being more particularly described as follows: ALL of the SE/4 of said Section 7, LESS AND EXCEPT that 5 acre tract referenced in the Special Warranty Deed filed in the Office of the Oklahoma County Clerk in Book 8036, Page 120, being more fully described as the East Half (E/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Seven (7), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian (I.M.). Said tract contains approximately 155 acres, more or less.

Location: NW 220th and Pennsylvania Ave. (County Highway District #3)

Mr. Kendall Dillon asked that the general plat application be deferred until the next Planning Commission meeting in order for the PUD to be heard by the Board of County Commissioners.

Mr. Richey motioned to accept the deferral request. Mr. Holloway seconded the motion. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The item was deferred until the September 11, 2014 Planning Commission meeting.

Deferred Item) Discussion and possible action to approve/deny the zoning change request from AA-Agricultural and Rural Residential to RS-Urban Single Family Residential District (Z-2014-03).

Application of:

GARRETT DEVELOPMENT, LLC

The applicant proposed developing a residential subdivision with 510 lots on approximately 156 acres. The following is the legal description of the property:

The Northwest Quarter (NW/4) of Section Nineteen (19), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma. Being more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of Section 19, Township 14 North, Range 3 West; thence South 89°25'12" East along the North line of said Northwest Quarter a distance of 2561.50 feet to the Northeast Corner of said Northwest Quarter; thence South 00°26'42" East along the East line of the said Northwest Quarter a distance of 2645.20 feet to the Southeast Corner of the said Northwest Quarter; thence North 89°24'15" West along the South line of said Northwest Quarter a distance of 2568.54 feet to the Southwest Corner of said Northwest Quarter; thence North 00°17'34" West along the West line of said Northwest Quarter a distance of 2644.37 feet to the said Point of Beginning. Said tract of land containing ±155.7158 Acres and or 6,782,979.9569 Square feet more or less.

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

Mr. Gammon gave the staff report and stated that all requirements had been met. He added that the proposed development would be serviced by Oklahoma City water and sewer.

Mr. David Box, lawyer for the applicant, stated that the proposed development was in conformance with the surrounding neighborhoods. He added that the density of the proposed development was equal to or less than the densities in the established subdivisions in the immediate area. Mr. Box acknowledged that a zoning change was warranted due to the availability of utilities and the precedent set by existing neighborhoods in the vicinity of the intended development.

Mr. Bryan Coon, engineer for the applicant, stated that a one hundred foot (100') buffer could be provided along the north and west boundaries. He added that the number of lots would remain the same.

Mr. Gregory Gillispie, Mr. Matt Stephenson, Mr. Lawrence Grabel, Mr. Trevor Snyder, Mr. Philip Martin and Ms. Aron Samwell; Highland Park residents were present to oppose the application for the following reasons:

- Wanted to maintain rural atmosphere
- Increased pollution
- Increased traffic
- Increased crime
- Increased over-crowding of schools
- Decrease in property values
- Density too high
- Active well site existed on proposed development location
- Strain on fire and sheriff departments
- Wanted minimum 2 acre lots

- Erosion issues
- Increased light pollution
- Loss of habitat for sensitive species
- Run-off concerns

Mr. David Box addressed the well site issue stating that the well would not be producing in the near future.

Mr. Brian Coon addressed the run-off concerns and stated that during the preliminary plat phase the drainage would be designed to not increase the current historical rate of discharge.

Mr. Aaron Gwartney, Mission Springs resident, voiced his opposition to the proposed development for essentially the same reasons as listed above. He added that the suggested buffer was not sufficient.

Ms. Susan Lynn, Mr. Rex Lynn and Mr. Brian Thomas, adjacent property owners, stated that they were opposed to the development for the following reasons:

- Wanted to maintain rural views
- Non-conformity of the master plan
- Wanted larger lots

Mr. Ryan Askew, Antler Farms HOA president, was present to voice his opposition on behalf of the residents of Antler Farms. He stated that the proposed development was just too many homes and that the influx of new residents would overwhelm the sheriff and fire departments.

Mr. Compton asked if the streets would be private or public.

Mr. David Box replied that the roads would be public.

Ms. Martin motioned to deny the re-zoning application. Mr. Defuria seconded the motion. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The re-zoning application was denied.

(Deferred Item) Discussion and possible action to approve/deny the General Plat (GP-2014-03) of Covell Creek.

Application of:

GARRETT DEVELOPMENT, LLC

The Northwest Quarter (NW/4) of Section Nineteen (19), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma. Being more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of Section 19, Township 14 North, Range 3 West; thence South 89°25'12" East along the North line of said Northwest Quarter a distance of 2561.50 feet to the Northeast Corner of said Northwest Quarter; thence South 00°26'42" East along the East line of the said Northwest Quarter a distance of 2645.20 feet to the Southeast Corner of the said Northwest Quarter; thence North 89°24'15" West along the South line of said Northwest Quarter a distance of 2568.54 feet to the Southwest Corner of said Northwest Quarter; thence North 00°17'34" West along the West line of said Northwest Quarter a distance of 2644.37 feet to the said Point of Beginning. Said tract of land containing ±155.7158 Acres and or 6,782,979.9569 Square feet more or less.

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

The applicant asked that the general plat application be deferred until the next Planning Commission meeting.

Mr. Richey motioned to accept the deferral. Ms. Martin seconded the motion. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The general plat application for Covell Creek addition was deferred until the September 11, 2014 Planning Commission meeting.

Discussion and possible action to receive July 2014 Fee Fund Report.

Mr. Richey motioned to receive the fee fund report. Ms. Martin seconded. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The report was received.

New Business:

There was no new business.

Adjournment:

Mr. Richey motioned to adjourn the meeting. Mr. Compton seconded the motion. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Holloway – Aye, Compton - Aye. The meeting adjourned at 4:46 p.m.

Approved this _____ day of _____, 2014

**OKLAHOMA COUNTY
PLANNING COMMISSION**

James Benson, Vice-Chairman

ATTEST:

Tyler Gammon, Jr., Secretary