

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

January 9, 2014

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. James Benson, Vice-Chairman
Mr. Charles DeFuria, Member
Ms. Irene Martin, Member
Mr. David Richey, Member
Ms. Willa Johnson, County Commissioner Dist. #1

Also in attendance:

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

Mr. Gammon called roll and a quorum was declared.

Approval of Minutes of the Previous Meeting: (December 12, 2013)

Mr. Richey motioned to approve the minutes from the previous meeting. Mr. Benson seconded. Vote taken: Benson – Aye, DeFuria – Aye, Jones – Aye, Martin – Aye, Richey – Aye. The minutes from the December 12, 2013 meeting were approved as submitted.

Discussion and possible action to approve/deny the Re-Plat (RE-2013-02) of Panther Run Addition to Oklahoma County.

PANTHER RUN ADDITION, LOTS 1 & 2

The applicant proposed a lot line adjustment between two properties to increase the size of one lot for residential purposes. All other particulars of the original plat including restrictive covenants shall remain the same. The following is the legal description of the property:

Lot One (1) of Panther Run, an addition to Oklahoma County, Oklahoma, according to the plat thereof.

Lot Two (2) of Panther Run, an Addition to Oklahoma County, Oklahoma according to the plat thereof.

Location: NE 220th & Peebly Rd. (County Highway District #1)

Application of:

PAUL SPESS

Mr. Gammon gave a brief description of the application stating that Panther Run was developed in 2005 with a 2 acre minimum lot size requirement. He added that unlike Oklahoma City,

Oklahoma County did not allow for lot line adjustments. He stated that the applicant had to request a re-plat in order to move a lot line.

Mr. Defuria asked if the owners of both lots 1 and 2 were in agreement on the re-plat.

Mr. Gammon replied that the re-plat could not have been submitted without an amicable deal between both property owners.

Mr. Paul Spess, applicant, stated that he was the owner of lot 2 that contained a small pond. He added that he agreed to give the owner of lot 1 more access to the pond by moving the lot line between their properties.

Mr. Benson motioned to approve the application. Mr. Richey seconded the motion. Vote taken: Benson – Aye, DeFuria – Aye, Jones – Aye, Martin – Aye, Richey – Aye. The re-plat application was approved.

Discussion and possible action to approve/deny a zoning change (Z-2013-01) from AA-Agricultural and Rural Residential District with a Special Exception (SE-02-05) to operate a Day Care Facility to CG-Urban General Commercial and Office District for the purpose of developing facilities for a convenience store/deli on a 1.10 acre parcel. The following is the legal description of the property:

A part of the Northwest Quarter (NW/4) of Section Twenty-Four (24), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma, said part being more particularly described as follows: Commencing at the Northwest Corner of said Northwest Quarter; thence North 89°52'08" East along the North line of said Northwest Quarter a distance of 554.88 feet to the point of beginning; thence from said POINT OF BEGINNING continuing North 89°52'08" East along said North line a distance of 289.32 feet to the Northwest Corner of Deer Springs I, a recorded plat; thence South 00°07'52" East along the West line of said plat a distance of 268.62 feet; thence South 18°06'16" East along said West line a distance of 400.95 feet; thence South 89°52'08" West a distance of 369.44 feet; thence North 33°43'46" West a distance of 81.21 feet to a point on a curve to the right, said curve having a central angle of 33°43'54", a radius of 147.97 feet, a chord bearing of North 16°51'49" West and a chord distance of 85.86 feet; thence along the arc of said curve a distance of 87.11 feet; thence North 00°00'08" East a distance of 425.14 feet; thence North 44°56'08" East a distance of 35.40 feet; thence North 00°07'52" West a distance of 50.00 feet to the point of beginning.

Location: East side of Portland Ave, south of NW 206th. (County Highway District#3)

Application of: **DEER CREEK DAY RANCH, LLC (GARY SMITH)**

Mr. Gammon gave the staff report stating that no protests had been received and that a special exception was approved on 2002 for the property to be used as a daycare facility. He added that at this time the property owner wanted to re-zone the property to commercial to allow for use as a deli.

Mr. Gary Smith, applicant, stated that his daycare facility was failing due to his daughter's inability to serve as the director. He added that changing the use to a deli/convenience store would allow for more freedom for his daughter. He also added that he would be using the existing building for the commercial use.

Mr. Gammon stated that there would have to be sight-proof screening to the south while to the east already had sufficient screening with the existing foliage.

Mr. Gammon explained the issue regarding the applicant installing an acceleration/deceleration lane or submitting a “fee in lieu of” to the County. He added that the plans were already in the works for ODOT to widen the road adjacent to the applicant’s property. Therefore Mr. Gammon stated that the applicant would not be charged the fee or required to widen the road.

Ms. Johnson joined the meeting.

Mr. Jones asked if the Board was setting a precedent by waiving the fee or the required road widening.

Mr. Trumbo replied that the ultimate goal was to get the extra lane installed without widening one hundred feet at a time which caused traffic concerns. He added that the fact that ODOT was widening the road was an advantage for the applicant. He also stated that whether ODOT, Oklahoma County or the property owner did the work; it just had to be done.

Mr. Benson motioned to approve the application in lieu of ODOT constructing the appropriate facilities for ingress and egress with waiver of the road widening requirements for the applicant. Mr. Richey seconded the motion. Vote taken: Benson – Aye, DeFuria – Aye, Jones – Aye, Martin – Aye, Richey – Aye, Johnson - Aye. The item was approved.

Discussion and possible action to approve/deny a zoning change (Z-2013-02) from AA-Agricultural and Rural Residential District (6.02 acres) and Special Use Permit (SP 2003-01) (4.98 acres) to operate a storage facility to CG-Urban General Commercial and Office District for the purpose of increasing the size of the storage operation for a total of 11 acres to be rezoned. 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)

Application of:

S. MARK WARD

Mr. Gammon gave a brief summary of the application stating that the applicant had a special use permit to allow for storage facilities in AA – Agricultural and Rural Residential zoned property. He added that the applicant wanted to get rid of the special use permit and re-zone his entire property to a commercial zoning to allow for expansion of his storage operation. He also added that one protest letter had been received.

Mr. Mark Ward, applicant, was present to answer any questions.

Mr. Stewart Kennedy and Mrs. Karol Guerra, adjacent property owners, were present to voice their opposition to the application. They stated that they wanted to keep the “rural feel” of their surroundings and didn’t want an increase in the “urban glow” emitted from the current storage facility operations.

Ms. Martin stated that the special use indicated all restrictions on the property and asked if the Board could get a statement of the future plans for the property if it were zoned commercial.

Ms. Crawford replied that if the property were rezoned; the zoning followed the land, not the owner. Therefore she stated that if the current owner sold his property, the new owner would be allowed to utilize any permissible use under the commercial zoning classification. She added that it would not be limited to self-storage.

Ms. Johnson asked if the Board could limit the use of the property if it were re-zoned.

Mr. Gammon replied that the once the property was re-zoned the applicant could operate any type of business that was permitted under the CG-Urban General Commercial and Office zoning classification as Ms. Crawford described previously.

Mr. Defuria motioned to deny the re-zoning application. Mr. Richey seconded the motion. Vote taken: Benson – Aye, DeFuria – Aye, Jones – Aye, Martin – Aye, Richey – Aye, Johnson - Aye. The item unanimously was denied.

Discussion and possible action to receive December 2013 Fee Fund Report.

Mr. Benson motioned to receive the December Fee Fund report. Mr. Richey seconded the motion. Vote taken: Benson – Aye, DeFuria – Aye, Jones – Aye, Martin – Aye, Richey – Aye, Johnson - Aye. The item was received.

New Business:

There was no new business.

Adjournment:

Mr. Richey motioned to adjourn the meeting. Ms. Johnson seconded the motion. Vote taken: Benson – Aye, DeFuria – Aye, Jones – Aye, Martin – Aye, Richey – Aye, Johnson - Aye. The meeting was adjourned at 2:09 p.m.

Approved this _____ day of _____, 2014

**OKLAHOMA COUNTY
PLANNING COMMISSION**

Will K. Jones, Chairman

ATTEST:

Tyler Gammon, Jr., Secretary