

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

March 13, 2014

1:30 p.m.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Mr. James Benson, Vice- Chairman, at 1:32 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. Joe Blough on behalf of 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 Meetings: (February 13, 2014)

Mr. Richey motioned to approve the minutes. Mr. Blough and Mr. Defuria seconded simultaneously. Vote taken: Defuria – Aye, Martin – Aye, Benson – Aye, Richey – Aye, Blough – Aye. The minutes from the February 13, 2014 meeting were approved as submitted.

(Deferred Item) Discussion and possible action to approve/deny a zoning change from AA–Agricultural and Rural Residential District to Planned Unit Development (PUD-2012-02).

Application of:

CRAFTON TULL & ASSOCIATES

This application was approved previously by the Planning Commission and forwarded on to the Board of County Commissioners (BOCC) for consideration. The BOCC returned the item back to the Planning Commission for reconsideration after new facts regarding utilities emerged. With new facts considered, the applicant proposed changes in the development of a residential subdivision according to the RS-Urban Single Family Residential District with lots approximately one half acre in size and an approximate 5 acre commercial corner. The proposed development encompasses approximately 160.64 acres. The following is the legal description of the property:

A tract of land located in the Northwest Quarter (NW/4) of Section Thirty-Four (34), Township Fourteen North (T-14-N), Range Four West (R-4-W), I.M., Oklahoma County, Oklahoma, said tract being more fully described as follows: Beginning at the Northwest Corner of said Northwest Quarter (NW/4); Thence N 89°55'15"E along the North line of said Northwest Quarter a distance of 2654.81 feet; Thence S 00°00'40"W along the East line of said Northwest Quarter a distance of 2640.17 feet; Thence S 89°58'20"W a distance of 567.00 feet; Thence S 89°53'55"W a distance of 1826.00 feet; Thence S 89°36'35"W a

distance of 261.00 feet to a point on the West line of said Northwest Quarter; Thence N 00°00'24"W along the West line of said Northwest Quarter a distance of 2637.79 feet to the Point of Beginning; Said tract containing 160.64 acres, more or less.

Location: NW 178th & MacArthur Blvd. (County Highway District #3)

Mr. Gammon stated that the applicant had requested a deferral of the application until the April planning commission meeting.

Mr. Blough motioned to defer the item until the April planning commission meeting. Mr. Richey seconded. Vote taken: Defuria – Aye, Martin – Aye, Benson, - Aye, Richey – Aye, Blough – Aye. The item was deferred for one month.

(Deferred Item) Discussion and possible action to approve/deny the General Plat of Mayflower (GP-2012-05).

Application of: **CRAFTON TULL & ASSOCIATES**

The applicant proposed developing a residential subdivision according to the RS-Urban Single Family Residential District with lots approximately one half acre in size and an approximate 5 acre commercial corner. The proposed development encompasses approximately 160.64 acres. The following is the legal description of the property:

A tract of land located in the Northwest Quarter (NW/4) of Section Thirty-Four (34), Township Fourteen North (T-14-N), Range Four West (R-4-W), I.M., Oklahoma County, Oklahoma, said tract being more fully described as follows: Beginning at the Northwest Corner of said Northwest Quarter (NW/4); Thence N 89°55'15"E along the North line of said Northwest Quarter a distance of 2654.81 feet; Thence S 00°00'40"W along the East line of said Northwest Quarter a distance of 2640.17 feet; Thence S 89°58'20"W a distance of 567.00 feet; Thence S 89°53'55"W a distance of 1826.00 feet; Thence S 89°36'35"W a distance of 261.00 feet to a point on the West line of said Northwest Quarter; Thence N 00°00'24"W along the West line of said Northwest Quarter a distance of 2637.79 feet to the Point of Beginning; Said tract containing 160.64 acres, more or less.

Location: NW 178th & MacArthur Blvd. (County Highway District #3)

Mr. Gammon stated that the applicant had requested a deferral of the application until the April planning commission meeting.

Mr. Blough motioned to defer the item for a period of one month. Ms. Martin seconded the motion. Vote taken: Defuria – Aye, Martin – Aye, Benson, - Aye, Richey – Aye, Blough – Aye. The item was deferred until the April planning commission meeting.

Discussion and possible action to approve/deny a re-plat (RE-2014-01) of Brookside Hills Addition (Lots 18, 19, & 20).

Application of: **DAWN HISEY**

The applicant proposed a lot line adjustment between properties in order to sell a lot. The following is the legal description of the properties:

Lots Eighteen (18), Nineteen (19), & Twenty (20) of Brookside Hills Addition to Oklahoma County, Oklahoma, according to the recorded plat thereof.

**Location: West side of Western between NW 220th & NW 234th
(County Highway District #3)**

Mr. Gammon gave the staff report and stated that the applicant wished to move the lot lines in order to bring her current home in to compliance with the Oklahoma County setback regulations and to be able to sell one of her lots. He added that her home already existed when the subdivision was platted. He also stated that the re-plat would not bring the lots out of compliance with the zoning regulations.

Ms. Dawn Hisey, applicant, was present to answer any questions.

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

Discussion and possible action to approve/deny a Special Use Permit (SUP-2014-01) in an Urban Industrial District.

Application of: **ENERGY SERVICES GROUP**

The applicant proposed off loading or transferring hydrochloric acid (HCL) from tank rail cars to tank trucks for transport to various locations. The following is the legal description of the property:

A part of the Southwest Quarter (SW/4) of Section Six (6), Township Eleven (11) North, Range Three (3) West of the Indian Meridian, in Oklahoma County, Oklahoma, being more particularly described as follows: Beginning at a point 1113.00 feet North, and 1121.49 feet North 89°55'00" East of the Southwest corner of said Southwest Quarter (SW/4), said point being on the South line of Exchange Avenue produced West through said Southwest Quarter (SW/4); Thence South 00°20'30" West for a distance of 137.87 feet; Thence North 89°57'30" East on a line along the South edge of the South retaining wall of the Hydrogen Plant, extended Easterly and Westerly, a distance 83.32 feet; Thence South 00°20'30" West for a distance of 10.00 feet; Thence North 89°57'30" East for a distance of 67.70 feet; Thence South 00°02'48" East for a distance of 150.46 feet; Thence South 01°37'19" West for a distance of 133.52 feet; Thence South 00°05'19" West for a distance of 199.71 feet; Thence South 17°26'28" East for a distance of 94.66 feet; Thence South 10°58'41" East for a distance of 78.47 feet; Thence South 28°17'12" East for a distance of 21.88 feet; Thence South 34°42'05" East for a distance of 39.10 feet; Thence South 41°11'27" East for a distance of 25.81 feet; Thence South 00°00'00" East for a distance of 63.10 feet to a point 180.00 feet North of the South line of said Southwest Quarter (SW/4); Thence South 89°55'00" West and parallel to the South line of said Southwest Quarter (SW/4) for a distance of 255.00 feet to a point 1105.60 feet East of the West line of said Southwest Quarter (SW/4); Thence South 00°00'00" East and parallel to the West line of said Southwest Quarter (SW/4) for a distance of 180.00 feet to a point on the South line of said Southwest Quarter (SW/4); Thence North 89°55'00" East the South line of said Southwest Quarter (SW/4) for a distance of 750.00 feet; Thence North 00°00'00" West, and parallel to the West line of said Southwest Quarter (SW/4) for a distance 180.00 feet; Thence South 89°55'00" West and parallel to the South line of said Southwest Quarter (SW/4) for a distance of 109.00 feet; Thence North 56°16'04" West (calculated North 56°26'04" West) for a distance of 94.24 feet; Thence North 41°52'26" West for a distance of 94.24 feet to a point 302.45 feet North of the South line and 1605.6 feet East of the West line of said Southwest Quarter (SW/4);

Thence North 00°00'00" West and parallel to the West Line of said Southwest Quarter (SW/4) for a distance of 810.55 feet to a point on the South line of Exchange Avenue, produced West through said Southwest Quarter (SW/4); Thence South 89°55'00" West on the South line of said Exchange Avenue, produced West through said Southwest Quarter (SW/4) for a distance of 483.66 feet to the Point or Place of Beginning.

Location: SW 15th & May Ave. (County Highway District #2)

Mr. Gammon presented the staff report and stated that there were very few places in unincorporated Oklahoma County that were zoned industrial. He added that the special use permit request to allow for transport of hazardous materials was unlike anything unincorporated Oklahoma County had ever had. He also stated that the applicant had supplied MSDS (Material Safety Data Sheets) for the chemicals that would be transported if the special use permit were approved.

Mr. Eric Pardo, operations and logistics manager for Energy Services Group, stated that this project had been in the works for approximately six (6) months. After much research, his company had determined that the requested area was a great location for their business operation due to the proximity to the railroad and interstates.

Ms. Martin asked if the applicant had a written safety plan available to the public.

Mr. Pardo replied that they had an emergency response plan that showcased their standard operating and environmental safety procedures. He stated that all their employees were extensively trained by Special Energy Services and met all OSHA (Occupational Safety and Health Administration) and EPA (Environmental Protection Agency) safety criteria.

Mr. Blough asked if the applicant had met with Mr. David Barnes, Oklahoma County Director of Emergency Management, or Oklahoma City Emergency Management.

Mr. Don Hilger, safety manager for Special Energy Services, stated that he had not spoken with Mr. Barnes or Oklahoma City but would coordinate with both before any work commenced on the project.

Mr. Blough asked the applicant what regulatory agencies did this type of operation fall under.

Mr. Hilger stated that they were regulated by the Railroad Safety Commission, Oklahoma City, ODOT (Oklahoma Department of Transportation), FRA (Federal Railroad Association), Oklahoma County, DEQ (Department of Environmental Quality), LEPC (Local Emergency Planning Committees) in addition to OSHA and DEQ.

Mr. Blough asked what the threshold was for reporting of a spill.

Mr. Hilger answered that the reportable spill quantity was 5,000 pounds in vapor or gas form which was equivalent to approximately 575 – 580 gallons of liquid.

Mr. Blough asked if that amount had to be spilled in one incident or was there a cumulative quantity of several spills that would have to be reported.

Mr. Hilger stated that reportable spill quantity had to be for one incident not several smaller incidents combined. He added that spills smaller than the reportable quantities were not required to be reported.

Mr. Blough acknowledged that water was used as a neutralizing agent but could become volatile when added to acid. He asked how that would be handled.

Mr. Doug Brock, project manager, stated that it was true that when you add water to acid it does cause a chemical reaction likened to adding water to hot grease.

Mr. Hilger explained that basically when you add water to acid heat is generated which could be described as volatile. He added that when diluting acid they actually flow the water over the acid to avoid the chemical reaction. The water cannot be sprayed directly over the acid.

Mr. Blough asked if the chemicals would be stored on site.

Mr. Pardo replied that the proposed site would be a transfer station only; there would be no storage.

Mr. Defuria asked how often the regulatory agencies would visit and inspect the site.

Mr. Hilger replied that the agencies could visit at any time and often did surprise inspections.

Mr. Defuria asked what the railroad tank cars were made of.

Mr. Brock answered that the tank cars were rubber lined. He added that the transfer trailers were rubber or fiberglass lined.

Mr. Blough asked were the shower/eye wash stations would be located in case of a spill.

Mr. Pardo replied that the eye wash/shower was on the transfer trailer and all water would be supplied by Oklahoma City.

Mr. Defuria asked if safety personnel would always be on site.

Mr. Pardo responded by saying that all their employees, including the drivers, were safety trained. He added that at least two people would be on site whenever a transfer was taking place.

Mr. Trumbo asked how long the scrubbing process took and how much liquid was held in one tank car.

Mr. Brock stated that the transfer could take anywhere from 4 hours to 2 days when loading 4 trucks and the rail tank held 20,000 gallons of acid.

Mr. Gammon stated that there was one (1) protest letter received.

Mr. Steve McFadden, adjacent property owner, stated that he wrote the protest letter in order to get more information on the project and how it would affect his property.

Mr. Pardo stated that he would be happy to meet with Mr. McFadden to answer any questions he had.

Mr. Blough motioned to approve the application and requested that the applicant contact Mr. David Barnes, Emergency Management Director, and the City of Oklahoma City to discuss an emergency response plan before the item was heard by the Board of County Commissioners.

Mr. Richey asked if the Board could still place time restrictions on special use permits.

Ms. Crawford replied that historically the Board had placed time restrictions on special use permits although it was not specifically spelled out in the zoning regulations. She added that it was at the Board's discretion to place stipulations on special use permits.

Mr. Blough rescinded his motion.

Mr. Blough motioned to approve the special use permit with a two (2) year time limit and still requested that the applicant contact David Barnes and the City of Oklahoma City to discuss an emergency response plan. Ms. Martin seconded. Vote taken: Defuria – Aye, Martin – Aye, Benson, - Aye, Richey – Aye, Blough – Aye. The Special Use Permit application was approved for a term of two (2) years.

Discussion of Master Plan Amendment 2014 Survey Results

The Board commended Erik for his work on the report.

Ms. Crawford stated that the request for a larger zoning district in Oklahoma County could only be accomplished if there was a legitimate governmental need, i.e. water issues, fire safety, etc.

Mr. Blough motioned to receive the survey results. Mr. Richey seconded the motion. Vote taken: Defuria – Aye, Martin – Aye, Benson, - Aye, Richey – Aye, Blough – Aye.

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

Mr. Blough motioned to receive the fee fund report. Mr. Richey seconded. Vote taken: Defuria – Aye, Martin – Aye, Benson, - Aye, Richey – Aye, Blough – Aye. The February 2014 Fee Fund report was received.

New Business:

There was no new business.

Adjournment:

Ms. Martin motioned to adjourn the meeting. Mr. Defuria seconded. Vote taken: Defuria – Aye, Martin – Aye, Benson, - Aye, Richey – Aye, Blough – Aye. The meeting adjourned at 2:26 p.m.

Approved this _____ day of _____, 2014

**OKLAHOMA COUNTY
PLANNING COMMISSION**

James L. Benson, Vice-Chairman

ATTEST:

Tyler Gammon, Jr., Secretary