

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

October 15, 2015

1:33 p.m.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Mr. Will K. Jones, Chairman, at 1:33 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
Ms. Irene Martin, Member
Mr. Charles Defuria, Member
Mr. David Richey, Member
Mr. Roger Holloway, Member
Mr. Ray Vaughn, County Commissioner, District 3

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: (September 17, 2015)

Mr. Holloway and Ms. Martin simultaneously motioned to approve the minutes of the previous meeting. Mr. Richey seconded. Vote taken: Jones – Aye, Vaughn – Aye, Martin – Aye, Benson - Abstain; Defuria - Aye, Richey – Aye, Holloway - Aye. The minutes were approved as submitted.

(Deferred Item) Discussion and possible action to approve/deny the Preliminary Plat of The Meadows at MacArthur Park (PP-2015-01).

Application of: **SOONER TRADITIONS**

The applicant proposed developing a single family residential subdivision with 120 lots on 43.92 acres. Minimum lot size would be 6,000 square feet. The following is the legal description of the property:

A part of the North Half (N/2) of the Northeast Quarter (NE/4) of Section Thirty-Three (33), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma more particularly described as follows: Commencing at the Northeast corner of the NE/4 of said Section 33; Thence S89°55'19"W along the North line of said NE/4, a distance of 1185.00 feet to the Point of Beginning; Thence S89°55'19"W along the North line of said NE/4 a distance of 1448.98 feet to the Northwest corner of said NE/4; Thence S00°06'49"W along the West line of said NE/4 a distance of 1321.61 feet to the Southwest corner of the N/2 of said NE/4; Thence N89°51'43"E along the South line of the N/2 of said NE/4 a distance of 1448.98 feet; Thence N00°01'43"E a distance of 1320.08 feet to the Point of Beginning.

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

Mr. Sean Reiger, legal counsel for the applicant, requested a deferral for the item until the November 19, 2015 Planning Commission meeting.

Mr. Richey motioned to approve the deferral request. Ms. Martin seconded. Vote taken: Jones – Aye, Vaughn – Aye, Martin – Aye, Benson - Aye; Defuria - Aye, Richey – Aye, Holloway - Aye. The item was deferred until the November 19, 2015 Planning Commission meeting.

Discussion and possible action to approve/deny a zoning change from AA-Agricultural and Rural Residential District to IU-Urban Industrial District (Z-2015-07)

Application of: **GRUBBS CONSULTING, LLC**

The applicant proposed to construct and operate an industrial office/warehouse community on a 38.1632 acre tract. The following is the legal description of the property to be considered:

A tract of land being a part of the Northeast Quarter (NE/4) of Section Six (6), Township Fourteen (14) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows: Beginning at the Northeast corner of said Section 6; Thence South 00°17'57" East, along the East line of the Northeast Quarter (NE/4) of said Section 6, a distance of 1,340.36 feet to the Southeast corner of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of said Section 6; Thence North 89°41'59" West, along the South line of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of said Section 6, a distance of 992.34 feet to the East line of a Special Use Permit Resolution #66-85 dated April 1, 1985; Thence along the Easterly boundary line of said Special Use Permit for the following 6 courses:

- 1. North 00°11'52" West, a distance of 544.30 feet;**
- 2. North 89°47'42" West, a distance of 329.65 feet;**
- 3. North 00°11'52" West, a distance of 374.38 feet;**
- 4. North 89°47'42" West, a distance of 332.95 feet;**
- 5. North 44°47'42" West, a distance of 35.36 feet;**
- 6. North 00°12'18" East, a distance of 395.00 feet to a point on the North line of the Northeast Quarter (NE/4) of said Section 6;**

Thence South 89°47'42" East, along said North line, a distance of 1,119.60 feet; Thence South 00°22'18" East, a distance of 450.00 feet; Thence South 89°47'42" East, parallel with said North line, a distance of 170.00 feet; Thence North 00°22'18" West, a distance of 450.00 feet to a point on said North line; Thence South 89°47'42" East, along said North line, a distance of 385.00 feet to the Point of Beginning. Said tract of land containing 1,662,389 square feet or 38.1632 acres, more or less. The basis of bearing for the above-described tract of land is the East line of said Northeast Quarter (NE/4) having a record bearing of South 00°17'57' East as set forth in the General Warranty Deed recorded at Book 12095, page 1750, filed in the offices of the County Clerk of Oklahoma County, Oklahoma.

Location: Waterloo & Coltrane Rd. (County Highway District #3)

Mr. Gammon gave a brief summary of the proposed rezoning application. He stated that the property in question was located at Waterloo Road and Coltrane Road, was currently zoned AA-Agriculture and Rural Residential and that the applicant had met all application requirements.

Mr. Seth Koenig, representing the applicant, stated that he had a contract to purchase the property pending zoning approval. He added that he initially wanted to create a residential subdivision in the area but felt it was not compatible with the surrounding uses. He also stated

that the adjacent properties to the north and east of his proposed development were all commercial or industrial uses. He did add that he wished to possibly create a residential subdivision on the southern portion of the proposed zoning area.

A representative from Grubbs Engineering was unable to make the meeting.

Mr. Larry Admire; adjacent property owner, was present to voice his concerns regarding traffic flow along Coltrane and water supply issues.

Mr. Tyle North, representative for a northern adjacent property owner, was also present to voice his concerns regarding increased traffic along Waterloo Road.

Mr. Brandt stated that a traffic impact analysis would be required due to the fact that the proposed development would have 100,000 square feet or more of gross leasable area. He added that the TIA would be submitted at the preliminary plat phase.

Mr. Jones stated that he was concerned with industrial uses encroaching on to nearby neighborhoods and asked if all adjacent property owners had been notified of the zoning change request.

Mr. Gammon replied that all adjacent property owners had been notified and that no protests had been received.

There was confusion among the commission members as to what the applicant wanted rezoned and what it would be used for.

Mr. Gammon and Ms. Crawford explained that the applicant could only re-zone the property to IU-Urban Industrial as requested and described in the notices and publications. If the applicant wished to create a residential development on the southern portions of his property; he would have to submit a new application. They also added that residential uses were not allowed in IU zoning.

Mr. Jones asked if acceleration/deceleration lanes would be required to be installed.

Mr. Trumbo answered that the lanes would be required but the applicant could make the improvements himself or submit a "fee in lieu of" to the County.

Mr. Perry Sneed, current property owner, stated that adding acceleration/deceleration lanes would eliminate traffic issues on Coltrane and Waterloo.

Mr. Aabyarimaha Peter, Edmond resident, was present to voice his support for the proposed rezoning.

There was more discussion among the commission members as to what the applicant was trying to accomplish. There was still confusion about the lot sizes, allowable uses and the type of zoning the applicant actually wanted.

Ms. Crawford explained that this hearing was only to discuss rezoning of the property. She added that the acceleration/deceleration lanes, lot sizes, driveway and drainage issues would be

resolved later on in the platting process. She added that the applicant did need to decide whether or not he wanted to rezone the entire property to IU or possibly do a PUD - Planned Unit Development that would allow for mixed uses.

Mr. Defuria motioned to deny the zoning application.

Mr. Defuria withdrew his motion.

Mr. Vaughn agreed with Ms. Crawford by stating that he felt that the applicant should apply for a PUD.

Ms. Crawford gave the applicant three options for proceeding:

- Defer item – bring back same zoning application in conjunction with the general plat
- Withdraw the item – submit a new application as a PUD
- Board can vote on the application as is

Mr. Koenig asked to have the application withdrawn.

Mr. Richey motioned to accept the withdrawal request. Mr. Defuria seconded. Vote taken: Jones – Aye, Vaughn –Aye, Martin – Aye, Benson - Aye; Defuria - Aye, Richey – Aye, Holloway - Aye. The item was withdrawn.

Discussion and possible action to approve/deny the Preliminary Plat of Pointon’s Oakwood Station (PP-2015-02).

Application of: **D.W. CONVERSE for POINTON PROPERTIES**

The applicant proposed developing a mixed use plat with a commercial tract for lease of retail spaces and an adjoining residential tract that encompasses four (4) one (1) acre single family residential lots. If approved the plat would encompass 7.270 acres more or less. The following is the legal description of the property:

**A tract of land located in the Northeast Quarter (NE/4) of Section Fifteen (15), Township Eleven (11) North, Range One (1) West of the Indian Base and Meridian, Oklahoma County, Oklahoma, and being described as follows:
BEGINNING at a point 33 feet West and 75 feet south of the Northeast Corner of said NE/4; thence South 00°00'06" West, a distance of 165.00 feet; thence South 88°53'35" West and along the centerline of an abandoned railroad right-of-way, a distance of 1687.76 feet; thence North 00°00'06" East, a distance of 210.36 feet to a point on the South right-of-way line of Southeast 29th Street (a public road); thence South 89°34'01" East, a distance of 1687.49 feet to the POINT OF BEGINNING. Said tract of land contains 7.270 acres, more or less.**

Location: SE 29th & Henney Rd. (County Highway District #2)

Mr. Gammon gave a brief summary of the application stating that at the last Planning Commission meeting the PUD and general plat were approved. He added that all application requirements had been met.

Mr. D.W. Converse, engineer for the applicant, stated that he had read the staff report and that he and his client would adhere to all county regulations. He was present to answer any questions from the commission.

Mr. Richey explained that he felt that the acceleration/deceleration lanes needed to be constructed before completion of the commercial portion of the project.

Mr. Pat Pointon, property owner, stated that the commercial portion of the project would be developed at a later date. He asked if he needed the additional lanes installed for the residential portion of the project. He added that he wished to develop the four residential lots as soon as possible.

Mr. Brandt replied that he did not need to install additional lanes for the residential portion of the development.

Ms. Crawford stated that it would be best to add a stipulation to the motion requiring the additional lanes be constructed prior to issuance of a Certificate of Occupancy for any of the commercial structures.

Mr. Trumbo clarified that the applicant had originally agreed to submit the “fee in lieu of” instead of making the road improvements himself. He added that if the commission had a deadline for completion of the additional lane then the applicant would have to make the improvements. He explained that if the County were responsible for completion of the road improvements a deadline stipulation could not be placed on a County Commissioner.

Mr. Converse and Mr. Pointon stated that they would have the additional lanes installed prior to opening any business.

There was no one present to speak for or against the application.

Mr. Richey motioned to approve the application with the stipulation that the acceleration/deceleration lane be completed before issuance of a Certificate of Occupancy on the commercial portion of the PUD. Mr. Holloway seconded. Vote taken: Jones – Aye, Vaughn – Aye, Martin – Aye, Benson - Aye; Defuria - Aye, Richey – Aye, Holloway - Aye. The item was approved with stipulations.

Discussion and possible action to establish a policy regarding requests to defer consideration of matters on the Planning Commission agenda.

Ms. Crawford explained that due to the large number of deferrals being requested; she felt that it would be helpful to establish a policy regarding deferrals. She added that a few things to be considered in the policy would be:

- Applicant must have a valid reason for requesting deferral.
- Limit the number of deferrals that can be requested.
- Applicant must be present to request deferral.
- Only the Planning Commission can grant deferrals.

Mr. Sean Reiger, legal counsel for Sooner Traditions, stated that each city or town that he dealt with had their own way of dealing with deferrals or continuances. He added that internet and/or social media sites were a good way to inform the public about deferred items. He also added that he would be happy to offer his suggestions to the Planning Commission's policy.

There was discussion among the Board members, planning staff and legal counsel regarding deferral policy ideas.

Mr. Jones asked that planning staff, along with legal counsel prepare a draft policy for the Board's review by January 2016.

Ms. Martin motioned to allow planning staff along with legal counsel to prepare a policy regarding deferral within the next two months. Defuria seconded the motion. Vote taken: Jones – Aye, Vaughn –Aye, Martin – Aye, Benson - Aye; Defuria - Aye, Richey – Aye, Holloway - Aye. Planning staff was approved to begin preparation of a draft deferral policy.

Discussion in regards to ground water supply specifically in the unincorporated area of Oklahoma County.

Mr. Trumbo stated that he wanted a water study done for unincorporated Oklahoma County. He added that he had since learned that OWRB (Oklahoma Water Resources Board) had done a study for the whole Garber Wellington aquifer and that ACOG (Association of Central Oklahoma Governments) had been doing smaller studies within the county. He explained that the fees already paid by the County included the water studies being done by ACOG.

Mr. Trumbo gave an overview of where the aquifer and its recharge sites were. He stated that Oklahoma County needed to start the process of getting better educated regarding its water supply.

Mr. Tom Fisher, president of the Sportsman Lake Addition HOA, explained he had no access to clean underground water in his addition. He wanted the commission to be aware of issues with ground water when approving housing developments now and in the future.

Discussion and possible action to receive September 2015 Fee Fund Report.

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

New Business: In accordance with the open Meetings Act, Section, 311.9, New Business is defined, as any matter not known about or which could not have been reasonably foreseen prior to the time of posting the Agenda.

There was no new business.

Adjournment:

Mr. Richey motioned to adjourn. Ms. Martin seconded. Vote taken: Jones – Aye, Vaughn –Aye, Martin – Aye, Benson - Aye; Defuria - Aye, Richey – Aye, Holloway - Aye. The meeting was adjourned at 3:22 p.m.

Approved this _____ day of _____, 2015

**OKLAHOMA COUNTY
PLANNING COMMISSION**

Will K. Jones, Chairman

ATTEST:

Tyler Gammon, Jr.,

Secretary