

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

September 17, 2015

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. Charles Defuria, Member
Mr. David Richey, Member
Ms. Irene Martin, 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: (August 20, 2015)

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

(Deferred Item) Discussion and possible action to approve/deny the General Plat of Covell Creek (GP-2015-03).

Application of: **GARRETT DEVELOPMENT, LLC**

The applicant proposed developing a single-family, residential subdivision with 499 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. Jones gave a short summary of the deferred item by reading the staff report which listed the dates of the planning commission and district court hearings for the application. He also gave a summary of the conditions placed upon the developer required for approval of the plat.

Ms. Crawford stated that the zoning issues were still in litigation. She added it would be inappropriate to vote on a plat issue at this time.

Mr. David Box, attorney for the applicant, requested to continue the item indefinitely until a final judgment had been entered regarding the zoning issues for the proposed plat in district court or Supreme Court.

Mr. Jason Dunn, counsel for the Deer Creek Community Association, stated that he and his clients did not oppose the deferral request.

Mr. Richey motioned to defer the item indefinitely until such time that the courts rendered a decision on the zoning issue. Mr. Defuria seconded. Vote taken: Jones – Aye, Vaughn –Aye, Defuria – Aye, Richey – Aye, Martin – Aye, Holloway - Aye. The item was continued indefinitely.

(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. Gammon stated that staff had received a letter from the applicant requesting a deferral of the item until the October 15, 2015 planning commission meeting.

Mr. Kamron Massumi, attorney for the adjacent property owner, stated that he felt that the plat should be denied due to the industrial activities adjacent to the property. He felt that the industrial nature of his client's property was not conducive to residential activities.

Mr. Richey motioned to defer the item indefinitely. Mr. Holloway seconded.

Ms. Crawford stated if a date for the new hearing was not set; publication and notices would be required to be sent out again in order to inform the general public of the new meeting date.

The motion was withdrawn.

The applicant was not present to speak on behalf of the deferral request.

Mr. Richey motioned to defer the item until the October 15, 2015 planning commission meeting as requested in writing by the applicant. Mr. Holloway seconded the motion. Vote taken: Jones – Aye, Vaughn –Aye, Defuria – Aye, Richey – Aye, Martin – Aye, Holloway - Aye. The item was deferred.

Discussion and possible action to approve/deny a zoning change from AA-Agricultural and Rural Residential District to RA-Acreage Residential District (Z-2015-06)

Application of: **CRAFTON TULL & ASSOCIATES**

The applicant proposed developing a single-family residential subdivision. Each lot would be a minimum of one (1) acre in size per the zoning request. If approved the subdivision (**Mystic Lake**) would have 108 lots on 153.359 acres. The following is the legal description of the property:

A tract of land situated within the Northeast Quarter (NE/4) of Section Eighteen (18), Township Fourteen North (T14N), Range Three West (R3W), of the Indian Meridian (I.M.), Oklahoma County, Oklahoma; being more particularly described as follows: Commencing at the Northeast corner of said NE/4; thence S00°11'01"E along the East line of said NE/4 a distance of 541.39 feet to the Point of Beginning; thence continuing; S00°11'01"E along said East line a distance of 2096.97 feet; thence N89°22'12"W a distance of 1977.72 feet; thence S00°07'56"E a distance of 5.13 feet; thence N89°31'49"W a distance of 659.53 feet; thence N00°10'25"W a distance of 3.71 feet; thence N89°13'06"W a distance of 1.17 feet to a point on the West line of said NE/4; thence N00°04'25"W along said West line a distance of 2647.35 feet to a point on the North line of said NE/4; thence S89°14'39"E along said North line a distance of 1983.46 feet; thence S00°45'21"W a distance of 330.00 feet; thence S89°14'39"E a distance of 327.22 feet; thence S00°45'21"W a distance of 211.32 feet, thence S89°14'39"E a distance of 331.66 feet to the Point of Beginning. Said tract contains 6,680,312 Square Feet or 153.359 Acres more or less.

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

Mr. Gammon gave the staff report stating that the proposed development was comparable to the neighboring subdivisions. He added that all documentation had been submitted.

Mr. Kendall Dillon, Crafton Tull & Associates, gave a brief summary of the proposed development stating that sanitary sewer was not accessible and Deer Creek Water Corp. wouldn't commit to serving water without charging exorbitant fees, requiring relinquishment of the water rights on the proposed development and installation of three wells on site. He added that several surrounding neighborhoods had higher density than the proposed development. He also stated that the proposed subdivision was in conformance with the development pattern in the area.

Mr. Lawrence Grable, Highland Park resident, was present to voice his opposition to the proposed development for the following reasons:

- Had not been contacted by applicant regarding the proposed development

- Not in conformance with Master Plan
- Would like to see minimum 2 acre lots
- Too many septic tanks
- Water quantity and quality issues

Mr. Vaughn asked Mr. Grable how large his lot was and if he had opposed the previously approved Estates at Coffee Creek subdivision.

Mr. Grable replied that he lived on a 1 acre lot and that he had indeed been present to oppose the Estates at Coffee Creek neighborhood.

Mr. Vaughn asked Mr. Dunn if he and his clients had opposed the Estates at Coffee Creek subdivision.

Mr. Dunn answered that he and his clients did not oppose the Estates at Coffee Creek neighborhood.

Mr. Holloway motioned to approve the application. Ms. Martin seconded. Vote taken: Jones – Aye, Vaughn – Aye, Defuria – Aye, Richey – Aye, Martin – Aye, Holloway - Aye. The rezoning application was approved.

Discussion and possible action to approve/deny the General Plat of Mystic Lake (GP-2015-06).

Application of: **CRAFTON TULL & ASSOCIATES**

The applicant proposed developing a single-family residential subdivision. Each lot would be a minimum of one (1) acre in size. If approved the subdivision (**Mystic Lake**) would have 108 lots on 153.359 acres. The following is the legal description of the property:

A tract of land situated within the Northeast Quarter (NE/4) of Section Eighteen (18), Township Fourteen North (T14N), Range Three West (R3W), of the Indian Meridian (I.M.), Oklahoma County, Oklahoma; being more particularly described as follows: Commencing at the Northeast corner of said NE/4; thence S00°11'01"E along the East line of said NE/4 a distance of 541.39 feet to the Point of Beginning; thence continuing; S00°11'01"E along said East line a distance of 2096.97 feet; thence N89°22'12"W a distance of 1977.72 feet; thence S00°07'56"E a distance of 5.13 feet; thence N89°31'49"W a distance of 659.53 feet; thence N00°10'25"W a distance of 3.71 feet; thence N89°13'06"W a distance of 1.17 feet to a point on the West line of said NE/4; thence N00°04'25"W along said West line a distance of 2647.35 feet to a point on the North line of said NE/4; thence S89°14'39"E along said North line a distance of 1983.46 feet; thence S00°45'21"W a distance of 330.00 feet; thence S89°14'39"E a distance of 327.22 feet; thence S00°45'21"W a distance of 211.32 feet, thence S89°14'39"E a distance of 331.66 feet to the Point of Beginning. Said tract contains 6,680,312 Square Feet or 153.359 Acres more or less.

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

Mr. Gammon gave the staff report stating that this was a companion item to the zoning application showing the proposed general layout of the neighborhood. He added that in the preliminary plat phase there could be modifications made to the plat in order to conform to all county zoning and subdivision regulations.

Mr. Kendal Dillon, Crafton Tull & Associates, stated that there would be 108, one acre lots with an existing pond used as an amenity and for detention. He reaffirmed that the proposed development would have private individual wells and septic tanks.

Mr. Richey asked the applicant if he was in negotiations with Deer Creek Water Corp. to serve water.

Mr. Dillon replied that he was not in negotiations with Deer Creek Water Corp. He added that in discussions it was determined that water service was inaccessible due to distance and cost.

Ms. Martin asked if there would be sidewalks installed throughout the development.

Mr. Dillon replied that there would be sidewalks installed.

Mr. Jones asked if the existing pond was separate from the pond in the neighboring subdivision.

Mr. Dillon answered that the ponds were on the same basin, but were separated by a dam that was on his client's property.

Ms. Crawford asked how maintenance of the dam would be conveyed.

Mr. Dillon stated that dam maintenance was to be handled by the HOA and stated as such on the final plat.

Mr. Cory Beagles, Deer Creek Fire Chief, stated that he hated to see new developments established without fire hydrants.

Mr. Brandt stated that fire hydrants were not required in RA zoning; only RS and denser zoning classifications. He added while it would be ideal to have them; it was not required for this development.

Tom Fisher, Sportsman Lake Estates resident, was present to voice his concerns about the pond and how it should be maintained.

Ms. Martin motioned to approve the application. Mr. Defuria seconded the motion. Vote taken: Jones – Aye, Vaughn –Aye, Defuria – Aye, Richey – Aye, Martin – Aye, Holloway - Aye. The general plat was approved.

Mr. Gammon reminded the applicant that the preliminary plat must be applied for within one year of approval of the general plat.

Discussion and possible action to approve/deny a zoning change from AA-Agricultural and Rural Residential District to a Planned Unit Development (PUD-2015-03).

Application of: **CRAFTON TULL & ASSOCIATES**

The applicant proposed developing a commercial parcel governed by specific units within the CG-Urban General Commercial and Office Districts as provided in the current Oklahoma

County Zoning Regulations. If approved the parcel (**The Shoppes at Mystic Lake**) would encompass 6.545 acres. The following is the legal description of the property:

A tract of land situated within the Northeast Quarter (NE/4) of Section Eighteen (18), Township Fourteen North (T14N), Range Three West (R3W), of the Indian Meridian (I.M.), Oklahoma County, Oklahoma; being more particularly described as follows: Beginning at the Northeast corner of said NE/4; thence S00°11'01"E along the East line of said NE/4 a distance of 541.39 feet; thence N89°14'39"W a distance of 331.66 feet; thence N00°45'21"E a distance of 211.32 feet; thence N89°14'39"W a distance of 327.22 feet; thence N00°45'21"E a distance of 330.00 feet to a point on the North line of said NE/4; thence S89°14'39"E along said North line a distance of 650.00 feet to the Point of Beginning. Said tract contains 285,114 Square Feet or 6.545 Acres more or less.

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

Mr. Gammon gave the staff report stating that the proposed commercial area fell under the general guidelines of the CG zoning district. He added that by making the commercial area a PUD, the applicant was able to exclude several uses from the CG zoning district.

Mr. Dillon, stated that the PUD area would encompass 6.5 acres. He added that he and his client had excluded 33 of the 51 uses in the CG zoning district that they felt were not suitable for residential areas. He added that to make the commercial area more compatible with the residential area they included the following stipulations:

- Allow monument signs only; no pole signs or LED signs
- Provide 25 square feet of landscaping around all signs
- Provide buffer between residential and commercial areas which would include a 6-foot sight-proof fence with 5-foot of landscaping
- All dumpsters would be screened and consolidated

Ms. Martin asked if there would be sidewalks to the commercial area from the neighboring subdivisions.

Mr. Dillon stated that there would be a sidewalk from his development to the commercial area so that Mystic Lake residents could access the PUD without using a car.

Mr. Jones reaffirmed that the PUD would not be served by sanitary sewer.

Mr. Dillon explained that the corner was not quite ready to be developed for commercial purposes. He added that ultimately, when the commercial corner was ready to be developed, he and his client would approach Oklahoma City again about servicing the commercial area with sewer. He added that obtaining water would probably still be an issue, but felt the area could be maintained with wells.

Mr. Vaughn asked for a definition of a kennel.

Mr. Brandt and Mr. Dillon explained that any kennel in the proposed PUD would have all activities enclosed with no outside boarding of animals.

Mr. Defuria motioned to approve the PUD application. Mr. Richey seconded. Vote taken: Jones – Aye, Vaughn –Aye, Defuria – Aye, Richey – Aye, Martin – Aye, Holloway - Aye. The application was approved.

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

Mr. Richey motioned to receive the fee fund report. Mr. Holloway seconded. Vote taken: Jones – Aye, Vaughn –Aye, Defuria – Aye, Richey – Aye, Martin – 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, Defuria– Aye, Richey – Aye, Martin – Aye, Holloway - Aye. The meeting was adjourned at 2:35 p.m.

Approved this _____ day of _____, 2015

**OKLAHOMA COUNTY
PLANNING COMMISSION**

Will K. Jones, Chairman

ATTEST:

Tyler Gammon, Jr.,

Secretary