

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

January 21, 2016

1:32 p.m.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Mr. Will K. Jones, Chairman, at 1:32 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

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 17, 2015)

Mr. Holloway motioned to approve the minutes of the previous meeting. Mr. Benson seconded. Vote taken: Jones – Aye, Benson – Aye, Martin – Aye, 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. Gammon stated that staff had received a letter requesting deferral of the application.

Mr. Sean Reiger, attorney for the applicant, requested a deferral until the February Planning Commission meeting due to continued negotiations with utility providers for the proposed development. He added that progress had been made in their discussions and that he hoped to have all issues resolved by the next Planning Commission meeting.

Mr. Richie motioned to accept the deferral request until the February 18, 2016 Planning Commission meeting. Mr. Defuria seconded. Vote taken: Jones – Aye, Benson – Aye, Martin – Aye, Defuria - Aye, Richey – Aye, Holloway - Aye. The item was deferred.

Discussion and possible action to approve/deny the Final Plat of “Jones Arbor” (FP-2015-01).

Application of:

**RED PLAINS PROFESSIONAL, INC for
CONSTRUCTION CLEAN UP, LLC**

The applicant proposed developing a single family residential subdivision. Each lot would be a minimum of five (5) acres in size. If approved the subdivision (**Jones Arbor**) would have 8 lots on 79.6537 acres. The following is the legal description of the property:

The East Half (E/2) of the Southeast Quarter (SE/4) of Section Four (4), Township Twelve (12) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma. Said tract containing 79.6537 acres.

Location: NE 63rd & Hiwassee (County Highway District #1)

Mr. Gammon stated that this application was the final step in the platting process. He added that all requirements had been met and the mylar was available to be signed if approved.

Mr. Greg Massey, engineer for the applicant, was present to answer any questions regarding the application.

There were no others present to speak for or against the application.

Mr. Benson motioned to approve the application. Ms. Martin seconded. Vote taken: Jones – Aye, Benson – Aye, Martin – Aye, Defuria - Aye, Richey – Aye, Holloway - Aye. The final plat of Jones Arbor was approved.

Discussion and possible action to approve/deny a zoning change from AA- Agricultural and Rural Residential District to Planned Unit Development (PUD-2015-04).

Application of:

GRUBBS CONSULTING, LLC

The applicant proposed developing an industrial office/warehouse/commercial parcel governed by all uses within the IU-Urban Industrial & CG-Urban General Commercial and Office Districts as provided in the current Oklahoma County Zoning Regulations. If approved the parcel (**Waterloo-Coltrane Development**) would encompass 38.1632 acres. The following is the legal description of the property:

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 (County Highway District #3)

Mr. Gammon explained that this project had been heard previously as a straight re-zoning application. He added that the applicant had come back with a Planned Unit Development which restricted some allowable uses.

Mr. Mark Grubbs, applicant, stated that he had broken down the PUD in to three tracts. He stated that tracts one and three would essentially be IU-Urban Industrial; while tract two would be CG – Urban General Commercial and Office. He added that several uses were deleted that he felt were not comparable to adjacent uses. He also stated there would be restricted access to the development with drives separated by no less than 200 feet for tracts one and two. He explained that tract three would have a single street that would serve all lots.

Mr. Jones asked the applicant if he had a signage plan for the development.

Mr. Grubbs replied that he had no specific plan at this time but would follow all Oklahoma County building codes and zoning regulations.

Mr. Jones asked the County Engineer if he preferred receiving the “fee in lieu of” or would he prefer the applicant build out the additional ingress/egress lane. He also asked if it would be a good idea to also complete the additional lane in front of the Dollar General store at the same time since the County previously received monies for the improvement of that frontage.

Mr. Trumbo explained that because of the amount of frontage the proposed development had; it would be ideal for the developer to complete the required additional lane. He added that it would

be optimal for the County to do a joint project with the applicant to also include the completion of the additional lane in front of the Dollar General store. He also added that the improvement of the Dollar General frontage would be funded by Oklahoma County from monies received from Dollar General.

Mr. Jones acknowledged that he would like to see the ingress/egress lane completed since the proposed developed had the largest amount of frontage that had been seen since adoption of the “fee in lieu of” development option.

Mr. Jones asked if the proposed PUD had the required fifteen percent open space.

Mr. Grubbs stated the PUD would have the required amount of open space. He added that the open space would be spread throughout all three tracts, but maybe not equally. He stated that tract two may have a little more open space than tracts one and three.

There were no others present to speak for or against the application.

Mr. Defuria motioned to approve the application with the stipulation that at the time of the final plat the ingress/egress lanes would be built and completed along Coltrane Ave & Waterloo Road and would include completion of Dollar General’s additional lane to be funded by Oklahoma County. Mr. Richey seconded the motion. Vote taken: Jones – Aye, Benson – Aye, Martin – Aye, Defuria - Aye, Richey – Aye, Holloway - Aye. The item was approved with conditions.

Discussion and possible action to approve/deny the Preliminary Plat of Estates at Coffee Creek (PP-2015-04).

Application of: **CRAFTON TULL & ASSOCIATES for
COFFEE CREEK & PENN, LLC**

The applicant proposed developing a portion of a single family residential subdivision with 44 lots on 56.6159 acres. The minimum lot size will be 1.0 acre. The following is the legal description of the property:

A tract of land situated within the Southeast Quarter (SE/4) of Section Seven (7), 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 Southeast corner of said SE/4; thence N89°14'44"W along the South line of said SE/4 a distance of 750.00 feet to the Point of Beginning; thence continuing N89°14'44"W a distance of 1883.48 feet to the Southwest corner of said SE/4; thence N00°16'04"W along the West line of said SE/4 a distance of 1356.89 feet; thence S51°54'52"E a distance of 525.16 feet; thence N00°45'16"E a distance of 41.79 feet; thence S89°14'44"E a distance of 60.00 feet; thence S44°14'44"E a distance of 35.36 feet; thence S89°14'44"E a distance of 178.73 feet; thence N00°45'16"E a distance of 250.00 feet; thence N79°04'04"E a distance of 197.47 feet; thence S89°14'44"E a distance of 776.23 feet; thence S18°51'26"E a distance of 368.03 feet; thence S44°42'35"E a distance of 364.54 feet; thence N45°17'25"E a distance of 40.19 feet; thence S44°42'35"E a distance of 310.00 feet; thence S45°17'25"W a distance of 535.77 feet; thence S00°45'16"W a distance of 171.98 feet to the Point of Beginning.

Location: NW 220th & Pennsylvania (County Highway District # 3)

Mr. Gammon stated that staff had received a letter from the applicant requesting a deferral.

Mr. Kendall Dillon, Crafton Tull & Associates, explained that Oklahoma County Planning staff had sent several corrections that needed to be made to construction plans for his development. To ensure that all required revisions had been made he requested a deferral until the February meeting.

Mr. Benson motioned to accept the deferral request. Mr. Richey seconded. Vote taken: Jones – Aye, Benson – Aye, Martin – Aye, Defuria - Aye, Richey – Aye, Holloway - Aye. The item was deferred until the February 18, 2016 Planning Commission meeting.

Discussion and possible action in regards to a Policy Draft for deferring Planning Commission Agenda Items.

Mr. Gammon distributed a copy of the draft deferral policy which read as follows:

1. Deferrals may not be granted beyond 1 year.
2. Deferral may be granted in single or multiple periods (2 mo., 4 mo., 6mo., etc.).
3. Applicant must have a valid reason for requesting deferral. If deferral request reason still exists after 1 year of negotiations, a new application must be submitted.
4. All requests for deferral must be in writing and forwarded to the Planning Department five days before the meeting.
5. Applicants and/or their representative must also appear in person before the Planning Commission to verify that the written request is legitimate.

Mr. Jones asked where the deferral policy would be recorded when approved.

Ms. Crawford suggested that it be added to the Oklahoma County Zoning Regulations under meeting guidelines for the Planning Commission. She added that the proposed policy could also be done as a resolution and posted on the County website.

Ms. Crawford stated that she was in agreement with the one year deferral limitation, but explained some circumstances may require a deferral beyond one year. For example, she explained that an appeal to district court could require a deferral beyond a year as the court system was usually pretty slow.

Mr. Jason Dunn, representative for Deer Creek Community Association, was present to provide his opinion on the proposed deferral policy. He had the following suggestions:

- Have applicant send letter to request deferral and be present to speak on behalf of the request
- Send deferral request letter to homeowners
- Make sure deferral request is received in time to place a note regarding deferral on the corresponding agenda
- Add a line to agenda that states “deferral request letter has been submitted for Board’s consideration and approval”
- Any deferral that may go beyond suggested one year time frame must show good cause or have some other extenuating circumstances
- Would prefer to see a 6-month deferral limitation as opposed to one year

Mr. Tom Fisher, resident of Sportsman Lake Estates, asked if notice of deferral requests could be sent to him.

Ms. Crawford replied that giving the public access to the agenda via the internet and physically posting at the courthouse was all the law required of planning staff. She added that placing a note on the agenda regarding a deferral should be sufficient notice for residents. If the county website was down for whatever reason, it would be the resident's responsibility to make a phone call to planning staff or come to the courthouse to verify any changes to the agenda.

Mr. Fisher asked what criteria would constitute denying a deferral.

Ms. Crawford and Mr. Richie explained that failure to submit all required documentation and dragging on an application forever with infrastructure issues with no clear resolution in sight could both be causes for denial of a deferral request.

Ms. Martin asked that the following statement be added to the proposed deferral policy, "An additional deferral may be granted beyond one year if extenuating circumstances exist."

Mr. Richey stated that he was not comfortable with the one year deferral limit. He added that he would prefer it be set to six months.

Mr. Fisher asked what the next step was if a deferral was denied.

Mr. Jones answered that the applicant would have to submit a new application.

Ms. Crawford explained that once a deferral was denied then the floor would be opened up for discussion of the application. She went on to say that at that time the Planning Commission could deny the application or approve it but some action had to be taken. She also reminded the Board that if an application was denied the applicant would have to wait 90 days before submittal of a new application.

Ms. Martin motioned to direct planning staff to finalize deferral policy and prepare said policy in resolution form to be reconsidered at the February Planning Commission meeting. Mr. Richey seconded. Vote taken: Jones – Aye, Benson – Aye, Martin – Aye, Defuria - Aye, Richey – Aye, Holloway - Aye. The item would be revisited at the February Planning Commission meeting.

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

Mr. Richey motioned to receive the fee fund report. Mr. Holloway seconded. Vote taken: Jones – Aye, Benson – Aye, Martin – 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:

Ms. Martin motioned to adjourn. Mr. Richey seconded. Vote taken: Jones – Aye, Vaughn –Aye, Martin – Aye, Benson - Aye; Defuria - Aye, Richey – Aye, Holloway - Aye. The meeting was adjourned at 2:56 p.m.

Approved this _____ day of _____, 2016

**OKLAHOMA COUNTY
PLANNING COMMISSION**

Will K. Jones, Chairman

ATTEST:

Tyler Gammon, Jr.,
Secretary