

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

June 16, 2016

1:31 p.m.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Mr. David Richey, Senior Member, at 1:31 p.m., in Room 204, Oklahoma County Office Building, 320 Robert S. Kerr, with the following individuals present:

Mr. Charles Defuria, Member
Mr. David Richey, Member
Ms. Irene Martin, Member
Mr. Ray Vaughn, County Commissioner, District 3

Also in attendance:

Mr. Tyler Gammon, Secretary
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: (May 19, 2016)

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

Annual Election of Officers: (Chair & Vice)

Ms. Martin motioned to defer the annual election of officers until the next Planning Commission meeting. Mr. Defuria seconded the motion. Vote taken: Vaughn – Aye, Defuria – Aye, Richey – Aye, Martin – Aye. The election was deferred until the July 21, 2016 meeting.

(Deferred Item) Discussion and possible action to approve/deny the Preliminary Plat of “The Meadows at MacArthur Park” (PP-2015-01). We are in receipt of a written request from the applicant to defer the hearing of this application until the August 18, 2016 Planning Commission meeting.

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 two-month deferral.

Mr. Steve Rollins, engineer for the applicant, stated that he wished to defer the item until the August 18, 2016 Planning Commission meeting. He added that they were still in negotiations with Deer Creek Water regarding water service. He acknowledged that they felt that they were very close in reaching an agreement with the water corporation.

Ms. Martin motioned to accept the deferral request. Mr. Defuria seconded. Vote taken: Vaughn – Aye, Defuria – Aye, Richey – Aye, Martin – Aye. The item was deferred until the August 18, 2016 Planning Commission meeting.

(Deferred Item) Discussion and possible action to approve/deny a zoning change from AA – Agricultural and Rural Residential District to Planned Unit Development (PUD-2016-02).

Application of: **JODIE RUSSELL dba SWISHER INVESTMENTS**

The applicant proposed bringing the property into compliance with current zoning regulations and legalizing an existing Events Center (**The Manor at Coffee Creek**) on 14.766 acres. If approved, the PUD would allow the owner to continue the operation and expand operations if deemed necessary under the guidelines of an approved PUD. The following is the legal description of the property:

A part of the Northeast Quarter (NE/4) of Section Fourteen (14) Township Fourteen (14) North, Range Four (4) West, of the Indian Meridian, Oklahoma County, Oklahoma being more particularly described as follows:

Commencing at a Mag Nail set at the Northeast corner of said Northeast Quarter (NE/4); Thence S 89 degrees 43 feet 45 inches W, along the North line of said Northeast Quarter (NE/4), a distance of 1325 feet, more or less, to a set Mag Nail; Thence S 00 degrees 15 feet 55 inches E, a distance of 33.00 feet, more or less, to a 3/8" Iron Rod set for the Point of Beginning on the South right-of-way line of NW 220th Street; Thence N 89 degrees 43 feet 45 inches E, along said right-of-way and parallel with the North line of said Northeast Quarter (NE/4), a distance of 152.49 feet, more or less, to a 3/8" Iron Rod set at the Northwest corner of tract described in Report of Commissioners recorded in Book 11906, Page 78; Thence along said tract described in said Report of Commissioners, for the following Eight (8) courses: Thence S 34 degrees 21' 51" E, a distance of 489.70 feet, more or less, to a set 3/8" Iron Rod; Thence S 08 degrees 19' 48" E, a distance of 176.78 feet, more or less, to a set 3/8" Iron Rod; Thence S 09 degrees 15' 44" W, a distance of 152.07 feet, more or less, to a set 3/8" Iron Rod; Thence S 00 degrees 11' 43" W, a distance of 725.02 feet, more or less, to a set 3/8" Iron Rod; Thence S 00 degrees 12' 00" E, a distance of 50.00 feet, more or less, to a set 3/8" Iron Rod; Thence S 58 degrees 22' 14" W, a distance of 105.48 feet, more or less, to a set 3/8" Iron Rod; Thence S 89 degrees 48' 00" W, a distance of 110.00 feet, more or less, to a set 3/8" Iron Rod; Thence S 00 degrees 12' 00" E, a distance of 155.00 feet, more or less, to a set 3/8" Iron Rod set at the Southwest corner of said tract; Thence S 89 degrees 48' 00" W, a distance of 220.53 feet, more or less, to a set 3/8" Iron Rod; Thence N 00 degrees

15' 55" W, a distance of 1,715.02 feet, more or less, to the Point of Beginning, Said described tract of land contains an area of 14.768 acres, more or less.

Location: NW 220th & Portland Ave. (County Highway District #3)

Mr. Gammon gave a brief summary of the application stating that the item was previously deferred due to lack of written permission from the owner allowing the zoning change. He added that staff had received a letter acknowledging the owner's request to let the zoning change proceed.

Mr. Jodie Russell, applicant, stated that the owner was never in disagreement with the rezoning; he only wished to resolve any issues the proposed re-zoning could have on his neighboring subdivision.

Mr. Defuria asked if all requirements had been met.

Mr. Russell replied that he had complied with all requirements set forth by planning staff.

Mr. Brandt explained that the applicant's PUD statement had been revised to address possible noise issues and construction of monument-type signage only.

Mr. Vaughn asked again if the applicant had actually met all of the requirements set forth including, but not limited to, building permits and inspections.

Mr. Brandt explained that approving the PUD would correct the non-conforming use and allow the applicant to then apply for a building permit and have inspections conducted by Oklahoma County.

Mr. Vaughn asked if any objections had been received.

Mr. Gammon answered that no protests had been received.

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

Discussion and possible action to approve/deny a Special Use Permit (SUP-2016-02)

Application of: **FIREWORKS CENTER 25, LLC**

The applicant proposed renewing a special use permit for a "Year Round Fireworks Sales Facility" within an existing warehouse. The following is the site description to be considered:

A part of Lot One (1) of the Northwest Quarter (NW/4) of Section Eighteen (18), Township Twelve (12) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows, to-wit: Beginning at the Northwest Corner of Lot One (1) of the Northwest Quarter (NW/4); Thence East 757.2876 feet; Thence South 330.00 feet; Thence West to the West line of Lot One (1); Thence North to Beginning. LESS AND EXCEPT a tract on the West deeded to Oklahoma County for road purposes, said deed being recorded in Book 55, page 177 of the records of Oklahoma County, Oklahoma, AND FURTHER LESS AND EXCEPT a strip, piece or parcel of land lying in part of Lot One (1) of the Northwest Quarter (NW/4) of Section Eighteen (18), Township

Twelve (12) North, Range Two (2) West, Oklahoma County, Oklahoma, said parcel of land being described by metes and bounds as follows: Beginning at a point 33.00 feet east of the West line: Thence East on a line parallel to and 33.00 feet South of said North line a distance of 32.00 feet; Thence South 00°08'33" East a distance of 311.75 feet; Thence North 14°10'49" West a distance of 131.86 feet to a point 33.00 feet East of the West line of said Lot One (1); Thence North 00°08'33" West a distance of 183.75 feet to the Point of Beginning.

Location: 2820 NE 50th St., Oklahoma City, Oklahoma
(County Highway District #1)

Mr. Gammon stated that this Special Use Permit was a recurring item every year. He added that the Planning Commission year-round fireworks sales regulation required a yearly renewal of the special use permit. He explained that the year-round fireworks sales SUP was the only one required to have time constraints.

Mr. Ken Hartzog, applicant, was present to answer questions.

Ms. Martin motioned to approve the special use permit. Mr. Defuria seconded the motion. Vote taken: Vaughn – Aye, Defuria – Aye, Richey – Aye, Martin – Aye. The item was approved.

Discussion and possible action to approve/deny a zoning change from AA-Agricultural & Rural Residential District to CG-General Commercial and Office District (Z-2016-01).

Application of: **CHICKASAW NATION**

The applicant proposed developing and operating a Senior Citizens Center and Wellness Center for social gatherings for owners, employees, and general public leasing. The property previously operated as the "Sportsman's Club" in a non-conforming use status which now requires a zoning change to allow for expansion of uses. The following is the site description to be considered:

A tract of land lying in the West Half (W/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) and the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of section 14, Township 12 North, Range 4 West of the Indian Meridian, Oklahoma County, Oklahoma, and being more particularly described as follows: BEGINNING at the northwest corner of the Southeast Quarter of said Section 14; THENCE South 89°48'08" East, along the north line of said Southeast Quarter a distance of 1,983.66 feet to the northeast corner of the West Half of the Northeast Quarter of said Southeast Quarter; THENCE South 00°03'53" East, along the east line of said West Half of the Northeast Quarter of the Southeast Quarter, a distance of 1,314.85 feet to the southeast corner of said West Half of the Northeast Quarter of the Southeast Quarter; THENCE North 89°54'19" West, along the south line of said West Half of the Northeast Quarter of the Southeast Quarter, and continuing along the south line of the Northwest Quarter of the Southeast Quarter of said Section 14, a distance of 1,984.50 feet to the southwest corner of the Northwest Quarter of said Southeast Quarter; THENCE North 00°01'40" West, along the west line of said Southeast Quarter, a distance of 77.40 feet to a point on the north right-of-way line of Northwest 39th Street as established by the EASEMENT in favor of Oklahoma County recorded in Book 1815, Page 317, and subsequently assigned to the State of Oklahoma by the EASEMENT recorded in Book 1974, Page 549, said point being 1,241.02 feet South 00°04'40" East of the northwest corner of the said Southeast Quarter; THENCE South 89°53'30" East, along said north right-of-way line, a distance of 630.00 feet; THENCE North 00°01'40" West, parallel with the west line of said Southeast Quarter, a distance of 227.00 feet; THENCE North 52°35'39" West a distance of 187.16 feet; THENCE North 50°57'04" West a distance of 156.53 feet; THENCE North 74°49'45" West a distance 297.95 feet; THENCE North 89°45'06" West a distance of 72.34 feet to a point on the west line of said

Southeast Quarter; THENCE North 00°01'40" West, along said west line, a distance of 724.62 feet to the POINT OF BEGINNING.

Location: 4001 NW 39th St. (Sportsman's Club) (County Highway District #1)

Mr. Gammon gave the staff report and stated that the land in question was formerly called the Sportsman's Club. He added that the Sportsman's Club had been under a non-conforming use status. He also added that the property had been cleared in hopes of being developed as a wellness and senior citizens center.

Mr. Wayne King, director of tribal development, stated that the Chickasaw Nation had been searching for property to serve the Chickasaw community in the Oklahoma City area. He added that they felt like the Sportsman's Lake area would be ideal to construct an upscale, park-like, community and senior center. He stated that hopefully in the future they could also construct a wellness center.

Mr. King provided renderings and a proposed site plan for the project.

Mr. Vaughn asked if the applicant was required to re-zone to the CG zoning district or if he had other options.

Mr. Brandt explained that the applicant could have also re-zoned to a PUD.

Mr. Defuria was concerned that the CG zoning district allowed for too many uses.

Mr. King explained that the proposed development was surrounded by intensive commercial and industrial uses on three sides. He added that he had spoken with the residential residents that could be affected by the project and they were all excited about the project.

Mr. Gammon stated that no protests had been received.

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

Discussion and possible action to approve/deny the Re-plat (RE-2016-02) of Deer Creek Farms, Lots 7, 8, 9, & 12 and part of Common Area A.

Application of: **MEE MEE HOGE & EPPERSON, PLLP**

The applicant proposed increasing the size of four (4) lots and decreasing the size of the common area. The following is the legal description of the properties:

Lots Seven (7), Eight (8), Nine (9), Twelve (12) and A Part of Common Area A, all in Block Two (2) of Deer Creek Farms, a Subdivision in the Southeast Quarter (SE/4) of Section Twenty-One (21), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma; Being more particularly described by Curtis Lee Hale, LS 1084 on April 21, 2016, with metes and bounds as follows: Commencing at the Northeast corner of said SE/4; Thence South 89°49'33" West as the basis of bearing on the North line of said SE/4 for a distance of 1800.01 feet, Thence South 00°00'00" West for a distance of 368.74 feet to the Point of Beginning; said point being the Northeast corner of said Lot 9 of Deer Creek Farms; Thence continuing South 00°00'00" West on the East Line of said Lot 9 for a distance of 273.64 feet to a point

on the North Line of Lot 12; Thence North 89°50'10" East on the North line of said Lot 12 for a distance of 420.00 feet to the Northeast Corner of said Lot 12; Thence South 00°00'00" East for a distance of 18.35 feet; Thence South 45°00'00" West for a distance of 35.36 feet; Thence North 90°00'00" West for a distance of 45.00 feet; Thence on a tangent curve to the Left, having a Radius of 60.00 feet, a Cord Bearing of South 00°00'00" East, and a Cord Distance of 120.00 feet for an Arc Length of 188.50 feet; Thence South 44°20'16" West for a distance of 233.99 feet; Thence North 50°35'14" West for a distance of 275.70 feet; Thence South 64°15'00" West on the Southerly Line of said Lot 7 for a distance of 430.69 feet to the Southwest Corner of said Lot 7; Thence North 25°45'00" West for a distance of 50.00 feet; Thence on a tangent curve to the Right, having a Radius of 542.96 feet, a Cord Bearing of North 08°37'14" West, and a Cord Distance of 319.80 feet for an Arc Length of 324.61 feet; Thence North 08°30'00" East for a distance of 121.21 feet; Thence on a tangent curve to the Right, having a Radius of 119.96 feet, a Cord Bearing of North 43°29'53" East, and a Cord Distance of 137.61 feet for an Arc Length of 146.55 feet; Thence on a compound curve to the Right, having a Radius of 1721.11 feet, a Cord Bearing of North 84°43'05" East, and a Cord Distance of 373.08 feet for an Arc Length of 373.81 feet to the Point of Beginning.

Location: NW 192nd & MacArthur Blvd (County Highway District #3)

Mr. Gammon gave a brief summary of the application stating that the applicants were only changing the sizes of their lots and common area; not creating any new lots. He added state statute did not allow the Planning Commission to approve lot line adjustments or lot splits in a platted subdivision. The process had to be completed using the re-plat method.

Mr. Kraettli Epperson, representing Lot 7 owners, stated that the common area in question was conveyed to three property owners approximately three years ago, and deeds were filed. When one of the property owners sold one of their lots, an error was discovered on the legal description for Lot 7. He added that the re-plat application was needed to fix the incorrect legal description and make the County aware of the common area division among four land owners. He explained that he was trying to make the plat match the reality of what was currently in existence.

Mr. Arlen Halverson, Lot 7 owner, was present to answer any questions.

Ms. Crawford asked how the homeowners could convey common area to themselves.

Mr. Kraettli replied that the Homeowners Association conveyed the common area to the surrounding properties owners; not the property owners themselves.

There was some confusion as to how to record the re-plat if it were approved.

Mr. Kraettli explained that he had a Mylar signed and ready to be filed but planning staff had suggested that the same result could be achieved by filing new deeds for all four lots.

Mr. Gammon stated that the Mylar was only required if new lots were being created. He stated that in this instance lot sizes would increase but there were no additional lots added. Therefore, new deeds would be sufficient to make the re-plat valid.

Mr. Brandt clarified that the existing pipeline easements leading to and being a part of the common area in question would remain in existence. There had been no effort to have the easements vacated prior to the re-plat application.

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

Discussion and possible action to receive April 2016 Fee Fund Report.

Mr. Gammon stated that there was a scrivener’s error on the agenda item. He stated that the report to be received should have read May; not April.

Ms. Martin motioned to defer the item until the July 20, 2016 meeting in order to correct the agenda item. Mr. Defuria seconded the motion. Vote taken: Vaughn – Aye, Defuria – Aye, Richey – Aye, Martin – Aye. The item was deferred.

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.

Mr. Gammon thanked the Planning Commission members for attending the Board County Commissioners’ meeting in which Mr. Roger Holloway’s widow was presented a resolution honoring Mr. Holloway’s faithful service.

Adjournment:

Ms. Martin motioned to adjourn. Mr. Defuria seconded. Vote taken: Vaughn – Aye, Defuria – Aye, Richey – Aye, Martin – Aye. The meeting was adjourned at 2:20 p.m.

Approved this _____ day of _____, 2016

**OKLAHOMA COUNTY
PLANNING COMMISSION**

Mr. David Richey, Senior Member

ATTEST:

Tyler Gammon, Jr., Secretary