

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

December 21, 2000

1:30 P.M.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Ms. Cheryl Dorrance, at 1:30 P.M., in Room 103, Oklahoma County Office Building, 320 Robert S. Kerr, with the following individuals present:

Ms. Cheryl Dorrance, Chairperson
Mr. Everett Martin, Member
Mr. Dee Wynn, Member
Mr. David Richey, Member
Mr. Will K. Jones, Member
Mr. Curtis Roberts, Member

Also in attendance:

Tyler Gammon, Jr., Secretary
Harry Fenton II, P.E., Assistant County Engineer

The Planning Commission Secretary, Mr. Gammon called roll and a quorum was declared.

A motion was made by Mr. Richey to defer approval of the minutes for the November 16, 2000 meeting due to some additions and corrections needed. Mr. Jones seconded the motion. Vote taken: Martin – Aye; Dorrance – Aye; Richey – Aye; Wynn – Aye; Jones – Aye; Roberts – Aye. The approval of the minutes was deferred until the January 18, 2001 meeting.

Deferred Item: Zoning: (Z4-00)

From: AA - Agricultural and Rural Residential District
To: CG - Urban General Commercial and Office District

Application of: **PAUL WILSON d.b.a.**
 DEER SPRINGS, L.L.C.

The applicant is requesting approval of an application for re-zoning a 5.36-acre tract from AA - Agricultural and Rural Residential District to CG – Urban General Commercial and Office District. The applicant is requesting to rezone the tract in order to develop property for the conduct of business activities to serve the surrounding residential neighborhood as well as a larger trade area. The following is the legal description of the property:

A part of the Northwest Quarter (NW/4) of Section Twenty-four (24), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma, said part being more particularly described as follows:

Beginning at the Northwest Corner of said Northwest Quarter; thence North 89°52'08" East along the North line of said Northwest Quarter a distance of 444.88 feet; thence South

00°07'52" East a distance of 50.00 feet; thence South 45°03'52" East a distance of 35.31 feet; thence South 00°00'08" West a distance of 425.00 feet; thence South 89°52'08" West a distance of 470.00 feet to a point on the West line of said Northwest Quarter; thence North 00°00'08" East along said West line a distance of 500.00 feet to the point of beginning containing 5.3589 acres more or less. (Also known as Tract 1)

**Location: Southeast Corner of Portland Ave & Covell Rd.
(County Highway District #3)**

Mr. Gammon stated that the applicant had submitted additional items for review. A Driveway Agreement with the Oklahoma Department of Transportation (ODOT) and copies of the release agreement through Cinivar Service Company the consultant for ODOT on the proposed property.

Mr. Paul LeFebre, representing the applicant Paul Wilson, stated that the factors that impact the property were location of the sewage treatment plant to the West of the property, a major arterial street, Portland Ave. which leads them to the conclusion that residential development fronting Portland would not be an appropriate plan. Mr. LeFebre stated that the area had a fairly steady traffic flow and would be a good place for a commercial project.

Mr. Jones asked about the proposed 60" gas line shown on a copy of the plat. Mr. Gammon stated that the actual gas line already exists, and the size of the pipeline is not known. In a development stage of the property the gas company wanted to show there proposed easement on the plat of 80-feet.

Mr. Richey made a motion to approve the Zoning. Mr. Roberts seconded the motion. Vote taken: Martin – Aye; Dorrance – Aye; Richey – Aye; Wynn – Aye; Jones – Aye; Roberts – Aye. The approval of the zoning was unanimous.

Deferred Item: Zoning: (Z 5-00)

**From: AA - Agricultural and Rural Residential District
To: CG - Urban General Commercial and Office District**

**Application of: PAUL WILSON d.b.a.
DEER SPRINGS, L.L.C.**

The applicant is requesting approval for re-zoning a 12.80-acre tract from AA - Agricultural and Rural Residential District to CG – Urban General Commercial and Office District. The applicant is requesting to rezone the tract in order to develop property for the conduct of business activities to serve the surrounding residential neighborhood as well as a larger trade area. The following is the legal description of the property:

A part of the Northwest Quarter (NW/4) of Section Twenty-four (24), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma, said part being more particularly described as follows:

COMMENCING at the Northwest Corner of said Northwest Quarter; thence South 00°00'08" West along the West line of said Northwest Quarter a distance of 1308.44 feet; to the point of beginning; thence from said POINT OF BEGINNING continuing South 00°00'08" West along said West line a distance of 1260.80 feet; thence South 89°59'52" East a distance of 50.00 feet; thence South 45°09'37 East a distance of 35.25 feet to a point 60.00

feet North of the South line of said Northwest Quarter; thence North 89°40'37" East along a line parallel to and 60.00 feet North of said South line a distance of 446.80 feet; thence North 00°20'11" West a distance of 888.24 feet; thence North 69°28'32" West a distance of 219.81 feet; thence North 28°26'09" West a distance of 253.43 feet; thence North 55°50'33" West a distance of 169.18 feet; thence North 89°59'52" West a distance of 50.00 feet to the point of beginning containing 12.8421 acres more or less. (Also known as Tract 2)

Location: 1,300 feet South of the Southeast Corner of Portland Ave & Covell Rd.
(County Highway District #3)

Ms. Dorrance stated that the previous item and this one were exactly the same. She asked if there was anyone present to speak on the item.

With no questions or discussion Mr. Roberts made a motion to approve the zoning. Mr. Richey seconded the motion. Vote taken: Martin – Aye; Dorrance – Aye; Richey – Aye; Wynn – Aye; Jones – Aye; Roberts – Aye. The approval of the zoning was unanimous.

General Plat: (GP 00-2) CEDAR RIDGE FARMS, SEC II

Application of: CEDAR RIDGE FARMS, LIMITED PARTNERSHIP

The applicant proposes to develop the second phase of an Acreage Single Family Residential District. The proposed project will consist of 29 lots on 40.49 acres. It is a continuation of the Cedar Ridge Farms, Section 1 project. The lot sizes and proposed home sizes will be similar to the Cedar Ridge Farms, Section 1 development. The following is the legal description of the property:

A part of the SE¼ of Section 9, T14N, R4W, I.M. Oklahoma County, Oklahoma being more particularly described as follows:

BEGINNING At the NE corner of said SE¼;
THENCE S00°31'25"W along the East section line a distance of 1,027.12 ft.;
THENCE N89°28'36"W a distance of 414.30 ft.;
THENCE S45°00'00"W a distance of 170.84 ft.;
THENCE N45°00'00"W a distance of 289.99 ft. to a point of curve;
THENCE Along a non-tangential curve to the right having a radius of 657.11 ft. for an arc length of 40.03 ft. (the chord of said curve bears N46°44'43"E a distance of 40.03 ft.);
THENCE N45°00'00"W a distance of 183.37 ft.;
THENCE N90°00'00"W a distance of 111.55 ft.;
THENCE S00°00'00"E a distance of 117.00 ft. to a point of curve;
THENCE Southerly along a curve to the left having a radius of 216.42 ft. for an arc Length of 85.24 ft. (the chord of said curve bears S11°17'02"E a distance of 84.69 ft.);
THENCE S67°25'56"W a distance of 326.05 ft.;
THENCE S45°00'00"E a distance of 61.50 ft.;
THENCE S45°00'00"W a distance of 285.55 ft.;
THENCE N45°00'00"W a distance of 102.70 ft.;
THENCE S65°00'00"W a distance of 190.02 ft.;
THENCE N00°00'00"E a distance of 1,353.53 ft. to a point on the North line of said SE¼;
THENCE N89°46'02"E along the North line of said SE¼ a distance of 1,649.37 ft. to the POINT OR PLACE OF BEGINNING

The above-described tract contains 40.49 acres, more or less, and is subject to easements, rights-of-way, and restrictions of record.

**Location: West of MacArthur Blvd, North of N. W. 220th (Coffee Creek Rd.)
(County Highway District #3)**

Mr. Gammon gave a Staff Report; the applicant had met all the requirements. He stated that there was a letter of protest that, in his opinion, seemed to be more of a civil matter. Mr. Gammon had discussed the situation with Cassandra Williams in the D.A.'s office. Her comments on the subject were also that it seemed to be a civil matter. If the suit was not over before they were ready to submit the preliminary plat the applicant could leave out the lot in question and proceed with the preliminary plat. This problem should not affect the general plat.

Mr. Earnest Isch, representing the applicant stated that the general plat is continuing the same style of the original plat (Cedar Ridge Farms, Sec. I). "We are here to ask for a concurrence of the proposed land use." He stated that the only situation in front of the Commission was whether or not this would be an appropriate use of the land.

Mr. Gammon stated that the property was previously rezoned when the original plat was developed.

Ms. Dorrance asked what the frontage was on the lots on MacArthur.

Mr. Isch stated that they varied from 200-feet to 256-feet. The lots range from 1 acre to 1.8 acres.

Mr. Paul Moslander, representing the protestor stated that there was a Notice of Lis Pendens filed that had not been released. There were two lawsuits pending in district court, one by his clients, the Moslanders' and one by Cedar Farms Limited Partnership. Mr. Moslander stated that on page 4 of the application that was submitted to the Planning Commission states that Cedar Farms Limited Partnership owns the land and is signed by Dennis Lyons. On page 5, it states that Cedar Farms Limited Partnership as the applicant and owner signed by Earnest Isch. On the ownership list, the name Cedar Ridge Development, Inc. is the actual owner of the land. Cedar Ridge Farms Limited Partnership submitted the original application for the first phase.

Mr. Jones asked if action was taken, would it jeopardize or change the balance for either one of the individuals involved in the lawsuits?

Mr. Moslander stated that he could not answer that. It would be up to the judge to decide it. He stated that he was there to protect the record of his clients.

Mr. Tim Layton, President of the Cedar Ridge Development, Inc., stated that his company actually does the work on the land to prepare it. They are the managing and general partners of Cedar Farms Limited Partnership. He stated that there had been some typos on some of the paperwork. He explained that Cedar Ridge Development owns the land. They convey the land being developed to the partnership, which then funds the development. Cedar Farms Limited

Partnership will be the applicant for the final plat and will be the titleholder at the time of conveying the land into the partnership to sell lots.

Ms. Dorrance asked if Cedar Ridge Farms Limited Partnership was the applicant.

Mr. Layton corrected it in stating that Cedar Ridge Development, Inc. was the applicant. Mr. Layton wanted to amend the application in changing the applicant to Cedar Ridge Development, Inc.

Mr. Jones made a motion for deferral for 30 days for re-notification with the corrected applicant. Mr. Roberts seconded the motion. Vote taken: Martin – Aye; Dorrance – Aye; Richey – Aye; Wynn – Aye; Jones – Aye; Roberts – Aye. The item was deferred unanimously.

September 2000 Planning Commission Fee Fund Reports:

Mr. Gammon reported that the fees collected for November 2000 was \$1,274.10. Mr. Roberts made a motion to accept the report. Mr. Richey seconded the motion. Vote taken: Martin – Aye; Dorrance – Aye; Richey – Aye; Wynn – Aye; Jones – Aye; Roberts – Aye. The motion was approved unanimously.

Commissioner's Report on a Planning Commissioner Workshop (Nov 17, 2000).

Ms. Dorrance summarized and offered to share some of the highlights from the workshop that she and Mr. Jones had attended November 17, 2000 at the ACOG sponsored seminar for Planning Commission Members and Board of Adjustment Members.

Other Business:

Mr. Gammon stated that he had been advised by the DA's Office that anytime an applicant presents a bond or letter of credit to cover erosion control or development that those items must be submitted to the Planning Commission prior to being submitted to the Board of County Commissioners. "Fossil Creek, Barry Rice's final plat had been previously approved by this Commission and now his letter of credit needs to be accepted by you before being approved by the Board."

Mr. Richey made a motion to recommend that the Board of County Commissioners accept a letter of credit from Hunter's Ridge Development for the Fossil Creek Addition. Mr. Martin seconded the motion. Vote taken: Martin – Aye; Dorrance – Aye; Richey – Aye; Wynn – Aye; Jones – Aye; Roberts – Aye. The motion was approved unanimously.

Mr. Gammon presented Mr. Richard Rolison with a proclamation commending him on his service to Oklahoma County.

Mr. Rolison gladly accepted the proclamation.

Adjournment: Mr. Richey motioned for adjournment. Mr. Wynn seconded the motion. Vote taken: Martin – Aye; Dorrance – Aye; Richey – Aye; Wynn – Aye; Jones – Aye; Roberts – Aye. The meeting was adjourned at 2:45 P.M.