

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

December 20, 2001

1:30 p.m.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Mr. Will K. Jones, 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. David Richey, Vice-Chairman
Ms. Cheryl Dorrance, Member
Mr. Charlie Thomason, Member
Mr. Dee Wynn, Member
Mr. Curtis Roberts, Member

Also in attendance:

Mr. Tyler Gammon, Jr. Secretary
Mr. Ray Reaves, P.E., County Engineer
Ms. Ruth Walters, County Planner

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

Ms. Dorrance made a motion to approve the minutes from the previous meeting of November 15, 2001. Mr. Thomason seconded the motion. Vote taken: Richey – Aye; Wynn – Aye; Dorrance – Aye; Thomason – Aye; Roberts – Aye; Jones – Aye. The minutes for the meeting of November 15, 2001, were approved.

Presentation of Proclamation to recognize Harry Fenton for 11 years of exceptional and exemplary service to Oklahoma County.

Mr. Fenton was present as Mr. Jones read the Proclamation recognizing his years of service to Oklahoma County.

Zoning: (Z4-01) From: AA - Agricultural & Rural Residential District
TO: CG - Urban General Commercial & Office District

Application of: **EDMOND D. & SUSAN ARCHER**

The applicant proposes to expand an existing commercial district for use as an office and retail sales area. The following is the legal description of the property:

A part of the Southwest Quarter of Section 11, Township 11 North, Range 1 West of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows: Beginning at the SW corner of said Section; Thence North the West line of said Section a distance of 207 feet; Thence East and parallel to the South line of said Section a distance of 164.60 feet; Thence South 207 feet to a point on the South line of said Section; Thence West along the South line of said

Section a distance of 164.59 feet to a point of beginning, subject to a 50 foot road easement along the South side for State Highway No. 3 and a 33 foot Road Easement along the West side.

Location: 2924 S. Henney Rd., North side of SE 29th. (County Hwy District#2)

Mr. Gammon gave the Staff Report stating that in summary Mr. and Mrs. Archer wanted to extend the current CG zoning on an adjacent property to an area where there is already an established building, which would be used as an office. Zoning regulations allow for an extension on CG zoning in areas where it is already established. Mr. Gammon stated that the CG zoning was done around 1982 and he believed at that time landscaping and fencing requirements were not being enforced. There was only one letter of concern received from Lela and Christine Posey, adjacent neighbors stating that Mr. Archer wanted to use the area to be zoned as a facility for storage and asked that the Commission reject the application unless the screening requirements are met.

Mr. Jones asked if it was required to submit a landscaping plan when rezoning. Mr. Gammon stated that he believed the application states that the zoning would not go into effect until the applicant satisfies the County Engineer with a plan. Mr. Jones then stated that it seemed to him that the application was incompletely submitted. Mr. Gammon stated that Mr. Archer was only extending the zoning that was already there.

Mr. Reaves stated that the zoning is done first, and then on the Commercial Building Permit is when they would then provide fencing and sight proof screening plans.

Mr. Archer stated that the protestor's property is not adjacent to his.

Mr. Thomason asked how far removed the protestor's property was from the proposed rezoning site.

Mr. Archer stated that they are probably about two (2) properties away.

Mr. Jones asked if he was aware of the fencing and screening requirements.

Mr. Archer stated that he was not aware, but would comply with whatever is necessary.

Mrs. Archer asked if there was a form that provided what was required.

Ms. Walters stated that any commercial property that abuts a residential area has to be screened and yes, they would give them a copy to take with them.

Mr. Richey stated perhaps they would rather defer the item so they could determine whether or not they would want to pursue the changes.

Mr. Archer stated that they were willing to comply in order to get the rezoning.

Mr. Wynn made a motion to approve the rezoning. Ms. Dorrance seconded the motion. Vote taken: Richey – Aye; Wynn – Aye; Dorrance – Aye; Thomason – Aye; Roberts – Aye; Jones – Aye. The application was approved unanimously.

Special Use Permit: (SP 01-01) (Temporary Industrial Use)

Applicant:

**CINDY MIZE dba
REDBUD ENERGY, LP**

The applicant proposes to use 20 acres of a quarter section of company owned property as an outdoor staging and concrete preparation area in support of the construction of the Redbud Energy Project. After construction is complete, the area will revert back to its original condition and zoning. The following is the legal description of the property:

The Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section Eighteen (18), Township Fourteen (14) North, Range One (1) East of the Indian Meridian, in Oklahoma County, Oklahoma. Containing 20 acres more or less. Subject to all easements, restrictions and covenants of record.

**Location: North of NE 206th (Covell Rd.) and West of Triple XXX Rd.
(County Hwy District #1)**

Mr. Thomason stated that he needed to recuse himself from voting on this item due to a conflict of interest involving a connection with the power plant.

Mr. Gammon gave the Staff Report stating that when this project was started, Mrs. Cindy Mize asked for both sides of this property to be zoned IU. Mr. Gammon stated that the Board saw it fit not to do that because they were only going to use the eastern side of the property for industrial use. "They are in need of an area close to where they are building to bed down a concrete processing plant. This is to maintain the consistency of the concrete and to keep from having more wear and tear on the County road system. This is a temporary use of 20 acres and will be returned to its original state and zoning once the project is complete."

Mr. Roberts asked why it couldn't be done on the 160 acres that was previously zoned.

Mrs. Cindy Mize stated that part of the dilemma was due to a delay in construction. Mrs. Mize stated that their project engineer was there to explain in detail.

Mr. Dick Collins, Entergin, Red Bud Construction Project Manager stated that they do have 160 acres. "Broken down, the footprint of the plant is about 85 acres and much of the rest is holding materials, which are being stored for building. There is also a new gas line from Williams that will be built across the project property in order to hook onto the end of the metering area. The process of doing that will cut off much of the present parking lot and some lay down area." They feel that this is all good news and they have many of the materials already on site. They need to access more property for short-term use and would like to use their property across the road for this purpose.

Mr. Wynn asked if the project could possibly take 5 years instead of the approximated 2 years to complete.

Mr. Collins stated, no, it would only be in the range of 18 months to 2 years.

Mrs. Mize stated that the plant is taking advantage of the Federal Indian Reservation Tax Credit that will expire in December 2003. The plant must be in operation by that time.

Mr. Jones asked if there had been any discussion about the damage being done to Triple XXX Rd.

Mr. Gammon stated that there is currently a Road Bond in the D.A.'s office Triple XXX and Covell. He was not sure of the actual specifications but part of the rezoning was to widen Triple XXX and Covell Roads. They are waiting until the construction period is over so there won't be damage done to the "new road".

Mr. Reaves stated that there are very heavy loads going into the property and staff is working with the company transporting the heavy loads.

Mr. Roberts asked if they could foresee any reason why they may be asking for another 20 acres or if this would be enough to suffice their need.

Mr. Collins stated that the peak of the project is next year and he does not foresee a need at this time, but if so needed, they would have to deal with it at that time.

Mr. Richey made a motion to approve the special use permit. Ms. Dorrance seconded the motion. Vote taken: Richey – Aye; Wynn – Aye; Dorrance – Aye; Thomason – Abstained; Roberts – Nay; Jones – Aye. With 4 votes yes, 1 vote no, and one abstention the item was approved.

Public Hearing for the purpose of discussion and possible action on deleting the Minor Subdivision Provision contained in the Rules and Regulations Governing the Subdivisions of land in the Unincorporated Portions of Oklahoma County.

Mr. Gammon gave the Staff Report for the Subdivision Regulations. Years ago the Oklahoma County Commissioners made provisions for the small developer to develop small subdivisions, and at the same time, they started allowing the staff to approve administrative lot splits under 10 acres. One of the stipulations was to limit lot splits to two (2) per year or the development would be considered a minor subdivision. Mr. Gammon stated that no developer had ever asked for a minor subdivision until now. The Planning Staff had received two (2) requests for minor subdivisions within a one-month period. Mr. Gammon provided the Board with a "crude drawing" of one of the request located at SE 44th St. and Luther Rd. The gentleman wanted all his lots accessed from SE 44th St. The staff felt that this would create a traffic problem and set precedence for other similar minor subdivisions in the future. The County Commissioners that wanted the minor subdivisions are no longer in office and it is believed that the current Commissioners are in favor of removing the minor subdivision provision from the Oklahoma County Subdivision Regulations.

Ms. Walters stated the developer would not be responsible for any public facilities, turning lanes, road upkeep, or things of that nature if he develops under the current minor subdivision provision.

Mr. Gammon stated that if a developer wanted to develop two (2) lots off of the County line Road System, they would possibly grant that; and the purchaser of the lot else would come in and build a house and put in a driveway. "To allow someone to come in and develop all of their lots off of a County section line road is ridiculous and unfair to other taxpayers. A developer should be required to contribute to improving the road system of the County when developing a subdivision. However, the way the regulations are written now, they can develop a minor subdivision with all of the lots accessing a County Line Road."

Mr. Reaves stated that it was a safety problem to have multiple driveways on a major road and it creates a potential for accidents.

Ms. Dorrance asked how they determined something that should be platted instead of lot splits where they are doing one lot split at a time, ex: one last month, one in 6 months, 2 next year...etc.

Mr. Gammon stated that any time there are more than two lots involved, the property should be platted. In order to prevent that from happening, the staff must keep their eyes open.

Ms. Dorrance made a motion to send this item to the Board of County Commissioners recommending approval of deleting Minor Subdivisions from the Subdivision Regulations. Mr. Thomason seconded the motion. Vote taken: Richey – Aye; Wynn – Aye; Dorrance – Aye; Thomason – Aye; Roberts – Aye; Jones – Aye. The motion was approved unanimously.

Discussion and possible action on Whisper Creek Subdivision's Pavement and Erosion Control Bonds.

Ms. Walters stated that the road bond for Whisper Creek was in the D.A.'s office. The bond was just over \$49,000.00, which, Mr. Reaves went over and felt it was adequate. The erosion control was just over \$6,000.00 and they made modifications to the plans.

There was discussion about storm water runoff, erosion control, and what roles and responsibilities belong to Oklahoma County and DEQ.

Mr. Roberts made a motion to table the item until next month. Ms. Dorrance seconded the motion. Vote taken: Richey – Aye; Wynn – Aye; Dorrance – Aye; Thomason – Aye; Roberts – Aye; Jones – Aye. It was unanimous to table the item until January's meeting.

November 2001 Fee Fund Report:

Mr. Gammon reported the fees collected for November 2001, were \$8,484.95. Mr. Wynn made a motion to receive the report. Mr. Thomason seconded the motion. Vote taken: Richey – Aye; Wynn – Aye; Dorrance – Aye; Thomason – Aye; Roberts – Aye; Jones – Aye. The motion was approved to accept the Fee Fund Report.

Other Business:

- Mr. Richey asked, when building a new home when is it expected to get the permit.

Mr. Gammon stated that the permit is supposed to be obtained prior to construction. He also stated the County doesn't have inspectors or a fine schedule for violators. Mr. Gammon also stated that the Sheriff could serve a cease and desist order issued by the County Engineer.

Mr. Richey asked if permits are supposed to be posted.

Mr. Gammon stated that they had not done that in the last 3 or 4 years due to the change in programs for the building permits.

There was discussion about coming up with an all weather type sign for posting and adding it to the rules and regulations.

- Mr. Gammon stated that the Board of County Commissioners approved the raise of the Fireworks Permit Fees and that the Cell Tower Regulations are in the D.A.'s office for final review.

Adjournment: Mr. Roberts motioned for adjournment. Mr. Thomason seconded the motion. Vote taken: Richey – Aye; Wynn – Aye; Dorrance – Aye; Thomason – Aye; Roberts – Aye; Jones – Aye.

The meeting was adjourned at 3:30 P.M.