

# M I N U T E S

## OKLAHOMA COUNTY PLANNING COMMISSION

June 21, 2001

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. Dee Wynn, Member**

**Mr. Curtis Roberts, Member**

**Mr. David Richey, Member**

Also in attendance:

**Mr. Tyler Gammon, Jr., Secretary**

**Mr. Harry Fenton II, P.E., Assistant County Engineer**

**Ms. Ruth Walters, County Planner**

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

With a change in the minutes from the meeting held on May 23, 2001, concerning the time limit of the deferment for Mr. Sasser to one month, a motion was made by Mr. Wynn to approve the minutes as corrected. Mr. Roberts seconded the motion. Vote taken: Dorrance – Aye; Richey – Aye; Roberts – Aye; Wynn – Aye. The minutes for the meeting of May 23, 2001, were approved unanimously.

### **Annual Election of Officers: (Chair & Vice Chair)**

Mr. Roberts nominated Mr. Jones as Chairman. Mr. Wynn seconded the nomination. Mr. Roberts made a motion for the nominations to cease and elect Mr. Jones as Chairman by acclamation. Mr. Wynn seconded the motion. Vote taken: Dorrance – Aye; Roberts – Aye; Wynn – Aye; Richey - Aye. The motion to elect Mr. Jones as Chairman by acclamation was approved unanimously.

Mr. Wynn nominated Mr. Richey as Vice Chairman. Mr. Roberts seconded the nomination. Mr. Roberts made a motion for the nominations to cease and elect Mr. Richey as Vice Chairman by acclamation. Mr. Wynn seconded the motion. Vote taken: Dorrance – Aye; Roberts – Aye; Wynn – Aye; Richey - Aye. The motion to elect Mr. Richey as Vice Chairman by acclamation was approved unanimously.

Ms. Dorrance as the former Chairperson, switched places with Mr. Richey as the new Vice Chairman. Mr. Jones was not present.

**Deferred Item Zoning: (Z1-01) From: AA - Agricultural & Rural Residential  
To: CL – Urban Limited Commercial & Office  
District**

(Initial request for CG Zoning)

Application of: **DAVID & JANNA SASSER**

The applicant proposes establishing a commercial and office area to serve the surrounding community. The following is the legal description of the property:

**A tract of land lying in the Southeast Quarter (SE/4) of Section Twenty-eight (28), Township Fourteen North (T14N), Range Four West of the Indian Meridian (R4WIM), Oklahoma County, Oklahoma, more particularly described as beginning at a point on the East Section line 897.75 feet along and following the East Section line bearing N00°16'30"W to a PK nail with washer, THENCE 100.00 feet along and following the East Section line bearing N00°16'30" W to a PK nail with washer, THENCE 435.60 feet parallel to the South Section line bearing S89°41'30"W to a 3/8" rebar capped #1463, THENCE 100.00 feet parallel to the East Section line bearing S00°16'30"E to a 1/2" rebar capped #1463, THENCE 435.60 feet parallel to the South Section line bearing N89°41'30"E to the point of beginning. This tract contains 1.00 acre more or less.**

**Location: North MacArthur Blvd, North of Edmond Road (178<sup>th</sup>) (County Hwy District #3)**

Mr. Gammon stated that Mr. Sasser was not present and had asked the staff to defer the item again. Mr. Sasser had not taken further action concerning the rezoning, such as contacting the Homeowner's Association.

A gentleman from the Homeowner's Association was present. Ms. Dorrance asked him if Mr. Sasser had contacted him. The man said that Mr. Sasser had not.

Mr. Wynn made a motion to turn down the application due to the applicant's absence and lack of applicant's action. Ms. Dorrance seconded the motion. Vote taken: Dorrance – Aye; Roberts – Aye; Wynn – Aye; Richey - Aye. The application was unanimously denied.

## **RECESS**

Mr. Roberts made the motion to recess. Ms. Dorrance seconded the motion. Vote taken: Dorrance – Aye; Roberts – Aye; Wynn – Aye; Richey - Aye. Recess was taken.

## **RECONVENE**

Ms. Dorrance made the motion to reconvene the Planning Commission meeting for June 21, 2001 at 2:05 P.M. Mr. Roberts seconded the motion. Vote taken: Dorrance – Aye; Roberts – Aye; Wynn – Aye; Richey - Aye. The meeting was reconvened.

**General Plat: (GP 01-1)**

**CARLTON LAKES**

Applicant:

**R.K. DEVELOPMENT, LLC**

The applicant proposes development of a rural residential subdivision with a minimum two (2) acre lots. Significant restrictive covenants would be placed on the subdivision, and housing sizes would be restricted to a 2,500 square foot minimum. The legal description of the proposed development area is as follows:

**A tract of land lying in the SE/4 of sec 30,T14N, R4W of the I.M., Oklahoma county, Oklahoma more particularly described as beg at the E/4 of sec 30 thence 2624.55ft along and following the n line of said SE/4 bearing S89°46'12"W to a 3/8" rebar which is the center of Sec 30; thence 2637.85ft along and following the W line of said SE/4 bearing S00°01'08"W to a concrete nail with shiner #1362 which is the S/4; thence 1320.33ft along and following the S. Section line of Sec 30 bearing N89°40'20"E to a concrete nail with shiner #1362; thence 670.58ft along and following the S section line of Sec 30 bearing N89°39'36"E to a p-k nail with washer #1463; thence 2559.30ft bearing N00°24'16" to 1/2" rebar capped #1463; thence 653.02ft parallel the n line of said SE/4 bearing N89°46'12" to a p-k nail with washer #1463; thence 75ft along and following the E line of said SE/4 bearing N00°19'58"W to the point of beg.**

**Location: north of NW 178<sup>th</sup> (Edmond Road), 1/4 mile West of Council Road.**

With no added questions after the Floodplain Management Board convened during the recess, Mr. Roberts made a motion to approve the General Plat. Ms. Dorrance seconded the motion. Vote taken: Dorrance – Aye; Roberts – Aye; Wynn – Aye; Richey – Aye. The plat was unanimously approved.

**Zoning: (Z2-01)**

**From: AA-Agricultural & Rural Residential District**

**To: RA-Acreage Residential District**

Applicant:

**MIKE DAVIDSON**

The applicant proposes rezoning approximately 20 acres of land to develop a Single Family Residential Subdivision. The proposed lot size is one (1) acre or greater in size, with individual water wells and septic tanks. The following is the legal description of the property:

**THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, T11N, R1E OF THE INDIAN MERIDIAN, OKLAHOMA COUNTY, OKLAHOMA.**

**Location: 1/2 South of SE 15<sup>th</sup> on S. Peebly Rd. (County Hwy District #2)**

Mr. Davidson explained that he felt the proposed area was a good location for the subdivision. He stated that it was about 20 acres. The housing size would range from 1800 to 2400 square feet. Prices would be in the mid-range for the area.

Mr. Gammon stated that the staff had made an overlay for an aerial photo illustrating the placement of the subdivision. Mr. Gammon stated that they had talked to Mr. Davidson about the 100-year floodplain affecting two of the proposed lots, and if the FEMA FIRM remained

unchanged there would be little area to build on the lots in question. If the revised FEMA floodplain maps became official, he would be allowed to use the lots. Otherwise the lots may have to remain undeveloped and become common areas. Mr. Gammon stated that they had received two written protests and handed copies to the Board for review.

Mr. Roberts asked Mr. Davidson how long he had owned the property.

Mr. Davidson stated that he had owned it for three months.

Mr. Richey stated that most of the concern was about drainage. He asked Mr. Davidson if he thought he could control the drainage.

Mr. Davidson stated that there was drainage onto the east section of the property. However, he had not conducted a study determining the amount of drainage or possible impacts. He stated that there was also drainage running from the south to the north that is natural drainage.

Mr. Richey asked if there was anyone there to speak against the application. Ms. Ronnie Jones stated that she owns the property to the south of the proposed property. She stated that some of her concerns were police and fire protection.

Mr. Richard Nichols stated that he owns 5 acres in the area. He stated that he recently built a pond to catch some of the water when it rains to keep it from eroding his property. He stated that where Mr. Davidson proposed a cul-de-sac is where all the water drains. Mr. Nichols brought in pictures of the area.

Mr. Sam Rennick stated that he had filed a written complaint. He stated concerns about losing the rural character of the area if the rezoning is permitted.

Mr. Don Renner stated that he lived on 21<sup>st</sup> St., and had been there since 1978. His concern is drainage. Mr. Renner reiterated several concerns the other protestors voiced.

Mr. Wynn asked if Mr. Renner thought that the water flowed better since the area had been cleaned up and the beaver dams removed. Mr. Renner stated that the water entering the area is causing the area to flood.

Mr. Davidson apologized that he didn't already have his preliminary plat finished at that time. He stated that he wanted to assure the Commission that he wasn't going to try to dam up a creek and back up water onto neighboring property. He also stated that he understood that the neighbors moved out to get away from the city, but he felt that other people would like to live out there too.

Mr. Fenton stated that the preliminary plat would have 2-foot contours showing the water flow.

Mr. Richey stated that he had a problem with a conflict of interest on his part. Since several people present were hay customers of his, he felt he should excuse himself from voting. No quorum was met without his participation.

## **RECESS**

Ms. Dorrance made a motion for a recess. Mr. Roberts seconded the motion. Vote taken: Dorrance – Aye; Roberts – Aye; Wynn – Aye; Richey – Aye. A recess was taken.

## **RECONVENE**

Ms. Dorrance made a motion for the June 21, 2001, Planning Commission meeting to reconvene. Mr. Wynn seconded the motion. Vote taken: Dorrance – Aye; Roberts – Aye; Wynn – Aye; Richey – Aye.

Mr. Richey stated that they could either defer item **Z2-01** (rezoning) for 30 days or deny the item. Ms. Dorrance made a motion to defer the item for 30 days. Mr. Roberts seconded the motion. Vote taken: Dorrance – Aye; Roberts – Aye; Wynn – Aye; Richey – Aye. The item was deferred for 30 days.

## **Redbud Energy LP's eight (8) month review of adherence to the conditions of Resolution 224-00. Special Permit 00-2 for development of a power plant powered by natural gas.**

Ken Budreau, Project Manager for Redbud Energy, stated they were present pursuant to Resolution 224-00, reviewing Redbud Energy's adherence to the conditions of the Resolution. Mr. Budreau stated they would be starting site clearing and site preparation for the facility.

Mr. John Emery, Project Engineer for Redbud Energy, stated that they present for the 8-month review required for the Special Use Permit. He stated that in compliance with the 8-month review they submitted to staff and the Planning Commission a submittal package. It included various documents, plans and specifications concerning compliance with all the provisions of Resolution 224-00. Mr. Emery gave a brief summery of the submittal package.

Ms. Dorrance mentioned concern about the sight-proof screening. She asked Mr. Emery about the "slats in the chain link fence" and was unsure why it was necessary where natural vegetation (trees) would provide screening.

Mr. Emery stated that there was a natural break in the trees where the facility could be seen from the road and the slats would add the necessary sight-proof screening.

Ms. Dorrance was not satisfied with the appearance of the chain link fence.

Mr. Emery stated that the second requirement for the Special Use Permit was additional requirements including additional specifications and materials included in the Resolution. He stated that all the requirements on the checklist must be met, with the exception of the road improvement related plans, specifications and engineer's approval, since those plans have not been determined. Mr. Emery stated that those plans would be submitted prior to the construction to the road improvements.

Mr. Emery stated that another requirement was for exterior lighting. He stated that they would comply with the requirement of light poles no greater than 30 feet high. The lights will be low-wattage (250 watts) bulbs, pointed downward. There are no lights on the towers.

Mr. Roberts asked what the height of the cooling towers would be.

Mr. Emery stated that they would be 40 feet high. The exhaust stacks would be 160 feet and aviation lights will not be required.

Mr. Emery continued with the summary of the project.

Ms. Dorrance asked about a landscape plan. Mr. Emery stated that a landscape plan would be in place around the second quarter of the year 2003.

Mr. Emery finished the project summary.

Ms. Dorrance asked to go over the sight-proof screening with Redbud.

Mr. Richey asked if there was anyone present that wished to speak to the Commission.

Ms. Donna Andrew, a citizen, stated that she was representing a group of citizens concerned about the size of the facility and about the proposed use of the wastewater from the Hiwassee Treatment plant to cool the towers. She voiced concern about pesticides and aerosols being exposed to the environment. She stated that Redbud is in the middle of a hearing with DEQ and the citizens have not received all the information about the hearing. Ms. Andrew continued with more of her concerns.

Mr. Budreau stated that for the record, they “are involved in a hearing process with the Department of Environmental Quality regarding the issuance of the Clean Air Permit.” He stated that they are meeting and exceeding the allowable limits from DEQ. He also stated that he is available to speak and/or meet with any citizens concerned or otherwise regarding questions and comments. He stated that he provided brochures for 5,000 residents in the Luther, Jones, and Arcadia areas, which provided answers to many questions they may have. In the brochure he included his name and phone number, which anyone could call with further questions or concerns.

It was unanimously decided by the Commission to hold an informal meeting with Redbud representatives, Ms. Dorrance and staff to discuss Redbud’s landscape plans, after adjournment of today’s meeting.

### **March 2001 and April 2001 Planning Commission Fee Fund Reports:**

Mr. Gammon reported the fees collected for March 2001 was \$19,160.60. Ms. Dorrance made a motion to receive the report. Mr. Roberts seconded the motion. Vote taken: Dorrance – Aye; Roberts – Aye; Wynn – Aye; Richey – Aye. The motion was approved to receive the Fee Fund Report.

**Other Business:**

Mr. Fenton stated that he had the report on the development at Danforth and Portland. He stated that it is a hay barn and lights are needed to bring in hay after dark. It did not require a building permit since it was an agricultural structure that isn't enclosed. Mr. Fenton stated that they granted them a waiver so that they could get electricity.

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

The meeting was adjourned at 3:45 P.M.