

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

April 19, 2007

1:30 p.m.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Ms. Janet Price, Chairperson, at 1:30 p.m., in Room 103, Oklahoma County Office Building, 320 Robert S. Kerr, with the following individuals present:

Ms. Janet Price, Chairperson
Mr. Mike Vorel, Vice-Chairperson
Ms. Cheryl Dorrance, Member
Mr. David Richey, Member
Mr. Roger Holloway, Member
Mr. Will K. Jones, Member

Also in attendance:

Mr. Tyler Gammon, Jr., Planning Secretary
Mr. Ray Reaves, P.E., D.E.E., County Engineer
Ms. Ruth Walters, County Planner
Ms. Gretchen Crawford, Assistant District Attorney

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

Mr. Jones motioned approval of the minutes from the meeting of March 15, 2007. Mr. Richey seconded the motion. Vote taken: Holloway – Aye; Richey – Aye; Price – Aye; Dorrance – Aye; Jones – Aye; Vorel – Aye. The minutes for the meeting of March 15, 2007 were approved.

Discussion and Possible action to approve/deny request of Deer Creek Farm Development, LLC to modify minimum road requirements for the Villagio at Deer Creek subdivision plat.

Mr. Gammon gave the Staff Report and stated that the roads for the subdivision were not completed to county standards. He stated that the applicant was asking to modify the county standards. Mr. Gammon stated that the roads were completed without inspection. Mr. Gammon stated that the county was not notified for inspection, according to the road superintendent for District 3.

Mr. Thane Swisher, developer, stated that the original plans had the pavement thickness of 5 ¼ inches with a 3 ¼ inch base course and a 2 inch top course. He stated that they had Standard Testing design the pavement and they later modified it to a 3 inch base course and a 1 ½ inch top course; which made the pavement 4 ½ inches thick. He stated that they also wanted guidance on using recycled materials; the Oklahoma Department of Transportation (ODOT) allows for the use of recycled materials while the county does not. He stated that the county responded that no recycled materials could be used on the top course; but his engineers had said they were acceptable. Mr. Swisher stated that there were other issues on the base and that they were doing testing to address those issues.

Mr. Holloway asked when the road was built.

Mr. Swisher stated that it was built about two years ago. He stated that the paving contractor, through Coon Engineering, was supposed to notify the superintendent when construction began-- from what he understood the contractor did not do that.

Mr. Jones asked who authorized the modification of the paving plans.

Mr. Swisher stated that he did not know how the original pavement plan had come about. After the pavement design soil analysis came back with a 4 ½ inch pavement design, they decided to proceed with that result even though it wasn't the original one that was submitted to the Planning Commission.

Clyde Wilkins, Coon Engineering, stated that he had gotten involved in the project after the work had already been started because the previous engineer assigned to the project had left. He thought that the work was being completed correctly. Mr. Wilkins stated that there had been communication with ODOT that informed them that the 4 ½ inch pavement met all of the requirements from ODOT. He also stated that there is no record as to why the county did not receive the plans. He stated that the pavement meets ODOT specifications.

Mr. Vorel asked that if it met ODOT requirements, why the roads were rejected.

Ms. Gretchen Crawford stated the county superintendent had been out several times to inspect the roads. She stated that by looking at the roads you could tell that they were various issues involved: the sub-base had huge issues; not stabilized; recycled materials issues; and inconsistency of the thickness throughout the subdivision. She stated that on paper the road looks great, but physically the road is not in good shape. She also stated that there had not been enough homes built in the subdivision to even impact the roads yet. Ms. Crawford declared that core samples were taken and they just crumbled. She added that Mr. Swisher submitted a remediation plan to the county and extended the letter of credit.

Mr. Swisher stated that he was not asking that the roads be approved as they were but that there were two issues; first, was 4 ½ inches acceptable or would they have to go to 5 ¼ inch pavement; second, was that he needed guidance on the recycled materials. He stated that the engineers told him that ODOT was okay with recycled materials but the county was not. Mr. Swisher also stated that the 4 ½ inches was within county standard but the change in the original paving plan was not submitted to the county.

Mr. Ray Reaves stated that the roads did meet thickness standards but not the design standards with the recycled materials.

Ms. Dorrance stated that she wanted to go over the series of events that took place:

- The county had standards
- Developer submitted plans to the county
- County approved those plans
- Developer changed the plans

- Developer didn't talk to the county about inspections
- Developer built the roads
- The county inspected the roads after completion
- Developer failed the inspection
- Developer did not remediate the issue at this point

Mr. Rick Mudd, Standard Testing, reiterated the two issues of thickness and recycled materials. He stated that ODOT does allow recycled if the traffic would be a certain value; and the county standards state to use ODOT standards for pavement itself.

Ms. Price asked what would be done to correct the problems with the roads because there was clearly an issue with the crumbling roads.

Mr. Swisher stated that Standard Testing was performing soil tests and other extensive tests to determine if the road deterioration was possibly due to contractor errors.

Ms. Crawford stated that the initial plans submitted to the county were for a road that would be 5 ¼ inches thick. The county minimum standards are 4 inches thick. What Mr. Swisher asked the Planning Commission to do was to approve for him to deviate from his initial plan from 5 ¼ to 4 ½ inches to allow him to construct a road that would not be below county standards.

Ms. Dorrance asked if it was possible for the developer to resubmit an amendment to the plan and have the amendment approved.

Mr. Reaves stated that if it were just the thickness of the road it would not be a problem for the developer to submit an amendment for the approved plat for the roads; however, the thickness was not the only problem with the roads.

Mr. Jones asked why the use of recycled materials and the pavement thickness were separate issues when the stabilized aggregate base was not inspected and not up to standard. He stated that if there was an opinion to be made it would be that the base would have to come up to standards. He stated that at the minimum there should be three issues to be considered and the base would be the main issue.

Mr. Mudd stated that at the time the base was finished the county was not notified but Standard Testing was called out by the contractor and took density tests on the CKD stabilized base. He stated that at the time they passed the density test it was a hard and stable base and certainly CKD treated. He stated that since the road had been built they had several people tell them that the base was no good and it was being investigated to determine why the road was failing. He stated that the other two issues needed to be addressed, in his opinion, prior to the base issue.

Mr. Holloway suggested that, if possible, resubmitting a new paving plan and working closely with the county engineer and the district superintendent could be the way to solve this issue.

Several planning commissioners stated that they felt like the developer and or contractors had "dropped the ball" and should have followed the rules.

Ms. Dorrance made a proposal to allow the developer to submit a new set of paving plans that meet county standards and upon approval of those plans by the county engineer, that he is allowed to continue contingent upon the county superintendent being involved to supervise every phase and that the final pavement passes the county standards.

Mr. Holloway motioned to reject the request of Deer Creek Farm Development, LLC to modify the requirements for the roads of Villagio at Deer Creek subdivision and that the developer submit a new paving plan for the county engineer to approve and submit to the Planning Commission for consideration at a later date. Ms. Dorrance seconded the motion. Vote taken: Holloway – Aye; Richey – Aye; Price – Aye; Dorrance – Aye; Jones – Aye; Vorel – Aye. The item was denied.

Continued Discussion of item:

Mr. Mudd was concerned about whether or not recycled materials would be allowed because the county standards state to use ODOT requirements and ODOT allows for recycled with conditions. Mr. Mudd asked that the commission not wipe out the whole thing when ODOT would allow for it.

Ms. Dorrance assured Mr. Mudd that if ODOT allows for recycled then the county would have to allow for recycled. Ms. Dorrance also stated, however, the road needed to meet county standards and at that point it did not.

Mr. Holloway stated that the developer needed to work with the superintendent and with the county engineer and resubmit plans and the road would have to pass the inspections.

March 2007 Fee Fund Report:

Mr. Gammon reported the fees collected for February 2007 were \$24,289.85. Mr. Richey motioned to accept the report. Ms. Dorrance seconded the motion. Vote taken: Holloway – Aye; Richey – Aye; Price – Aye; Dorrance – Aye; Jones – Aye; Vorel – Aye. The motion was approved to accept the Fee Fund Report for March 2007.

Other Business:

The commissioners were asked to go over the draft of the Master Plan and return with their questions or concerns by May 8, 2007.

Adjournment:

Mr. Richey motioned for adjournment. Mr. Holloway seconded the motion. Vote taken: Holloway – Aye; Richey – Aye; Price – Aye; Dorrance – Aye; Jones- Aye; Vorel – Aye. The meeting was adjourned at 2:50 p.m.

Approved this _____ day of _____, 2007.

**OKLAHOMA COUNTY
PLANNING COMMISSION**

Janet Price, Chairperson

ATTEST:

Tyler Gammon, Jr., Secretary