

# M I N U T E S

## OKLAHOMA COUNTY PLANNING COMMISSION

July 16, 2009

1:30 p.m.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Mr. David Richey, Chairman, at 3:30 p.m., in Room 103, Oklahoma County Office Building, 320 Robert S. Kerr, with the following individuals present:

**Mr. David Richey, Chairman**  
**Ms. Cheryl Dorrance – Vice-Chairperson**  
**Mr. Edgar Frazier - Member**  
**Mr. Roger Holloway – Member**  
**Mr. Mike Vorel - Member**  
**Ms. Willa Johnson, County Commissioner Member**

Also in attendance:

**Mr. Tyler Gammon, Jr., Planning Secretary**  
**Ms. Ruth Walters, County Planner**  
**Mr. John Jacobsen Assistant District Attorney**

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

### **Approval of Minutes of the Previous Meeting: (December 18, 2008)**

Ms. Dorrance motioned approval of the minutes from the meeting of December 18, 2008. Mr. Frazier seconded the motion. Vote taken: Frazier – Aye, Dorrance – Aye, Holloway – Aye, Richey – Aye, Vorel – Aye, Johnson – Aye. The minutes for the previous meeting were approved.

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

Mr. Holloway nominated Mr. Will K. Jones as Chairman. Ms. Dorrance seconded the motion. Frazier – Aye, Dorrance – Aye, Holloway – Aye, Richey – Aye, Vorel – Aye, Johnson – Aye.. Mr. Jones was elected as Chairman.

Mr. Holloway nominated Mr. Mike Vorel as Vice-Chairman. Mr. Richey seconded the motion. Vote taken: Frazier – Aye, Dorrance – Aye, Holloway – Aye, Richey – Aye, Vorel – Aye, Johnson – Aye. Mr. Vorel was elected as Vice-Chairman

Mr. Vorel presided over the rest of the meeting as the new Vice-Chairman.

### **Discussion and possible action to approve/deny a zoning change (Z-2009-01) from: CG– Urban General Commercial and Office District to IU-Urban Industrial District.**

Applicant: **VAN EATON READY MIX, INC.**

The applicant proposed developing a wet batch ready mix concrete plant on a 5.31 acre (231,103.41 sq. ft.) tract that would allow outside storage of raw materials and equipment and provide products and services to builders. The following is the legal description of the property:

**A tract of land lying in the NE/4, NE/4 of Section 33, Township 14 North, Range 4 West, I.M., Oklahoma County, Oklahoma being more particularly described as follows: Commencing at the Southeast corner of said NE/4, NE/4, said point being the Point of Beginning; thence N00°13'56"W (Record N00°00'00"W) along the East line of said NE/4, NE/4, a distance of 327.10 feet; thence S89°42'27"W (Record S89°51'43"W) and parallel to the South line of said NE/4, NE/4, a distance of 706.42 feet; thence S00°11'51"E (Record S00°01'43"W) a distance of 327.10 feet to a point on the South line of said NE/4, NE/4; thence N89°42'27"E (Record N89°51'43"E) a distance of 706.62 feet to the Point of Beginning. Said described tract containing 5.31 acres (231,103.41 sq. ft.) more or less**

**Location: 17485 N. MacArthur Blvd. (County Highway District # 3)**

Mr. Gammon distributed the staff report for the re-zoning application.

Mr. Mike Van Eaton, applicant, was present for questions.

Mr. Holloway asked the applicant if there were any environmental regulations that had to be met and how much, if any, runoff there would be from the proposed plant.

Mr. Van Eaton stated there were stormwater regulations from DEQ that would have to be met. He added that the state of Oklahoma had no air quality standards for a facility his size. He also stated that there would be no run-off from his facility. All waste would be self-contained on site.

Mr. Jacobsen inquired about the start time for the batch plant production, how much product would be produced daily and how many trucks would enter and leave the property on an average day.

Mr. Van Eaton answered that the plant would produce about 200 yards of concrete per day and an average of 30-40 trucks would be in and out of the property. He added that the truck count also included deliveries made to his facility. He said that during the hot summer months production may commence as early as 5:00 a.m.

Mr. Jacobsen asked if silos would be constructed on site to house materials.

Mr. Van Eaton stated that silos would be constructed, but none would be over 65 feet tall.

Mr. Richey asked planning staff if this proposed re-zoning was in conformance with the master plan.

Mr. Gammon said that it was not in conformance with the master plan. He stated that the master plan called for more residential use, not industrial.

Mr. Keith Monroe, Deer Creek property owner, voiced his opposition to the proposed batch plant. The following were his main concerns:

- Increased traffic on MacArthur Blvd.
- MacArthur Blvd. not built for industrial traffic and use
- Safety concerns with traffic flow to and from Deer Creek Schools on MacArthur Blvd.
- Drainage Issues
- Deposition of dust and harmful chemicals in the air

The following Deer Creek property owners were also present to oppose the proposed batch plant due to the above mentioned issues:

- Ms. Cindy Schatzman
- Mr. Richard DiAngelo
- Ms. Jill Webb
- Mr. Todd Shultheis
- Mr. Bill Holland
- Mr. Cary Holrod

Ms. Dorrance motioned to deny the application for re-zoning. Mr. Richey seconded the motion. Vote taken: Frazier – Aye, Dorrance – Aye, Holloway – Aye, Richey – Aye, Vorel – Aye, Johnson – Aye. The item was denied unanimously.

**Discussion and possible action to adopt stormwater regulations for the unincorporated areas of Oklahoma County, pursuant to the Environmental Protection Agency’s *Clean Water Act §§402 and 404*, and the Phase II Rule as published in the *Federal Register (64 FR 68722) on December 8, 1999***

Ms. Walters stated that this new policy would only apply to applications where over an acre of land was being disturbed. Anything over five acres of disturbed land would be handled by the Department of Environmental Quality.

Ms. Johnson motioned to adopt the stormwater regulations. Mr. Richey seconded the motion. Vote taken: Frazier – Aye, Dorrance – Aye, Holloway – Aye, Richey – Aye, Vorel – Aye, Johnson – Aye. The regulations were adopted.

**Discussion and possible action to amend building permit fees to include a stormwater site development plan review fee for the unincorporated areas of Oklahoma County, pursuant to Oklahoma State Statute Title 19 §868.4**

Ms. Walters added that there would be a flat fee of \$55.00 for any stormwater site plan review applications.

Mr. Holloway motioned to amend the building permit fees to include a stormwater site development plan review. Ms. Johnson seconded the motion. Vote take: Frazier – Aye, Dorrance – Aye, Holloway – Aye, Richey – Aye, Vorel – Aye, Johnson – Aye. The building permit fees were amended.

**Discussion and possible action to revise the building permit fees for the unincorporated areas of Oklahoma County, pursuant to Oklahoma State Statute Title 19 §868.4**

Ms. Walters stated that currently Oklahoma County does not permit buildings that do not have four sides. She added that this has become a problem as more and more citizens construct 3 sided structures without a permit that are later built in to 4 sided structures. She held that this revision would require a building permit for all buildings regardless of its number of sides, unless the building is used solely for agricultural purposes.

Ms. Walters also added that all areas under roof including porches, patios and attached decks would be included when calculating the square footage charge for building permits.

Mr. Richey motioned to revise the building permit fees. Ms. Dorrance seconded the motion. Vote taken: Frazier – Aye, Dorrance – Aye, Holloway – Aye, Richey – Aye, Vorel – Nay, Johnson – Aye. The revision was approved.

**Discussion and Possible action to receive December 2008 through June 2009 Fee Fund Reports**

Mr. Gammon stated that the total for the past seven months was \$100,874.15. He added that this total was lower than previous years.

Ms. Johnson motioned to receive the fee fund reports for the last seven months. Mr. Richey seconded the motion. Vote taken: Frazier – Aye, Dorrance – Aye, Holloway – Aye, Richey – Aye, Vorel – Aye, Johnson – Aye. The fee fund reports were received.

There was no other business.

**Adjournment:**

Ms. Johnson motioned for adjournment. Mr. Richey seconded the motion. Vote taken: Frazier – Aye, Dorrance – Aye, Holloway – Aye, Richey – Aye, Vorel – Aye, Johnson – Aye. The meeting was adjourned at 4:35 p.m.