

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

May 12, 2011

1:30 p.m.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Mr. Mike Vorel, Vice-Chairman, at 1:30 p.m., in Room 103, Oklahoma County Office Building, 320 Robert S. Kerr, with the following individuals present:

Mr. Mike Vorel, Vice-Chairman
Mr. Edgar Frazier, Member
Mr. Will K. Jones, Member
Mr. David Richey, Member
Mr. Roger Holloway, Member
Mr. Joe Blough, Chief Deputy, District #1, (on behalf of Willa Johnson, County Commissioner District #1)

Also in attendance:

Mr. Tyler Gammon, Jr., Secretary
Ms. Gretchen Crawford, Assistant District Attorney
Ms. Ruth Walters, County Planner

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

Approval of Minutes of the Previous Meeting: (April 14, 2011)

Mr. Richey motioned to approve the minutes from the previous meeting. Mr. Frazier seconded the motion. Vote taken: Frazier – Aye, Jones – Aye, Vorel – Aye, Holloway – Aye, Richey – Aye, Blough – Aye. The minutes from April 14, 2011 were approved.

Discussion and possible action to approve/deny the Final Plat (FP-2011-01) of Cumberland Crossing, Section IV.

CUMBERLAND CROSSING, IV

Applicant: **CUMBERLAND GROUP, LLC**

The applicant proposed the continuation of Cumberland Crossing Addition, Planned Unit Development (PUD 2003-01). This phase of the project has 11 lots on 7.54 acres. The addition has common areas and ponds as amenities. The following is the legal description of the property:

**A part of the NW ¼ of Section 8, T14N, R3W, I.M., Oklahoma County, Oklahoma, being more particularly described as follows:
Commencing at the NW corner of said NW ¼; Thence S00°00'00"E along the West line of said NW ¼ a distance of 1486.37 ft; Thence S89°21'39"E a distance of 2623.84 ft. to a point on the East line of said NW ¼; Thence S00°00'11"W along the East line of said NW ¼ a distance of 350.09 ft. to the Point Or Place Of Beginning; Thence**

continuing S00°00'11"W along the East line of said NW ¼ a distance of 808.19 ft. to the SE corner of said NW ¼; Thence N89°21'39"W along the South line of said NW ¼ a distance of 304.23 ft.; Thence N41°40'40"W a distance of 106.45 ft.; Thence N00°00'11"E a distance of 208.43 ft.; Thence N89°59'49"W a distance of 40.00 ft.; Thence N00°00'11"E a distance of 125.00 ft.; Thence N13°41'01"W a distance of 370.52 ft.; Thence S89°59'49"E a distance of 318.67 ft.; Thence Northwesterly along a non-tangential curve to the left having a radius of 465.52 ft. for an arc length of 31.90 ft. (the chord of said curve bears N01°57'37"W a distance of 31.90 ft.); Thence S89°59'49"E a distance of 185.09 ft. to the Point or Place of Beginning.

Location: North of 234th St., East side of Pennsylvania Ave.
(County Highway. District #3)

Mr. Gammon distributed the staff report and stated that the application was the final phase of a development started in 2003.

Mr. Keith Beatty, Isch and Associates, stated that the final plat follows what was submitted on the preliminary plat.

Mr. Holloway asked how things were progressing in construction of the final phase.

Mr. Beatty replied that water had been brought in and the street construction was about to begin. He added that things were coming along well.

Mr. Blough asked if the streets would be privately maintained.

Mr. Beatty stated that the roads would be privately maintained.

Mr. Jones motioned to approve the final plat of Cumberland Crossing IV. Mr. Richey seconded the motion. Vote taken: Frazier – Aye, Jones – Aye, Vorel – Aye, Holloway – Aye, Richey – Aye, Blough – Aye. The item was approved.

Discussion and possible action to approve/deny a Special Use Permit (SP-2011-01) to develop a “Year Round Fireworks Sales Facility” within an existing warehouse.

Applicant: **FIREWORKS CENTRAL 25, LLC**

The following is the site description to be considered:

A tract of land described as the West 450.00 feet of the following described tract: Lot One (1) of the Northwest Quarter (NW/4) of Section Eighteen (18), Township Twelve North (T-12-N), Range Two West (2-W) of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly as follows, to-wit: Beginning at the Northwest Corner of Lot One (1) of the Northwest Quarter (NW/4); Thence East 757.2876 feet; Thence South 330.00 feet; Thence West to the West line of Lot One (1); Thence North to beginning, EXCEPT: a tract on the West deeded to Oklahoma County for road purposes; said deed being recorded in Book 55 at Page 177 of the records of Oklahoma County, Oklahoma.

Location: 2820 NE 50th St., Oklahoma City, Oklahoma
(County Highway District #1)

Mr. Gammon distributed the staff report and stated that in previous years fireworks sales were allowed only twice per year. He added that the state had changed the law to allow fireworks sales year round. He also added that Oklahoma County had to add a supplement to the zoning regulations to include year round fireworks sales.

Mr. Gammon stated that one protest letter had been received shortly before the beginning of the meeting. He distributed the letter to the planning commission members for their review.

Mr. Jimmy Durant, representing the applicant, stated that the fireworks warehouse had been in business since 2003. He added that the property was fire suppressed and only housed consumer grade fireworks. He went on to say that the sale of fireworks contributed a large amount of money to the State of Oklahoma in sales tax revenue.

Mr. Vorel asked if the property had ever been open in December.

Mr. Durant answered that the facility had been open in December, but the owner found it to not be very profitable. He added that the building had been open during various other holidays such as Halloween and Mother's Day selling costumes and flowers.

Mr. Gammon stated that the County Engineer had reviewed the application and had no objections.

Mr. Richey inquired about inspections of the property.

Mr. Durant stated that the State Fire Marshal annually inspected the property.

Mr. Blough asked if the State Fire Marshal inspection had been received.

Mr. Durant stated that he could possibly provide a copy of last year's inspection, because the State Fire Marshal normally did not inspect the property until it had opened, which was around June 15th.

Ms. Crawford explained that the building in question had to be built in accordance with the International Building Code and the codes and standards adopted by the State Fire Marshal. She added that the County needed proof that the State had inspected the structure. She didn't believe that the structure needed to be re-inspected by the State if it had been done at the time of construction.

Mr. Durant stated he was sure that the State had inspected the building at the time of construction and would submit copy of the certificate of occupancy, issued by the State, to Oklahoma County.

Ms. Amy Lawrence, Mr. David Martin and Mr. Mark Amy, adjacent property owners, were present to voice their concerns regarding the following items:

- Increased Traffic
- Potential Fire Hazards
- Decreased Property Value

- Increased Home Owners' Insurance
- Increased Destruction of Property
- Concern for Wildlife in the Area
- Increased Noise

Mr. Blough asked if there were access control gates on the property and what the hours of operation were.

Mr. Durant affirmed that there were access control gates. He added that the hours of operation were 10 a.m. to 10 p.m. everyday, except on July 4th when they would close at midnight.

Mr. Jones motioned to approve the special use permit contingent upon satisfactory State Fire Marshal building code approval, submitted within ten (10) days to planning staff. If planning staff not satisfied in the allotted time, the case would be resubmitted to the planning commission. The hours of operation, clarified on the special use permit, as 10 a.m. to 10 p.m., everyday, except on July 4th. The hours of operation on July 4th would be 10 a.m. to 12 a.m. Mr. Holloway seconded the motion. Vote taken: Frazier – Aye, Jones – Aye, Vorel – No, Holloway – Aye, Richey – No, Blough – Aye. The item was approved with the contingencies.

Discussion and Possible action to receive the Fee Fund Report for the month of April 2010.

Mr. Richey motioned to receive the fee fund report for April 2010. Mr. Blough seconded the motion. Vote taken: Frazier – Aye, Jones – Aye, Vorel – Aye, Holloway – Aye, Richey – Aye, Blough – Aye. The report was received.

Other Business:

On behalf of all the planning commission members, Mr. Jones thanked the Board of County Commissioners for the recognition given to Ms. Cheryl Dorrance for all her years of service on the planning commission.

Mr. Gammon stated that there would be an election on the next planning commission meeting agenda.

Adjournment:

Mr. Jones motioned to adjourn the meeting. Mr. Holloway seconded the motion. Vote taken: Frazier – Aye, Jones – Aye, Dorrance – Aye, Holloway – Aye, Richey – Aye, Blough – Aye. The meeting was adjourned at 1:44 p.m.

Approved this _____ day of _____, 2011

**OKLAHOMA COUNTY
PLANNING COMMISSION**

David Richey Vice-Chairman

ATTEST:

Tyler Gammon, Jr., Secretary