

# **M I N U T E S**

## **OKLAHOMA COUNTY PLANNING COMMISSION**

**December 21, 2023**

**1:30p.m.**

The meeting of the Oklahoma County Planning Commission convened and was called to order by Mr. Rob Talbot, Chairman at 1:30 p.m., in Room 204, Oklahoma County Office Building, 320 Robert S. Kerr, with the following individuals present:

**Mr. Rob Talbot, Chairman**  
**Ms. Denise Patterson, Vice-Chairperson**  
**Mr. Rob Murray, Member**  
**Mr. Greg Davidson, Member**  
**Mr. Charles Defuria, Member**  
**Mr. Myles Davidson, County Commissioner District #3**

Also in attendance:

**Mr. Erik Brandt, County Planner**  
**Mr. Stacey Trumbo P.E., County Engineer**  
**Ms. Lisa Endres, Assistant District Attorney**

Mr. Brandt called roll and a quorum was declared.

### **Approval of Minutes of the Previous Meeting: (October 19, 2023)**

Ms. Patterson motioned to approve the minutes as submitted. Mr. Murray seconded the motion. Vote taken: Murray – Aye, G. Davidson – Aye, Talbot – Aye, Defuria – Aye, Patterson – Aye, M. Davidson – Aye. The October 19, 2023 minutes were approved.

### **Discussion and possible action to approve/deny a zoning change from Planned Unit Development (PUD-2022-06) to R-2 – Rural Residential (Z-2023-09).**

Application of: **EXIT 43, LLC (BENJAMIN RUSS)**

The applicant proposed reverting the zoning from a higher density zoning back to a lower density zoning. If approved the applicant would begin construction of a new home and outbuilding on an approximately 147.37-acre tract. The following was the legal description of the property:

**The Northeast Quarter (NE/4) of Section Seven (7), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma. LESS AND EXCEPT: A tract of land in the NE/4 of Section 7, Township 14 North, Range 4 West, described by metes and bounds as follows: BEGINNING at the Southeast Corner of said Quarter Section; Thence West 1000 feet along the South line of said Quarter Section; Thence North 550 feet; Thence East 1000 feet; Thence South 550 feet along the East line of said Quarter Section to the POINT OF BEGINNING. Containing 6,419,635.36 Sq. Ft. or 147.3746 Acres, more or less.**

**Location: NW 234th St & Council Rd. (County Highway District #3)**

Mr. Brandt presented the staff report and stated that the property in question had been previously rezoned for use as a single-family residential subdivision. He explained that the current owner wished to revert the zoning back to R-2 – Rural Residential District and would construct a home and accessory building.

Mr. Talbot asked if there were any time restrictions between zoning changes.

Mr. Brandt replied that there were no time restrictions between property rezonings.

Mr. Benjamin Russ, applicant, was present to speak on behalf of his rezoning application. He stated that many of his adjacent property owners were happy that a subdivision would not be constructed on his property.

There was no one present to speak against the rezoning application.

Mr. Defuria motioned to approve the rezoning application. Ms. Patterson seconded the motion. Vote taken: Murray – Aye, G. Davidson – Aye, Talbot – Aye, Defuria – Aye, Patterson – Aye, M. Davidson – Aye. The item was recommended for approval and forwarded to the BOCC for final consideration.

Mr. Trumbo joined the meeting.

**Discussion and possible action to approve/deny a zoning change from C-G – Commercial – General to Planned Unit Development (PUD-2023-07).**

Application of: **WILLIAM, BOX, FORSHEE & BULLARD, P.C.**  
Owner: **74 LEASING LLC**

The applicant proposed amending the zoning on an approximately 5.82-acre parcel. If approved, the PUD would permit all C-G uses as well as firework retail and wholesale sales, moderate and heavy industrial uses but would prohibit adult entertainment use. The following was the legal description considered:

A part of the Northwest Quarter (NW/4) of Section Twenty-Four (24), Township Fourteen (14) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma, said part being more particularly described as follows: COMMENCING at the Northwest Corner of said NW/4; thence South 00°00'08" West along the West line of said NW/4 a distance of 1308.44 feet to the point of beginning; thence from said point of beginning continuing South 00°00'08" West along said West line a distance of 1260.80 feet; thence South 89°59'52" East a distance of 50.00 feet; thence South 45°09'37" East a distance of 35.25 feet to a point 60.00 feet North of the South line of said NW/4; thence North 89°40'37" East along a line parallel to and 60.00 feet North of said South line a distance of 446.80 feet; thence North 00°20'11" West a distance of 888.24 feet; thence North 69°28'32" West a distance of 219.81 feet; thence North 28°26'09" West a distance of 253.43 feet; thence North 55°50'33" West a distance of 169.18 feet; thence North 89°59'52" West a distance of 50.00 feet to the point of beginning. (also known as Tract 2) LESS AND EXCEPT A strip, piece or parcel of land lying in part of the Northwest Quarter (NW/4) of Section Twenty-four (24), Township Fourteen (14) North, Range Four (4) West, in Oklahoma County, Oklahoma. Said parcel of land being described by metes and bounds as follows: Beginning at a point on the West line of said NW/4, a distance of 85.55 feet N00°16'23"W of the SW Corner of said NW/4, thence N00°16'23"W along said West line a distance of 1,260.35 feet, thence N89°43'37"E a distance of 50.00 feet, thence S56°07'04"E a distance of 169.18 feet, thence S28°42'40"E a distance of 137.15 feet, thence S00°12'00"E a distance of 625.73 feet, thence S01°52'57"W a distance of 443.33 feet, thence S89°20'30"W a distance of 163.07 feet, thence

N44°55'36"W a distance of 35.25 feet, thence S89°43'37"W a distance of 50.00 feet to point of beginning.

Location: NW 206<sup>th</sup> St. & Portland Ave. (County Highway District #3)

Mr. Brandt gave the staff report and stated that the property under consideration was rezoned to C-G – Commercial General District in 2001 and had been vacant since that time. He added that the applicant, under the proposed PUD, wished to allow all C-G uses as well as fireworks sales and wholesale, industrial moderate and heavy uses but would exclude adult entertainment. He also added that County Zoning Regulations did not allow billboards. The inclusion of a billboard would have to be added to the PUD statement and ODOT would have to approve placement. Mr. Brandt also explained that flashing or intermittent signage was also prohibited and a variance from the Board of Adjustment would have to be obtained in order to allow for the use of said signs.

Mr. M. Davidson asked if Oklahoma County had a sign permit process.

Mr. Brandt affirmed that Oklahoma County had a sign permit application and inspection process.

Ms. Kaitlyn Turner, attorney for the applicant, was present to speak on behalf of the PUD application. She explained that the proposed PUD was an expansion of compatible uses in the area. She added that they would meet all requirements in order to construct a billboard on site.

Mr. M. Davidson asked which school district the property in question fell under.

Ms. Turner replied that her client's property fell under the Deer Creek School District.

Mr. M. Davidson stated that with the proposed zoning change, Oklahoma County could be increasing the bonding capacity and ad valorem tax without adding additional students to the Deer Creek School District.

There was no one present to speak against the PUD application.

Mr. M. Davidson motioned to approve the PUD application. Mr. Talbot seconded. Vote taken: Murray – Aye, G. Davidson – Aye, Talbot – Aye, Defuria – Aye, Patterson – Aye, M. Davidson – Aye. The item was recommended for approval and forwarded to the BOCC for final consideration.

**Discussion and possible action to approve/deny a zoning change from R-2 – Rural Residential to I – Industrial (Z-2023-08).**

Application of:  
Owner:

**BENJAMIN SKELLY  
FRED & CAROL POMPLUN**

The applicant proposed amending the zoning on an approximately 3.11-acre parcel. If approved, the applicant would construct and operate a landscape and contractor material storage yard. The following was the legal description considered:

**A tract of land in the Southwest Quarter (SW/4) of Section Eleven (11), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma, AKA a part of Block**

Twenty-Three (23) of LEAVITT'S S.E. Twenty-Ninth St. Addition and the property between the East line of the Road R-O-W and said Block 23; being more particularly described as follows: Beginning at a Point 2636 feet East and 1785.14 feet South of the Northwest corner of the said Southwest Quarter (SW/4) to a point on the East line of said Block 23; Thence N89°48'24"W a distance of 205.42 feet; Thence S00°13'20"W a distance of 60.00 feet; Thence S89°48'24"W a distance of 172.81 feet; Thence S00°22'12"W a distance of 259.00 feet; Thence S27°22'12"W a distance of 69.25 feet to a point on the North Right-of-Way of S.E. 29th Street; Thence Southeasterly along the said North R-O-W on a curve to the right a distance of 412.70 feet to a point on the East line of the said Block 23; Thence N00°15'07"E a distance of 393.88 feet to the point of beginning.

Location: SE 29th St & Hardin Rd (County Highway District #2)

Mr. Brandt gave the staff report and stated that the applicant wished to rezone a piece of property to industrial to allow for outside storage of material for his landscape business. He added that County regulations did not permit outside storage of materials in any commercial zoning district. He also added that one protest letter had been received.

Ms. Patterson motioned to receive the protest letter. Mr. G. Davidson seconded the motion. Vote taken: Murray – Aye, G. Davidson – Aye, Talbot – Aye, Defuria – Aye, Patterson – Aye, M. Davidson – Aye. The letter was received.

Mr. Benjamin Skelly, potential buyer, was present to speak on behalf of the rezoning application. He explained that he would not be open to the public and only needed a place to store equipment for his business. He added that he would adhere to all county regulations regarding fencing, lighting and construction.

Mr. M. Davidson asked why the applicant did not apply for a PUD. He added that with a PUD, the applicant could outline the exact uses for the property.

Mr. Skelly replied that he didn't know what a PUD was or how to write a PUD statement. He stated that in going through the rezoning process, he was unsure of what to do.

There was discussion between the Commission and counsel regarding zoning and modifications of zoning requests. The Commission asked if the zoning request was approved, could the Commission modify the allowed uses under the said zoning. Counsel stated that she would need time to review the regulations to formulate an opinion. It was decided that the best course of action was for the applicant to request a deferral until counsel could submit an answer on the zoning modification request.

Mr. Skelly stated that he was amenable to deferring his rezoning application until the January 18, 2024 planning meeting.

There was no one present to speak against the rezoning application.

Mr. G. Davidson motioned to accept the deferral request. Ms. Patterson seconded. Vote taken: Murray – Aye, G. Davidson – Aye, Talbot – Aye, Defuria – Aye, Patterson – Aye, M. Davidson – Aye. The rezoning application was deferred until the January 18, 2024 planning meeting.

**Discussion and possible action to approve/deny the revision of the Planning Commission Filing Fee Schedule, Building Code Inspection Fees and Administrative Fire Review Fee.**

Mr. Brandt gave a brief description of all fee revisions requested by the planning staff. He added that all inspection fees were basically increased by \$5.00 and medical marijuana applications would increase by \$1000 to \$2000.

Mr. M. Davidson suggested that all medical marijuana applications be increased to \$2000 instead of using a sliding scale based on the particular use, i.e. grower, dispensary, etc. He added that all medical marijuana re-inspections should be increased to \$150.00 instead of \$55.00.

Mr. Talbolt motioned to approve the fee revisions with the recommended changes. Mr. Murray seconded the motion. Vote taken: Murray – Aye, G. Davidson – No, Talbot – Aye, Defuria – Aye, Patterson – Aye, M. Davidson – Aye. The fee revisions were recommended for approval and forwarded to the BOCC for final consideration.

**Discussion and possible action to receive the October and November 2023 Fee Fund and Expense Reports.**

Ms. Patterson motioned to receive the fee fund and expense reports. G. Davidson seconded the motion. Vote taken: Murray – Aye, G. Davidson – Aye, Talbot – Aye, Defuria – Aye, Patterson – Aye, M. Davidson – Aye. The reports were received.

**New Business:** In accordance with the Open Meetings Act, Section, 311.9, New Business is defined as any matter not known about, or which could not have been reasonably foreseen prior to the time of posting the agenda.

There was no new business.

**Adjournment.**

Ms. Patterson motioned to adjourn. Mr. G. Davidson seconded the motion. Vote taken: Murray – Aye, G. Davidson – Aye, Talbot – Aye, Defuria – Aye, Patterson – Aye, M. Davidson – Aye. The meeting adjourned at 2:36 p.m.

Approved this 18<sup>th</sup> day of January, 2023

**OKLAHOMA COUNTY  
PLANNING COMMISSION**

  
Mr. Rob Talbot, Chairman

  
Mr. Erik Brandt, Planning Secretary