



**Agenda Item No. 3 being: MINUTES**

a) **Approval of the Minutes of the February 9, 2021 Planning Commission Meeting.**

Chairman Sherrard requested a motion.

Gary Lunow motioned to approve the **February 9, 2021 Planning Commission Meeting**, as written. Chad Burks seconded the motion. Roll was called.

**Ayes:** Lunow, Burks, Snow, Jarema, Rickman, Laib, Joiner, Sherrard

**Nays:**

**Abstained:** Graham

**Absent:**

b) **Approval of the Minutes of the February 18, 2021 Planning Commission Meeting.**

Chairman Sherrard requested a motion.

Gary Lunow motioned to approve the **February 18, 2021 Planning Commission Meeting**, as written. Chad Burks seconded the motion. Roll was called.

**Ayes:** Graham, Lunow, Burks, Snow, Jarema, Rickman, Laib, Joiner, Sherrard

**Nays:**

**Abstained:**

**Absent:**

**Agenda Item No. 4a being: REPORTS – PLANNING COMMISSION MEMBERS – None**

**Agenda Item No. 4b, being: REPORTS - PLANNING COMMISSION STAFF**

Ms. Weitman reported the following items were discussed and considered by City Council on the below listed dates:

**March 1, 2021**

**Approved:**

- **Rezoning Application No. RZ1002**, from C-3 General Commercial District to R-2/PUD Two Family Dwelling District/ Planned Unit Development and companion item **Envision Moore 2040 Amendment #4** Application by Bam Development, LLC/Gene Methvin.
- **Rezoning Application No. RZ1003**, from C-5 Automotive and Commercial Recreation District to

C-3 General Commercial District. Application by First United Bank/John Shakarjian.

- **Final Plat of Apple Estates, Section 4**, (a replat of Apple Gardens, Section 1, Lot 1, Block 4) Application by Farzaneh Development, LLLP/Jalal Farzaneh.

**Agenda Item No. 5a, being:** NEW BUSINESS

Discuss and consider **Rezoning Application No. RZ1006**, located in the NE/4 of Section 11, T10N, R3W, being south of NE 27<sup>th</sup> Street and east of Pole Road, from C-5 Automotive and Commercial Recreation District to I-1 Light Industrial District. Application by HES Properties, Inc. /Eric Schmidt. **Ward 2.**

The subject site is located south of NE 27<sup>th</sup> St and west of N Eastern Ave at 2212 Pole Rd. The site consists of 1 lot totaling 0.5 acres with an existing office/warehouse space on the property. The applicant is seeking to rezone the property from C-5 Automotive and Commercial Recreation to I-1 Light Industrial for future light industrial leasing opportunities.

Public water and sewer utilities are available to serve the site. Access is provided by Pole Rd.

The site does not contain a FEMA-regulated floodplain or floodway. Because there is no redevelopment occurring, on-site stormwater detention will not be required.

This site is located in a heavy commercial area in the Highland Business Park. There are existing heavy commercial businesses and quasi-industrial uses surrounding this property to the north and south, and the BNSF Railway is located to the east of this property.

The Envision Moore 2040 Plan calls for this location to be a Light Industrial area. Light Industrial land uses include existing heavy commercial, office, warehouse, flex, light industrial, and existing medium industrial development. This application was reviewed as to its conformance with the intent of the Plan.

Because this application is not considered new development, but rather new uses in an existing building, it is not anticipated to greatly impact the appearance or amenities in the area.

Because no new development is proposed, sidewalk improvements not required at this time.

The existing access to the site is from two driveways via Pole Rd. No additional driveways are being proposed.

The site does not contain floodplain or naturalized areas. As no new development over 1-acre in size is proposed, stormwater detention is not required.

Because this application does not seek to redevelop the area but occupy an existing structure on a lot designated as Light Industrial land use, staff believes that it is in compliance with the intent of the Envision Moore 2040.

The subject site is located in a heavy commercial area adjacent to the BNSF Railroad. Due to the existing land uses in the area and the compliance with the comprehensive plan, staff recommends approval of this

application.

Chairman Sherrard noted the entire area east of Pole Road is shown in the comprehensive plan to be designated as light industrial uses. Ms. Copeland answered, yes that is correct.

Chairman Sherrard asked if the applicant was present. Eric Schmidt, 17 W. Ranchwood Drive, Oklahoma City, introduced himself as the applicant and offered to answer any questions. Chairman Sherrard asked the applicant if he is hoping to attract more industrial uses. Mr. Schmidt, answered, expanding the zoning to include light industrial will potential increase the ability to collect a higher rent. He stated, he has a total of 7 bays so this change in zoning will broaden the types of business that could operate there. Many of the businesses operating there today are light industrial in nature. However, the current C-5 zoning attracts businesses that are more automotive in nature. The proposed I-1 zoning would be more conducive to businesses such as, a sheet metal shop, or a machine shop, which opens up the possibilities for future tenants.

Chairman Sherrard asked if there was anyone in the audience who wished to address this item.

Carolyn Strouhal, 3100 S. Eastern introduced herself as the property owner abutting the subject property on the North. Ms. Strouhal stated, since the property is already zoned C5 for automotive uses, she is confused as to the reason behind the request for Light Industrial. Ms. Strouhal stated that when the property was originally developed, the Industrial zoning was not sought in order to avoid those heavier uses. Ms. Strouhal asked for some examples of the types of business that could operate there, if the zoning is changed.

Chairman Sherrard asked Ms. Weitman to clarify the difference between C-5 and I-1 zoning.

Ms. Weitman answered, the biggest difference is going to be your heavier automotive uses. Under the C-5 zoning, outside storage of wrecked or dismantled vehicles would not be allowed. In addition, under the C-5 zoning, any type of outdoor storage would be required to remain behind a site-proof fence. Ms. Weitman stated, this particular property does not really have room for a lot of outside storage so that is not really a concern.

The other difference has more to do with the type of activity that goes on inside. As the applicant stated, the I-1 zoning is more attractive to businesses such as sheet metal shops and machine shops. Those type of uses are not allowed in C-5.

Chairman Sherrard asked if anyone else would like to address this issue. Hearing none, a motion was requested.

Kent Graham motioned to approve **Rezoning Application No. RZ1006**. Chad Burks seconded the motion. Roll was called.

**Ayes:** Graham, Lunow, Burks, Snow, Jarema, Rickman, Laib, Joiner, Sherrard

**Nays:**

**Abstained:**

**Absent:**

**Agenda Item No. 5b, being: NEW BUSINESS**

Discuss and consider the **Final Plat of The Waters, Phase V**, located in the SE/2 of Section 1, T10N, R3W, being north of NE 27<sup>th</sup> Street and east of Eastern Avenue. Application by Premium Land LLC/Taber LeBlanc. **Ward 2.**

This property is located to the East of N. Eastern Avenue and North of NE 27<sup>th</sup> Street. The property was rezoned to R-1 Single Family Residential in January 2016. The applicant is requesting a final plat for 58 single-family lots on 19.72 acres totaling approximately 3 dwelling unit per acre. This is the last phase of The Waters Addition.

Access is proposed by NE 35<sup>th</sup> Street and NE 33<sup>rd</sup> Terrace, which are existing residential streets within The Waters Addition.

An 8" Public water line will be extended to serve the site from an existing 8" water main to the west within The Waters Addition. An 8" Sewer line will be extended to serve the site from an existing 8" within The Waters Addition.

No FEMA regulated floodplain is located on the property. On-site detention is required and is provided with 2 ponds platted as Common Area J. The south portion of Common Area J is an existing pipeline easement. These sites contain approximately 9.2 acres of open space.

To improve water pressures and connectivity in the area, a waterline connection to Nemaha Drive is required.

The Envision Moore 2040 Plan calls for this location to be Urban Residential. Land uses allowed in Urban Residential allow for single-family detached units up to 7 dwelling units per acre. The Final Plat for The Waters, Section 5 Addition application was reviewed as to its general conformance with the intent of the Envision Moore 2040 Plan for informational purposes only.

This application includes approximately 7.07 acres of common area, to be developed primarily as storm water detention.

This property is not located within ¼ mile of a school or park. The Plan does not identify this area as an opportunity for a Priority Greenway Corridor to connect parks and schools throughout the community, although sidewalks are proposed within the subdivision.

This application provides two internal street connections to the existing Waters Addition to the west

This site does not contain floodplain, although some naturalized areas are being preserved for storm water detention and common areas.

Due to the overall densities of approximately 3 lots per acre and the inclusion of quality open space, staff believes that this site conforms with the requirements of the 'Urban Density Residential' land use designation

and the overall goals and recommendations of the Plan. Staff recommends approval of the final plat.

Chairman Sherrard asked if the applicant was present. Kendall Dillon, 300 Point Parkway Blvd., Yukon, OK, introduced himself as the engineer for the project. Mr. Dillon stated, the applicant is in agreement with staff recommendations and offered to answer any questions.

Chairman Sherrard asked if this is the final phase. Mr. Dillon answered, yes, this is the final phase for the single family component. Mr. Dillon stated, the duplex portion is currently on hold. The start time for that portion is market driven and yet to be determined.

Chairman Sherrard asked if anyone else would like to address this issue. Hearing none, a motion was requested.

Gary Lunow motioned to approve the **Final Plat of The Waters, Phase V**. Chris Rickman seconded the motion. Roll was called.

**Ayes:** Graham, Lunow, Burks, Snow, Jarema, Rickman, Laib, Joiner, Sherrard

**Nays:**

**Abstained:**

**Absent:**

**Agenda Item No. 5c, being:** NEW BUSINESS

Discuss and consider the **Preliminary Plat of Cypress Creek**, located in the SE/4 of Section 19, T10N, R2W, being north of SE 19th Street and west of Sunnylan Road. Application by Farzaneh Development LLLP/Hossein Farzaneh. **Ward 1**.

The subject site is located north of SE 19<sup>th</sup> Street and west of S Sunnylan Rd. The Preliminary Plat consists of one tract of land being approximately 70 acres in size. This property is seeking a rezoning to R-1 Single-Family Residential District with the intention of redeveloping the property as a single-family subdivision. The existing oil well and appurtenances will be removed/abandoned per Oklahoma Corporation Commission requirements. The Preliminary Plat proposes 244 residential lots and 5 common areas, resulting in a density of approximately 3.5 lots per acre.

Stormwater detention for this development is required. The development includes two detention ponds along the west property boundary, and a larger retention pond on the east side of the development. A FEMA floodplain and floodway is located at the southeast corner of the site and a separate floodplain is located along the west boundary of the site; no modifications of the floodplains or floodway are proposed.

Access is proposed by a divided-median entryway from SE 19<sup>th</sup> St. via 'Cypress Creek Blvd.' and through the existing Noah Drive street stub which dead-ends into the subject site; these two access points meet the access standards as set out in the Subdivision Regulations. Additionally, to increase future connectivity between neighborhoods, two street stubs have been provided abutting the undeveloped property to the east and one street stub to the undeveloped property to the west. Because 'Cypress Creek Blvd.' connects to the street-stub

to the east that will provide access to Sunnyslane, this portion of 'Cypress Creek Blvd.' will carry more traffic and must be designed as a collector street.

Although the access to Noah Drive is anticipated to increase traffic flow through the Rock Creek neighborhood to some extent, this connection is in keeping with the original agreement for the development of the final phase of Rock Creek by establishing another access point to the south for the Rock Creek neighborhood. It should be noted that this new connection to Rock Creek will provide those residents with a quicker and more direct route to an arterial roadway, being SE 19<sup>th</sup> Street.

This property has been used in the past as a dump site for wood remnants/chips. Approximately 25 lots are affected by the wood chips. These wood chips present a challenge for development as they must be removed and fill dirt brought in to establish adequate build-sites. To ensure suitability for home construction on the affected lots, the applicant will be required to provide a report on the removal of the wood chips and detailing adequate mitigation measures for development.

A fee-in-lieu of parkland will be required.

This plat contains two long relatively straight north-south streets that span the full ½ mile length of the development- 'Cypress Creek Blvd.' and 'Pin Cherry Lane'. Past experience with similar layouts has shown that speeding becomes a problem for the safety and peace of the neighborhood. Traffic calming techniques are required for both streets and will be reviewed for such at the final plat stage.

Public water is available along SE 19<sup>th</sup> St and with an 8" stub-out at Noah Drive. Sanitary sewer is available to north and west by an 8" gravity line. A minimum 8" public waterline will be required along 'Cypress Creek Drive' to provide adequate fire flows throughout the neighborhood. Sanitary sewer will be extended from Rock Creek through the site, potentially eliminating the Rock Creek lift station.

The Envision Moore 2040 Plan calls for this location to be Open Space Residential. Land uses in Open Space Residential include existing neighborhoods with large lots, or new neighborhoods with smaller lots featuring significant open space, up to 3 lots per acre and 30% open space. This application was reviewed as to its conformance with the intent of the Plan.

This subject site includes approximately 15 acres of open space with 2 acres of 'upland' open space, which is approx. 20% open space, of which 10% being useable open space. It should be noted that in previous discussions with the Planning Commission, it was determined that 30% as prescribed by the Plan was excessive and a lesser amount may be more appropriate. Planning Commission and City Council must determine if 20% Open Space is adequate to meet the Open Space Residential land use.

The floodplains in this development are shown on the Bikeway and Greenway Network Map (pg. 105) as multi-use trail corridors. As such, a pedestrian easement will be required for future trail construction as shown in the Comprehensive Plan.

This application provides one divided-median entryway from SE 19<sup>th</sup> Street and a residential local street connection with the existing Noah Drive in the Rock Creek neighborhood. Additionally, street stubs are provided to the undeveloped properties to both the west and east, and conforming with the Plan's

Recommended Transportation Improvements (pg. 110).

This site contains a significant amount of FEMA floodplains and a floodway. The proposed development preserves these areas in their natural state.

This development was designed with the Open Space Residential land use requirements in mind. Although the proposal does not meet the 30% as prescribed in the plan, it does have 20% open space with 10% of that open space being 'upland' or 'useable' open space. It preserves the natural floodplains and furthers the City's future trails system. If the Planning Commission and City Council determine that the 20% Open Space is acceptable as the standard in accordance with previous Planning Commission discussions, staff believes that this application complies with the comprehensive plan.

This Preliminary Plat seeks to develop a vacant property in a growing part of Moore to a low-density residential neighborhood with 244 lots and approximately 3.5 lots per acre. The plat meets the requirements as set out by City Code and many of the goals and policies of the Comprehensive Plan. Staff recommends approval of the Preliminary Plat.

Ms. Weitman reminded everyone that this item was heard at the February Planning Commission. The application was tabled at that time to give the developer additional time to reassess the configuration of lots in order to possibly increase the percentage of open-space provided. Since that time, the application has been modified to offer an increased amount of open-space. The applicant has set aside 5 additional lots as open-space. All are located outside of the floodplain. With the provision of these lots as open-space, the site will consist of a reduced number of 239 lots resulting in a density of 3.42 lots per acre and 22.45 percent of open-space. For comparison, the original application consisted of a density of 3.49 lots per acre and 21 percent of open-space. Ms. Weitman offered to answer questions.

Commissioner Lunow, asked if the provision of additional open-space satisfies the requirement in the staff's view. Ms. Weitman answered, yes. The Moore Vision 2040 Comprehensive Plan sets out a good goal. However, each property is distinct and in a less than perfect world, the applicant has done a good job to satisfy the intent of the plan. Ms. Weitman stated, 22 percent of open-space exceeds the amount of open-space of any previously approved Single Family Addition within the City of Moore.

Chairman Sherrard asked how much of the open-space is usable. Ms. Weitman answered, all of it. Kendall Dillon stated, usable open space consists of about 3 acres. Chairman Sherrard stated, approval of the application would essentially result in approval of relaxing the open-space requirement for this site. Ms. Weitman answered, yes.

Commissioner Graham asked, how we should answer future requests for relaxing the open-space requirement. He went on to say that he believes approval, would undermine what is already set out within the Comprehensive Plan. Commissioner Graham asked, should the Planning Commission view the comprehensive plan as a guideline or should it carry more weight? Ms. Weitman answered, it is important to make a diligent effort to attain the goals as set out by the Comprehensive Plan, however it is also important to realize each piece of property is unique and there will be times when achieving a specific goal is not feasible due to a variety of factors. Having said that, the key to achieving those goals is to change the Ordinance.



Chairman Sherrard asked if the applicant was present. David Box, 522 Colcord Drive, Oklahoma City, OK, introduced himself as representing the applicant. Mr. Box also introduced Kendal Dillon with Crafton Tull, as the Civil Engineer for the project. Mr. Box stated, it is worth noting, prior to the February Planning Commission meeting, the Applicant hosted a neighborhood meeting via Zoom that was well attended and the applicant was able to address many concerns to the satisfaction of those residents. It is also worth noting, there are no residents who stand in objection to the proposed application.

Mr. Box stated the applicant has made a sincere effort to find a middle ground with the City by returning with an application that increases the open space by 5 additional lots. Mr. Box went on to say, he is in agreement with Ms. Weitman, the way to insure the goals of the Comprehensive Plan are met would be to codify them into law by way of an ordinance. From a legal standpoint an Ordinance is treated as a law versus a policy.

Mr. Box reminded everyone that 22.5 percent is a significant amount of open-space for any single family development and represents a sincere effort on the part of the applicant. Mr. Box went on to say, the application before you tonight does comply 100 percent with City Ordinance and 100 percent with the Subdivision Regulations. Mr. Box stated he and Mr. Dillon are available to answer any questions.

Commissioner Jarema asked if this project will go in all in one phase and will it be developed from North to South. Mr. Box answered, it will be phased, beginning at the south end, progressing up and around. Commissioner Jarema stated, so the 19<sup>th</sup> Street entrance will come into play at the very beginning. Mr. Box answered, yes and we are not certain about the number of phases but likely at least 5 years to complete.

Chairman Sherrard asked if anyone else would like to address this issue. Hearing none, a motion was requested.

Gary Lunow motioned to approve the **Preliminary Plat of Cypress Creek**, Don Snow seconded the motion. Roll was called.

**Ayes:** Lunow, Snow, Joiner, Sherrard  
**Nays:** Graham, Burks, Jarema, Rickman, Laib  
**Abstained:**  
**Absent:**

*Agenda Items No. 5d and 5e are companion items to be discussed together and voted on separately.*

**Agenda Item No. 5d, being: NEW BUSINESS**

Discuss and consider **Rezoning Application No. RZ1005**, located in the NE/4 of Section 12, T10N, R3W, being south of NE 27<sup>th</sup> Street and west of Bryant Avenue, from A-1 Rural Agricultural District to R-1 Single Family Dwelling District. Application by Mike Galier. **Ward 2.**

The subject site is located south of NE 27<sup>th</sup> Street and west of N Bryant Ave. The property is currently zoned A-1 Rural Agricultural. The applicant is proposing to demolish an existing home on the property and develop a single-family residential development approximately 16.29 acres in total size with 2 formalized common areas and 47 living units, resulting in an overall density of 2.8 living units per acre. To develop as proposed, the

property must be rezoned from A-1 Rural Agricultural District to R-1 Single-Family Residential District and preliminary platted.

Public water is available along NE 27<sup>th</sup> St. Sanitary sewer is available to north and west by an 8" gravity line.

Stormwater detention for this development is required. The development includes a detention pond located on the west side of the property. An un-studied FEMA floodplain and floodway is located within the property, which means that the limits of the floodplain are currently unknown. The applicant will be required to complete a flood study to establish the limits of the floodplain and floodway. It is currently estimated that approximately 34% of the floodplain will be modified to accommodate development, however this will change as the limits of the floodway are better established.

Access for the proposed addition is provided by NE 27<sup>th</sup> Street with a proposed emergency access point also located along NE 27<sup>th</sup> Street via an easement between Lots 11 and 12. This proposed addition would be gated and feature a median divided entryway and a private street that turns to a cul-de-sac.

The developer has requested a variance from the City Code to allow a 20' building line vs. the required 25' building line to achieve a desired aesthetic for the addition. City Council has approved several developments in the past with 20' building lines, such as the Brookstone Villas and Brentwood Additions. A 20' building line could cause issues such as blocked sidewalks due to parked cars in the driveway. Ultimately, the Planning Commission and City Council must determine if a variance for the reduced front building line in a gated community is acceptable.

Additionally, Lot 46 on the plat depth may not sufficient for construction of a house and may need to be modified with the final plat.

Along the eastern boundary of the property, there is a 30' strip of land that is currently zoned R-1 and is leased by the radio towers to the south. The applicant has reached out to the owner of this strip in an attempt to purchase it and incorporate it into the plat as common area, but has not been successful to date.

A fee-in-lieu of parkland will be required.

Due to the configuration of the plat, an emergency access drive is required. The plat currently shows the access drive being located in a 20' wide easement between Lots 11 and 12. This access point should be reviewed prior to the final plat to determine if there is room for an access drive at this location, given that the lot width of the lots are reduced due to the curvature of the road. The Fire Marshall shall have the final approval of the location and construction specifications of the emergency access drive.

The Envision Moore 2040 Plan calls for this location to be Urban Residential. Land uses in Urban Residential include a mix of single family detached units with up to 7 dwelling units per acre. This application was reviewed as to its conformance with the intent of the Plan.

This application includes approximately 4.3 acres of common area, or 26.7% open space. Much of the open

space is dedicated to storm water detention and FEMA floodplain that will contain walking trails. A HOA Clubhouse is proposed for Common Area B.

This proposed development is not located within a ¼ mile from a school or park. The floodplains in this development are shown on the Bikeway and Greenway Network Map as multi-use trail corridors. As such, a pedestrian easement will be required for future trail construction.

This application provides one gated residential street with a divided entryway from NE 27<sup>th</sup> Street. The proposal ends in a cul-de-sac, providing no further connections to the undeveloped property to the south. No individual lot access will be allowed to NE 27<sup>th</sup> Street.

This site contains a significant amount of un-studied FEMA floodplains and a floodway, estimated at being 29% of the site. The Plan recommends preserving the floodplain. The proposed development will modify the floodplain to reclaim approximately 34% of the total floodplain area within the site.

Chairman Sherrard asked if anyone else would like to address this issue. Hearing none, a motion was requested.

Chad Burks motioned to deny **Rezoning Application No. RZ1005**. Kenneth Jarema seconded the motion. Roll was called.

**Ayes:** Graham, Lunow, Burks, Snow, Jarema, Rickman, Laib, Joiner, Sherrard

**Nays:**

**Abstained:**

**Absent:**

**Agenda Item No. 5e, being:** NEW BUSINESS

Discuss and consider the **Preliminary Plat of Madison Gardens**, located in the NE/4 of Section 12, T10N, R3W, being south of NE 27<sup>th</sup> Street. Application by Mike Galier. **Ward 2**.

The subject site is located in a developed residential area located between the Signal Ridge Addition to the west and the Sienna Ridge Addition to the east. Due to the existing residential development in the area and the compliance with many of the goals and policies of the Comprehensive Plan, staff recommends approval of this application. Ms. Weitman offered to answer any questions.

Kent Graham asked Ms. Weitman, what would be the reason for relaxing the front building line set-back requirement from 25' to 20'. Ms. Weitman stated she believes it was for aesthetics, however she will allow the applicant to address that issue.

Chairman Sherrard asked Ms. Weitman to explain the concern with the emergency access. Ms. Weitman stated, the access is located between two lots that are situated along the eyebrow of the turn which does raise some questions. The frontages are narrow due to the curve. The access easement takes up 20 feet, so by the time you add a driveway to each lot, it is possible that each frontage may be entirely driveway.

The layout and frontage are 2 questions that will need to be addressed with the final plat.

Chairman Sherrard commented, extensive dirt work will be required since water on this site extends almost to 27<sup>th</sup> street. Ms. Weitman answered, this is a major drainage channel for the area. The developer is proposing to keep the existing pond to be used for water retention and they will need to do some fill, in the floodplain, to reclaim some lots.

Chad Burks asked Ms. Weitman, if the length of time for the Lease Agreement on the access road to the radio towers, is known? Ms. Weitman answered, she believes it will be coming due within the next 10 years and not anytime real soon.

Commissioner Snow asked Ms. Weitman if the emergency easement will be concrete. Ms. Weitman answered yes, it will be concrete of some other surface approved by the Fire Marshall to support a Fire truck. The emergency easement will connect up with part of the access easement that is on City Right-Of-Way.

Commissioner Graham asked about the fee in-lieu-of parkland. Additionally is the pedestrian easement and the park type amenities such as a walking/bike trail, coordinated with the City Park and will there be connectivity since this will be a gated community.

Ms. Weitman answered, the proposed development is within a ¼ mile of a city park. For that reason, it would not be a candidate for parkland dedication

Chairman Sherrard stated, Buck Thomas Park is separated from the proposed development by some land which could be developed at a later date. Chairman Sherrard stated that creates questions regarding any connectivity to the park and who actually would have access to the common area. Ms. Weitman stated, the neighborhood would definitely have access to the common area within the proposed neighborhood, however, this development is proposed as a gated community so staff is still in discussions with the developer on how a trail system would work for this development. Mr. Galier has stated that he understands the desire to have this long term goal of connecting the parks to more people. That is a detail that will need to be worked out with the Final Plat.

Chairman Sherrard asked if the applicant was present.

Ross Morris, Morris Engineering and Surveying, 617 NW 27<sup>th</sup> Street, Moore, OK introduced himself as the engineer for the project. Mr. Morris stated, the developer Mike Galier is also present in the audience and available to answer questions.

Mr. Morris stated he would like to start by addressing the front building line set-back. Mr. Morris stated, the developer would like to adjust the building line forward in order to provide more green space at the rear of the lots. This would provide additional spaced for the proposed trails.

Mr. Morris stated there is an abutting piece of land between Sienna Ridge and this property along the east boundary. That land is owned by the developer of the Sienna Ridge Addition. The applicant was not successful in purchasing that strip, so it will remain as a buffer between the two neighborhoods. Mr. Morris

stated as Ms. Weitman has already mentioned, the existing pond will remain and serve as a retention pond for the new lots.

Mr. Galier, 609 NE 23<sup>rd</sup> Street, Moore, OK, introduced himself as the applicant. Mr. Galier, stated the amenities he is proposing would be the walking trails and a club house located in the common areas. Commissioner Burks asked the applicant if he knew the approximate square footage of the homes. Mr. Galier answered, the minimum square footage would be between approximately 1800 and 2000 sf.

Commissioner Jarema asked what percentage of the homes might be 2-story. Mr. Galier answered only a couple, the primary target audience would be seniors and the design would be more in keeping with a patio-homes style development.

Commissioner Rickman asked Mr. Galier if he knows if he will be selling all of the lots to one builder or a number of builders. Mr. Galier answered, it could be a handful of different builders. Chairman Sherrard asked if there is a solution in mind for lots 11 and 12 with regard to driveway access. Mr. Morris answered, yes. Those 2 houses will probably need to set back a little further on the lot.

Commissioner Snow asked who is responsible for maintaining the old access road to the radio towers. Ms. Weitman answered the property owner who is Affinity Homes. Ms. Weitman stated, however, because that property is zoned as R-1, the City is able to abate the nuisance through the Code Enforcement Department, if that becomes necessary.

Chairman Sherrard asked if there were any members of the audience who wished to address this item.

The following citizens spoke in opposition to the proposed plat:

Bill Orland, 1500 NE 26<sup>th</sup> Street  
Wesley Ray, 2628 Amy Court  
Casey Beach, 2717 Ethan Lane  
Adrian Gonzalez, 2648 Amy Court  
Chuck Potter, 2601 Ethan Lane  
Peggy Goucher, 2625 Ethan Lane  
Larry Beach, 2717 Ethan Lane  
Bryan Marlette, 2612 Amy Court  
Kelly Adams, 1812 NE 26<sup>th</sup> Street  
Crystal Marlette, 2612 Amy Court  
Chris Reed, 2613 Ethan Lane

- Increased Traffic to an intersection previously designated as hazardous (the crest on NE 27<sup>th</sup> St. and Pole Rd.)
- Increased health risks from the close proximity of the electromagnetic radiation from the Radio Towers
- Displaced Wildlife
- Negative Impact to Environmentally necessary Wetland
- Waterfowl

- Proposed plan is poorly executed and not organized. Connecting a gated community to a public park is not feasible.
- This property has been promoted by both realtors and builders as a flood plain, water shed, and green belt owned by the City and therefore, not to be developed.
- At the time the Envision Moore 2040 plan was adopted there was less than 7% canopy left in the City of Moore. A key goal as stated in the Plan, is to protect the environment and to maintain the natural beauty of parks, rivers and other natural resources; to increase access to open spaces and to protect unique natural features, this application is in opposition to all of those goals.
- Construction zones are disruptive to existing neighborhoods and have a negative impact on quality of life.
- Negative impact to property values
- City should purchase and incorporate into Buck Thomas Park
- Ongoing drainage issues in the area
- Ongoing water pressure issues in the area

Peggy Goucher provided aerial photos where the battery supply for the tower building is located on the radio-tower property and how it is currently accessed from Ethan Lane. Ms. Goucher stated the access road is no longer in use. The photos also show the gradual increase to the area of the pond. The pond has doubled in size over the past 3 years and now extends almost out to 27<sup>th</sup> Street. Ms. Goucher, stated she does not know how a simple drainage plan and retention pond functions to handle such an increase in water runoff. The water drains from the North and runs beneath the road and there are times when the road is ponded, as well. During those times, the road is impassible. Another ongoing problem to the area is city water. There are water main breaks along NE 27<sup>th</sup> and Eastern. These breaks have become common and everyone in the area suffers from low water pressure or no water at all. The proposed neighborhood will only further strain the utilities in that area. Ms. Goucher stated she worries if the developer is unable to sell the lots, once the property is rezoned he could just sell it to someone else and they may have a completely different plan than what is being presented here today.

Mr. Morris stated he would like to address a few of the concerns. Regarding the increase to traffic in the area, as everyone is aware, 27<sup>th</sup> Street is an arterial roadway that is likely to be improved to four lanes in the future.

Mr. Morris stated this property is not considered "protected wetlands" however, the developer will follow up with the Corp. of Engineers regarding that issue. As far as, the electromagnetic field creating a safety hazard to surrounding residents; Mr. Morris stated he is unaware of how to measure what distance is considered to be safe, however, the entire area already consists of several neighborhoods. With regard to wildlife in the area, those issues existed during the development of all of their neighborhoods as well.

Mr. Morris stated this is an infill project. The owner believes single family residential is the highest and best use of his property. The property does not lend itself to commercial development. The property is located at the lowest point of the street which is why all the drainage flows to that point. There is no sight distance problem at that point. The infrastructure in the area is all built to City standards and maintained by the City of Moore.

Commissioner Jarema asked if the proposed entrance lines up with Nemaha Drive, north of 27<sup>th</sup> Street.

Mr. Morris answered, no. Commissioner Jarema asked if any of the proposed lots are within the fall zone of the radio towers. Mr. Morris answered, no.

Commissioner Snow, stated he has concerns with drainage in the area. Historically a lot of water passes through there and when you have water from the north that is overflowing the culvert underneath 27<sup>th</sup> Street, it is concerning when you have all of those homes lining the frontage along 27<sup>th</sup> street. Mr. Morris answered, there is a concrete culvert between lots 7 and 8 designed to carry the water from the culvert over to the retention pond. Mr. Snow stated, I understand there is a channel on your side of the street, however, it is still concerning because of the water overflowing the culvert.

Chad Burks asked, what is the plan for the two existing homes that are occupied today? Mr. Galier answered, both will be removed. Chad Burks asked Ms. Weitman if 27<sup>th</sup> Street is on any plan to be improved to 4 lanes. Ms. Weitman answered, that would be on a long term plan, but eventually, yes.

Chairman Sherrard asked if anyone else would like to address this issue. Hearing none, a motion was requested.

Chad Burks motioned to deny the **Preliminary Plat of Madison Gardens**. Kenneth Jarema seconded the motion. Roll was called.

**Ayes:** Graham, Lunow, Burks, Snow, Jarema, Rickman, Laib, Joiner, Sherrard

**Nays:**

**Abstained:**

**Absent:**

**Agenda Item No. 5f, being: NEW BUSINESS**

Discuss potential Subdivision Regulations update for Open Space Residential developments.

Ms. Weitman stated this discussion is a follow up discussion from our previous Planning Commission Meeting regarding the land use designation of open space, as outlined, in the 20/40 Comprehensive Plan. Ms. Weitman reported, we have made some progress toward ordinance updates. City management has indicated the key principle to these updates is flexibility. Ms. Weitman stated, to that end, she has reached the point where she would like to gain feedback from this body to insure everyone has the same expectations on what that designation should look like.

Ms. Weitman stated, any future development involving larger parcels will likely take place in the Southeast Quadrant.

Ms. Weitman gave a power point presentation.

Ms. Weitman stated, the work on the ordinance update has resulted in two choices:

The City could simply require open space to the higher standard. Which is 10% for Urban Density Residential and 30% for Open Space Residential. The ordinance could be created simply by adding a

couple of sentences that state any development must meet that requirement. However, that does not provide the flexibility that City management prefers. City management seeks to provide a better tool for the Planning Commission and the City Council to process each application individually, on its own merit, taking into account the unique characteristics of each property. So the task becomes providing flexibility while retaining an ordinance that is defensible; which brings us to the second choice.

Ms. Weitman stated she has developed an idea, based on a point system that assigns points for each open space amenity. For that scenario, the Ordinance would describe which property would require what amount of points toward open space and also provide a list of the point value for each possible amenity.

In that way, developers would have the ability to custom tailor what their open space will look like based on the characteristics of their specific property.

Ms. Weitman distributed handouts and reviewed different examples of amenities and their assigned values, and two different scales for Minimum OS Requirements.

Commissioner Rickman stated he likes the direction of the point system. However, he would really like to see the densities held to 3 lots per acre.

Commissioner Graham stated, he is in support of Commissioner Rickman's statement. Commissioner Graham went on to say, the distribution of open space is equally important as the amount of open space provided. The positive impact of open space is diminished if it is tucked away in a corner. The number of residents who benefit from the open space provided, should be important.

Chairman Sherrard stated he supports the point system. Chairman Sherrard stated he prefers a system that is not arbitrary, this system is thoughtful and it allows flexibility.

Ms. Weitman explained, one draw-back of the open space amenity requirement, potentially less money being paid into the parkland development fund. The ordinance today gives developers an option to take credit for private park facilities.

Commissioner Rickman asked, is there a way to incorporate into the proposed point value, credit for any amenity provided by the developer that goes over and above what we require. If so, would the City be agreeable with possibly waiving some portion of the development fees. That could be the incentive needed for a developer to be more creative and open to providing better amenities.

Commissioner Snow stated, the point system is good. One other consideration when assigning value to amenities would be; lasting benefit. What amenities withstand the test of time with the least amount of maintenance? Ms. Weitman answered, that is a good point.

Don Snow asked Ms. Weitman, do other cities make a distinction between Urban Density Residential vs Open Space Residential under the R-1 Zoning? Ms. Weitman answered, she has not surveyed other Cities for that specific question, and she will follow up with an answer. However, every City does have a comprehensive plan that designates different land uses.



Chairman Sherrard stated, R-1 is a pretty broad zoning classification. Would it be useful to break it down into something like R1.1, R1.2 and so on? Mr. Sherrard stated, he would like to see something like that in ordinance form so that it would be enforceable. Mr. Sherrard went on to say, he views that model to be useful to the developer as well.

Commissioner Lunow, stated he likes the idea of the point system and also assigning more value to open space that is distributed in a way that provides higher access to more residents.

Chairman Sherrard asked if anyone else had any questions or comments. After no response, Chairman Sherrard moved to the next item on the agenda.

**Agenda Item No. 6 being:** CITIZENS - None

**Agenda Item No. 7 being:** ADJOURNMENT

Commissioner Sherrard requested a motion to adjourn at 9:45 p.m.

**Motion:** Chris Rickman motioned for adjournment. Don Snow seconded the motion. Roll was called.

**Ayes:** Graham, Lunow, Burks, Snow, Jarema, Joiner, Laib, Rickman, Sherrard

**Nays:**

**Abstained:**

**Absent:**

RECORDED FROM NOTES & TRANSCRIBED BY \_\_\_\_\_  
Nora Kerbo, Administrative Assistant