

**MINUTES
PLANNING & ZONING COMMISSION**

ITEM 1: CALL TO ORDER / ROLL CALL

The regularly scheduled meeting of the Newcastle Planning and Zoning Commission was held on August 27, 2018. The meeting was called to order at 7:05 p.m. by Chairman Gordon Harness.

Roll Call:

Chairman:	Gordon Harness	Present
Vice-Chairman:	Karl Evans	Present
Commissioner:	Dennis Sanders	Absent
Commissioner:	Jared Bennett	Absent
Commissioner:	Will Wright	Present

Others: Todd Kennemer

ITEM 2: CONSIDER APPROVAL OF AGENDA

Karl Evans made the motion to approve the August 27, 2018, Agenda. Will Wright seconded the motion.

Board Polled:

Harness	Yes
Sanders	Absent
Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried

**ITEM 3: CONSIDER APPROVAL OF MINUTES
July 30, 2018 Regular Meeting**

Karl Evans made the motion to approve the minutes of the July 30, 2018, Regular meeting. Will Wright seconded the motion.

Board Polled:

Harness	Yes
Sanders	Absent
Evans	Yes
Bennett	Absent

Wright Yes

Motion carried

ITEM 4: REPORT OF CITY COUNCIL'S DECISION ON PLANNING COMMISSION RECOMMENDATIONS OF LAST MEETING

ITEM 5: CONTINUANCE REQUESTS

Item 14 has been withdrawn.

ITEM 6: CITIZENS COMMENTS

None

ITEM 7: LOT SPLIT/DEED APPROVALS Discussion and/or action Adkins/Adkins Land Development Lot 54, 55- TK approved 8-15-18

ITEM 8: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR REZONING FROM A (AGRICULTURE) TO E-2 (URBAN ESTATE RESIDENTIAL) FOR BRENDA & KENNETH GLADNEY, ANITA & ROGER STAIR, DAWAYNE & SHERRY SMITH LOCATED IN THE NW/4 OF THE NW/4 OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 4 WEST, I.M., MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: 2212 W. HIGHWAY 130, NEWCASTLE, OKLAHOMA (R2018-008)

Todd Kennemer presented the Summary. Granddaughter would like to build a house. This is a 55- acre tract of land off Highway 130 which is zoned Agriculture. The rezoning is for a 1- acre tract not including the roadway to E-2.

Mr. Kennemer would like to address the following before a zoning approval is made:

1. The parent lot (55 acres) will leave a 50 ft. gap if this 1- acre tract is rezoned. Agriculture lots require 150 ft. at the front property line. The west edge of the proposed lot creates a strip of land 50 ft. in width which does not meet the min. lot width requirement of an Ag zoned lot. An E-2 lot must have at least 100 ft of street front at the front property line.
2. A proposed private road easement is shown on the survey. Is this a private road or private driveway?

Gene Smith commented that the easement will be a private roadway easement 50 ft. to the back of the proposed lot for rezoning. This is currently an oil field road with gravel. Gene commented that at this time there is no intention of developing the property other than for another grandchild. This easement is not intended to serve the West property which is not in the Smith family. Gordon Harness discussed extending the easement to the end of the property and adding a T turn or cul-de-sac for emergency vehicle turn around.

After further discussion, Gordon Harness made the motion to recommend approval of the E-2 zoning for the 1- acre tract and the private roadway easement dedication noting that roadway will extend to the South to the property boundary of the proposed 1 acre tract and will extend East sufficiently on the existing oil field roadway to provide a turn around. It is also requested that survey be corrected to properly reflect the above. Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Absent
Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried

ITEM 9: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR REZONING FROM A (AGRICULTURE) TO PUD (PLANNED UNIT DEVELOPMENT) FOR RUBY A. CHENAULT SEPARATE PROPERTY TRUST/PROPOSED BUYER: SCOTT STAPLETON LOCATED IN THE NW/4 OF SECTION 5, TOWNSHIP 9 NORTH, RANGE 4 WEST, I.M., MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: 2800 BLOCK OF HIGHWAY 76, NEWCASTLE, OKLAHOMA (R2018-009)

Todd Kennemer presented the Summary. The lot consist of 10 acres with 4 acres being used as an event venue (indoor and outdoor). The PUD considers the central portion of the property which is less wooded with suggested tree buffering on the North and East sides. The property fronts on Highway 76.

Gordon commented on the following needed corrections on the PUD document:

7.2 Sanitary sewer lines – there is no sewer service in the area. This needs to be corrected to septic.

7.4 Water and electric – water provided by the City. Electric will be OEC.

7.7 Fire Protection – Fire Station is 1 ¾ miles away.

Scott Stapleton, proposed buyer, will add to uses the sale of alcohol at events along with time limits. Alcohol license to be obtained.

10. Special Conditions - include hours of operation and noise restrictions (noise to be contained by surrounding vegetation).

Commissioners would like to see buildings, parking, etc. labeled more clearly on survey presented in PUD.

Public Comment: There was no public comment.

After further discussion, Karl Evans made the motion to recommend approval pending corrections as discussed above in the PUD document, along with more detailed site plan of area labeling proposed structures and parking. Will Wright seconded the motion.

Board Polled:

Harness	Yes
Sanders	Absent
Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried

ITEM 10: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR ROB HOLMAN FOR THE USE OF A DOG KENNEL LOCATED IN THE NW/4 OF THE SE/4 OF SECTION 13, TOWNSHIP 9 NORTH, RANGE 4 WEST, MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION 2221 NE 4TH STREET, NEWCASTLE, OKLAHOMA (UPOR2018-010)

Rob Holman, applicant, presented the Application. He is proposing to construct a 20 x 30 building to use as a boarding kennel for dogs. He plans to house 12 – 18 dogs. 6 kennels on each side for a total of 12 kennels with an 8 ft. privacy fence around the runs. The runs will be located on the East and West sides and will be covered. Plantings and privacy fence to the South. This kennel is for short term boarding only.

Public Comment:

Brenda Baber, neighbor to the North, is concerned about the noise.

After further discussion, and with Applicant's consent, this item will be continued to the September meeting so that more information can be reviewed and a more detailed site plan can be reviewed.

The following items need to be addressed:

1. 12 dogs maximum
2. One-year review for license renewal before the Planning Commission regarding the UPOR
3. Terminable upon some number of noise complaints with City Staff or Police
4. 8 ft. stockade fence
5. Site plan

ITEM 11: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR REZONING FROM PUD TO PUD FOR FOX HOLLOW DUPLEXES FOR RAUSCH COLEMAN LOCATED IN THE NW/4 OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 4 WEST, I.M., MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: NW/4 OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 4 WEST, NEWCASTLE, OKLAHOMA (R2018-010)

Todd Kennemer presented the Summary. This is a 5.7 acre tract taken out of the existing Fox Hollow PUD that was previously approved in October, 2017. The original PUD was approved for single family housing. The Fox Hollow Duplexes PUD proposes to change the zoning to Two family residential so that duplexes can be built on Klare Court only.

Brad Reid, Crafton Tull, was in attendance. Mr. Reid commented that the Fox Hollow Duplexes PUD consists of 16 lots at 8,400 sq. ft. lots, with 32 dwellings.

Karl Evans commented that Lot 7 is in the flood plain.

Gordon Harness commented that he is hesitant about increased density in the area. He also commented that the original PUD allowed for parking on one side of the road. He also questioned the one side of the street parking with the increased number of dwellings.

Public Comment:

Eric Stephens, Fox Lane resident, is concerned about the Flood Plain area to the North of the proposed area.

After further discussion, Gordon Harness made the motion to recommend denial of the Fox Hollow Duplexes PUD. Will Wright seconded the motion.

Board Polled:

Harness	Yes
Sanders	Absent
Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried

ITEM 12: DISCUSSION AND POSSIBLE ACTION ON THE PRELIMINARY PLAT OF FOX HOLLOW DUPLEXES

The Preliminary Plat of Fox Hollow Duplexes was contingent upon Item 11 rezoning Application that was denied.

Karl Evans made the motion to recommend denial of the Preliminary Plat of Fox Hollow Duplexes. Will Wright seconded the motion.

Board Polled:

Harness	Yes
Sanders	Absent
Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried

ITEM 13: DISCUSSION AND POSSIBLE ACTION ON THE FINAL PLAT OF WYNDEMERE DUPLEXES – continued

Todd Kennemer presented a Summary of the Final Plat of Wyndemere Duplexes. This involves the Final Plats of Wyndemere I, II, and III that have already been approved by City Council in April, 2018.

The Wyndemere Preliminary Plat described this area as Tract 5. This has since been sold to a different entity which also shifted the legal descriptions in Phase II and III. Modifications have been made to the Final Plats of Wyndemere Phase II and III in regard to the newly proposed Final Plat of Wyndemere Duplexes. It was also discussed that 2 exits would be required for this Plat.

There was also discussion about the Oil Lease Road and gas line that is located to the North. The Plat also needs to include filed utility easements book and page numbers. Lot 13 qualifies as a single family lot of 6,000 sq. ft.

Brad Reid, Crafton Tull, was in attendance to answer questions.

Planning Commission would like for access and drainage easements to be re-addressed and brought back to the Planning Commission for review.

With the Applicant's consent, Gordon Harness made the motion to continue to the next regularly scheduled Planning Commission meeting in September. Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Absent
Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried

ITEM 14: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR A CONDITIONAL USE PERMIT FOR WILLIAM T. AND SARAH OSBORN, TIMOTHY L. AND TINA L. OSBORN/NATIVE EXPLORATION OPERATING, LLC FOR THE USE OF AN OIL & GAS WELL LOCATION TO BE LOCATED IN GOVERNMENT LOTS 1, 2, 3, 4, 5, AND SE/4 NE/4 SE/4 NW/4 OF SECTION 30, TOWNSHIP 10 NORTH, RANGE 4 WEST, I.M, MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: FROM HWY 37 E-W AT GRADY/MCCLAIN LINE, GO 2 MILES N TO THE NW CORNER OF S30, T10N R4W NEWCASTLE, OKLAHOMA. (UPOR 2018-009 PLUME 25-36-1005) - continued

Applicant has withdrawn Application.

ITEM 15: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR A CONDITIONAL USE PERMIT FOR JUANITA GRIFFITH FAMILY TRUST/EOG RESOURCES FOR THE USE OF AN OIL AND GAS WELL LOCATION LOCATED IN THE SE CORNER OF SECTION 27, TOWNSHIP 9 NORTH,

**RANGE 4 WEST, MCCLAIN COUNTY, OKLAHOMA.
PROPERTY LOCATION: SW 24TH STREET 0.28 MILES
WEST OF THE INTERSECTION OF SW 24TH AND US 62,
THEN ¼ MILE NORTH OF LEASE ROAD (UPOR 2018-011
MIG)**

Wayne Smith, Tres Management, presented the Application on behalf of the Applicant.

At this time, Gordon Harness, with the Applicant's consent, will address both Item 15 (Mig well site) and Item 16 (Phantom well site) at the same time. Both wells are located on the same pad site. Mr. Smith presented a larger updated site map of the location.

An existing oil lease road off SW 24th Street and extending North will access the pad site. The closest structure (house) is 907 ft. from the pad site.

Todd Kennemer presented his Summary.

Public Comment:

Judy Bond, resident to the West, (as shown on site map as 907 ft.) is concerned with the noise and truck traffic.

The following items to be included or amended in the UPOR Permit Provision and Conditions:

1. The truck route will use from the intersection of Highway 62 and SW 24th, go West on SW 24th Street 0.28 miles to an existing oil field entrance on the north side of SW 24th Street. Follow the lease road North into the location.
2. The pad site will be as presented on site map dated August 27, 2018.
3. Approach and road will have 6-inch gravel base. Existing entrance road to use EOG standard dimensions of approximately 130 ft wide x 96 ft. deep.
4. During rig move in and move out and high traffic volume, live flaggers shall be used at Highway 62 and SW 24th.
5. Pad site has containment around tanks per EPA requirements. Planning Commission notes that Okla. Corp. Comm. [and the City of Newcastle] interprets the largest tank volume to be the total volume of tanks that are connected together (discussion was had and acknowledged that piping might exist but if closed by normally closed valves such would prevent a common volume).

6. Pad site will use standard construction with mudding problems resolved in 48 hours to prevent mud from tracking on public roadways.
7. Signage will include emergency information and contacts and operator will coordinate with Police and Fire with updated list at 6- month intervals.
8. Operator will contact Fire Department and will coordinate and train for on-site familiarization of location.
9. Hours of Operation: approximately 40 days, 24-hour drilling will be allowed; approximately 60 days, 24-hour operating period will be allowed; after which time will adhere to City of Newcastle Ordinance guidelines.
10. Tanks allowed: 6. Additional tanks may be added with coordination of City Staff.
11. Fencing: Sound proof barrier fencing around noise source equipment. Upon well completion, an 8 ft. security and screening fence to be installed.
12. A Road Maintenance and Damage Agreement be reached with the City of Newcastle prior to issuance of any UPOR Permit.
13. Oklahoma Corporation Commission Approved Permit to Drill Applications should be received to make the Application complete and actionable by the Planning Commission and City Council prior to issuance of UPOR permit.
14. Use of gas motors will be approved subject to review by the Planning Commission with a recommendation made to the City Council which may be addressed separately by the City Council for approval. The primary factor to be reviewed is the cost of electric service – considering both initial service connection fees and operating costs.
15. Noise Decibel levels should be in conformance with the testing results presented and should be no greater that 75db at 300 ft. from the sound source.
16. Water Contractors will be directed to coordinate with City Staff regarding individual property owners use for drainage.

After further discussion, Gordon Harness made the motion to recommend approval of the UPOR for the Mig well site (Item 15) and the Phantom well site (Item 16). Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Absent

Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried

ITEM 16: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR A CONDITIONAL USE PERMIT FOR JUANITA GRIFFITH FAMILY TRUST/EOG RESOURCES FOR THE USE OF AN OIL AND GAS WELL LOCATION LOCATED IN THE SE CORNER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 4 WEST, MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: SW 24TH STREET 0.28 MILES WEST OF THE INTERSECTION OF SW 24TH AND US 62, THEN ¼ MILE NORTH OF LEASE ROAD (UPOR 2018-012 PHANTOM)

See Item 15.

ITEM 17: DISCUSSION AND POSSIBLE ACTION ON FAÇADE REQUIREMENTS – continued

Continue

ITEM 18: DISCUSSION AND POSSIBLE ACTION ON SETTING DATE FOR NEXT SPECIAL MEETING

None

ITEM 19: NEW BUSINESS

None

ITEM 20: OLD BUSINESS

None

ITEM 21: ADJOURNMENT

Karl Evans made the motion to adjourn the meeting at 10:00 p.m. Will Wright seconded the motion.

Board Polled:

Harness	Yes
Sanders	Absent

Planning Commission August 27, 2018

Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried.