

**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 May 18, 2009. The meeting was called to order at 7:15 p.m. by Chairman Gordon Harness.

Roll Call:

Chairman:	Gordon Harness	Present
Vice-Chairman:	Micheal Littlejohn	Present
Commissioner:	Nathan Ryker	Present
Commissioner:	Tony Speck	Present
Commissioner:	Dennis Sanders	Present

**ITEM 2: CONSIDER APPROVAL OF AGENDA**

Tony Speck made the motion to approve the Agenda as presented. Mike Littlejohn seconded the motion.

Board Polled:

Harness	Yes
Littlejohn	Yes
Ryker	Yes
Speck	Yes
Sanders	Yes

Motion carried

**ITEM 3: CONSIDER APPROVAL OF MINUTES**

April 27, 2009

Tony Speck made the motion to approve the Minutes of April 27, 2009. Nathan Ryker seconded the motion.

Board Polled:

Harness	Yes
Littlejohn	Yes
Ryker	Yes
Speck	Yes
Sanders	Yes

Motion carried.

**ITEM 4: REPORT OF CITY COUNCIL'S DECISIONS ON PLANNING COMMISSION RECOMMENDATIONS OF LAST MEETING.**

City Council approved the Final Plat of Crystal Village and Eagle Lakes Estates, Section 2, Phase 2.

**ITEM 5: CONTINUANCE REQUESTS**

None

**ITEM 6: CITIZENS COMMENTS.**

None

**ITEM 7: LOT SPLIT/DEED APPROVAL. Discussion and/or action.**  
**1. David Trusley – Community Development approved.**

**ITEM 8: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR THERESA MONNARD/ROCKYSPOT RESCUE, INC. FOR THE USE OF A NON-PROFIT ANIMAL RESCUE LOCATED IN A PART OF THE NE/4 NW/4 NW/4 OF SECTION 1, TOWNSHIP 8 NORTH, RANGE 4 WEST, I.M., MCCLAIN COUNTY, OKLAHOMA. PROPERTY ADDRESS: 1838 SE 32<sup>ND</sup> STREET, NEWCASTLE, OKLAHOMA (Case No. UPOR2009-002) -continued**

Attorney for Rocky Spot Rescue, presented the application for Theresa Monnard. Mr. Yaffee presented a proposal, of which some items are already in place.

1. Maximum of 60 dogs
2. Reduced number of feeding times per day
3. Curfew hours: 10:00 p.m. – 7:00 a.m.
4. Privacy fence around entire property including front part
5. Planting of shrubs, bushes, and greenery to help with noise
6. Special needs dogs allowed in residentially zoned area in the front. A maximum of 10 dogs in this area with a letter from a veterinarian.
7. 2 year time span to complete the above

Gary Thompson, neighbor, feels that the proper channels regarding the zoning were not taken and the ordinances are not being enforced. He also feels that 60 dogs is too many.

Jerry Bass, who lives 1 mile South, stated that if it is a still day or the wind is out of the North, he can hear the dogs barking.

Commissioner Nathan Ryker said that he feels like the noise has been better in the last few weeks.

Greg Dixon, attorney for Gary Thompson, has asked that unannounced inspections take place after the restrictions are put in effect.

Nathan Ryker made the motion to recess at 7:55 p.m. Mike Littlejohn seconded the Meeting.

Board Polled:

Harness	Yes
Littlejohn	Yes
Ryker	Yes
Speck	Yes
Sanders	Yes

Motion carried.

The meeting was called to order at 8:20 p.m.

Newcastle Planning Commission May 18, 2009, recommendations for issuance of use on review for Theresa Monnard / RockySpot Dog Rescue. These recommendations include the suggested performance standards and conditions proposed by the applicant and conditions added by the Planning Commission as necessary to render the proposed non-conforming use as appropriate for the location under the present level of development in the area.

1. Location / Zoning

- The general location of the applicant's facility is, at the present level of residential development in the area, appropriate for consideration of a non-conforming use and under the appropriate circumstances a kennel may be allowable.
- It should be noted that the portion of the subject property classified as Agricultural zoning is a non-eligible tract of property and it bears the subject zoning as the deed creating it was not properly presented for "Lot Split Approval" at the time of property transfer. However, it is noted that such zoning is what is



currently designated and the Planning Commission will acknowledge and allow such zoning during the “review term” of this non-conforming use.

2. Facility

- Sanitation

In past kennel reviews the Planning Commission has required separate and adequate septic systems for the kennels and such is an appropriate condition as to this proposed use.

It is noted that the existing and proposed primary kennel has a separate septic system.

- Orientation (relationship to other facilities/housing in the area and placement on property)

The existing and proposed primary kennel is (by appearance and by applicant’s statement placed on the lot in conformance with Newcastle setbacks, regulations and code. It is noted that the kennel structure is placed so as to be shielded by the primary residential structure on the property as would be desired if it were classified as an accessory building on a common lot.

In regard to the E2 zoned area (primary residence) and the front yard area;

It should be noted that this area by its zoning is not eligible to have a use on review kennel, non-conforming use but under the circumstances of this application the Planning Commission recommendation and provisions will allow the area behind the rear building-line of the primary residence and shielded by the primary residence from the front roadway view to be fenced and used to maintain three (3) dogs (the number of dogs as would be allowed at a E2 residential property.)

- Fences

The perimeter of the Kennel area (the Agricultural zoned area plus that

portion of the E2 zoned area behind the primary residence if used as a kennel area) shall be fenced with a solid-sight proof fence of at least 6 foot height.

- Kennels

The existing primary kennel facility on the Agriculturally zoned property appears to be a good facility and the Planning Commission members from their observation note its design and construction as appropriate. The applicant states that the noted facility, depending on the size of the dogs can (and typically does) house 36 dogs.

3. Number of Dogs Allowed:

Dogs have been identified in discussions and prior hearings as fitting three categories: Healthy Dogs, Special Needs Dogs, and Emergency Situation Dogs.

The Planning Commission, without allocation as to category, allows Forty (40) dogs on the properties.

4. Noise Abatement

Curfew as to dogs being out of kennels and in fenced exercise/yard areas shall run from 10:00 P.M. to 7:00 A.M.

Evergreen shrubbery shall be planted to fully line the sight proof fence so as to provide a dampening and absorption of any noise made by the dogs. (It is noted that plantings will have to grow to fully line the fence but the plantings should be placed so that reasonable term growth will provide a sound buffer. It was also noted that during the period of the initial establishment of the plantings a limited temporary fence inside the shrubbery line may be required to protect the plantings from the dogs.

The applicant will have a supervisory person with the dogs when they are turned out in the exercise yard area whoshall take action to quite a barking/noisy dog and if necessary separate it from the other dogs so as to avoid inciting noise and to quite the subject dog.



5. Term of Use

The use authorized hereby shall be subject to an annual Planning Commission review in conjunction with the annual Kennel Licensing renewal. This review will address/consider the kennel facilities conformance to city codes and regulations, the conditions imposed and agreed to with the applicant to effectuate this Use On Review and the continuing suitability of the kennel facility in this location.

This review in conjunction with the annual licensing will not require payment of a Use on Review Fee.

During the immediate initial implementation period there shall be a six month review of implementation and performance to be conducted at the regularly scheduled November 2009 Planning and Zoning Commission Meeting. For the purpose of scheduling and notice provisions this 6 month review hearing will be conducted as a continuation of this hearing which is hereby continued to the 16th day of November, 2009 at 7:00 P.M.

The Newcastle Code Enforcement Officer will provide a compliance report to the Planning Commission Members 1 week prior to the November 16, 2009 review hearing.

Tony Speck made the motion to adopt the above provisions as sufficient and appropriate to allow a Use Permitted on Review for Rocky Spot Rescue, Inc. and subject to these terms a Use Permitted on Review Permit will be issued. Nathan Ryker seconded the motion.

Board Polled:

Harness	Yes
Littlejohn	Yes
Ryker	Yes
Speck	Yes
Sanders	Yes

Motion carried.



**ITEM 9: DISCUSSION AND POSSIBLE ACTION ON REVIEW OF SIGN ORDINANCE INCLUDING SITE TRIANGLE AND SETBACKS**

City Planner, Chace Cottrell, commented that in the recent elections, there were complaints on locations of signs. Also need to look at banners. Engineer, Kenny Sullivan will bring information to the next meeting for review.

Gordon Harness made the motion to request a report from Engineer, Kenny Sullivan, regarding signs. Nathan Ryker seconded the motion.

Board Polled:

Harness	Yes
Littlejohn	Yes
Ryker	Yes
Speck	Yes
Sanders	Yes

Motion carried.

**ITEM 10: DISCUSSION AND POSSIBLE ACTION ON COMPREHENSIVE PLAN**

**ITEM 11: DISCUSSION AND POSSIBLE ACTION ON SETTING MEETING FOR NEXT SPECIAL MEETING**

**ITEM 12: NEW BUSINESS**

**ITEM 13: OLD BUSINESS**

Tony Speck made the motion to continue items 10, 11, 12, and 13 to the next regularly scheduled meeting. Dennis Sanders seconded the motion.

Board Polled:

Harness	Yes
Littlejohn	Yes
Ryker	Yes
Speck	Yes
Sanders	Yes

Motion carried.

**ITEM 14: ADJOURNMENT**

Planning Commission Meeting 5-18-09

The meeting was unanimously adjourned at 9:40 p.m.