

**AGENDA SUMMARY
PLANNING COMMISSION MEETING
Piedmont Civic Center – 314 Edmond Road Northwest
Monday, June 2, 2014, 6:30 PM**

MEMBERS PRESENT: Chairman Richard Felton, Commissioner Ron Cardwell, and Commissioner Eric Berger

ABSENT: Commissioner Steve Morris,

STAFF PRESENT: Community Development Director Wade Harden, City Attorney Mike Segler and Secretary Mary Ramsey

1. **CALL TO ORDER** – Chairman Richard Felton called the Planning Commission meeting to order at 6:35p.m.
2. **ROLL CALL** – Secretary Mary Ramsey called roll. A quorum was present and approximately 22 people were present in the audience.
3. **CONSENT AGENDA** – All items on the consent agenda are non-controversial and may be approved by one motion for items.
 - a. **Approval of the Minutes for the Planning Commission meeting held on May 5, 2014.**

Commissioner Eric Beger made a motion to approve the Consent Agenda. Motion was **seconded** by Commissioner Ron Cardwell.

The Vote was:

AYE: Commissioner Ron Cardwell, Commissioner Eric Berger, and Chairman Richard Felton

NAYE: None

4. **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

None

5. **HEARING OF CITIZENS** -Topics to include those items ***not listed in the agenda***

None

6. BUSINESS ITEM

Community Development Director Wade Harden gave an overview of the business item.

- 48 acre tract of land located on the North side of Washington Ave, approximately 915 feet west of Mustang Rd.
- Jason Este with Volterra, LLC is requesting rezoning from general agricultural to RE2-low destiny residential.
- RE-2 would allow for minimum lot size of 2250 approximately ½ acre or less if it meets the ODEQ requirements for septic & public water.
- There is no flood plain on this parcel of land
- There is a 6 inch water line on the south side of Washington within the right away.
- No sewer within 300 feet of the parcel – developer would not be required to tie into existing sewer line.
- Surrounding zoning consist of A1, RE2,& RS1.
- 2030 Plan includes this parcel within the urban growth boundary of the UGB
- ½ acre lots provide a transition from the larger surrounding lots.
- Protest by owner that exceeds 50% will require at ¾ marjority vote from the City Council for approval. In this case 79% of the ownership in the area has protested.
- Majority of the protest from the surrounding ownership is able lot size, drainage & sewage. Drainage and sewage will have to be dealt with at the time of Platt.
- Due to high protest from surrounding owners the City recommends postponing the item and opening up further discussion with the surrounding owners and the development group.

MOTION TO OPEN PUBLIC HEARING

Commissioner Eric Berger made a motion to open the Public Hearing at 6:47p.m.. Motion was **seconded** by Commissioner Ron Cardwell.

The Vote was:

AYE: Commissioner Ron Cardwell, Commissioner Eric Berger, and Chairman Richard Felton

NAYE: None

- a. **PUBLIC HEARING AND ACTION ON A REQUEST FOR REZONING AN AREA FOR PROPERTY OWNED BY VOLTERRA, LLC. THE PROPERTY IS CURRENTLY ZONED AS A-1 (GENERAL AGRICULTURE DISTRICT) THE**

OWNERS ARE REQUESTING IT BE REZONED TO RE-2 (LOW DENSITY RESIDENTIAL). THE PROPERTY IS DESCRIBED AS FOLLOWS: (Pgs.)

A tract of land lying in the Southeast Quarter (SE/4) of Section Thirty-three (33), Township Fourteen (14) North, Range Five (5) West of the Indian Meridian, Canadian County, Oklahoma, being described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence N89°56'25"W along the South line of said Southeast Quarter (SE/4) a distance of 914.09 feet to a set Mag Nail, said point is the Point of Beginning; thence continuing N89°56'25"W along said South line of said Southeast Quarter (SE/4) a distance of 379.00 feet to a set Mag Nail; thence N00°01'26"E a distance of 726.00 feet to a set 3/8" Iron Rod; thence N89°56'25"W and parallel with the said South line of said Southeast Quarter (SE/4) a distance of 300.00 feet to a set 3/8" Iron Rod; thence N00°01'26"E a distance of 235.09 feet to a set 3/8" Iron Rod; thence N00°03'31"E a distance of 662.82 feet to a set 3/8" Iron Rod; thence N89°56'25"W parallel with said South line of said Southeast Quarter (SE/4) a distance of 1034.93 feet to a point on the West line of said Southeast Quarter (SE/4); thence N00°29'43"E along said West line a distance of 1013.16 feet to the Northwest corner of said Southeast Quarter (SE/4) a found 3/8" Iron Rod; thence N89°51'29"E along the North line of said Southeast Quarter (SE/4) a distance of 1183.23 feet to a set 3/8" Iron Rod; thence S00°23'57"W a distance of 660.03 feet to a set 3/8" Iron Rod; thence N89°51'29"E parallel with the North line of said Southeast Quarter (SE/4) a distance of 132.00 feet to a set 3/8" Iron Rod; thence S00°26'24"W a distance of 659.79 feet to a set 3/8" Iron Rod; thence S89°58'26"E a distance of 659.66 feet to a set 3/8" Iron Rod; thence S00°20'04"W a distance of 357.38 feet to a set 3/8" Iron Rod; thence N89°56'25"W parallel with the South line of Southeast Quarter (SE/4) a distance of 253.38 feet to a set 3/8" Iron Rod; thence S00°20'10"W a distance of 963.28 feet to the Point of Beginning.

This property is generally located on the north side of Washington Street East 915' west of the intersection of Washington Street East and Mustang Road.

Citizen Bill Long commented that he does not think the Commissioners have all of the information and the entire sequence of events that have occurred with this request.

Showed the Commissioners a map of the parcel, and communicated that the owners had less than 20 day to get their protest together got 76% protest. If they had to protest again it will be 100% protests.

The information that the Community Development Director Wade Harden presented is not right. It is not that he made a mistake; it is that he does not have all of the information and City records just aren't right. It is not fair for the City to work so hard for a developer that wants to develop, rather than the Citizens that already live here, have obligations here, pay their taxes here, and get set up for affirmative obligations that they do not get an opportunity to speak about.

Some of the issues are:

Hopes are the Commission is very diligent with the process

- There have been problems with the notification.
- Commendatory is incorrect, the lot sizes are 2 1/2 acres, the smallest lot in the 300 foot radius is 1 acre or larger. So all of the information presented is not correct. Everything in the radius is 1 acre or larger.
- We were told our protests were incorrect and we will have to do them again. It is not the responsibility of the citizens to ensure that applicant make good commercial decisions and that they have done their due diligence.
- Errors with notification process
- Hope that the Commission denies this request.

Citizen Mike Simpson – If citizens had confidence in the Commission and City Council there would not be protest. The developer is paying for the sins of the past developers. The issue is lack of confidence. Water pressure is a ready a problem. This super majority of protest should tell the Commission something.

Citizen Tony Day – Lot is 2 1/2 acres plus an additional 1 acre on the back for a total of 3.9 acres. I am young, moved here 2 years ago, work for a corporate company may get transfer someday, concerned about resale, also the water pressure is already bad, adding 28 house will make it worse. If you have to do something I would ask that you look at 5 acres.

Citizen Marva Oard – Would like to address the issue from a neighborhood perspective. Lived here 18 years, we have 2.5 acres, very concerned about lot size. If this request has to pass we would ask for at least 2.5 acres, water pressure is already very bad. The development only has one entrance, with that plan it puts 3 houses directly next to us. A road will be added to our property line, it will have to be built high, and this will ruin our property. If 28 houses are built that will put 100 cars a day going in and out the back of our property line.

Citizen Mark = Brought a copy of the Piedmont newspaper with the headline Council Postpones fee water decision. They put a new water and sewer system in the past 7 & 8 year, a new water system will be needed soon. We need to go with a new sewer system. We are not a town anymore we are city and we will start addressing the issue and do this right for the Citizens of Piedmont

Citizen Roy Mayabb- Provided a historical break down of the land. His families' goal was to keep the land farm land. Son has made developer an

offer to purchase land. The robotic system will not work the ground will not perk. His hope is that the Commission denies this proposal. His son will buy the land and it can stay agricultural.

Citizen Brenda Deason – hopes that the Commission does not turn the area into a mini city. Let people see that there is country to Piedmont. Use to ride my horse all the way to Mustang rd and never hit a fence. The lots need to be 2.5 acres not ¾ acres.

Citizen Shannon Wilson - New to Piedmont moved here last August. Purchased home just SW of the development. When purchased our home was told the land was owned by a family and would not be developed. Did a lot of research before we chose Piedmont and what drew us here is that there are not large neighborhoods on top of each other. This is what Piedmont has going for it. We do have 5 acres. Putting homes on ¾ acres will depreciate the value of our home. This development will ruin our investment.

MOTION TO CLOSE PUBLIC HEARING

Commissioner Ron Cardwell made a motion to close public hearing. Motion was **seconded** by Commissioner Eric Berger.

The Vote was:

AYE: Commissioner Ron Cardwell, Commissioner Eric Berger, and Chairman Richard Felton

NAYE: None

DISCUSSION, CONSIDERATION, AND ACTION ON A REQUEST FOR REZONING AN AREA FOR PROPERTY OWNED BY VOLTERRA, LLC. THE PROPERTY IS CURRENTLY ZONED AS A-1 (GENERAL AGRICULTURE DISTRICT) THE OWNERS ARE REQUESTING IT BE REZONED TO RE-2 (LOW DENSITY RESIDENTIAL). THE PROPERTY IS DESCRIBED AS FOLLOWS: (Pgs.)

See the above 6(a) for the full legal description.

Developer Jason Este spoke about his plan for the development. He heard the citizens' concerns and understands they would like larger lot sizes. The plan is to put in nice roads, curbs, grande blvd. entrances into the development, landscaping, trees. His intention is not to bring down the surrounding areas

home value. His plan is to have smaller lot sizes yet larger homes with greater per square foot value. His hope is that this will increase the value of the homes in the surrounding area. He is risking all he has to do this project, because he believes it will work. The plan will be to develop nice quality homes with streets and landscaping. If you bring the density down there is less to spread the cost over per home and the cost of the home would be too much. The average home will be \$300,000 plus for 50 homes. This will benefit Piedmont with additional economic development.

Jason Este asked for the group of Citizen to have one person to represent them so communication can be simplified. Communicating with each neighbor is difficult.

Commissioners discussed with Developer about creating a PUD. He offered a primarily plat with one phase.

Chairman Richard Felton spoke about the growth of the City and how we do smart development to grow the city. Focus needs to be on how we are going to develop it. Everyone's view cannot be protected out their back door. We are a growing community and we have to figure out how to develop it. There are some concerns with the development presented but the items can be looked at.

Commissioner Eric Berger noted the shape of the development is challenging. Can relate to Mrs. Oard comments, grew up in a small town of 5000 people, my view outside my back window was 500 acres of growing soy bean. When I visit today you see 1000's of homes. Understand the value of a nice view out your back door. Thinks RE2 is too small of lots for this area. Not enough sewer available to the development, do not believe the robotic system will work, water should not sit on top of the land. Have to take into account the surrounding owners concerns. Do not think this development can be done with anything less than 1 acre lots ½ acre lots are not large enough. Will have to vote no for RE2 but can support RE1.

Commissioner Ron Cardwell suggested a PUD for this development then straight zoning. There is no mechanism to holding the developer accountable for things he has said. Also current requirements for a cul-da sac are 1000 feet. Look at Skyline development on of the longest dead-end streets and we need to learn from mistakes. See it as a phase development with larger homes in the back, deal with sewage issue.

Size of land is challenging, our current zoning regulations makes it more difficult. Agrees the PUD is a good idea. A primarily plat does not address that the city does not have a ¾ acre designation. PUD is more restrictive zoning.

Chairman Richard Felton dealt with questions and concerns from the Citizens about how the notification of the development was not correct and they had to redo the notification. If the Planning Commission waits and continue the item and to let developer consider a PUD then the citizens will have to be notified again and protest again.

Discussion continued with the Citizens asking the Commission to take a vote and put an end to the Development. Commissioner see best opportunity to get the land developed is a PUD. Staff has recommended continuing the item until next month's Planning Commission meeting, item would still have to go to City Council. Discussion with Citizens continued with concerns about the process and how their investments will be protected. Citizens asked about notifications, will they be notified of any changes. No additional notifications will be sent directly to property owner unless the developer submits a PUD. All information is available with the post of the Planning Commission agendas.

If item is continued then the protest do not have to be redone and the applicant does not have to resubmit. Citizens' have been notified, they can watch for the agendas to be posted and let the developer take in this new information and see what develops.

Commissioner Ron Cardwell made a motion to continue the item on until next month Planning Commission meeting. Motion was **seconded** by Commissioner Eric Berger.

The Vote was:

AYE: Commissioner Ron Cardwell, and Chairman Richard Felton

NAYE: Commissioner Eric Berger

b. DISCUSSION REGARDING SECTION 5-10 PLANNED UNIT DEVELOPMENT OF THE CITY OF PIEDMONT ZONING ORDINANCE.

Community Development Director Wade Harden explained that staff was asked to draft an ordinance adding a time line of development to PUD ordinance. Discussion was had about what is the trigger for the timeline. 3 years was discussed, allowing for some flexibility for the developer as well.

Director Harden provided a draft ordinance and talked through each item with the Commission.

Chairman Richard Felton asked for more specific definition about what

development is. Director Harden suggested using the Final Platt as the trigger. 2 year timeline is reasonable.

Commissioner Ron Cardwell discussed if a development was started and then not finished completely, what about the remaining portion of the PUD. May want other needs and uses which would allow for the PUD to go back.

Commissioner Eric Berger does not like putting ownership on the city. Would rather the ordinance read if no development in 5 years then PUD is dead and the developer has to start over.

Discussion continued with Community Development Director and Commission.

City Attorney Mike Segler said the ordinance needs to have measureable threshold. Time will go on and city staff and managers will change and the ordinance needs to be able to measureable over time.

Final platt with 3 years threshold, with measureable thresholds to get the ordinance started.

Item was open just for discussion. Director Wade Harden will take information and go prepare an ordinance for consideration.

c. DISCUSSION REGARDING THE CITY OF PIEDMONT ZONING ORDINANCE.

Community Development Director Wade Harden explained he would like to begin special workshop meeting to begin work on the Ordinances. He suggested 3 meetings to work their way through all of the information. Group discussed dates and availability of rooms. 2nd Tuesday of the month.

7. NEW BUSINESS - Unplanned Items

None

8. ADMINISTRATION REPORT – (Oral) City Manager, Engineer, Community Development, and Attorney.

None

9. COMMISSIONER'S COMMENTS – Oral Comments

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10. **ADJOURN- Chairman**

Chairman Richard Felton adjourned Planning Commission meeting at 8:20 p.m.



Chairman, Richard Felton



Secretary, Mary Ramsey