

NOTICE OF A REGULAR MEETING  
OF THE ENID-GARFIELD COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

Notice is hereby given that the Enid-Garfield County Metropolitan Area Planning Commission will meet in regular session at 6:00 PM on the 15th day of June 2015, in the Council Chambers of the City Administration Building at 401 West Owen K. Garriott Road, Enid, Oklahoma, and the Agenda for said meeting is as follows:

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A G E N D A

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- ITEM # 1. Consider the approval of the minutes from the May 18, 2015 regular meeting.
- ITEM # 2. Consider a **Planned Unit Development (PUD)/Master Plan** for property described as Lots 1-4, Block 23, Garfield Addition and a portion of vacated Rosedale Avenue abutting Lot 1 located at 1804 South 4th Street.
- ITEM # 3. Consider a **Land Use Amendment** for property located in the 900-1100 South Wheatridge, east side from Agriculture Designation to Medium Intensity Commercial Designation.
- ITEM # 4. Consider a **Rezoning** for property located in the 900 to 1100 South Wheatridge from Agriculture District to R-7 Residential Multi-Family District.
- ITEM # 5. Consider a **Use by Review** for property located at 3105 East Market in the SU Special Use District to be utilized as a residence.
- ITEM # 6. Consider a **Sidewalk Variance** for Jim Beasley located at 4402 West Rupe concerning the requirement of a sidewalk paralleling the abutting street.
- ITEM # 7. Consider a second **drive** abutting Oakwood Road, which is designated a minor arterial for property located at 1530 North Oakwood.
- ITEM # 8. Adjourn.

MINUTES OF A REGULAR MEETING  
OF THE ENID-GARFIELD COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

Notice is hereby given that the Enid-Garfield County Metropolitan Area Planning Commission of the City of Enid and County of Garfield, State of Oklahoma, met in regular meeting in the City Council Chambers of the City Administration Building, located at 401 West Owen K. Garriott Road in the City of Enid, Oklahoma on the 18th day of May 2015 at 6:00 P.M., pursuant to public notice describing the time and place of the regular meeting of the Enid-Garfield County Metropolitan Area Planning Commission pursuant to public notice thereof displayed on the bulletin board at the Administration Building of the City of Enid, Oklahoma in prominent view and which notice was posted prior to 6:00 P.M. on the 15th day of May 2015, a copy of which is attached hereto.

Present: Mark Arnold, Cody Haney, Geoff Helm, Marvin Kusik, Cole Ream, Don Rose, and Richard Wuerflein and Ex-Officio Dr. David Vanhooser

Absent: Jim Strate, Jr. and Ex-Officio James Simunek

**ITEM # 1:** Consider the approval of the minutes from the April 20, 2015 regular meeting.

ACTION TAKEN:

Don Rose made a motion to approve the April 20, 2015 regular minutes, which was seconded by Richard Wuerflein and passed unanimously with the vote being recorded as follows:

AYES: Mark Arnold, Cody Haney, Geoff Helm, Marvin Kusik, Cole Ream, Don Rose, and Richard Wuerflein

NAYS: None

**ITEM # 2.** Consider a **Land Use Amendment** for property located at 1505 and 1507 West Owen K Garriott Road from Medium Intensity Residential to Medium Intensity Commercial Designation.

Chris Bauer gave background information on the land use request and a protest that had been filed.

Mike Bigheart representing property owners surrounding 1505 and 1507 West Owen K Garriott protesting the Land Use Amendment and Rezoning made a presentation to the Planning Commission. Mr. Bigheart stated there are a significant number of protestors and the Planning Commission should deny the requests. Mr. Bigheart stated that the proposed restaurant and retail backs up to low intensity residential neighborhood and would cause traffic difficulties.

Don Rose asked Mr. Bigheart what specifically the protests were which Mr. Bigheart stated the increased traffic and quality of life.

Geoff Helm asked if the Farm Credit was already zoned C-3 which Chris Bauer stated it was.

ACTION TAKEN:

Cole Ream made a motion to recommend approval of the Land Use Amendment to the Mayor and Board of Commissioners, which was seconded by Geoff Helm and passed unanimously with the vote being recorded as follows:

AYES: Mark Arnold, Cody Haney, Geoff Helm, Marvin Kusik, Cole Ream, Don Rose, and Richard Wuerflein

NAYS: None

**ITEM # 3.** Consider a **Rezoning** for property located at 1505 and 1507 West Owen K Garriott Road from R-7 Residential Multi-Family District to C-3 General Commercial District.

Chris Bauer gave background information on the rezoning request and a protest that had been filed.

**ACTION TAKEN:**

Don Rose made a motion to recommend approval of the Rezoning to the Mayor and Board of Commissioners. The motion was seconded by Mark Arnold and passed with the vote being recorded as follows:

AYES: Mark Arnold, Cody Haney, Geoff Helm, Marvin Kusik, Cole Ream and Don Rose

NAYS: Richard Wuerflein

**ITEM # 4.** Consider a **Use by Review** for the proposed C-1 zoning to be in accordance with the Land Use Classification of Low Intensity Residential Designation located at 418 and 424 East York.

Chris Bauer gave background information on Use by Review.

Derwin Norwood addressed the Planning Commission stating he owned Derwin's Construction and would like to protect equipment. The metal building will be fenced, have cameras installed and will be insured to protect his business.

Marvin Kusik asked where the entrance to the property would be located. Mr. Norwood stated he would like to have an entrance off Leona Mitchell.

Robert Robinson, 714 West Rush, Pastor of First Church of God in Christ located at 501 East York spoke in favor of the request.

Howard Morrow, 2501 Hunter's Hill Drive Apartment 523 also spoke in favor of the request.

**ACTION TAKEN:**

Cole Ream made a motion to approve the Use by Review which was seconded by Mark Arnold and passed unanimously with the vote being recorded as follows:

AYES: Mark Arnold, Cody Haney, Geoff Helm, Marvin Kusik, Cole Ream, Don Rose, and Richard Wuerflein

NAYS: None

**ITEM # 5.** Consider a **Rezoning** for property located at 418 and 424 East York from R-2 Residential Single Family District to C-1 Light Commercial District.

Chris Bauer gave background information on rezoning request.

**ACTION TAKEN:**

Cole Ream made a motion to recommend approval of the Rezoning to the Mayor and Board of Commissioners. The motion was seconded by Mark Arnold and passed unanimously with the vote being recorded as follows:

AYES: Mark Arnold, Cody Haney, Geoff Helm, Marvin Kusik, Cole Ream, Don Rose, and Richard Wuerflein

NAYS: None

**ITEM # 6.** Consider a **Land Use Amendment** for property located in the 5900 to 6600 block West Owen K Garriott Road on the south side from Agriculture Designation to Medium Intensity Commercial Designation.

Chris Bauer gave background information on Land Use Amendment.

The Planning Commission asked question about the extension of a sewer, easements and encouraging urban sprawl. Chris Bauer stated the sanitary sewer line extension had been designed for this location. Robert Hitt stated this land is in a separate sewer basin than the previous location just west of Spring Hill Suites.

Chris Trojan made a presentation to the Planning Commission showing a conceptual design of the residential area to the south of the proposed location.

Cole Ream asked if the developers would participate in the sewer extension.

Jerald Gilbert, City Manager stated the Capital Recovery Ordinance would take effect and the developer would pay a pro-rata share to connect to the sewer.

**ACTION TAKEN:**

Don Rose made a motion to recommend approval of the Land Use Amendment to the Mayor and Board of Commissioners. The motion was seconded by Cole Ream and passed unanimously with the vote being recorded as follows:

AYES: Mark Arnold, Cody Haney, Marvin Kusik, Cole Ream, Don Rose, Jim Strate, Jr. and Richard Wuerflein

NAYS: None

**ITEM # 7.** Consider a **Rezoning** for property located in the 5900 to 6600 block West Owen K Garriott Road on the south side from Agriculture to C-3 General Commercial District

Chris Bauer gave background information on rezoning.

**ACTION TAKEN:**

Cody Haney made a motion to recommend approval of the rezoning to the Mayor and Board of Commissioners. The motion was seconded by Mark Arnold and passed unanimously with the vote being recorded as follows:

AYES: Mark Arnold, Cody Haney, Geoff Helm, Marvin Kusik, Cole Ream, Don Rose, and Richard Wuerflein

NAYS: None

**ITEM # 8.** Remove from table and consider a **Sidewalk Variance** for Michael K. Griffin located at 3604 West Owen K Garriott Road concerning the requirement of a sidewalk paralleling the abutting street.

Cole Ream made a motion to remove from the table which was seconded by Richard Wuerflein and passed unanimously.

Chris Bauer gave background information on sidewalk variance.

Robert Hitt made a presentation to the Planning Commission concerning the location of a proposed sidewalk.

The Planning Commission discussed the location of the sidewalk, ADA concerns and the design of the sidewalk.

Chris Bauer stated the owner would need to work with the Engineering Department for location and public easements.

Mike Griffin, owner of the property, wanted to get clarification on where the sidewalk needed to be located. Mr. Griffin communicated to the Planning Commission he was willing to install the sidewalk.

ACTION TAKEN:

Don Rose made a motion to deny the variance request which was seconded by Cole Ream and passed unanimously with the vote being recorded as follows:

AYES: Mark Arnold, Cody Haney, Geoff Helm, Marvin Kusik, Cole Ream, Don Rose, and Richard Wuerflein

NAYS: None

**ITEM # 9.** Adjourn.

Cole Ream made a motion to adjourn, which was seconded by \_Cody Haney and passed unanimously.

The meeting adjourned at 6:58 PM.

**ITEM # 2.**

**CONSIDER A PLANNED UNIT DEVELOPMENT AGREEMENT AND MASTER DEVELOPMENT PLAN FOR FORGOTTEN MINISTRIES PROGRAM HOUSING PUD LOCATED AT 1804 SOUTH 4TH STREET AND MAKE A RECOMMENDATION TO THE MAYOR AND BOARD OF COMMISSIONERS.**

**BACKGROUND:**

This item concerns undeveloped Lots 1-4, Block 23, Garfield Addition and a portion of vacated Rosedale Avenue abutting Lot 1. The applicant is requesting a Planned Unit Development (PUD) overlay district on land that is designated as low-intensity residential per the Enid Metropolitan Area Comprehensive Plan. The property is zoned R-3 Residential Mobile Home Neighborhood District and is currently vacant. The proposed PUD will consist of “bunk style” crew housing for men and women that are recently released from jail.

A sidewalk is included in the Master Development Plan, however the applicant would like the plan approved without the sidewalk.

The Planning Commission shall determine:

- a. Whether the PUD is consistent with the comprehensive plan;

*The Forgotten Ministries PUD is consistent with the comprehensive plan as the comprehensive plan encourages greater overall densities and infill.*

- b. Whether the PUD harmonizes with the existing and expected development of surrounding areas;

*The PUD harmonizes with the adjacent mobile home areas by providing housing types similar to the existing mobile homes in the neighborhood.*

- c. Whether the PUD is a unified treatment of the development possibilities of the project site.

*The PUD achieves a unified treatment of the site by offering “bunk style” crew housing next to existing neighborhoods with the existing higher density across 4th Street at the apartment complex.*

- d. Whether the PUD is consistent with the stated purposes of the standards of this article.

*The proposed PUD provides a unified design of “bunk style” crew housing types that provides for an integrated development that has harmony of design and a variety of functions. The purpose is to provide housing for men and women that have been released from incarceration.*

**RECOMMENDATION:** Recommend approval of the Planned Unit Development and Master Development Plan to the Mayor and Board of Commissioners.

**ATTACHMENTS:** PUD Statement, Master Development Plan.

**PRESENTER:** Chris Bauer, Planning Administrator

# Forgotten Ministries

## Forgotten Ministries Program Housing PUD Statement

### B. Application and Master Development Plan

#### 2b. A written explanation of the Character of the PUD

##### 1. A Legal Description of the PUD

**Lots 1-4 Block 23 Garfield Addn. All of W/2 vac Rosedale Street**

##### 2. A list of all owners and developers of the PUD

**Forgotten Church, LLC- (A non profit 501(c)3 Organization**

##### 3. Title of the PUD and a description of the PUD concept

###### **Forgotten Ministries Program Housing**

As we have become more aware of the desperate need of housing for men and women that are released from jail, we have developed a program that could quite possibly be the answer for a small group of individuals looking for a way to reenter society with people that have their best interest at heart.

We have established a preliminary reentry program that starts while they are still incarcerated. This opportunity gives us the ability to get to know them before they are released, and determine if we would be the best fit for them as they transition back into society.

###### **Below is a broad outline of our expectations while they are still incarcerated**

- Inmate will be asked to fill out an in depth application
  - Sign a contract
  - Be assigned to a trained and badged Mentor (designated by FM)
  - Assistance with life skill training
  - GED assistance
  - Money Management Classes
  - Celebrate Recovery Classes
  - ID/Social Security Assistance
  - Etc.
  - Once released, individual will start phase 1 (30 days), in our temporary program housing
  - If Phase 1 is completed, inmate will continue on to Phase 2, and 3 (also 30 days each)
  - After all phases are completed participant will graduate program and start their lives elsewhere.
- Parking will not be necessary as these men will not have vehicles at this stage in their transition. Most of these men will not be able to afford a vehicle until they graduate from the program.**

###### **More about mentors...**

All mentors will go to Forgotten Ministries and DOC training (in able to be badged) Mentor will help the participant with bedding, clothing, groceries, first month rent, etc. *If inmate completes all phases, they will be able to keep all of the above assistance.*

###### **Location and Housing**

Placing the appropriate style of housing is crucial to accommodating this need. We are pursuing "bunk style" crew housing that can accommodate 12 guests per unit. We are desiring to purchase two of these homes which will increase the number of guests on this particular lot to 24. We are currently determining the exact dimensions of these homes and as soon as we have the dimensions we will be passing them along. Below is a picture of the "bunk" homes in their current state. We will of course be changing the color and even possibly adding decks and maybe even different siding. The look and feel of this neighborhood is very important to us. We

# Forgotten Ministries

## Forgotten Ministries Program Housing PUD Statement

are increasingly more invested in this neighborhood than your average Joe. We have chosen this neighborhood specifically to plant our ministries roots, and of course. as you are aware, we just built a 10,000 sq. ft training center in order to impact our city. Needless to say, we care deeply about this neighborhood.

Not only will we be improving the quality of the neighborhood and bringing a sense of ownership to a very dilapidated and forgotten community, we are filling an urgent need that is critical to the success of men and women that are truly starting over.

#### **4. Proposed Sequences and schedule of development**

**Ideally Forgotten Ministries plans on starting the process of delivering the two bunk houses in late October of this year, start landscaping immediately after, and start the actual Inmate Program/Move-In date the following Summer of 2016. We want to spend time establishing our mentor/inmate procedures before we move the men into these homes.**

#### **5. Statement of improvement to be made to the major transportation system and major utility systems**

**n/a**

#### **6. Statement of applicants intention to future ownership of all portions of the PUD**

**Forgotten Ministries plans on owning all portions of the PUD indefinitely.**

#### **7. Proposed restrictions and covenants which will govern the use and continued maintenance of the development.**

**As part of the inmate housing program we will organize regular maintenance on the exterior buildings as well as landscaping around the vicinity.**





**ITEM # 3.**

**CONSIDER A LAND USE AMENDMENT FOR PROPERTY LOCATED IN THE 900 TO 1100 BLOCK SOUTH WHEATRIDGE ROAD DESCRIBED AS PART OF SECTION SIXTEEN (16) TOWNSHIP TWENTY-TWO (22) NORTH, RANGE SEVEN (7) WEST, INDIAN MERIDIAN, ENID, OKLAHOMA, FROM AGRICULTURE DESIGNATION TO MEDIUM INTENSITY RESIDENTIAL DESIGNATION.**

**BACKGROUND:** This is a companion item to # 4.

This item concerns a property located in the 900 to 1100 block of South Wheatridge Road. The site consists of ± 87 acres. The request is to change the land use from Agriculture Designation to Medium Intensity Residential Designation. Currently the lot is undeveloped. If approved, the property will be used for future model neighborhood development.

The site has access to US 412 byway of Wheatridge Road and anticipated through the proposed development. This infrastructure is considered adequate for the proposed land use change.

There is an existing 12 inch water line in US 412 frontage road at the northeast edge of the commercial site to the north. When the water is extended through the proposed commercial development to the north it will provide service to the site. A looped water line to Garland would be anticipated as part of the development.

There site is not serviced by sanitary sewer. The closest service line is approximately one-half mile to the east and is proposed to extend a 12 inch line to the site. The capacity of the line is projected at 850 GPM. Full development of the proposed 80 acres of R-7 along with the 66 acres of commercial and the 50 acres of existing residential development is projected at peak flow rate of 1200 GPM and would exceed the system capacity.

The site development would address storm water management in the development plan and no mapped flood hazard limit exists; therefore stormwater infrastructure can be handled by the development.

Under full development conditions the sanitary sewer system will not support the land use change. Full development of the approved commercial property and the proposed R-7 development would exceed the sewer capacity by over 40%. It is recommended a system to control development impact (limit waste water discharge) be in place prior to a land use change being approved.

**ATTACHMENTS:** Location Map.

**RECOMMENDATION:** Review and make a recommendation to the Mayor and Board of Commissioners.

**PRESENTER:** Chris Bauer, Planning Administrator.



**ITEM # 4.**

**CONSIDER A REZONING FOR PROPERTY LOCATED IN THE 900 TO 1100 BLOCK SOUTH WHEATRIDGE AND DESCRIBED AS PART OF THE NORTHEAST QUARTER OF SECTION SIXTEEN (16) TOWNSHIP TWENTY-TWO (22) NORTH, RANGE SEVEN (7) WEST, INDIAN MERIDIAN, ENID, OKLAHOMA FROM AGRICULTURE DISTRICT TO R-7 RESIDENTIAL MULTI-FAMILY DISTRICT.**

**BACKGROUND:** This is a companion item to # 3.

This item concerns a property located in the 900 to 1100 block of South Wheatridge Road. The request is to change the zoning from Agriculture to R-7 Residential Multi-Family District. Currently the lot is undeveloped. If approved, the property will be developed as future model neighborhood development.

The zoning surrounding the property is C-3 General Commercial to the north, which was previously approved by the Mayor and Board of Commissioners at their June 2, 2015 meeting and Agriculture to the south, east and west.

**ATTACHMENTS:** Location Map.

**RECOMMENDATION:** Review and make a recommendation to the Mayor and Board of Commissioners.

**PRESENTER:** Chris Bauer, Planning Administrator.



**ITEM # 5.**

**CONSIDER A USE BY REVIEW PETITION SUBMITTED BY AUBREY J JOLLEY FOR A TRACT IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 6 WEST, I.M. FOR A RESIDENCE LOCATED AT 3105 EAST MARKET.**

**BACKGROUND:**

This petition concerns property located at 3105 East Market. The property is zoned SU Special Use District. The properties to the east, west and south are also zoned SU with the property across Market to the north zoned C-3 General Commercial District.

The applicant wants to utilize the existing building as a residence and preserve the exterior of the historic structure. All utilities, parking, drainage, loading and access exist. There will be no additional traffic to the site. No noxious or offensive emissions, including noise, glare, smoke or dust exist.

**ATTACHMENTS:**      Location map.

**RECOMMENDATION:** Approve the Use by Review for a residence.

**PRESENTER:**              Chris Bauer, Planning Administrator.







**ITEM # 6.**

**CONSIDER A SIDEWALK VARIANCE FOR JIM BEASLEY LOCATED AT 4402 WEST RUPE, DESCRIBED AS LOT 10, BLOCK 4, WEST EVANDALE SUBDIVISION, ENID, OKLAHOMA.**

**BACKGROUND:**

Mr. Beasley applied for building permit to construct a 1125 square foot storage building. Section 10-6-1 A. requires all developments, as defined in 10-4-2, to provide sidewalks that parallel abutting streets. The definition of development includes building permit.

The Planning Commission must find all of the following before a variance can be granted:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of his land.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
4. That the modifications have been requested in writing by the subdivider stating the reasons for each modification and that the variance is approved by a three-fourths (3/4) vote of the regular membership of the planning commission.

**ATTACHMENTS:** Variance Petition, Location Map, Photographs, Site Plan, Sidewalk Ordinance, 10-4-2 Definitions.

**RECOMMENDATION:** Make recommendation to the Mayor and Board of Commissioners.

**PRESENTER:** Chris Bauer, Planning Administrator.



Planning & Zoning Department  
Chris Bauer, Planning Administrator  
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580-616-7217  
PO Box 1768, 401 West Garriott  
Enid OK 73702

VARIANCE PETITION

(Due 20 days prior to Metropolitan Area Planning Commission meeting date)

Location: 4402 W. Rupe Enid, OK 73703 (street address):

Legal description: Lot 10 Block 4 West Evandale Subdivision

Current zoning of property: R-1

Variance Request: \_\_\_\_\_

Section: 10-6-1: A. Sidewalks Required

Reasons for desiring approval of the Variance are as follows: (additional pages may be added) Storm water ditch, No sidewalks for miles East or West, Hurt Value of property NO walking traffic at all  
I, or we, have attached a site plan of the proposed construction.

I, or We, hereby petition the **Metropolitan Area Planning Commission** for a variance to the following provision(s) of the City of Enid Ordinance, Section 12-1-8.

The Planning Commission may recommend a variance from the title when, in its opinion, undue hardship any result from strict compliance. In recommending any variance, the Planning Commission shall prescribe only conditions that it deems necessary to, or desirable for, the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the nature of proposed land use and the existing use of land in the vicinity, the number of persons to reside or work in the property subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Commission finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of his land.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
4. That the modifications have been requested in writing by the subdivider stating the reasons for each modification and that the variance is approved by a three-fourths (3/4) vote of the regular membership of the Planning Commission.

Dated this 9th day of June, 2015.

Applicant's signature: Jim Beasley

Telephone: 580/4023870

Printed Name: Jim Beasley

Email: Beasley-11@hotmail.com

Address: 4402 W. Rupe

Date of Hearing set for the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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**Disclaimer:**

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

**ORDINANCE NO. 2015-21**

**AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 10, ENTITLED “PLANNING AND DEVELOPMENT,” CHAPTER 6, ENTITLED “SIDEWALKS,” SECTION 10-6-1 TO PROVIDE EXCEPTIONS TO THE REQUIREMENT THAT ALL DEVELOPMENTS AND REDEVELOPMENTS INCLUDE SIDEWALKS; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.**

**ORDINANCE**

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 10, Chapter 6, Section 10-6-1, of the Enid Municipal Code, 2014, is hereby amended to read as follows:

**10-6-1: SIDEWALKS REQUIRED:**

A. All developments, as defined in 10-4-2, and redevelopments must include sidewalks that parallel all abutting streets.

~~1. Redevelopment is defined as:~~

~~a. The development of a previously developed parcel; or~~

~~b. An addition to an existing building of sufficient size as to trigger a site plan under the Enid Municipal Code.~~

B. Multifamily residential, commercial, educational, industrial and public gathering developments must incorporate sidewalks within its development.

C. Exceptions:

1. Developments and Redevelopments along unimproved roads.

2. Additions to existing buildings which are six hundred and forty-nine square feet (649 sq. ft.) or smaller.

3. Placement or Construction of an accessory building of six hundred and forty-nine square feet (649 sq. ft.) or smaller on a developed lot.

Section II: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section III: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section V: Codification. This ordinance shall be codified as Title 10, Chapter 6, Section 10-6-1 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this 14th day of May 2015.

CITY OF ENID, OKLAHOMA

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William E. Shewey, Mayor

(SEAL)

ATTEST:

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Linda S. Parks, City Clerk

Approved as to Form and Legality:

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Andrea L. Chism, City Attorney

## 10-4-2: DEFINITIONS:

As used in this chapter, the following terms shall have the meanings indicated:

**ALLOWABLE RECOVERY COST (ARC):** The amount, in dollars, of money subject to collection based on an excess capacity improvement project.

**APPRAISED VALUE:** The value of real property as determined by an independent appraiser who is certified by the state of Oklahoma.

**AREA OF IMPACT (AI):** The area that receives a benefit from the installation of the improvement.

**BUA:** The undeveloped area in a particular drainage basin in acres.

**cfs:** Cubic feet per second.

**CAPITAL IMPROVEMENT:** An improvement of the public infrastructure with a value of fifty thousand dollars (\$50,000.00) or more.

**CONNECTION:** The tapping into a public utility line, or physical work that allows a capital improvement to be used and will permit the usage of the capital improvement.

**DEVELOPER:** The person, company, or firm that is making the capital improvement to service a development site. The city of Enid and its trusts may be considered the developer when the referenced entity makes the improvement. In the case where a public entity makes the improvement and there is no identified development site, all of the improvement cost shall be considered for recovery.

**DEVELOPMENT:** The act of improving property by subdividing, site planning, construction on lot, or building permitting.

**DEVELOPMENT SITE:** The subdivision area, site plan area, building site, or tract of land that will directly benefit from the capital improvement.

**DRAINAGE AREA:** The area of land that drains to or through a capital improvement.

**DRAINAGE SUBBASIN:** An area within a drainage area to which drainage would contribute to a submain of a sewer.

**EXCESS CAPACITY:** Capacity of a capital improvement project beyond the capacity required for the development site providing the improvement.

**EXCESS CAPACITY AGREEMENT:** The contract between the city of Enid, or authority, and the "developer", as herein defined, concerning the construction, operation, and maintenance of an excess capacity capital improvement system, and payment of excess capacity fees.

**EXCESS CAPACITY FEE:** The amount of money to be paid by the user of excess capacity that exists when a developer installs a required improvement. The fee is paid to the city of Enid, for the user's benefit of excess capacity of the improvement. Such fee shall be based upon the cost of providing the excess capacity to the user.

**EXCESS CAPACITY WATER LINE:** Water lines that are ten inches (10") or larger diameter and have the capacity to serve users beyond the development site.



**ITEM # 7.**

**CONSIDER THE APPROVAL OF A SECOND RESIDENTIAL DRIVE ACCESS AT 1530 NORTH OAKWOOD ROAD, LOT 6, BLOCK 2, HODGDEN OAKWOOD ADDITION.**

**BACKGROUND:**

City Ordinance sets out that access to arterial streets shall be approved by the Traffic Committee and the Metropolitan Planning Commission acts as the Traffic Committee.

Colin Coomes, the property owner at 1530 North Oakwood Road requests a second drive to access North Oakwood Road. The proposed additional driveway meets the City standard for construction of a circle drive approach.

Mr. Coomes recites the following reasons for his request:

- With five (5) children, it would be safer to pull out onto Oakwood Road instead of trying to back out onto Oakwood Road.
- Our son has special needs and a seizure disorder, so a circular drive would allow ease of access to the front door and his bedroom.
- If our son has a seizure and would need transported by ambulance, it would allow ambulance access to the front door.

The intent of the ordinance is to limit access to arterial streets, allowing for arterial streets to act as major traffic movers with reduced conflict points and therefore improved safety while providing reasonable access to the street. Based on the fact that the standard for residential circle drives has been established on this street for the large lot frontages, residential drive or low volume drives, and the design standards are met, Engineering has no objection to the request.

**ATTACHMENTS:** Letter of request from the property owner Colin Coomes, Location Map.

**RECOMMENDATION:** Approve.

**PRESENTER:** Robert Hitt, PE, City Engineer

To Whom It May Concern:

I, being the resident of 1530 North Oakwood, am requesting permission to put in a circular driveway for the following reasons:

- \* With 5 children, it would be safer to pull out onto Oakwood instead of trying to back out onto Oakwood.
- \* Our son has special needs and a seizure disorder, so a circular drive would allow ease of access to the front door and his bedroom.
- \* If our son has a seizure and would need transported by ambulance, it would allow ambulance access to front door.

Thank you for considering our request for a circular drive.

Colin Boomes



