

1. Agenda

Documents:

[2022-09-06 PLANNING COMMISSION - PUBLIC AGENDA-1743.PDF](#)

2. Meeting Materials

Documents:

[2022-09-06 PLANNING COMMISSION - FULL AGENDA-1743.PDF](#)

AGENDA

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, September 6, 2022 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

If special assistance is needed for this meeting by any person wishing to attend, please contact the City Clerk's office no later than 48 hours prior to the meeting, and such assistance will be provided.

Official action may be taken by the Planning Commission only on items that appear on this Agenda. The Planning Commission may dispose of the business set out on this Agenda by accepting, approving, adopting, rejecting, amending, or postponing action as to each item, as determined by the Planning Commission.

1. Call to Order
2. Roll Call
3. Citizens Desiring to be Heard

The purpose of this time is to allow members of the public to speak to the Planning Commission on any matter that is not otherwise set for consideration on this Agenda.

4. Minutes
 - a. August 2, 2022 Minutes
5. Public Hearings

Consideration of adoption, approval, acceptance, rejection, amendment, and/or postponement of the following:

- a. PUBLIC HEARING: An Ordinance amending the Nichols Hills Subdivision Regulations regarding submittals for deed approval applications; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency

6. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 9:38 AM on the 2nd day of September, 2022 and posted in

prominent view on the window at City Hall, 6407 Avondale Drive, at 10:00 AM on the 2nd day of September, 2022; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 PM on the 2nd of September, 2022; and transmitted by email at 5:00 PM on the 2nd day of September, 2022 to those persons who have requested to be included on such notices pursuant to the Open Meeting Act and to those who have requested such notice.



City Clerk
City of Nichols Hills, Oklahoma

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City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, August 2, 2022 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 3:25 PM on
the 28th day of July, 2022.**

1. Call to Order
2. Roll Call

Attendee Name	Title	Status	Arrived
Ron Byrne		Present	
Mike Biddinger		Present	
Doug Franklin		Present	
Tim Cheek		Present	
Barbara Gilbert		Present	
John McCaleb	Chairman	Present	

3. Citizens Desiring to be Heard

The purpose of this time is to allow members of the public to speak to the Planning Commission on any matter that is not otherwise set for consideration on this Agenda.

No one expressed a desire to be heard.

4. Minutes
 - a. April 5, 2022 Minutes

MOTION: Franklin moved to approve the April 5, 2022 minutes as presented. Byrne seconded the motion.

Attachment: August 2 2022 Minutes (6008 : August 2, 2022 Minutes)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Doug Franklin
SECONDER:	Ron Byrne
AYES:	Byrne, Biddinger, Franklin, Cheek, Gilbert, McCaleb

5. Public Hearings

Consideration recommendation of adoption, approval, acceptance, rejection, amendment, and/or postponement of the following:

- a. **PUBLIC HEARING:** An Ordinance amending Section 50 of the Nichols Hills City Code regarding the No-Build vertical envelopes for the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, and the R-1-60 Single-Family Residential District; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Mr. Larry Herzel, Building Commission Chairman, presented the proposed ordinance amending the No-Build vertical envelopes for the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, and the R-1-60 Single-Family Residential District.

Following discussion among Planning Commission members and staff, Chairman McCaleb opened the Public Hearing.

Mr. Curtis Wilson expressed his concerns of the limitations the proposed ordinance would place on the existing homeowners in the R-1-75 and R-1-60 Residential Districts in Nichols Hills. Mr. Wilson spoke in favor of making the exceptions in the ordinance more liberal.

Ms. Julie Dewault spoke in agreement with Mr. Wilson's concerns.

Seeing no others expressing a desire to be heard, the public hearing was closed.

MOTION: Gilbert moved to refer this matter back to the Building Commission for further study. Cheek seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara Gilbert
SECONDER:	Doug Franklin
AYES:	Byrne, Biddinger, Franklin, Cheek, Gilbert, McCaleb

- b. **PUBLIC HEARING:** The issuance of a special permit to AT&T, represented by CRB for Nexius, for the purpose of replacing and/or adding new antennas and other equipment on existing tower located in the 1009 Northwest 75th Street, Nichols Hills, Oklahoma, and entering an agreement with respect to the same.

Ms. Lynn Ridener, representing AT&T, presented the application to the Planning Commission members.

Following discussion among Planning Commission members and staff, Chairman McCaleb opened the Public Hearing.

No others expressing a desire to be heard, the public hearing was closed.

MOTION: Gilbert moved to recommend the City Council approve agenda item 5b as presented. Cheek seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara Gilbert
SECONDER:	Tim Cheek
AYES:	Byrne, Biddinger, Franklin, Cheek, Gilbert, McCaleb

- c. **PUBLIC HEARING:** The issuance of a special permit to AT&T, represented by CRB for Nexius, for the purpose of replacing and/or adding new antennas and other equipment on existing tower located in the 1800 block of Westminster, Nichols Hills, Oklahoma, and entering an agreement with respect to the same.

On behalf of AT&T, Ms. Lynn Ridener presented the application to

the Planning Commission members.

Following discussion among Planning Commission members and staff, Chairman McCaleb opened the Public Hearing.

No others expressing a desire to be heard, the public hearing was closed.

MOTION: Franklin moved to recommend the City Council approve agenda item 5c as presented. Biddinger seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Doug Franklin
SECONDER:	Mike Biddinger
AYES:	Byrne, Biddinger, Franklin, Cheek, Gilbert, McCaleb

- d. PUBLIC HEARING: The issuance of a special permit to T-Mobile Central, LLC, represented by Branch Communication, LLC, for the purpose of replacing and/or adding new antennas and other equipment on existing tower located in the 1800 block of Westminster, Nichols Hills, Oklahoma, and entering an agreement with respect to the same.

On behalf of T-Mobile Central, LLC, Mr. Mark Kesner presented the application to the Planning Commission members.

Following discussion among Planning Commission members and staff, Chairman McCaleb opened the Public Hearing.

No others expressing a desire to be heard, the public hearing was closed.

MOTION: Franklin moved to recommend the City Council approve agenda item 5d as presented. Cheek seconded the motion.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Doug Franklin
SECONDER: Tim Cheek
AYES: Byrne, Biddinger, Franklin, Cheek, Gilbert,
McCaleb

6. Adjournment

MOTION: There being no further business, Cheek moved to adjourn the meeting. Franklin seconded the motion.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Tim Cheek
SECONDER: Doug Franklin
AYES: Byrne, Biddinger, Franklin, Cheek, Gilbert,
McCaleb

Chairman
Planning Commission
City of Nichols Hills, Oklahoma

City Manager
Planning Commission
City of Nichols Hills, Oklahoma

City Clerk
City of Nichols Hills, Oklahoma

Published in _____ on _____, 2022

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE NICHOLS HILLS SUBDIVISION REGULATIONS REGARDING SUBMITTALS FOR DEED APPROVAL APPLICATIONS; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Article IV of the Nichols Hills Subdivision Regulations is hereby amended, with deleted language stricken through and new language underlined, to wit:

ARTICLE IV. DEED APPROVAL

DIVISION 2. LOT LINE ADJUSTMENTS

Sec. 4.2.4 Application requirements for Deed Approval of Lot Line Adjustments.

An Owner(s) requesting Deed Approval for a Lot Line Adjustment shall file a written application with the City Manager on an application form supplied by the City Manager. The application must include or have attached to it the following:

- (a) Owner's name, address, and contact information.
- (b) The form of the Deed proposed, which must comply with Section 4.2.5.
- (c) The original or a certified copy of the Owner's Deed to the Property to be affected by the proposed Deed.
- (d) ~~A certified pin survey of the Property prepared by a registered land surveyor licensed in the State of Oklahoma and showing all boundary lines; the location and dimensions of existing Buildings, yards, landscaping, pedestrian and vehicular circulation, parking, Fences and screening, service areas and other features; easements and rights of way; the legal description of the original Lot or Building Site; and all Public Improvements on and adjacent to the Property.~~ At the discretion of the City Manager or his designee, a site plan or survey of the Property.
- (e) Deeds of Lots and Building Sites bordering the Lot(s) affected by the request for Deed Approval, if deemed reasonably necessary by the City Manager.
- (f) Written consents regarding the proposed Lot Line Adjustment, if any, from Owners of bordering Lots or Building Sites.

- (g) Where the City Manager is not authorized to approve the Lot Line Adjustment under Section 4.2.2, a list stating the names, addresses, and contact information for the Owners of Property abutting the subject Lot, as required by Section 4.6.2(b).

The application will be considered officially submitted and filed only after it is examined by the City Manager and found to have met the requirements of this Section and after the fee required by Section 4.1.5 has been paid. The application will be reviewed as provided in Division 6 of this Article.

DIVISION 3. METES AND BOUNDS TRACTS.

Sec. 4.3.3 Application requirements for Deed Approval of metes and bounds Tracts.

An Owner(s) requesting Deed Approval for a Tract of five acres or less that is described by metes and bounds shall file a written application with the City Manager on an application form supplied by the City Manager. The application must include or have attached to it the following:

- (a) Owner's name, address, and contact information.
- (b) The form of the Deed proposed, with accurate legal descriptions, in format as prescribed on the application form, for all Property to be affected by the proposed Deed.
- (c) An Affidavit or other satisfactory evidence that the Property is occupied by the Owner.
- (d) The original or a certified copy of the Owner's Deed to the Property to be affected by the proposed Deed.
- (e) ~~A certified pin survey of the Property prepared by a registered land surveyor licensed in the State of Oklahoma and showing all boundary lines; the location and dimensions of existing Buildings, yards, landscaping, pedestrian and vehicular circulation, parking, Fences and screening, service areas and other features; easements and rights of way; the legal description of the Property affected by the proposed Deed; and all Public Improvements on and adjacent to the Property. At the discretion of the City Manager or his designee, a site plan or survey of the Property.~~
- (f) A list stating the names, addresses, and contact information for the Owners of Property abutting the subject Tract, as required by Section 4.6.2(b).

The application will be considered officially submitted and filed only after it is examined by the City Manager and found to have met the requirements of this Section and after the fee required by Section 4.1.5 has been paid. The application will be reviewed as provided in Division 6 of this Article.

DIVISION 4. LOT SPLITS

Sec. 4.4.3 Application requirements for Deed Approval of Lot Splits.

An Owner(s) requesting Deed Approval for a Lot Split shall file a written application with the City Manager on an application form supplied by the City Manager. The application must include or have attached to it the following:

- (a) Owner's name, address, and contact information.
- (b) The form of the Deed(s) proposed, which must comply with Section 4.4.4.
- (c) The original or a certified copy of the Owner's Deed to the Property to be affected by the proposed Deed.
- (d) ~~A certified pin survey of the Property prepared by a registered land surveyor licensed in the State of Oklahoma and showing all boundary lines; the location and dimensions of existing Buildings, yards, landscaping, pedestrian and vehicular circulation, parking, Fences and screening, service areas and other features; easements and rights of way; the legal description of the original Lot; and all Public Improvements on and adjacent to the Property.~~ At the discretion of the City Manager or his designee, a site plan or survey of the Property.
- (e) Deeds of Lots bordering the Lot(s) affected by the request for Deed Approval, if deemed reasonably necessary by the City Manager.
- (f) Written consents regarding the proposed Lot Split, if any, from Owners of bordering Lots or Building Sites.
- (g) A list stating the names, addresses, and contact information for the Owners of Property abutting the subject Lot, as required by Section 4.6.2(b).

The application will be considered officially submitted and filed only after it is examined by the City Manager and found to have met the requirements of this Section and after the fee required by Section 4.1.5 has been paid. The application will be reviewed as provided in Division 6 of this Article.

DIVISION 5. COMBINING LOTS

Sec. 4.5.4 Application requirements for Deed Approval of Combined Lots.

An Owner(s) requesting Deed Approval of a Combined Lot shall file a written application with the City Manager on an application form supplied by the City Manager. The application must include or have attached to it the following:

- (a) Owner's name, address, and contact information.

- (b) The form of the Deed(s) proposed, which must comply with Section 4.5.5.
- (c) The original or a certified copy of the Owner's Deed to the Property to be affected by the proposed Deed.
- (d) ~~A certified pin survey of the Property prepared by a land surveyor licensed in the State of Oklahoma and showing all boundary lines; the location and dimensions of existing Buildings, yards, landscaping, pedestrian and vehicular circulation, parking, Fences and screening, service areas and other features; easements and rights-of-way; the legal description of the original Lots; and all Public Improvements on and adjacent to the Property. At the discretion of the City Manager or his designee, a site plan or survey of the Property.~~
- (e) Deeds of Lots bordering the Lot(s) affected by the request for Deed Approval, if deemed reasonably necessary by the City Manager.
- (f) Written consents regarding the proposed Combined Lot, if any, from all Owners of the proposed Combined Lot and the Owners of bordering Lots or Building Sites.
- (g) A list stating the names, addresses, and contact information for the Owners of Property abutting the subject Lots, as required by Section 4.6.2(b).

The application will be considered officially submitted and filed only after it is examined by the City Manager and found to have met the requirements of this Section and after the fee required by Section 4.1.5 has been paid. The application will be reviewed as provided in Division 6 of this Article.

DIVISION 6. DEED APPROVAL PROCESS

Sec. 4.6.2 Deed Approvals reviewed by Planning Commission and City Council.

- (a) The Planning Commission and City Council shall review all applications for Deed Approval of metes and bounds Tracts, Lot Splits, and Combined Lots. Further, the Planning Commission and City Council shall review applications for Deed Approval of Lot Line Adjustments when the City Manager is not authorized to do so or exercises his discretion to not do so, in which case the Owner will be so notified by the City Manager.
- (b) For all Deed Approval applications to be reviewed by Planning Commission and City Council, the Owner shall submit a report ~~certified by~~ developed from the current records of the Oklahoma County Assessor and/or the Oklahoma County Clerk within the last 30 days, stating the names, addresses, and contact information for the Owners of Property within a 300-foot radius of abutting the exterior boundary of, as applicable; (1) the Lot proposed for a Lot Line Adjustment (where the City Manager is not authorized to approve the Lot Line Adjustment under Section 4.2.2); (2) the Tract of five acres or less described by metes and bounds proposed for conveyance; (3) the Lot proposed for a Lot Split; or (4) the Lots proposed for a Combined Lot proposed Subdivision within ten calendar days of being notified that the City Council will review the application. If the report is not certified by the

Oklahoma County Assessor or a licensed bonded abstractor, the applicant will be responsible for the accuracy and completeness of the information in the report.

- (c) All Deed Approval applications will be initially reviewed by the City Manager. Further, the City Manager will transmit the application and the proposed Deed or Affidavit to applicable municipal departments as deemed reasonably necessary for proper review of the proposed Subdivision. The City Manager shall forward his recommendation and any comments from other municipal departments regarding the proposed Subdivision and any required Public Improvements to the Planning Commission when the application is sufficiently complete for Planning Commission and City Council review.
- (d) The Planning Commission and the City Council shall each hold public hearings regarding the proposed Deed or Affidavit as provided in this Section. The City shall arrange for notice of the hearings to be given by publication in a newspaper of general circulation in the City and by mailing written notice to the Owner by registered or certified mail not less than ten calendar days before the date of the Planning Commission's hearing. The City shall also mail notices at the same time by registered or certified mail to the Owners of abutting Property ~~within a 300-foot radius of the exterior boundary of the proposed Subdivision as their names and addresses appear in the report provided by the Owner pursuant to~~ as described in the list required by Section 4.6.2(b). The notice of the public hearings must contain the date, time, and location of each hearing; a description of the Deed Approval application for the proposed Deed or Affidavit; and the legal description(s) on the proposed Deed or Affidavit.
- (e) The Planning Commission shall hold its public hearing regarding the proposed Deed or Affidavit at its next regularly scheduled meeting (or a special meeting at the Planning Commission's sole discretion) following receipt of the City Manager's recommendation, subject to the Planning Commission's right to continue such hearing. The Planning Commission shall thereafter review the application and the proposed Deed or Affidavit, the City Manager's recommendation, any recommendations from officials or other municipal departments, and testimony and exhibits submitted at the public hearing. The Planning Commission shall provide a recommendation to the City Council, recommending approval or disapproval of the proposed Deed or Affidavit within 90 calendar days from the date of the public hearing. The recommendation may include comments relative to the proposed Subdivision's compliance with these Subdivision Regulations and other applicable provisions of the Code. The recommendation may also include comments from other municipal departments regarding the proposed Subdivision and any required Public Improvements. If the Planning Commission recommends disapproval of the proposed Deed or Affidavit, the grounds for such disapproval will be stated in their recommendation.
- (f) If the Planning Commission fails to make its recommendation within the 90 calendar day period, it will be deemed to have recommended approval of the proposed Deed or Affidavit to the City Council. However, the Owner may waive this requirement and consent to an extension of such period.
- (g) The City Council shall hold its public hearing regarding the proposed Deed or Affidavit at its next regularly scheduled meeting (or a special meeting at the City Council's sole

discretion) following receipt of the Planning Commission's recommendation, subject to the City Council's right to continue such hearing. The City Council shall thereafter review the application and the proposed Deed or Affidavit, the Planning Commission's recommendation, any recommendations from officials or other municipal departments, and testimony and exhibits submitted at the public hearing. The City Council shall approve or disapprove the proposed Deed or Affidavit within 90 calendar days from the date of the public hearing. The City Council has absolute discretion to override the recommendation of the Planning Commission in approving or disapproving the proposed Deed or Affidavit. If the City Council approves the proposed Deed or Affidavit, the City Manager and the Mayor or Vice-Mayor shall endorse the Deed as required by Section 4.6.3 and return it to the Owner for filing of record with the County Clerk. If the City Council recommends disapproval of the Deed, the grounds for such disapproval must be stated in its decision.

Section 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 4. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2022.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2022.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney