

MINUTES
BOARD OF ADJUSTMENT
SPECIAL MEETING
CITY OF PRYOR CREEK, OKLAHOMA
THURSDAY, JANUARY 9, 2020

AS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT THE BOARD OF ADJUSTMENT MET IN SPECIAL SESSION IN THE COUNCIL CHAMBER, 12 NORTH ROWE ON THE ABOVE DATE AND TIME.

BOARD MEMBERS: GERALD CLACK, TREY LARREMORE, TIM LAWSON, MIKE CONSIDINE, ANDY ROGERS

1. CALL TO ORDER, ROLL CALL AND DECLARE A QUORUM.

- a. Chairman Gerald Clack called the meeting to order and declared a quorum. Members present were Tim Lawson, Mike Considine and Andy Rogers. Others Present: Rob Raymond, Robert Blocker, Garry Harris, Wayne Callison, Patricia Callison, Terry Aylward, Gary Littlefield, Ron Reiser, Jeremy Mullen and Kenny Young.

2. DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES OF SEPTEMBER 26, 2019. SPECIAL MEETING

Motion was made by Rogers, second by Considine to approve minutes of September 26, 2019 Special Meeting. Voting yes: Clack, Lawson, Considine, Rogers. Voting no: none.

3. PUBLIC HEARINGS.

- a. Chairman Clack opened the Public Hearing.

Applicant: Applicant: Rob Raymond. Legal: Lot Numbered Eleven (11) of LAKEWOOD IV ADDITION to the City of PRYOR CREEK, Mayes County, State of Oklahoma, according to the official Survey and Plat filed thereof.

Rob Raymond is requesting a 5 ft. variance, which will create a 20 ft. front setback on the property listed above.

Mr. Raymond told the Board the reason for this request. He and the builder, Woodbridge Homes, have made changes to fit the home within the required setback, but when the footing was dug, they discovered it was over the setback by 6". Several of the homeowners in the addition spoke in opposition of this proposal to give a variance. One homeowner spoke his approval and how this would be consistent with the look of all homes in that neighborhood. Kenny Young told the Board that the original plat was set by the builder of the addition, not the City.

- b. Chairman Clack exited the Public Hearing.

- c. Motion was made by Rogers, second by Lawson to grant variance of set back to the existing footing granting them 6" variance. Voting yes: Clack, Lawson, Considine, Rogers. Voting no: none.

4. ADJOURN

Motion was made by Rogers, second by Considine to adjourn. Voting yes: Clack, Lawson, Considine, Rogers. Voting no: none.

CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

[] VARIANCE [] SPECIAL EXCEPTION

P.O Box 1167, 12 North Rowe Street, Pryor Creek, Oklahoma 74362 - (918) 825-0888 - FAX (918) 825-6577

www.pryorcreek.org

APPLICATION INFORMATION

RECEIVED BY 2/20/2020 DATE FILED: _____ HEARING DATE: _____ CASE NUMBER _____

[] RESIDENTIAL [X] NON-RESIDENTIAL [] MIXED USE BUILDING PERMIT APPLICATION NUMBER _____

NEIGHBORHOOD ASSOCIATIONS: _____

SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: 420 S Mill St Pryor Creek, OK 74362.

LEGAL DESCRIPTION Parcel #1599-18-21N-19E-3-014-00,
Parcel # 1510-00-002-000-0-001-00, and Parcel #1510-00-001-002-0-001-00

PRESENT USE: vacant car lot PRESENT ZONING CAR COMPREHENSIVE PLAN DESIGNATION: _____

SURROUNDING ZONING: CAR FLOODPLAIN DESIGNATION: X

INFORMATION ABOUT YOUR REQUEST

A SITE PLAN IS REQUIRED TO ILLUSTRATE YOUR REQUEST.

ACTION(S) REQUESTED: Requesting a variance from the 50' front setback and the landscaping buffer adjacent to the ROW of 7'

On the landscaping, we have probably more area of potential landscaping but not a consistent 7' width.

VARIANCE SECTIONS: 10-3-3,10-11-4 SPECIAL EXCEPTION SECTIONS: _____

LIST THE SPECIFIC SECTIONS OF THE ZONING CODE THAT APPLY TO EACH ACTION YOU'RE REQUESTING.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
NAME <u>Winston Parks</u>	NAME <u>Level VI Properties, LLC</u>
ADDRESS <u>2209 Crestmoor Rd</u>	ADDRESS <u>35918 WALNUT RIDGE</u>
CITY, ST, ZIP <u>Nashville, TN 37215</u>	CITY, ST, ZIP <u>AFTON, OK 74331-0000</u>
DAYTIME PHONE <u>615-674-2130</u>	DAYTIME PHONE <u>908-373-0635</u>
EMAIL <u>wparks@winstonwarren.com</u>	EMAIL _____
I, THE UNDERSIGNED APPLICANT, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT.	
SIGNATURE & DATE: <u>[Signature]</u> <u>02.19.2020</u>	

DOES OWNER CONSENT TO THIS APPLICATION ☒ Y [] N. WHAT IS APPLICANT'S RELATIONSHIP TO OWNER? Buyer

APPLICATION FEES			
BASE REQUEST	\$10.00		<u>10.00</u>
ADDITIONAL REQUESTS	\$	APPLICATION SUBTOTAL	\$
NEWSPAPER PUBLICATION	\$		<u>200.00</u>
SIGN POSTING	\$18.50		<u>18.50</u>
300' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT) <u>mayes County Change lots tract 300x2</u>		FILING FEE	\$ <u>600.00</u>
1320' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)			
300' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE <u>150 + .50</u>	<u>1.83 x 150 = 274.50</u>		<u>32.00</u>
1320' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	<u>1.83 x =</u>	NOTICE SUBTOTAL	\$
TOTAL AMOUNT DUE			\$ <u>860.50</u>

APPLICATION FEES IN WHOLE OR PART WILL NOT BE REFUNDED AFTER NOTIFICATION HAS BEEN GIVEN.

DISPOSITION

BOARD ACTION: _____

FINAL DATE: _____ VOTE: _____ PLAT INVOKED [] Y [] N PLAT NAME: _____ WAIVER [] Y [] N

Board of Adjustment Case Number: _____ Date: _____, 7:00 p.m.

City Council Chambers, 12 North Rowe Street

A person knowledgeable of the application and the property must attend the meeting to represent the application.

Site Plans must be submitted at the time of application. Other drawings, photographs or exhibits may be submitted at the hearing.

VARIANCES:

The applicant must prove a hardship to the Board. The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

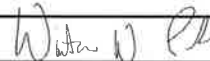
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
2. Application of the zoning ordinance requirements to this particular piece of property will create unnecessary **hardship** to the property, not self-imposed by the owner or developer. This does not include financial hardship to the applicant.
3. There are conditions that are peculiar to this piece of property, which do not apply to other properties in the same zoning district.
4. The variance, if granted, will not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance or the comprehensive plan. However, no variance may be granted for a use of land, buildings or structure that is prohibited by the zoning ordinance.

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions.

Please state your hardship:

After surveying the property the size and shape was not what originally thought. Depth is an issue as it borders the railroad tract and the depth of the property is around 100'. Without a variance for the 50' front setback, we cannot fit the tenant's prototype on the site. We have turned the building on the site plan to fit the site; however, this site design is not the norm.

Applicant Signature: _____



SPECIAL EXCEPTIONS:

The Board of Adjustment is allowed to approve special exceptions only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Further, if the **special exception** is for "**special residential facilities**" the following factors shall be considered. Please be ready to address each of these items at the hearing:

- | | |
|---|--|
| A. Size of the facility; | F. Compliance with state licensure and certification requirements; |
| B. Number of staff and staff-to-client ratio; | G. Proximity to similar uses; |
| C. Levels of treatment; | H. Distance from sensitive uses (single-family residential districts, schools, parks, child day care centers). |
| D. Location of site in relation to needed services; | |
| E. City infrastructure in the area; | |

In granting any special exception, the Board may make appropriate conditions or safeguards, may limit the approval to a specified period of time and may require a bond or other guarantee necessary to enforce compliance with the conditions.

If your application is approved, you may need additional permits. Contact the City of Pryor Creek Building Inspector's Office at (918) 825-1679.

City of Pryor Creek
P.O. Box 1167
12 North Rowe Street
Pryor Creek, Oklahoma 74362
(918) 825-0888 FAX: (918) 825-6577



0' 30' 60' 90'

Concept Plan

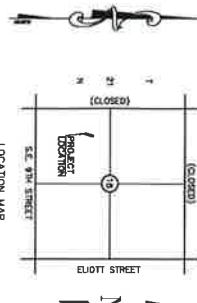
SCALE 1"=30'

XPRESS WELLNESS
420 S. MILL ST.
PRYOR CREEK, OK 74361

MB CIVIL
ENGINEERING, LLC
P.O. BOX 601 759 TIMBER RIDGE DR LEXINGTON, TN 38351
 VOICE 731-437-5488 JIM@mbcivil.net CHARLONIA C&P #418

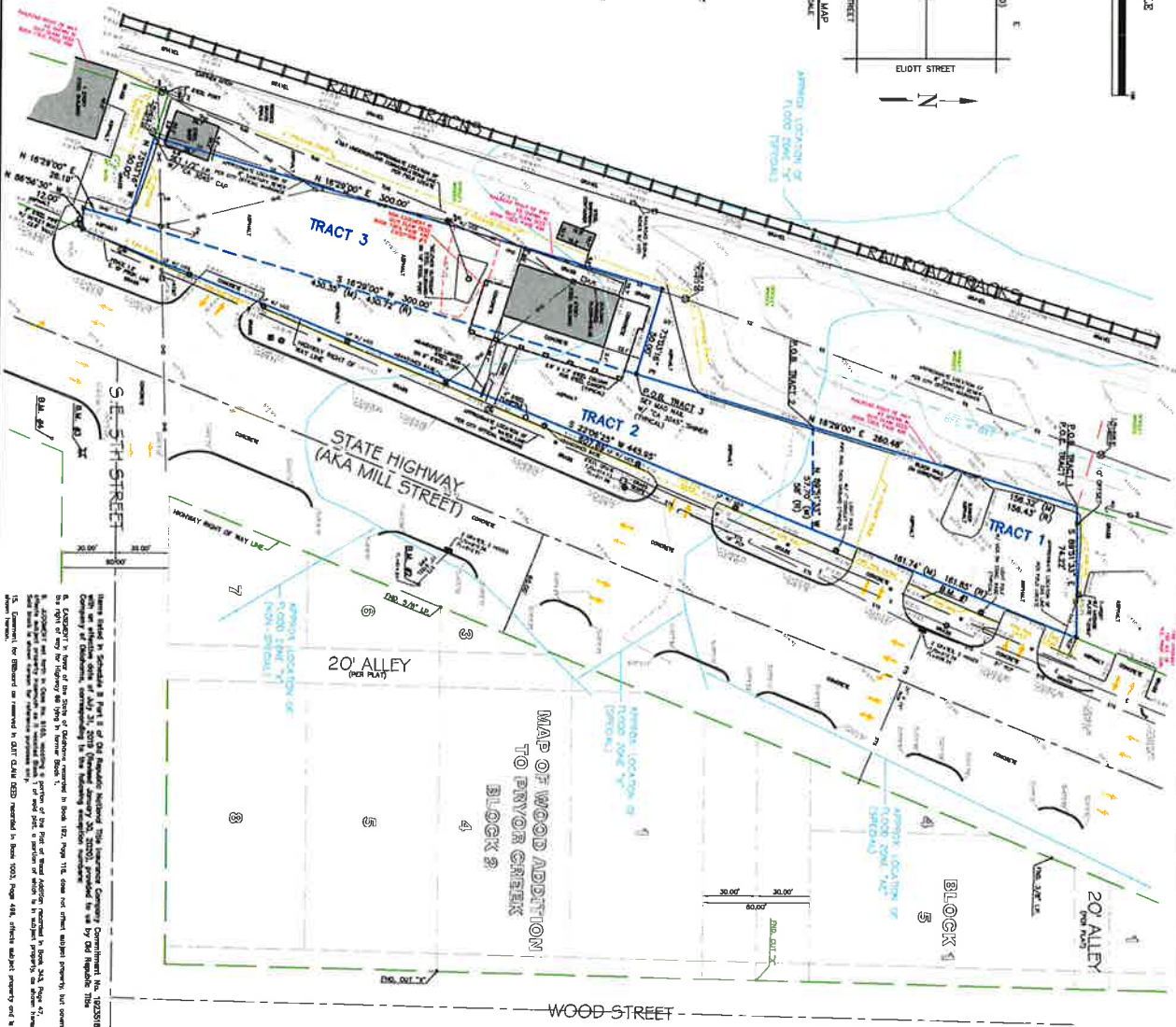
SEAL

PROJECT
 LOCATION
 SHEET
 C-1.0
 JANUARY 21, 2020
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LEGEND

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420 S. Mill Street, Pryor, OK
ALTA/NSPS Land Title Survey

1/2 Sec 20E - T20N - R10E
 40.66 Acres
 Certificate of Abandonment No. 2003 - (Given June 26, 2003)
 (By special order of court)

Plotted by: 2/20/03
 Drawn by: 2/20/03
 Field Book: 2/20/03
 1/4 Sec 20E - T20N - R10E
 1/4 Sec 20E - T20N - R10E
 1/4 Sec 20E - T20N - R10E

[illegible]



February 24, 2020

Pryor Planning and Zoning Board
Acting as Pryor Board of Adjustment

RE: Level VI Properties, LLC
420 S. Mill St., Pryor, OK.
Application for Variance from UDO

Dear Members and Chairman:

As staff to the above Board, we have reviewed the application for the subject site with regard to the proposed placement of a specific prototypical building, parking, and access driveways on the Tract 2 of the surveyed parcel. The applicant is requesting building set back variances to allow this structure to be placed on the site with minimal manipulation of their standard layout. In addition, the applicant has asked for a variance to the 7 feet landscape easement in certain areas of the frontage of the property due to the angle orientation of the frontage and the close proximity of the railroad right of way in the rear of the property. The following is our recommendation on these two items. Final decision for such variances remains with recommendations of this Board to the Pryor City Council.

1. Variance to 50' Setback - The unusual nature of this tract of land makes fitting a commercial property on the site while preserving standard set backs difficult. The usable area between the rear setback away from the UPRR railroad right of way and the standard 50' front set back leaves a very small buildable site. Even the existing structure to be removed by this project could not maintain the front building line by encroaching into building set back line.

Although, the use of a prototypical layout with little site-specific modification does not show much hardship encountered by the site, not being familiar with their interior layout, the importance of depth and dimensions in the specific area could not be determined.

Preservation of the much more minimal area in the rear for emergency access while maintaining a reasonable amount of available area in the front for the same purposes would seem to be a reasonable request. The separation distances between adjoining structures is large and changes in frontage set backs do not have the site line, esthetic impact that much more dense frontage areas would present.

It is our recommendation that this particular request for variance be supported.

2. Variance on 7' landscape Setback -The landscape setback and further the planting regulations for vegetative cover is an important element to the quality of life issues promoted in the UDO. Making allowances for natural grass cover decreases surface run off thus reducing flooding, Barked trees promote eco friendly environments and reduces carbon footprints. In this specific case, the developer is not asking for an elimination of the

landscape setback only a reduction in the set back in very specific areas due primarily to the angled proportions of the property, proper radius and parking requirements of the parking lot drive aisles. There is a larger area on the south end of the property which is larger than the 7-foot landscape area and when this area is taken into account, the net area set aside for promotion of natural vegetative eco friendly areas is greater than the UDO establishes.

The layout of the facility requires the largest area near the north end of the tract to be utilized for the building while designating the south end of the property for required parking. Reducing the parking in such a facility reduces the usefulness of the facility to public. The preservation of minimum turning radii, parking spot dimensions, and drive aisle widths also increases facility user safety.

The Developer will be required to present with his detailed plans, a landscaping layout showing the vegetative plant and barked trees per the UDO. Those areas, and quantity shall be preserved.

It is our recommendation that this particular request for variance be supported.

The above comments are in response to submitted application from City staff to our firm. We appreciate the opportunity to serve this Board and the City of Pryor on this and other planning and design issues.

Respectfully submitted
INFRASTRUCTURE SOLUTIONS GROUP, LLC

Steve A. Powell, PE
Contract City Engineer
City of Pryor Creek, OK.

cc. Larry Lees, Mayor
FILE

TABLE 3-2
C AND I DISTRICT LOT AND BUILDING REGULATIONS

Regulations		CO	CC	CR	CAR	CG	IL	IH
Minimum lot area (sq. ft.)		12,000	12,000 ¹	12,000	12,000	-	-	-
Minimum street frontage (feet)		100	100	100	100	-	-	-
Building setbacks (feet):								
	Street	50	50	50	50	-	50	50
	Interior side (from R District)	15	15	15	15	-	50	50
	Interior side (from C or I District)	-	-	-	-	-	-	-
	Rear	10	10	10	20	-	50 ²	50 ²
Maximum building coverage (% of lot)		30	40	50	30	-	40	50
Maximum building height (feet)		35	35	35 ³	35	-	-	-

Notes:

1. Lot area of CC-Zoned parcels may not exceed 20,000 square feet.
2. Required only when abutting R-Zoned lot.
3. Greater building heights may be approved through the special exception process.

10-11-4: PARKING LOT BUFFERS:

A. Purpose: The parking lot buffer regulations of this section are intended to help mitigate the visual and operational impacts of parking lots that are adjacent to streets or Residential Zoning Districts.

B. Applicability: Unless otherwise expressly stated, the parking lot buffer regulations of this section apply to all the following:

1. The construction or installation of any new parking lot containing ten (10) or more parking spaces; and
2. The expansion of any existing parking lot results in the provision of ten (10) or more parking spaces or more than three thousand five hundred (3,500) square feet of paved area.

C. Exceptions:

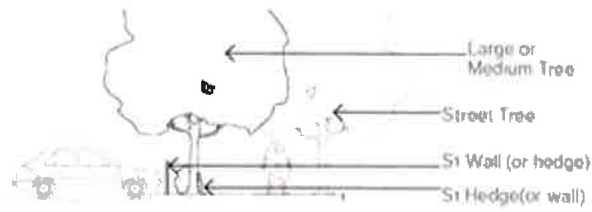
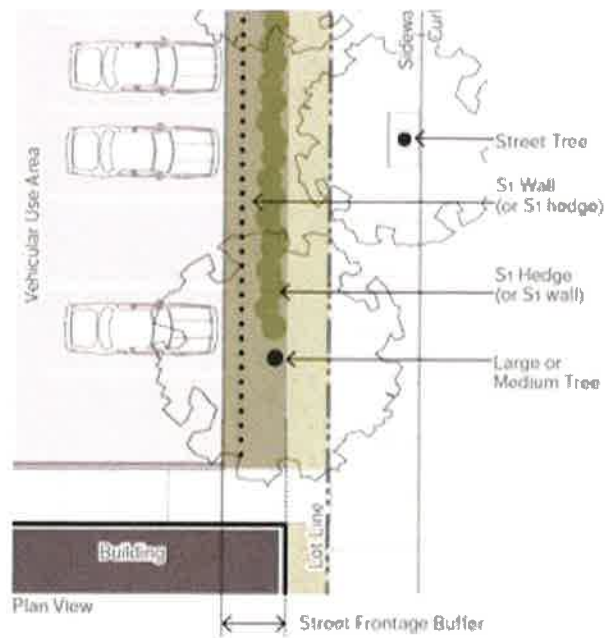
1. Parking areas used solely for the display of motor vehicles for sale, lease or rental are exempt from the street frontage buffer and R District buffer requirements of this section.
2. Household living uses consisting of a single household on one lot or two (2) households on one lot (existing or proposed) are exempt from the street frontage buffer and R District buffer requirements of this section.
3. Parking areas in Industrial Zoning Districts are exempt from the street frontage buffer requirements of this section.

D. Requirements:

1. Street Frontage Buffers:

- a. When a parking lot is located adjacent to a street right-of-way, street frontage (parking lot) buffers must be provided in accordance with the regulations of this subsection to physically and visually buffer the parking lot from the right-of-way.
- b. Street frontage buffers are required only when the parking lot is located within one hundred feet (100') of the right-of-way and there are no intervening buildings between the parking lot and the right-of-way.
- c. Except as expressly stated for parking lots in the Downtown Overlay District (see subsection D1e of this section), street frontage buffers must be at least seven feet (7') in width and be planted with at least one large or medium tree per fifty (50) linear feet street-frontage buffer. An S1 low-profile screen must also be provided within the street frontage buffer, in accordance with subsection 10-11-5C1 of this chapter.
- d. Trees planted to satisfy the street tree planting requirements of section 10-11-3 of this chapter may be counted toward satisfying street frontage buffer tree planting requirements.
- e. In the Downtown Overlay District, required street frontage buffers must be at least three feet (3') in width and include a minimum three foot (3') tall decorative metal or wrought-iron fence or brick, stone, cast stone, or stamped concrete wall.
- f. Shrubs and ground cover plants must be provided in all street frontage buffer areas that are not covered by fences or walls.
- g. A portion of a motor vehicle parking space may be landscaped instead of paved to meet street frontage landscape buffer requirements. The landscaped area may be up to 2.5 feet of the front of the space, as measured from a line parallel to the direction of the bumper of the vehicle using the space.

FIGURE 11-1
PARKING LOT STREET FRONTAGE BUFFER



NOTICE OF PUBLIC HEARING

BEFORE THE CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

Notice is hereby given that on the March 26th, at 5:30 P.M. in the City Hall Council Chambers, located at 12 North Rowe Street, 2nd floor, Pryor Creek, Mayes County, Oklahoma, the City of Pryor Creek Board of Adjustments will consider a variance from the 50' front setback and the landscaping buffer adjacent to the ROW of 7'.

LEGAL DESCRIPTION

PRYOR ACREAGE 18-21N-19E Part of Lots 2 and 3, Block 1 of the WOODS ADDITION to the Incorporated Town of Pryor Creek, Mayes County, Oklahoma lying West of the Westerly Right-of-Way line of U.S. Highway 69, further described as follows: Beginning at the Northwest corner of said Lot 2, Block 1; Thence East on the North line of Lots 2 and 3 a distance of 74.22 feet to the Westerly Right-of-Way line of said Highway 69; Thence Southeasterly along said Right-of-Way line 161.85 feet more or less to the South line of said Block 1; Thence West 58 feet to the Easterly Right-of-Way line of the M.K. & T. Railroad; Thence Northeast along said Right-of-Way line 156.43 feet to the point of beginning. And Part of Mill Street and Part of Main Street of the above described WOODS ADDITION and a part of Fifth Street South of said Addition; further described as follows: Beginning at the Southwest Corner of Lot 2, Block 1 of said Addition; Thence South of said Addition, further described as follows: Beginning at the Southwest Corner of Lot 2, Block 1 of said Addition; Thence South 16°29'00" West along the Easterly Right-of-Way line of the M.K. & T. Railroad, being the Westerly line of Mill Street a distance of 430.72 feet to a point in the South Half of Fifth Street; Thence East 12.0 feet to the Westerly line of Mill Street a distance of 430.72 feet to a point in the South Half of Fifth Street; Thence East 12.0 feet to the Westerly Right-of-Way line of U.S. Highway 69; Thence Northeasterly along said Right-of-Way line 445.95 feet to a point in the South line of Block 1 of said Addition; Thence West 58 feet to the point of beginning. And A tract of land situated in the Northeast Quarter of the Southwest Quarter (NE¼SW¼) of Section 18, Township 21 North, Range 19 East of the Indian Base and Meridian, Mayes County, State of Oklahoma and being more particularly described as follows to-wit: Commencing at the Northwest corner of Lot 2, Block 1 of the WOODS ADDITION to Pryor Creek, Oklahoma, said point also being on the Easterly Right-of-Way of the M.K. & T. Railroad; Thence South 16°29'00" West for a distance of 260.48 feet and along said Right-of-Way to the point of beginning; Thence South 16°29'00" West for a distance of 300.00 feet and along said Right-of-Way; Thence North 73°03'16" West for a distance of 50.00 feet; Thence North 16°29'00" East for a distance 300.00 feet; Thence South 73°03'16" East for a distance of 50.00 feet to the point of beginning.



Anyone requiring special accommodations pursuant to the Americans with Disabilities Act should notify City of Pryor Creek at 918-825-0888.