

Planning Commission Minutes
July 28, 2022

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:40 p.m. on July 22, 2022.)

3. (PV-112) Application by Tara N. Martinelli vacate a portion of the Final Plat of Westminster Heights I, being a part of the Northwest Quarter of section 16, Township 12 North, Range 3 West of the Indian Meridian, located north of NW 43rd Street and east of N. Western Avenue. Ward 2.

The applicant was present. There were no protestors.

Technical Evaluation:

1. The plat vacation instrument must be recorded at the appropriate County Clerk's office by the applicant.

APPROVED SUBJECT TO THE TECHNICAL EVALUATION.
MOVED BY POWERS, SECONDED BY LAFORGE
AYES: CLAIR, POWERS, FRALEY, PRIVETT, HINKLE, GOVIN,
PENNINGTON, LAFORGE;
ABSENT: NOBLE



**The City of Oklahoma City
Planning Commission
STAFF REPORT
July 28, 2022**

(PV-112) Application by Tara N. Martinelli vacate a portion of the Final Plat of Westminster Heights I, being a part of the Northwest Quarter of section 16, Township 12 North, Range 3 West of the Indian Meridian, located north of NW 43rd Street and east of N. Western Avenue. Ward 2.

I. GENERAL INFORMATION

A. Contacts

Tara N. Martinelli
tarami78@gmail.com

623-203-4001

B. Case History

This is a new application.

C. Reason for Request

The applicant proposes to vacate all of Lots 7 and 8 of Block 1 of Westminster Heights I, including all private utility easements, drainage easements, common access easements, and building limit lines associated with said lots. This request is being made to allow a single home to be constructed across both lots.

The locations of the building limit lines and private easements on the existing plat prohibit the home construction as planned. The easements existing on the lots only serve these lots and their removal won't affect surrounding lots. This application was accompanied by a petition, signed by the owners of over 60% of lots in this plat, as required by the Subdivision Regulations / State Statutes.

II. SUMMARY OF APPLICATION

This request for partial plat vacation is based on Section 3.10.2 of the Oklahoma City Subdivision Regulations which permits the City Council to vacate and nullify a duly approved and recorded plat or any part of any plat in accordance with 11 Oklahoma Statutes Supp., 2000, Section 42-101 et seq. The Planning Commission must review the written request for vacation and forward a recommendation to the City Council.

The State Statutes require owners of sixty percent of the lots in the plat and all the owners in the area to be vacated join in the execution of the written instrument for partial plat vacation. The owner has verified that they own over 60% of the lots in the Crystal Creek at Westbury subdivision. The applicant also owns 100% of the area affected by the partial plat vacation. The Statutes do not require notice of plat vacations to be sent to property owners within a subdivision or surrounding a subdivision.

III. REVIEW COMMENTS

This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk indicates that the agency, department, and/or division responded with no adverse comments.

1) Outside Agencies

- 1. Oklahoma City-County Health Department**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas (ONG)**
- 5. Oklahoma Electric Cooperative (OEC)**
- 6. Oklahoma Water Resources Board (OWRB)**
- 7. Oklahoma City School District**
- 8. Oklahoma Department of Transportation (ODOT)**

2) City Departments

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire**
No objection.
- 4. Information Technology/Geographic Support**
- 5. Parks and Recreation**
- 6. Police**
- 7. Public Works**

a) Engineering

1) Streets

No objection.

2) Storm Sewer

- a) A perpetual easement for water and wastewater, drainage, storm water, sidewalks, and traffic controls systems (collectively “City Systems”) are hereby expressly reserved until such time as plans have been approved by the Public Works and Utilities departments respectively, which may include provision of new easements, as necessary, and/or individual easements being released. Applicant must provide a survey showing the location of all utilities within the platted Utility Easement on Lots 7 and 8, Douglas Place Addition.
- b) The Public Works Drainage Division staff has reviewed the subject application. All development, new construction, and/or substantial improvements within the proposed area shall be subject to chapter 16 of the Oklahoma City Municipal Code.
- c) Storm sewers in accordance with the City's Drainage Ordinance will be required. Development abutting section line roads with drainage flows that exceed the capacity of OKC standard ditch detail (D-100) will necessitate the installation of enclosed storm sewer and/or concrete channel. The improvements shall be placed to provide a minimum of 35 feet clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way. Sidewalks shall be constructed in compliance with the Oklahoma City Ordinance and meet all applicable ADA regulations.
- d) A flood and / or drainage study will be required for improvements to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department
- e) Plans for drainage improvements within the private drainage reserves and/or common areas must be submitted for review, and payment of inspection fees shall be made prior to construction. Building permits will not be issued until construction is complete. If a subdivision abuts a stream, the private drainage easements and/or common areas along the stream shall extend to the flow line of the stream at a minimum.

- f) Place the following note on the plat and construction plans: Maintenance of the common areas and/or private drainage easements shall be the responsibility of the property owner's association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent shall be placed within the drainage-related common areas and/or drainage easements shown.
- g) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat and/or in the plat notes.
- h) Construction within the limits of this plat will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be required prior to the issuance of work orders or permits for construction activities disturbing an area of ½ acre or greater.
- i) Sidewalks shall be installed for all new construction and/or at the time of conversion of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- j) All private roads/streets will have private storm sewer systems.
- k) Engineers / Developers will be contacting PW for a detention determination before they submit their Final Plat and Plans.

- b) Streets, Traffic and Drainage Maintenance
- c) Stormwater Quality Management
- d) Traffic Management *

8. Utilities

- a) Sanitary Sewer Availability:
 - 1) An existing 8-inch wastewater main(s) is adjacent to the subject site and a service connection will be permitted in accordance with City Standard Specifications. A separate service connection is required for each building / structure.
 - 2) No objection

b) Solid Waste Management:

No Solid Waste Management Services needed.

c) Water Availability:

- 1) An existing 6-inch water main is adjacent to the subject site and a service connection will be permitted in accordance with City Standard Specifications. A separate service connection and meter is required for each building / structure.
- 2) No objection.

9. Development Services

This application would vacate all of Lots 7 and 8 of Block 1 of Westminster Heights I, including all private utility easements, drainage easements, common access easements, and building limit lines associated with said lots. The applicant is requesting this partial plat vacation to allow the construction of a single home across both lots.

The plat vacation instrument must be recorded at the appropriate County Clerk's office by the applicant once it is approved.

IV. STAFF RECOMMENDATION

Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Planning Commission decisions require a vote of five members to approve or deny an item. The Planning Commission may consider in its decision-making process any additional relevant information presented at the public hearing by the public, applicant, and/or City departments.

Approve the application with the following conditions:

1. The plat vacation instrument must be recorded at the appropriate County Clerk's office by the applicant.

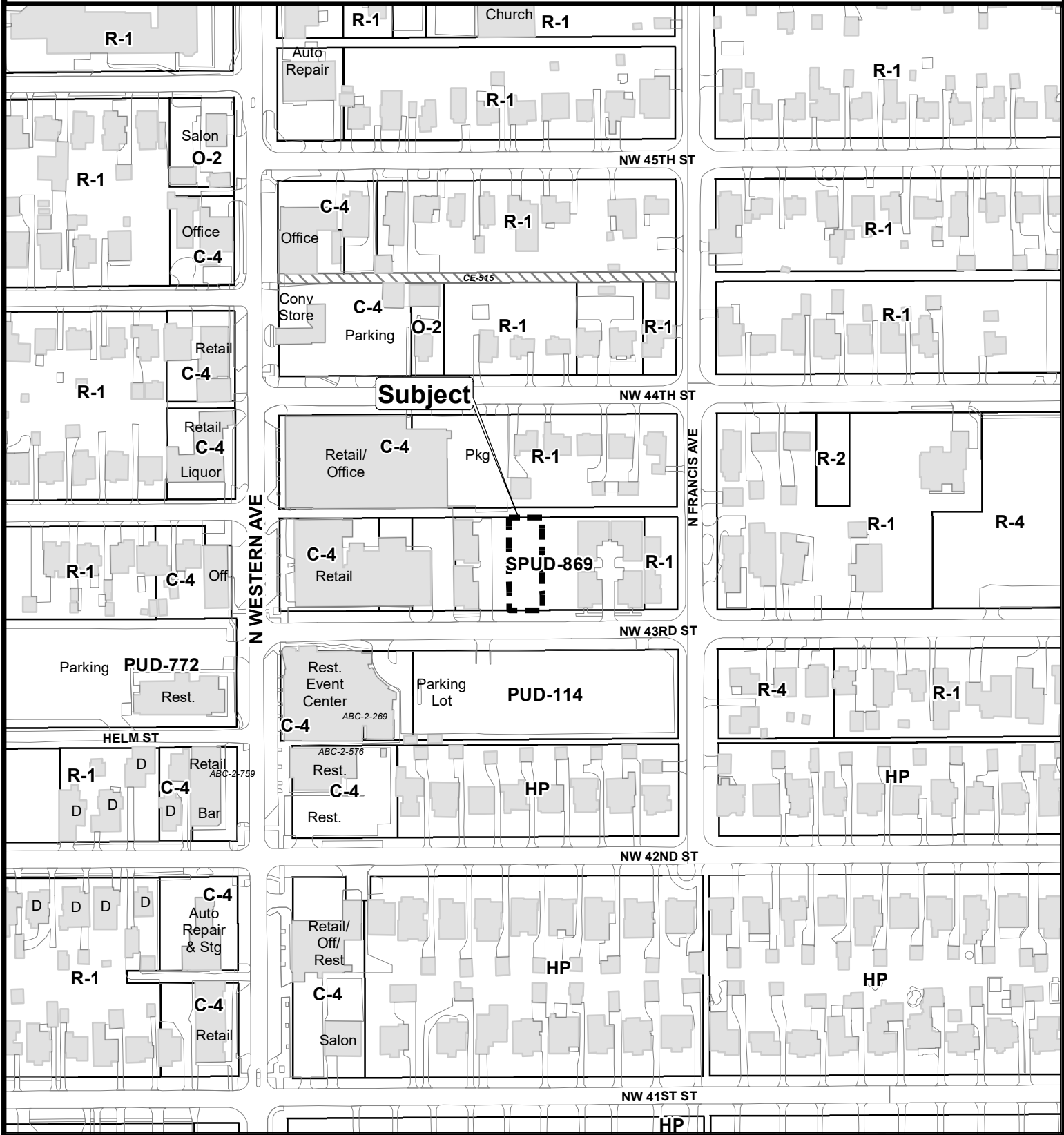
jm

Case No: PV-112

Applicant: Tara N. Martinelli

Name of Plat: Westminster Heights I Present Zoning: SPUD-869

Reason for Plat Vacation: To build one house on both lots 7 and 8



Note: "Subject" is located approximately 2,310' south of NW 50th Street.



The City of
OKLAHOMA CITY

Application for Plat Vacation or partial Plat vacation



0 100 200
Feet

THAT the areas indicated on said plat as private utility easements are hereby reserved for the purpose of locating, constructing, erecting, maintaining, conducting and performing any public or quasi-public utility service above or beneath the surface of the ground with rights of ingress and egress, and the right of installation, repair, operation and/or removal of any such public or quasi-public utility service.

IN WITNESS WHEREOF, said United Leath Company caused this instrument to be executed at Oklahoma County, Oklahoma on this 21 day of Sept., 2016.

Derek S. Turner
Derek Turner, President of Turner & Company, Inc.
Manager of Project 43, LLC

STATE OF OKLAHOMA

Given under my hand and the day and year last above written.

[Signature]

NOTARY PUBLIC

My Commission Expires: 07/03/2020

Commission No.: 12006171

W. A. Smith
 Colin K. Beatty, N.S. pub. 1870
 STATE OF OKLAHOMA } ss
 COUNTY OF OKLAHOMA }

NOTARY PUBLIC

MY COMMISSION EXPIRES: 07/03/2020

COMMISSION NUMBER: 12266171

BONDED ABSTRACTOR'S CERTIFICATE

The undersigned, who qualified and lawfully bonded abstractor of titles, is and for Oklahoma

BY: Kesha Smith
Vice President

COUNTY TREASURER _____

BEING A RE-PL
OF LOT 35, ALL
LOCATED IN T

[illegible][illegible]

MEASURED - 202.50' - 20

I, the undersigned, City Clerk of the City of Oklahoma City, Oklahoma, do hereby certify that I have examined the records of said City and find all deferred payments or unincurred encumbrances on special assessments have been paid in full and there is no special assessment procedure now pending against the land shown on the annexed plat of Westernmost Heights 1/4 according to The City of Oklahoma City Oklahoma County, Oklahoma on this 11 day of October, 2011.

Sharon Cox

Outchuma, on the 2nd day of September, 2011, at

 FLOORING DIRECTOR

CITY OF OKLAHOMA CITY
6-46 AND THE EAST 10 FEET
OF DOUGLAS PLACE ADDITION
SECTION 16, T12N, R3W, I.M.
County, Oklahoma

W 43RD STREET AND SHALL
AND/OR PROPERTY OWNERS
AT THE BUILDING PERMIT
THE ISSUANCE OF AN

Be it hereby resolved by the City Council of the City of Oklahoma City, Oklahoma, that the descriptions shown on the attached plat of Westminster Heights I are hereby accepted.

Attest: _____ Mayor

Approved by the City Council of the City of Oklahoma City, Oklahoma this 11th day of _____ 20____

Michael Currie
Mayor

3. The Base Line for this Plot is Center line of NW 43rd Street. - 5893921'W -

10
T-12-N
Ave
16

Technical drawing of a rectangular plate. The plate has a width of 5" B/L and a height of 47.5". A circular hole with a diameter of 30.0" is located on the left side. The distance from the left edge of the plate to the center of the hole is 30.0". The drawing includes a dimension line for the hole diameter and a dimension line for the distance from the edge to the hole center.

Scale
0' 5' 10'

OKLAHOMA COUNTY, OKLAHOMA, AND BEING IN FULLY PARTICIPANTLY RECEIVED AS FOLLOWS:

BEGINNING AT THE southeast corner of Lot 46, Block 28 in DOWNEY AS PACE ADDITION to the City of Oklahoma City, Oklahoma County, Oklahoma, as shown on the Plat Book 18 at Page 13;

THENCE S89°19'21"W, along the South line of said Block 28 a distance of 285.00 ft; THENCE S10°19'21"W, along the South line of said Block 28 a distance of 285.00 ft; THENCE N89°19'21"E, a distance of 285.00 ft to a point on the east line of Lot 46 of said Block 28;

WESTMINSTER

AN ADDITION TO THE CITY OF
HING A RE-PLAT OF LOTS 35-49
OF LOT 30, ALL IN BLACK IS OF
LOCATED IN THE NW 1/4 OF SECTION
OKlahoma County.

Certificate of Authorization No. 1234567890

NTA EE Ave	
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AP
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00

" = 20'

OKLAHOMA CITY
THE EAST 10 FEET
ALAS PLACE ADDITION
S, T12N, R3W, L.M.
100-24

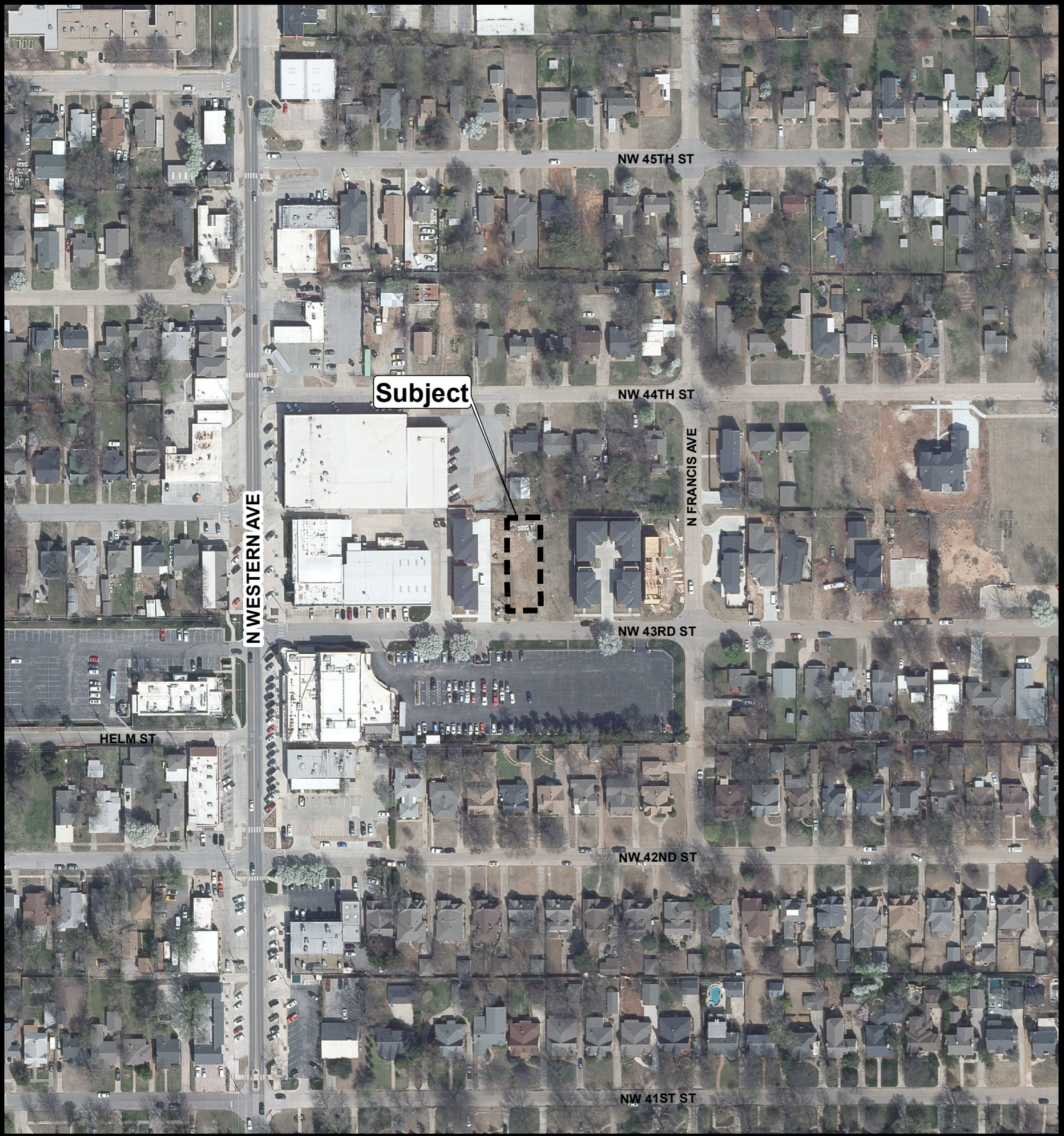
Exp.	Dose
1	0.1
2	0.2
3	0.4
4	0.8
5	1.6
6	3.2
7	6.4
8	12.8
9	25.6
10	51.2
11	102.4
12	204.8
13	409.6
14	819.2
15	1638.4
16	3276.8
17	6553.6
18	13107.2
19	26214.4
20	52428.8
21	104857.6
22	209715.2
23	419430.4
24	838860.8
25	1677721.6
26	3355443.2
27	6710886.4
28	13421772.8
29	26843545.6
30	53687091.2
31	107374182.4
32	214748364.8
33	429496729.6
34	858993459.2
35	1717986918.4
36	3435973836.8
37	6871947673.6
38	13743895347.2
39	27487790694.4
40	54975581388.8
41	109951162777.6
42	219902325555.2
43	439804651110.4
44	879609302220.8
45	1759218604441.6
46	3518437208883.2
47	7036874417766.4
48	14073748835532.8
49	28147497671065.6
50	56294995342131.2
51	112589990684262.4
52	225179981368524.8
53	450359962737049.6
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58	14411518807585587.2
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93	495176015714152109959649689.6
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96	3961408125713216879677197516.8
97	7922816251426433759354395033.6
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100	63382530011411470074835160268.8
101	126765060022822940149670320537.6
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105	2028240960365167042394725128601.6
106	4056481920730334084789450257203.2

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Aerial Photo from 2/2020

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Feet