

Planning Commission Minutes
October 24, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:35 a.m. on October 21, 2024)

6. (CE-1131) Application by Kyle A Dawson and Tiffany Peltier, to close a portion of the north-south utility easement within Lots Six (6) and Seven (7) in Block Six (6) of Whistle Creek Phase II, west of Whistle Creek Boulevard and north of NW 161st Street. Ward 7.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL.

MOVED BY NOBLE, SECONDED BY GOVIN

AYES: CLAIR, POWERS, MEEK, PRIVETT, NEWMAN, GOVIN, NOBLE, LAFORGE

ABSENT: PENNINGTON



STAFF REPORT
The City of Oklahoma City
Planning Commission
October 24, 2024

Item No. IV. 6.

(CE-1131) Application by Kyle A Dawson and Tiffany Peltier, to close a portion of the north-south utility easement within Lots Six (6) and Seven (7) in Block Six (6) of Whistle Creek Phase II, west of Whistle Creek Boulevard and north of NW 161st Street. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

Kaitlyn Turner
Williams, Box, Forshee & Bullard P.C.
405-232-0080
kturner@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to resolve the encroachment of two homes into a platted, front-yard utility easement.

D. Existing Conditions

1. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	R-1	R-1	R-1	R-2
Land Use	Residential	Residential	Residential	Residential	Residential

2. Comprehensive Plan Land Use Typology Area: Urban – Low Intensity (UL)

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

II. 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.

A. Outside Agencies

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

B. City Departments

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire (OCFD) ***
- 4. Information Technology/Geographic Support (IT/GIS)**
- 5. Parks and Recreation**
- 6. Police (OCPD)**

7. Public Works

a. Engineering

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 plans must include new executed and recorded easements, as necessary, before each individual easement may be released.

Storm Sewer Availability *

8. Streets, Traffic and Drainage Maintenance

9. Stormwater Quality Management

10. Traffic Services *

11. Utilities

a. Wastewater Comments

No objections. No assets in area.

b. Water Comments

No objections. No assets in area.

c. Solid Waste Management

No Solid Waste Management services needed.

12. Planning

a. Comprehensive Plan Conformance Considerations

The application seeks to close small portions of a 20-foot utility easement within Lots 6 and 7, in Block 6, of Whistle Creek Phase II (2021). The site is located off Whistle Creek Boulevard, generally located east of North Western Avenue and south of NW 164th Street. In this case the utility easement is requested to be closed for encroachment of constructed single-family residences. The closure of the easement does not have plan~~o~~kc implications and would not affect connectivity in the area.

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.

Approval of the application.

taj

Case No: CE-1131

Applicant: Kyle A. Dawson and Tiffany Peltier



Note: "Subject" is located approximately 2,128' East of N. Western Ave. and 1,218' South of NW 164th St.

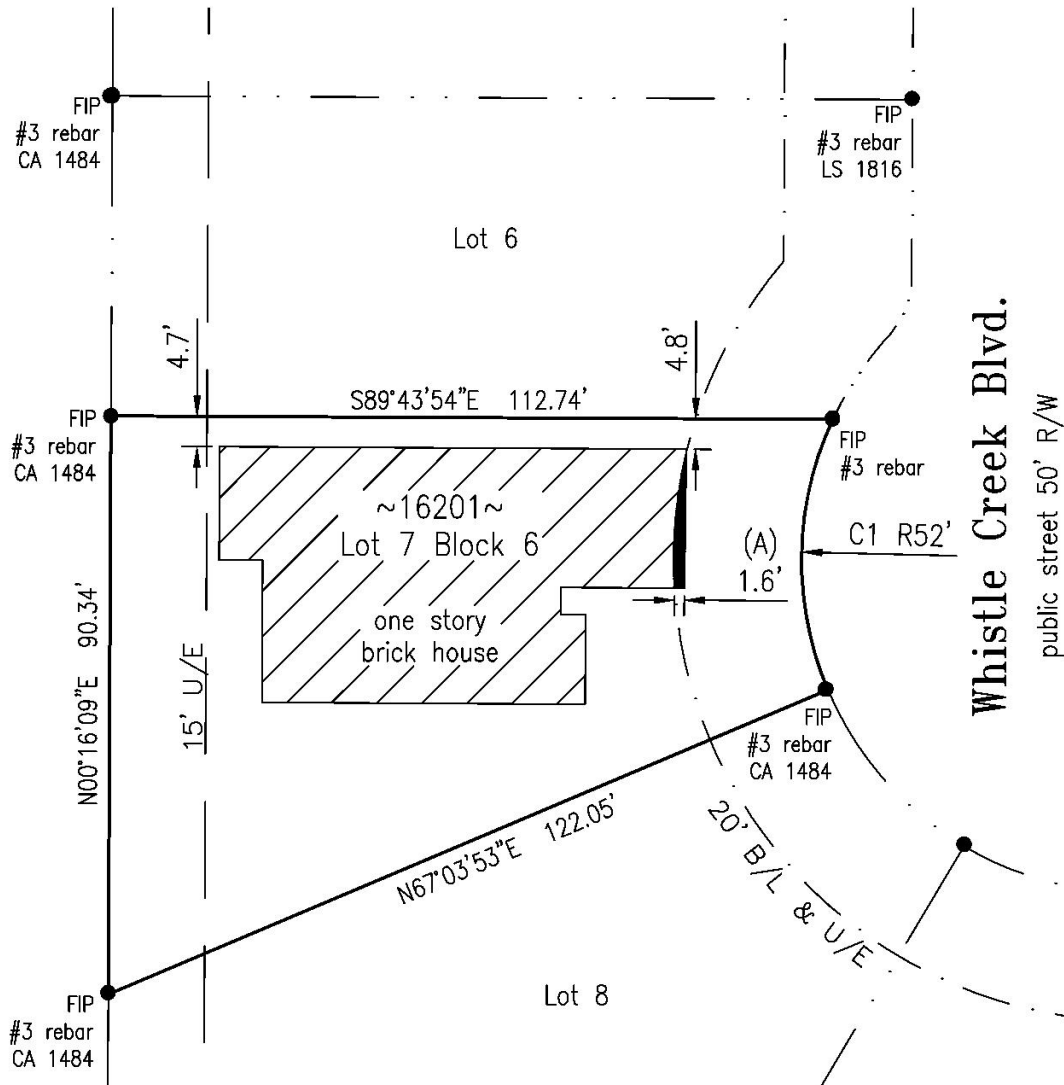


The City of
OKLAHOMA CITY

Application for Closing Public Way or Easement



0 25 50
Feet



SURVEYOR'S CERTIFICATE July 6, 2024

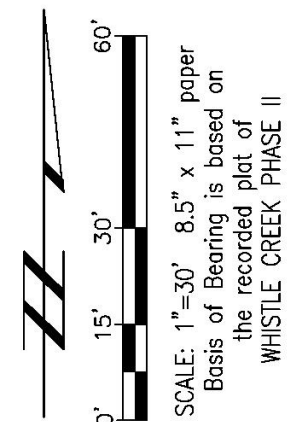
I, Michael A. Dawson, a Professional Land Surveyor in the State of Oklahoma, do hereby certify that the field work was completed as of the date set forth above and that an on the ground survey was made under my supervision of a tract of land described as follows:

LEGAL DESCRIPTION

Lot Seven (7) of Block Six (6) in WHISTLE CREEK PHASE II, an Addition to the City of Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof

I further certify that the property corners were set or found as shown.

This survey meets the Oklahoma Minimum Standards for the practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.



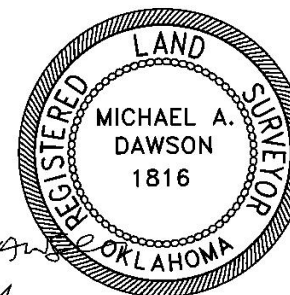
LEGEND

FIP=FOUND IRON PIN (#3=3/8" REBAR)
B/L=BUILDING LINE
U/E=UTILITY EASEMENT
R/W=RIGHT OF WAY

CURVE 1

R=52.00', AL=43.51'
CB=N1°02'15"E, CL=42.26'

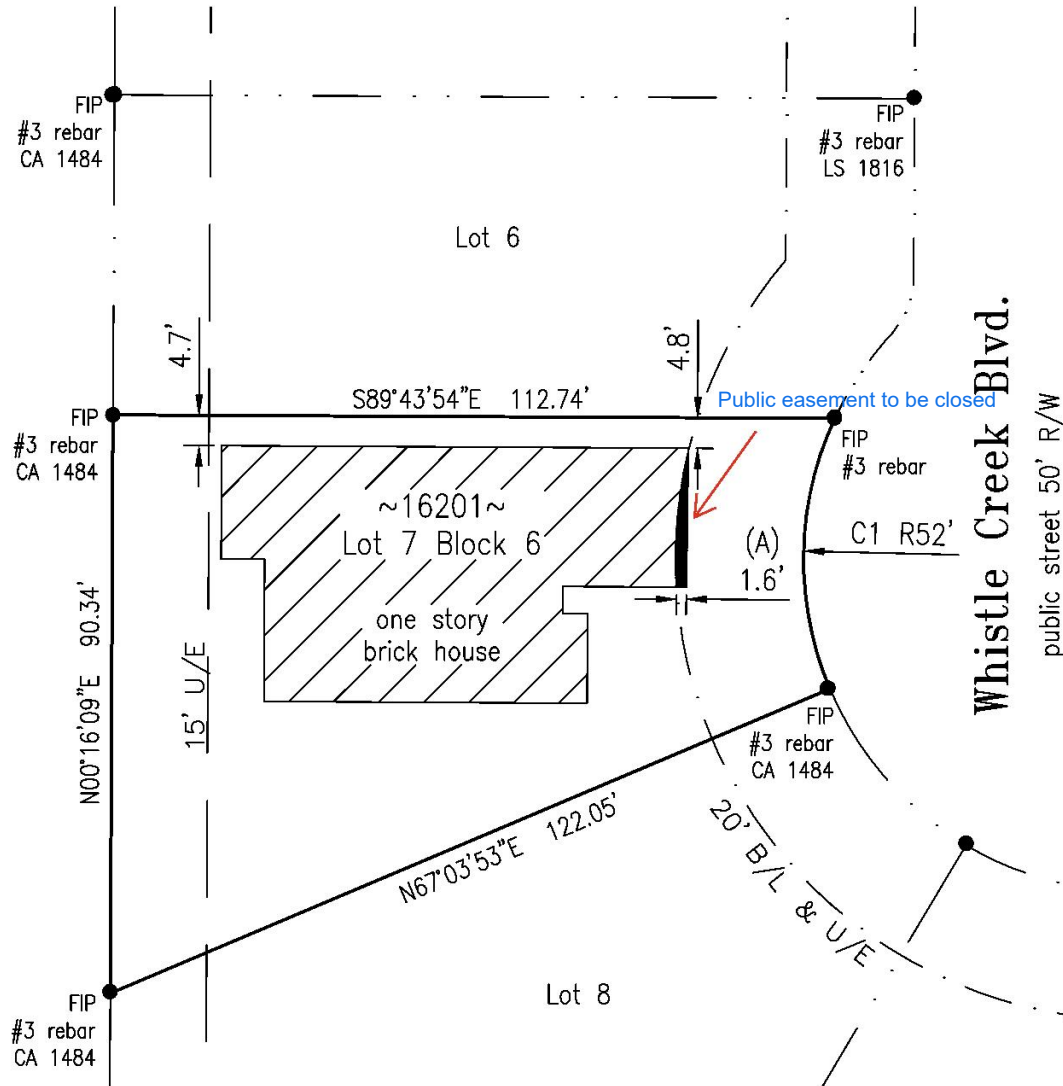
Lot 7 Contains ±7321.3 square feet, or ±0.17 acres.
(A) House is over 20' B/L by as much as 1.6 feet.



MA Dawson
7/8/24

FIELD DATE: 7/6/24	ASBUILT SURVEY
SCALE: 1"= 30'	16201 WHISTLE CREEK BLVD. OKLAHOMA CITY, OK. OKLAHOMA COUNTY, OK.
JOB NUMBER: 24-232	PATHFINDER SURVEYING CA # 8003 PO BOX 7433 MOORE, OK. 73153 Phone (405) 476-1469
SHEET 1 OF 1	MIKE@PATHFINDERSURVEY.COM

Property Owner - Kyle Dawson



SURVEYOR'S CERTIFICATE

July 6, 2024

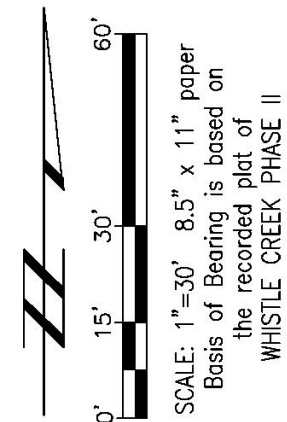
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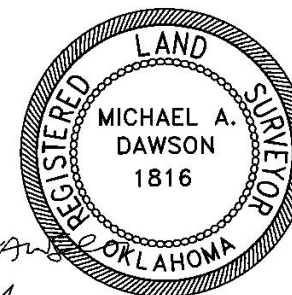
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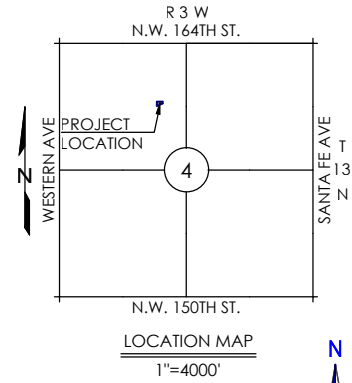
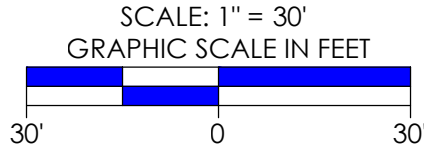
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SHEET 1 OF 1	MIKE@PATHFINDERSURVEY.COM

BASIS OF BEARING
DEPICTED ON RECORDED PLAT
OF WHISTLE CREEK PHASE II
LAST SITE VISIT:
(09/11/2024)

ATTACHMENT "A"

Legend

BUILDING LIMIT LINE
EASEMENT
PROPERTY LINE
CENTERLINE ROAD
EXISTING LOTS



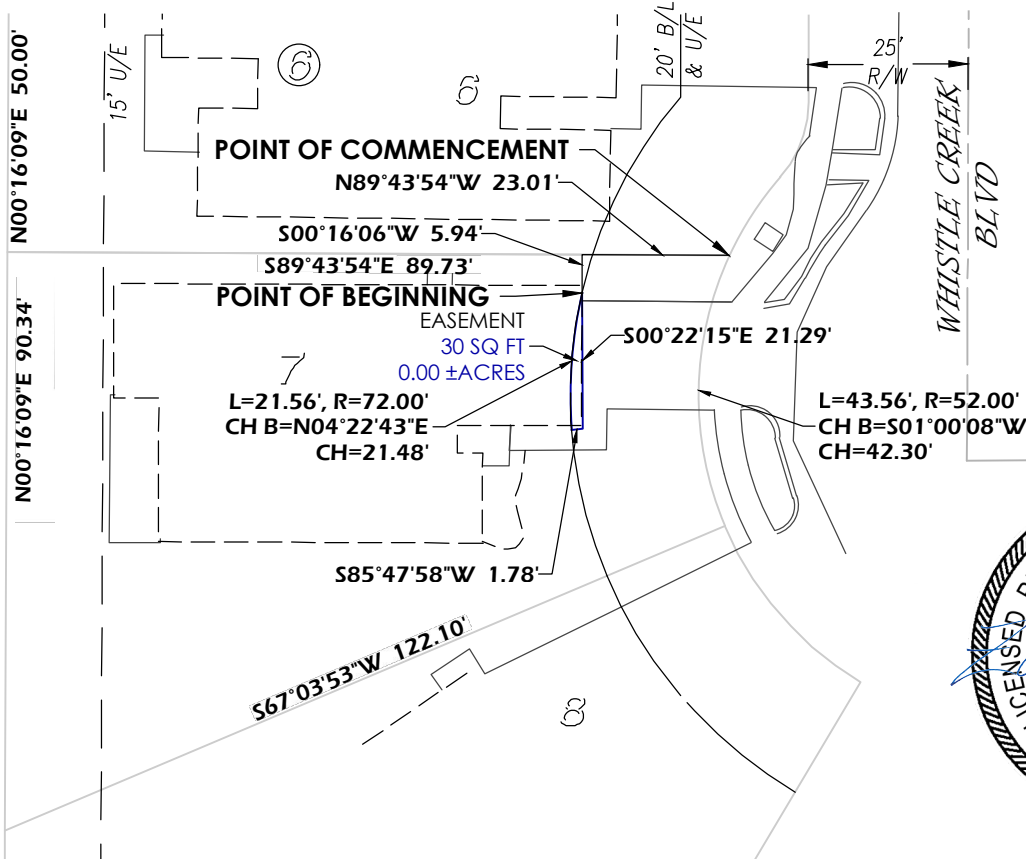
As-Surveyed Legal Description

A tract of land situate within Lot 7 Block Six (6), Whistle Creek Phase II, a subdivision of the City of Oklahoma City, Oklahoma County, Oklahoma, recorded in Book 81, Page 3 and being more particularly described by metes and bounds as follows:

COMMENCING at the Northeast corner of Lot 7 Block 6 of Whistle Creek Phase II; thence
N 89° 43' 54" W along the north line of said Lot 7 a distance of 23.01 feet; thence
S 0° 16' 06" W a distance of 5.94 feet to the POINT OF BEGINNING; thence
S 00° 22' 15" E a distance of 21.29 feet; thence
S 85° 47' 58" W a distance of 1.78 feet to a point on a curve to the right; thence
21.56 feet along the arc of said curve having a radius of 72.00 feet, subtended by a chord of 21.48 feet which bears N 04° 22' 43" E,
to the POINT OF BEGINNING.

Said tract contains 30 Sq Ft or 0.001 Acres, more or less.

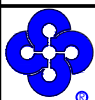
The foregoing legal description was prepared by Zach Pierce, PLS 2085 on 9/18/2024 in conjunction with Crafton Tull & Associates Project 23608200, the basis of control is OKLAHOMA NORTH NAD83 (2011) EPOCH 2010.0).



PLAT SHOWING EASEMENT EXHIBIT SURVEY OF LOT 7, BLOCK SIX (6) IN WHISTLE CREEK PHASE II, AN ADDITION TO THE CITY OF OKLAHOMA CITY FILED IN THE OFFICE OF THE OKLAHOMA COUNTY CLERK IN BOOK 81 OF PLATS, PAGE 3.

THIS PLAT DOES NOT MEET OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS. THE SOLE PURPOSE OF THIS PLAT IS TO DEPICT A PROPOSED EASEMENT.

EASEMENT EXHIBIT



Crafton Tull

SURVEYING
300 Pointe Parkway Blvd
Yukon, OK 73099

405.787.6270 | 405.787.6276 f
www.craftontull.com
CA 973 (PE/LS) Expires 6/30/2024

LOT 7, BLOCK SIX (6), WHISTLE CREEK PHASE II
SECTION 4, T13N, R3W, I.M.
OKLAHOMA CITY, OKLAHOMA COUNTY, OK

REVISIONS

DRAWN BY: RW

FIELD QA/QC: RW

PROJECT #23608200

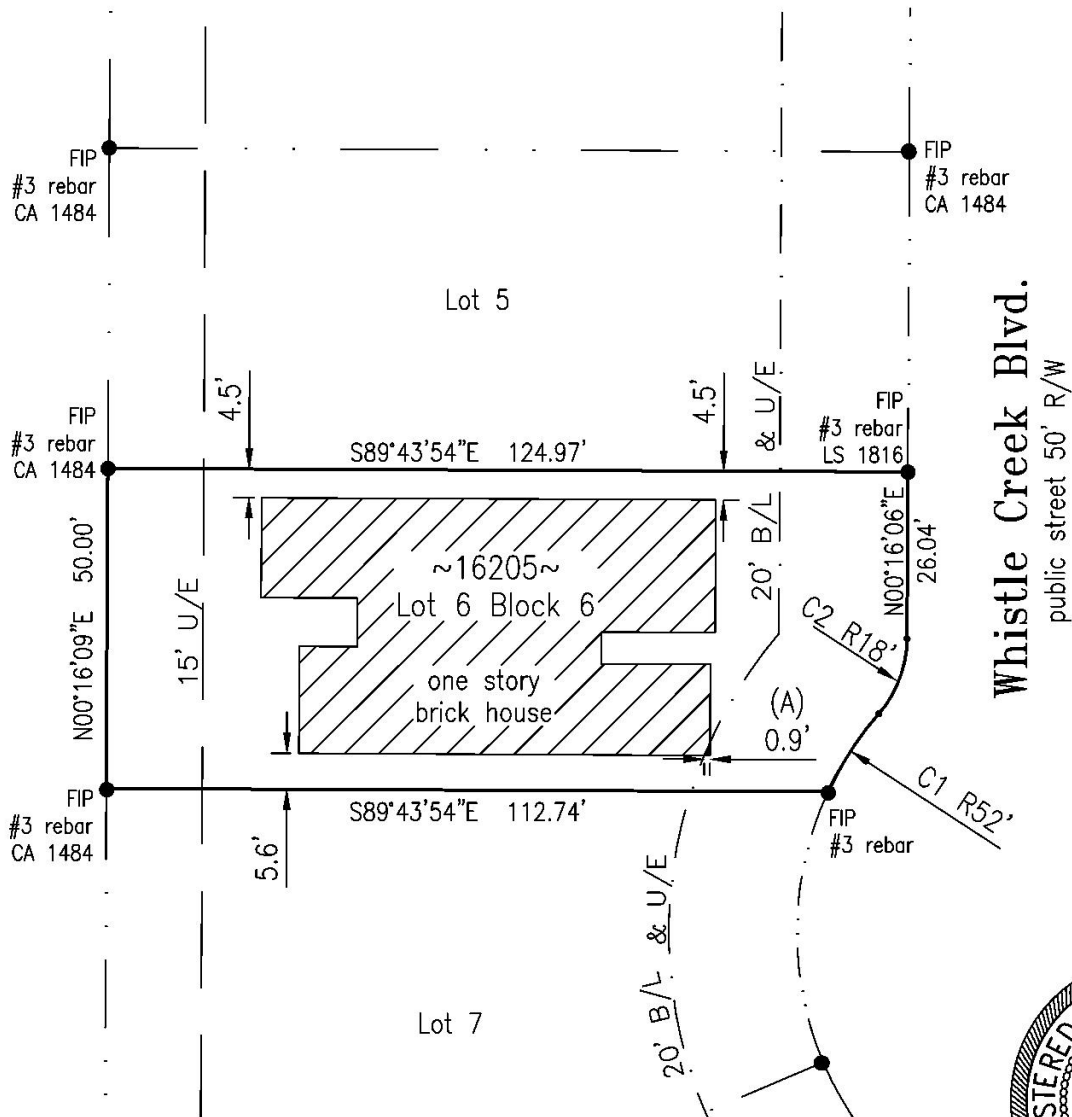
SCALE: 1" = 30'

CREW CHIEF: JE

DWG QA/QC: ZP

DATE: 9/18/2024

SHEET 1 OF 1



LEGEND

FIP=FOUND IRON PIN (#3=3/8" REBAR)
 B/L=BUILDING LINE
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 R/W=RIGHT OF WAY

CURVE 1

R=52.00', AL=14.56'
 CB=N33°01'58"E, CL=14.51'

CURVE 2

R=18.00', AL=12.81'
 CB=N20°39'43"E, CL=12.54'

Lot 6 Contains ±6126 square feet, or ±0.14 acres.
 (A) House is over the 20' B/L by as much as 0.9 feet.

SURVEYOR'S CERTIFICATE

July 6, 2024

I, Michael A. Dawson, a Professional Land Surveyor in the State of Oklahoma, do hereby certify that the field work was completed as of the date set forth above and that an on the ground survey was made under my supervision of a tract of land described as follows:

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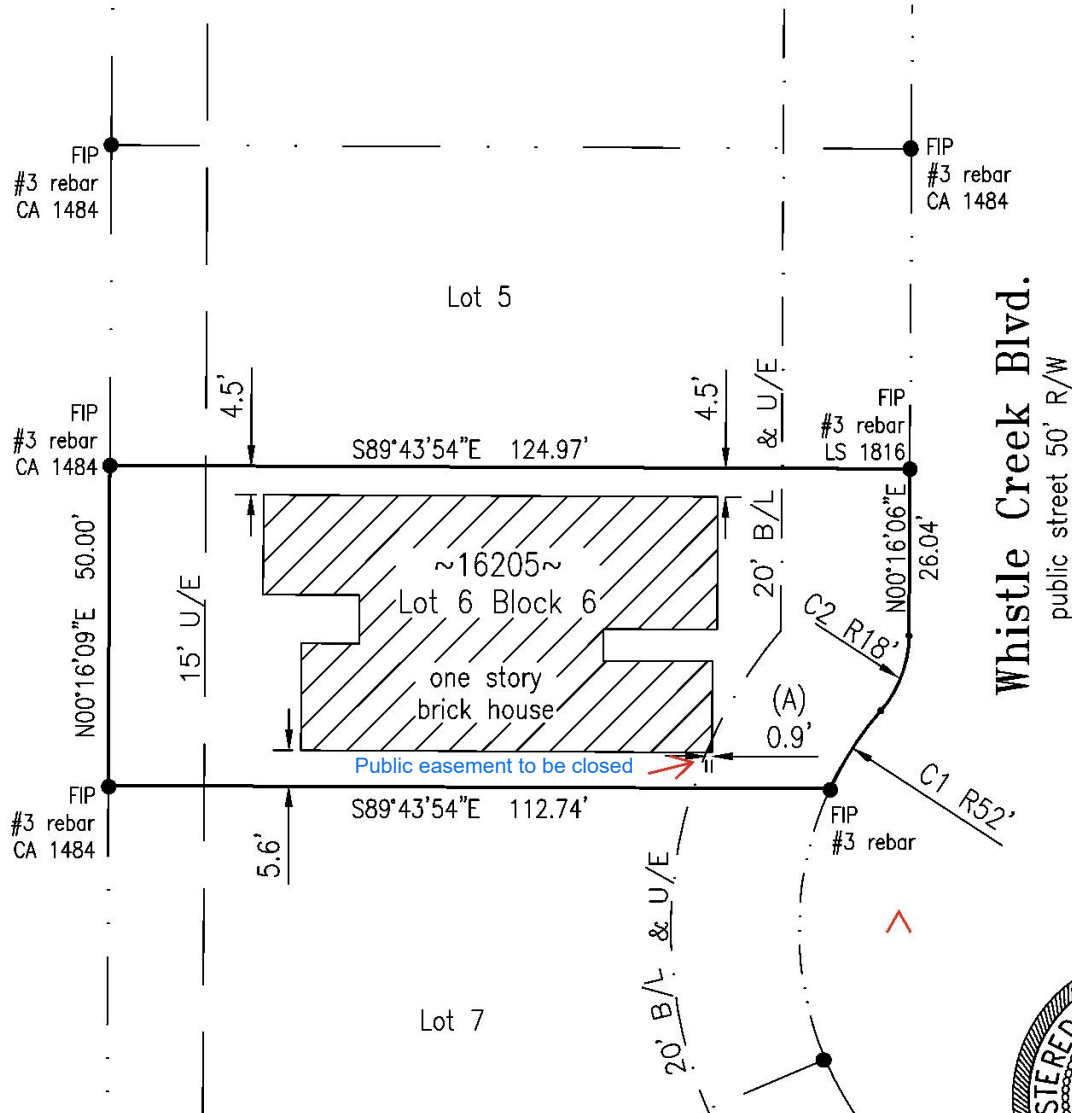
MA Dawson
 7/8/24



SCALE: 1"=30' 8.5" x 11" paper
 Basis of Bearing is based on
 the recorded plat of
 WHISTLE CREEK PHASE II

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Owner of property - Tiffany Peltier



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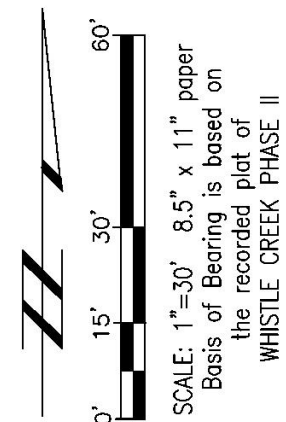
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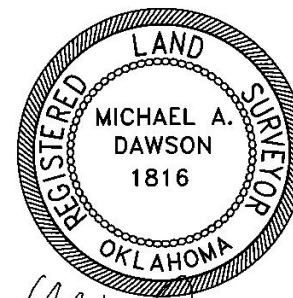
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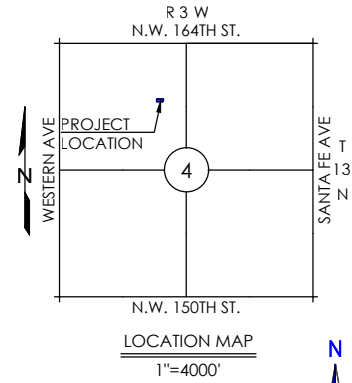
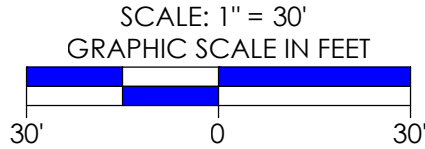
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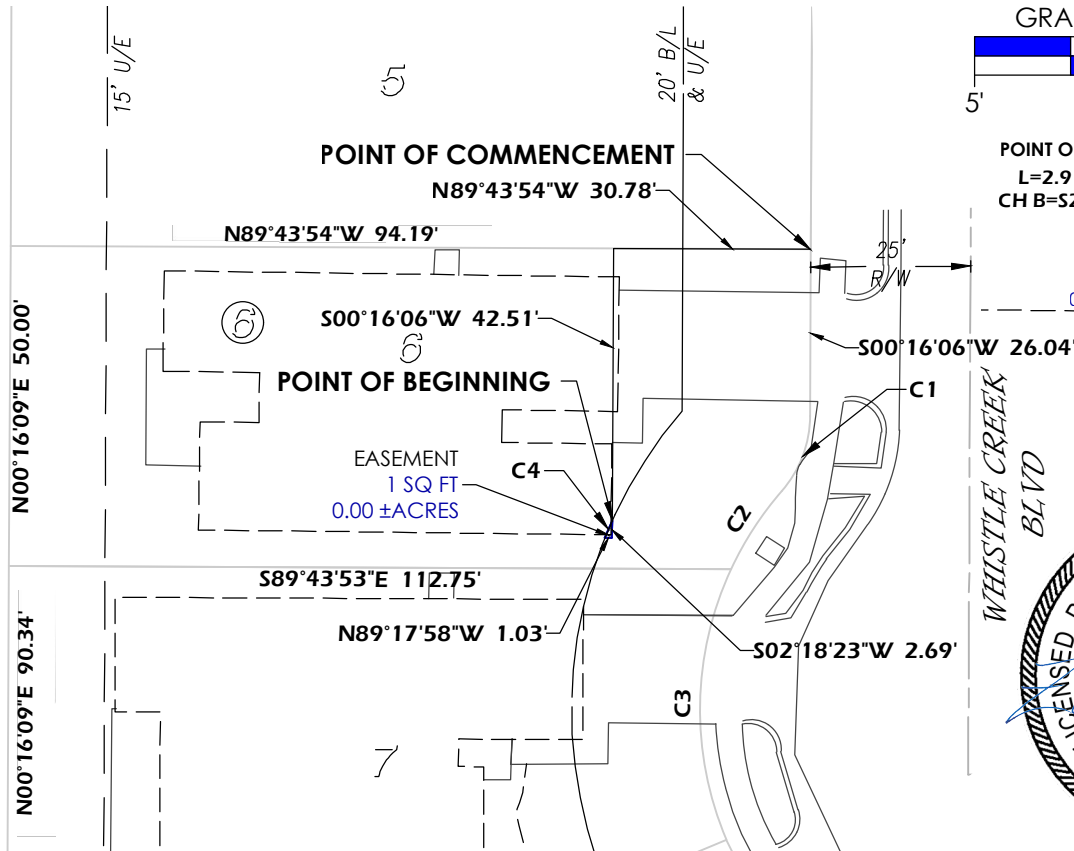
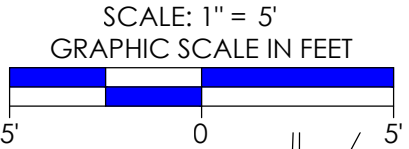
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Said tract contains 1 Sq Ft or 0.000 Acres, more or less.

The foregoing legal description was prepared by Zach Pierce, PLS 2085 on 9/18/2024 in conjunction with Crafton Tull & Associates Project 23608200, the basis of control is OKLAHOMA NORTH NAD83 (2011) EPOCH 2010.0).

Easement Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C4	2.91'	72.00'	002°18'45"	S23°04'35"W	2.91'

LOTS Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	12.81'	18.00'	040°46'32"	S20°39'22"W	12.54'
C2	14.56'	52.00'	016°02'31"	S33°01'22"W	14.51'
C3	43.56'	52.00'	047°59'51"	S01°00'08"W	42.30'



PLAT SHOWING EASEMENT EXHIBIT SURVEY OF LOT 6, BLOCK SIX (6) IN WHISTLE CREEK PHASE II, AN ADDITION TO THE CITY OF OKLAHOMA CITY FILED IN THE OFFICE OF THE OKLAHOMA COUNTY CLERK IN BOOK 81 OF PLATS, PAGE 3.

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CA 973 (PE/LS) Expires 6/30/2024

LOT 6, BLOCK SIX (6), WHISTLE CREEK PHASE II
SECTION 4, T13N, R3W, I.M.
OKLAHOMA CITY, OKLAHOMA COUNTY, OK

REVISIONS

DRAWN BY: RW

FIELD QA/QC: RW

PROJECT #23608200

SCALE: 1" = 30'

CREW CHIEF: JE

DWG QA/QC: ZP

DATE: 9/18/2024

SHEET 1 OF 1

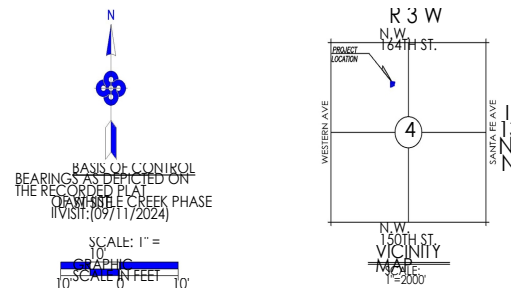
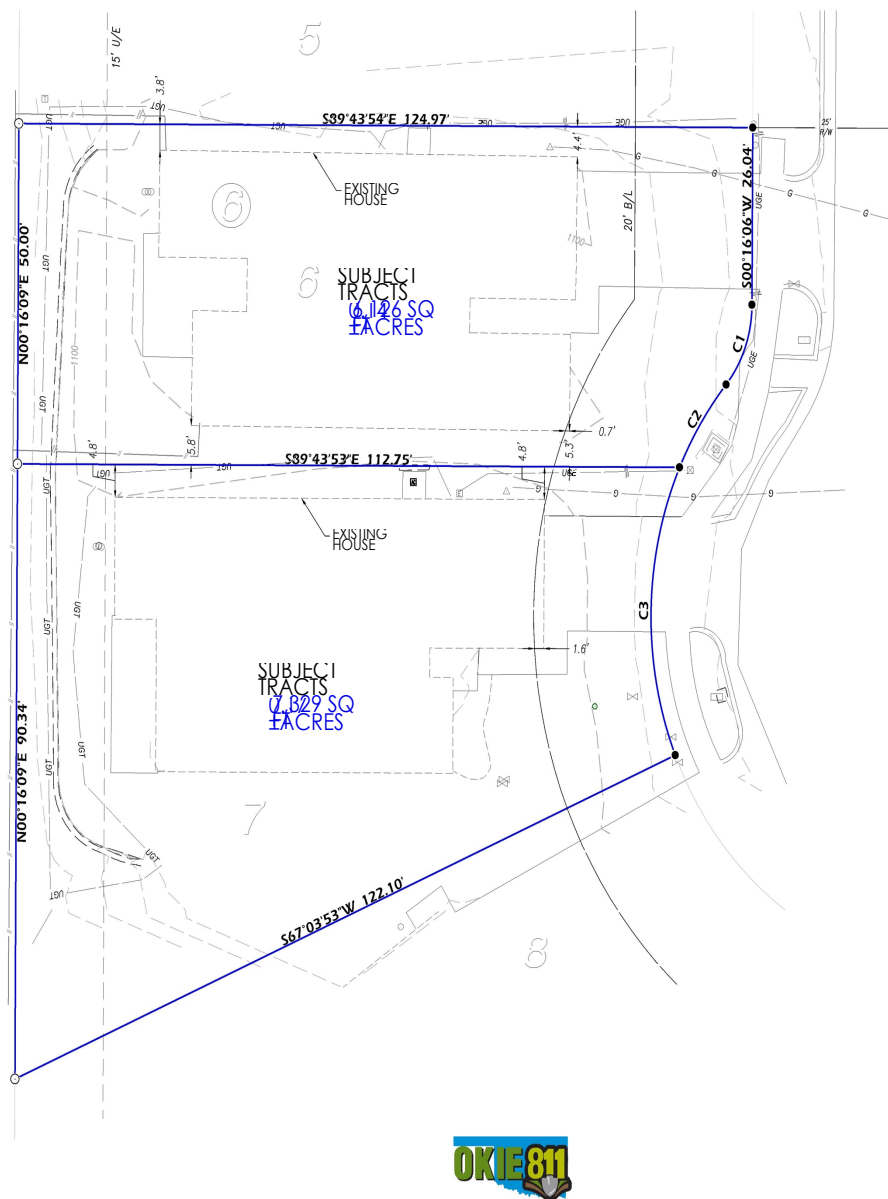
Description: Lots 6 and 7, Block 6, of Whistle Creek Phase II an Addition to the City of Oklahoma City, Oklahoma County, Oklahoma, recorded in Book 66 Page 164. Legal description was prepared by LEE ALLEN SCHROEDER, PLS 1502 on 09-11-2024.

Disclaimer: The underground utilities depicted hereon have been located on record documents or field locations by others. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the correct location and have the proper dimensions. It is the responsibility of the owner to verify the elevations and horizontal locations of the utilities shown on this plan. The surveyor shall not be held responsible for any errors or omissions in the plan. The surveyor shall not be held responsible for any errors or omissions in the plan. The surveyor shall not be held responsible for any errors or omissions in the plan.

[illegible]


NOTED ON SYSTEMS IN LEGEND MAY BE HYDRANT
ALSO FOUND IN DRAINAGE OTHER 3/8" IRON PINS W/ CAPS
STAMPED "CA973" OR MAG NAILS
WITH ALUMINUM SHINERS STAMPED "CA973" UNLESS
OTHERWISE NOTED

TOPOGRAPHIC SURVEY
A.F.
Block Section 36, T10N, R10E, Whistle
Creek, Payne County, OKLAHOMA
OKLAHOMA
COUNTY, OKLAHOMA



Curve Table					
Curve #	Radius	Length	Delta	Chord Chord	Bearing Length
C1	12.8	18.0	04°47'13"		72.5
C2	14.5	52.0	01°02'42"	32°39'43" W	4.5
C3	43.5	52.0	04°56'45"	33°01'58" W	42.3
		0	501°02'15" W		0

Verification has been completed under my direct and responsible charge from an actual survey made under my supervision; that this ground survey was performed at the 95% confidence level to meet Federal Geographic Data Committee Standards; that this survey was performed to meet the Specifications for Geographic and Planimetric Mapping contained in the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors; the original data was obtained and the data was completed on 08/01/2014, and all coordinates are based on NAD 83, and all elevations are based on NAVD88.

TOPOGRAPHIC SURVEY		Block Six (6), Whistle Creek Phase II	
AUTHEINTIC CUSTOM HOMES		OKLAHOMA CITY	
 Crafton Tull 300 Pontiac Parkway Oklahoma City, OK 73106-2877 TEL: 405.787.6270 FAX: 405.787.6278 E: ctm@craftontull.com U.S.O. CRAFTON TULL & ASSOCIATES, INC.		OKLAHOMA COUNTY 7122 OKLAHOMA SEC Det	
BLOT 712227-JE	BOOKING KWA	SHEET NO. PROJECT NO:	23608 230

Case No: CE-1131

Applicant: Kyle A. Dawson and Tiffany Peltier



Aerial Photo from 2/2022

Note: "Subject" is located approximately 2,128' East of N. Western Ave. and 1,218' South of NW 164th St.



The City of
OKLAHOMA CITY

Application for Closing Public Way or Easement

