

**MINUTES OF THE  
PLANNING COMMISSION MEETING  
October 11, 2022**

The Planning Commission of the City of Moore, Oklahoma held a meeting on October 11, 2022 in the Council Chambers, Moore City Hall, 301 North Broadway, Moore, Oklahoma.

Agenda Item No. 1, being: ROLL CALL

Chairman Sherrard announced the time and called the Planning Commission Meeting to order. The following members reported present.

Kent Graham	Gary Lunow	Chad Burks	Kenneth Jarema
Chris Rickman	Brandon Laib	Jack Joiner	Ralph Sherrard

**Absent:** Don Snow

**Staff:** Elizabeth Weitman, Community Development Director, Nora Kerbo, Administrative Assistant

Agenda Item No. 2, being: PLEDGE OF ALLEGIANCE

**Agenda Item No. 3 being: MINUTES**

- a) Approval of the Minutes of the September 13, 2022 Planning Commission Meeting.

Commission Rickman requested the minutes be changed to reflect Chris Rickman as present at Roll Call.

Chairman Sherrard requested a motion.

Kent Graham motioned to recommend approval of the **Minutes of the September 13, 2022 Planning Commission Meeting**, as corrected. Chad Burks seconded the motion. Roll was called.

**Ayes:** Graham, Lunow, Burks, Jarema, Rickman, Laib, Joiner

Nays:

**Abstained:** Sherrard

Absent: Snow

**Agenda Item No. 4a being:** REPORTS – PLANNING COMMISSION MEMBERS – None

**Agenda Item No. 4b, being:    REPORTS - PLANNING COMMISSION STAFF**

Ms. Weitman reported the following items were discussed and considered by City Council on the below listed dates:

**August 3, 2022**

**Approved:**

- Preliminary Plat of Harle Addition

**September 6, 2022**

**Approved:**

- Final Plat of Harle Addition
- Rezoning Application No. RZ1023 by Jack and Keesty Forney, from A-1 to A-2.

**October 3, 2022**

**Approved:**

- Rezoning Application No. RZ1024 by Stuart Drake, from A-1 to A-2
- Rezoning Application No. RZ1026 by Jack and Keesty Forney, from A-1 to A-2

**Tabled:**

Rezoning Application No. RZ1025 by Vince Dennis, from A-1 to A-2 in the Turtle Creek Addition was tabled to the October 17, 2022 City Council Meeting to allow City Council time to review.

Commissioner Burks asked if there were any updates to QuikTrip. Ms. Weitman answered, QuikTrip is currently performing asbestos reports on the existing buildings. Once that is complete the demolition permit will be issued and they can get started removing the structures.

Commission Graham asked about the e Express to the north. Ms. Weitman answered, they have been able to acquire the corner lot where the smoke shop business exists. With the addition of the corner property they are revising their detention plan and potentially adding one additional diesel pump which will require an amendment to the approved PUD. If they make application, that item will go back before this commission.

Chairman Sherrard asked if there are any updates on the signalization of Shields at N. Moore Avenue. Ms. Weitman replied, ODOT is working toward giving jurisdiction of that intersection over to Moore. Once that has occurred, the City can work with QuikTrip on that signalization.

**Agenda Item No. 5a, being:    NEW BUSINESS**

Discuss and consider the **Final Plat of Freeman Office Park**, located in the NW/4 of Section 24, T10N, R3W, being south of SE 4th Street and east of Eastern Avenue. Application by Richard M. Freeman.  
**Ward 1.**

The subject site is located south of SE 4<sup>th</sup> St and east of S Eastern Ave. The property is currently zoned C-4 and is vacant. The applicant is proposing to develop the property as 1 lot with a dental office.

Public water and sewer are available to serve the site.

Access is provided by Eastern Ave and SE 6<sup>th</sup> Street. In an effort to prevent undue congestion along S. Eastern, curb cuts to Eastern Avenue will be minimized.

The site does not contain a FEMA-regulated floodplain. On-site storm water detention is required.

The Envision Moore 2040 Plan calls for this location to be Neighborhood Commercial. Land uses allowed in Neighborhood Commercial include office, retail and service uses. This application was reviewed as to its conformance with the intent of the Plan.

Due to the proposed land use, staff believes that this application conforms to the Envision Moore 2040 Plan. The specific development requirements will be reviewed at the building permit stage to determine compliance with the policies and goals outlined in the plan.

This site is located in an infill commercial area near SE 4<sup>th</sup> St and Eastern Avenue and is zoned for commercial use. Due to this application's conformity with the Moore City Code and the goals and policies of the comprehensive plan, staff recommends approval of this application.

Chairman Sherrard asked if the applicant was present. Jeremy Beam with Grubbs Consulting 1800 S. Sarah Road, introduced himself as representing the applicant. Mr. Beam stated, the applicant has reviewed staff recommendations and they are in agreement.

Chairman Sherrard asked about what size building is planned for the site. Mr. Beam answered about 15000 SF.

Chairman Sherrard asked if there were any members of the audience who wished to address this item. Hearing none, a motion was requested.

Kent Graham motioned to recommend approval of the **Final Plat of Freeman Office Park**, subject to staff recommendations. Brandon Laib seconded the motion. Roll was called.

**Ayes:** Graham, Lunow, Burks, Jarema, Rickman, Laib, Joiner, Sherrard  
**Nays:**  
**Abstained:**  
**Absent:** Snow

**Agenda Item No. 5b, being: NEW BUSINESS**

Discuss and consider the **Final Plat of Isbell Plaza**, located in the SW/4 of Section 11, T10N, R3W, being north of NW 12th Street and west of Broadway Avenue. Application by Kyle Isbell. **Ward 2.**

The subject site is located north of NW 12<sup>th</sup> St and east of I-35. The property is currently zoned C-3 and has 2 residential homes with outbuildings on the site. The applicant is proposing to remove the residential structures and develop the property with 5 commercial lots and a detention pond.

Public water and sewer are available to serve the site and must be extended to serve each lot.

Access is provided by Broadway Ave and the Northbound I-35 Service Road. Curb cuts will be limited along N. Broadway Avenue due to the existing landscaped median. An ODOT Driveway Permit will be required for all driveways to the I-35 Service Road.

The site does not contain a FEMA-regulated floodplain. On-site storm water detention is required.

Developments within the Employment Mixed-Use land use category should be designed to mimic a campus or office park setting compatible with surrounding residential uses. Principal uses are office and flex uses. Some supporting service and retail uses may also be located in this area to serve those employed and/or living in the area. This application was reviewed as to its conformance with the intent of the Plan.

Due to the proposed land use, staff believes that this application is in compliance with the Envision Moore 2040 Plan. The specific development requirements will be reviewed at the building permit stage to determine compliance with the policies and goals outlined in the plan.

This site is located in an infill commercial area along N. Broadway that has not seen development activity in the recent past. The property is zoned for commercial use and conforms with the Moore City Code and the goals and policies of the comprehensive plan. Staff recommends approval of this application.

Chairman Sherrard asked if the shared drives are adequate for fire trucks and sanitation trucks. Ms. Weitman answered, whenever a building permit application is submitted, part of the review process, in done by the Fire Marshall who will determine if all the access points meet fire code.

Chairman Sherrard asked if the applicant was present. Hue Savallos, with Wallace Design, 410 N. Walnut Avenue, Ste. 200, Oklahoma City, OK introduced himself as representing the applicant. Mr. Savallos stated they have reviewed staff recommendations and are in agreement. Mr. Savallos, offered to answer any questions.

Commissioner Graham asked if there are any prospective clients. Mr. Savallos answered, not at this time.

Chairman Sherrard asked if there were any members of the audience who wished to address this item. Hearing none, a motion was requested.

Kent Graham motioned to recommend approval of the **Final Plat of Isbell Plaza**, subject to staff recommendations. Chad Burks seconded the motion. Roll was called.

**Ayes:** Graham, Lunow, Burks, Jarema, Rickman, Laib, Joiner, Sherrard

**Nays:**

**Abstained:**

**Absent:** Snow

**Agenda Item No. 5c, being: NEW BUSINESS**

Discuss and consider **Rezoning Application No. RZ1027**, located in the NE/4 of Section 26, T10N, R3W, being south of SE 19<sup>th</sup> Street and west of Eastern Avenue, from C-5 Automotive and Commercial Recreation District to C-3 General Commercial District. Application by Dalia, LLC/Joe Selby. **Ward 3.**

The subject site is located south of SE 19<sup>th</sup> Street and east of Broadway Avenue at 612 SE 19<sup>th</sup> Street. The property is currently zoned C-5 Automotive and Commercial Recreation District and is developed with an existing daycare, KidsUSA. The applicant is proposing to construct an addition to the existing building to expand the daycare, however, daycares are not allowed under the C-5 zoning, and therefore the property must be brought into compliance with the City of Moore Zoning Code prior to the expansion. The applicant is requesting C-3 General Commercial District which allows for the daycare use.

The property is currently served by public water and sewer. Access is provided from SE 19<sup>th</sup> Street through a circular driveway that allows for student drop-off and pick-up.

There is no FEMA designated floodplain located on the property. Because the parcel is just under 1-acre in size, storm water detention is not required.

The site lies in an emerging commercial area on the south side of SE 19<sup>th</sup> Street between Broadway Avenue and Eastern Avenue. The site is surrounded by commercial zoning to the west and south. Higher density residential zoning is to the north and east of the site. With planned improvements to the SE 19<sup>th</sup> Street and Eastern intersection, it is anticipated that traffic will continue to increase along the SE 19<sup>th</sup> Street Corridor, bringing more commercial interest to this area.

The Envision Moore 2040 Plan calls for this location to be Community Commercial. Land uses in the Community Commercial designation include medium intensity commercial uses and mixed-use central of local significance. Commercial uses typically include a mixture of retail, service and office uses. This application was reviewed as to its conformance with the intent of the Plan.

This rezoning application seeks to rezone a property to C-3 for to be in compliance with the zoning code to facilitate an addition to the building. An amendment to the plan is not necessary.

Based on the existing surrounding uses along SE 19<sup>th</sup> Street and the compliance with the Comprehensive Plan, Staff recommends approval of this application.

Chairman Sherrard commented, this is housekeeping item. Ms. Weitman agreed, saying, anytime you can downzone a piece of property from C5 to C3, it results in much cleaner uses, which is a good thing.

Chairman Sherrard asked if the applicant was present. Ms. Weitman answered, no. The applicant is not present.

Chairman Sherrard asked if there were any members of the audience who wished to address this item. Hearing none, a motion was requested.

Kent Graham motioned to recommend approval of the **Rezoning Application No. RZ1027**, subject to staff recommendations. Chad Burks seconded the motion. Roll was called.

**Ayes:** Graham, Lunow, Burks, Jarema, Rickman, Laib, Joiner, Sherrard

**Nays:**

**Abstained:**

**Absent:** Snow

#### **Agenda Item No. 5d, being: NEW BUSINESS**

Discuss and consider **Rezoning Application No. RZ1028**, located in the NE/4 of Section 23, T10N, R3W, being north of SE 12th Street and west of Eastern Avenue, from C-2 Neighborhood Commercial District to C-3/PU General Commercial District with a Permissive Use for Paintless Dent Repair. Application by TJay Bayro. **Ward 1.**

This property is located north of SE 12<sup>th</sup> Street and west of S. Eastern Avenue. The property is currently zoned C-2 Neighborhood Commercial District and is vacant. The applicant is proposing to move an existing business at 813 NW 27<sup>th</sup> Street to the site and construct a new commercial facility for paintless dent repair under the use unit classification 'Automotive and Equipment: Light' which is only allowed as a Permissive Use in C-3.

The property is served by public water and sewer. Access to the site is provided from S Eastern Avenue and SE 9<sup>th</sup> Street.

There is no FEMA designated floodplain located on the property. Because the parcel is under 1-acre in size, storm water detention is not required.

The area along the west side of Eastern Avenue from SE 12<sup>th</sup> Street to SE 4<sup>th</sup> Street has been commercially zoned for many years, but has seen only intermittent commercial interest. Currently the area has a mixture of retail and service businesses, including some automotive uses in the way of gasoline sales and a NAPA Auto Parts store. While this application would add to the automotive businesses in the area, it is not considered to be heavy automotive as there would be no paint booths or engine repair.

The Envision Moore 2040 Plan calls for this location to be Neighborhood Commercial. The Plan describes Neighborhood Commercial as being a commercial center of neighborhood significance that includes a mix of office, retail, and service uses. This application was reviewed as to its conformance with the intent of the Plan.

This application is seeking to allow a permissive use for Automotive and Equipment: Light for a paintless dent repair. Light automotive uses are allowed in Neighborhood Commercial only if the application can show a compatibility with retail and consumer service businesses. If Planning Commission and City Council determine that this use is compatible with the surrounding uses and that no outside storage of cars should be allowed, Staff believes that this application is in compliance with the Envision Moore 2040 Plan and an amendment to the plan is not necessary.

Recent changes in the zoning code have moved most automotive uses out of C-3 'by right' and placed them under a 'use on review' or Permissive Use. This was done to protect certain sensitive uses, including residential, abutting C-3 properties from undesirable effects of automotive uses, such as noise, traffic and aesthetics.

Permissive Uses by definition are uses that may not be appropriate in all areas within the underlying zoning due to potentially undesirable characteristics affecting sensitive uses. Each Permissive Use application should be viewed as unique and evaluated on their individual merits.

For paintless dent repair, past experience has shown that the use does not create odors or other airborne irritants. The only potential affects to surrounding properties are outdoor storage of vehicles waiting for repairs and normal noise of the operation when bay doors are open. However, caution should be taken when approving such a use because it falls under 'Automotive and Equipment: Light' which allows for other uses that have been known to generate more noise and unsightly storage than this particular proposal, for example, car washes and tire shops. However, oftentimes proper site design and sight-proof fencing abutting residential uses may be sufficient to mitigate undesirable characteristics.

If Planning Commission and City Council feel that sight-proof fencing where abutting residential land use is sufficient to mitigate any negative impacts of this automotive use, staff recommends approval of this application.

Chairman Sherrard stated he would like to see the overhead doors positioned to face the east. Mr. Sherrard stated that would be beneficial to the existing residential homes.

Chairman Sherrard asked if the applicant was present. TJ Bayro, 521 Cross Timbers Drive, Moore, OK, introduced himself as the applicant and offered to answer any question.

Mr. Bayro stated, the plan is for a 2500 SF building with the overhead doors to face the South toward the Napa Auto Parts business. Mr. Bayro stated, noise really should not be a concern. No air compressors or loud tools are used. Hand tools and roll around lights are the main tools required for the work they perform. Basically, they use hand tools to push dents out from the inside. There is no sanding or painting involved.

Chairman Sherrard asked if there were any members of the audience who wished to address this item. Hearing none, a motion was requested.

Gary Lunow motioned to recommend approval of the **Rezoning Application No. RZ1028**, subject to staff recommendations. Kenneth Jarema seconded the motion. Roll was called.

**Ayes:** Graham, Lunow, Burks, Jarema, Rickman, Laib, Joiner, Sherrard  
**Nays:**  
**Abstained:**  
**Absent:** Snow

**Agenda Item No. 6 being:** CITIZENS - None

**Agenda Item No. 7 being:** ADJOURNMENT

Chairman Sherrard requested a motion to adjourn at 7:36 p.m.

**Motion:** Chris Rickman motioned for adjournment. Kent Graham seconded the motion. Roll was called.

**Ayes:** Graham, Lunow, Burks, Jarema, Rickman, Laib, Joiner, Sherrard  
**Nays:**  
**Abstained:**  
**Absent:** Snow

RECORDED FROM NOTES & TRANSCRIBED BY \_\_\_\_\_  
Nora Kerbo, Administrative Assistant