

**EDMOND CITY COUNCIL MINUTES**

August 28, 2000

Mayor Bob Rudkin called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, August 28, 2000, in the City Council Chambers.

Councilmember Rice temporarily left the City Council Chambers.

**2. Approval of Minutes.** Motion by Knox, seconded by Huggins, to approve Minutes of the August 14, 2000, City Council meeting. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox, Huggins and Moore  
NAYS: None

**3. GENERAL CONSENT ITEMS:** (General Consent Items were voted on collectively except where noted.)

**A. Approval of Administrative Items:**

- 1) **Acceptance of City Manager's Financial Report for month ending July 31, 2000.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending July 31, 2000.**
- 3) **Acceptance of electric easement from Autoclean, L.L.C. to serve 2060 E. 2<sup>nd</sup> Street.**
- 4) **Acceptance of utility easement from Target to serve University Plaza.**
- 5) **Consideration of approval to declare 424 N. Boulevard a public nuisance.** Staff recommended this item be continued to the next meeting.
- 6) **Approval of routine budget amendments for the following departments and funds in order to balance accounts for FY 1999/2000:**
  - a) Building Department
  - b) Community Development Block Grant (CDBG) Fund
  - c) A.D.A. Compliance Fund
  - d) Cemetery Fund
  - e) Capital Improvements Fund

- f) Public Safety Improvements Fund
- g) 1996 Capital Improvements Fund
- h) Debt Service Fund

Motion by Moore, seconded by Knox, to approve General Consent Items 3.A.(1-4,6) and to continue Item 3.A.(5) to the next meeting. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox, Huggins and Moore  
 NAYS: None

**4. Consideration of Tort Claim Committee's recommendation on Tort Claim.**

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
20-0059 Street Department	Deny - \$717.20

Motion by Moore, seconded by Huggins, to approve Tort Claim Committee's recommendation on Tort Claim. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox, Huggins and Moore  
 NAYS: None

**5. Approval of Claims.**

General Fund	\$336,557.63
Supplemental Fund	733,482.67
Senior Center	1,107.36
Liability Tort Claim Fund	24,386.02
CDBG Entitlement Fund	51,290.49
Mitch Park Tax Fund	71,188.53
A.D.A. Compliance Fund	7,320.00
Capital Improvement Fund	228,953.61
Roadway Improvements Fund	47,113.15
1996 Capital Improvement Tax Fund	929,429.41
Employee Group Insurance Fund	38,988.88
Vehicle Maintenance Fund	13,100.49
Administrative Support Services Fund	109,406.99
Payroll Ending Aug. 4, 2000	494,367.38
Admin. Support Serv. Ending Aug. 4, 2000	170,976.98
CDBG Payroll Ending Aug. 4, 2000	1,528.60
Mitch Park Tax Fund Ending Aug. 4, 2000	6,163.43
Vehicle Maint. Fund Ending Aug. 4, 2000	12,869.81
Est. Payroll Ending Sept. 1, 2000	494,500.00
Est. Admin. Support Serv. Ending Sept. 1, 2000	171,000.00
Est. CDBG Payroll Ending Sept. 1, 2000	1,530.00

Est. Mitch Park Tax Fund Ending Sept. 1, 2000	6,200.00
Est. Vehicle Maint. Fund Ending Sept. 1, 2000	13,000.00

Motion by Knox, seconded by Moore, to approve Claims. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox, Huggins and Moore  
NAYS: None

Motion by Moore, seconded by Huggins, to recess the City Council meeting in order to convene the Edmond Public Works Authority meeting. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox, Huggins and Moore  
NAYS: None

Councilmember Rice returned to the City Council Chambers.

**10. PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of Final Plat of Signal Ridge West Addition, located on the east side of Kelly, south of 15<sup>th</sup> Street (Derek Turner, applicant).**
- B. **Public Hearing and Consideration of commercial Site Plan approval for Paradise Restaurant, located east of Kelly, south of 15<sup>th</sup> Street (Paradise Restaurant Group, applicant).**
- C. **Public Hearing and Consideration of commercial Site Plan approval for a family practice medical clinic, located north of the Signal Ridge Shopping Center, east side of Kelly (Costigan & Associates, Inc., applicant).**
- D. **Public Hearing and Consideration of commercial Site Plan approval for a new building, located on the north side of Enterprise Drive, immediately north of Baxter Electric (Cellxion Cell Tower Company, applicant).**

Motion by Moore, seconded by Knox, to approve Planning Consent Item 10.D. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins and Moore  
NAYS: None

**E. Public Hearing and Consideration of Special Use Permit for expanded day care center, Cheer for Kids, located at 729 W. 2<sup>nd</sup> Street (Robert and Lisa Terry, applicants).**

Motion by Moore, seconded by Knox, to approve Planning Consent Items 10.A. through 10.C. and 10.E. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins and Moore

NAYS: None

**11. Public Hearing and Consideration of request by Pro Motors to modify the site plan regarding east wall building materials, located at 221 W. Edmond Road (Alan Spencer, applicant) (Continued from August 14, 2000, City Council meeting).** The applicant requested that the east exterior wall of the building be metal rather than brick veneer as previously approved. There are at least five metal buildings in this addition. The application is in compliance with City ordinances which allow for metal buildings when there are at least five structures using exposed metal walls in the subdivision.

Alan Spencer addressed Council and urged approval.

Councilmember Moore stated the applicant has already constructed the building prior to requesting the modification and he felt the original site plan should be adhered to even though the modification complies with City ordinances.

Motion by Knox, seconded by Huggins, to approve Item 11. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox and Huggins

NAYS: Councilmembers Rice and Moore

**12. Public Hearing and Consideration of commercial Site Plan approval for a service station, located on north Santa Fe, immediately south of the Wal Mart Garden Center (Murphy Oil, applicant).** The applicant requested this item be continued to the next meeting.

Motion by Moore, seconded by Rice, to continue Item 12 to the next meeting. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins and Moore

NAYS: None

**13. Public Hearing and Consideration of an amendment to the Bridgewater Service Center Planned Unit Development (PUD) Design Statement, located on the east side of Santa Fe, south of the Wal Mart Supercenter (Edmond Storage, L.L.C., applicant).** The free standing building immediately south of the Wal Mart Supercenter was originally approved for suburban office uses. Planning Commission recommended denial.

Randel Shadid, attorney representing the applicant, addressed Council and requested that the design statement be amended to add the following "D-1" Restricted Commercial uses:

- 1) Antique shop
- 2) Bakery
- 3) Barber and beauty shops
- 4) Book and music stores
- 5) Candy store
- 6) Dress shop
- 7) Florist
- 8) Gift shop
- 9) Jewelry store
- 10) Ice cream/dairy products
- 11) Newspaper/magazine sales
- 12) Optician
- 13) Paint and decorating shop
- 14) Photography Studio
- 15) Sewing machine sales and service
- 16) Radio and TV sales and service
- 17) Shoe store/repair
- 18) Sporting goods and/or tailor shops

He noted that pet store, full service dry cleaners, except for drop off of dry cleaning which is acceptable, and restaurant have been deleted from the "D-1" uses.

Joel Kahn, Trails Addition, addressed Council in opposition. Mr. Kahn stated this area is not supposed to be a commercial/retail corridor. He requested that the applicant abide by an agreement made in December, 1999, with the Citizens for a Better Edmond group to keep all the property south of the Wal Mart Supercenter single family. Mr. Kahn requested the entire property owned by ERC Properties south of the Wal Mart Supercenter be presented as one package at a later date. He requested the application be denied until the applicant and homeowners have a chance to meet and attempt to come to an agreement on a solution. Dave Miller (The Orchards at the Trails), Ray Whitson (Trails Addition), David Pierce (President of The Orchards Homeowners Association), Jennie Pratt (President of the Trails Homeowners Association), and Dan O'Neal (Edmond Neighborhood Alliance) also addressed Council in opposition.

Mr. Shadid addressed Council and stated his client should not be held hostage to the adjacent property since it is owned by ERC Properties and not his client.

Bert Berlanger, ERC Properties, addressed Council and stated their intent was to keep the property as single family and that a plat had been submitted prior to approval of the Supercenter. He noted when the Wal Mart Supercenter was approved they amended their plan to eliminate single family usage.

Bob Thorpe, applicant, addressed Council and stated a mistake was made when the PUD was previously approved. He stated they mistakenly believed that the original restriction to Suburban Office uses would also allow light commercial usage.

Motion by Knox, seconded by Huggins, to approve Item 13. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox and Huggins  
NAYS: Councilmembers Rice and Moore

**14. Public Hearing and Consideration of Ordinance No. 2569 amending the Edmond Plan III from Single Family Residential to General Commercial Planned Unit Development (PUD) usage, located east of the Trails 4<sup>th</sup> Addition and the Orchards at the Trails, on the east side of Santa Fe (ERC Properties, applicant).** The tract consists of .80 acres and will be used for a Christian Brothers Automotive Center. Planning Commission recommended denial.

Randel Shadid, attorney representing the applicant, addressed Council and urged approval. He stated the applicant will modify the landscaping plan to provide screening all year long by replacing the crepe myrtles with evergreen trees in front of the overhead doors.

Mark Carr, owner of Christian Brothers, addressed Council and stated the automotive center is an upscale establishment and will be well maintained at all times. He stated each franchisee is allowed to own only one store and are required to be on site at least 40 hours per week. Mr. Carr stated he would agree in writing to level the building if the business is closed and construct an office building.

Paul Hantla, franchise owner of Christian Brothers, addressed Council and stated he was a long time Edmond resident and he has had several successful businesses in Edmond. He stated the automotive center will not contain any grease pits on site and all pollutants are trucked off site.

Mr. Shadid addressed Council and stated the applicant will agree to the following items as well as the above noted landscaping modification:

- 1) Will not be open on Sundays and after the first 120 days, the automotive center will be open only on Monday through Friday, no weekends
- 2) No vehicles stored outside the building to be worked on except for after hour drop-offs which occur after the facility is closed
- 3) No underground storage tanks on site
- 4) No tire sales or installations
- 5) No paint and body work on vehicles
- 6) If the business closes, the zoning would revert automatically back to "D-0" Suburban Office District and the building would be leveled and office space constructed. Mr. Shadid noted that this statement will be included in the PUD Design Statement as well as be included in the restrictive covenants filed with the property.

Joel Kahn (Trails Addition), Dave Miller (The Orchards at the Trails), Ray Whitson (Trails Addition), David Pierce (President of The Orchards Homeowners Association), Jennie Pratt (President of the Trails Homeowners Association), and Dan O'Neal (Edmond Neighborhood Alliance) addressed Council in opposition.

Councilmember Knox stated he considered the application down zoning and that it is consistent with "D-0" usage which is less intense than single family zoning. He stated he felt the automotive center will impact the area less than additional residences.

Councilmember Rice stated he feels the area is turning into strip zoning and he was in favor of all the property being presented as one package, perhaps as a mixed use PUD as suggested by area homeowners. Councilmember Rice noted the application is a very unusual plan and that even though the applicant has agreed to several concessions, he felt the business was not compatible with this area.

Motion by Rice, seconded by Knox, to approve Ordinance No. 2569 as read by title by City Planner subject to the above agreements and covenants. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox and Huggins  
NAYS: Councilmembers Rice and Moore

Motion by Knox, seconded by Huggins, to attach Emergency Clause to Ordinance No. 2569. **Motion carried** as follows and Ordinance No. 2569 is in effect immediately:

AYES: Mayor Rudkin, Councilmembers Knox, Huggins and Moore  
NAYS: Councilmember Rice

**15. Public Hearing and Consideration of Ordinance No. 2570 rezoning from "A" Single Family Residential District to "E-1" General Commercial Planned Unit Development (PUD), located east of the Trails 4<sup>th</sup> Addition and the Orchards at the Trails, on the east side of Santa Fe (ERC Properties, applicant). This is a companion to the above item and was discussed at that time.**

Motion by Knox, seconded by Huggins, to approve Ordinance No. 2570 as read by title by City Planner subject to the above agreements and covenants. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox and Huggins  
NAYS: Councilmembers Rice and Moore

**16. Public Hearing and Consideration of Ordinance No. 2571 amending the Edmond Plan III from Single Family Residential to Suburban Office Planned Unit Development (PUD) usage, located on the east side of Santa Fe, south of Danforth (ERC Properties, applicant). The property contains 3.98 acres and one driveway on Santa Fe is proposed. Six buildings are proposed with brick veneer exterior walls and a pitched roof construction. Some of the offices would be located north of the existing pond east of Santa Fe and would back up to Santa Fe. Planning Commission recommended denial.**

Motion by Knox, seconded by Huggins, to approve Ordinance No. 2571 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox and Huggins  
NAYS: Councilmembers Rice and Moore

Motion by Huggins, seconded by Knox, to attach Emergency Clause to Ordinance No. 2571. **Motion carried** as follows and Ordinance No. 2571 is in effect immediately:

AYES: Mayor Rudkin, Councilmembers Knox, Huggins and Moore  
NAYS: Councilmember Rice

Ed Lacy, President of the Trails Homeowners Association, addressed Council and stated he felt the Council should adhere to the

Planning commission recommendations due to the amount of discussion that went into their decision on this matter.

**17. Public Hearing and Consideration of Ordinance No. 2572 rezoning from "A" Single Family Residential District to "D-O" Suburban Office Planned Unit Development (PUD), located on the east side of Santa Fe, south of Danforth (ERC Properties, applicant).** This is a companion to the above item and was discussed at that time.

Motion by Huggins, seconded by Knox, to approve Ordinance No. 2572 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox and Huggins  
NAYS: Councilmembers Rice and Moore

**18. Public Hearing and Consideration of Ordinance No. 2573 adopting Geographic Information System (GIS) Map of Edmond Plan III 1999-2004, providing for Repealer and Severability.** The Edmond Plan III is a comprehensive land use plan map using the Geographic Information Systems (GIS) format. The new plan map will show floodplains, the Downtown Planning District, I-35 Planning District and Arcadia Lake Planning District which are not on the existing map. The GIS map will also includes schools, churches, government property, parks and open space. The new map will allow staff to reproduce the map in a variety of sizes for easier distribution to the public. The Edmond Plan III map will replace the existing map on display in the City Council Chambers. Charles Lamb, Chairman of the Edmond Plan Update Committee addressed Council on this matter.

Motion by Moore, seconded by Huggins, to approve Ordinance No. 2573 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins  
and Moore  
NAYS: None

**19. NEW BUSINESS:** None

**20. Motion by Moore, seconded by Huggins, to adjourn meeting.**  
**Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins  
and Moore  
NAYS: None

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**City Clerk**

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**Mayor**