

EDMOND PLANNING COMMISSION MEETING

Tuesday, May 21, 2002

5:30 P.M.

The Edmond Planning Commission Meeting was called to order by Chairperson David Woods at 5:30 p.m., Tuesday, May 21, 2002, in the City Council Chambers at 20 South Littler. Other members present were Leroy Cartwright, Bill Moyer and Elizabeth Waner. Dyke Hoppe was absent. Present for the City were Robert L. Schiermeyer, City Planner; Kristi Anthony, Assistant City Planner; Steve Manek, City Engineer; and Steve Murdock, City Attorney. The first item on the agenda was the approval of the May 7, 2002, Planning Commission Minutes.

Commissioner Waner inquired about including the list of variances for landscaping at Henderson Hills Baptist Church Case #U020002 as follows: (A) a 1.5% reduction for 35% of the required plant units consisting of existing trees proposed for preservation. Several areas have been identified to be protected and preserved; these areas total approximately 86% of the required plant units and are located in areas where no site disturbance will occur. (B) a 0.5% reduction for undisturbed significant natural features, the original topography and existing native vegetation. Also proposed for protection are sandstone rock outcropping as well as native vegetation. (C) a 1% reduction for noise abatement, through grading modifications of existing banks and topography (lowering parking and roads form view from I-35 along the SW corner of the site.)

Motion by Moyer, seconded by Cartwright, to approve the minutes as amended. **Motion carried** by a vote of 4-0 as follows:

AYES: Members: Moyer, Cartwright, Waner and Chairperson Woods

NAYS: None

The next item on the agenda was **Case #SP020017 Public Hearing and Consideration of Commercial Site Plan approval for a commercial retail center located on the northwest corner of Danforth and Santa Fe. (Danforth Development, LLC)**

Attorney Randel Shadid, representing Danforth Development, showed materials for the building, stated pine trees would be added behind the pear trees and other places to block the view. He stated the sign will go on the building, the lights would be attached on the back and that there would be no construction between 7:00 a.m. to 7:00 p.m. and not on Sundays or federal holidays. The traffic signals would be installed prior to occupancy.

Motion by Cartwright, seconded by Moyer, to approve this request. **Motion carried** by a vote of 4-0 as follows:

AYES: Members: Cartwright, Moyer, Waner and Chairperson Woods

NAYS: None

The next item on the agenda was **Case #PR020009 Consideration of Preliminary Plat of Redbud Canyon located at the southwest corner of Covell and Douglas. (Terry Spencer)**

This was discussed along with the next companion item, **Case #PR020009 Consideration of Final Plat of Redbud Canyon located at the southwest corner of Covell and Douglas. (Terry Spencer)**

Attorney Randel Shadid, representing owner Terry Spencer, requested Preliminary Plat approval of Redbud Canyon Addition located south of Covell Road west of North Douglas. The Preliminary includes the entire 160 acres of the northeast quarter of Section 23, Township 14 North Range 2 West. There are 101 lots and the lot sizes are intended to be 60,000 square feet or larger. The streets are planned to be private with a gated access. Improvements have been started. Under State statutes, two acre lots more than a quarter mile from water and sewer can be constructed without city approval as to the street materials or plat requirements.

Attorney Randel Shadid stated that they would give the homeowners association a 5 year bond and anything built afterwards would be to city standards.

Chairperson Woods asked how much is paved and Mr. Shadid stated they are halfway done and that what is there will stay and any additional will be to city standards. Mr. Woods asked about the deficiency and Mr. Shadid replied it was an inch or two short. Commissioner Waner expressed concerns about it not meeting the acreage and was bothered that half is paved before coming in. The staff replied that there is no code for private streets. Mr. Shadid stated they will pay fees for the other part buildings. Others do not pay fees, so they are not inspected. Legally they do not have to build to city standards but on the other half they will. Chairperson Woods stated homes should not be built on streets.

Commissioner Cartwright asked about the square footage. Staff stated that anything over 2 acres does not have to follow city standards and it will not be 2 acres for already built streets. Cartwright asked if there was a need for a variance and City Attorney Steve Murdock stated that there cannot be a variance if there is no ordinance.

Commissioner Waner stated that she felt that if private streets is the issue, does it matter what the intent was to build the streets. The staff replied that as far as we know, it was always private. Mr. Cartwright stated there was nothing keeping them from it.

Motion by Cartwright, seconded by Moyer, to approve the Redbud Canyon Preliminary Plat request. **Motion carried** by a vote of 4-0 as follows:

AYES: Members: Cartwright, Moyer, Waner and Chairperson Woods
NAYS: None

Motion by Moyer, seconded by Cartwright, to approve the Redbud Canyon Final Plat request. **Motion carried** by a vote of 4-0 as follows:

AYES: Members: Moyer, Cartwright, Waner and Chairperson Woods
NAYS: None

The next item on the agenda was **Case #RP020005 Consideration of Preliminary Plat of Tuscany at Borgata located east of Vista Lane, one-half mile south of Second Street. (A & V Development Co.)**

Engineer Brian Coon, representing the developer, stated they had met with the homeowners and agreed to not use the same entrance as Borgata. He stated the PUD allows for lot size not much smaller and not much larger than 3. The private gate is at Vista, at the end of phase two. The construction road would be built during phase one. He stated there were no plans for a pool, not going to match homeowner dues and not using the same roof materials and that it will be quality housing.

Attorney Ray Vaughn, representing the Borgata homeowners, stated they wanted to maintain the quality of their subdivision and their chief concern was the need for a second entrance and the security. They are also concerned about the ability to monitor the gates, not paying monthly dues and the lowering of their property values. There is no common area or parking. There is also concern about the supervision of the pool, the oil well and that there are no rules on how the tanks will be cleaned.

Commissioner Moyer asked if the plat met city requirements and the staff replied they did. Commissioner Waner asked about rules on oil wells and the staff stated they can work when they want, streets will be accessible. Commissioner Cartwright asked about an architectural committee by the homeowners.

Monty Bratcher expressed concern about the addition not complying with Borgata standards. The staff stated the PUD has not been extended but it can be. Mr. Williams stated that if they want the outside to look like Borgata, they should comply with Borgata standards and that Tuscany should not be under Borgata because the PUD is expired. Commissioner Moyer expressed concerns about the Fire Marshal comments, the gate and the waterlines.

Tony Engle spoke in opposition stating it threatens their security and that if the gate is to be built after the first section, that it could be 3 to 5 years before it is built. Mr. Coon stated they would work out the design and size, would close the construction road at night and that after 35 lots built, they would start phase two with the gate.

Mr. Vaughn asked for Borgata to be given the right to block access between construction site and their development. Commissioner Waner commented the gates were not closed any of the times she went there. Ronnie Williams of the ENA stated there should be 2 separate homeowner associations, they should share green space, pool, dues the same and build more amenities because of the crowding.

Motion by Moyer, seconded by Waner, to approve this request. **Motion carried** by a vote of 3-1 as follows:

AYES: Members: Moyer, Waner and Chairperson Woods

NAYS: Cartwright

The next item on the agenda was **Case #ES020001 Public Hearing and Consideration of ordinance closing Honey Creek Drive in the Creek Bend 1st Addition. (Bud Bartley)**

On Monday, May 13, the City Council approved Creek Bend 2nd Addition where the new driveway and lawn area was reconstructed for Honey Creek Drive that is requested to be closed. The Council had authorized the removal of the street subject to the street closing application. Mr. And Mrs. O'Brien who own the home adjacent to the closed street were in attendance at the City Council meeting.

Motion by Waner, seconded by Cartwright, to approve this request. **Motion carried** by a vote of 4-0 as follows:

AYES: Members: Waner, Cartwright, Moyer and Chairperson Woods
NAYS: None

The next item on the agenda was **Case #Z020034 Public Hearing and Consideration of rezoning from "R-3" Private Street Dwelling District to "R-2" Urban Estate Dwelling District west of Douglas, north of Covell Road. (William Frankfurt and Associates)**

William Frankfurt is requesting rezoning on 96 acres from the private street Dwelling District "R-3" to the "R-2" 60,000 square foot lot Residential District. He plans to develop houses with septic tanks and water wells but public streets will be required for the 1.3 acre (60,000 sf) lots. The "R-3" District references two acre lots more than a quarter mile from city water and city sewer. This property meets that standard but Mr. Frankfurt wants to divide the property into smaller lots in this case with public standard streets. Other zoning in the area includes an 80 acre parcel to the north zoned "R-3". There is an 80 acre "R-1" Rural Estate tract to the west. The property to the east, the entire 640 acres, is already zoned "R-2". The zoning is consistent with Edmond Plan III.

Motion by Cartwright, seconded by Moyer, to approve this request. **Motion carried** a by a vote of 4-0 as follows:

AYES: Members: Cartwright, Moyer, Waner and Chairperson Woods
NAYS: None

The next item on the agenda was **Case #Z020032 Public Hearing and Consideration of rezoning from "C-2" Medium Density Residential District to "C-3" High Density Residential and Commercial Services District north of Thatcher, east side of Blackwelder. (Neal McGee)**

Mr. Neal McGee is requesting rezoning to "C-3" High Density Residential on .87 acres (38,286 square feet) north of the Highland Park Baptist Church, west of the Kingston Addition and south of the Summit Apartments. The Summit Apartments contain 54 units on 3.8 acres for a density of 14 units per acre. Mr. McGee is hoping to build 14 units on his property. Victor Helmig is the current property owner of the subject property as well as the Summit Apartments. City utilities are adjacent to the site. The "C-3" District allows 16 units per acre. The property is projected for "C-3" density on Edmond Plan III.

Motion by Waner, seconded by Cartwright, to approve this request. **Motion carried** by a vote of 4-0 as follows:

AYES: Members: Waner, Cartwright, Moyer and Chairperson Woods
NAYS: None

The next item on the agenda was **Public Hearing and Consideration of a Structure to be moved for a Dwelling south of Edwards and east of Baumann (Cheryl Hays)**

Cheryl Hays with MUR Properties owns a 50 foot by 140 foot lot at 1000 East Edwards. There is an existing house on the property that is zoned "C-2" Medium Density Residential and a second dwelling unit is possible on the 7,000 square foot property. The existing house is planned to be remodeled. This proposal is to move a 659 square foot structure onto the lot for a rental unit. The building has been used as a used car sales office.

The move in structure will be rehabilitated including painting, adding closets, expanding a kitchen area, adding a shower, repairing office roof and meeting our plumbing, mechanical and electrical codes. Economy House Moving will have the house on an approved route. The 16 foot 4 inch by 40 foot 4 inch structure will be placed off of the alley at the south end of the property. The dilapidated accessory building at that location on the lot will be demolished. Paved parking will be constructed west of the building off the alley.

Commissioner Waner asked if there was a minimum size for the dwelling and staff replied no. Commissioner Cartwright asked about the difference from a mobile home and the staff stated they will comply with all codes.

Applicant David Himes stated he has a 90 days limit and bond to complete renovations, that the building was commercial 20 years ago and will be brought up to code. There will be no curb cut and access is from the alley. Parking is on Edwards and on the alley.

Commissioner Cartwright asked at what point do we stop conversions such as this and it causes a problem because it is not a residence and never has been. Commissioner Waner comments that the current house is in bad shape and she is not convinced that it could be brought up to city codes.

Motion by Cartwright, seconded by Moyer, to approve this request. **Motion carried** by a vote of 3-1 as follows:

AYES: Members: Moyer, Waner and Chairperson Woods

NAYS: Cartwright

The next item on the agenda was **Case #SP020019 Public Hearing and Consideration of Commercial Site Plan approval for Country Adventure north of WalMart, east of the Stratford House Inn, west of Elwood Drive. (Mitch Harris)**

Setbacks – The building will be set back eleven feet from the north property line, **two feet from the east (which is a violation of the building code based on the type of wall, a minimum of 5.26 foot setback is required)**, eleven feet from the south and seventy-two feet from the west property line. Thirtieth is not a public street and was closed when Wal-Mart was opened. Mitch Harris has approval from Wal-Mart to use this access but officially the 30th access is a side yard for the subject lot, not a front yard. The setback requirements have been met.

Building Design/Exterior Walls – The building will be a fifty-six foot by forty foot single story structure with a pitched roof, 2,240 square feet. The pitched roof will have an 8 to 12 pitch and composition shingles. A covered porch will be located across the entire south elevation. The porch's roof will have a 5 to 12 pitch and composition shingles. The exterior of the building will have a brick veneer on the west, east and north elevations. The south elevation will have a stone wainscot and wood siding. A chimney will be located on the west end of the building and
Planning Commission 1 on the south pitch of the roof. The building will house tenant fini 54
May 21, 2002 orage, a lounge, work room and an office.

The mechanical equipment will be located on the ground. No mechanical equipment will be located on the roof.

Lighting – A security light will be located on the west side of the site. The building will have light fixtures mounted in the soffit.

Signs – A ground sign is proposed for location near the southeast corner of the parking lot and shall not be more than six feet tall and forty-two square feet in area.

Parking – Thirteen parking spaces are proposed for the site on the west side of the building. One of the parking spaces will be a van accessible handicap parking space. A new sidewalk will be constructed on the east side of the site on the west side of Elwood.

Landscaping - <u>Lot area = 9,025 sf</u>	<u>Landscape provided on plans submitted</u>
Ten per cent of lot = 903 sf	1,997 sf landscaping/lawn area
Required in front yard = 452 sf	748 sf in front yard
Plant units required = 72 plants	73 plant units
Evergreen required = 29 plants	52 plant units

Driveway Location – A twenty-four foot wide drive will be located near the southwest corner of the site. The drive will be located on the north side of 30th Street, a private street.

Refuse Enclosure – The applicant prefers a resident cart but this is not acceptable and a container location on the west side of the lot will be approved by the Sanitation Department.

Drainage – Red Plains Engineering is completing the drainage/detention study.

SPRT Recommendation – Recommend approval subject to moving the building west and satisfying the dumpster location.

Engineer Mark Farris, representing the applicant, stated they were willing to move the building.

Motion by Moyer, seconded by Cartwright, to approve this request. **Motion carried** by a vote of 4-0 as follows:

AYES: Members: Moyer, Cartwright, Waner and Chairperson Woods

NAYS: None

The next item on the agenda was **Case #SP020018 Public Hearing and Consideration of Commercial Site Plan approval for the Edmond Wine Shop at 1520 S. Boulevard. (Vance Gregory)**

Building Design/Exterior Walls – EFIS panels with standing seam metal roof and EFIS mansards. Some of the exterior is hardy plank reinforced concrete siding. Anne's Resale Shop will be demolished for the construction of this addition to the building to the existing Edmond Wine Shop

Mechanical Equipment – On the roof, screened from the front and sides. Stratford Square Apartments are located to the east.

Parking – Thirty parking spaces are proposed for the site. Two of the parking spaces will be handicap parking spaces. There will be a sidewalk with handicap ramps in the right of way adjacent to Boulevard.

Landscaping - <u>Lot area = 19,800 sf.</u>	<u>Landscape provided on plans submitted</u>
Ten per cent of lot = 1,980 sf.	256 sf. landscaping/lawn area
Required in front yard = 990 sf.	156 sf. in front yard
Plant units required = 158 plants	53 plant units
Evergreen required = 63 plants	38 plant units

The landscape plan is deficient 1,724 square feet of landscape/lawn area. The plan is deficient 105 plant units. The twenty-six 'Harbor Dwarf' Nandina shown on the south side of the building cannot be considered for inclusion in the plant unit total. Ordinance Number 2274, the Landscape Ordinance requires that all planting beds shall be a minimum width of five (5') feet.

Driveway Location – An existing eighteen foot wide drive located on the east side of Boulevard near the center of the west side of the site will be closed. The shared drive near the northwest corner of the site and the drive near the southwest corner will remain.

Fire lane/Refuse Enclosure – No rear fire lane required due to the size of the building. Contains on the south side will remain as currently used.

SPRT Recommendation – Recommend approval subject to at least some brick exterior on all four sides which has been used on a majority of the buildings in the area such as the Seven-Eleven, the orthodontic clinic and the apartments to the east.

David Hornbeek, representing the applicant, stated this was a two year process, that the existing property is built over the property line and they plan to eliminate some of the many curb cuts. He stated that this provides more green space by eliminating parking and adding landscaping; he said they would landscape the right of way if allowed. Mr. Hornbeek stated they will tear down a building, add 3,000 square feet and add more tenants. Chairperson Woods stated he would like to see less parking in exchange for more landscaping. Mr. Hornbeek state they will take out parking for landscaping and there was no consensus on where the landscaping should be.

Commissioner Moyer recommended a doorway with parking to allow for landscaping. Commissioner Waner felt they needed the 10% landscaping and asked if they could move the building back. The staff stated they could eliminate 3 parking spaces total and Commissioner Moyer stated he did not want to set a precedent. Commissioner Waner stated she thought this item should be continued two weeks. Mr. Hornbeek stated that 4 parking spaces have been taken out and they will come back in June to the Planning Commission. John Lutton of the ENA stated the communication with the surrounding property owners was excellent and that the presentation should be for everyone to see.

The applicant requested to continue this item to the June 4th Planning Commission meeting.

Motion by Moyer, seconded by Cartwright, to continue this request to June 4. **Motion carried** by a vote of 4-0 as follows:

AYES: Members: Moyer, Cartwright, Waner and Chairperson Woods

NAYS: None

The next item on the agenda was **Case #Z020035 Public Hearing and Consideration of ordinance rezoning from “G-A” General Agricultural District to “R-1” Rural Estate Dwelling District on the north side of Midwest Lane, east of Midwest Boulevard and south of Sorghum Mill Road. (Jeffery and Tanya Williams)**

The Williams own five acres on the north side of Midwest Lane east of Midwest Boulevard. They propose to divide the lot into two, two plus acre parcels (at least 2.06 acre tracts) for two new homes. Jeffery and Tanya Williams are ready to build in the immediate future; the William’s daughter plans to build on the other parcel in three or four years. This location will have to be served with water wells and septic tanks. The land division will include one parcel Planning Commission t by 330 feet and the other lot will be 385 feet by 330 feet. Other May 21, 2002 been zoned “R-1”, “R-3”. The majority of Midwest Lane is zoned 56
... and Plan projects lots such as proposed and zoning has already be... approved starting that pattern. The state law provides that two acre lots, more than a quarter mile from water and sewer, are to be permitted without subdivision plats or requirement of utility extensions.

Motion by Waner, seconded by Moyer, to approve this request. **Motion carried** by a vote of 4-0 as follows:

AYES: Members: Waner, Moyer, Cartwright and Chairperson Woods

NAYS: None

The next item on the agenda was **Case #PR020001 Consideration of Final Plat of Preserve at Pine Creek located south of Sorghum Mill Road and east of Sooner Road. (McCaleb and Van Hoose)**

Engineer Mark Farris, representing Caleb McCaleb and Jeff Van Hoose, requested Final Plat approval for the Preserve at Pine Creek. This plat contains 55.15 acres and 27 lots. Each lot will use an individual water and septic tank. All streets will be public. Magnolia Way extends to the south property line, so there can be an extension for future development. The large creek and floodplain area is a common area and will be the responsibility of all the property owners in the addition. The intent is to leave the Common Area as natural as possible so that maintenance is minimal. There should be no structures in the Common Area including lateral fields from individual septic tanks. "Limits of No Access" need to be labeled along Sooner Road and Sorghum Mill Road adjacent to all of the lots. The design of this plat meets the general connectivity policy that has been discussed in regard to all standards. Mr. Farris stated there will be curb and gutter with a 50 foot right of way and they would save as many of the trees as they could.

Motion by Cartwright, seconded by Waner, to approve this request. **Motion carried** by a vote of 4-0 as follows:

- AYES:** Members: Cartwright, Waner, Moyer and Chairperson Woods
- NAYS:** None

The next item on the agenda was **Case #PR020007 Consideration of Final Plat of Cheyenne Crossing 2nd Addition located 500 feet south of Covell, one-half mile west of Kelly. (Ron Jewel)**

This item was continued to the June 4th Planning Commission meeting.

Motion by Moyer, seconded by Cartwright, to continue this request to June 4. **Motion carried** by a vote of 4-0 as follows:

- AYES:** Members: Moyer, Cartwright, Waner and Chairperson Woods
- NAYS:** None

The next item on the agenda was **Public Hearing and Consideration of Ordinance amending Title 21 Subdivision Regulations.**

Councilman Charles Lamb presented the Title 21 Subdivision Regulations and presented Planning Commission May 21, 2002. It was worked on to make it more readable and appendixes were added and changed easily. The waterlines are ¼ instead of ½, there is an appendix 57. There are some changes.

Commissioner Moyer asked if the appeals would go to another board or reviewed by the City Engineer. Mr. Lamb stated the Council could be the appropriate board and would be the normal progression. Chairperson Woods asked if the language could prevent what had happened tonight and inquired if there were any loopholes. Mr. Lamb stated that they wanted private roads to be up to city codes. Mr. Lamb stated this would enable the Plat Review Team to give better recommendations.

Motion by Moyer, seconded by Cartwright, to approve this request. **Motion carried** by a vote of 4-0 as follows:

AYES: Members: Moyer, Cartwright, Waner and Chairperson Woods

NAYS: None

There was no **New Business**.

Motion by Cartwright, seconded by Moyer, to adjourn. **Motion carried** by a vote of 4-0 as follows:

AYES: Members: Cartwright, Moyer, Waner and Chairperson Woods

NAYS: None

Meeting adjourned at 7:55 p.m.

David Woods, Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission