

EDMOND PLANNING COMMISSION MEETING

Tuesday, July 6, 2004

5:30 P.M.

The Edmond Planning Commission Meeting was called to order by Chairperson David Woods at 5:30 p.m., Tuesday, July 6, 2004, in the City Council Chambers at 20 South Littler. Other members present were Leroy Cartwright, Allen Thomas, Elizabeth Waner and Suzy Thrash. Present for the City were Robert L. Schiermeyer, City Planner; Kristi McCone, Assistant City Planner; Steve Manek, City Engineer; and Steve Murdock, City Attorney.

The first item on the agenda was the approval of the June 22, 2004, Planning Commission Minutes. Motion by Thrash, seconded by Thomas, to **approve** the minutes as written. **Motion carried** by a vote of 4-1 as follows:

AYES: Members: Cartwright, Thrash, Thomas and Chairperson Woods

NAYS: None

Abstain: Waner

The next item on the agenda was **Case #PR040012 Public Hearing and Consideration of Preliminary Plat for Thornbrooke Manor 2nd Addition located north of 33rd Street, approximately 2,150 feet east of Bryant. (Winchester Development, LLC)**

This item was continued to August 3, 2004 at request of applicant.

Motion by Cartwright, seconded by Waner, to **continue** this request. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Cartwright, Thrash, Thomas, Waner and Chairperson Woods

NAYS: None

The next item on the agenda was **Case #U040010 Public Hearing and Consideration for a Special Use Permit for enclosure of the Garden Center on the west side of the Wal-Mart Supercenter on the southeast corner of Danforth and Santa Fe.**

This item was continued to August 3rd at request of the applicant

Motion by Thrash, seconded by Waner, to **continue** this request. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Cartwright, Thrash, Thomas, Waner and Chairperson Woods

NAYS: None

The next item on the agenda was **Case #ES040007 Public Hearing and Consideration of request for easement closing Lot 5 Block 4 Thornbrooke Village Addition, 1616 Avondale Circle. (Scott C. and Kala Haiduk Sigler)**

Scott C. and Kala Sigler are requesting that a 10-foot wide utility easement in the back yard be closed for the construction of a pool. The Engineering Department has reviewed the easement closing request and determined that there are no utilities in the 10 foot

requested to be closed on Lot 5 Block 4 of the Thornbrooke Village Addition. There is a sanitary sewer line in an easement east of this lot line and there is also a 50-foot fence easement along the east lot line of the subject property. The sewer line will need to be maintained in the easement east of the lot so the 10 foot easement on lot 5 separated by a fence will not be used to maintain the sanitary sewer. The 10-foot utility easement can be closed at this location.

Motion by Thrash, seconded by Cartwright, to approve this request. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Cartwright, Thrash, Thomas, Waner and Chairperson Woods

NAYS: None

The next item on the agenda was **Case #PR040023 Consideration of Preliminary Plat approval for Bluffs at Pine Creek, 80 acres on the northwest corner of Sorghum Mill Road and Sooner Road. (Bluffs at Pine Creek LLC).**

Caleb McCaleb and Mark Farris with Red Plains Engineering are requesting approval of the Bluffs at Pine Creek east of the Northwood Addition west of Sooner Road north of Sorghum Mill Road. The property is zoned "R-2" Urban Estate Rural District and was zoned 1980 by Ordinance #1156. In reading the current Zoning Ordinance, the lot size is stated as 40,000 square feet in the "R-2" District; however, the more recent Title 21 Ordinance requires 60,000 square foot of land per lot for an individual and septic tank. The lots average about 50,000 square feet not including the two common areas consisting of 9.55 acres. Mr. McCaleb would like an exception to the 60,000 square foot lot because of the offsetting open space as stated in Title 21 Subdivisions. Mr. McCaleb feels that he does not need a zoning variance because of the lot size stated in "R-2" Zoning District. The project contains 80.43 acres, 59 lots are proposed, 58 lots would be allowed with 60,000 square foot for each lot. The two common areas account for 9.55 acres.

The Northwood addition to the west was annexed as developed and contains 38 lots and encompassing an 80-acre development. The land to the east is unplatted and is divided into acreage type lots. There is also a church on the east side of Sooner Road. The property to the south is owned by Harper Land.

Barry Rice representing the applicant introduced the project. Commissioner Waner asked about the common areas and detention. Mark Farris responded that there would be two detention ponds and that the common areas would be used for park and recreational facilities. Commissioner Woods asked about the connectivity to the Northwood addition with the provided stub out by that addition. Mr. Farris responded that interconnectivity was usually not a first choice for residents in Edmond, so they had not planned to connect to the Northwood Addition.

Judy Rice, a resident in the area, stated that she tried to work with the developer and that she was greatly concerned about the impact of these lots to the area, the use of water and septic tanks, drainage issues, and traffic issues. Steve Bridges stated that he wasn't against the project; he just felt that the lots were too small and that they should have to follow the ordinance. Allan Wylie, a Northwood resident, felt that they should also have to follow the current rules concerning water and septic tanks. He also stated that he personally did not want the connection to the new addition as he did not want additional traffic in the area.

Commissioner Cartwright stated that he had a hard time requiring the current Title 21 standards for this project as it has been zoned R-2 for the past 24 years. Commissioner Waner stated that she agreed with Commissioner Cartwright. She also stated that she would like to a second trail to the south common area to allow more residents access to it. Commissioner Woods was concerned about the connectivity of the project. He felt that by not connecting to the Northwood addition that they were missing an opportunity as well as creating safety issues which could affect fire and police response times. He stated that he could not support the project with out the connection. Commissioner Cartwright agreed with him. Caleb McCaleb responded that if the Commission desired, he would be happy to change the plans before City Council to include the connection to Northwood. He also stated that he would add another trail to the south common area as Commissioner Waner had requested.

Motion by Thrash, seconded by Cartwright, to approve this request based on the applicant agreeing to connect into the Northwood Addition and adding a trail to the common area. **Motion carried** by a vote of 4-1 as follows:

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

NAYS: Thomas

The next item on the agenda was **Case #PR040021 Consideration of Preliminary Plat approval for 28 acres on the northwest corner of 15th Street and I-35 Frontage Road. (Wal-Mart Stores East, L.P.)**

This item was continued to July 20th, 2004 at request of applicant

Motion by Cartwright, seconded by Thomas, to **continue** this request. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Cartwright, Thrash, Thomas, Waner and Chairperson Woods

NAYS: None

The next item on the agenda was **Case #U040006 Public Hearing and Consideration of Special Use Permit for a 160 foot tall monopole cell tower on the west side of Bryant, west of St. Mark Lutheran Church. (Cingular Wireless)**

Attorney Audrey Blank with Williams, Box, Forshee & Bullard is representing Cingular Wireless Telecommunications in requesting 160 foot tall monopole tower southwest of the St. Mark Lutheran Church, on the church property at 1501 N. Bryant. The tower would be suitable for co-location and is located 376.83 feet south of the Olde Towne Addition and 353.47 feet east of the school district property where Sequoyah Middle School is located. The tower is 110.95 feet north of the Kickingbird Square Shopping Center located to the south. The tower would be 391.40 feet southwest of the St. Mark Lutheran Church building. Access to the property would be from Bryant from the existing driveway into the church.

The Church owns 9.9 acres (400 foot frontage on Bryant x 1,081 feet in depth). The property is zoned "A" Single Family and a church is a Special Use Permit approved in Single Family Dwelling. There is a utility easement extending east and west along the

south edge of the church property and north of the commercial property. Trees are located and the immediate north of the site. The site would be limited to a 30 foot x 30 foot (900 square feet) location which would include the cell tower in the center along with the electrical equipment cabinet. Access would be extended along the south edge of the church property from the west parking lot. The tower is a monopole tower and would be designed to handle at least 2 sets of antennas. The nearest towers to this location are at UCO which by being state property is not required to be approved for a Special Use Permit. There is a tower at Coltrane and Danforth. Antennas are approved on structures that already exceed the height, such as water towers, and there are antennas on water towers near UCO at Baumann and Ayers on City land. Of the 21 towers previously approved, the average height is 123 feet. This average does not include the 380-foot tall communications tower used by the City for the 911 system at Midwest Boulevard and Danforth and that tower also allows for co-location but it's purpose was for the emergency operations. A Community Connections meeting was held regarding this location. There is considerable opposition regarding this tower location as being too close to a school and the adjoining recreation area and homes to the north. The conclusion from the residents is that there are at least several other locations that could be considered as a more compatible use for a tall tower structure. The necessity to have a 160-foot tower for co-location purposes should also be a consideration due to the proximity of homes. Attorney Audrey Blank representing Cingular wireless stated that this cell tower site is necessary for the grid network that the company needs for the cell phone communication system to work properly. Other sites that were suggested at the Community Connections meeting will not fit the need that the company currently has. They offered to lower the tower to 130 feet if the Commission desired, however that will not allow for any co-location towers. Jerry Bickle an RF engineer for Cingular Wireless gave a presentation on the reasons why this tower was needed at this site. He also showed pictures of a balloon flying around 125 feet at the site and how visible this was from the adjacent neighborhood.

Dan O'Neil with the ENA stated that most cell towers were built in rural areas and ones that were built in the urban areas had more restrictions put upon them. He felt that this tower was too tall for this location being next the single-family homes. Mr. O'Neil also stated that he felt that cell towers that were built in urban areas should be very restricted in height such as limiting it under 100 feet, restricting the tower to only one locator and keeping it away from single family homes. Several residents from Olde Towne appeared at the meeting in opposition to this project. The residents that spoke were Rob Anderson, Carolyn Franco, John Vaught, Kristin Squires, Sheryl Clark, Jim Evans, Vonda Wood, and Todd Haller. Their concerns included the safety issue, the height of the cell tower, the impact on surrounding property values, the possibility of setting a precedent in the area, the visibility of the tower in the winter when the leaves are not on the trees, drainage issues and that they felt that cell towers did not belong on properties that were zoned for single family. Many residents also stated that they were currently with Cingular Wireless for their cell phone carrier and had no problem with reception in their home or neighborhood.

Brent Benson with Cingular stated that they were trying to balance the needs of the community, that they needed this tower to provide adequate service and he did not feel that the tower would dominate the area. Lee Ann Fager with Cingular answered some of the questions of the citizens stating that they would only be taking out two trees to build

the tower and the 30'x30' shelter that was needed. She stated that cell towers usually do not affect drainage, but they would be happy to do a hydrology study if the Commission desired them to do so.

Commissioner Cartwright stated that he felt that cell towers should be looked upon on a case-by-case basis and he did not feel like this tower was in a good location. With the extreme opposition to the tower by the surrounding neighbors, he felt that there would be a better location for the tower. Commissioner Waner was concerned about setting a precedent in the area. Commissioners Thomas and Thrash stated that they could not support the project. Commissioner Woods stated that he appreciated the reduction in height that they offered and understood their need as a company to plan for future expansion and customers but he did not think that this site was a good location. Due to the elevation of the site being one of the highest in Oklahoma County, he felt that the tower was too tall and the application needed more work.

Motion by Thomas, seconded by Waner, to approve this request. **Motion denied** by a vote of 0-5 as follows:

AYES: Members: None

NAYS: Cartwright, Thrash, Thomas, Waner and Chairperson Woods

There was no **New Business**.

Motion by Thomas, seconded by Cartwright, to adjourn. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Cartwright, Thrash, Thomas, Waner and Chairperson Woods

NAYS: None

Meeting adjourned at 8:05 p.m.

David Woods, Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission