

## EDMOND CITY COUNCIL MINUTES

May 12, 2008

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, May 12 2008, in the City Council Chambers.

**2. Approval of Minutes of April 28, 2008.** Motion by Waner, seconded by Page, to approve Minutes. **Motion carried** as followed:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

**3. City Council Presentations:**

- A. **Presentation of proclamation proclaiming May 18-24, 2008, as "National Public Works Week" in the City of Edmond.**
- B. **Presentation of proclamation proclaiming May 10-18, 2008, as "National Tourism Week" in the City of Edmond.**
- C. **Presentation of proclamation proclaiming May 16, 2008, as "Bike to Work Day" in the City of Edmond.**
- D. **Presentation by Tim Reese, representing Bradbury Corner Homeowner's Association.** Mr. Reese addressed Council and expressed his and the homeowners' appreciation for the new traffic signal at 2<sup>nd</sup> Street and Bradbury Drive. He thanked the present Councilmembers as well as previous Mayor Sandra Naifeh and Councilmember Paula Sanford for their diligence in getting the traffic signal at this intersection.
- E. **City Manager's Progress Report.** Larry Stevens addressed Council and stated the bid opening for the Covell underpass project was held in March and a contract has been awarded to Sherwood Construction for approximately \$6.1 million. The City's 20% share has been increased by approximately \$150,000 due to the temporary railroad tracks portion of the contract. All City funding will be through the 2000 Capital Improvement Sales Tax fund. The contract calls for completion in 385 calendar days.

Mr. Stevens stated Jemsite is collecting reference information for the paving/dirt work contractor for the City's Engineering staff to review for the Kelly widening project in front of the future Lowe's store. The Council

previously agreed to allow Lowe's/Jemsite to hire a contractor without going through the bid process in order to expedite the project.

Mr. Stevens stated staff is preparing Request for Qualifications (RFQ) for the preliminary design of the new softball parks for the 4<sup>th</sup> Community park at Edmond and Post Roads.

Mr. Stevens noted the Oklahoma Department of Transportation has selected Muskogee Bridge/Allen Contracting for the joint award for the Memorial Road/Kelly Avenue interchange from Broadway Extension. This project is estimated to cost \$33 million and will take approximately 540 calendar days to complete. A start date has not been established at this time but is anticipated in the next few weeks.

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

**A. Approval of Administrative Items:**

- 1) **Acceptance of grant and approval of Memorandum of Agreement with the Oklahoma Department of Emergency Management regarding Emergency Management Preparedness Grant program funds in the amount of \$7,500.**
- 2) **Acceptance of electric easement from the following:**
  - a) Jade Properties of Edmond, LLC
- 3) **Acceptance of public improvements and maintenance bonds for the following:**
  - a) Fire Station No. 4 remodel project

Motion by Miller, seconded by Lamb, to approve General Consent Items 4.A.(1-3). **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

**B. Approval of Purchases:**

- 1) **Approval of renewal of maintenance and support agreement with BIO-key International for support of Packet Cluster Patrol software in the amount of \$24,084 per year.**

- 2) Approval of purchase of 800 MHz trunked radio equipment on the Oklahoma State Contract for the Fire Department in an amount not to exceed \$138,167.
- 3) Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$5,541.19.
- 4) Approval of three (3) year enterprise license agreement with Environmental Systems Research Institute, Inc., for the GIS software in the amount of \$150,000.
- 5) Approval of pipeline licenses with the Burlington Northern and Santa Fe Railway Company and participation in the BNSF's Railroad Protective Liability Umbrella policy for the downtown regional detention project in the amount of \$7,000.
- 6) Approval of right-of-way appraisal and acquisition contract with Smith-Roberts Land Services for Kelly Avenue widening project in the amount of \$130,300.
- 7) Approval of Change Order No. 1 and No. 2 with Oklahoma Roofing & Sheet Metal, Inc. for the Kickingbird Golf Club roof project in the reduced amount of \$16,614.24.
- 8) Approval of Change Order No. 3 with GCG, LLC for the Edmond pedestrian trail (Fink Park to Hafer Park) in the reduced amount of \$12,273.82.
- 9) Award of bid for body armor and accessories for the Police Department. Purchasing Manager recommended accepting bids from Looper Law Enforcement, Special Ops Uniforms and Oklahoma Police Supply in the total amount of \$100,000.
- 10) Approval of agreement with Tatum, LLC for consulting services relating to an assessment of our customer information system software for utility billing in the amount of \$18,000.

Motion by Lamb, seconded by Page, to approve General Consent Items 4.B.(1-10). **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

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

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

Mayor O'Neil reconvened the City Council meeting.

**7. PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of Ordinance No. 3141 closing a 30 foot easement, located in The Summit Oak Tree Addition (Oak Tree Partners, LLC, applicant) Case No. ES070005.**
- B. **Consideration of Final Plat for the Morning Woods Addition, a replat of Blakes Bluff, located at Danforth Road and Coltrane Road (Morning Woods, LLC, applicant) Case. No. PR080012.**

Motion by Lamb, seconded by Miller, to approve Planning Consent Items 7.A. and 7.B. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

- C. **Public Hearing and Consideration of Ordinance amending Edmond Plan from Single Family Dwelling Planned Unit Development (PUD) to Suburban Office District, generally located west of Kelly, north of Coffee Creek Road (Oak Tree Park Development, LLC, applicant) Case No. Z080016 (Continued to June 9, 2008 at the request of the applicant).**
- D. **Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling Planned Unit Development (PUD) to "D-O" Suburban Office District, generally located west of Kelly, north of Coffee Creek Road (Oak Tree Park Development, LLC, applicant) Case No. Z080017 (Continued to June 9, 2008 at the request of the applicant).**

Motion by Miller, seconded by Waner, to continue Planning Consent Items 7.C. and 7.D. as requested by the applicant. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

**8. Public Hearing and Consideration of Extension of Commercial Site Plan approval for Fox Lake Plaza, located west of I-35, 1,130 feet north of 15<sup>th</sup> Street (Frank Battle, applicant) Case No. SP030028.** The Site Plan was originally approved on October 25 2004, and there are no changes to the original design or standards. This project has previously been extended in 2005 and 2006. The application was considered on November 13, 2007, and was continued to this date subject to several items being completed. A work order has been issued for water and sewer lines, drainage improvements and the street turn-around on Fox Lake Drive. The project followed the previous Title 22 standards which were in effect at the time the application was submitted. The site contains 24.5 acres not including the lake. The two buildings contain 210,075 square feet and 1,243 parking spaces are provided. Planning Commission recommended approval.

Randel Shadid, attorney representing the applicant, addressed Council and stated even though the project was originally approved in 2004, due to litigation with the adjacent neighborhood the applicant was not able to begin site improvements until August, 2005. He stated a previous contractor installed the waterline at the incorrect depth and so the applicant has begun re-installing the waterline but has run into 25 feet of rock. He noted what should have been a two month job has now turned into a seven month job and they are not finished yet. Mr. Shadid stated when the pad site is at grade level, the applicant will install vegetation on the site. He stated the applicant will re-seed the site once the middle of the site is at grade level if a building permit has not been issued. He noted there is a water truck on site each day to spray the dirt to keep it from blowing. Mr. Shadid stated one additional layer of asphalt is still needed for the turn around on Fox Lake Lane but the turn around is functioning at this time. The sidewalk on Fox Lake Lane is completed to I-35 and the area has been sodded. He stated since the applicant has not installed an irrigation system yet, he felt it did not serve any purpose to plant additional trees along the back wall. He noted that he is working with the Mayor regarding the trail system. He stated the applicant is actively working on the plat improvements and attempting to locate an anchor tenant for the shopping center. Mr. Shadid stated the applicant submitted a payment in January, 2008, of \$2,500 to the Fox Lake Homeowner's Association for their share of the homeowners dues.

Councilmember Page asked if the trail easement has been dedicated and it was determined that the easement was part of the site plan.

Mayor O'Neil stated the trail easement has been designated but not dedicated and there is no legal filing of the easement for trail purposes. He noted the City has been discussing plans to construct a trail behind the existing Wal Mart Supercenter and the applicant's property. He noted the applicant has agreed to work with the City regarding the trail and also with the homeowners association to re-design the entrance into the shopping center from I-35 to be more compatible with the entrance into the Fox Lake addition on 15<sup>th</sup> Street. Mayor O'Neil stated he was concerned about the blowing dirt on the property and even though the applicant is spraying water on the dirt, he noted the site will need to be re-seeded at some point. He stated he was also concerned about the landscaping along the back wall but that issue could be discussed in October when another extension of the site plan will be considered.

Councilmember Waner requested only a six month extension because she felt Council needed to continue to monitor the progress.

Motion by Waner, seconded by Lamb, to approve the Site Plan extension to October 13, 2008. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Waner, Lamb and  
Miller  
NAYS: Councilmember Page

**9. Public Hearing and Consideration of Site Plan approval for a convenience store/service station, located on the east side of Broadway, between 8<sup>th</sup> and 9<sup>th</sup> Streets (OnCue Express, applicant) Case No. SP080006.** The site contains 1.59 acres. A 5,129 square foot convenience store with 10 gasoline pumps on five aisles under a canopy in front of the building is planned. This site currently contains Goldie's Restaurant and the Wiggees vacant restaurant. The site plan provides for 27 parking spaces. Two 24 foot tall down-directed, metal halide parking lot lights are planned, one each on 8<sup>th</sup> and 9<sup>th</sup> Streets. Two 15 foot tall parking lot lights are proposed, one each north and south of the building. Six wall pack lights are proposed on the building, four on the east side and one each on the north and south. The canopy will also contain lights. Two properties to the east of the alley contain single family residences which staff felt the Sensitive Border Standards would apply on the entire eastern border of the site. A fence is being considered east of the alley along the property to the east not owned by the applicant. A five foot wide sidewalk will be required along the property line. A dumpster enclosure will be located on the southeast corner of the site with access off the alley. The 20 foot wide alley will be paved to City standards and the application exceeds landscaping requirements. The Central

Edmond Urban Development Board reviewed the application and recommended approval.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant has added approximately \$80,000 in additional landscaping to the plan. He noted the area has been zoned commercial since the 1960s. He stated the Goldie's Restaurant building is not in good condition and the owner partnership is not willing to make the needed repairs. Mr. Shadid noted the owner of the restaurant will be moving to another location within the City if this application is approved. He stated the alley will be improved to City standards. He noted the existing buildings to the east are zoned neighborhood commercial. The ground sign has been withdrawn from the application at this time. Mr. Shadid stated the exterior walls of the building will be two-tone brick in a mocha color, with no lights on the fascia and no red striping as is the normal protocol for their buildings. He stated the lighting plan is in compliance with the Sensitive Border standards and the canopy lights will be can lights that are in the roof and will not be hanging lights. The applicant is proposing three drives, one each off Broadway, 8<sup>th</sup> and 9<sup>th</sup> Streets. Mr. Shadid noted that two existing drives onto Broadway will be eliminated. He stated the drive isles between the pump islands have been reduced by 10 feet which also reduces the width of the canopy along Broadway by 10 feet. He stated the height of the building will be approximately the height of the existing Wiggees building and approximately 20% of the building will be public restroom facilities. Mr. Shadid stated the current landscaping is at 11% for the entire site. He outlined the landscaping plan and stated the plan has been enhanced in terms of plant materials and height/type of the plant materials with the materials being basically evergreen. He stated an additional 24 loblolly pine trees will be added mostly to the front of the site and three Atlas cedar trees will also be added to the landscaping plan. He noted the applicant will attempt to preserve three large pine trees on the corner of 8<sup>th</sup> Street and Broadway and an additional large pine tree on the alley at 8<sup>th</sup> Street. He stated the applicant is willing to replace the existing fence on the east side of the alley if requested by Council and the neighbors to the east. Mr. Shadid stated berms and planters will be added along the front of the property as well as winding sidewalks around the perimeter of the site. He noted the applicant has agreed to place a public art sculpture on the site at 9<sup>th</sup> Street and Broadway. He stated Max Speegle, who owns the entire block from 8<sup>th</sup> to 9<sup>th</sup> Street, Littler to Boulevard, supports the application. He noted Carla Bales, another property owner, also supports the project. Mr. Shadid stated the application meets or exceeds all Title 22 requirements and he requested approval of the project.

Carrie Tomlinson, City of Edmond Urban Forrester, addressed Council and outlined the modified landscaping plan. She stated the plant units have been increased to 1,080 from the original 719 plant units, the bulk of which is evergreen. She stated the original proposal included berms on part of the frontage and she stated staff requested those be removed due to the sight triangle issue. She noted the paved areas in front of the bump outs will provide a setback which will also help with the sight triangle issues.

Sean Brown, local developer and resident of Edmond, addressed Council in support of the project. He stated at this time there is only one other gas station on Broadway and that this type of service is needed. He also felt this project will be a catalyst to bring other projects to this area.

Ed Moore, president of the Edmond Neighborhood Alliance, addressed Council regarding the sensitive border issue on the east side of the project. Councilmember Lamb stated the sensitive border standards are being met by the toned down lighting and the yard is not required due to the existing alley that is between the project and the property to the east. He noted there is no yard requirement to apply in this instance because the application is abutting the alley.

Councilmember Page stated he felt the sensitive border issue should be applied to this application. He stated the building shows a three foot setback off the alley which radically changes the footprint of the area. He agreed that a gas station is needed in this area but he also wanted to protect the existing neighborhood to the east. Councilmember Page stated he disagreed with the Urban Board and felt the objectives of the downtown guidelines was to provide a sense of space, along with other criteria, which he felt was not being met by this project. He quoted several sections of the guidelines and stated he felt the sensitive border issues were included in the guidelines for a reason. He requested direction from the City Attorney regarding whether the guidelines must be adhered to or whether they were just examples to consider. He noted he felt the radical change created by this project will lead to further degradation of the neighborhood to the east. He noted this area is the gateway to the downtown area and has been discussed extensively as to development of the area. He felt the project was too large and not in character with the development criteria that has previously been discussed and he could not support it.

Steve Murdock, City Attorney, addressed Council and stated the guidelines should be implemented.

Lydia Lee, a Central Edmond Urban Development Board member, addressed Council and requested clarification of the sensitive border requirements. She stated it was her understanding from the questions asked by Mr. Moore that due to the existing alley, sensitive border requirements were negated. General discussion was held and Councilmember Miller stated in his opinion that due to the paved alley, the abutment issue regarding sensitive borders was negated. Ms. Lee stated the public needed a definitive answer from Council as to what abutment means regarding commercial developments next to neighborhoods. Ms. Lee stated when the Urban Board considered this project, they were told that sensitive border standards would apply to this application. She stated she voted against the project when it was considered by the Urban Board and felt the project was not appropriate for the downtown area and does not meet the design guidelines for this area.

Councilmember Lamb stated when Title 22 was created and the sensitive border language was included, they did not take into consideration alleys or redevelopment of existing commercial areas. He stated they were establishing standards to address a new commercial development next to single family neighborhoods. He stated the application is redeveloping an existing commercial use with parking lots and an alley as the abutting use. Councilmember Lamb stated prior to establishment of the Urban Board, the area was designated as an automobile oriented commercial corridor and has been a gas station in the past. He stated this area is a transition zone but he felt the gateway to the downtown area began where the centennial clock is located at 2<sup>nd</sup> Street and Broadway. He noted the goal of the Council was to seek redevelopment of property in this corridor, and in order to be viable he felt the projects would incorporate several properties into one development such as this applicant has done. He stated he felt the alley was neutral and did not require a sensitive border.

Mayor O'Neil stated he felt the project was too large for this area and that he would be in favor of a smaller version. He noted other companies have smaller versions for smaller cities that would be more appropriate for this area. He stated since Broadway is the gateway to the downtown area, he felt that the downtown guidelines should be applied. He stated while he appreciated the changes the applicant has made to the site plan, he was disappointed that the company was not willing to downsize the project in order to be more compatible with the area.

Randel Shadid addressed Council and stated the cost per square foot for development is too high to be able to scale the project down and still be a viable business. He stated the company was requested by residents to locate their operation in Edmond. He noted a survey of the OnCue service station in Oklahoma City showed that 20% of customers were Edmond residents. He stated the

building does not have a rear entry and the loading areas are on the side of the building. He noted there have not been any objections from surrounding property owners. He stated he felt the design guidelines support the project and if taken in total, he felt the project satisfies the bulk of the guidelines since many of the guidelines do not apply.

Councilmember Waner asked if the lights on the back of the building could be lowered from 10 feet to eight feet and the applicant agreed. She stated the project is located in a transition area from the non-central district to the central urban district with six lanes of traffic. She noted Council has been discussing the area from 2<sup>nd</sup> to 9<sup>th</sup> Streets for many years. She agreed the project has a very large presence and that a precedent would be set but she also felt these types of issues would not be an issue in the future. She stated the back of the building could be considered a buffer for the properties to the east. Councilmember Waner stated she felt the fence was vital and the sign would be below standard when the application is submitted. She noted the number of driveways on Broadway have also been decreased. She stated she felt the sensitive border issues should be considered on a case by case basis and that the site would be much improved from its present condition. She stated the landscaping will minimize the visual impact of the front of the building. She noted that while she did not feel this project was the perfect solution, she would support the application.

Motion by Lamb, seconded by Waner, to approve Item No. 9 subject to the following amendments:

- 1) Reduction in curb cuts on Broadway - one each on Broadway, 8<sup>th</sup> and 9<sup>th</sup> Streets
- 2) Reduction by 10 feet of the canopy with the mocha cream color on the exterior walls and no red stripe
- 3) The plant units increased to 1,080 units which will be mostly evergreen, the berms and sidewalks as discussed
- 4) Replacement of fence on the east side of the alley
- 5) 8 foot wall pack lights on the back of the building

**Motion carried** as follows:

AYES: Councilmembers Waner, Lamb and Miller  
 NAYS: Mayor O'Neil and Councilmember Page

**Mayor O'Neil stated the Council would take a five minute break.**

**10. Public Hearing and Consideration of Ordinance No. 3142 amending Edmond Plan from General Commercial to Medium Density Residential District, generally located south of Kickingbird Road,**

**adjacent to Huntwick Addition, north of 2<sup>nd</sup> Street (Place Properties, applicant) Case No. Z080014.** The site contains four acres and a student style apartment complex is planned on the property to the north. This four acres may be used for parking and open space when the site plan is submitted. City utilities are available and access will be from Kickingbird Road. City code allows 12 units per acre in this area. The Sensitive Border Standards will apply adjacent to the Huntwick Addition. There is a significant flood plain that runs through the bottom portion of the site which can be counted as part of the entirety of the site. Staff noted that the flood plain can not be built upon or contain parking, but that it can, in some cases, be considered part of the landscaping total. Planning Commission recommended approval.

Randel Shadid addressed Council and stated the project will be used for student housing. He stated the applicant owns the property to the north and west and rezoning this small portion will allow the applicant to provide a better site plan and also a better buffer for residents east of the development. He noted the site does contain utility lines but parking is allowed to be constructed over the utility lines. Mr. Shadid stated a fence will be installed on the west side of the greenbelt buffer on the east as a further buffer for residents of Huntwick Addition as well as Mr. and Mrs. Johnson.

Mary Ann Karns, representing the property owners to the west and some of the owners to the north of this site including herself, addressed Council and stated she was concerned about the density of the project. She noted the applicant has considered the homeowners on the east but not the property owners that she represents. She stated although the Woodcreek town homes are sometimes considered apartments, they are really condominiums and are predominately owner occupied. Ms. Karns stated Woodcreek has large open spaces and landscaping areas. She stated she is also concerned about traffic on Kickingbird Road as it will be the only exit for this site as well as the existing residential developments. She noted that the property has been zoned for commercial for many years and it was assumed that eventually an owner would purchase the property along with the other property south and construct an exit onto 2<sup>nd</sup> Street. She stated that scenario has not occurred which now has resulted in only one exit. Ms. Karns stated she did not feel the applicant has presented any justification for changing the plan.

Ronnie Williams, representing Huntwick II Addition, addressed Council in support of the application. He stated the applicant has worked with the residents and have reduced the height of the buildings by removing the 2<sup>nd</sup> floors. He stated they have agreed to install an eight foot fence along their east boundary next to the 60 foot easement owned by Oklahoma Gas & Electric (OG&E) and

will maintain the existing trees. He noted the applicant has toned down the color of the buildings and will plant additional landscaping on the west side of the 60 foot easement owned by OG&E, next to the additional landscaping noted above, even though the landscaping can not be counted toward their plant unit requirements. Mr. Williams stated the residents appreciated the extra effort that the applicant has taken.

Lydia Lee, representing Michael and Hildy Johnson who own the horse ranch at the corner of 2<sup>nd</sup> Street and Coltrane, south of the Huntwick Addition, addressed Council and stated there are significant drainage problems in the flood plain that runs through the southern portion of the applicant's and the Johnson's property. She noted the applicant has agreed to extend the buffer from Huntwick south alongside her clients property. Ms. Lee stated she has heard many discussions by Council regarding adequate ingress/egress for residential developments and the safety issues with only one access. She stated there will be well over 1,200 residents in this area and there will be only one access out of the development. She felt this was inconsistent with action that has been taken in the past regarding ingress/egress issues.

Councilmember Miller stated the previous application that Ms. Lee was referring to already had an existing easement for a drive and this project does not.

Mr. Shadid stated most of the issues discussed at this meeting are actually site plan issues and he would contact Ms. Karns when they have the site plan details completed. He stated the issue before Council tonight are zoning issues only. Mr. Shadid noted his client will still be allowed under the current zoning to construct the same number of apartments whether the property is rezoned or not.

It was noted by staff that Kickingbird Road was closed as an access by request of the Huntwick homeowners in the 1980s which eliminated the opportunity for a second access. Councilmember Lamb stated it was through action by a prior Council that a major street, Kickingbird Road, was closed.

Councilmember Waner stated she felt there is a health, safety and welfare issue with only one access but she did not have a solution as to how to resolve this issue.

Mayor O'Neil stated he has concerns about allowing the applicant to count the flood plain as part of the overall site in order to increase the density of the project. He felt this was clustering and that the Council has been very specialized in considering this type of issue in the past.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3142 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

Motion by Page, seconded by Lamb, to attach Emergency Clause to Ordinance No. 3142. **Motion carried** as follows and Ordinance No. 3142 is in effect immediately:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

**11. Public Hearing and Consideration of Ordinance No. 3143 rezoning from "E-1" General Commercial to "C-2" Medium Density Residential District, generally located south of Kickingbird Road, adjacent to Huntwick Addition, north of 2<sup>nd</sup> Street (Place Properties, applicant) Case No. Z080014.** This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 3143 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

**12. Public Hearing and Consideration of an amended Site Plan for IBC Bank, located at 1812 E. 15<sup>th</sup> Street.** Mayor O'Neil stated the applicant requested this item be continued to June 9, 2008.

Motion by Waner, seconded by Lamb, to continue Item 12 to June 9, 2008, as requested by the applicant. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

**13. Consideration of variance for the Ashling Square/Alta Mesa ground sign at 301 S. Bryant Avenue (John A. Henry Companies, applicant).** The applicant is proposing to remodel the existing ground sign for the Alta Mesa Shopping Center, formerly Ashling Square. The Bryant Square Shopping Center, located to the east, and a Sonic Restaurant, located to the south, both contain legal non-conforming signs. City codes allow for legal, non-conforming signs to be re-faced as long as they are not made more non-

conforming. The existing sign will be re-faced and the shape of the sign would also change. The square footage of the sign will be reduced from the current square footage. The new sign would be 25 feet, 1 inch in height and contain 108 square feet for the main sign, listing the individual businesses, and another 20.83 square feet listing the Alta Mesa name. The existing sign is 25 feet in height with over 800 square feet when fully utilized but at this time contains 356 square feet. The materials for the new sign include brick veneer base and EIFS fascia trim on the support structure with a clay tile roof. The existing steel supports will continue to be used. Under the existing code, the maximum height of the sign can be six feet tall, with a sign area of 42 square feet. Planning Commission recommended approval.

Jeff Norman, representing the applicant, addressed Council and stated the applicant plans to completely restructure the sign in order to make it, in their opinion, more aesthetically pleasing. He stated the square footage of the sign face will be reduced by 66%. He noted the shopping center will share a cross access with Walgreens and they have removed an existing fence and approximately 5,000 feet of their shopping center to improve the sight lines for this area. Mr. Norman stated landscaping will also be added throughout the shopping center and that all new signs will be strictly controlled. He stated he felt the renovated shopping center and sign will be a drastic improvement over the existing development and sign.

Mayor O'Neil stated he felt the applicant had met all the site plan requirements with the renovations being made to the shopping center.

Councilmember Waner stated she felt the project as a whole was a great improvement over the existing development but the sign variance is the issue. She stated she preferred the lower profile sign in compliance with City codes and that the proposed sign is too large.

Councilmember Miller stated he supported the sign variance. He stated the existing sign is not appropriate and the modified sign continues the character of the surrounding area.

Councilmember Lamb stated he supported the sign variance due to the significant investment the applicant was making in the shopping center. He felt the non-conforming sign was a modification into less of a non-conforming sign. He noted the modified sign complies with the current criteria required of new signs other than the size of the sign. He stated he would rather see the proposed sign than the existing sign.

Motion by Miller, seconded by Page, to approve Item No. 13.  
**Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Lamb and Miller  
NAYS: Councilmember Waner

**14. Public Hearing and Consideration of Ordinance No. 3144 amending Edmond Plan from Institutional/Lake Residential to General Commercial for two tracts of land, generally located east of I-35, on the south side of 2<sup>nd</sup> Street, east of the existing entry drive to Life Church (Life Covenant Church, Inc., applicant) Case No. Z080012.** The site contains two parcels, one 4.17 acres and one 1.87 acres, for a total of 6.04 acres. The property is located east of the main driveway into the church. The two parcels are divided by a future roadway that will be aligned with the traffic light proposed on 2<sup>nd</sup> Street, with The Summit Addition. The property has not been projected on the Edmond Plan for Lake Commercial due to the long term use as a church. The property would fall within the I-35 Corridor standards regarding landscaping requirements and design standards. Planning Commission recommended approval.

Brian Coon, Coon Engineering, addressed Council representing the applicant. Mr. Coon stated the applicant has amended the application from general commercial to restricted retail commercial. He stated the applicant will place a deed restriction on the property that will require the buildings to be a minimum of 70% brick and/or stone with pitched roofs, no neon lights on the buildings, and monument signs only. Mr. Coon stated curb cuts on 2<sup>nd</sup> Street will be prohibited in Tracts 1 and 2. He noted the street between the two tracts will be a boulevard street and be able to access either tract but each tract will not have access to 2<sup>nd</sup> Street other than through the boulevard street. He stated the deed restriction will prohibit the following uses from the property:

- 1) Convenience store/gas station
- 2) Car wash
- 3) Liquor store
- 4) 24 hour fast food restaurant with drive-in (coffee shop with drive-through will be permitted)
- 5) Movie or other indoor theater
- 6) Bed and Breakfast establishment
- 7) Palm reader or psychic services

Mayor O'Neil stated he felt the project would be an amenable way to satisfy the other property owners in the area and retain the scenic character of the area since the lots will access the old Route 66.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 3144 as read by title by City Planner and amended to Restricted Retail Commercial with the above noted deed restrictions and other agreements as listed by Mr. Coon. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 3144. **Motion carried** as follows and Ordinance No. 3144 is in effect immediately:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

15. **Public Hearing and Consideration of Ordinance No. 3145 rezoning from "G-A" General Agricultural to "E-1" General Commercial for two tracts of land, generally located east of I-35, on the south side of 2<sup>nd</sup> Street, east of the existing entry drive to Life Church (Life Covenant Church, Inc., applicant) Case No. Z080013.** This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3145 as read by title by City Planner and subject to the above items and deed restrictions. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

16. **Executive Session to discuss the appointment of the Municipal Judge and Alternate Municipal Judge (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(1)).**

Motion by Waner, seconded by Page, to meet in Executive Session to discuss the above item. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller  
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 8:37 p.m. and returned to the City Council Chambers at 9:00 p.m.

Motion by Lamb, seconded by Page, to adjourn Executive Session.  
**Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and  
Miller  
NAYS: None

**17. Consideration of action with regard to the appointment of the  
Municipal Judge and Alternate Municipal Judge.**

Motion by Miller, seconded by Page, to reappoint Alan Synar as  
Municipal Judge and increase his annual salary by 25% and  
reappoint Elizabeth Kerr as Alternate Municipal Judge and increase  
her annual salary by 5%. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and  
Miller  
NAYS: None

**18. NEW BUSINESS:** None

Councilmember Miller stated due to some recent activities at the  
State Legislature, he requested Council consider placing on a  
ballot the issue of franchises allowing utility companies to use  
City right-of-way and the possibility of limiting the use of those  
right-of-ways to only one company. He also requested Council  
investigate appealing the action taken by the House of  
Representatives to the State Supreme Court.

Councilmember Lamb stated draft edits and clarifications to Title  
22 will be distributed sometime later in the week for Council's  
review.

Mayor O'Neil stated he will give the State of the City address to  
the Edmond Area Chamber of Commerce on May 20<sup>th</sup> and also in the  
Downtown Community Center at 7:30 pm that evening.

**19. Motion by Page, seconded by Miller, to adjourn meeting.  
Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and  
Miller  
NAYS: None

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City Clerk

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Mayor