

EDMOND PLANNING COMMISSION MEETING

Tuesday, June 21, 2005

5:30 P.M.

The Edmond Planning Commission Meeting was called to order by Chairperson Leroy Cartwright at 5:30 p.m., Tuesday, June 21, 2005, in the City Council Chambers at 20 South Littler. Other members present were Bill Moyer, Barry K. Moore and Elizabeth Waner. Suzy Thrash was absent. Present for the City were Robert L. Schiermeyer, City Planner; Kristi McCone, Assistant City Planner; Jan Ramseyer-Fees, Assistant City Planner; Steve Manek, City Engineer; and Steve Murdock, City Attorney. The first item on the agenda was the approval of the June 7, 2005, Planning Commission Minutes.

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

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

NAYS: None

The next item on the agenda was **Case #Z050033 Public Hearing and Consideration of amendment to Edmond Plan III from Single Family to General Commercial Planned Unit Development Usage on the northeast corner of Blanch and North Broadway. (JVC Development, LLC)**

1. Infrastructure: Water lines and sanitary sewer lines are adjacent to the 6 lots in the Rossmore Addition on the northeast corner of Blanch and Broadway. This location has been used as a garden and there is not a recent history of a structure on the property. In the older part of the City such as this, utilities, water and sewer both, may have to be upgraded to serve. That would be part of the site plan. The adjacent lines are usually undersized and constructed of materials not recommended currently in the engineering standards. On occasion in these areas, there is a supply of water limitation or sewer capacity problem.
2. Traffic: The 2003 traffic count on North Broadway is 7,541 cars two way during the 24 hour period.
3. Existing zoning pattern:
 - North – “A” Single Family
 - South – “A” Single Family
 - East – “A” Single Family
 - West – “A” Single Family
 The nearest commercial zoning is the Hope Center zoned “D-O” Office north of Bowman west of Broadway.
4. Land Use:
 - North – undeveloped
 - South – homes
 - East – homes
 - West – homes
5. Density: The maximum density would allow 6 apartments; however, the developer does not plan that many based on the size of the building. The principal use of the building will be office and commercial, not office and residential.

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6. Land ownership pattern:
 North – larger tract to the north suitable to a similar type project
 South – homes on smaller lots
 East – homes on smaller lots
 West – homes on smaller lots
7. Physical features: The land contains numerous trees that have been planted years ago and have matured. The lot has been used as a garden in the past; however, the land is undeveloped.
8. Special conditions: None.
9. Location of Schools and School Land: The nearest school is the Russell Dougherty Choice School and the school building and property between Campbell and Hurd on North Boulevard. Neither of these are a factor for this use.
10. Compatibility to Edmond Plan III: would represent an additional change for commercial or mixed use on North Broadway. The Urban Board has reviewed a conceptual site plan and the Downtown Design Standards represent the best criteria for developing this area. Like the DRD and parts of the CBD, the actual land use goal is not all commercial but is a mix of uses including office, light retail and apartment along with schools, churches and government offices. This type of mixture is appropriate in the central part of the City. Boulevard may not be suited to this mix but Broadway is in the staff's opinion.
11. Site Plan Review: Final site plan review required by the Urban Board and City Council.

Gary Cutter, a property owner to the north and east, indicated that he would be applying for multi-family zoning adjacent to this property as a consistent use with the proposal to have 4 apartments over the office or retail building planned. Commissioner Waner indicated she liked the project. She was concerned about "E-1" even as a PUD in the area and was concerned about the timing. Attorney Randel Shadid indicated the "E-1" use was for the apartments but the limit of the commercial is "D-1" and "D-O". Chairperson Cartwright indicated it was a good project, that the PUD incorporated the Downtown Design and the residential use.

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

AYES: Members: Moore, Moyer and Chairperson Cartwright

NAYS: Waner

The next item on the agenda was **Case #Z050034 Public Hearing and Consideration of rezoning from "A" Single Family Dwelling to "E-1" General Commercial Planned Unit Development on the northeast corner of Blanch and North Broadway. (JVC Development, LLC)**

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Randel Shadid is representing Von Nix with JVC Development LLC in requesting "E-1" General Commercial Planned Unit Development zoning on the northeast corner of Blanch and Broadway. This project known as the Rossmore Center, named after the Addition where the property is located, would consist of "D-1" Commercial uses including offices and second floor apartments. The maximum square footage of the building would be 12,000 square feet and the building would be two story. The property contains 22,400 square feet with 6 lots. The buildings would face Broadway and would most likely BE established at or near the property line setback on Broadway since the access to the building would be on the east, north and south sides of the building. This project is to be developed similar to downtown using the Downtown Design Standards. Parking would not be allowed diagonally on Broadway due to the capacity needed for this street. Alley improvements would be made as needed adjacent to the north side of the site.

In the development of the Edmond Plan, commercial has generally been discussed this far north on Broadway but the time frame has not been identified and there was no identification of commercial use projections in the current 5 year Plan. The extension of the CBD Zoning District seems reasonable at this location but the requirement in the Code is that the expansion of the CBD must be contiguous to the current CBD District. In a similar situation, Mark Neighbors requested "E-1" PUD zoning for the Jazz Lab and Hideaway Pizza incorporating the Downtown Design principles on 5th Street several years in advance of the City actually considering expanding the zoning on Littler south of 5th Street. I believe a similar expansion north on Broadway will be considered in the future Plan Update.

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

AYES: Members: Moyer, Moore and Chairperson Cartwright

NAYS: Waner

The next item on the agenda was **Case #PR050015 Consideration of Preliminary Plat of Covell Village Addition located south of Covell Road and west of Kelly. (Derek Turner)**

Derek Turner is requesting Preliminary Plat approval of the Covell Village PUD Preliminary Plat consisting of 160 acres lying south of Covell Road west of Kelly. Cheyenne Middle School is located to the north. Mr. and Mrs. Salyer own 160 acres to the east of this parcel south of the Coffee Creek Addition and the Cheyenne Crossing Addition is located to the west. The property owners to the south own acreage lots consisting of 2½ to 10 acre tracts. Mr. J. C. Swanson is the largest property owner to the south of this development. This mixed use PUD will contain 66 acres of "E-2" zoning developed for a shopping center to include a home improvement center with 8 pad sites shown as lots E3 through E10 on the plat. Lots C1 and C2 next to the stormwater detention area is zoned "C

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-3" Multi-Family PUD. A collector street will connect Covell to Kelly through this development providing for a divided median entry, 60 foot of right-of-way and 32 foot of street paving. Since that collector street is anticipated to have a traffic light, as generally discussed with the PUD, a similar collector street needs to extend east of Kelly whenever the Salyer property is developed.

The two office parcels shown as lots D1 and D2 are along the arterial streets, Kelly and Covell and both of those have been identified as parkway standard streets requiring a minimum of 140 foot of right-of-way, possibly more at least near the intersections where the turn bays and turn lanes are needed. Kelly and Covell over the next 30 years should become an intersection carrying substantial volumes of traffic for longer periods of the 24 hour day and may need two left turn bays at some point in the future similar to 2nd and Bryant. This project is anticipating that level of street improvement in terms of right-of-way.

The single family portion of this project consists of 142 single family lots along the south and west sides of this addition next to Cheyenne Crossing or the rural lot size in Ketch Acres and Shore Drive area. 86 of the lots are planned to be gated on the south side of the project. The typical lot is 75 feet by 130 feet, 9750 square feet and the lots range to 90 feet by 130 feet of 11,700 square feet. All of the project will be developed with City water and sewer and meet detention standards. There has been a consistent design of detention ponds through the Coffee Creek project to the northeast and the Cheyenne Crossing Addition to the west along the channel that extends through this area. There are a number of oil well improvements on this property including the tank battery south of Covell east of Cheyenne Crossing in the office zoned area. There is also another pump unit and injection well in the commercial area.

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

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

NAYS: None

The next item on the agenda was **Public Hearing and Consideration of ordinance establishing Fraternity and Sorority Overlay District boundaries as locations best suited for these uses. (City of Edmond)**

Motion by Moore, seconded by Moyer, to continue this request to July 19. **Motion carried** by a vote of 4-0 as follows:

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

NAYS: None

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The next item on the agenda was **Public Hearing and Consideration of ordinance repealing Fraternity and Sorority houses as Uses Permitted by Right in “C-2” Medium Density Residential District and “C-3” High Density Residential & Commercial Services District and amending the City Code to require Specific Use Permits for Fraternity and Sorority houses in “C-2” Medium Density and “C-3” High Density Residential & Commercial Services District. (City of Edmond)**

Motion by Moore, seconded by Moyer, to continue this request to July 19. **Motion carried** by a vote of 4-0 as follows:

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

NAYS: None

The next item on the agenda was **Case #PR040035 Consideration of amended Final Plat for Fairfax Estates VI and Fairfax Gardens III located north of Covell Road and east of Coltrane Road. (J. W. Armstrong)**

J. W. Armstrong would like to amend the plat of several phases of Fairfax including Fairfax Gardens III, Fairfax Estates VI, Homeowners Association Lot A and Fairfax Estates III to add some additional lots over what was previously approved. On the original Final Plat, Fairfax Gardens III contained 35 lots. The amended plat contains 39 lots. The lots in Fairfax Gardens are generally 70 feet by 120 feet or 8,400 square feet. Fairfax Estates VI still contains 26 lots as the original plat did. The other amendments are modifications to the Homeowners Association property to provide for the correct legal; there is no substantial reduction in the Homeowners Association land. All of the streets in this addition are private. City water and sewer lines are public standard and the access to this addition is from Balmoral Drive from the north and the south which makes a linkage between Coltrane and Covell which provides for two directions for entry or exit. Staff recommends approval.

Commissioner Waner indicated she appreciated Mr. Armstrong bringing the project back for review for the amendment.

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

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

NAYS: None

The next item on the agenda was **Case #PR050019 Consideration of Final Plat of University Plaza III Addition located west of Blackwelder south of Second Street. (Sooner Land Company LLC)**

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Sooner Land Company LLC is requesting approval of the Final Plat of University Plaza III located northwest of Target south of Second Street and west of Blackwelder. The Planning Commission and City Council have already approved the site plan on this property. A Preliminary Plat is recommended to be waved since the property is small in size, 2.14 acres and the site plan has already been approved. The land has also been graded to the site preparation stage as a part of the work done on the Target/Lowe's site known as University Plaza four years ago. The addition contains one lot and one block. The buildings on the property will be retained by Sooner Land Company. The plat contains a series of utility easements needed for water, electric and sanitary sewer. At one time, the entire street was referred to as Waterwood Parkway. There are no addresses on the eastern leg of Waterwood and it aligns with Blackwelder to the north so the eastern portion of the street will now be referred to as Blackwelder. No one's address has to change because of this designation. The Engineering Department assigns addresses, so they need to determine where the division between Waterwood and Blackwelder is most appropriate. The plat is in order for approval.

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

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

NAYS: None

The next item on the agenda was **Case #Z050035 Public Hearing and Consideration of rezoning from "A" Single Family to "E-1" General Commercial for Freddy's Frozen Custard on the north side of East Second Street, one-quarter mile east of Bryant.**

Earnest Isch representing Hamid Sadeghy is requesting rezoning to "E-1" General Commercial on 4.96 acres on the north side of 2nd Street north of the Oxford Oaks Shopping Center. This tract of land is narrow, 164 feet wide by 1321 feet in length. The Edmond Plan has projected this property for "E-1" General Commercial so there is no Plan Amendment. Recently, Neal McGee received "E-1" zoning on a 1 acre tract to the immediate east of this parcel. The Legacy Woods Apartments are located to the west and there is another apartment project to the north. This property complies with the Edmond Plan for consideration of "E-1" zoning.

The manager of the Oxford Oaks Apartments indicated there were numerous accidents on Second Street from the drive to the apartments. City Engineer Steve Manek indicated a traffic light planned on Second Street next year at Vista Lane which should allow for slower traffic and a break in the traffic to allow for better turning movements either to the apartments or to commercial on the north side such as Freddy's Frozen Custard. No other traffic lights are planned on Second Street.

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Josh Walker, manager of the Kickingbird Apartments, asked if lights from this development would reflect into the apartments. Chris Cross with Isch & Associates indicated that the northern tract would be a detention area with no actual building use so there will be considerable setback from the nearest commercial building to the Kickingbird Apartments.

Commissioner Moyer indicated he was concerned about the entrance to and the exit from this property on Second Street. The staff commented that the narrow shape of the property created driveways that were close together and made the traffic turning movements worse than they could be if they were larger ownerships and better planned access points were possible. The parcel immediately east of the Sadeghy/Freddy's tract is 165 feet wide, plus there is a gas line which may prevent a sharing of driveways between the two properties.

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

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

NAYS: None

The next item on the agenda was **Case #PR050014 Consideration of Preliminary Plat on the Raspberry Park Addition located on the north side of East Second Street, one-quarter mile east of Bryant**

Earnest Isch is representing Hamid Sadeghy in requesting Preliminary Plat approval of Raspberry Park located on the north side of 2nd Street north of Oxford Oaks Apartments. The proposal is to zone this property "E-1" General Commercial and provide for 6 commercial lots with a cross access easement driveway on the east side of the property. This narrow tract, 164 feet in width, extends north and south 1321 feet. This parcel is 4.96 acres. The northern portion of this property would be set aside for a detention area. All of the lots could be sold to individual property owners with the cross access easement guaranteeing access to each of the lots. There is a turn around on Lot 6. It would be desirable if the owner to the east could expand the access drive at some time in the future as well as the cross access easement on his property; however, there is a 16" high pressure ONG pipeline extending through the property to the east and that would likely interfere with common use of this easement. City water will need to be extended north with the proper fire hydrants on the cross access easement which is also a 27½ foot wide utility and drainage easement. Sanitary sewer is also located in this area.

Motion by Waner, seconded by Moyer, to approve this request with condition of expanding turnaround 60 feet before the City Council meeting. **Motion carried** by a vote of 4-0 as follows:

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

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NAYS: None

The next item on the agenda was **Case #U050007 Public Hearing and Consideration of Special Use Permit and Site Plan approval for a church classroom addition on the northeast corner of North Broadway and Colcord. (Good Shepherd Anglican Church)**

Ken Morris and Michael Robertson, representing the Good Shepherd Anglican Church, have submitted a Special Use Permit for a classroom addition building to the church site located at 1000 N. Broadway. The property is zoned "A" Single Family Dwelling District and has had a church operating from this location since the 1970's. The existing church sanctuary seats around 90 with 35 parking spaces for the church. The church also has an agreement with the Hope Center to use their parking lot for overflow parking. The church is proposing a new separate 1200 square foot classroom building to be built near the southwest corner of the property. The church is proposing a variance to the setbacks, asking for a zero lot line on Broadway and Colcord, instead of the 25' front yard required on Broadway and a 15' side yard setback on Colcord. The building is proposed to be approximately 17' tall but no taller than the main church building. The building will be built with a speckled brick to blend with existing church building, and provide a contrast to match the existing building. The existing church building will be re-roofed to match the new classroom building.

The church has an English Garden that is located east of the proposed new building. Previously the site for the English Garden contained a residence. The site also contains flowerbeds on both the north and south side of the main church building, along with several trees that the church has planted. No special lighting is proposed. No new drives are proposed with this special use permit since the church proposes to continue to use the existing drive off Broadway or the drive off Colcord.

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

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

NAYS: None

The next item on the agenda was **Case #Z050031 Public Hearing and Consideration of amendment to Edmond Plan III from General Agricultural to Urban Estate Dwelling Usage on the east side of Division Street, south of Covell Road, north of Arcadia. (New Home Consultants, LLC)**

Charles Allen with Allen Engineering Services, Inc., representing the property owner New Home Consultants, LLC, has submitted a plan amendment request for a 9.95 acre parcel

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of land south of Covell on the east side of Division, just north of Arcadia, from General Agricultural land use to Urban Estate Dwelling land use. The Urban Estate land use has a minimum lot size of 40,000 square feet with 60,000 square feet required for a water well and septic system. The applicant proposes to split the 9.95 acre parcel into 5 lots. The property surrounds on three sides a 200' X 60' tract (.27 acres) owned by Keven Cody. The Edmond Plan III projects general agriculture land use. The 60 by 200 foot tract (12,000 square foot lot) was not approved as a deed certification by the Edmond Planning Commission. This size lot is unacceptable without public utilities and none are available for service. The owner, Mr. Cody, has a home on the parcel. In this case, approval of the 60,000 square foot lot size to the south of the Cody parcel and a possible increase in the Cody lot to 3 acres would help solve the undersized lot existing in this area. The property owner is aware of this situation. The staff has discussed the likelihood of this owner selling Mr. Cody additional land and the two property owners are considering that issue, but that is not resolved at this time. The only paved road serving the potential lots is Division Street extending north through Arcadia. Division Street does not connect with Covell Road and Covell is not currently paved at this location. The lots should not be reduced to less than 60,000 square feet except where there is a paved road.

Surveyor Charles Allen represented the application indicating he was willing to amend the request to "R-1" on the northern parcel and "R-2" on the southern tract so that he could build no more than 4 homes on Division Street just north of Arcadia.

Attorney David Cheek spoke in opposition to this request. He indicated he represented himself, Bob and Rodney Trailer, Harold Fisher and Charlie Crane. He indicated that Division was a private road on his property to the south in Arcadia and that he could limit access if needed so that provision for additional lots is not appropriate on this property. Mr. Cheek commented there is no justification to change the Plan, there is no change of condition. The area needs to stay agricultural based on the physical conditions of the roads and the use of the property. Betty Jean Blue with the ENA spoke in opposition, indicating it was an undesirable precedent to change the plan at this location. Randy Rognas spoke in favor the rezoning indicating that he feels that 1.3 acre lots are reasonable for this location. Kevin Cody spoke in opposition indicating the applicant had not contacted him as promised to settle previous property line disputes. He indicated smaller lots would be a substantial change.

Commissioner Moore indicated this application has multiple problems in terms of accessibility, confusion of the ownership lines, status of the street extending through Arcadia and no indication of any changes in the conditions of the area which would justify a Plan Amendment. Commissioner Waner indicated this was a major deviation from the Edmond Plan and would set an undesirable precedent for additional land division.

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

AYES: None

NAYS: Members: Waner, Moyer, Moore and Chairperson Cartwright

The next item on the agenda was **Case #Z050032 Public Hearing and Consideration of rezoning from "G-A" General Agricultural to "R-2" Urban Estate Dwelling District on the east side of Division Street, south of Covell Road, north of Arcadia. (New Home Consultants, LLC)**

Charles Allen with Allen Engineering Services, Inc., representing the property owner New Home Consultants, LLC, has submitted a request to rezone a 9.95 acre parcel of land south of Covell on the east side of Division, just north of Arcadia, from "G-A" General Agricultural District to "R-2" Urban Estate Dwelling District. The "R-2" Urban Estate Dwelling District has a minimum lot size of 40,000 square feet with 60,000 square feet required for a water well and septic system. The property is proposed to be split up into 5 lots, and a deed certification will be required for this division. Access to the property is through Arcadia on Division since Covell Road has not been improved east of Westminster. The property is currently vacant. The property north, south, east and west is zoned "G-A" General Agricultural District and projected for general agriculture land use on Edmond Plan III. The plan reflects single family land use east to Westminster and agricultural land use east of Westminster. In 2003, a 40 acre tract of land east of Westminster and south of Coffee Creek was rezoned to "R-2" Urban Estate Dwelling District.

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

AYES: None

NAYS: Members: Moyer, Waner, Moore and Chairperson Cartwright

There was no New Business.

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

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

NAYS: None

Meeting adjourned at 7:20 p.m.

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Leroy Cartwright, Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission