

## EDMOND PLANNING COMMISSION MEETING

**Tuesday, August 21, 2007**

**5:30 P.M.**

The Edmond Planning Commission Meeting was called to order by Chairperson Suzy Thrash at 5:30 p.m., Tuesday, August 21, 2007, in the City Council Chambers at 20 South Littler. Other members present were Bill Moyer, Leroy Cartwright, Barry K. Moore and Ingrid Young. Present for the City were Robert L. Schiermeyer, City Planner; Kristi McCone, City Planner; Jan Ramseyer-Fees, City Planner; Steve Manek, City Engineer; and Steve Murdock, City Attorney. The first item on the agenda was the approval of the August 7, 2007, Planning Commission minutes.

Motion by Cartwright, seconded by Moore, to approve the minutes as written. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Cartwright, Moore, Moyer, Young and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #Z070020 Public Hearing and Consideration of amendment to Edmond Plan IV from Urban Estate Dwelling to Planned Unit Development located on the northwest corner of 30<sup>th</sup> Street and the west I-35 Service Road. (James Davis)**

The following general planning considerations represent some of the factors evaluated in reviewing justifications for Plan Map Amendments.

1. Infrastructure: City water is adjacent to the property along the Frontage Road, a 24 inch line is located along the west Frontage Road. City sanitary sewer is not available to the site and is not likely to be available due to the service basin. This property drains to the southeast where there is no major sewer line planned. The Equine Hospital operates with a septic tank located one-eighth of a mile north of the site and the Oklahoma Municipal Power Authority offices are located immediately north and will also operate with a septic system or aerobic system. Edmond Electric would be available to serve an office building if the zoning is approved.
2. Traffic: There are no traffic counts along the Frontage Road. It is expected that traffic will generally increase as more uses are established along the Frontage Road access. This property has a 190 foot of frontage along west Frontage Road and there is existing drive approach that is not used along that frontage. Thirtieth Street is a residential street connecting the Henderson Estates North Addition to the Frontage Road. Driveways have been discouraged in these kinds of situations along residential streets, even when the density is greater than the acreage lots in the existing in the Henderson Estates North Addition (as an example, no driveways will be approved on Canary Drive north on Danforth next to the Kickingbird Addition or Locust Lane adjacent to Fisher Hills for the proposed office project under construction on the northwest corner of Locust Lane and Bryant).
3. Existing zoning pattern:
  - North – “D-3” Suburban Office
  - South – “R-2” Urban Estate Dwelling District
  - East – I-35 Frontage Road and Highway, east of I-35 “L-4” Lake Commercial

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West – “R-2” Urban Estate

4. Land Use:

North – “D-3” Oklahoma Municipal Power Authority Offices under construction

South – Single Family homes

East – I-35 Frontage Road at Interstate Highway, undeveloped commercial property on the east side of I-35

West – Single Family homes

5. Density: N/A, proposal is commercial zoning. Jim Davis is the owner of the property who purchased the land from a church. The zoning application identifies that a two story office building is the use planned.

6. Land ownership pattern:

North – Larger tracts, 5 acres or larger adjacent to the west Frontage Road

South – Acreage lots as a part of the Henderson Estates North Addition

East – Interstate Highway and large commercial tract east of the Interstate.

West – Acreage lots, part of the Henderson Estates North Addition

7. Physical features: The land contains substantial tree cover and is undeveloped. There is a small creek area on the southeast portion of the property, but not a 100 year flood plain. Henderson Estates North Addition was approved in 1963. Thirtieth Street has access to I-35 even prior to the Interstate interchange upgrade at this location.

8. Special conditions: The legal description is Lot 9 and part of Lot 10, Henderson Estates North Addition. The property is part of a residential plat.

9. Location of Schools and School Land: School locations are not a factor for this site. All the school public and private are over a mile from this location.

10. Compatibility to Edmond Plan III: Edmond Plan IV goes into effect May 23<sup>rd</sup>. This application was filed under Edmond Plan III. Extension of commercial was not anticipated on this property since it was part of a subdivision.

Site Plan Review: Commercial site plan review would be required if this rezoning is approved. This project is not proposed as a Planned Unit Development. Some of the issues the City staff would consider at the time of Site Plan Review include: (1) driveway placement (2) protection of mature trees, particularly remnant trees due to the I-35 Corridor standards and the increased landscaping standards (3) a good landscaping plan for protection of existing residential and (4) consideration of setbacks on the west side of the property.

Max Speegle represented the applicant. He indicated he has amended the PUD to provide for no driveway on 30<sup>th</sup> Street. He noted he is working on a document to be recorded at the courthouse and requiring approval by a majority of the residents to modify the restrictions to allow commercial on this property currently prohibited by the restrictions. He stated that the intent was to fall within the “D-O” level of office uses and this would include reducing the size of the building to less than 10,000 square feet. He had committed to a 35 foot setback on the west and a 25 foot setback on 30<sup>th</sup> Street. He

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indicated he would work on an official tree preservation plan to be reviewed by the staff when the site plan is submitted. He noted that the owner has also agreed to a 6 foot fence on the west side of the property.

Debra Harwood, resident of Henderson Estates North, indicated that she was working with Mr. Davis and Mr. Speegle to amend the restrictions and to provide for the requirements in the PUD that were concerns of the homeowners. It was indicated that she would like to have the addition's attorney look at the document to amend the restrictions. She indicated the owners would be interested in seeing the tree preservation buffer plan so that the area is undisturbed adjacent to the west where there is an existing home other than the construction of the fence. Commissioner Young asked of the recommendation for approval could be made subject to the covenants being changed. Mr. Murdock indicated that would be appropriate as a recommendation.

Lydia Lee representing ENA indicated this was a positive situation, the neighborhood working with the applicant. She was concerned about the sensitive border protection. She noted that the chart establishing the setbacks for sensitive borders was left out of the notice on Title 22. She suggested that the covenants will take some time to be modified, that the action on this request should be delayed waiting for that to be accomplished first. She felt the PUD Design Statement needed to be modified more completely to define the buffer details, height restrictions, the consideration of constructing the building on piers as that relates to the height. Max Speegle indicated he appreciated the neighborhood working with the owner. He felt like most of the issues that Ms. Lee brought up were site plan issues. He thought that the homeowners may be able to reach agreement on the covenant change even by the end of the month. He hoped that the item could be sent to the City Council as scheduled and he indicated if for some reason the covenants were not in order by the City Council meeting, he would continue the item.

Commissioner Moore asked that the motion should include the requirement that this item be delayed at the City Council if the process to modify the covenants is not completed.

Motion by Cartwright, seconded by Moore, to approve this request subject to this item being delayed at the City Council if the process to modify the covenants is not completed. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Cartwright, Moore, Young, Moyer and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #Z070019 Public Hearing and Consideration of rezoning from "R-2" Urban Estate Dwelling to Planned Unit Development located on the northwest corner of 30<sup>th</sup> Street and the west I-35 Service Road. (James Davis)**

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Attorney Max Speegle is representing James Davis in requesting "D-O" Suburban Office zoning. This tract of land is 1.72 acres (75,245 square feet) and was platted as a part of the Henderson Estates North Addition in 1963. Most of the lots have been built on with acreage single family lots with private water wells and septic tanks. The Oklahoma Municipal Power Authority is building a headquarters office to the north. There is an equine veterinarian office approximately 1/8<sup>th</sup> mile north of the subject property. There is a house to the immediate west and south of this location. City water is available along the frontage road; sanitary sewer is not available and is not likely to be extended into the area due to the natural drainage basin. The applicant's request does identify the potential for a two story office building. Since this location is within a subdivision, even office commercial was not projected on Edmond Plan III which was in effect when this application was submitted. The primary land use question is can an office building be constructed on the property to be reasonably compatible with the existing residential lots in terms of scale, access, overall impact? Based on the traffic of I-35 and the strong likelihood the volume of traffic will increase along the interstate, there is no practical way to improve on the protection of a residential lot adjacent to the Interstate Highway. Existing owners have preserved trees, planted new trees and buffered their immediate residence from the I-35 right-of-way. Some of the considerations for an office use could include limiting access to the Interstate frontage road with no access to 30<sup>th</sup> Street. This has been a standard that has been followed at some office locations such as the northwest corner of Locust Lane and Bryant and Canary and Danforth. The I-35 standards require that the parking lot be screened from view from the Interstate. The establishment of an appropriate scale office building may in the long term be the best use of the property due to the external effects of the Interstate. Some of the policy issues related to this proposed PUD include should a driveway be allowed on 30<sup>th</sup> Street even for a small parking lot. Should there be a buffer setback on the west nearest the existing home of a protected tree area with no grading or clearing of this area? This would provide for protection of existing trees and grades rather than re-landscaping. There is no 100 year floodplain through the creek area but without a detailed (site plan level drainage study) there is no way to be sure that a building could be constructed on stilts over the creek area. It may be too early in the design process at the time of the PUD to entirely prohibit the building at the location proposed but until the drainage study it is not known if such a location is feasible. Detention requirements would still apply and it is the standard practice with no exceptions that trees cannot be placed in a detention area. Whether the trees shown in the low area of the creek can be preserved is also unknown at the time of zoning. The owner has options for his detention such as placing a vault underground, in an attempt to retain trees. None of that information is available, no complete drainage study has been submitted, it is unknown how many trees can be retained. The I-35 Corridor provides for the following standards on buildings. "Buildings shall be predominantly one or two exterior materials. Exterior walls shall be brick, stone, rock, wood or a combination of these materials. Glass may be considered. Trim and

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accent materials shall comprise no more than 15% of the exterior finish.” The standard practice for water line extension is that an appropriate size water line be extended on 30<sup>th</sup> Street in the 30 foot right-of-way from center line to the far west property line. Curbing and sidewalks are often required with commercial projects. In some cases, there are exceptions such as at Locust Lane west of Bryant where there will be no sidewalk and no curbing. The Planning Commission should address these issues in the PUD as part of the recommendation to the City Council.

Section 22.3.2 **Zoning Map Amendment** of the new Zoning Code lists 9 Review Criteria. The Ordinance indicates the City Council shall consider these factors. The staff will provide answers for Planning Commission and City Council consideration from the staff’s planning perspective as one of the parts of the review for this request. These 9 Criteria alone may not represent a complete review of each application. The Planning Commission can consider other factors they believe to be important.

1. **Consistency (or lack thereof) with the Edmond Plan** – The Jim Davis “D-O” Suburban Office location on the northwest corner of 30<sup>th</sup> and I-35 Service Road is not consistent with Edmond Plan III or Edmond Plan IV as a projected use. This lot is part of the Henderson Estates North Addition and would not have been recommended for office primarily for that reason on the Edmond Plan.
2. **Compatibility with the present zoning and conforming uses of nearby property, including overlay zoning and with the character of the neighborhood** – A “D-O” Office use on a 1.74 acre lot at the subject location could be compatible with the one acre residential lots adjacent to the west and south. The lot is adjacent to I-35 and is vacant and the construction of a new home on the property can attempt to buffer the Interstate external effects of traffic, noise, vibration, dust and lights but the Interstate traffic is likely to increase due to the Interstate network through Oklahoma as well as the uses that are established along the Interstate and in the eastern part of Edmond using the Interstate. OMPA has recognized the convenience of this location and is constructing an office to the north. The long term compatibility of office uses for the subject property may be a beneficial use for the residential uses to the west. A small church was once considered on the property. Retail is unacceptable as is multi-family
3. **Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment** – If the “D-O” zoning requested is approved or made applicable by the proposed amendment, the land use pattern along this portion of I-35 will be large lots to the west with “D-O” Office south of the “D-3” Office district to the north approved for OMPA. Even though the lot to the south is constructed with a home and is an oversized lot with substantial vegetation, a consistent and orderly pattern of zoning would suggest that lot could also be suitable for “D-O” if requested. Edmond has used the “D-O” when the intent is to just approve one building site (not spot zoning but establish a different use due to the characteristics of the land) such as the dental office under construction on the east side of Santa Fe west of the Cedar Point Addition. If a homeowner who

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recognizes the character of the traffic along I-35 may be satisfied with a home on the property but for the long term a residential scale office is a reasonable use.

- (4) **Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment** – The construction of a single family home on the subject 1.74 tract could be appropriate for a homeowner who is willing to accept the impact of traffic effects from I-35. The staff has often discussed that construction of single family homes adjacent to I-35 even without frontage roads or interchanges at the mile sections is not the best practice. Transition uses are often better along the Interstate such as offices, churches or other non-residential uses. Another option is to construct landscaped barriers, walls or substantial berms to minimize the Interstate effects. For a long term viewpoint, the appropriate scale office is likely to be a better use than a residence on the property.
- (5) **Length of time the subject property has remained vacant as zoned** – The Henderson Estates Addition was approved in 1963. The property is currently vacant. The staff is not aware of any previous construction on the property.
- (6) **The extent to which approving the rezoning shall detrimentally affect adjacent properties** – For many existing office locations, the driveways are not on a residential streets. One story construction is preferred although two story with the appropriate setbacks would be acceptable. Many residential lots are planned to save the existing trees and work out a floor plan for the graded portion of the lot that accomplishes that. Bradbury Corner Addition is an excellent example where trees have been saved during the home construction phase but most Edmond Additions practice protecting trees during construction since the trees add significant value to the home. To the extent that this office project accomplishes some of those design criteria, there should be no detrimental effect to the adjacent homes.
- (7) **The gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application** – If the rezoning is denied, the most appropriate use of the property would be for single family residential. The 1963 Henderson Estates North Addition was approved with individual water wells and septic tanks and those services could be continued. Other uses such as retail or multi-family are substantially more intense than office and are not appropriate in the staff's opinion. Even a church use may require substantial coverage of the lot for parking and represent more of a change to the property than one office building or one additional home. With access on the frontage road and the ability to connect to city water for fire protection, there are no substantial adverse impacts to the health, safety and welfare. A property owner continuing to develop the land as residential may wish to orient the house to 30<sup>th</sup> Street and create separation from the frontage road to minimize the noise, dust, lights and other external effects from the Interstate highway which continues to increase in traffic volume. Cut through traffic from the frontage road on 30<sup>th</sup> Street could occur regardless of the use of the property. If that becomes a problem, the resolution is not primarily use related.

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**(8) Availability of water, wastewater and stormwater facilities suitable and adequate for the proposed use** – City water is available along the frontage road. Sanitary sewer is not available to the property and not likely to be available. The developer will need to install detention to meet stormwater requirements. The lot is large enough for an aerobic or septic system for a reasonably sized office building.

**The negative impact, if any, which may be reasonably anticipated as a result of approval of the application** – Negative impacts comparing one additional home on the lot or one office building on the lot are not substantial and are also debatable. An office building could be constructed with access from the frontage road, limitation in size, consideration of setback from the residential to the west and south, appropriate placement of the parking with no extra parking and preservation of as many trees as possible and a detention design that is sensitive to tree protection and represent an equal impact of a home built on the property which would follow different standards. Uses listed in “D-O” that would not be appropriate are library (too much traffic), a school (too much traffic), a bank (too much traffic and other external effects), veterinarian (impact of external effects) and many of the Specific Use Permit uses. A limited square footage office building is substantially different than these “D-O” uses listed. The application is not filed as a PUD but the owner has not expressed an interest in the other uses, some of which seem unlikely.

Motion by Moore, seconded by Moyer, to approve this request subject to this item being delayed at the City Council if the process to modify the covenants is not completed.

**Motion carried** by a vote of 5-0 as follows:

AYES: Members: Moore, Moyer, Young, Cartwright and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #SP070033 Public Hearing and Consideration of site plan approval for a new commercial building on the south side of Enterprise Drive, west of Baxter Electric. (BRS)**

Planning Department:

1. Existing zoning – “F-1” Light Industrial
2. Setbacks – Front setback south of Enterprise Drive is 65 feet from property line. The east setback from the east property line is 53 feet. The west setback from the west property line is 17 feet. The rear yard is 104 feet. All setbacks comply with the “F-1” Zoning. All the surrounding zoning is Industrial, there is no sensitive border requiring additional setbacks.
3. Height of buildings – The height of the building is 25 feet.

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4. Parking – The parking is 18 spaces. Parking for an office/warehouse could be 19 spaces, so this project has no extra parking for landscaping purposes.
5. Lot size – The building is 8,716 square feet.
6. Lighting Plan – The lighting will be from wall packs on the building for basic security. No light poles are proposed.
7. Signage – If a ground sign is used, it will be 6 foot tall, 42 square feet. Only wall signs are anticipated.
8. General architectural appearance – The building is a combination of metal and brick. The north elevation faces Enterprise Drive which includes brick and metal panels. The east and west elevations also includes some brick, even the back of the building includes some brick veneer. The building fully complies with “F-1” and the character established in the Enterprise Business Park.
9. Sensitive borders – There are no sensitive borders. All the land is zoned industrial.
10. Mechanical equipment – The mechanical equipment will be located on the ground. With the roof construction and a 12/2 pitch, mechanical equipment could not be located on the roof without being very visible which would be in violation of the code.
11. Fencing/screening – No fencing or screening is proposed.

Engineering Department:

12. Driveways/Parking –One driveway is planned off Enterprise Drive.
13. Title 21 water and sanitary sewer plans – Water and sewer are adjacent to the site and will be extended for service.
14. Drainage Report and related grading report plans – Detention is required on each lot and detention plans have been submitted by Tanner Consulting for a detention area on the south side of the building.
15. Street paving and access management – Enterprise Drive has been constructed to City standards and this project meets access management requirements.

Fire Protection:

16. Fire Prevention and Building Department – the Fire Department has reviewed the plans and approved the building.

Community Image:

17. Landscaping - <u>Lot area = 44,901sf</u>	<u>Landscape provided on plans submitted</u>
Ten per cent of lot = 2245.05 sf	2245.05 sf landscaping/lawn area
Required in front yard = 1123 sf	1123 sf in front yard
Plant units required = 180 plant units	227 plant units
Evergreen required = 72 plant units	143 plant units
Front yard plant units = 90 plant units	90 plant units

Sanitation Department:

18. Refuse facilities – the dumpster enclosure is located in the back of the property and there is a paved area that is 65 feet wide. Hopefully, this will be adequate to back the sanitation truck up to exit in a forward manner. The staff understands the Sanitation Department feels it is dangerous to back the full length of the

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property just short of 300 feet back to Enterprise Drive. The dumpster location could be moved to the front although that will still require some backing. The location at the back of the building should be workable. An enclosure can be deleted if that helps maneuverability and the pad could be placed at an angle if requested.

Electric Department

19. Electric – The area is unplatted and is not required to be platted. Edmond Electric may need a utility easement for their equipment.

Chris Wilson with BRS was in attendance. He indicated he would grant the electric easement as requested by the City.

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

AYES: Members: Moore, Young, Cartwright, Moyer and Chairperson Thrash  
NAYS: None

The next item on the agenda was **Case #SP070025 Public Hearing and Consideration of site plan approval for Bryant Place Apartments located on the south east corner of Kickingbird Road and Bryant. (BVP, Bryant Place, LLC)**

General Description: BVP Bryant Place LLC is requesting approval of 108 apartments on 7.09 acres (309,131 square feet). The proposal is to build nine, 3 story apartment buildings with 4 units per floor, 12 units per building. One of the buildings will be devoted to a community building; it will have no living units. The Oklahoma City Clinic is located to the south and west of this location. A sports medicine clinic is located to the north and Woodcreek Townhomes are located to the northeast. Kickingbird Apartments are located to the immediate east. A bank and convenience store are located to the west of this site across Bryant. The access to this project is from one drive approach on Kickingbird Road. There will be no curb cuts on Bryant. Since the residents are planned to be college students, the development is proposing more than 216 parking spaces since each resident of the apartments may have their own car. The owner is proposing to exceed the landscaping requirement which would be a standard for providing more than the maximum number of parking spaces.

Planning Department:

1. Existing zoning – “C-3” High Density Multi-Family. This district allows 16 units per acre, 112 units would be possible on 7 acres but the owner is planning 108. The number of units cannot be changed without Planning Commission approval.
2. Setbacks – the setback from Bryant, even though there is no access, is 50 feet from property line and this development meets that standard with a 70 foot setback since a parking lot and the required landscape area is to be established along the Bryant frontage. The front of the property is on Kickingbird Road and the required

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setback is 25 feet from property line; the project meets that standard with a 80 foot setback from property line. The east side setback is 8 feet for two story and the project meets that requirement with a 75 foot setback. The rear yard setback is 20 feet and the buildings are set 74 feet off the south property line.

3. Height of buildings – the building height is 3 story, 49 feet as measured from the ground to the highest point of the building. The roof has a 12/6 pitch and will not include any mechanical equipment. The maximum height in “C-3” is listed at 45 feet. The buildings will be fire sprinklered as required by the Fire Code and Building Code.
4. Parking – 216 parking spaces are required for the 108 apartment units. 409 spaces have been provided. The landscaping requirement increases when the parking exceeds the required number.
5. Lot size – 7.09 acres (309,131 square feet).
6. Lighting Plan – 25 foot tall light poles are required. No taller lights are allowed.
7. Signage – One sign location is provided. The overall height is 8 feet and the square footage is 25 square feet. This meets the requirement for residential signage.
8. General architectural appearance – Mechanical equipment will be located on the ground. The roof material is composition shingles. There are no shutters on the windows and none are recommended. The exterior finish is mostly brick veneer. The community building is stone with some stucco trim. Some of the fascia on the stairwells are cement panels on the main buildings.
9. Sensitive borders – no sensitive border applies to this property. The land to the east is zoned Multi-Family, to the north Multi-Family and commercial and the land to the south and to the west are commercial.
10. Mechanical equipment – All the mechanical equipment will be located on the ground.
11. Fencing/screening –no sight proof fencing is required except on the dumpster enclosures.

Engineering Department:

12. Driveways/Parking – one drive approach on Kickingbird Road. The Fire Department has reviewed the plan for circulation and approved it. There are a number of looped driveways although the southern end does have dead end parking lots but there is adequate access to the buildings with emergency equipment turning capacity.
13. Title 21 Water and sanitary sewer plans – city water and sewer are adjacent and are being connected for service.
14. Drainage Report and related grading report plans – detention is being accomplished with some underground storm systems. The property is proposed to be platted as required by the Subdivision Code.
15. Street paving and access management – Kickingbird Road is paved to city standards as is Bryant adjacent to this site. Access management requirements have been met. The medians are owned and maintained privately along Kickingbird Road.

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16. Fire Protection:

Fire Prevention and Building Department – This office has met with Teresa Lenox with Smith Roberts on 3-20-07, we discussed the following changes that could or will affect your review.

Water plans and fire hydrant locations: Submitted water plans will be altered with the following fire hydrant locations added.

- 1) One at the front drive
- 2) One on the west end of the front road
- 3) One on the east end of the front road
- 4) One in front of the 5 buildings on the south end of the property

Note: Smith Roberts has been advised the buildings will be required to be fire sprinklered. The fire flow requirements for the buildings will be 1125 gallons per minute for 2 hours.

Access issues:

The front drive will need to be increased in size to as large as allowed by City standards. Since everyone including the aerial fire truck will have to make right hand turns only, then drive the area or make a U-turn on Kickingbird Road to get back to Bryant, it is recommended that a curb cut be completed on Kickingbird Road directly across from the drive. The southwest building does not have a proper fire department access. The drive will need to be modified to accommodate this requirement. No gates are indicated on the plans.

Community Image:

17. Landscaping - <u>Lot area = 269,079 sf</u>	<u>Landscape provided on plans submitted</u>
25 per cent of lot = 67,270 sf	78,792 sf landscaping/lawn area
Plant units required = 5,382 plant units	5,514 plant units
Evergreen required = 2,153 plant units	4,395 plant units
Front yard plant units = 2,691 plant units	2,819 plant units

Sanitation Department:

18. Refuse facilities – a number of locations have been provided for dumpster enclosures.

Electric Department

19. Electric –The final plat for this addition will be placed before the Planning Commission with the necessary easements Mr. Austin may require, as soon as your site plan has been approved by the staff as finally corrected.

Randel Shadid represented the owner indicating that the project was geared for student housing and that is why the project exceeded the parking requirement but that additional landscaping had been added to compensate for the parking. Chairperson Thrash asked how many dumpsters were planned. It was indicated that 3 were proposed. The owners indicated they would plan to empty them more frequently or add a dumpster if needed. Lydia Lee indicated she was not opposed to the project. She asked if the southwest building did have the access corrected as indicated in Mike Barnes original report. It was

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indicated that the project plans had been corrected.

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

AYES: Members: Moore, Young, Moyer, Cartwright and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #U070014 Public Hearing and Consideration of Specific Use Permit located at 745 Enterprise Drive south of 15<sup>th</sup> and east of Kelly. (South Edmond Church of Christ)**

Larry Lambrecht owns 745 Enterprise Drive east of Kelly south of 15<sup>th</sup> Street. This project has already been approved recently with a commercial site plan. The property is zoned "F-1" Light Industrial. The South Edmond Church of Christ would like to occupy Suite 150 of the existing building for their church. The entire property contains 45,000 square feet and the parking will be shared with the other tenants which operate different hours than the church. The suite contains 3400 square feet. There are 48 parking spaces available. Improvements have already been completed for this location to include detention, driveway, fire access, building code and fire code compliance with the building, landscaping, sanitation and electric. This church, currently at 302 W. Edmond Road, is moving to this new location. Membership is approximately 40 persons.

Larry Lambrecht was in attendance requesting approval. No one appeared in opposition.

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

AYES: Members: Cartwright, Moore, Moyer, Young and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #PR070029 Public Hearing and Consideration of Preliminary Plat of Murphy's Oil Addition on the east side of Santa Fe ¼ mile south of Danforth.**

Carlson Consulting is representing Wal-Mart Inc. in requesting preliminary plat approval for the Murphy's convenience gas site on the east side of Santa Fe south of Wal-Mart. The proposed lot is 29,873 square feet and contains existing Murphy building with all the improvements completed. Murphy's wants to purchase their own parcel. Since site plan has been completed, there is no requirement for a plat even though that is the current standard. The current Subdivision Code now requires 70 foot of right-of-way from the center line and the plat needs to be modified prior to the final plat to include that 70 foot of right-of-way. The sign and landscaping is in the area where the additional right-of-way would be granted but that may be the circumstance in many locations where the new

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right-of-way standards apply. City water and sewer are adjacent to the site and easements need to be provided for the sanitary sewer lines or the sewer line needs to be extended to the lot if not already. The detention was complete for the entire Wal-Mart site when Murphy's was requested. The detention areas are off site to the south meeting the Title 23 standards for Murphy and an off site easement will be needed to document that the drainage requirements were met on the adjoining property. It is possible to drive from the Murphy's onto the Wal-Mart site and a cross access easement needs to be shown on the east side of the property for this cross access. The preliminary plat would be subject to approval based on 1) 70 foot of right-of-way from the center line of Santa Fe; 2) the off site easements for the use of the detention area on Wal-Mart; and 3) a cross access easement to the east.

Michael Lawshe representing the engineering company indicated he would grant the easement for the street drainage and cross access.

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

AYES: Members: Cartwright, Moore, Young, Moyer and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #PR070032 Public Hearing and Consideration of Preliminary Plat for Landings II at Stonebridge located south of 33<sup>rd</sup> Street west of Boulevard. (Derek Turner)**

Derek Turner is requesting preliminary plat approval of an 88 lot single family addition located south of Wynn Drive ½ mile west of Boulevard north of the Leavitt's North Park Addition. This development contains 20.26 acres and the lots are 7200 square feet (60 feet by 100 feet). Homes are planned at approximately 1800 square feet. The various phases of the Stonebridge project are located to the east. There will be no street connection to the Leavitt's North Park Addition which is an acreage type of development where residents have always protested the connection of higher density development with the rural type streets in Leavitt's. In addition, the intersections at Rhode Island and Jordan with Memorial are not the best locations to encourage left turning traffic movements due to the speed and volume of traffic. These streets were not designed as collector streets and may not benefit traffic distribution.

Patrick Myers appeared for the applicant and indicated this was the last phase of the project and it follows the original preliminary plat approval without any changes which is now 2 years old.

Pat Chivers, Stonebridge Addition, indicated he was told by his builder or realtor that it would be the same type of housing as his phase of Stonebridge. Don Barnett, 128 Bon

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Air, indicated he thought the lots would be 9,000 square feet as indicated by his builder. Keith Peters, Bon Air, was concerned about the 7200 square foot lots versus the lots in the first phase of the Landings. Chairperson Thrash indicated there had not been any changes in what has been submitted to the City. Patrick Myers apologized for builders not understanding what had been approved because nothing has changed from what had been explained to them when they bought the lots. The original covenants for the various phases are also help maintain a consistency of quality.

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

AYES: Members: Cartwright, Moore, Moyer, Young and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #PR070030 Consideration of Final Plat for Landings II at Stonebridge located south of 33<sup>rd</sup> Street west of Boulevard. (ACF, LLC)**

Ernest Isch, representing ACF, LLC is requesting Final Plat approval of the Landings II at Stonebridge. This addition contains 88 lots on 20.26 acres. The lot sizes are generally 60 feet by 120 feet, or 7200 square feet or larger. The addition would be served with full City utilities and would be accessed through the Stonebridge development to Boulevard. Wynn Drive is adjacent to the property on the north but is not planned to be connected. There is already substantial congestion at Wynn Drive and 33<sup>rd</sup> Street. Additional trips are not recommended to access Wynn Drive. The property adjacent to this tract on the north and on the west is zoned commercial. Apartments are actually developed to the north. The lots in this addition are planned with a 20 foot building line for the front setback, all the other setbacks would be standard, 5 foot side yards and 20 foot rear yards. This project is zoned "A" Single Family Planned Unit Development. All the streets in the development will be public dedicated streets. There will be 2 access connections to the existing Stonebridge development. All the utilities are located in the front of the property and an additional easement has been granted, more than just the street easement, for the utilities. This will be the last phase of the Stonebridge residential development.

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

AYES: Members: Moore, Cartwright, Moyer, Young and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #Z070021 Public Hearing and Consideration of amendment to Edmond Plan IV from General Commercial to Planned Unit Development located on the east side of Broadway at 3900 S. Broadway. (Merrick**

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**Family Real Estate LLC)**

The location is fully constructed, no new buildings are planned. The open display uses would be applied to the existing buildings. The areas will be limited because the parking spaces will have to be maintained.

The following general planning considerations represent some of the factors evaluated in reviewing justifications for Plan Map Amendments.

1. Infrastructure: All the water and sewer are available to serve the property. There is no new construction planned and all utilities are available.
2. Traffic: Broadway is the busiest street in the city with over 53,000 vehicles per day.
3. Existing zoning pattern:
  - North – “E-2” Open Display
  - South – Oklahoma City
  - East – “A” Single Family PUD (Landings II @ Stonebridge)
  - West – “E-3” Restricted Light Industrial
4. Land Use:
  - North – restaurant and car lot
  - South – car lot and Oklahoma City
  - East – undeveloped
  - West – vacant Golden Corral
5. Density: not applicable, commercial uses proposed.
6. Land ownership pattern:
  - North – multiple commercial ownerships, 1 acre or larger lots
  - South – large ownership, car dealership
  - East – 20 acres undeveloped
  - West – half acre lots, commercially used and/or vacant
7. Physical features: built environment, existing concrete and buildings will be used as situated, no new construction.
8. Special conditions: none
9. Location of Schools and School Land: not applicable, no schools within a mile of this location
10. Compatibility to Edmond Plan IV: Edmond Plan IV did not project additional open display. The ordinance requires PUDs for amendments and that is a good tool to use in determining the appropriateness of open display at various locations. Some businesses use the open display zoning as a method of storing unused items from their business. Other open display businesses have an appropriate arrangement and display of materials. The owners in this particular place, Ward Merrick, would be willing to limit the method of storage and display on their front 2 buildings as viewed from Broadway. Those materials could include the storage buildings common to home improvement centers, boats, cars or motorcycles. Storage of granite or other similar items would be maintained within the interior of the Irongate development. Parking would be maintained for all uses or occupancies of the buildings. This limited

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open display or outdoor storage is consistent with what is along Broadway south of 33<sup>rd</sup> Street and would be different than locations where the materials are stored as needed on the property.

Site Plan Review: Site plan may not be required for the addition of the open display.

Teresa Brown spoke representing the application. She explained that the owner wanted to have the portable buildings to store materials of the existing businesses. There may be some cars for sale. The owner is willing to restrict the type of display or storage in the first 300 feet of the project. Lydia Lee with ENA spoke in opposition to this rezoning. She indicated this would set a bad precedent and there was an open ended and not well defined list of uses and materials that could be used or displayed if the zoning is approved. Commissioner Moore indicated the PUD could use some more work and he could not support the request at this time.

Frank Merrick requested this item be continued.

Motion by Cartwright, seconded by Moore, to continue this request to September 18, 2007. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Cartwright, Moore, Moyer, Young and Chairperson Thrash  
NAYS: None

The next item on the agenda was **Case #Z070022 Public Hearing and Consideration of rezoning from “E-3” Restricted Light Commercial to Planned Unit Development (Open Display uses) located on the east side of Broadway at 3900 S. Broadway. (Merrick Family Real Estate LLC)**

Motion by Moore, seconded by Cartwright, to continue this request to September 18, 2007. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Moore, Cartwright, Young, Moyer and Chairperson Thrash  
NAYS: None

The next item on the agenda was **Case #PR070022 Consideration of Final Plat of Arbor Creek at the Summit located 1,317 feet north of Second Street ¼ mile east of I-35. (Caleb McCaleb)**

Caleb McCaleb is requesting final plat approval of 8.99 acres for 33 single family lots on the east side of The Summit project located east of I-35 north of Second Street. The lots are generally 60 foot by 120 foot or 7200 square feet with 1600 – 2000 square foot homes planned. This addition is west of Mountain View Park. The Summit is a mixed use project including commercial, multi-family zoning and single family on the east side of the overall project. The setbacks proposed for this addition request a 20 foot front building line rather than 25 but the side yards and rear yards would be the same as required.

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The most significant contingency for this addition is that no work order has been issued for The Summit project which extends the utilities and roads to this phase of the development. Mr. McCaleb is not constructing The Summit Addition which consists of a traffic light on Second Street, the main road that extends north of Second Street to his project, the water line extending from Second Street, sanitary sewer lines which extend south of Second onto the Life Church property and Life Church needs to provide an easement for that sewer line and various drainage improvements for The Summit. Without those improvements the Arbor Creek at the Summit cannot be built unless Mr. McCaleb chooses to make those improvements for the other development. Approval of the Arbors will have to provide that all of the Summit requirements be complete and accepted or properly guaranteed prior to the acceptance of the Arbor's improvements.

Caleb McCaleb spoke indicating he is working with Mike Galiga and that they put up a bond to guarantee the off site improvements and he understands his project cannot move forward until the Galiga phase of The Summit is complete.

Motion by Moyer, seconded by Cartwright, to approve this request subject to the first phase of The Summit being fully completed. **Motion carried** by a vote of 5-0 as follows:  
AYES: Members: Moyer, Cartwright, Moore, Young and Chairperson Thrash  
NAYS: None

The next item on the agenda was **Consideration of request for lot split approval Lot 19, Block 2, Windmill Estates Addition, 3755 Raccoon Circle. (Dennis and Jennifer Barry)**

Dennis Barry, the owner of property at 3755 Raccoon Circle in the Windmill Estates Addition, is requesting another consideration for lot split approval to allow 2 home sites where the platted lot allows for 1. Mr. Barry has his existing house on the east side of the lot and would retain that house and 43,475 square feet as a Lot. Mr. Barry owns 85,050 square feet platted as Lot 19, Block 2 of Windmill Estates. A new lot is planned west of the house containing 41,575 square feet. Windmill Estates was platted when the addition was in the County (1972). The City annexed this property in 1978 and it was zoned "A" Single Family after annexation. Lots in Windmill Estates may be as small as 40,020 square feet (44,022 including to the center of the adjoining road). This area is developed with water wells and septic tanks and no change of that is planned.

Mr. Barry has been denied twice previously for the same lot split request. The neighbors have protested this request. Ronnie Williams with the Edmond Neighborhood Alliance has suggested that such re-divisions of plats require a new plat to be filed where all the property owners would have to be informed of the change. The ordinance has not been amended to require re-plat. Mr. Jim Hurt, a property owner to the west, owns Lot 10

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Block 2 and has been previously approved for a lot split in 1990 and a second home has been constructed on Lot 10. Minutes are attached. Title 21 of the Edmond Code provides for lot splits. The typical standards provide for meeting the lot size for utilities, public or private, a location not in a floodplain, and a lot that has access to a public street or appropriately designated private street. The 41,000+ square foot lot would meet the State requirements for a septic tank and water well even though the current standard in the City is 60,000 square foot net lot area. Mr. Barry is asking for approval even if that requires a variance under the current subdivision codes. As previously indicated, Windmill Estates was approved by the County but the standard for septic and well even in the City of Edmond in 1972 was for a 40,000 square foot lot common to Old Farm, Arrowhead Hills and the original Tall Oaks Additions.

The City has encouraged the filing of a new plat in recent cases such as in the Hunter's Creek Addition where an individual was buying a portion of a lot behind his house for an accessory building (Codispoti). Oak Tree re-platted some common area as part of an amended Summit at Oak Tree Addition. Since the Subdivision Code has not actually changed, deed approvals or lot splits could still be considered without plats as recently done at the Coffee Creek Addition with the 28,000 square foot lot proposed next to the 14<sup>th</sup> tee box on the golf course. The deed is requested for approval with the understanding that a private water well and septic tank will be used on the 41,000+ square foot lot.

Dennis Barry requested a lot split similar to the request by Mr. Hurt to the west. He felt it was unreasonable that the plat restrictions had not been upheld by the residents for that case which isn't based on when the City approved the deed but action could have been taken since the covenants had been broken but no one has initiated any action. His request is equal to that approval.

Michael O'Brien opposed this request indicating it violated the covenants. He indicated he had opposed this item 3 times. He said there was a procedure to change the covenants and that is what should happen before this case is approved.

Earl Stump, the developer of Windmill Estates, indicated he had field restrictions in 1973. He was also not aware of the previous split by Mr. Hurt. Mr. Hirsch on Beaver Circle also opposed the lot split. Commissioner Cartwright indicated he had supported this before and supports it now. Commissioner Young said she had no objection to the request.

Motion by Moore, seconded by Cartwright, to approve this request. **Motion denied** by a vote of 2-3 as follows:

AYES: Cartwright and Young

NAYS: Members: Moore, Moyer and Chairperson Thrash

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The next item on the agenda was **Consideration and approval of Calendar of Meetings for 2008.**

It was pointed out that the March 18 meeting occurs during spring break for Edmond Schools and it would be best to remove that date from the schedule. This is a vacation time for many people. If members know they may be absent, it is best to not schedule the meeting. It was discussed there would be a high likelihood of membership availability for this week. It was suggested that no meeting be scheduled. Commissioner Cartwright indicated he had not received the calendar

Motion by Moore, seconded by Moyer, to approve the Calendar with the removal of March 18<sup>th</sup>. **Motion carried** by a vote of 4-1 as follows:

AYES: Members: Moore, Moyer, Young and Chairperson Thrash

ABSTAINS: Cartwright

The next item on the agenda was **Discussion and Consideration of Ordinance Amending Chapter 21.07 of the Municipal Code by adding new Section 21.07.050 Notice and Approval of Plat Changes; providing for Notice and Hearing and Approval Requirements.**

City Attorney Steve Murdock introduced an ordinance that requires notices prior to any changes other than errors and defects to an accepted plat. Notices would be required to be given to all property owners within the addition. The applicant would have to provide the names and addresses on a certified list and pay for the actual cost of notice.

Commissioner Moyer asked why the notice did not limit the area to 300 foot adjacent to the site. He indicated this approach would be current with standards used presently. It was noted that everyone in the addition could be interested in changes in the addition. Commissioner Cartwright asked if this ordinance was applied retroactively for all platted subdivisions even ones recorded prior to 1955 when the first subdivision ordinance was established. He was concerned about the older part of the City, essentially east of Kelly, south of Danforth, north of 15<sup>th</sup> Street or possibly 9<sup>th</sup> Street and west of Bryant. It is common to change the 25 foot wide lots and felt that might be unnecessary for this area. It is very common to sell one-half of a lot and would this be considered a change in plat; persons frequently buy 4½ lots of the 25 foot wide lots by the 140 foot depth which creates a reasonable building site but does not match the lots as platted. He also asked if it would apply to commercial plats and the City Attorney indicated it would.

Commissioner Young asked if it would be best to notify all the persons within an addition and within 300 feet of the subject property. It was indicated that all of these comments could be sent to the City Council as considerations for the ordinance. Betty Jean Blue felt the ordinance was very important and that even the 300 foot notice is not a large enough area. Commissioner Moore asked that all the comments be sent to the City

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Council.

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

AYES: Members: Moore, Moyer, Young, Cartwright and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #U070013 Public Hearing and Consideration of Specific Use Permit to include Ministries for Jesus medical office site plan generally located east of I-35 and ¼ mile north of 15<sup>th</sup>. (Henderson Hills Baptist Church)**

This item was continued to the September 4, 2007 Planning commission meeting at request of applicant.

Motion by Moore, seconded by Moyer, to continue this request to September 18, 2007.

**Motion carried** by a vote of 5-0 as follows:

AYES: Members: Moore, Moyer, Cartwright, Young and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #Z070007 Public Hearing and Consideration of amendment to Edmond Plan III from Single Family Usage to Open Display Commercial Planned Unit Development Usage on property generally located on the southeast corner of Covell and Sooner. (Covell I-35 Development, LLC)**

This item was continued to the September 4, 2007 Planning commission meeting at request of applicant.

Motion by Cartwright, seconded by Moyer, to continue this request to September 18, 2007. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Cartwright, Moyer, Moore, Young and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #Z070008 Public Hearing and Consideration of rezoning from "A" Single Family to "E-2" Open Display Commercial Planned Unit Development on property generally located on the southeast corner of Covell and Sooner. (Covell I-35 Development, LLC)**

This item was continued to the September 4, 2007 Planning commission meeting at request of applicant.

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Motion by Cartwright, seconded by Moyer, to continue this request to September 18, 2007. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Cartwright, Moyer, Moore, Young and Chairperson Thrash

NAYS: None

There was no New Business.

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

AYES: Members: Moore, Young, Cartwright, Moyer and Chairperson Thrash

NAYS: None

Meeting adjourned at 8:20 p.m.

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Suzy Thrash, Chairperson  
Edmond Planning Commission

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Robert Schiermeyer, Secretary  
Edmond Planning Commission