

September 16, 2008

EDMOND PLANNING COMMISSION MEETING

Tuesday, September 16, 2008

5:30 P.M.

The Edmond Planning Commission Meeting was called to order by Chairperson Suzy Thrash at 5:30 p.m., Tuesday, September 16, 2008, 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 September 2, 2008, Planning Commission minutes.

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

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

NAYS: None

The next item on the agenda was **Consideration of Deed Certification for a parcel located west of Sooner Road north of the Tuscan Park II Addition. (Shirley Anglin)**

Shirley Anglin is requesting approval of the division of approximately 23,137 foot of her property to be added to a proposed lot in the Tuscan Park II Addition. The dimensions of this parcel are 110.18 x 210. This tract is not large enough for a separate building lot since it does not have access to a street or access to public utilities and it is not eligible for water well and septic tank for private service due to the size of the lot. Mr. Chet Leonhardt is planning to add this parcel to Lot 5, Block 10 which makes it an oversized lot suitable for a larger home or a custom designed floor plan. There is an existing water well on this parcel used to supply water for the pond in Tuscan Park, Section 1. If this parcel is not added to a completed Tuscan Park II Addition lot, the site is not suitable as a separate building parcel meeting Edmond codes. Since Final Plats are valid for two years unless a work order is approved, Mr. Leonhardt would have needed to request an extension of the original plat to continue; but he filed a new plat of Tuscan Park II with the change being the addition to Lot 5, Block 10, of the Anglin parcel. If all parties agree to the parcel size to be exchanged, the condition of the deed approval needs to require that the subject tract be added to Lot 5, Block 10 in the proposed Tuscan Park Section II Addition.

Attorney Ben Kirk was in attendance representing the applicant. Mr. Kirk indicated he understood the Plat was required to conform to the dimensions of the lot split request.

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

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

NAYS: None

The next item on the agenda was Case #PR050021 Consideration of the Final Plat of Tusan Park II Addition, located on the west side of Sooner Road, approximately one quarter mile south of Danforth Road. (Chet Leonhardt)

Chet Leonhardt requested this item be continued to October 7, 2008.

Motion by Moyer, seconded by Moore, to continue this item to October 7, 2008. **Motion carried** by a vote of 5-0 as follows:

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

NAYS: None

The next item on the agenda was **Case #Z080044 Public Hearing and Consideration of rezoning from "G-A" General Agricultural to "R-1" Rural Estate Dwelling District on a 5 acre tract at 7509 Sandy Lane, located east of Midwest Boulevard. (Wesley and Wilma Pitchford)**

Mr. and Mrs. Pitchford would like to divide their five acre tract into two, two acre or just over two acre lots. This location is east of I-35 is an area where private streets have developed over the last twenty years. Both Sandy Lane and Midwest Lane already have two acre lots zoned "R-1" Rural Estate or "R-3" Private Street District. As there are no City water or sewer lines in the area, all home sites will have to develop with water wells and septic tanks or aerobic systems. The current Edmond Plan suggests a minimum of two acre lots in this location, following the State Statute Policy, where the lot sizes are 2 acres when not on City water and/or sewer services. The streets are privately maintained, so the density is suggested to limit traffic. The request is in accordance with the Edmond Plan, and is consistent with the zoning practice on similar properties. This site is not located in a flood plain.

No one appeared in objection. The Pitchfords attended the meeting in support of the request.

Motion by Moyer, seconded by Cartwright, to approve this request. **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 **Case #PR080037 Consideration of Final Plat of Bridgewater Office Section III Addition, located south of Bridgewater Boulevard on the east side of Santa Fe Avenue. (ERC Properties Inc.)**

The applicant was not in attendance at the meeting.

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Motion by Moore, seconded by Young, to continue this item until October 7, 2008.

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 #ES080005 Public Hearing and Consideration of closing a 30 foot wide road easement on the south side of Covell Road on the east side of the Creekview Addition adjacent to Lot 25. (John and Shannon Meritt)**

Todd McKinnis, attorney for the applicant, contacted the staff prior to the meeting and requested a continuance until October 21, 2008.

Motion by Moore seconded by Moyer, to continue this item to October 21, 2008. **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 **Case # PR070020 Consideration of Final Plat of Sweetwater Addition located west of Post Rd north of Thirty Third Street. (Derek Turner)**

Engineer Keith Beatty, representing Derek Turner is requesting that the Sweetwater Addition be modified to exclude property along Post Road. The addition will now have 32 lots rather than the 36 originally approved. The addition is served with City water lines but will operate with water wells and septic tanks. The lots are 2 acres. The access drive for this private street gated development will connect from Post Road. The lot sizes along Post Road are being reconsidered.

Clay Coldiron represented Turner and Company indicating they wanted to reconsider some of the lot sizes but they have progressed with construction where 32 of the lots will soon be ready for acceptance and possible building permits.

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

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

NAYS: None

The next item on the agenda was **Case #Z080048 Public Hearing and Consideration of Rezoning from "C-3" High Density Multi Family and Community Services Residential District to "A" Single Family Dwelling District on property located in the northern portion of the Fox Lake Addition west of I-35, just over a half mile**

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north of Fifteenth Street. (City of Edmond)

The City is requesting that existing multi-family zoning currently developed in portions of Fox Lake 4th, 5th, and 8th Additions, be changed to Single Family zoning. The property is fully developed with Single Family Homes. Multi-family uses would be totally inconsistent with the actual development of the surrounding area. The land to the north is flood plain, not subject to development in its current condition. The Fox Lake Addition is zoned "A" Single Family and developed as such. The subject property was zoned Multi-family in 1977 by Ordinance #878. That Ordinance approved 22.01 acres of Multi-family, most of the land was developed with homes in Fox Lake and the remainder of that property to the north and east is in the flood plain. There is no access through Fox Lake to the remaining Multi-family land that is undeveloped. The purpose of this rezoning is to match the actual use and the zoning of the property.

Bill Hagg, president of the Fox Lake Homeowner's Association thanked the City for correcting the zoning.

Mr. Cartwright expressed his opposition to the City initiating the rezoning.

Motion by Moore, seconded by Young, to approve this request. **Motion carried** by a vote of 4-1 as follows:

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

NAYS: Cartwright

The next item on the agenda was **Case #Z080049 Public Hearing and Consideration of Rezoning from "D-0" Suburban Office to "A" Single Family Dwelling District on property located south of 33rd Street, east of Bryant Avenue and described as the Cheyenne Ridge Villas Addition, Lots 1 through 28. (City of Edmond)**

The City of Edmond is requesting that the Cheyenne Ridge Villas Addition be zoned as Single Family to match the use planned with the plat. There are 28 lots in the Addition. The existing "D-0" zoning was approved in 1982 by Ordinance #1319. The improvements completed are designed for Single Family homes. The cul-de-sac street, water lines and fire hydrants, sanitary sewer lines and the drainage detention and retaining wall have been constructed to match the lot requirements. Other land uses are not suited to the current design. The retaining wall behind the homes and lots on the west side of the street is generally half of another retaining wall system that may be needed to grade lots for the "D-0" office parcel west of the creek along Bryant, south of 33rd Street. Rezoning the property to Single Family is consistent with the current and planned uses on the property, and is consistent with recent City rezonings where the zoning was changed to match the use, rather than continue to leave the non-conforming office zoning in place. The plat establishes the building setback lines.

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Mr. Cartwright expressed his opposition to the City initiating the rezoning.

Motion by Moyer, seconded by Young, to approve this request. **Motion carried** by a vote of 4-1 as follows:

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

NAYS: Cartwright

The next item on the agenda was **Case #Z080046 Public Hearing and Consideration of Rezoning from “B” Two Family Dwelling to “A” Single Family Dwelling on property located south of Danforth in the northern portion of the Park Lane Addition. (City of Edmond)**

In 1982, 27.37 acres of duplex zoning was approved prior to the actual development of the Park Lane Addition. This uniquely shaped parcel does not follow the design of the single family addition as to streets and utilities. I recall that Mr. Richard Simon, the original developer wanted mutli-family zoning along Danforth so the duplex zoning as approved would have been a transition of a higher density between the single family homes. The multi family zoning did not get approved but the duplex zoning was approved. Changing the duplex zoning to single family is consistent with the Edmond Plan and matches the actual development of the property. All of the subject lots are developed. This corrective type zoning is needed.

Ed Moore, a resident of the Park Lane Addition stated he thought the rezoning was a good decision by the City. He indicated he moved to Edmond after the May 3rd tornado and he appreciated the paperwork being corrected through this rezoning to make the records right for the uses.

Mr. Cartwright expressed his opposition to the City initiating the rezoning and the efforts and expenses required to accomplish that. Mr. Moore indicated that Mr. Cartwright was clear in his objection to the process but he also noted that Mr. Cartwright wasn't objecting to the merits of each case.

Motion by Moore, seconded by Moyer, to approve this request. **Motion carried** by a vote of 4-1 as follows:

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

NAYS: Cartwright

The next item on the agenda was **Case #Z080045 Public Hearing and Consideration of Rezoning from “B” Two Family Dwelling to “A” Single Family on property located north of Danforth east of Santa Fe in the southern part of the Pebble Creek Addition. (City of Edmond)**

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In 1982, the original developer of the Pebble Creek Addition requested 32.64 acre tract for duplex zoning adjacent to Danforth and north and east of the Kohl's corner commercial site. The duplex area was meant to act as a buffer adjacent to the "E-1" parcel which was a higher type zoning than normally approved at a section line corner. The property did not develop as duplex or "B" Two Family; the lots developed as "A" Single Family. The street pattern was suited for single family homes since the single family and the duplex zoned area connected from the same streets. The City Council has requested that the zoning match the use of the property. That is the purpose of this request. The "B" Two Family district allows a garage apartment as well as a duplex style construction. Since all the lots have been completed with homes, changes allowing additional units on the single family is not appropriate.

Mr. Cartwright expressed his opposition to the City initiating the rezoning.

Motion by Moyer, seconded by Young, to approve this request. **Motion carried** by a vote of 4-1 as follows:

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

NAYS: Cartwright

The next item on the agenda was **Case #Z080047 Public Hearing and Consideration of Rezoning from "B" Two Family Dwelling to "A" Single Family Dwelling north of Danforth in the northeast portion of the Westborough Addition, west of Edmond North High School baseball fields. (City of Edmond)**

The Westborough Addition located north of Danforth, east of Kelly does include a mix of single family and duplex dwelling units. The property south of Westborough Park is developed as single family but zoned "B" Two Family. This zoning was approved in 1977 and included a larger parcel that is developed with duplexes to the south immediately north of Danforth and West of the main high school buildings. The subject property is further north and adjacent of the baseball fields. This zoning needs to be corrected to single family as the property is actually used.

Don Sultman, property owner of 412 Ryan Way was in attendance and stated he wanted to make sure there was no adverse impact to his property. It was noted that Mr. Sultman at 412 Ryan Way was within 300 feet and therefore was given notice, but he did not own one of the lots within the subject zoning area.

Mr. Cartwright expressed his opposition to the City initiating the rezoning.

Motion by Young, seconded by Moyer, to approve this request. **Motion carried** by a vote of 4-1 as follows:

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

NAYS: Cartwright

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The next item on the agenda was **Consideration of Approval for 2009 Edmond Planning Commission Meeting Schedule.**

The staff recommends approval of the standard schedule of meeting dates for the 2009 calendar year.

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

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

NAYS: None

There was no New Business.

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

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

NAYS: None

Meeting adjourned at 5:56 p.m.

Suzy Thrash, Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission