

February 3, 2009

## **EDMOND PLANNING COMMISSION MEETING**

**Tuesday, February 3, 2009**

**5:30 P.M.**

The Edmond Planning Commission Meeting was called to order by Chairperson Suzy Thrash at 5:30 p.m., Tuesday, February 3, 2009, in the City Council Chambers at 20 South Littler. Other members present were Leroy Cartwright, Bill Moyer, Barry K. Moore and Ingrid Young. Present for the City were Robert L. Schiermeyer, City Planner; Kristi McCone, City Planner; Steve Manek, City Engineer; and Steve Murdock, City Attorney. The first item on the agenda was the approval of the January 20, 2009, Planning Commission minutes.

Motion by Young, seconded by Moore, to approve the minutes as corrected to show Mr. Mike McCarthy was not in attendance at the December 2, 2008 Planning Commission meeting. **Motion carried** by a vote of 5-0 as follows:

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

NAYS: None

The next item on the agenda was **Case #ES080004 Public Hearing and Consideration of request to close approximately 591 feet of the east side of Kickingbird Road, extending east from Bryant, west of the Huntwick II Addition. (BVP Arbor Place, L.L.C.)**

Place Properties is planning to develop the Arbor Place apartments south of Kickingbird Road, west of Huntwick south of Woodcreek Townhomes. The proposal is for 168 units including 1,2, 3 and 4, bedroom apartments. There would be 560 beds planned. The end of Kickingbird Road adjacent to this property has not been used as a public street in the recent past. When the Huntwick Addition was developed after Kickingbird Road was constructed the decision was made to not extend the street east due to the difference in density between the all single family Huntwick Addition and the all apartment or townhouse development occurring along Kickingbird Road. Kickingbird Golf Course is located north of Woodcreek Townhomes and no streets have been planned to extend through that area. There is an overhead power line extending the mile between Second Street and Danforth along the half section line extending along the eastern portion of the road. The land to the south of Kickingbird Road contains multi-family and commercially zoned properties. There is also a large creek area, a tributary of Spring Creek located to the south which would require a substantial bridge if any type of access would ever be planned to the south toward Second Street. The owners do not plan any public streets through the Arbor Place project. If necessary, the driveways through the project could be identified as "fire lanes" on the plats, both the preliminary and the final. The adopted trails plan from 1999 also identifies trails along the creek to the south of the proposed Arbor Place project and through the overhead power line easement extending from Second to Danforth. If easements are to be reserved for a future trail that would be a

February 3, 2009

consideration of the plats for the one to the south along the creek but the reservation of a trail easement would be needed through the proposed easement closure for the eastern part of Kickingbird Road. In the past there have been portions of easements retained even when the full alignment of the trail easement is not determined. When the Kickingbird Road easement was provided for in 1975, the median was retained as private property due to the maintenance that would have been required for the half mile long median. Only the easement portion of the street was part of the original dedication, known as Tract "A". There are utilities in portions of the Kickingbird Road easement and easements will need to be reserved for utilities. The proposed use of the easement area is for parking, carports are planned on portions of the easement and those structures would be prohibited over a reserved utility easement. It would not be uncommon to have parking spaces constructed over a utility easement.

Randle Shadid requested approval of the closing, he indicated the street was not being used and is not approved to City standard. There is no extension of the road possible, he noted that the street easement was dedicated separately from Mike Johnson but the median was retained as private property. Mike Johnson sold the property to Mike Henderson who then sold the land to Place Properties. The street is not needed and is intended to become a part of the Arbor Place apartment project. Mary Ann Karns, a resident of the Woodcreek Townhomes, spoke in opposition to the closing. She indicated she had lived there four years and the street had never been fully closed and that at one time the road had been extended to Huntwick but was barricaded when people began dumping trash at the end of the street. She indicated that Woodcreek could use the access for a curb opening into their common area and that Woodcreek should have an equal right to access rather than the property being included as a part of the Arbor Place project. She indicated the separation of the street easement placed a reasonable setback from the nearest home in Woodcreek which has always been an expectation of the homeowner's, knowing the street easement existed. The street easement or a portion of it could be used for sidewalks, trails, or just open space as well as the potential for additional access to Woodcreek. Rosalee Bridges, a resident of Woodcreek Townhomes indicated she lived at that location since 1977 and was one of the first five homes in the addition. The barricades were placed by the City when there became a trash nuisance and as the area was used for dirt storage and more recently utilities were constructed in the area which changed the character of the area from the original road that was there. She objected to parking being constructed so close to Woodcreek Townhomes. Ed Moore, with the Edmond Neighborhood Alliance also spoke in opposition. He felt the street easement should be retained as a separation between Woodcreek and the proposed Arbor Place project. He felt people were expecting this separation based on knowing the street easement existed. Beverly Maxwell from Woodcreek also spoke in opposition indicating she knew the street easement was there and would provide a buffer between the higher density multi family developing on the south side of Kickingbird Road. Randle Shadid indicated that Place Properties owns the street easement and there is no purpose for the street, there is no

February 3, 2009

use in keeping a road to nowhere. Mr. Cartwright asked if the street easement was ever a part of the Woodcreek Townhomes addition. It was noted that the easement was granted in 1974, separate from any plats on the adjoining property. It appears the City has not maintained the street. Mr. Moore assured Mrs. Rosalee Bridges that no decision had been reached prior to the meeting. He felt this was a difficult issue and he felt the road easement did serve a buffer purpose as it was originally dedicated to the City.

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

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

NAYS: Moore

The next item on the agenda was **Case #PR080033 Public Hearing and Consideration of Preliminary Plat of the Arbor Place Addition, located on the south side of Kickingbird Road, approximately one half mile east of Bryant Avenue. (BVP Arbor Place, L.L.C)**

Motion by Moyer, seconded by Moore, to continue this request until February 17, 2009 at the request of the applicant. **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 **Consideration of variance from Title 15 regarding the use of electronic display for gasoline prices at the On Cue Express to be located on the east side of Broadway, north of Ninth Street. (One Cue Express)**

Attorney Randel Shadid is representing On Cue requesting that the price of gas only electronic display be allowed for the new On Cue convenience/gas store under construction between Eighth and Ninth Streets on Broadway. The proposed sign is 20 feet tall and cannot exceed 75 square feet. One sign is permitted per ownership in the block to be used by On Cue and the sign is generally centered on the property frontage.

The current sign code prohibits all electronic message signs which would prohibit the prices at the On Cue. The ordinance does allow for a time, temperature, and date sign and that type of sign can have LED lighting. No advertising is allowed on the time, temperature, and date signs. It would be a policy decision to change the Code allowing electronic prices.

Randel Shadid spoke representing the owners indicating there is no animation, changeable text other than the numerical price of gas, off site advertising or any other LED style messages. Mrs. Young indicated she was not in favor of electronic type message signs. Mr. Moore expressed initial concern about this type of signage but he felt the limited use of only the price changing was similar to the time and temperature

February 3, 2009

allowed in the current ordinance.

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 #SP080038 Public Hearing and Consideration of Site Plan approval for Discount Tire Store, located on the southwest corner of Comfort Drive and South Broadway. (Discount Tire)**

Motion by Moore, seconded by Moyer, to continue this request until February 17, 2009 at the request of the applicant. **Motion carried** by a vote of 5-0 as follows:

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

NAYS: None

Meeting adjourned at 6:15 p.m.

---

Suzy Thrash, Chairperson  
Edmond Planning Commission

---

Robert Schiermeyer, Secretary  
Edmond Planning Commission