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EDMOND PLANNING COMMISSION MEETING

Tuesday, May 5, 2009

5:30 P.M.

The Edmond Planning Commission Meeting was called to order by Vice Chairperson Barry K. Moore at 5:30 p.m., Tuesday, May 5, 2009, in the City Council Chambers at 20 South Littler. Other members present were Leroy Cartwright and Suzy Thrash. Commissioner Lydia Lee and Chairperson Bill Moyer were absent. 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 April 21, 2009, Planning Commission minutes.

Motion by Cartwright, seconded by Thrash, to approve the minutes as written. **Motion carried** by a vote of 3-0 as follows:

AYES: Members: Cartwright, Thrash and Vice Chairperson Moore

NAYS: None

Vice Chairperson Barry K. Moore thanked Commissioner Suzy Thrash for her service as the Chairperson which also includes duties on the Edmond Board of Adjustment.

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)** The applicant has requested a continuance to the May 19, 2009 Planning Commission meeting.

Motion by Thrash, seconded by Cartwright, to continue this request until the May 19, 2009 Planning Commission meeting. **Motion carried** by a vote of 3-0 as follows:

AYES: Members: Thrash, Cartwright and Vice Chairperson Moore

NAYS: None

The next item on the agenda was **Case #SP080021 Public Hearing and Consideration of Site Plan approval for multi-family residential known as the Arbor Place Apartments located on the south side of Kickingbird Road one half mile east of Bryant, west of the Huntwick Addition and south of the Woodcreek Townhomes Addition. (BVP Arbor Place, L.L.C)** The applicant has requested a continuance to the May 19, 2009 Planning Commission meeting.

Motion by Thrash, seconded by Cartwright, to continue this request until the May 19, 2009 Planning Commission meeting. **Motion carried** by a vote of 3-0 as follows:

AYES: Members: Thrash, Cartwright and Vice Chairperson Moore

NAYS: None:

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Vice Chairperson Barry K. Moore announced that the attorney for the Woodcreek homeowner's, Mary Ann Karns as well as others in the area were aware of this request for continuance and understood the reasons for the continuance. The item will be heard on May 19th and sent to City Council on Tuesday, May 26th. Attorney Randel Shadid was in attendance representing the applicant and explained the continuance.

The next item on the agenda was **Case #Z090009 Public Hearing and Consideration of Plan Amendment from Suburban Office to Limited Light Retail Commercial on property at 235 West Hurd. (Neal McGee)**

Neal McGee has submitted a request to rezone the property on the northeast corner Fretz and Hurd, for a small retail food business, Sarasara Cupcakes. This property currently is under construction with a building proposed with an office downstairs and a residence upstairs. Mr. McGee proposes to convert the downstairs to the bakery/cupcake store, and convert the upstairs for the business office.

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

1. Infrastructure: A 3186 square foot building for offices downstairs and a residence upstairs is under construction at this location. City water, sanitary sewer, drainage, and paving are already in place.
2. Traffic: There are no traffic counts on Fretz or Hurd near this location but we anticipate receiving some information by the actual Planning Commission meeting. There is school bus traffic in the area due to the Edmond Public Schools transportation facility (bus barn) west on Hurd.
3. Existing zoning pattern:
North – "A" Single Family Dwelling District
South – "A" Single Family Dwelling District
East – "A" Single Family Dwelling District
West – "A" Single Family Dwelling District
4. Projected Land Use on Edmond Plan IV:
North – Projected for suburban office land use; developed as single family
South – Projected for restricted commercial land use; developed as single family
East – Projected for suburban office land use; developed with a residential accessory building
West – Projected for single family land use; developed as residential but contained a convenience store and plant nursery in the past.

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5. Density: N/A
6. Land ownership pattern:
North – Small individual parcel
South – small individual parcel
East – small individual parcel
West – small individual parcel
7. Physical features: Built environment
8. Special conditions: This property was rezoned from duplex zoning to suburban office to “D-O” in 2006. In 2007, Commercial Site Plan approval was received for the Van Horn project, which is under construction for an office downstairs and residential upstairs. **The conversion of this property to retail does represent a major change because of the parking required for retail usage, in addition to the building codes and fire code changes for this kind of usage. There were only 4 on street parking spaces provided for the office/residence in addition to the garage and carport.**
9. Location of Schools and School Land: The closest school is Ida Freeman Elementary School which is 2 blocks west on Hurd.
10. Compatibility to Edmond Plan: Retail was not anticipated in the Edmond Plan but that type of use has occurred in close proximity to this site.
11. Site Plan Review: Since the original lot was so small, the proposed change in use creates major modifications to meet the retail needs.

Neal McGee represented the request indicating that Mr. Van Horn had passed away and there was no proposal for the office/residence which was the original purpose of the building. The design allowed for employees and one resident to access Fretz, similar to the other driveways for homes on Fretz and for four diagonal on-street parking spaces on Hurd for customers. Since the original approval, the house to the east has been torn down and the lot re-sodden. He indicated that the Sara Sara owners including Eric Smith were friends of his family and expressed an interest in developing a cupcake store similar to the store at 7 NW 9th Street in Oklahoma City. The store is approximately 800 square feet. The upstairs would be used as an office. The hours of operation would be from 7:00 a.m. to 9:00 p.m. Monday through Friday, 9:00 a.m. to 9:00 p.m. Saturday and 11:00 a.m. to 6:00 p.m. Sunday. He indicated that 70% of the business is cash and carry. There is seating available inside the store, but that is a smaller portion of the business. Other products sold include snow cones. Bob Healy from 320 W. Main was in opposition for any additional change in the area based on retail traffic uses. Mr. Healy said he thought there should be 20 or 30 spaces for this use, there should be an

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entrance off the south on Hurd Street and “no parking” signs installed on the surrounding streets. He indicated the mail and UPS truck block Fretz when they make a delivery now. He thought the traffic from this business would make things worse. Eric Smith with Sara Sarah bakery spoke indicating the history and the operation of the Oklahoma City store in Midtown. Carol Morales from 319 W. Main objected due to the parking and delivery trucks. Peggy Canada, a resident of Hurd Street indicated she had owned her property since 1949 and objected due to the traffic. Angela Marks, also a resident of Hurd Street spoke in opposition due to the traffic and the precedent for additional retail in the area. She also thought there were many other empty structures in Edmond for the store. Bonny Oakley who works at the bus barn was opposed. Lee Parker from 309 W. Main indicated there was at least one accident per year at this location. Matthew Prichard, a resident of Hurd indicated there had been three burglaries in the area. Neal McGee indicated the amount of customer flow from this business was distributed throughout the day and that many people would call for an order or leave with an order. He noted that the convenience store at Fretz and Edmond Road only had 6 parking spaces with much more customer traffic.

Commissioner Thrash thought this would be a wonderful business but was concerned about traffic and other characteristics about the business that would affect the area. Commissioner Cartwright indicated he felt the change from office was substantially different from the surrounding area.

Motion by Thrash, seconded by Cartwright, to deny this request. **Motion denied** by a vote of 3-0 as follows:

AYES: None

NAYS: Members: Thrash, Cartwright and Vice Chairperson Moore

The next item on the agenda was **Case #Z090010 Public Hearing and Consideration of Rezoning from “D-O” Suburban Office to “D-4” Limited Light Retail Commercial on property at 235 West Hurd. (Neal McGee)**

Neal McGee is requesting rezoning from “D-O” Suburban Office to “D-4” Limited Light Retail Commercial for a cupcake store at 235 West Hurd. The original plan for the property by the previous owner was for an office on the lower floor and one residence on the second floor. The previous “D-O” Office District allowed for single family uses. That is no longer allowed in the new “D-O” Suburban Office District. As far back as the 1970’s, the property to the west has been used commercially although the building has been vacant much of the time. This has been verified through the utility accounts. On property to the west there was once a small convenience/grocery store and more recently Clyde Parker operated a Special Use Permit for an outdoor garden center nursery. The “D-4” District is the most limited retail district and it was created with the new zoning code in March of 2007. The property owner to the south, Mr. Parker continues to have a utility account for the previous garden center building but since the special use has been

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discontinued for over a year, the building is an accessory building to his home since it is still zoned single family. There is no indication the building will be removed in the future.

All of the citizen comments relating to the Plan Amendment apply to the rezoning and the two items were considered together.

Motion by Thrash, seconded by Cartwright, to deny this request. **Motion denied** by a vote of 3-0 as follows:

AYES: None

NAYS: Members: Thrash, Cartwright and Vice Chairperson Moore

The next item on the agenda was **Case #Z090007 Public Hearing and Consideration of Plan Amendment from “A” Single Family to Planned Unit Development (“D-O” Level Office) at 1409 South Boulevard. (Dr. Karen A. Mahlmeister)**

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

1. Infrastructure: This property is platted as Lot 13, Block 5, Campbell South Edmond Addition, platted in 1947. City water and sanitary sewer lines are adjacent to the lot, which is currently developed with a Single Family detached home. The Planned Unit Development Design Statement provides that the home will be demolished and a new office building constructed. The basic infrastructure is capable of serving the 1,800 square foot office proposed.
2. Traffic: In 2003, there were 40,550 cars through the intersection at 15th and Boulevard, based on a 24 hour day, all four direction traffic. In 2009, between 2nd and 15th Street, not including the intersection at 15th and Boulevard, there were 16,418 vehicles for a 24 hour period, north and south bound.
3. Existing zoning pattern:
 North – “A” Single Family
 South – “D-2” Neighborhood Commercial
 East – “A” Single Family
 West – “A” Single Family
4. Land Use:

North – Single Family home South – Employment Office East – Single Family home West – Single Family home	<u>Edmond Plan</u> : North - Single Family usage South - Neighborhood Commercial/Office usage East - Single Family usage West -Single Family usage
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5. Density: The owner's current business is at 134 E. 15th Street. She does not plan to continue to rent the house on the subject property, so the only use planned is the Chiropractic office. The PUD Design Statement documents that the residence will be demolished.
6. Land ownership pattern:
North – Individual Single Family lot
South – Commercial lot
East – Single Family lot
West – Single Family lot

The subject lot is 7,650 square feet, which is similar to all the residential lot sizes in the area. The subject lot is one of the smaller residential lots.

7. Physical features: The site has been prepared in accordance with the plat years ago, so the property has a built infrastructure character.
8. Special conditions: The lot was platted to face Boulevard, which with the development of Edmond, has become a busier and busier arterial street. The lots on the east side of Boulevard were not platted to face Boulevard. One lot at 13th and Boulevard has been constructed to access and front Boulevard. In the Plan Amendment request, the applicant has indicated that there will be on-site parking established, which allows vehicles to move in a forward manner from the site, rather than the current residential drive arrangement, where persons are expected to back into traffic on Boulevard.
9. Location of Schools and School Land: Schools in the area include Saint Elizabeth Ann Seton Catholic School, Clegern Elementary, between 6th and 7th on Boulevard, and Clyde Howell Center, 45 E. 12th Street.
10. Compatibility to Edmond Plan: The Edmond Plan did not anticipate expanding office uses at this location and therefore projected the property to continue as Residential. Under the current Subdivision Code, homes facing the arterial street are prohibited. However, this Addition was constructed prior to any Subdivision Codes being applied in Edmond, Oklahoma. In reviewing the plan and zoning practice on what has occurred between 2nd & 15th Street on the east and west sides of Boulevard, there is not a clear zoning pattern. Office, and even Retail, has been approved adjacent to Single Family; there is also Multi-Family in the area. The staff has indicated to the applicant in the pre-application discussion that the request to change to "D-O" Level PUD is appropriate for the subject property, and may be appropriate for the properties to the north, facing the arterial street, as an orderly.

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Site Plan Review: A typical site plan has been submitted as a concept of how the property could redevelop with an office building. The applicant is requesting two variances with the PUD: **1. A five foot rear yard on the west property line, due to the shallow nature of the lot, a distance of 111.8 feet along the north side of the lot and a distance of 92.2 feet along the south side of the lot. 2. An exception to the 10 foot landscape area across the southern half of the lot, adjacent to three parking spaces.** A residential sanitation pick-up will be the only practical manner for sanitation service, just like the office buildings that have been constructed south of 15th Street.

Ernest Isch, representing the applicant for an office level PUD. The request was submitted as a PUD to qualify and define the proposed office building as specifically as needed for the site. The land to the south is zoned retail so the office serves as a transition from a higher zoning to the lesser office zoning. The concept PUD plan allows for safe traffic movement. He indicated the building would have 406 square feet upstairs for storage with no windows on the north or west sides. Robin Roads was representing her mother who lives in the property to the north at 1405 S. Boulevard. She indicated the homes had been built in the 1950's and her mother had owned the home since 1962. She opposed the rezoning due to the 5 foot setback on the west, the elevation difference between this property and the property to the south and traffic. She thought the neighborhood would not be preserved because the new office would be much more different than the existing homes. She felt the retaining wall to the south served as a buffer between the retail and the existing residential. She was concerned about lighting and minimal landscaping. She felt this would substantially change the neighborhood. Ronnie Williams with the ENA spoke in opposition indicating now is not the time to change. He indicated the site was very small and that existing residents should be considered. Truckie Gerlach indicated he objected because of traffic and the look of the building.

Commissioner Thrash indicated she had lived in this house when she first moved to Edmond and was very familiar to the neighborhood. She was not in favor of the change. Commissioner Cartwright indicated he had lived in the neighborhood to the north for 35 years and felt the additional change was not appropriate. Vice Chairperson Moore indicated that residential conversion might be more compatible but the level of change was too great.

Motion by Thrash, seconded by Cartwright, to deny this request. **Motion denied** by a vote of 3-0 as follows:

AYES: None

NAYS: Members: Thrash, Cartwright and Vice Chairperson Moore

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The next item on the agenda was **Case #Z090008 Public Hearing and Consideration of Rezoning from "A" Single Family to Planned Unit Development ("D-O" Level Office) at 1409 South Boulevard. (Dr. Karen A. Mahlmeister)**

Dr. Karen A. Mahlmeister is requesting rezoning from "A" Single Family to Planned Unit Development for a chiropractic office at 1409 South Boulevard. The "D-O" Suburban Office level is appropriate for the subject property and may be appropriate for the properties to the north, facing the arterial street as an orderly pattern of what has been started in the general area. The lot only contains 7,650 square feet and the intent at this time is to remove the house and build a new building to serve as a chiropractic office. Dr. Mahlmeister has requested the project as a PUD to document the limited nature of the use and request a variance or exception regarding the rear yard setback to the west, allowed through the PUD process, of 5 feet, rather than the standard 20 feet. She is also requesting a variance to the 10 foot landscape area required across a portion of the front property about the distance of 3 parking stall widths, approximately 30 feet. The office building is anticipated to be 1,800 square feet; other office uses would be allowed and the PUD design statement is attached.

The "D-O" level zoning is appropriate for the subject property and may be appropriate for the properties to the north, facing the arterial street, Boulevard. The land to the immediate south is zoned "D-2" Neighborhood Commercial although it has primarily been an office type use. The lots in Block 5 facing Boulevard between Thirteenth Street and Fifteenth Street are the only lots in the Campbell's South Edmond Addition facing the arterial street of Boulevard. The one lot at 1300 S. Boulevard unfortunately faces the busier street of the two streets it is adjacent to. There is office further north at the Tenth Street Plaza.

All of the citizen comments relating to the Plan Amendment apply to the rezoning and the two items were considered together.

Motion by Thrash, seconded by Cartwright, to deny this request. **Motion denied** by a vote of 3-0 as follows:

AYES: None

NAYS: Members: Thrash, Cartwright and Vice Chairperson Moore

The next item on the agenda was **Case #PR090006 Public Hearing and Consideration of Preliminary Plat for Offices at Thirty Third located on the north side of Thirty Third Street, between Boulevard and Bryant. (Thirty Third Street Partners, L.L.C.) This item has been continued until the May 19, 2009 Planning Commission meeting.**

Motion by Cartwright, seconded by Thrash, to continue this item to the May 19, 2009 Planning Commission meeting. **Motion carried** by a vote of 3-0 as follows:

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AYES: Members: Cartwright, Thrash and Vice Chairperson Moore

NAYS: None

There was no New Business.

Motion by Thrash, seconded by Cartwright, to adjourn. **Motion carried** by a vote of as follows:

AYES: Members: Thrash, Cartwright and Vice Chairperson Moore

NAYS: None

Meeting adjourned at 7:00 p.m.

Barry K. Moore, Vice Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission