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EDMOND PLANNING COMMISSION MEETING

Tuesday, July 7, 2009

5:30 P.M.

The Edmond Planning Commission Meeting was called to order by Chairperson Bill Moyer at 5:30 p.m., Tuesday, July 7, 2009, in the City Council Chambers at 20 South Littler. Other members present were Leroy Cartwright, Mark Hoose and Lydia Lee. Commissioner Barry K. Moore was absent. Present for the City were Robert L. Schiermeyer, City Planner; Kristi McCone, City Planner; Steve Manek, City Engineer; and Steve Murdock, City Attorney.

Chairman Moyer explained before the meeting started that items 3 and 4, items 11, 12, 13, 14 and 15 were all being continued. Items 3 and 4 Public Hearing and Plan Amendment, item 4 Public Hearing and Consideration of Rezoning regarding property on the west side of Kelly, south of Shore Drive were being continued until August 4th. Item 11 Public Hearing and Consideration of Preliminary Plat for Lexington Heights was being continued to August 4th and items 12, 13, 14 and 15 on the agenda are being continued as shown on the agenda.

The first item on the agenda was **the approval of the June 16, 2009 Planning Commission minutes.**

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

AYES: Members: Lee, Cartwright, Hoose and Chairperson Moyer

NAYS: Members: None

The next item on the agenda was **Case #Z090013 Public Hearing and Consideration of Plan Amendment from Single Family Dwelling to Planned Unit Development to allow a computer repair, maintenance, programming and sales business including offices on a 5 acre tract located on the west side of Kelly, south of Shore Drive. (Tom and Elizabeth Menasco)**

Due to an issue regarding the notice to the surrounding property owners, the staff recommended the item be continued.

The next item on the agenda was **Case #Z090012 Public Hearing and Consideration of Rezoning from "A" Single Family Dwelling District to Planned Unit Development to allow a computer repair, maintenance, programming and sales business including offices on a 5 acre tract located on the west side of Kelly, south of Shore Drive. (Tom and Elizabeth Menasco)**

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Due to an issue regarding the notice to the surrounding property owners, the staff recommended the item be continued.

The next item on the agenda was **Case #VA090006 Consideration of Request for a Ground Sign Variance at 3900 South Broadway for Mid-America Self Storage and Iron Gate Business Park. (Merrick Family Real Estate)**

Ward S. Merrick is requesting a variance to re-install a ground sign that was removed as a part of the Broadway Extension improvements at Comfort Drive. The pre-existing sign was 25.75 feet tall and 128 square feet. This sign was in the right-of-way needed for the frontage road and other improvements in front of this business on the east side of Broadway. Mr. Merrick would like to re-install the sign on private property at a location approved by the Oklahoma Department of Transportation, 20 feet tall, but retaining the 128 square feet. The Sign Code allows a sign 20 feet tall, 75 square feet per side. The sign has been stored during the construction and the owner is ready to re-install the sign.

The parcel of land is relatively narrow, extending nearly 1,300 feet east of Broadway. The one ground sign will be the only ground sign permitted. The sign will meet the setbacks from the side property line. Landscaping can be added at the base of the sign, as required. The sign is the same size as it was prior to the street improvement project.

Mr. Ward Merrick indicated that the property was condemned by ODOT for the right-of-way and Broadway Extension improvements. The State paid for the existing sign to be removed and stored during the construction. ODOT has participated in locating where the sign can be placed on the subject site now that the construction is nearly complete. Mr. Merrick indicated that he was not paid for a new sign. He indicated that the parcel he owns contains ten separate businesses with a narrow frontage in comparison to almost all the other frontage of commercial property on Broadway, south of Thirty Third Street. He indicated he would comply with the height standard but would like to leave the existing business names on the sign face as they were previously listed, prior to the sign being stored. This requires a 128 square feet sign, as existed previously. Commissioner Lee asked about landscaping around the base of the sign. Mr. Merrick indicated there would be low growing shrubs to protect the sight distance.

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

AYES: Members: Hoose, Cartwright, Lee and Chairperson Moyer

NAYS: Members: None

The next item on the agenda was **Case #SP090012 Public Hearing and Consideration of Commercial Site Plan approval for Fresenius East Edmond, a 7,049 square foot medical building located at 301 Katie Michelle Boulevard. (Eagle**

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Consultants, Inc.)

Planning Department:

1. Existing zoning – “E-1” General Commercial (This location is in the I-35 Corridor)
2. Setbacks – Front setback is 110 feet from the property line on Katie Michelle Boulevard, 38 feet from the south property line, 32 feet from the north property line, 315 feet from the west property line. The land to the west is partially zoned single family, the land to the north, south and east is zoned commercial. One of the French Park office buildings is located to the west and zoned “E-1”. The floodplain area on the southwest corner of the property cannot be fenced. Not only is the building 315 from this southwest corner of the property, the grading for the site is 237 feet from the west property line. The detention area, all open area is 195 feet from the west property line. There is a working oil well located to the south and west of this site, over 300 feet from the subject parcel.
3. Height of buildings – 26 feet tall
4. Parking – The building contains 7,049 square feet. 36 parking spaces are provided on the plans, the standard is 1 space for every 200 square feet. 36 spaces are required.
5. Lot size – 87,174.5 square feet
6. Lighting Plan – None of the light poles exceed 24 feet in height, wall pack lighting will be used on the building. The nearest light pole on the back of the developed site is over 300 feet from the west property line.
7. Signage – The ground sign located on Katie Michelle is 6 feet tall and 34 square feet. No signs are indicated on the building. In the I-35 Corridor, a 25 foot tall sign is allowed, 60 square feet per side on lots that are 249 feet or less in width.
8. General architectural appearance – The building is a combination of stone exterior and wood plank siding. The roof is a standing seam metal roof, the roof line varies part is pitched and part is flat. There is a covered canopy at the entry.
9. Sensitive borders – This site is not adjacent to a developed or platted single family residential property. There are two parcels to the west, one is zoned “E-1” and developed with an office building in the French Park Addition. The other parcel is zoned single family but is not platted or developed with a home.
10. Mechanical equipment – Mechanical equipment is located on the roof but screened by the variety of roof lines used in the project.

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- 11. Fencing/screening – None proposed except for the dumpster enclosure
- 12. Driveways – One driveway will be provided on Katie Michelle Boulevard built to full City Standards.
- 13. Title 21 water and sanitary sewer plans – City water and sewer are adjacent to the property and are being connected for service.
- 14. Street paving and access management – Katie Michelle has been built to full City standard as a commercial collector street. Access management standards are being met.
- 15. Fire Prevention and Building Department –

FIRE SPRINKLER

Building shown as non-sprinkled

FIRE ACCESS

The first 160 feet of the west drive is considered fire lane and shall be a hard surface road before combustibles go up at the job site. Hard surface is defined as concrete or asphalt.

FIRE FLOW

The fire flow for this area shall be 2,250 gallons per minute for 2 hours. A flow shall be conducted to assure enough water is in the area for firefighter operations. If the building is fire sprinkled the fire flow is 1,500 gallons per minute for 2 hours.

GATES

None were shown

FIRE FLOW TEST= 4,337 gallons per minute at 20 psi for two hours was determined to be available at this location

- 16. Landscape Plan:

Landscaping - Lot area = 87,174.50 sf Landscape provided on plans submitted
 15% of lot (credits are earned for smaller sign and adjacent landscaping, allowing the requirement to be 13.5 percent)= 11,768.50 sf 11,768.50 sf landscaping (not including 29,190 square feet of floodplain area and detention area) area

Plant units required = 1,883 PU	1,981 plant units
Evergreen required = 753 PU	1,096 plant units
Evergreen in front = 753 PU	
Requirements in front = 954.5 PU	1,008 plant units

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Sq. ft of total landscaping in the front = 5,884.24 sf 6,670.50 sf landscaping in the front

17. Refuse facilities – Comments from Sanitation Director Wesley Dedmon indicate the site plan will be okay for solid waste as long as the enclosure meets Edmond enclosure specifications.
18. Electric – Represented correctly and have met all requirements with the Electric Department.

Satish Dasharathy represented the application indicating that he has worked with the Site Plan Review Team in complying with all the site plan requirements.

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

AYES: Members: Cartwright, Lee, Hoose and Chairperson Moyer

NAYS: Members: None

The next item on the agenda was **Case #DD090005 Consideration of Deed Certification for Fresenius East Edmond on one lot located south of East Second Street on the west side of Katie Michelle Boulevard. (Eagle Consultants, Inc.)**

The property proposed for the dialysis clinic is platted as a part of the Harris East Addition containing one lot and one block south of Second Street, west of Katie Michelle Boulevard. This lot contains approximately 6 acres and was approved in 1985. The only development of this property includes Tunnel Car Wash. Since the plat has been recorded, there have been a number of lots created but there has been no previous deed approval other than the Tunnel Car Wash and the lot west of the car wash. The Tunnel Car Wash lot was divided in 2006, which created a second lot (1.5 acres) to the west, facing Second Street. Robert C. Harris, the original developer sold the subject property in 1988 to Liberty National Bank and Trust. No deed approval was granted for that property. In 1993 the same property was sold to Michell Harris. In 2003, the southern 2 acres was sold to VCWI, L.L.C. without deed approval.

The subject property complies with all requirements for a lot split or deed approval. The lot has access to a public street, access to water, sanitary sewer and recognizes the full FEMA flood plain crossing the west side of the property. The site plan documents that there is adequate space for a 7,049 square footage building with all the parking and landscaping. The southernmost 2 acre lot appears to have approximately 0.8 acres in a triangular shaped parcel available for development. This means that a small building is possible without extensive expenditures to recover some of the 500 year floodplain. A building similar in size to Communication Federal Credit Union (2,263 square feet) with the associated parking may be the maximum possible on the southern 2 acre lot (this is for informational purposes). VCWI, L.L.C. will need to receive deed approval just as the

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dialysis clinic since the City records do not reflect a deed was approved.

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

AYES: Members: Hoose, Cartwright, Lee and Chairperson Moyer

NAYS: Members: None

Commissioner Cartwright asked that the staff arrange for a discussion of the fire flow requirement as connected to commercial building site plans as well as the fire sprinkler requirements. He asked that the code standards be discussed for these requirements. He indicated he would like to understand this information since he has requested this discussion in the past.

The next item on the agenda was **Case #Z090016 Public Hearing and Consideration of Plan Amendment from Restricted Commercial to General Commercial-Limited Use for a live theater to be known as the Lighthouse Theater located at 844 West Danforth. (Peter Gianos)**

Darren Park would like to operate the Lighthouse Theater in approximately 3,357 square feet of the building that was formerly used as the Food Lion grocery store. The building owned by the Gianos Family Limited Partnership contains the Athletic Village, Hallmark, Goldie's restaurant, Dos Gabachos restaurant and Star Steps dance studio. Mr. Park would like to operate the live theater with a maximum of 80 seats and there would be a small concession facility in the building. The theatre would operate on Fridays, Saturdays, Sundays and may operate on Thursdays at some time in the future. This back portion of the building was warehouse space or part of the grocery store that is extra space not needed for the current tenants.

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

1. Infrastructure: All of the utilities are in place serving the existing building that is approximately 17 years old. Detention, water and sewer lines are all constructed to City standards.
2. Traffic: Danforth is 4 lanes in front of this property with a fully signalized intersection at Danforth and Kelly. Kelly is programmed to be improved north of Danforth to Covell. The small size of the theater has no impact on the trip generation capacity or level of service at this location.
3. Existing zoning pattern:
North – "D-2" Neighborhood Commercial and "E-2" Open Display
South – "A" Single Family

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East – “D-1” Restricted Commercial
West – “D-1” Restricted Commercial

4. Land Use:

North – the North Oaks shopping center, including the Westlake Ace hardware
South – Meadow Lakes addition, there is a detention area immediately south of the building that will be a permanent feature of the site
East – Hobby Lobby
West – MidFirst Bank, 7-Eleven
Southwest- Daycare Center

5. Density: N/A, commercial use

6. Land ownership pattern:

North – a larger tract ownership for the shopping center, approximately 8 acres
South – single family homes on urban-sized lots
East – 5 acre ownership for Hobby Lobby shopping center
West – Half or $\frac{3}{4}$ acre sites for MidFirst Bank, 7-Eleven, etc.

7. Physical features: The area is graded and finished as a built environment. Some of the improvements serve the entire area, such as detention and cross access for the parking. Landscaping is in place. The entire building is estimated at 36,318 square feet and was originally constructed as a grocery store.

8. Special conditions: None

9. Location of Schools and School Land: No public schools near the property. The school district administrative offices are on the northwest corner of Kelly and Danforth.

10. Compatibility to Edmond Plan: The property is zoned “D-1” Restricted Commercial and the grocery store that was once on the property was approved as a special use permit. The building is not being increased in size or height for the theater, the theatre is small in square footage and seating and there is adequate parking. All of the building is no longer being utilized and the “D-1” uses and the theatre use would be the only uses. If the theater is no longer in use in the future, that use will no longer be available, only the “D-1” uses.

11. Site Plan Review: The building has been in existence for a number of years. The portion of the structure to be used is fire sprinkled. Building permits and fire code standards will be required to be met for the remodeling needed. There will be a number of exits, the main entrance or exit is on the front of the property near the entrance to Goldie’s.

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Mr. Park indicated this part of the building has been vacant for four to five years and he felt this location would be good because it is next to restaurants and there is adequate parking since there are only 80 seats in the theater. Mr. Hoose asked about musical theater and Mr. Park indicated there were more musical venues in the area and that the stage would be too small for those productions. The cast for the live theater would be much smaller. Mr. Hoose asked if there would be sound to the outside area and Mr. Park indicated that was the good characteristic of the location within the building, buffered by block walls on either side. He indicated that you cannot hear the existing dance studio right next door. Commissioner Lee asked if Star Steps should be included as one of the "E-LU" uses. She also inquired about acting lessons at the theater. Staff indicated it would be a good idea to include those in the "E-LU" use since the "D-1" is a restricted commercial district.

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

AYES: Members: Hoose, Lee, Cartwright and Chairperson Moyer

NAYS: Members: None

The next item on the agenda was **Case #Z090017 Public Hearing and Consideration of Rezoning from "Restricted Commercial to "General Commercial-Limited Use for a live theater to be known as the Lighthouse Theater located at 844 West Danforth. (Peter Gianos)**

Mr. Darren Park, operator of the Lighthouse Theater is proposing to rent 3,357 square feet in a building south of Danforth, east of Kelly owned by Peter Gianos. This location is generally near the North Oaks shopping center on the northeast corner of Danforth and Kelly and a new area west of Kelly, south of Danforth zoned as a commercial PUD. McDonald's and Blockbuster Video are located on the immediate corner of southwest Kelly and Danforth. Residential in the area includes the Meadowlakes addition and Westborough addition. Much of the subject area has been built for over 17 years and used commercially. The drainage detention area serving the subject property as well as the Hobby Lobby and other shops to the east is located south of the Gianos building and creates a substantial separation from the nearest homes in the Meadowlakes addition. The theater will be required to have an exit on the south side of the building for safety but the main entrance/exit will be located on the north side near the parking lot. The small size of the theatre does not substantially change the character of this area and that is the only higher use being allowed other than the "D-1" uses.

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

AYES: Members: Hoose, Cartwright, Lee and Chairperson Moyer

NAYS: Members: None

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The next item on the agenda was **Case #PR090012 Public Hearing and Consideration of Preliminary Plat approval for a single family addition known as Fairfax Estates IX on 13.73 acres, located north of Covell Road, approximately 746 feet west of Sooner Road. (J.W. Armstrong)**

Engineer Ernest Isch is representing J.W. Armstrong in requesting Preliminary Plat approval of a new single family phase of Fairfax. This location is north of Covell Road, approximately one quarter mile west of Sooner Road and is accessed through the street Fairfax Boulevard that will be built along the east side of Fairfax Business Park. This addition is zoned "A" Single Family PUD and contains 25 lots on 13.73 acres. The lot sizes are generally 13,000 square feet (100 feet by 130 feet). The homes are planned at 3,600 to 4,600 square feet. The lots back up to the golf course. The addition will be served with full City services. Drainage has been completed on an area-wide basis. At this time there will be a temporary cul-de-sac at the end of the street. The plat is in order.

J.W. Armstrong was in attendance along with Earnest Isch representing the application.

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

AYES: Members: Lee, Cartwright, Hoose and Chairperson Moyer

NAYS: Members: None

The next item on the agenda was **Case #PR080039 Public Hearing and Consideration of Preliminary Plat for the Lexington Heights Addition, located south of Coffee Creek Road, west of Boulevard. (M.L. Young Development, L.L.C.)**

This request was continued to the August 4, 2009 Planning Commission meeting as requested by the applicant.

The next item on the agenda was **Case #Z090018 Public Hearing and Consideration of Plan Amendment from Restricted Commercial to General Commercial-Limited Use to include a gun/archery range indoor recreation use at 1472 N. Kelly in the Shoppes at the Piazza shopping center. (Shawn Forth)**

This item was continued to the July 21, 2009 Planning Commission meeting.

The next item on the agenda was **Case #Z090019 Public Hearing and Consideration of Rezoning from "D-1" Restricted Commercial District to "E-LU" General Commercial-Limited Use to include a gun/archery range indoor recreation use at 1472 N. Kelly in the Shoppes at the Piazza shopping center. (Shawn Forth)**

This item was continued to the July 21, 2009 Planning Commission meeting.

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The next item on the agenda was **Case #Z090015 Public Hearing and Consideration of Plan Amendment from Single Family Dwelling to Planned Unit Development allowing two of the multiple office buildings to contain 20,000 square feet and neighborhood retail uses not to exceed the "D-1" level to be known as Creek Bend Plaza on an 8.32 acre tract located on the east side of Coltrane Road, east of the Chimney Hill Addition, south of the Stonepoint Addition. (Funds for Learning, L.L.C.)**

This item was continued to the August 4, 2009 Planning Commission meeting at the request of the applicant.

The next item on the agenda was **Case #Z090014 Public Hearing and Consideration of Rezoning from "A" Single Family Dwelling District to Planned Unit Development allowing two of the multiple office buildings to contain 20,000 square feet and neighborhood retail uses not to exceed the "D-1" Restricted Commercial District level to be known as Creek Bend Plaza on an 8.32 acre tract located on the east side of Coltrane Road, east of the Chimney Hill Addition, south of the Stonepoint Addition. (Funds for Learning, L.L.C.)**

This item was continued to the August 4, 2009 Planning Commission meeting at the request of the applicant.

There was no New Business.

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

AYES: Members: Cartwright, Lee, Hoose and Chairperson Moyer
NAYS: Members: None

Meeting adjourned at 6:05 p.m.

Bill Moyer, Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission