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### EDMOND PLANNING COMMISSION MEETING

**Tuesday, October 20, 2009**

**5:30 P.M.**

The Edmond Planning Commission Meeting was called to order by Chairperson Bill Moyer at 5:30 p.m., Tuesday, October 20, 2009, in the City Council Chambers at 20 South Littler. Other members present were Leroy Cartwright, Barry K. Moore, Mark Hoose and Lydia Lee. Present for the City were 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 October 6, 2009 Planning Commission minutes.**

Motion by Cartwright, seconded by Hoose, to approve the minutes as written. **Motion carried** by a vote of 4-1 as follows:

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

ABSTAIN/NAYS: Members: Moore

The next item on the agenda was **Case #SP070020 Public Hearing and Consideration of Commercial Site Plan Extension for Bridges of Spring Creek Shopping Center located south of Hafer Park, north of Fifteenth Street and east of Bryant. (Sooner Land Company, L.L.C.)** This item was continued from the October 6, 2009 Planning Commission meeting.

This site plan was received prior to the effective date of Title 22 Zoning Ordinance (March 2007). **The question asked of the Planning Commission is for an extension of the site plan. The applicant has gone past the April 2009 deadline and the site plan has expired. Through the owner's attorney, they are requesting a hearing to discuss the matter and disagree that the site plan has expired since their last extension was in 2008 and they believe that the extension was for 18 months, rather than the 12 months originally approved.**

Planning Department:

1. Existing zoning – “E-1” includes the major anchor store or the Belk store and “D-1” PUD
2. Setbacks – the setback from the property line on 15<sup>th</sup> Street is 1000 feet to the department store and 700 feet from the nearest projection of the shopping center; the setback from the east property line is 135 feet; the setback from the north property line is 60 feet from the back of the Belk store; **this site plan approval does not include potential building sites east of Bryant, west of the creek,**

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**south of Pelican Bay.**

3. Height of buildings – 35 feet as provided for in the PUD Design Statement and as referenced in the City Council minutes of the June 26, 2006 meeting as the maximum height allowed. It also references that the Belk store is one story even though 35 feet of height is allowed. The elevation plans do reflect a tower feature at one of the store entries and to the peak of that roof is 45 feet. There is a clock in this feature. If a 35 feet height needs to be maintained with no exception of any portion of the structure including a non-habitable tower feature, it is the staff's understanding that Sooner will remove this feature.
4. Parking – 138,500 square foot building including the pad restaurants, 772 parking spaces required. The project has 754 parking spaces. (The restaurant pad sites are not part of the site plan at this time but the locations are shown on the plans).
5. Lot size – 849,037 square feet
6. Lighting Plan – two lighting plans have been submitted. If the Planning Commission and City Council want lighting to match Spring Creek Village and Plaza, Sooner is willing to install that type of light. That type of Victorian light will cast ambient light in the surrounding area making the area appear to be significantly brighter. The shoebox style light is an alternate plan which will retain more light just on the commercial site. That may be best for this location, even if the light poles do not match the style at Spring Creek Plaza and Village.
7. Signage – the sign is 8 feet in height and 54 square feet in area for the copy portion of the sign, using a combination of cast stone, split face block and brick. There will be 2 ground signs, one on Bryant and one on 15<sup>th</sup>.
8. General architectural appearance – the exterior of the building includes brick, EFIS and split face block. The awnings are metal; the colors are generally red brick with red awnings. The back of the Belk store does include some awnings. There are 10 windows on the back portion of the building, giving the building a two story look although no portion of the building is two stories. Of course, there are no doors on the back other than delivery doors. There are some columns on a portion of the back of the building. The City Council minutes discussed having the back of the department store look similar to the front.
9. Sensitive borders – the Turtle Creek Commons area is the main residential area adjacent to the southeast portion of this project. There is a 6 foot fence along the Turtle Creek Commons boundary and some additional landscaping. There are dumpster enclosures at this location on the southeast corner of the property. Based

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on the grading of the property, the shopping center parking lot will be lower than the existing grade at Turtle Creek Commons, so the fence will be set on a retaining wall with landscaping north of the fence.

10. Mechanical equipment – the small scale of the elevations provided do not adequately address the screening of mechanical equipment on the roof. Standard is as follows: “Mechanical equipment and devices located on or adjacent to structures shall be screened by the height of the building wall or by a wall or enclosure of sufficient height that mechanical equipment is screened from view by an observer standing on ground level at any place along the property lines of the subject property. The mechanical equipment or wall shall provide a minimum separation as defined by the manufacture’s requirements for the particular mechanical equipment to be screen. The top of the enclosure may be left open. If window air-conditioning units or wall mounted air-conditioners are used, screening through landscaping or other appropriate architectural treatment shall be part of the site plan design.”
11. Fencing/screening – the only fencing is the area along Turtle Creek Commons. There are no additional fences except for the dumpster enclosures. There are numerous retaining walls and the applicant has submitted details on the appearance of the materials.

Engineering Department:

12. Driveways/Parking – there are 2 driveways, one on Bryant and one on 15<sup>th</sup>. Both will have traffic lights and they will be completed prior to occupancy.
13. Title 21 Water and Sanitary Sewer Plans – City water and sanitary sewer are available and will be connected for service.
14. Drainage Report and related Grading Report Plans – detention plans have been reviewed to include surface drainage and a detention pond to be maintained by the development and two underground detention areas to be constructed on the west side of the creek.
15. Street paving and access management – right turn lanes are planned on 15<sup>th</sup> Street and on Bryant. Bryant and 15<sup>th</sup> are both four laned. Traffic lights are being installed for turning movements.

Fire Protection:

16. Fire Prevention and Building Department – all the buildings will have fire sprinkler systems. In addition, there are on site fire hydrants and looped water lines.

Community Image:

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17. Landscaping - <u>Lot area = 849,037 sf</u> (does not include detention area)	<u>Landscape provided on plans submitted</u>
25 per cent of lot = 212,259 sf	269,952 sf landscaping/lawn area
Plant units required = 16,981 pu	17,127 plant units
Evergreen required = 6,792 pu	10,409 plant units
Front yard plant units = 8,490.5 pu	10,537 plant units
Plant units from preservation = 3,920 pu	

The applicant believes the site plan being considered meets the 50% of landscaping in the front because the landscaping area for the “3 pad restaurants” is not part of this request. Landscaping for these areas will be calculated with the site plans for each restaurant. All of the buildings are on the same lot so there is no separate ownership of any of the buildings.

Sanitation Department:

- 18. Refuse facilities – sanitation collection is on the north side of the property behind the building with the one site north of Turtle Creek Commons in the southeast corner of the property.

Electric Department

- 19. Electric – the Electric Department will have to locate a number of transformers and be provided easements as set out on the plat.

All of the requirements of the City Council discussion are requirements of the Site Plan.

Attorney Randel Shadid was in attendance representing the applicant. Commissioner Lee indicated that the site plan did not reflect all eleven conditions of the City Council approval and the staff report had not been changed to identify those conditions. She felt they should be incorporated into the site plan. She strongly suggested that before the City Council meeting, the site plan conditions be identified on the plans. She understood that the City Council conditions are incorporated in the motion but they were not noted in the site plan, examples include a clock tower and a 30 foot buffer. She indicated this was one of her pet peeves that the staff and citizens should not have to research between minutes and staff reports and the site plan should reflect the conditions of approval. Commissioner Moore indicated that the minutes speak for themselves as to the additional requirements and he understood this is how the item is being voted on as originally approved with all City requirements reflected in the minutes. Randel Shadid asked Commissioner Lee if she was going to vote on this item. He indicated he felt she had a conflict of interest but it was up to her. She indicated she would be voting on this item. Commissioner Lee asked if the issue was that the site plan expired in April of 2009 based on the one year extension standard and is not in a position to be extended. Rande Shadid felt like the Council has the authority to extend any site plan and the confusion is between the year to year extensions and the 18 month extensions that have gone into

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effect since the yearly time limit.

1. The buffer north of Turtle Creek Commons Addition is extended along the entire boundary of the Addition into the detention area. The detention area was modified for this. Twenty feet of the 30 foot buffer is undisturbed and 10 feet is a landscaping area.
2. A six-foot tall fence will be constructed on the Bridges of Spring Creek side of the buffer area where there is also a retaining wall.
3. The dumpster enclosure shown north of Turtle Creek Commons has been relocated to the north adjacent to the east building.
4. The 45 foot tall tower will not be constructed and the maximum height of any building is 35 feet.
5. The landscaping requirement for this project is 25% of the site area and the points required for the plant units.
6. A two-foot to four-foot tall retaining wall will need to be constructed adjacent to the tree area to be preserved in the southwest part of the site near the existing home.
7. A speed bump will be constructed on the drive extending north from 15th Street approximately two-thirds of the way north of 15th Street.
8. The bridge over the tributary to Spring Creek nearest Bryant would not be constructed with the initial improvements which relate to the plat approval.
9. The plat improvements and the Final Plat is intended to be modified through a separate City Council meeting in order to consider the above ground detention. Soil would be removed from the proposed detention area and used to prepare building sites on Bryant along with the grading for the plat. All of this work is on the west side of the creek. The dirt will be taken to 15th Street from the proposed detention area and then Bryant to access the property.
10. The site to be dedicated next to Pelican Bay will need to be evaluated with the revised plat and is not being approved as part of the site plan extension request because there is insufficient information to determine the feasibility of the site.
11. If the Final Plat approved on April 23, 2007, is to be changed from the original approval, it will need to be reconsidered at a new hearing of the City Council.

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

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

NAYS: Members: Lee

The next item on the agenda was **Case #SP090020 Public Hearing and Consideration of Site Plan approval for a 3,265 square foot addition to the Fountain Oaks gas station located on the southwest corner of Meline Drive and East Second Street. (Joe Javadzadeh)**

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Fountain Oaks was first constructed in 1998 and the existing building contains 4,121 square feet. The proposal is to add 3,265 square feet on the south end of the building which would be more than a 20% increase.

Planning Department:

1. Existing zoning – “E-1” General Commercial
2. Setbacks – The building is located approximately 35 feet from the south property line which is adjacent to a hotel. The setback to the west is 37 feet next to the Holiday Inn Express hotel. There is no change in the setback on the north elevation which is 58 feet from the property line. The setback from Meline Drive is 108 feet.
3. Height of buildings – 28 feet
4. Parking – 24 parking spaces are provided.
5. Lot size – 56, 088 square feet
6. Lighting Plan – There is no change in the existing lighting plan, no new light poles or change in the lighting canopy will be made with this request. There will be wall packs added to the building. The surrounding land is all zoned commercial; this is not a sensitive border location.
7. Signage – There will be no change in the existing ground sign on the property. An additional wall sign may be added at the standard size.
8. General architectural appearance – The building exterior will match the brick and cast stone materials used on the existing facility. The canopy over the entrance will remain the same and the height will continue the same.
9. Sensitive borders – There is no sensitive border adjacent to this site. Comfort Suites hotel is opening to the east, Hampton Inn is to the southeast, Holiday Inn Express is located to the west and the Fairfield Inn is located to the south. The Clayton Pond addition is located north of Second Street but more than 300 feet from the subject building addition.
10. Mechanical equipment – Will be located on the roof, screened by the parapet wall.
11. Fencing/screening – No sight proof fencing is proposed.
12. Driveways – There is no change in the existing driveways. There are two driveways on Meline Drive and one to the west connected to the Holiday Inn Express.

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- 13. Title 21 water and sanitary sewer plans – Water and sewer connections have already been made and will be extended to serve the new addition.
- 14. Street paving and access management – There is no change to the paving improvements or access management standards.
- 15. Fire Prevention and Building Department – The Fire Department has approved the plans subject to the addition not being used as a restaurant. A fire sprinkler system may be required for a restaurant usage.

16. Landscape Plan:

Total Site Area: 56,088 sq. ft.

Claimed deductions to site area:

0.5% -Landscaped areas directly adjoin existing landscaped areas on adjacent properties.

0.5% -Shared regional detention facilities.

1.5% -Thirty-five percent of required plant units consist of trees proposed for preservation.

12.5% Required landscaped area

	<u>Required</u>	<u>Provided on Plan</u>
Landscape Area (12.5%)	7,011 sq. ft.	9,500 sq. ft.
Frontage Landscape Area	3,506 sq. ft	5,200 sq. ft.
Total Plant Units	1,120 units	1,260 units
Evergreen Plant Units	448 units	460 units
Plant units for trees	840 units	1,090 units
I-35 palette units	840 units	840 units

17. Refuse facilities – The dumpster location is on the south side of the site in an enclosure.

18. Electric – There is already electric service to this site, the service can be modified for this site.

Randel Shadid was in attendance representing the applicant. He indicated the applicant would install a sprinkler system if a restaurant use was added. Commissioner Lee asked if 24 parking spaces was appropriate if a restaurant were to be added. Randel Shadid indicated it would not be.

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

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

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NAYS: Members: None

The next item on the agenda was **Case #SP090018 Public Hearing and Consideration of Site Plan approval for the Stone Creek office building and dance studio located west of Bryant, north of Locust Lane. (Turner and Company) This item was continued from the October 6, 2009 Planning Commission meeting.**

The Edmond City Council took action at their regular meeting on Monday, October 12<sup>th</sup> to approve the new PUD for Stone Creek Plaza. The PUD is limited to office uses and one other use, a dance studio. A covenant will be filed of record at the Oklahoma County Courthouse with the plat prohibiting retail uses. The maximum overall building square footage will be 22,517 square feet, this includes the 13,400 square foot dance studio and office building and any other buildings constructed on the south side of the property. A brief description of the PUD Design Statement standards that are reflected in the site plan are as follows: one story building, no windows on the back of the building (doors will be required by building safety code), mechanical equipment located on the roof screened by parapet wall, no additional light poles on site, only wall packs, the retaining wall will be constructed of Keystone block, dumpster location to remain as originally located and a stockade sight proof fence will be constructed along the west side of the property. These PUD/Site Plan standards are determined to meet the sensitive border standards based on the existing built environment conditions.

Planning Department:

1. Existing zoning – PUD, the requested zoning is for Planned Unit Development to allow offices and a dance studio.
2. Setbacks – The front setback from Bryant is 100 feet from the center line or 50 feet from the property line. The side setback to the west is 20 feet. The setback from the north is 15 feet. The grade of the property on the north will require a retaining wall that is 12 feet at the highest elevation.
3. Height of buildings – 19 feet
4. Parking – 73 spaces are provided.
5. Lot size – The lot size for the north building site is 16,984 square feet. The parking area, detention and established landscaping along Bryant are common areas.
6. Lighting Plan – Light poles have already been installed on the site. Other than wall pack lighting, no additional lighting will be added.



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7. Signage – Wall signs to City standard will be used. On ground sign will be used for the first building it will be 6 feet tall, 42 square feet.
8. General architectural appearance – The intent of the architectural appearance is to provide a variety in the appearance of the building's front wall by having different façade treatments, similar to Spring Creek Plaza or Spring Creek Village. The exterior material is brick on all four sides of the building. The window design is also varied, with the different facades. The building will be one story and the mechanical equipment will be located on the roof and will be screened by the parapet wall.
9. Sensitive borders – As previously discussed the lot depth is only 80 feet from the existing parking lot north to the property line. The approval of the PUD and Design Statement recognize existing conditions and the design requirements are determined to meet the standard which is necessary because it is adjacent to single family lots on the north and west.
10. Mechanical equipment – Will be located on the roof but the parapet wall will screen the structures from view.
11. Fencing/screening – Sight proof fencing is required along the west side of the property.
12. Driveways– Only one drive will exist on Bryant.
13. Title 21 water and sanitary sewer plans – City water and sewer have already been installed for this development.
14. Street paving and access management – Street improvements have already been completed as well as the standard drive improvements.
15. Fire Prevention and Building Department – The building will have a fire sprinkler system based on the size of the building and two fire hydrants are already installed.
16. Landscape Plan:  
Landscaping - Lot area = 16,984 square feet, just the lot area associated with the building. The overall site, which is 2.49 acres, already meets the 10% landscaping requirement and the plant unit requirement and all of the improvements are in the front yard along Bryant. The subject site plan will add 136 plant units, meeting the same standards as the City Code for just the building site. This will increase the overall landscaping to 11.5%.

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17. Refuse facilities – The dumpster location will remain, as the paving has provided for, in the northwest corner of the parking lot. A brick enclosure and sight proof gate will be installed.

18. Electric – Edmond Electric has access to serve the property based on the plat improvements.

Josh Moore was in attendance representing the application. Roger Williams from the Thornbrooke Homeowner's Association asked if there would be additional landscaping and lighting. Josh Moore indicated they would add 10% more landscaping and there would be wall packs on the building for security but no parking lot lights. Commissioner Lee asked if there would be trees added at the back of the property next to Cedar Ridge. Josh Moore indicated that with the retaining wall, trees may grow into the wall damaging the structure. Commissioner Moore asked if they could not add trees on the north or did not want to. Josh Moore indicated that with only 10 feet to work with, he was concerned about the slope, width, drainage and limited space.

Commissioner Moore asked if the applicant had a willingness to put in an additional buffer. Josh Moore said they are willing to meet with the Urban Forester to decide how many Pampas grasses as suggested by Commissioner Hoose would be acceptable along the wall. Commissioner Lee stated the buffer did not have to be a specific type but the applicant needed to meet with the Urban Forester to determine what type is appropriate.

Motion by Moore that the applicant has expressed a willingness to meet with the Urban Forester to determine if there is a proper buffer to go back there that is satisfactory to the Urban Forester, seconded by Cartwright. No vote was taken on this motion as Commissioner Moore amended his motion. Commissioner Moore spoke to Clay Coldiron, representative of the applicant stating that he had indicated a willingness to meet with the Urban Forester and noted that the applicant did not want anything specifically named. Commissioner Moore indicated this had been a very contentious issue and it had been difficult for him to get answers to questions he had asked. Commissioner Moore amended his previous motion that directed the applicant to meet with the Urban Forester, come to a mutual understanding of what can be placed in the buffer, shake hands and do it. Commissioner Moore stated to Chairperson Moyer that there is a record of the meeting by minutes and videotape and he did not think there needed to be an amendment. He indicated that Mr. Coldiron is a gentleman and he believed he would do what was asked of him. Mr. Coldiron verbally agreed to do so.

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

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

NAYS: Members: None

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The next item on the agenda was **Case #PR090017 Public Hearing and Consideration of Legacy Station Final Plat, located south of Thatcher Street, north of Edwards Street, west of Broadway. (Turning Point Ministries)**

Bob Turner, representing Turning Point Ministries, is requesting approval of a final plat for re-development of an area in the north part of downtown Edmond. The proposal is to build 12 dwelling units on a private access between Thatcher and Edwards. A vacant house will be removed on the property and new utilities constructed, as well as the paving of an alley and the new access drive. Habitat for Humanity will arrange for the construction of the homes. Some of the units may be attached, but most are detached units. The property is zoned "CBD", which does not set a minimum lot size or density requirement; the units comply with the standards for this zoning district. Some guest parking will be provided, along with a playground and other amenities maintained by the property owners. The City is using Community Development Block Grant funds to build utilities and complete paving for the public alley that will also connect with the private driveway. Drainage detention will be handled by the new regional detention facility west of the railroad. The units will have a fire sprinkler system in each, due to the minimal setbacks. Each unit will have off-street parking.

Bob Turner was in attendance representing the applicant.

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

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

NAYS: Members: None

The next item on the agenda was **Case #Z090030 Public Hearing and Consideration of Edmond Plan Amendment on 2 acres from General Commercial to Single Family Residential at 501 Wade Martin Road, south of Second Street, one half mile east of Bryant. (Gary and Kathleen Dickinson)**

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

1. Infrastructure: The subject 2 acre tract is not adjacent to City water or sewer. Wade Martin is a private street and lots have been divided into two and five acre parcels along the street. Water lines have been developed along Second Street but sanitary sewer has not been extended to a majority of property south of Second.
2. Traffic: Traffic counts are not available along Wade Martin. Second Street is estimated at 26,000 vehicles per day.
3. Existing zoning pattern:

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- North – “A” Single family
- South – “E-1” General commercial PUD
- East – “A” Single family
- West – “E-1” General commercial PUD

4. Land Use:

- North – Single family home
- South – Undeveloped
- East – Single family home
- West – Undeveloped

5. Density: One dwelling per two acre tract

6. Land ownership pattern:

- North – 5 acre tract
- South – 5 acre tract
- East – 5 acres
- West – 28 acres

7. Physical features: The property currently contains a single family dwelling. The owners plan to continue using the structure.

8. Special conditions: At this time, the “E-1” zoning limits the residential use of the property. The owners wish to make improvements to the home.

9. Location of Schools and School Land: Not applicable, there are no schools within  $\frac{3}{4}$  of a mile from this location.

10. Compatibility to Edmond Plan: The plan projected the property for commercial. Re-development in a commercial manner is not occurring, particularly along Wade Martin which has multiple ownerships, poor accessibility for commercial and no utilities for commercial development.

11. Site Plan Review: A site plan would not be required for residential development or improvement of the property.

Mr. Dickinson was in attendance. Donald Conway from Wade Martin Road asked if it would affect his property. Jan Fees indicated it would not.

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

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

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The next item on the agenda was **Case #Z090028 Public Hearing and Consideration of Rezoning from “ General Commercial to “ Single Family at 501 Wade Martin Road, south of Second Street, one half mile east of Bryant. (Gary J & Kathleen M Dickinson)**

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Gary and Kathleen Dickinson are requesting a that a 2 acre tract, south of 2<sup>nd</sup> Street, on the west side of Wade Martin Road, a private street, be changed back to “A” Single Family. In January 2008, Brian Stinson requested rezoning to “E-1” General Commercial at this address and Ordinance 3128 was approved for the change. He wanted to extend a portion of the proposed Falls Addition into this area. He already owned approximately 5 acres of land along Wade Martin. The Dickinson’s had an agreement with Mr. Stinson to purchase their land, subject to zoning. Since The Falls project, including the Multi-Family and Commercial, is not feasible at this time, he did not proceed to purchase their 2 acre tract. Since that time, the Dickinson’s have hoped to make improvements to their home on the property, but have not been able to because of the Commercial zoning.

Wade Martin Road is a private street and is not suitable for Commercial development; even Mr. Stinson did not plan to access the property exclusively from Wade Martin since he owned the 28.9 acres immediately adjacent, on the west. Wade Martin contains several different owners and it has always been uncertain as to how the area could re-develop commercially, even though it was projected for Commercial uses on the Edmond Plan. There are also no water lines extended along Wade Martin. Had The Falls development proceeded, that development could have created the appropriate scale of improvements for bringing utilities and possible road improvements to the Wade Martin area. Due to the numerous ownerships along Wade Martin, the lack of utilities, and no clear Commercial interest in combining ownerships for re-development, the most appropriate land use for Wade Martin, in the immediate future, would be to continue with low density residential sites. The Dickinson’s are not planning a brand new home; they would just like to remodel their existing structure.

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

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

Commissioner Hoose left the Council chambers for the discussion and vote of the Teuscher Rezoning item.

The next item on the agenda was **Case #Z090029 Public Hearing and Consideration of Rezoning from “ General Agricultural to “ Rural Estate Dwelling District on a 9.98 acre tract located on the northeast corner of Post Road and Danforth. (Martin Teuscher)**

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Mr. Martin Teuscher is requesting "R-1" Rural Estate Dwelling to allow 90,000 square foot lots on the parcel at Post and Danforth. The City Council denied the "R-2-A" Urban Estate Dwelling District request. The Council discussed that this area should generally have no lots smaller than 2 acres and there may be other considerations regarding the physical features of the land that should also apply in some cases. Mr. Teuscher has filed a new application and new notices have been provided for the lesser density "R-1" District. This type of re-application for a more restrictive district does not require a six month wait. The deed certification will be a separate item considered after the rezoning.

Martin Teuscher was in attendance representing the application. Mr. Teuscher indicated he would have 2 acre lots. Mr. Teuscher stated the City Council indicated this would be an improvement over the original plan. Commissioner Lee asked what the maximum number of lots would be. Mr. Teuscher indicated 4 lots would be the maximum number of lots. Elizabeth Kruger, neighbor to the east indicated she and her husband owned cows and that the area was agricultural. She was worried that the drainage would not work on this property once divided into lots. Richard Schultz, property owner to the west indicated he was opposed to the rezoning; he wanted the area kept the way it was.

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

AYES: Members: Cartwright and Chairperson Moyer

NAYS: Members: Moore and Lee

The next item on the agenda was **Case #PR090014 Public Hearing and Consideration of Final Plat for Offices at Thirty Third located on the north side of Thirty Third Street one half mile west of Bryant. (Thirty Third Street Partners, L.L.C.)**

Ron Harmon is requesting approval of the Final Plat of Offices at Thirty Third Street. This project contains 4.61 acres and is zoned "D-O" Suburban Office. The proposal is to develop 17 lots with a common area for parking, landscaping and detention. There will be one drive entry aligned with Georgetowne Road. The lots are generally 4,525 square feet and the buildings planned will range from 2,500 to 3,150 square feet. Mr. Harmon has presented the project to the City Council for approval of the 70 foot of right of way to be dedicated along 33<sup>rd</sup> Street. Setbacks were approved at 30 feet from the property line after the dedication, creating a 100 foot setback from the center line of 33<sup>rd</sup> Street. The AT&T equipment area is located just east of the drive and easements are provided for that equipment. The subdivision improvements include a new water line, fire hydrants, the extension of sanitary sewer lines and the completion of detention areas to be maintained privately. Limits of no access have been placed on 31<sup>st</sup> Street, which is a residential street, adjacent to the northwest portion of this plat.

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

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

NAYS: Members: None

The next item on the agenda was **Consideration of Deed Certification for three lots in the Enterprise Business Park, located on the east side of Kelly, one-half mile south of 15<sup>th</sup> Street. (Somerton Group, LLC)**

Glenn Miller, with J R Fulton & Associates, Inc, is representing James H Harrod and Somerton Group, LLC in requesting that three lots be divided in the Enterprise Business Park. This development is located along the new connection to Fretz Avenue, between 15<sup>th</sup> and 33<sup>rd</sup> and east of Kelly, at the east end of Enterprise Drive. The property is zoned "F-1" Light Industrial. The proposal is to divide Tract 1, a 2.12 acre parcel on Enterprise Drive, Tract 2, a 1.61 acre parcel, and Tract 3, a 4.56 acre parcel along Fretz Avenue. The BNSF railroad tracks are located a short distance to the east of this property. All three parcels are adjacent to City water and sewer lines and have access on publicly dedicated streets. There is no 100 year flood plain crossing this property. Tract 1 is a longer lot, which extends to both north and south sides of the street at the end of the cul-de-sac. There have already been 22 lots divided in the Enterprise Drive development. Larry Lambrecht is building new buildings to the north of the subject Tract 2 parcel along Fretz Avenue. This lot split/deed certification meets all City requirements.

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

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

NAYS: Members: None

The next item on the agenda was **Consideration of Deed Certification for three lots located west of Fisher Road, one eighth of a mile north of Thirty Third Street. (Chuck Kerrigan)**

Engineer Earnest Isch is representing Chuck Kerrigan in requesting the division of three lots for homesites in the Fisher Hills Addition located west of Bryant, north of Thirty Third Street. Mr. Kerrigan owns a home at 2929 Fisher Road on a 1.41 acre tract. He plans to sell this home. He lives in a home to the west of this site on approximately four acres. He would like to divide another parcel of land consisting of 1.09 acres to the north and east of his existing home at 2929 Fisher Road and that site is irregularly shaped. All three of the lots will comply with the lot size on this "A" Single Family zoned property using water wells and septic tanks. None of the parcels are in a floodplain.

Earnest Isch was in attendance representing the applicant.

October 20, 2009

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

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

NAYS: Members: None

There was no New Business.

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

AYES: Members: and Chairperson Moyer

NAYS: Members: None

Meeting adjourned at 6:55 p.m.

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Bill Moyer, Chairperson  
Edmond Planning Commission

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Robert Schiermeyer, Secretary  
Edmond Planning Commission