

EDMOND PLANNING COMMISSION MEETING

Tuesday, November 17, 2009

5:30 P.M.

The Edmond Planning Commission Meeting was called to order by Chairperson Bill Moyer at 5:30 p.m., Tuesday, November 17, 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; 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 November 3, 2009 Planning Commission minutes.**

Motion by Hoose, seconded by Cartwright, to approve the minutes as written. **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 **Public Hearing and Consideration of Amendments to Title 22 as follows: Ordinance which includes consensus items from the October 12 workshop, Table of Contents, Ordinance Relating to Section 22.3.1 Common Review Procedures, Ordinance relating to Section 22.4.10 The title C-3 high Density Multiple-Family Residential and Community Services, Ordinance relating to Section 22.4.23 CBD, Central Business District (B) Use Table, Ordinance relating to Section 22.4.36 Supplemental Use Standards (G) Retail Sales and Service, Ordinance relating to Section 22.4.37 Accessory Uses (B) Accessory Structure Dimensional Standards, Ordinance relating to Section 22.6.1 General Standards (C) Off-Street Parking, Ordinance relating to Section 22.9.2 Defined Terms (B), Ordinance relating to Section 22.6.1 General Standards (C) Off-Street Parking, Ordinance relating to Section 22.6.2 I-35 Corridor District Supplemental Site Design Standards ; Ordinance relating to Section 22.4.33 Planned Unit Development District (Ordinance relating to Section 22.5.1 Residential Standards, (A) Base Standards; Ordinance relating to Section 22.6.5 Sensitive Border Standards – Option 1; Ordinance relating to Section 22.6.5 Sensitive Border Standards – Option 2.**

Earlier this year, Jan Ramseyer-Fees, Steve Murdock and Councilman Charles Lamb started work on a second set of edits to Title 22 Zoning Ordinance. They started with the areas that were outstanding from the first set of edits last fall and then incorporated some new staff suggestions based on working experience with the revised code. These edits were discussed at a joint Planning Commission – City Council workshop on October 12, 2009. From the discussion at that workshop, it was decided to move forward to public hearings with the items where we had consensus using one ordinance, and to separate the other items where there was some difference of opinion into ordinances that can be discussed and voted on individually.

One topic which is not being submitted for your consideration is the ordinance related to clarification regarding the Central Edmond Urban District Board and its public hearing process. While the subject was discussed at the October 12 workshop, there are additional edits that may need to be made. Since these additional edits were not discussed at the workshop, the Urban Board ordinance is not being considered at this time.

The following ordinances are submitted for discussion:

1. Ordinance which includes consensus items from the October 12 workshop
 2. Ordinance relating to Section 22.4.33 Planned Unit Development District (PUD's)
 3. Ordinance relating to 22.5.1 Residential Standards, (A) Base Standards
 4. Ordinance relating to 22.6.5 Sensitive Border Standards – Option 1
 5. Ordinance relating to 22.6.5 Sensitive Border Standards – Option 2
1. Ordinance which includes consensus items from the October 12 workshop

Councilman Charles Lamb presented the ordinances that were discussed at the workshop and were agreed to move forward to the City Council on December 14th to consider the zoning ordinance. Councilman Lamb indicated that the items could be voted on separately and that he did have one change related to the bicycle ordinance which provided that the standards applied only when there is a site plan approval required by the current code. Councilman Lamb discussed the need for high occupancy multi-family parking standards due to the unique rental arrangement for student oriented housing. Commissioner Lee felt that the definition of unit should be added to possibly limit this type of apartment to no more than 3 or 4 bedrooms. She felt this was a way of restricting additional density. Jan Ramseyer-Fees commented that five unrelated persons are allowed as the definition of family in the current code. Councilman Lamb indicated the next area included adding the definition of abut which was an issue with the OnCue business in the developed area of central Edmond. He commented this does not delete the sensitive border standards regarding lighting, fencing and dumpster location but does relate to the base yards standards that would dramatically affect all the portions of the City that have been constructed with alleys. A 70 foot setback would be a major impact to the previously platted lots in these areas. Commissioner Lee indicated that she felt the 20 foot alleys, which are sometimes unimproved are not a sufficient separation from adjacent residential and that other considerations need to be made if the boundary between the commercial and the residential is only 20 feet. Commissioner Cartwright indicated that he felt the yard standards should only apply if the property touches the residential lot lines. He indicated that some of the lots are only 140 foot deep. If a 70 foot setback is required, that would leave very little to build on and would affect the feasibility of many projects. Commissioner Lee felt that reasonable protections to the yard should be expected by the residential owners. Councilman Lamb discussed the bicycle codes. Commissioner Hoose asked if there had been an estimate of the cost of adding these

bicycle racks to the development. It was indicated there had been no cost review. Dan O'Neil objected felt that the sensitive border protections should be left in place. He commented that the Council struggled with the OnCue location and the definition of abutting but he felt there were some equity issues when people's property is immediately adjacent to commercial and multi-family sites.

Motion by Cartwright, seconded by Hoose, to approve this ordinance subject to an addition in paragraph (11) (b) Bicycle Parking to add where "site plan approval is required". **Motion carried** by a vote of 3-1 as follows:

AYES: Members: Cartwright, Hoose and Chairperson Moyer

NAYS: Members: Lee

2. Ordinance relating to Section 22.4.33 Planned Unit Development District (PUD's)

Councilman Lamb indicated that in section 22.4.33, language is added referring to the underlying districts, meaning zoning districts. Since that is not the manner in which the P have been approved since March 2007, the ordinance needs to be corrected. This correction needs to apply to Sections (A) and (B) of Section 22.4.33. Commissioner Lee indicated that she felt this was wrong because there was no base line to evaluate the PUD against the underlying zoning district standards. The staff indicated that under the new code, all the standards for the project are described in the master plan, this includes setbacks, height and even sensitive border standards. Councilman Lamb commented that if the PUD master plan does not identify those standards, the zoning code would be the fall back position where the applicant did not address an issue in the master plan. Ingrid Young asked that the strikeout portions of the ordinance be provided as part of the public discussion. Dan O indicated there are a variety of standards used to write master plans and they do not always explain all of the requirements and there are unintended consequences and a false sense of security without using the underlying zoning as a standard. Councilman Lamb indicated the decision to proceed with the overall uniform design without having to follow the restrictions of the underlying zoning was previously decided in March 2007. He noted this difference of views occurred at the workshop and that correcting the current ordinance is needed to appropriately use the PUD category. The design statement needs to be as complete as possible, otherwise the standards in the code would apply.

Motion by Cartwright, seconded by Hoose, to approve this request. **Motion carried** by a vote of 3-1 as follows:

AYES: Members: Cartwright, Hoose and Chairperson Moyer

NAYS: Members: Lee

3. Ordinance relating to 22.5.1 Residential Standards, (A) Base Standards

Councilman Lamb explained that this ordinance applies to the chart in Chapter 5, removing the coverage and corner lot minor street. The staff explained that the coverage is removed because it is extremely difficult to calculate for residential properties and the definitions require the calculation to include the roof overhang and applicants rarely supply that information or know the amount of roof overhang for each building on the lot.

With the existing setbacks, there is better protection from over-building than with the previous ordinance prior to March 2007. Ingrid Young asked that the strikeout portions of the ordinance be provided as part of the public discussion.

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

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

NAYS: Members: None

4. Ordinance relating to 22.6.5 Sensitive Border Standards – Option 1 **or**
5. Ordinance relating to 22.6.5 Sensitive Border Standards – Option 2

Councilman Lamb indicated that the last of the ordinances address the base yard standards in the sensitive border. Except for new construction, it is difficult for a full 70 foot setback to apply on pre-existing locations, particularly where the property is already platted and the lot dimensions limit the building site. This primarily occurs in the developed part of the city, extending from the older core of the downtown district. Most of the sensitive border standards could still apply, regarding lighting, fencing, dumpster location, window placement, etc. but to create a substantial setback when that is not characteristic to the location is not practical for re-development of pre-existing uses. Dan O commented that the first shopping center in Edmond at 15th and Broadway was neighborhood friendly and as the project expanded, the loading dock and dumpster locations were constructed closer to the backyards of the Southwinds Addition. He said the noise inside the homes is not appropriate and that the sensitive border standards are meant to apply in this type of location. Commissioner Lee commented that sometimes residents and the developer reach an agreement and then as the project grows, they no longer want to honor the agreement, especially if the ownership changes. She indicated the best approach was to consider a variance at the City Council meeting where these issues could be discussed. Ingrid Young suggested that the word re-development be defined.

Motion by Lee to approve the variance language ordinance Option 2. **Motion failed** due to lack of a second.

Motion by Cartwright, seconded by Hoose, to approve the re-development language ordinance Option 1. **Motion carried** by a vote of 3-1 as follows:

AYES: Members: Cartwright, Hoose and Chairperson Moyer

NAYS: Members: Lee

The next item on the agenda was **Public Hearing and Consideration of Ordinance amending Section 22.4.37 (B) for Residential Accessory Structures.**

Earlier this year, Jan Ramseyer-Fees, Steve Murdock and Wayne Page visited about a new draft ordinance relating to residential accessory buildings. The draft ordinance was submitted for discussion with the other Title 22 edits considered at the October 12, 2009 joint Planning Commission - City Council workshop. Since that time, Councilmember Wayne Page has had discussions with City Councilmember David Miller and city staff

and the revised ordinance includes suggested amendments.

Councilman Wayne Page presented the ordinance and explained that he had applied the current ordinances to his property and determined that he could have an approximately 4,000 square foot accessory structure in his backyard which he felt was crowding the lot and not consistent with the scale of buildings that should be allowed based on a lot in his addition. The ordinance, as proposed, would allow for a building the size of a two car garage on an urban lot and a three car garage on a suburban lot. Lots larger than an acre would not be limited to these sizes. He indicated that Section 7 of the ordinance, referring to agricultural exclusions could be removed from the ordinance if preferred. Other changes included the requirement for the home to be constructed prior to the accessory building for the urban and suburban lot sizes. He commented there would always be the opportunity for a Board of Adjustment variance hearing.

Commissioner Hoose wanted to verify that the code only applied to lots that were 10,000 square feet or less to one acre size lots and that the larger lots, typically in the "R-1", "R-2-A" to "G-A" Agricultural are excluded. He felt that eliminating paragraph 7, referring to the "G-A" would correct that issue. He also suggested that the statement that a building permit is required for a 200 square foot or larger building be excluded since that is covered in the building code. Commissioner Cartwright said he was concerned with paragraph 4, which he felt did not allow large enough accessory buildings and he objected to the language that all buildings of accessory uses are required to be added to the maximum percentage of square footage allowed. Councilman Page indicated that was the intent of the code, to prevent too much coverage, whether from an oversize building or multiple buildings added over time.

Motion by Lee, seconded by Hoose, to approve this request with changes to exclude paragraph number 9 since the building code requires building permits on structures over 200 square feet and to exclude paragraph number 7 regarding the agricultural districts since the lot size standards are stated in paragraph 4. **Motion carried** by a vote of 3-1 as follows:

AYES: Members: Lee, Hoose and Chairperson Moyer

NAYS: Members: Cartwright

The next item on the agenda was **Case #U090003 Public Hearing and Consideration of Specific Use Permit to allow a 150 foot tall monopole cell tower, 940 feet west of Kelly, 910 feet south of Danforth to be located on future City of Edmond soccer fields. (AT&T)**

The subject property is zoned as a part of a Planned Unit Development although the City of Edmond has purchased the land for future soccer fields southwest of the new Hibdon Tire Center west of Kelly. The PUD allows uses at an "E-1" General Commercial level, including some "E-2" uses such as the Hibdon Tire business. The City of Edmond purchased approximately 11 acres to expand the soccer fields to the east and at this time is planning a restroom and concession facility south of the cell tower location. AT&T would like to allow for a 150 foot tall tower, rather than the standard 130 foot tower to accommodate additional carriers. At least three carriers are planned on the tower. AT&T has started the discussions to lease the property for the cell tower. Notices have been

provided to a majority of the property owners in the Swan Lake addition to the south, which is the nearest residential area. The Service-Blake soccer complex is located to the west and already contains light poles that are 75 feet in height. There is also a water tower on the far west side of the Service-Blake complex and there are numerous antennas which are allowed on such structures. The land to the east and north is part of the Edmond Towne Center PUD which is a general commercial range of uses. The McDonalds and Blockbuster are not part of the PUD. The tower is located over 400 feet from the north edge of the Swan Lake addition, over 2 ½ times the height of the cell tower. The location for the restroom and concession facility is generally in alignment with the existing concession facility on the west side of the Service-Blake soccer complex so there will be a convenient pedestrian connection aligned between soccer fields, allowing servicing and customer access.

No one appeared in opposition to this request. Assistant City Manager Steve Commons attended the meeting since the tower was associated with a future soccer field expansion project now being designed.

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

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

NAYS: Members: None

The next item on the agenda was **Case #SP090021 Public Hearing and Consideration of Site Plan approval for American Precious Metals Exchange building on the northeast corner of Technology Drive and Thirty Third Street at 3200 Technology Drive. (Enterprise Holdings)**

Planning Department:

1. Existing zoning – “F-1” Light Industrial
2. Setbacks – The building is setback 178 feet from the center line of Thirty Third Street, the east setback is 60 feet adjacent to Mid Con storage, the north setback is 220 feet and the setback from Technology Drive is 75 feet. All of these setbacks exceed the “F-1” Light Industrial standard.
3. Height of buildings – 30 feet
4. Parking – 92 parking spaces are provided, 92 are required for the combination of office and warehouse.
5. Lot size – 189,522 square feet, the building size is 32,400 square feet
6. Lighting Plan – The site will need to be fenced and the proposal is for 24 feet tall poles plus wall packs on the building. Twelve light poles are planned on the edge of the parking lot, this is not a sensitive border location. All of the adjoining uses are industrial.

7. Signage – One ground sign is planned, 42 square feet in area, 6 feet in height.
8. General architectural appearance – The building will consist of tilt-up panels that will include the architectural accent strips shown on the plans. A metal screen will cover a glass system on the entry or southwest corner of the building. The loading docks are located on the north side or rear side of the building.
9. Sensitive borders – There is no sensitive border. Mid Con data storage is located to the east. Advotech is located to the west and R.L. Williams is located to the south, as well as the City water tower. Remy manufacturing is located to the southwest.
10. Mechanical equipment – Will be located on the roof of the building and the parapet wall will screen the mechanical equipment from the property line.
11. Fencing/screening – The property will be fenced as a security feature. Only the dumpster will be sight proof fenced by using tilt up panels and a sight proof gate.
12. Driveways– There will be no driveway on Thirty Third Street. There will be two driveways on Technology Drive.
13. Title 21 water and sanitary sewer plans – City water and sewer are adjacent to this site and are being extended for service.
14. Street paving and access management – Thirty Third Street is already four lanes in front of this property and Technology Drive has already been connected to Fretz Street through Centennial Industrial Park.
15. Fire Prevention and Building Department – The building will have a full fire sprinkler system and fire hydrants are being added on the east side of the building for the fire lane.

FIRE SPRINKLERS

The building is shown as a fully fire sprinkled building.

FIRE FLOW

The fire flow for the building is 3750 gallons per minute. However since the building is fully fire sprinkled, the fire flow can be reduced by 50% making the required fire flow 1875 gallons of firefighting water per minute for 3 hours.

A flow has been conducted and the area will supply the needed water.

GATES

For security, the property is fenced. The electronic operation of the gate will need to meet Fire Department requirements. Customers will not be permitted into the gated areas, only employees and designated service vehicles such as sanitation department vehicles will be allowed in the gated areas.

Community Image:16. Landscape Plan:

Total Site Area: 189,522 sq. ft. (not including proposed 100' right of way)

10% Required landscaped area

	<u>Required</u>	<u>Provided on Plan</u>
Landscape Area (10%)	18,952 sq. ft.	75,686 sq. ft.
Frontage Landscape Area	9,476 sq. ft.	40,690 sq. ft.
Total Plant Units	1,520 units	1,598 units
Plant Units Along Frontage	760 units	1,478 units
Evergreen Plant Units	608 units	962 units

17. Refuse facilities – Will be located on the northeast corner of the property.

18. Electric – Electric Department requirements have been communicated to the developer's representative.

Tony Blatt was attendance representing the applicant. Commissioner Cartwright thanked Apmex for deciding to locate in Edmond. He indicated they probably had the option to locate anywhere in the area and he understood they employed about 60 people.

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 #Z090033 Public Hearing and Consideration of Plan Amendment from open display usage to heavy industrial usage for a wrecker storage yard. (Harold Langley)**

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

Mr. Harold Langley wants to operate a wrecker and towing service which requires a State license. Mr. Langley owns a wrecker but it is used for the cars he works on in his body shop or his own cars and no license is needed for that under the State requirements.

1. Infrastructure: All of the water and sewer lines are complete and adjacent to this site.
2. Traffic: Broadway is the busiest street in Edmond, there are 40,000 vehicles per day north and south on the Broadway Extension at this location. Further south, the traffic count increases.

3. Existing zoning pattern:
North – “E-2” Open Display
South – “E-2” Open Display
East – Combination of “E-1” General Commercial and “D-2” Neighborhood Commercial
West – Railroad tracks
4. Land Use:
North – Telephone company storage yard
South – Car lot
East – Car lot and body shop
West – Railroad, west of the railroad is residential
5. Density: Not applicable
6. Land ownership pattern:
North – AT&T owns a parcel to the north, the land has been broken up into smaller tracts for business uses such as auto parts store and repair businesses.
South – Large ownership for used car lot, 5-8 acres
East – Car lot, 5 acres
West – Railroad tracks
7. Physical features: This site is in a built environment condition including paving.
8. Special conditions: None
9. Location of Schools and School Land: No schools in the vicinity
10. Compatibility to Edmond Plan: This location near Broadway and the railroad tracks would not be the best location for a series of “F-2” Heavy Industrial uses. It is understood from Mr. Langley that he does not plan to salvage the vehicles but is required to have a designated yard area to operate a wrecker service serving the general public. This location allows heavy commercial uses such as the body shop as well as outdoor storage of vehicles.
11. Site Plan Review: If the area is just fenced with no building, no site plan would be required as an “F-2” use.

Harold Langley was in attendance. He indicated he needed the secured yard to meet the State requirements. He did not intend to do any salvage on the property, he had another location available for that purpose. Commissioner Lee asked if other “F-2” uses would be allowed by the rezoning. Staff indicated that all the other “F-2” uses would be permitted. There was no provision for a specific or limited use permit. A PUD was the only way to limit uses. The “F-1-A” allows a wrecker yard but it also allows other uses such as adult entertainment which the “F-2” District does not allow.

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

AYES: Members: Cartwright and Chairperson Moyer

NAYS: Members: Hoose and Lee

The next item on the agenda was **Case # Z090034 Public Hearing and Consideration of Rezoning from “E-2” Open Display to “F-2” Heavy Industrial at 907 S. Broadway. (Harold Langley)**

Harold Langley who operates Langley Auto Sales and Body Shop is requesting approval for a public wrecker service to include a storage yard. The storage yard would be located on the far west side of the property, adjacent to the railroad tracks and is a 125 foot by 120 foot parcel (15,000 square feet). The State of Oklahoma requires the City to verify that the property is zoned for a storage yard and that is the primary reason for this request. Some vehicles that are stored are eventually sold and that is the reason for the documented storage yard. The “E-2” zoning would allow vehicle sales and service, including the following principal uses: vehicle sales, rental, or leasing facilities, vehicle body shop and vehicle service facility (lubrication, tires sales, etc.). The business already operates with a wrecker and other vehicles used to transport wrecked or damaged vehicles to the body shop.

This request was submitted in the past and withdrawn at that time. The staff understands that Mr. Langley does not wish to use the storage yard as a salvage operation for parts or recycling center. The ordinance provides for a wrecker service salvage yard as an “F-1-B” Special Industrial District or the “F-2” District as requested.

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

AYES: Members: Cartwright and Chairperson Moyer

NAYS: Members: Hoose and Lee

Commissioner Hoose left the council chambers for the discussion and vote of the Teuscher Deed Certification item.

The next item on the agenda was **Case #DD090008, DD090009, DD090010 and DD090011 Consideration of Deed Certification for four residential building sites on the northeast corner of Post Road and Danforth. (Martin Teuscher)**

Martin Teuscher has purchased 10 acres of land on the northeast corner of Danforth and Post Road. The rezoning of the property was approved by the City Council for “R-1” Rural Estate Dwelling District. The deed request is for four parcels, each containing 2.5 acres or at least 108,863 square feet, exceeding the 90,000 square foot lot size required by the “R-1” Rural Estate Dwelling District. Each lot will be served by water wells and septic tanks. There is no floodplain shown through the property and Title 23, providing for drainage standards, will need to be met. The pond that was on the property no longer exists and the soil conditions and grading plans will have to verify proper compliance. There is no information that would indicate the existing character of the land will not allow

a home under any conditions. The applicant may have to take extra measures on the lots that have steeper slopes or locations where there was a standing body of water, such as the pond that has since been removed. That may involve extra care and cost but does not mean that construction is prohibitive.

A representative attended the meeting for Mr. Teuscher.

Motion by Cartwright, seconded by Lee, to approve this request. **Motion carried** by a vote of 3-0 as follows:

AYES: Members: Cartwright, Lee and Chairperson Moyer

NAYS: Members: None

There was no New Business.

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

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

NAYS: Members: None

Meeting adjourned at 7:45 p.m.

Bill Moyer, Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission