

EDMOND PLANNING COMMISSION MEETING

Tuesday, July 6, 2010

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, July 6, 2010, in the City Council Chambers at 20 South Littler. Other members present were Leroy Cartwright, Mark Hoose and Lydia Lee. Chairperson Bill Moyer was absent. Present for the City were Robert L. Schiermeyer, City Planner; Kristi McCone, City Planner; Steve Manek, City Engineer; and Paul Lakin, Assistant City Attorney.

The first item on the agenda was **the approval of the June 22, 2010 Planning Commission minutes.**

Motion by Cartwright, seconded by Hoose, to approve the June 22, 2010 minutes as written. **Motion carried** by a vote of 3-1 as follows:

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

ABSTAIN/NAYS: Members: Lee

The next item on the agenda was **Case #Z10009 Public Hearing and Consideration of Edmond Plan Amendment from General Commercial to Planned Unit Development (allowing High Density Multi-Family Residential and/or General Commercial uses) on two parcels on the north side of East Second Street, generally one-quarter and one-half mile east of Bryant Avenue, 8.4 acres. (Cornerstone-Legend, LLC)**

This request is unique since it involves two separate parcels; one five acre tract zoned "E-1" General Commercial in 1978 and a 3.4 acre tract zoned "E-1" General Commercial in 1978. Neither of the parcels would likely develop multi-family, individually. The Planned Unit Development application is the method selected to provide for multi-family usage as a part of a larger project incorporating the un-developed multi-family land between the two tracts. If a multi-family project cannot be developed, the "E-1" uses would be retained. "E-1" does not allow multi-family and a Special Use Permit is no longer a possibility in "E-1" General Commercial, for multi-family uses.

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

1. Infrastructure: City water is available on Second Street. Sanitary sewer is available to the north, along the creek.
2. Traffic: There are approximately 28,000 cars east and west on Second Street, in front of this property. Recently, a traffic light was installed at Vista Lane and Second Street, and the developer will continue to make turn lane and traffic signal improvements with the multi-family usage.
3. Existing zoning pattern:

North – Multi-Family
South – General Commercial or higher Commercial
East – Restricted Commercial and Floodplain
West – Multi-Family (adjacent to both parcels)

4. Land Use:

North – The Arbor Place project is planned to the north; currently un-developed.
South – Freddy's Frozen Custard is south of one of the parcels and the Shell Convenience Store is south of the other parcel on Vista Lane and Second Street.
East – Un-developed parcels
West – Legacy Woods Apartments are located to the west of one of the locations and un-developed multi-family is west of the other parcel.

5. Density: The five acre parcel could contain 80 units; the 3.4 acre parcel could contain 54 units. Neither tract is expected to develop independently. It is anticipated they would be developed with the connecting multi-family parcel, consisting of approximately 10.8 acres. It is estimated that 290 units would be possible on the property, including the two tracts requesting PUD zoning. The density is 16 units per acre. Some of the land will have to be left for the oil well and equipment.

6. Land ownership pattern:

North – Place Properties, Arbor Place, owns the un-developed land to the north, south of Kickingbird Road. Kickingbird Hills is also located to the north.
South – Commercial development,
East – The commercial land to the east is under a single owner.
West – The commercial land is owned separately.

7. Physical features: The parcels are narrow, approximately 164 feet wide, and that is one of the reasons the plan is to add these parcels to the existing multi-family already zoned between these two tracts. Fill has been added to the location northwest of Vista Lane. There is a floodplain along the north side of the property. The site would be substantially graded for commercial or multi-family development.

8. Special conditions: This location is located on the current public transit route.

9. Location of Schools and School Land: The nearest Elementary School is Northern Hills.

10. Compatibility to Edmond Plan: Multi-family is not a new use for this portion of the City. Kickingbird Apartments are located to the northwest and Kickingbird Hills to the north; Legacy Woods are located to the west. Bryant Place has recently been added on the southeast corner of Ayers and Kickingbird Road. Bryant Grove, built in early 1972, is located on Bryant, east of the hospital. Arbor Place is planned to the immediate north. The Oxford Oaks apartments are located on the south side of Second Street.

11. Site Plan Review: The following approvals will also be needed: Preliminary Plat, Site Plan, and Final Plat.

Attorney, Randel Shadid represented Cornerstone-Legend, LLC, indicating that the reason he applied for a PUD is that it is the only way to retain the "E-1" General Commercial, which the property is already zoned, if a multi-family project turns out not to be feasible on the entire set of parcels attempting to be assembled for this project. He was hoping to not have to complete all of the mapping requirements for the 3.4 acre and the five acre parcel described in the Code until there was time to study what the plan would be for the entire tract, the majority of which was already zoned "C-3". Another option would have been to request "C-3" Multi-Family on the five acre and 3.4 acre tract with no PUD; however, had the multi-family project not developed, the owners would have wanted to come back and request commercial, currently existing on the property. He felt this was a unique situation and that the site plan and plat process would answer the questions required with PUD's when the land is already assembled as one piece.

Commissioner Lydia Lee indicated that this application did not meet Title 22. There was no drainage plan, no master plan, circulation plan, or infrastructure plan. She indicated the application was not appropriate and she did not see how they could put the two tracts of land together as a PUD without describing how the existing multi-family parcel in between the tracts could be developed into one project as described.

Assistant City Attorney, Paul Lakin indicated that the application was incomplete, following the descriptions in the Code. He indicated that the Commission could vote on the request. He indicated if the Commission felt that the issues are best addressed by the PUD descriptions, that would be a decision they would need to reach in considering this matter. Lydia Lee asked why the entire project could not be included. The staff indicated that the owner could have voluntarily added the larger, multi-family parcel to an overall PUD plan. Randel Shadid indicated that this was a good business decision to submit the application the way it is. The developer will be buying three properties to put this together. The existing owners of the commercial parcels (the 3.4 acre and five acre) want to retain those tracts as zoned if funding does not go through, and there was no reason to submit a PUD plan on the entire development, some of which is already zoned "C-3".

Ronnie Williams stated that he was not there either for or against the project, but did have some questions relating to the definitions of the project. Ed Moore, with the ENA, was there in opposition.

Commissioner Hoose understood the logical situation presented by the two separate parcels, planned for multi-family, but wanting to retain the commercial. He indicated that it was very unique and that without all three parcels, they may not be able to develop the project. Mr. Cartwright agreed with the unique conditions and supported the request as submitted. Lydia Lee commented that she appreciated the fact that it was unique, but there could have been a remedy by including the center parcel. She indicated Mr. Shadid only wants the benefits of the PUD, but does not want to complete the work to describe the limits or conditions, as described in the ordinance. Mr. Moore indicated that

he was not in favor of proceeding. He stated that he does know the difference between “shall” and “may” and cannot support the request as submitted.

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

AYES: Members: Cartwright and Hoose

NAYS: Members: Lee and Vice Chairperson Moore

The next item on the agenda was **Case #Z100010 Public Hearing and Consideration of Rezoning from “E-1” General Commercial to Planned Unit Development (allowing High Density Multi-Family Residential and/or Commercial uses) on two parcels on the north side of East Second Street, generally one-quarter and one-half mile east of Bryant Avenue, 8.4 acres. (Cornerstone-Legend, LLC)**

Attorney, Randel Shadid is requesting rezoning on two separate parcels on the north side of East Second Street. The two parcels together contain 8.4 acres. The proposal is to develop an apartment development on the subject parcels in combination with land zoned “C-3” High Density Multi-Family, situated between the two subject parcels. The project, as a whole, could accommodate approximately 290 apartment units. Over 10 acres of land is already zoned “C-3” High Density Multi-Family. Commercial properties fronting Second Street will be retained as Commercial. These tracts are situated east of Freddy’s Frozen Custard. Waterlines are available on Second Street and wastewater lines are located along the creek on the north side of the proposed development. The owner plans to access the property with a new driveway, aligned with Vista Lane on the south side of East Second Street. There appears to be sufficient right-of-way for a left turn lane on Second Street into this project. The owner will need to make traffic light improvements to the existing signal on Second Street, at Vista Lane, to add a left turn lane and signal for a full 4-way traffic signalization. The cost of these improvements will be the responsibility of the owner/developer. Detention would be required outside of the floodplain, near the creek. A trail alignment is indicated from the Master Trail and Sidewalk Plan along this creek. A trail/sidewalk easement would be requested with the site plan and documented on the plats required. The PUD uses provide that if an apartment project does not develop, an alternate use of the property is “E-1” General Commercial. The property is already zoned “E-1” General Commercial. The apartment development will have to provide the proper setback from the oil well and equipment. There is also a pipeline easement crossing the parcel, and the width of that easement will have to be accommodated in the apartment site plan. The adjoining uses to this site include the following:

- North - Kickingbird Hills and the proposed Arbor Creek Apartment development.
- South – Freddy’s Frozen Custard, the Shell Convenience Store, and other commercial property on the south side of East Second Street.
- East - Undeveloped commercially zoned property.
- West - Legacy Woods Apartments (328 units)

In summary, the traffic within this planned project will be created by a series of driveways connected to a new traffic light and left turn bay on Second Street, paid for by the developer. Sidewalks will be required along Second Street and bicycle parking spaces will be established within the project, as currently required. To complete the Master Trail Plan, a 10 foot or greater easement (depending on the utility placement) will need to be shown on the plats required for this property. A traffic study can be required with the plat or the owner can comply with the recommendations from the Engineering Department on traffic improvements on Second Street, in terms of turning lanes and traffic signals.

A detailed drainage study will be required with the Final Plat and Site Plan. The detention area will be located out of the creek, along the floodplain. The project will develop as an apartment project or existing "E-1" level commercial. The development will have a density of 16 units per acre. Much of the multi-family zoning is in place. The project will have at least 10 percent landscaping. The area in the floodplain cannot be disturbed for detention, building pad, or drive lanes. There may also be a setback from the floodplain, depending on the final grading plan.

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

AYES: Members: Cartwright and Hoose

NAYS: Members: Lee and Vice Chairperson Moore

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 Vice Chairperson Moore

NAYS: Members: None

Meeting adjourned at 6:17 p.m.

Barry K. Moore, Vice Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission