

EDMOND PLANNING COMMISSION MEETING

Tuesday, February 8, 2011

5:30 P.M.

The Edmond Planning Commission Meeting was called to order by Chairperson Bill Moyer at 5:30 p.m., Tuesday, February 8, 2011, 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 Robert L. Schiermeyer, City Planner; Kristi McCone, City Planner; Steve Manek, City Engineer; and Steve Murdock, City Attorney.

The first item on the agenda was **the approval of the January 18, 2011 Planning Commission minutes.**

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

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

NAYS: Members: None

The next item on the agenda was **Case #SP110001 Public Hearing and Consideration of Amended Site Plan for Bryant Place Apartments at 1600 Kickingbird Road to remove landscaping to provide 45 more parking spaces. (BVP Bryant Place Properties, L.L.C.)**

Attorney Randel Shadid is representing the property owner in requesting that additional parking be installed. In order to add 45 spaces, a retaining wall will have to be moved and landscaping will have to be taken out in the southwest portion of the property. Some of the spaces are added to locations where the islands in the parking areas are reduced in size to add one or two more spaces. The largest area of change involves the two retaining walls on the south and west sides of the property which will be reconstructed. The revised plan indicates parallel parking along Kickingbird Road and that is **not recommended** and should not be approved for safety reasons. 24 spaces would be added to the south side of the property next to the Oklahoma City Clinic and 10 spaces would be added to the west adjacent to Bryant. Tickets are still being issued through municipal court for parking violations. The owner has talked to the medical clinic to the south as well as the medical building to the north of the site about shared parking but an arrangement could not be made for parking in those areas. Woodcreek Townhomes are located to the northeast and Kickingbird Apartments and Barrington Hills are located to the east. The rental of each bedroom in an apartment to a person typically includes the need for one car per person and that has created this parking problem. The standard has changed for this type of rental program but when the original permit was issued for Bryant Place, two parking spaces were required for more than one bedroom units, not one per bedroom. There are 108 apartment units and 432 beds.

Ryan Ochsner has reviewed the landscaping calculations and there will be 25% landscaping, even if the parking spaces are removed. He indicates there are few areas to add the landscaping back because there is not enough space for the plants or trees to

grow in the areas available. The conditions would be too crowded. Building permit plans would have to be issued for the new retaining wall. The Engineering Department has reviewed the drainage plans, which are not affected by this additional paving. Attorney Randel Shadid has indicated even though space is limited, additional planting in the space that is available will be considered as recommended by the City. The Engineering Department may also evaluate the retaining wall along Bryant since it is very near the Bryant Street right-of-way. Any impacted utilities will have to be part of the new construction plans.

Randel Shadid was in attendance representing the applicant requesting 45 additional parking spaces and modification of the original site plan to accomplish that. Each resident does need one parking space and there are 432 bedrooms. With the additional parking spaces they will have 392 parking spaces, still 40 spaces short for each person to have their own parking space. There is no additional space on site to add any more parking. He indicated the property has 90% occupancy. Urban Forester Ryan Ochsner indicated that a landscape plan had been submitted indicating the trees that would be removed on the south and/or west sides of the property for the additional parking. He indicated there were no spaces large enough for new plantings and that the plans reflected 19% landscaping.

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

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

NAYS: Members: None

The next item on the agenda was **Case #ES100006 Public Hearing and Consideration of partial street right-of-way closing, Faircloud Court located between 1516 and 1517 Faircloud Court. (Faircloud Association Inc.)**

Attorney Matthew Winton is representing the Faircloud Association in requesting that a five foot wide by fifty foot long portion of the end of Faircloud Court be closed. The street was stubbed to the east when the plat was approved on January 19, 1992. The land to the east is developed with a single family home on a large parcel. It does not appear there will be an interest in continuing a street for a subdivision development. The existing house to the east is located on the far north side of the property so there is a chance that conditions could change, but that is highly unlikely. The land to the east is zoned "A" Single Family and projected to remain zoned in that way. Larger areas to the east extending to the intersection of Coltrane and Danforth are zoned commercial. The immediate northwest corner of Coltrane and Danforth is zoned "E-2" Open Display, a Homeland Grocery Store was once planned at this location. There is also a significant parcel of "D-1" Restricted Commercial west of the "E-2" parcel. The association has requested this closing. The property owners north and south of the subject location are not involved separately as property owners and were notified. Large rocks have been placed across the right-of-way; the driveway for the home to the east is just a few feet from the end of the street. The street right-of-way at the end of Faircloud Court would need to be retained as a utility easement. Other closings similar to this have been approved in the past.

Motion by Lee, seconded by Hoose, to continue this request until the April 19, 2011 Planning Commission meeting. **Motion carried** by a vote of 5-0 as follows:

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

The next item on the agenda was **Case #PR100017 Public Hearing and Consideration of Preliminary Plat of Integris Health Edmond I Addition, located north of Fifteenth Street, east of I-35 and northeast of Henderson Hills Baptist Church. (Integris Health Inc.)**

Doug Klassen with MKEC Engineering is requesting Preliminary Plat approval for a 25.49 acre plat for the new hospital and medical office building. The Corps of Engineers owns the land to the north and east adjacent to Arcadia Lake. Henderson Hills Baptist Church owns the land to the south. The Territories subdivision is a subdivision located to the southeast.

With the site plan, construction plans have already been approved for water lines, wastewater, paving and drainage improvements. The plat consists of one lot and one block. The property is zoned "E-1" General Commercial.

Doug Klassen was in attendance representing the applicant.

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

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

The next item on the agenda was **Case #PR100018 Public Hearing and Consideration of Final Plat of Integris Health Edmond I Addition, located north of Fifteenth Street, east of I-35 and northeast of Henderson Hills Baptist Church. (Integris Health Inc.)**

Engineer Doug Klassen is requesting Final Plat approval of the new hospital and medical office building under construction along I-35. This plat contains 25.49 acres. The Arcadia Lake property owned by the Corps of Engineers is located to the north and east. Planned trails have been indicated on the Corps of Engineers' land to the north. Since the Site Plan has already been approved, water lines, wastewater lines, drainage detention and paving have already been started. The plat documents utility easements. The addition consists of 1 lot and 1 block.

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

The next item on the agenda was **Case #Z110002 Public Hearing and Consideration of Rezoning from “G-A” General Agricultural to “L-2” Lake Residential on property located on the west side of Post Road, approximately one quarter mile north of State Highway 66. (Martin Teuscher)**

Mr. Teuscher owns a 20 acre tract east of the Sugar Hill Addition, west of Post Road. He plans to build 2 acre lots on this property which is currently zoned agricultural, allowing only 5 acre lots. The new Route 66 Park is planned southeast of this location and will be developed in phases. The water line along the south side of Route 66 is a transmission line and is not subject to connection for the appropriate operation of the water distribution system. Sanitary sewer is not available to this area. Lots in the Sugar Hill Addition are generally 2 acres or larger. The Edmond Plan has suggested “L-2” Lake Residential for the subject parcel so there is no plan amendment required. Development of the property would require additional review through the platting process and/or private street development would require review through the Planning Commission and City Council.

Mr. Mac Gardner had requested a continuance to discuss drainage issues. He was not able to attend the meeting based on the weather conditions in Tulsa where he lives. The Planning Commissioners indicated there would be other opportunities for discussion of the drainage issues if the project were approved. Martin Stewart, property owner to the north indicated the drainage had changed since the Sugar Hill Addition was developed and would like the opportunity to discuss the drainage at the right time. He had no objection to the rezoning.

Commissioner Hoose excused himself from the Council Chambers for the discussion of this item.

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

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

NAYS: Members: None

The next item on the agenda was **Case #Z110001 Public Hearing and Consideration of Rezoning from “G-A” General Agricultural District to “L-2” Lake Residential District generally located south of Thirty Third Street on the east side of Leesa Lane at 3551 Leesa Lane. (Baltazar Prado)**

Mr. Prado owns 5 acres of land east of I-35, west of Arcadia Lake. He would like to divide the property to create two building sites, one lot will be 2.53 acres and the other lot will be 2.52 acres. There is an existing house on part of the property. There is no City water or sewer available to the area. A number of property owners on Leesa Lane have already rezoned and divided their property into two acre tracts or more. The Edmond Plan projects “L-2” usage for this property based on the proximity to the lake. Higher density, such as 60,000 square foot lots are not appropriate.

Mr. Prado was in attendance.

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 **Case #SP110002 Public Hearing and Consideration of request for Site Plan Variances regarding a 24 hour drive-through order speaker and decorative lighting to be installed along the top of the parapet wall for a proposed Burger King Restaurant on the west side of Santa Fe, south of Bank of the West. (O & M Restaurant Group)**

Mr. Dave Ostrowe, representing O & M Restaurant Group is proposing a 24 hour restaurant on Santa Fe. The property is zoned "D-2" Neighborhood Commercial and on the west side of the property behind the restaurant building, a drive-through order station and speaker will be required for the pick-up window on the south side of the building. The speaker setback is approximately 74 feet from the west property line, next to the Bradford Park Addition. The bank to the north provides for their drive-through lanes on the west side of the property but that business is not open 24 hours. The Zoning Ordinance approved in March 2007 indicates the following "All outdoor speakers shall not be directed toward abutting residential property. No outdoor speakers shall be used between the hours of 10:00 p.m. and 6:00 a.m." The property was zoned in 1982. The speaker is for the customer to order food through the drive-through lane. This is not a drive-in restaurant. There will be no music played through the speakers.

A sight proof fence has been constructed west of this property by the Bradford Park residents. A detention area is planned immediately west of the driveway and there is still 21 feet on the west side of the property that includes a drainage channel. There may be space for some additional trees to be planted on the west side of the property or near the speaker order station to help buffer the speaker location.

The second variance requested is to install a LED light band along the top of the parapet wall on certain portions of the wall. The current sensitive border standard states "Fiber optic or neon building decoration shall be prohibited" and this applies in the sensitive border condition. In addition to the 0.2 foot-candle standard for spillover light and the maximum 15 foot height for lighting within 50 feet of residential property is required. The applicant has mentioned a "flame" overlay located within the parapet light band. Mr. Ostrowe indicates that the flame overlay reduces the amount of light on the parapet wall. Parapet wall lighting has been discouraged since the new Zoning Ordinance on buildings such as the Arvest Bank on Bryant, BancFirst on Bryant. Older buildings do have parapet lighting. In reviewing businesses in the immediate area lighting of the parapet portion of the wall has not occurred. Braum's, one mile south and portions of the Oakbrook Shopping Center on the northeast corner of Edmond Road and Santa Fe have this feature but they were constructed before the current ordinance. All of the buildings at or near Danforth and Santa Fe have been inspected and do not include parapet wall lights.

David Ostrowe was in attendance representing the applicant. Mark Wargo of 1209 Bradford Place spoke in opposition indicating a 24 hour restaurant was one type of concern but the addition of the speaker noise past the 10:00 p.m. standard in the code was dangerous and undesirable. He indicated the lighting needed to be very limited to not impact the residential neighborhood. These two variances were unacceptable. Lance Churchwell of 1200 Bradford Place spoke indicating there was no greenbelt to buffer the lighting and noise and that the intent of the standard is to limit the usage near homes. Emil Coffey of 1017 Bradford Place spoke in opposition that this use was in conflict. He indicated it was a privilege to purchase a burger but not to conflict with the rights of the residents. Kasey Shick of 1025 Bradford Place spoke in opposition of the project. Commissioner Moore indicated he felt this was too much of a change from the Code. Commissioner Cartwright indicated he agreed with Commissioners Moore and Lee regarding the amount of change required for the variance. Commissioner Lee indicated the reason for the sensitive border is to address issues such as noise and light near homes.

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

AYES: Members: None

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

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: Moore, Lee, Cartwright, Hoose and Chairperson Moyer

NAYS: Members: None

Meeting adjourned at 6:25 p.m.

Bill Moyer, Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission