

EDMOND PLANNING COMMISSION MEETING

Tuesday, February 21, 2012

5:30 P.M.

The Edmond Planning Commission Meeting was called to order by Chairperson Barry K. Moore at 5:30 p.m., Tuesday, February 21, 2012, in the City Council Chambers at 20 South Littler. Other members present were Leroy Cartwright, Bill Moyer, 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 February 7, 2012 Planning Commission minutes.**

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

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

NAYS: None

The next item on the agenda was **Case #ES12-00001 Public Hearing and Consideration of request to close a 20 foot utility easement at 4209 Slate Bridge Road, Section 1 of the Golden Gate at Twin Bridges Addition. (Joe and Kristen Ketzner)**

Mr. and Mrs. Ketzner would like to build a pool in the backyard of their home on Lot 26, Block 1, Golden Gate at Twin Bridges I. There is a 20 foot utility easement on the west side of their lot. The application is to close the entire easement. Notices have been sent to utility companies, including, telephone, gas, cable and O G & E. There are no utilities in this easement. This property backs up to the Caliburn Addition. There is no objection to closing the easement.

Kristen Ketzner was in attendance.

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

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

NAYS: None

The next item on the agenda was **Case #Z12-00001 Public Hearing and Consideration of Edmond Plan Amendment from General Commercial to Central Business District Commercial, located on the northeast corner of Third and Broadway at 220 South Broadway. (Gary Lee)**

The Central Edmond Urban Development Board considered this item on February 14, 2012 and recommended approval. No one appeared in objection.

General requirement for extending CBD: "To be eligible for rezoning to this district, a parcel shall abut or be directly across a public right-of-way from an existing CBD district."

The subject property is west of an alley next to the Sunflower Market that is currently under renovation and zoned CBD. The inclusion of the CBD zoning district, with an Edmond Plan Amendment, for this parcel on the east side of Broadway matches the goals desired for this area. This parcel on this for the east side of Broadway, south of Second identifies some of the goals desired for this area. Most of the buildings will not comply with the historical look north of Second, so the site plan reviews will require a different consideration. From land a use standpoint, the CBD is a choice that allows a mix of commercial uses and multi-family.

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

1. Infrastructure: City water and sewer are adjacent to the property. The property is already in use as LeeCo Heat and Air. The building was previously used as a service station and an office building.
2. Traffic: Broadway carries approximately 40,000 cars per day at this location.
3. Existing zoning pattern:
North – “E-1” General Commercial
South – “E-1” General Commercial
East – CBD
West – “E-1” General Commercial
4. Land Use:
North – O’Reilly Auto Parts
South – W & W Tire
East – Sunflower Market, under renovation
West – Rings Etc. jewelry store
5. Density: The owner wants to have an apartment; apartments are not allowed in “E-1” General Commercial. Other than parking spaces required, there is no density limit in the CBD District.
6. Land ownership pattern:
North – O’Reilly Auto Parts
South – W & W Tire, small commercial ownership
East – Sunflower Market, largest single ownership within 300 feet. The only other large ownership in the CBD is on 5th Street.
West – Small commercial ownership
7. Physical features: Built environment, all concrete and building. The building was constructed prior to site plan standards. A previous owner installed landscaping in the right-of-way on 3rd Street. Driveways are also non-conforming. This site was built prior to detention requirements.
8. Special conditions: None

9. Location of Schools and School Land: Not applicable. The nearest elementary school is Clegern Elementary School on Boulevard.
10. Compatibility to Edmond Plan: The Edmond Plan did not project CBD zoning along Broadway. Since March 2007, when the Edmond Plan was renewed, the Central Edmond Urban Development Board has adopted an updated Downtown Master Plan. That plan states some goals that are consistent with Mr. Lee's view that he build a mixed use building that involves his heat and air business, office space and an apartment. Mr. Lee plans to live in the apartment. The building would be expanded more than twice the current size. He does plan a two-story building that may have the territorial look of some of the buildings in the CBD district. The Fire Marshall has indicated that even with one apartment, a fire sprinkler system is required. The remodeling will require full ADA compliance.
11. Site Plan Review: Site plan review will be required.

Gary Lee was in attendance. Cartwright indicated this is a good situation to make the change from General Commercial to CBD Commercial for South Broadway.

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

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

NAYS: None

The next item on the agenda was **Case #Z12-00002 Public Hearing and Consideration of Rezoning from "E-1" General Commercial District to "CBD" Central Business District Commercial, located on the northeast corner of Third and Broadway at 220 South Broadway. (Gary Lee)**

The Central Edmond Urban Development Board considered this item on February 14, 2012 and recommended approval. No one appeared in objection.

Gary Lee is requesting rezoning of the current LeeCo Heat & Air business to CBD. Mr. Lee would like to build an apartment on a second story he will also add offices on the second floor. LeeCo would continue to operate on the first floor. "E-1" does not allow for apartments, even with a Specific Use Permit. The CBD District allows for this mix of uses. This type of mixed use project has been suggested by the updated Urban District study. Utilities are available to this site. Water lines in the area have recently been upgraded. The Sunflower Market is being renovated east of this location, east of the alley. O'Reilly Auto Parts was recently expanded north of this location. W & W Tire is located to the south, and there are other commercial uses on the west side of Broadway across from this property. There is no plan to remove the building and start over with the Downtown appearance; the developer will add to the building and expand it to the east, maintaining the driveways on Broadway and parking around the building. A previous owner landscaped the right-of-way along Third and there is no intent to change that improvement. All of the site plan issues will be discussed at a later time when Mr. Lee

submits his full plans. Since the new Urban District study has been completed, the applicability of the CBD zoning category fits this location at Third & Broadway.

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

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

NAYS: None

The next item on the agenda was **Case #PR12-00001 Public Hearing and Consideration of Preliminary Plat for Fairfax Estates IX Addition, located one-eighth mile north of Covell Road and one-quarter mile west of Sooner Road. (Fairfax Joint Ventures, LLC)**

Engineer Earnest Isch is representing J.W. Armstrong in requesting plat approval for 25 new single family lots on 13.73 acres (1.8 units per acre). This phase of Fairfax Estates is an extension of Fairfax Drive, adjacent to the golf course. The access is from Covell Road, east of the Fairfax Business Park. The lot sizes are 13,300 square feet, with most of the lots being larger. All streets in this Addition are private with gated access. City water and wastewater lines, Edmond Electric and Solid Waste will serve this Addition. Drainage detention is designed on an area wide basis for this Addition.

Randel Shadid was in attendance, representing J.W. Armstrong, on this request.

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

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

NAYS: None

The next item on the agenda was **Case #PR12-00001 Public Hearing and Consideration of Preliminary Plat for Gardens V at Fairfax Addition, located one-half mile north of Covell Road and one-quarter mile west of Sooner Road. (Fairfax Joint Ventures, LLC)**

Engineer Earnest Isch is representing the developer in requesting approval of 10.53 acres and 31 single family lots for another phase of Fairfax. The lot sizes are 60' x 110' (6,600 square feet) or larger. The average lot size is 7,500 square feet. There is a large flood plain to the north, along Coffee Creek. The land to the north is owned by the Harper Trust. Due to the private streets in Fairfax, there are no stub-out streets planned to the north. This Addition will be served with City water and wastewater, Edmond Electric, and solid waste collection. This phase will connect with Cumberland Drive through Fairfax IV Addition and Lakeshire Ridge Way, to be constructed with Fairfax Estates IX. The Fairfax Golf Course is located to the south of the Addition. The front building lines are shown to be 20 feet. The original preliminary plat was approved in 1992 for this area; preliminary plats are valid for two years.

Attorney Randel Shadid, representing J.W. Armstrong, indicated this Gardens V project would be similar to the other sections of Fairfax, using the Gardens name. Some of the

lots were smaller, but they were mixed with larger lots and built in areas separated from the larger lots in the Addition. He indicated that 26 of the lots were pre-sold, which is the standard banks now use to finance the Addition.

Ron Hanska, Lot 16, Block 4, Fairfax II, opposed the differences planned with this Addition. He indicated that he built in 2003 and understood that all of the Garden standard homes would be on the west side of the development. He indicated the overall PUD plan did not anticipate 31 lots. David Templet indicated there was a lack of stormwater control that would clearly affect this Addition. The dam for the detention pond, south of the development, has been destroyed twice by heavy rainfall. He was concerned about losing all the trees for the additional lots and extra paving required by this design. Dr. Greg Halko objected to the Addition, which required improvements on the golf course behind his home, requiring trees to be removed that had not been discussed with residents. Fred Stanley objected to the development, based on the quality and that the developer was making a series of bad choices for this area, due to the history of the floodplain, drainage, spillway being washed out in the June 10 flood and poor maintenance of the area in general. He felt like the Armstrong's had not demonstrated the capacity to solve these problems. He asked for a hydrology study to determine what a good solution would be. He was also concerned about substantial golf course changes that were required by this development.

Attorney Randel Shadid indicated that the plat met all of the City standards and the developer was not exceeding the number of lots permitted. A revised preliminary plat was submitted because all other plats have expired. All of the stormwater issues will be resolved with the City and the owner's engineer, Isch and Associates. Twenty foot buffer of trees would remain on the west. The golf course will not be hurt by the modifications planned.

Barry K. Moore asked what type of outreach to the residents was done prior to the Planning Commission meeting. Mr. Shadid indicated the plan was available at the homeowner's annual meeting. Homeowner Richard Cordis indicated there was general discussion; no drawing was available and there was not a quorum at the annual meeting. Mr. Armstrong indicated the plat had been displayed in the country club. Mr. Moyer indicated that he is always concerned about people buying a house and the conditions changing later. Mr. Shadid indicated the covenants had never been changed regarding the size of the homes. Barry K. Moore indicated he would like to see this item continued until March 6 to get the questions answered and to meet with the residents. He inquired about a Community Connections meeting. Mr. Cartwright indicated he understood the biggest complaint from the residents was drainage. Mr. Moore asked if there was a motion to continue the item to have answers to the homeowner's questions. Ms. Lee moved to continue the item and then Randel Shadid spoke in objection to the motion. Motion died for lack of a second. Mr. Shadid indicated he wanted to proceed with the vote because the financing was approved and they could not afford a delay. Ms. Lee wanted to express that she was very disappointed in the lack of cooperation and communication with the homeowner's. They had been promised one number of lots and now a larger number of lots is planned. She felt this demonstrated an indifference and disrespect from the developer regarding the investments the homeowner's had made in

this Addition. Barry K. Moore indicated he was very unhappy about not continuing the item when the issues that have been brought up are as significant as described and documented by the homeowners. He said this situation has been repeated several times where there are major changes and that the residents deserve to know more about the issues before the item is voted on. He indicated he was very upset by the way this matter is being presented, and the refusal to continue the item to allow the residents the opportunity to meet with the developer.

This preliminary plat will be noticed for a City Council hearing since the Addition includes private streets. To be heard by the City Council on March 12, 2012.

Motion by Cartwright, seconded by Hoose, to approve this request. **Motion was denied** by a vote of 2-3 as follows:

AYES: Cartwright and Hoose

NAYS: Moyer, Lee, and Chairperson Moore

New Business: Lydia Lee announced the Edmond Neighborhood Alliance Summit, scheduled for Saturday morning, February 25, 2012. She welcomed all persons to attend.

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

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

NAYS: None

Meeting adjourned at 6:20 p.m.

Barry K. Moore, Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission