

EDMOND PLANNING COMMISSION MEETING

Tuesday, December 4, 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, December 4, 2012, in the City Council Chambers at 20 South Littler. Other members present were Robert Rainey, Bill Moyer, Mark Hoose and Kenneth Wohl. Present for the City were Robert L. Schiermeyer, City Planner; Kristi McCone, City Planner; Jan Fees, City Planner; Steve Manek, City Engineer; and Steve Murdock, City Attorney.

The first item on the agenda was **the approval of the November 6, 2012 Planning Commission minutes.**

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

AYES: Members: Rainey, Hoose, Moyer, Wohl and Chairperson Moore

NAYS: Members: None

The next item on the agenda was **Case #Z12-00035 Public Hearing and Consideration of Edmond Plan Amendment from Office Commercial to Planned Unit Development for an office and attached residential development, located on the east side of Broadway, south of Covell Road. (R.W. Development, LLC)**

Ron Walters is the developer of a project named Mon Abri, which includes office and attached residential at 8.5 units per acre. This would be the equivalent of "C-1" Low Density zoning. The project is being requested as a PUD and this location was proposed on the Edmond Plan to be office (suburban office). The project would be limited to 87 units on 10.18 acres and 4 office buildings on a total of 1.59 acres. This project will not be accessed to the east in to the Rock Hollow Addition and will not extend north to Covell. The seller or owner of the property will continue to retain the parcel along Covell. The residential will be limited to persons 55 years of age or older unless this is in conflict with Federal requirements. No residential structure would exceed 5 units in one building. Mr. Walters has constructed a similar project in Moore, Oklahoma.

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

1. Infrastructure: City water is available along Broadway and can be looped through the development from stub-out streets in Rock Hollow to the east if necessary. Sanitary sewer is available to the east adjacent to the Rock Hollow Addition.
2. Traffic: The access to the property is from Broadway. The one drive approach aligns with a cross-over in the new median on Broadway. The development has no other connections to the south or to the east. The office building sites do not have separate driveways on Broadway.

3. Existing zoning pattern:
North – “A” Single Family
South – “A” PUD
East – “A” Single Family
West – Broadway
4. Land Use:
North – Undeveloped
South – Developed as single family homes
East – Developed as single family homes
West – Broadway
5. Density: 87 units on 10.18 acres.
6. Land ownership pattern:
North – Remaining parcel to be maintained as Assemi property
South – Timberdale Cove
East – Rock Hollow
West – Broadway
7. Physical features: The area has numerous trees but has not been graded from the original pasture grassland. The southeast portion of the property includes a low area that will be part of the detention.
8. Special conditions: None directly regulated by City of Edmond codes.
9. Location of Schools and School Land: No direct impact by the school sites. Saint Mary’s Episcopal School is located north of Covell Road, north of the Rock Hollow Addition.
10. Compatibility to Edmond Plan: The Edmond Plan projected the area for office, which is often the best transition use adjacent to single family. The property is currently zoned single family. The change to allow multi-family, even if restricted by the PUD to 8.5 units per acre is an amendment to the Edmond Plan.
11. Site Plan Review: Site Plan review will be required.

Attorney Randel Shadid was in attendance representing the applicant. He indicated the project was similar to a project in south Oklahoma City for residents 55 and older. He noted the PUD was amended to only rent to persons 55 years of age or older. The property frontage would be on Broadway and would allow up to four offices with a maximum of 18,000 square feet. He indicated the units would be high end apartments for active seniors. The applicant will comply with all requirements for dust and noise during construction as well as City codes. He indicated there were condos in Timberdale that were very nice and did not connect to Rock Hollow. Chairperson Moore asked how the applicant could only lease to residents 55 and over with fair housing requirements. Mr. Shadid indicated HUD assistance was not involved, the applicant only wants

residents 55 years and older without any problems and he did not expect any problems at this location. Commissioner Hoose asked if the fence would be 8 feet along the Rock Hollow property line. He also asked if the housing developer would maintain the fence and surrounding property. Randel indicated the developer would maintain the property. Charles Roach of 249 Cobblestone Circle asked if there would be an 8 foot fence around the entire property. Mr. Shadid indicated the developer would fence the entire south side of the property with an 8 foot stockade fence. Dagmar Rossberg of 516 Redvine asked what the rent expectations and apartment size would be. Mr. Shadid indicated the rent would range from \$1,500-\$2,000 per and the units would range from 1-3 bedrooms.

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

AYES: Members: Rainey, Hoose, Moyer and Wohl

NAYS: Members: Chairperson Moore

The next item on the agenda was **Case #Z12-00034 Public Hearing and Consideration of Rezoning from "A" Single Family to Planned Unit Development for office and attached residential, located on the east side of Broadway, south of Covell Road. (R.W. Development, LLC)**

Randel Shadid is representing Ron and Ryan Walters with R.W. Development, LLC in requesting a Planned Unit Development that would include residential and office buildings on a total of 11.77 acres. The land is currently zoned "A" Single Family and is undeveloped. The Edmond Plan IV projects the property for office usage. Currently the Walters would like to build 87 duplex and multi-family style buildings with no more than 5 units attached. The project would be limited to people 55 years or older, unless prohibited by Federal law. The office buildings would be limited to no more than 4 buildings with a maximum of 18,000 total square footage for all 4 buildings. A Community Connections meeting was held on this item. This property would be accessed on Broadway only, south of Covell Road. There is a cross-over in the median across from the main entry. The main access provides for cul-de-sacs or looped streets. There is a stub-out street in Rock Hollow to the east but that would not connect to this project. A detention pond is planned in that area on the Mon Abri property. A water line will be extended from Rock Hollow on Red Vine Road to provide a looped water line to Broadway. There is adequate capacity for water and sewer for the residential and office uses. The residential units will back up to existing homes in the Rock Hollow Addition to the east. Some of the sensitive border standards do apply to the new construction of multi-family adjacent to any developed single family. The chart in the zoning code pertaining to the additional setback does not include a multi-family level usage, the chart starts with a "D-1" Restricted Commercial District extending through "F-1" Light Industrial. The equivalent density of this project is "C-1" Low Density Multi-Family at 8.5 units per acre. The sensitive border issues would relate to the height of light fixtures, location of dumpsters which are not planned to be used. Sight proof fencing would be required between Rock Hollow and Mon Abri as well as on the south between Timberdale Estates and Mon Abri. No structure will exceed two stories in height. Since this is a PUD, setbacks may be modified from the standard code and that is being requested with this project. The setbacks nearest to Rock Hollow and Timberdale

Estates are 7 feet.

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

AYES: Members: Rainey, Hoose, Wohl and Moyer

NAYS: Members: Chairperson Moore

The next item on the agenda was **Case #Z070028 Public Hearing and Consideration of a five year extension of a 1,240 acre PUD development known as Woodland Park, generally located south of Sorghum Mill Road, north of Coffee Creek Road and extending south to Covell Road. (Woodland Park Edmond, LLC)**

Attorney Randel Shadid is representing the owners requesting a five year PUD Extension of the Woodland Park project. This project was approved by the Planning Commission on September 4, 2007 and the City Council on September 24, 2007; the minutes of those meetings are attached. This PUD contains 57 acres of "D-1" Restricted Commercial located along Coffee Creek Road, 31 acres of "D-O" Suburban Office also along Coffee Creek Road and 1,079 acres of "A" Single Family PUD. It is estimated that 73 acres of right-of-way will be provided. This development is planned to have 1,950 units. The developer has extended City water and sewer to serve the project. Those utility lines are not currently operational since easements are needed to be resolved. The developer is working with the Engineering Department to finalize the payback agreement on the off-site water and sewer lines. The PUD Design Statement is attached. This will be the first time this PUD has been extended. No preliminary plats have been submitted.

Attorney Randel Shadid was in attendance representing the applicant. Commissioner Moyer asked if there were any changes to the PUD. Mr. Shadid indicated the item was requested to be extended as previously approved and indicated they would soon have a payback agreement for the improvements.

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

AYES: Members: Moyer, Rainey, Hoose, Wohl and Chairperson Moore

NAYS: Members: None

The next item on the agenda was **Case #Z050058 Public Hearing and Consideration of request to extend the Asheforde Oaks PUD for an additional 5 years, located on the northwest corner of Covell Road and Coltrane. (Covell Creek, LLC)**

Randel Shadid is representing the owner, Covell Creek LLC in requesting an additional extension of the Asheforde Oaks Commercial PUD. This 9.6 acre parcel is located on the northwest corner of Covell and Coltrane. The corner of the parcel is located within a floodplain. The original ordinance #1917 rezoning the property was approved in September 1990. The PUD was extended in 1995, continuing it to the year 2000 and was continued again in 2005 to the year 2010. An additional five year extension is requested. There are no changes to the PUD Design Statement. There is a buffer area to the west adjacent to the Asheforde Oaks addition and a floodplain study will be

required for the corner of the property through the platting and site plan process. Covell is also a Parkway Standard road, requiring additional right-of-way. There will also be considerable change to the Covell Parkway elevation based on the bridge requirements at the time of street improvements. The northeast corner of the intersection is part of the floodplain and golf course area of the Fairfax Golf Course. The southwest corner of the intersection is also zoned Open Display. The southeast corner of the intersection has been denied for retail zoning. Some of the land to the north is adjacent to a large lot ownership. In 1990, a phase of the Asheforde Oaks addition was planned north of the subject site.

Documents from the past have been included.

Attorney Randel Shadid was in attendance representing the applicant. He indicated there was no change and there were significant floodplain issues they would have to work around. Gia Wilson Mackey of 2708 Ashe Brooke Place asked what the plans were for the extension of the road and the floodplain issues. Mr. Manek indicated the road would be four lanes with a major bridge improvement and turning lanes at the intersection. Ms. Mackey was concerned about traffic and indicated her son had been in an accident with a semi-truck and the damage to the brick wall was due to that accident.

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

AYES: Members: Rainey, Wohl, Hoose, Moyer and Chairperson Moore

NAYS: Members: None

The next item on the agenda was **Case # U12-00006 and Case #SP12-00022 Public Hearing and Consideration of Specific Use Permit and Site Plan for a Wal Mart Neighborhood Market, located on the northwest corner of Coffee Creek Road and Kelly Avenue. (Wal-Mart)**

Planning Department comments:

1. First rezoning in the area, other than Residential – Northwest corner of Coffee Creek and Kelly, “D-1” Restricted Commercial, 6 acres, November 19, 1984 (Companion Item in 1984)
 - a. “A” Single-Family to “A” Single-Family PUD – 31.15 acres – Some of the 31.15 acres later incorporated into the Oak Tree Park Additions, leaving a balance of 8.8 acres, zoned “A” PUD. No project was ever developed for this PUD.
2. Ordinance No. 3191 – January 12, 2009 – The 8.8 acre “A” Single-Family PUD to PUD Office Use. This is the way the property is zoned today, adjacent to the east and south sides of the Oak Tree Park Additions.
3. The Office PUD Design Statement identifies an 80 foot landscape buffer on the north and the west sides of the project. The buffer is to be left undisturbed vegetation. The hours of operation of the offices are 7:00 a.m. to 9:00 p.m. The

PUD also indicates the maximum square footage of all buildings is 79,000 square feet, with a maximum of 13 buildings. Some of the buildings will be limited to 5,000 square feet. This is a limited scale office project, measured by both building size and area.

Zoning in the immediate area:

4. Northeast corner of the intersection (Belmont Farms) is zoned "A" Single-Family.
5. Southwest corner of the intersection (Hunter's Creek) is zoned "A" Single-Family PUD.
6. Southeast corner of the intersection is Coffee Creek Golf Course and Clubhouse and is zoned "A" Single-Family. The original structures on the property were used for the golf facilities.
7. Edmond Plan IV adopted March 2007, Ordinance No. 3076.
8. Edmond Plan IV land use projections at this intersection corner. **Northwest corner** is 6 acres, zoned "D-1" Restricted Commercial, 8.8 acres, zoned Office PUD. No changes suggested in Edmond Plan. **Northeast corner** is projected "A" Single-Family and **southwest corner** is projected "A" PUD, **southeast corner** is projected "A" Single-Family, to include golf course and golf club.
9. Edmond Grocery stores previously approved as a Specific Use Permit in "D-1" Restricted Commercial

A) Crest, 2200 W. 15th Street - 112, 382 square feet, opened in February 1997.

A decision was reached in District Court, upholding the Crest Grocery Store as a reasonable Specific Use. At the time of the Specific Use, Edmond Santa Fe High School had developed their campus, and two convenience stores existed on the north side of 15th Street. Convenience stores are also Specific Use Permits in "D-1". The southwest corner is located in Oklahoma City. Crest is a large site, 17.45 acres.

B) Homeland, 1151 Bryant Avenue - southwest corner of Danforth and Bryant, 51,034 square feet (6.85 acres), opened in July 1997. The majority of the building is zoned "D-2" Neighborhood Commercial, allowing a grocery store by-right. The western third of the property is zoned "D-1" Specific Use Permit and was the reason for the request.

Background on Homeland/Albertson's at Danforth and Bryant – At the time of the Specific Use Permit for Albertson's, later Williams, and later Homeland, the Kickingbird Shopping Center to the north had already developed. This shopping center contains 122,000 square feet and is zoned "D-2" Neighborhood

Commercial and “E-1” General Commercial. The northeast corner contained a Texaco, now a Shell station, and the southwest corner contained a 7-Eleven, also a Specific Use Permit type use.

Zoning along Kelly, north and south of the subject property, includes a 20 acre tract zoned “D-2” PUD commercial zoning at the southeast corner of Sorghum Mill and Kelly, west of the Kelly Lakes Addition. There is also a major commercial corner at Covell and Kelly, one mile south of the subject property

1. Existing zoning – The property is currently zoned “D-1” Restricted Commercial and was zoned in 1984. A Specific Use Permit is required for a grocery store. The Specific Use Permit is requesting a 24 hour store. A drive-through window is located on the east side of the store for the pharmacy.
2. Setbacks – The setback from Kelly is 70 feet to the building wall, the setback to the north is 52 feet, the setback to the west is 47 feet and the setback to the south toward Coffee Creek is 430 feet.
3. Height of buildings – 30 feet
4. Parking – The store contains a total of 41,179 square feet. The gross leasable area requires 205 parking spaces; 153 spaces are shown on the plans. This site is not over-parked. Nine bicycle parking spaces have been provided.
5. Lot size – 6.15 acres including right-of-way. The Wal-Mart lot is 5.52 acres
6. Lighting Plan – A lighting plan has been provided for down directed LED lights located on 24 foot tall poles, including the base of the pole. 16 light poles are provided plus building lighting.
7. Signage – Two ground signs are proposed. Each is 42 square feet: 5 feet, 10 inches in height on a masonry base matching the materials of the building.
8. General architectural appearance – The exterior of the building will be split masonry on all four sides with stone features on the front elevation and some EFIS where the main sign is located and where a window feature is identified. The 41,179 square foot store does not fall within the requirement for “major non-residential retail”.
9. Sensitive borders – Not a sensitive border condition.
10. Mechanical equipment – Is located on the roof. The property to the north and west is zoned Office PUD. The parapet wall will screen the mechanical located on the roof.
11. Fencing/screening – The site will be fenced along the west and north property line. The fencing extends to the building setback line which is 50 feet from the property line.

Engineering Department comments:

12. Driveways, access management and paving– Wal-Mart is proposing to widen Kelly along their entire frontage to provide a southbound left-turn lane at the intersection of Coffee Creek Road and a northbound left-turn lane into the middle driveway at the front of the proposed building. Coffee Creek Road will be widened to provide two westbound lanes.

Wal-Mart is requesting a driveway separation variance for the three proposed driveways along Kelly. The south driveway is shown approximately 190' from the edge of pavement on Coffee Creek, a middle driveway that aligns with the aisle in front of the building will be located approximately 260' north of the south drive, and the north driveway at the rear of the building is approximately 220' north of the middle drive. This variance is decided by the City Council.

A second variance is being requested to allow 70' right-of-way on both Coffee Creek Road and Kelly. Per the Edmond Transportation Plan and Title 21, 80' of right-of-way is required on Coffee Creek and Kelly requires 100' within 500' of the intersection and 90' further north. The Engineering Department has evaluated the right-of-way variance request and has determined that it will be sufficient for future road improvements on both Kelly and Coffee Creek Road. This variance is decided by the City Council.

13. Water and wastewater plans – A 12" public water main on the east side of Kelly will be tapped at two locations to provide a looped water line around the proposed building. An 8" sanitary sewer extension from an existing manhole located in the southeast corner of Oak Tree Park 2nd is being proposed.

14. Drainage detention and grading – A detention pond will be provided along the south property line. Approximately 20' - 100' of off-site grading around the property is being proposed due to the existing steep terrain. This will cause the building's finished floor elevation to be substantially lower than the homes to the north and west of the site.

Building and Fire Code Services comments:

15. Applicable Building Code, Fire Code and ADA –

Fire Sprinklers – The building is shown to be fire sprinkled

Fire Flow – The building requires 5,500 gallons per minute for 4 hours, however since the building is fire sprinkled the firefighter water flow requirement can be reduced to 2750 gallons per minute. MPW Engineering Company has provided a flow report for the area of 4495 gallons available in the area.

Fire Access – Approved - The hard surface fire lanes & fire hydrants shall be installed and approved before the first use of combustibles on the building.

a. Combustibles defined: As sheetrock, roofing materials, wallboard, plastic sheeting on insulation, etc.

- b. Hard surface fire lanes defined: Asphalt or concrete engineered to support 75,000 lbs.
- c. Fire hydrants shall have all City of Edmond Engineering acceptance testing & approval complete.

Fire hydrant locations and number – Approved

Gates – No Gates were shown

Urban Forestry comments:

16. Lot area = 245201 sf

% required = 10%

Landscape area required: 24520.1

SP landscape area: 46352

Frontage area required: 12260

SP frontage area: 39623

Total PU required: 1962

SP total PU: 2020

PU within frontage required: 981

SP PU within frontage: 1895

Evergreen PU required: 785

SP evergreen PU: 793

Waste Management comments:

- 17. Refuse facilities – The location of the trash compacter looks to be okay with the indicated 53 foot approach. We would mention that the width of the enclosure that is not indicated will need to be a minimum of twelve-feet inside measurements.

Edmond Electric comments:

- 18. Electric – The transformer location is acceptable if the type of construction is considered to be non-combustible by the Building and Fire Services Departments. If considered combustible the required clearance is 10 feet unless approved fire barriers can be provided. The underground electric conductor route will commence from the overhead line located on the east side of N Kelly Ave and will terminate at the transformer location.

Commissioner Moore asked staff if a Specific Use Permit in “D-1” is a typical pattern of development. Mr. Schiermeyer indicated it had been used on large sites, such as Crest and the Homeland and Danforth and Bryant. Attorney Blaine Nice, representing Wal-Mart was in attendance. He indicated the proposed use was not a change to the Edmond Plan and the size of the Neighborhood Market store would only take up 17% if the lot and would be 41,000 square feet. He indicated he met with the neighbors and re-did the traffic study and landscaping to meet requirements. He felt the use was appropriate and met the code referenced. Terry Haynes, Engineer for the applicant, spoke indicating the proposed slope will be outside the 80 foot buffer and will also have a construction fence. He indicated the mechanical equipment will be screened and the light poles will be no more than 24 feet above grade. They had studied the line of sight and do not feel it is a concern for this area of Coffee Creek Road. He said that fully

developed there could be 200 parking spaces but they will reduce the parking to approximately 150 spaces to increase the landscaping and buffer. Chris Carlson, Architect for the applicant, noted the outside of the building will be split face masonry on all four sides with stone and EFIS accents on the front.

Attorney Matthew Winton, representing the Oak Tree Park residents indicated approximately 1,000 people live in various phases of Oak Tree Park and had multiple objections to this site. They are not anti-Wal-Mart but there are other sites available that are close to retail, the current site is not. He indicated the drive-through, 24 hour operation, grocery store variance and right-of-way variances do not demonstrate a harmony for this area. This application does not show that it fits to the character of the surrounding area. Wal-Mart has not met the sensitive border standard. He asked that any tree removed from the PUD site to be put in the 80 foot buffer. He thought there should be an additional variance for delivery times. Crest and Homeland are in different areas, are not 24 hours and do not have drive-throughs. Gia Wilson Mackey of 2708 Ashebrooke Place spoke concerning the semi-truck traffic going down Covell Road.

Commissioner Rainey motioned to reject/deny the project. City Attorney Steve Murdock indicated it has been the practice of PC to make motions in the affirmative, however, if the intent of the motion to reject is to deny the application, the motion should be clarified. Commissioner Rainey indicated his motion was to reject/deny the request for the Specific Use Permit. Commissioner Hoose seconded the motion and public comment continued. Marc Ferguson of 4212 Wild Plum Lane indicated he lived within 300 feet of the easements for the project and was not notified by the City. He was concerned about the noise and the loading and unloading times. Judy Tirey of 4601 Briar Forest Court asked the Planning Commission to deny the project. She indicated she had lived by another Wal-Mart and saw an increase in traffic and noise and for that reason moved to her current address. She thought the subject parcel was fine for small retail but not for a big box store. Tony Maranto of 1657 Satatoga Way spoke representing the Saratoga Farms Homeowner's Association asking for the Specific Use Permit to be rejected. The proposed use was not harmonious with the area regarding traffic, nearby school and safety concerns. Lynn Starr of 540 Birdsong agreed with other residents and also asked the Planning Commission to reject the project. She wants the area to be a special area without a big block building. She felt there were plenty of grocery stores nearby and this project would hurt the quality of life in the area. Gary Jackson of 4116 Wild Plum Lane spoke indicating he had a problem with a lack of notice. He stated his house was within 325 feet of the property line. He was concerned with the traffic associated with the project and said the cars will be in his back yard. He felt the impact on the quality of life would be huge if this project is approved. Shilpa Abbitt of 3901 Hunters Creek Road spoke about the project taking up 17% of the lot. She asked if just the building would take up 17% of the lot or if that included the parking lot. Mr. Schiermeyer answered the 17% being referenced was just the building. Ms. Abbitt indicated she felt it was false advertising to say just 17% is being taken up when the parking lot takes up the rest of the lot.

Sally Morgan of 2116 Woodhill Road spoke indicating she agreed with the other residents and asked the Planning Commission to preserve the quality of life in Edmond.

She indicated there were 200 people in the overflow room who opposed the project. Gerg Lewandowski of 4316 Gallant Fox Drive spoke indicating a big box store would bring noise, lighting, traffic problems, safety concerns and crime to the area. He wanted to know who would cover the extra police needed to patrol the area. He was also concerned about property values in the area decreasing. Brian Dubroff of 18009 Arbor Lane stated he admired the vision and leadership that makes Edmond special and feared the compromise that will make it not special. David Folks of 1500 Peachtree Court stated the purpose of "D-1" zoning to provide for retail shops and stores adjacent to neighborhood to serve the residents of the neighborhood. He stated the 41,000 square foot store did not qualify as a retail shop and the estimate of customers coming from a 5 mile radius was very conservative. David Lorenz of 2400 Hidden Hollow Drive stated Danforth was the crossing line and having retail any further north would be taking away the reason people moved to the area.

Mr. Nice responded that the project does not violate the sensitive border standard and is stated as such in the staff report. He noted that the Homeland previously approved in "D-1" is a 24 hour store and the Wal-Mart Neighborhood Market pharmacy would not be a 24 hour operation. Commissioner Hoose asked Mr. Nice if the Wal-Mart Neighborhood Market could be aesthetically changed to be in the "harmony of the neighborhood" as stated in the PUD. Mr. Nice stated his clients would entertain different looks but it would be difficult to please everyone and the Commissioner's vote was to the use of the project, not necessarily the look of the project. He stated the look of the project was designed to fit the area using regional materials. He stated the driveway issue would still exist for anyone who develops the property and he did not feel it was a variance and the staff report stated so also. Commissioner Rainey asked if the slope easement was invading the PUD. Mr. Nice indicated they notified everyone in the 300 foot radius of the property boundary and that off-site improvements were common and did not require the radius to be increased. Chairperson Moore thanked the citizens for their civility and courtesy regarding this item. He indicated he had driven by the area at 10, 2 and 5 and wanted to know how the project is appropriate for the site. He did not feel this land was suitable for any grocery store.

Motion by Rainey, seconded by Hoose, to reject or deny this request. **Motion carried** by a vote of 4-1 as follows:

AYES: Members: Rainey, Moyer, Wohl and Chairperson Moore

NAYS: Members: Hoose

The next item on the agenda was **Case #Z12-00032 Public Hearing and Consideration of Rezoning from PUD to "C-3" High Density Multiple Family Residential and Community Services for the Arbor Creek at the Summit apartments, located on the east side of I-35, west of Saints Boulevard, approximately one-half mile north of East Second Street. (Summit Property Development, LLC)**

Motion by Rainey, seconded by Hoose, to continue this request until the January 8, 2012 Planning Commission meeting at the request of the applicant. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Rainey, Hoose, Moyer, Wohl and Chairperson Moore
NAYS: Members: None

The next item on the agenda was **Case #PR12-00031 Consideration of Final Plat of Thornbrooke Manor III, located north of Thirty-Third Street, east of Bryant, south of Thornbrooke Boulevard. (Thornbrooke Development, LLC)**

Cheryl Fincher is requesting Final Plat approval for a 39.16 acre single family addition located north of the Cheyenne Ridge Addition, north of Thirty-Third Street, south of the Thornbrooke Addition and east of the uses such as Tinker Federal Credit Union and Red Plains Engineering located on the west side of Bryant. This addition contains 85 lots. The lots are generally 100x140, some lots are smaller. There are Common Lots A and B for drainage. The street easement along Thirty-Third has been established at 70 feet. The northeast corner of Thirty-Third & Bryant is zoned "D-O" Suburban Office and is approximately 10 acres in size. An "A" Single Family parcel is not included as was shown on the Preliminary Plat, south of Thornbrooke Boulevard, east of Bryant. All of the new streets will connect with Thornbrooke Boulevard. The building lines shown on the plat are 20 feet. The addition will be served with full City utilities. Information regarding the Preliminary Plat is attached.

Attorney Randel Shadid was in attendance representing the applicant. He indicated one lot was removed from the plat. The owners had met with the homeowner's associations and they requested larger lots but the developer wanted to stay with the lots that were on the preliminary plat. The property at Thornbrooke and Bryant still needs to be excluded. He indicated the developer was ready for grading and land disturbance on the project. Michelle Davey of 2009 Worthington Lane spoke in opposition because of the excluded parcel at Thornbrooke and Bryant. Paul Brewer of 2701 Warwick Place, President of the Thornbrooke Manor Homeowner's Association indicated he liked the single family but was concerned about the undeveloped piece not being addressed with the plat. Roger Williams of 2701 Amesbury Lake Drive also requested the plat be rejected due to the density and undeveloped tract that would no longer be suitable for single family and would most likely have to be developed commercially based on the most feasible access to the property. Matthew Anderson of 1601 Durham Court requested denial of the plat. Mr. Shadid explained there was no time available from the City's viewpoint for a Community Connections meeting and that was why he met with the residents in a separate meeting.

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

AYES: Members: Hoose, Moyer and Wohl
NAYS: Members: Rainey and Chairperson Moore

The next item on the agenda was **Case #PR12-00029 Public Hearing and Consideration of Preliminary Plat of Oak Tree D, located north of Sorghum Mill Road, three-quarters of a mile east of Kelly. (Oak Tree Partners, LLC)**

Bryan Coon with Huitt-Zollars Engineering is requesting approval of a 13.01 acre Preliminary Plat. This property is zoned Multi-Family PUD but will be developing as single family with a variety of lot sizes. There will be 38 lots. Some of the lots are 60 feet wide, some are 70-75 feet and some are 100 feet wide. The addition will be served with full City utilities. There will be an off-site extension of the sanitary sewer west to the Highlands of Oak Tree. A new street will continue through Oak Tree Blocks 102-108 connecting to Sorghum Mill Road. Right-of-way on Sorghum Mill Road is acceptable at 50 feet from the center line. Since the property is zoned as a PUD, setbacks can be varied. The plat has been prepared to indicate a 20 foot front building line. The rear yard can be modified less than 20 feet but no less than 12 feet. Side yard setbacks can also be varied for a majority of the lots, except for those that provide a side yard drainage or utility easement. The golf course is located to the northeast and west of the addition. Streets will be maintained by the property owners association.

Bryan Coon was in attendance representing the applicant. No one appeared in objection.

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

AYES: Members: Moyer, Wohl, Hoose, Rainey and Chairperson Moore

NAYS: Members: None

The next item on the agenda was **Case #PR12-00028 Public Hearing and Consideration of Preliminary Plat for Kelly Lakes II Addition, located south of Sorghum Mill Road, one-quarter mile east of Kelly. (Kelly Lakes Development, LLC)**

Keith Beatty with Isch and Associates is requesting Preliminary Plat approval for 189 single family lots on 51 acres. The lot sizes range from 60 x 115 feet (6,900 square feet) to 80 x 125 feet (10,000 square feet). This property is zoned "A" Single Family and will be connected to full City utilities. There is already a connection to the south in to Belmont Farms, Belmont Park and Belmont Ridge. There is a main collector street to Sorghum Mill Road and another to the west to Kelly. Crosstimbers Elementary School is located to the west of the first phase of Kelly Lakes and there is already a pedestrian access to the school from within the addition. There will be some open space near the east side of the addition that is along a drainage/creek area. There are other common areas in the existing Kelly Lakes Addition. There is another detention area south of Sorghum Mill Road, west of the main collector street. There are no street stub-outs to the east because the land is occupied by the Turner Brothers pipe yard and for the most part is zoned industrial. The original Preliminary Plat is more than two years old so there is no current Preliminary Plat applicable to the property which requires a new plat to be submitted. All the streets in this addition are public.

Keith Beatty was in attendance representing the applicant. No one appeared in objection.

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

AYES: Members: Hoose, Rainey, Moyer, Wohl and Chairperson Moore
NAYS: Members: None

Commissioner Hoose left the room for the discussion of the following item.

The next item on the agenda was **Case #Z12-00033 Public Hearing and Consideration of Rezoning from “G-A” General Agricultural to “L-2” Lake Residential District, located on the east side of Post Road, one-half mile south of East 2nd Street/State Highway 66. (Martin Teuscher)**

Martin Teuscher is representing W & T Development in requesting that an 80 acre parcel be zoned for 2.5 acre lots, north of Chitwood Farms, east of Arcadia Lake, along Post Road. Mr. Teuscher would develop with private streets, and the property may not be platted, but a Title 23 Drainage Study will be completed. Any division of land less than five acres requires lot splits or deed approval and if the zoning is approved, Mr. Teuscher will submit a survey for that land division. City water is located along Post Road. Based on the operational requirements of the Water Treatment Plant and water distribution lines, the City is not recommending that water be extended into the Addition. There was a similar situation with Sugar Hill, located north of 2nd Street and west of Post Road. Each of the lots will have a water well and septic tank or aerobic system. This rezoning is in accordance with the Edmond Plan. There is no Plan Amendment needed for the 2.5 acre lots. This will complete the frontage along the east side of Post Road with acreage type development. Chitwood Farms does have City water, but they also have smaller lots since water was available. The name of the development is called Beaupre.

Martin Teuscher was in attendance. No one appeared in objection.

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

AYES: Members: Rainey, Wohl, Moyer and Chairperson Moore
NAYS: Members: None

The next item on the agenda was **Case #Z12-00029 Public Hearing and Consideration of Rezoning from “A” Single Family to Planned Unit Development (Centennial II at Iron Horse Ranch) for a fee-based recreational use, located east of Coltrane, just over one-half mile north of Coffee Creek Road. (Coffee Creek Partners, LLC)**

Bryan Coon with Huitt-Zollars is requesting that the 13.29 acre plat of Centennial II at Iron Horse Ranch be rezoned as a PUD. The main reason for the rezoning is the concept the developer has to allow for the recreational clubhouse for the addition to include residents outside of the Centennial Addition. The “A” Single Family District allows for a country club/golf course as a Special Use Permit but it does not allow for a recreation facility as a specific use. A PUD is the only method for approval. The building planned is a maximum of 3,000 square feet to include an outdoor pool and pool accessory building. The building could be two stories but would not exceed 1,500 square feet per floor. The facility would have a fitness center, clubhouse and office. The building

would have to meet a commercial construction standard. The location of the structure would be on the east side of the addition. All of the visitors would have to drive through Centennial to reach the site. A PUD is the only approach that would allow a membership recreational facility in the addition different that a private park reserved for the residents of the addition. They may hire a personal trainer or other employees to assist patrons, which may not be a standard procedure for a residential clubhouse. There are no commercial signs at the entry of the addition advertising the clubhouse activities.

Bryan Coon was in attendance representing the applicant. He indicated it was unique because an employee would be hired to serve as a personal trainer and there may be some clothes and refreshments sold, similar to recreational facilities such as a golf course. He noted that the special use is no longer available for a recreational use in single family. Marsha McGehee of 4901 Barrington Lane objected to this type of zoning. Commissioner Moyer indicated he felt it would open the door for other homeowner's associations to want commercial uses. The other Commissioners also objected to the spot zoning approach of this request.

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

AYES: Members: None

NAYS: Members: Hoose, Wohl, Moyer, Rainey and Chairperson Moore

The next item on the agenda was **Case #PR12-00026 Public Hearing and Consideration of Cross Timbers Northwest Preliminary Plat, located on the northwest corner of Covell and I-35. (Covell 35 Development)**

David Jones, representing the Orion Group is requesting that 29.58 acres north of Covell Road, west of I-35 be approved for a Preliminary Plat. There is one main road that will eventually extend west to Sooner; the remainder of the access ways are driveways. Ten lots are provided. The lots range in size from 1.54 acres to 7.13 acres. This property is zoned "E-1" PUD. The remaining 130.42 acres is also zoned "E-1" General Commercial PUD. The developer will extend off-site to the north to connect to sanitary sewer. Detention will also be provided off-site of the 29 acre plat. Water lines will be extended from Covell Road.

David Jones was in attendance representing the applicant. No one appeared in objection.

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

AYES: Members: Hoose, Wohl, Moyer, Rainey and Chairperson Moore

NAYS: Members: None

The next item on the agenda was **Case #PR12-00025 Public Hearing and Consideration of Cross Timbers Southwest Preliminary Plat, located on the southwest corner of Covell and I-35. (Covell 35 Development)**

David Jones, representing the Orion Group is requesting approval of an 8.63 acre Preliminary Plat approval on property south of Covell Road, west of I-35. The development is divided in to 6 lots with private driveways and one street. The lots range in size from .83 acres to 2.01 acres. Sanitary sewer will have to be extended off-site north of Covell Road to serve this use. Water is available along Covell Road. The right-of-way in front of this property varies to meet the Covell Parkway standards. The property is zoned "E-1" PUD. A 25 foot building line is shown along Covell Road. The interior lots do not have building lines.

David Jones was in attendance representing the applicant. No one appeared in objection.

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

AYES: Members: Wohl, Hoose, Moyer, Rainey and Chairperson Moore
NAYS: Members: None

The next item on the agenda was **Case #SP12-00018 Public Hearing and Consideration of Site Plan approval for two commercial buildings in the Harris Business Park located on the south side of Second Street, east of Wade Martin Drive. (HAS Holdings)**

Lot 1, Block 1 is Dragon Kim's Martial Arts School on the west side of the property. Lot 2, Block 1 is Harris Automotive on the east side of the property.

Planning Department comments:

1. Existing zoning – The entire southeast corner of Wade Martin Drive and East Second Street is zoned "E-2" Open Display.
2. Setbacks – **Dragon Kim's Martial Arts, Lot 1:** The front setback is 50 feet, the side setback on Wade Martin is 29 feet, the rear setback is 145 feet and the east setback next to Harris Automotive is 47 feet. **Harris Automotive, Lot 2:** The front setback is 65 feet from the front property line, 33 feet from the east property line, 72 feet to the west property line and 110 feet to the south property line. The land to the east is zoned "E-1" General Commercial so it is not a sensitive border.
3. Height of buildings – **Dragon Kim's Martial Arts, Lot 1:** 27 feet. **Harris Automotive, Lot 2:** 23 feet.
4. Parking – **Dragon Kim's Martial Arts, Lot 1:** 22 parking spaces are provided. 13 spaces are immediately adjacent counted as a part of Harris Automotive and they will likely be used by the martial arts customers. The building is 8,600 square feet. **Harris Automotive, Lot 2:** The building is 49x93 =4,557 square feet. 44 parking spaces are provided. The requirement for 4,557 square feet is 22 spaces. The parking will be shared between the Karate school and Harris Automotive. Since the property is zoned "E-2" Open Display, cars can be stored outside the building. There are 5 bays for the

repair of vehicles, accounting for approximately one-half of the building. Bicycle parking spaces are needed. At least 8 bicycle parking spaces are needed, more may be appropriate based on the number of parking spaces.

5. Lot size – **Dragon Kim’s Martial Arts, Lot 1**: 164.96 x 288.88= 47,653 square feet. **Harris Automotive, Lot 2**: 164x288 = 47,640 square feet
6. Lighting Plan – **Dragon Kim’s Martial Arts, Lot 1 and Harris Automotive, Lot 2**: Four light poles will be added, two on each lot and building lights will also be added.
7. Signage – **Dragon Kim’s Martial Arts, Lot 1**: A ground sign will be permitted 50 feet or more west of the Harris Automotive sign, 20 feet tall, 75 square feet per side with landscaping at the base of the sign. **Harris Automotive, Lot 2**: This location qualifies for a sign on the corridor, 20 feet tall, 75 square feet per side. The owner only wants one sign, 11 feet tall, 70.93 square feet. The sign dimensions are 17.3 x 4.1.
8. General architectural appearance – **Dragon Kim’s Martial Arts, Lot 1**: The martial arts studio will contain the simulated stone wainscot with the majority of the building being EFIS. The roof is standing seam metal with a 1/12 pitch. **Harris Automotive, Lot 2**: A 2 foot wainscot of stone material, the majority of the exterior will be EFIS. The overhead doors face east and west, three for each side of the building. The roof is standing seam metal with a 1/12 pitch.
9. Sensitive borders – **Dragon Kim’s Martial Arts, Lot 1**: Not applicable. **Harris Automotive, Lot 2**: Not applicable.
10. Mechanical equipment – **Dragon Kim’s Martial Arts, Lot 1 and Harris Automotive, Lot 2**: Not shown to be located on the roof. Based on the slope of the roof it would be very visible and would not meet the code standard.
11. Fencing/screening – **Dragon Kim’s Martial Arts, Lot 1 and Harris Automotive, Lot 2**: No fencing is planned for this use other than the dumpster enclosure on the southeast corner of the property.

Engineering Department comments:

12. Driveways, access management and paving– **Dragon Kim’s Martial Arts, Lot 1 and Harris Automotive, Lot 2**: A right-of-way variance has been approved for 70 feet of right-of-way along Second Street. There will be interconnecting drives on site between the two businesses.
13. Water and wastewater plans – **Dragon Kim’s Martial Arts, Lot 1 and Harris Automotive, Lot 2**: Water is adjacent to the property on Second Street. Sanitary sewer is not available adjacent to the site and the developer is extending east along the south side of Second Street and extending a new sanitary sewer line. All of the easements for that sewer line extension are not available at this time.

14. Drainage detention and grading – **Dragon Kim’s Martial Arts, Lot 1 and Harris Automotive, Lot 2:** Drainage detention plans have been submitted and approved by the Engineering Department.

Building and Fire Code Services comments, as provided by Mike Barnes and Amber Armstrong:

15. Applicable Building Code, Fire Code and ADA –

The handicap parking spaces for Harris Automotive shall be located on the north side of building and shall not require crossing the parking lot to enter the building. The handicap parking spaces for Dragon Kim’s shall be located closer to the front entry.

Urban Forestry comments regarding both lots:

16. Lot area = 95307 sf

% required = 10%

Landscape area required: 9530.7

SP landscape area: 34000

Frontage area required: 4765

SP frontage area: 15125

Total PU required: 762

SP total PU: 795

PU within frontage required: 381

SP PU within frontage: 422

Evergreen PU required: 305

SP evergreen PU: 524

Waste Management comments:

17. Refuse facilities – **Dragon Kim’s Martial Arts, Lot 1 and Harris Automotive, Lot 2:** The location of the enclosure appears to be okay. The enclosure will need to meet Edmond enclosure specifications please.

Edmond Electric comments:

18. Electric – **Dragon Kim’s Martial Arts, Lot 1 and Harris Automotive, Lot 2:** Plans provided on October 12, 2012 depict acceptable electric distribution routing and equipment locations to serve Lots 1 & 2.

Mark Farris was in attendance representing the applicant. No one appeared in objection.

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

AYES: Members: Hoose, Rainey, Wohl, Moyer and Chairperson Moore

NAYS: Members: None

The next item on the agenda was **Case #PR12-00024 Public Hearing and Consideration of Final Plat of Harris Business Park, located on the south side of East Second Street, east of Wade Martin Drive, which is approximately one-**

quarter mile west of Coltrane Road. (Danny Harris, with HAS Holdings)

Red Plains Engineering is representing Danny Harris with HAS Holdings requesting Final Plat approval. This property is located on the south side of Second Street next to the private street Wade Martin Drive. The property contains 2.1 acres and is zoned "E-2" Open Display. The proposal is to divide the property in to two lots, each lot would be approximately 1.09 acres. There can be no access to Wade Martin since it is a private street and is regulated by all of the property owners adjacent to the street, not the City of Edmond. The developer does not plan any access to Wade Martin and will have a chain link fence along the private street.

The developer is intending to extend off-site to the east toward the Best Western Hotel to connect to sanitary sewer, a distance of approximately 800 feet. This sewer line extension will require easements that need to be provided. Two separate buildings are planned. This property was graded years ago and runoff is anticipated toward Second Street and drainage detention plans have been submitted. The property to the west is zoned single family, although projected for commercial. The properties to the east and south are zoned commercial. A building line needs to be identified on the plat. The City could accept a 25 foot building line from the front property line.

Mark Farris was in attendance representing the applicant. No one appeared in objection.

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

AYES: Members: Hoose, Wohl, Moyer, Rainey and Chairperson Moore

NAYS: Members: None

The next item on the agenda was **Case #SP12-00023 Public Hearing and Consideration of Site Plan approval for the Autumn Leaves Assisted Living Center, located on the west side of Bryant, one-eighth mile south of 9th Street. (The La Salle Group)**

Planning Department comments:

1. Existing zoning – PUD.
2. Setbacks – Front setback, Bryant Avenue, 165 feet from property line; North setback, 22 feet; south setback, 51 feet; rear setback, 152 feet.
3. Height of buildings - 22 feet
4. Parking – 41 spaces; building square footage is 26,782 square feet; bicycle parking is indicated.
5. Lot size – 4.45 acres including to the center of Bryant. The net area is 3.10 acres. The property is 329.02 by 590 gross lot size.

6. Lighting Plan – Will be no more than 24 feet tall in height including the base, with down directed light fixtures. The location is not in a sensitive border condition. There are offices to the north and office zoning to the south and east.
7. Signage – One ground sign, 6 feet tall, 42 square feet.
8. General architectural appearance – Brick and stone, pitch roof, residential window style; mechanical screening on the back. Roof is composition, there are multiple pitch designs included in the roof layout, mostly 12/8 pitch for the main roof. A parapet is added to screen some of the condenser and exhaust fans located on the roof only visible from the west.
9. Sensitive borders – None
10. Mechanical equipment – Roof mounted and screened, located on only the west elevation.
11. Fencing/screening – There is no sight proof fencing.

Engineering Department comments:

12. Driveways, access management and paving– Two drives will be requested. The drive on the south will serve other uses in the future. Mr. Owsley owns the land to the west which is a 5.48 acre tract immediately west. The only access to that property will be the driveway on the south side of the Autumn Leaves Assisted Living Center. The survey identifies that would be a 40 foot wide private access easement. The plat recommendation will require the term “cross-access easement” and while the land will be owned by La Salle, they cannot be permitted to have full control of the 40 foot (private) easement. Mr. Owsley or whoever ends up owning the land to the west will need to have full cross-access ability or 5 acres will be landlocked by this request.
13. Water and wastewater plans – An eight inch waterline will be constructed on the south in the driveway area and will be capable of being extended to the west to the Owsley property. There will be another water line extended at the back of the building connected to the fire hydrant and the 26,782 square foot building will be fire sprinkled. A sanitary sewer line will be extended along the south property line adjacent to the driveway and along Bryant Avenue. This sewer line can be extended some distance west for future service to the Owsley property. From the level of Engineering study at this time, not all of Mr. Owsley’s property can be served by this sewer line based on the topography. The western portion of the Owsley property appears to drain to the south in another drainage basin than the eastern side of the property.
14. Drainage detention and grading – Detention is being accomplished in two design elements. Most of the building will drain to the east and there are two detention ponds on the front of the property in addition to the landscaping and out of the 70 feet of right-of-way being considered along Bryant. A second detention pond that could be shared with the Owsley parcel to the west in the future. This detention area is located to the west of

the building. **An easement from Mr. Owsley will be required for this off-site detention area.**

Building and Fire Code Services comments:

15. Applicable Building Code, Fire Code and ADA – Fire sprinkler system is mandatory requirement by the Fire Code.

Urban Forestry comments: 10% landscaping is required. Appears to be adequate space, considering the sides of the building, which would be common for multi-family style structures.

16. Lot area = 220010 sf

% required = 10%

Landscape area required: 22001

SP landscape area: 54405

Frontage area required: 11001

SP frontage area: 28250

Total PU required: 1760

SP total PU: 1822

PU within frontage required: 880

SP PU within frontage: 933

Evergreen PU required: 704

SP evergreen PU: 705

Waste Management comments:

17. Refuse facilities – Dumpster shown at the west side of property.

Edmond Electric comments:

18. Electric – Edmond Electric will serve this location.

John Featherston with The LaSalle Group was in attendance representing the applicant. No one appeared in objection.

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

AYES: Members: Hoose, Rainey, Moyer, Wohl and Chairperson Moore

NAYS: Members: None

The next item on the agenda was **Case #PR12-00030 Public Hearing and Consideration of Preliminary Plat approval for the Autumn Leaves Assisted Living Center, located on the west side of Bryant, one-eighth mile south of 9th Street. (The La Salle Group)**

The La Salle Group is requesting Preliminary Plat approval which covers a 9.94 acre tract including property owned by Larry Owsley and the approximately 4 acres planned to be purchased by The La Salle Group. Mr. Owsley currently owns the entire property. The plat identifies the following issues:

1. A water line will be extended from Bryant to the far west side of Lot 1, Block 1, which is the land to be purchased by The La Salle Group. This will be the final plat area. That water line will be able to be extended west in the future to serve Lot 2, Block 1. Lot 2 is zoned for offices and depending on how many offices; the water line may need to be looped to connect to the Bryant nursing center or in another direction.
2. A sanitary sewer line is being extended to the far west property line of Lot 1, Block 1. Kimley Horn Engineering has submitted a drainage study and indicated that the depth and size of the sewer line can be extended further west, serving some of Lot 2. Some of Lot 2 drains in another direction than toward Bryant. Lot 2 is shown as one large lot at this time and the sewer line is satisfactory for that condition. Grading of the lot and placement of the buildings will determine how the sewer might be able to be extended.
3. The 40 foot private access and utility easement will need to be more clearly marked as a cross-access easement without any limitations or qualifications between the owner of Lot 1, Block 1 and Lot 2, Block 1. Five acres of office buildings will be using that access to Bryant, otherwise the Owsley parcel is landlocked. The word private access may not be adequate if the owner of Lot 1, Block 1 places conditions on the access limiting its use in any manner. The driveway along the south property line will be used by fire trucks, garbage trucks, utility trucks, all service vehicles and all customers and employees needing to access Lot 2, Block 1.
4. A 25 foot building line is shown on Bryant, which is adequate. Seventy feet of right-of-way is provided, which is adequate.
5. Utility easements are shown on the plat.
6. Drainage is accomplished by two detention ponds in the front of the property and a detention pond at the back of the property that would ultimately serve both lots. Drainage plans have been submitted in accordance with Title 23.

John Featherston with The LaSalle Group was in attendance representing the applicant. No one appeared in objection.

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

AYES: Members: Moyer, Rainey, Hoose, Wohl and Chairperson Moore

NAYS: Members: None

The next item on the agenda was **Case #DD12-00008 Consideration of Deed Certification for Autumn Leaves Assisted Living Center, located on the west side of Bryant, one-eighth mile south of 9th Street. (The La Salle Group)**

The La Salle Group wants to purchase approximately 4 acres of land prior to the completion of the building and subdivision improvements for the assisted living center. A plat is required and they intend to proceed with a preliminary and final plat but the option

is available to purchase in advance of the plat. Any division of land less than 5 acres does require deed approval. The property is adjacent to water and sanitary sewer and based on the site plan, the utilities will be extended to the far property lines for service by the adjoining property owner. Larry Owsley will continue to own 5.48 acres to the west of the subject property. There is no floodplain across the parcel which is another standard to be reviewed for lot splits. **The one condition that needs to be a mandatory requirement of the deed approval is that no occupancy permit would be granted until a cross access easement is recorded for the south portion of the property, 40 feet is shown on the survey, allowing access from Bryant to the 5.48 acre Owsley parcel.** If this is not a requirement, the property will be landlocked with no access to a public street. The La Salle Group has agreed to this, but the term "40 foot private access" is a little vague as to what needs to be provided, which is a cross access easement running with the land regardless of who owns it, connecting the back 5 acres to Bryant. The word private could give the ability for The La Salle Group to place conditions on the access. The access is not publicly dedicated or maintained but it shall be open to anyone who needs to access the property west of Autumn Leaves without restriction. This requirement is best shown on a final plat and as indicated, The La Salle Group has agreed. There will also be utility easements in this area for the water and sewer lines, which will be shown on the plat.

John Featherston with The LaSalle Group was in attendance representing the applicant. No one appeared in objection.

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

AYES: Members: Rainey, Hoose, Moyer, Wohl and Chairperson Moore

NAYS: Members: None

There was no New Business.

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

AYES: Members: and Chairperson Moore

NAYS: Members: None

Meeting adjourned at 8:00 p.m.

Barry K. Moore, Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission