

## EDMOND CITY COUNCIL MINUTES

November 27, 2006

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, November 27, 2006, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Lamb, seconded by Page, to approve November 13, 2006, Minutes. **Motion carried** as followed:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**3. GENERAL CONSENT ITEMS:** (General Consent Items were voted on collectively except where noted.)

**A. Approval of Administrative Items:**

1) Acceptance of City Manager's Financial Report for month ending October 31, 2006.

2) Acceptance of City Treasurer's Investment Report for month ending October 31, 2006.

3) Approval of transfer of appropriations and renewal of contracts for Employee Group Health Insurance with the following vendors in the total amount of \$195,000.

- a) United Healthcare
- b) RX America
- c) Delta Dental Plan of Oklahoma
- d) Vision Service Plan
- e) The Principal Financial Group
- f) SunLife Financial

4) Approval of 2007 Schedule of Regular Meetings for the Edmond City Council/Public Works Authority.

5) Approval of transfer of appropriations for the City Treasurer's office - \$1,638

6) Approval of transfer of appropriations from the Police Public Safety Limited Tax fund - \$11,500

7) **Approval of revision to the adopted City of Edmond Citizen Participation Plan for the Community Development Block Grant department.**

8) **Acknowledge receipt of construction permits for water and sewer line to serve the Reserve at Autumn Ridge Apartments from the Oklahoma Department of Environmental Quality.**

9) **Acceptance of the following easements:**

- a) The Ranch Property
- b) The Somerton Group, LLC and J.H. Harrod Family Partnership II
- c) Henderson Hills Baptist Church
- d) Signal Ridge Medical, LLC
- e) Janice S., Gary A. and Chad E. Van Horn
- f) The Somerton Group, LLC and J.H. Harrod Family Partnership II
- g) R. Dale Jackson
- h) Lowell M. Jackson

10) **Acceptance of public improvements and maintenance bonds from the following:**

- a) Water system improvements - Contract 8B
- b) Water system improvements - Water Wells Contract 8
- c) Community Park - 33<sup>rd</sup> Street and Boulevard
- d) Fairfax II
- e) Signal Ridge Medical Plaza
- f) 729 Enterprise Drive
- g) Advance Auto

Motion by Lamb, seconded by Page, to approve General Consent Items 3.A.(1-10). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller

NAYS: None

**B. Approval of Purchases:**

1) **Approval of FY 2006 Community Development Block Grant (CDBG) public service agreements with the following:**

- a) Central Oklahoma Transportation and Parking Authority - Share-A-Fare program - \$1,372
- b) Edmond Mobile Meals, Inc. - \$3,398
- c) Metropolitan Fair Housing Council of Greater OKC - \$12,436
- d) HOPE Center of Edmond - \$18,700
- e) UR Special Ministries, Inc. - \$25,732
- f) Edmond Economic Development Authority for administration of revolving loan fund - no funds budgeted

2) Approval of recommendation of the Parks and Recreation Advisory Board to approve a new agreement with Edmond All Sports, Inc. for the operation of the youth sports program, effective January 1, 2007.

3) Approval of FY 2006 CDBG consultant agreement with Michael J. Wolf, housing rehabilitation specialist, in an amount not to exceed \$35,000.

4) Approval of Change Order No. 2 with Titan Home Remodel for rehabilitation of residential structure located at 321 Cedar Crest Drive in the amount of \$90.

5) Approval of contract renewal (three (3) years) with Logix for three primary rate interface circuits and citywide long distance in the amount of \$21,612.

6) Approval of purchase of telephone equipment on state contract from Chickasaw in the amount of \$160,671.36.

7) Approval of Resolution No. 30-06 appointing Purchasing Agent for roadway improvements to mill and place a two inch asphalt overlay on Santa Fe, one-half mile south of Edmond Road and Coltrane between Danforth and Covell.

8) Approval of Arcadia Lake hydrographic survey by the Oklahoma Water Resources Board in the amount of \$49,143.95.

Motion by Miller, seconded by Page, to approve General Consent Items 3.B.(1-8). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,

Sanford, Lamb and Miller  
NAYS: None

Motion by Miller, seconded by Page, to recess the City Council meeting in order to convene the Edmond Public Works Authority meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**6. PLANNING CONSENT ITEMS:**

- A. Public Hearing and Consideration of commercial Site Plan approval for an office building, located on the north side of Willowood Road, west of the Willowood Addition, east of Coltrane (Martin Teuscher/Silver Stone Homes, LLC, applicant) Case No. SP060043.
- B. Public Hearing and Consideration of commercial Site Plan approval for one office building, located on the west side of Kelly, north of Kelley Pointe Parkway, north of 33<sup>rd</sup> Street (Kay Bee Investment Co., LLC, applicant) Case No. PR060047.
- C. Public Hearing and Consideration of Site Plan approval for a house conversion to an office use, located at 41 E. 15<sup>th</sup> Street (Powerhouse Properties, LLC, applicant) Case No. SP060050.

Motion by Lamb, seconded by Sanford, to approve Planning Consent Items 6.A. through 6.C. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

Items No. 7 through 9 were discussed at one time.

**7. Public Hearing and Consideration of Ordinance No. 3059 amending Edmond Plan III from Low Density Residential Planned Unit Development (PUD) to Medium Density Residential PUD usage, located at 2520 S. Rankin (Grace Living Center, applicant) Case No. U060070.** The site contains approximately eight acres and the applicant will increase the number of residents to 248. The application includes expansion of the original nursing home and additional long-term care facility, an Alzheimer's/dementia care

assisted living unit and a traditional assisted living center. Two classrooms for a pre-school/kindergarten will be constructed as part of the dementia care facility. Four courtyards will contain a minimum of 130.5 plant units in order to comply with landscaping requirements. Planning Commission recommended approval.

Randel Shadid, attorney representing the applicant, addressed Council and stated the development will be constructed in three phases. The first phase would remodel the existing nursing home and add a new structure which will be connected to the back of the existing structure. This building will contain two-stories, an upper story at the same ground level as the existing structure and then a lower level using the natural topography of the land back to the east. He noted the elevation of the property drops approximately nine feet from Rankin to the east. Mr. Shadid stated phase 1A will demolish the original nursing home and replace it with an Alzheimer's/dementia assisted living center with 28 apartments. This structure will be one-story and connected to the existing structure. He stated the exterior will also be updated in order for the entire structure to share a common architectural theme. Mr. Shadid stated the final phase of the development would contain a 79 apartment assisted living center attached to the nursing home by a breezeway. He stated this building could possibly be a four-story building with an underground parking facility containing 41 parking spaces. He stated approximately 80 parking spaces would be above ground. He stated a total of 122 parking spaces will be provided. Mr. Shadid noted the applicant is willing to plant additional large trees on the perimeter of the property and they will also preserve the old trees adjacent to the neighbor's property. He stated **23 (Amended 12/11/06 by the applicant)** trees will be preserved on the site and an additional **200 (Amended 12/11/06 by the applicant)** new trees will be added including the additional large trees noted above. He stated the applicant will work with the forestry staff and Council regarding placement of the additional large trees. He noted a sight-proof fence is not planned due to the existing neighbor owned fences along the entire property line.

Mayor Naifeh stated she was concerned about the height of the assisted living center. She stated she did not want to set a precedent for other developers to request tall buildings in neighborhoods. She noted that she would support the application because she felt there were extenuating circumstances for approval but she stated she was not necessarily in favor of buildings of that height in residential neighborhoods.

Motion by Miller, seconded by Page, to approve Ordinance No. 3059 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 3059. **Motion carried** as follows and Ordinance No. 3059 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**8. Public Hearing and Consideration of Ordinance No. 3060 rezoning from "C-1" Low Density Residential Planned Unit Development (PUD) to "C-2" Medium Density Residential PUD usage, located at 2520 S. Rankin (Grace Living Center, applicant) Case No. U060071.** This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 3060 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**9. Public Hearing and Consideration of Special Use Permit and Site Plan approval for Medium Density Residential development, located at 2520 S. Rankin (Grace Living Center, applicant) Case No. U060012.** This is a companion to the above two items and was discussed at that time.

Motion by Miller, seconded by Page, to approve Item No. 9. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**10. Public Hearing and Consideration of commercial Site Plan approval for two buildings, located south of 15<sup>th</sup> Street, west of**

**Broadway (Chris Palmer, applicant) Case No. SP060046.** The site contains 1.77 acres and the buildings will be constructed of the same architectural style as the existing Starbucks. The previous Bank of Oklahoma that was located on this site has been demolished. A variance is requested to allow some of the 88 parking spaces to be 18 feet deep rather than 20 feet as required by code. The variance will allow the applicant to add wider landscaping beds on Broadway. Planning Commission recommended approval with the variance.

Chris Palmer addressed Council and stated the driveway on 15<sup>th</sup> Street will be preserved but they will move the driveway on Broadway south at the request of the Fire Department. Mr. Palmer stated the building on the north will be brick on all four sides and the building next to Starbucks will have the same brick as Starbucks on the front and king sized red brick on the back and south side rather than the split face block as originally planned. He stated the site has 19.9% landscaping which exceeds requirements.

Motion by Page, seconded by Lamb, to approve Item No. 10.  
**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**11. Public Hearing and Consideration of commercial Site Plan approval for a building, located on the southeast corner of Meline Drive, east of 2<sup>nd</sup> Street, west of I-35 (Sammy Hotel, LLC, applicant) Case No. SP060045.** The site contains 61,377 square feet and a Comfort Suites Hotel is planned. The building will be four-story, approximately 60 feet tall. A variance as allowed by code for a reduction of 1.5% landscaping is requested bringing the landscaping percentage to 13.5%. The building will be brick veneer on all four sides, the base will be cast stone, the roof on the tower will be standing seam metal and the roof on the main portion of the building will be composition. The existing drive on Meline Drive will be used to access to the hotel. Planning Commission recommended approval with the variance.

Socrates Lazarus, architect for the applicant, addressed Council and stated the building will be approximately 10,000 square feet and is a new design. He noted the exterior colors will be in character with the area and the logo colors will not be used to dictate the color of the hotel.

Joe Javadzadeh addressed Council and requested to see the footprint of the proposed building in order to be sure the building does not block the view of his building from I-35.

Councilmember Lamb noted the landscaping variance is not a full variance but only affects a small portion of the property.

Motion by Lamb, seconded by Miller, to approve Item No. 11.  
**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**12. Public Hearing and Consideration of Ordinance No. 3061 rezoning from "G-A" General Agricultural to "L-5" Restricted Lake Commercial District, located on the southeast corner of I-35 and Lil Lane (Jade Properties of Edmond, LLC, applicant) Case No. Z060072.** The site contains 1.8 acres and is not adjacent to City water or sewer. To extend these services would be cost prohibitive so the applicant will use an individual water well and septic tank which will allow only one building on the property. An office use is not allowed in this zoning district since it was established for commercial uses to serve travelers and visitors to Arcadia Lake. This zoning district requires 30% landscaping. Planning Commission recommended approval.

Motion by Page, seconded by Miller, to approve Ordinance No. 3061 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**13. Public Hearing and Consideration of Ordinance No. 3062 rezoning from "G-A" General Agricultural to "L-2" Lake Residential District, located on the south side of 33<sup>rd</sup> Street, east of I-35 (Madalaine Stewart and Randall Etherton, applicants) Case No. Z060074.** The site contains four acres and two single family homes are planned. There is an existing home on the property. The lot is short of the required 90,000 square feet required per residential lot. There is a 130 foot right-of-way from the center line of 33<sup>rd</sup> Street adjacent to this property, rather than the standard 50 foot, due to the off-ramp on I-35. Several other properties in this area have less than



two acres due to the I-35 right-of-way. Planning Commission recommended approval.

Councilmember Page questioned whether the additional right-of-way would ever be used since 33<sup>rd</sup> Street dead ends into Arcadia Lake. He noted 130 feet is a significant amount of right-of-way and is not anticipated to be utilized in the future.

It was noted by staff that the right-of-way is owned by the Oklahoma Department of Transportation (ODOT). It was felt that when ODOT purchased the right-of-way they attempted to be consistent with each side of the interstate thus making the lots slightly smaller than required for two homes. Staff felt the additional right-of-way would allow for any future projects by ODOT.

Councilmember Lamb stated if the proposed ordinance is approved, the applicant can proceed to the Board of Adjustment to decrease the lots slightly below the minimum required for single family homes in the "L-2" District.

Mark Stewart addressed Council representing the applicant. He stated the property has been in the family for more than 50 years and the applicant wished to split the property into two lots for resale.

Motion by Lamb, seconded by Page, to approve Ordinance No. 3062 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**14 Public Hearing and Consideration of Ordinance No. 3063 rezoning from "D-2" Neighborhood Commercial to "E-1" General Commercial District, located south of 33<sup>rd</sup> Street, east of Broadway, 3608 S. Broadway (Joe Geis, applicant) Case No. Z060073.** The site contains .39 acres and the rezoning concerns only the existing building on the front of the property separate from the main hotel. The existing hotel is zoned General Commercial. The previous zoning district allowed a hotel as a use permitted by right and the applicant wishes to have all the property zoned in the same district for future sale or other business requirements. This application is in conformance with Edmond Plan III. Planning Commission recommended approval.

Motion by Lamb, seconded by Miller, to approve Ordinance No.

3063 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**15. Public Hearing and Consideration of commercial Site Plan approval for a house conversion, located on the east side of S. Boulevard, 1820 S. Boulevard (Ralph Sparks, applicant) Case No. SP060044.** The site contains 13,017 square feet and six parking spaces will be provided. One of the existing driveways on Boulevard will be closed leaving the one remaining driveway for access to the property. No new fencing is planned and a residential solid waste container will be required due to the narrow lot. Landscaping is in compliance with City requirements. Planning Commission recommended approval.

David Jones, engineer for the applicant, addressed Council and stated the application is a straight forward conversion. He stated the only changes to the exterior will be the installation of a handicapped accessible ramp. He stated there is an existing fence and no additional fencing is planned.

Jim Altaffer, 1900 S. Boulevard, addressed Council on this matter. He stated he is not opposed to the City's master plan for this area but the applicant's plan for the use of the building is too vague. He noted the other homes that have been rezoned to office use have not been converted at this time. Mr. Altaffer stated in the past area residents have not opposed the previous rezonings because they felt that eventually the area would change and perhaps enhance the value of their properties. He stated six of the seven residents are opposed to the application. He stated the conversion is not appropriate at this time. Mr. Altaffer requested a fence be installed on both sides of the property if this application is approved.

Mayor Naifeh stated she is sensitive to the fact that area homes are all nice and well maintained. She requested the applicant eliminate the ground sign and only have a wall sign. Mayor Naifeh also requested the existing fence be retained and maintained.

Mr. Jones stated there is an existing sight-proof fence on the north and south sides of the property and a chain link fence is along the east side next to the drainage easement. He stated the only sign will be on the building and no ground sign is

planned. He noted the wall sign will not be florescent or back lit. Mr. Sparks addressed Council and stated they will maintain the fence and replace it as needed.

Motion by Miller, seconded by Lamb, to approve Item No. 15 subject to elimination of a ground sign and maintenance of the existing fence. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**16. Public Hearing and Consideration of Ordinance No. 3064 amending Edmond Plan III from Single Family Dwelling to Two-Family Dwelling Planned Unit Development (PUD) usage, located south of Thatcher, west of the railroad tracks (Sterling Property Developments, LLC, applicant) Case No. Z060075.** The site contains 2.78 acres and the applicant plans to construct duplexes on the remaining single family lots with the option for one four-plex unit to be built near Thatcher. The property has previously been developed with five single family homes. Planning Commission recommended approval.

Todd McKinnis, attorney representing the applicant, addressed Council and stated all the lots in the development including the existing single family homes are still owned by the applicant and are being used as rental properties. Mr. McKinnis stated the property will maintain ownership of all the buildings. He noted the proposed duplexes will be larger than the homes that are currently there. He stated the applicant will install a fence along the neighbor's property to the west in the manner that the neighbor desires.

David Jones addressed Council and stated the four-plex will allow better ingress/egress to the back yards than a duplex.

Motion by Lamb, seconded by Page, to approve Ordinance No. 3064 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 3064. **Motion carried** as follows and Ordinance No. 3064 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

17. **Public Hearing and Consideration of Ordinance No. 3065 rezoning from "A" Single Family Dwelling to "B" Two-Family Dwelling Planned Unit Development (PUD) usage, located south of Thatcher, west of the railroad tracks (Sterling Property Developments, LLC, applicant) Case No. Z060076.** This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3065 as read by title by City Planner subject to construction of the fence on the west next to Mr. Judd's property. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

18. **Public Hearing and Consideration of Ordinance No. 3066 amending Edmond Plan III from Urban Estate Dwelling to Restricted Commercial Planned Unit Development (PUD) usage, located at 4012 N. Broadway (LeAnn Davis, applicant) Case No. Z060077.** The site applicant plans to convert the garage to a beauty salon. Since employees who do not reside in the home will work at the salon and the retail sales of hair products, the business would not qualify as a home occupation. Existing gravel parking will be surfaced and no additional parking is planned. Planning Commission recommended approval.

Motion by Page, seconded by Sanford, to approve Ordinance No. 3066 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 3066. **Motion carried** as follows and Ordinance No. 3066 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

19. **Public Hearing and Consideration of Ordinance No. 3067 rezoning from "R-2" Urban Estate Dwelling to "D-1" Restricted Commercial Planned Unit Development (PUD) usage, located at 4012 N. Broadway (LeAnn Davis, applicant) Case No. Z060078.** This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 3067 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

20. **Consideration of Final Plat of The Summit Addition, located north of 2<sup>nd</sup> Street, south of Danforth, one-eighth mile east of I -35 (Summit Property Development, LLC, applicant) Case No. PR060014.** The plat consists of 8.55 acres and is submitted as a street and utility plan. A new street will be constructed which will connect to Danforth. Staff feels this is an undesirable alignment due to the intensity of the development at full build-out. The development will contain apartments, commercial sites and at least 140 single family lots that ingress and egress from a public street less than 100 feet from the off ramp creating congestion and unsafe turning movements in the future. An off-site utility easement is needed for the sewer line extension under 2<sup>nd</sup> Street. A traffic signal will be installed on 2<sup>nd</sup> Street into the development. The applicant will not be able to obtain building permits until a new plat is submitted to meet Title 21 requirements. Planning Commission recommended denial but the applicant amended the plat after the Planning Commission meeting to stop the proposed street 400 feet north of the south property line to align with a future street connection to the adjacent property.

Brian Coon, Coon Engineering, addressed Council representing the applicant. Mr. Coon stated a revised plat has been submitted as noted above to shorten the street and not connect to Danforth. He stated the applicant has worked with the adjoining property owner as to alignment of the street and he felt all the issues were resolved. He noted the applicant plans to sell off property on each side of the development and that the plat will be filed of record with the Oklahoma County Clerk.

Motion by Lamb, seconded by Page, to approve Item No. 20. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**21. Public Hearing and Consideration of commercial Site Plan approval for an office-warehouse, located on the north side of 5<sup>th</sup> Street, west of the Burlington, Northern and Santa Fe tracks (Steve Schuler, applicant) Case No. SP060051.** The site contains 13,022 square feet and a 4,000 square foot building is proposed. The exterior of the building will be stone, wainscot, EFIS and pre-finished metal siding. A six foot stockade fence is proposed along the west side. Eight parking spaces are provided. An existing structure has been demolished. The Central Edmond urban Development Board recommended approval.

Motion by Lamb, seconded by Miller, to approve Item No. 21.  
**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

Mayor Naifeh announced the meeting would be recessed for a five minute break.

**22. Public Hearing and Consideration of Ordinance No. 3068 repealing and amending Title 22 Zoning Ordinance of the Edmond Municipal Code.** The proposed ordinance has been reviewed and discussed for the past several years by a Steering Committee which included the Planning Department staff and Edmond developers with Councilmember Lamb as the Chairman of the Committee. The public comment period has ended and several workshops with Council have also been held to discuss the proposed changes and receive further input from Council. Councilmember Lamb presented a PowerPoint presentation regarding the progression of the project and the proposed changes. Title 22 defines site plan standards, landscaping standards, special use permit requirements and variance provisions.

Mayor Naifeh submitted and outlined 20 changes to the proposed ordinance which were discussed in detail by Council.

Chris Palmer, Joe Javadzadeh (both local developers), Todd McKinnis and Lydia Lee all addressed Council in opposition. Mr. Palmer stated he felt parts of the ordinance was not fair to the business community and contained vague requirements. He noted the revisions will place a burden on developers and new

commercial developments may not be economically feasible because they do not meet the increased setback requirements. He requested the ordinance be continued for further review. Mr. Javadzadeh asked when the revised ordinance would take effect because he noted Council has already reviewed development plans based on the existing requirements. He suggested the ordinance not go into effect for six-months in order for developers to develop projects they have already been working on under the existing ordinance. Mr. McKinnis stated he was representing Randy Allen who was not able to attend the meeting. He noted when the process began the Committee was supposed to revise the ordinance so the process would be more certain, easier to navigate and more simple which Mr. Allen felt the proposed ordinance was not. He stated he felt the development community would decide not to develop as many projects in Edmond due to the new restrictions as cited by Mr. Palmer. He noted it was easier to develop in other cities in the metro area than it is in Edmond now and the new restrictions will make development in Edmond even more uncertain and can have negative consequences for the City. He requested a final draft be prepared for the public to review before approving the changes. Ms. Lee stated she had issues with the change suggested by Mayor Naifeh regarding the site plan review process by requiring the Planning Commission to review the site plans already reviewed by the Central Edmond Urban Board. She noted the proposed ordinance will deprive the citizens of being able to object to site plans unless they live within 300 feet of the proposed project. She stated she felt any citizen should be able to appeal in writing any site plan whether they live within the 300 foot boundary or not.

Carl Reherman, former Edmond Mayor now representing Citizens for Edmond, urged Council to delay taking action on the revisions. He stated the financial impact on the local business community was not known and since sales tax is the method used by cities to fund operations, serious problems could occur if business development is threatened.

Earnest Isch, David Jones (both local engineers) and Ronnie Williams addressed Council in support. Mr. Isch stated he liked the reorganization of the material and the greatest benefit is the new flow charts defining who is responsible for each item in the process. He felt the changes were an improvement over the existing ordinance. Mr. Jones stated he felt the revised ordinance is a well defined document as it relates to the technical design professional aspect. He stated the existing ordinance is more restrictive or as restrictive as the proposed

ordinance and he felt the ordinance was a well written document.

He stated the economic impact of the ordinance is a matter of perspective. Mr. Williams stated the existing ordinance is difficult to work with and he felt the new ordinance has more flexibility built into it.

Steve LaRue addressed Council and requested the final version of the ordinance be placed on the City's website for 30 to 45 days in order for the public to review.

Leroy Cartwright, Planning Commission Chairman, addressed Council and stated the Planning Commission approved the proposed ordinance as it was originally presented without the revisions submitted by the Mayor at tonight's meeting. He stated he had issues with the changes to the appeals process as requested by Mayor Naifeh.

Terry McGuire, Steering Committee member, addressed Council and stated he felt there were many good ideas and intentions inherit with the document, but he felt there were areas that needed to be addressed. He stated he felt the site plan standards would be problematic as well as the sensitive border requirements. Mr. McGuire stated he felt some areas of the city would not be able to be developed due to the sensitive border requirements. He stated another area of concern was the rezoning process which he felt could be unfair for citizens who move into an area and then the property next to them gets rezoned into a less desirable zoning category.

Mayor Naifeh stated she was not ready to approve the ordinance at this meeting. She requested comments from Councilmembers Lamb and Sanford since they were on the Steering Committee.

Councilmember Sanford stated it was a long and frustrating process and overwhelming at times. She noted she was not sure that she ever really understood the process completely. She stated when she first got involved in the project she understood a consultant would guide the committee through the process and that did not happened. Councilmember Sanford the fiscal impact is very important to her and she questioned the kind of message the Council is sending to developers who have purchased property for development in the next few years with a document that is more vague than the existing document. She stated she has never voted for the document and felt it was flawed and she could not support approval at this time. She noted the new ordinance was intended to make things simpler, easier and less divisive and she felt those intentions have not been accomplished.



Councilmember Sanford stated the ordinance is not sending the correct message to the development community and the impact on the business community is not known.

Councilmember Miller stated if Council waits for the perfect document, that will never happen. He outlined which of the amendments submitted by the Mayor he could support.

Councilmember Page stated he was ready to support the new Title 22 at this meeting because he felt it was more user friendly than the existing document. He also outlined the amendments that he could support that were submitted by the Mayor.

Councilmember Lamb stated it has been a long, laborious and challenging process but he felt the changes were needed and justified. He noted that any major changes to the ordinance will never make everyone happy with the finished product but he felt it was a major step forward. Councilmember Lamb stated the document is not perfect but the existing ordinance is not either. He stated he felt the major complaints regarding the proposed ordinance resides in Chapter 6 regarding site plan requirements. He stated comments were made about the Committee rushing to get the ordinance adopted and he stated if no one pushed for the document to be considered it would never get finished. He stated he wanted to get the project finished because Edmond Plan IV was being updated with the knowledge that the revised Title 22 would be approved. He noted Edmond Plan IV was being designed around several aspects of the revised ordinance and could not work without approval of the revised document.

Mayor Naifeh stated since the document that has been on the website has been changed at tonight's meeting, she asked for additional discussion from the public. She stated she would prefer to delay voting on this item until a finished document, including the changes discussed tonight, was available for review.

Chris Palmer addressed Council and stated he felt the process has had very little feed back from the development community and it's impact to the community.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3068 as read by title by City Planner subject to the revisions submitted by the Mayor as shown on Attachment "A" to the Minutes and the memo from Councilmember Lamb regarding the alternate process for Site Plan Review appeals wherein the City Council

would make final decisions on any appeal, with an effective date of February 1, 2007. **Motion carried** as follows:

AYES: Councilmembers Page, Lamb and Miller  
NAYS: Mayor Naifeh and Councilmember Sanford

Mayor Naifeh expressed her appreciation to all the members of the Steering Committee as well as the citizens in attendance for their comments.

**23. Public Hearing and Consideration of commercial Site Plan approval for a five-story building, located on the southwest corner of 5<sup>th</sup> Street and Littler (Mark Neighbors, applicant) (Continued to December 11, 2006, at the request of the applicant).**

**24. NEW BUSINESS:**

Mayor Naifeh reminded the public to attend the Parade of Lights scheduled for November 30<sup>th</sup>.

**25. Motion by Miller, seconded by Page, to adjourn meeting. Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

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City Clerk

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Mayor

**ATTACHMENT "A"****Alternate wording is listed in red, subjects appear in the order they occur in the proposed Title 22 Ordinance**

1. Page 1-2, Section 22.1.9 Amendments to this Title – the Ordinance would be amended to read more like the current Zoning Ordinance – **All amendments to this Title shall be made by the City Council, on its own motion, or on petition from a property owner, or on recommendation of the Planning Commission. No changes to this Title shall become effective until after a public hearing by the Planning Commission and City Council. (Amended language adapted from current Section 22.56.(10)**
2. On page 3-4, (4) (C) pertaining to date acceptable for certified list – **change the number of days to 90 rather than 60. This leaves more flexibility on how long the ownership list is valid considering possible continuances through the review process.**
3. On page 3-15 (B) Review Process (2) (c) – **change the “may” to “shall” in the report forwarded to the City Council as an information item.**
4. On page 3-20 Application Contents – **consider using the term drive approach rather than driveways. This would need to be consistently worded throughout the entire text where the word “driveway” appears.**
5. On page 4-2 (E) Districts Non-Residential Districts – **consider adding the term “retail” to the appropriate districts such as **D-1 Restricted Retail Commercial, D-2A Light Retail General Commercial and D-4 Limited Light Retail Commercial and E-1 Retail General Commercial.** This emphasizes the retail aspect of these districts. These names would also be used in the individual chapters on page 4-20, 4-22, 4-24 and 4-26.**
6. On page 4-18 D-O, Suburban Office – re-describe the purpose as follows: **This commercial office district is intended to provide a location for professional offices which are near residential neighborhoods as a transitional use between more intensive commercial uses or office uses. The remainder of the purpose would remain.**
7. Page 4-22 D-2-A Light **Retail** General Commercial – **add Department Store as a listed use permitted for clarification purposes.**
8. Page 4-23 D-3, Office Commercial – **change fitness center to read as a use permitted by right rather than Special Use Permit.** This office district allows similar uses by right.
9. Page 4-24 D-4, Limited Light **Retail** Commercial – **add the requirement to Department Store not to exceed 20,000 square feet to emphasize this qualifying condition.**
10. Page 4-65 (8) Place of Worship – **add meeting hall.**
11. Page 4-66 (5) Restaurants – change Quality restaurant to **Full Service Restaurant waiter/waitress service.**
12. Page 6-3 Excess parking space landscaping – **add a 1% additional landscape area when the parking spaces exceed the maximum parking requirement by less than 10%.**
13. On page 6-19 and 6-20 Section (3) (B) Major Non-Residential Office or Retail Building Structure and the graphic on page 6-20 - **is suggested to change to 150 linear foot from the 100 feet listed of façade length and exterior walls.** Many buildings are a 100 feet in length, 150 foot should fit the 60,000 square foot big box structures.
14. Page 6-22 (H) Central Features and Community Space – add to the list **public art.** Other terms such as water feature, clock tower, pedestrian plaza were listed but not public art.
15. On Page 6-37 Applicability – add to the definition of sensitive border within 300 feet of any platted or developed as **single family** residential property.

16. Page 6-39 (3) Refuse Facilities – change the standard from 20 feet from the side or rear property line when surrounded by residential properties to **25 feet**.