

January 8, 2008

EDMOND PLANNING COMMISSION MEETING

Tuesday, January 8, 2008

5:30 P.M.

The Edmond Planning Commission Meeting was called to order by Chairperson Suzy Thrash at 5:30 p.m., Tuesday, January 8, 2008, in the City Council Chambers at 20 South Littler. Other members present were Bill Moyer, Leroy Cartwright, Barry K. Moore and Ingrid Young. Present for the City were Robert L. Schiermeyer, City Planner; Kristi McCone, City Planner; Jan Ramseyer-Fees, City Planner; Steve Manek, City Engineer; and Steve Murdock, City Attorney. The first item on the agenda was the approval of the December 4, 2007, Planning Commission minutes.

Motion by Moyer, seconded by Moore, to approve the minutes of December 4, 2007 as written. **Motion carried** by a vote of 5-0 as follows:

AYES: Members: Moyer, Moore, Cartwright, Young and Chairperson Thrash
NAYS: None

The next item on the agenda was: Case #Z070036 Public Hearing and Consideration of Amendment to the original Covell Village Planned Unit Development Design Statement, regarding trailers and storage utility buildings on property generally located west of Kelly, south of Covell Road. (Covell Property Development, LLC)

When the Lowe's Home Improvement Center was discussed by the Planning Commission, there was a concern that the original PUD Design Statement prohibited certain uses. Those uses were listed as follows:

1. Pre-fabricated house sales
2. Trails (sic) for hauling, rental, sales

The original intent, as discussed at the Lowe's site plan discussion, was to prohibit full size semi trailers, but not the residential, home, farm, personal use trailers. The revised wording considered for approval is as follows:

- (2) any type of trailer which attaches to a vehicle by means of a ball and hitch, or similar locking component or device, for personal or small commercial use, whether by rental or sales.

The owner indicated that the intent of the pre-fabricated house sales prohibition was to prevent mobile home sales or other similar pre-constructed homes suitable for being moved onto a site from being displayed at the Kelly location. The owner did not consider that the backyard style utility storage buildings were prohibited. Both the trailers and storage buildings are displayed at the current Lowe's on Second Street. The owner feels it is important that the two locations allow for a similar product display. The areas are

January 8, 2008

limited for the display of such products and those areas are shown on the site plan. The amendment to the PUD does not change the wording for the “pre-fabricated house sales.”

Attorney, Todd McKinnis, representing Gem Site indicated that the percentage of the Open Display allowed by the PUD was not used by the Lowe’s site. He also provided a map of the Commercial areas available for additional business in the Open Display zoned area. No one spoke in objection to the request.

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

AYES: Members: Moore, Cartwright, Young, Moyer and Chairperson Thrash

NAYS: None

The next item on the agenda was: Case #Z070035 Public Hearing and Consideration of Rezoning from “A” Single Family Dwelling to “E-1” General Commercial District on property located south of East Second Street, at 501 Wade Martin Drive. (Oxford Development, Inc.)

Attorney, Randel Shadid, representing Oxford Development, Inc. is requesting rezoning on a two acre tract, located on the west side of Wade Martin Drive, just over 1/8 mile south of East Second Street. This property is currently zoned “A” Single Family, but is projected for General Commercial on the Edmond Plan. Mr. Brian Stinson is the principal for Oxford Development, Inc. and has planned the adjacent Falls Commercial and Falls Residential to the west and south of the subject property. Wade Martin Drive is a private street not constructed to city standards; there are also no water lines on Wade Martin Drive.

The development of the property, based on existing conditions, would be encouraged as a continuation of The Falls projects, since Wade Martin is not improved to an appropriate standard for fire protection and/or sanitation collection. Water lines would also be available from within The Falls project, where they are not available on Wade Martin. There has been discussion with the Tuscany Villas plat to the south of the Stinson property that it would be desirable for Wade Martin to be a collector street, allowing for another outlet from the Tuscany Villas Addition, as well as whatever develops along Wade Martin. Wade Martin needs to be improved at a public street standard if it is to be used for commercial purposes. The subject tract may be developed with no access to Wade Martin if it becomes part of The Falls development.

Attorney, Randel Shadid, indicated that the owner was trying to acquire more land along Wade Martin and if that happened, it might be possible for Wade Martin to become a public street standard. No one spoke in opposition.

January 8, 2008

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

AYES: Members: Moyer, Young, Cartwright, Moore and Chairperson Thrash

NAYS: None

The next item on the agenda was: Case #Z070042 Public Hearing and Consideration of Plan Amendment from “E-1” General Commercial PUD and “D-1” Restricted Commercial to “E-LU” Heavy Commercial Limited Use on the northwest corner of Rhode Island and Memorial Road. (Buddy Morgan)

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

1. Infrastructure: Water lines are not adjacent to the property, and will need to be extended from the west at Jordan and Memorial, where water was extended for the Olde Edmond Addition. The water supply is from the City of Oklahoma City. Sanitary sewer is adjacent.
2. Traffic: Memorial Road is in Oklahoma City. There are no traffic counts currently available.
3. Existing zoning pattern:
North – Single Family
South – Oklahoma City
East – Single Family
West – Commercial
4. Land Use:
North – Single family homes
South – Single family homes
East – Single family homes
West – Undeveloped
5. Density: N/A
6. Land ownership pattern:
North – Single family lots, acreage style
East - Single family lots, acreage style
South – Oklahoma City; a variety of lot sizes, including patio homes
West – Undeveloped lots
7. Physical features: The land has been improved as a part of the subdivision, but has been vacant for over 40 years.

January 8, 2008

8. Special conditions: A convenience store was once proposed for this site and was denied as a Special Use Permit.
9. Location of Schools and School Land: There are no schools within 2 ½ miles of property.
10. Compatibility to Edmond Plan: The Edmond Plan identifies a “D-2” level of Commercial; however there was a Plan Amendment for the “E-1” PUD Climate Controlled Self-Storage, so the “E-LU” request is consistent with a qualified increase in land use.
11. Site Plan Review: No site plan will be required.

Motion by Moore, seconded by Moyer, to continue this item until January 22, 2008.

Motion carried by a vote of 5-0 as follows:

AYES: Members: Moore, Moyer, Cartwright, Young and Chairperson Thrash

NAYS: None

The next item on the agenda was: Case #Z070043 Public Hearing and Consideration of Rezoning from “E-1” General Commercial PUD and “D-1” Restricted Commercial to “E-LU” Heavy Commercial Limited Use on the northwest corner of Rhode Island and Memorial Road. (Buddy Morgan)

In 2007 Buddy Morgan received approval for “E-1” PUD for a single use climate controlled storage facility on two acres of land, between Rhode Island and Jordan, on the north side of Memorial Road. Mr. Morgan would like to make the project larger by rezoning all the land he has purchased, consisting of 3.2 acres. The use would remain the same; a climate control storage facility. All of the property is part of this rezoning request, including the previous “E-1” PUD parcel. There would be a site plan procedure required if the rezoning is approved and all of the construction details would be submitted as one site plan, rather than two projects, one zoned “E-1” PUD and one zoned “E-LU”.

Randel Shadid indicated that the 70 foot sensitive border setback along the north was not appropriate. Based on plans that have been discussed for the self storage facility, the neighbors agree that a 30 foot setback is appropriate and are satisfied that the use is the most compatible to their homes, and is qualified by either the previous PUD or “E-LU”. He indicated his entire project is indoors. Mr. Shadid indicated he would like to remove the “E-1” PUD parcel from this request. Mr. Murdock indicated that would be an amended application, since the legal description is different. Mr. Cartwright asked, “Does the street on the east side of the property require a sensitive border, or is it a dividing line where the border standard is not required?” Robert Schiermeyer indicated

January 8, 2008

that the street should be at a dividing line where the sensitive border is not required along the east elevation of the property. In addition, the land on the east side of Rhode Island is projected for Commercial, even though it is an existing house. Lydia Lee asked if the sensitive border would apply to the "E-1" PUD. The staff answered that it would. John Havens, a property owner to the north, indicated he had no problem with the current plans, and felt that 70 feet would be a little much. He asked if he could work that out with the owner, who had already been talking to the residents.

*Minutes corrected as per January 22, 2008 as follows:

Barry K. Moore commented that the statement from attorney, Randel Shadid regarding the sensitive border is not appropriate, representing his opinion on the issue, not necessarily a reflection of the ordinance.

Motion by Cartwright, seconded by Moore, to continue this item until January 22, 2008.

Motion carried by a vote of 5-0 as follows:

AYES: Members: Cartwright, Moore, Moyer, Young and Chairperson Thrash

NAYS: None

The next item on the agenda was: Case #Z070039 Public Hearing and Consideration of Plan Amendment from General Commercial to PUD allowing Open Display for a garden center at 400 South Bryant, in the Bryant Square Shopping Center. (Under The Sun)

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

1. Infrastructure: This location has been used as a restaurant and has been vacant for several years. All improvements have been made to the site, regarding utilities and access from previous construction.
2. Traffic: It is estimated that there are 26,000 vehicles per day, north and southbound on Bryant, during a 24-hour period.
3. Existing zoning pattern:
North – "E-1"
South – "D-2" Neighborhood Commercial
East – "D-2" and "E-1"
West – "E-2" PUD
4. Land Use:
North – Chase Bank
South – Retail shops and a free-standing building

January 8, 2008

East – Retail shops in the Bryant Square Shopping Center

West – Lowe’s Home Improvement Center

5. Density: N/A
6. Land ownership pattern:
North – Bryant Square is under one ownership, approximately 35 acres
East – Bryant Square under one ownership
South – Bryant Square under one ownership
West – Lowe’s and Sooner Investments, owning the remainder of University Plaza Shopping Center
7. Physical features: Built environment conditions
8. Special conditions: None
9. Location of Schools and School Land: Nearest elementary school is Will Rogers on 9th, west of Bryant and Memorial High School on 15th Street.
10. Compatibility to Edmond Plan: Edmond Plan projected General Commercial “E-2” Open Display was not projected on the plan, due to the specialized nature. They are needed for a compatible location.
11. Site Plan Review: Under The Sun is not planning to add on to the building and the lot is already paved, so there would be an addition of 7,500 square feet of paving. A site plan does not appear to be required in this case. There also are no new drive openings. The sign allowed is only 6 feet tall, 42 square feet, because this is not a commercial corridor. There is a mix of conforming and non-conforming signs at this general location. The exterior of the building would be painted and cleaned, with new wall signs added. Parking can be shared with the shopping center. The land is unplatted and it is not anticipated that Under The Sun will purchase this lot. If they do purchase the site, a deed approval or plat would be required.

Attorney, Mary Ann Karns, representing Under The Sun, indicated the owner had no problem with making the PUD limited to only Under The Sun as a tenant, using the “E-2” Open Display, rather than any Open Display Garden Center. Ms. Karns indicated they would prefer to have the 15 foot sign. There are a number of nonconforming signs in the area taller than the current City standard. Commissioner Moyer asked if by approving the request for the PUD, were they granting a waiver on the sign. The staff indicated they could not use the PUD as a way of getting a sign variance; that would be a separate request. City Attorney, Steve Murdock, indicated they could leave the sign out of the discussion for the Planning Commission’s consideration.

January 8, 2008

Motion by Young, seconded by Moyer to approve this request subject to the following wording in the PUD: 7.1 – Plant Nursery/Garden Center with outdoor display further defined and clarified a specific place of business operating "Under The Sun" and delete section 7.8 regarding signs.

AYES: Members: Young, Moyer, Moore, Cartwright, and Chairperson Thrash

NAYS: None

The next item on the agenda was: Case #Z070040 Public Hearing and Consideration of Rezoning from "D-2" Neighborhood Commercial District to Planned Unit Development to allow Open Display, located on the east side of Bryant, 1/8 mile south of East Second Street, 400 South Bryant. (Under The Sun)

The current property owner, SCI Bryant Square Fund 1, LLC, is requesting that a 29,766 square foot parcel, formerly used as a Burger King restaurant, be rezoned for an Under The Sun Garden Center. Under The Sun operates a business on 33rd Street, west of On The Border restaurant. The Planned Unit Development is submitted to establish conditions for this use. The exterior of the building will be improved and new signage placed on the property. The sign elevation shown with the PUD for the ground sign is not acceptable, based on the current standards, since Bryant is not a commercial corridor, allowing taller signs. The sign permitted will be the six foot tall, 42 square foot sign. No variance is recommended at this location. It is understood, based on the Special Conditions defined in 7.0 of the PUD Design Statement, that the "D-2" uses will remain as potential uses for the property and the only "E-2" use would be a garden center. Other products could not be displayed on the site, other than those described in 7.1, page 4 of the PUD Design Statement. The Lowe's Home Improvement Center located to the west is zoned "E2" Open Display PUD and includes outdoor storage or display of products for sale or rent.

The zoning and uses adjacent to the site are all commercial. There are no homes or Single Family zoning within 300 feet of the location. Chase Bank is located to the north and a retail building in Bryant Square is located to the south. Some of Bryant Square is zoned "E-1" General Commercial and some of the center is zoned "D-2" Neighborhood Commercial. The land to the west is zoned "E-2" or "D-2". The staff suggests that if Under The Sun ceases to be in operation on the property, that other garden center type displays not be a permitted use and that the PUD be limited to the original "D-2" uses once Under The Sun no longer occupies the property. There is a similar standard used for Christian Brothers Automotive on Santa Fe, where other automotive repair businesses would not be permitted by the terms of the PUD. Open Display zoning is sometimes denied when the details of how it will operate, and the materials to be displayed are vague.

Motion by Moore, seconded by Moyer to approve this request subject to the sign being withdrawn from consideration and that the PUD Design Statement be modified to limit

January 8, 2008

the garden center to Under The Sun, as described in the presentation submitted.

Motion carried by a vote of 5-0 as follows:

AYES: Members: Moore, Moyer, Cartwright, Young and Chairperson Thrash

NAYS: None

The next item on the agenda was: Case #Z070037 Public Hearing and Consideration of Amendment of the Edmond Plan from Suburban Office PUD and Office Commercial PUD to "E-1" General Commercial on 29.16 acres, located north of Henderson Hills Baptist Church, east of I-35. (Integris)

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

1. Infrastructure: City water is adjacent to this property along the frontage road, immediately west of the site. Sanitary sewer is adjacent to this property on the north, and has currently been extended to serve Henderson Hills Baptist Church. The water line will likely be looped from the water line extensions, extending to 15th Street to provide for adequate pressure.
2. Traffic: Access is planned from the I-35 frontage road. Integris owns additional land to the south, already zoned "E-1" PUD and there is adequate frontage along the east I-35 frontage road for more than one drive approach.
3. Existing zoning pattern:
North – Corps of Engineers property for Arcadia Lake
South – "E-1" PUD zoning
East – Corps of Engineers property for Arcadia Lake
West – I-35
4. Land Use:
North – Flood plain and Arcadia Lake
South – Henderson Hills Baptist Church and uses related thereto
East – Arcadia Lake property
West – I-35
5. Density: Not applicable
6. Land ownership pattern:
North – United States Government
East – United States Government
South – Henderson Hills Baptist Church (large tract ownership)
West – I-35

January 8, 2008

7. Physical features: The land is adjacent to the flood plain for Spring Creek. The land does fall within Sensitive Area Study and Community Image has discussed tree preservation with Integris. There is an existing oil well on the property and Pedestal Oil has written Integris regarding this issue.
8. Special conditions: Previously listed under Physical features.
9. Location of Schools and School Land: Oklahoma Christian School is located to the north on the Life Church site. No other public schools are within a mile of this location.
10. Compatibility to Edmond Plan: Due to the open space around this location and the interstate access, this is a very good location for larger square foot structures and uses that need to be available to the community and general areas, such as a hospital or other medical facilities.
11. Site Plan Review: After consideration of the rezoning, a Preliminary Plat and Final Plat will be required, as well as Site Plan Review. This property does fall within the I-35 Corridor Site Plan District.

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

AYES: Members: Cartwright, Moore, Moyer, Young and Chairperson Thrash
NAYS: None

The next item on the agenda was: Case #Z070038 Public Hearing and Consideration of Rezoning from “D-3” Suburban Office PUD and “C-1” Low Density Multi-Family PUD to “E-1” General Commercial on 29.16 acres, located north of Henderson Hills Baptist Church. (Integris)

Integris Health is requesting 29.16 acres of “E-1” General Commercial to be added to the parcel they have purchased immediately south, from Henderson Hills Baptist Church, which is zoned E-1” General Commercial PUD. The land immediately north and east is owned by the Corps of Engineers for Arcadia Lake. The land immediately south is developed as the Henderson Hills Baptist Church. I-35 is located to the west and west across I-35 is the Fox Lake Plaza development, consisting of the existing Wal-Mart. Utilities are available to this location and Integris has already retained an engineer to study the flood plain across the property. Discussions are taking place with the Community Image Department regarding the Sensitive Lands as they may affect the property owned by the church. Primary access to the property will be from the I-35 frontage road.

January 8, 2008

President and CEO of Integris, Stanley Hupfeld, spoke regarding this request. He indicated it was a hundred years ago that Baptist Hospital started and that Integris has been looking for a site in Edmond for some time and he was happy that he could partner with the Henderson Hills Baptist Church to find this location. He noted that Integris operated 14 hospitals throughout the state and that they had over 10,000 associates. It was noted that the site was particularly suited to the use, with open space established to the north and east, with the Arcadia Lake property.

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

AYES: Members: Moyer, Moore, Young, Cartwright and Chairperson Thrash

NAYS: None

The next item on the agenda was: Case #Z070041 Public Hearing and Consideration of an Amendment and Extension of the Edmond Town Center, zoned "E-1" General Commercial Planned Unit Development, located south of Danforth, west of Kelly, containing 36 acres. (D.J. Christie)

Engineer, Doug Klassen, is representing D.J. Christie in requesting an extension and amendment of the "E-1" PUD currently in effect, south of Danforth, west of Kelly. McDonald's and Blockbusters have already been constructed near the southwest corner of the intersection. The Swan Lake Addition is located to the south. The Swan Lake development includes multi-family along Kelly and numerous duplexes on the east side of the Addition, with the majority of the dwellings being single family. To the east of this location are a 7-11, Mid First Bank, and a daycare center and further east is a shopping center, including restaurants and a Hobby Lobby. The northeast corner of the intersection includes North Oaks Shopping Center. The northwest corner of the intersection includes the school district's administrative offices and a Tinker Federal Credit Union. The Service/Blake soccer complex is located to the west.

The City is developing plans for the intersection of Danforth and Kelly. The number of drive approaches and locations proposed for this project need to match the City's project, as to median crossover locations and driveway separation. Traffic control lights have been discussed as a requirement of this development and the right-of-way for Kelly needs to recognize the parkway standard street widths. The alignment of driveways on Danforth also needs to comply with existing driveway alignments, crossovers and driveway separation. References to existing streets and proposed streets in the PUD Design Statement may need to be modified based on the public discussion. The owner has eliminated some of the uses in "E-1". The owner has also identified setbacks and maintained the 70 foot sensitive border setback adjacent to residential. The 70 feet will likely include fire lanes and parking spaces.

January 8, 2008

This project was originally approved on November 13, 1995 and has been extended two previous times as a PUD. Mr. Klassen has responded to the Engineering Department on modifications that were requested in the Traffic Study.

Mr. Klassen indicated that Lots 12 and 13 were configured for a particular project being discussed with the City. If the project does not develop, Lots 12 and 13 may be reconfigured. Mr. Klassen indicated that they were continuing to work with the staff on the location and number of driveways and traffic control lights.

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

AYES: Members: Young, Cartwright, Moore, Moyer and Chairperson Thrash

NAYS: None

The next item on the agenda was: Case # PR070014 Public Hearing and Consideration of Preliminary Plat of the Bryant Place Addition located on the south side of Kickingbird Road, east of Bryant Avenue. (BVP Bryant Place, LLC)

Motion by Moore, seconded by Cartwright to continue item until January 22, 2008.

Motion carried by a vote of 5-0 as follows:

AYES: Members: Moore, Cartwright, Young, Moyer and Chairperson Thrash

NAYS: None

The next item on the agenda was: Case #PR070015 Consideration of Final Plat for Bryant Place Addition, located south of Kickingbird Road, east of Bryant Avenue. (BVP Bryant Place, LLC)

The applicant was not in attendance for any discussion of this matter.

Motion by Cartwright, seconded by Moore, to continue this item until January 22, 2008.

Motion carried by a vote of 5-0 as follows:

AYES: Members: Cartwright, Moore, Moyer, Young and Chairperson Thrash

NAYS: None

January 8, 2008

There was no New Business.

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

AYES: Members: Cartwright, Moore, Moyer, Young and Chairperson Thrash

NAYS: None

Meeting adjourned at 6:50 p.m.

Suzy Thrash, Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission