

## EDMOND PLANNING COMMISSION MEETING

**Tuesday, October 5, 2010**

**5:30 P.M.**

The Edmond Planning Commission Meeting was called to order by Chairperson Bill Moyer at 5:30 p.m., Tuesday, October 5, 2010, in the City Council Chambers at 20 South Littler. Other members present were Leroy Cartwright, Barry K. Moore, Mark Hoose and Lydia Lee. Present for the City were Robert L. Schiermeyer, City Planner; Kristi McCone, City Planner; Steve Manek, City Engineer; and Steve Murdock, City Attorney.

The first item on the agenda was **the approval of the September 21, 2010 Planning Commission minutes.**

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

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

NAYS: Members: None

The next item on the agenda was **Case #PR100007 Public Hearing and Consideration of amendment or change to the final record plat of Tuscan Park I, located one half mile south of Danforth on the west side of Sooner Road. (Bramante Investments, L.L.C.)**

Mr. Jim Harlan submitted a new Preliminary Plat of Tuscan Park II on August 5, 2010. In reviewing this plat, three of the lots were part of Tuscan Park I, even though that wasn't identified on the original submittal and when that situation occurs where there is a change which creates a new lot or building site from the final record plat, a new hearing is required before the Planning Commission and City Council with notice to all the property owners in the addition. Notices have been mailed to all the property owners in the addition, not just within 300 feet of the subject three lots as required by the attached section 21.07.050 of the Edmond Municipal Code. The discussion of the changes to the plat will be sent to the City Council, scheduled for October 25<sup>th</sup> and if the changes are accepted, then the Preliminary Plat can be considered with the appropriate re-notice. The Preliminary Plat was on the September 21, 2010 Planning Commission agenda to be continued to the October 5, 2010 agenda; however, no formal motion was approved to continue the item. Staff did not place the Preliminary Plat on this agenda in order for a determination to be made on this amendment. The lots, as originally platted, range from 75 feet of frontage to 85 feet of frontage. The planned change provides for lots that are 50 to 56 feet in width.

Tuscan Park I addition includes private streets, sidewalks, gated access, common area property, a private detention area which is oversized to allow for a lake feature and to accommodate for drainage issues downstream as well as a significant bridge structure just south of the lake embankment. The Storm Water Advisory Board addressed issues regarding the size and construction of the lake before Tuscan Park was approved. There are 23 homes in Tuscan Park I. There are 36 lots in the Tuscan Park I addition.

The number of lots planned in Tuscan Park II is 33, including the 3 re-platted lots. A chronology of previous activity in the Tuscan Park area is as follows:

- A. 2003-November 4<sup>th</sup> original Preliminary Plat for the entire Tuscan Park area, Planning Commission-approved
- B. 2003-November 24<sup>th</sup> Preliminary Plat approved by the City Council due to the private streets
- C. 2003- December 16<sup>th</sup> First Final Plat, Planning Commission-approved
- D. 2004-January 12<sup>th</sup> Final Plat, City Council-approved
- E. 2005-November 8<sup>th</sup> Final Plat of Section II, Planning Commission-approved
- F. 2005-November 28<sup>th</sup> Final Plat of Section II, City Council. Final plats are only valid for 2 years with no work order. Current status expired
- G. 2007-April 23<sup>rd</sup> Plat correction stating that the streets are private Tuscan Park I, City Council
- H. 2008-July 8<sup>th</sup> Plan Amendment and Rezoning from Single Family to Planned Unit Development for duplex units on property north of Tuscan Park, Planning Commission recommended denial, this request was withdrawn.
- I. 2008-September 16<sup>th</sup> associated item, Shirley Anglin Deed Certification, north of Tuscan Park II, Planning Commission. Ms. Anglin did not follow through to sell or buy land.
- J. 2008-October 21<sup>st</sup> Amended Final Plat of Section II withdrawn by the applicant, Planning Commission
- K. 2010-September 21<sup>st</sup> new Preliminary Plat of Tuscan Park II, Planning Commission

Earnest Isch was in attendance representing the applicant requesting the three lot modification to allow for smaller lots rather than the original Tuscan Park I lots. He indicated the intent was to provide for smaller lots and smaller homes in the future phase of Tuscan Park II. Tuscan Park I has 36 lots and Tuscan Park II is planned to have 33 lots, the request is to change 3 of the lots in Tuscan Park I from 75 and 80 foot frontages to 50 and 56 foot frontages. This will also reduce the lot size for the smallest lot to around 6,500 square feet. Mr. Isch indicated that Mr. Harlin had purchased the land from a sheriff's sale and had spent money cleaning up the uncared for areas and fixing the gate. 1,600 square foot homes are planned. The owner feels this will be a way of revitalizing the addition. Jim Lucas of 4124 Granada Lane spoke in opposition to this request. He indicated the change of the lot size and square footage would not be compatible with the existing addition. There has been discussion of renting the new homes to 50 year olds and over, similar to retirement housing and he felt this would not work with the homeowner's association and the cost to maintain all of the improvements. Michael Kress of 409 Siena Drive indicated he had a four bedroom, four bathroom home and the size of the new homes would not be compatible. David Wray of 524 Seville Drive indicated the original lots were 8,050 square feet and the new lots would be 6,500 square feet or less. He felt the original Tuscan Park II plat that indicated 19 lots should be the project that is built and that no changes to the three lots in Tuscan Park I be permitted. Virginia Banks of 4125 Granada Lane indicated that the yearly dues were only \$250.00 and that no dues have been collected at this time. She felt the project should stay the same. Lola Blake of 4200 Granada Lane indicated the traffic would greatly

increase with more density from the smaller lots. Gerre Slaton of 4117 Granada Lane spoke in opposition asking that all lots stay the same size. She indicated this would change the character of the neighborhood. Kelly Crofts with Paradigm Advantage Realty spoke indicating she had represented Tuscan Park since 2005 and had worked with the builders from the start and her father was one of the original builders in the neighborhood. She indicated there had been a meeting with the residents where Mr. Harlin explained what he was planning to do but there was not a consensus reached. The covenants were set up where Mr. Harlin would have a majority vote, particularly if the new lots are rented. She indicated the covenants would not match between the two phases because of the square footage and three car garage requirement of Tuscan Park I. Jim Harlin indicated that the current business model suggests a change from building spec homes on individual lots. The bankruptcy status has left a lot of debt on the project. There was too much expenditure for the project. Mr. Harlin indicated he had offered to increase the size of the lots next to the lake at the meeting with the residents and he received no response from the homeowners. Commissioner Hoose asked if any of the homeowners were in favor of the project. There were approximately 10 residents in attendance. Commissioner Cartwright indicated he was not in favor of the change. He felt the difference in the lot size was too much. The project had developed at more than 50% of the original 36 lots and permits were recently issued. Commissioner Lee indicated she was not in favor and the three smaller lots were not consistent and incompatible. Commissioner Moore indicated he was against the current proposal. He indicated he understood the economic reasons for the change but there was a social obligation to continue with a compatible addition. This appears to be the first indication of a change from what the original buyers were aware of. Commissioner Moore indicated he felt it was unusual there was so much uncertainty about the neighbors and the developer talking to each other about some of the common issues. He indicated he felt this situation appears to be repeated in Edmond.

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

AYES: Members: None

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

The next item on the agenda was **Case #PR10009 Consideration of Final Plat of Blocks 4 and 5, Old Towne Lofts of Edmond, located west of Fretz, south of West Edmond Road. (S.D.F. Construction, L.L.C.)**

Mark Farris with Red Plains Engineering is representing Steven D. Frakes in platting two more blocks of the mutli-family lofts project located south of West Edmond Road on the west side of Fretz. He is planning eight additional lots in the two blocks and the blocks only cover 8,000 square feet total area with each lot being approximately 1,000 square feet each. The improvements for this addition are completed which include detention, private drive access and public water and sewer lines. The sight proof fence has been installed along the south property line and the other addition improvements such as the outside fence have been completed. There is considerable open space in this project that was set aside in the first plat. Eight lots have been approved in the first phase of the development. The developer paid a fee to participate in the Fretz street improvements

which were completed several years ago. Mr. Frakes is completing the subdivision plat requirement as he is prepared to move forward with another phase.

Mark Farris was in attendance representing the application. He noted all the subdivision improvements had been completed.

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

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

NAYS: Members: None

The next item on the agenda was **Case #SP100017 Public Hearing and Consideration of Commercial Site Plan approval for a Jack in the Box restaurant located on the south side of Danforth, east of the Wal-Mart Supercenter and west of the Danforth Plaza shopping center. (Jack in the Box)**

Planning Department comments:

1. Existing zoning – “E-1” General Commercial
2. Setbacks – The setback from the south property line is 58 feet, the setback from the front property line is 66 feet, the setback from the east property line is 31 feet and the setback from the west property line is 135 feet. The zoning to the north, south, east and west is commercial.
3. Height of buildings – 20 feet. The drive through tower is 22 feet.
4. Parking – 42 spaces provided. The restaurant contains 2,805 square feet, requiring 28 parking spaces. Wal-Mart is the seller of the property and has asked that 14 more spaces be added as part of the agreement with Jack in the Box. Jack in the Box is installing additional landscaping to meet the over-parked condition. Jack in the Box will also add bicycle parking racks.
5. Lot size – 41,422
6. Lighting Plan – A complete lighting plan has been submitted. The pole heights are being modified to the 24 foot maximum height.
7. Signage – One, six foot tall, 42 square foot ground sign will be provided in the center of the property and the wall signs are lesser square footage than allowed based on the length of wall and setback.
8. General architectural appearance – The exterior will be stucco. The roof is flat. All mechanical equipment will be lower than the parapet wall, meeting the screening standard.

9. Sensitive borders – This property is not adjacent to residential, but it is within 300 feet of single family homes in the Park Lane addition. The dumpster enclosure is fully screened with a split face concrete block wall and sight proof gates. There is a menu board for placing orders outdoors on the south side of the building next to the drive-through lane. This order station is adjacent to the Danforth Plaza shopping center.
10. Mechanical equipment – Will be located on the roof and screened by the parapet wall.
11. Fencing/screening – Other than the dumpster enclosure, no fencing applies.

Engineering Department comments:

12. Driveways, access management and paving– To meet the access management standard, no driveways are permitted on Danforth. The access will be from the Wal-Mart driveway to the west and the Danforth Plaza driveway to the east, with approval from the shopping center owner. Wal-Mart has owned this pad location since the store opened and has even landscaped the east side of the drive where their ground sign is located on Danforth. The site plan for Wal-Mart has always indicated the cross access for this pad site and the Danforth Shopping Center.
13. Water and wastewater plans – This site is already adjacent to City water and sewer lines.
14. Drainage detention and grading – Drainage detention is being met with existing detention areas constructed by Wal-Mart. A grading and erosion control plan has been submitted.

Building and Fire Code Services comments:

15. Applicable Building Code, Fire Code and ADA – The 2,805 square foot building will not require a sprinkler system. The fire hydrant on the east side of the building will be relocated because of the building location and that work will be performed by Jack in the Box.

Urban Forestry comments:

16. Landscape Plan: The list below meets a 30% landscaping standard due to the over-parking. The extra parking spaces were requested by Wal-Mart, the seller of the property.

Total Site Area: 41,422 Sq. Ft.

	<u>Required</u>	<u>Provided on Plan</u>
Landscape Area	12,426 sq. ft.	14,822 sq. ft.
Total Plant Units	994 units	995 units

Plant Units Along Frontage	498 units	581 units
Evergreen Plant Units	398 units	527 units

Waste Management comments:

17. Refuse facilities – The location of the solid waste enclosure is okay as long as the enclosure is built to The City of Edmond enclosure specifications.

Since this is a double enclosure that will accommodate two containers it will need to be 24 feet wide.

Edmond Electric comments:

18. Electric – The plat has already been considered and Joe Covey with Smith Roberts Baldischwiler is adding a utility easement on the southeast corner of the property for the electrical access and transformer location.

David Gregory was in attendance representing the application.

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

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

NAYS: Members: None

There was no New Business.

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

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

NAYS: Members: None

Meeting adjourned at 6:48 p.m.

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Bill Moyer, Chairperson  
Edmond Planning Commission

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Robert Schiermeyer, Secretary  
Edmond Planning Commission