

EDMOND PLANNING COMMISSION MEETING

Tuesday, June 19, 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, June 19, 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; Steve Manek, City Engineer; and Steve Murdock, City Attorney.

The first item on the agenda was **the approval of the June 5, 2012 Planning Commission minutes.**

Motion by Moyer, seconded by Wohl, to approve the minutes as written. **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 #PR12-00012 Public Hearing and Consideration of Preliminary Plat of Bridges at Spring Creek, located east of Bryant Avenue and north of 15th Street. (Sooner Land Company, LLC) This item has been continued to the July 17, 2012 Planning Commission meeting at the request of the applicant.**

Motion by Rainey, seconded by Hoose, to continue this request until the July 17, 2012 Planning Commission meeting. **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 #Z060048 Public Hearing and Consideration of Commercial Planned Unit Development Amendment for Bridges of Spring Creek, located east of Bryant Avenue and north of 15th Street. (Sooner Land Company, LLC) This item has been continued to the July 17, 2012 Planning Commission meeting at the request of the applicant.**

Motion by Rainey, seconded by Hoose, to continue this request until the July 17, 2012 Planning Commission meeting. **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 #U12-00002 and Case #SP12-00011 Public Hearing and Consideration of Specific Use Permit to include a Site Plan for a grocery store, located east of Bryant Avenue and north of 15th Street. (Sooner Land Company, LLC) This item has been continued to the July 17, 2012 Planning Commission meeting at the request of the applicant.**

Motion by Rainey, seconded by Hoose, to continue this request until the July 17, 2012 Planning Commission meeting. **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 #U12-00001 and Case #SP12-00003 Public Hearing and Consideration of Specific Use Permit to include a Site Plan for a Mosque, located south of Wayne, west of University. (Islamic Society of Edmond)** This item has been continued to the July 17, 2012 Planning Commission meeting at the request of the applicant.

Motion by Rainey, seconded by Hoose, to continue this request until the July 17, 2012 Planning Commission meeting. **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 #Z12-00013 Public Hearing and Consideration of Rezoning from "G-A" General Agricultural to "R-1" Rural Estate Dwelling District on an 80 acre parcel west of Midwest Boulevard, one-quarter mile north of Coffee Creek Road. (Four Corners Construction, LLC)**

Laura Edwards representing Four Corners Construction, LLC is requesting Rezoning to "R-1" Rural Estate to allow for two acre lots. The property owner is Kristin Weir so the purchase is subject to the rezoning. The developer plans a private street dividing the lots in to two acre tracts. There are no water or sanitary sewer lines near the property. The development could qualify as a private street subdivision. The Edmond Plan suggests two acre lots when City utilities are not available. Drainage detention requirements will apply in order to meet Title 23 standards for the added impervious paving brought about by development. There is no floodplain across this property. A drainage study would need to be completed prior to lot split or deed approval.

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 #Z12-00012 Public Hearing and Consideration of Rezoning from "G-A" General Agricultural to "R-1 Rural Estate District Planned Unit Development, located on the north side of Coffee Creek Road and one-half mile east of Air Depot Boulevard. (Richard Kanaly)**

Earnest Isch, representing Kanaly Properties, Inc, is requesting that 57.918 acres be rezoned to allow for two acre lots on a private street. The minimum lot size would be 90,000 square feet, 2.06 acres each. Twenty-eight lots are being considered but will be subject to drainage study results. Some of the lots would be accessed by a cul-de-sac private street and three of the lots would front on Coffee Creek Road. Each lot would operate with a water well and septic tank. There are oil wells on the property and the

owner has discussed these locations with Pedestal Oil, who operates these wells. The lease roads will continue to be used. The oil wells were established first. This project is not near existing City water or sewer.

Earnest Isch was in attendance representing Richard Kanaly. Commissioner Moyer asked about the oil well access and approval from the oil company for continued access to the oil well. Mr. Isch commented that Pedestal Oil is familiar with the project and that an agreement was pending between the developer and the oil company to describe the terms of the oil well access on the lease road and for work over operations. Ed Moore asked about the paving standards for the road. Mr. Isch indicated that the roads would be paved but the roads are allowed to be paved to a private standard since the project qualifies for an exception to Title 21 under the State Statutes since it is more than ¼ mile from City water or sewer. Chairperson Moore indicated he appreciated the agreement with the oil company and suggested that be included in the marketing of the lots so the homeowners understand the preexisting well will be accessible by the oil company and the homeowner should anticipate this activity on the property. Tim Altendorf with Pedestal Oil identified that he had spoken with Richard Kanaly and there would be an agreement in place before the lots were sold.

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 #SP12-00009 Public Hearing and Consideration of Commercial Site Plan approval for a new building on the southeast corner of 12th Street and Broadway. (Mac's Investments LLC)**

Mac's Investments knows this site plan will need to be reviewed by the City Council for variances, which has been discussed since the pre-application meeting. Until recently this property contained a small building and underground gasoline storage tanks and has operated as a used car lot, service station and a storage building sales. The owners would like to start over with a new building. Since the lot is only 100 feet deep by just under 150 feet long the owners recognize that the planned building cannot meet all of the standards required at this time. They believe they will have a reasonable case for justifying the variances requested.

Planning Department comments:

1. Existing zoning – “E-2” Open Display Commercial
2. Setbacks – **The front setback requires a variance at 40 feet from the property line, rather than 50 feet from the property line.** This seems reasonable since the Legacy Cleaners to the south is even closer to Broadway. The setback to the south is 43 feet to the south. The setback to the north is 15 feet to the property line on 12th Street. The setback to the east is 18 feet. The property to the east is zoned single family; there could be a 70 foot sensitive border setback. The property was platted and developed

before the 70 foot standard was adopted in 2007. The owner will install a sight proof fence on the east side of the property. Between the 70 foot sensitive border setback on the east and the standard 50 foot setback on the west there would not be enough space to build any building. **This appears to be a unique condition and a hardship.**

3. Height of buildings – 15½ feet
4. Parking – 20 spaces have been provided. **25 spaces are required by the code.** 2 bicycle parking racks have been provided.
5. Lot size – 14,607
6. Lighting Plan – Light poles are already on the property remaining from the storage building business. The staff recommends that the light fixtures be directed at right angles toward the ground. Some of the fixtures are directed east. There is one light pole on the east side of the property. **The new light fixtures will minimize the spread of light to the east toward the homes.**
7. Signage – No ground sign is planned, only wall signs and they will be constructed similar to the Legacy Cleaners signs, set away from the wall of the building.
8. General architectural appearance – The 4,914 square foot building is planned for 4 tenant spaces. The majority of the front wall will be glass and the building material is a skim coat of elastomeric plaster over a standard concrete masonry block, similar to plaster. The sides and back of the building are covered in the same material. There will be an extension over the store front which will allow for sign placement. The front and side walls will extend to block the mechanical equipment located on the roof.
9. Sensitive borders – The property to the east is zoned “A” Single Family. **There is not sufficient space to create a 70 foot setback on the east and a variance is requested.** The building is setback 18 feet off the east property line.
10. Mechanical equipment – Will be located on the roof. The extension of the front wall will screen the equipment from the view on Broadway. Since there is such a short setback to the east, the equipment would not be seen from the property to the east standing at the property line.
11. Fencing/screening – A new 6 foot tall, stockade fence will be constructed along the east property line.

Engineering Department comments:

12. Driveways, access management and paving– One of the drives on Broadway will be removed. The driveway that accesses Legacy Cleaners will be shared with this use owned by the same property owner. A drive will be constructed on 12th Street, moved east from the current location. The access on the east side of the driveway is a private driveway, not a public alley.

13. Water and wastewater plans – City water and sewer are adjacent to the property and will be connected for service.
14. Drainage detention and grading – No detention is required since the site has been paved for more than 30 years.

Building and Fire Code Services comments:

15. Applicable Building Code, Fire Code and ADA – Fire Sprinklers - No fire sprinklers shown. It shall be known that no restaurants or type of assembly occupancies with an occupant load of 100 or more will be allowed in the building without fire sprinklers.

Fire Flow - The Project area will need to have 1500 gallons of water per minute for firefighters since it is non-fire sprinkled.

Fire Hydrants & Locations - Approved

Gates No gates shown

Urban Forestry comments:

16. Lot area = 14,607 sf

% required = 10 %

Landscape area required: 1,460

SP landscape area: 415

Frontage area required:

SP frontage area:

Total PU required:

SP total PU:

PU within frontage required:

SP PU within frontage:

Evergreen PU required:

SP evergreen PU:

1. The 10' perimeter buffer is not provided where parking is shown in the front yard.
2. The lacebark elms are spaced too closely to allow for proper development. Approximately 20' o.c. is a more appropriate spacing for these large species trees.
3. The mature size of the Nellie R. Stevens is too large for the planting space. If you'd like to use an upright evergreen I'd suggest a Taylor juniper or something comparable that would mature to about 3' diameter.

Is a landscape sprinkler system provided?

Landscape maintenance program description:

In order to meet the majority of the City requirements, the building would probably be half the size planned. The owner is requesting a variance from the 10% landscaping requirement. He is willing to meet the plant unit requirement of 40+ plant units per 250 square feet of the 10% standard and he is willing to comply with the type of plants suggested by Urban Forester Ryan Ochsner. All of the

landscaping will be placed in the front yard. A sprinkler system can be installed if requested. The landscaping standard is similar to some of the other variances requested. The lot is too small for meeting all of the parking, full compliance with the front setback, the sensitive border setback and the 10% landscaping requirement. Even leaving the dumpster on site where it now serves the Legacy Cleaners will require 3-4 of the parking spaces to be eliminated. The developer is wishing to install as much parking for the 4,914 square foot building as possible.

Waste Management comments:

17. Refuse facilities – There is a dumpster on site on the south side of the subject parcel serving the Legacy Cleaners. Legacy Cleaners and this property are owned by the same person. That is a good location for the enclosure which could hopefully serve both buildings. Three to four of the parking spaces shown on the site plan would have to be removed to retain this location. The sanitation truck may have to back out on to 13th Street if there is insufficient space for the drive lane behind the building to exit on to 12th Street as presently possible. The only other container possible would be the individual green carts which are normally not suitable for strip shopping center use.

Edmond Electric comments:

18. Electric – Relocation of electric facilities as presented on the demolition plan may require adjustment as additional information is made available. The relocation of power poles will impact surrounding property owners including the businesses south of the subject property. Electrical outages will need to be coordinated and can involve after hours work. Cost of relocation will be billed to the developer and could involve additional requirements. The electrical service requirements have not been provided at this time and could affect the site plan due to electric cable routing, footprint of equipment, clearance requirements, and associated easements.

Variations requested are as follows:

- A. 20 or fewer parking spaces
- B. Meeting the plant unit requirement but not the 10% lot area requirement for landscaping. Between 4-7% of the lot could be landscaped
- C. A sensitive border variance on the east (18 feet available, 70 feet required)
- D. A variance on the 50 foot setback on the front along Broadway to 40 feet
- E. A resolution of the dumpster location. There is already service for Legacy Cleaners and that location appears to work but 3-4 parking spaces will have to be eliminated.
- F. The Fire Department is concerned about the occupancy load if a restaurant were to be situated in the building. Other locations such as the Submarina/AT&T site north of Danforth, east of Kohl's and the shopping center east of Wal-Mart, south of Danforth across the street have prohibited restaurants near the homes as a part of the site plan for aesthetic reasons such as smells and traffic noise. Based on that type of determination prohibiting a restaurant use at the subject site due to the lack of parking would be reasonable and may be acceptable to the owner.

Lance Mills with Cedar Creek Engineering was in attendance representing the applicant. The applicant agreed that no restaurant use would be allowed, that the pole lights would be removed to improve the appearance, that the 18 feet on the east side of the building would be retained for service access, that the dumpster would be located on the south side of the building and it was hoped for that one more parking space would be retained by the dumpster area. The variances include the number of parking spaces and the 10% landscaped area although the plant count and setbacks will be met. Commissioner Rainey asked how businesses during the 10-15 years would be informed of the restaurant prohibition due to the limited parking. Staff indicated that in addition to the record of the minutes, no building permit would be approved for a permit required for a restaurant remodel or food handler's permit and no change of occupancy would be approved through the utility office. This has been done at two other locations for aesthetic purposes. Commissioner Hoose indicated that 20 parking spaces appears to be a problem for the future and there may only be 17 parking spaces with the current dumpster location. He felt this was not acceptable and people would be parking on the side streets or other areas that will create congestion. Commissioner Rainey asked if there would be any problems created by this minimal parking. Staff indicated customers may try to park on adjoining property without an agreement or on side streets since they are not signed for "no parking". The driveway separations should provide for safe flow but there will be a generalized congestion because there are so few spaces. The tenants need to require infrequent in and out flow of traffic. Restaurants typically cause the most frequent trip generation, whether they are pick-up only or allow inside dining, which is why a restaurant is not a recommended use. Chairperson Moore indicated that the landscaping seemed to be acceptable with the plant unit count being met and the setbacks seem reasonable for variance since nothing could be built on this 100 foot deep lot otherwise. Commissioner Hoose indicated he could not support this request for public safety reasons with the spaces being reduced as much as they are for the unknown tenant spaces. Commissioner Rainey asked if the shared parking suggested to be shared with Legacy Cleaners south of the subject building, which is under the same ownership of Barney Brown, can be documented for the future. He asked if a covenant could be filed of record so the tenants would understand that the parking is all together for the entire block from 12th to 13th Street. Mr. Brown with Mac's Investments agreed to this covenant condition and would create the covenant for recording. Commissioner Wohl asked what size the building needed to be to meet the City requirements. Staff indicated the building would need to be approximately half of the proposed size without a restaurant. Lance Mills, Engineer for the owner, indicated that prior to the City Council hearing the owner will develop the covenant for shared parking for the entire ownership including the Legacy Cleaners. The applicant will also try to find another location for the dumpster to preserve parking spaces north of the dry cleaners and review if any additional parking spaces.

Motion by Rainey, seconded by Wohl, to approve this request subject to no restaurant use as agreed by the owner, cross access between businesses for the entire block owned by the current owner and to provide for a covenant documenting the cross parking requirement to be filed of record. Variances on setbacks and landscaping are considered approved. **Motion carried** by a vote of 5-0 as follows:

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

NAYS: Members: None

There was no New Business.

Motion by Wohl, seconded by Rainey, to adjourn. **Motion carried** by a vote of 4-1 as follows:

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

NAYS: Members: Hoose

Meeting adjourned at 6:15 p.m.

Barry K. Moore, Chairperson
Edmond Planning Commission

Robert Schiermeyer, Secretary
Edmond Planning Commission