

EDMOND CITY COUNCIL MINUTES

April 23, 2007

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, April 23, 2007, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve April 9, 2007, Minutes. **Motion carried** as followed:

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

3. City Council Presentations:

- A. **Presentation of recognition to Mayor Sandra Naifeh and Councilmember Paula Sanford by Mayor Pro Tem Charles Lamb.**
- B. **Presentation to Councilmembers by Mayor Sandra Naifeh.** Mayor Naifeh stated she and her husband had purchased a redbud tree in each of the councilmembers' names that she has served with during her three terms in office. She stated the trees will be placed in Kings Plaza just east of the Planning and Public Works Building.
- C. **Presentation of Mayor's Fingerprints on the Future award.** Mayor Naifeh presented awards to Terry Lanham (1st place) and Ken Stoops (2nd place).
- D. **Presentation of proclamation to George Winters and the Edmond Historic Preservation Trust members in recognition of the School House Restoration project.**
- E. **Presentation of proclamation recognizing May 15, 2007, as *Pease Officers' Memorial Day* and May 13, 2007 - May 19, 2007, as *National Police Week* in the City of Edmond.**
- F. **Recognition of the Edmond Youth Council participants.**

4. Appointments to Boards and Commissions:

- A. **Appointment to the Parks and Recreation Advisory Board.** Mayor Naifeh nominated Tim Hartman for appointment to serve a term expiring July, 2008.

- B. **Appointment to the Edmond Economic Development Authority Board.** Mayor Naifeh nominated Cynthia Rolfe for appointment to serve term expiring July, 2007.
- C. **Appointment to the Edmond Economic Development Authority Board.** Mayor Naifeh nominated Sally Steffen for appointment to serve a term expiring July, 2007.
- D. **Appointment to the Central Edmond Urban Development Board.** Mayor Naifeh nominated Mitzi Hancuff for appointment to serve a term expiring April, 2010.
- E. **Appointment to the Capital Projects and Financing Task Force.** Mayor Naifeh nominated Phyllis Gorman for appointment to serve a term expiring April, 2009.
- F. **Appointment to the Arts and Humanities Council.** Mayor Naifeh nominated Brad Fielding to serve a term expiring February, 2010.
- G. **Appointment to the Metropolitan Library Commission.** Mayor Naifeh nominated Greg Womack for re-appointment to serve a term expiring July, 2009.
- H. **Appointment to the Arts and Humanities Council.** Mayor Naifeh nominated Pamela Richman for re-appointment to serve a term expiring February, 2010.
- I. **Appointment to the Edmond Community Oriented Policing Leadership Council.** Mayor Naifeh nominated Natasha Panchal to serve a term expiring April, 2008.
- J. **Appointment to the Edmond Bicycle Committee.** Mayor Naifeh nominated Jimmy Lu to serve a term expiring April, 2008.
- K. **Appointment to the Edmond Fish and Game Commission.** Councilmember Page nominated Todd Atendido to serve a term expiring January, 2008.
- L. **Appointment to the Edmond Planning Commission.** Councilmember Page nominated Ingrid Young to serve a term expiring May, 2009.
- M. **Appointment to the Visual Arts Commission.** Councilmember Page nominated Larry Westmoreland for re-appointment to serve a term expiring March, 2010.

- N. **Appointment to the Edmond Historic Preservation Trust.** Councilmember Sanford nominated Georgia Sparks for re-appointment to serve a term expiring February, 2010.
- O. **Appointment to the Visual Arts Commission.** Councilmember Lamb nominated David Woods for re-appointment to serve a term expiring April, 2010.
- P. **Appointment to the Edmond Fish and Game Commission.** Councilmember Miller nominated Tom Menasco to serve a term expiring January, 2009.

Motion by Miller, seconded by Sanford, to approve Items 4.A. through 4.P. **Motion carried** as follows:

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

5. Discussion and Consideration of expanding the Public Use Bicycle Program to include Hafer Park. Mitch Ross and Jimmy Lu addressed Council and requested that five additional refurbished bicycles be placed at both Fink and Hafer Parks. They noted the bicycles will be donated and thus no cost to the City. They stated Al's Bicycle Shop has agreed to continue maintenance of the bicycles. They noted that the only cost to the City would be to purchase a bicycle rack for each park. It was noted that last year the racks were donated and they would attempt to get them donated again this year. Tim Tillman, Chairman of the Edmond Bicycle Committee, also addressed Council and stated the bicycles are painted bright orange and all the original bicycles are still being used.

Motion by Miller, seconded by Page, to approve Item 5. **Motion carried** as follows:

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

6. 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 March 31, 2007.**

- 2) **Acceptance of City Treasurer's Investment Report for month ending March 31, 2007.**
- 3) **Approval of Resolution declaring the necessity for acquiring real property within the City of Edmond, Oklahoma for public use, and authorizing acquisition by Eminent Domain.** Mayor Naifeh stated this item would be continued to the May 14, 2007, meeting.
- 4) **Approval of Resolution No. 07-07 adopting Edmond Transportation Plan.** The City contracted with C.H. Guernsey and Company to develop a Transportation Plan to the year 2030. The Plan identifies short and long-term improvements and ensures the preservation of future transportation corridors.

Karl Stickley, C.H. Guernsey and Company, addressed Council and stated the Plan addresses only the arterial and collector street system and does not include bicycle trails. The short term improvements were identified through the year 2015 and the cost would be \$124.6M. He noted the cost for the short term improvements would be a City street type expense or through the local government program of the Oklahoma Department of Transportation. Mr. Stickley stated the long term improvements were identified through the year 2030 at a cost of \$232.6M. He noted also included in the transportation plan are recommendations regarding access management issues.

Motion by Miller, seconded by Lamb, to approve General Consent Item 6.A.(4). **Motion carried** as follows:

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

Councilmember Lamb stated the Plan contains a number of policies and code changes that will be necessary for implementation and he requested staff develop and distribute the required amendments to the new City Councilmembers as soon as possible in order to get the new transportation plan implemented.

- 5) **Approval of naming the proposed Arcadia Lake Park at 33rd Street and Air Depot Carl Reherman Park.** Mayor Naifeh stated Council approved a policy statement two years ago that allows the Council to name a park or other City entity. She noted the park is not yet

developed but would be located at the end of 33rd Street accessible from Arcadia Lake. Mayor Naifeh stated Mr. Reherman was mayor of Edmond for 10 years and was very instrumental in getting Arcadia Lake constructed. She noted the Council wanted to pay tribute to him by naming the park in his honor.

Councilmember Page stated the procedures for naming a park have not been followed. He noted the Parks and Recreation Advisory Board and the Fish and Game Commission have not had input on this matter and he felt they should go through the proper procedures and follow the policy prior to naming the park.

Motion by Sanford, seconded by Lamb, to approve General Consent Item 6.A.(5). **Motion carried** as follows:

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

- 6) **Approval of transfer of appropriations from the Police Public Safety Limited Tax Fund - \$100,000**
- 7) **Approval of transfer of appropriations to allocate the funding for office equipment and wages for new Human Resources position - \$12,000**
- 8) **Approval of supplemental appropriations for the Vehicle Maintenance fund - \$120,000**
- 9) **Approval of transfer of appropriations for Administration Building HVAC modifications project - \$16,603**
- 10) **Acceptance of Final Plat, public improvements and maintenance bonds for the following:**
 - a) Windsong Addition

Motion by Lamb, seconded by Page, to approve General Consent Items 6.A.(1,2,6-10). **Motion carried** as follows:

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

B. Approval of Purchases:

- 1) Approval of renewal of maintenance and support agreement, effective April 1, 2007, through March 31, 2008, with Northrop Grumman for support of the Police Records Management System in the amount of \$21,103.42 per year.
- 2) Award of bid for a 40 foot and 55 foot aerial device on appropriate cab/chassis for the Fleet Management Department in the amount of \$196,900.
- 3) Award of bid and approval of contract for the 9th Street Traffic Improvement project and Resolution No. 08-07 appointing Purchasing Agent for the Engineering Department. Purchasing Manager recommended accepting bid from Traffic Signal, Inc. in the amount of \$307,792.64.
- 4) Approval of design contract with MKEC Engineering Consultants, Inc. for the design of the Capital View traffic circle in the amount of \$14,850. Mayor Naifeh stated this project would be a good project to submit to the Centennial Commission.
- 5) Award of bid and approval of contract for the HVAC modification project for the City Administration Building and Resolution No. 09-07 appointing Purchasing Agent for the Engineering Department. Purchasing Manager recommended accepting bid from J.L. Walker Construction in the amount of \$250,063.
- 6) Approval of amendment to the agreement with The Small Group for design of new tennis courts at Kickingbird Tennis Center in the amount of \$1,870.
- 7) Approval to reject bid for the Kickingbird Driving Range Expansion project for the Parks and Recreation Department.

Motion by Miller, seconded by Page, to approve General Consent Items 6.B.(1-7). **Motion carried** as follows:

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

NAYS: None

7. Discussion and Consideration of Resolution No. 10-07 establishing priorities and criteria for utilization of the development and redevelopment tools of the Oklahoma Local

Development Act in the City of Edmond. This item was previously discussed on January 8, 2007, and would serve as a policy statement regarding Tax Increment Financing Districts. The proposed resolution is the result of discussions between Councilmember Sanford and the City's outside counsel Leslie Batchelor to incorporate the changes discussed at a previous meeting.

Councilmember Sanford stated the resolution is not intended to prohibit TIF Districts from being established. She noted other communities have discovered that a TIF District is a great economic tool but it has also caused division in some communities. Councilmember Sanford stated when this matter was first discussed, some were concerned the resolution would shut the door on utilizing a TIF District for retail development. She stated due to those concerns, the wording has been changed in the proposed resolution to indicate that retail development could be used to form a TIF but not as a priority and only under exceptional circumstances when it relies on ad valorem taxes. She stated due to the need to protect the ad valorem taxes for the schools, it was important to develop a policy statement and guidelines for utilizing TIF Districts. She noted that City staff has worked closely with the Edmond School Superintendent Mr. Goin regarding this matter and she felt the school board is supportive of a policy. She requested input from Council if the changes to the resolution satisfy the concerns that was voiced when the resolution was previously discussed. Councilmember Sanford stated the Ms. Bachelor's assistance was very valuable in the entire process.

General discussion was held and consensus of Council was the portions of the resolution that they were concerned about have been changed satisfactorily.

Motion by Sanford, seconded by Lamb, to approve Resolution No. 10-07. **Motion carried** as follows:

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

8. Acceptance of donation of land from Sooner Development Company to the City of Edmond, located south of Pelican Bay Aquatic Center. Mayor Naifeh stated with acceptance of the donation, it would allow Pelican Bay parking to be expanded approximately 35,000 square feet.

Randel Shadid addressed Council and stated the correct name of the grantor is SVC Development, LLC, which is a subsidiary of Sooner Development Company.

Motion by Lamb, seconded by Miller, to accept donation of land from SVC Development, LLC, located south of Pelican Bay Aquatic Center. **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

11. PLANNING CONSENT ITEMS:

- A. Public Hearing and Consideration of Preliminary Plat for Iron Horse Ranch IV, located approximately 800 feet west of Coltrane and 1600 feet north of Coffee Creek Road (Tanner Consulting, applicant) Case No. PR070012.
- B. Consideration of Final Plat for Iron Horse Ranch IV, located approximately 800 feet west of Coltrane and 1600 feet north of Coffee Creek Road (Tanner Consulting, applicant) Case No. PR070013.
- C. Consideration of amended Final Plat for Iron Horse Ranch III, located north of Coffee Creek, west of Coltrane, formerly The Ranch III Addition (Tanner Consulting, applicant) Case No. PR060010.
- D. Public Hearing and Consideration of Site Plan approval for three office buildings, located south of 2nd Street, 1019 Waterwood Parkway, Suite C (Medevelop, Inc., applicant) Case No. SP070011.
- E. Consideration of Final Plat for three office buildings, located south of 2nd Street, 1019 Waterwood Parkway, Suite C (Medevelop, Inc., applicant) Case No. PR070003.
- F. Public Hearing and Consideration of Site Plan approval for an office warehouse building, located on south side of

Enterprise Drive, east of Kelly (J.D. Granit Marble, applicant) Case No. SP070015.

- G. **Public Hearing and Consideration of Site Plan approval for Lot 12, Signal Ridge Addition (Louis Morgan, applicant) Case No. SP070016.**
- H. **Public Hearing and Consideration of commercial Site Plan approval for a band, located at 1812 S.E. 15th Street (IBC Bank., applicant) Case No. SP070004.**
- I. **Public Hearing and Consideration of Site Plan approval for two commercial buildings and a Carl's Jr. restaurant, located on the corner of 33rd Street and Broadway (Tom Parker representing Shops on Broadway, applicant) Case No. SP070008.**
- J. **Approval of Correction of Plat of Tuscan Park, located on the west side of Sooner Road, one-half mile north of 2nd Street (Chet Leonhart, applicant).**

Motion by Lamb, seconded by Sanford, to approve Planning Consent Items 11.A. and 11.J. **Motion carried** as follows:

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

Mayor Naifeh stated Item Nos. 12 through 15 will be discussed at one time.

12. Public Hearing and Consideration of Commercial Site Plan approval for Bridges of Spring Creek Shopping Center, located south of Pelican Bay Aquatic Center and Hafer Park, north of 15th Street, east of Bryant (Sooner Land Company, LLC, applicant) Case No. SP070020. The site contains 849,037 square feet with 754 parking spaces provided. Two ground signs are proposed, one each on Bryant and 15th Street. The exterior walls include brick, EFIS and split face block. The back of the buildings will look similar to the front as agreed to by the applicant during previous discussions. The Turtle Creek Commons, a residential development, is adjacent to the southeast portion of this project. A six-foot fence and additional landscaping will be installed along the common boundary with the residences. Two driveways are proposed, one each on Bryant and 15th Street, and each will contain traffic signals. The application complies with the landscaping requirements. Planning Commission recommended approval subject to the following:

- 1) Shoebox style light fixtures rather than decorative lights
- 2) Additional 20 foot buffer next to Turtle Creek Commons and removal of parking spaces for that distance and add landscaping where the parking spaces were removed
- 3) Move dumpsters from the north side of Turtle Creek Commons
- 4) Square footage of the entire project not to exceed a maximum of 168,000 square feet
- 5) Eliminate the 45 foot tall clock tower on the east side of the shopping center

Randel Shadid, attorney representing the applicant, addressed Council and stated the site plan complies with all City codes. He stated the lighting will be installed in whatever manner that Council deems best. He noted the applicant has agreed to install the Victorian style lights along the drives and on the interior of the development install the shoebox style lights. Mr. Shadid stated the red awnings on the smaller buildings have been changed to make them look similar to the awnings on the Belk anchor store. He noted they would be willing to eliminate the clock tower if that is the desire of the Council and public and he requested direction regarding that issue. He stated the applicant relocated the construction access next to the electric substation that was originally planned along Victoria Wood's property line. He stated the application exceeds drainage requirements and will provide 32.4% landscaping. He noted if the drainage detention area is counted, the landscaping will be almost 39%. Mr. Shadid stated the pedestrian bridge on the west side of the development would be a covered wooden bridge. He stated the applicant would be willing to preserve the trees along Turtle Creek Commons and eliminate the fence.

Samuel Bassett, Turtle Creek Commons, addressed Council and expressed appreciation to the applicant for addressing concerns that he had by revising the plat regarding the buffer zone next to Turtle Creek Commons. He requested the existing tree buffer be designated as a preservation area due to the size and age of the trees. Mr. Bassett stated he would rather have the trees than a fence. Ashley Bassett addressed Council and requested if a fence is constructed that it be on the applicant's property and that the trees be retained. She also preferred the shoebox style lights and elimination of the clock tower.

Tim Reese addressed Council and asked if the City is obligated to share with the developer the future parking lot on property donated by the applicant next to Pelican Bay. Staff stated it would be a public parking lot and that any citizen could park there for whatever reason. Mr. Shadid stated the donated land for

the parking lot will not directly connect to the shopping center parking lot and will not be considered part of their plat.

Lydia Lee addressed Council and expressed her gratitude to the applicant that several issues brought forward during the Planning Commission meeting have been addressed and resolved. She noted the plat contains the two building sites along the west side of the development and she asked if the dirt work can begin on the entire development with approval of the plat. Bob Schiermeyer, City Planner, stated with approval of the plat, the applicant will be able to grade the sites, install erosion control, construct the bridge and install the utility lines for the project. He stated the applicant will not be allowed to construct the buildings or install final landscaping until the site plan for those two parcels have been approved by Council. Ms. Lee stated those two building sites contain old growth trees and she requested these trees be identified as a tree preservation area and also be identified on the Final Plat as a tree preservation area. She also noted the applicant made significant promises to citizens during the election last year that more than one-third, or 37%, of the site would be landscaped and she felt those promises should be kept.

Councilmember Miller stated the applicant is providing 32.4% landscaping without counting the detention area and 38.9% with the detention. He stated the landscaping far exceeds any requests from Council as well as the public.

Victoria Woods addressed Council and stated her business is located south of the shopping center and east of the driveway leading to the shopping center. She stated she was in favor of the clock tower, the trees rather than the fence along Turtle Creek Commons and the decorative lights. Ms. Woods stated the developer has been more than willing to work with her regarding this project and they have met numerous times since 2003. She requested traffic slowing devices, such as speed humps, along the driveway which runs alongside her property.

Mr. Shadid stated the applicant will install speed hump mechanisms midway down the drive off of 15th Street to slow traffic.

John Buntt, Rodney Babb, Julie Fost, Betty Jean Blue, Mike Scharrer and Albert Wheeler all addressed Council regarding this matter. Consensus of those who addressed Council were to eliminate the clock tower and fence along Turtle Creek Commons, retain the existing trees, and install shoebox style lights on the interior and Victorian style lights along the entrances. Mr. Wheeler stated he was in favor of retaining both the fence and the existing trees. He suggested the fence be installed on top of the retaining wall. Mr. Wheeler also asked about drainage flowing

from upstream onto the property and if a plan was in place to control the flow of water. Staff stated the developer will be retaining more water after the project is finished than it is currently detaining. Mr. Wheeler requested no free standing signs be allowed other than at the entrances and that the entrance signs be consistent with the marble on the signs for Spring Creek Plaza. Mr. Scharrer asked if the developer has addressed what would happen in the tree preservation area if the trees die.

General discussion was held and consensus of Council was to eliminate the clock tower, retain the existing trees and eliminate the fence along Turtle Creek Commons.

Councilmember Lamb suggested the interior lighting be the WLS 386 shoebox style lights on the interior of the project and the Victorian style lights on the entrances to the project.

Councilmember Page requested clarification of the property that is donated to the City regarding grading or scraping of the land. City Manager stated there are no plans to grade or scrape the property.

Mr. Shadid stated it is the intent of the applicant to preserve the trees but if staff feels that the trees cannot be preserved within the additional 20 foot buffer area, then the applicant will re-landscape with new growth and install a fence.

Councilmember Lamb stated if that scenario becomes necessary, he requested the Turtle Creek Commons homeowners be notified.

Councilmember Miller stated he voted against the project originally because he felt the applicant had not addressed the traffic problems. He noted this is a site plan application not a rezoning application and he felt the applicant had complied with all requirements and requests from the public regarding the site plan.

Motion by Lamb, seconded by Miller, to approve Item No. 12 subject to the following conditions:

- 1) Victorian lights on the entrances and WLS 386 style lights on the interior of the main project
- 2) Provide an additional 20 foot buffer on the north side of Turtle Creek Commons by preserving the existing trees and eliminating the fence. If preservation of the trees is not possible, then installation of new landscaping and fence and notification to homeowners in Turtle Creek Commons
- 3) Eliminate the clock tower

- 4) Speed humps applied to the 15th Street drive as discussed above
- 5) Adopt remaining Planning Commission recommendations

Motion carried as follows:

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

13. Public Hearing and Consideration of amendment to the Planned United Development (PUD) Design Statement for Bridges of Spring Creek, located north of 15th Street, east of Bryant (Sooner Land Company, LLC, applicant) Case No. Z060048/50. The original pine trees set aside for a tree preservation area are dying of infestation of beetles and/or pine wilt and can not be preserved. The City of Edmond Urban Forester, Carrie Tomlinson, suggested that an area of old growth oak trees that are healthy be preserved north of Spring Creek Plaza. She felt preserving the oak trees would be preferable to re-landscaping the entire area with new plantings. Planning Commission recommended approval.

Motion by Miller, seconded by Lamb, to approve Item No. 13.
Motion carried as follows:

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

14. Public Hearing and Consideration of Preliminary Plat for Bridges of Spring Creek, located south of Pelican Bay Aquatic Center and Hafer Park, north of 15th Street, east of Bryant (Sooner Land Company, LLC, applicant) Case No. PR070010. The site contains 30.77 acres. New water and sewer lines will be constructed and a detention pond will be located on the north and northeast sides of the property. An existing Oklahoma Natural Gas line extends through the property and a portion of the line will be re-located through the site. Traffic signals and new driveways are planned on 15th Street and Bryant. Both left turn and right turn lanes will be constructed on both streets. No buildings will be occupied until the traffic signals are installed and operational and the additional turn lanes are constructed on both 15th Street and Bryant. Planning Commission recommended approval.

Motion by Miller, seconded by Sanford, to approve Item No. 14.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Sanford, Lamb and Miller

NAYS: Councilmember Page

15. Consideration of Final Plat of Bridges of Spring Creek, located south of Pelican Bay Aquatic Center and Hafer Park, north of 15th Street, east of Bryant (Sooner Land Company, LLC, applicant) Case No. PR070010. This is a companion to the above item and was discussed at that time. Planning Commission recommended approval.

Councilmember Lamb stated the drainage easements in the reserved areas are not shown on the plat and he requested the plat be revised to incorporate them.

Randel Shadid addressed Council and stated he preferred not to note the tree preservation areas on the plat because if the trees should die he felt there could be future title issues. He stated the applicant was willing to revise the entrances to have the same description.

Motion by Lamb, seconded by Miller, to approve Item No. 15 subject to revising the entrance labeling as common areas in order for both entrances to match and that the reserved areas, specifically the drainage areas, be shown on the Plat as drainage easements.

Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Sanford, Lamb and Miller

NAYS: Councilmember Page

Mayor Naifeh announced there would be a short break.

Councilmember Page temporarily left the City Council Chambers during discussion of Item Nos. 16 and 17.

16. Public Hearing and Consideration of Ordinance No. 3092 amending Edmond Plan III from Single Family Residential to Open Display Commercial Planned Unit Development (PUD) usage, generally located on the southeast corner of Covell Road and Sooner Road (Covell-35 Development, LLC, applicant) Case No. Z070007. The site contains 30 acres and is undeveloped. The property is located near several housing additions or property that is zoned for single family usage. The northwest corner of the intersection is zoned to allow a convenience store. Sanitary sewer is not available to the property and the water line does not have the capacity to serve this parcel. The PUD prohibits truck stops, boat sales, farm machinery, mobile home and camper sales, new and used cars and trucks, prefab houses, trailer sales and rental and tavern uses. Planning Commission recommended denial.

Randel Shadid, attorney representing the applicant, addressed Council and stated the application has been amended since it was considered by the Planning Commission. He stated the application has been amended down to General Commercial PUD and five acres on the southwest corner of the site has been deleted from this application and will remain as single family usage. Mr. Shadid stated the applicant will probably request Suburban Office zoning on this parcel in the future. He noted the applicant owns several properties north and east of the site and wanted to add this parcel into the development proposed for that property in order to develop all the property under one set of rules and regulations.

Councilmember Miller asked if 70 feet of right-of-way along Sooner Road was adequate for future transportation needs. Steve Manek, City Engineer, stated the City has previously purchased right-of-way for a water line along the east side of Sooner Road.

Mike Walker (2901 Sooner Road), Bob Shaffstall (President of Shiloh Valley Homeowners Association), John Buntt, Ron Frost (Shiloh Valley), Linda Fischel (Shiloh Valley), Kristi Wilson (Shiloh Valley), Judy Shaffstall (Shiloh Valley) and Betty Jean Blue addressed Council in opposition. Mr. Walker stated he believed the City has not purchased 50 foot of right-of-way along Sooner Road. He noted the City has only purchased 33 feet along his property and he stated there are title issues with the west side of Sooner Road. It was noted by staff that Mr. Walker was speaking about the west side of Sooner Road and the application is regarding the east side of Sooner Road. Mrs. Shaffstall also noted that a study was to be completed regarding 15th Street and I-35 and she felt it would be premature to make a determination until the study is completed. The remaining opponents primary concerns were increased traffic, drainage issues, additional buffer from neighborhoods, environmental impact and not in character with the surrounding area. Another concern was that the design statement did not contain adequate detail of how the property would be developed.

Mayor Naifeh noted the study of 15th Street and I-35 is regarding whether to place a conference center at that location and does not involve retail development.

Councilmember Lamb noted that Edmond Plan IV projects Urban Development Mixed Use PUD for this area which would allow for a properly designed commercial project. He noted in previous Edmond Plans, that zoning category was not an option.

Randel Shadid addressed Council and stated the application falls within the I-35 Corridor Standards which are the most stringent site plan standards in the City. He noted the other three corners are already zoned for commercial development. Mr. Shadid stated

Covell Road is the northern loop of Edmond and will be four-laned within the next few years. He noted when residents of Shiloh Valley moved into their homes, the \$15 million project establishing Covell Road as the outer loop to I-35 was not determined.

Councilmember Miller stated the application is consistent with the development in that area.

Councilmember Lamb stated Edmond Plan IV would allow this type of development. He noted additional information would be required in Plan IV PUD applications. He stated Title 22 will encourage PUDs to be mixed use style projects. Councilmember Lamb stated he was not in favor of amending Edmond Plan III when Edmond Plan IV will allow the applicant to rezone their property under the new criteria without amending the Plan. He stated he also felt the application was premature and that the design statement and Master Plan does not contain adequate information.

Mayor Naifeh asked if the applicant wanted to request a continuation to the next meeting. Mr. Shadid stated the applicant was opposed to a continuance because he wanted to be able to develop all his property under the same rules and regulations and not be forced to develop part of the property under Edmond Plan IV requirements.

Motion by Sanford, seconded by Miller, to approve Ordinance No. 3092 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Sanford, seconded by Miller, to attach Emergency Clause to Ordinance No. 3092. **Motion was denied** as follows and Ordinance No. 3092 will be in effect in 30 days:

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

17. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Residential to Open Display Commercial Planned Unit Development (PUD) usage, generally located on the southeast corner of Covell Road and Sooner Road (Covell-35 Development, LLC, applicant) Case No. Z070007. This is a companion to the above item and was not considered due to failure of the Emergency Clause on Item 16. This item will be considered at the May 29, 2007, meeting.

Councilmember Page returned to the City Council Chambers.

18. Public Hearing and Consideration of Special Use Permit for a 135 foot tall cellular communications tower, generally located west of the house at 1501 Edgewood Drive on the south side of 15th Street (T Mobile, applicant) Case No. U070002. Mayor Naifeh stated the applicant requested this item be continued to June 11, 2007.

Motion by Sanford, seconded by Miller, to continue Item No. 18 to June 11, 2007. **Motion carried** as follows:

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

19. Public Hearing and Consideration of Ordinance No. 3093 closing a public street generally being the north one-half of Reno Street, located south of Danforth Road, west of Broadway (Garrett and Company, applicant) Case No. ES070002. The south half of this street has been closed for several years. There are no utilities located in this portion of the right-of-way. At the last meeting the applicant requested the property north of the street be rezoned to Suburban Office. The closing of the right-of-way will allow the applicant to vacate the street and use the north right-of-way as part of the building site. City standard is to provide 50 foot of right-of-way from the center line and this right-of-way needs to be provided along Danforth Road. Planning Commission recommended approval.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 3093 as read by title by City Planner. **Motion carried** as follows:

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

20. Public Hearing and Consideration of commercial Site Plan approval for a four-story building, located on the southwest corner of 5th Street and Littler (Mark Neighbors, applicant) Case No. SP070013. This application was considered on February 26, 2007, and denied by a 2-2 vote. The original building was proposed as a five-story building and the applicant has amended the application to a four-story building. The proposed building contains 21,426 square feet and 54 parking spaces are proposed. The building will be used for offices and a restaurant is planned on the first floor. A six-foot tall fence is proposed along the south property line and a row of Juniper trees will also be added across the south property line. The building will be brick veneer with EFIS and/or cast stone trim. Awnings will be used on the

windows adjacent to the public sidewalk. No ground sign is requested. Detention will be off-site on property owned by the applicant. This application has been considered by the Central Edmond Urban Development Board several times. At the March 27th Urban Board meeting the application was approved but it was discovered that proper notices were not mailed to area property owners notifying them of the meeting. It was determined that another meeting should be held after new notices were mailed and another meeting was scheduled for April 19th. On April 6th new plans were submitted for the Urban Board meeting. The Urban Board voted to treat the item as a new application and it was struck from the agenda and not considered. A Community Connections meeting was also held but area residents were still concerned about parking issues as well as noise and loitering. There have been ongoing parking and noise issues with the UCO Jazz Lab during their events that have not been resolved. The application does not comply with all of the policies and procedures design guidelines that the Urban Board uses during review of site plans in the Central Business District (CBD). It is not clear that those design guidelines have never been formally adopted by Council either by ordinance or resolution.

Mayor Naifeh requested the dumpster be relocated to the existing commercial property on the west side of the site.

Randel Shadid, attorney representing the applicant, addressed Council and stated the application has been reduced to a four-story building and complies with all CBD codes and regulations. He noted a public art sculpture will be installed on the property in front of the building. Mr. Shadid stated a restaurant on the lower floor is a viable option at this time but there are no firm plans. He noted the applicant has added approximately 54 parking spaces next to the Jazz Lab which would be used by occupants of the building during the day so those parking spaces will be available for night time use by Jazz Lab customers which should relieve some of the parking issues for this area.

Councilmember Page stated since there is a question of whether the policy guidelines used by the Urban Board have been approved by Council then basically the codes are ambiguous. Mr. Shadid stated the codes were very specific regarding the CBD and that the applicant was in compliance with all the CBD ordinances. Councilmember Page asked staff how many applications have been submitted by the applicant. Bob Schiermeyer, City Planner, addressed Council and stated at least three applications have been submitted during the past several months. Mr. Schiermeyer stated the applicant complies with all the zoning codes but does not comply with the policy guidelines. Mr. Shadid stated the applicant could construct a five-story building on this site and still be in compliance with CBD codes but reduced the building to

four-stories at the request of some Urban Board members. Council-member Page noted that Mr. Shadid stated that a restaurant was only a possibility. He noted if a restaurant is ruled out it would relieve some of the parking concerns of the residents. He stated he felt a restaurant would compound the parking problems and that Mr. Shadid owed it to the residents to not leave them hanging regarding whether a restaurant would be located in the building. Mr. Shadid stated if a restaurant wants to rent space in the building then the applicant would lease the space to them.

Councilmember Sanford noted when the CBD was extended to encompass this area it allowed this type of building to be constructed. She noted the CBD does not require the amount of parking that other areas of the City require. She stated it was her understanding that all the developer is required to do at this point is comply with the CBD ordinance codes.

Michael Allen (member of the Urban Board), Norma Eubanks, Kaye Steele, Steve LaBru and Kenneth Buck, all area residents, addressed Council in opposition. Their primary complaints were the height of the building, inadequate parking, noise and pollution.

Tim Reese addressed Council and stated he was not in favor of nor opposed to the project but is in favor of the process. He stated the applicant paid a new filing fee and because of that he felt the application should be treated as a new application and must comply with the new Title 22 requirements. He noted this project is not in compliance with the new Title 22 requirements.

Lydia Lee, Urban Board member, addressed Council and stated this item was struck from the Urban Board agenda because of procedural problems. She stated procedurally the application should not be considered at this meeting because of the Urban Board's action at their meeting on April 19th. She noted when it was denied on February 26th by City Council the matter should have ended and the applicant should be required to file a new application. Ms. Lee noted CBD codes require a new plat, ownership list and application be filed which the applicant has not done.

Steve Manek, City Engineer, addressed Council and stated a survey was conducted of 41 residents on Littler between 6th and 9th Streets regarding Littler parking restrictions. Fifteen surveys were returned and staff determined that "No Parking" signs will be placed on Littler between 5th and 6th Streets. Mr. Manek stated they contacted homeowners whose property fronts onto 5th and 6th Streets and received no negative responses regarding the signs.

Mr. Shadid addressed Council and stated the Central Edmond Urban Development Board's purpose is to make recommendations to Council

regarding design standards of projects located in the CBD, not to make decisions on how those projects are filed. He stated after the project was denied by a 2-2 vote on February 26th, the next day he mailed a letter requesting the same application be considered by the full five member Council. He stated a new application fee or new ownership list was not required because the ownership list was not stale. He stated he has never received a bill for a new application fee regarding this project but because a new application fee was an issue with the Urban Board at their last meeting, he submitted a check to the Planning Department last Friday to cover any fees that may be owed.

Mayor Naifeh stated the CBD has no height restrictions. She stated she felt this neighborhood is already a transition neighborhood and that the trend will continue. She stated office buildings have been promoted in the CBD District as a way to bring additional businesses downtown. Mayor Naifeh stated apartments have also been promoted in this area. She noted she felt installing a masonry wall is critical as a sound buffer for neighbors and she requested it be eight-feet tall rather than six feet as proposed. She stated traffic and parking in the area have been an issue for many years and those issues would probably not change. She noted it was important to have the "No Parking" signs as discussed. She requested the trees along the south property line be tall enough to act as a sound barrier for the neighbors.

Motion by Lamb, seconded by Miller, to approve Item No. 20 subject to an eight foot masonry fence along the south property line.
Motion carried as follows:

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

21. Public Hearing and Consideration of commercial Site Plan approval for a new Braum's restaurant, located north of 2nd Street, east of Bryant and east of Freddy's Frozen Custard (Braum's Ice Cream and Dairy Stores, applicant) Case No. SP070008. Mayor Naifeh stated the applicant requested this item be continued to May 14, 2007.

Motion by Miller, seconded by Lamb, to continue Item No. 21 to May 14, 2007. **Motion carried** as follows:

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

Mayor Naifeh announced there would be a short break

22. Public Hearing and Consideration of Ordinance No. 3094 adopting Edmond Plan IV as the Comprehensive Land Use Plan including the Ordinance Plan Map and Implementation; and Implementation procedures and supplemental information on the General Plan Map and the Edmond Plan IV Goals and Policies Text. The Planning Commission recommended approval but recommended that Plan Amendments be submitted as Planned Unit Developments (PUD), that the commercial area east of I-35 between Douglas and Post Road on Coffee Creek be substantially reduced to fit the lower density character of the area and that the Sensitive Area Conservation Assessment be a requirement for developments, particularly east of I-35, to provide compatibility with the existing low density residential area.

Tony Allender, consultant with Wilbur Smith & Associates of Houston, Texas, addressed Council and outlined Edmond Plan IV.

Councilmember Lamb outlined the specific changes made to Edmond Plan IV. He stated he felt the tools created for amending the Plan provided in the new Plan IV will provide options that have not been available in the past. He stated the Edmond Plan IV is a huge step forward and engages staff to give professional reports to Council that are not available at this time.

Chris Palmer, Terri Sparks, Elizabeth Waner, Sharon Neumann, Russell Wantland and Scott Fairbairn (Howard Fairbairn Site Design) addressed Council regarding Edmond Plan IV. Several citizens felt the commercial area projected around Coffee Creek and Douglas was too large.

General discussion was held regarding Edmond Plan IV.

Mayor Naifeh stated she also felt the commercial area was too large. She felt Edmond Plan IV is easier to understand and provides a clearer picture of the process. She stated Council was in agreement that the conservation assessment should be required for developments City wide. She expressed her thanks to staff and the consultants for their hard work on Edmond Plan IV.

Motion by Page, seconded by Sanford, to approve Ordinance No. 3094 as read by title by City Planner. **Motion carried** as follows:

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

23. NEW BUSINESS:

Mayor Naifeh stated that Priscilla Parker and Claudette Dills both passed away this past Saturday. She stated Ms. Parker was a tireless volunteer and president of Keep Edmond Beautiful and Ms. Dills was a founding member of UR Special Ministries. She noted that both were wonderful women and would be missed by the community.

Mayor Naifeh stated the grand opening of the new trail from Hafer Park to Fink Park will be dedicated on Friday, April 27, 2007, at Fink Park at 4:15 pm.

Mayor Naifeh announced the Festival Marketplace opened this past Saturday.

Mayor Naifeh thanked the Council for their service the past six years.

24. Motion by Lamb, seconded by Miller, to adjourn meeting.
Motion carried as follows:

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

City Clerk

Mayor