

## EDMOND PLANNING COMMISSION MEETING

**Tuesday, July 17, 2007**

**5:30 P.M.**

The Edmond Planning Commission Meeting was called to order by Chairperson Suzy Thrash at 5:30 p.m., Tuesday, July 17, 2007, 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 June 19, 2007, Planning Commission minutes.

Motion by Cartwright, seconded by Moyer, to approve the minutes subject to correction to indicate Leroy Cartwright, not Leroy Thrash on page 1. **Motion carried** by a vote of 5-0 as follows:

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

The next item on the agenda was **Public Hearing and Consideration of amendment to the Spring Creek Village Planned Unit Development Design Statement to allow a boutique winery on property located north of 15<sup>th</sup> Street, west of Bryant. (Charles Ballenger)**

Attorney Randel Shadid representing Charles Ballenger is requesting that the PUD Design Statement for the Hampton Village PUD/Spring Creek Village project located on the northwest corner of 15<sup>th</sup> and Bryant be amended to allow a Boutique Winery/Vintner's Cellar. This proposed "E-LU" use of the boutique winery would be the one use allowed other than the "D-1" PUD uses that are already in place on East 15<sup>th</sup> Street. This request was reviewed with the City Attorney's office prior to the determination that the "E-LU" as an approach for the boutique winery uses.

The conditions of the boutique winery are as follows: no bar or tavern use and no sales of other alcoholic beverages including beer and liquor. The square footage of the winery shall be limited to 2750 square feet. If the winery ceases to be used for one year, the only uses shall be "D-1" Restricted Commercial.

Attorney Randel Shadid indicated he would amend the PUD Master Plan to say that if the Vintner's Cellar ceases operation within six months the "D-1" uses would be the only uses applying to the property. Chairperson Thrash asked if there was any food. Mr. Shadid indicated there is no kitchen and no cooking. There may be some packaged foods to go with the wine. No one appeared in objection.

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 #Z070016 Public Hearing and Consideration of rezoning from “D-1” Restricted Commercial Planned Unit Development to “E-LU” Heavy Commercial Limited Usage for a boutique winery in the Spring Creek Village Center located north of 15<sup>th</sup> Street west of Bryant. (Todd Hall/Vintner’s Cellar)**

Randel Shadid, representing business owner Todd Hall, has submitted a request to rezone Suites 116 and 120 in Building B of Spring Creek Village from “D-1” PUD Restricted Commercial Planned Unit Development to “E-LU” Heavy Commercial, Limited Use for a boutique winery. This is a companion item to the request to amend the Hampton Village Planned Unit Development Design statement for clarification. This property contains Spring Creek Village shopping center. Vintner’s Cellar is a winery without the vineyard, or as the franchise describes it as a “make-your-own-wine store”. Our new Title 22 does not have a definition of a winery, although research of this use in other community indicates it is located in a general commercial or community commercial zoning district, not a neighborhood zoning category under which Spring Creek Village falls. There are no exterior building or site changes proposed with this request, other than a sign.

The “E-LU” High Commercial, Limited Use District is a new zoning category created by the new Title 22. Section 22.4.32 (A) Purpose says that “This special purpose district is intended for limited community commercial uses in unique locations.” Only properties zoned “D-1” or “D-2” or “D-2-A” are eligible to be rezoned to the “E-LU” District. Up to three uses permitted by right are allowed in the “E-LU” District. The City Attorney’s office has assisted in making the determination that a boutique winery such as the one proposed could fall within the “E-LU” District. There is some bottled wine for sale at the store that is made at the store but the use is not strictly a wine shop or liquor store. It is possible to have to have a glass of wine at the store and only a small area of the store is set aside for drinking wine. There also may be gift baskets of various products for sale. The majority of the store is set aside for the wine production with customers participating in creating their own wine. The portion of the shopping center devoted to this is west of the Ballenger’s Furniture Store and is only a 50 foot wide by 278 foot deep portion of the property to be “E-LU” District. If the Vintner’s Cellar were to cease operation, the “D-1” PUD uses would be the only other issues permitted. Mr. Todd Hall does not want to propose any additional “E” level uses, just the one boutique winery.

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

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

NAYS: None

The next item on the agenda was **Case #U070010 Public Hearing and Consideration of Specific Use Permit for a retail liquor store located north of Danforth, east of Ketch Acres. (Kop Kang/Cheyenne Springs Business Park)**

Randel Shadid, representing Ho and Young Kang, is requesting a Specific Use Permit for a retail liquor store located north of Danforth and east of Ketch Acres. The property was rezoned from "A" Single Family Dwelling District to "D-1" Restricted Commercial District in 2006 and a liquor store is not a use permitted by right but only with the approval of a Specific Use Permit. Mr. Shadid is now requesting this Specific Use Permit for a liquor store for Kang Wine and Spirits, which is currently located in the North Oaks Shopping Center. On May 14, 2007, this property received Site Plan approval for a shopping center. Kang Wine and Spirits will be one of the tenants of this new shopping center and will be the center tenant. There is no existing church or school within 300 feet of this proposed liquor store. There is no change to the site plan already approved as to detention, landscaping, access, utilities, fire protection, building appearance or signage.

Attorney Randel Shadid indicated that Mr. Kop Kang wished to use some of the Cheyenne Springs Center, the center occupancy for the liquor store. The center is actually owned by Mr. Kang's father. He indicated he would be moving the liquor store from the North Oaks Shopping Center. Ronnie Williams representing the ENA indicated that it would be a better practice if the proposals were more complete or described with the site plans. Neighborhoods often have the perception that they are "nickled and dimed" over changes to site plans and commercial locations through the use of Specific Use Permits and other zoning options once a project is started. He felt it would have been best to discuss these issues with the zoning. Ronnie Williams also asked about fencing the lots north of the liquor store site next to Ketch Acres so that the neighbors would not have to see the activity at the back of the store. It was noted that it could be years before another commercial use is built north of the Cheyenne Springs center where the Ketch Acres residents would be screened from the commercial area with an extension of the brick wall planned. Mr. Shadid indicated that nothing was being built on the property north of Cheyenne Springs and that the brick wall would be extended once the site plan was submitted. He indicated a substantial distance between the back of the home and the undeveloped commercial property and northern lot line of the Cheyenne Springs property. Commissioner Moore indicated he thought Mr. William's point was well taken but he further indicated that no one was objecting to the proposed use if the liquor store.

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

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

The next item on the agenda was **Case #PR070009 Public Hearing and Consideration of Preliminary Plat of the Cheyenne Springs Addition located north of Danforth just over 1000 feet west of Kelly. (Kop Kang)**

Engineer Lax Godhania has submitted a Preliminary Plat for the Cheyenne Springs Business Park location where the site plan was approved May 14, 2007. The site plan as approved provided for on-site detention, provided for an amended driveway location on the west side of the property, provided for an off-site sewer line extension from Mr. Steve Hill, the extension of the sewer line along the majority of the east side of the property.

Danforth is already four-laned in front of this development. The driveway originally proposed on the east side of the Kang ownership was eliminated. There will still be a drive to the Novotny Catlett property, a 10 acre tract immediately east of Mr. Kang. The City Council requested additional right-of-way on Danforth. The owner is providing the standard 50 foot of right-of-way, 17 foot additional from the Statutory 33 feet of right-of-way.

The plat will provide an 8 inch water line to the north end of the property on the west side of the 10 acres to serve the 3 lots proposed. A sanitary sewer line will extend along the east side of the 10 acres to serve each of the lots. Vehicular access will need to continue along the west side of the 10 acres with a appropriate agreement allowing public services to be maintained. The access easement will be privately maintained but is not public in nature like an alley or street would be. This access will need to allow for utilities and emergency equipment to access Lots 1, 2, and 3. This access could be marked as a fire lane. The staff understands that Mr. Kang has an agreement that is filed of record setting out the conditions of the use of this access way.

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

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

The next item on the agenda was **Case #PR070009 Consideration of Final Plat of the Cheyenne Springs Addition located north of Danforth just over 1000 feet west of Kelly. (Kop Kang)**

Lax Godhania has submitted the Final Plat of Cheyenne Springs Addition located north of Danforth just over 1000 feet west of Kelly. The Ketch Acres Addition is located to the west. There are 5 lots abutting the subject property in the Ketch Acres Addition. Mr. Kang owns 10 acres of land. The Novotny Catlett ownership is to the east, also a 10 acre tract and the School Board owns property east of that location. There is a 35 acre commercial tract to the south across Danforth.

The Final Plat includes one lot, a Lot 1 Block 1 Cheyenne Springs Addition. Utility easements are shown on the east and west sides of the property. The 25 foot drive easement on the east side of the site recorded in Book 5444, page 1652 was previously indicated to be closed. This is a private easement. If this is closed, this reference needs to be removed from the plat; otherwise, it creates a confusing situation since it is not actually being used for access. No cross access easement has been shown on the west. Attorney Randel Shadid representing Mr. Kang has written an agreement regarding the access on the west side of the property.

There is an ONG easement on the west side of the property and additional 10 foot of utility easement is being granted. The Engineering Department needs to identify that 10 foot is accessible if the ONG easement cannot be used as a shared easement. Mr. Kang has also agreed to a 6 foot tall brick fence along the west side of this property. Will ONG allow the fence on their easement and is there adequate space for the wall, the ONG

easement and the City water line and fire lane service access easement. The plat identifies only the 50 foot of right-of-way along Danforth. The City Council has requested some additional street easement. An off-site sanitary sewer easement will need to be provided on the Kang property in addition to the Steve Hill property, since only a portion of the Kang property is being platted. A water line will need to be extended to the north side of Lot 1. Edmond Electric has requested an east west utility easement on the north side of the lot for their electric service.

Attorney Shadid indicated that the private driveway standards would be modified to allow city vehicles including utility and emergency vehicles that only the general public would be prohibited from using the driveway on the west side of the property.

Motion by Moore, seconded by Moyer, to approve this request. **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 #Z070015 Public Hearing and Consideration of rezoning from "A" Single Family Dwelling District to "E-2" Open Display Commercial District located at 216 W. Third Street (Jimmy R. Mitchell)**

This request was reviewed by the Central Edmond Urban Development Board on June 12, 2007 and recommended for approval by a vote of 8-0.

Jimmy R. Mitchell has submitted a rezoning request for his property located at 216 W. Third Street from "A" Single Family Dwelling District to "E-2" Open Display Commercial District. Mr. Mitchell owns two vacant lots on the south side of Third Street/Edmond Road, just east of the southeast corner of Edmond Road/Third Street and Fretz. The property, Lots 10 and 11 Block 2 Buell Hollis Addition, is generally 50' wide by 140' deep and contains 7000 square feet. The property is projected for open display commercial land use on Edmond Plan IV and so this request is in compliance with our land use plan and no Plan Amendment is required.

The property north is zoned "E-2" PUD Open Display Commercial Planned Unit Development and contains Pro-leasing and Sales, and is projected for open display commercial land use on Edmond Plan IV. The property east is zoned "E-2" Open Display Commercial District and contains Silver Star Transmission and is projected for open display commercial land use on Edmond Plan IV. The property west is zoned "E-2" Open Display Commercial District and is basically undeveloped land with some storage buildings, palm trees and other outdoor items, and is also projected for open display commercial land use on Edmond Plan IV. The property to the south is zoned "A" Single Family Dwelling District, and contains a single family dwelling, and is projected for single family land use on Edmond Plan IV. There is a 20' alley to the south of the Mitchell property which separates the residential neighborhood to the south from the commercial properties along Edmond Road/West Third Street.

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 #U070011/SP070037 Public Hearing and Consideration of Specific Use Permit for a place of worship in the Willow Creek Shopping Center east of Santa Fe, south of West Edmond Road, 322 S. Santa Fe. (Oasis Church)**

Mr. James Fortune is requesting a Specific Use Permit for a church in the north end of the Willow Creek Shopping Center lease space currently held by the property owner. There is no dance studio at this address. This shopping center is fully developed and there is no new construction required for this Specific Use Permit. There is no existing liquor store within 300 feet of this proposed location. Taco Bell is located to the north and a Circle K/Conoco is located to the northwest. The Inspirations Tea House is located to the east. The square footage of the use is approximately 2400 square feet. The applicant will comply with all the Fire Code requirements as far as occupancy. The City has recently approved several churches in shopping centers or office warehouse locations. It is common for the City Council to approve them with a one year review requirement. Normally, the small size of the occupancy and the different hours than the peak shopping center use does not cause problems with the parking availability.

In this particular case, a site plan review required for new construction is not necessary. The Willow Creek Shopping Center complies with all the building setbacks, detention requirements, fire access lane on the east side of the building, landscaping requirements and building appearance requirements. There is also cross access with the Taco Bell restaurant to the north. No ground sign other than the existing sign will be used by the church and possibly a wall sign.

Mr. James Fortune spoke representing the church indicating the church had been in existence for approximately 9 months, services started at 10:00 am on Sunday and 7:00 pm on Wednesday. Mr. Cartwright commented that once a church was approved at such a commercial location other uses such as liquor stores are prohibited due to a series of rules that go into effect. Commissioner Young asked if the other tenants knew about the church. Mr. Fortune indicated he had talked to the next door tenant but not a series of tenants. There were a number of vacancies in this shopping center.

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 **Consideration of Deed Certification for two residential lots on Hidden Valley Road in the Fisher Hills Addition, north of 33<sup>rd</sup> Street and west of Bryant. (Tom and Cindy Flesher)**

Tom and Cindy Flesher, representing property owner Mary Clyde Flesher, are requesting deed certification to divide the property located at 2822 Hidden Valley Road into two

residential lots in the Fisher Hills Addition. Tract 1, 2822 Hidden Valley Road, will contain 3.23 acres and Tract 2, proposed for Tom and Cindy Flesher to build a new residence to be next door to their mother, will contain 1.81 acres. Both properties will have frontage onto Hidden Valley Road and will have separate drives to each property. Both lots are large enough to accommodate private utilities of septic tanks and water wells, since city utilities are mostly unavailable to this unplatted addition. The property is zoned "A" Single Family Dwelling District and staff recommends approval of this request.

Mr. Flesher was in attendance.

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

There was no New Business. Commissioner Moyer complimented Ms. Fees on her presentation of the items.

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

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

Meeting adjourned at 6:05 p.m.

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Suzy Thrash, Chairperson  
Edmond Planning Commission

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Robert Schiermeyer, Secretary  
Edmond Planning Commission