

## EDMOND PLANNING COMMISSION MEETING

**Tuesday, October 2, 2007**

**5:30 P.M.**

The Edmond Planning Commission Meeting was called to order by Chairperson Suzy Thrash at 5:30 p.m., Tuesday, October 2, 2007, in the Downtown Community Center, Room 107, 28 East Main. Meetings are being held at this address due to remodeling of the City Council Chambers. Other members present were Bill Moyer and Ingrid Young. Leroy Cartwright and Barry Moore were absent. Present for the City were Robert L. Schiermeyer, City Planner; Kristi McCone, Planner; Steve Manek, City Engineer; and Steve Murdock, City Attorney. The first item on the agenda was the approval of the September 18, 2007, Planning Commission minutes.

Motion by Young, seconded by Moyer to approve the minutes subject to the following correction on page 160 regarding the Tinker Federal Credit Union where Moore was shown voting for and against. The vote should have indicated 3 to 1 with Moore voting in opposition. **Motion carried** by a vote of 3-0 as follows:

AYES: Members: Young, Moyer and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #U070013 Public Hearing and Consideration of Specific Use Permit for Ministries of Jesus medical office to include site plan generally located east of I-35 and ¼ mile north of 15<sup>th</sup>. (Henderson Hills Baptist Church).**

Planning Department:

1. Existing zoning – “E-1” General Commercial Planned Unit Development.
2. Setbacks – The front setback from the east I-35 Frontage Road is 400 feet, the setback from the south nearest to 15<sup>th</sup> Street is 1350 feet. This project will be part of the Henderson Hills Baptist Church campus. The education building is to the east. The main sanctuary is to the southeast. This building connects with all the parking and the driveway systems that are in place. All setbacks are exceeded. This property is not adjacent to residential for a sensitive border condition.
3. Height of buildings – the highest point of the roof is 25 ½ feet, one story.
4. Parking – the existing parking lot will be used so there is no additional parking or paving for this building. All the parking is shared.
5. Lot size – the building is 8,154 square feet. The lot is 38,142 square feet, .87 acres.

6. Lighting Plan – no additional lights are being added to the site since the parking lot is in place. The lights do not exceed 25 feet in height at this location which falls in line with the I-35 Corridor standards.
7. Signage – no ground sign is proposed. Henderson Hills Baptist Church already has a monument sign on the east I-35 Frontage Road.
8. General architectural appearance – the medical clinic will match the existing buildings. There is a 2' 8" split face block wainscot, cement fiber siding and brick veneer exterior walls, multiple windows on each side of the building and a 12/5 pitch roof for the majority of the building with asphalt shingles. The one story building is 8,154 square feet. The mechanical will not be located on the roof.
9. Sensitive borders – there are no sensitive borders. All the land surrounding this site is commercial.
10. Mechanical equipment – mechanical equipment will be located on the ground due to the pitched roof.
11. Fencing/screening – no fencing is required.

Engineering Department:

12. Driveways/Parking – no new drive approaches, all access will be from the existing driveways which currently meet access management standards.
13. Title 21 water and sanitary sewer plans – water and sewer are adjacent to the site and will be used for service.
14. Drainage Report and related grading report plans – there is drainage detention for the entire project.
15. Street paving and access management – there is no new street paving required.

Fire Protection:

16. Fire Prevention and Building Department – the Fire Department has looked at the building and it fully complies and has good access from the driveway and the parking lot. Firefighter Fire Flow Requirements: 2,500 gallons per minute for un-sprinkled buildings However this building is being built with fire sprinklers, so the water flow can be reduced to 1500 gallons per minute. This area will support this fire flow.

Community Image:

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|---|--|
| 17. Landscaping - <u>Lot area = 38,142 sf</u> | <u>Landscape provided on plans submitted</u> |
| 15 percent of lot = 5,721 sf                  | 17,243 sf landscaping/lawn area              |
| Plant units required = 915 PU                 | 1,124 plant units                            |
| Evergreen required = 366 PU                   | 367 plant units                              |
| Requirements in front = 458 PU                | 460 plant units                              |

= 2,860 sf                      6,815 sf

The Ministries of Jesus location was previously a tree preservation area. That preservation will be moved to another location on the Henderson Hills Church property, most likely on the east side.

Sanitation Department:

18. Refuse facilities – existing dumpster will be used. No enclosures are required for this building.

Electric Department

19. Electric – Edmond Electric will service this building. Easements may be needed to be provided individually or on the plat.

The church submitted a plan indicating new preservation areas to replace the ones being removed for the Ministries of Jesus building. Urban Foresters Carrie Tomlinson and Kim Miller reviewed the plans prior to the meeting. Attorney Randel Shadid spoke requesting approval indicating all requirements have been met, including setting aside some land for long term tree preservation. No one spoke in opposition. .

Motion made by Moyer, seconded by Young to approve the request. **Motion carried** by a vote of 3-0 as follows:

AYES: Members: Moyer, Young and Chairperson Thrash

NAYS: None

The next item on the agenda was **Case #Z070007 Public Hearing and Consideration of amendment to Edmond Plan III from Single Family Usage to General Commercial Planned Unit Development Usage as amended on property generally located on the southeast corner of Covell and Sooner. (Covell 35 Development, LLC)**

The next item on the agenda was **Case #Z070008 Public Hearing and Consideration of rezoning from “A” Single Family to “E-1” General Commercial Planned Unit Development as amended on property generally located on the southeast corner of Covell and Sooner. (Covell 35 Development, LLC)**

Attorney Todd McKinnis, representing the applicant, previously called the staff and requested an indefinite continuance.

The next item on the agenda was **Case #U050008 Public Hearing and Consideration of Extension of Special Use Permit to include previous site plan for the Falls Residential, a “C-3” High Density Multi-Family use in “E-1” General Commercial located east of Vista Lane, south of Second. (Brian Stinson)**

The current "E-1" General Commercial District does not allow any residential as a use permitted even as a Special Use Permit. These requirements went into effect March 1, 2007. Prior to that in the 1972 Zoning Code, a Special Use Permit could be considered in "E-1" General Commercial for multi-family uses. This required a site plan and Special Use Permits which are good for one year unless established. The Falls Residential has not been established or a building permit issued. Mr. Stinson is hoping to receive an extension as the project was originally approved under the 1972 Zoning Ordinance.

Brian Stinson originally requested approval of a Special Use Permit for this project October 4, 2005. The City Council approved the project October 24, 2005. October 3, 2006 the project was expanded adding more units and the City Council approved the expanded project October 23, 2006. No construction has started on any of the project. No building permit has been requested or issued on any of this project and since it is a Special Use Permit. Mr. Stinson is requesting an extension of the expanded project. A Preliminary and Final Plat will also be needed.

This project contains 18.83 acres to be approved as a Special Use Permit allowing 300 units at this "C-3" density. Each of the buildings is 3 stories in height and even a 2 story construction will require a full fire sprinkler system. A tree preserve area will be maintained in the northwest corner of the development. The remaining landscaping is spread throughout the project. The land to the south is zoned "A" Single Family as part of the Tuscany Villas residential. Only after March 1<sup>st</sup> did the sensitive border standards apply to multi-family when adjacent to single family. There is no additional setback required but a fence would now be a standard along the south property line if the new ordinance is applied. Light poles could only be 15 feet tall on the south property line. The access to Wade Martin Drive to the east is an emergency access only since Wade Martin is a private street and is not accessible by emergency vehicles due to the road condition. Utilities do need to be extended to this project.

Attorney Randel Shadid representing Mr. Stinson commented that the financing is based on site plan approval and continuation of the Special Use Permit. He further , indicated that the owner had opportunity to clear the land and that is why the grading took place when it did. He indicated that there had been fines issued by the City for the erosion control issues, but currently the site was in compliance.

Attorney Lydia Lee, representing the Edmond Neighborhood Alliance, objected to the extension. She indicated the owner had scraped the land and left it in a poor condition, environmentally as well as visually, The project could have been started years ago with the original approval, but nothing has been started since the original approval three years ago.; no building permit has been requested. She indicated the Planning Commission had considerable discretion and that the Special Use extension should be denied. There were new standards for the sensitive border since the original approval under the old ordinance. No plats have been approved and no building permits have been requested after the original Special Use Permit.

Randel Shadid said that no neighbors were protesting the request and that the project was a \$40 million dollar investment and that the additional request was actually

expansion of the Special Use Permit and not an extension of the original request and the property is already zoned "E-1" and there are considerable higher density developments adjacent to the property. .

Commissioner Young indicated a project of this magnitude needed to comply with all of the new rules.

Motion made by Moyer, seconded by Young to approve the request. **Motion failed** by a vote of 2-1 for lack of a sufficient majority.

AYES: Members: Moyer, and Chairperson Thrash

NAYS: Young

The next item on the agenda was **Case #U060008 Public Hearing and Consideration of extension of Special Use Permit and Site Plan for the Abel convenience store, gas station and car wash, located on the northeast corner of Air Depot and Covell. (Mark Abel)**

Attorney Randel Shadid, representing Mark Abel, is requesting an extension of the 3,960 square foot convenience store proposed that also includes a car wash and gasoline pump islands and canopy at Air Depot and Covell. This project was approved September 11, 2006 by the Edmond City Council. Mr. Abel has applied for a building permit but has not purchased the permit. Mr. Abel has now chosen to delete the drive on the north based on property owned by the telephone company which makes that drive impractical. The future retail center shown on the plans (2876 square feet) was not part of the Special Use Permit site plan.

The Planning Commission denied the Special Use Permit on August 22, 2006 and the City Council approved the Special Use Permit on September 11, 2007. The Final Plat was denied by the Planning Commission on February 6, 2007 and the City Council approved the Final Plat on March 12, 2007. The reason for delay on the plat approval is correction of plans by Mr. Abel's engineers. The minutes of the previous approvals are attached. Property owners within 300 feet have been notified and a sign posted on the property advertising the Special Use Permit convenience store. A new notice will also be posted in the newspaper.

General Site Criteria:

Existing zoning – "D-1" Restricted Commercial, Special Use Permit required for convenience store, car wash and gasoline sales.

Setbacks – setback from the center line of Covell is 212 feet and from the center line of Air Depot is 140 feet; 70 foot of right-of-way is needed on both of these streets and the setbacks will still be met even with the right-of-way provided at the time of the plat; parking will need to be modified along Air Depot or considered temporary if the full right-of-way is used for street improvements to include utility line relocation.

Height of buildings – 23 feet, 3960 square feet in area

Parking – 38 parking spaces are provided not including the 13 spaces that could be affected by the right-of-way along Air Depot, this would be parking for the entire project if another building is added in the future

Lot size – 71,572 square feet (1.64 acres)

1. Landscape Plan

<u>Landscaping - Lot area = 71,572 sf</u>	<u>Landscape provided on plans submitted</u>
Ten per cent of lot = 7,157 sf	7157 sf landscaping/lawn area
Plant units required = 573 plant units	583 plant units
Required in front yard = 3579 total sf	3579 sf in front yard
Front yard plant units = 287 plant units	287 plant units
Evergreen required = 229 plant units	398 plant units

2. Lighting Plan – the owner is planning to have no light poles, there would be lighting under the canopy of the pump island and wall packs on the building with shields to reduce the amount of ambient light spreading off the site. One pole light may be needed Air Depot on the north side of the driveway next to the 13 parking spaces and that is all that is planned at this time.
3. Driveways/Parking – at this time, one driveway is planned on Covell Road and two on Air Depot. Due to the intersection location, 70 foot of right-of-way is needed for the turning movements for the long term future even if the roads were four laned without a parkway or median divider.
4. Mechanical equipment – the roof construction is flat, mechanical equipment will be located on the roof, the parapet wall will screen the mechanical equipment.
5. Fencing/screening – a 6 foot tall sight proof fence is required along the north property line.
6. Signage – One ground sign is planned not more than 6 feet tall, 42 square feet. The building signs could be 225 square feet facing Covell, 115 square feet facing Air Depot for the convenience store building. The ground sign would include a brick base matching the building. The canopy will not have any names identified but will be red and white in color on the fascia.
7. General architectural appearance – the building is planned to be red brick veneer and split face block. There is a concrete panel arch at the entryway. The roof is flat.
8. Drainage Report and related Grading Report Plans – drainage plans have been reviewed by Engineering.
9. Refuse facilities – the dumpsters are located in the far northeast corner of the property and a back-up space has been provided for the trucks to maneuver.
10. Sensitive borders – the convenience store is located 123 feet from the north property line. Trees are planned in the north 30 feet and a fence would be installed as needed. This site plan does not cover the future retail center shown. The convenience store exceeds the sensitive border standard at this time which is not a minimum mandatory requirement at this location.
11. Street paving and access management – widening is suggested along both Covell and Air Depot to facilitate access to the convenience store which generates significant trips. It will be some time before Air Depot and Covell will qualify for street improvement funding.
12. Title 21 Water and Sanitary Sewer Plans – city water will need to be connected and extended the length of this property for this particular site which may be over 220 foot

including the connection to Air Depot. Sewer may need to be extended to the smaller lot with the appropriate easements.

Attorney Randel Shadid further commented that Mr. Abel had purchased his building permit and had started work on the location. Attorney Lydia Lee spoke in opposition. She indicated that the Specific Use Permit had expired September 11, 2007 and the building permit had not been purchased by that date. She indicated this project needs to be denied and had been previously denied by the Planning Commission. The Planning Commission had requested a pitched roof to fit the character of the area. The lights were a significant impact on the adjacent residential and the dumpsters had been placed in the back nearest the homes. She indicated this was a bad project and should be denied.

Chairperson Thrash asked how tall the canopy was since the architectural drawing was not appropriately scaled. Mr. Abel indicated it was 16 feet in height and the building was 23 feet in height.

Commissioner Young asked if the northern part of the property, not part of the Specific Use Permit, would be developed. The staff indicated that the north 123 feet was not part of the Specific Use Permit; another site plan would have to be considered for any building on that property and it was questionable what would be built with the telephone improvements on the land. The staff did note that the plat has been approved and, therefore, grading could occur in the north 123 feet to prepare the site for the convenience store. If the trees are to remain on the north, in the north 40 feet, the grading and the retaining wall will need to move 40 feet or more to the south. Shadid indicated that the applicant had given extra right-of-way along Covell and Air Depot to meet the City requirements.

A property owner to the north, Steve Debois, objected to the convenience store based on lighting, traffic, and potential crime. He indicated that the building permit had been requested five to six months ago. The Site Plan and Specific Use Permit has not changed from the original proposal. He felt the applicant had done all he could do to begin the project as originally approved.

Motion made by Moyer, seconded by Young to approve this request. **Motion failed** by a vote of 2-1.

AYES: Members Moyer

NAYS: Young and Chairperson Thrash

The next item on the agenda was **Case #Z070029 Public Hearing and Consideration of Edmond Plan amendment for duplex and single family units as Low Density Multi-Family Inspirada PUD located on the north side of Covell, ½ mile west of Coltrane. (Martin Teuscher with M & R Land Development LLC)**

The next item on the agenda was **Case #Z070017 Public Hearing and Consideration of rezoning from "A" Single Family to Planned Unit Development for Inspirada**

**located on the north side of Covell, ½ mile west of Coltrane. (Martin Teuscher with M & R Land Development LLC)**

The next item on the agenda was **Case #PR070025 Public Hearing and Consideration of Preliminary Plat approval for Inspirada residential development located on the north side of Covell, ½ mile west of Coltrane. (Martin Teuscher with M & R Land Development LLC)**

Catina D'Achille with Titan Development Partners representing the applicant, requested these three items be continued to November 6, 2007.

Motion made by Moyer, seconded by Young to approve this request. **Motion carried** by a vote of 3-0 as follows:

AYES: Members: Moyer, Young, and Chairperson Thrash

NAYS: Moore

The next item on the agenda was **Case #U070015 Public Hearing and Consideration of Specific Use Permit for a liquor store to include site plan approval in the Village Center at Coffee Creek located north of Covell Road, east of Kelly. (Turner and Company)**

Josh Moore is representing Turner and Company in requesting approval of the Village Center Wine and Spirits store to be located in the new retail building under construction at 775 West Covell Road. A bank is located to the east of this location and a completed retail center is located to the west. Office buildings are located to the north. This property is zoned "D-1" Restricted Commercial PUD. There are no churches or schools within 300 feet. The following describes the site plan for the shopping center where the Wine and Spirits store will be located.

Motion made by Young and seconded by Moyer to approve the request **Motion carried** by a vote of 3-0 as follows:

AYES: Members: Young, Moore and Chairperson Thrash

NAYS: None

The next item on the agenda was **Public Hearing and Consideration of revised site plan regarding modification of the canopy/awning located at 180 W. 15<sup>th</sup>. (Falcone's Pizza Restaurant)**

Danny Falcone, with Falcone's Pizza Restaurant, has submitted a request to change or modify the two awnings previously approved at 180 W. 15<sup>th</sup> Street to comply with their trademark for his restaurant. The existing burgundy awnings were approved as part of the site plan for the 15<sup>th</sup> Street Station Nov. 14, 2005. Mr. Falcone is now proposing to install awnings using the green, white and red colors and provide for a valance that is 25

square feet at the bottom advertising products. The wall sign proposed is 65 square feet and the permit has already been issued for that wall sign. Mr. Falcone could qualify for 101 square feet so his total signage on 15<sup>th</sup> is 90 square feet and fully complies counting the awning valance and the wall sign.

An additional canopy would be placed on the east side of the property with a wall sign that is also 65 square feet adding a 24 square foot awning for a total of 89 square foot of signage. The green, white and red awning is not counted as part of the signage by the terms of the Sign Code, just the copy portion of the awning. The Falcone's Restaurant will extend further south than the new canopy along the east side of the building. Mr. Falcone could qualify for a 189 square foot sign on the east wall of the building. As Mr. Falcone indicates, it is common to have awnings as trim, decoration or accent on buildings. The Sign Code in effect encourages the use of awnings by not requiring that they be counted as part of the square foot of signages even when lighted, only the copy on the awning is counted in the square footage.

Mr. Dan Falcone spoke requesting approval. He indicated the property owner had no objections to his request to change the canopy and that the realtor had told him that he could use such a canopy. He noted that the canopy was much different than his restaurants in Oklahoma City and Bricktown. He indicated he is renting the entire east side of the building and was retaining the original canopy except for the corner. All the letters complies with the sign code so there is no variance requested. He indicated he wanted to change a portion of the burgundy canopy approved with the building to a green, white and red awning that fit the branding of his restaurant.

Attorney Lydia Lee with ENA, spoke in opposition to this request indicating that the shopping center had been designed as a group of buildings with the Edmond Depot. They had placed sculptures around the landscaping and water features in the project and that the addition of the canopy would significantly change the architectural character previously approved. The burgundy metal canopy that was approved for the building to house multiple tenants and approval of the proposed change will allow others in this building to change, which will completely affect the architectural character and setting of this area. She indicated the examples of the other buildings were free-standing buildings, not a shopping center Mr. Falcone indicated that the canopy represented the Italian flag and his cultural heritage and was being designed to comply with Edmond's requirements. He indicated there is only one additional place to rent on the east side of the building and he would rent that space if the Planning Commission requested, so that none of the rest of the canopy would be changed, only the corner of the building. He indicated it was critical to have the canopy for the investment he was making and the commercial branding associated with the Falcone's restaurant. Commissioner Young indicated she felt the free-standing buildings were substantially different than a shopping center that had been designed for multiple tenant spaces with a uniform exterior architectural style. This approach could greatly impact all shopping center design locations.

Motion made by Moyer seconded by Young to approve the request. **Motion denied** by a vote of 2-1 as follows:

AYES: Members: Moyer,

NAYS: Young and Chairperson Thrash

The next item on the agenda was **Case #Z070025 Public Hearing and Consideration of amendment to Edmond Plan from Lake Commercial and Lake Commercial Planned Unit Development Usage to Planned Unit Development Usage on property located on the south side of 15<sup>th</sup> Street east of I-35. (Bayer Properties) continued to December 4 at request of applicant**

The next item on the agenda was **Case #Z070026 Public Hearing and Consideration of rezoning from "L-4" Lake Commercial and "L-4" Lake Commercial Planned Unit Development to Planned Unit Development on property located on the south side of 15<sup>th</sup> Street east of I-35. (Bayer Properties) continued to December 4 at request of applicant**

Attorney Audry Blank, representing the applicant, requested continuance to December 4, 2007..

Moyer made the motion, seconded by Young to approve the request. **Motion carried** by a vote of 3-0 as follows:

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

The next item on the agenda was **Case #ES070006 Public Hearing and Consideration of closing a portion of a drainage and utility easement generally located on the west side of the Cheyenne Ridge Villas Addition, east of Bryant, south of 33<sup>rd</sup> Street. (Sam Tippens and Neal McGee)**

Neal McGee asked for an indefinite continuance.

There was no New Business.

Motion by Young, seconded by Moyer to adjourn. **Motion carried** by a vote of 3-0 as follows:

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

Meeting adjourned at 6:45 p.m.

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Suzy Thrash, Chairperson  
Edmond Planning Commission

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Robert Schiermeyer, Secretary  
Edmond Planning Commission