

Agenda Item No. 4, being: PLEDGE OF ALLEGIANCE

Agenda Item No. 5 being: MINUTES

a) Approval of the **Minutes of the July 9, 2024, Planning Commission Meeting.**

Chairman Sherrard requested a motion.

Gary Lunow motioned to recommend approval of the **Minutes of July 9, 2024, Planning Commission Meeting**, as written. Chad Burks seconded the motion. Roll was called.

Ayes: Lunow, Jennings, Jarema, Laib, Richey, Whitchurch, Sherrard

Nays:

Abstained: Burks

Absent: Welchel

Agenda Item No. 6a being: REPORTS Planning Commission Members – None

Agenda Item No. 6b being: REPORTS Community Development Staff

Ms. Purcell, reported the following items were discussed and considered by City Council on the below listed dates:

August 5, 2024

Approved:

Final Plat of Sonoma Lakes, Phase 3 located at NE 12th Street and Sunnyslane Road. Application by Sonoma Development Group, LLC/Justin Rhodes.

Agenda Item No. 7a, being: NEW BUSINESS

Discuss and consider the **Final Plat of Broadmoore Heights, Section 3**, located in the S/2 of Section 25, T10N, R3W, being north of SE 34th Street and west of Bryant Avenue. Application by Premium Land, LLC/Taber LeBlanc. **Ward 1.**

Ms. Lauren Purcell, Assistant City Planner, gave the following presentation.

The subject site is located South of SW 19th St. and West of S Bryant Ave. and is currently zoned R-1 Single-Family residential. This Final Plat consists of 99 residential lots and approximately 7.71 acres of Common Area on 31.87 acres.

Public water and sewer are available to the site and must be extended from the Broadmoore Heights Sec 2.

There is no FEMA regulated floodplain located on the subject site. The plat includes one common area with dedicated drainage areas for a retention pond on the west side and a detention pond on the east side.

Access is proposed by Warwick Way and Colt Way. The lots situated between Colt Way and Warwick Way are double-frontage and a Limits of No Access is required along the rear property line of those lots, with no curb cuts allowed to Warwick Way. Additionally, a temporary fire access was installed with the previous phase of development connecting Halley Drive to Willow-Pine Rd. This temporary connection was intended to provide emergency access; however, it has become a regularly-traveled pathway for residents. To help ensure resident safety and access, this temporary connection must be made a permanent public street connection with this phase of development.

This portion of the Broadmoore Heights Addition is located in an area of historical drainage problems located both to the northeast in the Estelle's Country Club Estates and to the south along Broadmoore Addition, Section 1 abutting SE 34th Street. The proposed development intends to take the historic runoff from these areas into engineered flumes that flow into the Retention Pond D, which is designed to have a controlled release into an improved drainage flume that drains to the Broadway Avenue ROW. This plan is designed to reduce the amount of historic runoff to the Estelle's County Club Estates and Broadmoore Section 1.

There is one Common Area identified on the final plat that spans the Southern portion of the phase. Common Area H is intended for drainage infrastructure, and also contains an existing pipeline easement and will serve as a buffer to the existing homes in the Broadmoore Addition along SE 34th.

The Envision Moore 2040 Plan calls for this location to be Urban Residential. This application was reviewed as to its conformance with the intent of the Plan.

This final plat includes approx. 24% open space, and the preliminary plat provides over 15% open space overall, with the majority being detention ponds and drainage infrastructure

With this development being located within ¼ mile of the Broadmoore Elementary and ½ mile of Heritage Trails Elementary, pedestrian-oriented design is important. Sidewalks shall be included on all adjoining street ROWs to help ensure pedestrian integration into the neighborhoods and surrounding schools.

This phase of the development is accessed from Halley Dr that was installed with Broadmoore Heights Section 2. With this phase of Broadmoore Heights, a permanent roadway connection to Willow Pine is required.

This phase of the Broadmoore Heights development is utilizing stormwater detention and retention ponds, acting as an amenity for the development.

Based on the proposed densities, stormwater amenities and open spaces, staff believes that this application meets the intent of the Urban Residential land use and the overall goals of the Plan. An amendment to the Plan is not required.

Due to the compliance with the Preliminary Plat, Staff recommends approval of the final plat.

Chairman Sherrard asked if there were any questions for staff from the Planning Commissioners. Hearing none, Chairman Sherrard asked if the applicant was present.

Anthony Hanley, Crafton Tull, Yukon, OK, introduced himself as the engineer for the project representing the applicant and offered to answer any questions.

Gary Lunow asked if the applicant is in agreement with staff recommendations. Mr. Hanley answered, yes.

Chairman Sherrard asked if anyone had questions for the applicant. After no response, Chairman Sherrard asked if there were any members of the audience who would like to address this item. Hearing none, a motion was requested.

Emily Richey motioned to recommend **Approval of the Final Plat of Broadmoore Heights, Section 3**, subject to staff recommendations. Gary Lunow seconded the motion. Roll was called.

Ayes: Lunow, Burks, Jennings, Jarema, Laib, Richey, Whitchurch, Sherrard

Nays:

Abstained:

Absent: Welchel

Agenda Item No. 7b, being: NEW BUSINESS

Discuss and consider **Rezoning Application No. RZ1045**, located in the SW/4 of Section 10, T10N, R3W, being north of NW 12th Street and east of Sunrise Drive, from R-2 Two Family Dwelling District to C-1 Office District. Application by Mechelle Abbott. **Ward 2**.

The subject site is located north of NW 12th St and east of I-35 in the Newmoor Addition neighborhood. The property is currently zoned R-2 and is developed with a residential house of approximately 1,220 sq ft with an attached 2 car garage. The applicant is proposing to rezone the property to a C-1 Office District to allow for future commercial use. No particular use of this lot has been identified.

Public water and sanitary sewer are available to serve the site. This site is not located in a floodplain and therefore a FEMA submittal will not be required. Because the lot is under 1 acre in size, no on-site detention is required.

The current lot includes driveway access from Sunrise Dr. To reduce congestion on NW 12th Street, no new driveways will be allowed along NW 12th Street in this location. Any new development must access the lot from Sunrise Dr.

The subject site is located in an established residential neighborhood with homes to the north and west, but along a major arterial road, NW 12th Street, and commercial zoning uses to the south and east. There is a precedent of a C-1 use on a previous residential lot to the west of this site, at 721 NW 12th Street, being an insurance office developed prior to 2000. However, that use utilized the residential structure as the office and does not conform with the commercial development requirements, such as an off-street parking lot, landscaping, etc.

The building envelope for the subject site is extremely small due to the platted easements, building line setbacks and parking requirements. With all setbacks accounted for, the lot allows for a maximum building width of 30' and maximum size of approximately 1800 sq ft, however all parking requirements must be met based on use, which may significantly decrease the maximum building size to meet city zoning requirements.

The Envision Moore 2040 Plan calls for this location to be Urban Residential. Land uses allowed in Urban Residential include light commercial uses, including professional offices, only if the development is located along the periphery of the neighborhood and remains residential in nature (size and scope of business). This application was reviewed as to its conformance with the intent of the Plan.

The plan values aesthetics and proper site design to enhance the quality of life of Moore residents. The goal "Strengthen Neighborhoods" (pg. 81) should be used as a guide in considering this application. Policy #1 under this goal is "Prevent Commercial Encroachment in Established Neighborhoods" and explains that any commercial encroachment erodes the fabric of the community and could result in poor relationships between uses and introduce incompatible activities, such as increased noise from customers or deliveries, light from exterior commercial lighting, excess parking and impervious surfaces, etc. Any redevelopment of the subject site would need to exclude these activities.

An existing 6' sidewalk is already present along NW 12th Street and shall be maintained with any new development. Additionally, any new development or land use will be required to provide sidewalks along Sunrise Drive.

Access to the subject lot will be limited to Sunrise Dr to prevent traffic congestion and conflicts along NW 12th street. Any new development will be required to provide off-street parking from the Sunrise Dr access point. It should be noted that the existing driveway could not be used to satisfy this requirement because of the backing movements onto Sunrise Drive.

This site does not contain a FEMA-designated floodplain. Being less than 1-acre in size, on-site stormwater detention is not required; however, any new impervious surfaces would need to be designed to not affect the adjacent properties.

Being a part of the Newmoor Addition, this property falls under the Urban Residential land use category. Any new development must be designed to maintain the residential character of the neighborhood. This land use category discourages commercial encroachment into the neighborhood by establishing requirements for new commercial businesses.

This subject site is located in the Newmoor Addition, along NW 12th Street, a highly traveled and commercialized arterial roadway. The applicant wishes to only rezone the property at this time to sell as commercial and does not intend to develop the property. Although City Staff is not opposed in general terms to rezoning this site to C-1 commercial, there are some major concerns with this speculative rezoning application.

These are questions that are not able to be assessed using the development regulations in the City Code alone but must be considered in concert with a specific development plan.

Due to the importance of protecting the integrity of surrounding residential uses within the Newmoor Addition and the uncertainty surrounding the speculative rezoning application, City Staff recommends denial of this

application, and instead recommends the applicant reapply when a user is identified and utilize a Planned Unit Development to give certainty of neighborhood compatibility to the Planning Commission, City Council, and surrounding neighbors.

Ms. Purcell offered to answer any questions.

Chairman Sherrard asked if any of the Planning Commissioners had any questions for Ms. Purcell. Chairman Sherrard asked the following. Aren't the number of parking spaces required contingent on the use, which makes it difficult to even know how many will be required for a future business. Therefore, a PUD does make sense, since the use is unknown.

Brandon Laib stated, for clarification, the answers for all three areas of concern as outlined in the staff report are impossible to know without knowing the use. Ms. Purcell responded, that is correct.

Gary Lunow asked, if the application is approved, would they applicant be required to come back before the Planning Commission once a use is known. Ms. Weitman answered, no. If you approve the application as it is today and the zoning is changed, any use allowable by right under C-1 Office District, without coming before this board.

Chairman Sherrard asked if the applicant was present.

Mechelle Abbott, 1300 Sunrise Drive, introduced herself as the applicant.

Commissioner Lunow asked the applicant if she has any ideas on how the property might be used in the future. Ms. Abbott responded yes. An Air B&B use or a commercial office space for medical records auditing, are both uses you could expect to see at this location.

Ms. Abbott explained she envisions any required parking to be situated primarily on the east side of the existing structure and additional, but less, spaces on the west side of the structure. *Ms. Abbott provided a drawing.* Ms. Abbott added, any required landscaping would be done on the south end of the lot along NW 12th Street. Ms. Abbott went on to say, that with either of these two uses, her plan is not to modify the existing house and to use it in its current state for either the Air B&B or the commercial office. She stated she would move out of the house and live elsewhere. Ms. Abbott explained, if either of those business plans were successful at this location over the past 5 years, she would look into perhaps updating the existing house at that time.

Ms. Abbott explained the amount of traffic that travels on 12th Street is more conducive to a business than it is for a home. Ms. Abbott stated she does not anticipate any issue complying with current ordinances such as light trespass and building set backs. She explained that there is no height restriction so if additional square footage is needed, she would just build up instead of out.

Ms. Weitman explained, an Air B&B is not a use that would require changing the current residential zoning.

Chairman Sherrard stated, he can not speak for other members of the board, but he would need more information before he could vote in favor to change the current zoning.

Emily Richey stated that we are tasked with making a decision tonight based on the information included with the application when it was submitted. Ms. Richey stated in her opinion, C-1 Office District is generally

compatible with residential areas, however, my concern is that residential structures typically are not compatible. Anytime you change the use you will be held to the City Code requirements based on current IBC and IFC requirements. Serious thought needs to be given as to the feasibility of transforming the existing house into a commercial use office. Residential homes were not built with the same intent as a commercial structure.

Chairman Sherrard asked if there were any members of the audience who wished to address this item.

Joel Fischer, 1320 Sunrise Drive introduced himself as a property owner who received a Notice in the mail. Mr. Fischer stated, he has concerns with approving a blanket C-1 zoning based on the access. The only access for the property is proposed off of Sunrise Drive. This street is already congested. This is a neighborhood with children and any additional traffic issues would not be in the best interest of the existing neighborhood.

Chairman Sherrard asked if anyone else would like to address this item. Hearing none, a motion was requested.

Emily Richey motioned to recommend **Denial** of the **Rezoning Application No. RZ1045**. Gary Lunow seconded the motion. Roll was called.

Ayes: Lunow, Burks, Jennings, Jarema, Laib, Richey, Whitchurch, Sherrard

Nays:

Abstained:

Absent : Welchel

AGENDA ITEM 8a: ELECTION OF OFFICERS

- Chairman
- Vice-Chairman
- Secretary

Chairman Sherrard opened the floor for nominations for Chairman.

Gary Lunow nominated Ralph Sherrard to retain his seat as the Chairman for another year. Kenneth Jarema seconded the motion. Roll was called.

Ayes: Lunow, Burks, Jennings, Jarema, Laib, Richey, Whitchurch, Sherrard

Nays:

Abstained:

Absent: Welchel

AGENDA ITEM 8b: ELECTION OF OFFICERS

- Chairman
- Vice-Chairman
- Secretary

Chairman Sherrard opened the floor for nominations for Vice-Chairman.

Kenneth Jarema nominated Emily Richey for Vice-Chairman. Chad Burks seconded the motion. Roll was called.

Ayes: Lunow, Burks, Jennings, Jarema, Laib, Richey, Whitchurch, Sherrard

Nays:

Abstained:

Absent : Welchel

AGENDA ITEM 8c: ELECTION OF OFFICERS

- Chairman
- Vice-Chairman
- Secretary

Chairman Sherrard opened the floor for nominations for Secretary.

Chad Burks nominated Kenneth Jarema for Secretary. Gary Lunow seconded the motion. Roll was called.

Ayes: Lunow, Burks, Jennings, Jarema, Laib, Richey, Whitchurch, Sherrard

Nays:

Abstained:

Absent : Welchel

Agenda Item No. 9 being: CITIZENS - None

Agenda Item No. 10 being: ADJOURNMENT

Chairman Sherrard requested a motion to adjourn at 7:50 p.m.

Motion: Gary Lunow motioned for adjournment. Brandon Laib seconded the motion. Roll was called.

Ayes: Lunow, Burks, Jennings, Jarema, Laib, Richey, Whitchurch, Sherrard

Nays:

Abstained:

Absent : Welchel

RECORDED FROM NOTES & TRANSCRIBED BY _____
Nora Kerbo, Administrative Assistant