

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

MAY 10, 2018

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 10th day of May, 2018. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Vice Chair Tom Knotts called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Sandy Bahan
Nouman Jan
Chris Lewis
Tom Knotts
Lark Zink
Dave Boeck
Andy Sherrer

MEMBERS ABSENT

Neil Robinson
Erin Williford

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Janay Greenlee, Planner II
Anais Starr, Planner II
Roné Tromble, Recording Secretary
David Riesland, Traffic Engineer
Ken Danner, Subdivision Development
Manager
Terry Floyd, Development Coordinator
Elisabeth Muckala, Assistant City Attorney
Bryce Holland, Multimedia Specialist

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CONSENT DOCKET, BEING:

Item No. 2, being:

TMP-122 -- APPROVAL OF THE APRIL 12, 2018 PLANNING COMMISSION REGULAR SESSION MINUTES

Item No. 3, being:

COS-1718-4 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY JENNY FULLWOOD AND KENDRA DRAPER (LEMKE LAND SURVEYING, L.L.C.) FOR FULLWOOD/DRAPER ACRES FOR PROPERTY GENERALLY LOCATED 664' NORTH OF EAST TECUMSEH ROAD ON THE WEST SIDE OF 113TH AVENUE N.E. (PRIVATE ROAD).

Item No. 4, being:

GID-1718-100 – NATHAN KIENHOLZ REQUESTS CONSIDERATION OF A SITE PLAN AMENDMENT TO LOCATE A SNOW CONE STAND IN THE HOMELAND PARKING LOT AT 2600 W. ROBINSON STREET.

Item No. 4a, being:

O-1718-15 – UNIVERSITY NORTH PARK, L.L.C. REQUESTS AMENDMENT OF THE PLANNED UNIT DEVELOPMENT ESTABLISHED BY ORDINANCE NO. O-0203-2, AND AMENDED BY ORDINANCE NO. O-0607-13, TO ALLOW DEVELOPMENT OF UP TO 50 NET ACRES NORTH OF ROCK CREEK ROAD FOR COMMERCIAL USES, INCLUDING APPROXIMATELY 150,000 SQUARE FEET OF ENTERTAINMENT/RESTAURANT USES, FOR PROPERTY GENERALLY LOCATED NORTH OF ROCK CREEK ROAD, SOUTH OF TECUMSEH ROAD, EAST OF I-35, AND WEST OF WESTHEIMER AIRPORT.

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Vice Chair Knotts asked if any member Planning Commission wished to remove an item from the Consent Docket.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to remove O-1718-15 from the Consent Docket and place it at the end of the meeting for further discussion. Dave Boeck seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Sandy Bahan, Nouman Jan, Chris Lewis, Tom Knotts, Lark Zink, Dave Boeck, Andy Sherrer
NAYES	None
MEMBERS ABSENT	Neil Robinson, Erin Williford

Ms. Tromble announced that the motion, to move O-1718-15 to the end of the meeting for further discussion, passed by a vote of 7-0.

Dave Boeck moved to approve the Consent Docket as amended. Chris Lewis seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Sandy Bahan, Nouman Jan, Chris Lewis, Tom Knotts, Lark Zink, Dave Boeck, Andy Sherrer
NAYES	None
MEMBERS ABSENT	Neil Robinson, Erin Williford

Ms. Tromble announced that the motion, to approve the Consent Docket as amended, passed by a vote of 7-0.

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Item No. 3, being:

COS-1718-4 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY JENNY FULLWOOD AND KENDRA DRAPER (LEMKE LAND SURVEYING, L.L.C.) FOR FULLWOOD/DRAPER ACRES FOR PROPERTY GENERALLY LOCATED 664' NORTH OF EAST TECUMSEH ROAD ON THE WEST SIDE OF 113TH AVENUE N.E. (PRIVATE ROAD).

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report
4. Greenbelt Commission Comments

This item was approved on the Consent Docket by a vote of 7-0.

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Item No. 4, being:

GID-1718-100 – NATHAN KIENHOLZ REQUESTS CONSIDERATION OF A SITE PLAN AMENDMENT TO LOCATE A SNOW CONE STAND IN THE HOMELAND PARKING LOT AT 2600 W. ROBINSON STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Photos
4. Aerial Photo of Site
5. Aerial Photo Site Plan
6. Permission to use restrooms
7. Non-objection from ONG

This item was approved on the Consent Docket by a vote of 7-0.

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Item No. 4a, being:

O-1718-15 – UNIVERSITY NORTH PARK, L.L.C. REQUESTS AMENDMENT OF THE PLANNED UNIT DEVELOPMENT ESTABLISHED BY ORDINANCE NO. O-0203-2, AND AMENDED BY ORDINANCE NO. O-0607-13, TO ALLOW DEVELOPMENT OF UP TO 50 NET ACRES NORTH OF ROCK CREEK ROAD FOR COMMERCIAL USES, INCLUDING APPROXIMATELY 150,000 SQUARE FEET OF ENTERTAINMENT/RESTAURANT USES, FOR PROPERTY GENERALLY LOCATED NORTH OF ROCK CREEK ROAD, SOUTH OF TECUMSEH ROAD, EAST OF I-35, AND WEST OF WESTHEIMER AIRPORT.

This item was removed from the Consent Docket and placed at the end of the agenda for further discussion.

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Item No. 5, being:

O-1718-48 – PAUL JOHNSTON, ET AL. REQUEST EXPANSION OF THE SOUTHRIDGE HISTORIC DISTRICT TO INCLUDE PROPERTY GENERALLY BOUNDED BY THE BNSF RAILROAD TRACKS ON THE WEST, BROOKS STREET ON THE SOUTH, CLASSEN BOULEVARD ON THE EAST, BUT INCLUDING THE PARK ON THE EAST SIDE OF CLASSEN BOULEVARD SOUTH OF OKMULGEE STREET, AND WITH 1310 CLASSEN BOULEVARD AS THE NORTHERN BOUNDARY.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report with Exhibits A, B and C
3. Signatures of Property Owners in Support of Expansion
4. Letter from the Applicant

PRESENTATION BY STAFF:

1. Anais Starr reviewed the staff report, a copy of which is filed with the minutes. The Historic District Commission found, at their meeting on May 7, that it met the criteria laid out in the Historic District Ordinance and that it is worthy of preservation and protection that is allowed by being a historic district. Additionally, staff found that it is an appropriate boundary to be added to the existing Southridge Historic District, and the Commission voted unanimously in support of making this area an historic district to be added to the Southridge district.

PRESENTATION BY THE APPLICANT:

Paul Johnston, 511 Shawnee Street, representing the applicant – This is the end of a long road for us. We hope we can have your support also in completing the historic district for Southridge and preserving the important houses on the other side.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend adoption of Ordinance No. O-1718-48 to the City Council. Dave Boeck seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Sandy Bahan, Nouman Jan, Chris Lewis, Tom Knotts, Lark Zink, Dave Boeck, Andy Sherrer
NAYES	None
MEMBERS ABSENT	Neil Robinson, Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1718-48 to the City Council, passed by a vote of 7-0.

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Item No. 6a, being:

R-1718-108 – ZACH MOFFITT, D.D.S. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM LOW DENSITY RESIDENTIAL DESIGNATION TO OFFICE DESIGNATION FOR PROPERTY GENERALLY LOCATED AT 201 SOUTH BERRY ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report
3. Pre-Development Summary
4. Greenbelt Commission Comments

and

Item No. 6b, being:

O-1718-49 – ZACH MOFFITT, D.D.S. REQUESTS REZONING FROM R-2, TWO-FAMILY DWELLING DISTRICT WITH PERMISSIVE USE FOR A DOCTOR/DENTIST OFFICE, AND R-1, SINGLE FAMILY DWELLING DISTRICT, TO SPUD, SIMPLE PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT 201 SOUTH BERRY ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Brick House SPUD with Exhibits A, B and C

Ms. Zink asked whether she needed to recuse herself; she is a patient of Dr. Moffitt. Ms. Muckala indicated that she did not.

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes. Due to the recent discussions by City Council on the concern of commercial intrusion into the residential neighborhoods, staff recommends denial of this application.

PRESENTATION BY THE APPLICANT:

1. Zach Moffitt, the applicant – I'm going to make some introductory comments as the first part of the presentation, and then Ryan Eshelman, the architect, will take you through a more detailed explanation. My wife, Liz, and I live in Ward 2. I've owned and operated Brick House Dental since 2006. First of all, thank you for the work that you do serving on the Planning Commission, and thank you for listening to this presentation. This is a topic that I know carries an inherent degree of controversy because of recent requests for rezoning in a residential area. I think that you'll find that there are some really unique characteristics to this property and this particular business that I think make it worthwhile, worth the effort, and worth your support.

The first thing I'd like to mention is that I spent about a year and upwards of \$15,000 on architectural design studies and fees trying to work with this existing structure. My practice has grown to the point where we have a six to eight month wait for new patients, and that building is great – I love it – it has a lot of character – but it's at the point where it does not function that well as a health care facility. I feel like I've gone to great lengths to try to work with and stay in the existing facility to preserve the structure. It was cost prohibitive and time prohibitive. Using the advice of experts, I determined it was going to be the best move to have a new facility, but I want to stay at that location. When we learned of how Habitat for Humanity can take the homes, it really dovetails nicely and it makes sense. That's when the project started coming together and taking shape.

Just a couple points I want to mention worth emphasizing. Rightfully so, there's concern of the neighborhood when a commercial-like business is coming in requesting a rezoning. There's going to be concerns for traffic. There's going to be concerns for future commercial use. I think when you look at the fact-based analysis of traffic here, it will really make sense. On the City website there's traffic data. Eight thousand plus cars a day up and down South Berry Road. I estimate an extra 15 vehicles a day with the new facility. So that's an estimated increase

traffic flow of 0.003%. I do not see traffic increase as being a concern. Also a concern would be future use. In the SPUD we have limited the usage to dental/medical office, so this can alleviate concerns of the neighborhood that a business with late night hours, light pollution, noise pollution – we're eliminating those factors in that SPUD proposal.

Another concern I want to mention is trees. I love trees. I was an environmental science major in college and I've transplanted 50+ trees in my life. We're going to go to great lengths to keep the trees we can, and I'm going to transplant as many trees and as much vegetation as I can. I'm going to plant as many new trees as I can fit on the lot. Any healthy trees that are cut down, I've got a local carpenter who is going to make furniture out of those trees so that I can donate that furniture. I think that there's a lot of ways you're going to hear about from Ryan right now that we've tried to go about this in a responsible way and in a conscientious way. I think that this specific property can set an example for answering the question "when is it appropriate to rezone for a commercial application?" and "when is it not?" I agree with decisions that the Planning Commission has recently made and that Council has made, where applications were denied. But I think this specific property and the use has very unique applications and I think that it is worthy of your support. Thank you.

2. Ryan Eshelman, GSB, 3709 Dalston – The staff report highlighted the location of the project, but one of the things that I want to reinforce is, obviously, the unique location it occupies in between a large residential district and a very intense commercial district. So this image is a good illustration of exactly that unique relationship. This rezoning requested at the other end of Garver Street or deeper into the neighborhood would be a totally different matter, but because of its location on Berry adjacent to the C-2, I think the presentation will illustrate why this makes sense in this location. One of the things that I wanted to highlight was the total lack of transitional development in this area. If you look at the street, Garver is really two streets – the east and west half – and on the upper image you see the east half with residences and trees on both sides of the street, and on the bottom image you see the west half and you see the effect of complete lack of transitional development. You see C-2 zoning backing up to the street facing R-1 zoning and residences. Obviously, this is originally a house. It's surprising, even for those of us who have lived in Norman for 20+ years, this has actually been a commercial use for nearly 60 years here on the corner. One of the things that the site suffers from, obviously, is lack of parking, because it was originally a house, so the parking is a former driveway and a dead-end lot with a drive onto Berry. So everyone that's parking in the lot is forced to come and go on Berry, where the bulk of the traffic is. We'll look at how that's mitigated with the proposed site plan. Obviously, across the street there's also on Berry C-1 zoning directly abutting R-1. Again, views of that stretch of Garver and the lack of transitional development – the hard edge between C-2 and R-1.

This is the view directly across the street from the proposed site. I think it's telling what these lots face and, again, the way this transitional medical/dental office development will buffer this from the residential district. The Spirit Shop was actually expanded so what you see is an addition that brought that commercial construction even closer to the residences there. And this stretch of street is a mixed bag of residences. Dr. Moffitt mentioned he's been on the street for 12 years and has been working to beautify properties under his control and wants to continue to invest here and see Garver continue to grow as a healthy street.

Quick overview of the site plan. You can see the building – the dental clinic – in its proposed location on the east side of the lot. There will continue to be a stockade fence screening on the east and south lots adjacent to the residences. We had meetings with City departments and got all their feedback. A new driveway location is proposed on Garver Street, the appropriate distance separated from Berry and the existing drive on Berry Road would remain, but instead of being a dead-end parking scenario, it's a through lot, so no one is forced to come in and out off of Berry, depending on the traffic situation. Cars aren't forced to do backing maneuvers and other things in the lot. We've also written into the SPUD the parking provisions, which are slightly less than the standard ordinance. This serves the needs of the practice, but this is actually less parking than standard zoning would require in response to the

limitations of the site. There are landscape buffers both on Garver and on Berry; you can see extensive landscape planting shown along the Berry frontage. These three trees on Berry are existing and mature and they would remain, and you can see that there are three new street trees proposed on Garver as well. There's also no sidewalk existing on Garver, so a new sidewalk would be included; now it doesn't connect to anything because there's no sidewalk to the east, but that would be an enhancement. You can see the building faces Berry Road and would have a Berry Road address. As the staff report mentioned, the sign would be moved slightly to get out of the sight triangle per Traffic's request, but would remain same size and general location.

Just a quick overview of the clinic layout – won't go into detail on that – but obviously the existing facility has ADA limitations, there are Health Department and OSHA requirements that are a constant pressure to comply with in that 1500 square foot house. The doorways are limited and the ability to incorporate infrastructure is limited, so this really allows for a state of the art practice in a residential-looking building that we'll look at elevations in a moment. Open space was mentioned; roughly 30% green open space. Landscape plan of all proposed plants. Existing trees that are mature along the property lines would be maintained as well and should further screen the residences. This is a view of the proposed elevation, and you can see that the name of the practice is Brick House Dental and there are no plans to change that. This will be a new brick house on the corner with a state of the art dental clinic within. There's actually one existing street tree that's been removed from this image so we can see the building, but there is a third tree that would remain and you can see that in some of these other images. These give you some 3D views. You can see it's brick and some fiber-cement siding, it's shingled roofs with some metal accents and some cedar decorative wood brackets and posts and awnings. So completely residential in character.

Just to hit a few of the points that Dr. Moffitt mentioned. This is a locally owned business; it serves local patrons in the neighborhood. There are people that walk and bike to their appointments, so it's great to be able to maintain the practice here and maintain people's abilities and neighborhood service. It solves issues related to the capacity of the building, some of the parking access challenges with the single driveway that I mentioned, and creates a state of the art facility right here in Ward 2.

Contributing to the community in a couple of ways. Obviously, there is concern when there's residential rezoning about loss of housing units, and particularly affordable housing units. Dr. Moffitt mentioned he is taking the two homes that he currently owns on the adjacent lots and the former home that's now his clinic and Habitat is relocating all three of those housing units, so there's actually a net gain in housing units when the former clinic returns to residential use. Obviously the architecture is intended to harmonize with the residential area and this is intended to be a transitional development, so this is a commercial office use which buffers that intense C zoning that we saw facing Main Street from the residential district. And, of course, the SPUD was limited in its use to dental and professional offices, obviously, to make sure that in perpetuity there are no inappropriate uses. I believe the hours of operation are roughly Monday through Thursday, 8 to 5 presently. So it's limited to business hours in the week.

Just a few comments from the founding chairman of the Oklahoma District Council of the Urban Lands Institute. You can read here – those comments relate to using a development like this as a transitional zoning element, maintaining walkable communities with services that are in proximity, and using the backs of properties to transition rather than the front. So instead of transitioning in the middle of Garver from the commercial district, transitioning behind this property to the next block. You can also see an example of new urbanist walkable commercial in the middle of neighborhood residential district.

Last few points. Trees – keeping lots of trees on the property lines where they can, adding new trees, improving driveway safety. The civil engineers have done a preliminary storm water analysis and there's actually a reduction in runoff – 5.35 to 5.01 – so there is an improvement in the storm water situation and the 100 year flood. As Zach mentioned, a very small increase in traffic – way, way, way below 1% when additional vehicles are added to his

operation. He also has an agreement with the Spirit Shop owners to use their parking lot as needed if the situation arises.

So that is a quick tour through the project. Again, we feel like this is responsible transitional development. It takes advantage of a site that's been in commercial use and expands it slightly and, again, creates the appropriate kind of buffer between C-2 and R-1 and serves the district with a walkable service. I welcome any more questions that you have about the proposal.

Mr. Jan – Dr. Moffitt, how many chairs do you currently have in your facility?

Dr. Moffitt – Currently three chairs.

Mr. Jan – You're expanding to?

Dr. Moffitt – Eight.

Mr. Jan – Sedation will be done here?

Dr. Moffitt – Define sedation.

Mr. Jan – The sedation procedure.

Dr. Moffitt – Conscious sedation. Relaxing medications, not to the point of unconsciousness.

Mr. Jan – I'm going toward like unconsciousness.

Dr. Moffitt – No.

Mr. Lewis – And for the engineer – I apologize. I didn't catch your name.

Mr. Eshelman – Ryan.

Mr. Lewis – Ryan, one quick question. I notice in looking at your presentation it's like going through a new home. There's a lot of oohs and ahhs and it looks beautiful. No question. But we're putting this in an area where flooding is already an issue. So speak to me regarding the engineering report and, specifically, I notice that you said there was a minimal reduction in storm water runoff. Can you speak more to that? With the increase in impervious surface, how are we getting to that reduction in storm water runoff?

Mr. Eshelman – Well, I wish I were the civil engineer; I'm the architect. Our civil engineer, Aaron Hale with Engineer By Design, has done this analysis and submitted it to the City for review. I've actually got the drainage calculations. There's existing buildings and drives and patios being replaced by one rooftop and the parking area. It's obviously very close to being identical. I don't have a specific explanation for why the site is an improvement; that was just a ...

Mr. Lewis – And the engineer chose not to be present tonight?

Mr. Eshelman – No, we did not ask the civil engineer to be present. I've got the data that I can provide to you from his analysis that he submitted to the City.

AUDIENCE PARTICIPATION:

1. Nelson Dent, 1206 Ann Arbor – I'm a neighbor on the west side and I love this proposal. I think it's fantastic. I do not drive. I'm hearing impaired and vision impaired. I work here in the City of Norman so I ride the bus every day. The sidewalk that you see is something that I would use every day. There's a sidewalk on the north side of Garver, but I live on the south, so when I take the bus, the bus stop is past Berry. So from an ADA standpoint, this is thumbs up for me. I attended the ADA meeting for the City of Norman last night and one of the components that they were talking about last night was sidewalk and sidewalk use. This ties right into it. We've been informed on it. We've been updated from the City. Communication has been great. I really like this aspect. The sidewalk that you see that's on the Garver side that goes east and west – that's something that I would use every day, especially because I have to turn that corner and go down some and then cross to Ann Arbor. That's something that I would use every day and I'm very supportive of this and I think it's a great proposal. Thanks.

2. Deneka Cain, 310 Redwing Drive – I am the Executive Director of Cleveland County Habitat for Humanity, which is why I'm here today. I wanted to talk just briefly about the wonderful things that the donation of those homes to Cleveland County Habitat for Humanity does for Cleveland County and Norman, specifically. For those of you that don't know, Habitat

for Humanity builds homes entirely at their own cost, through the use of volunteer work and donations, and then they provide 0% interest mortgages to families and people who might not otherwise qualify for mortgages. So it allows people to purchase homes who would not otherwise be qualified. We believe that the foundation of a home is the foundation for all good things that come. People who have a home – a decent place to live – are more likely to be educated, they're more likely to be employed, and they're more likely to be healthy and so that's what we do with our community and Cleveland County Habitat for Humanity. We are celebrating our 25th year in Norman this year, so we're very excited. With Dr. Moffitt's generous donation of these three homes, we will be able to pick up these homes, move them to other locations, and refurbish them and put at least three to four new families into homes that don't already live in a place that they can call their own. Also, by doing this, it normally costs us about \$130,000 per home to build something from scratch. This will allow us to provide those homes for less than half of the cost, and by doing that the money from those mortgages and the money from many refurbishing or repurposing of materials that we will take out of that home will allow us to purchase more lots and to build more homes and to refurbish more homes to house more families in Norman, Oklahoma. So we're very excited and very grateful for his generosity. I'm happy to answer any questions that you might have about his donation or how that would impact our community and Habitat for Humanity specifically.

3. David Sloan, 1030 W. Brooks Street – I just kinda want to offer my support to this project. The presentation showed how much work and effort they've put into kind of maintaining a transitional zone to put an effort of beautification into the cross-over between the commercial use on Berry as well as the residential area just to the south and to the west. I think that kind of effort is important. I understand the transition from a residential zoning to commercial is a touchy subject, but I think this offers a compromise and is well thought out and it also kind of blends to the two in a way that I think is acceptable. That's pretty much.

4. Don Hornbeck – I live at 1120 Garver, which is the property immediately east of the existing dental clinic. As a result of this property development, I will be moving. However, I think that the statements that have been previously made will significantly improve the neighborhood. The transition area between the existing residential into the commercial just improves the sight lines and the whole neighborhood. So I fully support the project.

5. Joe Dickey, 900 Garver Street – I moved in there in '92 when I came back to get an MBA at OU, rented the house for several years and bought it when they got it out of estate. There's 23 houses on the south side of Garver Street and 12 houses on the north side. The majority of those houses are rentals. Most of the landlords and tenants take good care of them, but there's a few of them if you make a drive-by and he showed you a couple of photos – one that had the windows boarded up. There's one right next to it that's been abandoned as long as I can remember. There's probably, on the south side of Garver Street, where there's 23 houses, I bet there's not five or six, seven maybe that the owner lives in, and three or four, five out of the 12 on the north side of the street. A little bit of history, from what I understand, these houses were all built back in the early '40s for the pilots out on North Base. They're all about 700 square feet. The portion of Comanche Street that parallels Garver Street – same way. They're all tract houses. You can drive by. They have no eaves. You can tell they're World War II houses. The majority of them are rentals. The fact that Zach is going to put in something that really looks good maybe will help improve the neighborhood. As far as the traffic goes, the people driving east on Main stop at Berry, go south on Berry, turn on Garver, go to Pickard, turn back east on Comanche, to miss the light on Flood and Main. We've got more traffic than you would imagine. The people going north on Flood turn west on Comanche, north on Pickard, back west on Garver, and then back from Berry to the light on Main and Berry. We've got more traffic than you can imagine so having the dental shop there is not going to increase any traffic. I've tried for years to get speed bumps; they finally put a few speed bumps on Garver. They're pretty weak and don't do much. Tried to get them to put them on Pickard; no good. But it's not going to affect the traffic on

Garver Street one bit. And if all the neighbors kept their houses up the way Zach has, we'd have a good neighborhood.

6. Elizabeth Moffitt, 1833 Rolling Hill Street – Expressed support.

7. Robert Ross, 2604 Lynnwood Circle – Zach Moffitt is my dentist and we're just thrilled that his practice is growing, and I really think this project would enhance the neighborhood. I know he's bent over backwards to do it. Zach is a great dentist. He's not totally painless, but he's pretty much painless dentistry. On the one occasion he wasn't, I found the fact that the Spirit Shop was right across the street to be a big benefit.

8. Jonathan Ross, 1200 Windsor Way – At the corner of Berry. Longterm resident of Garver before I moved and bought the house on Berry. Been a patient of Zach's for a long time; was able to walk to my appointments and still am and drive by the site every day and fully support the project.

9. Dirk O'Hara, 3100 Meadow Avenue -- Dr. Moffitt inherited us in 2006 and we inherited him when he took over the former dental practice there, Brick House Dental. Just wanted to come tonight and speak for a great guy, who has vastly improved the current look of that building, and what a beautiful project to continue to enhance what's going on on Garver and Berry. As another small business owner in this town, it's important for more of us to get out and speak for other locally small business owners in support when they're trying to grow their business in a community where they need to be able to do it where people can walk and bike to them. So if you're close on this vote tonight, I just ask you to invoke the great guy clause, because there couldn't be a better guy than Zach and I urge you to vote for him tonight. Thank you.

10. Lauren Lackey, 1130 Grover Lane – Which is just north of Boyd on Berry. I've owned my house for over a decade and so this is my neighborhood that I walk in with my dogs every single day. I am going to be in the minority, but I am opposed to the rezoning of the two houses on Garver to commercial from residential. I'm opposed to two existing homes being removed from my established neighborhood. I think a rezoning of residential to commercial is a slippery slope to the decimation of our core Norman neighborhoods. There are many available commercial properties in our town, like the other half of the old Homeland that has Habitat for Humanity in it. I don't think that you should, because you have outgrown your space within someone else's neighborhood, tear down their neighborhood. You should either find a way to fit in where you are or move somewhere else. There's a dentist's office right across the road that actually Gabriel Bird is building a new building on Main Street and maybe they could swap.

I would like to read a letter that was sent in by my friend who is a resident on Garver and he is currently out of town. His name is Tanner Miller. He lives at 1108 Garver and he is actually also owner of a small business, the Blue Bonnet Bar. He says, Greetings. My name is Tanner Miller and I have been a resident of Garver for four years. I hope this letter finds everyone well and I hope that these words will resound as if they were delivered orally by the author. Thanks to Mrs. Lackey for relaying the message and I trust that she will deliver it verbatim. I would first like to say that I am all for small business owners and I fully realize that expansion is an amazing opportunity. It is the realization of potential from all the efforts that have been put into creating a sustainable livelihood. I applaud Dr. Moffitt and his associates for their hard work and dedication. However, I do not agree that there should be rezoning of the residential properties next to Dr. Moffitt's practice. I have been led to believe that Dr. Moffitt owns the two houses to the east of the dentistry and if the two properties were to be rezoned he would donate those properties to Habitat for Humanity. The latter is a very generous action, but I think there is an underlying issue that should be addressed. Garver Street is a very congested roadway; it is the avenue that everyone takes to avoid traffic at the intersection of Berry and Main. It also is the path for all the high school students to avoid the hellaciousness of Main Street. (That was nice for him to put in there for me to try to pronounce.) I believe the construction of the commercial properties, be it

parking lots or buildings, will only detract from the safety and fluidity of Garver. The most important issue that should be addressed is the following: why would the City Council approve rezoning of residential property on a neighborhood street? Are there not other properties in Norman that are suitable to be occupied for a large-scale dentist practice? This proposed plan is not the hill to take a stand on regarding all the residential properties that are being dismantled to construct multi-family housing. Dr. Moffitt is just trying to expand his business and he is willing to donate the housing to provide for those that don't have a home. However, this ruling has potential to set a precedent that could leave residential areas vulnerable to other commercial entities. And he thanks me for reading it.

11. Barbara Dale and Joshua Polaschek, 1112 Garver Street

Mr. Polaschek – Directly east of the proposed rezoning.

Mr. Knotts – Just as a point of reference, are you the house right next ...

Ms. Dale – Yeah. We're the white picket fence.

Mr. Polaschek – Where the white picket fence is at.

Mr. Knotts – Okay. With the beautiful tree.

Ms. Dale – Yes.

Mr. Polaschek – Absolutely.

Ms. Dale – Several beautiful trees.

Mr. Polaschek – Well, the trees around the neighborhood are old, big, beautiful. As Mr. Chris Lewis mentioned, the flooding issue of it. Our driveway naturally – 1/8 inch of rain and the entire thing is flooded. With rainfall off the roof of that building, it's going to increase all the flooding in that area. Also, the amount of safety that it takes away from all the children in that neighborhood.

Ms. Dale – If it's a through drive-through, am I allowed to go through it and cut through that area to get to my house easier if that happens? Because is there going to be like a rule that I can't cut through that parking lot to get to my house? Because I think a lot of people do that if they can – will cut through the Restore parking lot, which is empty all the time, to get through and go around to get onto Garver to get to Berry or Flood.

Mr. Polaschek – At night there is a lot of – you know, I don't judge anyone for their decisions, but there's a lot of homeless people that walk up and down that street. We live there. We watch it. There's dumpsters – all sorts of – lots of foot traffic at night. If there's a big open empty commercial area at night, because I don't imagine the dentist office is open 24 hours, that just increases them hanging out. That detracts the safety for the five year old that we have at our house, and all the kids around the area. Every day at 8:30 and every day at 4:30, Norman High traffic congests that even more. Three high school students walking down the street. We oppose.

Ms. Dale – Yeah. We oppose.

Mr. Polaschek – And I heard you were from Iowa, Sir, and I don't – I also promote growth of business. I absolutely do. I just don't think it's the right place to do it. It's a beautiful part of a natural neighborhood and a bunch of cool old houses. Thank you.

12. Blair Humpreys, 1222 NW 20th Street, Oklahoma City – I'm here speaking in support. My background is primarily in the urban design related areas, so I served as the first Executive Director of the Institute for Quality Communities, actually worked with City leadership in initiating the form-based code program that's been so successful. Both in my educational background and in my professional practice spend a great deal of time focusing on exactly these types of issues. I did want to speak really just on a couple quick things and I'll try to move quickly, because I know everybody wants to get home. You know, I think there's a couple of issues that play – or certainly a couple of variable or constraints that the team has been trying to deal with in this proposal. One is land use. I think it's a small issue in this case. I mean the SPUD limits the use, not just to the current use, but specifically targets it for a dentist office. So this isn't really a rezoning from residential to commercial. It's an expansion of a dentist use from a dentist parcel. Which then, I guess, the question would become how well is that done? But it certainly is not

opening a can of worms or sliding down a slippery slope. It stops exactly where a dentist office is on that slope. From an urban design standpoint, form-based codes are typically recommended to utilize transitional uses and transitional forms between very active commercial corridors, like Main Street, and a residential area, like the east side of Garver and like the residential area behind it. The fact that Berry has the amount of traffic that it has would make it actually less appealing for a residence to be on it. So actually turning the building to face onto Berry and creating a very appropriate transitional design, both in terms of the building's placement on the site as well as its architecture, I think, is perfectly appropriate and in line with what the best ideas and best practices are – form-based code and its implementation.

From a walkability standpoint, that's something that's been a huge focus area for many communities, especially Norman. There is no doubt that this makes the area more walkable. There's a couple components of that: one is always the question when it comes to walkability and bikeability is do we have the appropriate infrastructure in place? I think that this is actually augmenting the best types of infrastructure, in this case sidewalks. The second thing that a lot of times people overlook when it comes to walkability and connectivity within the neighborhoods is whether you actually have a mixture of uses to walk to. Very few people are porch crawling day-to-day, but they need to go to the store, they need to get a dentist appointment. So having these places activated throughout the day and intermixed is appropriate, especially when it's done well.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Mr. Sherrer – I would like to make a couple of comments, if that's alright. Just a couple of things that I'd like to make a point of. I'm one of the longer serving Commissioners – Chairman and Mr. Lewis, excluded, I believe. I think through the years one thing that always provides me a point of reference when I talk about these kinds of projects is not necessarily what, Dave, you're talking most recent, but I look at projects that I think have been done either well or not well that I've maybe voted incorrectly or correctly as I look back as a history. One of the projects this most reminds me of wasn't a dental practice, but it was a project that was done by Cain and Cain, which is located at Mercedes and Main Street, and was a very difficult project. In fact, actually, it was more of a commercial intensive use than this. In fact, Dr. Moffitt has kept ...

Mr. Boeck – You're talking about the architect's office.

Mr. Sherrer – No. Attorney's office. I think, to me, that project – the work that was done there mirrors this and the quality of the transitional. I appreciate – the second point I'd make, I love that word because I think it is incumbent upon us to think and consider when we're talking about a hard commercial use, which is certainly the case in the hard corner of this, and look at this and see what's the right answer to allow facilities and opportunities for walkability for better quality, for better neighborhoods to exist – and I think this does that. I think that there's a commercial office opportunity here that really allows that to happen. I certainly empathize with those that are close by that disagree. I understand that perspective. It's always a challenge when we sit in the seats that we sit in to kind of weigh that. But I also think that the property rights of yours, the property rights of those that have current ownership, but I think in the end usually where I fall is what I think is the right answer and what I've seen as history that's been done in similar situations in our community. Certainly that Cain and Cain project was a part of that. I also think we've had a lot of protests lately. There's a lot of contentiousness that's existed, it seems like in this meeting and also City Council. I think it's delightful to see a community that's showing support for a project that I think is someone who has participated – it appears as though – at least what I'm hearing today – as a really good steward and a really good neighbor in their current facility and now has the opportunity to expand that and do it the right way. I think hearing things like trees – that we're going to make sure that are transplanted, they're going to be kept in place as much as we possibly can. Providing fencing that's appropriate to at least protect the neighbors from any sort of encroachment of any kind. To look at storm water. You know, I started on this Planning Commission we weren't talking about storm water.

Maybe Commissioner Knotts was, and I appreciate his leadership in that way, but for me to hear storm water being talked about as a point of emphasis to then look and say it's reduced – I see so many quality pieces of this. I think we have to really think about that in a broader perspective. So I'm certainly going to be supportive of this project tonight and I think encourage others to consider that as well.

Mr. Lewis – Mr. Chairman, I would concur with Commissioner Knotts. When I first looked at this item, I'll be quite frank, I was opposed to it. But I think, as I've listened to the applicant, I've listened to the Commissioners, this is an excellent piece of transitional architecture that will revitalize a community. I understand that, as we grow, there's pains that some don't agree with and some do. I do wish the engineer would have been here tonight. I certainly hope he or she may be at the Council meeting to explain the storm water runoff a little bit better. But I will be in support of this this evening, simply because I think it's a good transitional architecture that fits well with the current location and, quite frankly, if we were trying to rezone this and a dentist's office hadn't been there for 50 or 60+ years, then certainly I would be against it. But since this has been an established business for quite some time, I feel it's an appropriate place for revitalization for the City of Norman.

Mr. Boeck – I just want to add it's inspirational to hear the kind of positive comments I'm hearing up here. I just hope they carry through to the next meeting. They need to feel the pain that some people go through. No. Yeah, transition spots are tough. And we try – I think we try to be rationale about them and it's one of those deals where I, personally, think we, as Planning Commissioners, and them, City Council people, need to look at things in what I'd call a logical way as to what makes a good transition in a community.

Mr. Knotts – I kind of trolled this site knowing the history that you all are talking about, and I saw a situation where there are, I think, two handicapped parking spots out front on Garver and that's where the ramp is, and someone else came in and had to let someone off, blocking part of Garver, and then back out into Garver and then go around the back side and park in the parking lot that's behind the building, out onto Berry, back in. There is a point of public safety here, also. I think that can go unaddressed if we don't bring it up.

Chris Lewis moved to recommend adoption of Resolution No. R-1718-108 and Ordinance No. O-1718-49 to the City Council. Dave Boeck seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Sandy Bahan, Nouman Jan, Chris Lewis, Tom Knotts, Lark Zink, Dave Boeck, Andy Sherrer
NAYES	None
MEMBERS ABSENT	Neil Robinson, Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1718-108 and Ordinance No. O-1718-49 to the City Council, passed by a vote of 7-0.

* * *

Item No. 7a, being:

R-1718-109 – TECUMSEH ROAD BUSINESS PARK, L.L.C. AND G&G DEVELOPMENT, L.L.C. REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM INDUSTRIAL DESIGNATION TO MIXED USE DESIGNATION FOR PROPERTY LOCATED AT 2200, 2231, 2251 AND 2271 TECUMSEH DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report
3. Pre-Development Summary
4. Greenbelt Commission Comments

and

Item No. 7b, being:

O-1718-50 – TECUMSEH ROAD BUSINESS PARK, L.L.C. AND G&G DEVELOPMENT, L.L.C. REQUEST AMENDMENT OF THE PUD, PLANNED UNIT DEVELOPMENT, ESTABLISHED BY O-9899-35, TO ALLOW MIXED USES OF COMMERCIAL AND LIGHT INDUSTRIAL FOR PROPERTY LOCATED AT 2200, 2231, 2251 AND 2271 TECUMSEH DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Tecumseh Point II Addition PUD Narrative with Exhibit A
4. Site Plan (Aerial Photo) for Lot 3, Block 1

PRESENTATION BY STAFF:

1. Janay Greenlee reviewed the staff report, a copy of which is filed with the minutes. Staff supports and recommends approval of Resolution No. R-1718-109. Staff supports and recommends approval of Ordinance No. O-1718-50.

2. Mr. Jan – This PUD that we are talking about is in the runway protection zone. Have we contacted the University of Oklahoma Westheimer Airport?

Ms. Greenlee – We have not contacted. The applicant will do that at the time of the building permit – when a building permit is submitted, that's when the review of that goes in.

Mr. Jan – Because my understanding is that, if an area is in runway protection zone, there are certain things that you simply cannot – or it's recommended that you cannot actually propose to build. So anything that you have mentioned, majority of – like, for example, schools, public places – so many things – hospital, warehouses should not be built. Sorry. I exclude warehouses. But vocational training center and whatnot. So, again, 60 foot – I mean, I have the – what would you call this map? But this is basically the landing map in which the glide path is specified, which completely goes against what is proposed over here. And I must say that last June what we approved – I'm afraid to say that we did not have the full picture of the glide path for the airplanes which are coming to Westheimer. So I would like to see an FAA, or somebody from the Westheimer Airport, comment on this thing before we proceed. I don't want to make a wrong decision on this thing.

Ms. Greenlee – I do understand and I did a little bit of research and did go back and look at the public hearing of the City Council meeting on that PUD, because this is the same exact except it doesn't have a residential component in it – it's more C-2 uses – permitted C-2 uses. And during that City Council meeting it was explained by the applicant that they did contact Walt Strong with Max Westheimer and that they will go forward, and he explained that at that time when a building permit comes in – this is just for the zoning – but when an actual building permit comes in for any type of use in this area that it has to be reviewed by the FAA.

Mr. Boeck – That seems kind of bass-akwards. Why would you wait until you have a building permit where you paid for a full set of drawings and engineering before you – it seems like reviewing should have to be done before you even submit anything – I mean before it comes before us.

Mr. Jan – Exactly.

Mr. Knotts – You don't know if it's going to intersect the flight path – the glide path.

Mr. Sherrer – Since we're talking about our zoning category, there are some limitations on what the zoning category might be, but outside of that we don't know what the structure is until a point at which point there's actually those plans have been completed. That's the only way that we could really do this. Right?

Ms. Greenlee – That's the point. Because you don't know if – up to 60 feet. We don't know if it's going to be a 2-story, a 3-story. We don't know.

Mr. Boeck – You know that long before you do construction documents. There's preliminary design that's done.

Ms. Greenlee – Right. I'm talking – this is the zoning aspect. But actually getting the building permit – it could be any one of those. I'm just saying that in the PUD they're allowing up to 60 feet. It doesn't mean that every building that's going to be on each one of those parcels, like the office building that's already there is probably 2-½, 3 stories. We don't know what the size of those buildings are going to be, so we can't really submit anything until we get a building permit. This is strictly for the allowed uses. So during that time when the building permit does come in, that's when they have to get that approval, and that's what was explained to City Council as I understood from watching the Council meeting from last June.

Mr. Jan – I did the math just to explain it to the Commissioners over here that if we – just on the edge where they are proposing – if there's a building of just 25 foot – so according to the glide path, then airplane, which can be a G5 with 60,000 pound weight, 95 foot wingspan is going to be buzzing over with just like a clearance of 20 foot. Do we really want that? It's a hazard. And this is – I can't stress more – this is a landing zone. Planes are coming with a critical speed. Twenty, thirty foot drop is – it happens in a heartbeat. I'm a pilot. I land over there all the time. I opposed last June and I'm opposing it again. This is the wrong decision. We should not be going that route. And I agree with David, that we should stop this before it goes through the approval process and then we are having the second or third or fourth debate whether this structure is approved or not. So I would really like to hear somebody from FAA or the airport staff making their comment, because, again, Westheimer is an asset to Norman. We have seen what happened with Goldsby airport. Something was approved and, I mean, the airport is literally – less and less people are using that airport, and I don't want to have this thing happen to our asset which is Westheimer Airport, so I have a serious concern with this proposal.

Ms. Greenlee – Is the Goldsby airport the same size as Westheimer?

Mr. Jan – No, but they approved a housing addition within – almost within the landing protection zone and it has become so dangerous – there are houses so literally every time people are flying or landing, they are at the most 15 foot above the rooftops. It's dangerous.

Ms. Greenlee – I understand your concern.

3. Ms. Connors – We have in the zoning code an airport height ordinance overlay district, which has many requirements for what can and cannot be built within this area. It has definitions of terminology. It also has the specific requirements for permits. It allows for variances and requires that the FAA be involved in the decision whether a permit should be issued. It's really not – so it's up to the applicant. If this Commission feels that the permit – that's too late – I mean, that's what the ordinance calls for, but you have the right, then, to look at this application and vote against it. But we do have the regulations in place that City Council felt – and I don't know who they consulted at the time, because I wasn't here – but we do have these regulations in place that the applicants must follow in order to develop within the influence area of the airport. I just wanted to add that.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, representing the applicant – Let me go through it, and then I will talk at some length about the airport requirements that Commissioner Jan has talked about. Let me just first orient you to the site a little more. There's the location. You see it. Flood Avenue and Tecumseh. What I really want you to see is the purple right there is what was approved unanimously at City Council last year in, I believe, June 2017, and that was a mixed use PUD that

allowed for hotels and residential and lots of different uses that went through the process – went through this Commission, City Council – unanimous. And that was next to us. What we are proposing tonight is similar to that PUD, although none of the hotel or residential uses in this one. That one is only on the right side, not on this one. This one is already zoned a PUD. Actually, let me go back – it's already 2025 planned Industrial, and already zoned a PUD. The PUD, just like the one to the right – let me go back one more time. So the one on the right was a PUD previously. This whole area was. In both that previous PUD from way back – late 90s – and the one that was approved in 2017, both of them had a height limit of 60 feet in those PUDs. Tonight, we simply copied, literally, the same paragraph and put it in this PUD. So we are just simply asking you, for a third time, to adopt a height restriction that is the same as all the other ones that have been in there. So we haven't changed that. Again, we've really used the same PUD document that was on the right and put it over here without any of the residential uses. So that's really the only distinction. There is already a building there. It's basically an I-1 or light industrial warehouse building. And, again, we have three vacant lots right here. Primarily the one on 77 is the one that we already have, I think, a current plan for a retail and commercial use on that very busy corridor. The On-Cue, of course, was built not long ago and is a very active facility at that site. So we're merely really wanting to align the uses here with the uses that were unanimously approved over here, without the residential, but we want that entryway right here to really start to take on the character of what we envision on the right, which instead of just pure industrial on the left, we want to start bringing in some commercial uses that would better be fitting to what could happen on the right over here. So there's the aerial of the land. There's basically one improved lot right there and then one, two, three lots right here, and there's a little kind of office building right there. All of this is what was approved previously for the mixed use with hotel, residential, and so forth. On Cue right here. And this is the large OU warehouse building – pretty big, sizeable structure there. This is what was approved previously last year – 6/27 – it was June 27, 2017 unanimous approval at the City Council – live, work, play – this was the concept. Commercial, restaurants, residential, hotels – all of this approved previously, all of it with 60 foot height and unanimous approval. No floodplain; no WQPZ zone. These are all already platted lots; they already have the public infrastructure there so there was no need to replat. That's the preliminary site development plan. You've seen that previously as well.

So let's talk about the airport and let's talk about – I understand that Commissioner Jan sent around a state statute on it, and let's talk about that. I believe Janay is dead on and that even the state statute that you, Sir, sent around to everybody, talks about the appropriate time for all of this is the building permit. What it says is, under Section 120.3 -- the category of this section that was sent to you, is Construction Permits, and it goes on to say that "A person shall obtain a permit from the Commission" – and that is basically the government – "prior to the construction, installation, or use of any of the" particular near an airport. It goes on in other segments of this and it talks about construction being the appropriate time, and you can see it throughout this whole statute. So we certainly understand and completely agree that we have to accommodate this statute and the airport overlay district that Ms. Connors talked about as well. We have no dispute there. We have to accommodate it. But that's at construction permit stage. Further, it says it really is only applicable to what's called by statute, again – your document – incompatible purpose, and I'll read it. Means the use of a building, structure or area as a residence – we're not doing residence – educational center – I believe that's already allowed under I-1 which is already approved under this site. This is already basically an I-1 site. Let me go on – place of worship – again I think I-1 already approves that, so even if you deny that you already have those approvals on this site. Place of public assembly, hospital, medical, nursing, retirement home, transportation, storage and utility facility. So of all those uses, basically residential, and if they're not residential they already are allowed under I-1, which it already is approved for. What we're asking in this PUD is to add commercial uses. Again, there are no commercial C-2 uses on that list. So what we're asking to add, beyond what is already approved on this site from 1997 PUD, is things that aren't on that list of incompatible uses. Even if they were, the appropriate time is building permit by statute. And, further, as Ms. Connors said, by the City of Norman ordinance it is applicable to permitting. This is not a permitting body. This

is a land use body. Permitting is when we do this and I think the comments are going to show or correct in that we don't know what we're going to build when you're in front of a zoning body. Zoning is land use and it's broad parameters; it is not specific. For instance, C-2 allows many different things. I-1 allows many different things. We have no idea whatever particular building would be built here would be on this list, restricted, et cetera. So it is completely premature to do that. And certainly, again, the uses we're asking to add – commercial/retail – is not on the list of incompatible uses. So even if it applied, we don't fit within that list with what we're asking for tonight. This is the slide that was in front of you last time, and that paragraph at the bottom on the right – the height – that paragraph is what was copied, basically, through all of the PUDs that have come through this site, to say that we have 60 feet as a maximum. And what I wrote on the right was – this slide is from last time – so last time we did meet with Walt Strong, and he described to us in detail the same thing – and I hadn't even seen that statute last time, but he described that statute. Now that I saw it today, it's exactly what he described. Because he said to us in that meeting, he said it's not a zoning thing; it's a construction permit thing and he even told us it's FAA form 7460 and you – he said FAA will not even look at it until you have a building permit application to look at – construction drawings. He described to us they will not even review it unless you send them construction drawings. So it is not the time now to decide whether you fit within that parameter. Absolutely will be when we get to construction permit and we'll have to do that if we're not an incompatible use – I mean, if we are incompatible use in those parameters. But now is not the time, and that was told to us by Walt Strong back then, and certainly that's what the statute verifies as well today. So we believe this is an appropriate use. It's an appropriate time and it should be approved. Staff supports it. There were no protests. We have no protests. Nobody even came to the Pre-Development hearing. Greenbelt Commission unanimous. And, with that, I would leave it to your discretion. I thank you very much, and am happy to answer any questions you have.

Mr. Jan – Mr. Rieger, of course the protest is going to come from the airport. Was the airport contacted? Was airport staff contacted?

Mr. Rieger – I apologize. For this application?

Mr. Jan – Yes.

Mr. Rieger – No, sir. There was no need. There's no requirement.

Mr. Jan – Okay. And secondly, I must say that the reality on the ground is very much different than when we sit inside the meetings and boards, so what I'm stating is a reality that this place – this PUD and what was previously, in June, approved is in the landing protection zone. And the clearance is so little that whatever you build, whether it's a 15-story building, the airplanes are going to be buzzing over just 20 foot above. Now, it's very hard for me to understand that how can you build a school over there? It's very hard for me to understand you are going to build hotels over there. And this is the same discussion that happened last year. And I'm seriously opposing to this thing because I have serious safety concerns for the pilots, for the students, for everybody who comes to Norman to attend the games, to the aviators just like myself. And I would like to hear somebody from FAA. I would like to get the aeronautical survey done before we proceed. That is what I'm saying. We should hold off and I really need to receive the facts. I'm afraid to say we did not have full facts last year when we were sitting over here and we were discussing this thing. Now we have a little more facts.

Mr. Rieger – And what facts are you relying on to require an FAA approval at this time? Can you cite it to me?

Mr. Jan – The survey.

Mr. Rieger – Cite me a book and page of an ordinance or law that said this is the time we have to stop and get that approval.

Mr. Jan – I don't know.

Mr. Rieger – I don't, either, because it doesn't exist.

Mr. Jan – But at least – let me ask this question. Is this place in the runway protection zone?

Mr. Rieger – I believe it is, yeah.

Mr. Jan – So there must be some restrictions even for the land use.

Mr. Rieger – And I've read them to you. Yes. At the time of construction permit, we have to go through those processes. I know of no other process. If you can show it to me, I'm happy to look at it. We agree that whatever obligations, regulations, ordinances, laws that are on the books we have to meet them. I don't disagree with you at that at all. But show me something that says that applies right now, because I'm not aware of it. So I totally agree we've got to meet the laws. If you want me to show you something different, show me that law. I have no dispute with ...

Mr. Sherrer – Mr. Rieger, to just make sure I'm understanding exactly. So the plan would be, if this is approved tonight and – not tonight – recommended then approved by the Council, then your next step would be, you said you had a project in the works, I believe, that is adjacent to at least the highway there, I believe. You would then – I'm just kind of walking through this to make sure I understand – is to then you would then pursue some sort of planning process, whatever that is, for building plan and then you would go and ask for a building permit at that point. Along with that, you are agreeing – everything that you've said tonight, if I understood it correctly – pardon me, I'm not a lawyer – is that then at that point there would have to be an FAA conversation that would either say yes or no, based on the plan that you have at that particular point in time, depending upon the fees, depending on the situation – whatever it is – to meet the Commissioner's concerns, at that particular point in time with the review also of the City staff – that would be determined at that time – not anything to do with the zoning that we've talking about tonight, but at that particular point in time you would have to meet that requirement. Is that correct?

Mr. Rieger – Correct. I'll read further in the statute. This is statute section 120.3 Oklahoma statutes. Commissioner Jan provided this to you. It says Section 120.3 – Construction Permits – dash – if you have this, you can look at it – Request for Further Aeronautical Study – Communication with FAA. This is the Oklahoma statute. It says: "A person shall obtain a permit from the Commission prior to the construction, installation, or use of any of the following near a public-use airport:" and there's three categories. One is: "Any proposed structure or area for an incompatible purpose" – none of the commercial uses are an incompatible purpose. So you have to be "an incompatible purpose in the primary surface or the runway protection zone". Two: "Any structure, alteration or addition to a structure within three statute miles from the airport reference point of a public-use airport, that would result in a total structure height in excess of one hundred fifty feet above the established airport elevation" – 150 feet – we're not that.

Mr. Sherrer – 60 feet or less, right?

Mr. Rieger – Correct. Number three: "Any structure, alteration or addition to a structure that would result in a total structure height greater than the horizontal, conical or approach surfaces, as defined" elsewhere in this statute. So we would have to first determine that height. And that's the three. So if we fit within one of those three ...

Mr. Sherrer – But you're going to confirm that. You're going to verify that. The City staff is going to review that.

Mr. Rieger – We have to.

Mr. Sherrer – You have to.

Mr. Rieger – By law.

Mr. Sherrer – So there's going to be a review process.

Mr. Rieger – Yes.

Mr. Sherrer – It's not as though someone starts building without having that sort of review process.

Mr. Rieger – Absolutely. When I'm in front of you with zoning ...

Mr. Sherrer – Because I think the Commissioner's concerns are valid, but I also want to make sure we're following within the law.

Mr. Rieger – I don't think they're not valid.

Mr. Sherrer – I didn't say you were.

Mr. Rieger – Just not timely. This is the not the time to shut down somebody who doesn't even have construction drawings or permits ready to assemble. When we have all that, if we fit one

of those three categories, we have to do that. No question. Zoning is never that time. Zoning is a category of uses. It's a category of uses and it's a parameter of land use – heights, setbacks, things like that. It is not definitional as to what you're going to build yet. It never is – unless you're doing a very defined SPUD or something that actually has drawings that show it. We've done those, but that's not what this one is.

Mr. Sherrer – And just to confirm, it's going to be 60 feet – and I think it's in there – 60 feet or less. Sixty feet is the maximum that it could be at this particular point in time. I know that was only one of the three categories. I just want to make sure I'm understanding the facts.

Mr. Rieger – Correct. Yeah.

Mr. Knotts – Mr. Rieger, let's just assume that someone wants to do something. Don't you think it would be incumbent on the design team to research the compatible uses, the height restrictions, the possibility of being approved before you even had to move forward to building permit and construction drawings?

Mr. Rieger – Certainly.

Mr. Knotts – So the chicken and egg conversation that we're having really talks about a little bit of scramble before, because there's – you're going to look at those even though you're not asking the FAA or the FFA to look after – to approve it. Right?

Mr. Rieger – I'm not sure I understood the second question, but ...

Mr. Knotts – Say yes. Okay. The runway protection zone is a contour drawing that lifts off and has a side slope.

Mr. Rieger – It's a conical.

Mr. Knotts – I mean, it's very easy. They've already been done. I know this for a fact. So it really is not a question of needing something to be done; it's a question of having the design team be cognizant of the restrictions.

Mr. Rieger – Correct. And we are. And, you know, a similar thing happens on UNP and the University North Park area. There are deed restrictions and things like that.

Mr. Knotts – Yeah. It's a side slope over there.

Mr. Rieger – Right. It is. But Embassy Suites and other things deal with it. I've done the covenants – seen the covenants and the deeds. They have the same thing, where you have to know your parameters within the property. We know that. We understand we have to meet that. It's in front of us. We understand.

Mr. Lewis – I would like to make a statement. Mr. Rieger, it will be short. I appreciate what we have put you through. It does seem that the Commission is somewhat fact-finding, and so I appreciate that guidance. I certainly am no attorney; my father was and he was a damn good one. But in doing a little bit of research, that is the one thing he did teach me. Regardless of what we do tonight, under 14 CFR 77.5, anything that you do as an applicant in construction, has to be submitted to FAA for approval in 45 days prior to, so really the vote that we have here tonight is irrelevant in regards to the building. It's only relevant to the property. So thank you.

Mr. Boeck – He's been trying to tell us that.

AUDIENCE PARTICIPATION:

1. Lance Lamkin, 485 Elm – I have a written statement and also papers prepared for your knowledge afterwards. Unfortunately, I only have four because I only had a 48-hour notice of this event and I got back from Virginia four hours ago. So I apologize for my lack of readiness on the amount of copies but, believe it or not, I am ready to answer any questions you have.

I'd like to start with "we've always done it that way." That's never a good answer. We've always done it that way is never good. We have new knowledge. We have knowledge being presented that's from the Oklahoma Aeronautics Commission or the FAA. It's important to look at that before we move forward. So, if you wouldn't mind, I have about a four-minute speech, or I would like to present that.

Max Westheimer Airport is vital to Norman's economy. Recently the Oklahoma Aeronautics Commission completed an economic impact study for the entire State of

Oklahoma. Max Westheimer Airport contributed \$37.4 million to the Norman economy, the University of Oklahoma, Cleveland County and surrounding areas. Cooperation between the University and the City of Norman is essential for the airport to continue to grow and support the City of Norman in the future. There are several regulations, both federal and state, that discourage incompatible land use around airports. As airport administrator of Max Westheimer Airport it is my duty to protect the airport and the critical airspace around it. Safe airspace is crucial for landing and taking off. FAA requires that the airport operator shall take appropriate action to restrict incompatible land use that will interfere and restrict aeronautical use at the airport. Failure to achieve this goal may cause the airport to be found in noncompliance for federal grants, which could lead to reduced or no more federal funds in the future for the airport. Allowing a relaxed height restriction and large gatherings of people will only create a potential for disaster. Buildings such as hospitals, hotels, and restaurants are all examples of incompatible land use. If we allow taller buildings or larger gathering locations to be built under or near these critical phases of flight, then we will significantly reduce the safety for the general aviation pilots and business jets that operate out of our airport daily. As stated earlier, how land is developed directly under the final approach runway is critical for safe operation of the airport. Adding any additional structures under the final approach will require approval and reviewal by the FAA, as we've already discussed. The FAA requires structures within a certain distance of the airport to file a 7460-1 or the Obstruction Evaluation Form. Structures are then studied by the FAA to ensure they meet federal safety guidelines and can cause no additional harm to pilots. Recently a permit was filed for a temporary crane off the approach end of Runway 18, very close to where this is being built – or this area of land, excuse me. The crane was to be 85 feet for only a couple of hours. According to the FAA study, this temporary crane penetrated the airspace by 40 feet. Allowing structures to be built within this area can cause our approach minimums to go up, which in turn decrease our traffic efficiencies and reduce our aircraft operations in certain weather conditions. This reduction will decrease the overall economic impact the airport has to the University, the City, and the surrounding areas. Some of the land in this discussion is even located within the runway protection zone for Runway 18, also known as an RPZ. The RPZ is a trapezoidal area, just in case you didn't know, off the end of the runway end that serves as an enhanced protection for people, both in the air and on the ground. The State of Oklahoma has a law known as the Aircraft Pilots and Passenger Protection Act, also known as APPPA. We discussed it very briefly earlier. According to Section 120.3, a person shall obtain a permit from the Oklahoma Aeronautics Commission within a Runway Protection Zone or primary surface prior to the construction, installation or use of a facility. This law also states that any proposed structure for an incompatible purpose within a Runway Protection Zone is presumed to be incompatible with normal airport operations. With several areas falling within the RPZ, a builder would be required to submit the 7460 to the FAA, as well as submit a permit to the Oklahoma Aeronautics Commission. In some cases, the OAC has denied issuance of permits to build within RPZ ...

Mr. Knotts – Excuse me. Do you have a point?

Mr. Lamkin – Yes, I'm against this.

Mr. Knotts – And you are?

Mr. Lewis – Mr. Chairman, point of order.

Mr. Lamkin – I am the airport administrator for Max Westheimer Airport. I took over for Walt Strong. I actually remember the conversation in 2017. I've been his airport operations officer for three years prior.

Mr. Knotts – You have a point?

Mr. Lewis – I do. This is the director of the airport. I would like to hear what he has to say.

Mr. Jan – I agree.

Mr. Knotts – Continue.

Mr. Lamkin – Adoption of this ordinance would greatly reduce the safety for students at the University, general aviation pilots, and business jet operators alike. This ordinance would also greatly reduce the economic impact the airport has on the community around it. I strongly urge you to reject this proposal or, at a minimum, take action to table the matter in order to properly address and become educated on the situation.

Mr. Sherrer – Can I ask a question? Is that okay? Is that appropriate, Mr. Chairman?

Mr. Knotts – You may.

Mr. Sherrer – Just to understand completely, you are acknowledging that this is part of the building permit timeframe, though, in your acknowledgement of the process. Right?

Mr. Lamkin – Yes.

Mr. Sherrer – So today we're talking about zoning. You're making your statement about the safety, and I understand that. But you, yourself, in your comments acknowledge it's during the building permitting process.

Mr. Lamkin – In my statement, we have taken federal funds, which we follow grant assurances when we take those federal funds. Grant assurance 21 requires that we go out in advance to the City Council or the City around us to prevent items like this – schools, hospitals, anything of large gathering or people that could cause harm to – not only the people on the ground ...

Mr. Sherrer – That's stated within the law, right? What you're saying. Or are you talking about other items?

Mr. Lamkin – It is my responsibility as airport director under grant assurance 21 to try to stop this.

Mr. Sherrer – So you would say it's your opinion, not law? Am I understanding correctly?

Mr. Lamkin – I'd be happy to answer any more questions.

Mr. Jan – I have just one – thank you so much for giving us this presentation and talk. I just have one question for you. Currently, if I'm not mistaken, this industrial zoned that we currently have, this PUD? So if we today agree that this has to be – if we all vote in favor of going commercial, according to what you have said, commercial designation would allow all of those things which you are against, but for industrial, it's not.

Mr. Lamkin – Correct.

Mr. Sherrer – Can I ask a point of clarification, and I'm going to ask that to Planning Director Connors, because I misunderstood that. That sounds opposite of what I understood, so I want to make sure that I clarify what commercial zoning allows and what it doesn't allow. That's not a question for you, I apologize. Just want to make sure I'm clear on that. What I understood Commissioner Jan to say was that the proposed commercial rezoning – through the PUD process ...

Ms. Connors – The addition of commercial uses.

Mr. Sherrer – Thank you for articulating it better. Go ahead. I think the question was the items that were mentioned – and I apologize, I missed your name – Mr. Lamkin – were such that he – so these are things of public interest: schools, education, I think is what you said. I'm not sure those words. Do those fall within the commercial designation found within this? I just want to make sure I'm clear on that.

Ms. Connors – Well, the general commercial uses in C-2 do allow schools, but so does the industrial, so they're already ...

Mr. Sherrer – So it's already there. It's already existing. Okay. Thank you.

Mr. Lamkin – Large gatherings of people: schools, hotels, restaurants. We trying to minimize ...

Mr. Sherrer – We're not making it worse.

Ms. Zink – May I make a comment? May I ask a question, I guess? I guess I'm sort of wanting to table the discussion of whether this should happen right now or at permitting and engage more of the fact-finding function of the Commission, and make reference to the comment that you made about more relaxed height allowances. So if 60 feet isn't satisfactory, is there a height clearance that you would recommend – just for knowledge?

Mr. Lamkin – There is. It's a – not a formula – you go out 50 feet from the runway. You can be 1' tall. You keep that going for 5.96 miles of our protection. That's what we protect. So for every 50 feet you go up a foot. I'd have to do the calculations really quick for these locations to get you the exact height that a building could be. I wouldn't recommend it. But under the law a building could be there. So relaxing this – allowing 60 feet – again, this goes back to my "we've always done it this way" is never a good answer. It's important to me that we look into this to make sure of the safety, not only for the pilots, but also for the people and civilians within those buildings.

Ms. Zink – So, if I understand correctly, your preference would be for no construction at all – to have the property owner not ...

Mr. Lamkin – Or keep it as minimal as possible. What's in there right now is mainly industrial sites – warehouses that have a minimal amount of people. I'm not against construction at all, it just has to remain under a certain height, and the less people the better. The most critical phases of flight are landing and taking off. It's where the majority of the accidents happen. Not saying there will be, but I have to prepare for the worst. It's why I always do.

Mr. Sherrer – May I ask a question of the Planning Director? I'm sorry, I'm jumping in tonight fast, I know, I apologize. Do we have a number of people restriction on industrial or commercial?

Ms. Connors – No, we do not.

Mr. Sherrer – Number of people – you could be 1,000 people in industrial and two people in a commercial. Correct?

Ms. Connors – Yes.

Mr. Sherrer – Conceivably. Okay. So there's not a ...

Ms. Connors – And I would just indicate – this height limitation is maximum, so it would seem to me that if this goes through the process of being reviewed by the FAA at some point and that height cannot be achieved because of their regulations, then it wouldn't be achieved. It will be at the height level that is approved by the FAA through the building permit process.

Mr. Sherrer – Whether it be industrial or commercial?

Ms. Connors – That is correct.

Mr. Boeck – And one of the things I'm hearing, and remembering back to an NPR story about wind turbines around Air Force bases. And, of course, this gets into the whole conversation, because, like I said before, having to wait 'til you get a building permit application before you review this with FAA is bass-akwards. I don't care what the code says. There is some concern about Vance Air Force Base, Altus Air Force Base losing some of the operations that they have there because they've allowed wind turbines to be built in sensitive areas. And so, to me, this is a question of, you know, how appropriate is this? I mean, we're talking about only approving zoning, but still if you all of a sudden cause some kind of – not policy – buildings that we allow to be built – I mean, FAA has to approve them, but they can approve them and still say – and you can still have the problem with the funding sources and all the stuff that goes into Westheimer field because the funding sources don't like where the building process is going and creating more dangerous situations is basically what's happening. We can approve stuff. We can approve zoning, but if we're doing something that causes problems with Westheimer field, then we're shooting ourselves in the foot.

Mr. Rieger – Mr. Chairman, can I make a comment? I'll be brief. This applicant, I'm understanding, did go through the FAA permitting process on the building that is there. This building right here – that was done. So it happened. That's how it is supposed to happen. And it got built. So, again, we totally complied with that. Quickly, I think we have a miscommunication on what incompatible purposes, because I thought I just heard the gentleman say commercial is an incompatible purpose, and I would ask the City Attorney to confirm for me, if you would like, but the statute does not include commercial structures under that parlance – retail is not in there, I don't see office in there, I don't see restaurant in there. Those are the commercial uses that are being added tonight – the uses in here are already allowed under industrial. So we're not adding anything different that is an incompatible use at all. Thank you, Mr. Chairman.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Andy Sherrer moved to recommend adoption of Resolution No. R-1718-109 and Ordinance No. O-1718-50 to the City Council. Dave Boeck seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Tom Knotts, Lark Zink, Andy Sherrer
NAYES	Sandy Bahan, Nouman Jan, Dave Boeck
ABSTAIN	Chris Lewis
MEMBERS ABSENT	Neil Robinson, Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1718-108 and Ordinance No. O-1718-49 to the City Council, failed by a vote of 3-3-1.

* * *

Item No. 8, being:

O-1718-47 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 420, PUD, PLANNED UNIT DEVELOPMENT DISTRICT; 420.05, SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; 421.5, R-2, TWO-FAMILY DWELLING DISTRICT; 422.1, RM-2, LOW DENSITY APARTMENT DISTRICT; 422.3, RM-6, MEDIUM DENSITY APARTMENT DISTRICT; 422.5, R-3, MULTI-FAMILY DWELLING DISTRICT; 422.7, RO, RESIDENCE-OFFICE DISTRICT; 429, MUD, MIXED USE DEVELOPMENT DISTRICT; AND 429.7, CCFBC, CENTER CITY FORM BASED CODE, OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN TO REQUIRE SPRINKLING OF DUPLEX UNITS WITHIN THE CENTRAL CORE AREA OF NORMAN HAVING FOUR OR MORE BEDROOMS PER UNIT, AND AMENDING SECTION 450, DEFINITIONS, TO ADD THE DEFINITION OF BEDROOM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Core Area Map
3. Ordinance No. O-1718-47 (Annotated)

PRESENTATION BY STAFF:

1. Susan Connors reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval of Ordinance No. O-1718-47 which requires two-family (duplexes) with four or more bedrooms within the Central Core Area to be sprinkled per the requirement in Section P2904 or the International Residential (IRC) of NFPA 13D or as these documents are amended.

Mr. Boeck – Is there a magic number with four instead of three?

Ms. Connors – Well, the three unrelated. I think the breaking point was in determining that there is an allowance for three unrelated people to live together. I don't really want to get into that ordinance.

Mr. Lewis – Ms. Connors, I do have a question. Is there a reason that we're just prejudicing the Central Core in regards to protection of the citizens of the City of Norman? Wouldn't you think that all citizens should be protected, regardless whether they're in the City Core, north, south, east, or west? So can you explain why we're prejudicing just one area?

Ms. Connors – It was the City Council's desire that we concentrate it where these structures are being built, which is certainly in this area, and actually even more particularly in a smaller area. But City Council did not want to extend it at this time to the entire City. We're not seeing that kind of development outside the Core area, with the duplexes with four or more bedrooms. We didn't look at single family homes in this regard, because there are families that – I mean, we get into a whole other discussion – if a family wants five bedrooms, who are we – so we kept it at the duplexes because most of them are built for unrelated individuals and the density of them living together seemed like we should be protecting them better in these structures.

Mr. Boeck – So duplexes is like a minimum – if it was a triplex, of course they would have to sprinkle, right?

Ms. Connors – That is correct. With the new addition of the 2015 code, anything above the one and two-family must be sprinkled, despite the number of bedrooms.

Mr. Knotts – Anyplace in town?

Ms. Connors – That is correct.

Mr. Boeck – Well, I applaud this. I'm glad it's happening now. It would have been nice about two years ago or three years ago.

Ms. Connors – This takes time.

Mr. Knotts – Can you give me a motion, Dave?

Mr. Boeck – No, I'm just going to make comments. I want to sit here all night long.

Mr. Jan – I just have a question. How much of an impact – economic impact we're going to have for the new construction with this requirement? Like, Susan, I don't know like on ...

Ms. Connors – It is more expensive to sprinkle these buildings, but we feel for the safety of the people that are going to be living in them and the density that has been created in these structures and how close they are together in certain areas, particularly right here just a few blocks away, that we really needed to look at something, despite the additional costs. I don't really think it will have any bearing on commercial development or any economic development. These are residential structures.

Mr. Sherrer – I want to add one more comment. That prompted a comment from me or a question from me. I'm in favor of this, but have we done any research – does this mirror other communities within our area? I know Norman is constantly accused of being more costly, more expensive to do business – whether that's right or wrong, I'm not sure I always know, although I feel it might be the case. This is just an added cost. Is there a comparable type of approach in other suburban parts of Oklahoma City or within the state?

Ms. Connors – Not that I'm aware of. This really was pressed on us. City Council was really very interested in moving forward with this, and particularly in Ward 4 where these structures are being built. We have a tremendous citizen outcry about what's happening in their neighborhoods.

Mr. Sherrer – Again, I'm not unsupportive of the idea. I do think the question, though, that Commissioner mentioned is well worth nothing, just to make sure that we're not making it so burdensome that we end up being a deterrent to actually have – place people actually pursue construction projects in the area. I don't think that's ever our intent. I certainly think this is for safety first. I'm supportive of it. But I think it merits a broader discussion on overall cost as it relates to construction projects within the City of Norman. This is just one more that we're adding and, at some point, where does that end?

Ms. Connors – I think this will primarily affect student housing. So I don't think that we're damaging any other categories of residents ...

Mr. Sherrer – But for that particular residents we are making it more expensive.

Mr. Boeck – And it might encourage developers to build something other than student housing.

Mr. Sherrer – Fair enough.

Mr. Boeck – 'Cause my personal experience with this is I designed a four-plex – a duplex and a four-plex on Vicksburg Circle that was – you know, it was touted as the best multi-family housing. We only had eight bedrooms in that four-plex and we had to sprinkle, where we had a number of units down in campus area with 10 and 12 bedrooms that didn't have to sprinkle, because they were only duplexes. So it is a safety issue for sure all the way around.

Mr. Sherrer – I guess my – and we're in comments now. I'm sorry. I apologize, Chairman. I jumped into that. I would just argue that I'm all for safety and this is a place where I think we need to make this to where it has – there is certainly a warranted extra cost here. But when we talk about adding that to building permits to everything else, if we had a lower building permit maybe this would not feel quite so onerous to those pursuing construction projects.

Mr. Knotts – Susan, this is not retroactive, but does it have any consequence for remodel or renovation?

Ms. Connors – Yes, I believe if somebody remodeled something to add – to create four or more bedrooms in a duplex, that they would have to sprinkle that structure. But I don't see that happening.

Mr. Boeck – But say there's an existing 10-bedroom duplex that was built before this was done and they decide to vastly remodel it to change the housing type, would they have to come back in and sprinkle on that remodel? Has that been discussed at all?

Ms. Connors – It hasn't really. I'm not sure that I can answer that.

Mr. Lewis – Susan, if a permit would have to be pulled for the remodel, then wouldn't the property have to be brought up to the current code of the City of Norman?

Ms. Connors – Yes, I believe so. But if you didn't create more bedrooms, then we probably wouldn't require sprinkling.

Mr. Knotts – No matter what the base ...

Ms. Connors – I've seen these floorplans over and over again. There's not much room for a remodel. I just can't picture how that would happen particularly. I should have mentioned the definition of bedroom that we have added really expands what is considered a bedroom. We have a number of these duplexes that came in and they have five bedrooms and a study. Well, that study now would probably be considered a bedroom because it would have a closet and it had everything about it on the floorplan that was a bedroom, except they called it a study. So we have created a bedroom definition that really gives us that ability to consider more than what the floorplan calls a bedroom a bedroom.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to recommend adoption of Ordinance No. O-1718-47 to the City Council. Chris Lewis seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Sandy Bahan, Chris Lewis, Tom Knotts, Lark Zink, Dave Boeck, Andy Sherrer
NAYES	Nouman Jan
MEMBERS ABSENT	Neil Robinson, Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1718-47 to the City Council, passed by a vote of 6-1.

* * *

Item No. 9, being:

O-1718-51 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 420, PUD, PLANNED UNIT DEVELOPMENT DISTRICT; 420.05, SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; 423.2, C-1, LOCAL COMMERCIAL DISTRICT; 424.1, C-2, GENERAL COMMERCIAL DISTRICT; 424.3, CR, RURAL COMMERCIAL DISTRICT; AND 429, MUD, MIXED USE DEVELOPMENT DISTRICT; AND 429.7, CCFBC, CENTER CITY FORM BASED CODE, ALL IN CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES IN COMPLIANCE WITH STATE LAW IN THEATERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Request for Postponement

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Andy Sherrer moved to postpone Ordinance No. O-1718-51 to the June 14, 2018 Planning Commission meeting. Dave Boeck seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Sandy Bahan, Nouman Jan, Chris Lewis, Tom Knotts, Lark Zink, Dave Boeck, Andy Sherrer
NAYES	None
MEMBERS ABSENT	Neil Robinson, Erin Williford

Ms. Tromble announced that the motion, to postpone Ordinance No. O-1718-51 to the June 14, 2018 Planning Commission meeting, passed by a vote of 7-0.

* * *

Item No. 4a, being:

O-1718-15 – UNIVERSITY NORTH PARK, L.L.C. REQUESTS AMENDMENT OF THE PLANNED UNIT DEVELOPMENT ESTABLISHED BY ORDINANCE NO. O-0203-2, AND AMENDED BY ORDINANCE NO. O-0607-13, TO ALLOW DEVELOPMENT OF UP TO 50 NET ACRES NORTH OF ROCK CREEK ROAD FOR COMMERCIAL USES, INCLUDING APPROXIMATELY 150,000 SQUARE FEET OF ENTERTAINMENT/RESTAURANT USES, FOR PROPERTY GENERALLY LOCATED NORTH OF ROCK CREEK ROAD, SOUTH OF TECUMSEH ROAD, EAST OF I-35, AND WEST OF WESTHEIMER AIRPORT.

PRESENTATION BY STAFF:

1. Ms. Connors – This is the UNP Planned Unit Development amendment. The application was submitted last fall and has been postponed for several reasons. First of all, right now the application only deals with the north part from Rock Creek up to Tecumseh and the applicants would now like to include the entire UNP from Robinson up to Tecumseh so we need a new legal ad and we will readvertise. But the primary reason Mr. Rieger wants to speak to you tonight about this is that we think that this is a fairly complex issue; it's had quite a bit of public comment, even though it hasn't come before anyone yet, and we think it would be appropriate for you to hear this at a special meeting where this would be the only item that you would hear. I believe Mr. Rieger is going to request that you hold that special public hearing on June 7.

2. Mr. Sherrer – Does it have to be June 7th? Is that a requirement?

Ms. Connors – No, it doesn't have to be June 7th.

Mr. Sherrer – Excuse me for interrupting. I'm not available.

AUDIENCE PARTICIPATION:

1. Sean Rieger – Thank you, Mr. Chairman. We have postponed this item pending many discussions between many people in the community and we think we are getting very close. We believe this will be rather an enormous item of discussion in many ways, and we believe that it merits its own meeting so that we can have many participants here to engage upon it. We would request that to be earlier than the next meeting. The next meeting, I believe, is June 14. So we would propose and respectfully request the week before, if that's possible.

Mr. Sherrer – I apologize for pushing it out there real fast. I just wondered if it had to be that date because I will personally be out of town. Certainly other Commissioners will be available. But I wondered if June 5th – it's not a City Council Tuesday night, might be an alternative choice. But I don't know if that's available for others.

Ms. Connors – There's always something on City Council, but it's not in this room. We're getting real close to needing to advertise it, so ...

Ms. Tromble – It would have to be in the paper next Tuesday, which means the ad goes to the paper tomorrow.

Ms. Connors – It's the advertisement that sort of we're running into. And if it's not the 7th, then it ought to be your regular meeting.

Mr. Boeck – I personally am totally out from the 5th to the 11th of June. I've got a conference.

Ms. Connors – We know that Erin can't be here on the 7th and Commissioner Robinson can. Commissioner Williford is not available on the 7th.

Ms. Tromble – Although she would be on the 5th.

Ms. Bahan – I won't be here the 5th, but I could be here the 7th.

Mr. Sherrer – I'm also available on the 6th, if Commissioner Bahan would be available that night.

Ms. Bahan – I could. It would be pushing it, but I could.

Mr. Sherrer – That gives one extra day to advertise. I'm jumping ahead. You're probably the most important person.

Mr. Rieger – Yes. That would be wonderful and I would respectfully appreciate that very much.

Mr. Boeck – Sean Rieger would come home from a vacation for a meeting.

Mr. Rieger – Actually, that week I will be at Boy Scout camp in Slippery Falls, Oklahoma, and I would come home for it – because then I wouldn't have to stay in a tent that night.

Ms. Connors – So are we trying to vote on the 6th of June, which is a Wednesday? Can we see a show of hands? Three, four, five, six, and Erin – seven. So we definitely have seven and Neil most likely, so that would be eight of you.

Mr. Lewis – What time, Susan?

Ms. Connors – Well, what time would you like to – that's up to the Commission.

Ms. Bahan – Not before 6:00.

Ms. Connors – Not before 6:00, so 6:30 probably is the safest. June 6 at 6:30 we will have a special public hearing.

Mr. Rieger – On behalf of the applicant, thank you very much.

Ms. Connors – We will send out emails. Sean, just please get us – I guess you did get us the legal? Okay. But you'll be available tomorrow if we have questions. Okay.

Mr. Rieger – I will be at a meeting on this in the morning at 10:00. But I'm available tomorrow.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Sandy Bahan moved to postpone Ordinance No. O-1718-15 to a Special Meeting of the Planning Commission on June 6, 2018 at 6:30 p.m. Nouman Jan seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Sandy Bahan, Nouman Jan, Chris Lewis, Tom Knotts, Lark Zink, Dave Boeck, Andy Sherrer
NAYES	None
MEMBERS ABSENT	Neil Robinson, Erin Williford

Ms. Tromble announced that the motion, to postpone Ordinance No. O-1718-15 to a Special Meeting of the Planning Commission on the June 6, 2018 at 6:30 p.m., passed by a vote of 7-0.

* * *

Item No. 10, being:

MISCELLANEOUS COMMENTS

1. Ms. Connors – As you know, last month we asked you all when you would like to start these meetings. We did have one or two Commissioners that felt that the 6:30 time was more appropriate, so I think that we should leave the meetings at 6:30 at this time.

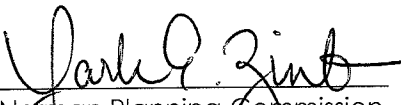
Mr. Boeck – I agree.

* * *

Item No. 11, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 8:46 p.m.


Norman Planning Commission