

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

DECEMBER 14, 2017

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 14th day of December, 2017. 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.

Chair Erin Williford 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
Neil Robinson
Erin Williford
Lark Zink (arrived at 6:33 p.m.)
Dave Boeck
Tom Knotts
Andy Sherrer

MEMBERS ABSENT

None

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Janay Greenlee, Planner II
Roné Tromble, Recording Secretary
Larry Knapp, GIS Analyst II
David Riesland, Traffic Engineer
Todd McLellan, Development Engineer
Drew Norlin, Asst. Development Coordinator
Terry Floyd, Development Coordinator
Jeff Bryant, City Attorney

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CONSENT DOCKET

Item No. 2, being:

TMP-115 -- APPROVAL OF THE NOVEMBER 9, 2017 PLANNING COMMISSION REGULAR SESSION MINUTES

and

Item No. 3, being:

PP-1718-4 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY COXCOM, INC. (JOHNSON & ASSOCIATES) FOR NORMAN INDUSTRIAL TRACT – PHASE 2 FOR PROPERTY GENERALLY LOCATED AT 1000 WEST ROCK CREEK ROAD.

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Ms. Williford asked if any member of the audience wished to remove an item from the Consent Docket. There being none, she asked if any member of the Planning Commission wished to remove an item from the Consent Docket. There being none, she asked for a motion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to approve the Consent Docket as presented. 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, Neil Robinson, Erin Williford, Dave Boeck, Tom Knotts, Andy Sherrer

NAYES

None

MEMBERS ABSENT

Lark Zink

Ms. Tromble announced that the motion, to approve the Consent Docket, passed by a vote of 8-0.

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Item No. 3, being:

PP-1718-4 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY COXCOM, INC. (JOHNSON & ASSOCIATES) FOR NORMAN INDUSTRIAL TRACT – PHASE 2 FOR PROPERTY GENERALLY LOCATED AT 1000 WEST ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Pre-Development Summary

This item was approved on the Consent Docket by a vote of 8-0.

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Ms. Williford asked for a motion to address the items that have requested postponement.

Item No. 4a, being:

R-1718-25 – HOLLYWOOD CORNERS STATION, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM LOW DENSITY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR APPROXIMATELY 2.38 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF PORTER AVENUE AND FRANKLIN ROAD (4712 N. PORTER AVENUE).

and

Item No. 4b, being:

O-1718-9 – HOLLYWOOD CORNERS STATION, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO TC, TOURIST COMMERCIAL DISTRICT WITH SPECIAL USE FOR A LIVE ENTERTAINMENT VENUE AND SPECIAL USE FOR A NIGHTCLUB OR TAVERN FOR APPROXIMATELY 2.38 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF PORTER AVENUE AND FRANKLIN ROAD (4712 N. PORTER AVENUE).

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Postponement Memo
3. Request for Postponement
4. Excerpt of November 9, 2017 Planning Commission Minutes

Applicant requested postponement until February 8, 2018.

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Item No. 5, being:

O-1718-6 – SYLVIA BRUCE REQUESTS SPECIAL USE FOR A RECREATIONAL CAMP FOR PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, AND LOCATED AT 10209 CLINKENBEARD ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Postponement Memo
3. Request for Postponement
4. Excerpt of November 9, 2017 Planning Commission Minutes

Applicant requested postponement until January 11, 2018.

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Item No. 6, being:

O-1617-29 – UNIVERSITY NORTH PARK PROFESSIONAL CENTER LOT 1, BLOCK 1 REQUESTS AMENDMENT OF THE EXISTING PUD ESTABLISHED BY ORDINANCE NO. O-0203-2 (AS AMENDED BY O-0509-9, O-0607-13 AND O-1415-45) TO GENERALLY ALLOW FOR C-1 COMMERCIAL USES AT THE SOUTHEAST CORNER OF 24TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Postponement Memo
3. Request for Postponement
4. Excerpt of October 12, 2017 Planning Commission Minutes

Applicant requested postponement until February 8, 2018.

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Item No. 12, 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.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Postponement Memo
3. Request for Postponement
4. Excerpt of November 9, 2017 Planning Commission Minutes

Applicant requested postponement until January 11, 2018.

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DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to postpone Ordinance No. O-1617-29 to the February 8, 2018 Planning Commission meeting, and postpone Resolution No. R-1718-25, and Ordinance Nos. O-1718-9, O-1718-6, and O-1718-15 to the January 11, 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, Neil Robinson, Erin Williford, Dave Boeck, Tom Knotts, Andy Sherrer
NAYES	None
MEMBERS ABSENT	Lark Zink

Ms. Tromble announced that the motion, to postpone Ordinance No. O-1617-29 to the February 8, 2018 Planning Commission meeting, and postpone Resolution No. R-1718-25, and Ordinance Nos. O-1718-9, O-1718-6, and O-1718-15 to the January 11, 2018 Planning Commission meeting, passed by a vote of 8-0.

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Item No. 7, being:

O-1718-24 – VERITAS DEVELOPMENT, L.L.C. AND ALDI (TEXAS), L.L.C. REQUEST CLOSURE OF THREE UTILITY EASEMENTS FOR PROPERTY LOCATED IN LOTS 1, 2 AND 3, BLOCK 1, SOUTH LAKE ADDITION, SECTION 11.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Petition/Request to Close Platted/Public Easement
4. Site Plan
5. Aerial Photo
6. Site Plan
7. Letters of Non-Objection from Utilities

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes. With the redesign of the site plan, staff recommends approval of this request to close and ultimately vacate the 15' utility easements within Lots 1, 2 and 3, Block 1, South Lake Addition, Section 11 that interfere with the proposed projects.

PRESENTATION BY THE APPLICANT:

The applicant's representative was present to answer questions, but did not make a presentation.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend adoption of Ordinance No. O-1718-24 to 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, Neil Robinson, Erin Williford, Lark Zink, Dave Boeck, Tom Knotts, Andy Sherrer
NAYES	None
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1718-24 to City Council, passed by a vote of 9-0.

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Item No. 8a, being:

O-1718-25 – CEDARWOOD DEVELOPMENT GROUP, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR 7.62 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF CLASSEN BOULEVARD (U.S. HIGHWAY 77) AND STATE HIGHWAY 9.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Preliminary Site Plan

and

Item No. 8b, being:

PP-1718-5 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY CEDARWOOD DEVELOPMENT GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CEDARWOOD ADDITION FOR 7.62 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF CLASSEN BOULEVARD (U.S. HIGHWAY 77) AND STATE HIGHWAY 9.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Pre-Development Summary

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 Ordinance No. O-1718-25. Staff recommends approval of the preliminary plat for Cedarwood Addition.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, SMC Consulting Engineers, representing the applicant – The zoning is 7.26 acres, is presently A-2 and we're going to ask for C-2. This application is for a gas station, a car wash, and a restaurant – that's the desire. One of them is pretty sure. The change we're asking tonight is consistent with the Comp Plan, so we do not have a Comp Plan request to modify, because it's already in compliance, so we're asking for straight zoning with a piece of land that's consistent with the 2025 Plan. This plan was fairly complicated, primarily because of the traffic. We've met with staff and, as you know, we have to do a traffic impact analysis. We did so. But the land use itself is consistent with the 2025 Plan.

Let me discuss some engineering stuff. Sanitary sewer – the existing 24" sanitary sewer main is located at the rear of the property adjacent to the BNSF railroad. Lots 1 and 2 will connect to the existing sanitary sewer manholes, and Lot 3 will connect to a proposed sanitary sewer manhole that we'll construct. Sidewalks – there will be a 5' sidewalk that will be built along Classen on the west side. Presently that will be a 5' sidewalk, and if we connect it to the street it may require us to make a 6' sidewalk. The storm sewer and detention – this site has storm drainage that presently comes across Classen. It's a big box. We're going to take the box and run that box through the site. On Lot 1 we're going to have underground detention that will be underground and go under the parking lot and will discharge into this area that we will create as a completed area to keep as it is. Lot 2 will have a detention pond on the northwest portion of the lot. Lot 3 will have a detention pond on the northeast part of the lot. So each detention pond will be built with each lot. The underground detention from Lot 1 will be constructed initially. The area on the south west part of Lot 2 is a stream conservation area. As you saw in the pictures, it's a bunch trees there. We're going to take that area and make that a preserve for conservation for trees, and we'll prepare an easement and the easement will be recorded so that area will stay with trees. That's a conservation easement that we're dedicating by the client. So we'll have three detention systems, one for each lot.

Classen Boulevard is intact. We're going to revise it and we're going to revise it by implementing the information that was outlined in the traffic impact analysis. We did the TIA and we turned it into the staff for their review. There was some consideration of what had happened previously on the south side of Highway 9 that this intersection that we're now going to do will modify and correct that issue that happened on the south side. By that, we're going to modify this intersection. We're going to fix the red light so we can have full access across that intersection and we'll construct a deceleration lane right here that will come into the site. Then we're going to put a deceleration lane right there to come into this site. Further down, the traffic impact analysis requested that we consider putting another deceleration lane for the north driveway, which is right there, and the client has agreed to do that. One of the concerns that staff had was this is a State highway, of course, and we have to get concurrence from ODOT. So the first thing we did after we did the TIA was contact the Ada office and ask them what they thought about this decision and this design. They have contacted the City of Norman and have agreed and have supported this application, so we've passed that hurdle. One other consideration that we're doing is, when we get inside the site, we're building this access point right there, which will be a shared access for all three lots to have access, either at this light – all tracts can come to this light and get out and they will share in the maintenance of that facility. It will be a shared driveway. We put a lot of work into this application for this site plan; it was pretty complicated, but it works out. As I said, I want to repeat myself what we're going to do specifically. We're going to build a northbound left turn lane for a signal driveway at drive #2, southbound right turn lane at drive #2. We're going to modify the existing signal light at drive #2. Drive #2 we have a shared driveway for Lots 1 and 2 and 3. Lot 3 we have a driveway that will increase the southbound and northbound. There will be this shared driveway for all three lots to go north and south. All traffic construction issues will be paid by the client – the applicant – not by the City. And in your staff report, on your sheet 8b-6, you'll see that the City Traffic Engineer has approved this application and they support this document. Classen can handle the traffic; there are no problems there. The access will be safe, and ingress and egress to the facility will facilitate all three tracts.

Prior to this and the zoning and preliminary plat, we were required to go to the Greenbelt Commission, and we did. At the Greenbelt Commission on October 16, 2017, they motioned to forward and approve with no further comments. We then went to the Preliminary Development meeting, and that meeting all the people can come in to give us their opinion; two people showed up and asked us how fast can you get this thing built? There's no negatives; there's no protests. Staff, in your report, if you read your report, and I'm sure you have, they recommend approval. You've heard the staff report. We're here tonight to ask your approval, and I'll be glad to answer any questions if you have any.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Jan – I have a general comment to make. I know where this project is going to be. This is going to be the fourth gas station in less than a quarter mile. Do we need that many? I mean, we have 7-11. There's a new Walmart. Now this one, and then there's the one which is across the bridge.
2. Mr. Boeck – I don't think there's anyone that has ever set up a – you know, nursing homes you have to have a license for beds, but I don't think there's a licensure for gas stations, especially On Cue – we need more of them.
3. Mr. Lewis – Depends on who has the best gas.
4. Ms. Bahan – I think they all serve a different purpose, or a unique purpose, I guess would be the right way to say it.

5. Mr. Boeck – I like their hotdogs myself.

Chris Lewis moved to recommend adoption of Ordinance No. O-1718-25 and PP-1718-5, the Preliminary Plat for CEDARWOOD ADDITION, to 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, Chris Lewis, Neil Robinson, Erin Williford, Lark Zink, Dave Boeck, Tom Knotts, Andy Sherrer
NAYES	Nouman Jan
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1718-24 to City Council, passed by a vote of 8-1.

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Item No. 9, being:

O-1718-20 – CITY OF NORMAN REQUESTS SPECIAL USE FOR A MUNICIPAL USE FOR A NEW 300' RADIO TOWER TO BE LOCATED ON PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, AND LOCATED AT 3128 108TH AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Overall Site Plan
4. Detailed Site Plan
5. Tower Elevation
6. Fence Elevation Details
7. Pre-Development Summary

and

Item No. 10, being:

O-1718-21 – CITY OF NORMAN REQUESTS SPECIAL USE FOR A MUNICIPAL USE FOR A NEW 300' RADIO TOWER TO BE LOCATED ON PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, AND LOCATED AT 3428 JENKINS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Overall Site Plan
4. Detailed Site Plan
5. Tower Elevation
6. Fence Elevation Details
7. Pre-Development Summary

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes. Staff supports this request and recommends approval of Ordinance No. O-1718-20 and Ordinance No. O-1718-21.
2. Mr. Robinson – Does the City own and operate these towers?

PRESENTATION BY THE APPLICANT:

1. David Teuscher, Norman Police Department – Yes, these towers will be owned by the City of Norman and be maintained by the City of Norman.
2. Mr. Robinson – Will you be leasing space there for other uses other than your own?
3. Major Teuscher – At this point in time, it's just for ours. I can't answer what they might do in the future – what Council may decide but there are no plans for that currently.
4. Mr. Lewis – Have we consulted with the Norman airport to make certain that this 300' doesn't impede any type of flight patterns?
5. Ms. Hudson – It's my understanding that they're not in the airport overlay district, so we have not communicated.
6. Michael Rose, program manager for Harris Corporation, overseeing the construction of your system. We have already submitted to the FAA all the ASR applications and none of these towers came back as being a hazard to any flight path.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend adoption of Ordinance No. O-1718-20 to 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, Neil Robinson, Erin Williford, Lark Zink, Dave Boeck, Tom Knotts, Andy Sherrer
NAYES	None
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1718-20 to City Council, passed by a vote of 9-0.

Chris Lewis moved to recommend adoption of Ordinance No. O-1718-21 to 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, Neil Robinson, Erin Williford, Lark Zink, Dave Boeck, Tom Knotts, Andy Sherrer
NAYES	None
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1718-21 to City Council, passed by a vote of 9-0.

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Item No. 11, being:

O-1718-22 – JACKROCK, L.L.C. REQUESTS REZONING FROM R-1, SINGLE FAMILY DWELLING DISTRICT, TO SPUD, SIMPLE PLANNED UNIT DEVELOPMENT, FOR PROPERTY LOCATED AT 428 W. JOHNSON STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. SPUD Narrative

PRESENTATION BY STAFF:

1. Janay Greenlee reviewed the staff report, a copy of which is filed with the minutes. Staff supports and recommends Ordinance No. O-1718-22. We did receive one protest letter, which constitutes 1.8% of the property within the notification area.
2. Mr. Boeck – It's currently being used as an office?
3. Ms. Greenlee – They are using it as their office.
4. Mr. Lewis – If we approve this special use – whatever it's called – then the driveway will actually be a north-facing driveway driving into the south in an established neighborhood and they don't plan on changing that onto an east-west facing drive-in, so that we're not encroaching into that neighborhood.
5. Ms. Greenlee – That's correct. Actually, they came in for an expansion of their driveway and got a permit.
6. Mr. Lewis – We're going to have a business, then, right next to a residential R-1 development.
7. Ms. Greenlee – On the east side of this is R-1. The north side is R-1.
8. Mr. Lewis – So on Johnson Street this will be the only commercial available property that's actually doing commercial on that entire street.
9. Ms. Greenlee – That is correct.
10. Ms. Connors – Just to add to that, I'm pretty sure that the Public Works Department would not allow a curb cut onto Flood. We have someone here that could speak to that, but we wouldn't want another curb cut into this property off Flood. It would be too close to the intersection and wouldn't meet our standards.
11. Mr. Lewis – I would say if there were access off of Flood Avenue, where we have many commercial developments, I would be in support of this item. However, when we're encroaching on a neighborhood and we are bringing in commercial development right next to a residential property, this is one of those items where I find value in it, however I can't support it because I wouldn't want to be the neighbor there on Johnson right next to it.
12. Mr. Boeck – That's why I asked the question – it's already being used as an office. It's not like it's all of a sudden going to be an office; it's been an office.
13. Mr. Lewis – Again, if it were facing Flood and I considered it a commercial property, then I could support it. But since it's facing the north-south area and it's in that neighborhood specifically, it seems like we want to keep neighborhoods intact and stop the encroachment of commercial property into a neighborhood.

14. Ms. Greenlee – The office use – that is probably the only type of use that staff could support at this location. It's not a commercial – like a C-1 or C-2 use. It is a professional, 8 to 5, not there on the weekends, and not living at the residence. So it is kind of a lower impact type.

15. Mr. Robinson – If this house burns down or a tornado destroys it or something, and it's rebuilt, would it have to be rebuilt as a single family home, or could it be rebuilt as an office.

16. Ms. Greenlee – It is stated in the narrative that they have to abide by the R-1 regulations, so it could only come under a single family house and it would have to have the setbacks and coverage same in R-1.

17. Mr. Sherrer – That's the same if they chose to relocate, it would go back to the ...

18. Ms. Greenlee – It'd go back, yes, to R-1. That's stated in the narrative.

19. Ms. Williford – Did I read correctly that there are not an overwhelming number of cars with this business? It's the employees and maybe one or two customers that come to fill out a lease.

20. Ms. Greenlee – Correct. Four cars during the day, and then maybe one or two customers that would come to sign a lease.

PRESENTATION BY THE APPLICANT:

The applicant's representative was available to answer questions, but did not make a presentation.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Andy Sherrer moved to recommend adoption of Ordinance No. O-1718-22 to 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, Neil Robinson, Erin Williford, Lark Zink, Dave Boeck, Tom Knotts, Andy Sherrer
NAYES	Nouman Jan, Chris Lewis
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1718-22 to City Council, passed by a vote of 7-2.

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Item No. 13, being:

PCR-1718-1 – RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORMAN DETERMINING THAT THE NORMAN CENTER CITY PROJECT PLAN IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND RECOMMENDING TO THE CITY OF NORMAN APPROVAL AND ADOPTION OF THE NORMAN CENTER CITY PROJECT PLAN, INCREMENT DISTRICT NO. 3.

ITEMS SUBMITTED FOR THE RECORD:

1. Memo re Conformance and Approval
2. Resolution PCR-1718-1
3. Center City Project Plan
4. Eligibility Report
5. Financial Impacts Report
6. Findings and Recommendation

PRESENTATION BY STAFF:

1. Emily Pomeroy, Center for Economic Development Law – We serve as development legal counsel to the City of Norman, and have been working with the City of Norman on the consideration of an increment district in the area where the City has just recently approved the Center City Form-Based Code. We're here to talk to you about that and what the role of the Planning Commission is in the statutory framework of the Oklahoma Local Development Act, which is what is used to establish TIF district in cities in Oklahoma.

As I mentioned, the City is considering the adoption of a TIF district under the Local Development Act in the Center City area. We have, since the beginning of 2017, gone through a series of meetings with City Council to talk about this in anticipation of the adoption for the Form-Based Code. What was being considered was a way to talk about the funding of the public infrastructure improvements that might be necessary because of new development that occurs under the Form-Based Code, so we're looking primarily at infrastructure improvements and water, sewer, streets, sidewalks, landscaping – all the things that are called for under the Form-Based Code and that make it more expensive to develop in the Center City area.

The City adopted the Form-Based Code in May, and on the same day approved a resolution that appointed a Review Committee, which is the group under the statute that takes a close look at a project plan and creation of an increment district. The City Council reviewed a draft project plan that it presented to the Review Committee and then a series of Review Committee meetings were held. The Review Committee was made up of each affected taxing jurisdiction, meaning Norman Public Schools, the County, the Health Department, the Library, and the Tech Center. Several meetings were held which culminated – and I should mention that the Planning Commission chose Chair Williford to serve on the Review Committee to represent this body, as well as three members of the public at large that were chosen by the other Review Committee members. The Mayor served as chair of the Review Committee. So that's the group that took a look at the project plan and in November made a unanimous recommendation that the City Council approve the project plan.

The statute requires that the project plan come to the Planning Commission to take a look at conformance of the document with the comprehensive plan of the City, and that's why we're here in front of you tonight. The City Council is required to have two public hearings. The first one was held on December 5th and the second one is scheduled for Tuesday, December 19th.

I wanted to talk to you about the planning-centric pieces of the project plan, since you are the Planning Commission. I wanted to talk to you about the ways that this document is consistent with both the zoning and the comprehensive plan of the City of Norman. These are a few things that are required of the statute to be in a project plan that approves an increment district. We worked closely with your Planning Director and City staff, who provided tremendous help in providing these maps which are required in the statute. This one shows the project area and the increment district boundaries. The statute requires that existing uses and conditions in the area are depicted, and that's what we show here in two different maps. Of course, this mirrors the Form-Based Code that was recently adopted and all of the uses that are required of

it. The statute also requires the project plan shows proposed uses and improvements to the area. This project plan is meant to focus on making sure that the public improvements necessary to handle the development can be paid for, or at least have one revenue source available to it. So in this map we tried to highlight what the Form-Based Code requires, because we are leaning heavily on an infrastructure analysis that was performed by Johnson & Associates to talk about the public improvements that may be necessary, depending on what development comes to this area and is consistent with the Form-Based Code.

So conformance with existing zoning – the statute requires that the City make a finding that no zoning changes are necessary to implement the project plan. Because the City has just adopted the Center City Form-Based Code, this seems a rather simple thing to determine. Of course, you know what the Form-Based Code offers in terms of regulation for the area and the project plan is seeking to find ways to implement that.

Conformance with the comprehensive plan – the statute requires that City Council make a finding that the project plan is in conformance with the comprehensive plan, and so that's why we need your direction in helping make that finding. Of course, the Planning Commission and the City is currently in the process of developing a new comp plan – PlanNorman – and from what I've read of it, the project plan will also be consistent with it. But, of course, we need to deal with the comp plan that is currently in place. So I took a look at the NORMAN 2025 Land Use and Transportation Plan, which provides goals and policies, as you well know, and helps determine infrastructure decisions, and have tried to highlight some of the things that I read in it that I find supremely consistent with the project plan including managing growth, promoting a compact urban area by directing development – I'm reading from the 2025 Plan – in areas within or in proximity to the existing infrastructure serviced areas, continue to support the revitalization and redevelopment of Norman's central business district, promote compatible mixed use developments within existing urban areas, support infill developments on properties that have been skipped over which is a key point of what the project plan is trying to do. Goal 2, infrastructure supported growth. Require urban development densities in areas where substantial investment in urban level infrastructure has been made. Use infrastructure to influence growth towards areas suitable for development and away from areas with low suitability. Maintain and improve infrastructure in the existing urban areas, which is precisely what we're trying to do. Explore and encourage opportunities for both on and off-street bicycle and pedestrian facilities for commuting to work, school, shopping, between neighborhoods, and for other destinations – and, of course, that's a major goal of the Form-Based Code, so we feel like it works hand-in-hand with the project plan and the comp plan. Goal 3, housing and neighborhoods. Proactively manage the preservation, revitalization and maintenance of existing urban neighborhoods, which is definitely what we're doing here. Encourage opportunities for pedestrian and bicycle facilities. Adopt an implementation strategy that seeks to ensure that the City's limited supply of land designated for medium and high density residential is not converted to lower density. Goal 7, core area stability and enhancement. Continue to promote public and private efforts to strengthen the downtown area through implementation of the Norman revitalization plan. Of course, this area is attempting to connect the existing downtown to the University and it seems a key strategy for the City in many areas. Adopt an implementation strategy to strengthen controls on building demolitions and/or conversions in the core area. Again, we're trying to really build up Center City.

We also reviewed the Comprehensive Transportation Plan – the 2014 Transportation Plan, which, as part of the City's overall comp plan – again, I think our project plan is consistent with it, and I just wanted to highlight a couple things there. Guiding Principle #1, a special place to live. Goal #1, provide a transportation system planned and designed with people and places in mind, including amenities and aesthetic treatments to enhance the traveling experience for all modes of transportation. Having worked so long on the Form-Based Code, I know you have a deep understanding of what that is trying to do and I think Goal #1 speaks directly to that. Adopt policies, ordinance and programs that promote multi-modal, context sensitive considerations and aesthetics into the planning and project funding in Norman. Provide transportation investments and procedures that help enhance traffic access and circulation,

walkability, bikeability, aesthetics and amenities of the central core Norman, including downtown, Campus Corner and OU and those surrounding neighborhoods. So, again, I think I'm being super redundant, but I just want to make clear that I think we're right on point with what we're trying to do here in finding a way to implement the Form-Based Code through the adoption of this project plan. Guiding Principle #2 speaks to mobility. Again, it's all trying to provide a network of bicycle and pedestrian facilities, rebuilding sidewalks, providing connective streets – all consistent with your 2014 transportation plan.

Then just to turn to PlanNorman, which is currently being developed, I reviewed a March 30, 2017 agenda for community workshop #2, just to give me, because I haven't been involved in any of the discussions, of course – just to give me an idea of PlanNorman process has been. I think it speaks directly to some of the same expressed goals and objectives that the Steering Committee has been talking about in PlanNorman. So I think we are on the right track, in my opinion, with the project plan. The Steering Committee document speaks to unique and connected neighborhoods and district. Again, downtown to University, Campus Corner, and everything in between. Speaking about future land use and housing and neighborhood revitalization. A stated goal is to promote development and redevelopment that enhances the district character and improves accessibility in Norman's neighborhoods. I think that the Form-Based Code is set up beautifully to do just that and we're trying to find a way to fund the streets and sidewalks and trees and lights and all of the things that the Form-Based Code would like to see happen in Norman.

Some of the key elements of the project plan include eligibility, which the Review Committee is charged with finding. Based on statutory determinations, the Review Committee found that the project is eligible. It's in an enterprise area and a reinvestment area. Those are statutory terms of art which I'm happy to talk about more if you'd like. Project area in the increment district – we saw that map. Those areas are the same. Increment district is where funds are generated; the project area is where funds can be expended. Again, we talked about that what the project costs are, the creation of a new increment district, and the City's stated efforts to fund these improvements. The statute requires that the project plan lay out authorized project costs. I mentioned the infrastructure analysis. The project costs are tied directly to that infrastructure analysis and you can see the improvements that are contemplated in it.

These are some key items that we've been talking about over the last several months for Center City. We're really trying to find a way to make the Form-Based Code a reality and we believe that might include helping developers with those public infrastructure costs, because it is more expensive and more difficult to build in the core of cities. So a project plan is a financing tool that is available to cities to help do exactly that.

So the resolution before you finds that the project plan is in conformance with the comprehensive plan, which is stated in the Local Development Act as a necessary finding. It recommends that the City Council make the same finding and go forward with its approval of the project plan at next Tuesday's City Council meeting.

That's what I have. I'm happy to try to address any questions, talk in more detail about the project plan itself, or any of the planning pieces related to it. I have Cameron Brewer here from my office. He's been through all of this with City staff from the beginning of the year, so we're happy to try to address any questions if we can.

2. Mr. Boeck – I have a comment. This is the kind of thing we probably should have had a study session on. I agree with everything that's here, but just to lay this out in front of us and say, okay, approve this. And knowing what the City staff went through and what the City Council went through, this is an ideal situation where we should have had a study session to go over it once or twice or three times. I'm in favor of it, but there's too much information here to just hand out to us right now and then expect us to pass it.

3. Mr. Lewis – Commissioner Boeck, I second that. It's an overwhelming amount of information for the Planning Commission to overwhelmingly say we give approval to this as a

blanket. I do have a specific question in regards to the funding, and it says there will be an increase in ad valorem tax up to – or may not exceed 25 fiscal years. What actually area does that cover? Does that cover the entire City of Norman, or does that just cover the area this is specifically affecting?

4. Ms. Pomeroy – It's only this area. And let me be clear. It's not an increase in ad valorem taxes. What a TIF district does is it sets a base. So this entire area, the County Assessor actually already has gone through the process of determining the assessed value of all of the land in this area. What the increment is is when new development comes in, property values go up, just by virtue of that new development. It's that increase in value that becomes the increment. What the establishment of TIF district does is it allows the City to use that increase in value to fund authorized project costs. So it does not raise anyone's taxes. Actually, in this project plan, based on the review committee process, we have agreed to dedicate 90% of the increased ad valorem revenue to project costs and 10% returns to the affected taxing jurisdictions just as it normally would, so that they are not hurt by not receiving benefit for increased density in this area. So it does not raise anyone's taxes. All of the people that receive property taxes in the area were represented on the Review Committee and it was a very – the Chair might speak to this, because she was involved, but it was a very informative and really useful process to talk through how this project affects them.

5. Mr. Lewis – So, respectfully, we're talking about an area of the Campus Corner, which has a very small profit margin in the first place. So what you're sharing with me is, while we're not increasing ad valorem taxes, while infrastructure increases increase the property value, which affect ad valorem taxes and businesses are paying more, the amount of increase is actually being directed toward the TIF, so property owners are paying more, but those funds are being directed into the Center City project.

6. Ms. Pomeroy – The natural growth of property taxes that anyone that owns property has to pay. That natural growth will go, yes, toward the payment of these authorized project costs.

7. Mr. Boeck – Again, I said I approve this because, from what I understand, ad valorem TIFs are a lot more equitable than sales tax TIFs when you talk about where those monies go. It's just I think this is something that – I mean, I went to the meetings where the consultants were and talked to this kind of thing and we're making this very light. I mean, it could be a very controversial thing, but fortunately it's not.

8. Ms. Pomeroy – One thing I might say, if I could, just in response to that is there are lots of different types of projects. My firm represents communities all over the state that do economic development projects. We often use the tool of TIF just because there aren't very many tools out there for municipalities to use. There are projects that make sense for sales tax TIFs and then there are projects that don't. This is a real estate project, and there's not sales taxes that are generated from it. Now, ideally, we're going to see more commercial development in the right places where the urban storefront and urban general is. These are all goals of the Form-Based Code and the City, through the Review Committee process and in the project plan, states that the City will be injecting funds on the front end to do a major infrastructure project to try to really boost this thing off the ground. Because, obviously, it is 100% in in trying to make the Form-Based Code work. But there's no doubt about it, it's harder to build in the core of cities and it's harder to build in areas of town where there's a form-based code. I applaud Norman for the massive amount of work it did to adopt such a progressive code. It's, I think, imperative to its success that we find ways to help this development happen.

9. Mr. Sherrer – I might add, too, just as a – missing my school board meeting tonight, as a school board member for Moore-Norman Technology Center, we spend a lot of time talking about what's the impact on Moore-Norman Technology Center and, certainly as you listed in

the packet tonight, you see that and, in fact, it's very quantitative. Thank you for that information. I think the thoughts from a school board – and I wouldn't want to speak for the other taxing jurisdictions that were a part of this – was that this is a great opportunity to complete and to have a part of our community really enhanced. This group, I know, voted for the Center City plan and, to me, the Center City plan is a great vision, is a great idea, but without having a funding source that is fair and equal, as much as we possibly can make it, that plan has a very, very low chance of ever coming to fruition. I think that would be very disappointing to me, as a Planning Commissioner, to spend as much time and effort as this group has spent, believing that this part of Norman we really want to enhance and have walkability – want to have this place – we want to have this Form-Based Code that will allow us to have this kind of development occur – very disappointing if we don't have a funding source, which I think we hear – we are. I think, after looking at all the different taxing jurisdictions, looking at the cost of what it might be, Commissioner Lewis, on an individual business, and looking at all the sacrifices that maybe the County or others might make, and I think the belief is that this is a longer term opportunity for our community to have a significant positive impact on our core, and each of these taxing jurisdictions over the course of the long-term – it's really going to have a beneficial impact for them as well. I don't want to get caught up in the short term versus long term, but I think – I know this is a lot of information, but I do know that Chairman Williford and I know that each of the taxing jurisdictions, myself – I will tell you, even though I'm not part of the committee, I spent hours looking at this and many community members did as well. I do think this is the best possible outcome of what we can have to really implement the Center City plan that this group supported.

10. Mr. Lewis – And Commissioner Sherrer, might afford me – I have no issue with the Form-Based Code at all. I completely agree and I think you would certainly understand that if anybody on this Commission is supportive of development in the City of Norman, it is I. If we're going to develop this City, then certainly I will be behind that. However, from Commissioner Boeck's comments, my concern is this is a resolution that has come before the Planning Commission, which is asking for the whole-hearted comprehensive recommendation of the entire Planning Commission and, quite frankly, I may have missed a meeting or two, but this is the first time I've seen this, and spending ten minutes on a comprehensive plan asking me, as a commissioner, to whole-heartedly support a plan which I do not understand, or had not been advised of other than the ten minutes that you have provided us, I have great reservations in that.

11. Mr. Boeck – I will say, after having planted that seed of doubt, having sat in on a bunch of these meetings, we're actually doing something that I think is very strong and favorable for the City of Norman by approving this tonight. It's just we were given a lot of information in about ten seconds. Fortunately, it's good information. And it's not your fault.

12. Mr. Lewis – Wonderful presentation. Thank you. It's like the Cliff notes.

13. Ms. Pomeroy – I appreciate and understand what you're saying, and I deliberately opted to speak to the planning concepts that are in the project plan just knowing my audience. But I am grateful for your comments on wanting and needing to understand the whole. I agree. I think that's important.

14. Mr. Lewis – Let me ask a question, and this is not in the form of a motion whatsoever. Is there a time base for this to go to City Council? Is there any reason that we could not table this discussion and actually have a study session, so that we might all understand it comprehensively and whole-heartedly be able to put our support behind it, because I do think it is a good plan. However, I do have a hesitation not understanding it completely.

15. Ms. Pomeroy – We are under some time constraints. There is an important reason to adopt the project plan and establish the increment district prior to year end, and that is because of the back and forth that we had with the County Assessor in the Review Committee process. He has worked really closely with us to establish what would be the base assessed value, and that's, again, a statutory term of art. But that's this line that I was holding up earlier when I was talking, so when you establish a TIF district you establish the base assessed value. All the revenues that are generated on this property value continue to go to the affected taxing jurisdictions, just like they otherwise might. So that becomes your demarcation line, between what flows and what is considered increment. So a huge part of the negotiation, particularly with the County, was a discussion of what that base assessed value is. Again, there are other people in this room that were in the room during that, but there was a consensus among the Review Committee about what that number is and what that means in terms of the affected taxing jurisdictions' planning for future years. So there is an enormous value in adopting the project plan before year end, and there's not another City Council meeting before year end.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Andy Sherrer moved to adopt Resolution No. PCR-1718-1. Sandy Bahan seconded the motion.

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

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

Ms. Tromble announced that the motion, to adopt Resolution No. PCR-1718-1, passed by a vote of 8-1.

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Item No. 14, being:

MISCELLANEOUS COMMENTS

1. Ms. Connors – If the Commission wanted more information on the TIF, because tonight you were voting on whether this was in conformance with our policies of the comprehensive plan, which isn't technically about the financing structure or any of that. We were just identifying that it was consistent with our policies in place in that one document. I think that we could certainly arrange a study session with the Planning Commission to talk more about the overall TIF district and what that means. I would be happy to do that.
2. Mr. Lewis – I think that would be a very good idea.
3. Mr. Boeck – I've been on the Commission for a long time, but even trying to say that this is in conformance with the long-range master plan – the 2025 Plan without discussion of that kind of thing beforehand, I just think you're expecting an awful lot. Fortunately, we're trusting.
4. Ms. Williford – If I may say, I think that we do all also have our agendas, and if we want to request a study session, I think that we are all able to make that request prior to a meeting. I think that we get to see the agenda and what is before us and that we do have that ability if we need more information to request it.

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Item No. 15, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 7:35 p.m.


Norman Planning Commission