

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

DECEMBER 8, 2016

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 8th day of December, 2016. 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.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Sandy Bahan
Chris Lewis
Andy Sherrer
Lark Zink
Dave Boeck
Tom Knotts •
Neil Robinson

MEMBERS ABSENT

Nouman Jan
Erin Williford

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
Leah Messner, Asst. City Attorney
David Riesland, Traffic Engineer
Drew Norlin, Asst. Development Coordinator
Ken Danner, Subdivision Development
Manager
Terry Floyd, Development Coordinator

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CONSENT ITEMS

Chairman Sherrer announced that the Consent Docket consisted of the following items:

Item No. 2, being:

APPROVAL OF THE NOVEMBER 10, 2016 REGULAR SESSION MINUTES

Item No. 3, being:

SFP-1617-2 – CONSIDERATION OF A SHORT FORM PLAT SUBMITTED BY MICK LEE AND CAROL HAYNES (HALE & ASSOCIATES) FOR HAYNES FAMILY LAND FOR PROPERTY LOCATED AT 900 48TH AVENUE N.W.

Chairman Sherrer stated that he has a conflict and asked to be recused from these items.

Chris Lewis moved to allow Andy Sherrer to be recused from participation on the Consent Docket items. Dave Boeck seconded the motion. There being no objection, the motion passed unanimously.

Chairman Sherrer turned the meeting over to Vice Chairman Chris Lewis, vacated his seat, and left the room.

Vice Chairman Lewis asked if any member of the audience wished to remove any item from the Consent Docket. There being none, he asked for discussion by the Planning Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to adopt the Consent Docket as presented. Sandy Bahan seconded the motion.

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

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

Ms. Tromble announced that the motion, to adopt the Consent Docket as presented, passed by a vote of 6-0.

Chairman Sherrer was invited back into the room and resumed his position.

Item No. 2, being:

APPROVAL OF THE NOVEMBER 10, 2016 REGULAR SESSION MINUTES

The minutes of the November 10, 2016 Regular Session of the Planning Commission were approved as presented on the Consent Docket by a vote of 6-0.

Item No. 3, being:

SFP-1617-2 – CONSIDERATION OF A SHORT FORM PLAT SUBMITTED BY MICK LEE AND CAROL HAYNES (HALE & ASSOCIATES) FOR HAYNES FAMILY LAND FOR PROPERTY LOCATED AT 900 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Short Form Plat
3. Staff Report

SFP-1617-2, the Short Form Plat for HAYNES FAMILY LAND, was approved on the Consent Docket by a vote of 6-0.

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Item No. 4, being:

R-1617-55 – 800 WEST LINDSEY, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM LOW DENSITY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 800 W. LINDSEY STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report

AND

O-1617-17 – 800 WEST LINDSEY, L.L.C. REQUESTS REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, AND R-1, SINGLE FAMILY DWELLING DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY LOCATED AT 800 W. LINDSEY STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative
4. Pre-Development Summary
5. Greenbelt Commission Comments
6. Excerpt of November 10, 2016 Planning Commission Minutes

PRESENTATION BY STAFF:

1. Janay Greenlee reviewed the staff report, a copy of which is filed with the minutes. Protests were filed on this item which represented 33.2% of the notification area.

2. Mr. Boeck – You talk about it being pedestrian friendly, but I don't see any sidewalks.

3. Ms. Greenlee – There are not currently sidewalks there. They have moved forward with a request for partial exemption to City Council, which – several things I can go through on that from the current standards. Right now the roadway is accepted, both Lindsey and Lahoma. The public infrastructure is in place. There are currently no sidewalks right now on the north side of Lindsey Street a half block east of this site to Berry Road – no sidewalks on this side. So they are asking for an exception from the sidewalk, however, they had stated if Council decides to require the sidewalk, that they would install that. And they are considering it. But just because there are no connectivities on that north side currently, they're requesting exemption for that.

4. Mr. Boeck – I know the City, to upgrade things, will often with a new project require sidewalks.

5. Ms. Greenlee – Yes. And it is, because they're going to, at the same time, they're going through a short form plat to combine both lots. But the exemptions move forward at the same time that the zoning request and land use amendment move forward to City Council. Let me back up and just one more thing. The site plan that is in your packet had the proposed sign at this corner. It is now out of the sight triangle and at this location. The current sign that's there has been there since that original building has been there. They may or may not decide to keep it, depending on the development of the project. But they have moved the – if they put in a proposed sign – out of the sight triangle. And this site plan reflects that, and you do have a copy that was provided for you this evening.

6. Mr. Robinson – Does this include curb and gutter along Lahoma and Lindsey Street?

7. Ms. Greenlee – It does not. There is no curb and gutter.

8. Mr. Robinson – And they're not going to put curb and gutter in?

9. Ms. Greenlee – They have asked for – there is no curb and gutter on Lindsey Street and Lahoma. There's on Lindsey what's currently and it's all the way down Lindsey. And on Lahoma, this is the existing curb; it's kind of deteriorated. This is part of their partial exemptions that they're requesting.

10. Mr. Robinson – Is this a rezoning of the Lot 1? Is this what this is?

11. Ms. Greenlee – It is to a PUD – to a Planned Unit Development.

12. Mr. Robinson – It's effectively a rezoning, in other words, so that lot is no longer going to be a residential lot. It'll be a commercial lot.

13. Ms. Greenlee – That is correct, as an accessory use only for parking for that building. Meaning they won't be able to expand that building beyond what is proposed on that site plan. The parking has to be available for the new developed building.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, representing the applicant – First, let me respond to the Commissioners on a couple of those questions. They were somewhat related – curb, sidewalks. We are happy to do, on either of those points, what the body wants to do. We were encouraged, however, to basically fit what is already there. And on Lindsey there are no curbs. On Lahoma there's the one. And there are no sidewalks. So it was encouraged of us to not show sidewalks. We are happy to put in a sidewalk. In fact, the original site plan had it in there; we were asked to pull it off. So we're happy to put it in. I think the concern is that, if you had sidewalks that lead to nowhere and somebody's front yard, and there's no other sidewalk for quite a long way, and that was the concern, and that's why we were asked to take it off. So happy to put it back on if you want. And the curbs – Lahoma has one; Lindsey does not. So we're happy to align with those conditions.

As to the question of Commissioner Robinson, I'll get into the specifics, but the zoning is not to change it to C-1; the zoning is to change it to a PUD, and we'll talk about that in just a moment as to what that means.

But you might ask, why are we rezoning, if it is already C-1? If it's already C-1 and a grocery is already allowed under C-1, why are we here tonight? Well, it's pretty simple. Because, when you want to go for a building permit in the City of Norman to enlarge a building, they're going to make sure you have parking, and they're going to make sure that it's in designed parking space and the site plan works, and things of that nature. To enlarge this building means, if we want to build a 3,200 square foot building, we have to go for a building permit and we have to show that we have parking spaces that accommodate that. So, while we can expand the building entirely on the site that is already zoned C-1 and we can fit within the uses that are already there, and we're not changing any of that, we can't fit the parking lot and the building all on the C-1. So the proposal was to come forward and, through extensive discussions with staff and others, is to do it through a PUD and to finite that. I'll get into that in just a moment, but I want to take you through another few slides to show you this.

First, let's be clear again, this is already C-1. This is already a liquor store; it has been there as a commercial use since 1954, I believe – 62 years this has served as a commercial site. I come to Planning Commission and City Council a lot. I've never heard anybody here at this podium that I can recall complaining about this site as a commercial site or C-1 zoning. Maybe they have; I don't know, but I've not heard it. Sixty-two years it's been there in that situation. The proposal tonight is to expand it and bring in a neighborhood market. I go to a lot of planning meetings and a lot of meetings where I hear a constant drumbeat of let's bring back the mom and pop market; let's bring back the neighborhood market; let's provide a walkability chance to go get a bottle of milk. Let's provide an experience where neighbors can walk down the street, shop at a little market, and see each other and interact. I hear that all the time at

Planning Commission meetings, planning meetings, 2025 update meetings, Porter Corridor that came up a lot, Center City we hear those things a lot. We hear it all the time. Tonight you have the chance to make it happen. That's very rare. Usually we're standing here in front of you with big boxes, with large out-of-state developers that come in and do their projects. It's very rare for us to stand here with a neighborhood market on a site that's already zoned for a neighborhood market, and ask you to approve a project that is effectively adding five parking spaces and about 1,600 square feet to a building. That's the essence of what you're being asked to do tonight, in a more aesthetic condition than what is there currently, on a street, mind you, that has 14,000 cars a day going down it.

Nobody anticipates turning this into Ed Noble Parkway. Nobody is here asking for that. Nobody wants that. What we're wanting is to do a neighborhood market in that location. And so that's the site. Janay showed it to you. It already has conditions that basically bleed asphalt out into Lahoma and Lindsey. And when you look at this, I've heard a lot of folks say they want to maintain the residential character – there's nothing residential about asphalt that goes all the way out to the street and has no front yard or anything like it. We seek to change that. We seek to improve that. We seek to put tables of people eating and talking to each other out near the street where we have that kind of an event happening.

This is the view from the street. This is what we seek to change. The asphalt goes straight out into the street, goes straight over to Lahoma. You see on the right is the lot we're talking about. When you add up the parking spaces that are around that building right now, you get to about ten. You see four in the front, you see about five or six on the side, and then on each side you have a couple more. So roughly you could park about ten cars there right now. In the plan before you tonight we're seeking to park sixteen. So we're roughly adding six cars onto a street that travels 14,000 a day – minor and insignificant in the terms of traffic and all those things you've heard people talk about. A tiny speck in the street of 14,000 cars a day.

Again, that building is considerably old. Now right now, as your staff report said, the zoning allows us to do C-1 uses in that building. As your staff report says, we could do a 24-hour tattoo shop. We could do a vape store right now. Your staff report talks about that. We could do a 24-hour coffee shop and drive-through. Everything right there. It's all right there. But we cannot go get a building permit to go beyond the C-1 site and do those things. That's what we seek to do, is get a building permit to build a bigger building – a much nicer building – only about 3,200 square feet – and I'm going to show you in just a moment what we anticipate – an imagery of what it might look like, and the site plan. But we seek to change that condition and make it a much more appealing presence on the street and as a streetscape. I don't think anybody would suggest to you that that streetscape is something that I've heard us talk about in the Center City or North Porter or any other plan say that's what we want. But I think what I will show you is aligning with what I've heard many times people say what we want as a streetscape experience.

That's another view of it. Again, it is a sea of asphalt and a rather old building. As Janay said, that sign – we're not sure yet if we can reuse that. If we can, we probably will. If not, we'll put up new signage that complies with City code.

This is the site plan; 3,200 square foot building, 16 parking spaces. We're going to improve the street edge. You see it right here basically. This is all green out here – I'm sorry it's not in color, but this is all green space – all of this out here. Landscaping around it. You see a portico. I'm going to show you a building in just a few minutes that basically the imagery would be what we anticipate. So we see a porch around it. We see seating areas around it. We see the building about 3,200 square feet. We see the parking over on that lot that is really the focus tonight – the lot that would allow for the 16 cars and we see some parking in the back. Access would now become defined – as to before there is no definition – we don't have any definition of where people come on and off of this property – it's however they want. Now we will have a definition. They come on and off here and they can leave the site over here as well.

This number of 55 feet is fairly significant, in that that space is what the current lot is, and so the current lot that is zoned R-1 is 55 feet wide. As you can see on the site plan, we do not anticipate – we will not allow – the PUD will not allow any vertical structures within that 55 feet.

All that will be allowed, to answer Commissioner Robinson's question, is that parking lot. That's it. The PUD is written very specifically with tight language that says that west 55 feet – the lot that is not zoned C-1 right now, will only be allowed for the uses of R-1 or a parking lot to accommodate that use. That's it. It's not going to allow for C-1. It's not going to allow for vertical construction. And even buffer it even more, to make sure that still can't be done, we put in the 25' building setback line on that side, which is applicable to what you see in R-1 front yards. That's how big a 25' setback is. So we've made it very extensively restrictive on that west side to make sure that there is no C-1 use, other than the parking lot that will satisfy the neighborhood market on the other existing C-1 site.

We hope to create that pedestrian edge again. We were happy to put sidewalks in if people want them; that's not a problem for us, it's not an objection from us. We can carry those sidewalks around the edge – they wouldn't go anywhere, but we seek to create that edge experience – that neighborhood market experience on a pretty busy street, but we think we can accomplish it even still because it's surrounded by the residential.

We have solid 6' decorative cedar around the perimeter, landscaping around the perimeter. We would meet the City code that says we have to have a tree every 20'. I'm sorry it's not shown like that on the screen, but we would have to do that so there would be significant landscaping around that site.

And this, again, shows you the current zoning. It's really kind of odd, actually. This site is one ownership. It's a one ownership site, but as we see a lot of times in older Norman, sites that are actually one assessed lot are actually multiple lots from original town, as we call it. This was one of those situations, where there's actually two lots – it's one assessed parcel; it's one ownership; it's two lots.

And on that note, actually there is a vehicle within your ordinances that says we could have gone to the Board of Adjustment. There's actually a vehicle – it's been done before – where, when you have that situation of one lot and only half of it is zoned one way and half of it is zoned the other, you do have the right to go to the Board of Adjustment and ask for them to basically make it one zoning across that lot. But, to do that, we would have had to say we want it all to be C-1. We didn't want to do that, because we do not want – do not anticipate – do not need – the west half to be all C-1. It would have been an overreach. We chose not to do that. It would have been much easier; it's one hearing. It's about four weeks. Show up, have your hearing, you're done. But it would have been an overreach; we chose not to do that. We chose to come here, through a much more extensive process – a much more expensive process – and ask for a PUD – a PUD to lock in that all we want on that west side is the parking that will allow us to do the neighborhood market on the side that already allows for a neighborhood market. That was the path we chose. It's been there for 62 years. We anticipate it will be that way a lot longer.

Again, it could currently be many different uses on that site. This is C-1. C-1 actually – there's an argument to be made – maybe we should have gone to the Board of Adjustment and asked for the whole thing to be C-1. I don't think we should have, and we didn't. But, C-1 is actually a neighborhood commercial zoning. This is right out of your code, and this is what it says. It says, "This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential uses." Those aren't our words; those are yours in your code. ". . . these shops and stores may be an integral part of the neighborhood closely associated with residential . . ." It's intended to be adjacent to residential. It's intended to be a part of the neighborhood. We want to be that part. We want to be the neighborhood market. We just simply need a parking lot, by code – we can't do it otherwise. I could have shown up tonight with a PUD that says we want very little parking – that's been asked before in some PUDs. We didn't do that. We're fine to accommodate the parking as per code, but we don't want anything more. That's all we want. And C-1 – it fits this area per code exactly. It's been there for 62 years.

Again, within the PUD, we retain the existing zoning of C-1 on the existing east side, but we actually further restrict it. The PUD does actually change the zoning on the east side, because it becomes one PUD. And currently under C-1, C-1 actually allows you to do two and a

half stories, 35' in height. It allows some different setbacks. We actually have said this PUD will only allow one story, for instance. We've actually said that this PUD will have to have full cutoff fixtures, will have to submit a photo-electric plan that shows that there's absolutely zero spillover, and we would have to submit that prior to the building permit. If I did straight C-1 zoning, you don't have any of that – you have the commercial lighting ordinance and it has some of those controls, but we've written it beyond those controls. Commercial lighting ordinance has some things – it says architectural lighting can be used. This just flat out says full cutoff fixtures everywhere. Period. And photometric plans. We said in the PUD it has to be a residential scale building. C-1 doesn't give you that. C-1 could be flat out full industrial – however you want to show it – kind of architecture. We've said it must be a residential scale. We've restricted it further. Said it had to be one story. We've put in setbacks that are far in excess of anything in C-1, and we've done that voluntarily. And so the PUD zoning is the perfect tool to give you those kinds of restrictions. And we appreciate staff and legal opening up on those issues to say that PUD is the perfect use for this kind of a site – to give us the ability to firmly restrict – I always say confine and define – what the zoning is. C-1 open-ended zoning, as we call it, does not allow you to do that; a PUD does. And we're happy to do that.

So a walkable market. Gosh, we hear it all the time – I hear all the time Midway Grocery is so beloved in this town, and they call him Midway Bob Thompson – he has the moniker of his building. Right? Of his business. That's how beloved it is, and Midway Bob sat right here for years as a Council member and he still is on that site. Now, that's not on a 14,000 car a day street; that's not on a main arterial. That is truly tucked within a neighborhood. They even have festivals there – June Bug Jam – they have all kinds of things and it's loved. We seek to do the same thing on a 14,000 car a day arterial where there is already C-1 zoning, where there is already a liquor store, where there is already uses that say it could happen. We simply need a parking lot. Now I love Midway Bob – I'm not trying to throw arrows, but he doesn't have the parking and that really is needed and I'm sure he wants more and I don't think it has been a problem, but we're going to put in the amount of parking.

This is the imagery of what the client wants to do. Residential scale. In fact, I hadn't shown this, and I feel badly – I hadn't shown this, I don't think, at the Pre-Development hearing and I got a little bit scolded by my client. Said, "Why didn't you show them that? Why didn't you show them that?" I didn't bring it with me. But that's the scale and imagery that they want to put onto this site. Residential scale, one story neighborhood market. And that's the imagery they want to go for. Again, that's an existing building somewhere else – that's not exactly what they would build, but that is what I've been told repeatedly is the style they want to do. That's the interior I have been provided of what they want to do on the inside. Neighborhood grocery, neighborhood market within 3,000 square feet right there on that corner with that exterior style.

And so that's what you're being asked to do tonight. Change from what's on the left to what's on the right. Not exactly, again – stylistically. But what's on the right could be done right now on C-1 zoning, be it not for the parking lot. That's the only challenge before us – make sure we can provide the parking lot. That's the only reason we're here. But we've done it in a way that strictly confines the use, the style, the effects, the access, the setbacks, the landscaping – all of that. Far beyond what is already zoned to allow to happen. We think it's a tremendous improvement. We think it's something we've heard many times people want – a walkable neighborhood.

I can recall – I will share with you – one time I had a Council member say to me, "When can you bring us a neighborhood market?" and they had sought out a notable grocery store chain in Oklahoma who has a small market concept to get them and they were trying very hard to bring it into Norman, into these areas, and that was around the time Sprouts came in and some other uses up in that area. But they were looking for something down in this area. Now, you know, I haven't talked to him since that point, and haven't presented this. I usually wait until Planning Commission is over before I approach them, but I'll be excited to bring this to them and show them and say, "You have it."

So, with that, we have support. Staff supports it, which I'm not surprised since we hear at meetings all the time that they want it – that people want it. That they want these

neighborhood markets. They want these pedestrian walkable locations. As staff said, this will create a defined corner with a landscaped buffer and driveway approaches. This will bring back the local market, like Amspatcher's that was right down the street, back into this area. And this will significantly improve the existing access to this site.

So that's the request. It's really very straightforward. It's really very simple. It's a site that already allows C-1, but we need a parking lot. We're not asking to not fulfill our requirement of the parking lot; we're asking to allow us to fulfill our requirement of a parking lot and to do it under a constrained PUD zoning. I hope you will see the merit in that. I'm happy to answer any questions you have. Mr. Tom McCaleb is here to discuss the short form plat issues, the engineering, if you have any questions about that. He can discuss that as well. With that, we would ask for your support tonight and I thank you very much for your attention.

2. Mr. Knotts – I think you mentioned an eating area. So is this a restaurant, also?
3. Mr. Rieger – They do hope to have a deli bar inside. What's been described to me would be kind of like a Midway Deli – probably more grocery store, though, than Midway Deli – more grocery and market, than deli, but they do hope to have sort of a deli counter.
4. Mr. Knotts – Casual dining?
5. Mr. Rieger – I don't foresee extensive dining table areas, from what I've been described. I think it would be more of a walk-up sort of walk and go take-out deli. But I think they envision tables around the outside.
6. Mr. Boeck – Like Amspatcher's.
7. Mr. Rieger – Probably.

AUDIENCE PARTICIPATION:

1. Larry Naifeh, 818 W. Lindsey – You've seen my house on the pictures. It's two doors away. Really appreciate the staff's review of this. Actually appreciate Mr. Rieger and the approach that he's outlined for you. Who wouldn't? I mean, what a lovely story. Unfortunately, we're going to be stuck with whatever you decide to do when you double the commercial footprint that sits on that corner, because that's what they're really asking you to do. They're also asking you to have a parking lot next to a residence – probably be up against Theodore's bedroom back there is where they want to park. That's not what is on that site now. That's not what's been on that site for 62 years. That site has been so limited by its size and the uses that are available on that site that the City has missed it twice on the 2020 plan and the 2025 plan. Missed it twice. We can't be now looking at a circumstance where we've decided that we want to double the size of the commercial footprint. Dress it up. Talk nice about it. Appreciate all those things, but that's, in essence, what it is. And Mr. Rieger – his clients – appreciate them greatly, but there's nothing in this PUD that says that's what it's going to be. There's nothing in this PUD that says it's limited to the wonderful neighborhood market. The PUD said – the only limitation in the PUD is that you have a parking lot – limited to a parking lot. Thank you, but that's really not much. Doesn't say that it will be limited – could be a restaurant. They say they're not going to do that, but the PUD doesn't say that. It could be 24 hours a day in our neighborhood. They say they weren't going to do that, but the PUD doesn't say that. I mean, if it's going to be a PUD, make it a PUD and put things on it that would make this actually be a neighborhood market. They can do everything that they've asked to be done on the footprint they have – it'll just be smaller. It'll just fit in the neighborhood. It'll just be something that is consistent with the lives all these people here have made for themselves for more than 62 years. So it's really important that we understand that's what it is. We've asked – had a meeting with them. I've asked for those simple things. Put your money where your mouth is – tell us it will only be a deli. Tell us you're not going to cook in a restaurant. Tell us you're not going to have on-site consumption of alcohol. Tell us it's going to be a grocery and not a 7-Eleven. Tell us it won't be a drive-thru.

2. Stephen Ellis, 633 Reed Avenue – Ward 4. The site in question looks like it's only .35 acres, so roughly a third of an acre. So I was wondering how this could even be a possible PUD. I'm

sure you're familiar with, but for anybody who isn't, Section 22, the Zoning Code of Norman, section 240 (3)(b) talks about minimum district area and it says that, "Eligible properties must normally be two acres or larger in size (gross acreage). Slightly smaller parcels may be eligible, provided the applicant can show that the proposed Planned Unit Development can meet the intent and regulations of this article without injury to the public health, safety and welfare." So 18% of the normative size is not slightly smaller. If you go look at the preamble to the PUD regulations, you'll see that this is really actually supposed to be all about innovative design, where you're giving someone more leeway in return for something special. And what I want to suggest is that we don't really have a need there. They have another access to provide these things. There's no reason to give the special design leeway. You know, maybe this is a good idea. Nobody loves Mom and Pop Switzer more than I do. But it isn't allowed by our current code and, even if it's a reason to change our current code, that's not a reason for you guys to adopt this PUD. And just to sort of be really clear about that, if you have been paying attention at all, you know that the City of Norman has been having a lot of credibility problems after the stormwater utility vote. And this sort of skirting around the rules, especially when the rules are stated pretty explicitly, just doesn't help. And it's really not sufficient to just ask the City Attorney, who I see is sitting in the back of the room. Her job is to provide cover for whatever the City staff decides to do. What your job is is to look at the rules and see what a citizen can reasonably expect is allowed to be possible. I mean, you have an independent role here. So this is not merely a question for will the City Attorney check off on this. I think you have an independent reason to want to defend the zoning code, because your job in many ways is to be the first sieve for the kinds of things that get passed on to the City Council in Norman. So let me suggest to you that, whatever the City Attorney has to say about this, you have independent reason to reject it, because it doesn't meet the standards of the code – it's not two acres, it's not slightly smaller, it doesn't really do anything special.

3. Cynthia Rogers, 633 Reed Avenue – I would like to, I guess, just reiterate what the gentleman over there said. I think a blanket zoning change that allows anything in the future – I think that's a concern for neighbors and I think that's definitely a concern for people that have invested in their neighborhood and they have their homes and they've been there a long time. My real question, though, that I wrote on the paper had to do with what impact this would have on stormwater runoff in the neighborhood. Is that an area that floods? I appreciate that there'll be – I don't know if there'll be more greenspace or not. But is it going to be better? Obviously, the sea of asphalt was terrible and we know better than that now. And since we know better, I hope that what we get there – or whatever happens there actually has more slowing down the water and affects water quality and storage and all those sorts of things that we're talking about with the stormwater utility. Thank you.

4. Ken Danner – Engineer for the applicant will have to provide a drainage report when the short form plat comes in.

5. Blaine Nice, 100 N. Broadway, Oklahoma City – I don't want to reiterate and repeat what everybody said, but I do want to say – and Mr. Rieger was very kind. We sat down with him, Mr. Naifeh and I, to try to answer some of these questions. And, as Mr. Naifeh said, they can do all these commercial uses on the existing lot but by doubling the size of their footprint – Mr. Rieger tells you that they came forward with this PUD. I think staff suggested they do that. We sit here and Ms. Connors – we tell people PUDs are a great thing because you can do things out of the box. You can do things normally you couldn't in zoning and you can restrict things. And all we said to Mr. Rieger is this PUD, the beauty of it – you're not going to have all these other uses. You're going to double the footprint, well then limit some of the uses. They're going to have a liquor store in here that has limited hours – that's what it has now. So these people, if they do a 24-hour store, they're going to have college students in there buying beer and things, you know, up 'til 2:00 in the morning, and that's what I think the citizens are asking. The concept of a neighborhood market – they accept that and they agree with that. And some of these things

will certainly be an improvement. But we're just asking you to urge the applicant to sit down with the neighbors and say, okay, the beauty of the PUD is we can put some restrictions in there we couldn't in the straight zoning. You're asking to double the size of the footprint. Well, in exchange for that, give up some of these uses. And one of them is hours of operation. The neighborhood market – grocery store – doesn't need to be open after 10:00 or 11:00 at night. I understand under straight commercial it could do that. But we're saying you're coming in here asking to put this parking lot over here and double the size of the footprint – limit outside cooking or what type of – don't have a fast food or a quick trip there. The applicant, they've been here a long time. Those people are vested in the community. But what happens when this PUD gets approved and then they sell it to somebody else that comes in from out-of-state and puts a different use there? That's our concern. So we're asking you to maybe urge the applicant to go back and sit down and put some reasonable restrictions and limits of hours and things like that in this, and work with the neighbors so we would have a neighborhood grocery that could be in harmony with the neighborhood. Thank you.

6. Emily Cunningham, 814 W. Lindsey Street – I live in the little blue house directly next door to the vacant lot. I just wanted to bring up a couple points. The no sidewalk – that sidewalk is going to be my front yard, which it already is. We had no problems with the liquor store being there until Eric Patron sold to Switzer Liquors. Now there's constant trash in my yard. I do not feel safe with Theodore having his room right there. I've had to call the liquor store and let them know that people are drinking outside of the store, sitting against that big beautiful tree that they're going to cut down, staring right at my house. Everyone that lives near has seen me walking up and down. I walk every day with our son. Lindsey is not a safe street. Yes, 14,000 cars travel up and down that street. It is not safe. I never walk up and down Lindsey because there are constant crashes, there are kids constantly texting. People fly up and down Lindsey. There are semis. It is not a safe place for people to be walking up and down. It just isn't. If there were sidewalks, maybe. But, again, where is that going to come from? The Naifeh and I's front yard? I mean, it's just ridiculous. Thank you.

7. Lee Krumholz, 832 S. Lahoma Avenue – It appears that this is trying to be a neighborhood market with as much bicycle/pedestrian access as possible, and yet there is very little. In a typical neighborhood market, we would have people walking up and yet, as one of your committee members mentioned, there's no sidewalks. There's no sidewalks on that part of Lahoma. There's no sidewalks on Lindsey. Although you can ride your bike there, it's kind of a round – you'd have to avoid Lindsey, because nobody rides their bike on Lindsey. So I think that if there's going to be some changes that they need to incorporate bicycle/pedestrian access plan.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – Of course, that brings up a lot of comments. It's not this project's purpose to put in sidewalks, because I've been in neighborhoods where you have one sidewalk in front of one house and then no other sidewalks. So that's a City deal. And we talk about being a walkable city, and that has nothing to do with even the zoning. That's a whole other issue – is when is Lindsey going to become an accessible, walkable, bike-rideable street? We're spending a lot of money redoing Lindsey Street and that bridge. And that's neither here nor there. That's what I want to see happen there.

I guess the question I have – the big concern for me is, as I've talked to Sean about this, is PUDs have purposes and it's there to get benefits from both sides. But I have an issue if it's going to be a convenience store that's open all the time. I would like to see some more specifics in the PUD that – 'cause I lived on College Street and walked Lindsey Street, rode my bike on Lindsey, got hit by a car riding my bike on Lindsey Street when I was in school, and shopped at Amspatcher's all the time. When we talk about a neighborhood market, I talk about Amspatcher's as being the place that I loved to go to get my groceries and to get food, get sandwiches. They didn't have any alcohol at the time. And they're going to have the potential

to have alcohol with our new laws. So I guess – I personally want to see this happen, but I feel like I need to see more restrictions as to what exactly – what it is, what kind of store it's going to be. I don't even have a problem with a restaurant. But, again, I keep thinking of Amspatcher's, which is a neighborhood grocery store, and how that can happen. How we can ensure that it stays what it is meant to be – what it's said to be as a neighborhood market?

2. Mr. Lewis – I do have one for our City Attorney, Ms. Messner. During the comments, one gentleman brought up the concerns about the PUD falling under our current ordinance. I'm hoping you can clarify and expound on that just a little bit, and where this falls. The next thing is, in Mr. Rieger's presentation, this is going to be a neighborhood market, and I would assume with the current legislation that was passed that allows now grocery stores to have wines and beers potentially in the future in them, would that fall under the 2:00 a.m. closure of a liquor store, or do you have any idea, that would prevent the store being open 24 hours, I would think, if that were the case?

3. Ms. Messner – As to your second question, I'll take that one first, I don't know the answer to that, Commissioner, about the 2:00 a.m. closing. I assume it would be the same as the liquor stores, but I don't want to go out on a limb and say for sure, because I do not know the answer. I apologize.

As to the first question, the PUD ordinance is designed to give maximum flexibility on a development site, with the compromise of additional conditions or restrictions or things that make something that might normally be an unusual development work in an area because you are able to very narrowly tailor that to what's going to be built. You can argue that, depending on how the PUD is written, it could be the most restrictive piece of zoning in the City of Norman, or the least, depending on what the language of the PUD itself says. Our office did advise that we felt like this was an appropriate use of the PUD ordinance. It allows the applicant to request that parking, while still putting some restrictions on what can happen on the part of the site that is currently residential. I do agree that additional conditions could be – you could recommend additional conditions to even more narrow what's going to be occurring on that site. And that's the benefit of a PUD at this location.

4. Mr. Robinson – Does the 2 acre limit apply in any case? I mean, is that just something that's ...

5. Ms. Messner – It does say 2 acres or less.

6. Ms. Connors – It says normally be 2 acres.

7. Ms. Messner – Normally 2 acres. Council, in the past, has approved PUDs smaller than 2 acres. It would not be out of conformity with the ordinance.

8. Mr. Sherrer – I'll make one comment myself, and Commissioner Boeck, I think you kind of stole some of the words I was going to use. I'm going to support this tonight. But I would say this, that is a very challenging thing for me because I like the spirit of it, but I do think that the manner which the PUD has been presented is, without some restrictions and some things that I would certainly feel like would be appropriate to talk and have further discussion with those neighbors, whether that be for outside activities, depending upon the walkability, the approaches, what we're trying to accomplish and understand what that needs to be and what that needs to occur and look like. I'd like to see that before it goes before Council so that Council could then have an idea of what that really needs to be. Because as it stands right now, again I'm in favor of the spirit of it and will vote accordingly, but I do have some real concerns about the fact that the PUD is pretty wide open as it stands right now.

9. Mr. Robinson – I would like to echo you. I agree. I kind of agree with the spirit of it. I'm a little concerned about the traffic issues. I mean, Lindsey Street is ridiculous. It's not that this is necessarily going to make it any more ridiculous, but it's a problem. Lack of a sidewalk is a problem, but putting a sidewalk on a little piece of this is – it looks a little silly, but on the other

hand, the City, at some point, needs to make a move and say we're going to make it walkable. We're going to do something with this intersection. I wouldn't want to walk up to this place on a sidewalk and then try to cross Lindsey Street with no light. It's just not safe. And I think just riding a bike down Lindsey Street is not safe. Putting curb and gutter here might actually make it less safe, because you're running along without curb and gutter and suddenly curb and gutter is there. It's just not a good situation any way around. But there doesn't seem to be a policy that says positively when we develop parcels, that we're going to require these things, and then plan your arterials and your roadways accordingly. But, again, I think in the spirit of what's proposed, I think it's appropriate and it's probably going to be a benefit to some people, except those who live next door. It's a difficult thing.

10. Mr. Boeck – I've got a question, and this gets into procedure and how we, as a Planning Commission, can work, because I'm a firm believer in mixed use and neighborhood walkability and stuff like that. But what can we as a Commission do? Do we either just approve it and say we'd like these restrictions to be added before it goes to City Council? And what does that get us? Versus saying we can't vote for it right now because it's too unrestricted – or too open and you need to come back and get some more restrictions in there. I'm for minimizing the amount of work that it takes, but I want to make sure we're doing the right thing.

11. Ms. Connors – The Commission has the authority to approve this, to deny it. They can postpone it, although there's often developers who say that that's inappropriate. You can approve it with conditions, because this is a planned unit development. You can add conditions to this PUD. So you have that authority.

12. Mr. Rieger – I would encourage you to give us feedback on what you want, as to those restrictions. And the neighbors did. We did meet with Mr. Nice. We heard those specifics and we'll consider those as well. But I would encourage you, as well, to give the developer that feedback, and then we can go on to Council with that feedback, and that gives Council some instructions.

13. Mr. Sherrer – Mr. Rieger, I'll tell you I did not hear, in my opinion, either one of the two neighbors adjacent that I thought that they were inappropriate in their requests. So just have that as a general overall, rather than going and listing each individual one. That would be my quick answer to that. Other Commissioners may have some restrictions as well.

14. Mr. Boeck – I thought Mr. Nice did a pretty good job of at least listing my concerns of what I'd like to see in the PUD. I don't know if that's all of them. I thought he was representing some people in that group, and those were the kind of things that I wanted to personally see in the PUD in order to approve it.

15. Mr. Nice – Before we start, and I appreciate – I'm not trying to slow them down, but as I understand it, one of the reasons that they've come forward with this is because of the proposed changes in the liquor laws and what they want to do, and that's not going into effect for a while. So I might ask if they would agree to postpone this to let us sit down again, rather than try to come up with everything tonight. I understand that's up to them. They can ask that you vote on it the way it is. I appreciate that. But I don't think this is something that time is of the essence and it's got to be done tonight. So, in that regard ...

16. Mr. Rieger – I am rarely open to a postponement. I hesitate – my client is not with me tonight. I have been texting him – I will share that with you. He has agreed to limit hours of operation to midnight and closure at midnight to 6:00 a.m. is what we talked about in our office. That's one concession that the client will do. I think there's some other things we can talk about. I am concerned when I hear you're going to limit down to just a neighborhood market. That's

unreasonable. That's unreasonable. When you get down to that issue, that level that you have one use and only one use, there's no way you can.

17. Mr. Sherrer – I guess the answer at this point is you'd like us to move forward.

18. Mr. Rieger – I would, with feedback.

19. Mr. Naifeh – The element there that is of concern is that – I've been speaking to you as myself. And to presume that I speak for everybody else that has spoken is probably not fair. And they may have vastly different ideas, including whether there should be a damn parking lot there at all. That's really concerning. And it's also concerning ...

20. Mr. Sherrer – Let me ask you, then – excuse me for interjecting there, but I guess my point on those, if you would list those five or six things, then that allows us as a Commission then to make those recommendations or not, depending upon our vote, with the idea we're not postponing, and then certainly you have the right, and as your neighbors do, to follow up with any sorts of comments with the Council, who ultimately makes the vote. But are there four or five things that you would like very specifically for us to consider tonight in any recommendation made to Council? I want to make sure those get noted for the record. Otherwise, it's fine. We can move forward and go to Council.

21. Mr. Naifeh – Understood. So in the listing of that, we think that the applicant should be limited to what the applicant has presented to you, and that is a wonderful neighborhood market. We didn't do that – that's what they listed. That's one. Limit it to a wonderful neighborhood market. We think that – while we believe that it's clear that the uses that are proposed don't allow the onsite consumption of alcohol, we'd want that listed in the PUD so there's no doubt now and forever after that there'll be no onsite consumption of alcohol on that piece of property. We clearly think that having restrictions with regard to a restaurant are very reasonable. Now, I don't know the code well enough to know what I just said. But if you're cooking and you have to have grease traps and you have to have vents and your smoke is coming out the building and it's that type of establishment, that's not the neighborhood market that was presented to you. You saw pictures. We're talking about Midway Grocery. Those don't have those types of things. No outdoor cooking, either, in that regard. We'd love to keep the trees; there are two huge trees there, but I don't know that that's within our purview but that parking lot kills two gigantic character trees in that neighborhood. It's tragic – absolutely tragic. They should figure out a way to – even if they have two less parking spaces and can keep those trees, they should have two less parking spaces and keep those trees. Hours of operation – there's no reason that a neighborhood market needs to be open past 10:00 at night. Liquor store can happily stay open 'til midnight, if that's what the law allows. That's a limited use. But having a neighborhood market that includes a deli need not have folks eating outside while we're trying to sleep – while Theodore is in his bed – while I'm in my back yard. I don't need to hear them. We don't now – the liquor store doesn't have anything like that.

22. Mr. Sherrer – Thank you. That's very helpful. We appreciate you giving those. I think that will be helpful for the applicant as well.

23. Mr. Knotts – I just don't feel like this program for this building – this PUD – has been sufficiently explored. And rather than trying to hurriedly put conditions on it, I would like to offer a motion to deny, with the idea that that time would allow the residents and the proponents to get together and come up with a reasonable program solution that takes all of these factors into their program.

Tom Knotts moved to recommend denial of Resolution No. R-1617-55 and Ordinance No. O-1617-17 to City Council. Neil Robinson seconded the motion.

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

YEAS

NAYES

MEMBERS ABSENT

Lark Zink, Tom Knotts, Neil Robinson

Sandy Bahan, Chris Lewis, Andy Sherrer, Dave Boeck,

Nouman Jan, Erin Williford

Ms. Tromble announced that the motion, to recommend denial of Resolution No. R-1617-55 and Ordinance No. O-1617-17 to City Council, failed by a vote of 3-4.

* * *

Item No. 5, being:

O-1617-6 – 704 WEST BROOKS, L.L.C. REQUESTS REZONING FROM R-1, SINGLE FAMILY DWELLING DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY LOCATED AT 704 WEST BROOKS STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Map – Special Use for Parking
4. PUD Narrative
5. Pre-Development Summary
6. Greenbelt Commission Comments
7. Excerpt of October 13, 2016 Planning Commission Minutes

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes. We did receive protests within the notification area of 34.73%, and we had support within the notification area of 17.99%.
2. Mr. Knotts – Jane, can you go back to protests. Can you tell me what these – who owns these support along Lahoma?
3. Ms. Hudson – We have that in the file. I don't have it in front of me.
4. Ms. Tromble – The support letters are on your desk.
5. Mr. Knotts – Where I'm going with this is that the sorority house is green and these lots along Lahoma are green. I was wondering if that was some kind of code, and now I see that the support letters are, in fact, sororities and Sig Alph, I think I saw. This may be a domino in the problem of the residential along Lahoma I guess is where I was going with that. Do you see that as a problem?
6. Ms. Hudson – The support – the green lots being supportive of the request?
7. Mr. Knotts – Yes, that they're supportive of the request in anticipation that this would be the first domino that falls, and that they would have an opportunity to convert their owned property into a special use.
8. Ms. Hudson – I see what you're asking now. Applications come forward to Planning Commission and then on to City Council, and, obviously, you have the ability to recommend or deny. This being directly across the alley from the fraternity was one of the reasons that staff supports this application; it's directly adjacent to the current property owner. It would be different if it was mid-block where we have the three supports there.
9. Mr. Boeck – Are you asking if the homes that are in green are owned by the people in the sorority or fraternity? Is that what you're asking?
10. Mr. Knotts – I'm saying that they are owned by the fraternity or the sorority that they back up to.
11. Ms. Messner – Just as a reminder when you're thinking about the protest and support map. The protests are the ones that the City counts when calculating whether or not a super-majority voting requirement of Council will be necessary. The support letters are just to kind of give you all a flavor of what it looks like, but because they're letters of support they don't count into that protest calculation for the super-majority requirement.

12. Mr. Knotts – I understand that. By sending a letter of support indicating that they are the fraternity or sorority that's on the other side of the alley, it begs the question for planning that they are in support of this for brotherly love, but also for their own opportunities to be able to say at a point, well, you did it for the Betas.

13. Ms. Messner – I don't think, as staff, we can put a motive to why they've turned in a letter of support. I'm afraid we can't answer your question.

14. Mr. Knotts – You can, but you don't want to.

15. Ms. Messner – I think, Commissioner, that's the question for you all tonight.

16. Mr. Lewis – Leah, I think we may never know the intent of who gives support or withholds support. I mean, that is up to the individual. I think we, as the Commission, have the responsibility to weigh the merits of the parking lot based on the location, not the intent of the support or otherwise.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, representing the applicant – Just to respond to Commissioner Knotts, you've heard it said before, every application comes before you on its own merits. So if that happened it would, again, on its own merits. I don't have any indication that that was the case, but that letter was delivered to me, I think, as kind of a comradery of sororities. So I think it was more of a neighborly thing. That's the indication I had. I have no indication of anything other than that. And, if it did, you would be in full power with the Council to do as you wish. That's very important on all of these kinds of items for people to understand that. And I hear that all the time. You know, slippery slope and all of these things, and I'm always really confused by that argument, because there's no – in a court of law, we do have what's called *stare decisis* and if a judge rules on a case – that's why you use appellate court cases all the time and that's why as attorneys we cite them all the time, because they are a precedent and they are binding. You are a legislature – well, the Council is a legislature. Legislature is not a judicial officer in a zoning action. You do not fall under *stare decisis*. You do have the ability to choose as you wish. So it really is never applicable in a zoning action, as it is in a court of law, where it's a very different form – a very different action – a judicial versus legislative. So you have full power and authority to see them on each basis.

We are sort of under similar arguments from the last item, although this one is not a use of a building. This one is not a use of whether it's open 24 hours or whether it is cooking outside or anything like that. This one is pretty straight forward – it's a parking lot for 13 cars. It's not cooking out; it's none of those other things. So I don't think this one gets complicated like the last one got. I think this one is pretty much it is what it is – whether you do it or you don't.

Let me show you a few more slides about it. We did use the PUD approach again on this one. This one, as Ms. Hudson showed you, is right next to the Beta House and it is a small site right next to the alley. This one is not down mid-block down a different way. This one, too, had significant neighborhood interaction, and this one, too, we responded to. This one was much easier to respond to the neighborhood interaction, as opposed to the last one as you saw – it was difficult to define down to one use of a plethora of many. This one we did respond very directly and effectively, I think, to the neighborhood concerns and I'm going to show you how we did that.

I do want to relate back to Ms. Hudson's graphic, though, that told you about all of those parking lots around there that were special use parking lots. And what's very important to note about that is those used a vehicle that was commonly used back then for special use for parking lot. The property would be rezoned to R-2, or maybe RM-2, I believe, as well, and it would be requested to get a special use that would then allow for the parking lot. But the rezoning would have happened. It would have taken it from R-1 to R-2 – a multi-family designation. So then the rezoning not only gave them the ability to do the parking lot, also gave them the right to do

multi-family if the parking lot ever changed or if they wished to – they could put multi-family on it. It changed 2025 with that changing, as well.

Tonight we're doing it differently, and we're trying to find a way to do it differently – doesn't open up that window. Doesn't open up that extent of moving us into a multi-family designation. And so, again, we've gone to the PUD. I'm very appreciative of going to the PUD. When we zone in Oklahoma City, they will not let you go through a zoning very often anymore without it being a PUD or a SPUD, which is a Simplified Planned Unit Development. And they won't do that for the reasons that we saw on the last item and what I think you will see here, is that open-ended zoning has kind of seen its day. It's too open-ended as they say. So authorities are wanting PUDs now because they can define and confine and very much restrain that zoning. It's a different animal for an applicant to deal with, because you have to anticipate a lot. You have to write it into its own ordinance and anticipate all those things. It gets very hard in a building, like the last item, to anticipate all those things. I don't think it's as complicated when we're talking about a surface lot. So we've tried to use the PUD on this one to define those things. So it's a different vehicle than what you see on the other items, which changed it to a multi-family use.

So this is the proposed site plan. I'm going to take you through it and I'm going to show you what we changed in just a minute from when it was actually filed. It is 13 parking spaces. It is a relatively small site right there on the alley. The Beta organization owns this house. You see it on the left – that's the site plan. You see ghosted underneath is the uses around it – Beta house on the right and the residential houses on the left. So 13 space right here in the center area here. It's one entry lane right here; exits out onto the alley. We have shown rain gardens and we've shown rain gardens – you see them pointed basically at several points here throughout. What we did, basically, was tried to limit the impervious area to just the absolute minimum that we needed very intentionally. We wanted to make sure that we made an improvement here on impervious area, instead of making it worse. So we did that. We actually put in rain gardens. I was talking to a Councilmember, for instance, about this item and they, in essence, told me if you're going to do a parking lot it better be the best one we've ever seen, and I'm proud to say I think we've done that tonight. So we put in everything we've ever been asked to do in parking lots, in essence. Lot impact design, rain gardens, extensive landscaping. We've put in basically what they call saw-toothed the parking lot – you see this right here on the edge. We've saw-toothed. That takes a lot of expense, but it increases your pervious ground and so it helps us to provide for ability for the rain to soak into the ground. All of these steps have made it a more expensive parking lot, but a more successful one in a lot of ways. We put decorative architectural features – this low wall out front – I'm going to show you in just a minute what that looks like. But we hired an architect to do this project. It's pretty rare to hire an architect to do a project like this; that doesn't happen very often. I think some of you can appreciate that. But they did – they went to the expense to hire a notable architect in Norman to produce this plan and produce the architectural aspects of it. They've put in requirements all around it for solid fencing. This is a low limestone wall across the front. What I really want you to notice is that the front is a front yard with a very minimally wide driveway cut through it. That is an improvement from what is there. And they pulled the wall back to where it basically lines up with the neighbor lines, so the front yards carry right across the top into this site. That's a concession, and I'm going to show you in just a minute how that was.

Here's the existing site. It's basically a parking lot up front right now. You see the pavement all throughout the front here with cars parked around it. This is the house right there. I don't know of any significant architectural features on that from my background in architecture, but that's the house. You see the front is basically paved; the back as well. And so this already has a pretty significant impervious coverage amount.

This is what they want to change it to. What would be changed – now you see the front yard carrying all the way across. You see the low limestone wall. Very rarely do you ever see parking lots put this kind of detail and expense and styling into this kind of a situation for a 13-car parking lot. That's pretty rare. I just don't ever see that, but they're willing to do it here, with extensive landscaping, the low wall, and keeping the front yard space across that street. Really,

I think, very pleasing and very architecturally helpful. And that was a request of the neighborhood for us to do that – request to not lose that front yard space. We've actually returned the front yard. Again, right now it's paved; that's a paved front yard. We would return it to greenspace on this project.

And so the changes we did – when we first came with this application, we actually asked for the R-2, because that was the common method. We asked for the R-2 with special use. And after careful thought with staff and with others, we thought we can confine it and define it better with a PUD – let's do the PUD approach, and so we did that. We revised the request to go to a PUD. We definitely did not want to worry the neighborhood – the neighbors were worried you're going to change it to R-2 and then, it doesn't work, you can put in whatever you want in terms of a multi-family project that would fit on that site. And so we changed it to say that it can only be a PUD and the PUD is extremely specific in this instance, and it says it can only be either R-1 or that parking lot. That's it. It can't be anything else. So beyond R-1, it is that project and specifically the language in the PUD says of that site plan. So you either get that or R-1 – no other change.

We withdrew the 2025 change, too. And all those other parking lots that I showed you for the changes through special use, that changed 2025, because, again, you had to change to the upzone multi-family before you could do the special use – that changed 2025. Here we withdrew 2025. We have no interest in going to a multi-family designation for this site. We have only the interest in the parking lot. That's it.

We reduced from 15 cars to 13. Before, when we first filed, it was 15. And, again, the request was to pull it back so it aligns with the frontages of the houses up and down the street; we did that. Pulled it back, and so now the greenspace on the front is, in essence, still the front yard space that aligns with the rest of the front yard space up and down the street.

We reduced the impervious. This never happens. I don't know how often I've ever come in front of you to reduce the impervious, but this one does. This one actually reduced the impervious. The first site plan actually was a net zero, in effect. When we pulled off the two spaces, and when we went to the saw-toothing of the perimeter, which you see right here, that actually added a pretty significant amount of greenspace back into the project and now we have a reduction in impervious and I'm going to show you that on the next slide in just a minute. Maintain the front yard and, again, added the rain gardens.

So we went to the PUD and the PUD only allows R-1 or this parking lot – very specific and you have that verbiage in front of you in the document itself if you wish to look through that. This is the reduction of the impervious. This is actually from the City of Norman site. You will recall from the recent election, we had a site that was a really wonderful tool for us to use now to see what the impervious percent is, and we went to that tool and we found that it was 64%. So the site right now is 64% impervious. R-1 generally allows for up to 65%. This site plan takes it to 59%. We are reducing the impervious ground on this site plan and giving up that front yard to leave it as a front yard – leave it as a green space, put in the low limestone wall – decorative – with landscaping in front of it and so we keep that appeal across the streetscape. But a reduction in impervious. Again, that was a request of the comments we heard. And so the change, we believe, is really quite dramatic to go from the paved front yard and the existing structure over to now a greenscape front yard, low limestone wall that blocks the parking lot but allows for this use to happen as an accommodation for the neighboring project. It's one site; it does not extend on into the neighborhood. It limits it at that point, and I think it's done very respectfully and very carefully to fit the concerns that we heard from neighbors through this project.

With that, there is support. No on-street parking, staff writes, along Brooks Street, Chautauqua and Lahoma. This parking lot will allow visitors and residents an option to park close to the house. They have parking – it's a little ways away. And so this will allow a small parking lot. You see this a lot of times, actually, and you see it in multi-family projects where they'll have kind of a parking lot that you come and go quickly into office areas or things like that, but then they'll have the residents park in a different location. It's kind of the really conceptual feel here that this presents a parking lot that you come and go into this facility. It does have the neighborhood support, which you saw. We believe we've addressed

neighborhood concerns very carefully here. We've done so in the PUD document. All we request is for this parking lot of 13 cars and R-1 to stay entirely as it is. 2025 stays entirely as it is. With that, I'm happy to answer any questions you have and we would ask for your support on this item. Thank you very much.

2. Mr. Lewis – Mr. Rieger, can you go back one slide where it shows the boarding home? Do you have any idea how many residents or how many bedrooms are in that boarding house? Or just a guesstimation?

3. Mr. Rieger – It's presently vacant. Do we know how many bedrooms there are? We believe there's four bedrooms.

4. Mr. Lewis – So, realistically, what we see is we have 5 cars there at that given time in history, and potentially five to eight cars would be more realistic. And so really we're just adding 5 cars to a parking lot that are already there, and reducing the impervious surface that is already present. So it seems to me like it's an improvement.

5. Mr. Rieger – I think that's a fair comment, Commissioner.

6. Mr. Robinson – Is this owned by a not-for-profit corporation?

7. Mr. Rieger – Right now it's owned by 704 West Brooks – right now this is owned by an L.L.C. Betas own the L.L.C.

8. Mr. Robinson – So not for profit. So you won't be leasing these spaces to the Beta House?

9. Mr. Rieger – That is not the intent.

AUDIENCE PARTICIPATION:

1. Mike Montgomery, 801 S. Lahoma – Prior to the start of my presentation, I would like to submit my comments to each individual. Thank you all. I come before you this evening as a long-time resident of this neighborhood. I respectfully request that the Planning Commission members deny the request rezoning to the PUD for a parking lot submitted by the owners and their representatives at 704 West Brooks Street for the following reasons. As the applicant has submitted this, the Beta Fraternity was remodeled and expanded in 2014. The permit issued listed 78 beds. The Beta House has a parking lot directly to the south of their building that can accommodate 82 cars. Parking accommodations required for the residents in the house is one per accommodation, meaning one per bed. The fraternity has adequate parking for their residents at this location.

The majority of the neighbors have protested the rezoning request. 51% of the private property owners in the notification area have protested. A total of 110 of the property owners in the neighborhood have protested this request.

Demolishing a single family dwelling in order to construct a parking lot would diminish the distinctive character and value of our neighborhood. The area to the north of the subject property is the Chautauqua Historic District.

The construction of an additional parking lot at 704 West Brooks will only increase traffic, noise, and potentially risk children walking to and riding their bicycles to and from McKinley Elementary School. The Greenbelt Commission feels that changing the zoning of this property would cause the loss of the residential aspect along Brooks Streets and will begin an asphalt creep into our neighborhood.

At this time I'd like to address any questions of the Commission. Thank you very much.

2. Melinda Montgomery, 801 S. Lahoma – One of my concerns was one that you already brought up – was that what's going to stop these other properties from doing the same thing? If

you accept this one, how will you deny the next one? And it could just go on and on. Another thing is I know that, supposedly, this parking lot – I think the lights are supposed to just stay on the parking lot, but I'm concerned – cars tend to come and go all night long for young people and these adjacent – especially the adjacent houses, the headlights, the dark, car doors slamming – it's going to be very disturbing for the people that like to get their rest at night. And what I don't quite understand is, when they had their expansion, they have built a basketball court. If they needed guest parking, why did they not put it there instead of building a basketball court? I mean if they needed it so bad. And the thing is that this fraternity was completed in 1929. We've gone 87 years without having the need for extra parking encroaching into our neighborhood, and I want to know what has changed now that makes this requirement necessary? So the majority of the residents of this neighborhood that actually pay the property taxes are against this project that would only benefit a few guests that are here temporarily. Thank you very much.

3. Greg Jungman, 642 S. Lahoma – It's kind of hard to know what to say, it seems so obviously wrong to knock down a home in our neighborhood and put a parking lot there. So I'm not sure what the most convincing arguments are. But I think it's worth nothing that it's only probably several dozen communities in the nation where you have these wonderful homes near these major universities. Maybe there's 100 of them, probably less, of the size of our university. It's very nice; it's a great place to live. It does create compromises when you live there, and we're okay with that. Our neighbors change a lot if you have rental property near your house. Probably a little more noise, a little more traffic. We're okay with that. Not okay with the City allowing people to knock down houses and replace them with parking lots. Not okay with that. If you took every house out and put a parking lot there, the neighborhood would be gone. We all agree on that, I think. So when you take one house out and put a parking lot, the neighborhood is that much closer to being gone. I mean, it's that kind of zero sum consideration. It's not like you can design a great parking lot that makes it less destructive to the neighborhood. So I just hope you'll consider that. I realize that house isn't beautiful, but it's R-1 and it's confined to R-1. The person who owns it can choose what it looks like. But we, as a community, get to decide if it's a parking lot or not and I hope we'll say no.

4. Cynthia Rogers, 633 Reed Avenue – I guess I have a question. I know there will be 13 spots there. But my experience being at the university all the time and driving around the sorority and fraternity parking lots is they put a lot more cars in those lots than there are spaces. They double park; they park in the middle; and they cram them in. I imagine if there's an event, they would also be stacking in a lot more cars. So I think the notion that – I think we could create a lot more traffic than just 13 cars being parked there. It's obviously an idea for people coming and going and probably maybe they're commuter sort of guests sorts of things, which is – it shouldn't be part of their residential parking, since they just did the expansion. It's clearly sort of a commuter guest parking situation. And that's a whole different ballgame, because that is a lot more traffic than the people that live there and walk to the university. These are people coming and going. And so I think that really does compromise the integrity of the neighborhoods and the neighbors. And then the other thing is, you know, the precedent thing is a really – that's a hard thing to set. And then the last thing I would like to say is I found it very, very interesting that the presentation for this PUD was oh, we're going to specifically limit this for parking or R-1, and the last PUD that was presented – the last item – there was resistance to that. And I don't know how we can be inconsistent. If it's a PUD for a particular thing, I think you have to limit it to that to provide the neighbors some protection about what they are or aren't getting. So I'm finding that very curious and I also find that very worrisome. Thank you.

5. Vicki Livingston, 811 and 911 S. Lahoma – I have a question to ask of Mr. Rieger. When should I do that? I've not been at one of these meetings before. It was mentioned that the back of this property was parking lot – was paved, and I don't believe that's the case. Maybe there is some or it's gone up recently. I wondered if he could answer that for sure for me.

6. Mr. Rieger – Where we get that is from this diagram. The City actually shows impervious ground – what the City considers impervious ground and the City website is showing this as impervious space in the back. I think it's pretty hardscape material on the back. I don't remember the specific.

7. Mr. Knotts – It is gravel.

8. Ms. Livingston – I own the property at 811 S. Lahoma, which is directly across the alley from the back side of the Beta House on Chautauqua and I share the property line with the proposed future parking lot. My family bought 811 S. Lahoma 40 years ago. We picked this house to live in with our young children because of the wonderful family neighborhood, beautiful tree lined streets, and its reputation for McKinley School being an amazing elementary school. We were at McKinley School for 17 years with my four children, and I now have a grandson at McKinley in the second grade. Our 40 year history and commitment to our neighborhood runs deep. And I've done a lot of editing to get to three minutes. Before we purchased, we saw that our alley running north and south was the dividing line between more official college use property and primarily family community. Most of you have the map on the back page you can look and kind of see what I'm talking about. The north/south alley there has always been the dividing line for – as far as I know, that type of official college use has always been on the east and it's been residential on the west. For the safety and preservation of our family neighborhood, I ask, please ...

9. Eric Kozlowski, 824 S. Lahoma – I'd like to start out with some of the comments to Mr. Montgomery. Based on the staff report, the Betas have adequate parking. I don't see any need for this additional parking. Parking enforcement stops at 5:00; they have plenty of opportunity to park on the street – park as close to the Beta House – park in front of it – park on the east side – park on the north side of it. There's plenty of opportunity to park around the facility. When they chose to put the basketball court in – a basketball court is essentially 95 by 50, that had a minimum of 10 or 11 parking spaces. They chose an amenity over directly approximate – directly south of the new structure and existing structure – they chose an amenity instead of parking – inefficient parking, I'm telling you, would be again 10 or 11 parking spots. If they did something as they're proposing, they'd get the 12 or 15 on the lot. When I looked and read the standards of development for a PUD, I don't understand how this applies. The minimum area for a PUD is two acres or more – we are at .16 – 7,000 square feet. We are at 8% of the minimum requirement. How does this fly? Do we need to get someone a new calculator? I'm a bit lost. Likewise in the PUD there is an open space requirement – or common space which is 10-15%. I don't see anything that's 10 or 15% -- 700 square feet. A parking lot – that's a common space where the gentlemen from the house can go and sit down and have a beer, have a smoke, study – whatever they need to do. Likewise, referring to Mr. Knotts and the whole domino effect. I worked on the 2020 plan; I worked on the 2025 plan with Mayor Rosenthal. We drew a line in the sand and that line is that alley and that needs to be respected and we are going to face a domino effect. That is my greatest concern. On the special use parking diagram, those are only special uses in the R-3. They are to the right or to the east of the alley. There is a parking lot for the Triangle Fraternity on Lahoma Street. Again, that's not a social fraternity – that's an engineering fraternity. If you go back to that purple and green protest map, one of those green boxes is an empty lot that Mr. Brett Leemaster supposedly purchased. Mr. Leemaster doesn't live there – he doesn't have a house in our district, but yet he has a comment that he supports the project and he doesn't live there? He may own the lot, but he doesn't have a house there so he's really not familiar with it when you come back to the statements. Again, I'm going back to the domino ...

10. Stephen Ellis, 633 Reed Avenue – So we're looking at another even smaller lot here -- .16 of an acre – less than a sixth of an acre. And it's pretty clear that that's not 2 acres or even

slightly smaller. So let me reacquaint you again with the relevant section of the code, because I think this is actually really, really important. Eligible properties must normally be two acres or larger, slightly smaller parcels – slightly – may be eligible provided that the proposed Planned Unit Development can meet the intent of this article. That is a necessary condition, but not a sufficient condition. It turns out that it's got to be slightly smaller and that's all you get. So Ms. Messner at least addressed this issue, but what she gave you was really like a stamp of approval, right? She just said yeah we said this was okay. But that's not really an argument and in this particular case it's really a non-sequitur. The issue here is size. Ms. Messner has not explained how this smaller PUD would comply with the City code of Norman. And to help you sort of understand that issue, let me quote Ms. Messner herself from a memo that she wrote for the City Manager on another issue. A common error in statutory construction techniques is to fail to read the particular code provision in such a way as to give meaning to all of the relevant provisions. This section of the code is gutted – I mean completely non-operational – if you are allowed to treat 8% – less than one-twelfth of the normative size – as just slightly smaller. And that's actually a public policy issue, right? So I'm not talking about going to court or anything like that, although I do think you would be handing a cause of action to anybody at least within the 350 feet radius. But this is a citizen trust issue and this is an issue about how citizens can understand the zoning code that they can get online to read themselves. How is a citizen supposed to know what to expect or to trust that you will follow what the code says yourself if you can say 8% – that's just slightly smaller? So you guys are actually sort of standing before the dock here with the citizens of Norman. And if you say yes to these PUD zoning procedures, what that suggests is that you don't really give a shit what the code has to say – you're just making the rules up ...

11. Zev Trachtenberg, 916 S. Lahoma – Why do I have to follow Steve Ellis? I could go sit down. Tom, you know me well enough. That ain't gonna happen. First of all, I hope you won't count this against my time. It's very nice to see those of you who I used to sit up there with. I'm here because I'm a neighbor; that's what brought me to this. But I don't want to speak as a neighbor; I want to speak as someone who is thinking about this as a Planning Commissioner might think about it, and from that perspective I think is a really bad idea and I urge you to reject it. I think the wider implications of this move are very bad, but I also think there is a good solid precedent that you can follow to get out of this. Let me say a word about the staff report. When I was in your chairs I took the staff reports extremely seriously and they were tremendously helpful. I really regret that I have to say I think the staff report in this case is not so helpful. For the purposes of time, I'm not going to go into that in depth. I am going to just speak about what they said about the existing lots to the east of this place. One thing that didn't come forward in the staff report is the kicking and screaming fights that were held about many of those lots, and some of you might remember those. Also, I think it's significant that the staff report did point that all of those lots are to the east of this place. So let me say what I'm really worried about here. I think doing this the way that the applicant suggests is in effect an end run around what's really quite the plain intention of the zoning code. The zoning code includes a way to sort of do something different on a piece of property, and that's called a special use. And so previously they tried a special use; that didn't work for a variety of reasons. Special use is the way to do this kind of thing, not hijacking the PUD. Here's the thing about R-1, and I've given you – I think you may have the handout that I provided you – R-1 is very clear, you don't park in R-1; there are no parking lots in R-1, and there are even provisions there to say that in those rare occasions when parking is permitted, it's temporary. So the idea that you can have a PUD that's at the same time an R-1 – that's kind of crazy to me. I think this is, as other people have said, a serious misuse of the PUD for the reasons that have come forward about the size. I think that's quite clear. Let me call attention to just two things in the seconds that remain to me. One, I've quoted you some of the code here. The portion that I want to present to you here is section 414, and I'm going to say that is the "yeah, we mean it" provision. In other words, there's a zoning code. It says that R-1 does not include parking lots and yeah, we mean it. And using the PUD to kind of put one in there not a good idea. Let me conclude ...

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

*Chris Lewis moved to recommend approval of Ordinance No. O-1617-6 to the City Council.
Andy Sherrer seconded the motion.*

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

YEAS

NAYES

MEMBERS ABSENT

Chris Lewis, Andy Sherrer, Dave Boeck

Sandy Bahan, Lark Zink, Tom Knotts, Neil Robinson

Nouman Jan, Erin Williford

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1617-6 to the City Council, failed by a vote of 3-4.

* * *

Item No. 6, being:

R-1617-56 – CEDAR LANE, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM INDUSTRIAL DESIGNATION TO COMMERCIAL DESIGNATION AND HIGH DENSITY RESIDENTIAL DESIGNATION, AND FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA, FOR APPROXIMATELY 20 ACRES OF PROPERTY GENERALLY LOCATED WEST OF THE INTERSECTION OF CLASSEN BOULEVARD AND 24TH AVENUE S.E. ON THE EAST SIDE OF THE RAILROAD TRACKS.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

O-1617-18 – CEDAR LANE, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, AND RM-6, MEDIUM DENSITY APARTMENT DISTRICT, FOR APPROXIMATELY 20 ACRES OF PROPERTY GENERALLY LOCATED WEST OF THE INTERSECTION OF CLASSEN BOULEVARD AND 24TH AVENUE S.E. ON THE EAST SIDE OF THE RAILROAD TRACKS.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

PP-1617-3 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY CEDAR LANE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CLASSEN BUSINESS PARK FOR PROPERTY GENERALLY LOCATED WEST OF THE INTERSECTION OF CLASSEN BOULEVARD AND 24TH AVENUE S.E. ON THE EAST SIDE OF THE RAILROAD TRACKS.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Preliminary Site Plan
5. Oil Well Site Plan
6. Pre-Development Summary
7. Greenbelt Commission Comments

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes. The Parks Board, at their December 1 meeting, recommended fee in lieu of land for the multi-family portion of this development.

2. Mr. Boeck – One of the questions I have is you said the Parks Board recommended payment in lieu of parks. I guess I'd be curious as to – all residential areas need to have places for people to go play and stuff like that. Why are we accepting that there, as opposed to asking for dedicated park land?

3. Ms. Hudson – If you will allow me, I will try to summarize the staff recommendation from the Park Board. This development will yield \$7,650 in neighborhood park development fees and the same amount in community park development fees once all building permits have been issued. The small amount of public park land required for this development is not the most desirable scenario for Parks and Recreation Department. We typically do not take on small sites in areas where other park land is nearby. The majority of the land between Classen and the railroad corridor is commercial development, including a large part of this proposed addition. The developer requested fee in lieu of land decision for this project. Staff agrees this proposal with the fees collected being used to further develop the nearest park. The Links park site is close to the addition, however, it's across Classen and there's no access for people crossing Classen Boulevard. There's no traffic light at Post Oak. So the next closest park site is Cedar Lane, which has not yet been developed. Although this is on the west side of the railroad tracks,

there is a new track crossing with striped bike lanes on Cedar Lane which leads to that neighborhood. So the fees collected in lieu of land for this development can be used at Cedar Lane Park as it develops over the coming years and, once the City has surveyed the residents of the development over there on the west side.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, representing the applicant – Let me answer your question, Commissioner Boeck, on the parks. I was there that night. The Parks Commission debated this pretty lengthy, actually. They don't usually debate very long. I'm not criticizing them at all, but that one took some debate, quite a bit, and they voted unanimously to do fee in lieu of. And if I recall the debate that night, it centered largely over the nearby parks – the Links, Cedar Lane – whether they could use those funds to improve those parks. And particularly what Parks staff said with the size of this park – this is only a 102 unit apartment complex. The size of the park – I don't remember exactly and it may be in their report, but I think it was 0.4 acres or something – it was tiny. It was going to be a tiny park and Parks staff typically does not like what they call pocket parks – tiny little parks that can't accommodate a field. They can't accommodate significant use. Another part of the discussion that night was apartment complexes tend to have their own pools and fitness centers and things of those natures, so they kind of already provide their own sort of amenities that are park-like. So you don't really necessarily need something. This one will have that as well. So I think the decision of the Parks Board, again unanimous after pretty lengthy debate, was they would rather have the funds to put into the Links or Cedar Lane and let this apartment complex basically have its own amenities – a small apartment complex at that. That was the decision of the Parks Board.

Now to move on. This one is not controversial that I'm aware of at all. It's kind of nice to come at the end of the night with one that is not. This one is really self-explanatory. I just want to highlight a couple of things. This area – we have seen over the years tremendous transition from Industrial to Commercial. This used to be an industrial area, and if you go back and look at the early community plans – 2020 – the recent early. Does that make sense? Recent early – 2020 – back in the late 90s, there was a pretty significant debate in about 2006, 2008 about whether this goes industrial or not and that was back before the NEDC had acquired the University North Park industrial sites and before there had been kind of a movement. And what I think they have found, and I remember in those debates – I remember it was not long after Susan came here we debated pretty extensively and I remember at the time Don Wood in those debates made some points that actually what they have found over the years is that southeast Norman for industrial hasn't worked real well because the industrial people want to get to Oklahoma City quickly, and what they were finding was that southeast Norman was not allowing that to happen very well. So the industrial lookers – the quality jobs folks – were starting to look to north Norman, and that's why the move to the University North Park where now they have 60 acres for an industrial, quality jobs, park. And there's some other industrial up Flood Avenue, where the jail is, and those kinds of areas. So the result of that was this area, then, started shifting to multi-family and commercial, and those areas up on Classen right up here where my pointer is – most of that was almost all industrial previously and then it just started shifting item by item to commercial and then the big pop was that large blob of red right there which was the Walmart Super Center. And that just accelerated the shift to commercial for this corridor. And also what has accelerated it is the multi-family in this area. As Jane said, Destin Landing, the 760-acre PUD that you see on the right side of the screen, the Links, which was a large multi-family complex which is the PUD in the center of the screen, and then what accelerated it as well was the sewer. When the Links got put in right here, a sanitary sewer line got brought down right through this area to drain this entire basin, basically, and so now it has sewer and that sewer has proliferated to allow all of these different uses. So that's why you see this.

This site is zoned A-2. I think everybody can agree it's not a rural agricultural site anymore. It was back in its day; it is not now. So then you think as a policy maker what do you want to shift it to? Our proposal is commercial and multi-family. I think the only other would be

industrial but, again, that is all changing away from industrial. There hasn't been a significant industrial user down there in a long time.

So that's where I am, and I'll show you the plans. If you wish to discuss anything in particular about them. That is the preliminary site plan. 20 acres, 7 different lots. RM-6 is in the back of it. This RM-6 plan actually mimics one that was approved previously up at Classen/Constitution area. Very similar arrangement, same developer. Approved about a year and a half ago. So same kind of project. South of Constitution area. So pretty similar layout to what that was. That one was unanimously approved at that time. So multiple lots for flexibility in the future. There's the preliminary plat. Again, not a lot of questions on that. Fully supported by staff. Nobody appeared at Pre-Development; there were no protests of any kind filed. Greenbelt Commission was unanimous without comment. Parks Board was unanimous after significant debate, but they approved as well.

As staff mentioned, we are in the process of dealing with two oil and gas sites on there – oil well sites. The operator is one that we have dealt with repeatedly in this area. He owns all the wells to the west in the Cedar Lane area, so we actually have the benefit of the same applicant and the same operator now dealing again on how to do this site. We've been very successful with that operator on multiple other projects, so I have no doubt we'll be successful on this one as well.

With that, I will not belabor the night any further. We appreciate your support for this one, and I'm happy to answer any questions.

2. Ms. Zink – I would just request a little bit of a discussion about the access points to the residential component. I know that one of the reasons for supporting this plan is that the character of the surrounding neighborhood has changed, but in my experience what I've seen come with that change is a significant increase in traffic, which the staff report did mention necessitated an expansion to Cedar Lane of \$3.6 million to widen the road, and there's a lot more traffic through that area. I'd just like to have a little bit of a discussion about the potential impacts to traffic for this proposal.

3. Mr. Rieger – Thank you, Commissioner. Let me address – the access points was something that came up in staff review. We actually had another access point shown down in this area right here. Staff very assertively said we were not going to get that. They said we were going to get one access point on Classen and that was all they would support and all they would approve. So that access point – it doesn't really show up there – but that access point – it came to a point where it was put at a location farthest away as it could be originally, so from 24th Avenue right here. This is where 24th Avenue comes in down here, so we wanted it away from that and pushed it up to where it kind of became a center point coming into the multi-family in the back. So, if you can imagine, in effect, this kind of becomes an entry – boulevard is probably a poor term, but an access point with only one access point allowed on Classen.

4. Mr. Boeck – So all the commercial also accesses off that ...

5. Mr. Rieger – Correct. It's all we were going to be given, and we tried pretty hard to actually get a second, and I think Mr. Danner would confirm we were not going to get that one. So we left it at the one. And that's become very common on Classen, actually. I can remember some pretty significant battles going back to the Buffalo Wild Wings development was actually restricted down to two. We were lucky to get two access points on that site, and it's been that way ever since on Classen.

6. Mr. Boeck – Now that includes a light. The Buffalo Wild Wings – didn't that access include a light?

7. Mr. Rieger – It does. It was at two points where there were lights.

8. Mr. Boeck – Is that going to require a light?

9. Mr. Rieger – Well, there's not enough warrants, as they call it, at this point to have a light, but likely in the future you would likely see – and I don't remember specifically from the report if it talked about specifics, but I believe they're anticipating at 24th Avenue down in this area would be the future light at some point when it meets the warrants. Warrants are the traffic load – the count – at such point that it meets that. It does not meet that right now, and it could at some point in the future, and that's when Traffic would look at traffic lights at that point.

10. Mr. Robinson – I believe this is an ODOT highway. Has this been through ODOT in terms of access?

11. Mr. Rieger – This is State Highway 77. I don't know if – have we addressed ODOT yet? We don't typically yet at this point. Have you connected with ODOT yet on access points?

12. Tom McCaleb – We did do a traffic impact analysis and it was reviewed by the staff. And the access point, as Sean said, we had another access coming to those other lots. And since it was ODOT, and we've got to get a permit from ODOT, staff said they would not support but one access. So we do have to deal with ODOT and we'll do that at the final plat.

13. Mr. Knotts – Tom, where does this storm water drain?

14. Mr. McCaleb – Great question. I wondered the same thing until I surveyed it. It drains down the railroad track bar ditch on the east side. You would think – there's a pond on the west side of the railroad track. There's no structure underneath the railroad track. So it drains down the bar ditch. The adjacent property owner to the south has got a pristine yard and no water gets on him, so it all goes down the bar ditch. So that's why you see that detention pond – it's a circular system and it goes through one pond, to another pond, to another pond, and to another pond and then discharges.

15. Mr. Knotts – Pardon me for saying this, but this looks highly engineered, which means that there's not much tolerance for siltation or anything like that?

16. Mr. McCaleb – It's highly engineered. That's correct. It was tough to do, because the discharge point into the right-of-way – I've walked it out and it's pretty thick. So we've got to do some cleaning out. But there is no – water all has to be detained and so we've got this detention so it will work. But I don't want it to have but one discharge point.

17. Mr. Knotts – So you're not discharging on the north pond and the south pond?

18. Mr. McCaleb – It only discharges off the property at the south pond. The north pond goes from here to here to here to here to here and then discharges. Clockwise.

19. Mr. Knotts – The pond is earth?

20. Mr. McCaleb – Yes.

21. Mr. Knotts – Mowable?

22. Mr. McCaleb – It may be wet. It may be a wet pond because the hydraulic component we've got to have there – we want to make it kind of an amenity, also, with the apartments and the housing. It was going to be dry – but I couldn't make it dry very good, so I'm going to make it wet real good.

AUDIENCE PARTICIPATION:

1. Sereta Wilson, 10400 East State Highway 9 – I did not intend to speak tonight, but here it goes. I understand this area is changing and it's not rural anymore and the A-2 zoning is probably not – is worthless at this point. But I have a couple of concerns and I think Mr. Knotts kind of addressed my thought process, which was we are in Bishop and Dave Blue watersheds, so I would hope that we are very carefully engineering our stormwater – handling of stormwater. That was my first thing. Traffic. Stormwater. Over-built apartment complexes in this area. I guess my main point is – I know this isn't just an apartment complex, but it does have that element to it and it backs up to a track, so I'm looking at 20 years down the road. We've built in our watershed and we have a probably – excuse me, I'm not trying to ditch the aesthetics here, but we have an apartment backing up to a train track. So what's the economic value there 10 – 15 years down the road when it's not new and shiny anymore – it's just noisy and it's on our watershed. So I'm actually just here to put my money where my mouth is of being sort of a watchdog to the smart building in the area that is my ward. So I would just hope that we watch our traffic, our economic concerns, and most importantly our watershed. Thanks.

2. Mr. Rieger – I just want to correct that. This does not drain to Lake Thunderbird. This watershed actually goes south. This does not go to Dave Blue Creek. One other thing, too, the highest density – in Center City, if you look, actually the highest density corridor for multi-family high density is the railroad track on Jenkins. So actually our most current studied plan would have highest density residential next to a railroad track.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend approval of Resolution No. R-1617-56, Ordinance No. O-1617-18, and PP-1617-3, the Preliminary Plat for CLASSEN BUSINESS PARK, 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	Chris Lewis, Andy Sherrer, Dave Boeck, Tom Knotts, Neil Robinson
NAYES	Sandy Bahan, Lark Zink
MEMBERS ABSENT	Nouman Jan, Erin Williford

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1617-56, Ordinance No. O-1617-18, and PP-1617-3, to City Council, passed by a vote of 5-2.

* * *

Item No. 7, being:

MISCELLANEOUS COMMENTS

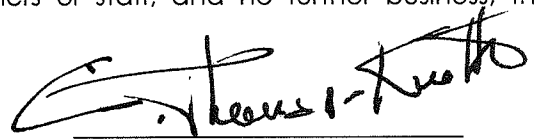
None

* * *

Item No.8, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 8:53 p.m.

A handwritten signature in black ink, appearing to read "Thomas L. Smith", is written over a horizontal line.

Norman Planning Commission