

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

DECEMBER 8, 2011

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 2011. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Jim Gasaway called the meeting to order at 6:30 p.m.

Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Diana Hartley
Tom Knotts
Chris Lewis
Curtis McCarty
Roberta Pailes
Andy Sherrer
Zev Trachtenberg
Jim Gasaway

MEMBERS ABSENT

Cynthia Gordon

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Doug Koscinski, Manager, Current Planning
Division
Ken Danner, Subdivision Development
Manager
Roné Tromble, Recording Secretary
Jane Hudson, Planner II
Kathryn Walker, Asst. City Attorney
Larry Knapp, GIS Analyst

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Item No. 2, being:

CONSENT DOCKET

Chairman Gasaway announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE NOVEMBER 10, 2011 REGULAR SESSION MINUTES AND NOVEMBER 10, 2011 STUDY SESSION MINUTES

Item No. 4, being:

FP-1112-10 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY THE FALLS AT BROOKHAVEN, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR THE FALLS AT BROOKHAVEN ADDITION, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

Item No. 5, being:

FP-1112-11 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY THE UNIVERSITY OF OKLAHOMA FOUNDATION, INC. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION SECTION TWO, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. APPROXIMATELY ½ MILE SOUTH OF TECUMSEH ROAD.

Item No. 6, being:

FP-1112-12 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UTC AREA SIX, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION V, A PLANNED UNIT DEVELOPMENT, A REPLAT OF LOT 2, BLOCK 2, FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND NORTH OF MOUNT WILLIAMS DRIVE.

Item No. 7, being:

PP-1112-5 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION, GENERALLY LOCATED SOUTH OF FRANKLIN ROAD BETWEEN 36TH AVENUE N.W. AND 48TH AVENUE N.W.

Item No. 8, being:

COS-1112-3 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY LOHMAN INVESTMENTS, L.L.C. (POLLARD & WHITED SURVEYING, INC.) FOR LOHMAN LANDING, GENERALLY LOCATED IN APPROXIMATELY THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 3 WEST.

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Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked if anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Chris Lewis moved to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote. Diana Hartley seconded the motion.

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

YEAS	Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Cynthia Gordon

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

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Item No. 3, being:

APPROVAL OF THE NOVEMBER 10, 2011 REGULAR SESSION MINUTES AND NOVEMBER 10, 2011 STUDY SESSION MINUTES

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

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Item No. 4, being:

FP-1112-10 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY THE FALLS AT BROOKHAVEN, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR THE FALLS AT BROOKHAVEN ADDITION, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Memo on Deferral of Improvements
5. Site Plan
6. Revised Preliminary Plat

The Final Plat for THE FALLS AT BROOKHAVEN ADDITION was approved on the Consent Docket by a vote of 8-0.

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Item No. 5, being:

FP-1112-11 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY THE UNIVERSITY OF OKLAHOMA FOUNDATION, INC. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION SECTION TWO, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. APPROXIMATELY ½ MILE SOUTH OF TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Landscape Plan
5. Site Development Plan
6. Preliminary Plat

The Final Plat for UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION SECTION TWO, A Planned Unit Development, was approved on the Consent Docket by a vote of 8-0.

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Item No. 6, being:

FP-1112-12 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UTC AREA SIX, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION V, A PLANNED UNIT DEVELOPMENT, A REPLAT OF LOT 2, BLOCK 2, FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND NORTH OF MOUNT WILLIAMS DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Site Development Plan
5. Preliminary Plat

The Final Plat for UNIVERSITY NORTH PARK SECTION V, A Planned Unit Development, A Replat of Lot 2, Block 2, was approved on the Consent Docket by a vote of 8-0.

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Item No. 7, being:

PP-1112-5 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION, GENERALLY LOCATED SOUTH OF FRANKLIN ROAD BETWEEN 36TH AVENUE N.W. AND 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Development Map
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Preliminary Plat
7. Request for Alley Waiver
8. Pre-Development Summary
9. Greenbelt Commission Comments
10. Greenbelt Enhancement Statement

The Revised Preliminary Plat for CARRINGTON PLACE ADDITION, with a waiver of alley requirements for the commercial property, and a variance in the cul-de-sac length for Lorings Circle, was recommended for approval to the City Council on the Consent Docket by a vote of 8-0.

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Item No. 8, being:

COS-1112-3 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY LOHMAN INVESTMENTS, L.L.C. (POLLARD & WHITED SURVEYING, INC.) FOR LOHMAN LANDING, GENERALLY LOCATED IN APPROXIMATELY THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 3 WEST.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Certificate of Survey
3. Staff Report
4. Letter from the Surveyor
5. Greenbelt Commission Comments
6. Greenbelt Enhancement Statement

The Rural Certificate of Survey for LOHMAN LANDING, with a variance in the private road width from 20' to 15', was recommended for approval to the City Council on the Consent Docket by a vote of 8-0.

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Item No. 9, being:

CONSIDERATION OF A REQUEST SUBMITTED BY LOHMAN INVESTMENTS, L.L.C. FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND APPROXIMATELY ¼ MILE SOUTH OF INDIAN HILLS ROAD.

9A. ORDINANCE NO. O-1112-17 – LOHMAN INVESTMENTS, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO RE, RESIDENTIAL ESTATE DWELLING DISTRICT, FOR 32.6 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND APPROXIMATELY ¼ MILE SOUTH OF INDIAN HILLS ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

9B. PP-1112-6 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY LOHMAN INVESTMENTS, L.L.C. (POLLARD & WHITED SURVEYING, INC.) FOR COTTONWOOD CREEK ADDITION, GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND APPROXIMATELY ¼ MILE SOUTH OF INDIAN HILLS ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Letter from the Surveyor
6. Pre-Development Summary
7. Greenbelt Commission Comments
8. Greenbelt Enhancement Statement

PRESENTATION BY STAFF:

1. Mr. Koscinski explained that this item is related to the Certificate of Survey which was approved on the Consent Docket for Lohman Landing. There was no zoning involved with that application. The west half of the track, which is the subject of this item, is a rezoning request to an RE designation. The 2025 Plan for the area does provide for Very Low Density Residential, which is 2-acre lot size developments, and that is what the applicant has requested. What the map doesn't show is the very large floodplain. Both the Certificate of Survey and one of the lots within this subdivision are accounting for the floodplain, which is part of the headwaters of the Little River. There is a Water Quality Protection Zone in both agenda items that has been accounted for. The tract is essentially vacant. To the north of the site is also vacant. To the south is a development of 2-acre lots with private water wells and septic systems. To the west is vacant, with industrial designation along the interstate. Most of the lots are a little bit over 2-acre lots, except for Lot 6, which encompasses most of the Water Quality Protection Zone. There is a buildable area on Lot 6 near the road. The WQPZ is encumbered by an easement, so there should be no structures or impacts in that area. There is a single entrance onto 24th Avenue N.W. and the traffic engineer has approved the location, which gives good visibility. None of the lots would directly access 24th Avenue. There were no filed protests.

2. Mr. McCarty asked if the floodplain on the plat matches the updated FEMA study for the area. Mr. Koscinski indicated that it does.

3. Mr. Knotts asked whether there is provision for public access to the water quality protection zone for maintenance. Mr. Koscinski responded that he believes the covenants indicate the maintenance will be private. There is a drainage easement that could provide access.

4. Mr. Lewis had the same concern on this piece of property as on another piece of property, and that is if they drill the wells and, for whatever reason, those wells do not meet the

standards of water quality, then since we approved this tract of land as a development, the City of Norman would be obligated to run a City water line out to it. Mr. Koscinski said he is not aware how that encumbers the City with the responsibility. What we're doing is approving the subdivision. As a property owner or potential property owner, you may wish to investigate the water or the sewerability of that tract, but that's a private responsibility. Mr. Lewis asked that the City Attorney check into that.

5. Mr. Lewis commented, in regard to sewer systems, it looks like they're going to be using sanitary systems for each home and this is a water quality protection zone. Mr. Koscinski responded that there is a water quality protection zone near here, but there are no septic systems in the water quality protection zone. Three lots touch the WQPZ, but all the others don't even come close to it and there's more than ample room on the other lots to keep their septic systems out of that area. The County will be responsible for approving those systems, so we would hope that they would correctly size them. Mr. Trachtenberg stated that issue came up in the Pre-Development meeting and they talked about running the lateral lines and undertook not to run those lines. Mr. Lewis asked if that will be addressed as part of the covenants. Is that something that's going to be mandated, that lateral lines are not going to be used and it's going to be the spray system? Mr. Koscinski said he is not familiar with what they're proposing at this point. The County could approve either system. Mr. Lewis reiterated that his concern would just be water quality.

6. Mr. Gasaway asked the City Attorney to address the question on the City's liability to provide water if the well water does not prove satisfactory. Ms. Walker indicated what would happen in that case is the homeowners could petition the City for a special assessment district, which is a mechanism provided under the Oklahoma Statutes to provide those kind of services to developments that were approved without them. We have developments out east that have explored this simply because they want to get off well water and that's the solution that is provided if your development is approved by the City and goes through the system with wells and, for whatever reason, they didn't work. I imagine that's the system that would be used. The job of laying water lines through a subdivision is borne by the developer. The assessment district is a way to assess those costs when it's not done through the development process.

PRESENTATION BY THE APPLICANT:

1. Roger Whited, Pollard & Whited Surveying and Pollard Engineering, 2514 Tee Drive, representing the applicant – The individual sewer systems will be aerobic. An open pond is a lagoon. An aerobic system is one where it is applied to the land. So there are no sewer lateral lines.

2. Mr. Lewis asked if the sewage will be handled by either double tank or triple tank systems where the water coming out will be sprayed on the lawn. Mr. Whited said that is correct. There was a question about the possibility of bad wells. We have not drilled any wells on this site, but Hidden Lake Estates, immediately south of us, have individual water wells and apparently everything is okay there. I believe the question about bad water came from that area east of Little River, and there certainly may be a problem over there, but we anticipate no problem with this area west of Little River.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Zev Trachtenberg moved to recommend approval of Ordinance No. O-1112-17, and approval of the Preliminary Plat for COTTONWOOD CREEK ADDITION to the City Council. Curtis McCarty seconded the motion.

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

YEAS	Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailes, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Cynthia Gordon

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-17, and approval of the Preliminary Plat for COTTONWOOD CREEK ADDITION to the City Council, passed by a vote of 8-0.

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Item No. 10, being:

ORDINANCE NO. O-1112-18 – JEFFREY TISDALE REQUESTS SPECIAL USE FOR A BAR, LOUNGE OR TAVERN WITH LIVE ENTERTAINMENT IN APPROXIMATELY 12,340 SQUARE FEET OF PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, GENERALLY LOCATED IN COLONIAL ESTATES SHOPPING CENTER AT 1321 E. LINDSEY STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Site Plan
4. Project Description

PRESENTATION BY STAFF:

1. Mr. Kosciński noted that we had a similar request in the same shopping center in January of this year that the Planning Commission looked at and the Council ultimately approved. We have now received a letter from the shopping center owner saying they really don't want two bars, so the first one will be eliminated – the approval will essentially evaporate because it won't be used. This is a new bar that is right next door to the prior approval. This is a different concept and will be a true bar; the other one had issues of age at different times of the day. This one is a bar with a dance hall with a variety of dance instruction. It is located in Colonial Estates Shopping Center, which is an existing shopping center at the northeast corner of 12th and Lindsey. North of the site is an alley with single family homes to the north. To the east of the shopping center is a variety of multi-family uses. South of Lindsey are commercial uses. Further west it transitions back to other residential uses with single-family and some duplexes. This application is for a use that is 20-30% larger than the last one. It will be a bar which will be limited to 21 year olds and older. There is no food service proposed. Staff supports the request. We did receive a protest within the notification area which was concerned with traffic. Impacts from this bar are probably going to be the same or less as from the previous one. There are traffic impacts. They tend to be later at night. It has direct access to Lindsey and to 12th and that is where most of the traffic will come and go from.

PRESENTATION BY THE APPLICANT:

1. Jeffrey Tisdale, 2401 Ridgewood Street, Houston, Texas – The only thing that I saw was the analysis that I would be limited to 21 and older. I said I was going to allow 18 and up.
2. Mr. Gasaway indicated that would not affect our approval, but that would affect the Alcohol Beverage Control Board's issues with your liquor license.
3. Mr. Trachtenberg asked how this property is going to be managed. Mr. Tisdale indicated he will be keeping an eye on it.
4. Ms. Pailles asked where this is in the mall. It fronts on Lindsey and the exit goes out to the alley. Mr. Tisdale indicated that is correct. It runs the depth of the building.
5. Mr. McCarty asked how it will be operated, and hours of operation. Mr. Tisdale said he plans to teach country and western dance lessons, along with ballroom. As far as the hours of operation, it would probably open at 6:00 and shut down at 2:00.
6. Mr. Knotts asked about any alley activity. Mr. Tisdale said he thinks that the back of the building should just be used as a fire exit only and for deliveries.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

*Chris Lewis moved to recommend approval of Ordinance No. O-1112-18 to the City Council.
Diana Hartley seconded the motion.*

1. Mr. Lewis commented that any economic stimulus in Ward 1 is excellent.
2. Mr. McCarty asked, since this is a special use permit for a bar, whether that would have anything to do with the age allowed. Mr. Koscinski explained that one of staff's concerns with the previous request was that she did wish to operate with mixed ages. We were waiting for something from the State ABLE commission to clarify whether that's possible. They ultimately said that you could have young adults up to a certain time then move them out and become a full bar. That was a bit unusual. Most operations in Oklahoma, as you know, if it's a bar no one under 21 is allowed to enter the premises. There is no indication of food service here, so this would not operate as a restaurant that would have any reason for children to be in there. You don't need to make that a condition, because State law will control it.
3. Mr. Trachtenberg voiced enthusiastic support for this application, for all the reasons everyone has mentioned. Mr. Tisdale apparently runs other operations of this sort in other places, so I'm sure he's got lots of experience dealing with the neighborhood and making sure that over-enthusiastic patrons of the bar mind their manners when they leave and not intrude. I think that would allay any of the worries that residents have about this.
4. Ms. Pailes commented this is basically where I live and that shopping center has some problems. It has loiterers and it has panhandlers and I don't know that this would actually help with that. In places where we have bars adjacent to neighborhoods, the neighborhoods end up in front of City Council all the time complaining about the bars – they have difficulty getting along. I kind of see part of our charge as noting things that are likely to be problems in the sense that they're likely to show up in front of City Council and maybe short-changing those. So I'll vote against it, partly because this is where I live. It's not what I'm hoping for, although that area sure needs improvement. There are lots of places in town that are begging for this kind of business, but I don't see this as the most appropriate place for that.

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

YEAS	Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	Roberta Pailes
ABSENT	Cynthia Gordon

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1112-18 to the City Council, passed by a vote of 7-1.

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Item No. 11, being:

MISCELLANEOUS DISCUSSION

1. Mr. Gasaway presented Zev Trachtenberg with a certificate of appreciation for his service on the Planning Commission from November of 2007, serving as Chair during 2010. This is his last meeting before he spends several months out of the country.

Mr. Trachtenberg said this has been an honor and a real privilege these last few years. I take the idea of public service really seriously. It's something that's really important to me. And coming here from out of town, it took a while for me to find my feet in the kind of activity that I thought was important for anybody to engage in, which is getting involved in public life. I feel really honored and grateful for this opportunity and grateful to everyone, including those people who are no longer on the Commission, for being such wonderful colleagues. We have obviously had some spirited disagreements, but I think that has been to the benefit of our City as we've aired the different ideas that we all have. I wish you all the best in the future and hope that you will have, with my absence, some shorter meetings maybe. I'm very honored to have received a Fulbright grant, and I'm going to be spending the next six months in Belfast, Northern Ireland as a research fellow at Queens University Belfast.

A. Update on Duties & Responsibilities of the Planning Commission

Ms. Connors reported that at the last meeting, staff requested that you postpone any discussion on your resolution because we were having a meeting with City Council last Tuesday. City Council considered the packet that's before you, which includes a memo from staff identifying the history of this discussion with the Planning Commission. It also includes the Charter language, which gives the City general power and responsibility for planning, zoning, and subdivision regulations. Exhibit B is the Duties and Powers of the Planning Commission changes that the Planning Commission sent forward to City Council after the September meeting and discussion. Exhibit C has some changes that Mr. Heiple had recommended. Exhibit D is a letter from Mr. Heiple about sections of the subdivision code he would like us to discuss as possibly not being under the jurisdiction of the Planning Commission, and Exhibit E is the Table of Contents for the Subdivision Ordinance. City Council discussed this and wanted you to have the opportunity to see Exhibit C from Mr. Heiple and give them any comments on the changes that he was recommending. They were generally in agreement with everything that the Planning Commission sent forward, and had some concerns about some of the changes Mr. Heiple was recommending. Two of Mr. Heiple's recommendations were primarily of concern, which is that only portions of Chapter 19 should be reviewed by you for text amendments, and the other one is paragraph C in Exhibit C, which identifies the fact that you cannot postpone any items on your agenda. I am suggesting that you take this packet and at the end of our January meeting we would discuss it, so that you will have time to review it and absorb the differences and the whole packet.

Mr. Gasaway noted it would be under Miscellaneous Discussion for the next meeting. This is not an item that we vote on. It is simply an item that Council has asked for our specific recommendations for them to address. So we would discuss what we have sent, any changes Mr. Heiple may recommend, and our thoughts on those issues. We'll add that to Miscellaneous Discussion at the next meeting. I think Mr. Heiple would like to make some comments at this meeting.

Mr. Heiple – I want to assure everyone I'm not here to talk about the merits of any changes at all, but simply to try to give you an idea of where we are and why we are there so that you can better understand that as you study this handout in preparation for a full discussion at your January meeting. First, let me say that we are very appreciative

of the time that Doug and Susan gave to us to talk about and work on both the resolution and ordinance changes. We're very appreciative of the time that the City Attorney and the City Manager gave to us. And we're very appreciative of the Planning Commission for having postponed previously in order to have some input.

With respect to the handout that the City Council saw on Tuesday night, we took our concerns with Exhibit B, which was the ordinance that was drafted, if you'll look at it, to the City Manager and the City Attorney. I do have to make one correction. Exhibit C is not Harold Heiple's ordinance. Exhibit C is what came out of the City Legal Department after we had a discussion and talked about the things that were of real concern to us.

Those two things are really in two areas. 1) With respect to the Subdivision Regulations, which are lengthy, there are very many sections of that which are engineering in scope purely – they do not get into land use or plats or things that are within the legitimate purview of the Planning Commission. These are things that we would ask that be taken out of having to come through the Planning Commission process for this reason. The Planning Commission process is a four-month process in Norman, from beginning of filing for a Pre-Development meeting until the time that the City Council acts on it. Now, at the time any applicant has to file any rezoning which includes a plat, that applicant has already laid out thousands of dollars. If an applicant has taken out a development loan in order to start his project forward, any 30-day delay can add substantial additional interest costs and administrative costs to that applicant. Therefore, we believe that there are a number of sections of the Subdivision Regulations that could be specifically either renamed or renumbered or in some way identified as something that didn't have to go through the Planning Commission process. Now let me assure you that, in no way, are we trying to take away any of the sections which remotely belong under your umbrella, and to that end I've asked Susan, and she has agreed, that she and I and Doug can meet before the next January meeting to really go through my letter that lists all these different sections of the Subdivision Regulations which I point out as being possibly some that could be taken out, because I just picked up those regulations and started reading them and started dictating numbers. I want to be the first to say that they haven't really been vetted at all between me and staff, and I think that, when we get through with it, we can pare that number down considerably and come in here with probably an agreement with staff on many of those areas as to which might be excluded from Planning Commission jurisdiction or Planning Commission perusal so that we plan to do that.

The other problem that we took to the City Manager and the City Attorney when we first viewed Exhibit B was that we cannot live with the thought or the belief that the Planning Commission has the power to postpone any item without the consent of the applicant. I won't get into the substance of that, but I want you to know that these are the two areas that have generated all of this conversation. That really is the one that caused more concern than anything else – the possibility that a Planning Commission could do that, because there was recently an opinion written by an Assistant City Attorney to the effect that probably you had the power to do that. The minute we saw that, we told the City Attorney that either had to be overruled or we had to litigate it, because it's that strong. We'll get into all the merits of that. I apologize. I'm not trying to sell one side tonight. I just want you to know where we're coming from, so that you could have the opportunity to examine that as well as to look at these sections of the Subdivision Regulations. We're not trying to, in any way, curtail your authority or your control over anything in Chapter 22, which is the Zoning, or in 18, which is the Sign Ordinance. So those are the two things and we're asking you to consider those because it will help – the City Council, at the meeting Tuesday night, expressed apparently some concern about what was in Exhibit C and I apologize for the fact I thought the meeting started at 6:30; I got there at 6:20 and was told the meeting was over. In any event, I can understand why the Council was expressing some concern about that particular

thing, and I wanted you all to be aware just where we are and where we're coming from so that we can get down and really talk about the merits of these things. We're flexible about virtually everything except that we have this incredibly strong belief that the Planning Commission does not have the power to postpone without the consent of the applicant. Having said that, thank you for letting me make the comments, Mr. Chairman, and I look forward to getting with the staff and then coming back with even a much more refined proposition after working with staff between now and that January meeting.

2. Ms. Connors noted that the 2012 Planning Commission calendar was distributed. All of the meetings fall on the second Thursday of the month. The Planning Commission will be electing new officers at the January meeting.
3. Mr. Knotts – We had this long and arduous and robust debate about the water quality protection zone and, in particular, the maintenance of those areas, particularly when they are in close after they've been built out. If anyone has the opportunity to go to OETA, an Oklahoma news report for last Friday – they had a segment that had what I refer to as a gentle cleaning of all of the drainage areas of debris and excess growth by goats. That's what I suggested and got a lot of laughter at that point. But they're doing it in Stillwater.

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Item No. 12, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 7:13 p.m.

Norman Planning Commission