

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES (As Corrected June 9, 2011)

MAY 12, 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 12th day of May 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

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

MEMBERS ABSENT

None

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Doug Kosciński, Manager, Current
Planning Division
Ken Danner, Development Coordinator
Roné Tromble, Recording Secretary
Leah Messner, Asst. City Attorney
Larry Knapp, GIS Analyst
Jane Hudson, Planner II
Linda Price, Revitalization Manager
Lisa Krieg, Grants Planner
Susan Atkinson, Neighborhood Planner
David Riesland, Traffic Engineer

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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 APRIL 14, 2011 REGULAR SESSION MINUTES AND THE APRIL 7, 2011 STUDY SESSION MINUTES

Item No. 4, being:

FP-1011-20 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY MOOSE LODGE CHAPTER 1799 (SMC CONSULTING ENGINEERS, P.C.) FOR MOOSE LODGE CHAPTER 1799, GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD SOUTH OF IMHOFF ROAD.

Item No. 5, being:

FP-1011-21 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY GREEN HILL BUILDERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR TECUMSEH MEADOWS ADDITION, SECTION 3, GENERALLY LOCATED APPROXIMATELY ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE WEST OF NORTH PORTER AVENUE.

Item No. 6, being:

FP-1011-22 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY COMCO, L.L.C. (CARDINAL ENGINEERING) FOR MURDOCK VILLAGE ADDITION, PHASE 2, GENERALLY LOCATED SOUTH OF WEST MAIN STREET AND WEST OF 24TH AVENUE S.W.

Item No. 7, being:

PP-1011-22 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY M.S.D.C. PROPERTIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR SUMMIT VALLEY ADDITION, GENERALLY LOCATED NORTH OF STATE HIGHWAY 9 ON BOTH THE EAST AND WEST SIDES OF 36TH AVENUE S.E.

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Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. Mr. Lewis indicated that he had some generalized questions; Chairman Gasaway didn't think the items needed to be removed. Chairman Gasaway asked whether anyone in the audience wished to remove an item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

1. Mr. Lewis asked whether it would be possible to include the minutes in the bound agenda book, like the City Council agenda books, rather than as a separate document. Ms. Connors indicated that staff can look at doing that.

2. Mr. Lewis asked whether the final plats in Item Nos. 4, 5, and 6 have had any changes, additions or deletions, beyond the 5% allowed between preliminary and final plats. Mr. Danner reported that the final plat for Murdock Village has one less lot than what was approved on the preliminary plat; he believes it is less than 5%.

3. Mr. Lewis asked why the preliminary plat for Summit Valley Addition is before the Planning Commission at this time. Mr. Danner said it will be expiring in September, and

the applicant has come forward to have it reapproved. They will also be bringing in a final plat. Mr. Lewis asked whether this plat will be in compliance with the Water Quality Protection Zone that was reviewed by the Planning Commission at its last meeting, or whether this will fall under that ordinance. Mr. Danner indicated it will not fall under the ordinance because of the 30-day time period for an ordinance to be effective.

4. Mr. Knotts noted that the minutes from the April 14, 2011 meeting have him listed as both present and absent, but he was absent.

Chris Lewis moved to place approval of Item Nos. 3 through 7 on the Consent Docket and approve by one unanimous vote. Tom Knotts seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 through 7 on the Consent Docket and approve by one unanimous vote, passed by a vote of 9-0.

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Item No. 3, being:

APPROVAL OF THE APRIL 14, 2011 REGULAR SESSION MINUTES AND THE APRIL 7, 2011 STUDY SESSION MINUTES

This item was approved as corrected on the Consent Docket by a vote of 9-0.

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Item No. 4, being:

FP-1011-20 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY MOOSE LODGE CHAPTER 1799 (SMC CONSULTING ENGINEERS, P.C.) FOR MOOSE LODGE CHAPTER 1799, GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD SOUTH OF IMHOFF ROAD.

ITEMS SUBMITTED FOR THE RECORD:

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

This item was approved on the Consent Docket by a vote of 9-0.

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Item No. 5, being:

FP-1011-21 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY GREEN HILL BUILDERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR TECUMSEH MEADOWS ADDITION, SECTION 3, GENERALLY LOCATED APPROXIMATELY ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE WEST OF NORTH PORTER AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Preliminary Plat

This item was approved on the Consent Docket by a vote of 9-0.

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Item No. 6, being:

FP-1011-22 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY COMCO, L.L.C. (CARDINAL ENGINEERING) FOR MURDOCK VILLAGE ADDITION, PHASE 2, GENERALLY LOCATED SOUTH OF WEST MAIN STREET AND WEST OF 24TH AVENUE S.W.

ITEMS SUBMITTED FOR THE RECORD:

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

This item was approved on the Consent Docket by a vote of 9-0.

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Item No. 7, being:

PP-1011-22 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY M.S.D.C. PROPERTIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR SUMMIT VALLEY ADDITION, GENERALLY LOCATED NORTH OF STATE HIGHWAY 9 ON BOTH THE EAST AND WEST SIDES OF 36TH AVENUE S.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Preliminary Plat Enlarged
5. Pre-Development Summary
6. Greenbelt Enhancement Statement
7. Greenbelt Commission Comments

This item was approved on the Consent Docket by a vote of 9-0.

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Item No. 8, being:

O-1011-56 – GLENNA YOUNG REQUESTS CLOSURE OF A TEN (10) FOOT SEWER EASEMENT LOCATED WITHIN LOT 8A, BLOCK 1, WHISPERING PINES ADDITION, AT 1119 WHISPERING PINES DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that this is an older parcel that has had several upgrades. The first sewer line was a 15" line in the subject alignment that was installed in 1957. The sewer line was upgraded and moved to the back of the lot. When the property was subsequently replatted, they honored the easement because it had never been closed. The owner was under construction and discovered they were in the easement and has asked that the easement be closed and ultimately vacated. The City doesn't need it because the sewer line is now located at the rear of the property. Staff has no objection to closing the easement.

PRESENTATION BY THE APPLICANT:

None

PARTICIPATION BY THE AUDIENCE:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Diana Hartley moved to recommend adoption of Ordinance No. O-1011-56 to the City Council. Zev Trachtenberg seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-1011-56 to the City Council, passed by a vote of 9-0.

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Item No. 9, being:

O-1011-57 – JERRY & CARROL McCONNELL REQUEST CLOSURE OF A FIVE (5) FOOT WIDE UTILITY EASEMENT LOCATED ON THE EAST SIDE OF LOT 3, BLOCK 1, CROSSROADS WEST NO. 4 ADDITION.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

1. Mr. Koscinski stated this is northwest of Robinson and I-35. There is a large commercial area with a row of duplexes to the north of the commercial area. The last three lots have never been built upon and the owner is now intending to build and discovered an easement with nothing in it. It used to have an electric line in the easement, which has been moved. There were no negative comments from any utility companies. The easement is in the way of developing additional duplexes. Staff supports the closure.

PRESENTATION BY THE APPLICANT:

1. David Hopper, 1620 Oriole Drive, representing the applicant – The electric line has already been moved a couple of years ago. The applicant has a purchaser ready for the property and is ready to move forward with developing it.

PARTICIPATION BY THE AUDIENCE:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend adoption of Ordinance No. O-1011-57 to the City Council. Zev Trachtenberg seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-1011-57 to the City Council, passed by a vote of 9-0.

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Item No. 10, being:

O-1011-58 – DAGAN FLOWERS REQUESTS AMENDMENT OF THE APPROVED SITE PLAN AT 1415 WEST MAIN STREET TO ALLOW A SEASONAL SNOW CONE STAND.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that when new installations like this come forward we run them through a public process to get Council approval for the location to see if there are any negative impacts. Technically, we are amending the site plan that was previously approved. There is a building on the property that is not being used at this time. The owner is under negotiations to get it reopened and has had discussions with an architect. The snow cone stand is already on the site; he applied for a permit and dropped it off the truck and we advised him he needed to go through the process first. It is unused at this point. This site is the last commercial site before an area of residential uses. To the north is an office building, with commercial uses further to the east. There are residential uses to the south that back up to Main Street, and there is a residence immediately to the west behind a double fence. It is staff's opinion that there would not be serious impacts on the residential uses from this proposed use, but there were two protests from two residences. Staff supports the request.

2. Mr. McCarty asked how long a temporary permit is good. Mr. Koscinski responded that it is good for a maximum of six months. We require that the temporary use be removed at the end of the six months, and it must be off-site for six months before it can be brought back. Mr. McCarty asked if it is required that bathroom facilities be open during operation. Mr. Koscinski responded affirmatively. Mr. McCarty asked if the bathrooms will be inspected. Mr. Koscinski indicated they will be inspected. There is a letter from the owner saying he is working on the building to open it up so they can have access to the bathrooms. We will inspect to make sure there is a functioning bathroom; he will not be remodeling to make it ADA compliant, for example. It is not an ordinance requirement, but it has been our practice to require that there be access to a bathroom.

3. Mr. Trachtenberg asked if there are restrictions on the operating hours. Mr. Koscinski responded that the one restriction that is typically imposed is that the bathroom has to be available during hours of operation. This is zoned C-2 and is the broadest commercial zone. Mr. Trachtenberg asked if the applicant has indicated proposed hours of operation. Mr. Koscinski said the applicant has not provided him with that information.

4. Ms. Pailles asked how long this action would be in effect. Mr. Koscinski indicated that the approval of the site plan amendment is permanent, but the buildings have to be renewed whenever they are moved in and out. A different seasonal business could move in there. We are really just approving a site plan, not authorizing the specific business, and making sure there is adequate parking and access. In this case, it is staff's opinion that there is.

PARTICIPATION BY THE APPLICANT:

1. Dagan Flowers, the applicant – The health inspector came in today and approved the bathroom. They are planning to operate the snow cone stand from 11:00 a.m. to 11:00 p.m. on Monday through Saturday, and be closed on Sunday.

PARTICIPATION BY THE AUDIENCE:

There being no public comment, Chairman Gasaway closed the public hearing and turned discussion over to the Planning Commission. He noted the letters of protest that were distributed to the Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Zev Trachtenberg moved to recommend adoption of Ordinance No. O-1011-58 to the City Council. Chris Lewis seconded the motion.

There being no further discussion, a vote on the motion to recommend adoption of the ordinance was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to recommend adoption of Ordinance No. O-1011-58 to the City Council passed by a vote of 9-0.

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Item No. 11, being:

FRANKLIN BUSINESS PARK, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-12) FROM INDUSTRIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR 14.21 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF US HIGHWAY 77 AT FRANKLIN ROAD.

11A. RESOLUTION NO. R-1011-105

FRANKLIN BUSINESS PARK, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-12) FROM INDUSTRIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR 14.21 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF US HIGHWAY 77 AT FRANKLIN ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

11B. ORDINANCE NO. R-1011-48

FRANKLIN BUSINESS PARK, L.L.C., REQUESTS REZONING FROM I-1, LIGHT INDUSTRIAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR 14.21 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF US HIGHWAY 77 AT FRANKLIN ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

11C. PP-1011-21 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY FRANKLIN BUSINESS PARK, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FRANKLIN BUSINESS PARK, GENERALLY LOCATED ON THE WEST SIDE OF US HIGHWAY 77 AT FRANKLIN ROAD.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that there are a couple of criteria for the change of designation in the 2025 Plan from Industrial Designation to Commercial Designation. The most important criteria is that there is some change in circumstance. Directly across the street the County is constructing a large new facility and the ordinance was amended to grant them commercial zoning; it will not be retail commercial, but will be the jail. As part of that, the County acquired the right to have a couple of commercial out-lots. The realignment of Franklin Road will provide a major access point to the subject property. Those two circumstances help justify the change in designation. Part of the site is already designated and zoned commercial. The rezoning will be from I-1

to C-2. A preliminary plat also accompanies these requests. The tract is essentially vacant. The owner believes that the new ramp off I-35, the realignment of Franklin Road and the new traffic signal will all help spur commercial interest in the area. There were no filed protests.

2. Mr. Knotts noted that this site is directly north of Westheimer Airport and asked if there is any plan incorporated in this development to respect the airspace. Mr. Koscinski responded that the ordinance, which FAA helped write, has a 50' exemption. These buildings will primarily be one- or two-story buildings and will be well under that height limit. There is a cell tower north of the site that exceeds the 50' height limit with lights on it. You can still work with FAA to get approvals.

3. Mr. Lewis commented that sometimes people entering into a marriage do a pre-nuptial agreement. He asked if there is any kind of pre-noise agreement with regard to this development, because he sees the potential for complaints about noise since this development is approximately one mile from the end of the runway. Mr. Koscinski indicated that the applicant can be asked to attach a note to the plat or put something in the covenants to put potential owners on notice. We do not usually get noise complaints from commercial uses.

4. Mr. Trachtenberg referred to the discussion centered on the Industrial Land Use Survey and asked if there was concern about this site further nibbling away at industrial land. Mr. Koscinski pointed out that the study indicated a need for large industrial tracts. The change on this tract is only about 14 acres, with the rest of the tract already zoned commercial. There is existing vacant industrial property south of this tract as well.

5. Mr. Lewis asked why this is not coming in as a Planned Unit Development or a Mixed Use Development. He was concerned about the possibility of requests for special uses at some point in the future. Mr. Koscinski indicated that is possible, but C-2 is a broad retail category and allows car dealership, auto repair, gas stations, restaurants, and general retail uses. This location is at the first major exit off the interstate and the applicant thinks that location will be a good location for commercial.

6. Ms. Pailles noted that this area is basically the headwater of Little River. She was concerned about runoff from the parking lots and whether there are plans to deal with that. Mr. Koscinski indicated there are a couple of detention ponds that will work as filtration basins and should mitigate some of the runoff issues.

7. Mr. Knotts commented that this is the entry to Norman. There was a lot of effort in University North Park to put a nice face of the buildings toward I-35. He asked whether that will be done in this development. Mr. Koscinski indicated the applicant did not request a PUD. Our standard development controls require masonry buildings. Staff believes it will serve the applicant well to try to dress the area up.

8. Mr. Lewis – *Thanks for taking my question. I do have – and this may be getting the cart before the horse, but I do have one clarifying question, and that is in looking at 11c-7 and that is the City of Norman Development Review Form Transportation Impacts which it says was conducted by you. Is that correct?*

Mr. Riesland – That's correct.

Mr. Lewis – I'm reading in a statement – if you skip down to Transportation Impact Study Required it does say yes and the paragraph right under that says: "The proposed development consisting of 73,831 feet of restaurants, 58,434 square feet of office, 107,340 square feet of retail, and 65 apartment units in this addition is expected to generate approximately 17,898 trips per day or 1,688 trips during the PM peak hours." It goes on to say: "The traffic capacities of the affected roadways exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated on these facilities." And, David, where my concern comes from this is I've just heard Mr. Koscinski tell me this is not a PUD nor a MUDD – a Planned Unit Development or a Mixed Unit Development – yet in your traffic study you clearly tell me exactly what's going to be there, as well as there's going to be 65 apartment units, which would take it out of – actually would keep it in C-2 but require a Special Use. So I guess I'm a little dumbfounded as to where the specific amount of square feet of restaurants, office space, apartments and everything else came from.

Mr. Riesland – Okay. You actually may have the wrong traffic engineer up here talking to you, then. As the City's traffic engineer, the traffic impact study was prepared for us. That information was contained within that traffic study. I didn't come up with any of that on my own. The guy who prepared the traffic study is here. I assume he got his direction from his client.

Mr. Lewis – Okay. Help me to understand something, David. But I'm looking at a form – I'm sure every Commissioner has it, and it clearly says that this traffic impact was conducted by you. So might we in the future need to say . . .

Mr. Riesland – My review of the traffic impact was conducted by me.

Mr. Lewis – Again, it says conducted by you, so might in the future we want to say reviewed by one of the assistant traffic engineers if someone else is preparing it for us.

Mr. Riesland – We can look into that, I guess.

Mr. Lewis – Again my question is where do 65 apartment units come from?

Mr. Riesland – I can't answer that question for you.

Mr. Lewis – Who can help me to answer that question?

Mr. Hofener – Good evening. My name is Michael Hofener and I'm with Traffic Engineering Consultants and we are the consulting engineers that were hired to conduct this traffic study on this subject property. Where the apartments came from – early on in the process, I believe it was probably a misunderstanding on our part. I know that there is potentially a hotel planned there and I think that somewhere in the mix of trying to really lay down specifics to generate – try to get an accurate picture of what traffic might be generated by this development, we may have misinterpreted and put some apartments in. However, I just say that hotel land use, overall, the trip

generation is probably going to be 5 to 10% less than what the apartments would call for. And I don't know if I answered your questions on the specific numbers – the square footages and the like.

Mr. Lewis – So what I'm understanding you to say is these are just arbitrary estimations of what could go into this business development.

Mr. Hofener – They are. The first step in the process is to – if we don't know exactly what's going in there, as far as square footages and the like, we have floor to area ratios that we'll typically use – different floor to area ratios for industrial, commercial, retail. In visiting with the applicant, we'll come up with a percent, basically, of each of those land uses that we think might be a reality there, and those are the numbers that we'll utilize. And we have reference manuals that we actually generate trips from that are nationally accepted; they're based on many, many studies – hundreds of studies that give us the trip generation rates.

Mr. Lewis – So help me to understand so that I'm clear – if we're looking at a development that pretty much anything under C-2 could possibly go in there that would be approvable without a special use permitting, then if we're looking at C-2 in regard to traffic impacts we would most likely want to use the worst case scenario and the most densely traffic that potentially could come in there. So is it my understanding that this would be the worst case scenario?

Mr. Hofener – Well, you know – not typically, no. It would not necessarily be the worst case scenario. But I don't know that a worst case scenario would be a reality. From what I'm visualizing as a worst case scenario, let's say that you have a commercial development with 400,000 square feet of – I don't know – shopping center, let's say – strictly shopping center or something that could take up this entire parcel of land. I don't know that that's really a reality, though. So what we try to do is, in discussions with the client, come up with the most realistic picture of what's going to go in there.

Mr. Lewis – I mean certainly knowing 77 and the road that is there, one would think that if a very large retailer such as a Target or a Walmart or a Kmart or something of that nature even went in there it would handle the traffic. Where my concern came from was when it mentioned the 65 apartments or specifically the hotel – I mean, we have an airport landing runway that's a mile away and in speaking with the gentleman that runs the airport and trying to get a grasp on actually what is the potential – because we certainly know that planes crash in Norman. People run out of gas. They land them on Robinson. Maybe they want to shop for cars and nosedive into Big Red. But we certainly know that there is a hazard there, especially on take-off and landing, and especially in speaking with a pilot who is a very experienced commercial pilot indicated to me the danger never goes away. He said especially with student pilots and other coming in on a night approach or on an instrument landing, which are two of the most dangerous phases of flying. So, again, it concerns me that we don't have a planned unit development or a MUD to look at, knowing that the runway is going to be a mile away, and potentially reading that there's going to be 65 apartments there which would entail a special use or now I'm understanding there may be a hotel there and if a student pilot forgets to turn the gas on and lands early or takes off and – it's a concern to me.

Mr. Hofener – I apologize. I didn't mean to interrupt. I've got to state again the apartment land use, I think, was a misunderstanding on our part. And, of course, that would have to come back through the approval process if that was actually going to take place. I'm not sure, but I believe the hotel land use would fall under ...

Mr. Lewis – That does answer my question.

~~8. Mr. Lewis referred to the Transportation Impacts form, and asked where the information on the square footage of various uses comes from. Mr. Riesland stated that the Traffic Impact Study was prepared for the City; he reviewed the Traffic Impact Study which contained the square footage information. Michael Hofener, Traffic Engineering Consultants, reported they were hired to conduct the traffic study on the subject property. The apartments were probably a misunderstanding on their part. There is the potential for a hotel on the property. Hotel venues overall generate 5-10% fewer trips than apartments. The first step in the process, if you don't know exactly what will be going in, is to use floor/area ratios based on what the developer thinks may be built. They use manuals which are based on hundreds of studies to assign trip counts. They do not typically use the worst case scenario, but try to come up with the most realistic scenario. Mr. Lewis expressed concern about either apartments or a hotel being in this area because it is the approach path for the airport. Mr. Hofener reiterated that the apartment use was a misunderstanding on their part when they prepared the traffic study. If there was to be an apartment component, it would have to come back to the Planning Commission for a special use.~~

9. Ms. Gordon was concerned about traffic backing up at the Franklin intersection on Highway 77 and a conflict with traffic coming south from I-35 around the curve. Mr. Riesland reported that the traffic signal has been designed with a safety feature so that people coming off the interstate will have a "signal ahead" sign that will flash; they will see the sign before they can see the intersection. It will be located 600' north of the intersection.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, engineer for the applicant – This is another collaborative project. The collaboration of this project has dealt with the jail, ODOT and the City with regard to the location of Franklin Road. When the county bought the property for the jail there was a plan for the realignment of Franklin Road that ODOT endorsed. The traffic light is being installed. Another traffic study was done for this project. The site is currently zoned C-2 and has been that way for years. They are adding 14 acres that is currently zoned industrial to the C-2 zoning. The property didn't have a good access. This project will add the west light to the traffic signal. The traffic that was generated by the TIA for this project was four cars over the threshold of design that would require a lane to slow down to make a right turn, but they have agreed to install that deceleration/turn lane. The TIA also showed that there may be a problem at Venture Drive and improvements may be needed there at some time in the future. The builder on this land is going to locate his personal office on the site, so it will present a nice face and he will require that of everybody. The sanitary sewer interceptor line went across the jail site and this site and a sewer line was laid to serve this site without a lift station. The site will be small tracts and there will not be any big-box uses and no

apartments. The northeast corner is anticipated to be restaurants, and interest has been expressed by local establishments. They don't currently have a hotel planned for the site. The location of the roads is fixed for many reasons, including utilities and drainage. There is an OEC substation to the north of the site that currently accesses onto Franklin Road; they will be provided with an access driveway through this site.

2. *Mr. Lewis – Tom, I have a question for you. In regards to the thought process of not making this a PUD or a MUD, and then also my question to Doug earlier in regards to is there a thought process of notifying the potential occupants of these buildings – I know that the owner will be occupying one of them – or maybe more than that – in regards to the noise that airport will be generating?*

Mr. McCaleb – We can do that. That hasn't come up yet. But, obviously, the noise is there and so – I did a project similar to this at the end of Will Rogers and we acknowledged that planes do come over from Will Rogers Airport. Be glad to do the same thing on this one, to put it in the covenants, and we did that – we stipulate in the covenants.

Mr. Lewis – I appreciate your explanation in regards – because I shared Cynthia's concern in regards to when we first heard about this traffic light being put in at the intersection of Franklin Road that potentially I'm coming around the corner and, unlike my esteemed Commissioner Gordon, I certainly don't speed around the corner – I would never do 70 miles an hour around the corner – like every day. And, truly, I mean you're coming off of a 70 mile an hour interstate – I mean, it takes a little while to get down to 55, so certainly I'm doing the same thing. And I just saw visions when I saw this application of just screech marks but you've certainly allayed that concern in the traffic study of saying there's going to be a deceleration lane there. So certainly that took that off the map for me. I don't think that will congest 77 going forward and then, typically, at the next intersection you said that's still under evaluation. So I appreciate that explanation.

~~2. — Mr. Lewis asked why this was not submitted as a PUD or MUDD, and whether the concern about flight path noise was considered. Mr. McCaleb indicated that they can notify people about the issue of the noise, but that issue has not come up and the noise currently exists. They can put a notice about the flight path and noise in the covenants.~~

3. Mr. Trachtenberg asked about the Greenbelt Enhancement Statement and any possibility for trail systems along the Little River. Mr. McCaleb reported that they are doing some clean-up in the channel right now; there are some active beavers in the area and they are trying to solve some problems they have created. They have a flood plain permit to do the work. They are familiar with the full build-out floodplain grades and will design it to meet those. He is planning a vehicle/pedestrian bridge across the channel. The whole system will be designed for pedestrians and it will be green in nature. They didn't do a PUD because it was more restrictive than they could allow because they don't know the components for the site. They have talked about things that may or may not happen, including the possibility for water taxis and trying to create a feature around the water.

4. Ms. Pailles commented that anything that goes into the water at this point either has to be taken out or we have to drink it. She hopes that they will consider installing swales and things to decontaminate the runoff from the parking lots.

PARTICIPATION BY THE AUDIENCE:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend adoption of Resolution No. R-1011-105, Ordinance No. O-1011-48, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for FRANKLIN BUSINESS PARK ADDITION, 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	Cynthia Gordon, Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	None

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-105, Ordinance No. O-1011-48, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for FRANKLIN BUSINESS PARK ADDITION, to the City Council, passed by a vote of 9-0.

* * *

12. CONSIDERATION OF A REQUEST SUBMITTED BY HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C., FOR A NORMAN 2025 LAND USE AND TRANSPORTATION PLAN AMENDMENT (R-1011-115), REZONING (O-1011-55), AND PRELIMINARY PLAT (PP-1011-23) FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND WEST OF 36TH AVENUE N.W.

This item has been postponed by the applicant. It appeared on the agenda because it had already been advertised.

* * *

13A. RESOLUTION NO. R-1011-116 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE FIRST COURTHOUSE NEIGHBORHOOD PLAN.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Memo
3. Resolution
4. First Courthouse Neighborhood Plan Draft

13B. RESOLUTION NO. R-1011-117 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE OLD SILK STOCKING NEIGHBORHOOD PLAN.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Memo
3. Resolution
4. Old Silk Stocking Neighborhood Plan Draft

PRESENTATION BY STAFF:

1. Ms. Atkinson reviewed a PowerPoint presentation about the purpose, development, and components of the two neighborhood plans. The neighborhood plans do not modify any underlying land use of the 2025 Plan. These are policy documents that are intended to preserve neighborhood assets and reverse negative trends.
2. Mr. Trachtenberg asked whether staff was satisfied with the turnout and participation by the residents in these neighborhoods. Ms. Atkinson responded that we never have the amount of participation that we hope for. Initially, in the 2007 and 2008 meetings, there was pretty good participation. That continues to be true in the Old Silk Stocking Neighborhood, where there are trends of a lot of new families moving into the neighborhood. The First Courthouse Neighborhood is an area where we need to do some hands-on work with building social capital; people need a reason to choose to participate in neighborhood planning as opposed to anything else they might be doing.
3. Mr. Trachtenberg asked about the recommendation to discontinue the alley garbage pick-up. Ms. Atkinson responded that the alleys were not designed to accommodate our current garbage trucks, and the trucks are damaging the alleys. In addition, an efficiency study has been done on the issue and there is compelling data that alley collection is highly inefficient. Currently a driver has to do four passes of a single block to pick up the trash. In response to a question from Mr. Gasaway, Ms. Atkinson stated that ceasing alley trash collection is not the same issue as vacating the alleys, and they will still be used for service access. There may be some blocks with people dwelling in alley houses where they don't have any other place to put their garbage.
4. Mr. Knotts asked about the short-term implementation strategy and the likelihood that they will happen. Ms. Atkinson responded that the shelf-life on a neighborhood plan is generally assumed to be ten years, although it doesn't say that

anywhere in the document. The resources to implement some of the plan recommendations will depend on what Congress decides about levels of CDGB funding. There are a lot of things that constitute neighborhood revitalization; some have a pricetag and some don't, but they contribute to the plan implementation. Ms. Price explained that the CDGB program for the City of Norman is an entitlement program and we do not compete for funds; it is a formula-based system. Once Congress assigns the amount of money to the overall program for the country, HUD gives us our funding availability for the year. Some of the items on the list already have some funding set aside for larger projects, such as parks, and there is additional funding for sidewalks besides CDGB funds.

5. Mr. Lewis asked how much the City has received in CDGB funds for the last two years. Ms. Price reported that this year we received \$923,000 and the year before it was a little less than that. This year Congress has recommended a cut, but we have not received the final numbers yet, but the recommended cut is between 16 and 17%, which would make the funding level around \$778,000. Mr. Lewis commented that it seems that we are revitalizing infrastructure at someone else's expense by replacing water and sewer lines and sidewalks.

6. Mr. Lewis asked if there has been any opposition to historic preservation aspects of the plans. Ms. Atkinson indicated there is a recommendation that Old Silk Stocking Neighborhood consider a neighborhood conservation district as one tool that they could use to deal with land use changes that may be occurring around them. Staff is not unilaterally recommending that we do that. Those kinds of overlay districts only work when the people who live there want them; they have to be sought by the people who agree to live under an added level of regulation. The Old Silk Stocking conflict between the zoning and existing land use dates to the 1954 zoning ordinance when the area was regarded as inevitably going to become multi-family; that change has never materialized, but the zoning remains. Part of staff's intent in that part of the plan was to point out the discrepancy, to give some possible courses of action – do nothing being an absolute course of action – and spend some time with the neighborhoods helping them understand the situation. This is a neighborhood where we are seeing new property owners coming in and definite interest in buying these early 20th Century houses. Those people need to fully understand the regulatory landscape underneath them.

7. Mr. McCarty asked the rental rate versus owner-occupied in these two neighborhoods. Ms. Atkinson believes that Old Silk Stocking is right around 55% owner-occupied and 45% rental, and First Courthouse is about 60% owner-occupied and 40% rental.

8. Mr. McCarty asked about the alley vacation. Ms. Atkinson clarified that they are not recommending that the alleys be vacated, only that there no longer be trash collection in the alleys.

9. Ms. Pailles commented on the amount of sewer line and water line reconstruction that has been done and asked whether those neighborhoods are up to speed in that area. Ms. Atkinson said it is never completed. The entirety of CDGB funds does not go to these neighborhoods. The infrastructure needs never go away, but

because we have been cut back on funding so consistently, we are in the position of lacking the funds to do the scale of infrastructure projects that we did so much of before. That has caused the shift in focus from streets and sewers to parks and other place-making activities.

10. Mr. Sherrer commented that he loves the idea of signage and new logos. One thing he likes less than not having a sign is having one that is outdated or that has been damaged or vandalized. He asked if there are maintenance dollars included in the plan. Ms. Atkinson responded that they didn't think about the maintenance. Two areas where we have done some identification signage are the historic districts. The signs that were chosen there were pretty expensive and we've been lucky that we have not had a big problem with vandalism. We will strive to help the neighborhoods develop graphics that are as timeless as they possibly can be.

PARTICIPATION BY THE AUDIENCE:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Gasaway thanked staff for the time they spent in developing these plans. A lot of what the Planning Commission deals with is new development in Norman and it is important to not ignore Core Norman, because it has shaped Norman for the last 90-100 years.

2. Ms. Gordon commented that she lives in the First Courthouse Neighborhood. There is a lot of stuff that has happened in the neighborhood that would not have happened without staff and their efforts. There was more interest in the beginning of the process. She thinks the plan is going in the right direction.

Chris Lewis moved to recommend adoption of Resolution No. R-1011-116 to the City Council. Zev Trachtenberg seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-116 to the City Council, passed by a vote of 9-0.

Chris Lewis moved to recommend adoption of Resolution No. R-1011-117 to the City Council. Cynthia Gordon seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-117 to the City Council, passed by a vote of 9-0.

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Item No. 14, being:

MISCELLANEOUS DISCUSSION

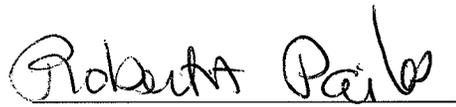
None

* * *

Item No. 15, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 8:04 p.m.


Norman Planning Commission