

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JUNE 9, 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 9th day of June 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
Jim Gasaway
Zev Trachtenberg

MEMBERS ABSENT

Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Doug Koscinski, Manager, Current
Planning Division
Ken Danner, Development Coordinator
Roné Tromble, Recording Secretary
Jeff Bryant, City Attorney
Leah Messner, Asst. City Attorney
Larry Knapp, GIS Analyst
Jane Hudson, Planner II

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Chairman Gasaway announced there have been requests by the applicants to postpone Item No. 6 and Item No. 8 until the July 14, 2011 meeting.

Item No. 6, being:

O-1011-62 – MOHAMMAD DAVANI REQUESTS SPECIAL USE FOR A BAR WITH LIVE ENTERTAINMENT FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, LOCATED AT 117 N. CRAWFORD AVENUE.

Item No. 8, being:

CONSIDERATION OF A REQUEST SUBMITTED BY HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C., FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND WEST OF 36TH AVENUE N.W.

Curtis McCarty moved to postpone Item No. 6 and Item No. 8 until the July 14, 2011 Planning Commission meeting. Chris Lewis 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, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Andy Sherrer

Recording Secretary Roné Tromble announced that the motion, to postpone Item Nos. 6 and 8 until the July 14, 2011 meeting, passed by a vote of 8-0.

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Ms. Connors noted that page 5-3 of the agenda book contains a typographical error in paragraphs 4 and 5 under "History." The vote should have been reported as 8-1 on both of those items.

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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 MAY 12, 2011 REGULAR SESSION MINUTES

Item No. 4, being:

COS-1011-8 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY DENNY FLICK (MARK DEAL AND ASSOCIATES, P.C.) FOR COPPER TRAIL, WITH A VARIANCE IN THE TEN (10) ACRE MINIMUM REQUIREMENTS FOR TRACTS 3 AND 4, FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 72ND AVENUE N.E. APPROXIMATELY 1/2 MILE NORTH OF ALAMEDA STREET.

Item No. 5, being:

FP-1011-23 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ROCK CREEK LAND, L.L.C. (CRAFTON TULL) FOR TANGLEWOODS ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE NORTH SIDE OF ROCK CREEK ROAD APPROXIMATELY 1/2 MILE EAST OF 36TH AVENUE N.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 requested that all three items be removed from the Consent Docket.

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Item No. 3, being:

APPROVAL OF THE MAY 12, 2011 REGULAR SESSION MINUTES

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Mr. Lewis – In regards to the minutes on Item No. 9 – actually, it's Presentation by the Applicant on page 15 – I would ask that my comments be reviewed and updated, specifically when I went back to our video on demand – I actually made several comments in that section regarding a deceleration lane. I would ask that that be included in the minutes in its entirety. On Item No. 8 in regards to page 14, there was a question in regards to my specific concerns about who actually presented and produced the traffic study, and it specifically talked about there being an apartment complex in that traffic study. I would ask that those two items be included in item number 8 under my comments.

Chris Lewis moved to approve the minutes of the May 12, 2011 Regular Session as corrected. 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 Pailes, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Andy Sherrer

Recording Secretary Roné Tromble announced that the motion, to approve the minutes of the May 12, 2011 Regular Session as corrected, passed by a vote of 8-0.

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Item No. 4, being:

COS-1011-8 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY DENNY FLICK (MARK DEAL AND ASSOCIATES, P.C.) FOR COPPER TRAIL, WITH A VARIANCE IN THE TEN (10) ACRE MINIMUM REQUIREMENTS FOR TRACTS 3 AND 4, FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 72ND AVENUE N.E. APPROXIMATELY ½ MILE NORTH OF ALAMEDA STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report
4. Pre-Development Summary
5. Greenbelt Commission Comments
6. Greenbelt Enhancement Statement

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Mr. Lewis indicated one of the concerns that I have in regard to Item No. 4 is number 5 under the improvement program, where it talks about acreage and the 2025 Land Use Plan being ten acres or more, and we are approving a 9.99 – even though it's very insignificant, it still is less than ten. I'm wondering if we need a 2025 Land Use Plan change. Ms. Connors responded that in the past we have looked at these very minor changes and not done Land Use Plan changes. It is to the spirit of the ten acres, and very often the original tract isn't of a size that you can get the ten acres in each lot and we have in the past had these small inconsistencies with the ten acres.

Mr. Lewis said one of his concerns is that we're having inconsistencies. I think we have a process in the City of Norman in place which ensures those inconsistencies are very much consistent. So that's my question – why we would not have a 2025 Land Use Plan change when, in deed, it is less than ten acres as it is mentioned. Ms. Connors stated that we're bringing it through the process that allows that variation to occur. This, again, isn't a Land Use Plan amendment. There is a lot requirement and through this public hearing process you can either approve or deny these lots at the size they are, but it doesn't require a Land Use Plan change.

Mr. Lewis asked, in other words, what I'm understanding you to say is we're making an exception to the ten acres or more in size? Ms. Connors responded affirmatively, through this process of approving the Rural Certificate of Survey.

Chris Lewis moved to recommend approval of the Rural Certificate of Survey for COPPER TRAIL, with a variance to the minimum ten acre requirement for Tracts 3 and 4 as noted, to the City Council. Zev Trachtenberg seconded the motion.

Mr. Trachtenberg commented that this request is for 9.996 acres, which is 4/1000 or 1/100 of a percent from meeting the requirement. This was a section that wasn't quite a mile long. Ms. Connors confirmed that it was a short section. Mr. Trachtenberg commented that it seems that this kind of variance or exception to the standard rules is just a matter of good judgment and this is an entirely appropriate thing to do.

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, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Andy Sherrer

Recording Secretary Roné Tromble announced that the motion, to recommend approval of the Rural Certificate of Survey for COPPER TRAIL, with a variance to the minimum ten acre requirement for Tracts 3 and 4, to the City Council, passed by a vote of 8-0.

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Item No. 5, being:

FP-1011-23 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ROCK CREEK LAND, L.L.C. (CRAFTON TULL) FOR TANGLEWOODS ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE NORTH SIDE OF ROCK CREEK ROAD APPROXIMATELY 1/2 MILE EAST OF 36TH AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:

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

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Mr. Lewis said he appreciates Ms. Connors making a statement of the correction of record – but it concerns me greatly when the Planning Commission is presented a public document – a matter of record – and there's inconsistencies in it as we've seen in the past, especially regarding Tanglewoods Addition. And going forward, I guess my questions on Tanglewoods Addition is has anything changed from our initial preliminary plat greater than ten percent or, I believe, it's five percent of change, and have we addressed any of the issues concerning fire protection, police protection, and those types of things, or is this a final plat coming through exactly the way it came through initially? Ms. Connors explained this is a final plat coming through as approved by City Council, and I don't believe City Council made any changes to the plat that was presented. Mr. Lewis believed there were some concerns by City Council about the fire protection. Ms. Connors indicated there was discussion at City Council, but she did not think there were any changes that they made in their motion, and therefore this is coming forward in alignment with the preliminary plat that was approved by City Council.

Curtis McCarty moved to approve the final plat for TANGLEWOODS ADDITION, A Planned Unit Development. 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, Curtis McCarty, Roberta Pailes, Zev Trachtenberg, Jim Gasaway
NAYES	Chris Lewis
ABSENT	Andy Sherrer

Recording Secretary Roné Tromble announced that the motion, to approve the final plat for TANGLEWOODS ADDITION, A Planned Unit Development, passed by a vote of 7-1.

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Item No. 6, being:

O-1011-62 – MOHAMMAD DAVANI REQUESTS SPECIAL USE FOR A BAR WITH LIVE ENTERTAINMENT FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, LOCATED AT 117 N. CRAWFORD AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Memo recommending postponement

This item was postponed until the July 14, 2011 meeting of the Planning Commission at the request of the applicant.

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Item No. 7, being:

CONSIDERATION OF A REQUEST SUBMITTED BY SHANNON O'MOORE, L.L.C. AND CAMPUS CREST DEVELOPMENT FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. BETWEEN CEDAR LANE ROAD AND HIGHWAY 9.

7A. RESOLUTION NO. R-1011-126

SHANNON O'MOORE, L.L.C. AND CAMPUS CREST DEVELOPMENT REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-14) FROM MEDIUM DENSITY RESIDENTIAL DESIGNATION TO OFFICE DESIGNATION FOR A PORTION OF THE PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. BETWEEN CEDAR LANE ROAD AND HIGHWAY 9.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

7B. ORDINANCE NO. O-1011-59

SHANNON O'MOORE, L.L.C. AND CAMPUS CREST DEVELOPMENT REQUEST AMENDMENT OF THE PUD APPROVED IN ORDINANCE NO. O-0910-25 TO ADJUST THE BOUNDARIES BY INCREASING THE AMOUNT OF AREA ALLOTTED TO OFFICE USES FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. BETWEEN CEDAR LANE ROAD AND HIGHWAY 9.

ITEMS SUBMITTED FOR THE RECORD:

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

7C. PRELIMINARY PLAT NO. PP-1011-24

CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHANNON O'MOORE, L.L.C. AND CAMPUS CREST DEVELOPMENT (SMC CONSULTING ENGINEERS, P.C.) FOR CAMPUS CREST ADDITION, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. BETWEEN CEDAR LANE ROAD AND HIGHWAY 9.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that this came before the Planning Commission last year when it was first approved for a PUD. What has really changed at this point is there is a different buyer for the multi-family component and they have a slightly different product. The request is to delete a piece of medium-density residential and essentially enlarge the office area. From the Land Use Plan perspective, there are two criteria that have to be met, and it is staff's opinion that the applicant generally meets those.

There need to be changing conditions in the area, and you can see immediately south a very large residential area currently under development as well as the remainder of the residential uses on the west side of 12th Avenue has probably created some additional demand for some professional offices in the area; the net change is really only about one acre addition of office space. The second condition is that there be no adverse impacts and, again, we received no protests. The west side is the Shaklee Addition but the Astellas plant is quite a ways from this tract. This tract was formerly theirs and has been sold. The tracts north and south are largely undeveloped at this point, although they are still in family ownership. The tract is essentially undeveloped at this point. The only thing that has happened recently is the addition of the EMT station at the northwest corner of this overall tract. North is a large detention pond which was a former borrow pit for Highway 9. There are some residential uses nearby, but not immediately nearby. The applicant is here to discuss the particulars of the PUD. Staff is supporting the change to the Land Use Plan as not being very substantial. The PUD is still a multi-family PUD. The particulars of it may have changed slightly. There were no filed protests.

2. Mr. Knotts asked if there is a coverage ratio provision for medium density. Mr. Koscinski responded that it is 40% floor/area ratio. This is a PUD and they could, in theory, ask for some other number, but this is not approaching the 40% for building coverage. Mr. Knotts asked about the coverage for parking and circulation. Mr. Koscinski indicated you are allowed up to 65% coverage for impervious area.

3. Mr. Knotts asked the status of the borrow pit. Mr. Koscinski indicated it is still under the ownership of the gentleman who lives to the north, one of the Madole family. Mr. Knotts commented that a major part of the stormwater for this project dumps into that borrow pit, and if they don't have an agreement with the owner, they don't really have an opportunity to go off the property. Mr. Koscinski explained that they will be expanding the pond onto their property as well. Tom McCaleb clarified that the tract of land to the north and to the south are owned by the Madole family. They have met with the family. They are showing a detention pond to be shared with the north Madole brother, unless he doesn't want to. If he doesn't want to, the pond can be totally enclosed and have on-site detention and then be released to the existing drainage way. The gentleman to the north has some medical problems so he has not disturbed him. They hope to be able to reach an agreement for a common pond.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicants – Let me highlight what was previously approved and what you're being asked to approve tonight. What was previously approved one year ago by City Council was the site plan at the top. It is very similar in context to what we're doing here tonight. It was already multi-family residential for this entire area with office on the left. The only change happening here tonight is just a few things. Basically we are expanding the office. The street moves over slightly. And, as Mr. McCaleb said, now this detention area becomes larger; if we need to detain everything on our site, we can. The multi-family will be a different layout. We have a different site plan and a different buyer, as Mr. Koscinski said. There will be a gated entry into the private area of the Campus Crest community. We are a much smaller property in the sense of what was approved before. This is 244 units, with 12 units/acre. A year ago what the Council approved was 18 units/acre. There is

much more open space than what was approved a year ago. A year ago you could build the multi-family with 14% open space; we're proposing a plan with 30% open space. The site plan brings the buildings farther away from the boundaries on this property. There has been unanimous support all the way through – from staff, from Greenbelt Commission, from the others.

2. Dan Norman, Senior Vice President of Campus Crest Development – We are a student housing development company, and one of the things that we do that's a little unique is we not only develop the project but we also build the project and we manage the real estate afterwards. Everything in the whole property stays with us; we're called vertically integrated. We own the property and run the property and have it from beginning to end. There is no end right now; we haven't sold any properties yet. We're not a typical developer that flips properties. We call ourselves fully loaded, so we have nice amenities for our student residents. We've got 27 operating properties right now; six are under construction. The Grove at Norman, which is what this will be called, will be one of eight more coming for next year under construction in the fall. We are pretty much located in the south and southwest; we have some in the northwest and we're expanding more and Norman is a market that we've been looking at for a long time and we're very excited about being here and being part of the community. The project name that we have is The Grove; it started from a grove of trees, although there's not very many trees out there right now, there will be. My daughter has just graduated from college, but they all have their own bedrooms, their own walk-in closets, their own bathrooms, and they share living quarters. We also have on-site amenities with volleyball, basketball and we develop these around a courtyard type area. We keep all those activities in the center, so it's not a typical apartment multi-family housing where everything is all spread around. We keep the activities in the center; we don't want to be impacting any neighborhoods with any noise. Our typical apartments have full kitchens, washers and dryers. About 67% of our residents are female. We have a gated community and keep it secure. It's a very successful program for us. The management company is also a great operating company within our group. We have area managers and sales managers that oversee and visit the sites quite often. We have courtesy hours. We shut things down and don't let it go all night. We help self-police. We have CAs (customer assistants) like a residence assistant in some dormitories. These folks help police what's going on. We actually have three strikes – I call it two strikes and you're out. If there are violations, which happen, on the second strike we're calling mom and dad and they're probably out of there. And mom and dad aren't too excited about it, because they've co-signed on the lease and they're still liable for it even if their son or daughter is not there. Out of the 14,000 residents living with us right now – that's like a big town – you do have situations, but it's very little really. Our lifestyle is really unique. We not only have the amenities and pool areas, but we also want to get the students/residents involved in life. We teach them how to balance a checkbook. We allow them to have religious studies and things of that nature in our clubhouse. And, of course, even though they all have their own Wifi and all that kind of business in their apartments, they love to come down and have coffee in the coffee shop and chat. They start studying about 10:00 at night. I guess I can't remember it being that late, but I guess I was at one time. We also have outreach to the community. Several of our projects are involved in mentoring close by those that are less fortunate – a lot of the students, if they're majoring in education, will get into helping young folks in their elementary school

studies and that sort of thing. We do a lot of give-aways during the holidays: bicycles and turkeys and that sort of thing. It's unbelievable the energy. Why I'm in this business is the energy that these young people have. They bring back so much and give so much more back to the community. This is an example of what our clubhouse will be. We have some nice apartments above the whole downstairs area, which is our lease offices and kitchen area, game room, and fitness room. This is a picture of our pavilion, which is looking at the back of the clubhouse. This gives you an idea how we enclose the activities. There's an amphitheater behind on this location. Here's another typical site where we have the volleyball, our barbeque areas, and our pool, and it's all encompassed by the buildings and we park on the outside. That's the same type structure we're going to be doing here. We also have big greenways and there are trail systems and bike systems – we always tie into those. It costs a lot of money to park and to drive to school, although in this part of the country a lot of people drive to school anyway. But we still have enough parking area for them. We do encourage bike paths and them to take advantage of shuttles and that sort of thing. That is The Grove at Norman, and that is what we hope to be here and be part of the community. We're very excited about the market and the location and hope you will vote approval tonight.

3. Mr. Lewis – Mr. Norman, I appreciate you flying all the way from North Carolina to present before this Commission tonight. It certainly speaks a lot to your development. The wealth of information and time that you've brought to this table. While I have seen the piece of property before in the past under a different situation, tonight is a new situation for me, and so I'm certain that you flying all the way from North Carolina you had to make your airplane reservations well in advance, otherwise you paid a premium fare to get here. Mr. Rieger, correct me if I'm wrong, but I believe under City of Norman policy you have to present this application approximately 20 days prior to a Planning Commission meeting for it to actually be on this Planning Commission agenda. Is that correct?

Mr. Rieger – If you're talking about notice, Commissioner Lewis, yes we have to notify 20 days in advance of the hearing to everybody within 350 feet.

Mr. Lewis – One of the concerns that I have with the items that we will be hearing tonight as a matter of public record is when I, as a Planning Commissioner, am charged with investigating and reporting to City Council, a public body of the City – a decision-making body, and I receive the agenda of this item 73 hours in advance of this meeting. Mr. Norman, do you think that really truly gives you true, just decision on my part in the fact that I've had the time to review this document thoroughly and know that the decision that I make tonight as a recommendation to City Council is one that I can feel comfortable with, one that I can feel that I've given due diligence to, and one that I've had time thoroughly to investigate, knowing that I work full-time and usually when I go out to a property and look at it and truly review it and study it, knowing that going forward my decision will impact, to some degree, the decision that City Council makes?

Mr. Rieger – Let me, if I may Commissioner, interject first. Mr. Norman is not aware of this and not aware of our procedure. But as you understand and I think you know that we, as the applicant, have no input at all as to when the information is given to you. In

fact, we deliver the notice list – the owner's list – to the City staff and then it is their duty to distribute that out, as is it their duty to distribute the information to you. I don't think Mr. Norman knows that at all.

Mr. Lewis – Knowing the enormous amount of time that you and Mr. Norman and the enormous amount of dollars that has been vested in this project for it to come to the Planning Commission and me to be aware of it 73 hours in advance as a matter of public record, I find that unacceptable. I appreciate you coming and presenting. I am much more comfortable with it this evening than I was when I got this document, so I greatly appreciate that. I appreciate your thoroughness and staff's thoroughness in the presentation that they presented.

4. Mr. McCarty noted that there was a pretty major oil well accident in Oklahoma not long ago, and asked who is responsible for the fence and the upkeep of it. Mr. Norman responded that they will be responsible for it. They are going to put in more of a screening fence than what he has seen around Norman. They are going to put nice plantings all around it, because they want it to be part of an amenity. It is part of the local community. Mr. Rieger reported that they have worked with the oil well operator and met with him on site. The well actually changed hands in the middle of the process. They have met with the former operator and with the new operator and they are fully aware of the project, and they have approved of it.

5. Ms. Pailles asked about the perimeter fence between the railroad track and the property. Mr. Norman explained that the perimeter fence is an aluminum product that looks like wrought iron.

6. Mr. Trachtenberg commented that some of the other private student-oriented housing developments run shuttle services to and from campus. He asked if that will be part of the service. Mr. Norman indicated that is part of their plan.

7. Mr. Trachtenberg asked whether this development will be restricted to students. Mr. Norman responded that they can't discriminate with the Fair Housing Act, however they do lease by the bedroom. So, for instance, three female students would share an apartment and each have their own bedroom area that's locked. They can't say they have to be a student.

8. Mr. Trachtenberg asked whether the company is bullish on their prospects in Norman, given both the competition from other private firms, but also the University's efforts to capture some of that business. Mr. Norman said they are. They are very excited and have been looking at the market a long time. They do extensive studies that they spend a lot of time on in advance. Mr. Trachtenberg asked what happens if the students don't show up for this facility. Mr. Norman responded that they have not had that issue. They do their homework and have a lot of investors.

9. Ms. Hartley commented that this is a big investment in Norman and gorgeous property. She has seen the one in Lawrence, Kansas and done a little research into the company. She asked what the total investment in the project will be in our community. Mr. Norman responded that the construction efforts will be approximately \$18 million, and it will be a little bit more than that with all the furniture and appliances. Mr. Rieger

added when you do a construction project, you have to designate the location of your project so it doesn't matter where the construction materials are purchased with regard to sales tax generation; the sales tax for the construction will all go to Norman. Mr. Norman noted that it just keeps on giving to sales tax through hotel and restaurant activity from people coming to visit the students.

10. Mr. Trachtenberg asked whether part of the operating plan is to try and form some kind of relationship with the student life people on campus. Mr. Norman said they have their own, but they also try to do that. Some times they think of it as competition, but other times there are great leaders from the student community that come over and live in the project.

PARTICIPATION BY THE AUDIENCE:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend adoption of Resolution No. R-1011-126, Ordinance No. O-1011-59, the Site Development Plan and accompanying documentation, and recommend adoption of the Preliminary Plat for CAMPUS CREST ADDITION, A Planned Unit Development, 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, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Andy Sherrer

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-126, Ordinance No. O-1011-59, the Site Development Plan and accompanying documentation, and recommend adoption of the Preliminary Plat for CAMPUS CREST ADDITION, A Planned Unit Development, to the City Council, passed by a vote of 8-0.

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Item No. 8, being:

CONSIDERATION OF A REQUEST SUBMITTED BY HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C., FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND WEST OF 36TH AVENUE N.W.

This item was postponed until the July 14, 2011 meeting of the Planning Commission at the request of the applicant.

* * *

Item No. 9, being:

MISCELLANEOUS DISCUSSION

1. SPECIAL MEETING JUNE 23, 2011

Chairman Gasaway reported that he had several questions about the Special Meeting on June 23 and how that date was selected. We couldn't take any action on this item until after the last City Council meeting, because we didn't know what action they would take. The Council's action was to postpone action until June 28. There is a need for the Planning Commission to hold a public hearing prior to that date. According to the Open Meetings Act, we could not act on those items at this meeting because there was not enough time for notification. That left the June 23 date. He worked with staff to find a date that would work for the necessary staff. Ms. Connors noted that notification was sent to approximately 13,600 people.

2. DISTRIBUTION OF MINUTES

Ms. Connors reported that a question was raised about why the minutes are not incorporated into the agenda books. Years ago the minutes were included, and there was a request that they be taken out. One of the reasons that Commissioners did not want them in the agenda book was so they could put them with the agenda book that they discussed. Another reason is that if the minutes are lengthy, they would make the agenda book more bulky and Commissioners don't always want to bring their minutes with them to the meeting. Staff does not have a preference one way or the other.

Mr. Lewis suggested that they be bound in the agenda book where they are voted on. Mr. Knotts likes them separate. Mr. Gasaway also likes them separate. Mr. Lewis commented that the reason he is asking that they be bound in the agenda book is that this is a public document and it will keep them from getting lost. Mr. Trachtenberg asked, if they are going to be in the agenda book, can they be at the back. Ms. Connors said they would be in the order in which they fall on the agenda. Mr. Trachtenberg commented that it will take him forever to find the items in the agenda book if he has to wade through the minutes first.

Chairman Gasaway asked for a show of hands. There were two in favor of binding them in the agenda book, two against, and three who didn't care. He indicated we will leave them they way they have been and the issue can be raised again in the future.

3. STUDY SESSION DATE TO DISCUSS THE DUTIES AND POWERS OF THE PLANNING COMMISSION

Chairman Gasaway indicated that Mr. Lewis has asked that we schedule a Study Session date to discuss the duties and powers of the Planning Commission. They have met with Planning staff, the City Manager, and the Legal Department to look at some of the issues.

Ms. Gordon asked if there is a rush to have this meeting, or whether it could wait until after summer.

Mr. Lewis responded that he doesn't think there's any rush. The reason I'm asking for it to be brought to the attention and really for us to go over the duties and responsibilities of the Planning Commission is I believe the process that we have and responsibility that we have as Commissioners – and certainly the Chairman can make comments to this as well – is that when I reviewed those, it was sometimes challenging for me to really have good conscience that we as a Commission are completely and entirely in due diligence performing those duties. One of those is that every five years if we zone a piece of property commercial – C-2 or otherwise – in five years if it does not get developed then we have to review that to rezone it back to its original zoning, and I know that as long as I've been on this Commission – which certainly isn't as long as some – is that has never happened. And so one of the questions that I had of the City Manager is are we truly doing what we're charged as Commissioners to do and is this certainly a time – because I believe – correct me if I'm wrong – those ordinances were written, I believe, in the 60s or early 70s – is it something that we as a Commission want to look at and suggest to City Council to review and maybe they can change those to make us more in line with the duties and responsibilities that we have now. So, certainly, it is not just a process in making the wheels turn, but it's really making us become a more responsible body and a much more diligent body in what our charge really is. This is certainly something that there's no expediency to. I mean, there's not an urgency to make it happen. But certainly I think it's something that we do need to make happen in due diligence and so whatever would work with the Commissioners in setting that date to make that happen as a team I think would certainly behoove us all and benefit us all.

Chairman Gasaway noted that two Planning Commissioners will be gone for the July meeting. He suggested holding the study session in September, either before or after the regular meeting on September 8.

4. Mr. Lewis said he had two items under miscellaneous. One, as I mentioned earlier, it concerned me that we had received the Planning Commission agenda 73 hours prior to this meeting, which was somewhat challenging, knowing that I go out during the weekends and review that information. I'm wondering if we could either make a resolution or a proposal that we have these agendas no less than 7 days – that would be five business days – 7 would include the weekend – prior to the Planning Commission, so that we truly could give what our charge really is and that is to investigate and report to City Council in a thorough manner the items that are presented in the agenda for that topic. Is that a hardship on staff or an inconvenience?

Ms. Connors indicated that it is a hardship, because we only have 30 days from the day that the Planning Commission application comes in to process it through several reviews. We have a very short turnaround time as it is to get it to you on Friday.

Mr. Lewis thought it would be fair if we could have them by Friday consistently, and really we do have them quite regularly by Friday. And so I appreciate the staff doing that. That's one of the things that really concerns me is, by not

having it on Friday, then I don't have that time to do due diligence over the weekend certainly because we do work during the week.

Ms. Connors indicated that we don't often not get the agenda delivered by Friday. Mr. Lewis said there have been three since he has been here.

Mr. Koscinski commented that it is sometimes a challenge because there are multiple departments that have input. In this particular case, there were traffic issues on an item that ultimately got postponed. The agenda wasn't printed until that issue was resolved, so the agenda was not printed until Monday and was generally delivered Monday afternoon or Tuesday.

Mr. Lewis – And I think Ms. Connors said that you have to have it 30 days in advance, and my reading is it has to be presented by the applicant 20 days in advance? Mr. Koscinski clarified it is thirty days in advance. Mr. Lewis – 30 days in advance. So I understand it is a burden on staff, however, truly, when my charge as a Commissioner is to investigate and report, knowing that I have a great amount of integrity in the position that I have been charged with, then really to give due diligence I must have that weekend to work, which is my personal time giving back to the City of Norman as a servant. I really would appreciate having these no later than Friday. Mr. Koscinski responded that it has always been our target to have them delivered on Friday, but there are times when it simply doesn't happen.

5. Mr. Lewis said his next item for miscellaneous, and I would like to read this email into the record. Jeff Bryant, City Attorney, was here a moment ago and I was hoping that he would stay. He was hoping that we would have a short meeting. It's an email that I sent to Mr. Bryant, as well as Steve Lewis, our City Manager, Ms. Connors, Shawn O'Leary, as well as copied the Planning Commission on it, and it's regarding an email which I attached to this email. It was dated May 23, 11:45 a.m., and it says: "Jeff, In light of the attached email and PDF, I'm greatly concerned of any personal liability that may have been incurred here with the alleged violation of Oklahoma Statute" in regards to water quality protection zone and the full build-out floodplain that the Commission voted on, however we found there were some oversights in the notification of residents in this plain. It goes on to state: "I know, as a Director of Summit Lakes Property Owners Association, we carry a Directors and Officers Liability Policy. Does the City of Norman carry such a policy for the Planning Commissioners and other volunteer servants? Can you please explain to me in detail the degree to which alleged violation affects the Planning Commission and potential personal liability incurred by each commissioner? In light of the above questions, should legal action by an outside party be taken against the Planning Commissioners individually, will the City of Norman Legal Department represent the Commissioners regarding personal liability and to what degree of monetary insurance does the City retain coverage to protect the Commissioners' personal assets? Thank you for your response to all parties receiving this email." -- and that would be the entirety of this Planning Commission – "Respectfully, Chris Lewis, Planning Commissioner." I'm wondering if City Legal staff could reply to that email and tell me what liability I incur, as I've had several of my fellow

Commissioners reach out to me to see if we received any type of response from the Legal staff, which we have not as of this meeting.

Ms. Messner was not aware that that email went out. I am happy to research that for you and provide an answer. Just at first blush, the City is self-insured. We do not have outside insurance policies; we insure ourselves. And I will get back to you on the rest of it.

Mr. Lewis reiterated the date of the email was May 23, 11:45 a.m. That email was sent to Steve Lewis, Jeff Bryant, Susan Connors, Shawn O'Leary. It actually was sent to both of Jeff's addresses. I didn't know whether it was the normanok.gov or the other one. So if you could reply to that email, everyone would have the information. That would be fantastic.

Mr. McCarty commented that he has been on the Planning Commission since 2005 and Planning Commissioners have been listed in suits – like Ashton Grove – and the City has always defended us. So I don't know what the policy is, but I think by City and State law we would be covered by their legal action. I have received paperwork in the mail, but never anything I had to respond to. The City always handles that on our behalf. Just to make everyone sleep a little better tonight until we get an answer, but it hasn't been an issue before.

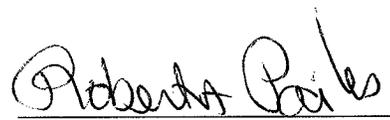
Mr. Lewis said I appreciate your comments. The reason I was bringing that up is because, one, it was a concern and when I send out an email to the chief legal counsel of the City and I do not receive a response for numerous days – I understand the legal counsel has had many things on their plate during this last several weeks – I do think it would behoove legal staff to actually reply to this Commission and one of its Commissioners, especially in regards to liability.

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Item No. 10, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 7:36 p.m.



Norman Planning Commission