

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JANUARY 12, 2012

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 January 2012. 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.

Chairman Gasaway welcomed new member Dave Boeck to the Planning Commission.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Dave Boeck
Cynthia Gordon
Tom Knotts
Chris Lewis
Curtis McCarty
Roberta Pailes
Andy Sherrer
Jim Gasaway

MEMBERS ABSENT

Diana Hartley

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
Leah Messner, Asst. City Attorney
Larry Knapp, GIS Analyst

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Item No. 2, being:

ELECTION OF OFFICERS FOR 2012

Chairman Gasaway asked for nominations for the position of Chairman for 2012.

Tom Knotts nominated Andy Sherrer as Chairman for 2012, and Roberta Pailles seconded the nomination.

Chairman Gasaway asked if there were any other nominations. There being no further nominations and no further discussion, a vote was taken with the following result:

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

Commissioner Sherrer was elected Chairman for 2012 by a vote of 8-0.

Chairman Gasaway asked for nominations for the position of Vice-Chairman for 2012.

Curtis McCarty nominated Chris Lewis as Vice-Chairman for 2012, and Tom Knotts seconded the nomination.

Chairman Gasaway asked if there were any other nominations. There being no additional nominations and no further discussion, a vote was taken with the following result:

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

Commissioner Lewis was elected Vice-Chairman for 2012 by a vote of 8-0.

Chairman Gasaway asked for nominations for the position of Secretary for 2012.

Andy Sherrer nominated Cindy Gordon as Secretary for 2012, and Roberta Pailles seconded the nomination.

Chairman Gasaway asked if there were any other nominations. There being no other nominations and no further discussion, a vote was taken with the following result:

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

Commissioner Gordon was elected Secretary for 2012 by a vote of 8-0.

Chairman Gasaway relinquished control of the meeting to newly elected Chairman Sherrer.

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The meeting recessed briefly to allow the newly elected officers to take their seats.

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Item No. 3, being:

CONSENT DOCKET

Chairman Sherrer announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 4, being:

APPROVAL OF THE DECEMBER 8, 2011 REGULAR SESSION MINUTES

Item No. 5, being:

FP-1112-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SWEETGRASS COMMUNITIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR RED CANYON RANCH ADDITION SECTION 3, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ½ MILE NORTH OF TECUMSEH ROAD AND APPROXIMATELY ½ MILE WEST OF 12TH AVENUE N.E.

Item No. 6, being:

FP-1112-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY BDL, INC. (SMC CONSULTING ENGINEERS, P.C.) FOR BDL ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ¼ MILE EAST OF 72ND AVENUE S.E.

Item No. 7, being:

FP-1112-15 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 11, GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. AND APPROXIMATELY ½ MILE NORTH OF WEST TECUMSEH ROAD.

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Chairman Sherrer 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.

Jim Gasaway moved to place approval of Item Nos. 4 through 7 on the Consent Docket and approve by one unanimous vote. Dave Boeck seconded the motion.

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

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

Ms. Tromble announced that the motion, to place approval of Item Nos. 4 through 7 on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

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Item No. 4, being:

APPROVAL OF THE DECEMBER 8, 2011 REGULAR SESSION MINUTES

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

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Item No. 5, being:

FP-1112-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SWEETGRASS COMMUNITIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR RED CANYON RANCH ADDITION SECTION 3, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ½ MILE NORTH OF TECUMSEH ROAD AND APPROXIMATELY ½ MILE WEST OF 12TH AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:

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

The Final Plat for RED CANYON RANCH ADDITION SECTION 3, 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-1112-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY BDL, INC. (SMC CONSULTING ENGINEERS, P.C.) FOR BDL ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ¼ MILE EAST OF 72ND AVENUE S.E.

ITEMS SUBMITTED FOR THE RECORD:

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

The Final Plat for BDL ADDITION, was approved on the Consent Docket by a vote of 8-0.

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Item No. 7, being:

FP-1112-15 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 11, GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. AND APPROXIMATELY ½ MILE NORTH OF WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

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

The Final Plat for CARRINGTON PLACE ADDITION SECTION 11, was approved on the Consent Docket by a vote of 8-0.

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Item No. 8, being:

CONSIDERATION OF A REQUEST SUBMITTED BY RCB BANK FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE.

8A. RESOLUTION NO. R-1112-95 – RCB BANK REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-03) FROM OFFICE DESIGNATION TO MIXED USE DESIGNATION (OFFICE AND/OR RESIDENTIAL USES) FOR 16.44 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

8B. ORDINANCE NO. O-1112-20 – RCB BANK REQUESTS REZONING FROM CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, FOR 16.44 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative
4. Vicinity Plan
5. Site & Landscaping
6. Existing Office Park
7. Cross Section

8C. PP-1112-8 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY RCB BANK (SMC CONSULTING ENGINEERS, P.C.) FOR THE VILLAGE AT OAKHURST, A PLANNED UNIT DEVELOPMENT, LOCATED AT THE NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

1. Mr. Koscinski reported there are three related items: a Plan change, a rezoning to PUD, and the preliminary plat that would accompany that rezoning. The tract is currently designated Office, and has been since the 1985 General Plan which was adopted in the 60s. That zoning and most of those designations came about when IBM proposed a major industrial factory south of Highway 9 at this location. Obviously, there is no IBM facility there at this point. Most of the zonings have remained for years as the Council granted compatible zonings that would work around that. This is one of those tracts that has carried that designation for these many years. The tract would become a mixed use. There are details within the PUD, which outline both a mixture of uses: offices and church and possibly a daycare and some other uses, but they specifically ask for the ability to do a mixed-use building if the market would support that as well.

There are two criteria that have to be addressed in order to do a Plan change. One is that there must be some significant changes in the area that would support this sort of a change. Immediately west of here you can see two of the recent apartment complexes that

were built. Immediately west of this site is a vacant tract that I think somewhere in the future someone will ask for. This one is designated for office use and it is the Traffic Engineer's opinion that changing the office designation to an apartment designation would not have any worse traffic impacts, in fact probably slightly less than it would under an office category. Obviously, the patterns are different and the destinations may be different, but the volumes would be less in his opinion. The second is that there not be any adverse impacts that would result by making this change. Essentially, what the Plan was trying to do is mitigate the impacts of this large industrial use. At this point we have Hitachi here and this is still a very effective buffer, whether it is multi-family or office, from the lower density uses farther north.

Specifically, they've asked for a PUD to implement that. I'll let the applicant explain the PUD further. Essentially, it calls for some design controls and mitigating factors that I think would help protect the neighborhood which are certainly not in place today; specifically, height limitations, setbacks, and quite a bit of open space are all proposed as part of this PUD, which would help mitigate any development by providing a buffer that would vary in size from about 25' at one end to about 200' at the other end. There would be no development there, essentially vacant undeveloped and would remain in its natural state, other than a detention pond that would be constructed as part of the facility. The site itself is predominantly vacant at this point. There are some very nice existing office buildings that were developed under the original office zoning; they will remain. To the north there are single-family homes that back up to this proposal. The tract to the east of Oakhurst Avenue is still vacant. South is Hitachi; it's a major factory and employer in Norman and has been there for many years and will not likely move and just went through a major expansion. West is an old industrial building, built very close to the property line. Further west you can see some of the new apartments that were built. Oakhurst Avenue provides access into the neighborhood, and there would be a driveway into one of the office buildings at the corner, which can't get access off Imhoff because of the proximity to the intersection. The buffer area will have additional enhancements to protect the neighborhood, and the applicant will address those.

We did receive a substantial protest, partly because of Hitachi and numerous residents north of this area, totaling 53% protest. That protest officially does not mandate that the Planning Commission do anything different, but it does warrant the City Council to have a positive vote of at least seven votes in order to pass this. It technically has no legal impact on your recommendation.

Staff did support the request. We believe it provides a better buffer than the existing zoning with the limitations that are in the PUD, as opposed to the current CO zoning.

2. Mr. Gasaway asked the differences in the height requirements between the CO zoning and the PUD. Mr. Koscinski responded that the current CO zoning allows 3-1/2 story buildings. In theory they could be as close as 20' to the north property boundary. The PUD imposes a limitation of two-story buildings at the northern edge of this tract, and has established a variable setback, but it is at least 70-75' away from the property boundary, so a more substantial barrier and a limitation on height to two stories, at least at the northern end. Those are the major differences.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, attorney for the applicant – You're going to hear from several of us tonight. First you're going to hear from Tom McCaleb, the engineer. Then you're going to hear from Tony Bragg, the architect, and then I'll close it out with some comments as to the PUD. I'm going to ask you, first, to think back to some of the other projects we've done. I want you to think back to the Tecumseh Road Project, where we had the office park. This reminds me a little bit of that, in that we had one large user across the street – St. Mark's Church – protesting, and we had a neighborhood behind it protesting. Very similar to what you see tonight – one large user across the street protesting, and the neighborhood behind us protesting. At that hearing, if you'll recall, I believe it was Commissioner Pailes who said that she heard a lot of fear in that protest. We're seeing that in the letters that have been presented to you. What I ask you to do

tonight, before the others get up and speak to you and before I present it as well, is I simply ask that you will listen to see if we have addressed the impacts as to how this may affect the neighboring properties, and if we have done that successfully I'll ask you to please support us with a recommendation for approval. But, first, let me bring up Tom McCaleb to talk about the traffic, the drainage, and the infrastructure.

2. Tom McCaleb, engineer for the applicant – This project is 16.44 acres, located as indicated at the northwest corner of Imhoff and Oakhurst Avenue. The site is presently zoned CO. A preliminary plat was approved for this tract in July of 2005. That plat expired in July 2011, so here we are. We're requesting approval of a revised preliminary plat with a rezoning request for a low-density apartment/office/church. This land is no longer owned by the previous developer. That's significant. My client is RCB Bank out of Claremore, Oklahoma. They don't want to own the land either. But this tract fell into financial problems and the bank had to capture its assets. My instructions from the client were to provide a plan that they can sell to the right buyer. I was not handcuffed, but given an opportunity to do the following: 1) put together a professional team to design a plan; 2) make sure the plan is compatible with the neighbors on the perimeters; 3) solicit input from the adjoining neighbors; 4) provide more than adequate open space; 5) design privacy; 6) solve engineering problems consisting of drainage, traffic, and utilities; and 7) make sure that after approval from the Planning Commission and the City Council the site is marketable. To that end, we've assembled the group that Sean just mentioned: Sean, as a PUD author; Rick McKinney's group as designers. We've had local real estate people involved in the marketability of land. We have traffic engineering consultants here, Wayne Russell, who did the traffic impact analysis. And I'm the design civil engineer. We have a site plan that meets all of the above.

This is the site – very clearly identified with the previous application that was offices and some were built. They're existing and they're well done architecturally. In addition, the traffic study that we prepared, we submitted to the Traffic Engineer. That study was reviewed by the City's Traffic Engineer, prepared by Mr. Russell, and it was determined with this study that the traffic impact with this development is less than the traffic impact with all offices. That's because it's a very low-density project. And that has been submitted, as I said, to the Traffic Engineer, reviewed, tweaked, and approved. The results of the low-density plan had revealed that the traffic impact will be less than the office that's presently zoned. That's significant. One of the concerns that Hitachi had was traffic impact analysis – we've addressed that issue and it works. Also, the City of Norman was awarded recently a traffic signal project at Classen. This was a concern. Here are the construction plans. That project is designed, approved, bid, and awarded to Shell Construction to build it. This project was awarded on or about last October. That's also a concern that Hitachi had and some of the others. Previous work on this area of Imhoff Road – when is that going to happen? Is it going to happen? What's the status? The status is, yes, yes, yes, and this year. Our firm prepared the drainage/detention study for this project. The report was prepared, submitted to the City to have all the runoff calculated, determined what is going to happen. Here's the report. It's approved. It documents that when this project is built that the drainage goes to this detention pond and discharges out to the drainage ways, and the discharge will be less than the current historic discharge from this site. That's what the report says. The site also will have a looped water line system. It will connect to the mains on Imhoff, and this system has been submitted to the staff for review and it will provide more than adequate fire protection and for use for domestic purposes. The sanitary sewer system as designed with this plan has been submitted to the staff. Staff has reviewed the proposed design and has endorsed this design.

Please look at the plan and look at the internal design criteria – how the traffic moves, how it wanders in and wanders out – very curvilinear, serpentine – not straight. The driveways have been positioned so that they don't interfere with the driveways across the street. Presently there is an access point that is existing and lines up with the drive across the street at Hitachi. Hitachi didn't want to have traffic intermixed with their traffic, and so we have located only two driveways – one way down here and one way over here, and this traffic takes care of all the

traffic from the apartments. The only other access is over on Oakhurst that serves the church. A driveway similar to this is approved on the current site plan for the offices. You can see how the driveways are spaced with the existing facilities for Hitachi, and so we stayed away from those, and it functions.

We had a Preliminary Development meeting on this project on October 27, 2011. Many of the neighbors showed up and gave their opinions why they did not want this apartment to be here. The development team requested input from the group to enable a modification that could be made to secure their endorsement. Several comments were given at that meeting. Some were: we want it to be architecturally pleasing; we want a pond that's natural, not a concrete pit like Crimson apartments – that's what we did; don't like parking for the apartments against the neighbors – we moved them back; no Section 8 or student housing – it's not Section 8; what do the elevations look like – Mr. Bragg will show you that in a few minutes; traffic impact on Imhoff increases – no, it doesn't; fencing along Lot 22 and 27 – what's that going to look like? – you can see we've got a substantial buffer. Mr. Bragg will also address that. Worried about after hours issues – drinking, theft, etc. Invited previous owner to join homeowners association and it never worked – that guy is not involved, we've got a different owner. Car headlights not to shine in the apartments – Mr. Bragg will talk about that. Line of sight of windows. We've addressed all those issues. These came up at the PD meeting. One comment made was you're not going to submit a rezoning in November are you? Our response was, we will not make a November submission if we can meet with you neighbors and work out some compromises. There was an agreement that we could meet and therefore not make a November submittal. We did not make a November submittal. This is January; we turned it in during December. After several days, we received no contact from anybody. Mr. Rieger began calling, trying to get a meeting with the neighbors, left messages. It didn't happen. We gave up on the neighborhood giving us a meeting. We turned to Hitachi. Hitachi graciously met with us to work out their issues. They were concerned about traffic. They were concerned about additional residents being there, and they were concerned with their own security of their facility. Right in this area they have an attractive nuisance called a baseball field, and they were concerned about people coming over there and getting in their baseball field and maybe having harm crossing Imhoff. That was some of their concerns, protecting their own security and Mr. Rieger will talk about that in a few minutes. We went ahead and incorporated every comment that was made at the preliminary development meeting, even though we didn't have a subsequent meeting. We moved it back. We prepared the line of sight. We moved several items around, in particular the clubhouse. We made sure that the pond is going to be natural. We have all of this open space left natural and we're going to leave it alone. We oriented all the buildings with only two stories on the north perimeter. Three stories are not on that way. And we have all the angled parking buffered so that the headlights don't shine to the north. The McKinney design team did all that and made several attempts to mitigate those issues and try to accommodate all the concerns that we wrote in our notes at the meeting. It's a good plan. Only the right buyer will purchase this low-density facility. It's upscale. It has over 50% open space. And it has received recommendation from staff for approval. Right now I'll ask Mr. Bragg, from McKinney Architects, to discuss the site plan.

3. Tony Bragg, McKinney Partnership Architects – Actually, Tom has already said everything, so I have very little to add onto it. As Tom discussed, and I think you can see on the site plan, we've indicated two-story buildings that front onto the north side. The pre-development process is great, because the design team is able to formally listen to the neighborhood and respond to their concerns – try to mitigate it. We've worked on many, many projects prior to this process where it was more informal, and I think it's a great process and the design team has listened and tried to mitigate everything in here. We've increased all these buffers and we've got some hard numbers that go along with that. I'll be able to show you a section here in a second. As Doug had mentioned, the closest proximity is this building right here, but we have an average distance or setback from the property line on these three buildings of about 98 feet. Significantly, we get much higher down in this zone. As Tom mentioned, it is a very low-density

development. We've been involved in many other projects of much, much higher density. We have worked with Tom and Sean in creating this looped driveway to mitigate speed, to address some of the concerns with the headlights coming in here. We have a single-loaded parking off of this street. We intend to have a solid north wall so we don't have views coming out of these units into the adjoining neighborhood. And, obviously, again, we've addressed a lot of greenspace in this project. I think our notes indicate that we've got more landscaping and we're also – let me show you this drawing here – we just kind of reference these buildings here to have a better picture. Building C is the closest one. The averages are fairly high for all of these buildings. This section right here will show you that – again, looking at this 80 foot distance is a little short for those three buildings put together. Here's the existing homes in the neighborhood. What we're indicating here is probably plus/minus 25' back yard. What we propose to do is to berm this area up 5 to 6 feet high, plant them with a mixture of deciduous and evergreen type trees, and again orienting our parking so that all the parking that comes up this loop road is pointing south. Again, two story buildings, very much in character with the residence, and we've got a significant setback. I remember seeing some of the discussion topics from the Pre-Development meeting, where there was a significant concern for having these buildings right up against our property line. We've worked pretty hard to pull these buildings to the south and maintain this buffer and increase it as much as we can. One of the other changes, too, was to kind of bow this road down to increase some more buffers. I believe one of our initial concepts had this coming straight across. It was our intent to address that, mitigate the concerns that we heard from the neighbors, and address every concern that we heard. This particular drawing is a little hard to read, but in essence what we've done is taken an aerial photo and indicated where the existing trees are in this kind of orange color. So that kind of gives you a sense of what the existing planting is, at least based on the aerial photo, so that we've increased the amount of landscaping that we would be having to modify with this project. We've got significant amount of plantings on all of the perimeters. We certainly intend to abide by all of the City of Norman requirements. That's about what I have to say.

4. Mr. McCarty asked whether the fence Mr. Bragg mentioned would be a masonry fence, wood fence, or whether that has been decided. Mr. Rieger responded that in the narrative they said it could be masonry, wood, or metal, so it can be any one of those.

5. Mr. Knotts asked if the berm is the full length of the fence, or just in the close areas. Mr. Bragg stated it is only where those three initial buildings abut against the property line.

6. Sean Rieger – What I want to also point out is you see the 2 and 3 right there on the tops of the housing units. Two story is right there, so we've tried to carry it down where it's only two story across the north, and then it can only be three story south of that. So we only can have two story, and those two stories are 80+ -- really about 100 feet away from the nearest house – so a long way away.

I want to talk to you a little bit about why this is a reasonable zoning request. This has been a troubled property. As Mr. Koscinski said, it is a property that got put into the Office Designation long ago when IBM had that area of Norman targeted for use. Back in 1977 is when this was put into a CO designation. 34 years ago is when that occurred. In 1977 a preliminary plat had been approved with that zoning, but by 1982 it had expired. Nothing had happened. 2003 a zoning request came to change it to multi-family. And, as we have found, multi-family has been the push repeatedly on Imhoff in this area. You approved several of them. That rezoning was brought for this site. It was denied and a number of the protest letters that you received mentioned that zoning. And I'm going to show it to you. It was denied. It was very different than what's in front of you tonight. It was much more intense. It did not have the buffering we're proposing. And it was quite a different project. It was denied. In 2005 somebody came and did give it a shot again for an office park, and you approved a preliminary plat. Two office buildings were subsequently built. They're there; very nice office buildings. But, in all candor, one half of one of them has never been leased. It's empty. It has

sat empty all this time. There's a good tenant or two in one of them, but it's been sporadic the rest of the buildings and nothing else happened on the property, and eventually the preliminary plat for the remainder of the tract expired because nothing was happening – the market was not accepting of it, and the market has been very limiting accepting of even the two that were built. So as a 20-acre office park, it failed. Then it went into foreclosure and it ultimately rested with the bank. Not even bought on the auction block by anybody. So there comes a point when you wonder if the zoning is simply not going to work with that property. There are certainly times when the zoning is simply misapplied or has outlived its day. That really is what has happened here.

This property is not out on the periphery; it's not a property that is far out on the ring where it is just not ready to be put into play yet. It's right there, surrounded by all of the infrastructure that we need. And I want to show you that. This is a broad view of Norman 2025, but you see the property right there in the middle – see that big X? See all those fire hydrants and sewer lines and water lines. Everything all around it. This is an infill property. This is not one out on the ring. Why has it been repeatedly skipped over? Why has it been tried to be platted and failed? Why have two preliminary plats expired? Gone into foreclosure. Office building sat vacant. Because the office has not worked. It has not worked on this site. But what has worked is multi-family. You see it – the dark yellow – all along Imhoff here. You see the brown all over this area. A number of multi-family projects have worked, have been successful. But what's happening with multi-family? Well, now they're going out on the ring. Look right there on the far right corner of that property. That's the Links project; that's pretty far out on the ring. Big golf course development; they had to come up with a significant sewer solution for the south end of Norman, extending the services into this area. That was pretty controversial as to whether we should extend that far south, but that's what has happened. All the while, properties like this are getting skipped over because their zonings are simply not compatible with what the market is demanding.

What has happened to office zoning in this area? Well, there's a big player in office zoning in this area and it's the crown jewel of our community – it's the University of Oklahoma – it's the South Research Campus. They're now on their fifth Partners Place building on the south campus, and they're not stopping. I'm glad they're not. It's growing well and it's doing well, but it has tremendous amounts of office space being put into that location and they're leasing to a number of different private party companies. A 20-acre office park over here has never been successful, I don't think ever will be now with the added influx of this area. What has happened to office is in this area of Norman it has moved to the south campus. In other areas of Norman, as you approved on Tecumseh – and again, a zoning that I think has a lot of similarities to this one – has moved to the I-35 area and the hospital areas – areas where there is immediate access to I-35 or north Norman or some major institution that needs supporting offices next to it. That's what has happened to the office market. It has left this site, if it ever was even at this site. So we have a property that the zoning is not working. And this bank, who has taken it back, has to figure out what to do with that. Our community also, as a partner in properties, has to figure out what to do with this zoning. We want zonings to work. We certainly want properties to be available to be used.

We understand that a transition between Hitachi and the neighborhood is needed. You must have a transition when you have those extremely different users – big manufacturing facility on the south side of the street and then north of us an R-1, Single Family neighborhood. Probably should be some sort of a buffer. Well, office has been the one that's been in place since 1977; it has failed repeatedly. A multi-family serves just as well as a buffer between different uses. The staff report tells us that. We've seen that many times. It doesn't come down to whether the use is arbitrarily right or wrong. I think it comes down to whether we have designed it properly to fit in that particular setting. I think you've seen from Mr. Bragg and Mr. McCaleb that we've designed a significant amount of protection, both to the north and to the south, so we've protected them from any negative impact. I want to show you why we believe this is important.

Norman 2025 had policies that are really dead on on this type of a discussion. If you look at the Norman 2025 Plan, it sets forth goals and policies for our community. It says that we want to affirmatively and responsibly manage the location of growth in Norman based on available public services and the environmental suitability of the land for development. And it goes on to set forth some policies: 1) "Accommodate a projected year 2025 population of 137,000 people ..." We're only at about, I think, 110,000-115,000 – we've got a long way to go, but that's the projected population. There will be more people. They must live somewhere. Where are they going to live? Are we going to continue to put them out on the ring, or are we going to find some infill properties that will work for that. Certainly 2025 recognizes that infill properties are a good use for that. Under #2 policy: "Promote a compact urban area by directing development into areas within or in proximity to the existing infrastructure-serviced areas." 6. "Guide development into locations where the land use is most cost-effectively served by urban level services." And 8 – I didn't write this; our community wrote this – "Support infill development on properties that have been skipped over with the urban area." That's our community that adopted that plan. That's what we have in front of us tonight – a property that has been skipped over repeatedly but, at the same time, has been approached repeatedly by a particular use that it's not zoned for, but that we're seeking tonight.

The Zoning Code itself says that "The regulations contained herein are necessary to encourage the most appropriate uses of land ..." Well, certainly, I think the market has an aspect of that. Is it appropriate? It's probably inappropriate if the market simply won't accept it as it is.

This is the 2003 zoning that was mentioned often in the protest letters. It's important for us to not just say that this particular type of zoning was rejected in 2003. Let's see specifically what was rejected in 2003. If you look at this plan, it has a number of differences from us. First and foremost, it is much more dense. This plan was 272 units of multi-family. We're proposing 148. One hundred forty-eight units is a density of 9 units per acre; that's really quite small density. You can have single-family R-1 up to 6 units per acre. So 9 units per acre is quite small. This was a much more dense project. You can see, in fact, it pressed all the way up into these open space areas with a large apartment block. You can see they had an apartment block right here. I think that was probably three stories – I wasn't able to confirm that, but if it is 3 stories or 2 it looks directly out onto these houses. You see what we did was orient them east and west; we have no views into the neighborhood. Our views are east and west. We're not going to look down onto these homes. Very adamantly we're clear about that. This one did. This one had large expanses of parking lot lined all up against that neighborhood – cars pulling up, shining lights right into the neighborhood as they parked. We don't. We have only a few parking spaces along this rear edge. We have a curved road that slows them down, and the only parking spaces back there focus south into the apartment structure. This one had large apartment blocks right along Imhoff Road facing directly over at Hitachi. We've been very clear about that. We knew that we had constraints to the north and to the south. To the north, we knew that we had to provide a substantial buffer of landscape. To the south, we knew that we had to be responsible citizens as neighbors to Hitachi. One of the things they told us very clearly was they did not want residential next to them. Residential and large industrial I think somewhat fear each other – there certainly are instances where large industrial has come into the nuisance lawsuits and things like that. We decided to pull the residences back. In fact, the initial plans for this had residences all the way down to here. We changed that. We said, and wrote in the PUD, that this can only be the office/clubhouse – the administrative part of the area. It cannot be residences. We're going to use that as a buffer to shield Hitachi from any of the residences. Another thing that can be done, and I'll talk about this a little later, is we can do some leasing requirements with the leasing of the apartment complex to make sure that people are aware that they are across the street from an industrial building. So this was a much different proposal that got rejected in 2003 than what's before you tonight. It's a good plan. Mr. Bragg and Mr. McCaleb have taken you through all the specifics that make it a good plan.

The open space is incredible. I don't think I've ever stood in front of you with a 55% open space. That's enormous. I can recall just recently – in the last 3 or 4 months – I happened to be

at the Greenbelt Commission at a hearing when there was another apartment complex in front of the Commission that night. It's one that came through here recently, and the Greenbelt Commission asked that applicant, "Would you mind giving us 30% open space? Have you considered that?" That applicant, I recall, frankly, turned to me and was quite offended that somebody asked for 30% open space. This one is proposing 55%. This applicant knew that to go to this zoning they had to go to an extraordinarily restrained level of development; they did that – 55% green space. Unheard of. Mr. Bragg showed you the cross section. I want to read specifically real quick from the actual report of the Pre-Development hearing where the neighbors said, "We would like what ever you could do to protect our homes from headlights and noise. A berm and a fence with an area including as much natural landscaping as possible is preferred." "What is the setback between the apartments and the housing ...?" This was the discussion that night. Very much. We gave them that buffer. We moved the headlights so none of them go north – they only go south. We responded directly and specifically to the concerns and we addressed any potential impact. Then the question from the neighbors was traffic. Will it increase? Well, you've heard now from staff that actually, because we're only down at 148 units for this multi-family – very, very restrained – it's actually going to be less traffic on Imhoff than the office development would create. Hitachi has told us, of course, they fear the residents. I think it was in their letter. I appreciate Hitachi's letter. At the end, though, that said, they complimented our design – our planning. They recognized that we worked very hard to plan this in a way that was responsible. If I read the letter correctly, and Mr. Ahlert is here tonight to talk about it, it talked about the fear of simply more people in the area – more residents and what they might do to them. Trespass. Issues like that. We can deal with that. We can deal with that in several ways. One of the ways we dealt with that, and one that you see on the screen there – our apartment unit – the closest one – really the only one that dips down that far, is about as close as the closest one over from the Cottages. They're relatively similar distances. At the Cottages we dealt with this, back when we zoned it, and required the Cottages to put provisions within their leases that said you are going to live across the street from Hitachi. You are going to live across the street from a manufacturing facility. You recognize that. You accept that. You understand that. The Cottages does that. So that we have no problems with anybody later on going to Hitachi and saying, "Hey, I've got a problem with your truck noise." No, you don't; you signed a lease that said you knew it was across the street. We can protect them from that. We've done it before. It has worked. We have a good history in Norman of actually having even single-family across the street from industrial. You see on the upper left was Astellas. To the south is the addition that has been there a long time, and I think has been quite successful. You see on the upper right is Alba, and you see the addition to the west of it. Most recently you see Sysco and the additions just immediately across the street to the east and one that is immediately across the street to the north, zoned and preliminary platted as apartments – right across the street from Sysco. Same discussion. Sysco had the same concerns. I remember that one very vividly. That was a hard-fought battle. Sysco had the same concerns and immediately thereafter expanded their facility right there across the street. It has not realized into being a problem in these situations. I understand the fear, but the reality is it has not become a problem and we have successfully done it.

A couple more slides. I'll close with Greenbelt Commission, thankfully, was very highly complimentary of this project. I'll read a quote from their report: "The Commission would like to commend the developer for proposing the design of the balconies and doors of the apartments to face away from the abutting residential area." And they went on to find that we had met many of their criteria; I'll just highlight a few of them – "Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized." "Permeable ground surfaces have been preserved to the extent possible." "Storm water management design considers the potential for trail and green space preservation, enhancement and/or creation." It was a good discussion that night. We weren't asked for more open space – 55% was enough.

Staff has supported this. Staff has looked at it closely. The report in front of you – we were obviously very pleased with – it went on and on and on about how this was going to be acceptable. "The restrictions imposed on the proposed development by the PUD are more

severe than what would automatically be allowed under the current CO zoning, in particular height and setbacks." And then they closed by saying, "The PUD establishes effective safeguards that should minimize adverse impacts on nearby single-family residences." "From a traffic perspective, adding residential uses does not increase any impacts. An apartment complex will provide a visual barrier from the industrial use on Imhoff Road as effectively as an office complex would. The open space that is proposed will provide additional buffering for the residences, while preserving the natural drainage that flows through that area. Staff is able to support this request ... and recommends approval."

It's a good project. It has a large protest. So did one other one we were here in front of you recently. You recommended approval on that one, because you rightfully, I think, saw that we had met the concerns of the particular impacts. We had designed to meet those obligations. We've done it here. This property is under the wrong zoning right now. Clearly. This history proves that to us. It needs to be put into the right zoning and a zoning that we have accommodated responsibly. I thank you very much for your time and listening to me go on. We're happy to answer any questions you have. We also have the traffic engineer here.

7. Mr. Gasaway asked, since this property is currently up for sale, what assurances would there be to the neighbors that, if this sells, a plan even similar to this nature might really happen. Mr. Rieger said they talked about that at a meeting the other day with the broker, and said you realize you won't be able to come back for anything else on this project. You're going to have to do that. And he certainly said I realize that. The PUD, as we've stated many times in other proposals, gives them that protection. The PUD gives them that buffer. The PUD gives them the height restriction. The PUD gives them the open space. The PUD gives the areas in which you can do what you can do. The PUD, in the City of Norman, gives them all the protections they need and the assurances that that is what would be built. If they try to build anything different, it won't be permitted. If they try to come back to you for something different, the neighbors will be notified, and I have no doubt they'll be here for that discussion.

8. Mr. Lewis asked for clarification on the fence on the north side. Mr. Bragg responded that the PUD narrative may address that, but basically we've left it open but it does require an opaque fence. We will comply with all the City of Norman requirements. I would have to look at the PUD narrative to make sure that we've addressed it, but it would be my understanding a mixture of opaque fence, whether it's masonry or iron, and the berm in conjunction with that, and the landscaping along there. That is our intent. Mr. Lewis commented that what he is trying to clarify and make a part of the record is, when I'm looking at the berm, it shows me no fence. If I were a homeowner that backed up to this development, even though I believe it is a wonderfully designed development, and I didn't see a fence that was going to keep the noise at a minimum or the headlights at a minimum as they come around that corner, what could assure me that there is going to be a fence there and what is it going to be? Mr. Rieger explained that he had talked with Mr. Koscinski about this. Actually we went back and forth on edits to the PUD, and what he requested was that we write that there would be a buffer so that it prohibits light and noise from going across that border. So as to how that manifests itself in specific type of fence, we left it flexible, but what is written is that we have to provide the buffer so it blocks the light and the noise. Mr. Lewis questioned if it may be a buffer and not a solid wall -- a berm. Ms. Connors clarified that she reads the PUD to say that you have to have a fence around the entire perimeter and provide buffering in addition to that for 25 feet along the northern edge. Mr. Rieger added that they left the type of fence flexible. Yes, it has a fence.

9. Mr. Lewis commented, with regard to Hitachi's concerns, and what was done with the Cottages, in your statement you had mentioned we could include a restriction in regards to the leases that are in the apartment complex to say you live across the street from a commercial entity. There will be trucks coming and going. You can't complain. That's part of living here. There's a huge difference between could and will, and I'm hoping you can make a part of the record that in this Planned Unit Development that will be a part of the leases that are

constructed or designed so that there will be assurance for Hitachi in regards to that there won't be any negative impact to them. Mr. Rieger stated he will make that a part of the record. We did that at the Cottages and we'll do it again tonight. Yes. Any leasing on that property must include the provision that they are on notice that they are across the street from an industrial manufacturing facility.

10. Mr. Lewis said he had concerns about the several apartment complexes in this neighborhood. There's several very high-quality apartment complexes, however there are some that are of concern to the safety. One homeowner, in their protest letter, mentioned hearing gunshots just recently. What assurance do we have that RCB Bank, when they broker this deal to someone, we will see high-quality apartments go in there? That we will see residents that won't be Section 8, and will be a development that will be something that will enhance the neighborhood, as opposed to distract from it? Mr. Rieger replied that the primary assurance you have is the density. The density is so low here, at 9 units per acre, and only 148 units, that in order to meet your economic expectation of that density, we're not talking about a volume action here. You're going to have to do a pretty high-end development to make that work. Because the construction cost is probably not a lot different between a very high-end one and otherwise. But usually apartment complexes, if they're going to the route of a fairly low level of tenant, they're going to be probably doing as many units as possible - much more dense than this. I would also say that I would conjecture probably that's many times usually an older apartment complex that has those problems. I don't know that we've had that on any of the newer complexes around town. Certainly not in this area. The trend very much, as you've seen, has been some very high-end apartment complexes. This particular one, they're talking about a boutique apartment. There's a particular firm they're dealing with right now that is looking at this, but they won't approach it until they see that there's really a legitimate chance that it can be zoned. Mr. Lewis commented what I'm hearing and understanding is that we're looking at approximately 16.44 acres and 51% green space, a return on investment would almost mandate that these apartments be a very high quality and attract the caliber of tenants that are going to be able to afford certain types of rents that will be able to maintain this apartment complex.

11. Mr. Knotts asked whether this will be a gated community. Mr. Rieger said it is not. Mr. Knotts pointed out that the PUD Narrative states fencing will be constructed around the entire perimeter of the residential area. Mr. Rieger clarified that it is not a gated entry, but the fence will be around the perimeter of the residential areas, not including the driveways.

12. Ms. Pailles asked about the management of the open space. Mr. Rieger said he believes that management of open space, by City ordinances, would require a property owners association of some kind to be developed here. The POA ordinance is a very lengthy ordinance now, passed in 2008, I believe. It says there must be a POA established. There's actually funding requirements in them now as to the open space. Management requirements. It's pretty extensive, and it just went into effect in the last three years. We would fall under that. We would have to put forth a property owners association to protect these areas.

13. Ms. Pailles asked about the exterior appearance of the project. Mr. Rieger indicated they did not write that into the PUD as a requirement, but I think it's anticipated to be masonry. Tony and Rick McKinney did some preliminary drawings. You can kind of start to see it right there -- a masonry bottom with some different textures on top.

14. Ms. Pailles commented that fences don't do much for noise. Noise falls off with distance. Landscaping and fencing don't have much effect. Mr. Rieger responded that I remember when I took acoustics in architectural school, and one of the things that does is solid barriers. The berm is really intended in a lot of ways to bounce that noise up. If you see on the cross

section, that berm is intended to help tremendously with noise. It would bounce that up. Just as you see along highways, you see berms and solid sound walls. So solid forms do tend to block.

15. Ms. Gordon asked whether the berm would have any potential impact on drainage into the neighbors' back yards. Mr. McCaleb responded that they will be picking it up on the south side of the berm in a pipe and run it back to the east. So the water that might be bermed up will be collected and piped so there won't be a drainage impact.

16. Mr. Gasaway asked what they have discussed with Hitachi about their security concerns. Mr. Rieger said they have discussed fencing. Hitachi has said they don't have a fence around their property. I'm not sure when or if they anticipate fencing their property. Hitachi was somewhat blunt with us, frankly, in that they said they would prefer this property probably stay empty. There are going to be more people on Imhoff Road – on this property, as Mr. Koscinski said – and probably on the property immediately west of this. That property is owned by an older gentleman; I think it's likely at some point that property will be put into play. There are going to be more people on this property. I think, at some point, Hitachi probably has to simply deal with fencing. Other industrial areas have. It's impossible for me to stand here and say that I'm going to somehow keep people off their property. I can't promise that. There's a lot of things I can promise you in a PUD – that one I can't promise you. I'm pretty sure in telling you there's going to be more people on Imhoff when these properties develop. And I, frankly, don't believe that residential persons are going to be more of trespassers than other folks are. The traffic that's going to come down that street is going to trespass unless there is security put up.

17. Ms. Gordon said she was a little surprised with the traffic study that said there would be less of an impact with the residential than office. Would it be fair to say that would really apply to the daytime, but after 5:00 you're obviously going to get quite a bit more traffic, because offices close usually at 5:00 or 6:00?

Wayne Russell, 3917 Emaline Drive – When we look at the traffic issues, the studies that we take are done throughout the nation and a federal publication and they consider traffic during the peak hours of the roadway, which is 7:00 to 9:00 in the morning and 4:00 to 6:00 in the afternoon. They also give a daily traffic rate as well. So you can generally assume about 10% of the traffic that's there for the day will be there at the peak hour, which in most places would be the p.m. peak hour. So your concern is for traffic after the peak hour? Ms. Gordon clarified that it seems a bit disingenuous to say that traffic is actually going to be less, when at night clearly there's going to be significantly more traffic with residential than there would be with offices, since most offices close at 5:00 or 6:00. Mr. Russell responded that the premise of doing a traffic study is really to see if the roadway will handle it, and that's why you do it at peak hour, because that's when there are the most cars on the roadway. So you might be right on that with apartments versus an office park that generally will clear out after 5:00.

18. Mr. Knotts asked whether the fence along the north perimeter is intended to replace the residential fence. Mr. Rieger said there is an existing fence. To the extent that that fence needs to be replaced, our commitment would be to do so. There is an existing fence there, though. So if that fence is sufficient, I don't know that it would be a need to have double fencing. Mr. Knotts commented that if you're building a separate fence and you come off of the residential fence five feet or something like that you leave a major headache in between. Mr. Rieger responded that you don't want double fencing of a no-man's land. Sometimes people don't want you to put another fence immediately up against theirs, either. The intent is we have to have a fence. It's their fence. I can't go tear it down unless they give me the permission to. But my client certainly wouldn't want to put one up right next to it if they don't want that, either. We have to have a fence. You don't want a dead-man's land in between. So I think there would be a dialogue is what I'm saying. We have to have a fence. We're committed to that; the PUD requires it. Mr. Koscinski commented that, in practice, what often happens is the

existing fence remains. In the future, if that fence disappears or if some condition of this PUD mandates it, as the fence is either replaced or eliminated, they would be responsible for owning and maintaining the future fence – and installing – unless some other arrangement is arrived at as part of this process. But the existing fence, if it is adequate, could remain for an indefinite period. But there is a fencing requirement. I know there are a couple of houses that have no fence, for instance. They would be required to install such a fence. Mr. Knotts asked if the existing residential fence could be the north fence. Mr. Koscinski responded that it could be the fence for a period of time. At some point in the future all those fences are going to rot and fall down.

The meeting recessed briefly from 7:42 to 7:50 p.m.

AUDIENCE PARTICIPATION:

1. Allen Ahlert, 1605 Sandpiper Lane, representing Hitachi – Hitachi is located across Imhoff from this proposed area. I sent a letter in to protest the development – or the change in zoning. This area has always been zoned office. It was office when Hitachi selected this site. Our business plans have always been based on that expectation that these were offices. Going forward, our future plans are also based on this being office. From that standpoint, we would prefer that it remain with that zoning. A second concern is we will add more truck traffic in the future. We expect our business to expand, and we will have more truck traffic, so we don't want to offend residents there so, again, the concern of complaints from future residents is there for us. We don't want that to worry about – residents complaining about our truck noise. The third item is the largest concern, and that is security. Since more apartments have moved into the area, we have had more people coming onto our property. We've always welcomed residents to come over and use the facility, walk their dogs, or use the baseball area. We've never had objections to those. But recently we've had more traffic like cars coming into our parking lot, doing donuts, driving very fast. We have limousines coming to park as they wait to pick up residents at the apartments. With the more residents close by, we've had more incidents that we did not like. So adding more residents at this location is – we're sure to have more traffic and the only way we can prevent this going forward is to build the gates and build the fences. That's just an added cost that we don't want to bear, so that's our main concern is security and additional costs for us to do business there.

2. Lance Steele, 2019 Allenhurst Street – My main concern is probably in line with most of the other people that are in the neighborhood. I'm concerned about increased traffic in the area. I'm concerned about increased noise pollution. We've had to deal with noise from students and other people living in other apartment complexes nearby. The apartment complexes that have been put up on the south part have increased traffic. When I come home, I don't always use Imhoff Road, but when I do I notice a higher amount of traffic. I'm most concerned about noise and student influence. I know that student influence is, of course, part of the fact that Norman is a college town, and being a college town has many benefits, but we have had to deal with increased noise at night, student traffic, that sort of thing, people going way too fast through the neighborhood, and security issues as well. I'm also concerned about the house prices – how another apartment complex will affect house prices in the neighborhood. Thank you.

3. James Daniels, 2018 Oakmeadows Drive – Probably most of my concerns will be addressed later on with some of our other residents. The one thing that I wanted to think about was – and I accept the fact that they will probably be high-end apartments in this area. But the other apartments that we do have trouble with in our area at one time were high-end. And attrition and entropy will sometimes and in the future what will these apartments be? And also the traffic is my main concern.

4. Allison Patrick, 1812 Elmhurst Drive – I would like to compliment RCB's briefing team. First of all, the quality of their presentation. However, I think they made several rather invalid assumptions. First of all, they indicated the traffic on Imhoff would not be increased to an intolerable rate. However, in the Oakhurst neighborhood, there are only two entrances and/or exits to that neighborhood for the entire population. One is on south Oakhurst; the other is on north Oakhurst. The south Oakhurst, of course, feeds into Imhoff; north Oakhurst feeds into Lindsey. To believe that there would not be a traffic increase on Oakhurst and have an increase and the impact of traffic on the entire neighborhood is terribly naive. It was indicated before that there are already three apartment complexes in the Oakhurst Addition – the Twisted Oak apartment complex, which is well known to Norman PD, the Dutch Hollow apartment complex, which is again well known to Norman PD, and the apartment complex directly west of Dutch Hollow, from which Julie Buskin was kidnapped and murdered. Apartment complexes do not have a good reputation in that neighborhood. They indicated a conversation with the neighbors next to the apartment complex, but this apartment complex will affect the entire neighborhood, not just the neighbors immediately adjacent to the development. Mr. McCaleb indicated that in his conversations with the residents they indicated they wanted no student housing, no Section 8 housing. Mr. McCaleb indicated there would be no Section 8 housing. He didn't indicate anything about student housing. And again I think, really, we've had our fill of apartments. We really don't need any more. Thank you.

5. Calvin Lemke, 2100 Oakvista Circle – Living on Oakhurst Avenue itself has become quite a scary thing since the inception of The Cottages and the Crimson Park because of the increased traffic through our neighborhood. We have speed humps installed; that does not slow down traffic that is coming from these places. This is coming through there 50 and 60 miles an hour at night. You can hear the cars bumping over the jumps and it's quite a concern for all the children in the area. If we put in 148 more units, how much more traffic is that going to add to Oakhurst? Thank you.

6. Maria Alexander, 1922 Oakhill Drive – I have lived in the Oakhurst Addition for 34 years. We have tried very hard to keep our neighborhood nice. We started a neighborhood association which sponsors different activities for the neighborhood children. Many of us are senior citizens who have no desire to move. All we want is to live a quiet, peaceful life. The Oakhurst neighborhood already has three apartment complexes located within it and you've already heard that almost all three of them – two of them for sure are big problems and the police presence is out there constantly. There is always something wrong. Due to the current issues, real estate people will tell you that it makes our neighborhood hard to market to prospective buyers. If a 148 unit apartment complex is constructed on the subject tract, then the market values of the homes in Oakhurst neighborhood will decline. I don't want to see the continuation of these projects spreading all the way east on Imhoff to 24th Southeast, especially in relation to the new elementary school on 24th Avenue S.E. just north of Imhoff. I ask you please to make a recommendation to the City Council to deny this project and keep the zoning the same. One more apartment complex will put us over the edge. Thank you.

7. Dee Fisher, 1520 Oakcliff Road – I'm one of the officers of the Oakhurst Neighborhood Association, which is voluntary – it's not a mandatory homeowners organization. It is a neighborhood of families and children, and at one time there were many lovely older homes. And they have declined, just like the apartments have around us. I moved there in 1976. What I hear are two concerns today, and certainly this was a very well-planned presentation. But we're talking about two things: profit and community. I'm speaking for community, because this is my home where I live and these streets that I travel on every day and I know what the traffic is and I know what the conditions are much more than the people that may have developed this plan or hope to sell it. So it's a big concern to me. We have had increased crime since I moved there the last few years. As we all know, there have been two murders in the apartment complex on the north end. The policemen – we have a great rapport with them

and they come and they're very helpful, but we have a high number of break-ins and the homeowners in the north end will tell you they feel very strongly that it is people walking over from the apartments on the north end and also the south end and breaking in their homes, kicking in the doors. I know one young man that serves in the National Guard and his home has been broken into twice, and of course he had the typical flatscreen and computers that are so profitable. When he goes to drill, he never knows when he comes home what's going to be left when he gets back. There is a lot of traffic on that street. The corner of Classen and Imhoff – those apartments – you can say however many units there will be, but that doesn't guarantee how many people will actually be living there, driving cars, visiting. That corner alone there's over 1,200 residents. Hitachi, which is a great neighbor of our community, and we're grateful that they're there. However, they have over 400 employees. They do not permit their employees to smoke on the grounds, so if they want to smoke they get into their car and drive to where? Oakhurst, and they park at the entrance of Oakhurst for their smoke break. I agree with the comments that have been made before me and I strongly do not want more apartments in our neighborhood. We do not need them or want them.

8. Connie Armstrong, 1819 Rolling Stone Drive – One of the things I heard the attorney speak of was fear. Well, let me tell you about my fear. My property butts up against the concrete drainage ditch there. I have heard gunshots on more than one occasion. I have had two dogs poisoned – my lab with arsenic, who died, and my white German shepherd, who has been poisoned with methamphetamines. It is not uncommon for me to see drug trafficking in the drainage ditch. When I asked the police officers when they come out where the problem is, they tell me the apartments. This neighborhood has had enough apartments. I'm asking you, please, not to recommend this to the City Council. Thank you.

9. Joyce Collard, 1820 Oakhill Drive – I've lived in Oakhurst for 20 years. If I had known that this drastic change could have happened around me, I probably wouldn't have bought there. I do agree with everything that was said before me, and I experienced those things. I do have a couple of questions perhaps of the bank representatives. I wanted to know how many bedrooms would be in each unit – we mentioned 148 units, but I didn't know how many bedrooms that would be. I'm glad we're mentioning students. I have nothing against students. My kids and my grandkids have been college students. But they do have a different lifestyle that isn't always compatible. Also, I wanted to know perhaps why a traffic study wasn't done on Oakhurst and 24th Avenue S.E., especially with the new school going in there. And with the traffic on Imhoff and other close areas, students are just going to have different needs and different traveling needs and coming and going needs. They're going to have visitors day and night. About the Pre-Development meeting – we did meet with them. Several neighbors came out. All of our concerns at that time were not presented here tonight. I know of one neighbor that was called about the second meeting after they made some changes, and he said he did not return the call. No one called me. No one called anyone else that I know of that was there. So we didn't have a chance to meet with them again. So I wanted you to know that. Also, the timing of the submission to the Council – I mean, we appreciate it didn't go forward in November. Then it came – we saw the notice in the paper in – I think it was a day or two before or after Christmas Day and a lot of us were, of course, very busy, as we all are at Christmas. Some of our neighbors were away. I had some time to devote to this – not as much as I would have, and not as much as our other neighbors would have. So we would have had, probably, this room filled tonight if we had more notice about that. I am concerned about the fence thing. You were saying that we would not have a fence, or the proposed complex would not have to have a fence? Then in the end I thought they said if the neighborhood, or the neighbors – or the residents that are there in the houses, that fence would count toward it? When we hear about trees, that makes me happy. But I've visited some PUDs here in Norman, and just this week I visited the one that's behind the Edge apartments on Classen. I think you get to it from the end of Stinson. It's immediately west of the railroad tracks. It's just right in there – you have to know how to get to it to find it. And I remember hearing the discussion when

those went in, and seeing it on TV and seeing it in the paper and they talked about trees, trees, trees. They're not there now. And apparently they just have to be planted; they don't have to be taken care of, replaced, maintained. There's two spindly little trees there that do nothing. So to talk about trees tonight I think is very disingenuous. I think these student-oriented complexes should be closer to campus. It would save a lot of the parking problems that I know the OU campus has. If somehow they could be on campus, closer to campus, it would be so much better. I do plead with you to not recommend this for the City Council.

10. Emily Robertson, 1819 Oakcreek Drive – I just want to agree with all my neighbors. This isn't what we want. I don't think it will be beneficial to our property values or anything around it. I experience the same frustrations they do from other apartment complexes and people roaming through and things like that. I bought a little over a year ago into this neighborhood because I liked that open space. I liked the neighborhood values that it had. I liked that I saw there was going to be a little parade for the 4th of July with the neighborhood kids. This will just ruin our neighborhood and we don't want it. Thank you.

11. James D. Mayer, 1812 Oakcreek Drive – A lot of people have addressed the issues that concern me. On your map, my home is denoted the lot marked 25. So if you could look at the lots, this development has a tremendous impact on my home. My primary concerns are this: first off, I'm nearing the end of my career. Within 5 or 6 years I would like to sell the property. I can imagine the reaction of a potential buyer coming in and looking through my south windows and seeing that development. I'd probably end up selling it to an investment company for substantially less than I could sell it to an individual. Anyone who is familiar with Norman would realize that apartments tend to draw students and they would shy away from buying the property. So, literally, it would take away from my retirement. That is my single biggest investment. I've lived there 20 years. I've tried to maintain and increase the value of the home by keeping it up. I have an engineering concern. That cross section that's up there now my foundation sits 2-1/2 to 3 feet below the grade of the subject tract. Mr. McCaleb had mentioned that they were going to French drain the water from the south side of that berm. What about the water from the crest to the north side? It comes rolling down the slope in the back yard. There's an 8" sanitary sewer main that services the 18 homes on the south side of my street, and now you're going to pipe in 150 units of apartments – 148, plus a church, plus the two existing office buildings. We had back-ups there. And, again, my foundation is 2-1/2 to 3 feet below the level of the manhole cover. There are several homes there, from 22 to 27 – those homes sit below grade. I tried to bring it up to City staff; they told me that the 8" main would handle it. There's an 8" main that services 36 homes on the north side of my street and the south side of Oakmeadows. To me it just doesn't make any sense. I don't think I want students in apartments behind my house. I think that is going to be a noise issue no matter what kind of berming, what kind of fencing, or non-fencing – my 15 year old fence – I'm tempted to go cut it down now and let them put it up for me. Just an idea. Another big thing people have talked about is that our neighborhood area already has three apartments. This would be a fourth and for the size of our neighborhood I can't come up with another neighborhood that has that big of impact, plus the two on the west of Imhoff and Classen. We're surrounded and, certainly, that devalues my home. I encourage this Commission to recommend denial for these reasons. Thank you.

12. Nancy Stine, 1815 Oakcreek Drive – I'm really nervous. Usually I only talk to people about rose rocks we have at the Rose Rock Museum in Noble. Hopefully I won't faint or anything. The only thing about the crime in apartments that I have to question – well, when my grandson stayed with us and going to OU, he was coming home late at night a cop stopped him as he was going past one of those complexes – one of the apartment complexes, and he said what are you doing – what are you doing out so late? And he said I just came home from the engineering building. And he said, well, son, you shouldn't be out this late, it's dangerous in this neighborhood. And come to find out, the reason the cop was there, a man had just been

stabbed. Now maybe these really beautiful, nice, high-class apartments there wouldn't be that kind of crime. I don't know. I'm just telling you what happened. Are there so few vacancies of housing that we really need apartments in Norman? Are the houses really selling? I don't even know. I don't know that much about real estate. Of course, it would help that bank out. Hitachi – I'm all for supporting them. They're wonderful people. They're kind people. They're good people. They're wonderful neighbors and I just think highly of them, so anything we can do to make them happy, I think I'm for that. And their landscaping – oh, it's made wonders in that neighborhood. I'm sure you may have seen it. All those pear trees and everything. It's wonderful what they've done. What about single family dwellings in that area? If we're going to fill the spaces – if Hitachi is willing to have single families – how would that fit in that area? One more thing. Oh, the traffic. Well if they were put in, would the City be willing to put in a traffic signal at 12th and Imhoff, because that, I'm telling you, it's getting dangerous already. I know those are expensive, but it's something that is needed. One other question was addressing the church – do we know there really would be a church and, if so, what kind would it be?

13. Bob Rollins, 1922 Oakcreek Drive – This apartment complex is going to be right in my back yard. When we bought the property where we're at, it was college students that lived there and they were not very welcomed in the neighborhood. They were so happy to see us buy it and be calmed down. We have elderly people in the neighborhood that can't afford to sell and get out of it; they're 84, 85 years old and they're on fixed incomes and the property values are going down. They don't have a choice. I can sell mine and buy another one. But who is going to maintain these properties? If you'll go around Norman and look at some of these apartment buildings after 5, 10, 15 years, they're run down – they're trashy. What's that going to do to our property values? Imhoff and Classen is a bad intersection. Glad to see that they're going to get a signal out there. What would happen for the commercial end – have offices there when they get a light there? Would that improve it? Sure, they've got protected left turns to get in and out of that if they have office buildings there. And at 24th and Imhoff, they're going to have to have a traffic light there. They're going to have that school right up the street. That's going to carry a lot more traffic. So people trying to get out of Oakhurst Addition on the south end, if they don't go to Classen, where it's going to be very busy and very congested every morning, they're going to have to go the other way. You know, he says 80 to 100 feet from our property – how fast does a bullet travel from those apartments to your back yard? The last thing I'll leave you with is how would you like to have this built in your back yard? Thank you very much.

14. Sean Rieger – There were several questions about traffic. The traffic study on Oakhurst and 24th. I'm going to ask our traffic engineer to talk about the constraints of a traffic study, what is a study, and what it is not.

15. Wayne Russell explained that the traffic studies are done in pretty strict conformance with the City of Norman's requirements and they're very explicit. They define an area that the traffic will be studied by and that's agreed to before we do the study. One of the things that you find with traffic, if you get very far away from any development, you get very little traffic in an intersection a mile away from that. If traffic goes to an intersection, some turn right, some turn left, some go straight and it disperses it by a third, so you might end up with a third at an intersection right next to this development going north. Well, by the time it gets to another intersection north, it will split again. So that's why the areas are defined, and they do that so that you can study areas that are close to the developments that will be most affected. And if we can make the traffic work there, by the time they get a mile away, they should work there. They shouldn't cause problems that aren't already existing in another intersection. Does that answer the question? Chairman Sherrer said there had been questions specifically about whether there was a study done for 24th or Oakhurst Drive, in particular. I know most of the traffic work was done on Imhoff, which is obviously the main road. Mr. Russell explained the

requirements were to look at the intersections from 24th to Classen on Imhoff. We looked at Hitachi Drive that goes into the office space and the intersections on both sides. We also looked at the intersection of Imhoff and Oakhurst.

16. Sean Rieger – I think there were other questions about bedroom count. 148 two-bedroom units. They're all basically two-bedroom units. Pretty small, actually. You get to the Edge Apartments, you've got three bedrooms and even four-bedroom units in some of those.

17. Chairman Sherrer noted there was a question on the berm, and what would happen on the draining to the north. I think it was addressed to the south. Mr. McCaleb responded that we're picking up the water on the south side and taking it and discharging it. Anything that hits on the north side of the berm is just from the berm forward, which isn't much.

18. Chairman Sherrer said there was a question regarding the church. Are there any imminent plans regarding who that might be, what that might be?

Mr. Rieger explained that the PUD calls for the corner site to be either office, which already is allowed, or church. So actually the corner site is no change, because the current CO zoning allows either office or church. We're showing it as a church because we think that's a good market right now for a possible small church site. We do not have a particular church lined up. I think the kind lady asked about what type of denomination. We obviously have no idea.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Knotts -- One of the things that you learn is that the more eyes you have in an area, the safer it is. The idea of the vandalism that might go on at Hitachi or in that wide open space that it is now, I think kind of is diminished by the number of eyes that would be put into that area. So I don't know that that argument really flies.

2. Mr. McCarty – After reviewing this proposed site plan, versus the current zoning, I see a lot of benefits to the residents. I know it's tough to say, but the setbacks, the directions the buildings face, the height that they're allowed – I think they've spent a lot of time as this team making this site work better than the office complex that was proposed here in the CO zoning. So of the two, if I lived there, I would be much happier with the proposed site plan than the offices. I know zoning changes are never fun for anybody, because it's change in your area. People don't like for change to occur. I believe what they have done is more beneficial than the office complex preliminary plat that was approved prior to this new design. So, therefore, I'm in support of this tonight.

3. Ms. Pailles – It's hard to know what to do. I feel like our role on the Planning Commission is to be the ears for the public and the goal is to hold what's best for the community, and that's not a real obvious thing ever. This is a very nice looking plan. One of the things that didn't come out as obvious is the area on the west – those first four units – the topography is much higher than Oakhurst. It slopes a lot, so that even the two-story building built there is going to loom over the neighborhood. It's going to be higher – not because it's a tall building, but simply because the land is much higher. I assume that they've dealt with the drainage issues that arise from that – I don't actually know. They've done everything they could architecturally to not make the buildings look into the back yards at Oakhurst, but just because of the topography, they are going to be kind of looming. The setback is generous in terms of what is required, but 80 feet is the width of my front yard. So, while that's more generous than is required, it's still very much right in your back yard. So I find those things as something I would not appreciate. I would find those as impacting negatively my residential area. I think they're right – if you put a light at Classen, everybody will avoid it by going up Oakhurst. So the formal traffic plan is fine; in terms of how people actually behave, I think there is probably a legitimate concern. Now, the main thing that the public has addressed are things that we can't help. In essence the problem

is absentee apartment owners. The problem is people who own them and live elsewhere and just don't maintain them. The Planning Commission can't deal with that – that's not our charge. This looks like it's likely to be the same thing. It's very hard to look at this and say this is going to be a great thing that's going to be maintained, because we just don't know. It's essentially for sale. It's very hard to reassure the neighborhood on that issue. I'm torn. I usually try to listen hard to the neighborhoods, and I'm kind of torn. Because the upside is so extensive. And maybe this is a failure of large-scale planning. Maybe there are too many apartments in this area. Maybe that's a failure of our large-scale planning, because it sure does impact an area.

4. Mr. Gasaway – I'm going to make several comments that will probably confuse everybody on where I'm really coming from, because it has confused me a little bit. I want to talk about several thoughts that have come into my mind this evening. When I came tonight, I had absolutely no idea what to think. I've driven by there, spent some time in the area, and I can absolutely see both sides. It is not the purpose of this Commission or City Council, nor the City of Norman, to help this bank sell the property. The purpose of the Planning Commission is to help try to find something that will work on that property – that is definitely part of our mission. There are several difficulties with this property. Several things have been proposed there – things that have not necessarily been objectionable to the neighbors aren't sellable to people that want to buy the property. One thing I need all of you to understand is we cannot make this property remain vacant. I know it's always nice when you buy a property and the property behind you is vacant for an acre or two – that's always real nice to live there. But you need to buy property with the understanding that sometime something is going to go in there. I honestly don't know what the best thing to do is. Currently, it's zoned commercial office – some offices look nice. Sometimes they don't look nice. There's nothing that prevents, under the current zoning, somebody from coming in and putting the back of a 3-1/2 story office building facing your homes. We can't stop that. That's what it's currently zoned. There's not a good solution here. That wouldn't be a good solution. I'm not sure, from your standpoint, that this is much better – I don't know. Mr. McCaleb mentioned several things that the bank had asked him to examine in setting up this plan. One of the things he said was that the bank said we want something that will make the residents satisfied. I don't think this plan does, but I don't think what it's currently zoned would, either, and that's the problem. I am really undecided because probably, if you all had not come tonight, I would have voted in favor of this. But because of your strong objections – and I understand that you're very concerned about security in your neighborhood, because it has been an issue for many years – so I think my vote will be in favor of the neighbors.

5. Mr. Boeck – I've been thinking a lot tonight. I'm an architect. I've worked on a lot of projects in Norman. I teach at the University. My vision for Norman is to grow in a way that's organic and that's sustainable. One of the things that Sean brought up is the fact that, as you start building things out farther and farther, it takes a lot of utilities, building of roads, building fire stations, building police stations. So the issue of jumping over properties that weren't zoned right, when they're perfectly capable of being sustainable in a way that they've already got all of the infrastructure and they're close to town, they're easy to access, is a struggle because I agree with all of you in terms of impact on your neighborhood. But one of the things I think about is Dr. Bethel's office building behind Norman Regional Hospital in a residential neighborhood. That had a huge impact. The existing zoning, if anyone were to build anything, would have a huge negative impact. What the architects have done with this project – I don't know if it's just the architects, or the whole team – but their development sensitivity, in terms of the way they designed this, is applauded by me just because I see they did everything they could – the only thing that's left open is what exactly it's going to look like when it gets done. But to have the parking, the drives, the scale of the buildings at the north end scaled down to create something that has the lowest amount of impact that you can have for the residents on the next street north has been as well thought out as I can think it could be. Again, there are lots of open-ended questions here in terms of what it's going to look like – how it's going to end

up. This is a college town and there are lots of students here and everybody makes money and stays in Norman because it is a college town. I live in a single-family residential neighborhood where I know that at least six or eight of the houses in there have eight to ten cars in front of them because their dads bought the house to live there. I don't complain too much because I teach at OU and I wouldn't be teaching if there weren't students there. So this is rambling, but to me there is a struggle here, but I see this as probably as good an attempt to make a project work in a sensitive way as I've seen. It's still tough.

6. Mr. Lewis – Quite frankly, I live in Ward 1. Many of you know me. I campaigned in Ward 1 with Roger. This is a tough decision. What I see is we have a complex that is going to cost multi-million dollars to develop in the way that they have put it on paper and the McKinney Partnership has proposed it to whoever buys it. It's rare that Tom and I ever agree, but I would have to say the more eyes that you have in that area, potentially, the decrease in crime that you potentially may have. I think about the upkeep of the property. If I were a businessperson, which I am, and I looked at return on investments, which I do on a daily basis, and I look at investing multi-million dollars in this type of property, and then I compare it to other properties around Norman, having lived here now 16 years, am I going to let that property depreciate and become in disrepair in a matter of 15 or 20 years? Most likely not. If I look at Post Oak Apartments over on Highway 9 – if I look at what used to be Oaktree Commons – both of those complexes are well over 15 years old and they're still very well maintained, because they're still income-generating properties. I also look at what the piece of land used to be zoned, or is currently zoned commercial office. I look at the number of offices that are proposed there and the number of parking spaces that are proposed there. If currently we're looking at this new preliminary site development at 148 two-bedroom units, just by rough math you might say we're going to have between 375 and 400 automobiles there. As I was listening to several of my colleagues on the Commission, as well as many constituents in the audience speak, I was just doing a rough count of the number of parking spaces that are on the current map that we have for the existing proposed office space, and I count well in excess of 450 spaces. One of my fellow Commissioners said it would be nice that when we buy a piece of property if we had greenspace behind us we could control what happens to that property. Unfortunately, that's not the case. Behind my house was absolutely open greenspace. Now I have neighbors that abut right up next to me. I wish I could control what happened to that piece of property, but the reality is, unless I own that piece of property, I cannot control it. This is definitely a very difficult decision for me. When I came in I thought great new development, investment in the City of Norman, definitely something I'm going to support. After listening to heartfelt pleas from homeowners in the Oakhurst development, I've had to go back and forth. If I were a homeowner in Oakhurst dealing with the two and three significant apartment complexes that are there, the increase in the crime in that area, would I really want another apartment complex? But then I have to shift my eyes over to The Cottages and over to Crimson Park – I believe that's the name of that complex – and then I look at the quality of those apartment complexes and chances are the quality that they will maintain, not only for that area but also for Oakhurst for probably 20 to 25 years out. Now, I'm probably not the youngest person on this Commission, but I'm thinking in 25 years I will be well into retirement and may not even still be here, but there will be an apartment complex next to me that is still being maintained and giving a return on investment and keeping property values up. It challenges me sometimes to think that, yes, in deed, when we have certain complexes that we look at, yes those can deter from property values, because they have been placed into Section 8. I think we have confidence here, from Mr. McCaleb, that this will not be turned into Section 8 housing. So as the owner of a property, then I would be more inclined to maintain it because I would want to have residents come and live there and live there safely. Again, this is one I'm going to be torn on and I'll probably know the answer when I get down to it. But I appreciate very much the homeowners from Oakhurst showing up and voicing their comments and voicing their concerns so that we, as an overall Commission, can make a very informed decision and a very informed recommendation to City Council.

7. Mr. Boeck – I'm thinking about this in terms of the security of the neighborhood, and I think it's ironic. I've been involved in a lot of projects where neighborhoods complained about industrial development, and we've got Hitachi across the street, who have been in Norman and been a model resident for 30 years – 40 years – and the neighborhood feels secure about them, with all the shipping that goes on, with the expansion that they're doing. And this is one of those deals where we don't like change – and this is still tough. But it seems like in this situation what we've got is a neighborhood that's secure because something that normally is not a congenial fit with residential is right there and been successful being there for as long as it's been there, even in expanding. That just says a little bit about the fact that whatever we have go in needs to be a strong, good development – which I feel, hearing the people that are involved in the development tonight talk about what they're trying to do, it still on one side leaves me with – I still don't know the unknown – what it's going to be like in 15-20 years if the people that buy it live up to what these visionaries are trying to do with this project. So it's a tough solution, but I see just in having Hitachi in that neighborhood for as long as they've been there, and being able to exist with that neighborhood shows that sometimes what seems on the surface to be non-compatible can work. And when you have the smaller scale residential development that they're talking about here, versus large office scale development, to me that is a positive thing about what they're trying to do with this.

8. Chairman Sherrer – Just a few comments I'd like to make as well. First of all, I think this is an exciting time in this part of town. With Ronald Reagan Elementary School opening up here in the near future, I think this is a place where people are going to want to move towards. I think it's an exciting time for this part of Norman, both the Oakhurst Addition and just in general in that area. I think that's an important thing to note. Because I think people will want to move here, and thinking along the lines of the 2025 Plan, which obviously says let's look for ways to define these properties that are not on the outskirts that we can utilize the existing infrastructure, it makes a lot of sense to me to find a solution where we can actually empower those people that want to move into the area and to find a place for them to live to actually get to enjoy this part of Norman. So, to me, that alone provides a residential need, I think, in the area that probably supersedes the office part that has not proven over the last few years to be something that has manifested itself. Frankly, I think Commissioner McCarty first of all stated that this is a solution that's better than where we stand today for the neighborhood. And, although I think there are certainly some things that you could argue and could question, I think you could always do that on any project. I think this project provides a better solution, with the buffer, with the size, the height of the actual buildings that were proposed to be built. I think that the overall nature of the project, as far as the people that have put it together, I think speaks highly from their reputation within the community, and I think that is important to note, too, as this moves forward. I appreciate the things that have been said today. This is something, I think, that really protects the neighborhood in a better way and it provides a more marketable opportunity for this area to be utilized here in the near future. With that, I will be voting yes for this project tonight.

Curtis McCarty moved to recommend approval of Resolution No. R-1112-95, Ordinance No. O-1112-20, and approval of the Preliminary Plat for THE VILLAGE AT OAKHURST, A Planned Unit Development, to the City Council. Dave Boeck seconded the motion.

9. Mr. Knotts – I'd like to make one last comment. I'm a former resident of Oakhurst Addition. I lived on Amhurst for 12 years. I backed up to a wide open space that actually was, I think, a right-of-way utility easement behind my house. Just as this area would be backing up to what was basically undeveloped. And then behind that, east of my house, there was an apartment complex or several. If you have that open space, people have a tendency to roam and I had several people come over my fence because there was no definition of the property. I think that this plan, although as you said the idea of always having an open space really

sounds good, it really doesn't function well if you don't have some structure. And I think this plan really offers a real nice solution to it.

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

YEAS	Dave Boeck, Cynthia Gordon, Tom Knotts, Chris Lewis, Curtis McCarty, Andy Sherrer
NAYES	Roberta Pailles, Jim Gasaway
ABSENT	Diana Hartley

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1112-95, Ordinance No. O-1112-20, and approval of the Preliminary Plat for THE VILLAGE AT OAKHURST, A Planned Unit Development, to the City Council, passed by a vote of 6-2.

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Item No. 9, being:

MISCELLANEOUS DISCUSSION

A. Update on Duties & Responsibilities of the Planning Commission

1. Ms. Connors – At your meeting in December, we provided a packet of information regarding the duties and powers of the Planning Commission, which included recommended changes you had made to Chapter 4 and sent forward to City Council. Mr. Heiple had sent forward a change to Chapter 4, Duties and Responsibilities of the Planning Commission, that you had not seen. The City Council asked that we bring back Mr. Heiple's comments and what you had sent forward to allow you time to comment on those two items together, and take comments back to City Council. I know that Mr. Heiple wanted to make some comments to you. Perhaps you would like to hear those prior to your discussion of this. I'll be happy to answer any questions on those items.

2. Harold Heiple, 218 E. Eufaula – First, let me say thank you to Susan and the Planning staff, as well as to you members of the Planning Commission, for the courtesy and the patience you've had in giving time to work on these things and bring them back. I think the staff did a good job with its Exhibit B that it proposed for the changes and the updating, basically, of these things. Exhibit C – the only real change that I've proposed to what the staff had in Exhibit B, you'll find on Exhibit C in (b)(2) and (5), which basically say that, with respect to Article 19, which is Subdivision Regulations, that I think there are a number of sections of the Subdivision Regulations that are outside the purview of the Planning Commission – they're outside the idea of zoning and platting. They're more technical engineering decisions. And the thing that prompted me to say let's identify and separate those things was the fact that Norman, Oklahoma has the longest development pipeline by far of any town in probably the world, because it's – well, it takes four and a half months at an absolute minimum to get through the Norman pipeline. And compared to certainly other cities in Oklahoma, that's not only too long, it's too expensive for people. And for that reason, I thought that we don't need to do things – if an amendment to Subdivision Regulations comes forward that involves strictly engineering criteria, it doesn't need to go through a Pre-Development meeting and then through a Planning Commission meeting. It could go straight to basically the City Council, or, if it had to come up here, it could come up and be voted on here – although I don't see any reason – as I will identify in a future meeting with the staff, if they want to do it, which sections I think ought to be segregated out from that. But that's not the really big thing, because I really don't have much issue with what the staff did in (b). What I did that caused some conversation apparently at the City Council study session, which I did not attend, was the subsection (c) which I added, which is on your numbered page 8, I believe, of this handout – what I'm trying to address there is the fact that you received a few months ago an opinion – and I am of the very strong opinion, and have been for years, that without the consent of an applicant the Planning Commission does not have the right to postpone an application, because this long pipeline – that puts it further into a deep-freeze. And the City Council – and this is what my paragraph (c) primarily is aimed at, is to try to articulate the fact that, without the consent of the applicant, that the Planning Commission doesn't have the power to do it. The Assistant City Attorney issued an opinion that said, upon analysis, that she thought the Planning Commission did have that, and as soon as I saw that I sent an email to Jeff Bryant and I said either that opinion has got to be withdrawn or we've got to have an ordinance change, because we absolutely cannot stand by and agree that five members of the Planning Commission could say let's just postpone this while we talk about it. And the reason is because you are a recommending body. You know, you're not the ones that make the ultimate decision on the things. You have the ability to recommend yes or no. But to hold somebody in abeyance for information that – we're not going to get on the agenda if we haven't fully vetted something in compliance with all of the Planning Commission ordinances and policies. Staff's not going to let us on the agenda. It took me six months to get out of the Planning Director's office to get the North Base rezoning even to the Planning Commission agenda, which is a good example of the control that staff can and does exercise

to make sure that there is compliance. Anyway, that's a topic that will have to be thrashed out as far as the City Council is concerned, because we still feel very strongly that way with respect to the postponement. Beyond that, I would say that I very much appreciate the time that has been given by everybody on this and, at some point in time, if it goes further, why I'll certainly sit down with staff, because I told them when I issued this letter, which I think is Exhibit D in here, and I listed a bunch of sections within the Subdivision Regulations that I thought were not within the appropriate purview of the Planning Commission, that I just did that by sitting down and grabbing the regulations and going through and dictating numbers and, as I told Susan and Doug, I think a number of those things, once we sit down and talked about them, I'd probably withdraw my objection and can see that there could well be some things that the Planning Commission ought to do. But there are still a lot of things in Section 19 that do not merit having to go through the Planning Commission process. So that's one of the things I'm after, and that's a technical thing, and you all are not going to solve it here tonight. What staff is asking for you to do, and what is appropriate, is express your opinion to the City Council and we'll move on and see where falls out. In any event, I'm not here to try to persuade or promote any particular thing that I have suggested, other than say thank you for the opportunity to do it and we appreciate it.

Mr. Lewis – I have a question, Harold. So summarizing it all together, is it my understanding really the only thing you have issue with in regards to Exhibit C going forward to City Council is the addition of item number (c)?

Mr. Heiple – Well, that's my – well, I still very much would like to see the – what's in red ink on page 7 under (b)(2) and (5) go forward, because that would limit ...

Mr. Lewis – Help me out. What's red ink?

Mr. Heiple – Exhibit C, if you look at Exhibit C, which is your page 7. In (b)(2), I added the words at the end of the second line "land use and transportation", so that it now reads: "Make recommendations ... concerning all amendments to the City's long range land use and transportation plans ..." So I just inserted that, which is by way of limitation. That whatever recommendations you have with respect to land use and transportation are appropriate, but other things in Subdivision Regulations, for example, are not. Likewise, in – down at the very bottom of page 7, I added the words "Sections of Chapter 19 that have applicability to land use regulation", which is trying to say the same thing as I said up there in (b). In other words, limiting, basically, your consideration of things to land use regulation and zoning matters and transportation matters. So those two things I still feel should be done, because I do think there's too many things in all of Section 19 that really are not within the purview of the Planning Commission. So those two items are there, but the big thing that is going to have to get resolved is this business about do you have, as a Planning Commission – do you have the power to amend on your own without the consent of the applicant. And, as I say, I'd be – I'm happy to debate that, but I'm not here really to debate it. I don't know that the staff intended that it be debated, necessarily. But we feel – the business community feels very, very, very strongly about that particular point.

Mr. Lewis – And when you say "amend", you really meant "postpone"?

Mr. Heiple – Pardon?

Mr. Lewis – You had said amend. You really meant postpone?

Mr. Heiple – If I said amend, I meant postpone.

Mr. Boeck – Can I ask a quick question? On Exhibit B, you have some stuff that's crossed out and some stuff that's underlined, which means it has been added. Is this your exhibit, or is that Susan's exhibit.

Ms. Connors – Exhibit B is the comments that Planning Commission had previously made and sent forward to City Council.

Mr. Boeck – And then the stuff that's crossed out ...

Ms. Connors – So these are changes to the existing language that this Planning Commission recommended moving forward to City Council. And then Exhibit C is the further changes that Mr. Heiple made to the Planning Commission's recommendation that was sent forward to City Council. And I might add that on items (b)(2) and (5), staff doesn't particularly have a great deal of concern with the changes that Mr. Heiple made. So the major discussion point is that item (7), trying to sort out – which I don't think the Planning staff is going to be totally able to do – sort out whether this Commission has the ability to postpone or not. It's really going to be a legal and City Council issue, I believe, to settle. But, certainly, I think City Council would like your comments about whether or not you feel that you have and/or should have or want that ability.

Chairman Sherrer – Susan, by that comment you made right then, just for just my own curiosity, does that mean that the City Attorney's office is reviewing that as we speak, or have they reached a conclusion on that – where ...

Ms. Messner – Good evening, Commissioners. It's nice to be back with you all tonight. I'm Leah Messner with the City Attorney's office. And I think that the legal opinion that Mr. Heiple keeps referring to is the email I sent you all in September in response to Commissioner Lewis's question about postponement. What is currently in Chapter 22 right now, which is the Zoning Code, is some language about – I'm going to read from my email to you all. "Every such proposed change in regulations, restrictions, and boundaries shall be referred to the City Planning Commission for public hearing, report, and recommendation." And in looking at that language, that "shall" in that sentence, when you read it, you think there shall be a public hearing prior to it moving forward to City Council. And so if you were to postpone, there would not be a public hearing and then it would not go – would not roll forward to Council.

Mr. Boeck – But there would still be a public hearing. It would just be postponed 'til later.

Ms. Messner – Exactly. And it would be postponed to Council until after that hearing was held. And that's the opinion of our office, that you do, because of that language, have the option to postpone and hold the public hearing once you receive all the information or whatever you're missing that caused the postponement.

Mr. Boeck – I guess one question I'd have is what do other cities do? I mean, that seems to be the trend these days. What does Edmond do? What does Oklahoma City do? How do they put it? What's the standard practice with Planning Commissions in Stillwater, in Lawrence, Kansas, in Manhattan, Kansas – college towns similar to us – in terms of how they word postponement, or how they let their Commissioners postpone something? What's the standard practice?

Ms. Messner – To be honest, I don't know if there is a standard practice or what the practice is in other municipalities. Susan may be better able to speak to what they do in Colorado or some other. But that's information that I could certainly get and have at your next meeting or email out to you all.

Mr. McCarty – It's been a few years ago where this question was brought up, and I think it was when Zev was chairman, possibly. But the question was brought up about do we have the right to not vote on a item on the agenda, and just move it forward without a vote? And I believe – the way I understood it is that the City Council would like for us to either approve or disapprove any item and move it forth for their decision, because we aren't the final say. So the way I believe that, unless there's an item that comes to us – and this is just me thinking out loud – that is not completely ready, I don't think I've ever seen us postpone an item or not move it forward, either approved or disapproved. Isn't that kind of what we advised a few years ago that we needed to do? I don't know who else was on here, but that's how I remember it.

Mr. Knotts – That's the way I remember. We had to take an action.

Mr. McCarty – Right. And it would – and postponement was not an action, because that's what we had ...

Mr. Knotts – We weren't talking about postponement. We were just talking about not taking any action.

Chairman Sherrer – Well, Susan, at this point you're asking us, the Commission, for comments so that this can move forward to City Council. So if we – I think I'm hearing some commonality here. It sounds like that would not be the desire to postpone from the Commission, unless I'm hearing something otherwise. I'm hearing that very strongly, I think.

Mr. McCarty – Unless there's some information we don't have about the project. It may not pass, and therefore, typically, the person that's – the applicant removes it or asks for postponement. That's how I've seen it happen. I don't recall any situations since I've been on here that we've postponed something ...

Ms. Connors – Let me remind you about one situation about a year ago when staff requested that you postpone Founders Park so that we could do a study about industrial land, and you did postpone that based on the City staff, for 60 days.

Mr. Lewis – Susan, a quick question on that. Was that in collaboration with the applicant that took place?

Ms. Connors – No.

Mr. Lewis – So the applicant had no input on that whatsoever.

Ms. Connors – The applicant did not want it postponed.

Mr. Gasaway – I attended the study session with City Council where this came up, and a couple of comments they had. One was they were very surprised that a recommendation would come forward considering changing standard parliamentary policy. It's in Robert's Rules of Order that we can postpone an item – that organizations can postpone an item. We do use Robert's Rules of Order here and in City Council, and they were – the people that commented were very surprised that, you know, we would not consider keeping that as an option. But the question that came up was, is there a problem that has caused this? If there's a problem, then we need to investigate. And the answer is there's not a problem. I'm not sure why we're trying to fix something that has not been a problem. I remember a situation that came up a year or two ago where, you know, the bulldozers were fired up and ready to go and the applicant really needed an answer that night, and we were short some information that we needed and we were not ready to make that recommendation. But what we ended up doing, cognizant of the fact that the bulldozers were hired and everything was ready to go, we sent it to City Council

with the stipulation that these particular items had to be addressed, and we were happy to do that. And I think in all cases where that has come up, we've been very cognizant of the applicant's need to move on. My personal opinion is it's not a problem. I don't understand what we would shy away from standard parliamentary policy if there's not a problem. I would – my recommendation would be to stay with Exhibit B as we have.

Ms. Pailles – I was going to say the same thing. It's standard parliamentary policy. I believe that it's policy that other commissions – like the Park Board – are empowered to exercise, and you want some internal parallelism. We can postpone – if we're reviewing an ordinance, we can postpone that for further information. If we're reviewing – accepting an overlay district for Porter Avenue, we can postpone that. We should have parallelism. We can postpone an applicant, also. I don't – it's happened rarely, rarely, rarely, because we're very cognizant of the consequences and you don't want to hamper somebody unless it's really, really, really a desperate situation where you need more information.

Ms. Gordon – Well, it seems pretty basic, I guess. In everybody's memory here it's happened very rarely, but that we should certainly have the option to do it, since we are an advisory commission that we would be able to have all of the information we need to kind of give the best information as it goes forward. And if we're not comfortable with that, in the very rare instance clearly that it happens, then we should retain the ability to be able to do that if we need to.

Ms. Pailles – I did what I could to look up other cities and see what their situation was. It was not easy to find. And the cities that I actually knew something about – which was South Lake, Texas and Phoenix, Arizona – the commissions actually do have the ability to postpone, and it was used in Phoenix when they were developing a huge park system, because it was such a difficult issue.

Mr. Boeck – I was going to make a comment. I looked at Exhibit D, which came from Harold's office, about the following code sections which should not be reviewed by the Planning Commission. I went through and read all those – I tried to read all those and by the time I got done I felt like, well, if I'm supposed to make a comment on the divinity of Christ, but you have to take out Matthew, Mark, Luke, John, first and second Corinthians, James – basically the whole New Testament and say that's really not anything that you can judge on, or you can't read because it's not part of your process – then I basically don't have anything to judge that on. So my comment is – and I know you said, Harold, that you could eliminate some of that stuff – but I got the feeling here that basically what you're trying to do is just say you guys don't have any of the tools to use – you're just an advisory board – so you shouldn't have to consider or look at any of this stuff, and when I was told what I was going to be as a Commissioner, in terms of reviewing stuff and making intellectual decisions on whether something is appropriate or not, I need all the tools to do it, and that should be part of what we have here. So I guess that's my only comment on this.

Mr. Lewis – Harold, I have one question. This is a recommending body. We don't make decisions. The City Council makes those decisions. Granted, parliamentary procedure is a status for many commissions, but this Oklahoma – it's not Arizona, it's not Texas, it's not New Mexico. Under Oklahoma State law, in your opinion, where does this section (c) and postponement fall?

Harold Heiple – Nobody standing here – no lawyer can tell you exactly where it is, just like the legal argument that Leah presented in the email issued is certainly an arguable point, as mine is that that opinion is wrong, and which resulted in my saying, rather than go to court and argue about it and go to the Supreme Court, that's why I went to the City Attorney and said this has got to be changed or the ordinance has got to be changed to be sure we address this

problem. Now, you guys have posed a whole bunch of things and I'm going to try to answer them all. Robert's Rules of Order should apply to those organizations that make final decisions. As a recommending body, you do not make final decisions; you make recommendations. You have, in the times you all remember, you have accommodated that by saying – where you needed some more information, you've accommodated it by sending it forward to the Council and saying we'd say yes if a, b and c happen; if not, we don't. And there's absolutely nothing wrong with that. That's wonderful. That's even better, because it gives City Council an exact idea of where you stand. No problem with that. The place where it can – and, no, it doesn't happen very often. But the reason – I'm going to give you a little history here. First, there's near history – the series of 5-4 votes that this body has had and, of course, Mr. Boeck wasn't part of it, during the past year is indicative of the fact – and some of those 5-4 votes were, in my opinion, on ideological grounds and not necessarily on the merits of a particular proposition that was before you – led me to the fact that it goes to show that five members of the Planning Commission can put something in the deep freeze. Well, if you take a project – a multi-million dollar – or any size project, and five people who are recommending – not making final decisions – can put it in a 30-day deep freeze – try paying interest on a development loan of several million dollars for 30 additional days. Now, to go back to where it was, it happened to me one time – it happened to me twice, and an effort was made one time and it got shot down. It happened to me another time and I had advised the client that I thought – who told me that it was essential that it go forward to the City Council as quickly as possible, and I said I sensed a possibility that the Planning Commission might be ready to try to postpone it, and I said I don't think they have the ability and authority to do that, and they said take them to court the next morning if they do. Well, turned out the Planning Commission did postpone, and I called the client after the Planning Commission meeting and he said take them to court, and I worked very, very late that night getting the thing ready to be in court the next morning, naming the members of the Planning Commission who had voted to postpone, among other things, and asking for everything but the kitchen sink. I got a call at 7:30 in the morning that said we just looked at it and we've decided we really can put up with this 30-day delay and we don't want to spend the political capital right now to try to fight that battle, so go ahead, the postponement is alright, forget about going to court. And that, Mr. Knotts, was the University of Oklahoma was the applicant. Now, that happened one time. And the point is that this is something that, if you need more information – technical information – as I said, you're not going to get on the agenda here through the staff if we haven't brought forth everything that needs to be brought forth. Now, to go back to the – to elaborate somewhat on what Leah said about the legal department – because of the opinion, I sent an email to Jeff and I started having meetings with the City Manager and the City Attorney. And the City Attorney started working on changes to the ordinance, at which point the Planning Staff said to you, while this is in the mill, why don't we sit on this because we're going to see if the City Council makes any changes. The City Attorney drafted some changes, they went forward to the study session of the City Council that you attended, which is where you heard the comments about it. I didn't attend that study session. I haven't lobbied any City Council members with respect to this particular project. Since that time, the City Attorney has sent me modified language that he had proposed, and I've sent it back to him and I said, no, you made it worse instead of better and I submitted to him some changes in what he's got going on. I haven't heard back from him. I've asked him a couple of times. Of course, he's been in the hospital and he's been out of commission. But this was 2 or 3 weeks ago that I sent back the changes. So I don't know, within the legal department – and I'm not asking Leah to try to make a commitment tonight where just exactly where they are or whether that's been vetted – maybe they've made a decision and I haven't been given the courtesy of an answer, but I doubt that. So I'm not trying to stop you all from passing on to the City Council whatever recommendations you want to make. I still say that we need -- in this community, we need an ordinance that makes very clear if the applicant objects to it, then the Planning Commission does not have the power to postpone. You do have the power if an applicant stands up and says, no, I won't stand for it, to say, fine, we recommend no. And I fully understand that and an applicant ought to be put in

that position that it goes forward with a recommendation no – or could go forward with a recommendation we'd say no if we don't get such and such conditions or we'd say yes if we got other conditions – so you'd identify those things. And all of those things can be done. I'm not trying to take away, Dave, the things that you talked about – switching back to all the regulations here, because that's a long laundry list and I said in my opening statement I just sat down with the code in front of me and started dictating the section numbers, and I think – and I've got more section numbers in there that, if I sat down, as I told Susan and Doug, with them, I'd certainly remove a number of those. But there are a number of those in there that are strictly engineering. They have nothing to do with land use. They have nothing to do with transportation. And they're not things that, if you're going to amend those particular sections, that have to go through the Planning Commission process. So, as I say, that's kind of the secondary thing. Our big thing is the postponement issue. Obviously, that's a battle that will have to be fought with the City Council, based on comments – I don't even know who the Council members were that made the comments, but Susan heard them and the City Attorney heard them, and they've been acting on them, and I haven't had a response to ...

Mr. Lewis – Harold, I do want to say one thing. Where this whole item came from was I was reviewing an item – a duty of the Planning Commission and discovered that we hadn't performed that duty in like five or ten years, and that is reviewing all of the zoning that hasn't been built on ...

Mr. Heiple – Commercial zoning after five years – yeah, you've never done that.

Mr. Lewis – That is where this thing actually came from. I had a meeting with the City Manager. I believe Susan was in there. Leah was in there as well as Jeff and a couple of other people. Names escape me. But what I wanted to do, and my sole purpose for doing this and bringing it to the table of the Planning Commission was to get all parties involved at the table so that we could discuss it. I think that, absolutely, that's – to your point, we are a recommending body. Whether we recommend no and send to City Council or whether we recommend yes and send to City Council, it's still going to City Council and they're the ones that are going to make the decision. If it's such a contentious issue with the development community – or maybe I'm characterizing that inappropriately – but the development community feels so strongly about Planning Commission not having the ability to postpone – the history of us postponing on many items has been negligible – maybe one with the University of Oklahoma. However, Mr. Gasaway suggested that there was one time when the bulldozers were ready to go and we said we will say we support this item with these three items – if the conditions are met. Still, we made a recommendation. I would have to agree – I believe the heart of what my goal was, and that's bringing everyone to the table, discussing what's wrong, discussing the best ways that we can put the duties of the Planning Commission together from a business community, from a City perspective, is really on the piece of paper that you presented to us. And I would have to suggest to my Planning Commissioners – my fellow Commissioners that section (c) and the ability to postpone shouldn't lie with the Planning Commission because, like you said, if you have a \$10,000 project or if you have a multi-million dollar project, if you're postponing for 30 days and you've already invested four to six months to get to that point, that's a considerable investment of – am I going to build in the City of Norman, or am I going to build in Moore or Edmond or someplace like that. So I see that this paragraph really has no bearing – why do we need postponement? That's if the applicant wants to postpone, great, we can grant that. However, we're going to send to City Council so they can make the decision. If they want to postpone it, that's a whole different story. Again, this is just a recommending body; we're not a decision-making body, so I don't see that that's such a contentious issue. I would suggest to my fellow Commissioners that we accept that – that we waive the postponement.

Mr. Heiple – Well, permit me to go on and say that all of the things that I've handled over the last 40 years here – basically, if requests have been made for postponement, it's very rare that

we would object to it, because usually what was going on was a legitimate thing and the applicant could go along with it, or the applicant realized that, hey, I don't really want to go to City Council without a recommendation of approval from the Planning Commission. Because I can tell you from experience, it's easier to get five votes out of the City Council if the Planning Commission has recommended yes than it is no. Now, it's not impossible, but it's easier. And I've always preferred – I've always hoped that I'd leave the Planning Commission with a recommendation for approval. But I've also told the clients, especially those who had a lot of money at stake and wanted to move forward, that the one thing I wanted to do was get a vote out of the City Council, and if it was a recommendation for no, they had to recognize that we had to get five votes at City Council or they were dead in the water. So that's why you haven't seen it over the years. It really hasn't been a problem. And, Commissioner Lewis, if you hadn't asked the damned question, it wouldn't be a problem today because it wouldn't have resulted in Leah's opinion, which then just sent me into orbit and away we went. I'm glad you did it because I totally agree with the idea of let's get to the table and talk. But it hasn't been a problem. And that's why we haven't said anything about it over the years. But now we do have – and what I term an opinion from the City Attorney and, of course, it was in the form of an email – but that's what I'm trying to find out from the City Attorney, when he gets back to work, where that really is going to stand. And, of course, now it's going to rest with the City Council, because that's what they expressed in their study session that they want to have some input on it. So we'll go talk to the City Council about it. And, so, you all do whatever you want to do. And I respect what you all said about you believe that this body ought to have the ability to postpone. I disagree with that, but I understand it. Because, from a lawyer's standpoint, she certainly has presented something and she's got a good strong arguable case. And what I'm saying is that whichever lawyer is right is not the thing – the thing is what should we do expressly with respect to the power of the Planning Commission as to being able to postpone or not postpone. So, with that, you've been more than kind to give me the time and the effort and we'll happy to cooperate in every way that we can.

Chairman Sherrer – Susan, if I understand correctly, these comments will go forward to the City Council that we've made tonight, and then they will review and make whatever decision is appropriate.

Ms. Connors – That's correct. Or any other comments that any other Commissioners have.

Mr. McCarty – Are we supposed to be running this meeting under Robert's Rules of Order? Because if we do, we're not exactly running in that manner. Is that what other commissions in the City do? Is it expected of us? And when I say that, it's just certain little things we do are not in the exact manner of Robert's Rules of Order – as how we take motions and things.

Ms. Messner – I believe – and I may have to double check, but the Code specifies the City Council follows Robert's Rules of Order but does not speak to the various boards and commissions for the City. It has been the practice of the boards and commissions to generally follow Robert's Rules because the Council does.

Mr. McCarty – I was just curious. I didn't know.

Ms. Gordon – I did want to mention just one last thing real quick, and it may have been slip on Harold's part. But he did say that occasionally applicants do agree with postponement because there is some merit to what our reasoning for postponing, but then earlier he said that it wouldn't be brought to Commission unless they essentially had all their ducks in a row. And so I think the point of some of the Commissioners is that, occasionally on those rare instance that you don't have all your ducks in a row and there are questions, that we need to maintain that ability to be able to postpone so that we can send on information to the City Council that has some meaning to it – that we're not just winging it.

Mr. Heiple – And I would respectfully respond to you that, in that situation, you could just as easily couch your recommendation to the City Council in an alternative, saying that if the applicant brings forward this, we would be in support of it; if not, we would oppose it.

Ms. Gordon – But for some things, we may not know what the answer is, in which case we can't say if this then that.

Mr. Heiple – And if the applicant say, fine, we'll provide that to you, that's fine. But if the applicant makes a value judgment that I can't afford to wait – I really need to go forward, and says that – you know, objects affirmatively to the postponement by the Planning Commission, then it needs to kick in with what you've done in the past and present the alternative. Don't just say we're postponing it to get a, b, or c, because, you know, you haven't even gotten a commitment out of the applicant can he provide it. Which lends itself – that really goes to the heart of some of the changes I sent back to the City Attorney the other day. I actually created a thing that would allow you guys to postpone if you met certain conditions and sent that, and I haven't had a response back to that yet. But it was limited – it was very precise as to under what conditions you could postpone on your own. So that's, respectfully, where I'd be on it.

Ms. Connors – I would like to make one comment. Mr. Bryant has been in the hospital for over ten days now. He's had a very bad infection in one of his hands, so he has been totally disabled and is getting better, but he has not, for any reason, ignored Mr. Heiple.

Chairman Sherrer thanked former Chairman Gasaway for an excellent job and certainly making his life for the next year much more difficult. Kudos to you.

* * *

Item No. 10, being:

ADJOURNMENT

Dave Boeck moved to adjourn. Chris Lewis seconded the motion. There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 9:32 p.m.

Norman Planning Commission