NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

FEBRUARY 14, 2013

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 14th day of February 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

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Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Roberta Pailes Cindy Gordon Andy Sherrer Jim Gasaway Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Dave Boeck Curtis McCarty

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

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Item No. 2, being:
CONSENT DOCKET
Chairman Lewis 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. 3, being:
APPROVAL OF THE JANUARY 10, 2013 REGULAR SESSION MINUTES

Item No. 4, being:
FP-1213-26 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY GEOFF WYNN (CORNERSTONE SURVEYING) FOR CCC ADDITION NO. 2 FOR PROPERTY LOCATED AT 3722 SOUTH CLASSEN BOULEVARD.

Item No. 5, being:
PP-1213-12 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY ST. JAMES PARK, L.L.C. (CRAFTON TULL) FOR ST. JAMES PARK ADDITION GENERALLY LOCATED ON BOTH SIDES OF 24TH AVENUE S.E. BETWEEN STATE HIGHWAY 9 AND CEDAR LANE ROAD.

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

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to place approval of Item Nos. 3 through 5 on the Consent Docket and approve by one unanimous vote. Andy Sherrer seconded the motion.

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

YEAS	Roberta Pailes, Cindy Gordon, Andy Sherrer, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 5 on the Consent Docket and approve by one unanimous vote, passed by a vote of 7-0.

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Item No. 3, being:
APPROVAL OF THE JANUARY 10, 2013 REGULAR SESSION MINUTES

This item was approved as submitted on the Consent Docket by a vote of 7-0.

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Item No. 4, being:
FP-1213-26 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY GEOFF WYNN (CORNERSTONE SURVEYING) FOR CCC ADDITION NO. 2 FOR PROPERTY LOCATED AT 3722 SOUTH CLASSEN BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Site Plan
5. Preliminary Plat

The Final Plat for CCC ADDITION NO. 2 was approved on the Consent Docket by a vote of 7-0.

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Item No. 5, being:
PP-1213-12 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY ST. JAMES PARK, L.L.C. (CRAFTON TULL) FOR ST. JAMES PARK ADDITION GENERALLY LOCATED ON BOTH SIDES OF 24TH AVENUE S.E. BETWEEN STATE HIGHWAY 9 AND CEDAR LANE ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Revised Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Pre-Development Summary
6. Greenbelt Commission Comments

The Revised Preliminary Plat for ST. JAMES PARK ADDITION was approved on the Consent Docket by a vote of 7-0.

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Item No. 6, being:
TJ FOOD & FUEL, DBA GREEK HOUSE

Item No. 6a, being:
RESOLUTION NO. R-1213-95 – TJ FOOD & FUEL, DBA GREEK HOUSE, REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-7) FROM OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 768 SOUTH JENKINS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Aerial Photo
4. Pre-Development Summary

Item No. 6b, being:
ORDINANCE NO. O-1213-30 – TJ FOOD & FUEL, DBA GREEK HOUSE, REQUESTS REZONING FROM RO, RESIDENCE-OFFICE DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, WITH SPECIAL USE FOR A BAR FOR PROPERTY LOCATED AT 768 SOUTH JENKINS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Aerial Photo

PRESENTATION BY STAFF:
Ms. Hudson – The existing land use in this area consists of commercial to the east and west of this site, office designation to the south, as well as the University of Oklahoma, and then residential to the north. The commercial designation would take over the subject tract. With regard to zoning, the subject tract is zoned RO, Residence-Office. C-1 is on the south, west and east, and there is residential zoning to the north. Currently on site we have the Greek House Restaurant which takes up the east end of the building, and the west side is vacant. In examining whether or not an amendment to the 2025 Land Use Plan can be supported, staff has to look at whether changes in the area will be contrary to the public interest, as well as whether or not the proposed change would result in adverse land use impacts on the adjacent property. When reviewing rezoning requests, we have to look at the zoning that would be allowed on that property and how it would impact the adjacent properties. The majority of the area around Campus Corner is completely developed. Any new businesses that come in will go into existing facilities. When this building was permitted in 1969, it was permitted for mercantile and office use with no residential component. At that time, the required parking was 13 spaces. Currently, the site has 9 parking spaces. The Central Core Plan for the Campus Corner commercial area considered the RO district to act as a buffer for the residential properties in that area. Allowing expansion of commercial use into the residential areas of campus, which would be north on Jenkins in this area, could increase the decivilization of that residential area. As noted in the staff reports, traffic and parking congestion in these areas is a problem. The applicant has not demonstrated how he will accommodate the additional parking requirements for the C-2 with a Special Use for a bar. It is important to note also that allowing a Plan change as well as increase in the zoning in the heavily impacted areas does not necessarily stay with this use should the bar not make it and they put another use in there that would be allowed under C-2 zoning. So in keeping with the goals of the 2025 Land Use Plan and the possible impacts of the zoning change, staff recommends denial of the Land Use Plan amendment Resolution No. R-1213-95 as well as the rezoning request for Ordinance No. O-1213-30. Slides show the west end of the building where the proposed bar and smoke shop would go, a house to the north, commercial on the east, the office use on the south side, and another commercial strip on the west. There is a shot of the access point on the south of the subject building, which is very tight. The parking

area in front of the building is not counted as legal parking. There was a protest letter submitted from the property to the south which equated to 4.5% protest.

PRESENTATION BY THE APPLICANT:

1. Nemo Tajbakhsh, representing the applicant, was present to answer questions.

2. Mr. Knotts asked if there are any plans to add parking. Mr. Tajbakhsh said they were hoping to talk to businesses around their facility to rent parking spaces for evening uses. They are planning for half of the available space to be used for the bar, with the remainder used for storage. They believe the maximum capacity for the bar would be 10 to 12 people.

3. Ms. Pailes asked if the Greek House would continue. Mr. Tajbakhsh indicated the Greek House will close at 8:30 p.m. and the bar will open from 8:30 p.m. to 2:00 a.m. and will probably be the most busy on weekends.

4. Ms. Gordon asked about the parking on the east. Mr. Tajbakhsh said there is actually a sidewalk there, so they are not blocking the sidewalk. Ms. Connors confirmed that the parking on the east is actually in the public right-of-way.

COMMENTS FROM THE AUDIENCE:

1. Alan Stacy, representing Keith F. Walker Oil & Gas Company, 103 W. Boyd Street in the Casablanca Building – The building is directly south of the Greek House. We are an oil and gas exploration company that has been in business in Oklahoma since 1951. We are concerned about several issues. I don't know if you have a copy of the letter or not. By the way, I really appreciate you guys coming out. I really had no idea that the City does business at this time of night, and many of you probably have regular jobs, as we do. And the fact that you're doing this is quite an honor. Thank you very much for giving up your Valentine's. We currently have quite a few people on a daily basis. As I was coming over here this evening, I had Greek House customers in my parking lot. I know they're Greek House customers because I waited and watched them walk to the Greek House. During the day, we also have 30,000 more or less – 20,000 OU students who want to park in our parking place. So we have to be fairly jealous of our parking places. After a fashion, the Greek House is more or less a family sort of an atmosphere. I'm actually quite concerned about the addition of beer. I have three female employees, two of whom regularly work late. And if you look at the space, it's really quite secluded, especially at night. It's not really visible. Our building is away from Boyd and a combination of our building and the Greek House is sort of in the way looking at it from the east side. So it's actually quite secluded. Greek House has no exterior lighting that I'm aware of at all. I really don't want my female employees coming out at night and confronting drunks in our parking lot. I don't think that, if they had any business at all – right now they can't really run their business. On weekends they're in our parking lot. I don't really believe that they will run their bar business without being in our parking lot after hours. Even though there may be parking places there, like I say, I don't want my female employees confronting drunks. And so we're quite concerned. And we haven't seen any plan. I mean, it's one of these deals where we want to rezone it for a bar; there's no plan for security, no plan for lighting. Nothing has been stated, to my knowledge, at all. It's just let us do it and we'll let you know how it comes out later. And we don't think that's fair to the people in the area.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Pailes – Bars adjacent to residential areas tend to generate a lot of people that end up complaining before the City Council because people from the bars behave badly in the neighborhoods. I kind of see as one of our objectives on Planning is to catch the things so that they don't happen and don't end up with people complaining before the City Council. So a bar seems a little iffy. It would be great to have commercial areas in those places that have

been empty. I love the Greek House and it would be nice to have those empty spaces filled, but I don't know that a bar is a really good match and the parking seems to be questionable.

2. Mr. Sherrer commented that the Commission could have separate motions on the resolution and the ordinance. Chairman Lewis indicated it would be acceptable to have a motion for each item.

3. Mr. Knotts asked for clarification. The change in zoning would remain, even if the bar were to close. So the idea that the bar and smoke shop are trying to accommodate with the hours of the Greek House – it's only an accommodation that they've agreed to but not necessarily would be held to. Ms. Connors responded that this is a request for a C-2 zone and any use in a C-2 zone would be allowed once it is rezoned.

Andy Sherrer moved to recommend approval of Resolution No. R-1213-95 to the City Council. Roberta Pailes seconded the motion.

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

YEAS	Andy Sherrer
NAYES	Roberta Pailes, Cindy Gordon, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1213-95 to the City Council, failed by a vote of 1-6.

Andy Sherrer moved to recommend approval of Ordinance No. O-1213-30 to the City Council. Roberta Pailes seconded the motion.

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

YEAS	None
NAYES	Roberta Pailes, Cindy Gordon, Andy Sherrer, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-30 to the City Council, failed by a vote of 0-7.

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Item No. 7, being:

ORDINANCE NO. O-1213-32 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 19-104; ARTICLE II, SECTIONS 19-201, 19-202 AND 19-204; ARTICLE III, SECTIONS 19-301, 19-307 TO 19-319; AND ARTICLE VI, SECTIONS 19-602 AND 19-606 AND ADDING ARTICLE III, SECTION 19-320 TO EXTEND THE VALIDITY PERIOD OF PRELIMINARY PLATS AND TO ESTABLISH FEES THEREFORE; TO REMOVE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL OF FINAL PLATS; AND TO REMOVE THE REQUIREMENT FOR PRE-DEVELOPMENT MEETING FOR PROPERTIES SUBDIVIDED BY CERTIFICATE OF SURVEY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Annotated Ordinance

and

Item No. 8, being:

ORDINANCE NO. O-1213-31 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 422.1 (AMENDMENT) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO ALLOW CONCURRENT SUBMITTAL OF PRE-DEVELOPMENT AND PLANNING COMMISSION APPLICATIONS; REGULATING TIME BETWEEN PRE-DEVELOPMENT AND PLANNING COMMISSION MEETINGS; SPECIFYING NOTICE REQUIREMENTS AND CLARIFYING OTHER SUBMITTAL REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Annotated Ordinance

PRESENTATION BY STAFF:

1. Terry Floyd – To give you a little background about what we're doing with amendments to both the Subdivision Regulations and also to the Zoning Ordinance, we essentially have four changes in our development process. These are done in an effort to streamline and speed up our timeline for a property that's getting through the platting process and so forth. The four options we'll be talking about tonight are extending the validity of a preliminary plat to five years, and also adding an administrative approval process for an additional five years; the review and approval of final plats solely by the City Council; allowing for Pre-Development and Planning Commission concurrent submittal; and then additionally removing the requirement for a Pre-Development meeting for COS properties above 40 acres. This is coming from the Council Business and Community Affairs Committee. We met and discussed with them and the development community at three different meetings to develop this and get where we're at today on these changes. First Subdivision Ordinance we'll be talking about is extending the validity of the preliminary plat to five years and adding an administrative approval process. Currently, for those of you who may not be familiar, most preliminary plats are good for three years, and if any portion of that is final platted it buys an additional two years, so that preliminary plat is valid for five years. With this change, that would just be a straight five years that the preliminary plat would be good for that; there wouldn't be the additional requirement of the final plat to get those two years. Additionally, we're adding an extension process, very similar to what Oklahoma City does, in that if a preliminary plat is up for expiration, the developer can come in with that plat and, barring what we would consider a major amendment to the plat, which is outlined in the ordinance, then with a $900 fee, formal letter, and application then that could be administratively approved by the Development Review Committee and then, therefore, that plat can then be extended administratively another five years. There is a requirement in this that any plat, as it comes forward to final platting, will comply with any changes in subdivision regulations or zoning or any of our engineering design criteria, land use plan – so, essentially, when that plat become final plat, any of those changes will be adhered to then and looked at. We look at some considerations for this change. We look at it could be a

potential benefit to some of our larger subdivisions – those particularly well over 60-70 acres that may be 10-15-20 years to build out. This could allow them to essentially continue that without sending it all the way back through the process and the costs for the development. Again, with the administrative review, that's just one less time that has to come back through and, when there are no changes, essentially, like tonight there was very few changes to the St. James Park plat so you saw that landed on the Consent Docket.

In the interest of time, go ahead and get to number 2 in our subdivision ordinance amendments. This is review and approval of the final plats by the City Council only. As you saw tonight, final plats are a Consent Docket item for Planning Commission. Generally, barring any major amendments, these plats are looked at by our Development Committee – all the plans and so forth are looked at and forwarded with a recommendation to the Planning Commission. Planning Commission makes that recommendation and it moves forward to Council. With this change, what's going to happen essentially is the Development Review Committee will make that recommendation. It will not appear on your Consent Docket any longer. The Development Review Committee will be responsible for the final plat construction plan approval, and also that will then allow them to issue – or authorize Public Works to issue construction plans. They'll also review the final plat requests for any public improvement deferrals and will make that recommendation to Council. This is being done, again, in an effort to save time through the development process because what can happen is if you have a final plat that you miss the Planning Commission deadline then you're waiting another whole month to show back up for something that is generally a Consent Docket item and we estimate this can save an applicant maybe even 30 days in the development process. Also see this development change as a big help for smaller commercial developments or maybe industrial developments that are on a very limited timeline for opening. Let's say they want to try to be up and have a building permit in 100 days or have a building completed in 120 days – 30 days makes a huge difference.

The third change we'll talk about is the change in the Zoning Ordinance. This is the change that allows a property to apply for Pre-Development and also for Planning Commission in the same application cycle. As you know, today development has to complete a Pre-Development meeting if they're a Land Use Plan change, rezoning, certificate of survey, and all forms of preliminary plats have to go through a Pre-Development meeting. By the time that meeting is complete, they've missed the deadline for that next month's Planning Commission, so that means that's another whole month before they get there, again adding additional time to the development process. This change allows, at the developer's option, to put those applications in at the same time. Again, that is the developer's option. The Pre-Development meeting is still good for six months. Additionally, at times the applicant may do a Pre-Development meeting to gauge the interest of the community, and if they feel that that interest, or there's changes to be made, they may not move forward to the Planning Commission in the same month. So, again, this is just an option we're moving forward to them. It does not preclude the requirement for any of these types of developments to go through a Pre-Development meeting, so I wanted to be sure that was clear as that question has come up previously.

The fourth change we talk about tonight is another change to the Subdivision Ordinance. That's the requirement for a Pre-Development meeting for any certificate of surveys that are over 40 acres. Any parcel smaller than 40 acres in the COS does not have to go through a Pre-Development meeting. We don't get a lot of very large certificate of survey properties. If there is anybody there at the Pre-Development meeting, it's out of curiosity. Sometimes these are family plats or family land and so, again, just an effort to remove that step, particularly in private property ownership. We would say that would be at the option of the property owner and they may or may not go through that process.

I believe I've worked through some of the items. I'll be happy to answer any questions the Commissioners may have.

2. Mr. Sherrer – Talk about how Norman compares with other communities within the Metro. Mr. Floyd – We're about in the middle. Some communities are 1 and 2 years on a preliminary plat. Some have an appeal to the Planning Commission for an additional year and/or the Community Development Director. Oklahoma City is five years. I believe Moore is 2 with the ability to appeal for an additional year. So ours is already among the longer time periods for preliminary plat.

3. Chairman Lewis – With regard to fees, are we on a comparable scale to Oklahoma City and those communities that you just mentioned? Mr. Floyd – When we talk about plat extension fees, we had a whole meeting on this last month where we broke down analysis of staff costs. Oklahoma City is the only other Metro community that's doing something similar to this. Their fee is $1,200 for this plat extension, but their original plat fee varies anywhere from $2,200 to $2,500. Our plat fee is $150 plus $10 an acre. A $900 fee is something that the development community felt was a fair price for this extension. So that's kind of where we compare on that, too.

4. Chairman Lewis – I guess that sparks a question. Why would we charge more for an extension as opposed to initially filing the plat itself? Mr. Floyd – This was a question that the Community Affairs Committee had as well. What they tasked staff to do was go back and look at what it actually cost us to do this. In our analysis, we came up with any plat with an amendment is going to cost the City $900 worth of staff time. That's maybe a little bit of overhead in there, but that's just direct time cost. So when we try to figure a plat fee, if you maybe just charged what the original plat fee was, in some cases, if you have a development that's 100 acres, if they pay the same initial fee, they would pay well over $1,000 for the extension. So $900 was a compromise and was a fee that the Community Affairs Committee and the development community felt would be a fair and applicable cost. Chairman Lewis – So this was a number that was reached with everybody at the table agreeing to a number? Perfect.

5. Mr. Knotts – Could you talk to me a little bit about the Development Committee? Mr. Floyd – That's a committee that's comprised of the Utilities Director, Planning & Community Development Director, also the Public Works Director, City Engineer, Principal Planner, and Subdivision Development Manager. That committee is who makes those recommendations to you on the final plats that appear on your Consent Docket.

6. Mr. Knotts – If the renewal process skips the Planning Commission, is there a public notice that would be connected to we have this plat? Mr. Floyd – No. Part of the thought behind that is, if the plat is not amended to such a state that it would feel like it needs to go back through the process, it essentially has been heard previously by the property owners and whomever in the area. Mr. Knotts – But you're taking a Pre-Development meeting out of this. We're talking about five years, and five years later it's going to be renewed to something. And that's an administrative decision. I have problems with that, but it seems to me that there should be some public notice in there that would notify – the curtain falls and time passes and the people that live around it – the development that's initially involved in the process that should have some ability to input in that renewal process I would think. Mr. Floyd – I will make note of that. Again, one of the things in the ordinance that is outlined is the plat can only be amended so much. It can only be changed a very little bit before – and if those changes are beyond that scope, then it does exactly that.

7. Mr. Knotts – I have problems with that, too. I'm not a lawyer, but I have seen "My Cousin Vinny" several times. I think we heard enough times from the non-City legal staff that "substantial" and "significant" are not definable and that's pretty wishy-washy and it just depends on who is on that committee or who is absent that day whether something is considered that it falls under needing to have a new process. Mr. Floyd – Again, we worked with the development community on this term. We have to leave a little flexibility in the

language for the experts and the developer, in some cases, to reach some sort of decision on this, and there may be times when a change is not substantial.

8. Mr. Knotts – I really have a problem with the ability for the Development Committee to approve administratively that renewal based on what seem to be not very clear criteria. "Substantial" twice; "significant" and we've had that argument from the development community, and so I think that's a problem.

9. Mr. Knotts – I don't have a problem with Item 8, trying to cohabitate or file, but it seems like Item 7 has some real problems in the language. Mr. Floyd – It came up in subcommittee as well and that's why we drafted that language as to what the staff could or could not approve. That was one of those wording changes that we allow in there again to try to give a little bit of flexibility to both the staff and the developer to try to work out – and there may be circumstances where that cannot be worked out.

10. Mr. Knotts – So here's my problem with that. We've been badgered quite a bit by the development community about trying to have some of this flexible language, and now we've put it into an ordinance that essentially helps the development community. I don't have a problem with them, but I think that we need to be as tight as possible in the ability to define these changes that trigger either the administrative process or a new process. I mean, it talks about "minor" and that's such a subjective decision. I'm kind of concerned about that.

11. Mr. Knotts – On 7-9, paragraph (g), close to the end, it says complying with ordinance "occurring from the date of first renewal" – I think that probably ought to be from "first approval". Mr. Floyd – I can ask Legal if there's a difference in the term. Mr. Knotts – If it's from the point of renewal, then there's a possibility that there's a gap of five years of changes that could be slipped by or not adhered to – seems to me. Mr. Floyd – Right. When we move forward to the final plat, those will have to be complied with. So there is that protection there. The preliminary plat is, again, a very important phase of the development process, but those things can also be worked out in the final plat when it moves forward.

12. Mr. Knotts – Then on 7-11, paragraph 21, first sentence – I know in new laws you try to update the language. I'm not really sure that we have "original tracing in black ink". It's obsolete language.

13. Ms. Pailes – You do have to note, of course, that this is a reduction in the role of the Planning Commission, and so Commissioners need to ponder how they feel about that. It's not much of a reduction, because approval of final plats is almost never held up, so it's not a great deal, but it is nonetheless a reduction in the small amount of advisory role that we have and needs to at least be noted, because, of course, the question is is the goal to eventually eliminate the Planning Commission? There is nothing written in stone about the City having a Planning Commission. A lot of them don't. A lot of them don't have citizen involvement at this particular context. That thought at least has to occur to you. Mr. Floyd – I just want to point out that the preliminary plat is still coming through here, and the way our development process works, the preliminary plat is very, very important to the development process. That's where a lot of the work is done and the decisions are first made, and when those changes were made in the development process in 2000, that was part of the change that those came forward to the Planning Commission. I would point that out, but I do understand what you're saying as well.

AUDIENCE PARTICIPATION:

1. Harold Heiple, 218 East Eufaula, representing the Norman Developers Council – Sean Rieger sent in an email earlier, I believe to the Chair, saying that he cannot be here tonight but the Homebuilders Association likewise supports, as do we, the recommendation for approval of both of these. I came to be very short and say we like your recommendation. But I appreciate

My Cousin Vinny raising all these points that he's concerned about, and I appreciate Ms. Pailes coming up with a concern about is it an erosion of Planning Commission responsibilities. Let me start out by saying to you that this has been vetted by all the players to a great extent – lots of conversation by the staff, by a City Council committee consisting of five Council members, and usually there were more than five at these meetings. There was considerable discussion. These things were tweaked and it came in over a period of time. It didn't just suddenly come off of somebody's pen at a desk in the staff room and come forward. So let me try to briefly touch on some of the concerns that you had.

First about notice. There's no requirement for a notice on a beginning preliminary plat. The notice requirement is with rezoning. Norman requires that if you're rezoning you must submit a preliminary plat with it. So that's why you see notice done because you see prelims and rezoning come together as a package to you. So there is notice at the inception before you approve a preliminary plat or send it forward you've had your public notice, you've had your public hearing, and people have attended.

Now, I really do appreciate the fact you recognize that over the years we were very concerned about ordinances that had "substantial compliance" or "minor changes" or "major changes" because of the subjectivity involved. As a matter of fact, that was a concern specifically of several members of the City Council – not wanting to get bogged down in that kind of subjectivity. We worked all through it and we took out a number of areas where that took place. In this one area we agreed that there is no way you can be so specific on what is a list of what is or is not minor or major that you could cover every possibility. We are leaving with the Director of Planning the decision-making as to is it minor or is it major, because if the Director of Planning says it's major then it's coming back to the Planning Commission. It's not the development community; it's the staff member who is responsible for implementing not only the ordinances in the community but the 2025 Plan so that giving that kind of subjective approval and flexibility to a staff member is not something that is at all likely to hurt the legitimate needs of the City of Norman. So you're not putting the fox in charge of the hen house when you're doing that. We feel very strongly that the language in these things has been vetted.

I can understand you look at particular sections and you think, well, I'd suggest changing white to caramel or some off color, but believe me it has been worked over and this business, for example, the $900 fee – recognize that might not be right and said bring it back if $900 turns out to be not the appropriate number – come back and do it; the flexibility is there. What we're trying to do is not to take away the powers of the Planning Commission. We're trying to reduce the undue time requirements imposed by Norman regulations on getting through the pipeline here. That's why we are the most expensive city in the state in which to develop – because of the time it takes. And by not coming back to you with a preliminary plat on an administrative extension is because the fact that it is not changed is something – and final approval of a preliminary belongs to the City Council, not to the Planning Commission, so the only thing you can do is make recommendations. If the Planning Director certifies that there has not been a change, then you really haven't been deprived of something. What you have done is say, thank you. You have saved us, as Planning Commissioners, the time of worrying on something that is just perfunctory and ministerial, because it really hasn't changed.

Let's go back to this idea about five years. Somebody says that if you can't build your project in five years, why include all this stuff? Because all of the requirements of the City for regional drainage solutions, as opposed to localized drainage solutions – all the requirements about transportation – master transportation plans – all the other requirements overall – general land use requirements that have developed within the last 10-15 years mean that the plats that are coming in now for subdivisions embrace many more acres – and these are 15 and 20 year projects. So the question becomes why, then, do you even preliminary plat something that's going to take you 20 years? And the reason is because the City of Norman requires that if I'm going to come in and final plat any part of a tract that I own, I must preliminary plat the entire tract. And there's a good, valid reason for that. And that's because, if I'm going to do a part of it, I've got to put a street in or streets someplace, but if that occupies only a portion of, let's say, a 40 or a 60 or a larger acre tract, then the City has got to see up front where is that street going

to come out on the other side – on the far end or on the sides. Because, as we develop, you know that we've got to provide – you can't just stub in and leave it there and not worry about what's going to happen when the rest of the thing develops. So that's why we have to preliminary plat every bit of the property. The old North Base – 585 acres when it was zoned – came in under one preliminary plat when there was absolutely no idea of what was going to happen out there from the inception. So these are things – these are legitimate requirements the City has had for years and we're not trying to get around those – they're good requirements – they're reasonable requirements. What we are saying is that there has been an awful lot of work put in on this in an effort to say that, really, we do need to streamline and we need to shorten the time in the pipeline in Norman, because time is money. If you're holding up – because you only meet once a month as a Planning Commission. We miss your deadline, another 30 days. If you're paying interest on a multi-hundred thousand dollar development loan, you're spending a whole lot of money just killing time. And we're not asking for things that require a legitimate analysis of land use for your recommendation to go forward. We're asking for things that are perfunctory and truly administrative to go straight on through and let's get 'em done so that we can proceed to turning out product that is on an equivalent costs basis to the ultimate consumer as our other neighboring communities afford to their consumers. With that, it really has been worked over. We owe a great deal of thanks to the staff, especially Terry Floyd who has coordinated this on behalf of the staff. They asked us for some starting points; we gave them. But, believe me, City Council members, staff members, development community – all have had considerable input in this. It doesn't come to you lightly. If something needs to be changed, the attitude is it will be changed, no problem. If that's out of date, that's no problem. That doesn't shut the process down. So please don't tweak the language. We'd respectively ask for you just to say this is a good deal to City Council. We recommend your approval. Thank you.

2. Chairman Lewis – In your opinion, have all vested parties had a chance to come to the table in actually producing this document that we have in front of us. Mr. Heiple – The builders and the developers certainly have. Staff will have to speak for itself, but can't think of any staff members who are typically in the game that haven't been participating in this. But Susan can speak better than I can as far as staff participation. And I can promise you that a majority of the City Council has been involved. Ms. Connors – These are primarily changes that affect Public Works and Planning Departments, and certainly those two departments as well as the City Manager's department have been very actively involved in this. And the Legal Department.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Gasaway – I'll just say I think these are some outstanding changes and I'm glad that we're able to streamline the process a little bit and congratulations to the staff and the development community on a good workout.

Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-32 to the City Council. Cindy Gordon seconded the motion.

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

YEAS	Roberta Pailes, Cindy Gordon, Andy Sherrer, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-32 to City Council, passed by a vote of 7-0.

2. Ms. Pailes – One can't help note the irony that, if we're extending the time period for plat to five years, that suddenly there is deep concern about 30 days. One can't help note the irony there. Item 8 is about time and the whole point that when this was developed time was the critical element and time between the two – Pre-Development and the Planning Commission – was of the essence. It came about roughly from some comments by Mr. Heiple that when a plan was before Planning Commission a lot of time, effort and money had already gone into it and to disapprove a plan at that point was really quite a disservice to the development community because so much time and effort had already gone into it. At that point a citizen asked him, well, when is the time to discuss it, if the Planning Commission is too late to discuss it because of the amount of time and effort gone into a plan – when is the time to discuss it and to be critical – because, perhaps, not every development is a perfect match for the neighborhood and that community? Eventually, the response to that was that a Pre-Development meeting was the time to discuss it, before it moves forward to Planning. But you require time in between there. In the Pre-Development meeting, in a way, it raises the flag early for developers and lets developers know that there is a difficulty early in the process before it gets to Planning. It also allows a neighborhood to coalesce and develop an opinion. Everybody has got stuff to do. It takes up a lot of a neighborhood to organize around an issue. They can't do it immediately. To deprive a neighborhood of sufficient time to organize and present their ideas between the Pre-Development meeting and the Planning Commission would be a disservice. The Pre-Development meetings actually have worked. Issues have come up. The developers have decided to accommodate the issues – to change or not – but, in any case, they were well aware, then, of what the issues were. But if they are going to accommodate, they need some time to do this – time to negotiate, time to get back with architects, time to ponder some changes. If they rush straight forward to Planning Commission, they're going to be disinclined to negotiate, to change, to alter things that have been upsetting to the neighborhood or the community. In other words, I think this basically takes all the force and good out of the Pre-Development meetings, because it collapses the time and time is what it's about. The Pre-Development meetings are a time when there can be an effective avenue for citizen input. Shorten the times shortens their effectiveness for citizen input. They can be a great venue for actual transparency, since they're face-to-face meetings. Now, everybody elected in Norman says that their goals are transparency and citizen input, and this is actually something that functions to further both of those goals. So I would definitely vote against this, because, as I said, the space of time between Pre-Development and Planning is necessary to the function of the Pre-Development meeting.

3. Mr. Heiple – Those are legitimate questions. Let me say that, in the preliminary discussions since we've had experience with Pre-Development meetings, as this came up one suggestion was made let's just do away with the Pre-Development meetings. The immediate response among the development group at that time was no. The Pre-Development meetings have turned out to be helpful. No question about it. There is no effort to do that. Here's the problem. You ask for time. If I'm going to proceed under the present thing, I have to file by about the 6th of the month in order to get on a Pre-Development meeting in the 4th Thursday of the month. Let's take February. I'd have to file early in February to get on the February meeting. Under the rules, I can't even apply for Planning Commission – I can't even apply for rezoning until after that meeting. That means I can't get on the March Planning Commission docket, which is three weeks after the meeting – three weeks. I have to go clear to April. Now, what we have found is that, if there is a good distribution of what the applicant proposes to do, and it's suggested in here it will be mailed out with both map copies as well as the text of what the proposal is – it's a whole lot better than what the actual instructions and requirements are today, because when Massie drew up these things – requirements for a Pre-Development meeting – he not only put draconian requirements and expensive requirements on there about what you had to come in with, that just damn near equaled the expenses that had to be made in bringing in a preliminary plat. We pointed that out to them, and there was the same thing that said lawyers can't speak up for applicants at a Pre-Development meeting. And Mr. Massie and I had a

closed door session about that and I said we're not going to be coming in with something that complies with the preliminary plat and if a client of mine wants me to speak at a Pre-Development meeting, I'll be speaking so understand that and if we're going to have a problem about that – well, that didn't become a problem, and it's been pretty informal in terms of those sort of allowances. But the existing regulations that are on there are overly restrictive, so that's what we're trying to do is get out of there. Now, under what's before you now, you apply for the Pre-Development meeting. The notice is sent – you're still on the same timeframe as far as scheduling Pre-Development meeting. You have that Pre-Development meeting on the 4th Thursday of the month. You meet on the 2nd Thursday of the next month, which is some three weeks later. So the public has been brought in. They've had their 15 – 10 – 20 – 15 day notice – whatever it is. They've had a notice about it and they can come in to that Pre-Development meeting, which has been very beneficial in the opinion of those who have actually participated in Pre-Development meetings – and the actual experience has been that there have been comments made which can be adjusted on the fly. In today's computer-aided plan drawing it's not that tough to make changes in preliminary plats that are started out. It allows us, then, to find out if there is something that needs to be changed, or if there's something that's going to be objected to at the Planning Commission and subsequently at the City Council, and make a value judgment about whether to try to accommodate it or to try to design around it, or whatever. But, in terms of actual practice and actual fact, we're not taking away the notice. We're not taking away the opportunity. We don't want to take away the opportunity for them to be heard. We want them to have that. We just don't want to be put into the deep freeze for an unnecessary extra month delay on something that can be expressed – if you can't make up your mind within 15 to 20 days as to whether or not you like something that's proposed for your neighborhood, then I'm sorry but you're not entitled to another month. So we don't need to give the public an extra month for that. We're certainly not trying to do away with the Pre-Development meeting. Thank you.

4. Chairman Lewis – I think what we have before us in the ordinance amendments – No. 7 and No. 8 – are an extraordinary effort between all parties – builders, developers, Council members, staff – in coming together and making something that actually meets the needs of everyone.

Andy Sherrer moved to recommend adoption of Ordinance No. O-1213-31 to the City Council. Sandy Bahan seconded the motion.

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

YEAS	Cindy Gordon, Andy Sherrer, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	Roberta Pailes
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-32 to City Council, passed by a vote of 6-1.

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Item No. 9, being:
MISCELLANEOUS DISCUSSION
None

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Item No. 10, being:
ADJOURNMENT
There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 7:34 p.m.

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Norman Planning Commission