

CITY COUNCIL  
PLANNING AND COMMUNITY DEVELOPMENT  
COMMITTEE MINUTES  
May 13, 2011

The City Council Planning and Community Development Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:00 a.m. in the Conference Room on the 13th day of May, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Cubberley, Griffith, and  
Chairman Butler

ABSENT: None

OTHERS PRESENT: Mayor Cindy Rosenthal  
Mr. Tom Knotts, Planning Commission Liaison  
Councilmember-Elect Roger Gallagher  
Ms. Susan Connors, Planning and Community  
Development Director  
Mr. Ken Danner, Development Manager  
Mr. Bob Hanger, Storm Water Engineer  
Mr. Steve Lewis, City Manager  
Ms. Leah Messner, Assistant City Attorney  
Mr. Shawn O'Leary, Director of Public Works  
Mr. Wayne Stenis, Planner II  
Ms. Syndi Runyon, Administrative Technician  
Ms. Aissata Cisse, University of Oklahoma Student  
Mr. Brendan Furneaz, University of Oklahoma  
Teaching Assistant  
Dr. Robert Nairn, University of Oklahoma Professor  
Ms. Bridgett Neighbors, University of Oklahoma Student  
Mr. Derek Reid, University of Oklahoma Student  
Mr. Sean Rieger, Attorney for Builders Association of South  
Central Oklahoma  
Ms. Nicole Rowlette, University of Oklahoma Student  
Ms. Katherine Ryan, University of Oklahoma Student

PRESENTATION FROM THE UNIVERSITY OF OKLAHOMA SCHOOL OF CIVIL ENGINEERING AND ENVIRONMENTAL SCIENCE CAPSTONE 2011 PROJECT – DEERFIELD/NORTHERN HILLS STORM WATER DETENTION STRUCTURE REDESIGN.

Dr. Robert Nairn, University of Oklahoma School of Civil Engineering and Environmental Science Professor, said today's presentation highlights the Capstone 2011 Project, regarding the Deerfield/Northern Hills (D/NH) Stormwater Detention Structure Redesign. He said the D/NH retention/detention structure is currently not meeting the needs of the community and has many problems that need to be addressed. Dr. Nairn said his Capstone 2011 students took approximately a semester trying to understand the issues and develop design solutions which were presented to the D/NH Homeowners Association (HOA) last week. He thanked the D/NH HOA for the opportunity to work on the project and introduced Mr. Derek Reid, Civil Engineer Team Leader, University of Oklahoma Student, who provided the report.

Mr. Reid thanked the Planning and Community Development Committee (PCDC) for allowing the 2011 Capstone students, also known as Red River Engineering (RRE) to share today's presentation. He introduced the RRE team and said the presentation will discuss D/NH background, objectives for the project, data collection methods, five design alternatives, and a preferred alternative.

Mr. Reid said the project site is one of two of the D/NH development's stormwater management structures and access to the detention/retention pond is from Deer Chase Circle. The project site includes the detention/retention structure and the drainage area on Deer Chase Circle which is currently maintained by the D/NH HOA. The detention/retention structure was designed to meet City stormwater management requirements and was intended to be an aesthetically pleasing pond.

Mr. Reid said the current conditions of the detention/retention structure is not aesthetically pleasing; partially filled with sediment; fenced for safety reasons; and has extensive cattail coverage. He said there were several issues RRE needed to address; the pond, erosion, sedimentation, weedy vegetation, and nuisance wildlife. Mayor Rosenthal asked what safety reasons led to fencing around the pond and Mr. Reid said even though there is very little water in the pond there was a lot of muck present. He said D/NH homeowners indicated someone had gotten trapped in the muck and felt installing a fence would prevent further problems.

Mr. Reid said RRE discussed two objectives; evaluate existing structure which would include hydraulic functioning, ability to hold water, detention capacity, and existing vegetation and/or re-design the structure by incorporating best management practices (BMPs), meeting Norman's stormwater requirements, and improving water quality.

Mr. Reid highlighted the data collection process and said the topographical survey showed about 1,200 cubic yards of sediment equaling 530 standard pick-up bed loads. Mayor Rosenthal asked RRE what they determined was the primary source of the sediment and Mr. Reid said RRE's best guess that it was due to construction in the area.

Next a biological survey was performed to identify current vegetation and determine an estimate cost to remove unwanted vegetation. The survey revealed that cattails covered 75% of the pond and several species of trees; 134 Willows, 60 Cottonwood, 8 Maple, 2 Sycamore, and 1 Bald Cypress.

A Natural Resources Conservation Service (NRCS) web soil survey was conducted to identify native soil types and ascertain whether they are pervious or impervious. The NRCS soil survey also assessed the detention/retention structure's ability to hold water and whether there was a presence of a liner. The results confirmed no liner was present, two native soil types, i.e., Norge-Ashport complex (93%); Grant-Huska series (7%); and drainage rates of 0.2 to 2 inches per hour, which are not suitable for retention ponds.

Mr. Reid said the hydrologic and hydraulic modeling design criteria including post-development discharge cannot exceed pre-development runoff and the model needed to be for storm events up to and including 100 year frequency (24 hour duration). The modeling also determined maximum water surface elevation.

Mr. Reid presented five design alternatives with cost estimates and detailed reports for each. He noted the cost estimates are for earth work *only* and are as follows:

1. Grass Channel – Retention Pond - \$90,000: Grass channel will have trees that will allow slow runoff velocity to prevent erosion, reduce water velocity from inflows, promote infiltration, improve water quality, and is usually dry, thus good for multiple uses. The retention pond will be aesthetically pleasing, require a liner, and will hold water year-round.
2. Retention Pond – Vegetated Swale – Detention Structure - \$60,000: Retention pond will be aesthetically pleasing, require a liner, holds water year-round, and will remove sediment. The vegetated swale reduces water velocity, promotes infiltration, and improves water quality and the detention structure will help control stormwater, i.e., standing water during large storms, etc., and is usually dry therefore does not require a liner and is good for multiple uses such as recreation.
3. Bioretention Cell – Grass Channel – Retention Pond - \$120,000: The bioretention cell will be aesthetically pleasing and planted with native vegetation; reduce runoff velocity from inflows; infiltrate runoff; and improve water quality. The grass cell reduces water velocity, promotes infiltration, improves water quality; and is usually dry which is good for multiple uses such as recreation. The retention pond is a little larger than the other designs, will be aesthetically pleasing, require a liner, and will hold water year-round.

4. Refurbish Original Design - \$171,000: Dredge structure, install liner, plant non-invasive vegetation, and add riprap to prevent erosion.

Mr. Reid said the fifth alternative was to do nothing which would result in the current problems getting worse, trees eventually falling, and the long-term costs would be unknown.

RRE considered 10 categories to decide the preferred design alternative; capital costs; operation and maintenance requirements; aesthetics; acceptability (by the HOA); practicability; accessibility/multi-use; water quality; water quantity; ecological function/habitat value; and property value. RRE ranked the categories based on importance and scored design alternatives in each category. RRE then multiplied design alternative scores by category importance factors and summed the scores. Design alternative (#2) for retention pond/vegetative swale/detention structure had the highest total score (395) and was determined to be the preferred/best alternative.

Mayor Rosenthal asked how old the detention/retention structure is at D/NH and when did it start to fail. Mr. O'Leary said the structure is approximately 10 to 11 years old and concerns began to surface about five or six years ago. Councilmember Cubberley asked about the D/NH HOA's reaction to RRE's presentation and preferred alternative for the redesign and Mr. Reid felt they were very excited. Councilmember Cubberley asked if the D/NH developer was still involved and Mr. Shawn O'Leary, Director of Public Works, said the HOA took over the responsibility of maintaining the detention/retention structure several years ago. Mr. O'Leary said Staff has been working with the D/NH HOA to address the detention/retention issues for several years and most recently (last year) when the discharge structure became completely obstructed. He said water was at the top of the bank for months and concerns that the levy would fail during the rainfall season was great, but the HOA was responsive and took care of the issue.

Councilmember Cubberley asked if City Code required the D/NH detention/retention structure to have a liner and Mr. Bob Hanger, Storm Water Engineer, said no the structure was built strictly as a storm water control structure. He said the developer and engineer for D/NH mentioned to City Staff the structure was never intended to be aesthetically pleasing, that instead it was constructed to only be a storm water control structure. Mr. Hanger said the structure did what it was designed to do; however, beavers plugged the discharge structure causing the dam to nearly overflow. Councilmember Cubberley felt the beavers were not the only issue and construction erosion in the area also played a role in plugging up the discharge structure. Mr. Hanger said it is very difficult task to completely control erosion from construction sites.

Councilmember Butler asked RRE if future maintenance and rates of sedimentation were studied and Mr. Reid said the team did not analyze future maintenance specifically, but instead took into consideration how much maintenance might be required for each of the alternatives presented today.

Mayor Rosenthal said Council will consider proposed Storm Water Master Plan (SWMP) and Water Quality Protection Zone (WQPZ) ordinances in the future and asked Staff if the Low Impact Development Design Standards from the North Texas Council of Governments, which will be accompanying the proposed SWMP and WZPZ ordinances, addresses liners for retention ponds and Mr. Hanger said yes it will provide more detail and better design guidelines.

Mr. Hanger mentioned since the D/NH detention/retention drains into Lake Thunderbird, he sent RRE's presentation to Oklahoma Conservation Commission (OCC) to obtain any grant funding to help with the project. Councilmember Atkins asked if an OCC grant could be used for a private structure and Mr. O'Leary said the D/NH drainage/retention structure is a public drainage system, therefore it could be considered for grant funding.

Items submitted for record

1. 2011 University of Oklahoma School of Civil Engineering and Environmental Science Capstone 2011, Red River Engineering, Deerfield/Northern Hills Stormwater Detention Structure Redesign
2. PowerPoint presentation entitled "Deerfield/Northern Hills Stormwater Detention Structure Redesign," presented by the University of Oklahoma School of Civil Engineering and Environmental Science Capstone 2011 – Red River Engineering

## DISCUSSION REGARDING CURRENT PROCEDURES FOR NORMAN 2025 LAND USE PLAN AMENDMENTS.

Ms. Susan Connors, Planning and Community Development Director, said the Norman 2025 Land Use and Transportation Plan (2025 LUP) was adopted in November 2004, and Section V, Plan Administration and Amendment, discusses amendment procedures and guidelines. She said there are three primary types of amendments:

- Land Use Designation Changes: office land use designation to commercial, industrial to residential, etc.
- Changes to Functional Classification of Roadways: collector roadways to major arterials, etc.
- Growth Area Boundary Changes: future urban service area to current urban service area, etc.

Ms. Connors said when the 2025 LUP was submitted for adoption in 2004 it included language that allowed amendments only four times per year, however the language was amended at the time of adoption to allow amendments to be applied for at any time and can be initiated by any citizen of Norman, the Planning Commission (PC), or Council. She said no criteria currently exists in the 2025 LUP regarding major and minor amendments, however there is language which indicates that major amendments may require greater than 30 days review time by Staff prior to being considered by the PC.

Plan amendments are almost always accompanied by other requests such as a zone change or subdivision plat and Staff provides a complete analysis of the entire development, along with impacts on the surrounding area for the public hearing process. Ms. Connors distributed a list of the 2025 LUP amendment applications from 2007 to present.

Ms. Connors said there is a provision in the 2025 LUP which, in order to promote better design, allows land that lies in more than a single growth area to have the total maximum density distributed throughout the development based upon the average density for the entire parcel.

Staff researched other communities to determine how amendments are processed and found cities and towns in Arizona and Florida appear to have the most rigid processes partially because of state law requirements. Ms. Connors said some consistencies were found and identified as follows:

### MAJOR AMENDMENTS:

- The acreage of a parcel, i.e., for instance when a parcel is over 20 acres
- The amount of density in the development, i.e., if overall density exceeds 10 dwelling units per acre
- Changes to areas identified for open space
- Changes in the goals, policies and objections of the plan
- Changes in land use from one category to another
- A text amendment that changes the use, density or intensity of a land use category
- Large changes to a growth boundary

Major plan amendments are usually only considered between one and four times a year and Arizona requires a minimum of two public hearings of the PC, i.e., a remote hearing (occurring close to the property in question and away from City Hall) and a regular hearing. Recommendations made by the PC are conveyed to Council for another public hearing and approval of a major amendment requires an affirmative vote of at least two-thirds of the Council members.

MINOR AMENDMENTS: Minor changes are usually accepted at any time and processed through the usual development review process.

- Minor amendments are all those that do not fall under the criteria for a major amendment
- Small acreage changes with a cap of total acreage changes in one year
- Change in a street standard from what is identified in the plan
- A minor adjustment to a growth boundary based on survey information

The Norman 2025 LUP is a document the City can amend to meet changing conditions, and there are criteria identified for amending the 2025 LUP. Amendments are one of the factors that contribute to the 2025 LUP's

success in guiding the City's growth and development. She felt Norman's choice to allow amendments at any time has not led to inappropriate growth and the 2025 LUP anticipated growth in certain areas, such as the northwest. She also felt allowing amendments provided a review mechanism of growth boundary changes requiring Council to approve the timing of development.

Ms. Connors said there are many competing goals and policies in the 2025 LUP and some are more important than others depending on the circumstances associated with a specific application. She said Council can attach different weights to different criteria on a case-by-case basis and Council's decision on an amendment will reflect the different emphasis it places on different criteria. This at times can be controversial; however, all the benefits or drawbacks are weighed in the decision-making process.

Two existing Land Use Designation change criteria are as follows:

1. There has been a change in circumstances resulting from development of properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest, i.e., in many instances residential development will identify a street as a collector street, but if the collector street becomes major arterial it would be considered a changed condition that identifies a shift in what the development pattern might be along that particular street; and
2. There is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity, i.e., as development takes place a shift in traffic can occur, perhaps more than was anticipated.

Other criteria that could be added include:

1. Is the proposed amendment supported by or consistent with the goals and policies of the plan?
2. Are the assumptions upon which the 2025 LUP is no longer valid, or is new information available that has not been considered since the adoption of the 2025 LUP?
3. How does the proposed amendment meet a definable public need?
4. Would the proposed amendment create pressure to change the land use designation of other properties? If so, is the change of land use designation for other properties in the best long-term interest of the community?
5. Is or will there be appropriate infrastructure to service the property in question as it develop?

Councilmember Atkins said he had concerns about the Tanglewood Addition, a Planned Unit Development (PUD), specifically the requirement (in the 2025 LUP) for a common water system in suburban residential, which was not proposed in the PUD to Council. He felt a 2025 LUP amendment should have accompanied the development and this brought up the question of what criteria actually triggers a 2025 LUP amendment/change. Councilmember Atkins felt the easiest solution would be to have the developer indicate if the proposed development *does* or *does not* meet the 2025 LUP and justification of why or why not, during the development process, but before the PC meeting, i.e., similar to the Greenbelt Enhancement Statement.

Ms. Connors said Staff looks at the 2025 LUP for each proposed development to determine whether it is generally in compliance with the goals and policies of the 2025 LUP, but not all goals and policies are always going to be relevant to each and every proposed development. She said if that scenario presented itself through the review and decision-making process, Staff provides information that identifies pertinent criteria was weighed carefully. Ms. Connors said in reference to the Tanglewood Addition, the subdivision was not an *absolute* because the proposed addition was in two growth boundary areas, but Staff used the knowledge available to identify a workable solution to proceed with the subdivision. Mayor Rosenthal asked if Councilmember Atkins felt that the other criteria item No. 5 should be eliminated and Councilmember Atkins felt a statement from the developer stating the subdivision met the 2025 LUP was needed.

Mayor Rosenthal said the 2025 LUP is intended to be flexible and felt the other criteria item No. 2 looks backward and not forward. She said other criteria item No. 4 was very important and should be added and Councilmember Butler agreed.

Councilmember Atkins said Staff should begin working/updating the 2030 LUP and Ms. Connors asked Council if they wanted today's amendments added to the 2025 LUP or would they rather have the amendments included as additional criteria outside the 2025 LUP. Mayor Rosenthal said formal action in the form of a resolution would need to be taken and stated resolutions are policy guidance.

Mr. Steve Lewis, City Manager, asked Councilmember Atkins if he envisioned a checkbox format (on the application) so the developers could indicate whether the proposed development *does* or *does not* meet the 2025 LUP and Councilmember Atkins said yes and indicated as well on the Staff report.

Items submitted for record

1. Memorandum dated May 13, 2011, from Ms. Susan Connors, Director of Planning and Community Development, to Chairman and Members, Planning and Community Development Committee
2. VI: Plan Administration and Amendment of the Norman 2025 Land Use and Transportation Plan
3. Table of Requests dated June 14, 2007, to present for the Norman 2025 Land Use and Transportation Amendments, Planning Commission Action, and City Council Action

The meeting adjourned at 8:50 a.m.

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City Clerk

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Mayor