

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

FEBRUARY 10, 2011

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 10th day of February 2011. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Jim Gasaway called the meeting to order at 6:30 p.m.

Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Cynthia Gordon
Diana Hartley
Tom Knotts
Chris Lewis
Andy Sherrer
Jim Gasaway
Zev Trachtenberg

MEMBERS ABSENT

Curtis McCarty
Roberta Pailles

A quorum was present.

STAFF MEMBERS PRESENT

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

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Item No. 2, being:

CONSENT DOCKET

Chairman Gasaway announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE JANUARY 13, 2011 REGULAR SESSION MINUTES

Item No. 4, being:

COS-1011-6 – CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY LARRY BOWEN FOR OAKMEADOWS, GENERALLY LOCATED AT THE NORTHEAST CORNER OF 120TH AVENUE S.E. AND LINDSEY STREET.

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Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked whether anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Diana Hartley moved to place approval of Item Nos. 3 and 4 on the Consent Docket and approve by one unanimous vote. Chris Lewis seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 and 4 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 13, 2011 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:

COS-1011-6 – CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY LARRY BOWEN FOR OAKMEADOWS, GENERALLY LOCATED AT THE NORTHEAST CORNER OF 120TH AVENUE S.E. AND LINDSEY STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Rural Certificate of Survey
3. Staff Report
4. Request for Variance to the Frontage Requirement for Tract 4
5. Pre-Development Summary
6. Greenbelt Commission Comments
7. Greenbelt Enhancement Statement

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

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Item No. 5, being:

CONSIDERATION OF A REQUEST SUBMITTED BY 2681 JEFFERSON STREET HOLDINGS, L.L.C., FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).

5a. RESOLUTION NO. R-1011-82

2681 JEFFERSON STREET HOLDINGS, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-5) FROM COMMERCIAL DESIGNATION TO HIGH-DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Pre-Development Summary
4. Greenbelt Commission Comments
5. Greenbelt Enhancement Statement

5b. ORDINANCE NO. O-1011-41

2681 JEFFERSON STREET HOLDINGS, L.L.C., REQUESTS REZONING FROM C-2, GENERAL COMMERCIAL DISTRICT, TO RM-6, MEDIUM DENSITY APARTMENT DISTRICT, FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that this project includes a Land Use Plan amendment, because they are changing the designation from commercial to high-density residential, and rezoning from C-2 to RM-6. The property is already developed and platted, so no platting is involved with this request. The entire tract will be designated for high-density residential use. Part of the property is still zoned multi-family from many years ago. The property was originally developed as an extended-stay hotel. It was subsequently purchased by Marriott, who has operated it that way. They are now interested in selling the property and the proposed owner would like to operate it as apartments, which would not be allowed under the existing commercial zoning. The property abuts Highway 9 and I-35. Further east are other commercial uses. To the south, immediately across the street, is multi-family zoning. There were no filed protests on this request. The buildings are existing and will not change, other than how they function.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – He was available to answer any questions. There are no planned improvements to this project. It is simply a change of use to accommodate a buyer.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Zev Trachtenberg moved to recommend adoption of Resolution No. R-1011-82 and Ordinance No. O-1011-41, the Site Development Plan and accompanying documentation, to the City Council. Andy Sherrer seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution NO. R-1011-82 and Ordinance No. O-1011-41, the Site Development Plan and accompanying documentation, to the City Council, passed by a vote of 7-0.

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Item No. 6, being:

CONSIDERATION OF A REQUEST SUBMITTED BY FOXWORTH DEVELOPERS, L.L.C., FOR PROPERTY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

6a. RESOLUTION NO. R-1011-83

FOXWORTH DEVELOPERS, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-6) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR THE ENTIRE PROPERTY AND FROM LOW DENSITY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR TRACT 1, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

6b. ORDINANCE NO. O-1011-42

FOXWORTH DEVELOPERS, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR TRACT 2 AND FROM A-2, RURAL AGRICULTURAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR TRACT 1, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative
4. Gateway Park and Trails Conceptual Design

6c. PP-1011-10

CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY FOXWORTH DEVELOPERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOXWORTH ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan (Commercial)
6. Phasing Plan
7. Open Space Exhibit
8. Request for Alley Waiver (Commercial)
9. Gateway Park and Trails Conceptual Design
10. Greenbelt Commission Comments
11. Greenbelt Enhancement Statement
12. Pre-Development Summary

PRESENTATION BY STAFF:

1. Mr. Kosciński indicated that his presentation would consider these items, as well as the next set of items, because they were designed together. The tract started as an 80-acre tract, but the two projects have separate owners. The design is integrated

between the two projects. The whole area is currently designated for Future Urban Service Area, and the request is to change it to Current Urban Service Area because sewer lines and water lines are being extended to this area. These are the next two pieces as developers in this area are making preliminary designs to use the sewer lines that are being extended into this area. One engineer has been successful in integrating all of these project designs. Foxworth is requesting PUD zoning on the residential uses and C-2 for the commercial corner. The tract is largely vacant and is at the northwest edge of Norman. It has been farmed as a field and is relatively flat. North of the tract is Moore and west of the tract is Oklahoma City. Redlands Addition abuts the property on the east. Staff is supportive of the commercial area, because as this area grows and develops with residential uses, there will be some demand for commercial services. There is similar commercial zoning on the south side in the J&J Addition. The applicant is trying to minimize the roads in the commercial area and integrate the design. The PUD approach has reduced setbacks with a lot of open space. Whispering Trails does the same thing, except their density is a little bit higher, and it is a residential use only. Staff supported both applications, the commercial, the Plan changes, and the integration of the projects. This will allow pedestrian movement through the subdivision, through Redlands, ultimately to a new very large neighborhood park further east. The Greenbelt Commission commented on the park. There were no filed protests on either application.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – There are four or more developers working together in this area of Norman: J&J Properties to the south, Foxworth, Whispering Trails, Redlands, and further to the east is an area owned by other developers that is in the works and will integrate with these developments. The north piece of this proposal is residential. It is a Planned Unit Development with a large interior open space that comes right off the entry. To the south is the commercial corner. The streets connect from Foxworth to Whispering Trails. The open space across the north of the property connects to a corner open space area that connects to open space in Whispering Trails. There will be landscaping throughout the open spaces. The commercial corner is at Indian Hills and 48th Avenue N.W. The entry to the commercial area will align with the entry to J&J Properties, and some of the same concepts will be used in the development, bringing the buildings right up to the street with some parallel parking and restrictive covenants that govern how the sites and buildings will be developed, so it is coordinated between the different parcels. The park is four or five developers coming together to create a Gateway Park at the northern point of Norman. The park is an off-site solution expanding over to 36th Avenue N.W. where you can connect with Legacy Trail to the south. The Greenbelt Commission was excited about this, and the Parks Board was also excited about this proposal.

2. Mr. Trachtenberg asked about the Proposed Outer Loop with relation to these projects. Mr. Kosciński responded that the current long range plan shows a continuation of what was supposed to be the Outer Loop across the entire northern tier of Norman. Redlands was previously approved with the stipulation that they could not develop that area until that issue is dealt with by the City. It is a region-wide issue that is currently working its way through the process. We do not have an answer. The first phase of Foxworth is shown in the Outer Loop area; staff's recommendation is that development cannot occur until the Plan has been dealt with. Everyone is under the

assumption that the Outer Loop alignment will go away, but no development can occur in the northern area (approximately 700') until it does. The Whispering Trails tract just barely touches the Outer Loop, but is not impacted by it. Mr. Rieger added that there is a brand new residential development in Oklahoma City on the west side of 48th Avenue where the alignment would go through. He does not believe that Oklahoma City would allow the alignment as currently shown.

3. Mr. Trachtenberg asked for clarification of the location for Gateway Park. Mr. Rieger explained that Redlands is the property to the east of Foxworth and Whispering Trails. The open space piece on the west of Gateway Park is the northeast corner of Redlands. The park goes east from there along the northern city limit to 36th Avenue N.W. and continues on the east side of 36th Avenue to I-35. The property for the park will be purchased by several developers and be dedicated to the City as park.

4. Mr. Trachtenberg asked why there is a separation between the commercial area and the neighborhoods. If he lived just across the property line from the commercial area, he would probably have to get in his car and drive north to get to Foxworth to drive down 48th to the commercial area, or drive east and down to Indian Hills. Mr. Rieger said they think there is connectivity through the sidewalk system and that is adequate.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend adoption of Resolution No. R-1011-83, Ordinance No. O-1011-42, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for FOXWORTH ADDITION, with an alley waiver for the commercial area, to the City Council. Diana Hartley seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-83, Ordinance No. O-1011-42, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for FOXWORTH ADDITION, with an alley waiver for the commercial area, to the City Council, passed by a vote of 7-0.

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Item No. 7, being:

CONSIDERATION OF A REQUEST SUBMITTED BY SHAZ INVESTMENT GROUP, L.L.C., FOR PROPERTY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

7a. RESOLUTION NO. R-1011-84

SHAZ INVESTMENT GROUP, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-7) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Pre-Development Summary

7b. ORDINANCE NO. O-1011-43

SHAZ INVESTMENT GROUP, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative
4. Gateway Park and Trails Conceptual Design

7c. PP-1011-11

CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHAZ INVESTMENT GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WHISPERING TRAILS ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Phasing Plan
6. Open Space Exhibit
7. Typical Site Plan
8. Gateway Park and Trails Conceptual Design
9. Greenbelt Commission Comments
10. Greenbelt Enhancement Statement
12. Pre-Development Summary

PRESENTATION BY STAFF:

1. Mr. Kosciński pointed out that these are much smaller lots than those in Foxworth Addition. There is about 10% private open space, but they will be contributing to the off-site areawide neighborhood park. The site plan shows lots that are 40' by 100' which limits the amount of on-street parking. They have show driveways in pairs of two, which allows for some on-street parking; if they do not control their driveways that way

there will essentially be no on-street parking and guest parking will be limited to what will fit in the driveway. Staff supports the request. This will allow a variety of house sizes within this area, with a mixture of prices and styles.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – Whispering Trails is connected to the Foxworth project. It is a low-density residential development. It is currently Future Urban Service Area with a request to change to Current Urban Service Area with sewer service coming to this area of Norman. This particular addition is all residential and does not have a commercial component. Existing zoning is agricultural. There are currently no structures on the property. This addition integrates with Foxworth Addition and has one boulevard entry off 48th Avenue N.W. with a median and one entry off of Indian Hills Road with a significant setback from the road. There will be commercial to the west of that entry, and offices to the east, so the wide setback will give a nice entry point into the residential area that sits back from the road. There are open spaces throughout the addition. Foxworth had an open space at the southeastern corner, and this addition has an open space at the northeastern corner abutting that space. There is a ball field shown in the central open space of this addition. The lot design will accommodate on-street parking. This has the same off-site park solution as Foxworth Addition. Staff recommends approval. The Parks Board and Greenbelt Commission support it. No one attended the second Pre-Development meeting, and no protests have been filed. He provided a photo of an existing development by this developer in the Oklahoma City area where this format worked and provided enough space for parking. The goal is that all of these developments will have a different product type. J&J Properties has some very large lots. The developers appreciate the variety of sizes and styles in this area.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Andy Sherrer moved to recommend adoption of Resolution No. R-1011-84, Ordinance No. O-1011-43, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for WHISPERING TRAILS ADDITION, to the City Council. Chris Lewis seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-84, Ordinance No. O-1011-43, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for WHISPERING TRAILS ADDITION, to the City Council, passed by a vote of 7-0.

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Item No. 8, being:

ORDINANCE NO. O-1011-44

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 431.6 (COMMERCIAL OUTDOOR LIGHTING STANDARDS), AND AMENDING SECTION 431.7 (DEVELOPMENT AND MAINTENANCE OF OFF STREET PARKING FACILITIES), AND SECTION 450 (DEFINITIONS) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO CREATE COMMERCIAL OUTDOOR LIGHTING STANDARDS AND ADDING RELATED DEFINITIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Annotated Ordinance No. O-1011-44

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that the Planning Commission has worked on this project for a year. The ordinance contains the sections and provisions that the Commission selected for inclusion at their public meeting in December. Under Section 3, Applicability, there was a comment received from Mr. Heiple about exempting public buildings, which was not the intent. So 3(c)(11) should be amended to delete "and public buildings". The intent of that paragraph is to talk about lighting on monuments such as bridges and statues. Public buildings would have to comply with these standards, which is stated earlier in the ordinance. Another comment was regarding the phrase "lighting engineer" which is an inappropriate phrase. There are engineers who do lighting, but they are not lighting engineers. Staff recommends that the phrase "lighting engineer" be changed to "professional engineer" in 5(b)(1) and changed from "registered lighting or electrical engineer" to "registered professional engineer" in 5(e).

2. Mr. Trachtenberg pointed out that the phrase "lighting engineer" also occurs in 5(b)(4). Mr. Koscinski indicated it should also be amended in that location.

3. Mr. Koscinski noted that a question was raised about section 4(a)(2), General Outdoor Lighting Standards. The paragraph currently says that if your light is damaged you can replace it without full compliance with this ordinance. It was suggested that language is not clear enough. Staff is recommending that the paragraph be amended to read: "Individual existing fixtures may be repaired or replaced with an identical fixture or with a then-available fixture that most nearly duplicates the fixture being replaced. Ordinary maintenance of existing fixtures, including replacement of lamps, is specifically allowed provided the new lamps are not increased in lumens. If existing fixtures are removed in order to upgrade, redesign, or reconfigure the lighting design on the property, then such fixtures must conform to the requirements of the Outdoor Lighting Standards."

4. Ms. Connors explained that these amendments, except the first one regarding public buildings, are based on comments that staff received from people who attended the Open House on February 7.

PRESENTATION BY THE AUDIENCE:

1. Harold Heiple, 218 East Eufaula, representing the Norman Developers Council – Last December, Sean Rieger and I submitted a compromise ordinance to the Planning

Commission and at that time four members of the Planning Commission wanted to recommend our compromise to the City Council, but five members of the Planning Commission asked the staff to bring back an ordinance with specific provisions designated by the five, and some of those provisions which have been inserted are unacceptable to the business community. For almost one year you have worked diligently in good faith on this and we have attended all of your meetings and we think we have also worked diligently and in good faith. Now, the Planning Commission makes only recommendations to the City Council, and I ask each of you to base your recommendation tonight on what has a realistic chance of becoming law in Norman, whether or not such a vote on your part reflects your personal preference. Last Monday I gave the staff this six-page document; the black print is the language of the ordinance which you have in your packets and the red print are insertions of our comments on the unacceptable provisions. I hope each of you has been able to review our comments. The suggestions or corrections or amendments that Mr. Kosciński suggested actually address two of the concerns we had, so that removes those. If I understood correctly, all he was saying on that last, I don't think we have any problem at all with that. If a majority of the Planning Commission recommends the black print, then the business community will actively oppose any lighting ordinance. But if two of the five members, and preferably all five, would support the red print insertions, we can have an ordinance that very likely can become law in Norman, Oklahoma. And before anybody jumps up and asks, "How come you get your way?" lets examine the fact that the black and the red are not that far apart. There are 82 separate sections and subsections in this ordinance; we have objected to or commented on only 7 of those 82, so the remaining 75 provisions that are in the black print most businesses can live with. By way of brief review on the first page, we agree with everything that's on there. On the second page, with the correction of (11), the change there we have no objection. We get down to General Outdoor Lighting Standards, and I want to point out that it says that "Except as otherwise provided, all new nonexempt ... lighting fixtures shall be cut-off, semi-cut-off, or full cut-off fixtures that prevent excessive light from going upward". Let me point out, particularly to the people who have been promoting dark sky ordinances, that that, in itself, is something brand new to Norman and it means that at least 90% of the light generated by new fixtures under the ordinance will not go up to the sky. Pole-mounted lights, under section 4(b)(1) provide that the "maximum light level ... on any property line shall not exceed 0.2 footcandles." That is a killer as it is written, because retail business owners insist on the right to be able to put whatever level of light they deem appropriate at any boundary which joins commercial or industrial or institutional uses, so long as that does not create glare, as glare is defined in this ordinance. Which is why we say we must have an insertion there of the phrase "single-family or two-family residences". The same is true of the shielding requirements in the parking lots under subsections (2) and (3). Again, lights mounted on walls had the same requirement for cut-off fixtures, which again will ensure no more than 10% would ever go upward to the sky – something we had no provision in current Norman ordinances, again, for those who are promoting a black sky encouragement. Canopy lighting, we have suggested a replacement in its entirety of language simply to provide for the cut-off, semi-cut-off, or full cut-off fixtures. On balance, let me just say to you that the only other problem is with the definition of light spillover. You have in our comments what we propose there. I urge you to recommend something that we can all get behind for the City Council to approve. Thank you.

2. Sean Rieger, 136 Thompson Drive, representing the Builders Association of Southcentral Oklahoma – My, we've been at this a long time. When did we first meet? I remember it was across the hall; you had a potluck that night. That was a year ago, I think. Many hearings, many hours later here we are. We're close. As Harold said, we're really close when you think about it. We're down to a few provisions. I think we're down to one major provision, and I want to show you why we're down to that. We're down to the issue of whether you should be regulating light on commercial properties that are far removed from residential properties. That's the problem, isn't it? That's what we've heard all along, that there's spillover onto residential properties that's intrusive, it's unwanted, it's unwelcome, and it's a problem. That's where the complaints are coming from. That's what we need to address. We have no problem with that. We have repeatedly said that we have no problem regulating the interface with residential and we've submitted edits that would do just that. In fact, the two or three that are left focus on that. When you think about it, there's an example of Embassy Suites right there. If we're talking about residential intrusion as the primary problem, why are you wanting to tag a business like this with the cost and expense of regulating its light around this property when it is a half mile from residential? A half mile from the nearest residential as the crows fly. Why on a new construction project, in an area that we're trying to generate business and capitalism, do we tag them with that kind of a burden? It's unnecessary. Here's another location – this is an industrial park. There's a pipe yard; there's a railroad. This is Sysco. This is all industrial south of Tecumseh/Deskin Drive. Why do you want to regulate that? I've asked that question repeatedly. I don't think we've got a proper answer. I think if we want to regulate lights that are going in residential, we do that – we're happy to do that. We have no problems doing that. And I've stood in front of you many times on PUDs and proposals and said we will do just that. But I don't think we need to stand in front of you on a PUD or anything like this and say we're going to tag the business owner with that kind of expense. Light spillover is another big issue. This is really the problem. Right now this ordinance is written to say, and right there is the language – that light spillover generated on one property that shines onto adjacent lots or the public right-of-way in excess of the standards – that will be a violation. It says pole-mounted lights – parking lot lights. The maximum light level at any point on a property line shall not exceed 0.2 footcandles – that's almost nothing. When you look at this, the way we develop in the City of Norman, the public sidewalk is right there. This is Cha Cha's, Brookhaven Village, right here – this is 36th Avenue. The public sidewalks are not in the property line, and many areas of Norman there are not streetlights in these locations. I think of others that don't have the streetlights yet. So what you're telling this business owner is that it will be illegal for them, on a new project, to put light out onto the public sidewalk or out on the public entryway. Why? There's no residence there. There's nobody's bedroom there. We're not affecting anybody there. But we are affecting that business owner's right to provide a good, safe entry and location in front of his property. It's unnecessary. Public buildings – here's another issue in this ordinance. Accent lighting is pretty severe; it's been diminished quite a bit in the recent draft, and I think there has been improvement on that, but we're also taking away aesthetic designs. You're only going to allow 2.0 footcandles for accent lighting on any surface. You're going to prohibit particular lights under canopies. This is a project in Norman I think has been well done, and this project has used lighting as an aesthetic tool to make it quite beautiful. I think they've done that effectively. There's no residence next to these lights right on this side of the property; there's no reason to regulate those lights. So I think what we're talking

about is we've very, very close. But we're still at a point, so long as you are regulating properties that are far removed from residential, that are overly burdensome. The Chamber, the Builders Associations, the Developers have all urged you repeatedly to bring this ordinance down to a residential interface ordinance. When you do that, we are there with you. I told two members of the City Council that this morning, and we commit to that. But go beyond that residential interface and we have unnecessarily burdened business beyond what is needing to be done. I thank you very much for the past year of working on this. Thank you for all of that time. We appreciate it and we'll see what happens going forward.

3. Richard McKown, 4409 Cannon Drive – I'm the chairman of the Norman Developers Council. I am not a commercial developer. But I do know that there are a tremendous amount of concerns here with the business community, and I think that this is a perfect example of how we arrive at having the reputation of being the most difficult town in Oklahoma to do business in. And that troubles me. Ultimately the business community has come down tonight to speak to you and we're going to be the only community in the Metro that has a lighting ordinance of this type that I'm aware of and it's going to be stringent either way, even if you arrive at a compromise position. And I think it's important to arrive at a compromise position, because we've demonstrated over the past five to ten years that we can encourage sales tax producing businesses to locate outside of our municipal boundaries and to take that money that we operate our City on and let other cities benefit from that type of positive business growth. We do business in lots of municipalities throughout the Metro, primarily the City of Oklahoma City. I think it's important to think on the issue of how does this relate to the overall Metro area, because someone visiting, thinking about relocating their business in Oklahoma City is thinking about Norman as a submarket or a subcity of the whole Metro. I know that rubs a lot of Normanites wrong. I was born and raised here in Norman and I am deeply disappointed when we dig our heels in and make it more difficult for business to take place here and to move here and to start up here. I'd like you to take that under consideration as you weigh the specific merits of this. Appreciate your time.

4. Tom McCaleb – I've been asked by a client to read a letter. Sean had a slide a while ago showing the Sooner Investments property, which is the Target and all that stuff. He showed that a while ago and showed the new hotel out there. This is from that company – Sooner Investments. "To the City of Norman Planning Commission. On behalf of the development team for the University Towne Center and the University North Park I, I would like to share with you the following observations and commentary regarding the recently proposed changes to the city lighting ordinance. 1) To prohibit any light from escaping the confines of a property of no more than 0.2 footcandles of light beyond property boundaries would present a problem impossible to resolve, in that there would be no way to map the combined photometrics of City lighting such as streetlights and private property lighting as they overlap in many cases. 2) With regard to limitations on the accent lighting of a particular object, the color of said objects play a vital role in how bright it appears from any given distance. Measuring the footcandles of such lighting would be difficult in itself and is it intended that this standard apply to the lighting of billboards as well? 3) Restricting the amount of light that may be used at ATMs and gas stations ignores an important factor when considering said lights. It is not the amount of light emitted, rather the amount that is

relative to other surrounding light, that is most important. It is the difference between the two that the eye perceives, not the actual amount of footcandles. These were also two examples of properties that are at risk for robbery and assault. Is that worth the risk? 4) Is it truly necessary that a third party be involved in approving plan submissions when applying for building permits? Creating this additional step would only prolong the already lengthy permitting process. To conclude, we believe that there are too many aspects that remain unstudied in order to implement these proposed changes. These are unclear issues creating potential for loopholes and compromise within the ordinance itself. As with any ordinance, this one should be well-researched by experts in the area. Actually achievable across the board, fair to all, and equally enforced. Thank you for the opportunity to voice our thoughts." Signed Brad Goodman, Sooner Investments. Thank you.

5. Judy Hatfield, 2609 Fairfield Drive – My company is Equity Commercial Realty. Been involved in that for 30 years. I am a commercial real estate developer and broker. I need to reiterate the things that have already been discussed with you. Harold brings on the perspective of the entire legal issues and represents the Developers Council. It was good to hear from Sean and his thoughts of the Builders Council. Then we hear from a lifelong family of developers, although he's not a commercial developer, and you could hear the passion in his voice, of the things that he thinks need to be done. We're very appreciative of the year of effort that has gone into all of this work, but I don't think we're there yet. As was told previously, there are like 82 different things that are involved in this; we're down to seven. We're close to two or three, but we think that those really need a lot of attention. The thing that was just mentioned about safety and robbery and theft and fear – as we get older, that becomes a bigger issue for everybody. And if we want to maintain the people in our community that are aging, we need to make sure that they're safe when we have different places that they can go in the evening and that they can be, particularly the University North Park, as an example, or Norman Regional Hospital on the west side, as an example. So I implore you all to really think about the things that are important in our lifestyle and where really there's a difference that matters and where there's a difference that maybe doesn't matter, that with a little bit more dialogue we could come together on something that the business community could agree with and we could continue to try to develop our community in an appropriate way and encourage the kind of businesses in our community that will increase our sales tax overall and give our city the money that we need to do the right thing. Thank you.

6. Tom Kovach, 1426 Beverly Hills – I'm the crazy person that brought this up five years ago. I gave it to my City Councilman, Richard Stawicki, and that's really how long this has been in the works. It's not just the past year you all have been working on it. It's been worked on in various incarnations for five years. The fact is that there has been compromise – a lot of compromise, and I appreciate Mr. Rieger and Mr. Heiple, who have both met with me on this issue on more than one occasion. I think that it's important to remember that we have come a long way, and although they're only talking about seven issues now, and I'm all for compromise, let's not forget about all the other issues that we have already compromised on in this ordinance. Some people have asked why is this important. Well, you know, we do regulate other things. We regulate sound, for instance, in this City and we don't segregate whether that's produced by an individual or by a business. At one point we were told we were not

going to fight this if it's only new business. If you make us go back and retrofit, that's too much of a burden on the business community. And I agree. But now there's a new hitch to it. Mr. McCaleb, in his letter just now, it was talking about surrounding lights from other businesses and how that might affect how much light you need to have in order to make your area as bright as you want it. That's the point of regulating inside the commercial area. You know, I am glad to hear Mr. Rieger finally say that there are complaints, because early on this was presented as there are no complaints on this issue. Well, it's hard to file a complaint on something that we don't have an ordinance against. If I wanted to file a complaint against somebody having blue grass in their front yard, I really couldn't do that because there is no way to register that complaint; there's no way for the City to file it. I can tell you that I have talked to many individuals who are very concerned about this issue and they're passionate about protecting their neighborhoods from the light, and the business community has worked with us on those things. But, yes, there are other businesses that are concerned about it, too. If you have too much light, you're going to have glare, and then you're going to have this competing thing. It's kind of like when people are talking in a room, and if everybody starts talking at once, you get louder and louder and louder and louder, and that's what happens with the light. That is why it is important to look at regulating it everywhere equally. I don't want to be overly burdensome. I think regulating it to new businesses is fine, but I think that there is a very important thing that we miss if we start segregating these things out. I just wanted to say that I appreciate everybody's concerns on this, but let's also please remember that the neighborhoods are also concerned about this, too, as well as the businesses. Some of these changes will make a dramatic difference in some people's lives who are very upset about the amount of light that gets spilled over into their back yards. Thank you.

7. Ola Fincke, 748 College Avenue – I didn't really come too prepared to talk, but I guess I'm another one of the just residents of Norman. And I've been struck that technology provides increasingly powerful lights. Anybody which just looks at the OU Stadium now – when I moved here it didn't bother me at all. Now you can get lights as powerful as you want. I don't just live in my house. I don't just live in my yard. I walk a lot, and I think a lot of Norman walks a lot and we don't just live in our houses or our neighborhoods. And I guess this idea of glare – you can see glare from cities. When you're out in the country, you see a whole city glare. So the idea that just because something is a half mile away from a residence or housing area doesn't mean that that's not affected. And I know most people in Oklahoma don't care to look at the night sky, but I'm an ecologist; I'm a biologist and I love to look at the night sky and it's something we're missing. And I can hear all the business people say, "Well, go live in the country." Well, I teach at the University of Oklahoma and I am growing old and it bothers my eyes to see the glare. It bothers my eyes when I drive and see those stadium lights. I hate them. And, so for what it's worth, we're not all business people. I don't think business is going to suffer. The nice thing about technology is it also provides a lot of ways that we can curb lights and this panel, by making this ordinance, you're using that technology of turning lights off when nobody is there. I mean, it's automatic. I have one of those in my driveway. It works great. So I'm sympathetic to business, but I guess I would just want to say don't forget the people that live in Norman and spend their money at those businesses. Thank you.

8. Tom Sherman, 2811 Majesty Court – I'm the current president of the Norman Chamber of Commerce. I'm glad I followed Judy, because I am one of those older people that she referred to. Mr. Kovach, who is my Councilman, made a comment about sound and that obtrusive sound can be regulated in this town regardless of where it comes from. This ordinance addresses commercial and industrial properties. It doesn't address residential properties. It doesn't address light spillover from residential properties to other residential properties, which in my neighborhood seems to be a much bigger problem than anything else. The Chamber of Commerce, from the time this started, has looked at this proposed ordinance, and has determined that the purpose for it is great. We need to have an ordinance in place that allows the mitigation and the solution to real light spillover and light intrusion. But the problem that we have with it is, when you start regulating businesses that are not adjacent to residential properties, it's unacceptable and the Chamber of Commerce and its membership believes that's the case. We cannot support a proposed ordinance that will do that. One of my friends I was talking to the other day about this particular situation made the comment, "Well, Tom, all you want is a business-friendly ordinance." And in this community, I would simply try to say I'd like to reach for a business-fair ordinance. Too many times the things that come across to City Council are ordinances that, while they are good intended and well intended, they go too far and they put our business at risk. I like walking in my neighborhood, too. I enjoy the night sky. But I'm also practical to the extent that the business of this community is what supports this community. The majority of the money that comes into this community to support the lifestyle we have, pay for the streets, pay fire and police protection comes from the sales tax that's generated by the businesses here. And when we do anything that puts their ability to be successful and their business in jeopardy we are shooting ourselves in the foot. Thank you.

9. Larry Steele, 730 Hoover Street – Thank you. I'd like to commend the Planning Commission for all the work they've put in on this. I've been to visit you guys twice and I left early and you guys were staying and hashing this out. So I know you've been through a lot of stuff with it. I, on the other hand from some of the other speakers, don't believe that this ordinance goes far enough. And the reason I don't is that 20 years ago we would go into restaurants and we would be sitting at tables right next to people who were smoking. And people started saying, "Maybe that second hand smoke is unhealthy." And people were saying, "Oh, no. It's second hand smoke. It's going right out through the ventilation system." Now in the past 20 years, the people that scoffed at that now understand that second hand smoke kills people. According to the CDC, second hand smoke killed 56,000 Americans last year, and 20 years ago nobody saw it as a problem. Light pollution – light spillover from anywhere in the community – whether it's right next to a residential area or away from a residential area is going to spillover. We have light that comes from stars that are millions and millions of light years away that still makes it here. Light doesn't stop somewhere. It goes all over our community. And, in doing so, it threatens the health of our citizens. I have presented a couple of things to the Planning Commission showing the tests – people are just now doing tests on that. The latest one that I have was done in Israel, and it showed that light pollution caused increased incidence in breast cancer in women and prostate cancer in men. It was a ten-year study that was just ended this past year. So not only is it an aesthetic thing, it's a public health thing also. One of the things that I think that people misunderstand about people like me who feel like that we should

have really stringent ordinances is that we don't want a dark city. We just want the light put where it's supposed to be put. And we have the technology with lighting design and lighting fixtures to put the light right where it needs to be. It needs to be at places to keep places safe. And I don't think anybody has any problem with that. The problem comes when people want to save a dollar or have not gotten any kind of outside input and have just thrown up huge light fixtures to throw light all over the place. And all of us live with that, whether we abut a business or whether we are a half a mile or a mile away from the business. And it is a health problem. I think that from the meetings that I attended that there were several things that were removed from the ordinance. As Mr. Kovach said, there has been a lot of compromise just to get to this, and I think that there has been too much compromise. I think one of the things was that businesses should extinguish most of their lights – I think it was mentioned 25-40% of their lights – when they are not doing business there. That's not in the ordinance, and I think it should be. I'm just wondering have people not ever heard of motion sensors? I've got three around my house. I don't leave my lights on all night, but if somebody walks by my motion sensors turn the lights on. If it's just a stray cat or a dog, then they turn them off. Instead of leaving a light on in the middle of a parking lot for 12 hours at night, why not do that? I've heard people say that it's not safe for employees when they turn the lights out if they have to turn them out outside. Timers. You know, there are all kinds of ways to solve problems if we could work together on it. If I had my home or my business and I do – well, just to give you an example, if I change my water heater, change my air conditioner or heating system, I have to bring it up to code. That's why I think that there should be some type of retrofit amendment in this so that people can, over a period of 5, 10, 15 – lighting fixtures last 15-20 years. Make it 20 years. By that time, all the lighting fixtures in the City should be switched over at minimal cost to make them full cut-off lights so that they'll put the lights down where it does the most good and doesn't spread it out all over the City. If I do any plumbing or electrical or structure, then I have to bring it up to City codes. I believe that lights should be in the same situation as all these other things are. Thank you very much.

10. Jim Rickards, 2501 Conference Drive, General Manager of the Embassy Suites Hotel and Conference Center – I wanted to thank the Commission for all the time and effort you've put into this ordinance. As I sit and hear about how long and all the hours I'm certain you've put in the last year and possibly longer, I bet you're sitting there with an uncomfortable feeling and compelled to push this ordinance forward. On behalf of the Embassy Suites I wanted to just point out a few of our concerns with it. Number one is the overall impact to new businesses in attracting them to come to Norman. As general manager, I have the opportunity to sell Norman as a location and destination every single day, and it's a tough job. Nothing against Norman, it's just not a market that has been traditionally a destination. Putting that into context, I can only imagine for the commercial brokers, NEDC and the Chamber of Commerce, what a burden that puts on them to be competitive in like markets or other metropolitans for businesses moving to Norman. Even if it's just a small chance that you lose one business, I do not believe that this Commission, or if it's proposed to our Council, can risk one business not coming to Norman in our current economic conditions. So in light of the way the ordinance is written, the Embassy Suites hopes you do not pass it the way it's written. Thank you.

11. Ed Copelin, 3704 Shadowridge Drive – I came tonight to share my concerns about the image that we plant in the minds of potential businesses. Richard McKown spoke to the same issue, that he doesn't want Norman to be difficult to do business with from a business standpoint. And I want to echo that, because I'm concerned that we're making it more and more difficult to come to Norman and do business through City Hall through Planning. Jim Rickards just spoke, and I have to compliment Embassy Suites on the beautiful facility they built in Norman. And it's my understanding that facility would not be in compliance under the proposed ordinance, and I'm concerned about that because they set a beautiful image off of the interstate and it looks great in Norman. We have spoken to the issues of sound and how we've controlled it, and we don't draw the line, as Mr. Kovach says, we don't segregate between when it comes from individuals or from business or whatever. But we are segregating our issues concerning lighting and we are pointing directly at business. We are exempting residential lighting and we're putting a burden on business that we know will prove to be more costly to build the buildings in compliance with this new ordinance. So I encourage you to consider the impact it has on economic development for our community. I want us to be a business-friendly community, and I hope that you will give that every consideration as you cast your vote for this proposed ordinance. Thank you very much.

12. Eileen Grzybowski, 715 Elmwood Drive – I teach astronomy and AP biology at Norman North High School and I happen to be the sponsor for two groups that are very interested in this ordinance. One is the Norman North Astronomy Club and the Environmental Awareness Club at Norman North. I also represent people who are part of the OKC Astronomy Club and we have many Norman members there, and the Odessey Astronomy Club. We would like to see you pass this ordinance and send it forward for many reasons. One, obviously, we're interested in dark skies. We're not asking that Norman be a dark place. We want the light directed down on the ground, and that means full cut-off fixtures. We also would like to see it extended, that it not just be business, that it go to residential areas and other entities: government, schools, athletic facilities. That is something that we are concerned about. The other thing is that, with environmental concerns, this would save energy, because you need less lighting ultimately, and when you put something like this in, you're going to save energy. Full cut-off fixtures direct the light down to the ground where it's needed for security reasons, so it really increases the security of an area. So those are two things. We would like to see retrofitting – please make this available. And full cut-off fixtures. And that's all I have to say. Thank you.

13. Doug Kennon, 1200 24th Avenue S.W. – I own Sooner Legends Inn and Suites. As many people have spoken, obviously I'm here on behalf of the business community. My business generates a lot of revenue for this City, for the state, for these schools. And I hear people. I live in the country, and if you want to see it dark, I live 18 miles out southwest of here and it's pitch black and I don't have a light within a half a mile of me. But I have a business here that would be crushed by an ordinance like this. I have safety. I have a 136-room hotel. And also on the marketing side it would affect my ability to market. We already have the toughest sign ordinance in the State of Oklahoma that is, I feel, very ridiculous. It's okay in Moore, Oklahoma City, Tulsa – every other city here, and I don't want to see this happen with the lighting. It unfairly puts barriers -- financial barriers is the big thing. As a businessman who has lost \$40,000 over

the last two weeks due to snow storms, I don't want to see financial barriers that this lighting would cause businesses like myself. And the safety of the guests. The way this is written, the spillover outside my property line – I abut I-35 and I have about 100 feet that is DOT land. So is it supposed to be a pitch black between the highway or Lindsey Street and my business? And the way that this is written I would not be able to spill over into any of that area. And there's just a lot of things in here that are hard to make it. And mostly it's about the safety of my guests and that you, as members, would continue to look at Norman pro-business. And it is very hard to make it right now in business every day. And as they put more and more restrictions and ordinances on us and more costs, it will be harder to make it and people will choose to be, I believe, in other communities. And that is not what I want to see. I need more people, more guests, more business brought to this town. And I ask that that's how you would vote. Thank you.

14. Stephen Koranda, 223 East Main, Norman Convention & Visitors Bureau – I just about pulled my name off after I saw Jim and Doug here. We've got two of our leading hoteliers here. We represent 29 hotels and bed and breakfasts and over 200 restaurants and numerous attractions in our wonderful City of Norman. One of the interesting things is we recently went through a brand realignment. We asked the community what they felt was needed to further continue to develop Norman as a destination, and the number one response was continued beautification of Norman. We went back and looked at some old research from 2001 and a leading consultant recommended continued beautification of Norman. And the Downtowners Association, which I'm very involved with, one of the top three initiatives for this year is the continued beautification of downtown. And I bring this up to applaud the Planning Commission for the work you're doing to continue to beautify downtown and Campus Corner and the west side and all of Norman. The continued beautification of Norman, whether it's through sound or through lights or through trees or whatever is recognized throughout this community, not just the business community, but the residents, and especially the hospitality industry, which I represent. Absolutely hands down congratulations on the work you're doing to continue to beautify. And it's not just the lighting ordinance tonight – it's each and every night. As a former Planning Commissioner up in Kansas City in the community in which I resided but did not work, I recognize the long nights that you guys go through and so I just wanted to tip my hat to the work you're doing. We are close with this. We are very close. There are still a couple of issues which the Convention and Visitors Bureau Board of Directors have voiced back in November at other meetings throughout the winter months, and we're very close. One of them is the continued – and you've heard this repeatedly tonight – the slide continues to remain up behind you. It's the lighting of the public right-of-way in excess of the standards. We work diligently to attract visitors to this community, and our hope is to allow them to see where they're going simply by having well-lit public rights-of-way. The overwhelming visitors that we attract are women. And it's interesting. You look on the internet and there are two leading resources on the internet: Wikipedia and Facebook. So I'm going to refer to Facebook. There has been a discussion on this on Facebook today, and here's what one lady wrote: "No problem with the way lighting is in Norman today. Well-lit streets and neighborhoods are safer for women than dimly lit ones." We're attracting women to Norman. That's the overwhelming visitor demographic that we're attracting, and so I urge you to keep that in mind. Also, the stipulation that have the restrictions on the amount of light that

can be used at ATM and gas stations. I'm not here simply representing just hotels, just restaurants, just attractions, but also all the amenities that the visitors that come to Norman use, including ATM, gas stations, etc. Finally, through our brand realignment, we asked the hotels what are the segments that are missing? What are the segments that we need to continue to be developing? And the one that we heard overwhelmingly was business leisure, and what that means is the travelers that are coming in and out of a community to do business with a business in that community. We are significantly behind with regard to business leisure, and that means that the number of businesses that are in Norman that can provide that traffic are significantly low. This adds yet another hurdle, another impediment, for us to develop business in this community, and thus help with the traffic and help with the visitation, helping spend money, providing taxes, and helping pay all of our taxes in our community. So I urge you to consider this as you move forward with this, and this is just another barrier for development in Norman. Thank you.

15. Chadwick Cox, 2241 Ravenwood Lane – I like this ordinance and like to see it enacted. And if it is a problem with the business community, that they feel like it's being singled out and not covering the residential areas, I'd say let's do it for the residential, too. I can say that I also think that there's a lot of light in residential areas that's obnoxious. So that would be one thing. But I actually am here to address the point about why you should regulate businesses when there's no residential areas around. Nothing is permanent. There will be a time when there's probably a residential area that might move in close to one of those places, and if you grandfather in the bright lights and everything then the residential area would have to put up with those lights. So I think that's a specious argument and I would keep it in the regulations for business areas, even if there's not a residential place nearby at this time. Thank you.

Chairman Gasaway asked if anyone else wished to speak on this item. There being none, he closed the public hearing and turned the item over to the Commission for discussion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Lewis commented that there has been an overwhelming voice from our business community in support of the proposed lighting ordinance that Mr. Heiple and Mr. Rieger worked on diligently to come to a compromise of.

Chris Lewis moved to recommend approval of the version of Ordinance No. O-1011-44 which was provided by Mr. Heiple, in his email of February 7, 2011, to the City Council. Andy Sherrer seconded the motion.

2. Mr. Lewis commented that, as he was listening to many presenters this evening, it was evident that one thing was becoming very clear. When we look at a City of Norman budget and approximately 65% of our general revenue fund comes from sales tax, to do anything that's going to impede the increase of that sales tax revenue in a city that is already seeing a budget shortfall, that cannot be in the best interests of the longevity and the future of the City. Several of the comments were that lighting could be detrimental to some. Moreso he heard that lighting is good and attracts business and people to the City of Norman wanting to spend their money. Golden Corral recently had a convention in Oklahoma City, and presented a study that they did; they

found that when they relamped one of their stores, sales increased by 10%. If we have an overall general revenue fund that gets 65% of its monies from sales tax, if we could increase those revenues by 10% there would not be an argument regarding the general revenue fund of the City of Norman and we wouldn't have to be concerned about the money that we spend because it would be there. Based on the many people that are here that are voicing their concerns regarding this ordinance moving forward, it appears that if there was such a loud outcry from the citizens of the City of Norman – we had an Open House which very few people attended. But this evening there is an overwhelming majority of business owners, developers, real estate developers here pointing out that the ordinance as it currently stands does not have a chance of life. So if you look at balance and you look at benefit for the overall City, what is the best compromise that has a chance of life? I've not heard anyone say here this evening that a proposed lighting ordinance is not in the best interest of the City of Norman. I think everyone collectively agrees let's have a lighting ordinance. I don't want to see glare as I'm driving down a street. But when we have in our proposed ordinance currently that no more than 10% of the light is going up, that all filaments are going to be encased, you're not going to have glare with this ordinance. But when we talk about a 0.2 footcandle light spillover onto a public right-of-way, when the majority of the people spending their money in the City of Norman are females and they want to feel safe, what is the harm in greater than 0.2 footcandles spilling over onto public right-of-way? What is the harm when we only rezoned eight times from commercial to residential or residential to commercial in the last year to have more than 0.2 footcandles at the property line? The real crux of the argument here is when commercial abuts to single or multi-family residential, no more than 0.2 footcandles should spillover, unless you're Andy because he likes a beacon of light in his back yard. But, truly, do we want something proposed this evening that has a chance of going to City Council with support of business and developers as well as the constituency of the City of Norman? Or do we want something that's going to go that has great contention, that many business owners and developers are going to oppose in the City? I'm for moving something forward that has a chance of life, and that is my motion as it currently stands – the Harold Heiple/Sean Rieger version of the proposed lighting ordinance.

3. Ms. Hartley – I agree with Chris and I have somewhat changed my mind about this, because I originally felt like we really were creating a solution to find a problem. We did check with police records over a four-year period and had a query done of all complaints that came in that had lighting in the word, and I think there were three that were commercial complaints spilling onto residential that were taken care of within 24 hours. Same thing with the Action Center through the City. If you have a problem, you'll call the City and they'll find a way to make it work, even if your trash doesn't get picked up on yard waste day and you didn't realize that it went to once a month. They'll be out that afternoon to pick up your yard waste for you, because that's what the City does. But now I can see the benefit, and so I have even come to the middle and compromised, and with Harold and Sean's recommendations, feel like if this motion carries and this goes forward, then it's something that I can support.

4. Mr. Sherrer – I think it was Tom Sherman that said the word "business-fair". I think I would add "lighting-smart" to that. I was kind of like Diana originally and felt like any ordinance of this type was searching for a solution to a problem that really didn't exist.

But I think as time has gone along, I think there is a need for light spillover, even though I do enjoy my commercial light that does shine in my back yard – I do think there is a need for an ordinance that restricts commercial lighting where that particular commercial property abuts next to a residence or an area. So I think that's important. I support this motion and I would use those words: business-fair and lighting-smart. I think that's what this is about. And I think if we go much beyond that, then I don't think I could say that this is lighting-smart and business-fair. I think those are important to have.

5. Ms. Gordon – From everything I've heard tonight, I've been convinced that maybe there's room for some wiggle room and that we can go back and tweak this, if possible, with some of the suggestions that Harold and Sean just sent us in an email. The whole thing feels a bit schizophrenic to me, because what I'm hearing from the business community is it's about cost, no it's about safety, no it's burdensome, no it's about why are the residents not required to do this, and it's all of the above. I think it's important to remember something that Mr. Kovach brought up and there has been some serious compromise on this. Trust me on that. There has been a ton of compromise on it and nobody is getting everything they want. Let's just put it out there. Nobody is getting everything they want, however I think, for those of you that argue cost, at least from what I've seen, the numbers that were presented to us, a lot of these things are not going to be overly burdensome cost-wise. Safety – we've seen the numbers with safety and ATMs and gas stations don't need to be lit up like a beacon in the night to be safe. There are some standards that are lighting industry standards that are just as safe that comply in this ordinance. I'm not sure what the issue is as far as if it's just a right issue or it's just more paperwork and we don't want to do it. I'm not willing to accept, respectfully, Chris's motion to accept the previous thing with Mr. Rieger and Mr. Heiple. But I am certainly willing, if possible, to maybe go back and look to see if there are some things that we can tinker with. Other than that, I think business doesn't like it and residents don't like it, so maybe it does kind of meet in the middle. Maybe we are kind of close to where we need to be.

6. Mr. Knotts – I'm unclear on the number of members of the Norman Developers Council and I'm unclear on the number of members of the Builders Association of Southcentral Oklahoma. I asked Doug earlier what the population of Norman was and he said in excess of 105,000. This ordinance is intended for the population, not these two councils which may have members in each. Tom did a great job reading. Thank you. But what he said – if you've ever been to the Embassy Suites, I believe it complies. You can take an aerial and say we can't spill over, but if you're out there at night, that last row of parking is fairly dark. I believe all the fixtures are horizontally mounted, full cut-off. I agree that this is about smart lighting; it's about good lighting. One of the points that was made in the letter that Tom read was that it's more about the differential of lighting. You can see pretty well in low light, as long as you're not overwhelmed by high light. The physiological response is that bright light causes your iris to contract, narrow and that allows less light to hit your retina, which obscures less well-lit objects. If those objects are a bollard, a curb, or a child, you don't know. So I don't agree – I won't support my friend here in his motion and I think, as some have voiced, that there are some additions that need to be made – some amendments that, after we vote on this, I will offer to the proposal that's standing.

7. Mr. Trachtenberg – I want to respond to something that Andy said, that what we should be after is smart lighting. I guess it was Mr. Kovach who initiated this, as I understand it, and we were given a charge by the City Council to examine this. It seems to me that what we were charged to do is let's sort of get modern here with our thinking about lighting. And what that means is let's start to be smart about lighting. And I think things like having full cut-off fixtures aimed at the place that needs to be illuminated and certainly not the sky or not your neighbor's yard, whatever your neighbor is – that's just smart lighting. That's smart in two senses. It's smart in the sense that it's addressing the function – it's doing what you need to have done. You need to have something lit, put the light there, don't put it somewhere else. And it's smart financially. It's smart that you don't need to use as many watts, you don't maybe need to have as many poles in order to get the job done. So I think really what the initiative here was exactly to do smart lighting. And I think the idea was that the City, by coming up with a standard ordinance, could do something that our colleague Tom has said many times before, just create a standard. Do a little work for the community as a whole and come up with a standard so that not everybody has to reinvent the wheel every time. That's part of what the function of the City can be – to come up with a standard that is responsive to what the world is doing, as this is, what the industry is saying, as we have had presentations from the industry, and say this is the smart way to do it. The second point I want to make is – Stephen, I want to thank you for your kind words to the Commission, but also I want to thank you for highlighting what is sort of my personal driver here, and that is continuing to beautify the City of Norman. I guess when push comes to shove, a lot of this is a very difficult, highly technical issue. I don't know a lumen from a lollipop, basically – at least I didn't at the beginning of this process. I think I've got a better idea now. So the technical side of this is extremely hard to follow. For me, what's driving this is not a kind of a concern about the wattage. Finally, it comes down to making Norman a more beautiful place. And I think that's part of the smartness, part of the intelligence that we're talking about. It's about doing lighting that's functional, that's serving the purpose that it's supposed to serve, showing people where they need to get to, providing for safety, but not putting it in your face or your eyes in ways that is just, frankly – and I'll just express my personal taste here – ugly, trashy. And I don't think anyone in the room is going to feel like I'm terribly off the mark if I say drive up I-35, you go through Moore, you go through I-240, go through Edmond, and a lot of that's just kind of trashy. That's not what we want. We want to continue to beautify Norman. We can do that in a way that meets our goals of smart lighting, functionally speaking – smart lighting, financially speaking. I think that is really what the ordinance is doing. Now let me close with the following comment – this is addressing those of you who have said that the business community is being singled out here because this is a commercial only ordinance and not a residential ordinance. And that is true. A point did not come up here that was made by opponents of this effort early on, which is that this ordinance does not address the undoubted worst contributor to light pollution in the City of Norman, and that's OG&E. I understand that it's not OG&E's fault. So we all know that the worst contributor to light pollution here are the streetlights and not a lot of other things. We were told right up front, for legal reasons, that's off the table; we couldn't deal with that now. It was suggested that we've got to do one thing at a time and so we addressed commercial; we didn't address residential. Or that was part of the thinking behind the charge. We were given a charge to develop a commercial lighting ordinance. I think it was believed that this was the beginning of a comprehensive approach to lighting, but you can't do

everything at once. You can only do one thing. Now that complicates the issue here, and you think why are we talking about this and not that. Sometimes you just have to do that. But here's a place I think – another point that Steve made and that Sean made, where I do think there can be some further discussion on this, and that has to do with the idea of lighting the sidewalks, as Sean pointed out. I firmly don't believe that it is the responsibility of businesses to light the sidewalks; I think that is the responsibility of the City. Now maybe that's not being reached. Maybe that responsibility is not being met adequately now, but that question, I think, would be part of a comprehensive discussion of lighting in the City. If that's not possible – if, in fact, that is a problem, and I'm not convinced that it is a problem because we have not studied that particular question, then I could see coming back and revisiting that question. But, other than that, I'm afraid I can't support my esteemed colleague Chris's amendment because I, as I'm on the record as saying, am firmly against the notion that all that matters is spillover into residential – single and double family residential areas. I think that reflects perhaps an unintended but unfortunate attitude toward people who live in apartments. But I also think it reflects an unfortunate attitude toward the idea of public space. I think the public space is not there to be the sink for waste, and unintended non-useful light is waste. It's not incumbent on the public to absorb that. That's why I'm not able to support this amendment, because I draw the line on that point and that's a line that I can't cross.

8. Mr. Sherrer – Just a question for staff – my understanding is that there is not a commercial lighting ordinance such as this in the Metro area from any other city that would have the impact that this particular ordinance would have, potentially, on the cost of businesses. Is that correct? We would be the first community within the Metro. Ms. Connors responded that Edmond has a lighting ordinance and Oklahoma City has somewhat of a lighting ordinance. Certainly Oklahoma City's, I don't think, quite extends to the amount of regulation that we're proposing here tonight. Edmond does have some restrictions for full cut-off fixtures and other requirements in their ordinance.

9. Chairman Gasaway – Let me make just a couple of comments. Not every topic that comes before the Planning Commission individually flips a switch with each of us. I mean there's lots of topics that come through here that we could really care less about, but we do what we think is best for the City of Norman. I'll have to be honest. When this topic came up about a year ago, that was kind of how I felt. I thought, well, I don't know that it's going to be worth all the trouble. I don't see what all the big deal is about, so I came to the first couple of meetings, and the more meetings I came to, the more interested I got in the topic. I don't think any of us ever considered making Norman a dark sky community. That's never once been a topic of discussion on the Commission. For 20 of my professional years, I was very active in the Chamber of Commerce, and I hope all of my Chamber of Commerce colleagues tonight know I would never do anything knowingly to harm business in Norman. I think this ordinance affects businesses in Norman, as well as all the citizens of Norman, but I don't think it's detrimental to the businesses. And the reason I say that – if you drive around town, which I think everyone on this board has done for the last year, looking for both good and bad examples, you see lots of both. You can sit at one corner and look at a bank that, for some unknown reason, specifically meets the guidelines of this ordinance. The builders of that bank decided it worked for them. It's well-lit for its customers, it doesn't glare in your face, it covers all of their security needs. You look to your right, there's a

gas station and quick shop with the drop-down fixtures, bright lights everywhere – you can't even tell what they are, because all you see are the bright lights from underneath the canopy. There are lots of examples through Norman of brand new businesses that meet these guidelines. Interurban Restaurant has full cut-off fixtures. The brand new buildings of the Norman Public Schools – the new Truman – meet these guidelines. They have full cut-off features, both in their parking lot and attached to the building. And if you go down that street, oddly enough, the light stops generally at the sidewalk. And it doesn't mean the sidewalk goes totally dark. Some of the comments I've heard tonight would make you think, all of sudden, at the end of your property there's darkness. That's not true. There's more than enough light for you to walk safely to the school. But when you get on the school property, those full cut-off lights seem to be much more efficient than a lot of the other lights that you see in public parking lots. We've had lots of examples as we've looked at different light fixtures, of the businesses that not only had more efficient lighting, in terms of energy because they can have less, but also they have the light going where they would like it to go. Another comment I'd like to make – I'm not sure if it's for this body to decide if something we pass has a chance of life. I think it's for this body to decide something that we pass is best for the City of Norman, and if it goes on to City Council and dies at that point, we've done our responsibility. We were charged by the City Council Planning Committee to come up with a lighting ordinance, and I don't think that the proposal that we're talking about fully does that without some significant changes.

There being no further discussion, a vote on the motion to recommend Mr. Heiple's version of the ordinance to the City Council was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to recommend approval of the version of Ordinance No. O-1011-44 provided in Mr. Heiple's February 7, 2011 email to the City Council, failed by a vote of 3-4.

Tom Knotts moved to accept the amendments recommended by staff: to delete "and public buildings" from 3(c)(11); to change "lighting engineer" to "professional engineer" in 5(b)(1) and 5(b)(4); to change "registered lighting or electrical engineer" to "registered professional engineer" in 5(e); and to amend 4(a)(2) to read "Individual existing fixtures may be repaired or replaced with an identical fixture or with a then-available fixture that most nearly duplicates the fixture being replaced. Ordinary maintenance of existing fixtures, including replacement of lamps, is specifically allowed provided the new lamps are not increased in lumens. If existing fixtures are removed in order to upgrade, redesign, or reconfigure the lighting design on the property, then such fixtures must conform to the requirements of the Outdoor Lighting Standards." Zev Trachtenberg seconded the motion.

There being no further discussion, a vote on the motion to include the amendments recommended by staff in the ordinance taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to accept the amendments recommended by staff, was adopted by a vote of 7-0.

RECESS
8:31 to 8:42 p.m.

10. Chairman Gasaway introduced Steve Ruse, a professional lighting engineer with Allen Consulting in Norman, who spoke at an earlier meeting of the Planning Commission. Mr. Gasaway asked for an example of what level of light 0.2 footcandles at a property line would be. Mr. Ruse said the table at the podium is probably 50-60 footcandles. IES (Illuminating Engineering Society) sets the standards and they have recommended light levels for just about everything. Their recommendation for parking lots, depending upon the purpose, is a minimum of 0.2, which is what is in the ordinance. Even a young person would probably have difficulty reading at that level. The IES recommended light levels for walking in a corridor in a building is between 10 and 20 footcandles. A corridor or fairly dark restroom might be 10-15 footcandles. It is difficult to understand the scale, because your eye adjusts to it. Mr. Kosciński added that the photo he took of the Walmart parking lot was about 0.2 footcandles. The Journey Church parking lot, which was much darker, was about 0.1 footcandles. Sooner Mall was probably a little over 0.2 footcandles, but the average was about 0.2-0.3. That is the minimum standard under this ordinance, and the allowed spillover off the property.

11. Chairman Gasaway asked about streetlights in a residential neighborhood. Mr. Ruse indicated that right under the fixture it would probably not be more than 5 footcandles. If you are 10-15 feet away, the level might be 1-2 footcandles. The rule of thumb his office uses is to have a typical parking lot at a level between 0.5 and 2.5 footcandles. There are times when you would want more light, depending on the use of the parking lot.

12. Mr. Trachtenberg asked whether the IES has a standard for sidewalks at night. Mr. Ruse indicated he is sure they would have a standard, but he doesn't know it off the top of his head.

13. Mr. Trachtenberg asked about a ballpark number for a typical city street at night. Mr. Ruse estimated that Main Street would probably be less than 5 footcandles, although substantially higher right under the streetlights. A typical street would probably be in the range of 1-2 footcandles.

14. Chairman Gasaway asked, if a business came to them and wanted them to design a lighting plan for them, what additional work, if any, this proposed ordinance would create in terms of time and cost. Mr. Ruse responded that in terms of time and cost it would not require much, if any. If he is doing a proposal to design a new hotel, this ordinance wouldn't affect it. They would not take into consideration that they

have to follow this ordinance in Norman, but not in Moore, for instance. If they are designing a parking lot, they will be doing the calculations anyway because they want the customer to be satisfied with the job they do and they don't want dark spots in the parking lot.

15. Mr. Sherrer asked if that cost would only include the engineer's services and not the cost of the fixtures. Mr. Ruse said that is correct. The fee for the design services would not be increased. He looked at the cost of fixtures quite a bit with the report that he put together. In general, the manufacturer designs the fixture, sends it to an independent laboratory to be tested, so that he can take the test data, put it in a computer, model it, and tell you exactly how many footcandles are going to be in your parking lot. He used a bunch of those for different type fixtures and tried different calculations. In general, a full cut-off fixture is going to be more efficient than a non-cut-off. If you have a 100-watt lamp and 30% of that light is directed into space, you're losing 30% of your light. If you have a full cut-off fixture, it's going to be directed toward the surface where you want it. In general, that means you're going to need fewer fixtures and less wattage to get the same light level. If he was asked to use non-cut-off fixtures to light a parking lot and use fewer or less watts than if using cut-off fixtures, he didn't think he could do it because the fixtures are inherently less efficient. In almost every case, it's going to cost more to use non-cut-off to get a particular average light level because of the efficiency of the fixture. It will require fewer fixtures if they're cut-off because they give you more usable light.

16. Mr. Sherrer said his concern is with the Fowler Honda project, where they were talking about a 20% increase in cost for a real live project. Mr. Ruse responded that he doesn't know how they arrived at the number. If you have fixtures emitting light where you don't need it, it will take more fixtures to get the desired light levels.

17. Ms. Hartley commented that if she came to him to do design work for her, she would take his recommendation and want the more energy efficient, and the market would take care of that for her. Her argument would be that we don't need an ordinance to do that; the market cost would take care of that. Mr. Ruse responded that would be true in some cases. Everybody has different criteria when they design something. You can throw up a wood light pole and a cheap light fixture real cheap and you've got light out there. Is that necessarily the best way to do it? No.

18. Mr. Sherrer asked if there is any such thing as a cheap full cut-off fixture. Mr. Ruse said there actually are. That was in the report. You can take a cheap non-cut-off fixture and put a cut-off reflector on it and all of a sudden there's more light under it.

19. Ms. Hartley commented that if she goes to the store to buy a new washing machine, she buys the one that is far more energy efficient. She buys more energy efficient light bulbs. She does that naturally because the market drives her in that way. She questions the need for the ordinance, because she thinks the market is driving it. LEED certifications are happening with architectural firms now. Everything is moving in that direction because the market is moving it that way. Mr. Ruse responded that the market is moving in that direction, and there are buildings built where that is definitely a factor. He would estimate that less than 2% of projects today are LEED. They have designed two in Norman and are designing another one, but the vast majority aren't.

The reason the market driving is not always true is that the owners don't know or care – they hire an engineer and hope he is doing what's best. Sometimes it happens and sometimes it doesn't. The owner doesn't even know that he needs to ask the engineer to design the lighting right. Most people paying for a new building to be built are not experts in any of these things.

20. Mr. Knotts asked about semi and cut-off fixtures emitting no more than 5% or 10% of light upward, but that only works if they are horizontally mounted. Mr. Ruse agreed.

21. Mr. Knotts asked if there is anything in the ordinance that Mr. Ruse would consider unusual. Mr. Ruse commented that he worked in Dallas for several years before he came here, and ordinances like this were in effect there 8-10 years ago when he was working there. There were some key differences, one of which is the property line issue. Mr. Knotts rephrased his question: If we enact an ordinance and you continue to live and design in Norman, would you just take this as the design standard to design by. Mr. Ruse responded affirmatively. It will not be a steep learning curve to make this ordinance work.

22. Chairman Gasaway asked why somebody would use a semi-cut-off as opposed to a full cut-off. Mr. Ruse said you don't lose much efficiency between a semi-cut-off and a full cut-off fixture. He looks at a design as what he would want, which would be the most economical and inexpensive as possible but still meet the performance criteria. Generally someone will not pick a semi cut-off over a cut-off unless there are restrictions. Mr. Knotts asked if he means full cut-off when he says cut-off. Mr. Ruse responded that IES defines semi-cut-off, cut-off, and full cut-off.

23. Mr. Lewis asked Mr. Ruse to address 0.2 footcandles at a property line that abuts commercial to commercial or commercial to public right-of-way. Is 0.2 footcandles really going to cause any excessive light spillover or, in relationship to the professional recommendations, might 0.2 footcandles be more beneficial if it were higher in regards to attracting business to the City of Norman, making the City of Norman more inviting, but yet also not causing what many have termed as glare or, in some personal opinions, an ugliness in the city. To me, light is beautiful. Mr. Ruse used an example of building a McDonald's next to a Burger King and the requirement for 0.2 footcandles between them. That could be an issue. Maybe there is one drive and a nine foot parking space between the building and the property line. That makes it difficult to light that drive and those parking spaces knowing that there has to be no more than 0.2 at the property line. Mr. Lewis asked him to also expound on 0.2 footcandles spilling onto public rights-of-way and the ability to feel safe, secure, and be able to walk according to what you shared with us a moment ago in hallways inside buildings, I'm assuming, being 10 to 20 footcandles, underneath the streetlight being 5 footcandles, and we're all of a sudden taking something down to 0.2 footcandles with a sidewalk going right in front of it. Mr. Ruse commented that one of the reasons people want their parking lots lighted is for security, and they typically design parking lots between 0.5 and 2 to 2.5 footcandles, unless given some reason to go higher. So 0.2 on a sidewalk is a little bit lower. If the sidewalk is not on the boundary, but through the middle of the owner's property that I'm designing, going to an entry of a building, I would want more than 0.2 footcandles for pedestrians on the property.

24. Mr. Trachtenberg commented that is not the most precise way of framing the issue here, because it's not as if what we're talking about in this kind of case is a big open field in the middle of nowhere, where we plop down a commercial property and then say at your boundary line it's 0.2 footcandles. Then walking along the side of that would not be very pleasant; it would be very dark. But what we're assuming is that there are additional light sources in the form of streetlights and other buildings around. Mr. Ruse said it may be 1 or 5 footcandles due to street lighting. Mr. Trachtenberg said it seems that the image that is better to work with is the one that Councilman Kovach gave us, which is a bunch of voices in a room. So if there's one voice in a room, even if a whisper or a normal tone of voice, that's kind of quiet and you don't really notice it. But if you put lots and lots and lots of those in a room, then it gets loud and distracting. I think the intention behind the idea of saying 0.2 at the boundary line is that it's not in a vacuum. It's what is being contributed by all of the sources all around. If you limit all of the sources to 0.2 at the boundary line, there's going to be some additive effect there and then the public sources of light, the streetlights, are going to be doing, as it were, the heavy lifting for illuminating the sidewalk. That's how I'm envisioning that situation, as opposed to the commercial development in the middle of nowhere, where indeed it would be unsafe.

25. Mr. Lewis agreed. There are many developments where streetlights aren't the case. There are many streets in the City of Norman boundaries where it is almost pitch black because we're running from corner to corner. Where my question was coming from was in those types of situations. Sure, we have ambient light because it's currently spillover from either streetlights or from businesses. So if we contain all of that down to 0.2 footcandles spilling onto public right-of-way, then it's going to get really dark.

26. Mr. Knotts asked if there are any commercial areas that don't have streetlights in Norman. Mr. Koscinski responded that he was not aware of any. Mr. Knotts commented that, as noted in the letter Tom McCaleb read, the issue is the differential between this light and that light. If it's all blending in to 0.2, you can't tell the color of your car at 0.2, but there are several places on the Lloyd Noble parking lot that are 0.2 and it's a fairly safe location. Mr. Ruse indicated you can see a car coming at you. Mr. Knotts added that 0.2 at the boundary, if it's plopped down in the middle of nowhere, is going to be more light than probably they need. Chairman Gasaway asked for clarification of an earlier comment that 0.2 is about the level of Sooner Mall and the Walmart parking lot currently. Mr. Koscinski said those are the measurements that he got.

27. Mr. Trachtenberg said that addressing the street light is part of a comprehensive lighting solution for the City of Norman, but he regards that as the public's responsibility and not as the private sector's responsibility.

28. Mr. Ruse offered the use of their light meters so Commissioners could get a feel for 0.2 footcandles.

29. Stephen Koranda expressed concern about the difficulty in measuring 0.2 footcandles at the property line. If I'm asked to keep my voice at a whisper level – let's say a whisper level is 0.2 – and I'm in a full room at a Chamber after hour function with a lot of other voices, and you don't know if my voice is at 0.2 or if Sean's voice is at 0.4,

but somewhere someone is measuring 0.4. You don't know if it's my voice, or if it's Sean's voice, which might be a public – to continue with this analogy here – which might be the public streetlight or the parks streetlight or a park light. So I think what you're doing is you're setting up a very, very difficult hurdle for the business to be able to accurately measure if they're hitting that 0.2 footcandles at the property line.

Mr. Trachtenberg explained that this ordinance is not going to be enforced ex post. It's going to be enforced ex ante. What that means is, no one is going to be going around with light meters checking up on businesses. The way this is going to be enforced is at the construction phase. So the requirement for the photometric plan is that the plan will say whether the design that you've got is going to result in 0.2 at the boundary line. If the plan meets that, and that's why we've got this engineering provision in it, then that's all. It's not going to be the case that the City staff is going to be running around with light meters. The fact of the matter is we don't pay them enough and we don't have enough in the budget to have them work at night. Doug went out in the middle of the night on his own. So I think that your analogy is exactly right, but I think that what you weren't taking account of is the way enforcement is built into this ordinance.

30. Mr. Koranda asked if this will open the opportunity for something to complain about. Mr. Trachtenberg responded that enforcement provision is discharged at the point of the approval of the plan. So that means that a citizen filing a complaint would not have a cause. Mr. Knotts added that all existing lighting systems are grandfathered non-conforming legal.

31. Mr. Knotts noted previous comments from Mr. Heiple that we should use the sign ordinance, an ordinance that has been adopted by the City and has proven to work over time, which is Article VIII, Section 18-801, for legal non-conforming signs, to allow all existing non-conforming lighting systems to be declared legal until certain specific conditions are met. The language of the condition he is proposing is basically taken from the sign ordinance.

Tom Knotts moved to amend Ordinance No. O-1011-44 by adding 3.2 to read: "Legal non-conforming outdoor lights – Any lighting system presently located within the City on the date of the adoption of this ordinance, which does not conform with the provisions of this Ordinance shall be considered as a legal non-conforming lighting system and is permitted. Such lighting system shall be maintained in a good condition and shall be allowed to remain in existence as long as, and only so long as, the referenced lighting system is not: (a) Changed to another non-conforming lighting system, except that maintenance can be performed on the existing non-conforming lighting system; (b) Structurally altered (except for safety requirements) so as to prolong the life of the light; (c) Expanded; (d) Continued in operation after cessation or change of ownership of the business, except as otherwise provided in this ordinance; (e) Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost." Zev Trachtenberg seconded the motion.

32. Ms. Connors said she believes that 3.2(a) is now covered in 4(a)(2). With regard to (d), it is very hard to base something on ownership. The City does not have business licenses and so does not know when ownership changes. Mr. Knotts asked how this

can be in the sign ordinance. Ms. Connors responded that a new business usually changes their sign to a new title or new business name.

Chris Lewis moved to call the question on Mr. Knotts' amendment to 3.2. Andy Sherrer seconded the motion.

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

Recording Secretary Roné Tromble announced that the motion to call the question, failed by a vote of 3-4.

Tom Knotts offered a friendly amendment to his motion to delete paragraph (d). Zev Trachtenberg extended his second to the friendly amendment.

33. Mr. Trachtenberg asked for an explanation of paragraph (e). Mr. Knotts responded that if a tornado ripped through a parking lot and tore out a bunch of stuff, if the cost to reconstitute it as a non-conforming system was greater than 50% of the appraised replacement cost, then it would have to comply with the ordinance. Mr. Trachtenberg asked if the "appraised replacement cost" would be for a conforming system. Mr. Knotts said if the cost to replace it was greater than 50% of the cost to bring it into compliance, they would have to bring it all into compliance.

34. Ms. Gordon said 3.2 seems like a lot of detail that could be covered by just adding a few words to 4(a)(2). Mr. Knotts said he thinks what we are gaining with the proposed language is that it conforms to an already existing ordinance (the sign ordinance) and the ability to declare these systems legal non-conforming, and an opportunity when certain conditions happen that then there is a little bit of retrofit.

35. Ms. Hartley commented that this language would be adding retrofitting back into the ordinance, which the Commission took out months ago. Mr. Knotts pointed out that it would only be when certain conditions happen.

36. Mr. Lewis asked whether the Planning Commission would have to hold a new public hearing on any amendments that are approved at this meeting. Ms. Connors said this is the public hearing. Any amendments will be moved forward to City Council.

37. Mr. Trachtenberg commented that he is conflicted on this amendment. He agrees with Ms. Gordon that less is more. On the other hand, consistency across the code is generally a good thing. He does like the idea of bringing non-conforming uses in and clarifying. A lot of the business people who were at this meeting seem to be under the impression that existing structures and lighting facilities were going to have to be changed, and that is explicitly not the case. Mr. Lewis objected to Mr. Trachtenberg's last comment on behalf of business. He believes business is very clear on what is currently in the ordinance, because Mr. Heiple, Mr. Rieger, and others in the business community have been very thorough in explaining that retrofit is completely

off the table at this point. Mr. Trachtenberg said he still believes, as a matter of policy, it is a good idea to say it's non-conforming, but it's legal.

38. Mr. Sherrer commented that the Commission has received all the emails, the complaints, and what people thought. Overwhelmingly retrofitting became something they felt was unfair. Again tonight the significant majority of those who spoke said this ordinance is very challenging as it currently is. Adding this provision would make the ordinance even more difficult for those individuals who spoke. He doesn't think the Commission is listening to the people who have voiced their opinions. Ms. Hartley commented that, of the people who testified, 10 were opposed to the ordinance and 5 were supportive of it.

39. Mr. Trachtenberg commented that his test is whether this language would be a burden for a small business where someone crashed into a light pole. Mr. Knotts said he didn't think so. If one pole is knocked out, you can replace that with something closely resembling the others, or you can decide to go ahead and conform to the ordinance. If you have a catastrophic event that brings most of your lighting down, then you would need to think about trying to comply with the ordinance when rebuilding. Probably that would be paid for with insurance.

40. Chairman Gasaway said he has a little problem with this amendment, because it has been indicated that the retrofitting was removed. He thinks some of it is covered in the staff amendment to 4(a)(2): "If existing fixtures are removed in order to upgrade, redesign, or reconfigure the lighting design ... then such fixtures must conform to the requirements of the Outdoor Lighting Standards." Mr. Trachtenberg commented that 4(a)(2) doesn't speak to a catastrophic event, and someone in that case might replace with non-conforming fixtures. He believes in that case, the market would take care of it because the insurance company is going to say to do it to current standards, and it will be cheaper to buy what is currently on the market. Mr. Knotts countered that it is possible to buy conforming fixtures or non-conforming fixtures. The proposed language would guide them into using conforming fixtures. Mr. Trachtenberg asked about adding language to 4(a)(2). Ms. Gordon believes that in the case of a catastrophic event when the replacement is being paid for by insurance, it probably would be market driven and conform to standards. She thinks this is being unnecessarily detailed and it is covered by 4(a)(2).

There being no further discussion, a vote on the motion to add 3.2, with paragraph (d) removed, was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to add 3.2 failed by a vote of 1-6.

Chris Lewis moved to recommend approval of Ordinance No. O-1011-44, as amended as recommended by staff, to the City Council. Diana Hartley seconded the motion.

41. Mr. Trachtenberg stated his intent to vote against this motion. He believes Mr. Knotts has put a lot of thought and work into his proposals, and they deserve a hearing.

42. Chairman Gasaway said he would vote against the motion. There is one other item that he would like for the Commission to discuss that was taken out at the last session.

There being no further discussion, a vote on the motion to recommend approval of Ordinance No. O-1011-44, as amended to this point, to the City Council was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to recommend approval of Ordinance No. O-1011-44, as amended to this point, to the City Council failed by a vote of 2-5.

Andy Sherrer moved to amend section 3, Applicability, to provide that this ordinance only applies to commercial properties which abut single- and two-family dwelling zoning, and not include public rights-of-way. Chris Lewis seconded the motion.

43. Mr. Trachtenberg said he thinks it is a good thing for the record that this issue be singled out and voted on. He will be voting against the motion.

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

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

Recording Secretary Roné Tromble announced that the motion to amend the Applicability of the ordinance failed by a vote of 3-4.

Tom Knotts moved to amend Ordinance No. O-1011-44 by adding 3.3 to read: "If any business location is inactive or unoccupied for two consecutive years, the new business will be given five years from the date of opening for commerce to comply with the standards set out in this ordinance." Zev Trachtenberg seconded the motion.

44. Mr. Trachtenberg commented that this is revisiting an issue that was previously discussed at length. He asked staff to review what the concerns were. Ms. Connors said she believes the Commission was concerned that this would create an amortization on lighting, and they would have five years to comply whether or not the lights were old or new. Mr. Knotts explained that the proposed language would cover

a change of business only when the location had been vacant for a period of two years.

45. Mr. Sherrer asked for a definition of "inactive". Mr. Knotts responded that there would be nothing going on. His intent is that this would cover a vacant building.

Andy Sherrer proposed a friendly amendment to the language to read: "If any business location is unoccupied or vacant for two consecutive years ..." Tom Knotts accepted the friendly amendment to his motion.

46. Ms. Gordon asked if there is any similar provision in the ordinance. Ms. Connors responded that a new business going into an existing building would not have to comply with the new standards. Chairman Gasaway added that it was included in an earlier version of the ordinance. Mr. Lewis said there was discussion from the business community that it is not unheard of for a commercial building to remain unoccupied for up to two years, and it is somewhat of an undue burden to have to completely relight the entire parking lot within a five-year period, and an enormous cost for the business. If he were a business looking to locate in Norman, knowing that would have to be done within five years, he would probably locate elsewhere.

47. Mr. Sherrer asked how you would determine when the two years starts. Mr. Trachtenberg commented that there would have to be a clear trigger, and the water bill might be a trigger. He added that he is leaning against this amendment because he believes it would put a burden on a new business.

48. Chairman Gasaway said he thinks this provision should be included in a good lighting ordinance, but he would vote against it at this time, in deference to the comments from the business community.

There being no further discussion, a vote on the motion to add 3.3, with a friendly amendment of the language, was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to add 3.3 failed by a vote of 1-6.

Tom Knotts moved to amend 4(a) to delete reference to "cutoff" and "semi-cutoff" fixtures. The motion died for lack of a second.

Tom Knotts moved to amend 4(a) to add "mounted horizontally". Mr. Trachtenberg seconded the motion.

There being no further discussion, a vote on the motion to add "mounted horizontally" in 4(a) was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to amend 4(a) by adding "mounted horizontally", was adopted by a vote of 5-2.

Tom Knotts moved to amend 4(d)(2) to read: "Fixture types may include floodlights, wall sconces, ... or any other fixture that meets the intent of this section. Decorative architectural wall mounted fixtures ... so long as such fixtures do not result in any glare as later defined or light spillover onto any abutting residential property greater than 0.2 footcandle when the property is zoned or used as single- or two-family residential." Mr. Trachtenberg seconded the motion.

There being no further discussion, a vote on the motion to amend 4(d)(2) was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to amend 4(d)(2), was adopted by a vote of 4-3.

Tom Knotts moved to delete 4(g) in its entirety. Mr. Trachtenberg seconded the motion.

49. Mr. Lewis commented that he thinks the partial Commission is going back and revisiting items that were previously taken out of the ordinance by the full Commission. Mr. Knotts pointed out that there was not a full Commission present at the time this provision was added.

50. Chairman Gasaway spoke in support of the amendment. He believes that this section has the potential to undo all of the other lighting requirements by allowing something on a pole of any height 75' from the property line, shining anywhere. Mr. Lewis countered that it would still have to meet the 0.2 footcandle at the property boundary.

There being no further discussion, a vote on the motion to delete 4(g) was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to delete 4(g) failed by a vote of 2-5.

Zev Trachtenberg moved to recommend adoption of Ordinance No. O-1011-44, as amended, to the City Council. Tom Knotts seconded the motion.

There being no further discussion, a vote on the motion to recommend adoption of Ordinance No. O-1011-44, as amended, to City Council was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to recommend adoption of Ordinance No. O-1011-44, as amended, to City Council, was adopted by a vote of 4-3.

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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 the Commissioners or staff and no further business, the meeting adjourned at 10:03 p.m.

A handwritten signature in cursive script, appearing to read "Roberta Pailes".

Norman Planning Commission