NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

OCTOBER 11, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 11th day of October 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

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Item No. 1, being:
ROLL CALL

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

A quorum was present.

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

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Item No. 2, being:
CONSENT DOCKET
Chairman Sherrer announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:
APPROVAL OF THE SEPTEMBER 13, 2012 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1213-1 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY DAVID CLARK (JIVIDEN & COMPANY, P.L.L.C.) FOR CLARK RANCH, GENERALLY LOCATED ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE EAST OF 108TH AVENUE N.E.

Item No. 5, being:
COS-1213-2 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY TOM MCGREGOR AND TERESA NUGENT (M&M LAND SURVEYING, INC.) FOR MCGREGOR ESTATES, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY #9 AND APPROXIMATELY ¼ MILE EAST OF 84TH AVENUE S.E.

Item No. 6, being:
FP-1213-9 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY HARVEST CHURCH (CARDINAL ENGINEERING, INC.) FOR HARVEST CHURCH ADDITION, GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF INDIAN HILLS ROAD.

Item No. 7, being:
FP-1213-10 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 41 ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ROCK CREEK ROAD APPROXIMATELY ¼ MILE WEST OF 36TH AVENUE N.W.

Item No. 8, being:
FP-1213-11 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 12, GENERALLY LOCATED ¼ MILE SOUTH OF W. FRANKLIN ROAD AND ½ MILE WEST OF 36TH AVENUE N.W.

Item No. 9, being:
FP-1213-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY S&S FAMILY PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR S&S FAMILY PROPERTIES ADDITION, SECTION 1, LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

Item No. 10, being:
FP-1213-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY OF OKLAHOMA FOUNDATION/NEDC (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION SECTION 1, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND NORTH OF ROCK CREEK ROAD.

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

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Diana Hartley moved to place approval of Item Nos. 3 through 10 on the Consent Docket and approve by one unanimous vote. Curtis McCarty seconded the motion.

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

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

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 10 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 SEPTEMBER 13, 2012 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-1213-1 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY DAVID CLARK (JIVIDEN & COMPANY, P.L.L.C.) FOR CLARK RANCH, GENERALLY LOCATED ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE EAST OF 108TH AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report
4. Request for Variance to Acreage Requirement
5. Request for Variance to Private Road Standards

This item was approved as submitted on the Consent Docket by a vote of 7-0, with a variance to the minimum acreage requirements for Tract 1 and Tract 2, and a reduction in the minimum private road standard from 20 feet to 15 feet for Tract 1.

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Item No. 5, being:
COS-1213-2 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY TOM MCGREGOR AND TERESA NUGENT (M&M LAND SURVEYING, INC.) FOR MCGREGOR ESTATES, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY #9 AND APPROXIMATELY ¼ MILE EAST OF 84TH AVENUE S.E.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report
4. Request for Variance to Acreage Requirement

This item was approved as submitted on the Consent Docket by a vote of 7-0, with a variance in the minimum acreage requirement for Tract 1 and Tract 2.

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Item No. 6, being:
FP-1213-9 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY HARVEST CHURCH (CARDINAL ENGINEERING, INC.) FOR HARVEST CHURCH ADDITION, GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF INDIAN HILLS ROAD.

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

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

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Item No. 7, being:
FP-1213-10 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 41 ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ROCK CREEK ROAD APPROXIMATELY ¼ MILE WEST OF 36TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Request to Defer Street and Sidewalk Improvements
5. Revised Preliminary Plat

This item was approved as submitted on the Consent Docket by a vote of 7-0, with deferral of paving and sidewalk improvements in connection with Rock Creek Road.

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Item No. 8, being:
FP-1213-11 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 12, GENERALLY LOCATED ¼ MILE SOUTH OF W. FRANKLIN ROAD AND ½ MILE WEST OF 36TH AVENUE N.W.

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

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

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Item No. 9, being:
FP-1213-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY S&S FAMILY PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR S&S FAMILY PROPERTIES ADDITION, SECTION 1, LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

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

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

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Item No. 10, being:
FP-1213-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY OF OKLAHOMA FOUNDATION/NEDC (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION SECTION 1, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND NORTH OF ROCK CREEK ROAD.

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

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

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Item No. 11, being:
ORDINANCE NO. O-1213-14 – G. BLAKE VIRGIN REQUESTS SPECIAL USE FOR AN OFFICE FOR PROPERTY CURRENTLY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, AND LOCATED AT 404 S. PETERS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Pre-Development Summary 8-23-12

PRESENTATION BY STAFF:
1. Ms. Hudson – The application before you is for a Special Use for an Office. The existing zoning in the area is predominantly R-3, with C-2 and RM-6 to the north. The existing land use in the area is a mix of residential, parkland, and office. The applicant purchased the site in November of 1992. There was already an office use there. The applicant is requesting to clean up some records and get a special use for this office. Staff does support that request. The applicant and his representative are present.

PRESENTATION BY THE APPLICANT:
1. Blaine Nice, 100 North Broadway, representing the applicant – As Ms. Hudson said, Mr. Virgin purchased this in 1992. About five to six years prior to that, it was used as a law office. We filed this application to kind of settle this matter once and for all. We believe it's a legal use and has been a legal use continuing for over 25 years. Somebody questioned that and staff reviewed the records and were unable to find some previous records that confirmed this. Just out of an abundance of caution and to solve this matter from this point on, we went ahead and applied for the special use. This truly fits in with the residential use in that area. There is a rental property behind the law office that Mr. Virgin also owns. The only sign is on the wall; there is not any large business sign. It is well maintained and there is adequate parking on the site. We would ask the Commission to approve the application.

AUDIENCE PARTICIPATION:
There was no participation from the audience.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Curtis McCarty moved to recommend approval of Ordinance No. O-1213-14 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	Jim Gasaway, Cindy Gordon, Diana Hartley, Tom Knotts, Curtis McCarty, Roberta Pailes, Andy Sherrer
NAYES	None
ABSENT	Dave Boeck, Chris Lewis

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-14 to the City Council, passed by a vote of 7-0.

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Item No. 12, being:
ORDINANCE NO. O-1213-9 – CLEVELAND COUNTY BOARD OF COMMISSIONERS REQUESTS PARTIAL CLOSURE OF 150' OF THE ALLEY RUNNING EAST-WEST FROM PETERS AVENUE TO JONES AVENUE BETWEEN EUFAULA STREET AND SYMMES STREET.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Amended Application for Closure of Public Way by Ordinance
4. Protest Map (9/12/12)
5. Protest Letters

PRESENTATION BY STAFF:
1. Mr. Danner – The County owns property about mid-block on both sides of a 20' right-of-way, which is typically utilized for an alley. They are planning on re-doing their parking lot to the south and improving a parking lot on the north side. They are in need of control of those parking lots. They have asked for the closure so they can have control within the area that they own. The utilities within that right-of-way are still going to be able to be utilized. The City has a sewer line and it is our understanding that we can still maintain that sewer line if needed. Staff recommends approval of the closure.

2. Mr. Knotts asked if the improvements will make this a limited access parking lot. Mr. Danner indicated the applicant could answer that question.

PRESENTATION BY THE APPLICANT:
1. Carol Price Dillingham, 201 S. Jones, representing the applicant, the Board of County Commissioners for Cleveland County – We are seeking closure of 150 feet of the alley in the center of the block between Eufaula and Symmes. The County owns the parking lots and is trying to do two things. Our main focus is to try to move some of the employee parking over to these lots to create additional more abundant parking for the citizens in the existing lot across Jones by the Baptist Church. We are intending to just do closure by way of bollards – the same kinds of things you see all over town and on the University, where all of the first responders – fire trucks, police – have the keys to remove them in case they need it for emergency response. This does not inhibit either the City trash trucks from picking up the dumpsters on the east and the west ends, nor does it deprive any of the other private businesses in that block of their parking with the ingress off Peters and off Jones coming in from the two side ends. All we're seeking to do is gain control of that property that the County owns so that we can add about seven spaces for employee parking, increase the ability to have some better handicapped parking closer on the Eufaula end and hopefully to do some ingress and egress for handicapped folks through the old sally port from the jail and open up more abundant parking for the folks that need to get in and out of the courthouse. There are utility issues. OG&E has an easement through there and the City has a sewer that runs through there. We are not seeking vacation of the alley, just merely the closure by the way of the temporary bollards so that we get control of that without inhibiting anybody else's lawful use. I have Commissioner Rusty Sullivan here if you have any questions directly for the Commissioner. Be glad to answer any questions that you have.

2. Mr. Knotts – Will the parking lot be limited access? Ms. Dillingham – At this time it will be. We will identify the employee parking either by sticker or something like that. It's not going to be gated.

3. Ms. Pailes – Would you enter off both Eufaula and Symmes into the parking lot? Ms. Dillingham – I think the plan is for primary ingress off of Eufaula and then egress to Symmes. They will change the traffic pattern in the parking lot itself.

AUDIENCE PARTICIPATION:
There was no participation from the audience.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-9 to City Council. Tom Knotts seconded the motion.

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

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

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1213-9 to City Council, passed by a vote of 7-0.

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Chairman Sherrer asked to be recused from Item 13 due to a conflict of interest. Since Vice Chairman Lewis was not present, Chairman Sherrer asked Mr. Gasaway to serve as Chairman Pro Tem for this item. There were no objections.

A vote to recuse Mr. Sherrer on this item was taken with the following result:

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

Ms. Tromble announced that Mr. Sherrer was recused from participating in Item 13 by a vote of 7-0.

Mr. Sherrer left the room, and Mr. Gasaway assumed control of the meeting.

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Item No. 13, being:
CONSIDERATION OF A REQUEST SUBMITTED BY OSOI TECUMSEH DEVELOPMENT, L.L.C. AND NE DEVELOPMENT, L.L.C.

13A. RESOLUTION NO. R-1213-36 – OSOI TECUMSEH DEVELOPMENT, L.L.C. AND NE DEVELOPMENT, L.L.C. REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-3) FROM COMMERCIAL DESIGNATION TO MEDIUM DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Pre-Development Summary – 4/26/12

13B. ORDINANCE NO. O-1213-11 – OSOI TECUMSEH DEVELOPMENT, L.L.C. AND NE DEVELOPMENT, L.L.C. REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Santa Rosa Addition PUD Narrative and Exhibits A-E
4. Santa Rosa Protests as of September 11, 2012

13C. PP-1213-4 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY OSOI TECUMSEH DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR SANTA ROSA ADDITION, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Green Space Exhibit
7. Landscape Plan
8. Request for Alley Waiver
7. Greenbelt Enhancement Statement

PRESENTATION BY STAFF:

1. Ms. Hudson – The applicant is requesting a change in the 2025 Land Use and Transportation Plan from commercial to medium-density residential. The property is currently commercial designation; if approved, it would turn to medium-density residential. In addition, they have a rezoning request from C-1 to a Planned Unit Development. The northeast side of 36th Avenue is a bank. The northwest side is another bank. The property has been zoned commercial since 1983 and has remained vacant. The property to the east was rezoned. There was previously twenty-five acres of land intended for multi-family; that has been eliminated. The applicant believes that there is a need for multi-family in the area. Staff supports this request. The applicant is here with a presentation. There were protests from the notification area of 40.3 percent.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – We will speak to all three items at once. You will hear from three of us tonight. You will hear from me, Mr. Tom McCaleb, and the architect on the project. I want to thank Ms. Hudson and staff for their help on this project. When you have a project that is controversial like this, it is always helpful to have staff that helps you see issues and helps you understand ways to improve it. They've done that on this project and I think that's helpful in the sense that we now have staff approval. I'll quickly introduce a couple of points and then I'll turn it over to Tom McCaleb to talk through the engineering. This is the Santa Rosa Addition, as Jane said. The site is 36th Avenue N.W. and Tecumseh. What I want to make sure we're clear on is we are not rezoning the actual hard corner. In fact, this is a change from Pre-Development. At Pre-Development we were rezoning the whole corner and the whole parcel. We changed that in concerns of other folks that said they wanted to maintain a commercial corner, so what you see now is the rezoning lines up with CVS over here and Mid-First Bank at the top. So we left a little under a 2-acre corner that can maintain that hard corner. I want to clarify that. And continuing to the south is the RM-2 medium density zoning – the church there now, but the zoning is RM-2. One of the things I want to note before we turn it over to Tom is just some history that I want you to understand before we get into the discussion of this site. This is one of those sites that has been a skipped over, troubled site for a long time. It was originally zoned in 1983 as C-1 commercial property almost 30 years ago. It's been tried three times as a commercial development. In 1998 a corner parcel with a special use for an automobile service station; that expired. No market was found for that. In 2002 a C-1 preliminary plat approval by this Commission and Council; that expired in 2005. No market was found for that. In 2009 another C-1 preliminary plat approval; that expired this year. Three times it has been tried and failed as a commercial development. What you will hear tonight is a proposal that is in keeping with west Norman, that is well-planned, that puts forth good public policy, and that is a project that we hope you will approve. First, I want to ask Mr. Tom McCaleb to come up and talk through the engineering of the project.

2. Tom McCaleb, SMC Consulting Engineers – I am the civil engineer for the applicant. As Sean indicated, the history of this project goes back to '83. I didn't do the '83 one. In recent history, the commercially zoned property has been preliminary platted as a service station, a bank, other retail uses, and in 2009 a facility for Oklahoma Sports & Orthopedic Institute. I did those. The preliminary plat for OSOI became null and void this past April 14, so it is now a void prelim. So we have a new preliminary plat and site plan to present to you tonight and a rezoning request for apartments. That's different. The change in zoning does not include the northeast corner as he stipulated. The tract shall remain C-1 commercial. As the civil engineer, I will address those engineering components of this application. 1) Sanitary sewer. The site connects to existing sanitary sewer line on the western portion of the property. We will connect the sewer line and bring it to the site. All units will be connected to the sewer line and drain it back to the existing public sewer line. 2) Water lines. The site is served by a 16" water line along 36th Avenue N.W. The site is served by a 12" water line along Tecumseh Road. The new plan is

designed to connect to both lines and provide a looped water line system to adequately serve and provide domestic water use and fire protection. The next is access. There are only two driveways that will serve this new site. The previous preliminary plat had three driveways. That third driveway has been eliminated. Previously the City traffic engineers specified a setback from the intersection of 36th and Tecumseh. Those setbacks, as stipulated with the previous plat, are consistent with this plan and the previous requirement is still intact, but we eliminated one drive. Traffic -- An updated traffic impact analysis was prepared for this application, which was a supplement to the ones previously prepared. Staff has seen the report. They've got it and they've approved it. The results of the study has indicated a comparison for all of the commercial traffic versus the new apartment traffic. The difference is a reduction of vehicles per hour during the peak hour from 691 vehicles to 145 vehicles. This is a significant reduction in potential traffic. The TIA was prepared by Traffic Engineering Consultants – Wayne Russell. Mr. Russell is sitting right here and he'll be glad to respond to any questions should you have any about traffic. Drainage and detention. The site has a unique drainage system – a unique theme for drainage. The existing detention pond is located along the western portion of this tract. The existing pond provides detention for a portion of the Cascade Addition. The drainage is conveyed north toward Tecumseh Road, then continues northerly from there through the Castlerock Addition, where there are additional detention facilities that take care of the drainage requirements. That's the way it is today. The area east of the pond, of the existing site we're talking about tonight, as you can see on the topography, drains easterly. That means that no detention for the remaining tract can be detained in the existing pond, because the discharge located at Tecumseh Road is designed to control the flow with an orifice. This orifice is designed to insure that historical runoff is not exceeded. The revised drainage report has solved this issue by enlarging the existing pond and installing another pipe system that would do two things. 1) Provide detention for the Santa Rosa development by taking the water to the natural drainage corridor. 2) Designing the east orifice to provide a surety that no water will overload the Cascade detention facility. In other words, there will be two drainage points – one north, one northeast – there will be just one pond with two orifices to control the water. This study has also been prepared, submitted to staff, and approved. The preliminary plat and site plan – this is the preliminary plat that you see on the board here. This is a colored rendition of the site plan that is a better looking picture than the preliminary plat. It shows the unique building design for this system and shows how the area will be conveyed. As Sean said earlier, this site plan is not the one that was shown at the Pre-Development meeting in April. At that meeting, many citizens were in attendance and strongly voiced their disapproval of the site plan and the proposed rezoning of the site. The applicant listened to the many concerns and authorized their lead architect, Mr. Buzz Owens, to revise the plan. He did – several times. He made numerous changes, numerous modifications to reduce the density, reduce the units, and move them easterly as far as he could. We also added the hard commercial corner back into the tract, and that was not on the previous application or drawing. Finally, after the last revision, we submitted the preliminary plat to the City for this purpose of going through the Planning Commission tonight and the subsequent City Council. The plat was submitted to the Parks Board. At the Parks Board we gave a letter to the Parks Department to offer a fee in lieu of for the parkland requirement. The money was to be used to add playground equipment for the existing Cascade Park. The City Parks Board rejected the fee and opted for a land decision. To facilitate that, we made one more modification. And with the applicant, we've met with the Parks staff and have satisfied that request by agreeing to donate the required 1.01 acre, which is the calculation of parkland requirement. The additional acreage will be accomplished by installing a reinforced box in the 1.01 acres. Right now, that's a void. We're going to put a box, we're going to bring some dirt in, sod it with grass, and connect it back to the existing parkland of Cascade. So it will be a continuous park through this tract. We've asked the architect to help us on landscaping and he has done so. The implementation of this is significant and it's costly. It satisfied the parkland requirements. It satisfies Parks Department staff. The implementation of the design will not adversely affect the detention solutions that I just described. The final results will look something like this. The architect has prepared other renderings that Mr. Rieger is going to show

you in his PowerPoint to show the buffers that will extend across from this area where the houses are to the site and he'll explain that to you in his presentation. Right now I'd like to introduce the architect from BGO Architects to explain some of the features of the architectural design.

3. Minho Kim, BGO Architects, head designer for the project – When I and my design team developed the site plan for the proposed project, I realized that this project should be able to meet the demands of the local growing commercial and the medical office employees as well as the single-family neighbors. In terms of single-family neighbors, I believe this proposed project will be able to serve as a buffer for them from the busy intersection and the commercial and office uses. So we designed the site plan to serve those particular parties' interests. This is the most current site plan for the proposed project. I believe this site plan is the result of most of the comments and issues from the previous meeting. The proposed site plan has more than 100 feet wide of the natural buffer from the single-family neighbors as well as the proposed neighborhood park at the corner, which is about one acre. We also placed the buildings very carefully so that no unit is facing directly to single-family neighbors in proximity. There will be no windows or any opening on the side of the walls facing directly to single-family neighbors. Architecturally, we designed the building plans with tuck-under garages on the first floor of the buildings as well as detached garages to provide up-scale environment for the residents. Especially tuck-under garages make the building elevation more like single-family home. Tuck-under garage also reduce the amount of the surface parking so then it will reduce the ground heat gain and heat island effect which is one of the very important factors of green architecture. Even between surface parking we designed quite a lot of green strips with royal oak trees to minimize the disadvantages of parking lots. We also placed the buildings up front along the public street and put the parking spaces behind the buildings to make pedestrian friendly environment along the public street. Our approach for the architectural style is of scale which I believe would be suitable for the local neighbors and the neighbors context. We have tried to make more single-family feels into the elevations and reduce the amount of the massive plain elevations using lots of ins and outs along the façade, various building materials like, stone, brick, stucco, and siding, and more articulate details like brackets, and so on. We also designed the front porches and stoops for the ground level unit along the public street to encourage more pedestrian traffic and make pedestrian friendly environment. I believe these color rendered elevations have been received well by the neighbors. Based on the experience as an architect and a designer for multi-family, I can say the overall design of the site plan, building plans, and elevations is well done for high-end upscale multi-family project and it would be able to fit very well into the neighbors and the local context.

4. Mr. Rieger – So now you know what the project is: a high-end, upscale multi-family project with garages. I actually am not sure if there are any other multi-family projects in Norman with garages enclosed within them. It's more of almost a townhouse design than it is a multi-family project. So why should you approve it tonight? That's what I'm here for – to talk through the final closing points here to say why you should approve this project. Well, as I mentioned earlier, it fits the pattern of other intersections in west Norman. It's designed very well – wonderful materials, a good site plan, it follows adopted public policy, and we've addressed neighbors' concerns extensively. I want to take you through that. One point of history: Ms. Hudson told you that previously there was 25 acres of high-density residential planned right across the street from us. Norman 2025 and Norman 2020 both have the same configuration for this area, with a large 25-acre high-density residential, meaning up to 30 units per acre, on that site, right across the street from where we're at tonight. You saw another large area of high-density residential at the top as well. So it has long been anticipated that there would be high-density residential around this intersection. What changed in recent years was the hospital. The hospital came in and rezoned this entire area to the right as Institutional. They were basically going to protect that entire corner and remove the high-density. The high-density got removed along I-35 as well as those areas turned into extensive commercial on I-35 frontage. The high-density residential got lost in that shuffle, but in no way is it not needed. You will see it

throughout west Norman and I'm going to show you that. Is it odd to have high-density residential by an intersection in west Norman? Not at all. I'm going to show you five different intersections in west Norman -- three of them successive miles south of exactly this location. What we propose tonight is exactly the same configuration that is throughout west Norman. This is 36th Avenue and Main Street. What do you see? If you look at the upper left, this is zoning right off GIS of the City of Norman. The pink is commercial. The dark brown is high-density residential, RM-6. The yellow is single-family residential. Commercial, high-density residential RM-6, single-family residential. That's exactly what we propose to you tonight. There it is. Has it hurt that area of Norman? Not a bit. You can see the frontage. High-density residential – the RM-6 fronting 36th Avenue. Here's the buffering. Look at the distances – 96 feet – window to window. I was there. Those are windows facing each other 96 feet apart. 125 feet window to window. 142 feet window to window. Now, forgive me if my dimensions are not exact -- they're off Google Earth -- but I bet they're close. That's an intersection – 36th and Main – much less buffering, but the same configuration we're proposing to you tonight. 36th Avenue and Robinson – let's move up one mile. Look at the zoning in the upper left: commercial corner, RM-6 zoning – it's not built out as RM-6 – it was built out as actually very small residential lots – but that zoning is RM-6 and single-family residential. Has it hurt that area? Not a bit. Same configuration as we ask for tonight. Let's go up one more mile. 36th Avenue and Rock Creek Road. What do we find there? Look at the upper left. Commercial corner, RM-6, single-family residential. Same configuration. And very high-end single-family residential, I might add, as well. Time will tell if it hurts that area, but these people certainly are banking that it's not. They seem very comfortable with it, I would say, as they're putting in significant amounts of money into those homes. Right now being built in that RM-6 are two large multi-family projects. Let's look at another intersection – 36th Avenue and I-35. What do we find at that intersection? Commercial corner, RM-6, single-family residential. Same thing. What's the buffering there? Well, let's look at it. RM-6 frontage – 158 feet window to window. There's kind of a view of what you see there. What you have in front of you tonight is a much larger buffer zone and a much larger distance window to window. I'm going to show you those in just a moment. What do we have at 48th Avenue and West Main? We have commercial corner, RM-6, single-family residential. That's five intersections, Commissioners, all in west Norman, all of them having the same configuration I'm asking you to support tonight. Has that hurt that area of Norman? I don't think so. There's a view, window to window. There's the frontage -- again RM-6 right on the arterial – right on 48th. And look at this down here. You see that window right there? And these windows? You see these apartment blocks right here? They're facing straight over into that neighborhood. I'll show you in just a minute what the property values of that neighborhood have been. They're enormous. It hasn't hurt that neighborhood. Same configuration we're asking for tonight. So we're not an oddity at all. We're exactly what has configured throughout west Norman for decades, and west Norman has held together quite well. There's our site. Commercial corner, RM-6, single-family residential, and not even nearly the amount of single-family residential as you saw in all of those other slides. Much less. I would actually make note, too, that to the south is RM-2. Much broader buffer zones. You see the buildings pulled back, windowless ends as Mr. Kim told you about. None of those other corners I just showed you had any of those features – the windowless ends. Much greater distances – huge distances from the windows of this development to the single-family that fronts it on the west. We are exactly in line with what has happened throughout west Norman, and we have provided greater protections and buffering. So what are the neighbors protesting? We know there was a Pre-Development hearing and what did they say? The notes – you have them. They say the buildings that backed up to the neighborhood were a problem; we moved them. They requested that the balconies be moved to the inside of the development; we moved them. They said traffic would be a concern; I'll show you in just a minute the quote from the traffic report that says that this is actually a massive decrease in traffic from commercial to residential, and I think you probably are familiar with that in your term as a Planning Commissioner that typically commercial is far more in traffic than residential. They said fear of crime; we've faced that many times before – the blind fear of crime. I would just say to you it's a fear that we can't necessarily package or confront. I think

it's a fear of crime everywhere. I would remind you that this same neighborhood had a fear of crime with the office park that was proposed on Tecumseh Road. We heard that quite a lot. And we've heard general growth issues: water, sewer, over-crowding of the nearby schools – that's been a very common theme. You'll hear tonight many of those things. We've seen some chatter from the neighborhood. They don't want to focus on anything we can fix. You'll see that in comments that have been circulated. They want to focus on things we can't fix. But I want to, again, point to the changes. Tom McCaleb brought you through them. I won't spend much time on this, but that was the original site plan that was brought through to Pre-Development. That's what was presented. This is what is before you tonight. Much different plan. There was no commercial corner on this one; there is a commercial corner on this one that lines up with Mid-First Bank and CVS. Here we had west facing, large residential buildings facing right into those homes; they're gone. Now, as you heard, windowless ends on all of these and the nearest windows are right there and all the way over here – way far away. We've put single story garage structures here and here. There's the traffic report. It's in your packet. I believe it is. Certainly staff has received it. It found that 691 vehicles per hour for C-1; 145 for residential; 79% reduction in traffic. I want to spend a little bit of time on this slide, and I want you to please look closely at it. You just saw me take you through five intersections in west Norman – all of them commercial corner, RM-6, single-family residential. Every one of them. All of them have sustained themselves very well for decades. This is what we propose. I showed you buffering of window to window of 90 feet, 120 feet. What are we proposing? Well this is a slice through A up here. This apartment complex does have windows that face to the west, but that is 310 feet away from the fence line, add another 20 for the setback. Huge – huge distance as compared to anything else you will find in west Norman under the same configuration. 145 feet from this end wall of no windows to the fence. You roughly have 200 feet or so from the end walls with no windows to the fence line, but to get to the windows you are 574 feet, 562 feet, 360 feet – enormous distances as compared to anything else you'll find in west Norman, and significant landscape buffer along the edge as well. Significant protections as compared to anything else that has existed in west Norman for a long time. How significant? I want to remind you of a project that you approved, Commissioners, with a super-majority vote in February of this year. This is Oakhurst on Imhoff – southeast Norman. What was the buffering there? This was a project that had 53% protest in February. This won a super-majority vote at Council and at Commission. The buffering there was 90 feet and 40 feet from the fence to the building. We've got 145 – 200 – 195 – 562 from window to window. Dramatically increased buffering on this project as compared to what was approved for southeast Norman on that project in a super-majority vote. I do want to point out, I think in fairness, the protest has been inconsistent from this neighborhood. We heard on the Tecumseh office project earlier this year, that also won a super-majority vote, that, in fact, they wanted nothing to do with commercial or office in this area right next to where we're zoning now. Now the call is for all the commercial we can get on this corner. You'll recall, though, it was let's keep Cascade residential. That was the call to you. Keep Cascade residential. Now the call to you is make it all commercial and as much as you can give it to us. Keep Cascade commercial or residential? Which shall it be? If we can plan it appropriate and have both, we should approve it. I want to point out one other thing. Tonight you're seeing a significant protest against a high-end multi-family project with garages and significant materials and design. The protest has largely called out that we're going to flood Roosevelt School with kids. Commissioners, I think it's a fair comment to say that in very recent years – you see this massive area of dirt right there – that's proposed homes – single-family homes – many, many of them – hundreds. There was no call about overflowing Roosevelt School from the kids in that site. It's an inconsistent message. One of the things we're hearing also is that they want this site to be commercial. Well, I've been as much of an advocate, personally, outside my role as an attorney, for commercial in Norman as anybody – the Chamber and otherwise. But let's focus on what you can achieve and what you can't. When there is a site that is proposed for commercial, when a national or regional company says I want to look at a site for commercial, they do what is called a retail trade area analysis. Basically, they take the site and they put rings on it and they put rings out from that site and what are they looking for?

They're looking for customers. Because if there are no customers, there's no business. Well, let's look at this site. It's a very unique location in Norman in terms of the defect it has for recruitment of commercial. I ask that you look at that screen. That yellow dot in the middle is this intersection. That ring outward is a mile. The next ring out is two miles. The total diameter is four miles. What's the problem with the site? Well, it's pretty obvious when you look at this and it's pretty obvious when commercial users look at it. Big, huge areas of the trade area are gone – there's no customers there. Look at the left side. That is the 10-Mile Flat Conservation Area floodplains. Not going to be any customers there. Look at the right side. That's the airport, University North Park and all of this around the railroad is industrial – no customers there. What about through the middle? Well, you have Ruby Grant Park, you have more industrial, you have large 2-acre lots of single-family, and you have some – but look at this map closely and you will see that the customer base is down here. That's why University North Park and Main Street all has the commercial. There's the customer base. It's to the south. It's far removed from this corner. And you see the map. It actually is an hourglass going right into this intersection at a very narrow sliver of residential with really no hope of widening that or expanding that. You need customers to make a commercial site work. That's probably why this site has failed for three different occasions in commercial. It doesn't have the customer base. It's actually a self-fulfilling prophecy in the sense that if you continue to deny population – such as the protestors want tonight – deny that population, you will actually exacerbate the problem of recruiting the commercial. Commercial needs population, they need rooftops, and they need customers. One other thing we've heard is property values. I've shown this before with the Oakhurst rezoning. It's been studied many times. There is not an affect on property values and I think MIT ought to probably just look at this site right here to prove that. We've proven it in west Norman for 30 years. This is 48th Avenue north of Main Street. If you look at this site to the south, right here, you can go sign up tomorrow, assuming they have a vacancy, and put down $565 and a $200 deposit and you can live in that apartment complex right there that was built almost 30 years ago. Or you can maybe convince somebody across the 110 foot buffer zone, window to window, and you can buy their house for $600,000. There's been no affect on property values there. I think that's proven out throughout west Norman. So what about public policy? Does public policy support us doing this tonight? Absolutely. We've been through a discussion recently of high-density residential. This is not a high-density residential project. This is 16 units per acre – medium density. But the basic core principles we've heard many times. The Urban Land Institute -- which I know Commissioner Pailes, I think, you think highly of – has informed us repeatedly that density is where we must go. If you want to sustain yourself as a community and grow into the future, you must focus on how much land you're consuming to grow. It's pretty simple. If you grow with little density – with single-family homes and large sites – you will consume a lot of land and you'll consume it quickly. What the Urban Land Institute and others have instructed us, I think wisely, is that multi-family housing is a key component of smart growth. That's their words, not mine. Multi-family housing is needed and preferred by many people today. It's more environmentally friendly than low-density development. There are important public policy reasons why we support it. What does that look like if you go down a path of just focusing on single-family development? If you protest the high-density and the medium-density, but you don't protest the low-density, and so the only thing that gets through the pipeline is the low-density single-family homes, how much land are you consuming? Look at it. Norman's population in 2010 was 110,000 people. In 2025, by the document adopted by our city – 2025 we are to accommodate a population of 137,000 people. That's 26,000 more people. Where are we going to put them? We know we need to accommodate them. If you just focused on single-family, and I'll just be pretty theoretical here, but if you put that all in single-family at 4 homes per acre, 2.4 persons per home, which is the average that Norman has done in single-family, that's 2,708 acres – 4.2 square miles. What does that look like? 4.2 square miles is that red box right there. Look at that. Just residential for single-family as compared to the entire area of Norman. It's not sustainable. You can't sustain just a focus on single-family development. And if we allow one quadrant of our city to say we're done – we'll never have medium densities or higher densities in zoning, what happens to the other quadrants and where do we go from

there? We need densities. I think it was Chairman Gasaway tonight that made a comment at one of the zonings recently that density is coming. It's here. It is coming. It's coming for good reasons, not just because it's coming on the market. It's coming for good reasons of planning. It should be supported. Our own adopted policy says the same thing. Norman 2025 is replete with many provisions. It said when you can use an in-fill property – when you can take a property and put development on it that uses existing infrastructure – that is good. That is a valuable use of your plan. This site is that. Significant infrastructure all around it. Even has now a CART bus route to it – to the hospital. It has all the infrastructure it needs. It's been a passed-over commercial site. It's now a marketable and desired multi-family site – just like every other intersection in west Norman that I showed you – corner, RM-6, single-family. This project has support of staff tonight. They've looked at it carefully. They've studied it. They're certainly aware of all the precedents throughout west Norman and they support this project. You've read their report. The development provides fewer impacts for the area than the current zoning of C-1. Commissioners, in closing, I simply ask you to think about this: this project has been planned very well – a very high level of planning – a high level of project – garages, stone, significant planning throughout the site. It has addressed the neighbors' concerns by completely revamping the site, putting a commercial corner on it, taking the buildings away from the neighborhood, putting no window ends on them, and taking the windows hundreds of feet to the east. It has followed adopted public policy by finding a site that is full of infrastructure. And it fits the pattern of at least five different intersections I showed to you tonight: commercial corner, RM-6, single-family residential. This is has significant more buffers than any of those did. We're all here tonight: traffic engineer, civil engineer, architect, owners. We're all here to answer your questions. I thank you very much for your time and we would appreciate your support.

5. Mr. McCarty – The PUD doesn't show some of the elements that the architect mentioned. Do you plan to build these apartments exactly as the rendering showed, and the materials he mentioned.

Mr. Rieger – I think so. We've said that before in PUDs -- that we would put forth requirements within the PUD to verify the components. Tell me if that's any different. No. I think we've done that before. We did it on the Tecumseh office park actually – we put forth components all the way down to color of mullions, if you'll remember. That's not in there right now, Commissioner, but we're happy to put that in, if that's desirable. What is in there, I will say, is the plan is locked down. We wrote down things that have come up recently on zonings. We've been increasingly asked to say that the site plan is what is approved, and that is set. We put that in there. We put in there that the west facades can't have windows. So a number of these things are in there. But to get down to the level of this is stone and that is stone, we have not put that in there yet, but we're open to that.

6. Mr. McCarty – Are there any closer up renderings showing what the materials would be?

Mr. Rieger – We don't have those as yet. As you know, typically at a zoning level, you're not down to the level of construction details or dimension detail – design development drawings, as we call them in the architectural field. We're more at schematic drawings at this point.

7. Mr. McCarty – The one rendering showed a club facility or clubhouse. What is that unit? Is that an apartment building or is that for the tenants to use? What, exactly, is in that, and is the drawing of that building what you intend to build?

Mr. Rieger – I'll actually ask the architect to come up and talk about that a little more. It's right in the center. I've put the pointer on it, but you might talk in length about that club facility.

Mr. Kim – Okay. The previous design that you saw at April, we have a stand-alone clubhouse there. That clubhouse and leasing office mainly used for the residents only. But for the common area is also there to be served for the guests or the future tenant there. But in this

new site plan, we accommodate this leasing office and the clubhouse within the same apartment building footprint. So in the middle of the building – actually, at the corner – there is a first floor and some of the second floor to make a two-story volume high impact of the interior spaces will be for leasing office and the clubhouse, and then we will be anticipating having some kind of a main terrace out there for like a swimming pool and something like that for the residents.

8. Ms. Gordon – A lot of the residents in the area complained about already low water pressure and that being a potential concern with having so many more units in the area. Is that something that you guys can address.

Mr. Rieger – I don't think I can. Mr. Danner or – I would probably defer to staff. Mark Daniels isn't here tonight. That's sort of a large growth issue. We certainly would put in all the aspects of water and sewer connections that we would be required to do. Absolutely. I would just add – I'm sort of off the cuff here – correct me, please, if I'm wrong – but the City has been pretty, I think, active in adding water towers where they need to and adding pressure where they need to.

Mr. Danner – I think Mr. McCaleb indicated that there is a 12" water line on Tecumseh and a 12" water line on 36th and this facility will utilize both of those lines for a looped system, which should not impact the other neighborhoods and provide sufficient water protection, fire protection, for the apartments.

9. Ms. Gordon – And my second question was did you happen to know what all of the other examples you gave of the RM-6 on 48th and 36th and such – how many stories those were?

Mr. Rieger – They were a variety of two and three stories. I can take you back through there if you wish. These, for instance, is 36th and Main – this is a variety of three story and two story. Certainly all of these, I think, are three story. I think this is mostly two story with some three story. This, again, is RM-6 zoning, very small single lot structures. These are under construction. This one is, I think, mostly single story with some high volume spaces. This one, I think, is mostly two-story, but it's under construction and I'm not affiliated with those projects so I'm not positive on those. This one over here is two-story facilities mostly. There might be some three story out in the lower end of it.

Ms. Gordon – So it would be fair to say that most of them are either single or two-story, as opposed to three-story like you guys are proposing.

Mr. Rieger – Probably, but also, just in fairness, those are much closer to the neighbors than we are. We're much farther away, and when you look at – distance matters when you get to height. Distance matters a great deal. So if you put a two-story – you could conceivably be closer and have the same view trajectory.

10. Ms. Pailes – What is the width of the green space?

Mr. Rieger – I believe it is about 120 feet, I believe – 125 feet or so in actual fence to edge of the green space, and that's at the narrowest portion. It actually gets wider down at the bottom.

11. Ms. Hartley – I think Mr. McCaleb mentioned that the drives going into the project were originally going to be three, and that was cut to two. Was that for traffic flow or why was that decreased?

Mr. Rieger – It was for traffic flow, and also we lined them up with CVS across the street and Mid-First across the top right there. You know, the City staff always wants fewer curb cuts.

Mr. McCaleb – One other reason was we had to move that apartment and move everything further east, which got in the way of a driveway. So we had to use that space. And we moved the apartments further away from the Cascade residences.

12. Mr. Knotts – Will the open space be fenced?

Mr. Rieger – The PUD right now calls for fencing along the west edge to remain. We have to maintain it, and we have to replace it if it does not become functional. The open space on the right side by our development I don't think is fenced. Is that correct? Okay. Not fenced. But the open space is currently fenced. We did the same thing on Oakhurst. We don't own those fences; they're the neighbors' fences. On Oakhurst what we said, and staff agree and recommended, is that we don't want to put up a double fence, because that creates a nuisance problem. At the same time, we're not going to tell you tonight that we're going to go tear down fences we don't own and replace them. But we will commit that, to the extent the neighbors want that, we would maintain and replace them as that becomes necessary.

Mr. Knotts – So the apartments will not be fenced to the open area?

Mr. Rieger – That's correct.

Mr. Knotts – And this is a detention pond or a retention pond? So it will have water?

Mr. Rieger – It's planned dry.

Mr. Knotts – It's just going to be detained.

Mr. Rieger – Correct. So as it rains.

Mr. Knotts – So it will dry out every summer?

Mr. Rieger – Well, at this pace, it will dry for a long time. But, as the law says, we can only release at the same rate that it was released as a bare site. That's what we have to do. So there will be water in it as it rains, and then it will be released at a rate the same as it was as a virgin site, and then it would go dry.

AUDIENCE PARTICIPATION:

Chairman Gasaway – Let me cover some house rules, but first one comment. I did notice that at least one letter of protest made reference to the fact that they had heard that this was already a done deal and I don't know which direction that done deal was referring to. But I do want to state unequivocably it is not a done deal. The process does not work that way in the City of Norman. That's what the Planning Commission exists for, as this process goes on to City Council, where it is also not a done deal. So I do hope, as you make your remarks this evening you don't automatically assume that you're wasting your time being here because it's a done deal, because you are not. No decisions have been made at this point. We certainly respect everyone's opinion and that's, again, what we're here for tonight is the public hearing.

1. Heath Hans, 3820 Crail Drive – I want to first make note that I'm not necessarily in opposition to this development. I think the presentation brought forward tonight is pretty good. It's a long leap from where they were before. I do believe they've responded to a few things – placement of the buildings, et cetera, and I personally appreciate that. I also think that the comments and presentation given by Sean Rieger, while great, I want to go through a few things, because there's a lot of smoke and mirrors, and I want to get down to the facts and I want to get down to real information for you guys to make your decisions upon. First and foremost, looking at his presentation, if we had it up again tonight, the concentric rings where he was around 36th and Tecumseh, and he was saying how the airport and the green land and everything to the northwest limited any retail or commercial coming into that site. I would ask you, if you moved those concentric rings and that dot one mile to the south and you put it at Robinson, what would you have? The exact same picture. If you moved it one mile further south, what would you have? The exact same picture. So would you tell me that the Mall, that the IGA shopping center, the Robinson Plaza – that all that couldn't develop because there wasn't enough homes to support it? I'd ask you to think differently. I say it's smoke and mirrors and developer games. I know them well. Number two. There was a lot of mention about five intersections being exactly the same and he was trying to define precedent as to why you should approve this development. I'd ask you to think differently. Do you think Robinson Plaza is the same thing as that little tiny corner that has been carved out? It's about 10 to 15 times the size. There's no similarities whatsoever. There's no similarities to the little corner compared to Main Street. He wanted you to think that these five things set precedent and this is why you should approve it. I'd ask you to think differently. That corner in scale, if overlaid to the other

images, would shock you because it's about 15 times as small and the reference doesn't make any sense at all. Number three. It was presented at the initial that this site has been commercial since 1993, if I remember the date correctly. And for about 12 years it had gone through some iterations and it was proof as to why it wasn't going to succeed as a commercial development. I'd ask you to reconsider the timing of that. There was no hospital. There was no other retail. There were no dealerships to the north. There's been about three to four subdivisions that have developed substantially since then. I would submit to you that that corner must be retail and commercial – the entire corner, similar to you have at Robinson – similar to you have at Main Street and 36th. Not the little corner there. They want to say that was a response to the neighborhood? I want to point something out. I was at the first meeting; Mr. Rieger was not. And I will tell you that they never met with us and we tried to meet with them on multiple occasions. It was never an outward approach to try and deal with the issues. I don't want to be lumped into all the other opposition. I support the City. I support development. I support a lot of what these guys do. But I want you guys to make your decision on facts and not falsities. What I would ask you to do in trying to listen to the neighborhood comments is not shoot the development down because of them, but, like we would have tried to do in working with the developer had they met with us, is come up with some concessions and a plan that makes sense for everybody. I think the shifting of the building is great – the orientation of the buildings are great. All of that. But, you know, for lights and sound, which is a major concern that hasn't been properly conveyed, a landscape buffer that is a strict requirement of 50 to 75 feet wide that's all trees that has certain height – it's going to help with visibility issues. It's going to help with light spilling into the neighborhoods and the back yards, which is a major, major concern of those adjacent properties. It's also going to help tremendously with sound. Make a 75% requirement for masonry products. Ask them to do that in the PUD. Not 50 – they already showed that they have two stories – that's 75% of their buildings.

2. Ronald Tiehen, 3312 Teton Lane – I live in Cascade Estates. Cascade Estates hooks up to the west side of this proposed land use change. We have several different charters within that for the housing association. I would like to advocate for several things here tonight, primarily the safety of the grade school children in Cascade Estates and the other neighborhoods. This change in land use will make the density a little higher for families. The traffic density, I think, that was explained was average vehicles at any given point in time. They're not there at 8:00 in the morning or from 7:30 to 8:15. That's when the traffic density is unbelievable with everybody trying to go to the grade school right next to Cascade Estates. I will also say that I'm there quite a bit of the time at that time of the day and I look out for the kids. These kids are on their little bikes and almost trikes. They're grade school children. And there's a lot of parents that like to drop those people off and use the interior neighborhood streets. And more people in that area will definitely add to the safety issues that I see right now. Second, I'd like to say that the City of Norman has spent a lot of time in developing the plan – the Norman 2025 Land and Transportation Plan. Now, you might say that population density has got to require this medium density. That plan was put together for the land use to take care of the 137,000 people that are going to be here. They don't need to re-do the land plan to meet that objective of 2025. I also say, in closing, that I do not like the architecture. That was one of the problems with the bank that went on the opposite corner. It does not blend in with traditional architecture that the other bank, directly across the street, had developed and installed. I don't even like the name – Santa Rosa. It portrays a religious background. But the architecture – absolutely – does not fit in what we've got and I think what the citizens would like to see. But, in closing, please remember that we're throwing more children into a neighborhood area, as well as traffic on Tecumseh, between 7:30 and 8:15.

3. Margaret Burkett, 3405 Glisten – My house backs up. The back of my house is where I live and it's all windows, so that's part of my concern. But I have issued a letter and I will leave the emotions up to others. I would like to address, again, the commercial real estate. I never opposed any of the commercial real estate. I actually wanted the gas station, because that's

on my way home and it would be easier. I built my house in 1989. When I built it, I was the only house on that side up against that field. That would tell me that commercial real estate wouldn't come, because there wasn't anything out there. Tecumseh Road was barely there. 36th was a bumpy two-lane road. So, yes, in '83, no. When the gas station was coming in, we were told it was coming. The reason – my understanding – that it was pulled was because there's gas lines under the property and they couldn't dig the gas tanks. So it didn't fail, other than it just couldn't be there. When Sonic wanted to come into the neighborhood – I work for Sonic. I actually called the property owner of the field -- I believe the commercial is the corner – at the time. The lady said she wasn't ready to sell the property, so there was no commercial because she didn't want to sell the property. The doctor's office – OSOI – who owns the property now was actually the one that was going to come in there and they decided to move across the street closer to the hospital. So that property – or that construction really didn't fail; they chose to move across the street, so now they're trying to sell that property. So I do think that there's commercial potential there. I work in the city. I drive home. It's easier for me to stop in Moore because there's just nothing right there by me. So I would like to see some more commercial development. I would also ask, as a Bond girl – I have my T-shirt and my shoulder – think of us as your neighbors and we're also your patients, and I like to spend my money in Norman and I like to go, when I have surgery, to the doctors right by me, but I would like to be a neighbor and not have an apartment complex staring into my windows all the time. Thank you for your time.

4. Brett Husserl, 1805 Abbotsford – I've lived in northwest Norman since 1980. I'm not anti-development or anything like that. I've always been pro-business. But I am very pleased that the Council had the integrity to force the developer to do revisions in order to protect the quality of life in Norman. I think that – I wonder why the developer didn't have a plan that would meet our standards in the first place, and they wouldn't have to keep coming up again and again and again. I think that the developer will do what we request, and I would recommend more revisions to reduce density and just keep improving it until it meets our standards. They make comments about the zoning that was done on Main Street and Robinson. That was years and years ago and no one keeps standards from the 70s and 80s, whether it's schools, hospitals – we've got to keep improving our quality of life standards. And, again, I appreciate the Council's courage and integrity to protect our quality of life. Thank you.

5. Mary Ann Lovett, 3920 Glisten Court – Many people have already expressed things that I would like to agree with. The only thing I have to add is the Sunday Norman Transcript – if you would look in there, you would see how many rentals there are already in Norman. I really don't think we need any more. When I drive my son to school, I see constantly stuff now for lease. I was surprised at how many that I noticed. Since the students are here, I didn't think there would be that many rentals. There are a lot. Here's even one where you can bring your horses. That's all I have to say. Thank you for your time.

6. Jill Henniges, 4114 Pine Hill Road – Some of my concerns have already been expressed, like the increased student enrollment at Roosevelt. Last year when I spoke with the then principal Bus Spears, they're already at 700 students for the elementary school. So I have concerns about that with the added apartments and also the noise and lights and the small buffers. That's all I wanted to add. Thank you.

7. Kumar Parthasarathy, 4109 Dornoch Lane – I have lived in Cascade for 19 years. Both of my sons attended Roosevelt and I am concerned about the over-crowding of Roosevelt. I know Roosevelt is not scheduled to handle so many populations. But, with all due respect, Mr. Rieger said we all have to move to apartments. Most of us live in single-family houses. Why do we need so many rental units when there's already one that is being built on Imhoff and there is one already that is being built on Rock Creek? If it is economically the right thing to do, then why are we living in houses? Why are so many single-family houses being built? Just because there are

apartment complexes on five corners does not mean you have to build one on the sixth corner also. We really need a gas station on that intersection. In fact, 35 and Tecumseh – you have to go all the way to Rock Creek to get a gas station. That's all. Thank you.

8. Christine Marie Kinley, 4008 Worthington Drive – That's in the Castlerock Addition. I want to thank you for having me. I also want to thank the developers who showed those rings, because, by showing those rings, it shows all the abundance of apartments, like was already said, but also all the wide open spaces where those apartments would look really nice. I work at All Saints Catholic School and the traffic is horrendous at all hours of the day. I live three blocks in and it takes me over twenty minutes to drive those three blocks to get across Tecumseh Road to pull into the school parking lot. My daughter also went to Roosevelt; she's a college graduate. Since she graduated, the school is over-populated. They've had to put a lot of the portables. I don't know if you're aware that there's not one single teacher there that had started there. They have all new teachers in the past 10 years. Is it because of over-crowding? They have so many students they cannot bring in any more. Where there's still that plot of land on 48th Street – 500 new houses is going to be built there. I'm all for growth, and because there's all those wonderful homes, you do all have property taxes where apartments wouldn't allow that money to come in. I'm all for children. I'm all for families. But we don't need the apartment complex to be obtrusive – move it down the road. I'm all for commercial growth. We used to be called the little house on the prairie – the school. Now, thank goodness to all the growth, we do have all the commercial property and they're all doing well, and I'd like to see some more commercial properties come in. Thank you.

9. Dorothy Sullivan, 3501 Glisten Street – Thank you for the chance to talk to you. I've lived in the Cascade Addition for 12 years and worked very hard to improve my property. If you remember that other picture they had up there with the red lines going across, my home backs up right in the middle of this complex. With three stories, I don't care if you're 150' or what. They're still going to be able to look into my back yard and I do not want that. If you have to do this – I was told that we didn't have a prayer trying to stop this, but at least I'm here asking you to – if you can't do anything else, at least require them to do a two-story instead of a three-story. At least do that for us. I'm very concerned about the lights and the noise, as many others are. My back yard is – I've worked very hard to landscape it myself and it's my little sanctuary and I love going out there and just being with my flowers, having my prayer, having my little fountain out there. It's a tiny yard, but it's my yard. I just can't believe that this is what is going to happen. But what I am asking – I do not understand why you need this when there's so – all those apartments going in on Rock Creek and backing right up to my yard. When I moved there, that ditch as they were talking while ago – it was a swamp out there. It was horrible. It had all kinds of big old weeds as high as your head and stinky water and all kinds – it was horrible. I got my little clipboard out and I went and knocked on every door in my neighborhood and I said I would like for us to ask for that to be cleaned up, because it was just awful. It was cleaned up and I really appreciate that. So I hope you all think about the people there and how it's going to impact us. Thank you.

10. Greg Howe, 3617 Buckingham Drive – I agree with a lot of the statements that were made already, especially the low water pressure – I can definitely back that up. But I did have a concern for the residents that will actually be in the apartments themselves – especially the north unit that butts up next to Tecumseh. Right across the street is a high-pressure gas station and it's often a really high pitch noise in that area. I'm just one block north in Castlerock and I often think I'm so glad I don't live on the south side of the street, because that noise would be so irritating. The smell of natural gas is very strong. So that natural gas station, I think, would be an irritant to the people in the north unit in that apartment complex. I don't know if there have been any studies to even consider the health of the people in that apartment complex or that specific unit, and I'd like you to consider that when you make your decision today. Thank you.

11. Amber Dunlevy, 3517 Glisten Street – Thank you for listening tonight. My home is one of the homes that will back directly to the apartment complex. I agree with most everything that's been said tonight. One of our main concerns is the fact that the drainage ditch behind our home does not drain. At some points during the year it does and sometimes it doesn't. We have ducks and snakes and all sorts of things that tend to come in during that period of time – the smell and the mosquitoes are horrible. So, again, those are some of our main concerns. The lack of a fence that they've talked about – any kind of a separation – the light and so forth. But, again, our main concern is just the increase in traffic and the school systems. So thank you very much.

12. Christie Remualdo, 3821 Buckingham Drive – I'm the president for the Castlerock Homeowners Association. I'd like to address the opposition number that the developers presented to us at the beginning of their presentation. They mentioned that it was a 40% opposition. I'd like to present the fact that when they presented they did have two different highlights there – one of the property within 350 feet and then the entire area. I believe that the 40% opposition was in reference to the entire area, but I'd like to question what the opposition was of the area in concern of the 350 feet. It's my understanding from the Cascade president that that number was over 90% of the petitions that you received. You did receive 827 petitions opposing this, and what I'd like to draw that to – the reason for me bringing up is some of us were at that original planning meeting. It was a very hostile environment, I would say kindly. I don't believe that many of the residents that were even there were able to speak to the architects at that time in a very open environment. So I don't think the residents had a forum to properly present themselves. As far as Castlerock goes, the drainage is a major issue. When McBride came in – shortly after McBride was built – it's McBride Clinic, just north of this proposed property, behind the bank – there was a high flood – a few years ago – the rainiest season we've had in a long time. There were five homes just north of McBride Clinic that actually had flood damage due to the cement and the improper drainage. I do have major concerns, and so do the residents of Castlerock as far as the way the drainage is being proposed for this particular site. He mentioned that would run to the detention pond that Castlerock has. That particular detention pond has major issues that we are struggling to manage on our small budget as a homeowners association. So the drainage issue needs to be addressed much much more. I would also like to concur with many of the opposition points that have been presented in regard to the uniform design and character of the single-family neighborhood being deteriorated. The apartment complexes that they did reference, I wish they had presented better pictures of those, because they are unsightly at best. So if we could have some better pictures of that representation, that would certainly bring that point to light. Thank you for your time.

13. Keith Brewster, 4132 Carrington Lane – I also own a home in Cascade Estates. I'd like to address a couple of issues. First of all, on this particular slide, it's pointed out that somehow the people who are protesting these development changes are being inconsistent. I would suggest just the opposite. Most of what we were protesting last and are protesting today has to do with changes compared to when we bought our property. We have a plan out there and we need citizens to be able to buy property, whether it's commercial or residential, and know that there's not going to be a significant change nearby that's going to change – you can say, well, it doesn't affect your value. But it may affect what you, personally, would like to live nearby or what you'd like to have near you. One other thing about consistency is the change that was done last year – they added medical office buildings. What is happening here is they're removing medical office buildings. A huge argument was made last year that said the hospital has come in, we have a tremendous demand for medical office buildings, and you must allow the developer to renege on a plan – a PUD – that was in place for many years and they sold hundreds of homes based on that and they allowed them to do that because they must have these five more acres of medical office buildings. Now we're saying remove 10 acres that is actually closer to the hospital. Another problem I have with this is this 10 foot offset from 36th

Street. That just doesn't seem right to me. If you're walking along the sidewalk, in an effort to get the buildings away from Cascade, they've put it so close to the street – I'm not sure who wants to live there, right 10 feet from the street, or walk on the sidewalk that's going to be right next to somebody's window. On the back side, I would like to see a visible barrier – not just trees and we made this same argument last year, so it's very consistent, that we want to have blockage of the light from the cars in the parking lot shining on people's windows. Those go well over 100 feet and, if there's no fence – even a 5' fence. So last year, what did we get? A 3-1/2 foot sort of barrier from a hedge or something, which we've yet to see – even though the lights and all are already going in. So no one is enforcing that and it's only 3-1/2 feet tall. Frankly, I don't have a lot of hope that that's actually going to be played out. So, in conclusion, I hope you consider these arguments against this property.

14. Jim Bond, 4301 NW 48th Avenue – I'm part owner of this tract of land. As has been said, I am a neighbor to all of these people. I am a physician that works across the street, and that is a property that I really want to be the best it can be for Norman. To speak to some of the things that have been said, we have tried very diligently to market this as a commercial entity for over four years that we've owned this. It was detrimental to us, because I think we would have been the shot in the arm building a medical office building on this particular area, but because the hospital – in competition with the hospital and some of the other things, we decided to take across the street as our office building. Now that has really hurt trying to sell commercial real estate in that area. I don't want this to be anything but good for my neighbors. I don't want this to be anything but attractive to Norman. I have made the relationships with the people that we've been brought in, but we've also tried to do things – Tom McCaleb is Norman; Sean Rieger is Norman. They want good things for Norman. I know you guys do, too. I would love for you to tell us what we need to do to make a good situation for these neighbors of mine. I want this to be good. But, in bringing in this other entity from Texas, we've seen their apartment complexes. They are very high-scale. They are not something that I don't want to live next to myself. Believe me, we've kept that corner because I've also argued with them – I want a gas station there. I want it to have diesel, because I drive a big truck and there's no diesel on that side of town. So we want some of the same things. I certainly think that there are good things that can happen with this. You are my neighbors. You come to me with ailments and I try my best to help out, and I will come to you with things that I need – whatever it is – in town. This is what we have. This has to be developed. Something has to move forward. This is a good plan. These are good people and it will look nice and I hope that we can come to some sort of situation where the homeowners of these – they're legitimate concerns and we come to something that will help everybody.

15. Shawn Gulikers, 3608 Jubilee – I agree with much of what has been said tonight. One thing I would like to add is that, since I moved in in 2005, much of my neighborhood has been built. Prior to that time, much of it didn't exist. It's only been – if I understood the gentleman's arguments earlier correctly – one time since 2005 that they have had attempts to develop the area. So I don't know that I would indicate that – I don't call that area a failure, since much of the attempts to develop it were before much of my neighborhood existed. When I look at the area and I think about the common themes that I've often heard you guys talk about – we talk about diverse communities, we talk about walkability. I look at that corner and the development they're proposing, and it's not diverse. It's just more of the same, which is a lot more residential. Although we have a lot of great sidewalks in the area, and it's one of the reasons I decided to move to Norman, I don't have anywhere to walk. There's literally, within my immediate area, hardly anyplace to go – walk to a grocery store, go to a restaurant, or something like that. There's very little commercial in the area. So, just as a resident of Cascade, I would love to see that area put to a better use – to a more diverse use, one that would allow for walkability in the area, and I believe that would be commercial development. Thank you.

16. Kevin Foster, 3436 Teton Court – We have a house at 3525 Glisten Street, which backs up to this proposed development. We're trying to sell that house and I can tell you we've had multiple people come and look at it and multiple people go, no, you've got an apartment complex going in back there. We're going to look at something else. It does affect things there. The other thing that I would think is – I agree with a lot of things that have been said about the schools and lighting, noise, everything. But I would propose a wall there. You know, there's a lot of parking lot that you see in there and when people come into your neighborhood, they're going to come in and commit crimes or something like that, they come in and park on your streets and your neighborhood watch – the citizens around here – we know who lives there, we know each other, we know our cars. We know when there's somebody else's car there. We're watching it. If they park back here in this parking lot, come across that greenbelt area there into our neighborhood, break into the cars, into the homes and leave that way, we never see it. It's easier for them to do it. People just worry about those things. Thank you for your time and I appreciate your listening.

17. Joy Hampton, Norman Transcript – I'd just like some clarification. I've heard from the owners that, according to the petition, they had over 90% protest within 350 feet. Mr. Rieger said it was 40% protest. Can I get some clarification on that before I run it in the paper tomorrow? Thank you.

RECESS
8:15 to 8:25 p.m.

18. Ms. Connors – I'm going to address the question that came up about the protest area. What we have is a 350 foot notice area for all zone changes. Within that notice area, if there are petitions or protests signed by more than 50% of the people of the notice area, then that requires a different vote at City Council – not at Planning Commission, but at City Council. So we have, within the notice area, there was only a 40.3% of the property owners within the notice area protested this. That is the protest within that notice area, so it did not meet the 50%, and it certainly is not 90%. The notice area goes from the property around on all sides, so property to the north of Tecumseh and to the east of 36th are all included within that notice area, and that's why the protest didn't meet 50%.

19. Mr. Rieger – I do appreciate Ms. Connors' explanation of that. That's how we've always measured protests. I do want to cover a couple of things that came up – noise and lights. Lights – we all know we have the commercial lighting ordinance now that has really answered those problems. Traditionally, lighting from commercial properties is much more intense than lighting from multi-family projects. Realize the multi-family residents have the same concerns as a single-family resident. If it's too bright for them, they can't sleep either. So you don't typically have the intense lighting on a multi-family project as you do on a commercial project. Noise – similar situation. They have the same concerns. They're living there, too. So noise tends to be a similar – much less reduced problem on multi-family than it does commercial. As to kids and schools, I want to address this first by saying Norman Public Schools has, in my opinion, have been very good about responding to growth of the student population. We just saw Reagan Elementary built. We saw Truman Primary built. Nowhere in this document – 2025 – does it say that our planning should be based on an equilibrium of the schools. The Norman Public Schools has been very good at planning for its growth. I have no doubt they will be again. That said, I also want to ask Mr. Ken Lokee to come up and comment on what they typically see in their resident populations in these sites. I want him to describe it to you, and I think what you'll hear is enlightening as to a kid approach.

20. Ken Lokee, 5675 Ford Drive, Frisco, Texas – One of the things we've found in our projects is something that I don't think a lot of people really realize, and that is now days it costs about $100,000 a unit to build these projects. At that cost -- $100,000 a unit is typically what these

projects will run to develop nowadays – and I'm talking about a very very high-end, high-class, AAA type project that we have planned here, with tuck-in garages and the type of architecture that we're talking about. The rents that we charge for that are afforded by the young professionals and, typically, we don't see families that can afford the size unit they need if they have elementary or school-age children. They can afford a house before they can afford a 3-bedroom at the prices that these projects have to charge. In a typical 200 unit project, we may see 2 – 3 – at most 4 school-age children, and I would anticipate something like 2, maybe 3 teenagers at the very most. You just do not see it. It's not because it's prohibited by any stretch. It's just the economics of the situation. We see young professionals – young couples – elder people that are divorced or single, and that's the target population and you just don't find the children in those projects. One of the other things that I might mention is this lighting concern. The lighting technology now days that we use – the hooded boxes – is very targeted. You drive by these projects now and you don't see any lights, and it's because the hoods actually cut the directions of the lights and they don't get beyond the street that the project is based on. We used to use the wall packs and they were broadcasting light throughout the area. But we don't do that any more and they are very very well-designed, I think, in terms of lighting.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. McCarty – I have a few questions for the applicant, just to address some of the PUD things and some of the items that have come up. The design of the buildings seem to be pretty well thought out for what I see. I'm wondering if you would be willing to put into your PUD 75% masonry buildings? The second item that has come up that we haven't addressed is possibly a masonry screening wall around the property. It helps with some of the things I've heard tonight.

Mr. Rieger – On the 75% masonry, yes. We will do that. I want to consider the masonry wall, though – we have detention on the other side of it. We have a fence on the other side of it as well to the residents' side, so I'm reluctant to commit to that for those reasons and I think that could be a problem more than a solution. But we will commit to the 75% masonry on the buildings.

Mr. McCarty – I have two thoughts about the screening wall. One would be to replace the wooden fences with the neighbors' approval with a masonry wall, or do some type of screening or limited access back through that property to the residences.

Mr. Rieger – Well, limited access I don't think we have a problem with in that you could do a hedge row or something like that to limit the access, and we certainly understand that – that that's an important concern. That would be something that drainage could go through and it wouldn't be an issue. But let me talk in more depth with the client about that.

2. Mr. Knotts – So has Tom agreed to maintain the open space? The project is obligated to take care of the open space and the drainage facilities and all of that. Is that correct?

Mr. Rieger – Correct. Tom's going to answer this as well, but I would add, Commissioner Knotts, that any more in Norman when we do a plat, your Director of Public Works, Mr. O'Leary, requires us to put a stamp on every plat now, and I can almost cite it verbatim, but it basically says the property owner shall maintain the detention ponds – detention basins – and if they don't, the City of Norman – and this is a filed plat document – I don't want to take Tom's points here – but the City of Norman has the right as a filed plat document to come in, maintain that, and charge this property owner for that cost. That's on every plat now, and that will be on this plat as well.

Mr. Knotts – Well, I just wanted to clear that up, because that was kind of a thread through a lot of the comments. Additionally, and Tom may have to get up and talk, but this problem in Castlerock -- it's a problem, I guess, and it impacts – you can't flow through a problem.

Mr. McCaleb – The water that is going to go to Castlerock is not going to be increased. Whatever is there is there. I'm not aware of any additional problems. Staff has not made me aware of any additional problems north of Tecumseh Road. One comment was made about it being a swamp and we did look into that and we found that, when Tecumseh Road was

constructed, they built the RCB across there and there's a little misalignment vertically on it. I've met with the Parks staff about how we correct that when I build my park. We're going to put a pump in there to take away some of that vertical irregularity, and then we can keep it mowed and then, once that's done, I think the swamp and the cattails or whatever is out there will go away.

Mr. Knotts – I'm serious about this Castlerock problem. You're not aware of it? Or no one is – tonight was the first time you heard about this?

Mr. McCaleb – Yep. On the McBride deal, there were some issues there that we worked with some folks in that timeframe, which has been a few years ago. That was the last I heard of it.

3. Mr. Rieger – Mr. Chairman, if I may? Just to further respond to Commissioner McCarty's question as to a wall, I just spent a couple of moments there with the client. We're concerned about a unit-by-unit built masonry wall but, as you're familiar with, there are now panelized systems that are a hard, good-looking product. We would commit to that. You can lift those panels up, water can go under them, and you can do it in a way that I think would work. We'll commit to that as a 6 foot permanent wall enclosure. I think you could do that on either side. I would want to make sure they're comfortable with which side that is. But that would be your separation and your security, I think, quite effectively.

4. Ms. Pailes – Some of this is addressed to the citizens with us. Thank you for coming. You all should know that the City has no ability to micromanage what happens in a commercial area, so were this to revert to commercial zoning, your drainage issues would be pretty similar because that's also going to have a lot of hardscape and parking lot. That has to be dealt with, but probably residential/commercial is not going to make a lot of difference in terms of the drainage and those kinds of issues. Again, we can't micromanage commercial in any way. What everybody would like to live next to is something like Carriage Plaza, which is residential in scale, attractive, and landscaped. But were it to be commercial, you might get a box store and there would be no way to predict that, there would be no way for Planning or the City Council to direct that. It's just kind of who wants to build there. So you do kind of have to consider that. Maybe commercial might not be what you expect. I was pleased to see the changes that had been made by the architects and the project managers. I was sort of hoping to see, perhaps, something that was stepped back, so that the areas nearest the residential areas would be, perhaps, one story and then stepped up to three stories as it approaches the street. But it seems they really have made a serious effort in putting no windows, no balconies facing the residential area. I was kind of curious to know whether the three-story building would shade the yards in the single-family homes, because if it shades the yards, that considerably alters how you can live in your yard, whether you can garden, how you can use your yard. I don't think it would; I think it's set back far enough so it wouldn't, but that would be a concern. I was going to suggest a solid wall; I think that's very good. For one thing, even though lights on the buildings aren't going to intrude, car lights do, and cars coming around the corner here are going to shine lights through a wooden fence. They're going to intrude into your area and your living space. And, if not a solid wall against the single-family homes, then I think you'd be looking at needing at least a three foot wall around the parking lot to prevent light intrusion from cars that are cruising through the parking lot at night. So I'm a little torn. I feel like this is the place where citizens can come in and express their opinion, and I can understand how citizens are often upset about the apparent ease with which zoning is changed, because you buy a house with an expectation and those expectations so seldom come through in the long term. But, at the same time, market factors change and we all kind of have to ride with that.

5. Mr. McCarty – I was at the Pre-Development meeting and had opportunity to see the original layout. These developers have made, I feel, a pretty good direction in changing the buildings, changing how they look, where the balconies are. They've done a lot of work to try and make the neighbors happy. These issues are never easy when land changes or new

projects come in. We never know, when we buy a piece of land or buy something beside an empty piece of land, what could potentially happen to it. All cities throughout the U.S. have a process like this. Land is purchased; it's bought by different people knowing that there could be a change. I think Roberta brought up a good point. You could get a Walmart there without any protest by you all. It's C-1 and a big box store could move in there and it would not be what you all would want. These apartments, although not what you all want either, I think they've made a lot of headway how they've changed the buildings and setbacks – it looks like to me 150 foot from the closest fence is a good distance. I'm torn about the project as well. I live in the area, as many of you all do, and I know many of you. But I look at the alternatives of what it could be. You all have had an opportunity to voice your opinion to them. I know that you said you haven't had a sit-down meeting with them. But at the Pre-Development meeting a lot of the things I heard you all say, they did. They've changed direction in the buildings, which I've mentioned multiple times. That's a big deal. I think they've made a lot of improvements to the site. Still not sure how I'm going to vote, but I just wanted to comment on that a little bit and address those concerns. As the gentleman said, I don't know how many people that live in apartments have children. I don't know the ratio of one bedroom, two bedroom, three bedroom. I'm sure there are statistics out there that tell us that, but I don't know what they are and how that would affect the schools. But Norman School District has been very aggressive in keeping their schools up-to-date. They've had good leadership in that position. I'm sure they will continue to improve and make sure our schools are taken care of. Thanks for all your comments and coming out tonight.

6. Mr. Gasaway – I've got some good friends who are moving for the first time in about 25 years from southwest Norman to west Norman. Something they said the other day kind of hit me. Mr. Rieger had mentioned several apartment complexes in west Norman and one of the comments that my friends made was the fact that they really liked the neighborhoods but one of the first things that caused them to write off an area was when they look out their window and they can see an apartment complex. It wasn't the fact that they're worried about having an apartment there. They're not worried about the security or the schools or anything like that. They want to look at other residential houses, and that really hit me when they made that comment. I think the difference for my friends that are looking and what you all are coming into – they are able to make that choice. They can choose their house because it's already there. They know where the apartments are. You all made that decision based on the fact 30 years ago that this was C-1 and you all decided when you moved to your neighborhood that that was acceptable to you. You never thought, in your wildest dreams, that there would be a three-story apartment complex coming in. Solely for that reason this project bothers me a little bit. I do want to commend the applicants; I think they've done a tremendous job trying to make this fit and address some of your concerns, but again the fact is you didn't get to make that choice about the apartment. You made the choice to pick your homes, live in the neighborhood you did based on the fact – I'm assuming most of you knew that that lot was C-1 and what can go into C-1. Commissioner Pailes mentioned that anything can go in there with a building permit – does not have to go through Planning Commission – does not have to go through City Council. So, to some extent, you are saying we're willing to roll the dice. I'm not saying that to be unkind, nor that the City is unkind, but when something is zoned, anything that fits that zoning is fair game to go in there, and I just want you to keep that in mind, and I think that you probably did when you bought your property. But I am concerned that you didn't have in mind a three-story apartment complex. It would concern me if something like that were to come within 150 feet of any residential neighborhood. So I think mine would not be to support this project, but again I do compliment them on making some significant changes, but I just think it's not a good fit up next to a residential area.

Curtis McCarty moved to recommend adoption of Resolution No. R-1213-36, Ordinance No. O-1213-11, and the Preliminary Plat for SANTA ROSA ADDITION to City Council. Roberta Pailes seconded the motion.

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

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

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1213-36, Ordinance No. O-1213-11, and the Preliminary Plat for SANTA ROSA ADDITION to City Council, failed by a vote of 3-3.

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Mr. Sherrer was invited to return and assumed control of the meeting.

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Item No. 14, being:
MISCELLANEOUS DISCUSSION
1. DISCUSSION OF AMENDING THE ZONING CODE (CHAPTER 22) TO ADD PROVISIONS TO ALLOW CREMATORIUMS

PRESENTATION BY STAFF:
1. Ms. Connors – This is just for discussion purposes, but we do intend to bring an ordinance forward to the Planning Commission for a change to the Zoning Ordinance next month, but wanted a chance to give you some background and get some feedback from the Commission. We have received some inquiries from business people who want to construct crematoriums in the city. Our zoning ordinance is really silent on this issue, and because it's such an unusual type of use, staff feels that we need to move forward and actually amend the zoning ordinance so that we will identify specific zoning districts where they should be located and create some criteria under which they should be located. We included in your book several cities that we looked at, and it might seem like a strange conglomeration of cities, but when you go look for crematoriums certain things popped up. For instance, I forget why Charlotte, North Carolina popped up, but they did. We found those regulations. The reason Albuquerque is on there is because I worked there and I know their ordinance and I could look at that, and also Thornton, Colorado was the last place I worked and I actually developed the ordinance for crematoriums there so it was easy for me to find and bring forward. Then we looked at many Oklahoma cities and tried to get some feel for what they did. The majority of cities that we looked at certainly allow crematoriums in I-1 or I-2, so industrial districts, and many of them allow them in commercial districts with some kind of criteria. Some of them require that they are special use permits wherever they're allowed. It was interesting, in Tulsa each one of these has to go for a special exception at the Board of Adjustment. So there are many different ways to proceed with this. But as I looked at this, our staff's recommendation is that we would allow this in A-2, C-2 and C-3 as a special use permit, and then we would allow it in I-1 and I-2 as a permitted use. I believe there are nine cemeteries in Norman; all of them are very small. As you can see from this list, only the IOOF is above 50 acres. Some cities allow crematoriums in cemeteries, but they have also some criteria that they use. We just looked up and made sure we knew where all the cemeteries were and how big they were. We feel that in a cemetery situation you would allow a crematorium in a cemetery if it was 40 acres or larger, and then it would still have to meet the setbacks that we're proposing, which is 400 feet from any residential zoning district, or the setbacks in the underlying zoning district. There's a lot of discussion we could have about the distance, although crematoriums don't particularly have bad emissions or anything and there's not odor or disruption, it is a business that is industrial in nature, to a certain extent, and it doesn't fit in residential areas. It's not the type of business that someone would move next to and expect that kind of traffic coming in and out. I don't know their operation hours, but we do feel that there should be some distance away from residential zoning districts to the closest point of this. The other proposed criteria is that they meet all state and federal requirements for incineration equipment. The State of Oklahoma licenses crematoriums, and so there are state regulations and also federal regulations. We feel that all storage should be inside and the incinerator stacks should not be located on the front facing any street, just so that people wouldn't see that and be concerned that there was smoke coming out of the building. A couple other things to consider, based on the criteria that we looked at in different cities. A couple of cities had vehicle access restricted to arterial streets; I don't know if that's necessary or not. The other that I spoke about earlier, that they would only be allowed in cemeteries of 40 acres or larger. Parking space – it's not really a heavily parked use, but one parking space for every 1,000 square feet of floor area should be sufficient for the trucks coming in, or whatever brings the corpse, and then the employees. So I just wanted to get your feedback.

2. Mr. McCarty – Do we currently have any in town?
Ms. Connors – We do not. That was another issue.

3. Ms. Pailes – Is there any distinction between crematoriums for persons and for other animals?

Ms. Connors – Not that I'm aware of. But you could restrict this. The way we were proposing it, it would be for human or animal corpses. I don't see the distinction. I'm not sure that there's any need to distinguish that. There were some places that only allowed human.

Ms. Pailes – I didn't know if maybe animal ones could be attached to a veterinarian.

Ms. Connors – I don't believe that veterinarians can cremate animals now. Because, again, these are state regulated for whatever type of corpses they have.

4. Ms. Hartley – Do they have columbariums at any of the cemeteries?

Ms. Connors – I don't know. We probably could do some more research. These are so small.

5. Ms. Gordon – Are they all associated with churches? Most of these.

Ms. Connors – These would be businesses. These would be for-profit crematoriums – businesses – not associated with churches. Now, it could be associated with a funeral home. Some of the regulations that we reviewed were sort of confusing about whether there were special regulations on funeral homes. We're not trying to make that distinction, except through the zoning district that they're allowed in. Funeral homes would be allowed in a couple of other districts where a crematorium would not be allowed.

6. Mr. McCarty – Are you looking for guidance from us where we think they belong? Industrial, commercial.

Ms. Connors – Yes. If you've heard anything that I've said tonight that would be concerning, or if you want it less restrictive, or if it should be more restrictive, based on the information that I gave you.

7. Mr. Sherrer – There have been a couple of requests, personally, that I had received, just looking in general – knowing that there wasn't a crematorium in the City, exploring opportunities of potentially looking at that in the future. No time table, necessarily. So, with that, I think Ms. Connors has reacted to both my request and then some other requests from outside parties as well.

8. Mr. McCarty – So there are state and federal requirements. Smoke, et cetera, that they put off. So we would abide by that, and then look at what kind of zoning or areas we think these would work in.

Ms. Connors – Yes. The State licenses crematoriums, so they would have to follow whatever licensing requirements that the state has.

9. Mr. Knotts – Is there a proposal here that would limit the crematorium to something on 40 acres or larger?

Ms. Connors – No. They could not be located in a cemetery unless the cemetery was 40 acres or larger. That's the only restriction.

Mr. Knotts – Just in your rough draft, the 400 foot from any residential zoning – so I could have one at the winery – A-2?

Ms. Connors – A-2 if you're 400 feet from any other residential zoning. Well, if your property was large enough to be 400 feet from any side of a residential zoning district, yes, you could.

AUDIENCE PARTICIPATION:

1. Hal Ezzell, 518 Chautauqua Avenue – I'm one of the people who have made the inquiries. I am the owner and operator of Allen Funeral Home in Mesa, Arizona. In addition, I am one of the principles of United Tissue Network, which is a non-transplant tissue bank that operates both in Norman and in Phoenix. It is our intent to put a funeral home and a crematory,

assuming that the zoning is allowable for it, at Franklin Road and Highway 77, roughly. It is an unusual business and it is something that not a lot of people have a lot of familiarity with. When we were looking at it, there was really no clear answer, other than in I-2, and there is not a tremendous amount of I-2 property out there in the City of Norman. The modern crematory actually are typically zero emission stacks and in Maricopa County we're actually regulated by the Maricopa County Air Quality Department, and we have to have our stacks tested annually and we submit the results of that. If anyone had any question, I'd be happy to provide those for you so you could see the actual emissions out of the stack. That's one of the concerns you might have, is what emissions do come out of it. A crematory stack is not belching black smoke. If it is, you have a bigger problem. The smoke is clear and colorless and there is no odor that would be discernible, or different than anything you would encounter under normal circumstances. So I wanted to see if you had any questions. I think what staff has put together – I've seen the staff presentation and recommendation. It is perfectly appropriate. I think the setback requirements are appropriate. There is no meaningful impact, other than the psychological. It's sort of, in one sense, similar to your Item No. 13 – a lot of the impact is psychological and perceptive, rather than real. So I wanted to make myself available as you were contemplating this, and if you had any questions about crematories, the circumstances under which they operate, the affects, the emissions, et cetera, I wanted to make myself available to you to see if I could answer any of your questions. They are regulated by the State of Oklahoma. They are separately licensed – a crematory and a funeral home each has its own separate and distinct license. You might not be prohibited, Mr. Knotts, but you probably don't have the qualifications to get the license. That might be one impediment.

2. Mr. McCarty – Out in Arizona, what's the zoning requirements for crematoriums there? Are they special use? Are they in C zoning or I?

Mr. Sherrer – Maricopa County is Phoenix, which I think is listed.

Mr. Ezzell – Counties in Arizona are much larger than they are in Oklahoma. There are a number of zoning categories allowed. That was already existing when we purchased it, so I can't say specifically where they're allowed and not allowed, although I will note that we are within 100 feet or less of a neighborhood. Our crematory actually backs right up to a neighborhood. It's built on a major cross-section of two arterial streets, but immediately adjacent to the facility that we're in are homes. We've never had any issue, complaint, or anything else with regards to that. So they are allowed to be set immediately adjacent to residential structures in Maricopa County and in Mesa, Arizona in particular.

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Item No. 15, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 9:04 p.m.

Norman Planning Commission