

FLOOD PLAIN PERMIT COMMITTEE MEETING  
201 West Gray, Building A, Conference Room D  
Monday, December 1, 2014  
3:30 p.m.

Minutes

---

PRESENT: Shawn O'Leary, Director of Public Works  
Scott Sturtz, City Engineer  
Susan Connors, Director of Planning/Community Development  
Ken Danner, Subdivision Development Manager  
Jane Hudson, Principle Planner  
Neil Suneson, Citizen Member  
Sherri Stansel, Citizen Member

OTHERS PRESENT: Todd McLellan, Development Engineer  
Cydney Karstens, Staff  
Dean Koleada, Applicant's Engineer  
Tahir Nasir, Applicant's Engineer  
Sean Rieger, Applicant's Attorney

The meeting was called to order by O'Leary at 3:30.

**Item No. 1, Approval of Minutes:**

O'Leary called for a motion to approve the minutes from the meeting of November 3, 2014. Motion to approve minutes by Sturtz. Seconded by Danner. Approved 6-0. Suneson abstained. It was noted that all seven members of the committee were present and a quorum was established.

**Item No. 2, Flood Plain Permit Application No. 552:**

O'Leary stated that the application was submitted by Elsey Partners and is a request to construct a fire lane, retaining wall, sidewalk, and landscaping in the Bishop Creek Flood Plain for a planned multi story apartment complex and multi-story parking structure located on the North side of Page Street just west of the BNSF railroad tracks. O'Leary introduced Todd McLellan, Development Engineer, who would be going over the Staff Report. McLellan introduced the applicant's engineer, Tahir Nasir and stated that NSE Engineering Consultants are the engineering firm for the project.

McLellan showed a graphic and gave a description of the proposed apartment complex including the surrounding structures and project limits. A Tributary to the Bishop Creek Floodplain runs along the east side of the property with a portion of the Southeast corner in the floodplain. The Project is proposed to be a multifamily apartment development on approximately 4.2 acres. McLellan showed a current aerial photograph of the site and explained that the site currently consists of 26 small rental homes that will be demolished along with the existing paving and utilities.

The new project will consist of approximately 372 apartment units in a five story building surrounding a nine level interior parking garage. There will be a basement level in the apartment building and parking garage. McLellan showed the proposed plan view with the floodplain shown and a clearer view showing the existing buildings with the proposed plan overlaid. McLellan pointed out the floodplain limits and clarified that the building itself will not be in the floodplain. Only a portion of the SE corner of the property is in the floodplain and those areas will include a sidewalk, retaining walls, a fire lane, and some landscaping.

Storm water detention for the new facility will be provided by an underground detention system on the north side of the complex. The outlet of the facility will be a pipe that flows to the east into Tributary "C" of Bishop Creek. A portion of this tributary is located within the Bishop Creek floodplain.

This project is not located in the Little River Basin; it is located in the Bishop Creek floodplain.

McLellan gave an overview of the cross-section provided by the applicant. The illustration shows the property line and building in relation to the floodplain. It was reiterated that only the SE corner of the property is affected by the floodplain, the rest of the property is not in a floodplain. McLellan also showed the architectural view to the committee. He pointed out the area in the floodplain is an open space area with retaining walls, trees, grassy areas, fire lane, and a sidewalk.

The Flood Insurance Rate Map indicates the flood zone on the North side of Page Street is located in zone A which is an unstudied area of Tributary "C" of Bishop Creek. However the north zone AE floodplain boundary of Tributary "C" is Page Street. Based on interpolation of the BFE data in the studied area, the BFE at the SE corner of the project site is 1145.5 feet.

Architectural renderings from different directions, as well as pictures of the area as it looks now were presented.

Applicable ordinance sections were noted to include: 4(b)(1)(a) fill restrictions in the floodplain, 4(b)(5) compensatory storage, and 5(a)(viii) no rise considerations. McLellan explained how each ordinance would be met and satisfied by the applicant. It was noted that this project would result in a net increase of approximately 90 cubic yards of floodplain storage. Based upon the information provided, staff recommended that this project be approved.

O'Leary asked for comments from Nasir who had none. O'Leary requested that McLellan display the architectural rendering and explained that staff had been working with this applicant for an extended amount of time. The original submittal did have part of a building in the SE corner of the property in the floodplain. O'Leary gave credit and thanked the applicant for the choice of redesigning the building and taking the structure out of the floodplain. They could have applied for a LOMR, but that may have resulted in a 6-12 month process that would have conflicted with the planning and zoning process that is running simultaneously.

O'Leary opened the floor for comments or questions from the committee.

Danner questioned whether there was a little finger of the floodplain that overlaps the property off of Page Street and asked how that was being handled. McLellan explained that the entrance of the parking garage is to the east of the area in question and that area will just include sidewalks and retaining walls. Danner asked to clarify if this area was part of the floodplain permit. McLellan confirmed it was and O'Leary noted that it was also addressed in the compensatory storage area of the application.

Sturtz questioned the elevation of the drive and whether it was high enough that water wouldn't come from the flood zone into the drive area. Nasir confirmed the drive is high enough that there would be no issue.

Stansel asked if anyone had heard from any of the citizens that were notified about this project. McLellan answered that he did not receive a call from anyone on either of the two applications being discussed today, but noted that the projects are adjacent to each other. O'Leary added that the notification area is pretty limited in number and that no response pro or con about the project had been received. Connors noted that the Planning Commission had received a few protests on the pre-development application. O'Leary noted that both of the projects being discussed today go to the Planning Commission on December 11 and that this is just the first step in the process.

Suneson expressed concern about the runoff caused by land use going from houses with lawns and back yards to a large impermeable surface; during a storm the runoff will be much greater than what it currently is. He asked for clarification on the detention basin and what that is and under what circumstances it will feed into the Bishop Creek. Nasir explained the basin will collect the water and that there is a pump station that will pump the water out to the outlet area. McLellan added that Norman is starting to see more of these underground detention basins. He commented that sometimes it's better aesthetically to do it this way unless it was going to be used as an amenity. In this case the detention basin will be on the north side and drain into Bishop Creek. The release will not be greater than what it historically is now.

Suneson asked if it was basically an underground tunnel. McLellan explained that it's like an underground culvert. Suneson asked for clarification that the detention basin will be large enough to collect the water during a heavy thunderstorm and that the release into Bishop Creek would not be any greater than it is now. Nasir confirmed that was correct. Sturtz commented that the rate of the discharge will not be greater than what it currently is. Pump rates will be established that will set the release rate and a report will be submitted that explains the release rates and shows that run off does not exceed the pre-development rates. O'Leary noted that it is rare in Norman to have a pump station with these projects and city staff will be scrutinizing this part of the construction plans when submitted, due to the added elements the pump station brings into play as opposed to gravity based systems.

Suneson asked to confirm that the detention basin is only on the North side. O'Leary confirmed and added that it is also within the confines of their property lines. Suneson added that the fire lane runs on top of the basin.

O'Leary opened the floor to public comment, there were no comments.

McLellan asked if there were going to be any waterline relocations in the floodplain, noting if there were it needed to be included with this application. Otherwise if it would be required to go through the Flood Plain Permit Committee again to get that section added. He recommended it be included as a contingency with this application. Danner questioned which waterline would be used for the project and Nasir commented on the waterlines they were directed to use by the utilities department.

Rieger asked for clarification on the phasing he saw in the renderings. Nasir answered that the phasing is for the apartment buildings and the detention basin would be built all at once as part of Phase I of the project.

O'Leary confirmed McLellan's point about adding the utility relocation to the permit if Nasir thought it was needed. Danner asked if the committee could add the contingency as part of the motion. O'Leary confirmed that the contingency could be added with the motion.

O'Leary asked for a motion. A motion was given by Suneson that included a contingency stating that if any public utility is relocated the resulting action would see the ground elevation of the area remain the same as it currently is and meet the flood plain ordinance requirements. Connors seconded the motion. Motion passed 7-0.

**Item No. 3, Flood Plain Permit Application No. 553:**

O'Leary stated that the application was submitted by Inland American Communities Acquisitions, LLC and is a request to construct a multi-story apartment complex and multi-story parking structure located on current site of Bishops Landing apartments. Part of this project involves cut/filling of a portion of Bishop Creek and the associated flood plain to the east, creating a large green space area. O'Leary introduced Todd McLellan, Development Engineer, who would be going over the Staff Report. McLellan introduced the applicant's attorney, Sean Rieger and the Engineering firm, Huit-Zollars, Inc. represented by Dean Koleada.

McLellan explained the project is proposed to be a multifamily apartment development on approximately 7.4 acres and gave a description of the proposed apartment complex including the surrounding structures and project limits. The existing apartments and paving will be demolished and the utilities relocated. The proposed project will consist of a 5 story apartment building consisting of 430 residential units with 950 bedrooms, a 6 story interior parking garage, pool facilities, fitness center, and community park/open space area. Since the property is currently fully developed with building and pavement and the new project will have less impervious area than the existing site, no storm water detention will be required. Existing drainage patterns will be maintained for the proposed project. All storm water runoff will be captured and conveyed by storm sewer inlets and piping into Tributary "C" of Bishop Creek. The existing storm sewer pipe that runs southeast under the current complex from

Page Street will be relocated along the northern property line and discharge into the creek. Sanitary sewer will be relocated along the north property line and on the west side of the existing creek channel and flow to the south.

Due to the existing property and buildings being located within the floodway and floodplain of Tributary "C" of Bishop Creek, a redistribution of soil within the floodplain is proposed to reclaim property from the floodplain on the west side of the creek to create buildable area.

This project is not located in the Little River Basin; it is located in the Bishop Creek floodplain.

Flood Insurance Rate Map indicates the flood zone on the property is in Zone AE which is a studied area of Tributary "C" of Bishop Creek. The BFE at this site is 1145.0 feet.

McLellan showed a map illustrating the existing flood plain and floodway. The current flood plain encompasses the majority of the of Bishop Landing's buildings. Another map was shown the illustrating existing flood plain and the proposed flood plain. The existing creek will have the east bank excavated and material placed on the west bank, which will open up an area for redevelopment. This will create compensatory storage on the east side of the creek.

Compensatory storage will be met by removing material on the east side of the creek to create the basin. To ensure this work does not adversely impact the drainage in this area and the surrounding property, a flood study was performed by the applicant's engineer. If this permit application is approved by the Floodplain Permit Committee, the applicant's engineer will send the flood study to FEMA to obtain a Conditional Letter of Map Revision (CLOMR) to amend the floodway and floodplain boundaries. If FEMA approves the CLOMR, the applicant will be able to proceed with the floodplain project. Upon completion of the work in the floodplain, the applicant's engineer will send the as built construction information to FEMA to obtain a Letter of Map Revision (LOMR) that will effectively change the floodplain map to the new boundaries. All CLOMR and LOMR review fees required by FEMA will be paid by the applicant. If the Floodplain Permit Committee approves this permit application, the applicant has requested that demolition work on the existing complex be allowed to proceed during the time FEMA is reviewing the CLOMR.

McLellan gave an overview of the cross-sections provided by the applicant showing the cut/fill that would be performed.

Architectural renderings from different perspectives, as well as pictures of the area as it looks now were presented. McLellan noted this is an example of sound flood plain management by creating open space.

Applicable ordinance sections were noted to include: 4(b)(1)(a) fill restrictions in the floodplain, 4(b)(5) compensatory storage, and 5(a)(viii) no rise considerations. McLellan explained how each ordinance would be met and satisfied by the applicant. It was noted that

this project would result in a net increase of approximately 1.3 acre-feet of storage due to this project. Based upon the information provided, staff recommended that this project be approved with the condition that FEMA approve the CLOMR before any work can begin in the flood plain with the exception of demolition of existing structures and pavement.

McLellan noted that the FEMA floodplain model is not correct and showed an illustration of how the existing flood plain and proposed flood plain do not match at Brooks Street due to the flaw in the FEMA model.

O'Leary opened the floor to committee for questions to staff or the applicant. Sturtz commented that this project will move multiple structures out of the floodplain. Danner asked for the perimeter sidewalk and utilities to be included in the permit.

Stansel questioned the application on item 8(a) about the modification of floodplain resulting in a change of 10% or more and also 8(c) actually modifying the stream bank or flow line of the channel would require City Council approval. O'Leary stated that (a) and (c) are applicable and that the committee could include those as a council action during the zoning and planning process or as a separate action to make sure it addresses this element of the zoning code. Connors stated it would be part of the ordinance or the resolution if it was a land use plan change. Danner commented there was a land use change with the floodplain.

Stansel commented that she and Suneson were on the original ordinance change committee and if these instances came up that it would go to council for approval before it was approved by the floodplain committee. Just to make sure that some more eyes were looking at it and more discussion was taking place. Hudson asked if any advertisement would have to be done for a separate action. O'Leary stated that the ordinance assumes that many of these applications might not be zoning and platting cases, that they would be stand-a-lone cases. O'Leary followed up by stating this project is all of that; it is zoning, preliminary plat and final plat processes, so the channel modification can be included in that consideration. O'Leary stated he didn't think it would take any additional advertisement than is already done. Planned zoning changes have already been advertised. McLellan stated that it doesn't say in the ordinance that additional advertising is required beyond the floodplain permit committee notification.

Hudson asked if she would include this as part of the zoning staff report. Danner stated he thought it would be the land use change because the applicant is modifying the land use of the floodplain. Danner commented that his report is going to reference to the LOMR and that no final plat can come forward until that has been accomplished. Hudson pointed out the committee is only changing the land use, not increasing the high density residential, it's already classified as high density residential.

O'Leary complimented the discussion and stated it would be taken under advisement with the legal department as far as the mechanism for council approval, but there will be at least two more checks and balances; one with FEMA and one with City Council both to consider these items as well as their zoning implications. McLellan pointed out the project was also going

before the planning commission. O'Leary acknowledged that makes three checks and balances.

Sunesson requested the cross sections be brought up to clarify the volume of fill to the west will be compensated for by removal of material on the east. Koleada explained that once you get above the 100 year floodplain the fill isn't considered fill in the floodplain and clarified that they are creating more compensatory storage on the east side at the 100 year floodplain elevation and below. O'Leary clarified that there will be a net increase of 1.3 acre-feet of storage.

Stansel commented there being only a six inch difference on the BFE for this project compared to the first project discussed. This project has a BFE of 1145.0 ft. and the other is 1145.5 ft.

Stansel commented that some items were unchecked on the permit application and wanted to verify that the city had received the documents/information needed. McLellan confirmed that the city had everything that was needed and noted that the applicant did a very well done flood study.

O'Leary called for any further questions, comments, or motion on the application.

Scott asked if we needed to make the motion contingent on CLOMR, approval by city council, and the sidewalk being included in the permit.

Stansel asked if the planning commission meeting was open to the public. Danner commented that it is one public hearing. Connors stated there will also be a public hearing at City Council. O'Leary noted that both of these items are on the same agenda, scheduled for the December 11 planning commission and January 13<sup>th</sup> City Council.

Sturtz made a motion that the committee approves this application on the condition that FEMA approve the CLOMR before any work can begin in the floodplain other than demolition of the existing structures and pavement, and further condition that City Council approval be obtained as required and to include perimeter sidewalks in the permit. Danner seconded the motion.

O'Leary reiterated that approval is conditional on FEMA approving the CLOMR, LOMR, and City Council approval as required by floodplain ordinance sections 8(a) and 8(c), and the consideration of sidewalks being placed in the floodplain as shown on the architectural site plan.

O'Leary asked if there was any further discussion on that motion. There was none.

Motion was approved 7-0.

**Item No. 4, Miscellaneous Discussion:**

1. Filing application deadline was last week for the December 15 meeting. We have one completed application. The application is a utilities project for the relocation of a sanitary sewer line in the Woodcrest Creek floodplain
  
2. McLellan gave a report on the completion of the elevation of the house on 206 South Lahoma Avenue.

O'Leary called for a motion to adjourn. Sturtz motioned to adjourn, seconded by Connors. Motion was approved 7-0. Meeting adjourned at 4:17 p.m.