

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

APRIL 11, 2019

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 April, 2019. 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.

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

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Nouman Jan
Neil Robinson
Chris Lewis
Tom Knotts
Dave Boeck
Erin Williford
Steven McDaniel

MEMBERS ABSENT

Lark Zink
Sandy Bahan

A quorum was present.

STAFF MEMBERS PRESENT

Jane Hudson, Interim Director, Planning &
Community Development
Janay Greenlee, Planner II
Roné Tromble, Recording Secretary
David Riesland, Traffic Engineer
Todd McLlellan, Development Engineer
Beth Muckala, Asst. City Attorney
Terry Floyd, Development Coordinator
Bryce Holland, Multimedia Specialist

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CONSENT DOCKET

Item No. 2, being:

TMP-136 -- APPROVAL OF THE MARCH 14, 2019 PLANNING COMMISSION REGULAR SESSION MINUTES

Item No. 3, being:

COS-1819-5 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY JUSTIN L. GENTRY FOR GENTRY ESTATES (POLLARD & WHITED SURVEYING, INC.) FOR APPROXIMATELY 80 ACRES OF PROPERTY GENERALLY LOCATED EAST OF 96TH AVENUE S.E. (CLOSED) AND ½ MILE NORTH OF STATE HIGHWAY NO. 9.

Item No. 4, being:

COS-1819-6 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY CHRISTINE TRIBBLE FOR TRIBBLE ESTATES (LEMKE LAND SURVEYING, L.L.C.) FOR APPROXIMATELY 36.3 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF 84TH AVENUE S.E. AND STATE HIGHWAY NO. 9.

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Mr. Lewis asked if any member of the Planning Commission wished to remove an item from the Consent Docket. Mr. Knotts asked to remove Item No. 3. Mr. Lewis asked if any member of the audience wished to remove an item from the Consent Docket. Hearing none, he asked for a motion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Neil Robinson moved to approve the Consent Docket, with Item No. 3 removed. Steven McDaniel seconded the motion.

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

YEAS	Nouman Jan, Neil Robinson, Chris Lewis, Tom Knotts, Erin Williford, Steven McDaniel
NAYES	Dave Boeck
MEMBERS ABSENT	Lark Zink, Sandy Bahan

Ms. Tromble announced that the motion, to approve the Consent Docket, with Item No. 3 removed, passed by a vote of 6-1.

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Item No. 4, being:

COS-1819-6 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY CHRISTINE TRIBBLE FOR TRIBBLE ESTATES (LEMKE LAND SURVEYING, L.L.C.) FOR APPROXIMATELY 36.3 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF 84TH AVENUE S.E. AND STATE HIGHWAY NO. 9.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report

This item was approved on the Consent Docket by a vote of 6-1.

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Item No. 3, being:

COS-1819-5 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY JUSTIN L. GENTRY FOR GENTRY ESTATES (POLLARD & WHITED SURVEYING, INC.) FOR APPROXIMATELY 80 ACRES OF PROPERTY GENERALLY LOCATED EAST OF 96TH AVENUE S.E. (CLOSED) AND ½ MILE NORTH OF STATE HIGHWAY NO. 9.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report

Mr. Knotts – It has come to my attention that the property that is being platted here in this COS is not all owned by Mr. Gentry. The owner has not agreed to this and is confused about how it could be now rezoned to single-family residential.

Ms. Hudson – The zoning is A-2. It's not being rezoned to R-1. Is that your understanding?

Mr. Knotts – No. It's my understanding that it was already rezoned to R-1. This information came to me and all I can say is that's my understanding, and Tract 6 does not belong to Mr. Gentry. So I don't think you can plat property that doesn't belong to you. Is that correct?

Tim Pollard, Pollard & Whited Surveying, 2514 Tee Drive – What we are proposing here is a COS, Certificate of Survey subdivision, which is used in an agricultural zoning. We're not asking for a rezoning. Tract 6 is Mr. Esmund's, but it was our understanding that he is part of this development. He is signing off on it.

Mr. Knotts – I have confirmation late this afternoon that he has not signed off on anything. I don't think we can pass it on.

Mr. Pollard – His intent to us was that he was okay with it.

Mr. Knotts – Intent doesn't sign on the dotted line. So I'm telling you that things aren't fine, and that you've got to get your act together before you can come before us. So I'd suggest you withdraw this and try to get the situation taken care of in writing.

Mr. Pollard – We would withdraw our client for this meeting and we will check with Mr. Esmund to get him to sign off on what he would like to do with his tract.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Mr. Lewis – It sounds like then we're needing to postpone Item No. 3 to the May 9 Planning Commission meeting. Is that what I'm understanding?

Mr. Knotts – My personal opinion is they offered to withdraw it, we agreed to that, and it will come before the Commission when they reenter.

Ms. Muckala – If the item is withdrawn, my understanding is they would need to resubmit the entire application. So, if that's what they request, then that's what should be voted on. But if they, instead, wanted to postpone to a date certain, they could do that and they could fix their application and bring all owners to the table in the meantime. In particular, this land does involve a WQPZ. There are legal documents being signed off on. All owners that are subject to the land within the Certificate of Survey would need to be represented in that application.

Mr. Knotts – So you have an opportunity here to postpone.

Mr. Pollard – We would cordially ask to postpone until we can talk to Mr. Esmund.

Mr. Knotts – Is that our May meeting?

Mr. Pollard – Yes.

Mr. Lewis – Will one month be sufficient?

Mr. Pollard – It should be, yes.

Dave Boeck moved to postpone COS-1819-5 to the May 9, 2019 Planning Commission meeting. Tom Knotts seconded the motion.

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

YEAS	Nouman Jan, Neil Robinson, Chris Lewis, Tom Knotts, Dave Boeck, Erin Williford, Steven McDaniel
NAYES	None
MEMBERS ABSENT	Lark Zink, Sandy Bahan

Ms. Tromble announced that the motion, to postpone COS-1819-5 to the May 9, 2019 Planning Commission meeting, passed by a vote of 7-0.

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Item No. 5, being:

O-1819-36 – ZAIN FUEL, INC. REQUESTS SPECIAL USE FOR A MIXED BUILDING FOR PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, AND LOCATED AT 1226 CLASSEN BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Aerial Photo
4. Site Plan
5. Pre-Development Summary

PRESENTATION BY STAFF:

1. Janay Greenlee reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval of Ordinance No. O-1819-36 for Special Use for a Mixed Building.

APPLICANT PRESENTATION:

The applicant was present, but did not have a presentation.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Steven McDaniel moved to recommend adoption of Ordinance No. O-1819-36 to City Council. Nouman Jan seconded the motion.

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

YEAS	Nouman Jan, Neil Robinson, Chris Lewis, Tom Knotts, Dave Boeck, Erin Williford, Steven McDaniel
NAYES	None
MEMBERS ABSENT	Lark Zink, Sandy Bahan

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1819-36 to City Council, passed by a vote of 7-0.

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Item No. 6, being:

O-1819-37 – 310 INVESTMENTS, L.L.C. REQUESTS AMENDMENT OF THE PUD, PLANNED UNIT DEVELOPMENT, ESTABLISHED BY ORDINANCE NO. O-0203-2, AS AMENDED BY O-0506-9, AND REPLACED IN THEIR ENTIRETY BY O-0607-13, TO ALLOW FOR A SENIOR LIVING CENTER, INCLUDING BUT NOT LIMITED TO MEMORY CARE AND ASSISTED LIVING, WITH AMENITIES FOR THE RESIDENTS AND THEIR GUESTS (E.G., RESTAURANT, BAR) AND WITH A REDUCED PARKING RATIO, FOR APPROXIMATELY 11.35 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF 24TH AVENUE N.W. AND RADIUS WAY.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Amended and Restated PUD with Exhibits
4. Pre-Development Summary

PRESENTATION BY STAFF:

1. Janay Greenlee reviewed the staff report, a copy of which is filed with the minutes. Staff supports the request for a PUD amendment to permit a senior living center with a restaurant, a bar, and a reduced parking ratio of 1 parking space per living unit; staff recommends approval of Ordinance No. O-1819-37.
2. Mr. Knotts – I was wondering if this is a public restaurant and bar.
Ms. Greenlee – The public will be allowed to access that through the senior center. From my understanding, it will be as part of that development.
Mr. Knotts – So it will be internal.
Ms. Greenlee – Visitors would be allowed to access the restaurant and bar.
Mr. Boeck – So you could go in there and buy dinner.
Ms. Greenlee – You could. And have dinner with any of your friends that live there.

APPLICANT PRESENTATION:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – I'll take you quickly through just to show you a little bit more. This is the actual aerial of the site. You can see Terra project is right here; that's the large multi-family project that is in place on the ground along 24th Avenue, so our site is just north of that, basically a bare piece of land – no trees, no development on it. Obviously, 2025 is mixed use per the UNP area and the PUD. This is the general conceptual site plan. I'll tell you a little more about the site plan in just a moment. The PUD request, again, as Janay said, is for clarification that this can be a senior living center. Just to give you a little more on that, the PUD already allows for residential uses over as much as 30% of the entire UNP area. Your zoning code, under RM-6, you have to have a special use, basically, for anything that would be like this; it doesn't allow it as a matter of right. Also, under commercial, also would be a special use. So we don't really fall into an as a matter of right category, even though the PUD contemplates 30% of the whole area would be residential. We still want to make sure that we're clarified that the legal zoning is there. So it would be independent living (about 100 units), assisted living (about 64 units), memory care (about 24 units).

The second request for the PUD amendment is the restaurant and bar, and to give you a little more clarity on that, I'm going to show you in the site plan where it is. We're not talking about a large-scale restaurant and bar element; it's really fully internal. But the idea being that the public and, most importantly, guests of these residents could come, pay their own tab, be their own customer, but be there with the residents. What they have found is that when they provide that opportunity, they have a lot more people come and spend time with these residents. Whether that's a statement on our society or not, I'll leave that alone, but that's what they have found in practice. So they have found a way to basically make it a public, so to speak, bar and restaurant and encourage people to come spend that time with the residents, and that's been very successful. From a zoning standpoint, then, what we get into is that if there is going to be a point of sale of alcohol directly to a person that's not a resident, then we have a zoning issue we need to make sure is covered. Because then the ABLE Commission can step in

and say, hey, you're selling alcohol to the public; you've got to have a special license. Just in case we get anything like that, we want to make sure the zoning allows for it and we don't have to come back and do that. Because the ABLE Commission, if that comes up, will not issue a license unless they verify that the zoning allows for it. So that's the reason for the request for the restaurant and bar.

Then the parking requirement. The PUD also only talks about parking – the current PUD – in the sense that it is per the requirements of the City of Norman ordinances. When you look at the parking requirements, we have a parking count for apartments generally that says 1.8 spaces per dwelling unit. We have parking allotted for nursing homes and convalescent homes, which gets into 1 per 4 residents plus some for employees. So, again, per the existing code, which the PUD references to, we don't really have a clarity of what the parking is required to be. So we've requested 1:1 per residence, which should be ample. Probably still may be a little bit more than we need, because oftentimes, obviously, these residents do not have cars.

So that's the reason for those three PUD requests tonight and why we've come before you. Let me show you a little bit more. This is the site plan for Phase 1; there is a Phase 2 I'll show you in just a moment. The blue is the independent living; the red is the assisted living; and the orange, far lower right, is memory care. The memory care is planned as one story; the assisted living would be three stories; and the independent living would be four stories. That center element that you see is the common areas, so this is where the pub and the bar and that kind of element would be. Let me talk to you about the proposed amenities. When I was talking to the client, it's incredible – I've never seen one like this. This is really a remarkable development as to what they have planned. This is the first floor, what you see on the left, is the first floor diagram. You see that center element being the common areas has really an incredible array of amenities. The restaurant and pub is right in the middle there; it would only seat 32 people, so, again, we're not talking about a large experience here, but enough to hopefully bring people in to spend time with these residents. So the pub is right there. But you start seeing all of these list of amenities: art studios, pool, fitness center, game room, coffee bar, outdoor courtyards, multi-purpose theater, dog park – what we often find is that when you get into senior housing a lot of them have pets and so we have a dog park for them, and really a significant amount of green space around this facility. So lots of amenities that are planned for this facility.

This is Phase 2. Phase 2 we're for tonight to approve would be just off to the northeast or north of the facility. It would basically add another element – would basically courtyard in the independent living element into another element off the end.

That's basically it. That's the request tonight. Those three additions to the PUD. I want to clarify again they only change this site – this location in the PUD. It does not amend the PUD beyond this site. The University North Park PUD would only be amended for that legal description and nothing else.

Staff supports. Nobody came to the Pre-Development meeting at all; it was just us. There's no protests that we're aware of. With that, we would appreciate your consideration. I'm happy to answer any questions. Thank you.

2. Mr. Boeck – That bar thing really got me interested. I guess the question I have, if you've got family members and friends coming in to eat, is it not open to the public, so that someone driving by and seeing Sean's Steakhouse, and go this looks pretty good, let's stop in and grab a steak.

Mr. Rieger – I think the intent is more that they would be people coming to visit the guests. But, again, if we get into a point of sale to a customer, we want to make sure we have the allowance for that. But the intent is really ancillary to the guests. But we want to make sure they can pay for it. This gets very detailed and technical, but if they pay for that bill directly and it's not put on the guest tab to be paid by their room bill, which maybe some of these folks don't want to do that, or you would rather pay for their meal, we don't want you to have to go to the desk and figure all that out. We want you to be able to just pay the bill.

Mr. Boeck – So does this also double as the dining room for the residents?

Mr. Rieger – No. There are separate dining facilities. If you look on here you see – I don't think we have them labeled really clearly, but there are multiple dining rooms. These elements, if you can follow my pointer – there's one there, one there, and there's one down here. So they're kind of across the middle are multiple dining rooms, which are much larger spaces.

Mr. Boeck – Those are what I'd call the service dining areas for the facilities themselves.

Mr. Rieger – Correct.

3. Mr. Knotts – I was out there today. I know we're not supposed to talk about design, but it seems like the facility misses an opportunity with Terra right next door, and it doesn't really walk to anything, but it could walk to this place.

Mr. Rieger – It is separated by Radius Way. There is a public street between the two, but I understand your point.

Mr. Robinson – Why would people from Terra walk over here?

Mr. Knotts – Because they can't walk anyplace else. They'd have to get into their car to go someplace else.

Mr. Boeck – Well, that was the intent of University North Park, to get in your car and go.

Mr. Rieger – I will carry those comments back to the applicant. I appreciate that.

Mr. Knotts – Senior care facilities sometimes have financial difficulties, so it would be a good way to subsidize.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to recommend adoption of Ordinance No. O-1819-37 to City Council. Neil Robinson seconded the motion.

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

YEAS	Nouman Jan, Neil Robinson, Chris Lewis, Tom Knotts, Dave Boeck, Erin Williford, Steven McDaniel
NAYES	None
MEMBERS ABSENT	Lark Zink, Sandy Bahan

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1819-37 to City Council, passed by a vote of 7-0.

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Item No. 7, being:

O-1819-38 – BP 36TH AVENUE S.E., L.L.C. REQUESTS REZONING FROM CCFBC, DETACHED FRONTAGE TO CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT, FOR 0.18 ACRES OF PROPERTY LOCATED AT 405 PARK DRIVE, TO ALLOW FOR AN ADDITION TO THE EXISTING SINGLE-FAMILY HOME.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Center City Planned Unit Development Narrative with Exhibit
4. Site Plan and Floor Plans

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes. Staff supports this request and recommends approval of Ordinance No. O-1819-38, which would allow the planned renovation and addition to the existing structure, thus expanding the grandfathered status of the existing structure to the proposed structure according to the applicant's submitted Site Plan.

2. Mr. Knotts – I was riding around with Bob Goins today looking at this. He told me that the stone on this house was from McFarlin.

Ms. Hudson – I've heard that. I believe that to be correct, yes. Very cool.

Mr. Knotts – It is a beautiful house, and I certainly would support not putting something in front.

AUDIENCE PARTICIPATION:

1. Jayne Crumpley, 423 Elm Avenue – We love this house. It is incredible. Those of us that are in that area worked very hard to get downzoned to R-1 and, I guess, were blissfully ignorant that they had split Park down the middle with the Center City Form Based Code. We did not realize that until recently, and were horrified at what could happen to the homes on that side of Park. We are certainly in favor of preserving this home and not having to have the front of it destroyed. I have a question about the lot coverage with this addition. My personal preference would be that the addition be down-scaled because it will – you will be able to see it over the house. I'm not an architect, and it may just work right into the plan and it not be that noticeable. But it seems like the size of it will detract from the main house as it is. But, again, we are grateful that it's going to be preserved as a house and not have to have something built in the front of it to destroy all of it. Thank you.

2. Lee Hall, 648 S. Lahoma Avenue – I just wanted to take the opportunity to also put this in a little bit of context. As Jayne mentioned, I'm truly appreciative of the applicant and their interest in this home and their interest in taking on a project like this. They stated in the application that they were very interested in keeping the historical, visual and aesthetic integrity of the existing home in line with the neighborhood. I also appreciate the fact that, because of the complications with the Center City Form Based Code as it exists right now, that they've had to go to significant time and effort to create a CCPUD and go through this process to get their project approved to accomplish their goals, and we appreciate that effort, as well. But it does seem important to point out that, under the current Regulating Plan, this could have been approved if the size of the addition was less than 50% of the square footage of the original structure. This is the same standard that's applied in our Historic District overlays to keep proposed additions in size and scale to other historic structures in the neighborhood. It states in our Form Based Code that the purpose of the Detached Frontage area is to protect the character of the existing family homes in the neighborhood. Park Drive happens to be an example of a block that's dominated by historically contributing houses without the protection of an historic district overlay. We just have some concerns about the conflicts between applicants that want to preserve this home, and we fully support that and are so grateful that

they're willing to do it, but we also have some concerns about just the size and the scale and the impact that it's going to have on the neighborhood. Thank you for your time.

3. Mr. Boeck – One comment I have is I see three master bedroom suites, which I question why we have three master bedroom suites in a house.

APPLICANT PRESENTATION:

1. Shelly Wilson, 751 36th Avenue S.E., the applicant – We have a family of four – two kids – there are four of us. I grew up in Norman and, honestly, I told my husband 25 years ago that if that house ever goes for sale, I want it. It's my favorite house I've ever seen in my entire life. We went in, and when we went in, I kind of was shocked because it was nothing inside what it looks like on the outside. Very small – 1500. It had one bathroom; it was very small, upstairs. No shower, just a bathtub, one little sink. And two small bedrooms. So when we were looking at how to make this a place where we all, as our kids get older, would want to go and hang out, we thought let's don't keep the bedrooms so small that they were. And since we were moving back of the house, we thought we'll just build on top and do the two bedrooms upstairs. So it's just two bedrooms upstairs and two bathrooms.

2. Mr. Boeck – I just wish we would have had some elevations to see what the new addition is going to look like. It fits, but it would be nice to have some elevations.

Ms. Wilson – I have some plans. I don't know if it's exactly what you're wanting. Do you want to see it?

Mr. Boeck – I'd like to. It doesn't necessarily have to be now. The architect is coming out in me.

Ms. Wilson – This is the first floor.

Mr. Boeck – These are plans. I'm looking for elevations. We've got the plans.

3. Mr. Knotts – Are you going to try to use the same stone?

Ms. Wilson – Well, we did hear that it was from McFarlin. We are wanting to bring it around in the back. I know McFarlin did an add-on and we've been looking at how they added on and didn't match the stone exactly, because it was in the 20s, I think. So as close as we can get. We want to keep the integrity of that house.

Mr. Boeck – Well, the way you do that is you offset those walls so you don't have the new materials lining up with the old materials.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Neil Robinson moved to recommend adoption of Ordinance No. O-1819-38 to City Council. Erin Williford seconded the motion.

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

YEAS

Nouman Jan, Neil Robinson, Chris Lewis, Tom Knotts, Dave Boeck, Erin Williford, Steven McDaniel

NAYES

None

MEMBERS ABSENT

Lark Zink, Sandy Bahan

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1819-38 to City Council, passed by a vote of 7-0.

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Item No. 8, being:

MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

1. Ms. Hudson – Staff had talked about having an education session after Planning Commission. We were thinking about the next meeting. We'll probably send out an email to survey and see who can stay. We'll adjourn and we'll just have a session afterward, if everyone can make the May meeting. The City Clerk is in the process of doing this with all of the committees, so we should do it as well.

Ms. Muckala – It's just basically a refresher course. A zoning primer, as well as Robert's Rules, commonly encountered situations and scenarios, whether or not there could be any item development specific to Norman that we can tag onto that.

Mr. Boeck – The real one would be we've got this moratorium in Center City, because that's been just an absolute issue and we're working through that right now. It would be nice for us to have some educational information about changes that are going to happen or might happen or the whole process of how things are approved or not approved. I'd like to have some updating on Form Based Code sometime.

Ms. Hudson – That would be separate from what we're talking about right now, but we can do that, too. Would May 9th work for everybody?

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Item No. 9, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 7:14 p.m.



Norman Planning Commission