

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

MAY 9, 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 9th day of May, 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.

Chair Sandy Bahan 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
Sandy Bahan
Tom Knotts
Dave Boeck
Erin Williford
Steven McDaniel

MEMBERS ABSENT

Lark Zink

A quorum was present.

STAFF MEMBERS PRESENT

Jane Hudson, Interim Director, Planning &
Community Development
Roné Tromble, Recording Secretary
Ken Danner, Subdivision Development
Manager
David Riesland, Traffic Engineer
Todd McLellan, 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-137 -- APPROVAL OF THE APRIL 11, 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-1819-7 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY TOMMY & SUE MORRISON FOR CIRCLE M FARMS (PATHFINDER SURVEYING) FOR APPROXIMATELY 20.12 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF E. IMHOFF ROAD (PARTIALLY CLOSED) AND APPROXIMATELY ¼ MILE EAST OF 144TH AVENUE S.E. (CLOSED).

Item No. 5, being:

PP-1819-1 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHAHRAM STEVE MOMTAZZADEH FOR VARENNA LANDING ADDITION (SMC CONSULTING ENGINEERS, P.C.) FOR 18.46 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF E. LINDSEY STREET APPROXIMATELY ¼ MILE EAST OF 24TH AVENUE S.E.

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Ms. Bahan asked if any member of the Planning Commission wished to remove an item from the Consent Docket. Mr. Robinson asked to remove Item No. 5.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Neil Robinson moved to remove Item No. 5, the Preliminary Plat for VARENNA LANDING ADDITION, from the Consent Docket. Dave Boeck seconded the motion.

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

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

Ms. Tromble announced that the motion, to remove Item No. 5 from the Consent Docket, passed by a vote of 7-1.

Chris Lewis moved to approve the Consent Docket, as amended to remove Item No. 5. 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, Sandy Bahan, Tom Knotts, Dave Boeck, Erin Williford, Steven McDaniel
NAYES	None
MEMBERS ABSENT	Lark Zink

Ms. Tromble announced that the motion, to adopt the Consent Docket as amended to remove Item No. 5, passed by a vote of 8-0.

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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
4. Greenbelt Commission Comments
5. Excerpt of April 11, 2019 Planning Commission Minutes

This item was approved on the Consent Docket by a vote of 8-0.

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Item No. 4, being:

COS-1819-7 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY TOMMY & SUE MORRISON FOR CIRCLE M FARMS (PATHFINDER SURVEYING) FOR APPROXIMATELY 20.12 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF E. IMHOFF ROAD (PARTIALLY CLOSED) AND APPROXIMATELY ¼ MILE EAST OF 144TH AVENUE S.E. (CLOSED).

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1. Location Map
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Item No. 5, being:

PP-1819-1 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHAHRAM STEVE MOMTAZZADEH FOR VARENNA LANDING ADDITION (SMC CONSULTING ENGINEERS, P.C.) FOR 18.46 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF E. LINDSEY STREET APPROXIMATELY ¼ MILE EAST OF 24TH AVENUE S.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Typical Lot Site Plan
6. Pre-Development Summary
7. Greenbelt Commission Comments

PRESENTATION BY STAFF:

1. Ken Danner reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval of the preliminary plat for Varenna Landing Addition, a Planned Unit Development.

APPLICANT PRESENTATION:

1. Sean Rieger, representing the applicant – Let me just say, normally we would not be here presenting on a preliminary plat. This is only a preliminary plat application; it is not a zoning, not a 2025 plan change, and that's why it was on your Consent Docket, because normally an uncontested preliminary plat alone, by itself, would simply go through as a Consent Docket item, and the reason for that is it would go through as a Consent Docket item because the only way that it can be denied is if it does not meet the engineering design guidelines of the City of Norman or the zoning that it must match. I've heard the City Attorney say that over the years, I've been doing this for 19 years and I've heard that several times during the rare occasion that we do see a protest for a preliminary plat when there's nothing else with it. That's what we have tonight, and that's why we're here, and that's why we're off Consent Docket. There is a protest that apparently has been filed. I think it's important for you to understand that background.

I will take you through it, but I want you to understand again, this is only a preliminary plat application. This is the existing zoning. The existing zoning is as Mr. Danner said – goes back to the 80s – and the reason you see that kind of shading there is back then the PUD was described as a PUD overlay onto the existing zoning, and the zoning was transformed into R-1 with a PUD overlay. That's the existing zoning and that's why it is the look that it is on that screen. We are in conformity to that, and I'll show you that in here in just a moment.

This is the preliminary plat. Let me go forward and I'll show you a couple of different pictures. This is the protest that apparently arrived today, and I'll talk about that in just a moment as well.

This is the location. The location is East Lindsey Street, right here. 24th Avenue S.E. is right here. Again, preliminary plat only. This is not a rezoning request. This is not a 2025 Plan change. This is the aerial; it's basically raw land you see on the north side of Lindsey Street here – mostly raw land around it. There's a couple of developments to the north and to the south, and that's about it.

This is 2025 Plan. 2025 Plan calls for low-density residential. Again, we're not changing it at all. So what's proposed to you tonight in a preliminary plat only fits 2025, so there was no change needed. This is the zoning. Again, what is proposed to you tonight fits the existing PUD – no change. We're not changing anything, so there's no zoning change with it.

This is the plat. You see in the middle of the screen, that's the proposed plat. On the left is the previously approved site plan for the plat when it was done under the existing PUD. You can see really very little difference. You can see one street coming off of Lindsey Street. You can see it then wraps around – same thing here. Really the only difference is you can see there used to be a cul-de-sac on the upper left here, and we've kind of shifted that down to the lower middle and instead now we have connecting streets across the top that can go into the

neighboring subdivisions. That's actually quite an improvement from previous, because previously we oftentimes found ourselves with neighborhoods that were basically a compound and couldn't walk into the adjacent neighborhoods. Modern day planning has changed that to where now we do connect into the neighboring neighborhoods, so now we have an improved site plan that will do that across the north. So the site plan is really very, very similar to what it was previously – not much of a change there. The preliminary plat, I should say, previously of course expired, but now this is why we're in front of you again, is to re-up the preliminary plat in a slightly revised fashion.

I will show you, though – again, this is not really in front of you tonight – the density for the zoning, but I do want to make you aware that we are actually decreasing the density slightly by a few. This previously was showing 90 lots; we're now showing 87. So we have a very slight decrease in the density. But it still comes in at 4.7 units per acre and, again, this really isn't in front of you tonight for zoning, but that is a pretty low density. That's down well within R-1 density categories.

Again, this really isn't in front of you tonight, but I did want you to see what the developer is starting to plan, and the entryway off of Lindsey Street. You can see it would be fairly typical and traditional, nice entryway with brick entryways and a tree-lined street coming into the addition. So really a very nice project.

I'll simply end with staff support. Staff has reviewed this, as they do with every preliminary plat, and they make sure that it meets all of those engineering design guidelines and meets the zoning. They have done so. Staff recommends approval of the preliminary plat. Traffic is the middle recommendation, so there's three up at the top here. There's the general preliminary plat, and then there's the Traffic one in the middle. Staff has reviewed that. It says there is no off-site improvements anticipated. The capacity exceeds the demand in this area. And then finally Greenbelt Commission also reviewed this and sent it forward without comment. So, again, it's a little extraordinary that I'm standing here with you on just a preliminary plat, but I wanted you to hear all that, see all that, and understand that it meets all the guidelines and, therefore, it should be approved. The engineer is here – Chris Anderson with SMC – so we're happy to answer any questions you have and we have no problem doing that. But I thank you very much for your consideration.

2. Mr. Knotts – When would the traffic study be done on a development like this?

Chris Anderson, SMC Consulting Engineers – We did a preliminary traffic count and study that was required by the City, and the Traffic Engineer decided that a full-blown traffic study was not required at this point. It did meet their requirements for it.

Mr. Knotts – At all?

Mr. Anderson – Correct.

3. Mr. Rieger – Let me follow up on one item. I just want to highlight this protest that we did receive today. This is the petition and oftentimes when we get petitions on protests we have a number of rationale. This one had none. It just simply said we do not want to see this development on Lindsey, and attached was just pictures of trees. So I don't have anything else to go on, rather than this to really react to that tonight. But that's what you have in front of you. We're happy to answer any other questions.

4. Mr. Robinson – One of the things I'm curious about are the common areas, particularly Common Area C, I believe, which includes the pond and what appears to be like detention area independent of the pond. Is that what I'm seeing there? There's the detention area before it goes into the pond.

Mr. Anderson – Correct. There's an existing pond there that we are going to utilize for detention, but we're in a WQPZ zone there and the additional ponds that you're seeing there is part of our engineered solution to meet the WQPZ requirements. Four bays, soaking trenches, bioswales – that sort of thing – before it actually goes into the existing pond.

Mr. Robinson – I applaud your effort there. One of the questions I have is about the dam itself. Will the homeowners association be able to maintain and repair the dam, should that become necessary? How will they fund that kind of an activity?

Mr. Rieger – Well, part of your platting requirements of the City of Norman, we were required to produce a homeowners association POA document with funding and with mechanisms to govern that. As we all know, we recently had a stormwater vote; the vote failed and so there is no City mechanism to do that. Every POA in town must do that; they must fund and maintain their system. Additionally, on every single plat that comes to the City of Norman, before we get to file it of record, there's a stamp that goes on that plat and what that stamp says is that, if the HOA does not perform that function, you as a City have the power to step in and do it and assess that neighborhood. So you have widespread protection to take care of it.

Mr. Boeck – Although we are dealing with that in numerous neighborhoods now, where it was not designed for long-lasting quality control and so we're having to step in. That's part of the issue with the stormwater is we're having to come up with money to take care of dams that were not designed – including Summit Lakes.

Mr. Rieger – That's correct.

Mr. Lewis – Sean, I want to make one clarification in regards to Summit Lakes. The reason that the homeowners association is having to step in on that issue is because we, as a homeowners association, chose not to turn that property over to the City and make it a public park. So that was a choice of the association, just to be clear.

Mr. Rieger – And there's a lot of issues on this.

5. Ms. Williford – What are the drainage issues in this area? I'm not familiar with it. But in one of the protest letters it asked about the flood zone status, so I looked it up, just because that's what I do, and it's not in a flood zone. But what are the drainage issues?

Mr. Rieger – This is not in a floodplain. GIS shows that. There's no floodplain.

Ms. Williford – There is a creek near it, but it is not in a flood zone.

Mr. Anderson – Correct. It's not in a flood zone. There is a WQPZ. There's a drainage area that kind of comes in from the east side. There's a couple of existing ponds – one up in Summit Lakes and then another one in the existing open tract to the east that drains into the property and drains along the east property line and down into the large existing pond that's there. There's also a little bit of drainage that comes in from the east side. There's two small ponds that drain in from that direction and drain onto the property, also. And we're picking that part up with a storm sewer.

6. Mr. Boeck – I guess one of the concerns I have, especially with the report that came out about the million species that are going to disappear because of the CO₂ that we're dumping into the environment and one of the ways to do that is with trees. I know one of the protests is there's a lot of trees on this site and this is – you might say it's low density development, but it still is basically going to eliminate every tree that's on that current site. So that's a concern, because we approved the On-Cue there at Classen and Highway 9 and they said they were going to leave as many trees as possible, and it was obviously impossible for any trees to be left because that site is stripped naked. So I don't know how we can – if that's an appropriate thing to answer now, but that's one of the concerns I have.

Mr. Rieger – I can answer that in many ways, and I'll answer in many ways. One, many of these trees are red cedars that I don't think would be appropriate to save and I don't think anybody would suggest you would, so I think those you can automatically dismiss. Two, we have a tree ordinance that's been adopted. The tree ordinance very specifically said that trees in the platted rights-of-way are protected; otherwise they are not – that we want to make sure we still have the flexibility to develop. That was discussed through that process and was not included in sites like this. Three, I would say that if the City of Norman wanted to adopt a policy that we're not going to clear any other lands in Norman, we're not going to develop any more raw land in Norman, then you have to decide how you're going to grow, or not grow. If you don't want growth, that's a policy decision I suppose you can make. If you do want to grow, then you're

either probably growing on the lands that have trees, that didn't when we came here 1889 but do now. Or, you're going to level neighborhoods and rebuild to higher densities. We're under a moratorium right now in Center City where we are trying to do that, but that's in a moratorium right now. So many choices of policies to decide how you want to deal with trees. No question. But they are different choices, and right now the City of Norman does not have a policy that says that this should not happen.

Mr. Boeck – I understand that. I was just looking at the nice renderings that you showed with those beautiful, big trees.

Mr. Rieger – Let me add to that. This developer is still in the process of planning this, but I think they have a vision to go ahead and almost double the trees when they replant these and put them onto the site.

Mr. Boeck – And that's appropriate.

Mr. Rieger – So I think that's their wish and goal, is to add a significant number of trees. We do have the ordinance in place right now that every single-family lot must plant a tree. I think the developer wants to plant more than that, but that actually adds a significant number of trees. Just look at that scene – you have a tree on every single lot. Now, does that grow up over time? Yes. But if you're worried about longevity, that's what happens.

Mr. Boeck – The area around Campus benefits from trees that were planted that weren't there 80 years ago, and now we have that vast umbrella of shade on those streets because someone had the vision to plant those and we benefit from that. Now, hopefully, every developer that comes to Norman would have that kind of vision.

Mr. Rieger – And that ordinance actually requires the tree to be in the front yard. So right now you have an ordinance, that's been in place for quite a while now, that requires a tree in the front yard of every new single-family lot. When you have lots like this that are fairly narrow, that is a lot of trees and you're going to see a significant array of trees throughout that neighborhood.

7. Mr. Knotts – Are there any sidewalks on this?

Mr. Rieger – I believe so. Yes. We would have to for platting. I don't think this PUD in any way negated that that I'm aware of.

AUDIENCE PARTICIPATION:

1. Diane Hardersen, 2704 Dunham Drive – Thank you for the opportunity to speak. My property is adjacent to the north side of that property, so my back yard backs up to the natural surroundings. I've prepared a talk, and I know some of these issues have already been addressed, but I feel that it needs to be restated. First, I'm going to start by quoting an article from the Norman Transcript on Wednesday, May 8. It states that "People are putting nature in more trouble now than at any other time in human history, with extinction looming over 1 million species of plants and animals ..." One of the ways we are reducing biodiversity is by "turning forests, grasslands and other areas into farms, cities, and other developments." This report was done by the United Nations by 50 countries and 15,000 scientific papers that came out just this week. Do we want Norman to contribute to this loss of habitat? With this, I want to address this green space being considered for development. It is 18.46 acres and, yes, it is private property. But let's consider the future for all of us. This 18.46 acres is a wooded area which is the habitat for numerous wildlife and birds. Some of the neighbors have lived in this area for over 50 years and it is a peaceful environment and they have experienced the beauty of nature and the quiet. Habitat loss is one of the major reasons why species are at risk at this time.

As noted in my letter to the Commission, the water issue raises many questions also. Where is the water going to go when we have heavy rains like we've been experiencing in the last few weeks? Who will be accountable for the flooding of properties, the homeowners or the developer? Traffic is going to increase with added noise and added impervious surface, and there, again, adding to the water problems. The development will increase the amount of traffic that will have to drive into town. Norman has not passed a stormwater plan and already flooding on Smalley Drive and Lindsey Street have occurred in the past few years. My property

has retention problems after extensive rains, and a few houses down it just kind of turns into a slough where water just stands.

2. Rich Taylor, 2606 Dunham Drive – That's at the bottom of the hill and I've suffered water damage during the last development where they did Summit Lakes. It took me three times going out to McSha Realtors and they didn't do anything right and I finally had to get DEQ to make them put up a silt fence so I wouldn't get 3" of mud in my yard every time it rained. I've seen the water that runs off down that hill on Dunham Street, and after a heavy rain it's a little river. I wanted to second the previous speaker's concern about the loss of environment. And why are these zero-lot line condensed housing like this? That's not like – even the Summit Lake is much more spaced out than that. So there's going to be a tremendous amount of the ground there – they're going to clear out all the trees and even people don't particularly like cedar trees but they are good habitat for critters and birds. The water runoff is a problem. I'm not sure what's going to happen to that road at the top of the development. Is that going to be connected out to Dunham, which would increase the traffic flowing through there? And I didn't see anything in the report from the Greenbelt Commission, which is supposed to address items like loss of habitat, I would suppose – they didn't say anything. So they need to provide some kind of a statement on what the impact of this is. And the other question I had is how many people on this board are involved in the real estate industry? Nobody? Well, that's a big change from the last time.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Williford – I am happily involved in the real estate industry, for anyone who's curious.
2. Mr. Boeck – The other thing I'm concerned about, and everybody knows, is accessible housing and accessible development. My goal and the goal of the Visitable Ad Hoc Committee is to make houses in Norman accessible, because I know people my age and many people younger than me that live in houses that aren't accessible, and people coming out of hospitals that need accessible housing because their house wasn't designed to be accessible. I'm hoping that we can get some kind of commitment from the developer and including the civil engineers that design that neighborhood to make these lots accessible and the houses accessible in it. That's the only thing that I'd comment about.

Chris Lewis moved to recommend approval of PP-1819-1, the Preliminary Plat for VARENNA LANDING ADDITION, 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	Sandy Bahan
MEMBERS ABSENT	Lark Zink

Ms. Tromble announced that the motion, to recommend approval of the Preliminary Plat for VARENNA LANDING ADDITION to City Council, passed by a vote of 7-1.

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Item No. 6, being:

MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

1. Ms. Hudson asked if Commissioners would be available for the training, that was supposed to follow this meeting, to take place following the regular meeting on June 13.
2. Ms. Hudson asked if Commissioners would be available for a Special Meeting on June 27 on the Center City Form Based Code.
3. Ms. Williford – I am a real estate agent. I have never voted for something or against something because of my career. I view these as two separate entities. I always vote for what I think is best for the City of Norman. I do not view things that come before the Commission in terms of my chosen profession, and I don't think that I necessarily need to make that statement, because I think my votes show how I view this. But I would like to make that statement based on some comments made tonight.
4. Mr. Boeck – Well, in light of that, being an architect, I guess I'm in the real estate business, but I have always withdrawn from any consideration of any project that I've been involved in, and will always do that.

* * *

Item No. 7, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 7:01 p.m.


Norman Planning Commission