

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

MAY 14, 2020

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session via Video Conference and in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of May, 2020. 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 Lark Zink called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:

ROLL CALL

MEMBERS PRESENT
via Video Conference

Matthew Peacock
Erin Williford
Tom Knotts
Lark Zink
Erica Bird
Dave Boeck
Sandy Bahan
Steven McDaniel

MEMBERS ABSENT

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A quorum was present.

STAFF MEMBERS PRESENT

Jane Hudson, Director, Planning &
Community Development
Roné Tromble, Recording Secretary
Lora Hoggatt, Planner II
Ken Danner, Subdivision Development
Manager
Todd McLellan, Development Engineer
Bryce Holland, Multimedia Specialist
Beth Muckala, Asst. City Attorney (video)
Jeanne Snider, Asst. City Attorney (video)

* * *

Chair Zink outlined the procedures that will be followed during this video conference meeting. Staff will read any comments received through media into the record. The time limit for public comments will be three (3) minutes; please begin by stating your name and address. If an attorney is representing a group of individuals that exceeds two (2) individuals, the time limit will be ten (10) minutes. We will strictly enforce the time limits. Commissioners will also need to state their name each time they make comments. Voting will be done by an oral roll call. There should be no communication between Commissioners that are not oral and being recorded (i.e., no texting, or chatting through Zoom).

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CONSENT DOCKET

Item No. 2, being:

TMP-151 -- APPROVAL OF THE MARCH 12, 2020 PLANNING COMMISSION REGULAR SESSION MINUTES

Item No. 3, being:

COS-1920-3 – CONSIDERATION OF A NORMAN CERTIFICATE OF SURVEY SUBMITTED BY ROBERT AND KRISTINA FEZOR FOR RENDALE CREEK FOR APPROXIMATELY 13.247 ACRES OF PROPERTY GENERALLY LOCATED ½ MILE WEST OF 60TH AVENUE S.E. AND ½ MILE NORTH OF STATE HIGHWAY NO. 9.

Item No. 4, being:

COS-1920-4 – CONSIDERATION OF A NORMAN CERTIFICATE OF SURVEY SUBMITTED BY LAURIE AHPLATONE (POLLARD & WHITED) FOR WOODENLANCE ESTATES FOR 30.11 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 120TH AVENUE S.E. APPROXIMATELY ½ MILE SOUTH OF STATE HIGHWAY 9.

Item No. 5, being:

COS-1920-5 – CONSIDERATION OF A NORMAN CERTIFICATE OF SURVEY SUBMITTED BY TADD BLISS (HALE SURVEY CO., INC.) FOR BLISS FARMS FOR 30.84 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF PORTER AVENUE APPROXIMATELY ½ MILE NORTH OF FRANKLIN ROAD.

Item No. 6, being:

PP-1920-12 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY BUILDERS ROCK CREEK INVESTMENTS, LTD. (SMC CONSULTING ENGINEERS, P.C.) FOR TRAILWOODS WEST ADDITION FOR APPROXIMATELY 10.48 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE N.W. AND ½ MILE NORTH OF ROCK CREEK ROAD.

Chair Zink asked if any member of the Commission wished to pull any item from the Consent Docket. There being none, she asked if any member of the public wanted to pull an item. There being none, she asked for a motion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to approve the Consent Docket as presented. Matthew Peacock seconded the motion.

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

| | |
|----------------|--|
| YEAS | Matthew Peacock, Erin Williford, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel |
| NAYES | None |
| MEMBERS ABSENT | Nouman Jan |

Ms. Tromble announced that the motion, to adopt the Consent Docket, passed by a vote of 8-0.

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Item No. 2, being:

TMP-151 -- APPROVAL OF THE MARCH 12, 2020 PLANNING COMMISSION REGULAR SESSION MINUTES

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

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Item No. 3, being:

COS-1920-3 – CONSIDERATION OF A NORMAN CERTIFICATE OF SURVEY SUBMITTED BY ROBERT AND KRISTINA FEEZOR FOR RENDALE CREEK FOR APPROXIMATELY 13.247 ACRES OF PROPERTY GENERALLY LOCATED ½ MILE WEST OF 60TH AVENUE S.E. AND ½ MILE NORTH OF STATE HIGHWAY NO. 9.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Certificate of Survey
3. Staff Report
4. Request for Variance to the Width of a Private Roadway Easement

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

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Item No. 4, being:

COS-1920-4 – CONSIDERATION OF A NORMAN CERTIFICATE OF SURVEY SUBMITTED BY LAURIE AHPLATONE (POLLARD & WHITED) FOR WOODENLANCE ESTATES FOR 30.11 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 120TH AVENUE S.E. APPROXIMATELY ½ MILE SOUTH OF STATE HIGHWAY 9.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Certificate of Survey
3. Staff Report
4. Request for Variance to the Width of a Private Roadway Easement

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

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Item No. 5, being:

COS-1920-5 – CONSIDERATION OF A NORMAN CERTIFICATE OF SURVEY SUBMITTED BY TADD BLISS (HALE SURVEY Co., INC.) FOR BLISS FARMS FOR 30.84 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF PORTER AVENUE APPROXIMATELY ½ MILE NORTH OF FRANKLIN ROAD.

ITEMS SUBMITTED FOR THE RECORD:

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

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

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Item No. 6, being:

PP-1920-12 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY BUILDERS ROCK CREEK INVESTMENTS, LTD. (SMC CONSULTING ENGINEERS, P.C.) FOR TRAILWOODS WEST ADDITION FOR APPROXIMATELY 10.48 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE N.W. AND 1/2 MILE NORTH OF ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:

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

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

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Item No. 7, being:

COS-1920-2 – CONSIDERATION OF A NORMAN CERTIFICATE OF SURVEY SUBMITTED BY JOHN DANIEL FOR JOHN DANIEL ACRES FOR APPROXIMATELY 37.68 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 36TH AVENUE S.E. APPROXIMATELY ½ MILE SOUTH OF STATE HIGHWAY NO. 9.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report
4. Request for Variance to Private Road Width
5. Request for Variance to Water Quality Protection Zone (WQPZ)

PRESENTATION BY STAFF:

1. Todd McLellan reviewed the staff report, a copy of which is filed with the minutes.
2. Mr. Boeck – Why are we allowing them to come forward with this when they haven't provided the required information? It feels like I'm wasting my time.
Mr. McLellan – I think the answer to the question is that the applicant has a right to ask for a variance, so that's why this is brought forward.
Mr. Boeck – But can they ask for a variance without first providing all required information? If they're supposed to provide a certain kind of information, then they should provide that information before they're asking for a variance, so we have an intelligent process of looking at what their variation is going to be. Right now we have nothing to look at. I feel like I don't have enough information, and won't even when they do their presentation.
3. Mr. Peacock – I just think this information is incredibly critical, especially in light of the Thunderbird TMDL compliance plans. Not having all the details to make sure that is in sync with that plan, I think, is a really big overstep.
4. Ms. Bird – I want to just second some of the same comments about not being able to maybe make the adequate decision that needs to be made. I'd like to look at the placement of the trailer on Tract 1 and if that's going to be placed, or is already placed, in a flood zone. But without having the proper mapping, I don't feel like it's at a point where I could make an evaluation on that.

PRESENTATION BY THE APPLICANT:

1. Johnny Mertens, 1821 Quail Creek Drive (via video conference) – The nature of the creek that affects this property, in itself, is the reason why we're asking for the exception on this and the variance. This creek is affecting over 230 feet of a 10-acre parcel that's 600 feet wide. We think the fact that we're putting only one house on a 10-acre tract is a huge protection zone in itself. We're not asking for a plat. We're asking for one house on 10 acres. The second house is already there and it's inside of that zone; that's why we've moved the zone so that the house wasn't in it; that's been there for years. The trailer that's at the very front on Lot 1 – that someday will be removed. The land owner is going to still keep Lot 1. But we're trying to break this into three parcels. He's going to continue living in that second trailer on Lot 2. I'm personally going to be building a house on Lot 3 for my personal self. I'm just working with him to help him break his almost 38 acres up. But the fact that this land is impacted so much by the water protection zone, and what you're asking is for the land owner to give up – you're not giving up ownership, but you're giving up use of over 200 feet of that property. We did get the City the cross-sections, but they've asked us to do other – more stuff on that cross-section. They do have 100-foot interval cross-sections that go 100 feet out from each side of the creek. But the nature of the creek zig-zagging through 10 acres eats up over 200 feet right down the middle of that creek. We've put into the Certificate of Survey a single crossing that's 20' wide, as allowed, that gives you access to the other side of the 10 acres. So we're trying to at least keep these three parcels to where they're actually usable parcels. But if the City is saying we want a protection

zone that eats up so much of it, and the homeowner gets to own it – they get to pay the taxes, but they don't get enough of the land left to actually use it. So what we've done is we've gone through and said, okay, well let's still put in a protection zone, but keep in mind there's only one residence on the 10 acres – on each of those 10 acres. That's a huge protection zone when we're talking about something at 36th Avenue. We could be asking for something that's much more dense than that, but we're not. We're asking for three houses on 38 acres. That does protect the watershed in itself, because it's going to only have three houses, and one of them is already there. That's why we've requested – just because the manner of it and the language in the statute says if it affects the property in such a manner that we have the right to ask for that variance. But I don't need to do an engineering solution to say I can't give the City this much land because it kills the value of the land. It kills the use of the land. And just putting one house on 10 acres at a time is not a huge environmental impact. That's the reason that we've pushed this forward. We are currently – the City has asked for additional information regarding the cross-sections, and we're working on that. But that doesn't change the nature and the description of how that creek zig-zags back and forth through those first two lots. The second lot is – he lives in that trailer. It's not going to get moved. And we own both sides of the creek. So to give the City that much land – and, yes, they're just asking for an easement, but you're not really asking for an easement. You're asking for that land not to be touched. You're asking for us to take control, take liability, pay the taxes, but don't use it. So having one house on 10 acres is not a big environmental impact. And I think that, in itself, justifies our request for the variance.

2. Mr. McLellan – I would like to respond. We would be happy to sit down with Johnny any time and try and work this out. But, again, there is a mechanism to shrink the water quality protection zone to where he wants it, it's just we need data and the engineered solution. Like I said, we'd be happy to look at it; we just need the data.

Mr. Mertens – One of our issues is, because this is a homeowner that I'm working with, spending a lot more money on the engineering solutions and stuff is just making this cost so much more. Well, we don't even have a variation on whether or not the City is going to let us work what we're trying to do to begin with. So it doesn't make sense to hire an engineering company to come in and help with engineering solutions, when just having one house on 10 acres is a huge solution for low impact on the water quality shed.

3. Mr. McDaniel – You said you provided the information to the City. Is that correct?

Mr. Mertens – Yeah. Correct.

Mr. McDaniel – What was the additional information that was requested?

Mr. Mertens – I think Todd could probably answer that better. They're wanting us to go out further and give more detail on the elevations. We used a certain amount of elevation over the creek, is what we based our lines on. So we followed that, with the exception of where the trailers were and where the crossing was to get across to the other side of this property. We went along – and I don't remember if – I don't remember the elevation, because on the plat you don't have to require – the initial plat we put forward – or Certificate of Survey had all the elevations on it, but we had to take that off as required. So there was topography with that.

AUDIENCE PARTICIPATION:

1. Stephen Ellis, 633 Reed Avenue (YouTube Comment) – Please do not weaken the WQPZ requirements, especially if the applicant isn't even producing required information. No hardship or inequity here.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – My comments are Lake Thunderbird already has issues and it's the reason we did the WQPZ plan in the first place was because of the pollution in the lake and our desire not to get in trouble with the Environmental Protection Agency. So we spent money on the plan. So I kind of feel the same way as that person that commented. We are here to protect our waterway and our water system for the community that we live in. I understand wanting to build

a house. It's only 10 acres. But there's been absolutely no engineering provided that backs that up. I don't know if Johnny is an engineer, but all I'm hearing is, well, it can't be that bad because we've only got 10 acres and we want to build on this land. Well, we're here – at least I feel like I'm here to protect what's part of Norman – what's better for all the citizens of Norman. And I want to protect Lake Thunderbird and all its drainage systems, and that's why we don't allow any activity in those areas, is to keep it from polluting. So I'd have to say that I can't support this request.

2. Ms. Zink – I wanted to add that I share the Commissioners' concerns – Commissioner Boeck, Commissioner Peacock, and Commissioner Bird. I believe that we can't even reach the merits of this request for a variance, because the proper procedure was not followed in submitting the request. So I share the views of my fellow Commissioners who have spoken on this subject that this request was not handled appropriately.

3. Mr. Knotts – The proximity of the trailers to the stream are my concern, because, as stated, they'll have septic systems. If the water gets up, it'll flood the septic system and it will then wind up with additional pollution. So I'm joining Commissioner Boeck in resisting this.

4. Ms. Williford – As we ask public participants to do, I will not repeat all of the same words of my fellow Commissioners, but I share all of the thoughts and do not support this.

5. Ms. Bahan – I just want to say that I agree with the other three that have made comments and with Commissioner Zink that this is not a good idea to approve this without the information that was requested. I cannot approve this.

Tom Knotts moved to recommend denial of COS-1920-2 to City Council. Dave Boeck seconded the motion.

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

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|----------------|--|
| YEAS | Matthew Peacock, Erin Williford, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel |
| NAYES | None |
| MEMBERS ABSENT | Nouman Jan |

Ms. Tromble announced that the motion, to recommend denial of COS-1920-2 to City Council, passed by a vote of 8-0.

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Item No. 8, being:

O-1920-41 – OKLAHOMA AXE FACTORY REQUESTS SPECIAL USE FOR A BAR, LOUNGE OR TAVERN FOR PROPERTY ZONED C-2 AND LOCATED AT 938 NORTH FLOOD AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Excerpt of March 12, 2020 Planning Commission Minutes
4. Pre-Development Summary

PRESENTATION BY STAFF:

1. Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT:

1. Chris Krob, the owner (via video conference) – My wife and I are the owners of Oklahoma Axe Factory. What it is is an axe throwing bar. It will be the fifth one in Oklahoma. There's one in Moore, one in Oklahoma City, one in downtown Tulsa, and one in Jenks. It's just a fun activity to go in and throw some axes at wood targets, and we are requesting to have beer and wine served in the axe throwing.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Steven McDaniel moved to recommend adoption of Ordinance No. O-1920-41 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 | Matthew Peacock, Erin Williford, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel |
| NAYES | None |
| MEMBERS ABSENT | Nouman Jan |

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-41 to City Council, passed by a vote of 8-0.

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Item No. 9, being:

O-1920-47 – THETA GAMMA CHAPTER, DELTA DELTA DELTA HOUSING CORPORATION REQUESTS SPECIAL USE FOR A FRATERNITY OR SORORITY HOUSE FOR PROPERTY CURRENTLY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, AND LOCATED AT 1611 SOUTH COLLEGE AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

1. Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT:

1. Alec Bass, Wallace Engineering (via video conference) – We are the civil engineer representing the applicant tonight. The architects for the project are also on the call and available for questions. The reason for this special use application, like she said, it was an existing use when the current zoning ordinances came into effect. At this time, they are proposing to do a building addition that will expand their dining and kitchen area and provide a storm shelter for the residents. There will be three bedrooms added with this addition. We will continue to comply with all of the Norman parking ordinances. We will also continue to comply with drainage ordinances for any new proposed impervious surfaces, providing low-impact design or rain gardens to help offset any stormwater issues. Available for questions if staff or Commission have any.

2. Mr. Knotts – What's the timetable on this project?

Mr. Bass – For the schedule, I'll turn that over to Shannon Marshall, the project architect, just due to recent events and budget, she'll be more up-to-date on that.

3. Shannon Marshall (via video conference) – The schedule, as we know, of course, now has some flexibility to it. We are currently out looking for bidders with a construction manager. We hope to proceed with construction this summer with regards to some of the renovation portion to the existing house, and start with the addition as well, in hopes that it would be complete by Fall of 2021.

Mr. Knotts – So it's a one-year project?

Ms. Marshall – Yes. Currently, it's about a 14-month construction schedule. Yes.

4. Mr. Boeck – Well, the only comment I'm going to make – it probably shouldn't be made, but on that end of Fraternity and Sorority Row, you guys really need to do some work because all the new fraternities and sororities just north of you make your house look pretty old. And now, especially, that the Delt's house has burned down and they're going to be building a new house, we need to see this project go forward.

Ms. Marshall – Luckily the alumni and the sorority organization does prioritize safety, so the storm shelter aspect is the number one priority for the addition project. So we hope that that will bring another level to the Delta Delta Delta house.

AUDIENCE PARTICIPATION:

1. Cynthia Rogers, 633 Reed Avenue (YouTube Comment) – Does this remove existing parking?
2. Ms. Marshall – No, we are not removing any existing parking.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to recommend adoption of Ordinance No. O-1920-47 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 | Matthew Peacock, Erin Williford, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel |
| NAYES | None |
| MEMBERS ABSENT | Nouman Jan |

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-47 to City Council, passed by a vote of 8-0.

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Item No. 10a, being:

R-1920-104 – BATTISON PROPERTIES, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM MEDIUM DENSITY RESIDENTIAL DESIGNATION AND SPECIAL PLANNING AREA 5 TO COMMERCIAL DESIGNATION AND FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR 5.504 ACRES OF PROPERTY GENERALLY LOCATED NORTH AND WEST OF THE INTERSECTION OF FRANKLIN ROAD AND NORTH INTERSTATE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report
3. Pre-Development Summary

Item No. 10b, being:

O-1920-48 – BATTISON PROPERTIES, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 5.504 ACRES OF PROPERTY GENERALLY LOCATED NORTH AND WEST OF THE INTERSECTION OF FRANKLIN ROAD AND NORTH INTERSTATE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-D

Item No. 10c, being:

PP-1920-13 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY BATTISON PROPERTIES, L.L.C. (CRAFTON TULL) FOR BATTISON AUTOMOTIVE FOR APPROXIMATELY 16.87 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF FRANKLIN ROAD AND NORTH INTERSTATE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Site Plan
6. Pre-Development Summary

PRESENTATION BY STAFF:

1. Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, representing the applicant (via video conference) – Gunner Joyce, also with my firm, is on the call. We represent the Battison Auto Group in this request, and thank you for – I do also want to thank staff. I think a lot of folks don't know how hard staff has worked through this new process and distance process. We've had a lot of meetings with them on many zonings, and it's really to their credit that we're able to do this tonight. So I do want to thank them for that very much. What you see on the screen is the subject property. Lora has already showed that. I just wanted to highlight a couple of points so you understand the distinction here. It is a two-part zoning and plat process. We've faced this many times over the years, in that the applicant is going to develop the yellow site – right there – the zoning site. But in front of you tonight is a full preliminary plat for the remainder of the ownership. We are required to do that as sort of a technical requirement when we come through. I would locate, also, across the street from I-35 is the OEC solar farm; Johnson Control is over here, Christian Community School is right above this, and a large body [of water] is right there. One of the uniqueness things I want to point out to you tonight is this is really a very unique site on I-35 that is buffered – and the staff report talks about this, but heavily buffered with floodplain. This is all floodplain right here – what you see on the screen. Then this large pond of water right here. So

it is this little pocket that is just sitting on I-35 that has buffers around it, and these are the structures that will be removed as part of that process. So it's a unique piece of land. Works very well to isolate as its own piece.

The request is to go to C-1 uses through a PUD. It does eliminate medical marijuana uses and it adds the auto dealership use within the yellow site only. That's the only zoning request. Here is the site plan – basically a fairly simple site plan. Site drains to the south, so it would all drain into a large detention basin right here – auto dealership building right here – and right on I-35. One curb cut, and staff has found that to be of no issue. That's the preliminary plat, just so you'll see it. It's the remainder of the land right here. Most of this is all floodplain and we're not touching any of the floodplain, none of the WQPZ. So it would all reside as it is.

I do want to note that we did receive one protest letter in the last few days, and I wanted to talk about it. It is the house right here, just off the screen to the north. Their request – they actually protested, but they have a request that we're able to satisfy tonight, and happy to do so. They asked that we put a line of trees right across the north property line right here. We will submit edits to the PUD to do so; again, we just got this. So we will put a line of trees right across the north side of the property line so that they are shielded from seeing the building as they look across. So with that, we're happy to do that and satisfy that.

Staff reports noted no adverse land use impacts, traffic impacts, and they noted the large buffer of the floodplain and stream planning corridors as a good buffer for this site. With that, I'm happy to answer any questions you have, and I thank you for your time.

2. Ms. Hoggatt – I'm sorry. I did forget to mention we did have one official protest letter and here's the map.

AUDIENCE PARTICIPATION:

1. Martin Biggs, 3200 Crystal Spring Drive (via video conference) – I am the author of the protest letter. I hated to call it a protest letter, because we really have no problem with the construction of the dealership, other than that view line. My only comment – one comment and one question. Thank you for recognizing that and for agreeing to place that line of trees. That was our only request. Does this meeting constitute some kind of binding agreement in that way? It's not that I don't trust anybody, but we just want to make sure that that is somehow definitely going to be followed through with, rather than just a comment at the meeting. Is there a way to ensure that that's done? That's my only concern.

2. Gunner Joyce, Rieger Law Group (via video conference) – Just like Sean said, we're going to supplement the PUD document that we submitted for this item. We'll send it to City staff. That new revised PUD document will have the commitment for the tree line, and that will move forward to City Council. That will be the binding document that's passed, if ultimately approved by City Council, as the zoning ordinance.

Mr. Biggs – Alright. That's certainly satisfactory, and we thank you very much.

3. Beth Muckala, Assistant City Attorney (via video conference) – I just want to add, as Gunner had said, this is a recommendory body; the binding vote will be at City Council. However, this record is documented. This record is sent forward, and the Planning Commission, if they are to adopt it subject to that change, then their actual vote would be based on that. It depends on how the vote is worded.

4. Sean Rieger – And, again, we're happy to stipulate to that requirement. We thank Mr. Biggs for working with us on this.

5. Cynthia Rogers, 633 Reed Avenue (YouTube Comment) – Where does it drain after detention?

6. Sean Rieger – If it's okay, I'll answer that. I'm going to actually recognize Douglas Hartwig who is with Crafton Tull Engineering. Madam Chairman, do you want me to share the drawing again that he can refer to?

Ms. Zink – Yes, please.

7. Doug Hartwig, Crafton Tull (via video conference) – The drainage from the detention pond will actually drain toward I-35 into the bar ditch. It will stay in the ditch about 325 feet before it gets to the water quality zone, and then after the WQPZ, it will travel another 600 or so feet to the creek, so it will be natural channel from when it leaves our detention pond to the creek.

Mr. Knotts – That creek is on Ruby Grant?

Mr. Rieger – That creek actually – if you can see on the screen – barely crosses the northern edge of Ruby Grant and then it comes up in this direction up to the northwest, and then extends across I-35.

Mr. Knotts – So does it drain to the northwest or toward – is that Little River?

Mr. Rieger – I believe it drains to the southeast.

Mr. Hartwig – That is correct.

Mr. Knotts – It drains across Franklin to the streambed on Ruby Grant. Correct?

Mr. Rieger – It drains basically that way. Yeah.

Mr. Boeck – Your engineer said it's draining out to the channel along I-35 and south. So it's not draining into Ruby Grant Park. It's actually getting drained into the creek past Ruby Grant Park. Right? Or not?

Mr. Rieger – Douglas, if you want to add to that, but that's the drainage basin that takes it under I-35.

Mr. Hartwig – You are correct.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – My only comment is – the ideals that we have for Ruby Grant Park and for the residential area around there, I'm just really disappointed that of all the things we could have gotten on that land we're getting a car dealership. I understand we have to have car dealerships, but to me that's not a very sustainable or environmental place to put one, especially with people and kids around that park for activities and stuff like that. They said no increased traffic, but the access road is going to be where traffic is coming from the north off of whatever that street is and south from Tecumseh. You're going to have traffic going back and forth and it's going to increase. I know it's not going to use parking lots, but the idea of a car dealership in that area is not something I really like. It doesn't seem like it blends in well.

2. Mr. Peacock – I'm just going to second Commissioner Boeck's statements. I think with the proximity of this to Ruby Grant Park – I don't feel like this is in the spirit of our Land Use Plan, and it's certainly not the highest and best use of this property.

Tom Knotts moved to recommend adoption of Resolution No. R-1920-104, Ordinance No. O-1920-48, and PP-1920-13, the preliminary plat for BATTISON AUTOMOTIVE, to City Council. Erin Williford seconded the motion. Erica Bird proposed a friendly amendment to require the addition of a tree line along the northern property line. Mr. Knotts accepted the friendly amendment; Ms. Bird seconded.

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

YEAS

Erin Williford, Tom Knotts, Lark Zink, Erica Bird, Sandy Bahan,
Steven McDaniel

NAYES

Matthew Peacock, Dave Boeck

MEMBERS ABSENT

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Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1920-104, Ordinance No. O-1920-48 with the addition of a tree line along the north property line, and PP-1920-13 to City Council, passed by a vote of 6-2.

* * *

Item No. 11a, being:

R-1920-73 – 2ND ACT, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM HIGH DENSITY RESIDENTIAL DESIGNATION TO MIXED USE DESIGNATION FOR APPROXIMATELY 1.22 ACRES OF PROPERTY LOCATED AT 542 AND 534 S. UNIVERSITY BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report
3. Pre-Development Summary

Item No. 11b, being:

O-1920-52 – 2ND ACT, L.L.C. REQUESTS REZONING FROM CCFBC, CENTER CITY FORM-BASED CODE, TO CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 1.22 ACRES OF PROPERTY LOCATED AT 542 AND 534 S. UNIVERSITY BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. CCPUD Narrative with Exhibits A-E

Item No. 11c, being:

O-1920-53 – 2ND ACT, L.L.C. REQUESTS VACATION OF EASEMENTS LOCATED WITHIN PROPERTY LOCATED AT 542 S. UNIVERSITY BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Request to Vacate Easements at 542 South University Boulevard with Attachments

PRESENTATION BY STAFF:

1. Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes. There is a 14% protest from the notified property owners.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, representing 2nd Act, L.L.C. (via video conference) – I have a large team with me tonight. But, first, I want to recognize Scott Lambert, applicant in this matter, to address you briefly, and then we will get into the presentation and show you everything tonight. So, Scott, if you would, please?
2. Scott Lambert (via video conference) – I'm really excited about presenting The Noun to everyone. Commissioners, thank you for your consideration on this project. I've worked on it for over 15 months with over 200 people around the city – business people, neighbors, City staff. From my point of view, I can't imagine a better staff to help someone navigate the process to help develop a project within Norman. I just want to say thank you to everyone. I appreciate OU getting involved. I appreciate the church involvement. But most importantly, the staff has just been off the charts. So thank you staff for everything you've done for me over the last 15 months. I really appreciate it. I'll turn it back over to you, Sean.
3. Sean Rieger – Thank you, Scott. I will share the screen here so we can get going. Hopefully everybody can see that. This is a large project. Obviously, tonight, it's garnered a lot of attention. We greatly do appreciate staff very much for helping us through this project. When you get in the rank of \$20 million projects, they're complicated. It takes a lot of effort. They take a lot of time, a lot of planning, a lot of consideration. So these take quite a bit of steps. I'm going to take you through a fairly lengthy PowerPoint tonight so that you have all the information you need. I think that's very important that you have that. And certainly we have

the whole team here so we can answer all the questions that you have. And it is a significant team. I do want to make you aware of that. The architect who should be given great credit here is GH2 Architects out of Tulsa; they are with us on the call tonight. Cara Shimkus Hall is the principal architect. I would just say real quick I have to note this – Cara will probably be embarrassed by that, but that little FAIA is not easy to get. F means a Fellow of the American Institute of Architects; they do not hand those out easily. Cara is that renowned as an architect in the industry. We're really proud to have her on this project. Reid Burton of GH2; John Graham. SMC – Muhammad Khan on the call with us tonight from the civil engineering. B.J. Hawkins, traffic engineering. Me and Gunner Joyce. We also have economic consultants – Dr. Robert Dauffenbach, of OU Price College of Business; and Dr. Keith Willett, Professor of Economics at Oklahoma State University. We also have construction consultancy firms that have helped us with the project, as well as Manhattan Construction. So when you get into these scale of projects, you have a large team, and this one is no different.

So, let's get into it. Let's talk about where this is. A remarkable project. It's really rare for us to be able to advocate a project like this in front of you. We're humbled and proud to do it tonight. This is the proposal for The Noun hotel. The Noun hotel is sited, as you can see on the screen here, in a location right next to Campus Corner. This is a Google Earth shot of downtown Norman at the top. You see Main Street right here, as it moves across downtown. You see Boyd Street right here, the North Oval right here. The site is just north of that. Campus Corner right next to it. Of course, the University of Oklahoma down below it – the stadium right here. Just for a point of reference dimensionally, as the crow flies, we are a half mile from Sooner Theater, 0.4 miles from the OU stadium. As I zoom in a little closer to the site, you can see University Boulevard right here. The site is right here. Campus Corner right next to us. McFarlin Church at the University up here, and the OU North Oval right here. Zoom in, keep going a little bit, you see the site of all these properties. University Avenue, White Street, the Volare restaurant right here, First Presbyterian Church, Toberman Drive and Park Drive behind us. As Lora said, previously the property was a fairly dilapidated apartment complex. It's been removed now. I would note that the apartment complex did access Toberman off the back side over here – or, actually, I'm sorry, the apartment complex did not, but this parking area did access Toberman back in the back. You'll see in a moment this proposal removes that access.

The site plan in context, and I'll show you quite a bit more detail as you go through this presentation. The site plan for the site of the building is this. You have South University Avenue right here; White Street right here. The light blue structure is the fairly vertical structure that takes us up to 54' in height. That's going to be a main point tonight that we're going to talk about. Then this lower gray volume right here is a 16' height, one-story building right there. The site accesses off University Avenue in two different locations. We'll talk about that in just a moment as well. This is just to orient you basically to the generalities of this site. The actual site plan to orient you to that – it's a 92 person hotel – 92 room, I'm sorry, hotel; 75,000 square feet. You see the red outline right here is the outline of the actual building. The building sits up front close to University Avenue, and the first outline in red is the tall structure of the four stories – you see it right here. This lower structure right here is one story – 16'. Ground floor is lobby, with three more floors of guest rooms above it. Has a restaurant, meeting rooms, board room, fitness. As you would expect with a hotel of this kind, it has those types of support services. Anticipated opening is May of 2022, of course, sooner if possible. Very important, I think, for you to understand tonight the CCFBC does allow this site for overnight lodging and related support services. So, as a hotel, this property is an allowable use for a hotel. The primary concern of the CCPUD tonight is the height – we'll talk about that in great detail – and the second part of that request is the first floor being a restaurant, which you will see in a moment where that is located. So the use of a hotel and support services is allowable. Then there's a question mark as to whether a restaurant is a support service. We didn't want to make that distinction; we want to go ahead and put that in front of you tonight. So that's the overall site plan. Parking is in the back; I'll show you in just a moment the parking plan in a little more detail.

This is floor plans, just for your information. The first floor – this is the ground floor. So University Avenue is out to the right here. The main entry is this lane right here – two-way lane

that comes in under the building, I would note, so the large, tall structure spans over the entry drive right here. You will see more of that in just a moment. The lobby drop-off is right here. Main lobby space is here. These are meeting rooms right here. This is an outdoor basically patio area – break out area. This is break out area over here as well. The restaurant and bar is over on University on the far eastern side of the site. Back here is support services, offices, the reception desk, and things of that nature. This is a typical guest room floor. You can see, actually – if you see that red outline right there, that is the first floor footprint, and then you see over here you see three columns that span over that drive and you see columns that span over this drive. That is this piece of the building right here, and then this piece of the building over here that span over each of these drives, and I'll show you a little bit more about that in just a moment. These are typical guest rooms, a typical floor of the three floors above. I would note the second floor does have a different layout in this area right here, because that is an area of the bar that overlooks toward Campus Corner, and I think you'll see that in just a moment.

We did have a request today from one of the Commissioners to provide section drawings and we submitted those, but I wanted to show them to you tonight. If you're familiar with architectural plans, section drawings is basically like slicing a cake. You just take a knife and slice it right through that building and then you look. This section is Section B and if you took a knife and just sliced right through the building right there and look that way, this is what you would see. I wanted to show you – different sections to show you this. It shows you the dimension of the floor plan – I mean, of various floors. So we have a 20' what we would call floor to floor height – so slab to the next slab height. Then we have 14' on the second floor, and then we have 10' and 10' on the third and fourth floors. That takes you to the overall building height of 54', which is at the roof deck. When you look at Center City code, it talks about building height being measured to the wall plate. We're not sure how wall plate integrates with this. Typically, wall plate is where the structure meets the exterior wall, so we have labeled that as the roof deck, which we believe would probably be the equivalent of the wall plates. So 54' to the roof deck. Then this section right here is sliced through the building east to west, looking to the north. So this, again, shows you the lobby area right here, meeting area over here, this is restaurant over here. Second floor, with a little bit higher volume right here, and the third and fourth floors right here. These are basically all guest rooms that you're looking at as we slice through the building looking to the north.

We also had a request today from one of the Commissioners asking us to put together a graphic of owner-occupied residences in the area to not owner-occupied. Now, I would couch this by saying the only way we have to do that is to look at County Assessor records. We're happy to do that and we did that today. When we look at County Assessor records we can see what the mailing address is and what the property address is, and so we are making an assumption that when the mailing address and the property address are different, then that indicates it likely is not owner-occupied. So going through that analysis, looking at the neighboring houses to the west, this is what was determined through looking at County Assessor records. You see the red dots are owner-occupied – 23 of them -- and we just looked at the yellow area right here, which is the area that basically is to the west of this site; 43 of them – the green circles – are not owner-occupied, from our assumption of the mailing address being different from the property address.

So this is important to note. This project, as Scott told you, has been in the public eye for quite a long time now, and it's been in the public eye because Scott has gone through months and months of effort, to his credit, and meeting, I think, everybody that would possibly meet with Scott. It's really an impressive fete that he has undertaken to go meet with everybody he could many, many times. I want to extend great appreciation to Councilmember Lee Hall, who has given him a good deal of time, and so many others that have met with Scott for him to try and figure out how to do this in the best method possible. Of course, through the zoning and platting process – development process – as you all know as Commissioners, one of the things we do is we have a Pre-Development meeting with the neighbors – and that's anybody within near proximity of the site. At the Pre-Development meeting, this building was different. It was different than what you're looking at tonight. At Pre-Development you will see on the top of this

slide was the building in two different viewpoints. You can see the building was, at Pre-Development, three guest room floors above a mezzanine. Now, mezzanine, in architectural terms, is basically a floor within a floor. A mezzanine is a floor that tends to look down into a lower floor. So this was a mezzanine that had restaurant and bar within it and then looked down into the lobby space below. Well, we certainly heard from the neighbors, and the neighbors said they didn't like the building height. They didn't like the massing of it being that large. So Scott did what a good developer does – he went back to the drawing board and he challenged the design team to do what they could – try to figure it out. How do we downsize the verticality of it and maintain the rooms within. And they did that. I think quite impressively what they did – and we actually got calls when the Journal Record article came out with their story versus what we had shown recently. People noticed it. It clearly is noticeable. You can see at the top a much taller building at Pre-Development, changed to where now we have three floors of guest rooms, still, but instead of a mezzanine for a second level or a mezzanine level restaurant/bar, we took part of the second floor guest rooms and have isolated them very carefully within the floor, and now we have crunched it down where there's just those three guest room floors over just the lobby floor, with only part of the second floor being for that bar that looks toward the University, toward the North Oval, and toward Campus Corner. And you can see it's a fairly striking difference between what was at Pre-Development and what is now. That's really in direct accommodation to the neighborhood that gave us those considerations. You can see now as we look down University Avenue south, toward the North Oval, you see also significant change. Again, it was three floors of residences over a mezzanine floor right there, and then the first floor below. Taking out the mezzanine floor, we now have just the first floor and three guest rooms above. Now, how did he maintain the same number of guest rooms? Well, he did it, again, through very creative architecture in that they took this wing of the building right here and spanned it over the fire exit space right here. They did so because part of this proposal tonight I'm going to show you is for this house – Thrift Store of the church – and so it's not a residence anymore next to it, we can do that and we're not imposing on a residence. We're able to keep the number of rooms. We're able to lower the building. We're able to accommodate firetrucks through that. So I wanted to make sure you saw that significant changes have resulted in, we think, a much better project and in accommodation of the neighbors' concerns.

So now let me take you through a bunch of visuals of the proposed building tonight. This is it. GH2 Architects, again. Great credit to them for what is four-sided architecture, literally emulating University of Oklahoma buildings and clearly much more higher aesthetic than what you would normally see on just a lower end hotel. What you see here is University Avenue looking at McFarlin off in the distance; three floors of guest rooms. The only part of this building that has balconies is right here, looking south toward the University of Oklahoma. This is that second level veranda – a bar looking out toward Campus Corner and toward OU. This is the main entry drive in toward the building – the lobby space back behind this area.

One more imagery looking south now on University Avenue. Again, four-sided architecture with some great brickwork. You see the building as it fronts University Avenue and looking to the south. I'm going to scan through these fairly quickly so you can see more and more information. I should note, it's called The Noun. We've had questions, what does The Noun mean? Well, The Noun means, quite simply, north of the university. So it's really a cool name that I think a lot of people are kind of grabbing onto and liking. That's The Noun, and you see it right here. This is the main entry space and University Avenue right here, some awnings and signage, and the overlooking veranda right here. Here is what began as a ride-share drop-off. So we're on University Avenue. We have an east drop-off. This is really intended to be Uber or Lift – a ride-share drop-off/pick-up zone – come and go very quickly. We've been wanting to incorporate that into the project on University. Probably a public art piece – I'll talk about that in just a moment, as well. Very important that the streetscape is handled properly, intimately, good scale, good presentation to the street. GH2 has spent a lot of time looking at that and how it does confront the street in a very good, pleasing fashion. The restaurant is right behind here; there will be outdoor seating restaurant space enclosed behind this facility.

So now I want you to see – this is the west side of this building, so University Avenue is over here on the right. This is the neighborhood off to the left. McFarlin you see off in the distance. And important to note here, again, four-sided architecture all the way around this building. This is coming off University Avenue drop zone into the lobby area, continuing on back into the parking area back here. This is the outdoor patio area – meeting rooms right here just inside this enclosure. And the housing is off to the left. But I want you to notice, and you'll see a lot more images of this, but the building stops well short of where it gets back to next to the houses. That's really quite intentional. Here is that outdoor space planned just outside of the meeting spaces off the west end of the building. A few more details of that. You see the west courtyard, sitting spaces and just some contemplation zones in that area. So really a beautiful project that spent a great deal of time on this project making sure that it fits the area; intimate, four-sided architecture. Very well done.

So what are the concerns that people have had? Well, height is the number one concern that we've heard. Staff report tells you that. We looked very, very carefully at height. Previously it was taller, as I mentioned, at the Pre-Development hearing. What has been proposed is 54' roof right here; 16' roof right here. To notice the dimensional location of that, this is a single-family house right here and it is about 80' from the 54' height. That's going to be important for you to see in a moment how that relates to what it could have been under a full build-out at the massing of Center City code. But with the Thrift Store relocated as part of this proposal, then the only part of the higher end of the building next to one of these sites would be the Thrift Store, and no longer a single-family residence. Also to the west, we are a long way away from the single-family housing over here – 300' away from the 54' tall roof. I should note the Center City code allows for 46' to, again, wall plates. So we're asking for an 8' variance tonight, only in the location of this light blue area. We are not asking for that variance anywhere else on this site, and I'm going to show you next how that makes a big difference. So what is 54' in height? How does that relate to this area, because we can throw out any number, but what does that really mean? Well, we went around and took measurements – Manhattan Construction did this – took approximate measurements for us to show us what these buildings were. What you see, again – this is the staff report that mentioned the most commonly mentioned concern is building height. We wanted to make sure that we were in some realm of context for what that height would be. So in the area – you see on the upper right is The Noun hotel, with the red outline. You see A, B, E, F, C, D – these are various buildings in the general area of this site and you can see all those dimensions right here. McFarlin Church, of course, being the largest building – 100' tall. But you have the Fred Jones Art Museum right down the street – 65' tall. You have Whitehand Hall right here at about 50' tall. You have the engineering buildings over here at about 85' tall. The Volare Restaurant is probably the closest thing to us and it goes really two different levels at about 56' and 70'. So our proposal of 58' to the parapet height, but as it concerns CCFBC, 54' to the roof deck, is very much in context with a number of buildings in that area. I would also note, though, that the Central Library, just built as a City of Norman project, was built to a height of 63' – 63' tall right on this edge and 80' apart from residential immediately adjacent to it. And recall we were 80' apart from this residence at 54' tall. So very much in context relative what has been done in the area, even by the City itself.

We asked the architects to go back and show us – we know what we want in height and need in height to make this work, but how does that relate to what Center City code would allow us to build as a matter of right? What GH2 did, really some remarkable work here, to show you the building within the box. Center City code is basically an allowable code to build within a build-to line, as we call it, or basically an edge condition that you're allowed to build to. What you're looking at is this light goes to gray box is what the Center City code allows you to build to as a matter of right. So tomorrow, if the owner wanted to, they could go get a building permit of course to fit the uses, which would be student housing, mixed use housing, high density residential housing, and build out to this mass of gray as a matter of right. The request for the 8' height is relative to the sense that it is only requested for 8' more in height in this area of the light white area you see right there. It is not requesting it over in these areas. And, in fact, in these areas, it is giving away significant volume, which we're happy to do and very intentionally doing

over by the single-family house to the north of us. CCFB allows a 46' tall building 55' from this house as a matter of right. The proposal is for a 54' tall building 80' away from this house. We're asking for 8 more feet that is almost 25' away from where it could be.

I want to show you more images in that regard to show you they went around the building in this way. This is the old Thrift Store right here, that would relocate over here. Again, the light gray box is the allowable build-to volume under Center City code on this site. The white is the roof just poking above that allowable volume by 8', and only in those areas. As you go around the building, I think this view is really quite remarkable. You see the ghosted gray building as a matter of right could be built back to here. It could be built out to here. I could be built out to here. It is not. The request is to only build it vertically 8 more feet and not penetrate out beyond walls where it could. So we think Scott has done a great job here with GH2 Architects to keep that building away from this residential house right here, keep it away from Toberman Drive and Park Drive, and really give great sensitivity to those areas. A few more locations I'll show you. Again, this is the northwest side, so the residential area is down at the bottom of the screen. Again, that gray box is allowable build-to volume. We're not asking for that. We're asking only to poke above by about 8'.

So what does that look like from the ground? Same method. We're showing you the allowable build-to box in light gray right there, and the building behind it is all sided in the same condition. But you can see, if we were standing on University Avenue looking at this building toward McFarlin over here, the only thing visually that will poke above the allowable buildable volume is just this little tower area right here. The rest of that 8' is pulled away from the edge condition and so the resultant effect on the street is that we don't have a much more massive building than what could be built as a matter of right. Going around the building, I'll show you the same context. This is now looking south on University Avenue. Again the light gray goes to box is the allowable build-to volume. We are tucking way back behind that so that we're sensitive to the neighborhood off to the northwest. This is, again, I think quite a stunning view. This is Mr. Harris' house right over here off to the northwest over here. This is looking from the parking lot back up. All of this gray volume is yielded. We are not building in that gray volume. But it is buildable as a matter of right. And over here as well. And the final view of that, looking from Toberman Drive, you can see those gray volumes would come much closer to Toberman Drive, much higher than what we're proposing to build to in this location. So the architects have done a great job, and I think Scott has, to their credit in pulling this building away from the neighborhood, using that 8' of verticality in locations that is not noticed by the neighborhood at all.

Then the question was asked, what would we see from the windows of the guest rooms? Well, Scott, to his credit, went out and hired a drone company to show us. Let's take a drone up to the height of every window on the north and west sides at those locations and let's see what we see. That was done very recently – just a few weeks ago – a drone was put up in there very calculated at the window heights. You see number 1 right here looking to the west – that is what you see. The neighborhood is off to the west behind a wall of trees. There is no visual of any house behind there. Number 2 is right here looking off to the northwest. This is the Thrift Store right here that is proposed to be relocated. This is a little four-unit apartment building, if you want to call it that. I know that it's been a bit of a sore point and dilapidated for a long time. As you notice in the second viewpoint, that's the only thing you see. Going across to the north now, looking north from number 3 window, you do see a house just beyond – this is the second house in, I believe, to the north. Number 4 over here, again you see a couple of rooftops. And then number 5 we went up where the building comes over the fire lane and we looked out again. It is a wall of trees. So there is no imposing upon the neighborhood quite simply for the fact that it's enshrouded in forest.

So traffic. Another concern, of course. We hear this all the time on every project and we certainly hear it on large-scale projects. This one no different. We had folks question whether we had handled the traffic problem. Well, we hired TEC – you've certainly seen them before; the City of Norman has hired TEC before – to look at this very closely and give us their opinion. TEC, through a sealed, stamped report, submitted their memo. They looked at it. They said the

small amount of traffic generated by the proposed development would have minimal effects on the surrounding roadways. No traffic related issues are anticipated as a result of the development. Just to highlight again the traffic layout – this is University Avenue on the right. This is the lane – the gray lanes are basically circulation around the building. The main entry drive is right here – two-way, in and out – so we have the drop-off zone for the lobby, we go straight back to the parking area back here. There's an alternative location here, just in case there's any issue with this. Then there is a fire lane – one-way exit – out of here. I would note that right now there is an existing curb cut right here that is usable both ways. This would convert to one-way out only.

I do want to update you on something that happened just today. In your memo it was questioned as to whether we have the curb cuts located properly per the City standards. We were notified today by Mr. O'Leary and staff that they have approved the locations of these curb cuts and granted them in the location that they're shown. So we're very pleased about that.

I would note, too, and I didn't mention it earlier, but Center City code requires us to provide a connection from the neighborhood back to Campus Corner. We've done that right here. We have a location of a 6' sidewalk that extends from the neighborhood over here over to South University and then on over to Campus Corner.

Parking plan, of course, is something we've been asked about. Center City code is quite unique in parking, I will tell you. There are about four different sections in it that talk about reserved parking, shared parking, minimums, maximums, so it's a little bit complex, a little bit confusing, and I think a little bit ambiguous as to what is the correct methodology of it. But I would tell you for a commerce use, which this is, there is no minimum parking as a reserve amount required. There is a minimum shared parking area. For maximums, there are maximums to parking. We have not reached those maximums. But we have plenty of parking right within the zone of those various requirements. The parking layout is basically 124 dedicated spaces; 107 spaces in the back, 17 spaces right here, and optional spaces to the south. Now, this is still in the mix. What is happening there is – you might have seen it – but OU, through work with the church – one of the things that came about when we were doing this project is you can imagine this is a complex project with a lot of property around it. What was interesting is when surveys started to happen, we found that there was an ambiguity as to who owned what in this area right here. Well, OU thought they owned certain areas. The church thought they owned certain areas. County Assessor thought differently of all of them. So it was a little bit of a query as to how we figure that out. Just last Friday OU and the church – we met with OU. They've been very helpful to us throughout this project. Just last Friday the OU Board of Regents cleared the way, in an expedited fashion I might add, that we were told in full contemplation of this project, the OU Board of Regents voted just last Friday to allow the church and President Harroz's office to work out the property ownerships right here, and now once that's worked out we can finalize pretty much with the church as to exchange agreements and lease agreements and make sure all of this works. That is ongoing right now. We're very confident that we can resolve that as proposed in the plan tonight.

Now also commercial lighting ordinance will be followed. Center City code also has an extensive lighting requirement section in it. We're proposing nothing different there. We will follow all the lighting requirements, so everybody will be protected with that.

Stormwater. Obviously on any project in Norman any more we get questioned on stormwater. Muhammad Khan is on the call with us tonight for questions on this. But I will tell you in 19 years of doing zonings in Norman I don't think I have ever seen as extensive an LID or BMPs as I have seen on this project in front of you tonight. What you see here is back in this parking area, which is an existing parking area – there is a green space right here. But right now this water simply falls from the sky, of course, and goes wherever. There is no collection of it. There is no filtration of it. There's no gathering of it. Nothing. Well this proposal through this developer, Scott Lambert, is proposing to change all of that and really quite remarkably. The proposal is to create curb and gutter around the area so that the water cannot flow off to these houses. Then you see the various collection zones – all of these right here are collection zones that will collect

the water and then will send that water into bio-retention swales, tree wells – you see them all listed right over here – and it will be mandated by LID and BMP, best management practices. This is important because in order to get to 85% impervious, which the Center City code allows you to do, you're required to do all of these things. We've not asked for a variance on any of it. We have agreed to do all of it. Then, once he collects all of this stormwater you see in this area, it will take it in piping down this way into the subgrade stormwater system. That doesn't happen right now. So all of this stormwater will be collected and taken away from the neighborhood, whereas now that stormwater flows in a free-for-all wherever. Really a remarkable solution. Scott deserves great credit.

Streetscape, as we narrow into a few of the following minor points here. Streetscape, though, is an important one and it's important that they're going to create a really iconic landscaping plan for this pedestrian plaza. You see it from above right here. They do anticipate a public art piece right here right next to the ride-share drop-off zone. Significant landscaping up and down this area in contemplation of the restaurant seating and pedestrian passageway right through here. Of course you will have the neighborhood coming right through here down into here with their pedestrian passage. Again, very sensitive zone.

Center City talks about very candidly park once. This developer has embraced that very strongly. They want that. We have the location to do that. Sometimes we don't have the location to park once. Here we do. We have the location that's walkable straight to OU, straight to downtown. You can see we are on the Embark routes as it comes right down through Campus Corner. Bike routes. We are right next to multiple bike routes. And you can see right here we're very close to Legacy Trail as it spans up and down the area. There will be shuttles from downtown Norman, Walker Arts District, festivals, galleries – really significant park once strategy is what's involved here. Again, it's the location that gives us that. I don't think I've ever been able to show you a project suggesting we have walkability and been able to show you this. So we just simply got on our phone – right? We all do it all the time. What's the map to go from here to there. If you take this site and you map it to the Sooner Theater and you click the little walk button, it's a 16 minute walk – 0.7 mile walk. Right up there to Sooner Theater. If you take this site and you click Louie's Grill and Bar, right at the corner of Asp and Boyd, it's a 6 minute walk. So from this site in 6 minutes you can walk to the far corner of Campus Corner. You click this site to the OU Memorial Stadium – a 15 minute walk. Tremendous walkability. Tremendous location. I would suggest I don't think you will find a better location that gives you walkability to downtown and to OU than that.

A few more slides. Center City TIF. This is an important thing to think about. Center City, as you might recall, has a TIF. I know TIF has been a bad word in the City of Norman for a long time. Right? We've all heard it. But this TIF was unanimously approved by City Council. It was highly lauded as it went through the process. It is an ad valorem TIF only. This TIF was passed with a policy guide, and the policy guide back in 2017 had a number of policies in it. This is from page 1. Page 1 of that policy guide. Talks pretty extensively about what they hope to achieve. But when you look at this, it talks about enhancing the tax base making possible development and economic growth. It talks about supporting and incentivizing the creation of attractive, high-quality, viable mixed-use developments to draw residents and visitors into the Center. It talks about attracting new investment and business. And it talks about stimulating Center City as a livable, walkable, vibrant destination. Now it's important tonight for you to understand we are not asking for any TIF proceeds, no TIF support, no incentives. This is a developer coming in front of you with a \$20 million project in a TIF that is not requesting public assistance. That's remarkable in and of itself. The TIF to date has generated roughly \$250,000. This project has the opportunity to significantly catalyze that investment stream in the tax increment of Center City. The Center City TIF will only be successful if it actually generates significant tax increment. A TIF that can't do that ends up failing because it can't generate the tax incentives it needs – the tax funding it needs to make the projects work. So this can be that catalyst for the Center City TIF. When you look at the economic impact projections of this project – and it's rare for me to be able to show you this. Right? Because when we bring projects typically they just simply don't have the magnitude that a project like this has. But when you get to a project of this scale –

we've been able to show it to you before a few times – Callaway House, some of those projects. But we're upping that range with this project when we talk about the estimated impact of the economics of it. The construction alone – just the construction of this project is projected to estimate a sales tax generation of \$892,000. Just the construction. The operations of this hotel annually is projected to be \$582,000. Break that down and you get down to the room tax (5%) is projected to be \$212,000 annually. That breaks down to \$106,000 to VisitNorman, \$53,000 to Norman Arts Council, \$53,000 to the Parks fund that can be used anywhere they wish. Operations – and this is where the Center City TIF gets quite important. This is an ad valorem TIF. It is expected to generate \$296,000 annually property tax on this site alone. That's significant. Don't have the number for you yet as to what the property tax previously is; I'll get it for you. But realize in two – over two years of the Center City TIF, it has only generated \$250,000. This project alone will pay in roughly \$296,000 a year in property taxes. Present value – this is basically an aggregate number, as I understand, from the economist -- \$17 million. Then we get into the jobs impact. The jobs impact of labor for construction probably about \$12 million of labor income on this project alone. Hotel operations, \$4.6 million. Dr. Dauffenbach is on the call with us tonight; if you have any questions about this, he is happy to talk about it.

Just a few more slides and then we will close for questions. Something that really has come through as we've worked through this project, as we started to talk to Dan Schemm at VisitNorman, and the developer talked to other hotels in the Big 12 universities. It really became stunning as we started to see this and Dr. Dauffenbach and Dr. Willett really brought this information out to us. But what they showed us was that University of Oklahoma unfortunately is at the bottom, and it pains me to say that. I'm an OU graduate of the Law School, and I love this university, this town. But, unfortunately, OU is at the bottom – rock bottom – of hotels within 2 miles of the University. This is a summary put together by Dr. Willett, and it shows you all of the Big 12 universities, the hotel room capacity between 1 and 2 miles of the campus. Now it doesn't show you University of Texas at the top here, because Texas is just off the charts. They have 9,400 rooms within 2 miles of the university. But the rest of these, of course, we can compete with in magnitude, scale, desire. Absolutely we can compete. But do we? In hotel rooms, not even close. We have 188 rooms within 2 miles of the University of Oklahoma, and that is in the context of only 2 hotels. We have the Quality Inn, 52 rooms, about 1.7 miles away, and Sooner Legends of 136 rooms, about 1.8 miles away. You add in these 92 rooms and we still are going to be way behind the second to lowest place of Iowa State University, which has 469. And we want to keep going and get there, but I want you to understand that certainly this is not going to close that gap and I think that's important to note, because we've heard comments about what's this going to do to our quality bed and breakfasts and those operations? They still have significant room – all of us do. Let's try to close this gap. So that's an important thing that we all should understand.

One of the things I wanted to show you – down to just a couple of slides here – this is the Bluemont Hotel, Kansas State University. Scott spent a lot of time studying this project, this hotel, because it really has some remarkable similarities to what we're proposing to you tonight. What you're seeing here is the Bluemont Hotel in Manhattan, Kansas – the Little Apple, as they call it. It's sited right next to Kansas State University to the left, Aggieville – which is the equivalent of Campus Corner at Kansas State University – and housing. If I were to show you Google Earth of the housing in this location, it's really quite remarkably similar to the housing next to this – The Noun hotel. It's a similar size hotel – 112 rooms, 125 parking spaces – 5 stories, though, not 4 as we're producing. Adjacent to all those uses, and it has been an incredible success. Bluemont Hotel, I think, there's people around here that have stayed at it many times. We've heard comments about it. This has been a raging success up in Manhattan. We hope to produce something very similar to that right here in Norman, Oklahoma.

So how much support do we have? It has also been remarkable. I will tell you in 19 years of doing zoning, it is really hard to bring a private developer on a private project and get that kind of response. I've never seen it happen. Now I've seen it happen for industries, for groups, and people, and citizens, and leaders come out for Norman Forward. I've seen them come out for school bond issues. I've seen them come out for many things. I have not once in my career

seen this many people of these leadership positions come out for a private project and provide support. You've seen the support; you've received many of them. VisitNorman on the record in support of this project. Norman Chamber of Commerce. Norman Downtown Association just today met with us and they approved this project and are asking you to support it. I won't read all these, because I know there's a lot of folks that want to talk tonight. But Dan Schemm, Executive Director of VisitNorman, wrote a letter to you asking you to support this. Hal Smith, a restaurateur – certainly he has restaurants in the area. He wrote a letter asking you to support this, and talks about the vibrancy it would bring to the Corner. Chamber of Commerce, Scott Martin. Richie Splitt, Norman Regional Hospital. Nothing to do with this project, but he encourages you to bring this caliber of a hotel into this area of the city. Judy Hatfield has really been a remarkable steward of the Campus Corner area. Brought us our first TIF in Campus Corner, brought it up to a new level. She, too, sees nothing but good things about this project that it can bring. I do want to read this one to you. John Woods wrote a personal note, and he said, "I have personally experienced an inability to bring colleagues and officials to the University of Oklahoma for conferences and meetings – losing out to Stillwater and other campuses because we do not have a university-adjacent hotel." So you have seen the support letters. They are mighty and many. We encourage you to consider those.

I do want to close with one, though, and this is one that we received yesterday from Richard McKown. I think probably everybody in this room knows Richard McKown. He's been a steward of good development through the Urban Land Institute, many projects throughout. Richard McKown has nothing to do with this project – to my knowledge, nothing at all. But he wrote yesterday out of the blue, and he talks about this project. He says, "I would like to humbly request that you approve the rezoning of the Noun Hotel. As the co-chair of the Center City Master Plan and form-based code, this development exceeds my greatest expectations for what we might have hoped for at this location. This property establishes an incredibly high bar." And he goes on to say, "While this building exceeds my expectations, it is exactly the kind of development hoped for by so many of us who gave our time, energy, effort and knowledge to try and create a development framework" that the community could be proud of is his closing line.

With that, I'm happy to close. We have the entire team here tonight to answer every question you have. We have answered, I think, every response the neighborhood and concerns, be it stormwater, be it traffic, be it height, four-sided architecture, park once, massing that is pulled away from the neighborhood and in context then lower than what they would have seen for the massing of the build-to-right area. With that, I thank you very much. We're happy to stay as long as you want and answer any questions you have. I yield back. Thank you very much.

4. Mr. Boeck – Good presentation. You've obviously worked hard to do some things that were concerning to a lot of people, especially in the residential neighborhoods. I still have a couple concerns. One is noise, and two has to do with noise and truck traffic. Obviously, there's going to be lots of deliveries, lots of big trucks, lots of noise, and a picket fence isn't going to stop noise. Having that little outside patio area – I don't know what the intent is for music or entertainment, but that is probably, to me, the deepest thing about – it brings the building down, which I love. But it's right next to the residential neighborhood. Is there a way that we could do some more substantial and higher wall systems to block parking lot lighting and sound from the parking lot and the outside patio area to reflect it back away from the residential neighborhood? I know it's going to be a big deal.

Mr. Rieger – If I can, Commissioner, thank you very much for that. I do want to show you sort of – two points there you mentioned. For the actual exterior patio area, we do propose basically a large wall around that. So, from a sound standpoint, we think this area will be quite well-contained. Again, we don't really envision large parties or anything in this area. Secondly, too, you mentioned the truck access. Let me show you – let me pick the best image here. What I'm getting at, there are hotel rooms that cover right over the back area. This is that rear patio right here. You mentioned the 6' stockade fence is along this edge. This is the fire lane and service area. You're correct; that is back there. Realize we have guest rooms right here, right off

that zone. I know I've heard Scott talk many times in response to this question that he, too, will be very concerned about noise for his own guests, and for his own meeting space, which is right here – this will be meeting rooms.

Mr. Boeck – I'm talking about the residential area over there on Park Avenue and Toberman and on Elm Street, because all this is – you can't see what I'm doing. Stuff will bounce off that building and delivery trucks are very loud, especially refrigerated trucks. Trash trucks are very loud. You've got a wall around that outside patio, but you've got a 6' picket fence. Is there way you could do some kind of a 12' high masonry wall – discretely – or not discretely, but in the right place to reflect sound away from that place where Toberman and Park come together. That's a lot of stuff going on there, and that's also the delivery area.

Mr. Rieger – I know the team has talked about it. I see Cara just unmuted there. Cara, do you want to talk about that a little bit? Cara Shimkus Hall here.

Cara Shimkus Hall (via video conference) – Hi. Thank you very much everyone. We have looked at noise issues on the property, which is why we tried to make the service drive a one-way drive. We did put that fence there along the north and west property lines. Putting in a – Commissioner Boeck, you mentioned maybe a higher or a masonry wall. It has been our experience that, for this type of use, a – first of all, the noise issues are fairly negligible.

Mr. Boeck – I don't agree with that at all. At all.

Ms. Hall – Respectfully.

Mr. Boeck – Respectfully, I don't agree with you at all.

Ms. Hall – I understand your opinion. Having the fence there is not only to mitigate the vision from off-site, for the sound, and we'd be happy to look at some other measures for some mitigation.

Mr. Boeck – Thank you.

5. Mr. Peacock – Can you give me a little insight into why the third curb cut – the southern most curb cut there – why that exists and why it wasn't looped back into the main drive? It's just I see a conflict with the pedestrian crossing there. You've got three vehicular-pedestrian conflicts right there really close to each other. I'm just kind of curious of some of the rationale.

Mr. Rieger – Cara, do you want to talk about that? And you're talking about right here, Commissioner? This is an existing curb cut right here. This is the exit curb cut up here. This will be the second one that comes into the property right there. Before Cara answers, too, I want to say realize our property line stops right here. This is something, actually, that came up when we were talking with staff. Our property line stops right there. So we don't have property over in this area. We certainly will be working on parking agreements with the church, but our property needs to be served right here as we enter this building. Cara, would you want to add anything to that?

Ms. Hall – No, I think, Sean, you've really covered it. We don't have control of that third curb cut down there. It's not on the subject property. The two that are on the property we worked with Traffic and Fire to do those.

Mr. Rieger – Thank you. And it was just today, Commissioner, that we had a special meeting – actually a meeting over just this point. It certainly wasn't lost on everybody, I assure you. Staff was concerned about it initially. We sat down in a Zoom call, fully safe, last week, I believe it was – Jane, Shawn O'Leary, David Riesland, Angelo Lombardo, Fire Department – the full team was onboard. They looked at that. In fact, I apologize – it was Monday. Now I remember they said they'd give us the answer by Tuesday and we got that answer today. But we had the full team at the City on it with what we thought was a concern that should be addressed. BJ Hawkins of TEC looked at it as well. And what was really determined was that it worked for this site. It worked with White Street. And particularly because we took the existing curb cut on the north and turned it into an exit only, was determined by staff, I think – I won't speak for them, but then it was okay.

Mr. Peacock – I think my concern stems more from a pedestrian viewpoint than the vehicular access. I'm just curious – has there been any discussion for vacating that southernmost

curb cut and just eliminating it altogether? I know it's not on the property, but I feel like there's an arrangement to use that parking lot with the church – am I correct?

Mr. Rieger – That's correct. We're in the process of working through those agreements.

Mr. Peacock – I just didn't know if that could potentially be part of that agreement as well.

Mr. Rieger – We certainly could ask. My suspicion is it probably wouldn't be done. I see somebody sharing here. We do – let me show you. We do get into how would we then quickly make a quick turn into to get in the lobby space? You would get into some turning issues. We have the building spanning over this area. It would significantly change this area. It also would significantly take away parking spaces that right now are located right outside that lobby. So there are challenges there. I do appreciate, though, the suggestion and we can certainly look at it.

Mr. Boeck – Sean, put that plan back up there again.

Mr. Rieger – I'm sorry. I never know if you guys want the plan on the screen or not. Just tell me if you want the plan up and I'll take it down or put it up, however you want.

Mr. Boeck – Okay. So what I get to use here is my annotation deal right here.

Mr. Rieger – That's right. You've gotten good at that, Dave.

Mr. Boeck – If parking was here, and just have this as – this could be two-way and maybe flip this parking out here some way so that you could use that drive and eliminate this drive. The church could work out something. I know there's lots of parking down here for the church. But I can see what my colleague is coming from. And maybe if that parking was flipped over to the north side on the other side of the driveway where people come in and out of, that could potentially eliminate the third drive. I don't know. Just a thought. I just wanted to use my annotating.

6. Ms. Bird – I have a couple of questions. My first one – the outdoor patio – is that intended to be used primarily by the meeting space, or by the restaurant and bar? Would there be any food or alcohol that would be brought outside to that patio?

Mr. Rieger – Cara, do you want to talk about that? Go ahead and talk about the planning as you did the floorplans.

Ms. Hall – Scott may want to address this as well. But it is the intent that that is more of a private garden off the meeting space. It is not intended to be the restaurant and bar space. It is off the meeting space, though, and is an outdoor space.

Mr. Lambert – Let me talk about that. With that space, what we want to do is to – it's a viewing space from the meeting rooms. We also are looking at it as a – we are looking at serving alcohol out there as a revenue producing area out there. Say we have a guitar player out there playing where people can sit around and listen to the guitar and have a glass of wine out in that area. They can access that – there's a hallway, Sean, if you look at the very front I think you can see the hallway right there. It definitely is going to be a revenue generator – on game days, we plan on having people out there being able to secure that place for their gatherings.

Ms. Bird – Okay. My next question – the shared parking agreement. It sounds like you don't have anything firmed up. I heard some rumors about it being a 20-year agreement. I've also heard about off-site valet. Could you add anything additional as to what that parking agreement is, because that has been one of the primary feedbacks that I've also received, is concern about that parking and the fact that there isn't a parking agreement currently in agreement.

Mr. Rieger – Let me interject, first, and Scott, you may want to add, but what I'm showing you on the screen is Friday, May 8. This is fresh. This was just 6 days ago from the Board of Regents' action, so we had to get this done first. And then a process, the Board of Regents just approved this last Friday. You can see very much they approved this in contemplation of this project. I would just share with you that, of course, I think it was official – as to involvement would say if OU didn't want this to happen they certainly didn't have to approve this. But they did. You will see right here – and let me just orient you, Commissioner – this is the area that was

ambiguous and you can see it right there. So there was competing – not competing – that's not the right word. Just ambiguities as to who owned what. So we had to get this done first, and this was done Friday. Now the church and OU, as it says right up here, are designated to execute agreements – execute that sale. Then, of course, we can do so with the church as we integrate our agreements for these two areas. So, yes, it is in process. You're correct, it's not done yet, but we very much are back and forth with the church on those agreements. We certainly understand that we have to have that in place. Scott, do you want to add anything to that?

Mr. Lambert – No, I just – we'll get you all those. Real positive manner, in fact. Just takes time because of this OU/church situation.

Mr. Rieger – It does. We appreciate OU – by the way, I was told they expedited – that's not my word. That was an OU official's word, that they expedited that action onto the Regents' docket Friday so that that could get done in time and a good-faith showing to you, Commissioners, that you see OU was expediting it quickly so they could get it done and now we've got it.

7. Ms. Bird – There was also some concerns that were brought up about the walkway that was going to be on the north end of the property also being against the trash receptacles for the hotel. Is there a possibility to move that possibly further south so that it is further away from that pedestrian area?

Mr. Rieger – Let me show a screen of that. I always like people to be able to see what's happening here. Cara, do you want to talk through. I know we had a team meeting on this about this walkway. Do you want to kind of talk through this? There is the walkway right there, Commissioner, that you referenced, and it goes along this exit drive right here.

Ms. Hall – The walkway is along the north there. It is intended to be separated there. I'm not sure I completely understood the question about the separation and moving – I'm not sure what was being asked to be moved south.

Mr. Rieger – Commissioner, were you talking about the service zone right in this area?

Ms. Bird – Correct.

Mr. Rieger – This service zone would be across over by the building. The pedestrians would be kept along the north edge would be very much of our intention so that they're kept away from the building and away from service areas.

Ms. Hall – That's correct. Sean, you said that much better than I.

Ms. Bird – So there's not a consideration then to be able to move that trash receptacle then to the south side of the building where it's a little bit further away from the Park/Toberman corner and further away from that pedestrian area?

Mr. Rieger – I would say, Commissioner, one of the things that we've talked about on the team – I think we got a comment from staff, in fact – the orientation of this trash looking this way probably doesn't work. We probably are looking at reorienting the trash where it may have an entry way this way. So I think we're looking at a reorientation. I don't think we're looking at a relocation, because that would put it out in front of this building, and we're hoping the separation back here would be sufficient.

8. Ms. Bird – There was also reference to landscaping along the fence and I don't want to repeat what the other Commissioners said, but just to also vote that I really think a masonry wall would be more appropriate there. The landscaping was described, but it wasn't necessarily clear what size of the landscaping and what type of landscaping. Are we talking about 3' of grass on the inside, or what would the residents over on Park Drive or Toberman be seeing on their side essentially from this landscaping?

Mr. Rieger – I do apologize. We intended to have our landscape architect with us tonight. I was told right before the call we were not able to make that happen. So I do apologize. I don't know that Cara has an answer to that, but, Cara, do you want to talk about what you've talked about with the landscape design?

Ms. Hall – We have currently put the fence right along the property line and the landscaping is on the south and east of that because the fence is at the property line in order to

get the pedestrian walkway and the fire lane and everything through there. We do have planned, however, trees along that fence line.

Mr. Lambert – Let me address something on that Toberman question, Commissioner. We plan on putting some grass out there, but we also have a sidewalk. That Toberman exit is going to be removed. We're going to put a fence back there. The City has asked us to put a sidewalk in that area, so we have agreed to do that, also.

Mr. Rieger – And the sidewalk would be a connection over where there's not a sidewalk right now connecting across the parking lot – on the outside of the parking lot.

Ms. Bird – I did not see any maintenance required in the PUD, other than just the installment of trees. Could maybe you speak – or this might even be a City question as to – let's say we plant these trees. As we all know, trees tend not always to survive, especially when they're young and planted. What kind of provisions would these neighbors have for those trees being maintained and replaced?

Mr. Lambert – Let me try and address that, Sean. The hotel is a high quality hotel, so we have to be proactive in all that, whether it's in the front of the building or in the back of the building. When people arrive at the hotel, they have to know that they're at The Noun Hotel. We just can't afford to have a dead tree sitting around looking at some of that, because that just shows poor maintenance. So we don't want that initial feel for our customers when they show up. Does that answer your question?

Ms. Bird – It does for your motivations, but I'm also considering the residential neighbors in the background, of protecting them as well. So it is important to me that this property maintain an aesthetic view for itself, but also what are those neighbors getting out of provisions that guarantees that their view will continue to be protected is my concern for them.

Mr. Lambert – That's a really good question, Commissioner. What you're getting – the City has a Forester on hand – is that true? I've heard that that's true, Sean. For like to come out and judge our trees. We're more than happy to have them give us their opinion. We're going to exceed the expectation of that. We also are going to be working hand-in-hand with the neighbors in the back, neighbors on the side, and the neighbors across the street – everyone around us, because we want everyone happy.

Mr. Rieger – I don't mind, Commissioner, putting that in the PUD if you want to talk Forester coordination on the landscaping. I think we'd be happy to do that.

9. Ms. Bird – I had a question also about the prior apartment building, I understood was 40 units. Do you have any data about how many bedrooms were in each of those units and how many, maybe, actual residents were in that building previously?

Mr. Lambert – It was classified as 41 units there, and there was a laundry facility on the premise also. What I was told from the previous owner they were 35% occupancy rate there. The manager was down the street at Campus Corner Apartments – Gina – she managed that property also.

10. Mr. Peacock – Is there any current or future plan to occupy the roof deck?

Mr. Rieger – No. No, we have not put that in the PUD at all, and so if we were to do that we'd have to be back in front of you with that request.

11. Mr. Peacock – I know that in the – there's a use table in the CC Form-Based Code that obligates the use of a Thrift Store on that location. Have you guys looked into that at all, or have any insight into that?

Mr. Rieger – We did talk to staff early on if we needed to arrange for a PUD amendment of that. We did, basically, include it in a request to shift the Thrift Store over to that house just to the north of us. That is part of the request tonight is to allow that for Thrift Store use.

12. Mr. Peacock – And the last thing I have here is – I see that you're vacating utility easement to the north of the property.

Mr. Rieger – Not to the north of the property. It would be utility easements that cross through the property.

Mr. Peacock – Yes. I'm sorry. I must have been looking. Can you give me some insight on that as well?

Mr. Rieger – Yeah. I'll share the screen again, if you don't mind. I can show you, I think – I don't know if I can show you or not here. Well, let me just orient you across the center of the screen. I don't have a good drawing that shows it to you. But I'll just show you here. There are utility easements that run through crossways north and south right here. They are basically Cox and OG&E. I will tell you we actually are not certain that we have to go through a vacation process, because they may be separate instrument easements direct to those utilities. But because those are franchise holders, as we call them, we didn't want to take any chances and we wanted to go ahead and move through for the vacation of easements if anybody wants to suggest that those were public easements. We're not certain they are. We think they may be just a direct easement with that utility.

Mr. Peacock – Okay. But it's still part of the application tonight?

Mr. Rieger – That's correct.

13. Mr. Knotts – Sean, the Thrift Store – that title will be transferred to the church?

Mr. Rieger – That is the proposal at this time. We're working through those agreements right now, but they would shift the Thrift Store over to that house just to the north, and then the existing location would become part of the parking lot. One of the significant benefits from that is to get the traffic curb cut off of Toberman and take it away. Because right now there's an access point there for that Thrift Store. That would remove that access point and no longer would you have traffic access going back into the neighborhood.

14. Mr. Knotts – And another point – we received a letter, not of protest, but of concern, about runoff in the southwest corner of the existing parking lot, which is outside your venue, I think. But I'm not sure that that really takes care of what is the southeast part of the existing parking lot.

Mr. Rieger – I would actually ask Muhammad Khan, who is on the call with us tonight, SMC Engineers – Muhammad, do you want to talk about that question? And here is your slide.

Muhammad Khan, SMC Consulting Engineers, 815 West Main in Oklahoma City (via video conference) – Thank you, Sean. The current status of this whole area is like uncontrolled, undetained overland flow – flows in all different direction. We have been informed that there are some historical ponding or flooding situations in back yards of our neighbors which are along the west property as well as in the southwest part of the site and as well as toward the southeasterly direction. The lack of a stormwater control on this site is understandable because there is no inlet here, no curb and gutter. So this slide in front of you shows a proposed curb and gutter along western edge of the property, as well as along southern portion of the property. We are also proposing curb inlets within the parking area. The purpose is to capture the overland flow, direct this overland flow to curb inlet and through a piping system bring those to the islands which are shown, kind of green in the middle of the parking area, and route those stormwater runoff through the LID measure. That way it will accomplish two things which are not currently happening at the site. First, we'll divert the stormwater flow away from the southwesterly direction, as well as we'll treat the stormwater runoff through these LID best management practice devices and improve the stormwater quality. Once all of this stormwater runoff is routed or passed through these LID measures, we'll take it in an easterly direction and in grand plan or scheme of things we are proposing to extend an existing City storm sewer system from University Boulevard, bring it further to the north along southeasterly corner of our property and then convey all of the stormwater flow through a piping system. So, by using this curb inlet area drain, LID measures, stormwater piping we will greatly reduce any overland flow from the parking area, as well as eliminate any flow which currently is happening or flowing in southwesterly direction, as well as in southeasterly direction.

Mr. Knotts – Okay. I think your work right there was confined to the immediate vicinity of the property. I think this – I would just suggest that, because it is kind of a flat, uncontrolled flow situation, that some attention is given to the west side of all the parking, moving down toward Boyd Street. Because I think that's where it naturally flows, and then it accumulates and there is a possibility of a solution to multiple flooding problems there, I think. It's outside your area of concern, but you've got the – since you've got the instruments, you can kind of figure out where the problem is and maybe you can suggest, if not provide a solution.

Mr. Khan – Well, we definitely improve the onsite stormwater quality as well as reduce the overland flow there. Our objective – the way we look at this thing is first thing first is do no harm. So we don't want to make any current situation worse there. So that's the reason for having curb inlet, curb and gutter along the property edges to help the downstream property owners.

Mr. Rieger – Commissioner, I would interject – the property I think you're referencing to is University of Oklahoma property. I don't mind a bit approaching the University, as we have worked with them through the parking issues, and seeing if they want to do any kind of combined solution there. I think that would be a good request to make of them.

Mr. Knotts – You know, you're in the area. You've got the civil possibilities. Maybe you could just offer a suggestion. You might look at that letter that we received.

Mr. Rieger – Yeah. We did.

Mr. Knotts – You received a copy of it?

Mr. Rieger – We did.

Mr. Knotts – It is on Elm or Boyd.

Mr. Rieger – I'm sorry. We provided that to Muhammad Khan. SMC looked at that letter and we wanted to make sure they saw that.

Mr. Khan – Yeah. We did receive the letter – Mr. Jeff Collins at 449 Elm Avenue with some pictures of his back yard. I will state that those pictures really indicated what is currently happening – that currently uncontrolled, undetained water flowing in southwesterly direction and the back yards with some grass in there it just stays there for a while. So with this proposed storm sewer improvements, it'll greatly reduce – it will eliminate any stormwater flow from the site and hopefully improve the conditions around this property. Thank you.

15. Mr. Boeck – Sean, bring up that site plan again, please.

Mr. Rieger – Which one, Commissioner? This one?

Mr. Boeck – No, the other one, that shows the sidewalk. This one here. I want to get back to one last effort of saying I think you've got a wall around this. One thing is that's facing west and, you know, the fact that staff brought up – the fact there's going to be music there. That means there's going to be sound there and drinking there, and so there's going to be a lot of noise generated on that patio, and so there needs to be some controls as to when that happens, because that's going to cause a lot of issues. You said a guitarist, but I know it's going to be more than a guitarist. It's going to be bands. That's just the way it works. So there needs to be some sound control there along with sun control – that's just going to be a baked spot right there on that west side. Let me – I don't know why all of a sudden I'm doing gray instead of blue, because you really can't see it. This gets back to sound and, since there's only a cyclone fence along this back side here and lots of cars that will be generated here – a lot more than from church on Sunday. There really needs to be some kind of a solid wall and landscaping along this west boundary to control sound and to control light – car lights – because you've got a lot of houses back here and people are coming and going 24 hours a day at that hotel. Their cyclone fence does not control that and there needs to be some kind of solid control system that will assist in eliminating glare – lighting glare from cars and sound.

Ms. Hall – We have proposed a solid fence along that full west side, Commissioner.

Mr. Boeck – Okay, good.

Mr. Rieger – I would note that right now it is a chain-link fence.

Mr. Boeck – Yeah, that's what it is. There was concern there, and I've got a concern about that.

Ms. Hall – Along the full west and the full north side.

Mr. Knotts requested a short break before public comment.

Tom Knotts moved to take a 15-minute break. Erica Bird seconded the motion. There being no objection, the motion carried unanimously.

* * *

RECESS

9:20-9:35 p.m.

* * *

Ms. Muckala reminded Commissioners to comment orally while the meeting is in session, and reminded Commissioners to keep their video engaged at all times when the meeting is in session.

AUDIENCE PARTICIPATION:

1. Stephen Ellis, 633 Reed Avenue (YouTube comments) – There isn't nearly enough about the structure of the hotel to really tell how much this impacts the neighbors – no sense of height or scale.

CCFB is about form, not use. After 2 years of planning, we decided that there was supposed to be a step down at the edge of the area & it is residential, not entertainment. Not appropriate.

My sister lives at the apartments next to the new library – it *looms over them* from 80 feet away. Go have a look.

Terrible argument: 'we could do something worse by right' ... They won't. If it made economic sense, they would just do it. There's no threat and no favor either. Red herring.

2. Jayne Crumpley, 423 Elm Avenue – I live in the 350' protest area. Many of my comments I wish to make – some have been answered, some have not. We really had very little – well had no knowledge of what would be said tonight. I could not hear the person talking about noise. That is a big concern – outdoor patio. We need some sort of a wall around it. How tall is that wall? Without the consideration of a parking lease so that we know what they're leasing, what they're going to do, I don't really see how this can move forward. The way the presentation is, they act as though they own the parking lot. I mean, is it going to be totally repaved so that they deal with all of the drainage issues? They talk about putting up a solid fence to protect those neighbors on Elm whose homes back up to that, which is only a chain-link fence now. Who is going to do that? I mean, is that the developer's going to do it? The church is going to do it? How tall is that wall going to be? To protect our homes from the noise – I mean, we hear the noise from Campus Corner at night anyway, and now you're talking about a venue that's right so much closer with outdoor noise. Somebody asked the question were they going to be serving beer, liquor, food, whatever. The way I read the Center City Form-Based Code for that area, they're not allowed to have a full-scale restaurant or two bars, which is what they're saying. And that hasn't been approved or recommended, as far as I know, to move forward. So, as a person who lives right there, it's really difficult to know what to ask, because, again, so many of our concerns and questions relate to are they going to be allowed to have bar and restaurant, and what is the parking situation? What is the parking agreement? So, I mean, at this point, I would hope you Commissioners, without all of the information that I think is necessary, that this project would not be recommended to move to forward at this time. And I thank you so much.

3. Lauren Lackey, 1130 Grover Lane (YouTube comments) – Is there any proof the distance of the hotel from the homes will prevent an overcast on those homes? Or the rooms overlooking the backyards?

Will the house to the north, that will be used as the thrift store, be able to be demolished down the line and have a 54ft building put in its place?

Are there plans to build a noise cancelling wall along the back of the parking lot? I live ACROSS Berry from a parking lot (church) and the noise from car doors etc. is a disturbance.

Will the house to the north be ADA compliant for the thrift store?

4. Mitch Baroff, 421 Park Drive – My talk is 2 minutes and 58 seconds long, but I can answer some of the Commissioners' questions if you want me to, related to parking and egress out of the lots to University Boulevard. But I don't know if you want me to do that at this time. I'll be over the 3 minutes, then.

Ms. Zink – Thank you, Mitch. I'd like to ask you to state your name and address and begin with your 3 minute comment.

Mr. Baroff – I'm upset with the project's proposal of a four-story, 54' tall, 90 room, restaurant and two bars, banquet hall, conference center, entertainment venue, and other amenities boutique hotel adjacent to my neighborhood. You worked for years on the Center City Form-Based Code. When we negotiated a new Center City code, the compromise was reached which restricted the property building heights along University Boulevard. A four-story hotel is unacceptable. The Form-Based Code restricts and requires buildings on the west side of University to three stories, the east side to four stories, and most of Campus Corner to five and six stories. The three story and 46' height was what we agreed upon. This Neighborhood Manners restriction was adopted at the request of the adjoining single-family residents on Park and Elm. I liked your rendering. If you lower the building heights so the building is maximum height of 46' as per code, with basement parking, I would be in support of the project with conditions. By my calculations, a 25,000 sq. ft. building by floor can be built on the site. At 500 gross square foot per room – the national average is 400 feet – the building can have 100 rooms. That leaves the first floor entirely for other uses. Please adhere to the Form-Based Code and the Neighborhood Manners section of the code. Only three-story, 46' tall buildings are allowed on the west side of University Boulevard bordering my 100-year old family neighborhood. All of the owner-occupied residents adjacent to this project are opposed to it. Thank you.

There are some other issues and conditions and questions that need to be answered. Building height restrictions and Neighborhood Manners, architectural character, parking. Valet parking may be required for the off-site parking -- 98% of the parking is off-site. Site lighting. Mixed use and project intensity. Character and hotel special uses. Alley and pedestrian pathways as required by the Form-Based Code and the First Presbyterian Church's 2005 PUD. 7) Traffic study. 8) Stormwater requirements and flooding. 9) Site noise related to mechanical equipment, dumpsters, and outside music facing to the west and north. Buffer space. 50' setback is required. And then the use of the .4 acre lot – a special use is also required for that. Like I said, I'm done, but I can answer about three questions that the Commissioners had if you would like an answer. Commissioners asked them and they were not answered.

Ms. Zink – We have limited the comments to 3 minutes each and we thank you for your comment. We would like to proceed with the next comment.

5. Travis Darling, 1848 W. Robinson, Apt. D (YouTube comment) – I encourage the Planning Commission to deny the applicant's request in item 11b because the height of the proposed building is not in the spirit of the City Center Form-Based Code.

6. Loretta Bass (Zoom chat comment) – Hi, my name is Loretta Bass and I live at 440 College. We are concerned with possible light pollution. How tall and what style will the lighting be? Lower-placed lights in the parking lot is preferable. Thank you.

7. Cynthia Rogers, 633 Reed Avenue (via video conference) – Good evening. I'm also a professor of economics, and I served on the Center City Steering Committee, which you know was a very extensive two-year process which involved a lot of give and take and a lot of citizen input. It's important to emphasize that the map that was created out of that process, and the requirements were specific about height allowances. These were hashed out and this was give and take. The determination of the height limitations west of University Avenue was a hard-fought compromise. People were really mad. Nobody was happy, but that's what made it a compromise. The restriction was there to limit these taller structures from looming over the existing residential homes, but they were also there for another very important reason, and that was to limit the amount of intensity of use of these sites. So it's nice to say we could do this, and we knew we were gonna make things more intense, but this was a limit on that so there were some guarantees to the neighbors. This request is for both a height and use not allowed in the Urban Residential Frontage in that area. It's going to be a taller structure than what's allowed to be there, and that was particularly envisioned for that location. Mr. Rieger did a very fine job of pointing out tall buildings in the general area, but these are not relevant to the particular location we're talking about, which was that particular area on the map and the 46' height limit. Allowing this height exemption would effectively remove the height restrictions for the entire area west of University Avenue and all future applications will have to do is say there was a change in circumstances. See – there's this 54' height building right there. We're not doing anything different. We're not doing anything new. So what happens if First Presbyterian Church decides that that little house there is worth a lot more as some taller structure? Now the precedent has been set for that to be 54' or something much longer than what was envisioned. So this waiver opens up a can of worms and you might as well just rip up the map that we created.

I have a couple questions. How big, exactly, is the one-story portion of the northwest side of that building? I couldn't tell from what was included in the agenda. What's the justification for exceeding the parking maximum? I think that's very dangerous. I don't know what that means, but that's what was in the PUD narrative. The PUD narrative had alarmingly few details about what uses would be there. Certainly, a thrift shop was not what was envisioned for that area and for increasing uses and activity there. And then, finally ...

Ms. Zink – Thank you, Cynthia Rogers. That's time.

8. Brent Swift, 606 Broad Lane (YouTube comment) – Was the architecture intended to duplicate or mimic some of the recent new construction projects seen on the campus? If so, why?

9. Dan Schemm, 3213 Valley Brook, Executive Director of VisitNorman (via video conference) – Our mission at VisitNorman is to attract visitors, market Norman to visitors and get them to come into the community. You know, we're competing with a lot of other communities that have unique areas, multiple entertainment districts. Ours in Norman happen to be Campus Corner and downtown, which are really walkable, unique areas. I think when people come visit a college town, they want to immerse themselves in that college lifestyle; they want to relive their college years and get that experience where they can walk to campus and Campus Corner. We do not have any properties right now that are within walking distance – 1.7, 1.8 miles away. This really fits a need that we're missing that other campuses across the country all have. So I hope that you all will support this project. It's something that we need here in Norman and something that will benefit through guest tax, sales tax, other things – VisitNorman, the arts, the parks, and the community as a whole. Thank you.

10. Eugene Queener, 431 Park Drive (via video conference) – A couple corrections to the information that was given earlier. I live at 431 Park Drive and have Lots 9 and 10. We are one house removed to the north of the proposed building. We are owner-occupied. We are there [indiscernable]. Currently we have two of our children that are living there full-time. There is a concern that for the drone picture number 3 and number 4 – you will see our roof. I believe it

was picture number 3 shows right into our master bedroom up on the second floor. So there is more there than was communicated. Also, it's nice that the picture was taken in the springtime with the trees full of leaves. Go back and take that picture in November/December and you will see a completely different view. Also the height will impact our view going south – just another thing. The walkway having access to Campus Corner and the University is very important to us. It's one of the reasons we chose to buy in that particular area, as we retire and move back to that place. It's nice that there's been a proposed walkway along the north side so that when we enter the walkway we can look at the dumpsters and the delivery zone as we walk over to Campus Corner to have dinner. And then curious as to trees planted along there – the initial view that we were shown a couple weeks ago was on that north side to have a driveway – a one-way driveway out. So now we've added a walkway and now we've added trees. So are the trees going to be in the middle of the walkway? Did the driveway shrink in size? Was the building moved south? Just kind of curious, what kind of trees? If they're deciduous trees, they really provide no purpose whatsoever. We have deciduous trees on the north side of that fence. Just concerned about many different things along that line.

11. Loretta Bass, 440 College Avenue (via video conference) – Somehow I think I missed you earlier if you called on me. I'm actually on my front porch. You can hear the OU bells from my house. When I look out to the east, I am very concerned about the light pollution element. There's just so many things that can be done to mitigate that, like trees that are not baby trees, but real trees. Also, lighting in the parking lot that's not going to be set too high and too bright. So I'm very concerned about those issues, especially just over here on College. I really worry for the people on Toberman and Park in terms of just cars in that parking lot spinning around and lights coming into people's living room windows when they're in an apartment on Toberman. That's a concern for my neighbors over on Toberman. Thank you. Overall, though, I think that it is a nice project and we do need a real conference center/hotel for the University of Oklahoma, and I think it would get a lot of use by the University. But I think this idea that it should conform to already agreed upon standards that have been well-thought out – I mean, otherwise you just lose the faith of the community in the whole process. Thank you.

12. Bill Hickman, 330 West Gray (via video conference) – I'm an attorney. I do land use and zoning work. I represent a group of the neighbors in the area that have some concerns and protests regarding this project. I can tell you that the Center City Form-Based Code – it has been six years now since that citizen committee started. They started in 2014, and they had dozens of meetings. I can tell you that, while I was the Ward 4 Council person, I was the person who shepherded that through the process to get it approved unanimously without overwhelming opposition from the neighbors. By approving as presented, you will be undermining the efforts of those citizens who worked for two years to come up with the Form-Based Code, as well as elected officials who spoke to citizens and encouraged them to support this and to allow the Form-Based Code to go into place.

Secondly, I think all of us agree – most of us, at least – though I'm on the record publicly as saying that I support a quality boutique hotel in the downtown and Campus Corner area. However, the responsibility of the developer to pick the appropriate location and to do the research ahead of time to ensure that they're not picking a site that is going to be problematic for the community and the neighborhood. The west side of University is well-documented in the Form-Based Code as having restrictions placed on it that do not exist anywhere else in the Form-Based Code and, for that matter, arguably, the City of Norman. And why is that? It's because the neighborhoods that abut the west side of University. So I agree with Ms. Rogers that the reference to any other building heights anywhere else in the community are irrelevant and don't matter with regard to the site of this particular project.

Just as another quick aside, I do want to say, as a matter of disclosure and preservation of rights, that on behalf of my clients, we are concerned and we do not believe that this meeting is being conducted and was properly noticed and the agenda conforms with the Open Meetings Act, and that's a matter for potential future concern and discussion, but I do

want to make that clear in the record that we are participating in this meeting because [indiscernible].

But most important of my comments, I think, at this point in time and opening here with you guys is that the bottom line is that this request for this application is premature. They do not have the documentation, in particular the parking agreement, that's necessary and required in order for this project to be approved. I heard tonight from their presenter saying we don't control that property, referring to the location of one of their curb cuts. That's right, they don't. It's on a property that they don't own. A lot of the site plan that you saw tonight is on property that they do not own, do not have under contract, and do not have an agreement in place that would allow them to use the property to be a part of their project. Mr. Lambert may be able to get those issues resolved with the University and with the church, but until he does, any action by this Commission is premature and, frankly, is a waste of your time to have this meeting tonight, and your recommendation to Council would be without all of the information and knowledge that's necessary to make an informed decision. If your job is truly to be a recommendation body to City Council, to rely upon you making an informed decision, then you should not be considering this matter tonight, which is frankly what me and my clients told the City, because you do not know what kind of agreement is going to be in place. The bottom line is this – if Mr. Lambert does not get the property secured in some fashion that is a part of their site plan, this project is dead. And I would challenge anybody to tell me that that's wrong. If he can't own that property or have it under contract, then how is he going to do this project because he won't have the parking? Period. So why are we spending hours tonight discussing a project that the applicant has not brought forward all of the paperwork necessary for you to vote on it and to move it forward? I don't understand that. I mean, that makes no sense to me why the City staff would put themselves in that position or why we, as a community, will allow that to happen. And I would encourage you, if you don't want to vote no – and I would encourage you to vote no – then, at a minimum, you table this until next month, give Mr. Lambert time to go see if he can these issues resolved, and then we can come back and there won't be all these protests and all this disagreement.

Now I'm going to move into some of my specific comments that some of you all have received, maybe via email. 1) Permissible uses at the 542 South University site. I want to clarify real quick. This current location is zoned Urban Residential. I'll say that again – Urban Residential. By definition, on page 67 of the Form-Based Code, this is a residentially zoned property. It might include group living. But what was contemplated was – and what happened when this whole thing started, was there was a multi – a high-density high-rise project proposed at this location that led to the entire Form-Based Code discussion. And it was going to be student housing. It was always contemplated that this site and the west side of University would be residential housing – not a commercial use. There's a big difference between residential – Urban Residential housing and commercial use housing, and I don't think there's any dispute that a hotel is a commercial use. I encourage Planning Commissioners to look at page 67 of the Form-Based Code. It actually has a use table in it that sets these things out. So, for example, things like an entertainment venue, restaurant and bar, and office uses that are part of what they're proposing to add as uses at 542 South University are plainly not allowed under the Form-Based Code. I have serious concerns when I see entertainment venue, because I know how this has worked in the past from my experience, where that could ultimately mean an outdoor entertainment venue if it's not properly defined, which it's not currently. A outdoor entertainment venue in the heart of Campus Corner and the downtown area – some of you all may remember the dispute that happened a while back regarding Hollywood Corners, which I supported as a Councilmember to help push through and to get it done, because of a lot of backside issues involving errors made, in my opinion, by the City. We can't make those same mistakes in this highly density area. So that certainly needs to be clarified – is outdoor entertainment intended for – if entertainment request that they have in their entertainment venue is for the outside. Because if we allow entertainment venue outside, then you're talking about bands and music amplified, arguably, without the City coming down there with their little noise meter to deal with that. We've already had – and I hear those complaints – at least I did

when I was a Councilmember – of noise from Ward 4 from the Campus Corner area. I can tell you right now this would be the closest restaurant and bar to the neighborhoods in this Campus Corner area because of where it's located, immediately adjacent to those neighborhoods. I think that is a serious concern and have the same with regard to the restaurant and bar, as well as office uses. You've got to understand, and I know that you all do, that if you approve this rezoning, hey, the hotel may end up going away and maybe something else goes in there that has entertainment venues, restaurant and bar, and office uses that are more substantial. So I would certainly think that these matters need to be clarified, set out in more detail, and certainly prohibit any kind of outdoor entertainment venue and office uses that are strictly prohibited as related to the hotel.

As for the 534 South University property, you notice there's the inclusion of the terms similar business with regard to the thrift store. Now I interpret that, as an attorney, to mean that if the thrift store goes out of business, that's a retail business and, you know, Sean's a smart good lawyer and I respect him very much, and hey, sometimes I'm on the same side that he's on where I represent the applicants. So I've been there; I get it. We're hired to do our jobs. So when I see similar business in there dealing with the thrift store, that's a retail business, in my humble opinion. And with no specificity or limitations, we could ultimately potentially, the way this is drafted, have a retail business in that house – or maybe the house could be torn down under the Form-Based Code, and a retail business put in there in an area that was certainly not intended and certainly intended to be residential – Urban Residential. So that needs to be clarified and strictly limited, in my opinion.

Let's talk about the height. We very much appreciate the work that Mr. Lambert has done to improve the project from the height perspective. However, the height, like Ms. Rogers said, who was on the Form-Based Code committee, and I attended many of those meetings and chaired the most recent Ad Hoc Committee that made changes – the height was one of the most sensitive things negotiated and dealt with over that two-year period from 2014 to 16 that lead to the culmination of the Form-Based Code. You even can look at page 87 with regard to the section dealing with the CCPUD, Section 520(C)(7), and it specifically says regarding building height for a CCPUD – it makes it clear that the west side of University, extending from Boyd to the alley north of Apache, which includes this property, shall be a maximum of three stories.

Ms. Zink – Thank you, Mr. Hickman, that is time.

Mr. Hickman – Was that my full 10 minutes?

Ms. Zink – That is.

Mr. Hickman – Wow. So I represent multiple property owners. I can't get a few more minutes as a legal lawyer to make the rest of my comments when I've been here for hours waiting?

Ms. Zink – Yes, Mr. Hickman, we've given you 10 minutes – that's 7 minutes beyond what an individual speaker would have.

Mr. Hickman – Maybe there's some neighbors on the call that will put in the comment section and advocate to give me three more minutes. But I understand and I appreciate the City's cutting me off. Thank you.

13. Mark Millsap (via video conference) – I did submit a letter to the Planning Commission earlier today, and that's the comments I'll stand by. Thank you.

Ms. Zink – I'd like to add for the record that John'slapad has commented in the chat section that he has no comment. Thank you. Mr. Rieger, would the applicant like to address any of the questions that were brought up during the public comment portion?

14. Mr. Rieger – I would, thank you, Chairman. Appreciate that very much. Obviously, I've got many pages of comments here. I tried to kind of coalesce them down to several points here. You heard it many times – height. We know from staff report and Pre-Development and elsewhere that that has indeed been the most significant comment that has been raised and

we heard it again raised many times. I would just suggest to you that the context of what I have heard through the neighbors' comments – and we appreciate them very much. We've met with them many times – was that what I hear them saying is that it's a rock-solid standard that can never be changed. I would urge the Commission to think about what a PUD is, and Center City code very affirmatively includes within the promise that you can bring a PUD. A PUD is for these very reasons. A PUD is exactly for the reason so that somebody can bring a unique, carefully designed project that does allow modification of the codes, does allow creative uses that can do things just like this – things that can take a project through a PUD and give up height, give up volume and put it in other areas where it does not affect. So I think it's important for Commissioners to consider that that's what a PUD is for. If the Center City code is to be deemed a rock-solid piece of work that can never be changed, then the PUD aspect should never have been put in it. It was put in it for these reasons. It was put in there for creative design of creative architects to bring projects that we even heard neighbors – and I was really encouraged tonight to hear that the neighbors even agree that we need a hotel and a project of this type in this area, they simply want us to keep to a written standard that not every project can meet. That's the essence of large-scale projects like this. They need flexibility; they need creativity. When a project of this caliber comes in and can do these things, and can do it creatively to give up in some areas what they could have done in other areas is the whole reason that a PUD allows us to do this very thing. So I think height is something that I would encourage the Commission to think about, as exactly what the neighbors said, a give and take. We have very much given away this volume of area next to the neighborhood to allow for a minor. So that's what I would talk about height.

Many other things. I would talk about precedence, too, because that was an interesting comment that somehow this zoning, or any other zoning, creates a precedent. It's important, legally, and I appreciate Mr. Hickman's comments about legal issues. Zoning is important; it's legislative. It is not a judicial act. If anybody else tries to do anything with any of these properties next to it, down the street, up the street, behind it, they will be in front of you with another zoning action running through this entire gauntlet again. They don't have the right to simply get what they want. They would be in front of you each time.

There was comments from others that said this doesn't allow for a restaurant, it doesn't allow for these things. As a matter of right, they're correct it doesn't. That's why we're here. That's why we bring zonings. I do think it's an interesting oddity, really, with the Center City code in that it does allow this property to be overnight lodging – that is as a matter of right on this property, overnight lodging under the commerce category. I think it was just probably – maybe it just slipped through the cracks, I don't know, but if you're going to have overnight lodging, going to allow for a hotel, usually hotels – and it allows for overnight lodging and support services, then certainly that would contemplate, in my opinion, restaurant, meeting rooms, things of that nature. So I don't think it's a far stretch in the allowable use to bring there. We concur – we agree that, as part of the PUD request, we need you to approve it – City Council, but I don't think it's a far leap from what is already an allowable use.

The noise and the walls. We've heard that tonight carefully. We're going to think about it very carefully. I know Cara and her team are creative; they'll come up with ways to resolve that. I'm very confident they can resolve that.

Lights. We can certainly present more information on the lighting to make sure that you have that.

I'm just kind of running down the list here real quick. Comments such as rip up the map – those are concerning to me, because if we're ever going to get things done of this caliber, of this scope, in our community, then I can tell you from a zoning attorney that's been doing it for 19 years, you have to work with PUDs. You have to work SPUDs and CCPUDs, because a framework that is a box is very difficult for projects of this caliber to fit within – very hard for them to do that. So I think we need to be flexible. But when a developer comes to you with something like this, where they have basically modified their plans to fit the spirit – and I do absolutely believe he has fit the spirit. I stand here in this viewpoint, I look up, and I see that

building from a visual viewpoint that's self-contained within that box, I think we've met the spirit. So I think he's done it.

A couple other comments I would address. Neighborhood Manners I think was talked about. He actually has really met that. Neighborhood Manners is a very specific part of the code, and I'll actually highlight it to you. It is this area of the code right here. Neighborhood Manners talks about setback spaces and heights in this location of the site. And if you can see right there, you see that little bitty white spot right there? That is the only part of the Neighborhood Manners section that we are not meeting. That's it. We have met the Neighborhood Manners in this area of the site, because we gave away this volume. We didn't ask for excess height there.

So there has been tremendous back and forth with the neighborhood. We're very proud of that. We think we have met the spirit. We think we've done a great deal more to make sure that it's well-done. And we're proud of the architecture, too. Four-sided architecture is not cheap, it's not inexpensive. Other lower-end hotels would not do that, not in any stretch of the imagination. That's something they could do here, as allowable right of overnight lodging. So we're proud of the effort here. We do very much appreciate the comments of everybody. We will take those and go forward with them. Noise, the walls, all of those issues. Commissioners' comments. So I think with that I would just sort of couch all those comments in that fashion. We're happy to answer any further questions you have tonight. Thank you very much.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Knotts – I want to – I was pretty favorable to this project in earlier review, and I visited with the person that has had some major experience in zoning and rezoning, and he also felt positive about it. But I was trying to be sensitive to the neighborhood until Mr. Hickman told me that he voted for the Hollywood Corners, and that set the precedent that I would support this project, because Hollywood Corners, when he voted for that, he disregarded all of the people that lived around that in favor of that commercial venue. So I feel that I have no choice, because of his support for Hollywood Corners, that I need to support this. Thank you.

2. Ms. Bird – I have just a few other comments. I did do quite a bit of outreach with some business owners, property owners. I really tried to get some additional input. I know that there was a comment that came up, and one of the things I did was reach out to the Planning office and White Street is proposed to be turning into a one-way street. I know that that was a factor that led them to feel that it was going to be okay – and I know we have something from this that would probably speak to this a little bit better. But that was a factor as far as the traffic of what our traffic count being on University was relatively low for people that would be turning left. And I know that that was a comment that people have brought up, too, about that concern on there. This is going to be a very challenging one, because ultimately, no matter which way the Commission votes, we are going to be disappointing our friends and neighbors, no matter how anybody votes on this. So just taking a moment to appreciate the gravity of this and that it is a very difficult decision that we take very seriously.

I am glad to see some better use of this property. The occupancy before with the 35% occupancy apartments – I understood there was some concerns previously with crime rates and the frequency that Police cars were present on-site. I think a better use of this property would benefit the surrounding area, but I also think that Park is one of the most unique and special streets that we have in Norman, something that we really need to be extremely sensitive to, because there's not going to ever be – you can't even make a one-way street like that today. I'm very encouraged by the fact that Toberman Drive would no longer have an exit there; I think there has been problems with traffic turning the wrong way, mostly, I'd say, directed because of people trying to access that parking lot. So this improving the property to the effect of closing off that street access I think would also lower vehicular access, through traffic and that wrong-way traffic. That's something that I think should be considered regardless of this project, just for a safety measure. There's just a lot of things to consider.

I can't advise go forward without having a firm parking agreement for the City Council, the masonry wall and some really specific landscaping requirements on there. I recommend that they're already making revisions to highly consider, since I know we've already looked at reducing height, but they need to also look at the little bit – is it possible to bring that height down more and still make this work? Is it possible to make this project work without putting any outdoor drinking and patio use in the back there that's going to affect those people? Those are factors that I think can still be reviewed and adjusted prior to this going to City Council. Those are my thoughts.

3. Ms. Bahan – I would agree with most of what Commissioner Bird said. I'm really concerned about the fact that we have the Form-Based Code and we just kind of essentially ignore it. It was created for a reason. I feel that we need to give it an opportunity to work and I just feel like the first chance we get to throw it out, we're throwing it out. I've been contacted by many people who live in the area. Most of their concerns have been expressed tonight and some have been addressed. But I'm just really concerned going forward. The idea of the hotel, and I think this is an interesting project, but I'm not sure that enough questions have been answered to make me feel comfortable with it. Thank you.

4. Mr. Boeck – I've just been going this way and that with this project. I'm a firm believer in PUDs and SPUDs, because that's where you get flexibility. With Norman codes, you wouldn't have a Midway Deli, you wouldn't have what I call the Vista Building – I know it's called something else – down on Main Street. We have lots of examples of very usable, very neighborhood enhancing zoning things that, if you were to follow the zoning ordinances strictly, you would never have. That's part of the issue that we have here, is, on one side I understand why the Form-Based Code on University was set up the way it was. I personally feel like the hotel would work here. The campus needs one. Looking at it from a professional point of view and from an urban design point of view. The only issues that I have in terms of not voting for this tonight is the parking thing -- until there is something on paper. Then the other thing is that west side outside patio. Sound and light, to me, are the killers in terms of what it does to the residential neighborhoods, and they haven't addressed it and I'm not sure how they're going to address it, and I'm not the designer. That's my comments.

5. Ms. Williford – I'm in favor of this hotel, but I think that working together with the neighbors is really important. Hearing them say that they're concerned about height, hearing them with their concerns about the noise and the fence. I think that these are things that can be remediated and should be looked at strongly moving forward. I think that there is a way for everyone to be satisfied and happy, and I highly encourage you to look at the ways to do that.

6. Mr. McDaniel – I would agree with what Commissioner Williford said. I'm in favor of this project. I do caution the developer to go back and listen to what the comments have been said during this time. Look at those. See if there's any way to mitigate those. I do appreciate the fact that you've changed the structure. You moved it away from the residential side. You've done things that would help mitigate that. Hopefully that is something that will help with these issues and these concerns. But I will be voting yes tonight.

7. Mr. Peacock – I just want to echo the sentiments of my fellow Commissioners. I fully appreciate and recognize the applicant's efforts thus far, and realize all the support that the project has. So I sincerely hope that the dialogue continues to find a way to address some of these unknowns and make the project a success. I also personally think that a project of this type and scope will be a great addition to Norman. So, having said that, though, I view my role as Commissioner – it's not what my personal feelings are on a project, but rather is the project following the spirit of the code that's in place. I agree with the comments that PUDs are there to allow this type of flexibility. But my biggest concern is that allowing this exemption would create some future conflict for the Urban Residential zone. This zone was designed as a buffer to

protect the neighborhood from heavier commercial uses, and to be a soft transition instead of a hard line of growth and change. Again, this project could challenge the integrity of that in the future, but my hope is that there are some creative solutions that we can figure out and resolve this.

Steven McDaniel moved to recommend adoption of Resolution No. R-1920-73, Ordinance No. O-1920-52, and Ordinance No. O-1920-53 to City Council. Dave Boeck seconded the motion.

Ms. Bird – Am I allowed to make a competing motion?

Ms. Zink – I believe that we would entertain one motion at a time.

Ms. Muckala – You'll want to finish out this motion, and if it fails, an alternative motion could be made. Wait -- just ignore that. No, a vote to the opposite would have the same effect. So I would just vote on the motion that's presented.

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

| | |
|----------------|---|
| YEAS | Matthew Peacock, Erin Williford, Tom Knotts, Erica Bird, Steven McDaniel |
| NAYES | Lark Zink, Dave Boeck, Sandy Bahan |
| MEMBERS ABSENT | Nouman Jan |

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1920-73, Ordinance No. O-1920-52, and Ordinance No. O-1920-53, to City Council, passed by a vote of 5-3.

* * *

Item No. 12a, being:

O-1920-54 – NORMAN ECONOMIC DEVELOPMENT COALITION, INC. AND CHICKASAW NATION INDUSTRIES, INC. REQUEST AMENDMENT OF PUD O-0607-35 AND PUD O-1516-21 TO ALLOW DEVELOPMENT OF AN INDUSTRIAL PARK FOR APPROXIMATELY 47.4288 ACRES OF PROPERTY LOCATED SOUTH OF STATE HIGHWAY 9 AND WEST OF 36TH AVENUE S.E. ALONG JOHN SAXON BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-E

Item No. 12b, being:

PP-1920-14 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY NORMAN ECONOMIC DEVELOPMENT COALITION, INC. AND CHICKASAW NATION INDUSTRIES, INC. (SMC CONSULTING ENGINEERS, P.C.) FOR SAXON INDUSTRIAL PARK FOR 47.4288 ACRES OF PROPERTY LOCATED SOUTH OF STATE HIGHWAY 9 AND WEST OF 36TH AVENUE S.E. ALONG JOHN SAXON BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan
6. Pre-Development Summary

PRESENTATION BY STAFF:

1. Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT:

1. Gunner Joyce, Rieger Law Group, representing the applicant (via video conference) – I'll move pretty quick here, because I know it's pretty late in the night and Lora pretty much summed it up. But this is the location map. Just to orient everyone, we've got Norman Business Park up here to the north a little bit, Destin Landing has been approved for high-density residential to the south, Saxon Park is to the northeast, with Hitachi over here. Here's an aerial showing the Destin Landing plan and also the plan for Saxon Park. As we go through here, this is also, like Lora said, a preliminary plat and a PUD request. Initially we filed just for the preliminary plat, but staff told us they'd like us to kind of clean up the scattered PUDs in the area and tie it to the new preliminary plat, so we submitted a PUD as well. This is, again, the preliminary plat. It's four lots, about 47 acres, and there will be the creation of the new public street that runs east and west through this property. It's going to connect with John Saxon Boulevard and also Technology Road. Here's the preliminary site plan; it shows just conceptual buildings at this point. If it's revised for any substantially more dense use, we'd have to come back. But this is the conceptual plan at this point. We have submitted a PUD for industrial uses, office, and suburban commercial uses. A little conceptual at this time. Here's the request. Zoning is a prior scattered PUD throughout this area. We're going to bring it all within one amended PUD which supersedes the prior ones, and no change to the 2025 Industrial Designation. Here is the proposed green space, with roughly 20% green space throughout the development, with detention areas shown throughout the site. And then, again, here's just a quick summary. No protests. Nobody attended Pre-Development meeting. No comments from Greenbelt. And we had a staff report recommending approval of the preliminary plat. So happy to entertain any questions you may have.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Erica Bird moved to recommend adoption of Ordinance No. O-1920-54 and PP-1920-14, the Preliminary Plat for SAXON INDUSTRIAL PARK, to City Council. Dave Boeck seconded the motion.

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

| | |
|----------------|--|
| YEAS | Matthew Peacock, Erin Williford, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel |
| NAYES | None |
| MEMBERS ABSENT | Nouman Jan |

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-54 and PP-1920-14 to City Council, passed by a vote of 8-0.

* * *

Item No. 13, being:

O-1920-44 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN, SECTION 441, THE BOARD OF ADJUSTMENT, TO AMEND THE RENEWAL PROCEDURE UNDER PARAGRAPH 7(F) FOR A SPECIAL EXCEPTION TO PERMIT A MOBILE HOME TO SERVE AS A TEMPORARY SECOND DWELLING TO RELIEVE A MEDICAL HARDSHIP; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance No. O-1920-44 Annotated
3. Excerpt of March 12, 2020 Planning Commission Minutes

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to recommend adoption of Ordinance No. O-1920-44 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 | Matthew Peacock, Erin Williford, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel |
| NAYES | None |
| MEMBERS ABSENT | Nouman Jan |

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-44 to City Council, passed by a vote of 8-0.

* * *

Item No. 14, being:

O-1920-45 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN (“ZONING”), SECTIONS 420.3 (RE, RESIDENTIAL ESTATE DWELLING DISTRICT), 422.9 (O-1, OFFICE INSTITUTIONAL DISTRICT), 423.2 (C-1, LOCAL COMMERCIAL DISTRICT), 424.1 (C-2, GENERAL COMMERCIAL DISTRICT), AND 424.2 (TC, TOURIST COMMERCIAL DISTRICT), IN ORDER TO RESOLVE LANGUAGE INCONSISTENCIES AND UPDATE CROSS-REFERENCES BY REMOVING THE RE SPECIAL USE ALLOWING ONE USE PERMITTED IN THE M-1, RESTRICTED INDUSTRIAL DISTRICT; CLARIFYING ZONING USES, INCLUDING MEDICAL MARIJUANA ZONING USES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance No. O-1920-45 Annotated
3. Excerpt of March 12, 2020 Planning Commission Minutes

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Steven McDaniel moved to recommend adoption of Ordinance No. O-1920-45 to City Council. Dave Boeck seconded the motion.

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

| | |
|----------------|--|
| YEAS | Matthew Peacock, Erin Williford, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel |
| NAYES | None |
| MEMBERS ABSENT | Nouman Jan |

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-45 to City Council, passed by a vote of 8-0.

* * *

Item No. 15, being:

O-1920-51 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DELETING SECTION 5-404 OF ARTICLE IV OF CHAPTER 5 (“BUILDING CONSTRUCTION”), RESERVING THE SAME, AND ADDING SECTION 22-431.10 (“RESIDENTIAL CARPORTS”) TO CHAPTER 22 (“ZONING ORDINANCE”); AND AMENDING SECTION 22-441 (“BOARD OF ADJUSTMENT”) TO CHAPTER 22 (“ZONING ORDINANCE”) OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH NEW RESIDENTIAL CARPORT STANDARDS IN THE ZONING ORDINANCE AND PROVIDE FOR BOARD OF ADJUSTMENT REVIEW OF RESIDENTIAL CARPORT APPLICATIONS AS SPECIAL EXCEPTIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance No. O-1920-51 Annotated

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes.
2. Mr. McDaniel – Is there a particular reason why we have a \$200 fee? I mean, it's \$500 to put it up. Was there some logic behind that?
Ms. Hudson – Those are the fees that are established in the ordinance as it is right now. We did not talk about reducing any of those fees. That would be something that we would have to go back and amend.
3. Mr. Boeck – I would hope that we wouldn't allow someone to put up a \$500 parking deal, because they don't stay very long. Seems like they can easily spend a little bit more money on them.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to recommend adoption of Ordinance No. O-1920-51 to City Council. Steven McDaniel seconded the motion.

| | |
|----------------|--|
| YEAS | Matthew Peacock, Erin Williford, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel |
| NAYES | None |
| MEMBERS ABSENT | Nouman Jan |

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-51 to City Council, passed by a vote of 8-0.

* * *

Item No. 16, being:

O-1920-56 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING 13-108(u) SHORT TERM RENTAL FEE; ADDING ARTICLE XXXV SHORT TERM RENTALS, SECTIONS 13-3500 THROUGH 13-3508; AMENDING 420.1 (A-2, GENERAL AGRICULTURAL DISTRICT), 420.2 (A-2, RURAL AGRICULTURAL DISTRICT), 420.3 (RE, RESIDENTIAL ESTATE DWELLING DISTRICT), 421.1 (R-1, SINGLE-FAMILY DWELLING DISTRICT), 422.2 (RM-4, MOBILE HOME PARK DISTRICT), 422.9 (O-1, OFFICE-INSTITUTIONAL DISTRICT), 423.1 (CO, SUBURBAN OFFICE COMMERCIAL DISTRICT), 424.2 (TC, TOURIST COMMERCIAL DISTRICT), 429 (MUD, MIXED USE DEVELOPMENT DISTRICT); ADDING SECTION 431.11, SHORT-TERM RENTALS; AND AMENDING SECTION 450 (DEFINITIONS) IN ARTICLE XIV OF CHAPTER 22 (ZONING ORDINANCE); ALL IN ORDER TO UPDATE CITY CODE LICENSING PROVISIONS AND THE ZONING ORDINANCE TO ALLOW FOR SHORT TERM RENTALS, AND TO ADD DEFINITIONS AND OTHER RELATED PROVISIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance No. O-1920-56 Annotated
3. First Amendment to Host Compliance Services Agreement

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes.

2. Mr. McDaniel – I have a real quick question. It talks about an inspection period or an inspection fee. Looking at adding, in this example, 150 new homes to be inspected. Do we have the capability to do that? Do we have the resources to do that?

Ms. Hudson – Yes, I do believe we do. We have 5 Code Officers that could be assigned some of these inspections. I don't expect that they will hit all at once. The licensing will be staggered, to some extent. But we also have 7 Building Inspectors that could also be going out to complete some of these inspections.

Mr. McDaniel – So these would not be inspections that are applied to the bed and breakfast, or any other type. This would be a different type of an inspection. Correct? Am I getting that correct?

Ms. Snider (via video conference) – We want them to be inspected for things like egress, fire alarms, fire extinguishers, carbon monoxide. There's some parking requirements. Things like that. The Fire Department requires certain things of this type of property. It's going to be a challenge, but, like Jane said, we're going to get it done. We've been working on this for about two years. It has evolved over two years. It has changed a lot. But we're also really comfortable – we attached the licensing just because we thought you all would want to see that. But what I'm really excited about is the monitoring service. If you read about that any. They are actually building – we're going to have a way to online register. We're actually working with them to build a test site right now. The fees for the short-term rentals will cover those costs. It's going to be pretty easy for the hosts to register. We're going to have a 24/7 hotline so there can be complaints. So I'm really excited about that. We also will be able to know where every short-term rental is in Norman from the social media platforms that the monitoring company sweeps, I think is what they call it, almost daily. So if somebody is not licensed, we'll have a way to reach out to them and we're going to be able to keep on top of that really well with this monitoring services. The inspections at the beginning I think might be a challenge just a little, but as Jane said, it's going to be staggered; they're not going to all hit – 150 – and that's an estimate. We have about 200 in Norman right now. I don't expect them all to register, because I think some of them will determine that it won't be worth it. But I think they'll come in staggered and we're going to get it done. That's one thing that Council was really concerned about, was the inspections.

Mr. McDaniel – Okay. One additional question, are we collecting the sales tax or the taxes associated similar to what we're collecting on hotels and bed and breakfasts and so forth? Do you know if they're remitting those funds to the City?

Ms. Snider – Not right now they're not. They are not. That's why we want to get this up and running. The monitoring service will also be a way for them to submit their tax forms online and we can see it monthly, and part of the service will also help us – and I'm learning how this software is going to work – but it will be able to really do a deep dive on each location. So if we get information in that says one property rented 5 nights out of the month, we'll be able to get a really good idea like, no, you rented at this rate 22 nights, and make sure that we are getting pretty close to the amount of tax that we should be getting. But right now, we have not been getting any. There's no mechanism for it right now. They're actually not operated legally. So I'm ready to get – we'd like to get this up and running by the end of the summer, of course. The Covid-19 put a little hitch in everybody's timeline. But we want to start collecting that.

Mr. McDaniel – Just the last point, I know that the AirBnB, I believe they are collecting that tax but they're not remitting that?

Ms. Snider – Not to the City.

Mr. McDaniel – But they're collecting the tax and, if they're not remitting it to the City, I'd question what are they doing with it?

Ms. Snider – We would have the ability, I think, once we locate them, maybe do some retroactive. But the Council said let's just start when we start, not worry about trying to go back in time, and let's just start getting it collected. But this monitoring service is going to help us make sure that we'll know where they are and we'll know pretty darn close if they're submitting a correct amount of tax. And for the neighbors and the neighborhoods they're going to have this 24/7 hotline that will be able to help monitor any problems, and then you have one of the other requirements is a local contact that can respond quickly, 24 hours a day. We've got to have a name – that John Smith is the one who's going to come. So we've looked at a lot of the ordinances across the country, and everybody's is different. You have to make it kind of unique to your community.

Mr. McDaniel – Sounds great. Hey, thank you.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to recommend adoption of Ordinance No. O-1920-56 to City Council. Sandy Bahan seconded the motion.

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

| | |
|----------------|--|
| YEAS | Matthew Peacock, Erin Williford, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel |
| NAYES | None |
| MEMBERS ABSENT | Nouman Jan |

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-56 to City Council, passed by a vote of 8-0.

* * *

Item No. 17, being:

MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

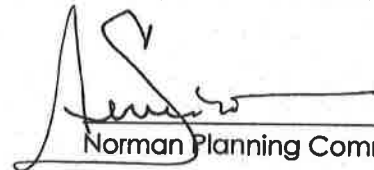
1. Mr. Boeck – I promised a friend of mine that I would make this comment. We were talking today about Covid-19 and what that's doing to urban gathering places and spaces and public restaurants and outdoor seating. She brought up some real good questions about how we can create walkable, sittable pathways through Norman. I was thinking of Alameda to 12th – there's no place to sit down between Alameda and 12th. You've got long sidewalks there – you see people walking to the grocery store. If you start having little places – little nooks – where you could have a couple park benches where people could sit socially isolated and talk and rest, it would work for seniors and it would work for just anybody that's out walking that wants to talk to their neighbor but doesn't want to get too close. So I said I'd bring it up at the meeting. That's something I'd hope that our Planning Department could start looking at, is how are we going to reconfigure – we were talking about even down on Main Street. How can we reconfigure the sidewalks to provide outdoor seating, because people are sitting outside to be healthier because the air is blowing? Restaurant owners don't want to bring people in yet, because of the restrictions, and that might carry on for a long time. So we talked about making Main Street two-way, and if we cut out a lane, could we add sidewalk or outdoor seating areas on either side of Main Street to expand the sidewalks, make more room to maneuver and get past each other and stay socially isolated – for like art walks? I just said I'd bring it up, so I brought it up.

* * *

Item No. 18, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 11:10 p.m.


Norman Planning Commission