

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

APRIL 8, 2021

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, and via video conference, on the 8th day of April, 2021.

Notice and agenda of the meeting was posted at the Norman Municipal Building and online at <https://www.normanok.gov/your-government/public-information/agendas-and-minutes> at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT
(via video conference)

Sandy Bahan
Lark Zink
Dave Boeck
Nouman Jan
Mark Daniels
Michael Jablonski
Erin Williford
Steven McDaniel
Erica Bird

MEMBERS ABSENT

None

A quorum was present.

STAFF MEMBERS PRESENT
(in person, except as noted)

Jane Hudson, Director, Planning &
Community Development
Lora Hoggatt, Planning Services Manager
Brevin Ghoram, Planner I
Roné Tromble, Recording Secretary
Bryce Holland, Multimedia Specialist
Beth Muckala, Asst. City Attorney (video)
David Riesland, Traffic Engineer
Ken Danner, Subdivision Development
Manager

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CONSENT DOCKET

Item No. 2, being:

TMP-163 -- APPROVAL OF THE MARCH 11, 2021 PLANNING COMMISSION REGULAR SESSION MINUTES

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

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

Dave Boeck moved to approve the Consent Docket as presented. Erin Williford seconded the motion.

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

YEAS	Sandy Bahan, Lark Zink, Dave Boeck, Nouman Jan, Mark Daniels, Michael Jablonski, Erin Williford, Steven McDaniel, Erica Bird
NAYES	None
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to adopt the Consent Docket, passed by a vote of 9-0.

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Item No. 3, being:

O-2021-40 – S.W. ARMSTRONG, JR. AND JOHN TRAW REQUEST REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, TO C-3, INTENSIVE COMMERCIAL DISTRICT, FOR APPROXIMATELY 0.32 ACRES OF PROPERTY LOCATED AT 220 SOUTH PORTER AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Site Plan

PRESENTATION BY STAFF:

1. Brevin Ghoram reviewed the staff report, a copy of which is filed with the minutes.
2. Mr. McDaniel – Can you tell me how many dispensaries are in the area – within several blocks?
Ms. Hoggatt – I'm not really sure in this exact vicinity how many there are. Jane, do you know how many in the downtown area?
Ms. Hudson – We don't have an exact number, but I will tell you that just half a block north of this location actually puts them too close to Longfellow School that is northeast of this location. I know I've driven by there and looked at the site. I don't know of any that are in close proximity here and, like I said, it's due in part to the location of Longfellow.
Mr. Boeck – Friendly Market is right across the street.
Ms. Hudson – Oh, Friendly Market. That's right.
Mr. Boeck – I know where these places are.
Ms. Hudson – Is it down one block, Dave? So that puts it further south from Longfellow, so that's what the difference is.
3. Ms. Bird – I do want to add that Roné was kind enough to share with us, from a follow-up question from last meeting, that according to the City Clerk's data there were 53 dispensary licenses, 17 processing licenses, and 50 grow licenses for the City of Norman. That was an email we had received as a follow-up on March 18th. For the entire City, not just the area.

PRESENTATION BY THE APPLICANT:

1. Gunner Joyce, Rieger Law Group, representing the applicant (via video) – Really here for just a house cleaning matter, as we're seeking to revert back to the original C-3 zoning for this property. Here's the location map, and we're at the corner, as you just saw, of Eufaula and Porter. Real quickly, here is an existing aerial, similar to the one you just saw. The zoning of this property is currently a PUD that was done in 2017, and really that was done for one single user – it was a motorcycle shop that is no longer at the property, so the property owners would like to go back to C-3, the way it was before the 2017 PUD, and which is, as you can see, compatible with all the surrounding C-3 in this area. No change required for the 2025 Plan, as this property is designated for commercial uses. Here's a real quick street view; it's not as up-to-date as the pictures you just saw – they were from yesterday. But just to orient you, this picture is on Porter looking towards the Porter and Eufaula intersection. As you just saw, this is currently a gym. This is an empty space – leasable space. There's two leasable spaces here, one currently occupied with a gym; one vacant. Again, a quick summary. The existing PUD was for a motorcycle sales and service business that was not allowed in C-3 so the PUD essentially only added that allowance. This is now stripping that allowance from the property as it is no longer applicable, and seeking to return back to C-3. The staff report notes that there's no impact expected on the property because of the similar zonings in this area. We're not aware of any protests. Happy to take any questions you may have.
2. Mr. Jan – Gunner, I have no problem in basically approving C-3, but my concern, again, is having so many dispensaries that are being opened, especially in the vicinity. It's just a

growing concern that what are we really going to see after a year, two years, and three years? That is my concern.

Mr. Joyce – To respond, I know you weren't really posing a question to me there, but we typically at the zoning level just kind of let the market dictate those kind of end users. And here – I can pull the map back up – but, as you see, this entire area is zoned C-3 and C-2, which both would allow for dispensaries and other marijuana uses. So, while I understand the sentiment that was echoed earlier during the earlier question and answer with staff, and I understand your comment as well, it's really not a consideration of zoning at this level.

3. Mr. Boeck – I would say that this gets into the same kind of thing – that's what capitalism is all about, is putting in what people can make money in doing. We've had the problem of Campus Corner with the Form-Based Code and the student housing, and that's all that's been built. You didn't show much concern about that. I guess we had some. But unless we can find a way that the City can have more influence on how things develop in a more cognitive and intelligent way, we're kind of animals and captive to the old capitalistic system.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Williford – At the risk of opening a bag of worms, I feel this comes up every meeting, so I just want to echo Dave's sentiments. I feel like we, as a Commission, are here for zoning, not approval or disapproval of the businesses that are legally allowed to operate, and it's our job to consider zoning. So if their landlord has an agreement of a legal operating business, I feel like that's between the landlord and the business. I think that it's important that we keep that in mind, and that we keep separate what our job is from what landlords and tenants do as their job. So I just want to keep that in mind. We're not questioning other businesses. We're not questioning gyms. We're not questioning liquor stores. We're not questioning everybody else. That's all I have on that.

2. Mr. Boeck – Well, one comment I might make is if you look at the number of law offices in this neighborhood, there's about ten times as many law offices as there are dispensaries. I don't want to judge who uses those office buildings; I'm glad that they've been fixed up and are full, because when they don't have anybody in them, we don't collect taxes. So that's my only comment.

3. Mr. Jablonski – I agree with the sentiment that it's reasonable to convert it back to C-3 zoning. But I do think that our comments move on to the Council, and so if we get some comments along the lines of we're concerned about certain industry proliferating too much, whatever that is, I think it's reasonable to have those comments as part of this meeting so City Council can see that we're concerned.

4. Mr. Boeck – And, fortunately, we have one of my favorite City Council people here tonight listening in on all of what we're saying. I know she will respond. This takes me back to – I've been on the Planning Commission long enough to remember when one of the other great real estate attorneys in Norman – Harold Heiple – used to tell us regularly that we were only here as a recommendation body; we were not here to make policy, and if we did make policy by voting against his project, he would take our butts to court. We heard that lots. So, Sean, I thank you for not following in his footsteps.

Dave Boeck moved to recommend adoption of Ordinance No. O-2021-32 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	Sandy Bahan, Lark Zink, Dave Boeck, Mark Daniels, Michael Jablonski, Erin Williford, Steven McDaniel, Erica Bird
NAYES	Nouman Jan
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2021-40 to City Council, passed by a vote of 8-1.

Item No. 4a, being:

R-2021-101 – GEOFFREY ARCE, DBA AMPHIBIOUS POWERSPORTS, L.L.P. REQUESTS AMENDMENT TO THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM COUNTRY RESIDENTIAL DESIGNATION TO MIXED USE DESIGNATION FOR APPROXIMATELY 5 ACRES OF PROPERTY LOCATED AT 3766 EAST ROBINSON STREET.

Item No. 4b, being:

O-2021-37 – GEOFFREY ARCE, DBA AMPHIBIOUS POWERSPORTS, L.L.P. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 5 ACRES OF PROPERTY LOCATED AT 3766 EAST ROBINSON STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Postponement Memo

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Michael Jablonski moved to postpone Resolution No. R-2021-101 and Ordinance No. O-2021-37 to the May 13, 2021 Planning Commission meeting. Sandy Bahan seconded the motion.

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

YEAS	Sandy Bahan, Lark Zink, Dave Boeck, Nouman Jan, Mark Daniels, Michael Jablonski, Erin Williford, Steven McDaniel, Erica Bird
NAYES	None
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to postpone Resolution No. R-2021-101 and Ordinance No. O-2021-37 to the May 13, 2021 Planning Commission meeting, passed by a vote of 9-0.

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Item No. 5, being:

O-2021-39 – KATY CONSTRUCTION COMPANY REQUESTS REZONING FROM R-2, TWO-FAMILY DWELLING DISTRICT, TO SPUD, SIMPLE PLANNED UNIT DEVELOPMENT, FOR PROPERTY LOCATED AT 111 AND 113 EAST ACRES STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A and B
4. Pre-Development Summary

PRESENTATION BY STAFF:

1. Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes.
2. Mr. Jan – Basically there's something as auxiliary dwelling behind each unit. Can we have some more detail on that?
Ms. Hoggatt – Yes. I think Keith will go into a little more detail on that. There will be a main dwelling in the front on Acres, and there will be garages with accessory dwelling units above on the second floor in the rear of the lot by the alley.
3. Mr. Daniels – I just had a question about parking. There appears there's three spaces for each unit. Is that adequate according to code?
Ms. Hoggatt – Code requires – the normal zoning ordinance would require two spots for each dwelling unit. So the garage will have two spaces, and then there will be two spaces for the accessory dwelling unit just on the driveway.
Mr. Daniels – I was just wondering – with four bedrooms and garage apartment, if that was an adequate number. That's my only question.

PRESENTATION BY THE APPLICANT:

1. Keith McCabe, owner of Katy Construction Company, the applicant, via video – We are a small, local building company that works primarily in Core Norman. We purchased this property – I don't know if everybody is familiar with it – but this piece of property has been boarded up since 2009, actually had received a buyer after 2009. There was a demolition permit scheduled. They never demoed the property. They ended up building the original garage apartment to the west and that's where the people lived, and the actual roof structure of this house had been open to the elements for the last ten – eleven years, so it was completely disintegrated when we bought it. I have been involved with City of Norman from the Charrette from 2015 trying to figure out affordable housing, trying to figure out how we can build better housing in Core Norman. Just to bring you up to speed with why I'm here tonight, is whenever you remove a building, only requirements that the City has to go by are the Sub Regs which are in a greenfield project development, which is the same as a brand new development. That development requires a 50' frontage, 100' depth, or 5,000 square feet. This property is 125' wide, 140' deep, so 17,500 sq. ft. We're proposing and asking to divide this up at 41.66' wide and not what the greenfield Sub Regs require, but we have an additional 40' deeper than the minimal, so instead of that 5,000 sq. ft. we're actually at 5,833 per property. I just wanted to – I had built a couple of houses in that area – brand new buildings. We built one on the west side of Andrews Park, which is a white two-story home that fits in the neighborhood. That's our intent to build here – that we continue the style and the character that fits into the existing neighborhood. When we build these, we were blessed to meet a lot of people, and there's two complete categories here. First is the people that love the old homes and the characteristics that go with them, and so I've actually done a lot of remodels in Norman on the existing old homes. We're working on a 100 year old home right now – a complete remodel. We make the old home look new. But there's also another category of people that want older looking homes but brand new. So that's what we're hoping to bring onto Acres is a more affordable project, a still walkable because we love the area. I love the vicinity right there by the park. I think, for me from the Charrette in 2015 all the way through this, I believe that there's a need for housing to

be built on some of these lots and so I'm coming to you tonight to answer any questions. I want to point out that I've asked a draftsman that helps me draw my plans – his name is Dan Bauman and he's here to help us. Plus, because of knowing how much the City of Norman worries about stormwater and drainage, I actually reached out to Terry Pollock, who is an engineer – Terry is on the call with us, too. We actually did a full stormwater drainage report for this lot, and it probably took six to seven months active work before the engineer and this designed property actually allow us to build these properties without causing any stormwater onto the neighbors. So we wanted to prove that we can build new structures with careful consideration to the neighborhood, to the neighbors, and make this a peaceful project. So that's my presentation. If there's some questions you guys have, I'd love to answer them.

2. Mr. Jan – Can I see the floorplans – slides 25, 26, 27 – if you don't mind?

Mr. McCabe – Please let me explain. What we've done is to give hard numbers. The City of Norman on any new construction – they require a 65% impermeable rate and 35% has to be green space. What we're presenting is because we're going to build a project that's an actual for-sale product for single-family. So what we've done is we're actually going to let the market completely dictate size of the house, shape of the house, and what we build. What we've done to make these numbers is work – you look at the original site plan. It builds the house at 1,535 sq. ft. It shows the ADU at 400 sq. ft. sitting above the garage. With the existing driveways, sidewalks, parking lots, we actually brought the impervious down to 51%, which is 14% lower than the standard. What we're asking to do is we're going to be bound by that site plan. So as long as I don't grow any house bigger than the footprints that are shown, those numbers will stay the same. So we're not for sure if we're going to build – this is in the CNZOD area, and what that means is anything that has more than four bedrooms has to be sprinkled. We're not for sure if we're going to build four bedrooms in a home. Cost of material has gotten crazy right now. We understand the CNZOD. We understand what the zoning is. We understand what we're asking, and I'm asking for the permission from you guys to look at the site plan, understand that we're going to build a house that fits the character of the neighborhood, gonna fit the community neighborhood manner, because that's very important. That's why we named this project Gateway, because we believe this is the first project starting over in the Silk Stocking area, and I understand the responsibility that comes with being the first one to build.

3. Ms. Bird – Just a follow-up on the parking question that was posed to staff. How much parking can be there? What's the surrounding parking look like? I know we discussed this being a walkability area, but assuming let's say there are cars, where would cars go?

Mr. McCabe – What we're looking at is that we have basically a single car drive in the front which will allow for one car. You have two cars that could park in the back in the garage, and then you have an additional two cars that could park on the parking pad in the back. So you truly could get five vehicles in. I want to make it really clear that this project – I am not building this project for the idea that it just becomes a complete rental project. We're building this as a single family home to sell to a single family. That is why I chose on the ADU to completely keep all of the utilities on the ADU connected to the main house. We're not separating them. It will be one water meter. It'll be one electric meter. It will be one gas unit. We truly want to make this a multi-generational product that, if a young couple wants to buy this house because the location to Andrews Park, because of downtown, and they feel the need that they might want to rent out their ADU to help with their mortgage, I can agree to. If somebody wants to bring a child home after they graduate and they're not in the workforce – I have children myself that have graduated school and in the time that it took before they were able to find a job, they considered themselves adults – they didn't want to move home with mom and dad, but they couldn't afford to be out – this allows that opportunity. Please understand me, ADUs and what we're asking for are completely allowed in that area right now. We have purposely blocked down the size of the ADU to 500 sq. ft. because that was always the big comment in discussion in the area about the size of an ADU, what was allowed, because we've actually seen houses built as ADUs that are actually larger than the existing house. So

that's why I put that language in there for a purpose to show that this is truly supposed to be just an accessory building, not a complete other house. Not a complete separate rental property. I want it all to be part of the same piece. If you have any questions – I think we presented the stormwater here. This is Terry Pollock. Terry did the stormwater plans. Please understand that this was not required for us to do on this project at all, but I know how important stormwater is to us. I know how important it is to our neighbors. So we stepped out. We presented this in front of you. Terry spent a lot of time with this. Dan spent a lot of time for us to get these footprints. Because I want to prove that we can build intelligent housing on what we don't call typical lots. I think this project will prove that.

AUDIENCE PARTICIPATION:

1. Russ Kaplan, via video – I'm a resident of Ward 4 and also a landlord in Ward 4. Because I've been paying attention to the City Center Form-Based Code, which doesn't apply here, but I think it's applicable to add to the discussion – I don't know how many of the Commissioners – I know Dave, and I'm sure several of the others – were present for all of that. A lot of the discussion centered around the large multi-tenant student housing, which I a lot of times hear other Ward 4 residents bring that up as an objection to things that might happen in Silk Stocking. As a landlord, I just want to assure anyone that is thinking that's a concern at Acres, that is not a target for high density student housing. The kids won't walk past Main Street. They won't walk past – really Eufaula is kind of pushing it. So if you're thinking student housing in Silk Stocking, you don't understand the student rental market. I just want to throw that out there.

2. Terry Pollock, 7006 NW 63rd in Bethany, via video – My company's name is STP Solutions. In reality, I am not, so that the professional board doesn't come down my throat – I'm not an engineer. The engineer that reviewed this and approved it all is Darin Teeman. But I did do the design work for Darin Teeman. One of the things I wanted to mention that I think is – and it's really Keith's doing, I think – but he's put a lot of time into – how would I call it? – a little more environmentally friendly site. Because if you look at the site plan, it seems like, wow, this is a whole bunch of stuff crammed into this little area here. Well, it is. There's a lot of impervious there. But the way the site laid out for grading and drainage, which is what my job was, it really doesn't – there's a little tiny bit of increase in water from the historic rate, but that is contained in the back of the auxiliary units in those impervious pavers that are there. You can see that through the cross-sections in that design report that I have. But that will truly allow this site to have virtually the same – it will allow historical release of water. So you'll have a brand new site – and, you know, that's even hard to do in reality on any site – to do something new and not have to put a detention pond in somewhere. So there's no detention pond, and everything is tight in there, but with the proper maintenance and the things that are needed, the features there will work quite well, and the impact on the City from a drainage perspective – there won't be any. There should not be any whatsoever. In reality, probably even less issue with the City than that original home that was there, because it will be cleaned up and prepared properly. So I think that report, not that I did that great a job, but Keith's instruction on how to do it – we went through it a lot of times, but from an engineering perspective it won't harm your drainage issues whatsoever; it should stay with the status quo. So that's what I have to say about it.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – I'm going to make some comments. First of all, I welcome Keith's project. He does great work. He's been my favorite developer on Campus Corner, and pretty much everybody here and everybody in town knows exactly how I feel about the kind of development that we've got in Campus Corner and over in the Miller District, because it's why people are afraid of student housing. I didn't hear Keith say student housing one time when on my project, which is still pretty tender, the one on Park Avenue, there was a lot of accusations flying about doing a duplex for student housing in that area. One of the things that's always impressed me about Keith is that you look at the stuff that became apartments on Campus Corner, and specifically on Jenkins – he saved all the existing properties that were there and

added onto them. He didn't tear down existing housing to build up bigger housing. So I will say I support this project, because we talk about having higher density so there's walkability, so there's a cleaner, healthier, safe community, but we have to get over that whole idea of anything that's built higher density is going to be student housing. So I appreciate Keith's extra work to get the City and City Council to understand that ADUs are important. There are many places where ADUs are allowed. But there's lots of reasons to have them, like Keith said for kids, for parents, for family, for rental property because houses are getting expensive, and for a place for if a caregiver ever came to stay with you. The fact that he's making these units accessible on the first floor shows that his concern is real and that his actions are real, too. I think this project is a good way to start out what's going to happen in many parts of Norman, and that's higher densities. Because 1, we can't afford to build the big houses that people have been building; 2, we need to get inter-generational – we need to have families living.

2. Ms. Bird – Thank you, Dave. I just want to second – Dave Boeck really did a really good job, I think, of summarizing a lot of my things, specifically on ADUs and looking at accessibility, looking at multi-generational. I think these are great ways that we can increase density and do it respectfully. I think these are exactly the type of developers that we want to have, the developments we want to have. People that are local that care about the integrity of our community. This particular site – this is one of those places that I drove by many times and probably many people said that somebody should do something about that, and seeing somebody actually take the initiative and do something about that is fantastic, especially after, as he mentioned, there was 10 years of there being an open hole in the roof and the boarded up house there in one of the more interesting neighborhoods that we have in Norman. So I'm very excited to see this project. I've been following it leading up to this. Excited to see it coming. Excited to see the use that he really is aiming to have this be single-family housing, having more density and development that's going to be having affordability built into it, multi-generational – a lot of the same things Dave said, I just can't second enough. I will be voting yes for this.

3. Ms. Hoggatt – I think I forgot to mention we received some support letters. Roné, how many did we get?

Mr. Boeck – It's refreshing getting support letters on a project rather than a handful of complaints.

Ms. Tromble – Jane counted 12 letters.

Ms. Bird – I was actually impressed that so many of those letters were not just a form template, and people had taken the time to custom write each letter it seemed that we received for the most part. So that showed the support of the community around that they took the time to do that.

Dave Boeck moved to recommend adoption of Ordinance No. O-2021-39 to City Council. Nouman Jan seconded the motion.

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

YEAS	Sandy Bahan, Lark Zink, Dave Boeck, Nouman Jan, Mark Daniels, Michael Jablonski, Erin Williford, Steven McDaniel, Erica Bird
NAYES	None
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2021-39 to City Council, passed by a vote of 9-0.

Item No. 6, being:

O-2021-38 – PETER PETROMILLI REQUESTS SPECIAL USE FOR DWELLING UNITS WITH FOUR OR MORE BEDROOMS FOR PROPERTY ZONED CCFBC URBAN GENERAL FRONTAGE LOCATED AT 430 SOUTH JAMES GARNER AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Postponement Memo

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to postpone Ordinance No. O-2021-38 to the May 13, 2021 Planning Commission meeting. Steven McDaniel seconded the motion.

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

YEAS	Sandy Bahan, Lark Zink, Dave Boeck, Nouman Jan, Mark Daniels, Michael Jablonski, Erin Williford, Steven McDaniel, Erica Bird
NAYES	None
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to postpone Ordinance No. O-2021-38 to the May 13, 2021 Planning Commission meeting, passed by a vote of 9-0.

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Item No. 7, being:

MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

1. Mr. Boeck – I'm just going to encourage us to keep encouraging the City also to find these kind of gem projects that show that we can build higher density but affordable and attractive and accessible housing anywhere, if we just put our minds to it.

Item No. 8, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 7:20 p.m.



Norman Planning Commission