

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

FEBRUARY 9, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 9th day of February 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Dave Boeck
Cynthia Gordon
Diana Hartley
Chris Lewis
Curtis McCarty
Robertta Pailles
Andy Sherrer

MEMBERS ABSENT

Jim Gasaway
Tom Knotts

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Doug Koscinski, Manager, Current Planning
Division
Ken Danner, Subdivision Development
Manager
Roné Tromble, Recording Secretary
Jane Hudson, Planner II
Leah Messner, Asst. City Attorney
Larry Knapp, GIS Analyst

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Item No. 2, being:

CONSENT DOCKET

Chairman Sherrer announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:

APPROVAL OF THE JANUARY 12, 2012 REGULAR SESSION MINUTES

Item No. 4, being:

SFP-1112-1 – CONSIDERATION OF A SHORT FORM PLAT SUBMITTED BY WIDGEON, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR HOUCHINS ADDITION, LOCATED AT 2320 BEVERLY HILLS STREET.

Item No. 5, being:

FP-1112-16 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UTC AREA SIX, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION VIII, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED EAST OF 24TH AVENUE N.W. AND NORTH AND SOUTH OF MOUNT WILLIAMS DRIVE.

Item No. 6, being:

FP-1112-17 – CONSIDERATION OF AN AMENDED FINAL PLAT SUBMITTED BY CAPSTONE DEVELOPMENT (SMC CONSULTING ENGINEERS, P.C.) FOR THE COTTAGES AT NORMAN, GENERALLY LOCATED ON THE NORTH SIDE OF IMHOFF ROAD APPROXIMATELY 1,319 LINEAL FEET EAST OF CLASSEN BOULEVARD.

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Chairman Sherrer asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked if anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Diana Hartley moved to place approval of Item Nos. 3 through 6 on the Consent Docket and approve by one unanimous vote. Dave Boeck seconded the motion.

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

YEAS	Dave Boeck, Cynthia Gordon, Diana Hartley, Curtis McCarty, Roberta Pailes, Chris Lewis, Andy Sherrer
NAYES	None
ABSENT	Jim Gasaway, Tom Knotts

Ms. Tromble announced that the motion, to place approval of Item Nos. 4 through 7 on the Consent Docket and approve by one unanimous vote, passed by a vote of 7-0.

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Item No. 3, being:

APPROVAL OF THE JANUARY 12, 2012 REGULAR SESSION MINUTES

This item was approved as submitted on the Consent Docket by a vote of 7-0.

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Item No. 4, being:

SFP-1112-1 – CONSIDERATION OF A SHORT FORM PLAT SUBMITTED BY WIDGEON, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR HOUCHINS ADDITION, LOCATED AT 2320 BEVERLY HILLS STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Short Form Plat
3. Staff Report
4. Site Plan

The Short Form Plat for HOUCHINS ADDITION was approved on the Consent Docket by a vote of 7-0.

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Item No. 5, being:

FP-1112-16 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UTC AREA SIX, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION VIII, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED EAST OF 24TH AVENUE N.W. AND NORTH AND SOUTH OF MOUNT WILLIAMS DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Site Development Plan
5. Revised Preliminary Plat

The Final Plat for UNIVERSITY NORTH PARK SECTION VIII, A Planned Unit Development, was approved on the Consent Docket by a vote of 7-0.

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Item No. 6, being:

FP-1112-17 – CONSIDERATION OF AN AMENDED FINAL PLAT SUBMITTED BY CAPSTONE DEVELOPMENT (SMC CONSULTING ENGINEERS, P.C.) FOR THE COTTAGES AT NORMAN, GENERALLY LOCATED ON THE NORTH SIDE OF IMHOFF ROAD APPROXIMATELY 1,319 LINEAL FEET EAST OF CLASSEN BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Amended Final Plat
3. Staff Report
4. Amended Site Development Plan
5. Final Plat

The Amended Final Plat for THE COTTAGES AT NORMAN was approved on the Consent Docket by a vote of 7-0.

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Item No. 7, being:

ORDINANCE NO. O-1112-21 – JOY SHALBERG, DBA JOY'S PALACE, REQUESTS SPECIAL USE FOR A BAR, LOUNGE OR TAVERN WITH LIVE ENTERTAINMENT FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, LOCATED AT 300 EAST MAIN STREET.

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that the applicant currently operates an event center. They rent the hall out for private functions. Typically you would hire a caterer or someone with a liquor license to provide food and/or beverage service for your event. The applicant would like to own the liquor license and provide the food and drink. That is a bar under our ordinance and requires a special use. The property is zoned C-3 and is located on Main Street. Parking in the area is an issue, but there is no parking required on the site based on the existing zoning. There are other similar uses in the area. This is on the corner of Main and Crawford. North across the street is the 300 block of downtown with a variety of food service establishments, some of which also serve liquor. Further east on the south side of the road are a variety of retail uses. There are several bars in the area, so this would not be an incompatible use. There were no filed protests on this request.

2. Mr. Boeck asked if there is a kitchen in the facility. Mr. Koscinski responded there is not, and it will essentially operate as a catered establishment, but the owner would carry her own licenses.

3. Ms. Pailles asked whether people are allowed to take drinks outside if a bar has a patio. Mr. Koscinski indicated there are State requirements for separation, although Norman's ordinances do not. They typically want a fence or rail of some sort.

PRESENTATION BY THE APPLICANT:

1. Joy Shalberg, 300 E. Main Street – I do have a liquor license at the present time.

2. Ms. Pailles asked about drinks being allowed outside the facility. Ms. Shalberg responded that she has not allowed it in the past. They are planning to section the entry off to make a patio area, with a wrought iron railing around both sides, but allowing traffic to flow on both sides of the railing on both sides, and with some nice plants.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend approval of Ordinance No. O-1112-21 to the City Council. Dave Boeck seconded the motion.

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

YEAS	Dave Boeck, Cynthia Gordon, Diana Hartley, Curtis McCarty, Roberta Pailles, Chris Lewis, Andy Sherrer
NAYES	None
ABSENT	Jim Gasaway, Tom Knotts

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-21 to the City Council, passed by a vote of 7-0.

Item No. 8, being:

ORDINANCE NO. O-1112-22 – JAMES & GLORIA LONG AND LAVON KIACZ (FELLERS SNIDER) REQUEST CLOSURE OF THE ALLEY ABUTTING LOTS 1, 2, 3, 4, AND THE SOUTH 100 FEET OF LOT 34, BLOCK 7, OF CLASSEN/MILLER ADDITION.

PRESENTATION BY STAFF:

1. Mr. Danner reported this is located west of Classen Boulevard on the north side of Keith Street, between 321 and 325 East Keith. It is a 20' alley right-of-way. The request has been made to close 100' of this alley. In 1951 there was an unimproved surfaced alley through this area. In 1955 there was a request to vacate that portion of the alley. City Council adopted Ordinance No. 947 to vacate the alley. To our knowledge, it was never taken to District Court, and the attorney for the applicant's want to make sure that the process includes the 90' plus the 10' so it can also go to District Court for the judge to determine what to do with the property. The City has a sanitary sewer within the right-of-way, and we have requested that an easement be provided for that sewer, and accessibility to the taps if we ever have to do rehabilitation on the sewer. We have received the same request from OG&E and ONG. Originally they had objected to that request for closure, but as long as their utilities are protected by easements they would remove their objection. Most of the time when a request is taken forward to District Court is when the easements are worked out. Staff is not objecting to the closure. There is no longer a need for any type of surface and it is not utilized as an alley. Staff recommends approval, as long as the utilities are protected.

PRESENTATION BY THE APPLICANT:

1. Blaine Nice, 100 N. Broadway, Oklahoma City, representing the applicants – This is a little unusual. 90' of this alley had been vacated. Now the ordinance says that City Council closes it and then you go to District Court to vacate the right to ever reopen it. Arguably, we could just do the 10' and then ask the judge to do the whole 100', because it has already been done. Out of an abundance of caution – there's not enough back-up material and we're not certain of the background on some of that. We thought it would be better to go forward and close the entire 100'. The applicants agree to reserve the right for the sewer line. I talked to Mr. Bluejacket of ONG this afternoon because they filed an objection. They just realized they have a line in there, but we've agreed that we will reserve that. They've got to locate that line. OG&E has an overhead line and we're going to reserve an easement for them. On one side, the Longs have some wooden steps that encroach onto the alley; it doesn't encroach on any of the utilities. On the other side, there are a couple of small out buildings that encroach into the alley by a few feet. Ms. Kiacz has recently sold the property and the encroachments became an issue and it was requested that it be cleaned up.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Diana Hartley moved to recommend approval of Ordinance No. O-1112-22 to the City Council. Cynthia Gordon seconded the motion.

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

YEAS	Dave Boeck, Cynthia Gordon, Diana Hartley, Curtis McCarty, Roberta Pailles, Chris Lewis, Andy Sherrer
NAYES	None
ABSENT	Jim Gasaway, Tom Knotts

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-22 to the City Council, passed by a vote of 7-0.

Item No. 9, being:

CONSIDERATION OF A REQUEST SUBMITTED BY SASSAN MOGHADAM FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 330 FEET SOUTH OF TECUMSEH ROAD.

9A. RESOLUTION NO. R-1112-111 – SASSAN MOGHADAM REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-04) FROM FLOODPLAIN DESIGNATION TO LOW DENSITY RESIDENTIAL DESIGNATION FOR 14.89 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 330 FEET SOUTH OF TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

9B. ORDINANCE NO. O-1112-23 – SASSAN MOGHADAM REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, FOR 14.89 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 330 LINEAL FEET SOUTH OF TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative

9C. PP-1112-9 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT, TO THE CITY COUNCIL.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Site Development Plan
5. Preliminary Plat
6. Pre-Development Summary
7. Greenbelt Enhancement Statement
8. Greenbelt Commission Comments

PRESENTATION BY STAFF:

1. Mr. Koscinski reported we included the first item as almost perfunctory. We have new flood maps that essentially stop the floodplain at 48th Avenue. Obviously, the adoption of those maps didn't affect our long-range plan, so we've added this item simply to clarify the record. As you can see, it doesn't address all of the floodplain on the Plan map, but the maps indicate it is no longer in a floodplain. The actual rezoning is for a Planned Unit Development of single-family homes on very small lots with reduced building setbacks. Current zoning is A-2. They are proposing a PUD. They are individual homes on individual lots. There are still two remaining homes on the property that will be removed, but the rest of the structures have been cleared from the site. North of the site there is a large existing home, fairly close to Tecumseh Road on a fairly large tract. To the east is a very large home on a very large tract, with a big barn. To the south will be a couple of hundred homes of standard single-family development. When Ashton Grove developed, they put in a lift station which remedied a capacity problem, which has allowed all these subdivisions to start developing. Across the street is State school land that is currently being leased for farm purposes. Staff believes that this is an acceptable use. The density is 4.75, which is slightly high, but still well within the single-family range. The roads will be private and it is a gated subdivision. There is a fair amount of open space, with about a 4-acre common area, with more green area in the plat. It is far in excess of what would have been required under a standard PUD guidance. Building setbacks are variable; there is a 20' setback

for any garage. There is some on-site parking for visitors. Staff recommends approval of the Plan change, the rezoning, and the preliminary plat. There were no filed protests on this request.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – Mr. Koscinski introduced this pretty thoroughly. A-2 zoning is the current zoning, but don't be mistaken about that – this is all shifting to developed areas of Norman with Fountain View Section 1 to the south, Ten Mile Flats to the west. There are two additions being built right now that are fully platted and will be occupied and in use in no time. Our addition is right to the north. Several of the homes have been removed in anticipation of development. There is large open space on this. This is designed to be an adult, gated community with minimal yards and minimal maintenance, with a central community space and a central building, behind a gated entrance. The gated entrance will be per the City of Norman design. If you add up all the green space and detention areas, it is 54% open space, which is simply enormous for an addition. Here is a graphic of the site plan. The gated entry comes off 48th Avenue. There is a large clubhouse in the middle with the homes spinning around it. There are common driveways into the homes. Some of the homes are attached. These folks will not want large lots – they want very minimal maintenance on their properties. The private street circulates around the interior. This is a nice compliment to what is happening around it, with a much different type of use. Staff supports the proposed use of smaller single-family dwellings which will compliment the newer nearby subdivisions currently under development. No adverse traffic impacts. No negative impacts. No protests. Only a couple people came to Pre-Development. Richard McKown has done a lot of work on this subdivision. He sent these into me just a little while ago, and I thank Larry for putting them on the screen with only about 15 minutes of time to spare. This gives you a much closer detailed look at what is being proposed here through Richard's designs. You see how some of them are connected and some of them are free-standing. There is a really nice design coming off of 48th Avenue into this development.

2. Ms. Pailes commented that in driving out there and looking at the development to the south, the detention ponds parallel 48th Avenue and they're full. On the corner is a private home that has a pond, which is also full. There is no creek running into this and it looks like those bodies of water are basically ground water and that is the water table. It looks like a very high water table. Places in Norman that have been built on a high water table there have been problems with unstable foundations and problems with sewer pipes backing up.

3. Tom McCaleb – Ms. Pailes is correct. That is the water table. This area has been studied a lot in the last several years. They didn't know exactly where the water table was until they started digging and found it. They have also encountered some other strata in the development that they've had to accommodate. Where the bottom of the detention pond was previously planned is the water table, so it was designed perfectly. The water table maintained that level throughout last summer with no rain. They have had only one experience where they had water that came from high on a hill; that has been captured into a conduit. Almost all the sewer is in place. When sewer was installed along 48th Avenue, they had to dewater all the time. No other problems have been encountered on the development.

4. Ms. Hartley asked about the requirement for a fee in lieu of park land. Mr. Rieger responded that residential developments are required to do one of three things: 1) dedicated public park space, 2) pay fee in lieu of, or 3) provide private park land.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend approval of Resolution No. R-1112-111, Ordinance No. O-1112-23, and approval of the Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development, to the City Council. Dave Boeck seconded the motion.

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

YEAS	Dave Boeck, Cynthia Gordon, Diana Hartley, Curtis McCarty, Roberta Pailes, Chris Lewis, Andy Sherrer
NAYES	None
ABSENT	Jim Gasaway, Tom Knotts

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1112-111, Ordinance No. O-1112-23, and approval of the Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development, to the City Council, passed by a vote of 7-0.

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Item No. 10, being:

MISCELLANEOUS DISCUSSION

None

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Item No. 11, being:

ADJOURNMENT

Roberta Pailes moved to adjourn. Curtis McCarty seconded the motion. There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 6:57 p.m.



Norman Planning Commission