

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**MARCH 12, 2015**

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 12<sup>th</sup> day of March 2015. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Chair Sandy Bahan called the meeting to order at 6:30 p.m.

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Item No. 1, being:

**ROLL CALL**

MEMBERS PRESENT

Andy Sherrer  
Erin Williford  
Sandy Bahan  
Jim Gasaway  
Dave Boeck  
Chris Lewis  
Cindy Gordon

MEMBERS ABSENT

Roberta Pailes  
Tom Knotts

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &  
Community Development  
Jane Hudson, Principal Planner  
Roné Tromble, Recording Secretary  
Leah Messner, Asst. City Attorney  
Larry Knapp, GIS Analyst II  
Terry Floyd, Development Coordinator  
David Riesland, Traffic Engineer  
Drew Norlin, Asst. Development Coordinator

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Chair Bahan noted that there have been requests to postpone Item Nos. 3, 6, and 7 to the April 9, 2015 Planning Commission Meeting.

*Dave Boeck moved to postpone Item Nos. 3, 6a and 6b, and 7 to the April 9, 2015 Planning Commission Meeting. Andy Sherrer seconded the motion.*

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

YEAS	Andy Sherrer, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Chris Lewis, Cindy Gordon
NAYES	None
MEMBERS ABSENT	Roberta Pailes, Tom Knotts

Ms. Tromble announced that the motion, to postpone Item Nos. 3, 6a and 6b, and 7 to the April 9, 2015, passed by a vote of 7-0.

Item No. 3, being:

**PP-1415-18 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHERRY & GERALD GUDGEL (SURVEY SOLUTIONS, INC.) FOR NORTH POINT ADDITION GENERALLY LOCATED ON THE EAST SIDE OF NORTH INTERSTATE DRIVE, DIRECTLY NORTH OF NORTH NORMAN BUSINESS PARK ADDITION.**

Item No. 6a, being:

**R-1415-84 – SHAZ INVESTMENT GROUP, L.L.C. AND RIEGER, L.L.C. REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM VERY LOW DENSITY RESIDENTIAL DESIGNATION TO MIXED USE DESIGNATION FOR APPROXIMATELY 760 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF POST OAK ROAD ON BOTH THE EAST AND WEST SIDES OF 36<sup>TH</sup> AVENUE S.E. (SE ¼ OF SECTION 10, TOWNSHIP 8 NORTH, RANGE 2 WEST; E ½ OF SECTION 15; AND W ¾ OF THE S ½ OF SECTION 14).**

Item No. 6b, being:

**O-1415-33 – SHAZ INVESTMENT GROUP, L.L.C. AND RIEGER, L.L.C. REQUEST REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 760 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF POST OAK ROAD ON BOTH THE EAST AND WEST SIDES OF 36<sup>TH</sup> AVENUE S.E.**

AND

Item No. 7, being:

**O-1415-31 – BYBLOS HOLDING, L.L.C. REQUESTS SPECIAL USE FOR AN AUTOMOTIVE SERVICE STATION (GAS STATION) FOR PROPERTY CURRENTLY ZONED C-1, LOCAL COMMERCIAL DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF 36<sup>TH</sup> AVENUE N.W. AND TECUMSEH ROAD.**

These items were postponed to the April 9, 2015 Planning Commission meeting on a vote of 7-0.

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**CONSENT DOCKET**

Chair Bahan announced that the Consent Docket consisted of the following items:

Item No. 2, being:

**APPROVAL OF THE FEBRUARY 12, 2015 STUDY SESSION MINUTES AND THE FEBRUARY 12, 2015 REGULAR SESSION MINUTES**

Item No. 4, being:

**PP-1415-19 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY XII STREET COMMONS, INC. (HUITT-ZOLLARS, INC.) FOR EASTPARK CROSSING II ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED NORTH OF ALAMEDA STREET ON THE WEST SIDE OF 12<sup>TH</sup> AVENUE N.E.**

Item No. 5, being:

**PP-1415-20 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY JOE AND PEGGY RUPPERT (HALE & ASSOCIATES SURVEY COMPANY) FOR RUPPERT'S 2<sup>ND</sup> ADDITION GENERALLY LOCATED AT 6777 N. INTERSTATE DRIVE (APPROXIMATELY ½ MILE NORTH OF INDIAN HILLS ROAD ON THE EAST SIDE OF INTERSTATE DRIVE).**

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Chair Bahan asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, she asked for discussion by the Planning Commission.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Dave Boeck moved to place Item Nos. 2, 4 and 5 on the Consent Docket and approve by one unanimous vote. Chris Lewis seconded the motion.*

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

YEAS	Andy Sherrer, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Chris Lewis, Cindy Gordon
NAYES	None
MEMBERS ABSENT	Roberta Pailes, Tom Knotts

Ms. Tromble announced that the motion, to place approval of Item Nos. 2, 4 and 5 on the Consent Docket and approve by one unanimous vote, passed by a vote of 7-0.

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Item No. 2, being:

**APPROVAL OF THE FEBRUARY 12, 2015 STUDY SESSION MINUTES AND THE FEBRUARY 12, 2015 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:

**PP-1415-19 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY XII STREET COMMONS, INC. (HUITT-ZOLLARS, INC.) FOR EASTPARK CROSSING II ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED NORTH OF ALAMEDA STREET ON THE WEST SIDE OF 12<sup>TH</sup> AVENUE N.E.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Development Plan
6. Request for Alley Waiver
7. Pre-Development Summary
8. Greenbelt Commission Comments

The Preliminary Plat for EASTPARK CROSSING II ADDITION, A Planned Unit Development, was approved on the Consent Docket by a vote of 7-0.

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Item No. 5, being:

**PP-1415-20 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY JOE AND PEGGY RUPPERT (HALE & ASSOCIATES SURVEY COMPANY) FOR RUPPERT'S 2<sup>ND</sup> ADDITION GENERALLY LOCATED AT 6777 N. INTERSTATE DRIVE (APPROXIMATELY ½ MILE NORTH OF INDIAN HILLS ROAD ON THE EAST SIDE OF 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
7. Greenbelt Commission Comments

The Preliminary Plat for RUPPERT'S 2<sup>nd</sup> ADDITION was approved on the Consent Docket by a vote of 7-0.

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Item No. 8a, being:

**R-1415-83 – VINTAGE CREEK, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA AND FROM FLOODPLAIN DESIGNATION TO LOW DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF WEST TECUMSEH ROAD APPROXIMATELY ½ MILE EAST OF 12<sup>TH</sup> AVENUE N.W.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. 2025 Map
2. Staff Report

Item No. 8b, being:

**O-1415-8 – VINTAGE CREEK, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 83 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF WEST TECUMSEH ROAD APPROXIMATELY ½ MILE EAST OF 12<sup>TH</sup> AVENUE N.W.**

**ITEMS SUBMITTED FOR THE RECORD:**

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

Item No. 8c, being:

**PP-1415-16 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY VINTAGE CREEK, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR VINTAGE CREEK ADDITION, A PLANNED UNIT DEVELOPMENT FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF WEST TECUMSEH ROAD APPROXIMATELY ½ MILE EAST OF 12<sup>TH</sup> AVENUE N.W.**

**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

**PRESENTATION BY STAFF:**

1. Jane Hudson – On the Resolution 1415-83, in the agenda it stated that we would be changing Floodplain Designation to Low Density Residential Designation; that is no longer needed. The floodplain is essentially staying the same in the area so that is off the agenda. The application for Vintage Creek subdivision is designated here as the subject tract. There is approximately 83 acres with 185 single-family lots and approximately 25 acres of open space. The existing NORMAN 2025 land use designation in this area consists of – you can see it's hatched, and that's the Future Urban Service Area designation and they're bringing it forward for Current Urban Service Area. The underlying land use designation is Low Density Residential; that will not be changing. The area to the west and east of this proposal is, again, the Low Density Residential Designation with the Future Urban Service Area. To the east they also have the Low Density Residential Designation and that is for Little River Trails Addition. South of Tecumseh, again, we have Low Density Residential Designation with an Industrial Designation as well. If approved, this would take on the Current Urban Service Area designation.

The existing zoning in the area consists of A-2; this tract is currently zoned A-2. It will be approved over to a PUD. You have a Planned Unit Development to the east, again Little River Trails. And to the south you have Greenleaf Trails, Springs at Greenleaf, which is also a Planned Unit Development, and then also the Industrial designation there on Charleston Road.

The existing land use in the area is mainly single family. You do, again, have some industrial use there on the south side of Tecumseh with some office use mixed in there as well.

This is the aerial with the subject tract outlined there. You can see over to the east is the Little River Trails Addition which will eventually connect to the east side of this proposal.

This is the site itself. This is looking west. This is looking back to the east. You can see the church in the distance. That church actually fronts Porter, but there is a single-family tract of land between this one and that church. This is looking east on Tecumseh. This is Springs at Greenleaf on the south side of Tecumseh. Looking back west, that's Greenleaf Trails there on the south side, with Sysco in the distance. This is a portion of the open space area/detention area that I believe Tom will touch on in his presentation. This will also continue underneath Tecumseh, which connects to the existing open space between Greenleaf and Springs at Greenleaf.

This is the PUD. North is up on this and Tecumseh is down on the south. As you can see, there's two access points there from Tecumseh. There is a proposed connection to the east, which would go to Little River Trails. And then there is also a connection that will be on the west side for any future development that might come in. There is not a vehicle connection between these two pieces, but there will be pedestrian access through the trails.

Staff does support these applications. They do recommend approval of Resolution No. R-1415-83, Ordinance No. O-1415-8, and the preliminary plat PP-1415-16. Staff received no protests for this application. I'd be happy to answer any questions you might have. The applicant's representative is here with a short presentation for you as well.

**PRESENTATION BY THE APPLICANT:**

1. Tom McCaleb, SMC Consulting Engineers, representing the applicant – This kind of gives you an aerial of what you've seen before. That's the site. And the Little River Addition to the east is right there. You can see construction is underway. Section 1 has been done – completed and recorded. On the south is Greenleaf Trails which is going very well. And this is the Springs at Greenleaf; this area is now finished and is built ready for houses – some construction.

Superimposing the plat on the same drawing, you can see how the interconnections and this water that Jane was describing there. It goes that direction toward Little River. Little River Trails is right here. This addition is built and has been doing very well. This is one that is under construction right now. Section 3 will probably be this one right here, which will connect over to this tract that we're talking about tonight.

Again, this tract of land has a Legacy Trail component. Legacy Trail was initiated and it comes from this direction on Greenleaf and it comes up here and we will connect it, and that's the green line. It will come down to here and come back over here. The dashed line is the projected same trail that would come from Little River Addition. That dashed line is projected Legacy Trail that's continuous from this addition over here in this direction and this is going to continue from Greenleaf Trails, which is on the south side and goes north this direction.

As Jane said, we've got a lot of open space in this PUD. All that green and blue is the open space. Huge percentage for the whole tract of land.

This has been to the Greenbelt Commission. And in that meeting they were very accommodating. They were very appreciative of the design. They alluded to the fact that we had good connective roads. The hydrology was great. Staff is working with us to do some little bit different hydrology, so they were supporting that effort as well. The trail systems they alluded to and, as I said, staff is helping us with creative drainage solutions.

The tract has also been to the Floodplain Committee. Initially we had some floodplain fill; we do not anymore. So the only place we're having a floodplain is right here where we've got a road crossing that little piece right there. Monday the Floodplain Commission approved it unanimously, again with accolades.

This is kind of showing you the area – when we turned the plat in, we had some changes we made significantly. And initially we had this area platted. We were going to take this piece of land and fill it. It's an area we call a CLOMR-B, which initially staff thought this would be a good idea. But recently the idea is not to do that. So we amended it with this plat. And you see we have no lots with no fill. The area back there – you see the little asterisks – that part of the lot is back yard with no build on them. They're part of the back yards so we don't have an area of no-man's land behind the house.

Again, all this is allowed by the floodplain use permit. There is a road crossing; that's allowed. Staff is recommending approval. We have no protests. It's been applauded, and I request your support. I would be glad to answer any questions.

**AUDIENCE PARTICIPATION:**

None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Andy Sherrer moved to recommend adoption of Resolution No. R-1415-83, Ordinance No. O-1415-8, and PP-1415-16, the Preliminary Plat for VINTAGE CREEK ADDITION, A Planned Unit Development, to the City Council. Chris Lewis seconded the motion.*

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

YEAS	Andy Sherrer, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Chris Lewis
NAYES	Cindy Gordon
MEMBERS ABSENT	Roberta Pailles, Tom Knotts

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1415-83, Ordinance No. O-1415-8, and PP-1415-16 to the City Council, passed by a vote of 6-1.

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Item No. 9a, being:

**R-1415-85 – SHAY DEVELOPMENT REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR PROPERTY LOCATED ON THE SOUTH SIDE OF LINDSEY STREET APPROXIMATELY ½ MILE EAST OF 24<sup>TH</sup> AVENUE S.E.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. 2025 Map
2. Staff Report

Item No. 9b, being:

**O-1415-34 – SHAY DEVELOPMENT REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO R-1, SINGLE FAMILY DWELLING DISTRICT, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF LINDSEY STREET APPROXIMATELY ½ MILE EAST OF 24<sup>TH</sup> AVENUE S.E.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Preliminary Plat

Item No. 9c, being:

**PP-1415-17 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHAY DEVELOPMENT (MORRIS ENGINEERING & SURVEYING) FOR STONE LAKE ADDITION GENERALLY LOCATED ON THE SOUTH SIDE OF LINDSEY STREET APPROXIMATELY ½ MILE EAST OF 24<sup>TH</sup> AVENUE S.E.**

**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

**PRESENTATION BY STAFF:**

1. Jane Hudson – Several of you may recall seeing this application previously; it was on the agenda for the March 2014 Planning Commission meeting. Just as a refresher, at that meeting the recommendation for adoption was 8-0 in favor. This is coming back again because, before it went to City Council, it was withdrawn. They did not have adequate sewer solution at that time. So they have brought it back. It is 10 acres; 48 lots. Nothing has actually changed in the design of the project; they just have adequate sewer solution at this time and so that's why they're bringing it back again.

This is also requesting to go from Future Urban Service Area to Current Urban Service Area. As you can see, currently the surrounding area is Future Urban Service Area with the underlying designation of Low Density Residential. To the south you have Current Urban Service Area/Low Density Residential and that is what will be the future Bellatona Addition that accesses off of Highway 9. To the north you have Sienna Springs, a Planned Unit Development. If approved, it would be the Current Urban Service Area.

The existing zoning in the area consists of A-2 to the west and east of this tract, and currently it is A-2 as well. To the south you have the R-1, which is Bellatona. Across Lindsey to the north you have a combination of RE, A-2, as well as the Planned Unit Development.

The existing land use in this area is all residential.

This is the site itself on the south side of Lindsey. This is the entrance for Sienna Springs. This is looking east on Lindsey, and looking back to the west and that's the Eastridge development there.

This is the preliminary plat. As you can see, it has one access off of Lindsey. Again, it's 48 single-family lots, the one access point from Lindsey Street. Staff does support this request and

recommends approval of Resolution No. R-1415-85, Ordinance No. O-1415-34, as well as the preliminary plat PP-1415-17.

I will tell you staff did receive a protest on this proposal at 28.9% from the adjacent property owners you can see here. Be happy to answer any questions you might have. The applicant's representative is here for questions as well.

2. Andy Sherrer – I'm just curious. Remind me of the transportation – I'm going back to the plan – as far as there is a plan in place yet to talk about four-lane out that far east on Lindsey, or does it stop? Is that in the long-range plan? I'm trying to go back to my memory. I just didn't remember.

David Riesland responded that he didn't think so.

**PRESENTATION BY THE APPLICANT:**

1. Ross Morris, Morris Engineering, representing the applicant – The property, like she said, we were here a little over a year ago and we had to stop because there was a problem with sewerage the property. There have been some land ownership changes that made it possible for us to get a gravity solution, so we have brought it back to you for your consideration.

**AUDIENCE PARTICIPATION:**

1. Bobby Stevens, P.O. Box 6226 – Did I get that correct? They ain't no plans for any four-lane in the future on the books right now? That is correct? Okay. Does this property bump right next to 36<sup>th</sup> Street if it went through? Is it close to 36<sup>th</sup>? I know 36<sup>th</sup> Street ain't open, but I'm just trying to get exact area of where that's supposed to be at. Like 36<sup>th</sup> if it was going to go south to Highway 9 down through Summit Valley.

Ms. Hudson – This is still not close to 36<sup>th</sup>. This is the Bellatona Addition that was approved.

Ms. Connors – Bellatona is on the east side of 36<sup>th</sup>, Jane, at Highway 9. So 36<sup>th</sup> Avenue is shown on this map on the east side here. So Bellatona is east of that.

Ms. Hudson – Then this is the other side.

Ms. Connors – 24<sup>th</sup> is on the left side.

Mr. Stevens – Okay. That's what I was thinking. I wasn't quite sure where exactly that was. Is the speed limit 40 or 50 mph on that road? And the reason I ask that question is 'cause it's across from the other addition on top of a hill. Is that going to be any problem? Is it going to have a turn lane going into the addition or going out of the addition? How is that going to work? And them's all my comments. Thank you.

2. David Riesland, Traffic Engineer – It doesn't generate enough traffic to warrant a left-turn lane on Lindsey Street. Of course, one of the things once it does develop, we would evaluate whether or not it would warrant a lower speed, perhaps. Currently, I think it's posted for 50 mph.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Jim Gasaway moved to recommend adoption of Resolution No. R-1415-84, Ordinance No. O-1415-34, and PP-1415-17, the Preliminary Plat for STONE LAKE ADDITION, to the City Council. Chris Lewis seconded the motion.*

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

YEAS	Andy Sherrer, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Chris Lewis
NAYES	Cindy Gordon
MEMBERS ABSENT	Robertta Pailles, Tom Knotts

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1415-84, Ordinance No. O-1415-34, and PP-1415-17 to the City Council, passed by a vote of 6-1.

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Item No. 10, being:

**O-1415-35 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 18 (SIGN CODE), SECTION 18-308, FESTIVAL OR PUBLIC EVENTS BANNERS, TO ALLOW ADMINISTRATIVE APPROVAL OF LIMITED LICENSES IN THE PUBLIC RIGHT-OF-WAY; AND PROVIDING FOR THE SEVERABILITY THEREOF.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Attachment A – Limited License Agreements Granted for Festival or Public Event Banners 2010-2014
3. Ordinance No. O-1415-35 Annotated

**PRESENTATION BY STAFF:**

1. Susan Connors – We allow banners, and you've probably seen them around the City, for all our festivals and public events and we allow them for not-for-profit organizations. What the process is currently is that these need to go to City Council for approval, and they don't come to this body, but they do go to City Council. What has occurred over the years is that they are continuously the same organizations that come. They put them in the exact same locations around the City and nothing changes. City Council has never denied them. It's a lot of paperwork and a lot of process for not too much gain or change. We had a meeting with the Council Business and Community Affairs committee and they indicated that we should come forward with a code amendment that would allow these to be done administratively, so the Planning Director, myself, or designee will be able to do this administratively. We will not change the paper process of the application, just simply it won't go through months – it takes about a month or a month and a half to get these processed. Sometimes that's hard because these organizations, without a lot of staff help, don't have a lot of time ahead of it. So it really won't change anything from the outside, but it really will help in the processing. That's what is before you this evening.

2. Chris Lewis – Susan, I do have a question. In light of recent events – and this is just for sake of conversation. What if a sign came before the staff that was very controversial – how would that be handled?

Ms. Connors – You mean the content?

Mr. Lewis – For content.

Ms. Connors – Well, of course, we could deny it.

Mr. Lewis – Do we have a set of guidelines that set out what a sign can contain or – maybe, because controversial would be ...

Ms. Connors – We don't, but I think that we would consult with the Legal Department if there was something controversial. And it has to be a not-for-profit organization. That's one of the constraints on this. We've never had that come up before, but I do believe that I could not approve it and then it would come – oh, the Sign Code goes to the Board of Adjustment, I believe, for appeals, depending – maybe this body. I'm sorry, I don't have that – I'm pretty sure there's an appeals process.

Mr. Lewis – The only reason I ask is because some very odd things stir up this City and we saw less than two years ago a room that was packed and a young man that took his life the day after a Council meeting. And so I'm thinking what rules are in place and what body, other than an elected body, have the ability to actually talk thoroughly about something that's controversial, because everyone's values are different. I'm just wondering if that sole responsibility lies with one person or one staff or – that's my concern. I don't want us to go down a road that it might be better that an elected body still remain responsible for this task.

Ms. Connors – I think, given what we've had for my six years here – never had that issue come before us and, if it did, and it was denied at a staff level, there's an appeal process.

3. Andy Sherrer – So you're confirming, then, that there is an appeal process?

Ms. Connors – Yes.

Mr. Sherrer – That would go before the Board of Adjustment.

Ms. Connors – Actually, I think it would come here or to City Council. The Sign Code, I think, appeals would come here or to the City Council.

Mr. Sherrer – It's either – or it's an or – that's what I was ...

Ms. Connors – I'm sorry, I don't think she knows, either.

Leah Messner – Terry is pulling the exact provision, but I believe that there are some – the Sign Code is a little bit split. There are some appeals that go to the Board of Adjustment. For example, we just had a billboard by Braums on Robinson on the west side that went to the Board of Adjustment for height and size. Yes, a variance for the Board of Adjustment. It may be that, because it's not specifically called out in this section where the appeal goes, that this might be something that we want to add in there. A provision that said an appeal from a decision of the Planning Director would go to City Council, and then we could write in there specifically if there's a question as to whether the content meets the criteria in the ordinance, which is whether the sign is of a legitimate public benefit to the community at large.

Mr. Sherrer – I wouldn't want to speak for the other Commissioners, but I think that would be a great addition.

Ms. Bahan – I think it needs to be there.

**AUDIENCE PARTICIPATION:**

None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Andy Sherrer moved to recommend adoption of Ordinance No. O-1415-35 to the City Council, as amended to add a provision for appeal to City Council. Chris Lewis seconded the motion.*

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

YEAS	Andy Sherrer, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Chris Lewis, Cindy Gordon
NAYES	None
MEMBERS ABSENT	Roberta Pailes, Tom Knotts

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1415-35 as amended to the City Council, passed by a vote of 7-0.

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Item No. 11, being:

**MISCELLANEOUS COMMENTS**

1. Mr. Lewis congratulated Mr. Boeck on this being his wedding anniversary. Mr. Boeck indicated it is his 27<sup>th</sup> anniversary.

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Item No. 12, being:

**ADJOURNMENT**

*Dave Boeck moved to adjourn. Chris Lewis seconded the motion. There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 7:00 p.m.*



Norman Planning Commission