

BOARD OF ADJUSTMENT MINUTES

JUNE 28, 2017

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of the Norman Municipal Building A, 201 West Gray, at 4:30 p.m., on Wednesday, June 28, 2017. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at www.normanok.gov/content/board-agendas at least 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Andrew Seamans called the meeting to order at 4:30 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Brad Worster
Curtis McCarty
Nils Gransberg (arrived at 4:40 p.m.)
James Howard
Andrew Seamans

MEMBERS ABSENT

None

A quorum was present.

STAFF PRESENT

Susan Connors, Director, Planning & Community
Development
Wayne Stenis, Planner II
Roné Tromble, Recording Secretary

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Item No. 3, being:

APPROVAL OF MINUTES OF THE MAY 24, 2017 REGULAR MEETING

Curtis McCarty moved to approve the minutes of the May 24, 2017 Regular Meeting as presented. James Howard seconded the motion.

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

YEAS

Brad Worster, Curtis McCarty, James Howard,
Andrew Seamans

NAYS

None

ABSENT

Nils Gransberg,

Ms. Tromble announced that the motion to approve the May 24, 2017 Minutes as presented passed by a vote of 4-0.

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Item No. 4, being:

BOA-1617-33 – GOLDEN TRIBE, L.L.C. REQUESTS A VARIANCE TO THE FLOOR AREA RATIO AND A VARIANCE TO THE OFF-STREET PARKING REQUIREMENTS FOR PROPERTY LOCATED AT 501 EAST ROBINSON STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval as submitted because the request meets the spirit of the ordinance and will not be harmful to this property or adjacent properties. Staff had a discussion yesterday with the applicant about the floor area ratio. The code language allows us to use 50' of the right-of-way in front of the platted lot as part of the land in the calculation of floor area ratio, which would reduce it to 0.43, still above the 0.40 maximum. No protest letters were received.

Mr. McCarty – The site plan shows it's only 55% impervious surface. Your notes say it's 63%.

Mr. Stenis – The drawing that's called 6D Revised at the top was revised and submitted after this site plan.

Mr. Ezzell – I think that 55% was an error.

PRESENTATION BY THE APPLICANT:

Hal Ezzell, representing the applicant – Thank you for your time this afternoon. As mentioned, this is a senior housing project for 55 and older. The site itself is a challenge because of its size. It is zoned RM-6, but it's only 5 acres, so that's a significant limitation that you wouldn't normally expect to see a market rate apartment complex on a site that small. The design, because it is senior housing, is also unique; it's not like a normal apartment with breezeways and things of that nature. These are all internal circulating hallways. The ground level units will have exterior access going outside, but the primary movement of people within the property is going to be in internal hallways. They'll have a doorway to the internal hallway where they can go down to the dining hall and the lounge areas, computer lab, etc. Those hallways are much wider than you would typically have as well, so that in order to design it so that it's the best product for the residents, that does cause us to push over floor area just a tad. We are still in the design phase, so even though I think .43 is adequate, what we discussed with staff is using language in the variance that basically says not greater than .45 on the floor area ratio. For example, right now, we have it open all the way up in the reception area, and we would like to enclose that and make that floor space. That change pushes it to .433. So I think that the best thing, since we haven't submitted final plans, to use the language of not greater than .45. I'd be happy to answer any questions you might have about the project.

Mr. Worster – These aren't labeled, but it looks like there might be two different elevators.

Mr. Ezzell – There are two different elevators. I think there may even ultimately be three. One is a large freight type elevator to allow people to move furniture and things of that nature; the other would be a normal passenger elevator for people to go up and down.

Mr. Worster – Why did you decide to go with an adjustment on the parking, versus maybe doing a PUD, since there's nothing in the zoning that would require this to be senior housing, and a PUD would say it would require it to be senior?

Mr. Ezzell – After discussions with staff, that seemed the most expeditious route.

Mr. Howard – Can I take a step back and ask staff a question? You mentioned Garden Cottages and Brookhaven Mansions as having a lower parking ratio of 1.5 and 1.2. Have there been any complaints or any noticeable issues at either one of those locations?

Ms. Connors – I personally drive by Brookhaven Mansions all the time and there's plenty of parking spaces. I think that this development is very similar to that development.

Mr. Howard – Yeah, I drive by that one, too. That helps me understand the scope.

AUDIENCE PARTICIPATION:

Harold Haralson, Sr. and Ailene Haralson – I represent property that abuts this piece at Robinson, and she represents property that abuts it on Porter. We've had significant expense from homeless people coming in, trashing the place, cutting the fences, and defecating for the last three to five years. I'm concerned about the security in this place to keep that from becoming a home for indigent people. We've also had difficulty, even when this was Whispering Pines – this says 429 East Robinson, but our storage is at 429 East Robinson. We have very limited parking, and I'm concerned about overflow from this place into our parking.

Mr. Ezzell – If I could address those questions. Number one, there's going to be a 6' masonry wall all the way around the property on all boundaries except the front. So there's not going to be any access or overflow. The only ingress/egress point on this property is the front drive. It's going to be a single in and a dual out. I don't think that the concern that there's going to be somehow spillover is realistic; I don't think 65 year olds will be scaling the wall that want over to their car that's parked over there. Number two, I think the existence of this project is going to improve your security concerns. The base rents are going to be close to \$3,000 a month. This isn't going to be a flop house. I think the project will alleviate your concerns and problems that you have.

Mr. Haralson – Well, I hope you're right. Fences haven't stopped these people. Those are our concerns.

Mr. McCarty – I believe that the address on the actual application is 501. And you're mostly speaking of the existing fence that's there – the chain link fence that's around it. Is it not being maintained?

Mr. Haralson – The fence between her property and the old Whispering Pines – it's a metal fence. But they tear it down. I have chain link fences and they have pulled the posts out of the ground, but the fences – anything they can feel like doing to get in there. I'll guarantee you, if they come in there, they don't clean up after themselves in any way, shape or form. Not that I don't have sympathy for homeless people, but I'm tired of cleaning up after them.

Mr. Seamans – Where are they coming from?

Mr. McCarty – There's a new shelter.

Mr. Haralson – Salvation Army.

Mr. McCarty – There's a new facility right across from McDonalds. I don't know what it is. It was a doctor's office and now that and the old lumber yard have – but I notice them there a lot in the mornings, sitting on the sidewalks and in the street around that area.

Mr. Seamans – Will this facility have some kind of security? I imagine a person at the front desk.

Mr. Ezzell – It will be staffed 24/7 at the front desk, and if we have a problem we can obtain

security.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Worster – You mentioned staff. How many staff are going to be working there? I'm assuming staff will drive, going back to the parking ratio.

Mr. Ezzell – We will have a full-time front desk person. The kitchen staff will not – we're going to contract that out, so they're not going to be present at all times. Then there's going to be like a social director, activity person. There will be people in and out. We're not providing medical care or nursing care per se, but I have no doubt that people who live there will need it and there will be people who makes rounds. I think we're going to provide an examination space, if a doctor needed to use that, or schedule it. It's going to be fairly minimal. Probably three to five.

Mr. Worster – So comparable to the normal apartment complex: manager, maintenance guy, kind of staffing wise – you're not going to have in excess of that.

Mr. Howard – Is there still a bus stop over there?

Mr. Ezzell – There is. It's actually right where the driveway is going to go. One of the questions we had after the meeting yesterday was who moves that bus stop? Is that something we do? Do we call CART to do that?

Ms. Connors – You need to talk to CART about moving it.

Mr. McCarty – You're reducing curb cuts, too, aren't you? Aren't there two there now?

Mr. Ezzell – Go down to one with a single in, dual out.

Mr. Haralson – That parking lot that's there now will go away, right?

Mr. Ezzell – Correct.

Curtis McCarty moved to grant the Variances as requested, with a floor area ratio of no more than 0.45. Nils Gransberg seconded the motion.

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

YEAS	Brad Worster, Curtis McCarty, Nils Gransberg, James Howard, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to grant the variance as requested, passed by a vote of 5-0.

Mr. Seamans noted that there is a 10-day appeal period.

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Item No. 5, being:

MISCELLANEOUS COMMENTS

Mr. Gransberg explained that he has purchased a house outside of Lexington, and will no longer be a resident of Norman, and therefore will not be eligible to continue to serve on the Board of Adjustment. This is his last meeting. It has been an honor to serve on the Board. He believes every resident should serve in a similar capacity at least once in their life.

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Item No. 6, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:54 p.m.

PASSED and ADOPTED this 26th day of July, 2017.



Secretary, Board of Adjustment
Chairman