



CITY OF NORMAN, OK PLANNING COMMISSION MEETING

**Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Thursday, July 13, 2023 at 6:30 PM**

MINUTES

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 13th day of July, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodemeetings.com> at least twenty-four hours prior to the beginning of the meeting.

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Chair Erica Bird called the meeting to order at 6:33 p.m.

ROLL CALL

PRESENT

Cameron Brewer
Steven McDaniel
Liz McKown
Kevan Parker
Erica Bird
Jim Griffith
Maria Kindel

ABSENT

Douglas McClure
Michael Jablonski

A quorum was present.

STAFF PRESENT

Jane Hudson, Planning Director
Lora Hoggatt, Planning Services Manager
Anais Starr, Planner II
Melissa Navarro, Planner II
Zach Abell, Planner I
Roné Tromble, Admin. Tech. IV
Beth Muckala, Assistant City Attorney
David Riesland, Transportation Engineer
Todd McLellan, Development Engineer
Jack Burdett, Subdivision Development Coordinator
Bryce Holland, Multimedia Specialist

CONSENT ITEMS

Motion made by McDaniel, seconded by Brewer, to approve Items 1 through 7 on the Consent Docket as presented.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, Griffith, Kindel

The motion to adopt the Consent Docket as presented carried by a vote of 7-0.

Minutes

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the June 8, 2023 Regular Planning Commission meeting.

The minutes of the June 8, 2023 Regular Planning Commission meeting were adopted as presented on the Consent Docket by a vote of 7-0.

Certificates of Survey

2. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of COS-2223-6: Consideration of a Norman Rural Certificate of Survey submitted by Logan Wright Foundation (Pollard & Whited Surveying, Inc.) for GOLDEN VALLEY RANCH COS for 115.49 acres of property generally located north of West Rock Creek Road one-half mile west of 48th Avenue N.W.

ITEMS SUBMITTED FOR THE RECORD:

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

COS-2223-6 was recommended for adoption by City Council on the Consent Docket by a vote of 7-0.

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3. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of COS-2223-7: Consideration of a Norman Rural Certificate of Survey submitted by Clara and Johnny Smart (Pollard & Whited Surveying, Inc.) for WPDS ESTATES COS for 79.367 acres of property generally located on the south side of Franklin Road east of 108th Avenue N.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report
4. Request for Variance in the front setback width

COS-2223-7 was recommended for adoption by City Council, with a variance in the front setback width from 330' to 326.65', on the Consent Docket by a vote of 7-0.

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4. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of COS-2324-1: Consideration of a Norman Rural Certificate of Survey submitted by Mark Mappes (Pollard & Whited Surveying, Inc.) for MAPPES ESTATES for 20.02 acres of property generally located at the northeast corner of 36th Avenue N.E. and Franklin Road.

ITEMS SUBMITTED FOR THE RECORD:

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

COS-2324-1 was recommended for adoption by City Council on the Consent Docket by a vote of 7-0.

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5. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of COS-2324-2: Consideration of a Norman Rural Certificate of Survey submitted by Oklahoma Gas & Electric Co. (Bearing Tree Land Surveying, L.L.C.) for NORMAN HILLS SUBSTATION COS for 60.0 acres of property located at the SW corner of 48th Avenue NW and Franklin Road.

ITEMS SUBMITTED FOR THE RECORD:

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

COS-2324-2 was recommended for adoption by City Council on the Consent Docket by a vote of 7-0.

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Short Form Plats

6. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of SFP-2324-1: Consideration of a Short Form Plat submitted by Stephen Lewis (Plant Life, LLC) (Bearing Tree Land Surveying) for 2516 BRIGGS for 0.52 acres of property located at 2516 Briggs Street.

ITEMS SUBMITTED FOR THE RECORD:

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

SFP-2324-1 was approved on the Consent Docket by a vote of 7-0.

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Preliminary Plats

7. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of PP-2223-8: Consideration of a Preliminary Plat submitted by Simple Storage, LLC (Blew & Associates, PA) for SIMPLE STORAGE ADDITION for 9.85 acres of property generally located near the NE corner of 24th Avenue SE and Imhoff Road.

ITEMS SUBMITTED FOR THE RECORD:

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

PP-2223-8 was recommended for adoption by City Council on the Consent Docket by a vote of 7-0.

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NON-CONSENT ITEMS

NORMAN 2025 & Rezoning

8. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Resolution No. R-2324-10: Cimarron Precious Metals, Inc. requests amendment of the NORMAN 2025 Land Use & Transportation Plan to remove property located at 1001 N. University Boulevard from Special Planning Area 3, while retaining the Commercial Designation.

ITEMS SUBMITTED FOR THE RECORD:

1. Norman 2025 Map
2. Staff Report

9. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-45: Cimarron Precious Metals, Inc. requests rezoning from I-1, Light Industrial District, to SPUD, Simple Planned Unit Development, for 0.43 acres of property located at 1001 N. University Boulevard.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. SPUD Narrative with Exhibits A-C

PRESENTATION BY STAFF: Ms. Navarro reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT: Les White, the applicant, was available to answer questions but did not have a presentation.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Motion made by Parker, seconded by McKown, to recommend approval of Resolution No. R-2324-10 and Ordinance No. O-2223-45 to City Council.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, Griffith, Kindel

The motion to recommend adoption of Resolution No. R-2324-10 and Ordinance No. O-2223-45 to City Council carried by a vote of 7-0.

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PUD Zoning & Preliminary Plat

10. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of O-2324-2: West Franklin Holding Co., LLC requests rezoning from A-2, Rural Agricultural District, and PUD, Planned Unit Development (O-2021-47), to PUD, Planned Unit Development, for approx. 26.232 acres of property generally located south of Franklin Road and west of 48th Avenue NW.

ITEMS SUBMITTED FOR THE RECORD:

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

11. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of PP-2324-2: Consideration of a Revised Preliminary Plat submitted by McKown Family, L.L.C. (SMC Consulting Engineers, PC) for RED SKY RANCH SECTION 2, for approx. 26.232 acres of property generally located south of West Franklin Road and west of 48th Avenue NW.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Revised Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Revised Preliminary Site Plan

Ms. McKown asked to be recused for these items.

Motion made by McDaniel, seconded by Kindel, to allow Ms. McKown to recuse for O-2324-2 and PP-2324-2.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, Griffith, Kindel

The motion to allow Ms. McKown to recuse carried by a vote of 7-0. She vacated her seat.

PRESENTATION BY STAFF: Ms. Navarro presented the staff report, a copy of which is filed with the minutes. One protest letter was received which represented 4.3% of the notification area.

Mr. Griffith asked about the grade difference between the subject property and the property of the person who submitted the protest letter. Ms. Navarro indicated she is in the audience and can address that.

PRESENTATION BY THE APPLICANT: Gunner Joyce, representing the applicant, stated that the subject property all drains to the west and is designed with a detention pond to retain all the drainage from the project. He presented the project.

Mr. Griffith asked about accessory buildings. Mr. Joyce explained they have retained the language from RE zoning that allows accessory barns, shops, etc. They have added an allowance for accessory dwelling unit, which could be a barndominium.

Mr. Griffith asked if the accessory buildings will mirror the structure of the house. Mr. Joyce responded that the PUD does not obligate that, but it is usually addressed in the private covenants. Richard McKown, 4409 Cannon Drive, further addressed the covenants.

Mr. Parker asked about the slivers of floodplain. Chris Anderson, SMC Consulting Engineers, explained that the plan is to get the lots built up. He noted there is an existing detention pond on the south side of the sports facility which will handle about ¾ of the site.

AUDIENCE PARTICIPATION:

Louise Higgenbotham, 4201 48th Avenue N.W., expressed concern for her neighbors from the runoff from this development, as well as from additional water wells and septic systems, and from chemicals and fertilizers used on the properties. She also made comments with regard to who received notice of this project.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Ms. Kindel did not think that additional wells needs to be a concern to neighbors, based on information collected when the City needed to drill additional wells in Ward 5.

Ms. Bird commented that more protests can be submitted prior to the City Council meeting, and there will be opportunity for public comments at that meeting as well.

Ms. Bird appreciated that ADUs cannot be rented separately.

Motion made by McDaniel, seconded by Parker, to recommend approval of O-2324-2 and PP-2324-2 to City Council.

Voting Yea: Brewer, McDaniel, Parker, Bird, Griffith, Kindel

The motion to recommend approval of O-2324-2 and PP-2324-2 to City Council carried by a vote of 6-0.

Ms. McKown resumed her seat.

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NORMAN 2025, PUD Zoning & Preliminary Plat

12. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of R-2324-12: Armstrong Bank requests amendment of the NORMAN 2025 Land Use & Transportation Plan to remove Special Planning Area 7 (SPA-7), while retaining Mixed Use Designation, and amendment of the Future Urban Service Area to Current Urban Service Area for 40.41 acres of property generally located south of East Cedar Lane Road, east of Classen Boulevard, and west of 24th Avenue S.E.
13. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of O-2324-3: Armstrong Bank requests rezoning from I-1, Light Industrial District, to PUD, Planned Unit Development for 40.41 acres of property generally located south of East Cedar Lane Road, east of Classen Boulevard, and west of 24th Avenue S.E.
14. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of PP-2324-3: Consideration of a Preliminary Plat submitted by Republic Bank of Norman (SMC Consulting Engineers) for ARMSTRONG BANK CONSOLIDATION PROJECT for 40.41 acres of property generally located south of East Cedar Lane Road, east of Classen Boulevard, and west of 24th Avenue SE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Postponement Memo

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Motion made by McKown, seconded by Kindel, to postpone R-2324-12, O-2324-3, and PP-2324-3 to the August 10, 2023 Planning Commission meeting.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, Griffith, Kindel

The motion to postpone R-2324-12, O-2324-3 and PP-2324-3 to the August 10, 2023 Planning Commission meeting carried by a vote of 7-0.

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SPUD Zoning

15. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of O-2324-4: Hunter Miller Family, L.L.C. requests rezoning from R-1, Single Family Dwelling District, to SPUD, Simple Planned Unit Development, for approx. 1.5 acres of property located at 1104 W. Lindsey Street.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. SPUD Narrative with Exhibits A-C
4. Preliminary Site Development Plan

PRESENTATION BY STAFF: Zach Abell reviewed the staff report, a copy of which is filed with the minutes.

Mr. Griffith asked what is currently on the property. Mr. Abell responded there is an existing house.

PRESENTATION BY THE APPLICANT: Gunner Joyce, Rieger Law Group representing the applicant, presented the project.

Mr. Brewer asked the width of the drive on the previous development that was reviewed recently. Mr. Joyce explained it was a single drive; this is proposed at 26' width. Mr. Brewer asked if there is currently a single drive which is going to be expanded. Mr. Joyce responded affirmatively. He added that the lots will be created by Short Form Plat after the zoning is in place.

Mr. Griffith asked if there is proposed detention. Steve Rollins, Arc Engineering, explained the proposed drainage plan, such as rain gardens.

Ms. Bird asked if it will be possible to make a 3-point turn on the proposed drive. Mr. Rollins replied that it will be a 26' wide drive, which is a regular residential width.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION: Mr. Brewer commented he thinks it is an appropriate plan to provide increased density. Because the drive is the width of a street, it may confuse drivers to think it is a street.

Motion made by Kindel, seconded by McDaniel, to recommend adoption of Ordinance No. O-2324-4 to City Council.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, Griffith, Kindel

The motion to recommend adoption of Ordinance No. O-2324-4 to City Council carried by a vote of 7-0.

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Code Amendments

16. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-31: AN ORDINANCE AMENDING THE CENTER CITY FORM BASED CODE, ADOPTED BY REFERENCE IN CHAPTER 36 ("ZONING") AT SECTION 36-540, OF THE CODE OF THE CITY OF NORMAN, IN ORDER TO REMOVE DUPLICATIVE LANGUAGE, CLARIFY LANGUAGE, AND CORRECT MISTAKES, OMISSIONS OR ERRORS, UPDATE REFERENCES TO THE RECODIFIED MUNICIPAL CODE, REFERENCE UPDATED ENGINEERING DESIGN CRITERIA, TO AMEND THE CERTIFICATE OF COMPLIANCE APPLICATION REQUIREMENTS FOR SITE PLAN REQUIREMENTS, AND TO AMEND TO ADD ADMINISTRATIVE ADJUSTMENT AUTHORITY TO ADDRESS UTILITY AND RELATED INFRASTRUCTURE CONFLICTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Center City Form-Based Code – Annotated
3. Ordinance No. O-2223-31 -- Annotated

PRESENTATION BY STAFF: Anais Starr reviewed the staff report, a copy of which is filed with the minutes.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Motion made by Brewer, seconded by Griffith, to recommend adoption of Ordinance No. O-2223-31 to City Council.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, Griffith, Kindel

The motion to recommend adoption of Ordinance No. O-2223-31 to City Council carried by a vote of 7-0.

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17. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-47: AN ORDINANCE AMENDING THE CENTER CITY FORM BASED CODE, ADOPTED BY REFERENCE IN CHAPTER 36 ("ZONING") AT SECTION 36-540, OF THE CODE OF THE CITY OF NORMAN, TO AMEND THE CENTER CITY REGULATING PLAN MAP TO AMEND THE REQUIRED BUILD LINE ALONG THE NORTH SIDE OF BOYD STREET FROM A POINT STARTING WEST OF MONNETT AVENUE AND CONTINUING TO THE BNSF RAILROAD RIGHT-OF-WAY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Ordinance No. O-2223-47
4. Existing RBL Map
5. Proposed RBL Map
6. Protest Map and Letters

PRESENTATION BY STAFF: Anais Starr reviewed the staff report, a copy of which is filed with the minutes. Protests were received which amounted to 8.7% of the notification area.

Mr. Brewer asked the reasons for the protests. Ms. Starr responded that one had safety concerns.

Mr. Griffith asked the rationale for the change. Ms. Starr indicated the proposal tonight is from 9' down to 3'. The 25' was prior to the Center City Form-Based Code being adopted in 2017.

AUDIENCE PARTICIPATION: Ric Uhles, 1409 Valley Ridge Road, owns property at 215 E. Boyd. He spoke in opposition to the proposed change, citing safety concerns.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION: Ms. Bird asked if there are underground utilities in the area. Ms. Starr indicated that, as far as she knows, the 3' RBL is not going to encroach on any easements.

Mr. Brewer commented that the spirit of the form-based code is to get as close to the property line as possible; this should have been a 3' RBL from the beginning. The form-based code calls for a rethinking of the Boyd Street streetscape, reducing the lane widths.

Ms. Kindel felt there should be a plan, with a start date, in place to change the road, rather than assuming that it will happen. She is uncomfortable with the pre-existing safety concerns.

Mr. McDaniel expressed concern that this is changing the rules on the property owners mid-stream; he would prefer there be a period of time that they be able to be grandfathered in.

Ms. Bird asked if the ordinance could be changed at this point to add some grandfathering language. Ms. Muckala responded that the Planning Commission could add a recommendation to their vote on the ordinance.

Ms. Bird asked if there are any current issues that would be affected. Ms. Hudson responded that there are no current applications under review.

Mr. Brewer indicated he would be open to a motion for approval with some sort of grandfather period. Mr. McDaniel said his concern is for the existing property owners and the rules being changed mid-stream.

Ms. McKown asked if there is a timeframe for Boyd Street improvements. David Riesland reported that there is a Comprehensive Transportation Plan that attempted to address a road diet on Boyd Street, but it didn't go far enough. There is a contract for an update that will be going to City Council in the near future, and that's one of the things staff is hoping to address.

Mr. McDaniel asked about electrical lines along Boyd Street and whether that would pose a problem. Ms. Hudson indicated staff had asked about the distance requirement and did not receive the requested information back from OG&E. Research indicated the façade of the buildings should be 5-7' from the lines. The lines are on the outside of the sidewalk. There is an administrative relief provision which would allow for necessary adjustments. Ms. Starr added that a Center City Planned Unit Development is also an option.

Ms. Hudson commented that the three developed properties have the ability to expand those structures, which would then be required to meet the RBL; they don't have to tear them down, but could put additional living space in the front of the units.

Mr. Brewer added that there are examples of similar structures throughout the form-based code area that were developed prior to 2017; they look awkward on the RBL and it is unlikely they will be redeveloped any time soon. We need to look at this with a long-term view to 20-30 years out, rather than 2-5 years.

Mr. Brewer suggested the term "delayed implementation" be used rather than grandfathering, and allowing for opt-in. Ms. Bird suggested "optionally delayed implementation." Mr. Brewer added that you would not have the option to build at 9'. Ms. Bird explained that administrative adjustment allows for 8', and there is a 24" variation for façade.

Mr. McDaniel asked if the building that was built at 3' would have to come back for some sort of approval if this ordinance is not adopted. Ms. Muckala indicated they would have the option to request an RBL adjustment or a CCPUD.

Mr. McDaniel said he would not be able to support the ordinance. Ms. McKown commented there are a lot of questions that don't seem to be answered completely. Ms. Kindel was concerned that the aerial photo that was used to show the current and proposed RBLs was from 2021. Mr. Parker was concerned that two buildings were built out of compliance, so we change it so they're in compliance, and the precedent that sets.

Motion made by Griffith, seconded by McDaniel, to recommend adoption of Ordinance No. O-2223-47 as written to City Council.

Voting Yea: Brewer

Voting Nay: McDaniel, McKown, Parker, Bird, Griffith, Kindel

The motion to recommend adoption of Ordinance No. O-2223-47 to City Council failed by a vote of 1-6.

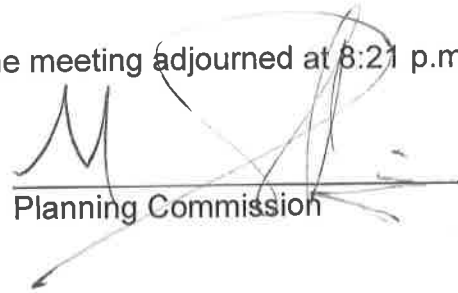
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MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

Mr. Brewer encouraged participation in the Strong Towns meetings scheduled on July 17 and 18. Ms. Muckala shared the meeting schedule.

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 8:21 p.m.



Planning Commission