

CITY OF NORMAN, OK FLOODPLAIN PERMIT COMMITTEE MEETING

Development Center, Room B, 225 N. Webster Ave., Norman, OK 73069 Tuesday, January 16, 2024 at 3:30 PM

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, relation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5446, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

ROLL CALL

MINUTES

1. Approval of minutes from the January 2, 2024 meeting.

ACTION ITEMS

Eloodplain Permit Application No. 686 - This permit application is for the proposed renovations of the Norman Creek Apartments located at 300 Hal Muldrow Drive in the Merkle Creek floodplain.

MISCELLANEOUS COMMENTS

ADJOURNMENT

CITY OF NORMAN, OK FLOODPLAIN PERMIT COMMITTEE MEETING

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Development Center, Conference Room B, 225 N. Webster Avenue, Norman, OK 73069
Tuesday, January 2, 2024 at 3:30 PM

MINUTES

ROLL CALL

The meeting was called to order by Mr. Sturtz at 3:31 p.m. Roll was called and all members were present. Others in attendance included, Beth Muckala, Assistant City Attorney; Todd McLellan, Development Engineer; Jason Murphy, Stormwater Program Manager; Kim Freeman, Staff; Jim Roth, Phillips Murrah; James Greer, Resident; Amanda Carpenter, Williams, Box, Forshee & Bullard; Peter Cocotos, NEE; Kara Wry, BMcD; Megan Carlin, BMcD; Brian Roh, BMcD; Leon Staab, BMcD; Aaron Tifft, Hall Estill; Russ Lloyd, NEET; Manty ReveVolln, NEET; Jackie Blakley, NextEra; Nick Fuhr, NextEra; Richard McKown, Carrington, LLC; Gale Earles, Resident; Eric Davis, Phillips Murrah; Jacob Clouse, BMcD; Kim Austin, NEE; Scott Bethel, Resident.

MINUTES

1. Approval of minutes from the November 6, 2023 meeting

Mr. Sturtz called for a motion to approve the minutes from the meeting of November 6, 2023. The motion was made by Ms. Stansel and seconded by Mr. Scanlon. The minutes were approved 7-0.

ACTION ITEMS

2. Floodplain Permit No. 684

Mr. Sturtz said the Application is for proposed installation of an electrical transmission line across Norman through the Canadian River, Ten-Mile Flat Creek and Little River floodplains. Mr. Sturtz asked Mr. Murphy to present the staff report. Mr. Murphy said the Applicant for Permit 684 is NextEra Energy Transmission Southwest, LLC and the Engineer is Burns and McDonnell Engineering and the proposed Builder is Brink Constructors, Inc. The permit application is for the proposed construction of an overhead electric transmission line. The proposed alignment will begin at the west boundary of the City approx. 0.50 mile south of W. Robinson St. and extend to the north boundary exiting a little east of 48th Ave. NE. A total of 35 overhead electric transmission line pole structures are proposed to be constructed in the flood zone with this project. The pole type and the foundation types vary by location, soil types and different conditions. In addition to the pole structure installation, tree clearing within the 150-foot right-of-way along with temporary access road construction consisting of drive and crushed rock access roads and installation of crane mats as necessary. For all of this work, sediment controls will be installed as needed.

For the 35 poles being installed, 2 of the poles will be in the regulatory floodway of the Canadian River and the other 33 poles will be in the floodplains of Ten-Mile Flat Creek and the Little River and its Tributaries. The applicant has submitted hydraulic analyses using HEC-RAS modeling for each of the locations. For the 2 poles in the Canadian River floodway, the report from

February 28, 2023, states that there will be no rise in the BFE as a result of the installation <u>"</u> those 2 poles. The hydraulic analysis report for the remaining 33 poles was submitted in the HEC-RAS model dated April 21, 2023. 17 of those are in the Ten-Mile Flat Creek floodplain and will cause no rise in the BFE. The remaining 16 are in the Little River floodplain or its tributaries. 2 of the poles in the Little River floodplain will cause a rise of 0.01 feet in the BFE, the others will cause no rise.

Mr. Murphy reviewed documents submitted and aerial maps of the project locations provided to members in their packets. Mr. Murphy confirmed all ordinance requirements have been met.

Mr. Murphy said a similar application was submitted and denied by the committee on the basis of concerns related to right of access to private property. With this application, the Applicant submitted additional information related to those concerns and the City Legal Team is here to speak to those points. Mr. Murphy turned it over to Ms. Muckala, Assistant City Attorney with the City of Norman. Ms. Muckala said because of similar applications that raised access relating to ownership and eminent domain issues, she was asked to look specifically at all of the properties that were identified within the Floodplain Permit Application. She was asked to analyze the status of the ownership and the status of those eminent domain cases and determine if there was unqualified or unfettered access in NextEra's hands at this time. Ms. Muckala said NextEra in their application provided a lot of that information and she received some additional information providing PIN and OK-CLE numbers so that we could accurately identify each individual parcel. There are 37 total parcels, and of those, she found that 23 are at a stage where NextEra has unqualified access, meaning ready access right now. Ms. Muckala said the list has been provided to Mr. Murphy and will be added to the official file. Ms. Muckala discussed with the committee the documents reviewed and verified to determine unqualified access at this time. Ms. Muckala said we are confident there's access to 23 parcels based on either easement by agreement or litigations that have essentially concluded for the purposes of access. Ms. Muckala indicated there are 14 parcels that are not quite to the same point, which could lead in the future to a loss of access by NextEra under the law. Ms. Muckala said the Legal Team is not comfortable recommending that we grant an unqualified permit to these properties under the circumstances so the properties have been separated out as qualified properties. In the future, once the litigations move to a more mature status, they will eventually likely gain that access. Ms. Muckala said on the record, the Modified Staff Recommendation is listed incorrectly and will be corrected in the official documents. Ms. Muckala said City Staff proposes, including her own recommendations- 23 identified parcels with present and unqualified access, City Staff recommends approval as Permit #684. With respect to the 14 identified parcels where NextEra access is still qualified, City Staff recommends approval of a separate permit, Permit #685, subject to the following conditions- (a) The permit shall only become active for NextEra's utilization upon NextEra establishing to the satisfaction of City Staff, including Legal Staff, that its right of access is no longer qualified by outstanding legal impediments or other objections. This proof of access may be established parcel-by-parcel; and (b) If NextEra should be found to have entered any of these parcels for the purposes of this permit without first having established an unqualified right of access in an agreed-upon manner, Permit #685 (and other wise identified as a separate permit within other administrative City systems) shall be subject to immediate revocation at the discretion of the Chair of the Floodplain Permit Committee.

Ms. Muckala said if this is what the committee wants to recommend, a motion needs to be made based on the City Attorney's recommendations as were read into the record.

Mr. Sturtz asked for comments from NextEra or their representatives. Jim Roth, attorney with Phillips Murrah on behalf of NextEra Energy Transmission Southwest, LLC's Floodplain Permit

Application, said NEET Southwest previously submitted a Floodplain Permit application whithis committee heard on July 17, 2023. The previous application was recommended for approval by City of Norman Staff but there were some concerns primarily regarding access and possession of certain affected properties. Since the prior meeting, circumstances surrounding these properties have substantially changed. In particular, NEET Southwest has now obtained easements for private and public land owners on all parcels within floodplains within the City of Norman. With the acquisitions of the easements, NEET Southwest has legal right to access the land. As recommended by the City Attorney's Office, documentation of these easements are included as attachments 6 in the application within the packet. Mr. Roth said we are respectfully requesting approval of this application as described as it's satisfied the requirements of the Norman Flood Hazard District Ordinance. Nick Fuhr, NEET Southwest Project Director, provided background information regarding the project and presented on the documents included in the application.

Mr. Sturtz asked the committee for any comments or questions. Mr. Scanlon made a comment that several of the citizens' concerns last time had to do with wildlife and tribal issues, and appreciated NextEra's specificity in talking about the redemptive measures and would like to see the report given to the City along with any comments from the Tribes. Mr. Scanlon asked about the 23 parcels and will there be access whether it's based on a paid easement or threat of eminent domain. Mr. Roth confirmed those 23 are settled. Mr. Scanlon also asked if he could elaborate a little more on the issues with the 14 and where they are in terms of negotiation. Aaron Tifft, Hall Estill, said of those 14, 10 have currently reached an agreement in principal and anticipate those being closed in the next couple of weeks. The other 4, have at least reached an agreement as to money. 3 of those, filed an exception or objection to our report and their sole argument is that NextEra should be required to obtain a floodplain permit before having access. One other parcel has an objection they are hopeful to reach a negotiated settlement with. Mr. Roth said they would then come back to the City and provide that proof. Ms. Muckala added that she'll be looking for either a statement that's pretty unequivocal from the actual property owner of record or something filed in court showing unequivocally that it's done. Ms. Hudson asked for clarification on permit 685 and Ms. Muckala said it's an administrative designation. Mr. Scanlon asked about open meetings and the announcement of 684 and addressing 685. Ms. Muckala said we are addressing application 684 and it's an administrative suggestion that we divide into a separate permit to treat it administratively. Ms. Stansel asked if there was already a permit 685 and Mr. Sturtz said no.

Mr. Sturtz asked for public comments or questions. Amanda Carpenter, Williams, Box, Forshee & Bullard, said there is currently a pending appeal of this specific application. The application being heard today is the same exact application as was heard by the committee and denied and appealed to the Board of Adjustment and also denied and appealed by NextEra to the district court. The matter is pending appeal and has not been dismissed. There are 10 parties that are admitted into that litigation as property owners and are on the list of 23 and 14. Those parties that have a pending appeal should be on your list of 14. Specifically asking that Raven Investments be moved to the list of 14. Ms. Carpenter discussed the easements in negotiation. Ms. Carpenter asked for the committee to not consider and table this matter because it is already in pending litigation before the district court. She also asked that the 10 interveners in the pending litigation be moved from the list of 23 to the list of 14 to require specific approval as was discussed today.

Mr. Sturtz asked staff to respond regarding the application. Ms. Muckala said this application was presented with litigation at very different stages than it was previously and NextEra presented additional information regarding the status of ownership and easements,

environmental work and discussion with tribes. This was submitted and accepted as a separal application. It is going through the system as a separate application through the City of Norman. Any outcome of this application is subject to the same appeal rights as any others. It can be appealed to the BOA and the district court. As for the other recommendations, if the committee wants to consider any of their requests to move lists around, it should be made clear on the record what is what. Ms. Carpenter said the language of the application that was submitted with the public record does appear to be the same. Ms. Carpenter said she brought the one from July and it does appear to be the exact same. We would ask if you're going to move forward and not honor our request to be moved from one list to the other, that you specifically state the substantial differences in the application.

James Greer, resident, said the first problem I have with the application is, we've never been allowed to tie properties together using GPS. You can't cross 3 basins with BFE's and tie those together. The second thing is, has anybody looked at this data from the survey for cross sections for bringing the data back to the floodplain. There's no way this data could have been done from the office and get these numbers.

Richard McKown, Carrington, LLC, stated that this transmission line is going to take out all the trees that have grown up over the past 60-70 years over the channelized creek. The vegetation is being removed and all of these things really matter in terms of having a floodplain that functions. I would like you to deny the permit.

Kara Wry, BMcD, reviewed to maps in the committee's packet showing the tree clearing. Ms. Wry said one of the things that we looked at in the routing was tree clearing and trying to minimize tree clearing where we could.

Mr. Scanlon asked for clarification on a comment made about an agreement for tree replacement. Mr. Tifft, said in general there are clearance requirements for the power line. Mr. Tifft said he's not sure of what conversations took place, they didn't take place with me I don't believe with regard to any such agreement, but if you have any more information I'm happy to get back to you. Ms. Carpenter said they made agreements with some property owners to change the terms of their easement and that has not been done with Raven Investments and Franklin Business Park. Aaron Tifft, said if a landowner requests specific items in the agreement, we employ the services of the engineers to investigate whether or not that is workable.

Ms. Hudson, asked for clarification on one of the maps and the tree clearing indicated. Kim Austin, NEE, said access is also driven by landowners so we try to utilize existing access to the extent possible. Mr. Tifft and Mr. Fuhr went into further detail regarding how easements and access are determined.

Mr. Sturtz said he'd like to direct everyone back to the reason why we are here. Mr. Sturtz said he is not here to arbitrate and to fix land owner deals and easements and right of way discussions. Nowhere in our floodplain ordinance does it say that's part of a floodplain permit application. We try to do what we think is best to protect all parties by restricting permit application approval on those that our legal office has found are not currently totally resolved. Ms. Muckala said she wanted to make a comment on the request to move owners between lists. Ms. Muckala said the lists are of her creation based strictly on her review of the ownership status. Moving one from the list of 23 to the list of 14 really doesn't change anything. Ms. Muckala said she has already looked at them and established for legal purposes the access is there. It doesn't mean you can't consider their request, I'm just saying that if you wanted to consider that, you would need to do it another way to address their concerns. Mr. Roth said they concur with the

Municipal Counselor's decision and think it's fair that this committee would consider a qualific permit which actually strengthens those 14 land owners' hands in negotiation.

Ms. Carpenter asked the Chairman to consider a permit 686 with the 10 property owners who are subject to the current litigation that is pending on the first permit.

Mr. Scanlon asked why we should consider this at all with pending litigation.

Ms. Hoggatt asked what the radius is for tree clearance. Ms. Austin said its 150 feet wide. Ms. Hudson asked if the trees in the area were tall enough to fall on the lines. Ms. Austin said yes, there are some trees out there that are tall enough they would fall on the line. Ms. Hoggatt asked how tall the line is. Jacob Clouse, BMcD, responded the minimum ground clearance is 25 feet. Ms. Hoggatt asked about revegetation. Ms. Wry responded it's typically a native seed mix but it depends on what's there.

Mr. Sturtz asked for comments from the committee. Mr. Scanlon asked how 686 would be worded. Ms. Muckala said Ms. Carpenter would need to identify these 10 so they could be taken out of these respective lists and create a 3rd list. That can be done if the committee wishes to do that but we would need to know what's the nature of this permit. Ms. Carpenter said she happy to provide suggestive language if you all would like to give us the time to do that. Ms. Muckala said the reason Raven is on the 23 parcel list is because there were no objections except to the amount filed in the court and so legally there appears there has been an acquisition and how does 686 treated like 685 would be different for Raven. Ms. Carpenter said Raven Investments did file litigation and there is pending litigation in state court specifically related to this floodplain and the interest that Raven Investments has. Ms. Carpenter said the legal rights that we would have had the opportunity to present to the state court who would have jurisdiction of this matter, that is being taken away from us by you presenting a new application. Specifically, we would ask to be put on a separate list in order to address the legal rights that we have as part of that appeal. Ms. Muckala said at this point we need committee discussion to determine if that is a direction that the majority of the committee wishes to go in. Mr. Tifft said he does not believe Ms. Carpenter represents all or the majority of these 14. We have reached agreements in principal with many of those and they are not here, I don't believe, making objection and I don't believe Ms. Carpenter represents them and to the extent she's seeking some relief. These are folks we've already reached agreements with and we're working to get documents together to finalize those. We do not think it would be proper to move them to separate list given the circumstances. Ms. Carpenter said she represents Raven Investments, move them to a separate list please.

Mr. Scanlon said can we table this, I'll make a motion. Ms. Muckala said she'd like to make an overarching point, today we are not granting any land rights, if there are pending issues in court, if they don't actually have the legal access they say they have, there's nothing about this permit that actually gives them that legal right. If my legal review was wrong and I made a mistake about who should be included on which list, they would still have the legal right to protest and keep them off their property if they don't in fact have legal access. If we were to move Raven, whom appears to be legally concluded in court, to the other list, I'm not sure what that would entail but we would need to have support to create a separate application for them and know the terms.

Ms. Hoggatt asked if this is something we typically consider with a floodplain permit. Mr. Roth said the answer is no. It's rather unprecedented from our experience. We are here because this committee last July, raised concerns about access and so this is an application before you attempting to honor that sensitivity. We agree with the staff's time and recommendations. We

agree with the Municipal Counselor's approach to this. This application, if I can be clear for tlear record, meets the City of Norman's ordinance for approval today. We've gone additional steps of protections in respect for your land owners to suggest a conditioned permit for those 14. I appreciate the desire to push this off but this is right before you with the conditions you asked for last July and it is a timely request before you and meets the law and this does nothing to take away the rights of landowners.

Ms. Carpenter said that you currently have litigation pending for an appeal of this exact application and therefore are thwarting the system. Mr. Roth said the permit had a limited period of time under Oklahoma law for which the denied permit had to seek legal redress. This application is ready for your approval today.

Mr. Greer said if you go look at already done work, they built a pond in the floodplain at 48th and Franklin Road. Look at their work, and look at this permit data. There's no way to get to a thousandth of foot from a map. I wish you guys would run out there one day before you accept this permit and look at their work.

Mr. Roth said as a reminder the approvals of permits 684 and 685 can be appealed by landowners who are dissatisfied. NextEra would withdraw the appeal in district court if they can receive this permit conditioned as it is presented today.

Scott Bethel, Louis Jean Farms, I was on the list of some of the ones that you said you have an agreement in principal. I'm not sure what that means, is that truly an agreement, can you speak to that. Mr. Tifft, said he has been in communication with the attorney for Louis Jean Farms, I believe we've reached an agreement as to language and to compensation.

Mr. Sturtz brought it back to the committee. Ms. Hudson said going back to erosion control and removal of trees, in the ordinance it specifically says that we are to look at the concerns and our approval or denial is based on these factors. 5 years from now what is your guarantee that the flow of this flood has not changed substantially that will negatively impact the people downstream. A representative for NextEra said we provide the best engineering analysis that we can do as prescribed by your ordinance with FEMA. We did get the regulatory models from FEMA and we developed them in the manner that is prescribed by FEMA and National Flood Insurance Program to ensure that relatively speaking there's not going to be an adverse impact on the property owners. Ms. Hudson asked if a property owner contacts NextEra and says we've got erosion or something like that, you guys go out and check, you're reviewing your lines, and you'll go out and fix it. Ms. Austin said yes, we have operations and management protocols that we follow and inspections that are followed and if they find something that was part of our project, we work with landowners to figure out how we're going to address it. Mr. Murphy said Mr. Scanlon asked if the new Engineering Design Criteria that we adopted in February would apply here. Mr. Sturtz said the detention pond that was constructed was submitted and accepted by the Public Works Engineering department. Mr. Sturtz said he doesn't know how the Engineering Design Criteria would apply to this specific situation since it's not new development. Mr. Danner referenced a petroleum pipeline in east side Norman through the floodplain, and there was clearing for that pipeline. I don't know how you get out of it.

Ms. Hudson asked Mr. Sturtz if the committee wanted to consider moving property owners from one list to the other. Mr. Scanlon said I think we do but I'm not prepared to sit here on 20 minutes contemplation. I advocate we rework this and come back in 2 weeks. Ms. Hoggatt asked if she could make a motion to approve. Mr. Sturtz asked if Mr. Scanlon had made a motion and Mr. Scanlon confirmed he had made a motion. Mr. Sturtz asked for a motion to table permits 684 &

685 for 2 weeks for consideration. Ms. Stansel asked if Mr. Sturtz was looking for a second the motion. Mr. Sturtz confirmed. Mr. Sturtz said the motion dies for a lack of second.

Ms. Hoggatt made a motion to approve with modified staff recommendation for Permit 684 & 685 as presented during the meeting by Ms. Muckala. Mr. Danner seconded the motion. Mr. Sturtz asked for any comments from the committee. Ms. Hudson asked for clarification on if the approval today does not negate someone's access rights regardless of the list they are on. Ms. Muckala said if NextEra does not actually have the right to enter on the 23 properties for 684, property owners would have legal rights to take them to court and keep them off the properties.

The committee voted to approve the application 5-2.

MISCELLANEOUS COMMENTS

Ms. Hoggatt asked about the next meeting and Mr. Murphy said there is 1 application for the January 16th meeting. Ms. Hoggatt asked if the meeting would also be on a Tuesday and Mr. Murphy confirmed.

ADJOURNMENT

Mr. Sturtz called for a motion to adjourn. Ms. Hudson by Ms. Stansel. The meeting adjourned at 5:06 p.m.	motioned to adjourn and was seconded
Passed and approved this day of	_, 2024
City of Norman Floodplain Administrator, Scott Sturtz	

ITEM: Floodplain Permit application for proposed renovations of buildings #2 and #6 in the Norman Creek Apartments located in the Merkle Creek floodplain.

BACKGROUND:

APPLICANT: PB Holdings, LLC (Brett Smith)

ENGINEER: Earl "Gary" Keen, P.E.

The Norman Creek apartments are located at 300 Hal Muldrow Drive. The 2.36 acre complex consists of 6 separate buildings and parking lot. The complex was built circa 1969. The current owner purchased the property in October, 2022. There is a significant portion of the property located in the Merkle Creek floodplain. The owner is proposing modifications to Buildings #2 and #6.

There are proposed modifications to two rooms in Building #2. The first is the conversion of a second floor maintenance room into an apartment. The second is the alteration of a first floor laundry room to construct a closet to house one or two new water heaters. Modifications to both units include removing and adding walls, and modifying existing mechanical, electrical and plumbing utilities in the units. A more complete description of the proposed modifications are outlined in the Engineer's Report submitted with the application.

The proposed modifications to Building #6 include the conversion of a swimming pool accessory room into a maintenance room. The swimming pool for the complex no longer exists. The previous owner, according the application, began converting this room into an apartment without applying for or receiving permits for the work that has been completed. The current owner indicates that they want to work with City staff to obtain the correct permits and receive the proper inspections to correct this previous oversight.

All work indicated in the application is occurring indoors in the two buildings. There was no indication of proposed work to the exterior of the buildings or the outdoor areas of the complex.

STAFF ANALYSIS:

Site located in Little River Basin or Tributaries? yes___ no ✓

According to the latest DFIRM, a significant portion of the property is located within the Merkle Creek floodplain/floodway (Zone AE). The buildings located on the property are not in the floodway.

Applicable Ordinance Sections:	Subject Area:
36-533 (c)	Substantial Improvement
(e)(2)(a)	Fill restrictions in the floodplain
(e)(2)(e)	Compensatory storage
(f)(3)(8)	No rise considerations

(c) Substantial Improvement – Any reconstruction, rehabilitation, addition, or other improvement of the structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement, must meet the current floodplain ordinance requirements. The cost used in the substantial improvement determination shall be the cumulative costs of all previous improvements for a specific building or structure during the immediate past 10-year period.

County records show the total value of the property at 300 Hal Muldrow Drive to be \$5.2 million with the value of the land being \$1,147,502. Therefore the structures have a combined value of \$4,052,498. The project engineer indicated that the combined square footage of the buildings is a total of 54,982 feet which calculates to \$73.71 per square foot.

Building #6 is 6,512 square feet for a calculated value of \$479,999.52. The estimated cost of improvements in Building #6 is \$21,250 or 4.43% of the value of the structure.

Building #2 is 11,374 square feet for a calculated value of \$838,377.54. The estimated cost of improvements to Building #2 is \$37,950 or 4.53% of the value of the structure.

Both improvement values are below the 50% of the cost of the structures indicating that substantial improvement requirements do not apply. Both values will be recorded and applied to any additional improvement or repair costs for the next 10 year interval.

(e)(2)(a) and (e)(2)(e) Fill Restrictions in the Floodplain and Compensatory Storage – The use of fill is restricted in the floodplain. No fill will be brought into the floodplain for this project, therefore no compensatory storage is required. In addition, an existing shed will be removed from the floodplain creating a small amount of additional floodplain storage.

No work is being done to either the exterior of the buildings or the grounds of the property, therefore no compensatory storage is required, and the requirements of this section are satisfied.

(f)(3)(8) No Rise Considerations – For proposed development within any flood hazard area (except for those designated as regulatory floodways), certification that a rise of no more than 0.05 ft. will occur in the BFE on any adjacent property as a result of the proposed work is required. The project engineer has certified that the project will not cause a rise in the BFE, which meets the ordinance requirements.

The project engineer has provided a signed no rise statement and indicates that since no work will be performed outside of the structures, there will be no impact on the BFE, meeting this ordinance requirement.

RECOMMENDATION:	Staff recommends Floodplain Permit Ap	plication #686 be approved.
ACTION TAKEN:		



City of Norman

Floodplain Permit No. 686

Building Permit No.

Date 1/16/2024

Floodplain Permit Application

FLOODPLAIN PERMIT APPLICATION

(\$100.00 Application Fee Required)

SECTION 1: GENERAL PROVISIONS (APPLICANT to read and sign):

- 1. No work may start until a permit is issued.
- 2. The permit may be revoked if any false statements are made herein.
- 3. If revoked, all work must cease until permit is re-issued.
- Development shall not be used or occupied until a Certificate of Occupancy is issued.
- 5. The permit will expire if no work is commenced within 2 years of issuance.
- Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements and must be included with this floodplam permit application.
- Applicant hereby gives consent to the City of Norman or his/her representative to access the property to make reasonable inspections required to verify compliance.
- 8. The following floodplain modifications require approval by the City Council:
 - (a) A modification of the floodplain that results in a change of ten percent (10%) or more in the width of the floodplain.
 - (b) The construction of a pond with a water surface area of 5 acres or more.
 - (c) Any modifications of the stream banks or flow line within the area that would be regulatory floodway whether or not that channel has a regulatory floodplain, unless the work is being done by the City of Norman staff as part of a routine maintenance activity.
- 9. All supporting documentation required by this application is required along with the permit fee by the submittal deadline. Late or incomplete applications will not be accepted.
- 10. I, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

SECTION 2: PROPOSED DEVELOPME	NT (To be completed by ARPLICANT.)
APPLICANT Brett Sm. H (Part TELEPHONE (874) 232-9722	NT (To be completed by ARPLICANT.) -1543 W welfor hies) BHOLDINGS LCC -1543 W welfor ADDRESS: 2155 W Belmont AVE #107, Chicago IL SIGNATURE: But
BUILDER SEC above	
ENGINEER EARLGARY KEEN TELEPHONE 405-823-8240 Garykeen 47 cath	ADDRESS DO. BOX 891200, OKC, OK 73189 SIGNATURE Earl Hary Knew

PROJECT LOCATION

To avoid delay in processing the application, please provide enough information to easily identify the project location. Provide the street address, subdivision addition, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersecting road or well known landmark. A sketch attached to this application showing the project location would be helpful.

BLOCK 2; DIRECTIONS TO SITE: FROM WEST MAIN AND HALL
MULDROW GO SOUTH ON HALMUDROW TO SITE; SIGN
AT COMPLEX READS " WORMAN CREEK APARTMENTS.

DESCRIPTION OF WORK (Check all applicable boxes):

A. STRUCTURAL DEVELOPMENT

ACTIVITY	STRUCTURE TYPE
☐ New Structure	☐ Residential (1-4 Family)
☐ Addition	Residential (More than 4 Family)
Alteration	☐ Non-Residential (Flood proofing? ☐ Yes)
■ Relocation	☐ Combined Use (Residential & Commercial)
☐ Demolition	☐ Manufactured (Mobile) Home
☐ Replacement	☐ In Manufactured Home Park? ☐ Yes

ESTIMATED COST OF PROJECT 37,950.00 Work that involves substantial damage/substantial improvement requires detailed cost estimates and an appraisal of the structure that is being improved.

B. OTHER DEVELOPMENT ACTIVITIES:

Fill Mining	☐ Drilling ☐ Grading	
Excavation (Beyond t	he minimum for Structural D	evelopment)
Watercourse Alteration	on (Including Dredging and C	hannel Modifications)
Drainage Improvemen	nts (Including Culvert Work)	☐ Road, Street or Bridge Construction
Subdivision (New or I	Expansion)	☐ Individual Water or Sewer System

In addition to items A. and B. provide a complete and detailed description of proposed work (failure to provide this item will be cause for the application to be rejected by staff). Attach additional sheets if necessary.

SEE REPORT BY ENGINEER; ALTERONE UNIT IN BUILDING # (TO CHANGE USE TO MAINTENANCE CHOP; ID BUND # 2, ALTER CURPENT MAINT ROOM TO APARTMENT; ALTER LAUNDRY ROOM BY ADDI NG CLOSET AND WATER HEATER(S).

C. ATTACHMENTS WHICH ARE REQUIRED WITH EVERY APPLICATION:

The applicant must submit the documents listed below before the application can be processed. If the requested document is not relevant to the project scope, please check the Not Applicable box and provide explanation.

	Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel, floodway, and the regulatory flood-protection elevation. NO WORK PROPOSED OUTS IDE BUILDINGS. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information.
	Not Applicable: CROSS - SECTION OF STREAM PROVIDED. ANNOTHED FIRM PROVIDED.
C.	Subdivision or other development plans (If the subdivision or other developments exceeds 50 lots or 5 acres, whichever is the lesser, the applicant <u>must</u> provide 100-year flood elevations if they are not otherwise available).
	Not Applicable:
D.	Plans (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information. Not Applicable:
E.	A profile showing the slope of the bottom of the channel or flow line of the stream.
	Not Applicable:
F.	Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures.
	Not Applicable: RUT LOWEST FLOOR ELEVATIONS PROVIDED ON CROSS-SECTION.
G.	Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
	Not Applicable: WILL NOT ALTER DRAINAGE IN ANY INLAY.

J. /	For proposed development within any flood hazard area (except for those areas designated as regulatory floodways), certification that a rise of no more than five hundredths of a foot (0.05') will occur on any adjacent property in the base flood elevation as a result of the proposed work. For proposed development within a designated regulatory floodway, certification of no increase in flood levels within the community during the occurrence of the base flood discharge as a result of the proposed work. All certifications shall be signed and sealed by a Registered Professional Engineer licensed to practice in the State of Oklahoma. A certified list of names and addresses of all record property owners within a three hundred fifty (350) foot radius of the exterior boundary of the subject property owners within a three hundred fifty (350) foot radius of the exterior boundary of the subject property not to exceed 100 feet laterally from the Special Flood dazard Area. The radius to be extended by increments of one hundred (100) linear feet until the list of property owners includes not less than fifteen (15) individual property owners of separate parcels or until a maximum radius of one thousand (1,000) feet has been reached. LIST ATTACHED. A copy of all other applicable local, state, and federal permits (i.e. U.S. Army Corps of Engineers 404 permit, etc).		
After con	permit, etc). NO OTHER PERMITS REQUIRED. BUILDING After completing SECTION 2, APPLICANT should submit form to Permit Staff for review.		
SECTION 3: FLOODPLAIN DETERMINATION (To be completed by Permit Staff.)			
	posed development is located on FIRM Panel No.: 0280), Dated: 1115 202		
	pposed Development:		
п	Is NOT located in a Special Flood Hazard Area		
(1	Notify the applicant that the application review is complete and NO FLOODPLAIN PERMIT IS REQUIRED).		
	Is located in a Special Flood Hazard Arca.		
	The proposed development is located in a floodway.		
Ş	100-Year flood elevation at the site is/144 / Ft. NGVD (MSL.) Unavailable		
Se	ee Section 4 for additional instructions.		
SIGNED:	DATE: 1/9/2024		

SECTION 4: ADDITIONAL INFORMATION REQUIRED (To be completed by Permit Staff.)

The a	applicant must also submit the documents checked below before the application can be processed.	
	Flood proofing protection level (non-residential only)Ft. NGVD (MSL). For flood proofed structures applicant must attach certification from registered engineer.	
Þ	Certification from a registered engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the 100-year flood (Base Flood Elevation). A copy of all data and calculations supporting this finding must also be submitted.	
6 P	Certification from a registered engineer that the proposed activity in a regulatory flood plain will result in an increase of no more than 0.05 feet in the height of the 100-year flood (Base Flood Elevation). A copy of all data and calculations supporting this finding must also be submitted.	
0	All other applicable federal, state, and local permits have been obtained.	
	Other:	
Q E	CTION S. DEDAMU DETERMINATION OF	
<u>DA</u>	ECTION 5: PERMIT DETERMINATION (To be completed by Floodplain Chairman.)	
Th Se	te proposed activity: (A) [Is; (B) [Is Not] in conformance with provisions of Norman's City Code Chapter 22, ction 429.1. The permit is issued subject to the conditions attached to and made part of this permit.	
	GNED:DATE:	
	BOX A is checked, the Floodplain committee chairman may issue a Floodplain Permit.	
4 4 4 4 4 4	BOX B is checked, the Floodplain committee chairman will provide a written summary of deficiencies. Applicant y revise and resubmit an application to the Floodplain committee or may request a hearing from the Board of justment.	
APPEA	ALS: Appealed to Board of Adjustment:	
	Board of Adjustment Decision - Approved:	
Conditi	ons;	

-		

SECTION 6: AS-BUILT ELEVATIONS (To be submitted by APPLICANT before Certificate of Occupancy is issued.)

- FEMA Elevation Certificate and/or
- 2. FEMA Floodproofing Certificate

NOTE: The completed certificate will be reviewed by staff for completeness and accuracy. If any deficiencies are found it will be returned to the applicant for revision. A Certificate of Occupancy for the structure will not be issued until an Elevation and /or Floodproofing Certificate has been accepted by the City.

ENGINEER'S REPORT 300 HAL MULDROW DRIVE DBA Norman Creek Apartments

Introduction

Improvements at the aforementioned location is a large apartment complex consisting of six separate apartment buildings and related parking facilities. The acreage associated with this complex is 2.36 acres. This complex was was constructed circa 1969. The current owner purchased this property in October, 2022.

This complex is impacted by a significant floodplain; therefore a floodplain permit is required. The objective of this submittal is to obtain a floodplain permit. Floodplain details are covered in a following section, below.

Directions to location

Beginning at the intersection of West Main Street and 24th Avenue SW in Norman, go east to Hal Muldrow Drive; then go south to this apartment complex. The office is located on the west side of the street, in Building #2. A sign exists near the office.

Proposed modifications

Modifications are proposed for Buildings#2 and Building #6. In Building #2, upstairs, at the south end there is a unit that has historically been used as a maintenance room. The plan is to modify the interior of this room to create an apartment. A floor plan showing proposed adjustments to be made is attached to this submittal. In addition to removing and adding walls, modifications will need to be made to mechanical, electrical and plumbing utilities in this unit.

A laundry room is located downstairs at the south end in Building #2. Modifications to this unit include constructing a closet to enclose one or two new water heaters. And, one or two electric water heaters will be installed in the closet. A floor plan showing existing and proposed details of the laundry unit is attached to this report.

Historically, at the east end of Building #6, there was a swimming pool accessory room. The swimming pool was located outdoors, just south of Building #6, but the pool no longer exists. The former owners made modifications to the pool room with the intent of converting this room to a residential unit. However, the current owner now desires to use this unit as a maintenance room to replace the upstairs maintenance unit located in Building #2, described above. The pool room is also known as Unit # 127. Apparently, the previous owner did not know that certain building permits were required to make alterations to Unit #27 and did so without obtaining these permits. Improvements made in Unit #127 include constructing interior partition walls to create a storage closet, a bathroom with facilities, including a shower; a kitchen area with counters, cabinets and miscellaneous items. The walls were painted and new flooring was installed. It appears that modifications were made to electrical and plumbing systems. The heat and air system was existing and has not been replaced. The exterior walls of this unit have not been altered. The current owner

intends to obtain the required building permits and cooperate fully with the City's inspectors in regard to correcting this oversight.

Market value of structures in this complex

County records show that this apartment complex sold in October, 2022 for \$5,200,000. And the county records also show the market value of this complex to be the same. The county also shows that the value of the land to be \$1,147,502. Accordingly the value of the structures is \$4,052,498. Incidentally, the owners (buyers) had this business evaluated based upon fore casted performance and placed a present value of approximately \$8,000,000 on this project. For purposes of this permit application, the Cleveland County values are being used. The county records show that the total square footage of the six apartment building is 54,982 square feet, which equates to \$73.11 per square foot (4,052,498 / 54,982). This unit value is used to determine the value of Building #2 and Building #6, the two building being altered.

The area of Building #6 is 6,512 square feet, and the value at \$73.11 / square foot is \$480,000. (rounded). The area of Unit #127 in Building #6 is 425 square feet and the estimated value of making improvement to unit #127 is \$50. per square foot, being \$21,250.00. This value is 4.4 percent of the value of the overall structure (Building #6). This value is far below the 50% value that would trigger a "substantial improvement" and additional regulatory requirements.

Improvements in Building #2 are limited to the historic maintenance room, located upstairs and proposed to become a rental unit and modifications to the laundry room, located downstairs. Both are located at the south end of Building #2.

The area of the historic maintenance room, Unit #213 is 619 square feet. The estimated cost of proposed alterations to this unit is \$50. per square foot for a total cost of \$30,950. Proposed work will require removal of a partition wall, construction of additional partition walls, installing mechanical system, alterations to the electrical and plumbing systems, replacing flooring and miscellaneous work.

In the laundry unit, located in Building #2, the proposed work includes constructing a closet for two electric water heaters and the installation of two water heaters. The estimated cost of this work is \$7,000. Alterations will be required to plumbing and electrical systems.

The total cost of alterations to Building #2 is \$37,950. The total value of Building #2 is \$73.11 x 11,324 square feet, which equals \$827,896. The percent of improvement to the structure is \$37,950 / \$827,896, which equals 4.6 percent, which is less than the 50% value that triggers additional regulatory requirements.

Consequently, the proposed improvements will not be classified as a "substantial improvement".

Floodplain details

This property is located on the east bank of Merkle Creek, a few hundred feet south of West Main Street in Norman. The effective firm (FIRM Pane 40027C0280J) shows that this property is located in the 100-year floodplain but not in the floodway. This apartment complex consists of six residential apartment buildings. The floodplain impacts this property with the 100-year floodplain elevation (BFE) being approximately one foot higher than the elevation of the lowest floors of the apartment buildings.

A cross-section of the stream has been prepared and is attached as an exhibit. This cross-section is based on contours available on the city's GIS system. This exhibit also shows the BFE and lowest floor elevations of the two apartment building being impacted by the proposed work. All of the proposed alterations are located inside apartment buildings #2 and #6; therefore, there will be no impact on the floodplain or floodway.

Summary

The owner desires to make modifications to three units, located in two buildings. Since this property is located in the regulatory floodplain (but not in the floodway), a floodplain permit is required prior to issuance of a building permit. All of the proposed work is located inside existing buildings, with no outside work. Accordingly, this work will not impact the floodplain nor the floodway. The cost of the proposed work is only a small fraction of the market value of the structures being modified; therefore, this work will not be a "substantial improvement" as defined by FEMA. Accordingly, the City should approve this application. Several exhibits are being submitted for review as shown by the attached document title, List of Exhibits.

Engineer's Certification

I Earl (Gary) Keen, PE, a professional licensed as such in the State of Oklahoma, PE 11438, do certify that the work proposed in this floodplain permit will not result in any increase in the BFE, and this work will not have any impact and the floodplain or the floodway of Merkle Creek at any location in the community.

GARY

KEEN

Signed and Sealed on this 30 day of November, 2023

Earl (Gary) Keen, PE 11438 PO Box 891200 Oklahoma City, OK

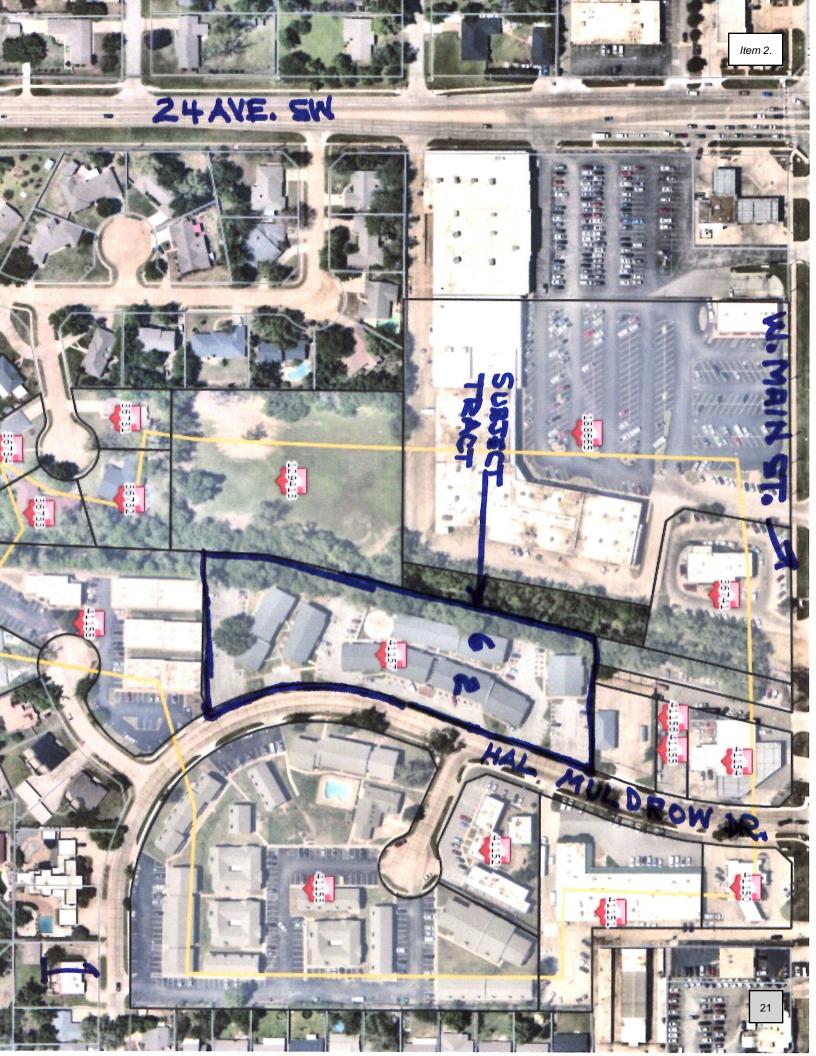
73189 Cell: (405) 823-

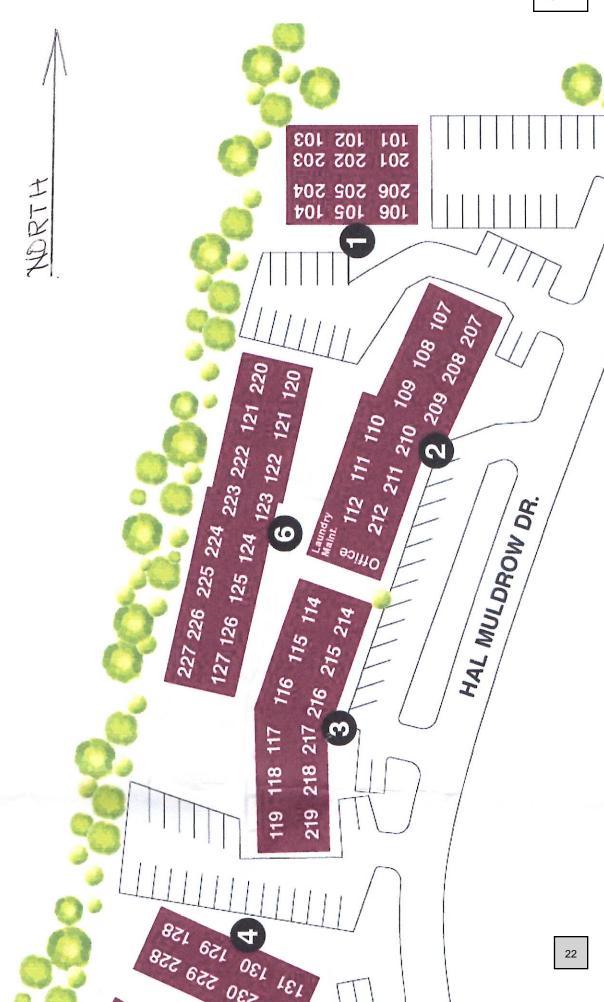
8240

Email: garykeen47@att.net

300 HAL MULDROW DRIVE FLOODPLAIN APPLICATION EXHIBIT LIST

EXHIBIT #	DESCRIPTION
1	LOCATION MAP
2	NORMAN CREEK COMPLEX LAYOUT
3	CLEVELAND COUNTY ASSESSOR PHOTO
4	DATA SHEET 1—CLEVELAND CO. ASSESSOR
5	DATA SHEET 2—CLEVELAND CO. ASSESSOR
6	DATA SHEET 3—CLEVELAND CO. ASSESSOR
7	FIRM PANEL (FIRMETTE)
8	PHOTO—MERKEL CK. UPSTREAM
9	PHOTO MERKEL CK. DOWNSTREAM
10	STREAM CROSS-SECTION—MERKEL CK.
11	STREAM CROSS-SECTIONLOCATION
12	STREAM PROFILE—FROM FIS
13	PROPOSED FLOOR PLAN—LAUNDRY ROOM—BLDG #2
14	PROPOSED FLOOR PLANNEW RESIDENTIAL UNITBLDG #2
15	PROPOSED FLOOR PLAN—NEW MAINTENANCE ROOMLDG #6
16	MAILING LIST
17	MAILING LIST MAP









Cleveland County Oklahoma Assessor's Office

Account #: 41157 / Parcel ID: NC29PEAR1 2 12001

300 HAL MULDROW DR

CURRENT PB HOLDINGS, LLC-1543 W WALTON-UND 54% 2155 W Belmont AVE, # 107 Chicago IL 60618-6471

Current Market Value \$5,200,000







KEY INFORMATION

Tax Year

2023

Land Size

2.36260

Class

Urban Commer

Section

36

Range

3W

Legal Description

PEARSON ESTATES 1 LOTS 12-15 BLK 2

Mailing Address

PB HOLDINGS, LLC-1543 W WALTON-UND 54%, 2155 W Belmont AVE, # 107, Chicago, 60618-6471, 60618-6471

ASSESSMENT DETAILS

Market Value

\$5,200,000

Taxable Value

\$5,200,000

Land Value

\$1,147,502

Gross Assessed

\$624,000

Value

Adjustments

\$0

Net Assessed Value \$624,000

View Taxes for R0041157

RESIDENTIAL



Item 2.

RESIDENTIAL BUILDING (1)

MLTI-RES Type

Quality **Average** Condition Average

Interior Drywall

Full Baths 0

Half Baths 0

Total Bathrooms 0.00

Bedrooms

Foundation **Concrete Slab**

Cooling Central H/A

RESIDENTIAL BUILDING (2)

Type **MLTI-RES**

Quality **Average**

Condition Average

Interior Drywall

Full Baths

Half Baths

Total Bathrooms

Bedrooms

Foundation Concrete Slab

Cooling

RESIDENTIAL BUILDING (3)

MLTI-RES Type

Quality **Average** Condition **Average**

Interior Drywall

Full Baths

Half Baths

Total Bathrooms

Bedrooms

Foundation **Concrete Slab**

Cooling Central H/A



RESIDENTIAL BUILDING (4)

Item 2.

Type

MLTI-RES

Quality

Average

Condition

Average

Interior

Drywall

Full Baths

*

Half Baths

-

Total Bathrooms

Bedrooms

Foundation

Concrete Slab

Cooling

Central H/A

RESIDENTIAL BUILDING (5)

Type

MLTI-RES

Quality

Average

Condition

Average Drywall

Interior

Full Baths
Half Baths

Name of the Association (Name of the Association)

Total Bathrooms

Bedrooms Foundation

Concrete Slab

Cooling

Central H/A

RESIDENTIAL BUILDING (6)

Type

MLTI-RES

Quality

Average

Condition

Average

Interior

Drywall

Full Baths

-

Half Baths

-

Total Bathrooms Bedrooms

_

Foundation

Concrete Slab

Cooling

Central H/A



National Flood Hazard Layer FIRMette



OTHER MAP PANELS Raceman Imagery Source: IISGS National Man 2023 OOD HAZARD MARKEET ED TOURS HINGENIANS 1:6,000 5-1146.6 FEE Norman Feet 19N R3W S25 JANNIA TOUSO FLOOL 4 1,500 1,000 1397/1661 T9N R3W S26 500 250 PUMPA

Legend

0.2% Annual Chance Flood Hazard, Areas depth less than one foot or with drainage of 1% annual chance flood with average areas of less than one square mile Zone Area of Undetermined Flood Hazard Zone Area with Flood Risk due to Levee Zene D SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT With BFE or Depth Zone AE, AO, AH, VE. AR Area with Reduced Flood Risk due to No screen Area of Minimal Flood Hazard Zone X Without Base Flood Elevation (BFE) Channel, Culvert, or Storm Sewer Future Conditions 1% Annual Chance Flood Hazard Zone GENERAL --- Channel, Culvert, or Storr STRUCTURES | 111111 Levee, Dike, or Floodwall Regulatory Floodway Levee. See Notes. Zo **Effective LOMRs** 1 SPECIAL FLOOD HAZARD AREAS OTHER AREAS OF FLOOD HAZARD OTHER AREAS

Cross Sections with 1% Annual Chance Base Flood Elevation Line (BFE) Coastal Transect Baseline No Digital Data Available Water Surface Elevation Digital Data Available Hydrographic Feature Jurisdiction Boundary Coastal Transect Profile Baseline Limit of Study 17.5

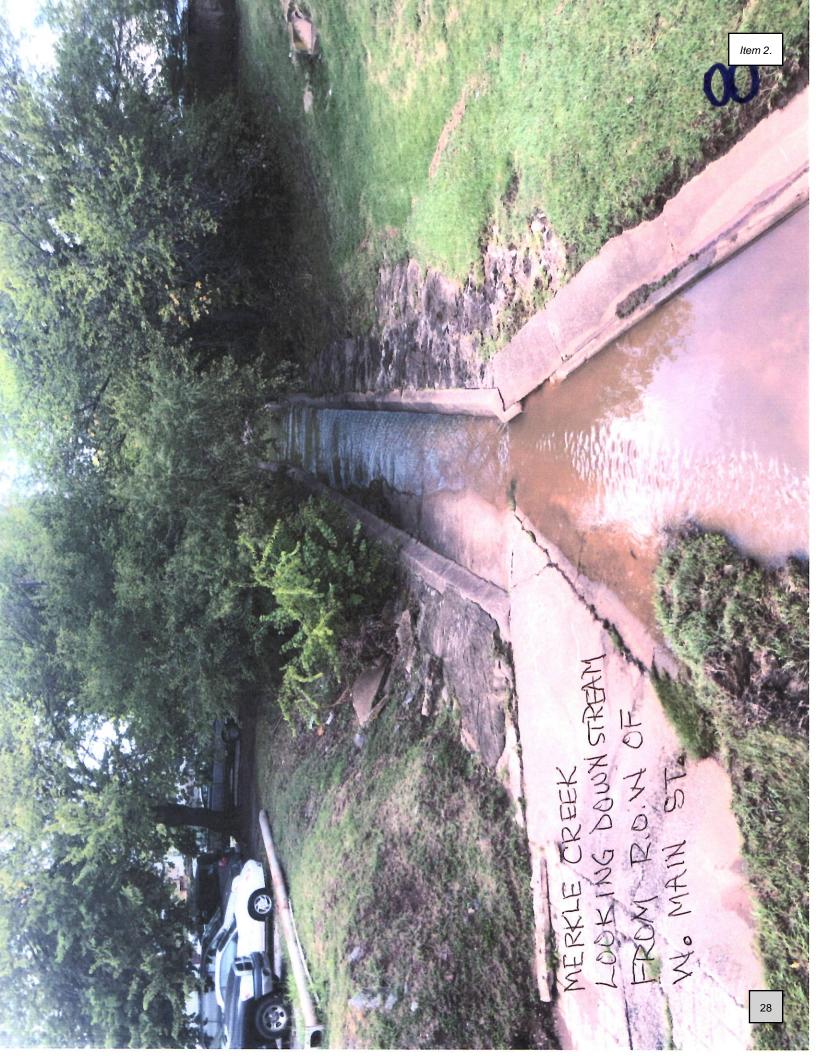
point selected by the user and does not represen The pin displayed on the map is an approximate an authoritative property location.

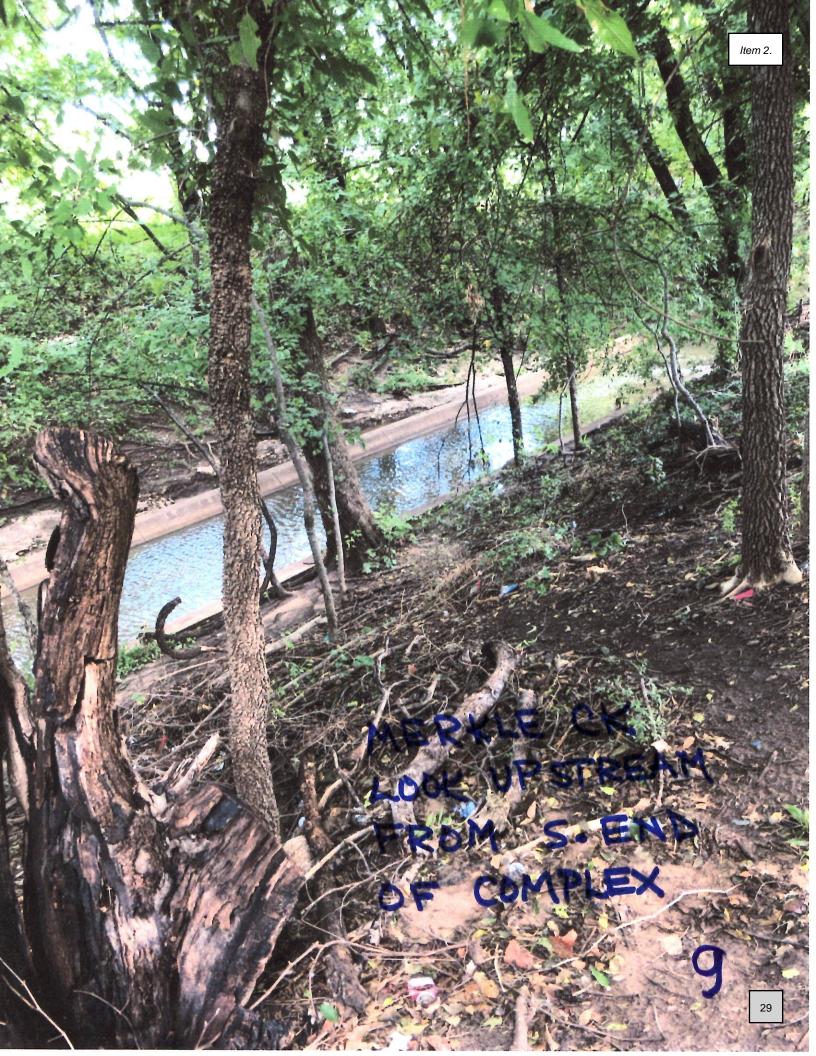
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap

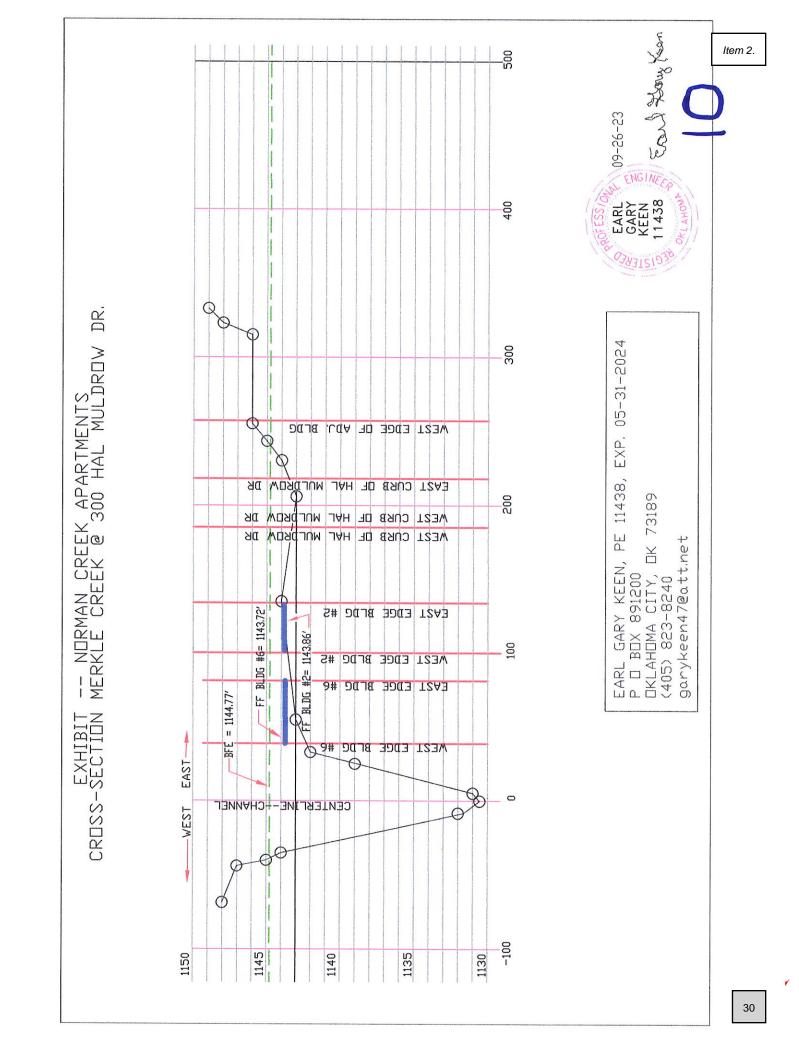
authoritative NFHL web services provided by FEMA. This map reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or The flood hazard information is derived directly from the become superseded by new data over time. was exported on 11/

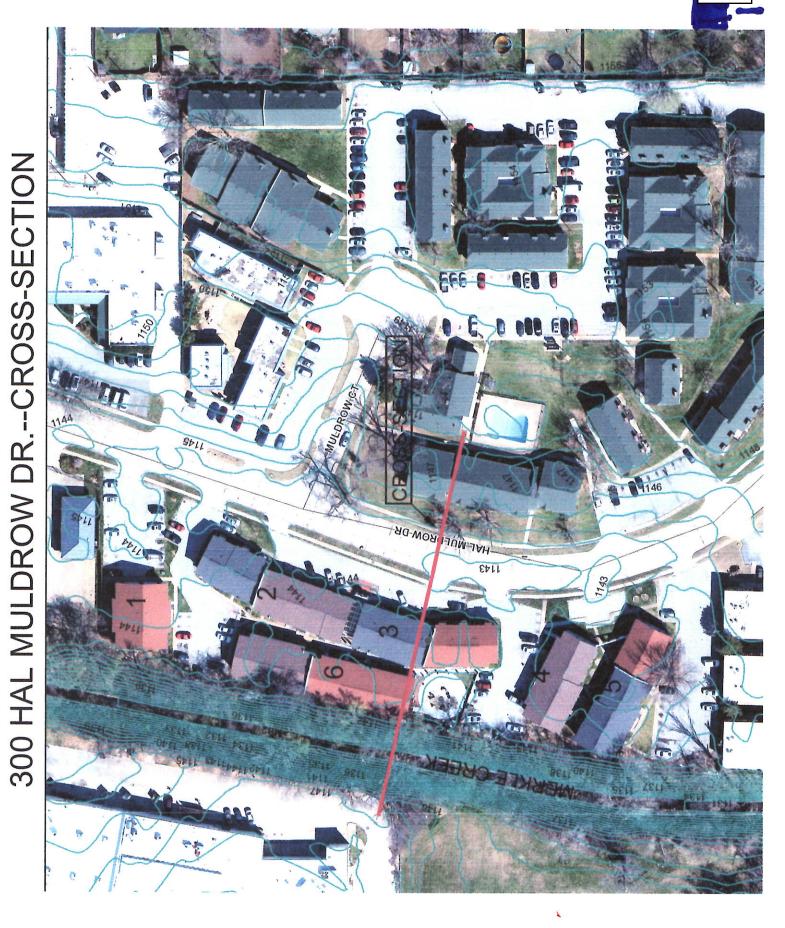
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone legend, scale bar, map creation date, community ident FIRM panel number, and FIRM effective date. Map ima unmapped and unmodernized areas cannot be used fo regulatory purposes.

Item 2.

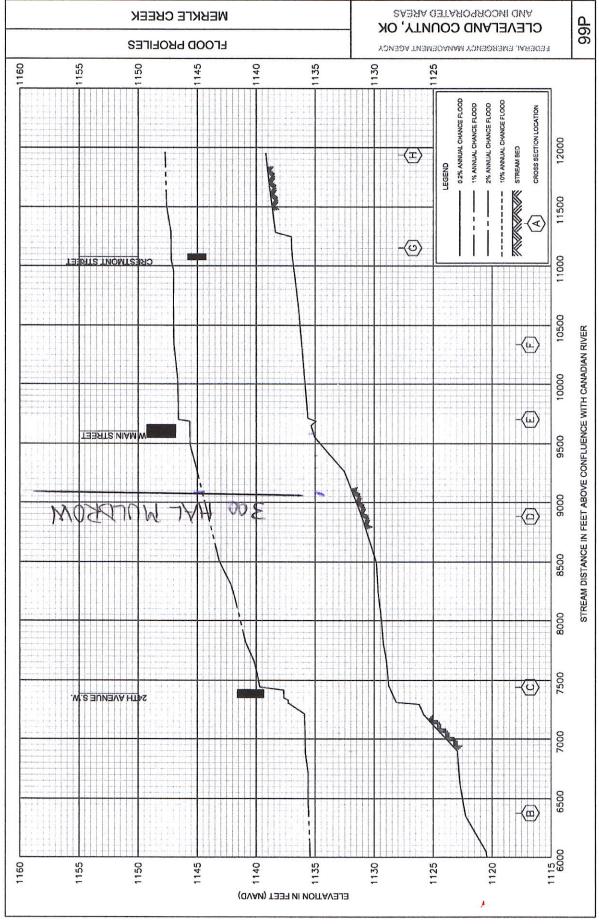




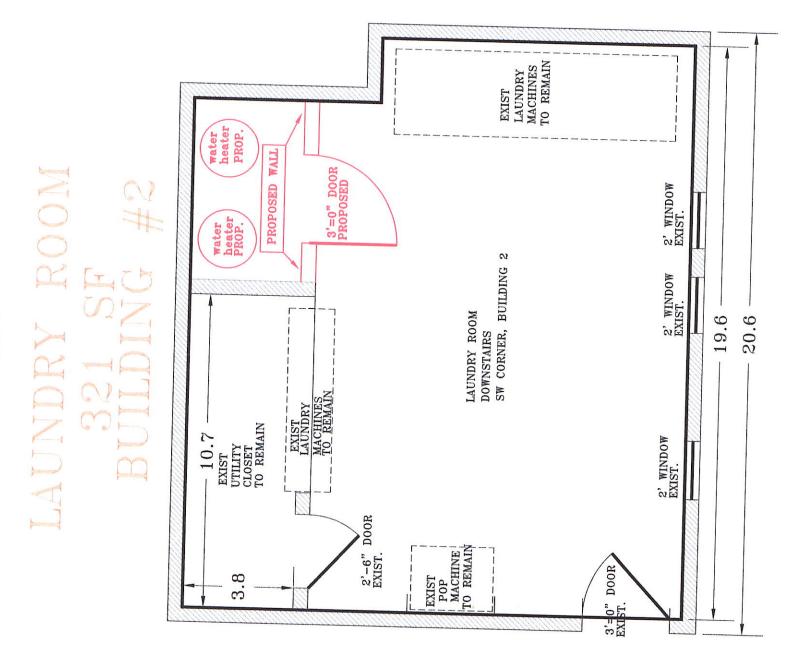




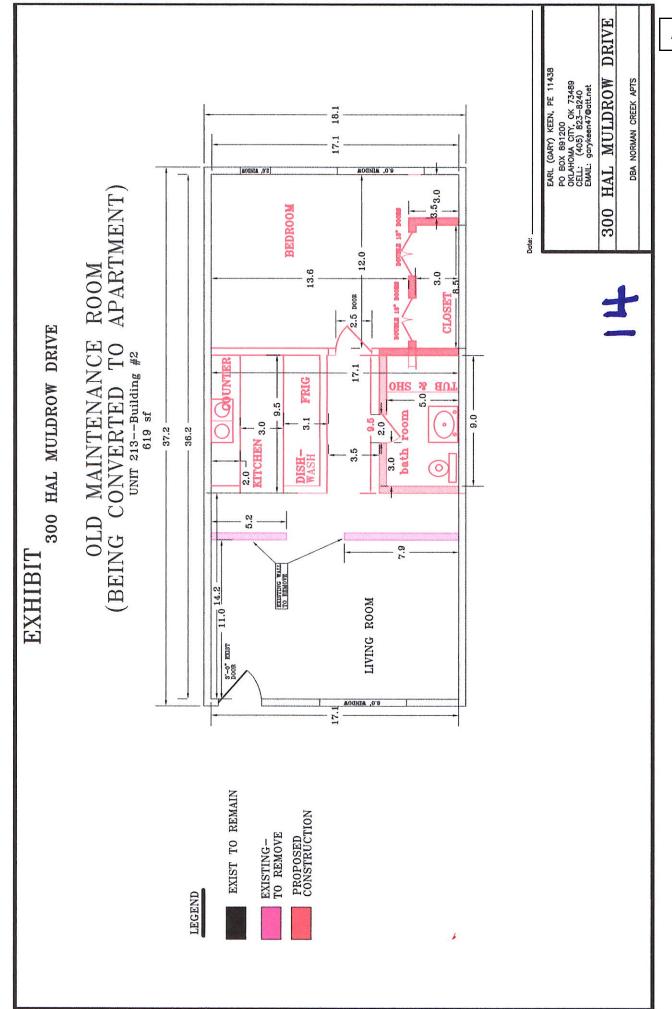


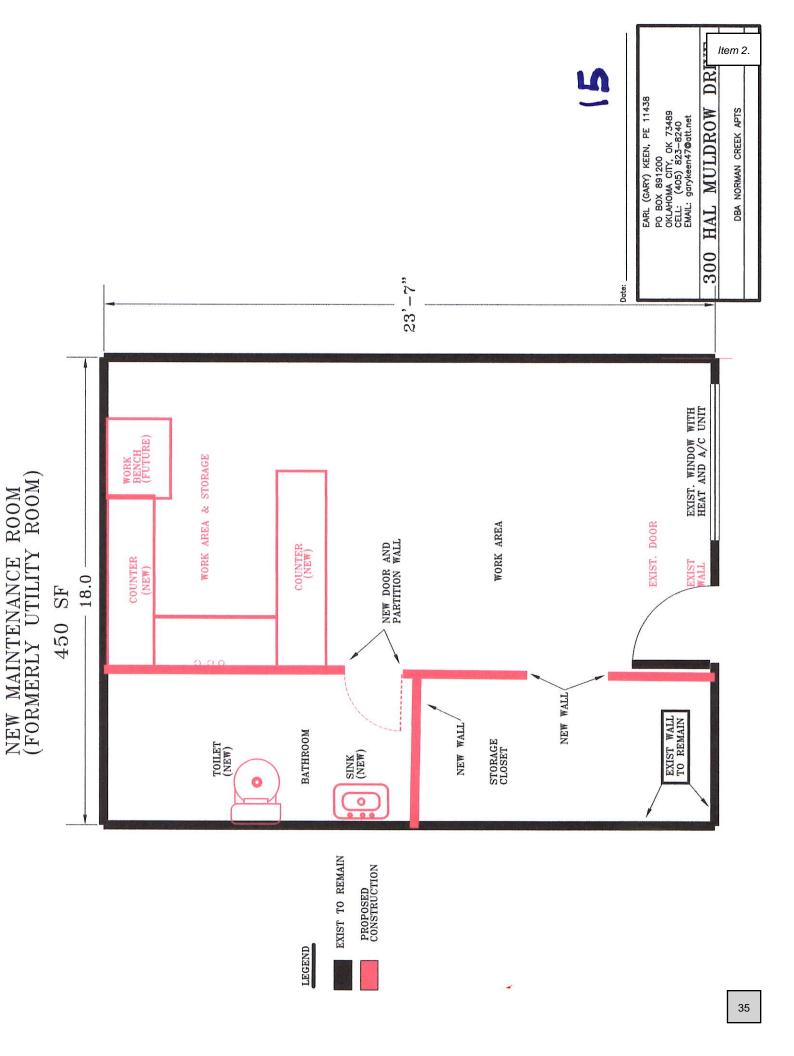


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Item 2.





JOHNCOX, DEANNA L & MICHAEL A 411 George L Cross CT Norman OK 73069-5121

BROWN, RICHARD P 415 George L Cross CT Norman OK 73069-5121

FLAVAN, MARGARET L PSC 704 BOX 2129 APO AP 96338-0022

GRAY, JACQUELINE S 423 GEORGE L CROSS CT NORMAN OK 73069

MILBURN PLAZA LLC 4007 Merrick RD Seaford NY 11783-2831

OKLAHOMA STATE BANK PO Box 720420 Norman OK 73070-4307

NOWELL PLAZA INC 5625 N Classen BLVD Oklahoma City OK 73118-4015

HOBBS INVESTMENTS, LLC 4805 Corbett DR Norman OK 73072-3709

RPIG NORMAN 1, LLC 2001 Ross AVE, Ste 1900 Dallas TX 75201-2997

J & J EXPRESS LUBE, INC PO Box JJ Norman OK 73070-7109 J & J EXPRESS LUBE, INC PO Box JJ Norman OK 73070-7109

MCHUGHES ENTERPRISES, INC 3501 S. SERVICE RD Moore OK 73160-2959

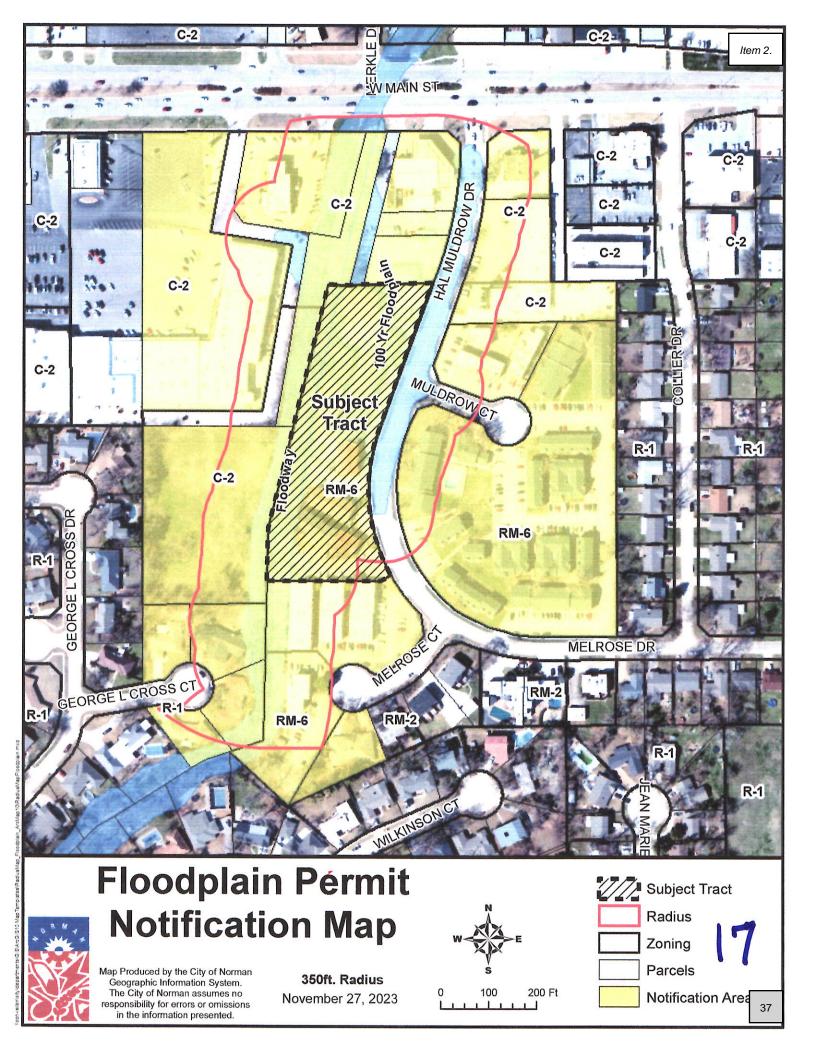
PB HOLDINGS, LLC-1543 W WALTON-UND 54% 2155 W Belmont AVE, # 107 Chicago IL 60618-6471

HOBBS INVESTMENTS, LLC 4805 CORBETT DR NORMAN OK 73072

TILLEY, THELMA FAY 2901 OAK TREE AVE, UNIT 502 NORMAN OK 73072

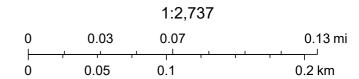
NORMANDY CREEK, LLC 14105 N Eastern AVE Edmond OK 73013-5865

WH NORMANDY CREEK, LP 6502 Slide RD, 200 Lubbock TX 79424-1311









City of Norman, GIS Services Division

300 Hal Muldrow Drive





City of Norman, GIS Services Division

0.06

1:1,368

0.11 km

0.06 mi