

Dear City of Norman Planning Commission,

Please vote, "no" to commercial rezoning along Hwy-9 (PD13-09 & PD13-10) for the reasons stated below.

- 1) Growth should, "promote a compact urban area by directing development into areas within...existing infrastructure areas" (2025 plan; p. 9). The proposed rezoning is outside of serviced areas.
- 2) Development should be restricted in aquifer recharge areas and flood plains to protect water quality (2025 plan; p. 9). This property drains directly into the Dave Blue creek, which feeds L. Thunderbird. The property is also over the rapid-recharge area for the Garber-Wellington aquifer<sup>1</sup>.
- 3) The city should "support infill development on properties that have been skipped over within the urban areas" (2025 plan; p. 9). As of 1 May 2013, there were 58 empty commercial spaces, 7 empty office spaces, 474.6 acres of undeveloped land [zoned as commercial, office/med, industrial, PUD, and agricultural (i.e. vacant)]<sup>2</sup> in SE Norman<sup>3</sup> that are already serviced with utilities. Much of this acreage (about 60%) is currently for sale.
- 4) Greenways and open spaces should be adjacent to highways to provide buffer zones (2025 plan; p. 12). Highway 9 is a designated greenbelt (Greenway Master Plan; p. 5). The proposed rezoning (along with the 2 ac already zoned commercial on the NE corner of Hwy9/36thSE) would be the largest commercial tract in all of SE Norman<sup>4</sup>. Additionally, this tract of land is visible from over a mile away in either direction, making commercial development at this site even more at odds with the intent for this highway to remain a scenic corridor.
- 5) Flooding regularly occurs where the Dave Blue creek passes under 36thSE, 48thSE, and 60thSE (Storm Water Master Plan; p. 5-4). The additional runoff from 14 acres of impervious surfaces will undoubtedly tax the creek even more. The 2005 estimate on bridge rebuilding at 48thSE is \$1.8 mil (Storm Water Master Plan; p. 6-1).
- 6) There are limited lines of sight (< ¼ mile in one or the other direction) at the proposed entrances to the commercial property leading to an increased potential for traffic accidents on what is one of the most dangerous/deadly roads in Oklahoma<sup>5</sup>.
- 7) Noise projections for the widening of Hwy 9 indicate 17 residences will be subject to unacceptably high noise (Environmental Impact Statement, ODOT; p. 4). Most of these houses are within 1 mi of the potential commercial zoning. The increased noise from delivery vehicles, trash pick-ups, and extra traffic would worsen the problem and force the state to take more stringent and expensive noise reduction actions (such as concrete walls, tree lines, etc).
- 8) Rezoning to commercial will cost Oklahoma and city of Norman taxpayers unnecessarily. The property owners have not sold property rights to the state for the widening of Hwy 9. Commercial properties are valued at 3-4 times more than their residential counterparts<sup>6</sup>. (The \$307,900 price reduction touted by the developers for the 2-ac lot on the NW corner of Hwy9/36thSE on 19 Apr 2013 is the same amount by which they increased the lot price on 1 Apr 2013<sup>7</sup>.)
- 9) Development should be prohibited on unopened section line roads (2025 plan; p. 9). 36thSE is unopened to the north of Hwy 9. Also, this property is not clustered around the intersection of Hwy 9/36thSE, but spread over ½ mile along the face of the highway, so it does not strictly meet the applicant's claim that it is at the intersection of a major arterial and section line road. Moreover, the primary entrance to the property is not at a section line road, but midway between section line roads.
- 10) Commercialism, when adjacent to residential areas, contributes to decreased neighborhood stability via higher violent crime rates<sup>8</sup> and homeowner turnover. Consideration of sales records in Norman shows that homes that are adjacent to commercial districts suffer from higher homeowner turnover and lower resale prices than homes elsewhere in the same additions. However, consideration of neighborhoods adjacent to Highway 9 show no statistical difference in turnover rates or resale prices for those houses that are next to the highway v. those that are not<sup>9</sup>. Please recall that ward 5 has only 2 police officers in regular patrol.
- 11) The applicants state this rezoning would extend already existing commercialism at Hwy 9 & 24thSE. They also note, "existing commercial developments to the south." There are no commercial developments south of the proposed site and the only commercialism at 24<sup>th</sup> is the

Sinclair station and Crosslands. Moreover, zoning classes to the immediate west, south, and east of the proposed rezoning are agricultural. Making the proposed site commercial is highly incompatible with surrounding land uses (i.e. spot zoning)<sup>10</sup>.

- 12) The applicants state there are “no adverse effects” on surrounding properties. However, at the predevelopment meeting, area residents voiced a number of adverse effects (such as litter, safety of neighborhood children, noise, increased crime, etc) and asked the developers to modify their plans accordingly. They refused all such requests, telling homeowners, “that’s just city livin’ ” in response to some concerns. Other problems (such as runoff, traffic control, increased police presence, etc), they said would have to be addressed by the city (at a cost to Norman taxpayers).
- 13) The applicants state the rezoning would provide “convenience of commercial businesses for the residents.” However, by their admission, this convenience already exists. On their website advertising Summit Valley, the developers state, “...shopping, and services are just minutes away” that it’s an ideal location for “homeowners who want it all.”<sup>12</sup>

In short, we are at a loss to figure out whom this rezoning benefits outside of the developers. It is inconsistent with the 2025 Plan, it is inconsistent with recommendations in the Storm Water Master Plan, it is inconsistent with the Greenways Master Plan, it contributes to a growing problem of commercial blight in SE Norman, it will adversely affect water quality in L. Thunderbird and the Garber-Wellington aquifer, it comes at a high cost to Oklahoma and Norman taxpayers, it is unclear how this will impact the widening of Hwy 9, it is in opposition to area residents’ wishes, and, according to the developer’s own advertising, is unnecessary. Please vote “no” to commercial rezoning along Hwy 9!

Thank you for your consideration in this matter.

Kevin Smith and Heather Reeves  
3555 SH9E  
Norman, OK 73071



<sup>1</sup> According to USGS maps.

<sup>2</sup> Acreage for this and all other claims is from Cleveland County Assessor.

<sup>3</sup> SE Norman is defined as areas within Norman city limits that are on or east of Jenkins and on or south of Alameda.

<sup>4</sup> The next largest existing commercial tract is 10.8 acres (the Dollar-tree strip mall and associated satellite stores/restaurants on the SW corner of Alameda and 12<sup>th</sup>SE).

<sup>5</sup> According to the Oklahoma Department of Transportation. Highway 9 is sometimes referred to as “death row” by locals.

<sup>6</sup> Price estimates are based on the current asking price for the 2-acre commercial lot on the NE corner of Hwy 9/36<sup>th</sup>SE and current asking prices for undeveloped lots in Summit Valley.

<sup>7</sup> Proof of the price fluctuations is available at [www.stop-rezoning.info](http://www.stop-rezoning.info)

<sup>8</sup> A 2009 FBI study demonstrates that violent crime rates increase significantly for residences close to commercial properties. Rates are even higher for low-density or unstable (i.e. high resident turnover) neighborhoods.

<sup>9</sup> These neighborhoods are adjacent to Hwy 9 where daily traffic counts are about 27,000. The traffic counts near the proposed rezoning site are about 17,000. Traffic counts are from ODOT. Sales statistics are from the Cleveland County Assessor.

<sup>10</sup> The 2025 plan states that mixed-use development should occur in existing urban service areas and be compatible with surroundings (p. 9)

<sup>11</sup> [http://www.doncies.com/newhomes/community\\_profile.asp?cid=4](http://www.doncies.com/newhomes/community_profile.asp?cid=4)

2701 Shoreline Drive  
Norman, Oklahoma 73026

June 3, 2013

Dear Planning Commission,

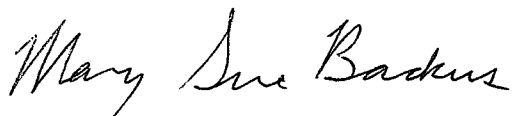
I am writing to urge you to reject the request to rezone the northeast corner of 36<sup>th</sup> Avenue S.E. and State Highway 9 from R-1 to C-1. The request contravenes nearly all the goals of the 2025 master plan and places the economic interests of a single developer over the carefully considered long-term land use preferences of the citizens of Norman.

I am a homeowner in the Wellington Lake addition, which is only a short distance from the proposed zoning deviation. Although our neighborhood does not lie within the mandatory notice area of 350 feet, we nevertheless would be negatively impacted by a strip of commercial development very close to the entrance to our addition. I strongly dispute the application claim that the commercial development would result in "no adverse effects" on surrounding properties. I consider the additional traffic, trash, lighting, run-off and an unsightly "retail strip mall" in the middle of a designated greenbelt (Highway 9) all significant adverse effects.


The application also claims that deviating from the 2025 Plan will provide the "convenience of commercial businesses" for nearby residents. I can assure you that I have no interest in such convenience. It is insulting to be told that a commercial development that I strongly oppose is for my own benefit.

Norman's 2025 land use master plan "represents the values of the Norman citizenry." I urge the Planning Committee to honor those values and deny this request to deviate from them.

Sincerely,



Mary Sue Backus  
msbackus@ou.edu

FILED IN THE OFFICE  
OF THE CITY CLERK  
ON 6-4-13 

out


To whom it may concern,

I am writing today in an effort to stop the rezoning of Summit Valley. Why in the world does Norman need 12 acres of commercial property on Hwy 9? Are there not enough VACANT properties in the area already? 12<sup>th</sup> Ave. S.E. @ Lindsey, Classen Blvd. @ Hwy 9. What about the HUGE development @ 24<sup>th</sup> N.W. @ Robinson? What about "NORMAN 2025"? Urban sprawl? The hypocrisy of even considering this development is unbelievable. I believe you would throw all common sense and ethics out the window because the name on the application is Don Cies Realty. It's apparent money talks in the City of Norman and the common taxpayer doesn't have much say, other than one vote. What a shame. I hope you don't rezone this 12 acres. I can't think of one good reason to spread business out like this.

Michael N. Cloyes

3405 Valley Hollow

Norman, Ok. 73071

  
6/6/13

FILED IN THE OFFICE  
OF THE CITY CLERK  
ON 6-10-13

out

OFFICE OF  
MAYOR  
JUL 08 2013

City of Norman, City Clerk  
PO Box 370  
Norman, OK 73070

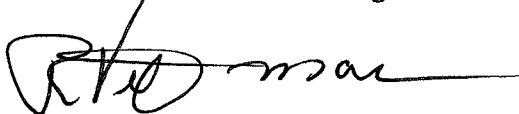
Dear Sir or Madam,

I'm writing to you to respectfully urge you to decline the request to rezone 12 acres of land to commercial along highway 9. I live in an adjacent neighborhood and I don't welcome this.

We are all concerned about the negative side effects of this zoning, should it be passed. It would draw people into our neighborhoods that don't live there. So many crimes, such as burglaries and child predation are crimes of opportunity. Putting commercial properties out where there is very little police presence puts our neighborhood at an increased threat for these types of crimes. Many of us chose to move out here to avoid busy crowded roads, but this commercialism will act to increase traffic through our neighborhoods and along the highway. Lastly, we really appreciate the natural beauty of the highway - it's a major reason we chose to live in this location. Almost all the way from I-35 to Lake Thunderbird is preserved as a greenway. Putting commercial zoning at this point along the highway would be at odds with the rest of the highway, especially considering that this area is so rural and surrounded by agricultural zonings.

This commercialism is also bad for the city at large. It would draw retail dollars away from the city core, cause the city more money for road maintenance as commercial activities are a lot harder on pavement, and it's a threat to the water quality in Lake Thunderbird as the property slopes toward a creek that drains into the lake. Please vote NO to this rezoning.

Signature:



7/6/2013

Name:

Richard Vidmar

Address:

4301 FOX CROFT RD

NORMAN, OK 73026

FILED IN THE OFFICE  
OF THE CITY CLERK  
ON 7-8-13

Norman Planning Commission  
(Menzies)  
City Of Norman  
PO BOX 370  
201-A West Gray  
Norman, OK  
73070

(James & Jeannette *Menzies*)  
2720 Long Lake Place  
Norman, OK  
73026

Date: 06/29/13

We are writing in reference, to the notification of the planning commission hearing, of the Summit Valley rezoning. This being along Highway 9 between 36th - 48th SE. If this rezoning is allowed, it would set a precedence for any future attempts of commercial development. We live in the Wellington Lake division, which is situated in countryside and envelopes the area in question. New businesses in this area will not only cause increased noise, light pollution, accidents and also increase criminal activity. With reference to accidents, have you done a traffic volume study and how the rezoning will impact this already congested area. In particular during rush hour as the turnings in this area are dangerous as it is. This area of Norman consists mainly of countryside and should remain as such. We must categorically state, that we are totally against the Summit Valley rezoning.

Yours Sincerely

James & Jeannette Menzies

Cell: 405-996-8271  
Email: jeannette\_menzies@yahoo.co.uk

CC: Tammy Howard Cleveland County Clerk

FILED IN THE OFFICE  
OF THE CITY CLERK  
ON July 2, 2013  
(*dm*)

OF 100  
JUN 10 2013


To whom it may concern,

I am writing today in an effort to stop the rezoning of Summit Valley. Why in the world does Norman need 12 acres of commercial property on Hwy 9? Are there not enough VACANT properties in the area already? 12<sup>th</sup> Ave. S.E. @ Lindsey, Classen Blvd. @ Hwy 9. What about the HUGE development @ 24<sup>th</sup> N.W. @ Robinson? What about "NORMAN 2025"? Urban sprawl? The hypocrisy of even considering this development is unbelievable. I believe you would throw all common sense and ethics out the window because the name on the application is Don Cies Realty. It's apparent money talks in the City of Norman and the common taxpayer doesn't have much say, other than one vote. What a shame. I hope you don't rezone this 12 acres. I can't think of one good reason to spread business out like this.

Michael N. Cloyes

3405 Valley Hollow

Norman, Ok. 73071

  
6/6/13

Robert Robinson  
3225 Valley Brook  
Norman, OK 73071

OFFICE OF  
MAYOR  
JUN 24 2013 JUN 24 2013

Office of the Mayor  
201 West Gray St.  
Norman, OK 73069

This letter is to request that the City of Norman's Planning Commission deny the rezoning application of MSDC Properties (Don Cies Realty). MSDC Properties is requesting that twelve acres at the northwest corner of Highway 9 and SE 36<sup>th</sup> St. be rezoned from R-1 to C-1. It is my belief that this rezoning is unneeded, ill conceived and an attempt to compensate the developer for sluggish residential sales in the area.

The application states the rezoning will provide "convenience of commercial business for the residents of the subdivision". Rather than a convenience I believe the inherent increase in traffic, light pollution, noise pollution and litter that come with commercial development would be a nuisance to the residents of the subdivision. There is already adequate commercial development similar to that proposed at the intersection of Highway 9 and SE 24<sup>th</sup> St. and at Highway 9 and U.S. 77 (SE12th).

This sort of rezoning/commercial development is a major contributor to urban sprawl which the City of Norman should avoid if at all possible. It is my understanding that the City's Norman 2025 Plan speaks to development that keeps the central part of the city vital and avoids the sprawl that has damaged so many other cities.

I am requesting that you deny the application for rezoning as requested by MSDC Properties (Don Cies Realty). Please consider the quality of life that the residents of the neighborhood desire over the profit of the business requesting the rezoning.

Respectfully,



Rob Robinson

FILED IN THE OFFICE  
OF THE CITY CLERK  
ON 6-24-13

out



4005 24<sup>th</sup> Ave SE  
Apartment #2  
Norman, OK 73071

OFFICE OF  
MAYOR  
JUN 11 2013 JUN 11 2013

July 7, 2013

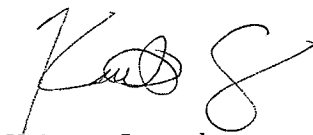
Office of the Mayor  
201 West Gray St.  
Norman, OK 73069

To Whom It May Concern:

I have been notified that an attempt is being made to rezone 12 acres of land along Highway 9 between 36<sup>th</sup> Ave SE and 48<sup>th</sup> Ave SE. I am troubled by this news for several reasons. Firstly, this attempt to commercially-zone this property seems wasteful. I currently live at The Links apartment complex in southeast Norman, and on my 3-mile drive to work, I pass at least 6 vacant storefronts/commercial lots. These vacancies are not far from the proposed rezoning, and, to be honest, I am not sure why exactly there is a need for more commercial properties in an area where businesses are so clearly having financial difficulties. Secondly, I see no need for commercial development along Highway 9, which is mostly surrounded by wooded areas. The drive along Highway 9 is relatively picturesque; commercial development would only serve to disrupt the scenery along the highway. Lastly, I feel that one of the greatest advantages to living in southeast Norman is its separation from the "urban" feel of the center of Norman, north Norman, etc. Adding commercial property to a relatively rural area will only upset the people that currently live there, myself included. I hope that my concern is listened to and is respected. Please consider my opinion, as well as the opinions of others, in the decision-making process.

I appreciate your understanding in this matter and I hope that something can be resolved in the near future.

Sincerely,



Kristen Cassady

FILED IN THE OFFICE  
OF THE CITY CLERK  
ON 6-11-13

out