

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

NOVEMBER 10, 2016

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 10th day of November, 2016. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Sandy Bahan
Roberta Pailes
Chris Lewis
Andy Sherrer
Lark Zink
Dave Boeck
Tom Knotts

MEMBERS ABSENT

Erin Williford
Neil Robinson

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Janay Greenlee, Planner II
Roné Tromble, Recording Secretary
Larry Knapp, GIS Analyst II
Leah Messner, Asst. City Attorney
David Riesland, Traffic Engineer
Drew Norlin, Asst. Development Coordinator
Ken Danner, Subdivision Development
Manager
Terry Floyd, Development Coordinator

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Item No. 5, being:

O-1617-12 – GRETCHEN NICHOLSON REQUESTS SPECIAL USE FOR A PROFESSIONAL OFFICE FOR PROPERTY LOCATED AT 411 N. PETERS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Aerial Photo
4. Google Earth Photo
5. Pre-Development Summary

PRESENTATION BY STAFF:

1. Janay Greenlee reviewed the staff report, a copy of which is filed with the minutes. There is a protest of 3.1% within the notification area, and one protest from outside the notification area.

PRESENTATION BY THE APPLICANT:

1. Gretchen Nicholson, the applicant – I have been in practice in Norman, Oklahoma for 22 years. I am a Normanite; I actually grew up here. My maiden name is Runkel; you may have known some of my family that lives here. Raised my children here. I have, for a long period of time, wanted to own my own office. I've been renting for 22 years. I've looked off and on for different places to office, but I've always had a special place in my heart to want to be in a little house. Norman has a lot of nice little neighborhoods, but most of them are R-1. I do family law, which is a very tender area; for a lot of people it's a really horrible time in their lives, and being able to have a house that they can come to that feels less formal and less intrusive than an actual office building I have always thought would be a really nice touch as a family law attorney. This little house came available and it's really pretty perfect. It has two bedrooms which are about equal size. It has a nice living room and a nice dining room, which I can use as a conference area and to have my legal assistant. I don't need to actually do anything to the house, which made it even more perfect, and the fact that it's a couple of blocks north of the Courthouse couldn't have made it even better suited. I am going to have to do some work to the outside. It has quite a bit of rotted wood that needs to be replaced and it needs to be painted. There are some cracks and things that need to be redone. I've already started landscaping. I've had a sprinkler system put in – my husband does sprinklers, so he put a sprinkler system in for me. But it's a very cute home and I actually think that it will look better when I'm done with it. There is virtually no grass in the yard, and I do intend to landscape it.

I've read the protest letters and I was at the first meeting, and I think that something that the people that are protesting have not taken into consideration is that, as an office, I'm a much lower impact than a rental property would be, because there are only two of us in the office every day. I do have an attorney that splits her time between Chickasha and my office, but she's primarily in Chickasha, so she comes sometimes not at all, and sometimes. And I do only see one client at a time, and I try not to stack them on top of each other because I just can't keep track of things and I like to have lots of time with one person, and so there would be one client in the office at a time. I do plan, personally, to park off-site. I park not in front my office now and that's just my personal preference to keep off-site, so I do plan on having my own car off-site and possibly my legal assistant's as well. There is on-street parking one house away from this house, directly to the south of us. There's also a large parking lot that, thus far, I haven't been able to figure out who owns it and how I go about finding spaces in it, but I've driven by it multiple times – it's almost always empty, so I'm hoping that maybe I can find out who owns it and maybe rent a couple of spaces from them, just because I like the look of being off-site and not having our cars parked out in front of the house. So that's kind of my own preference on that one.

I do not plan on having signage. I don't advertise. I am strictly a referral attorney, so I don't need walk-in business. I don't need someone to drive by and see a big sign out front. I'm

going to just simply have a very small placard by the front door that has my name on it so people know they're at the right house, and that's it.

You can have a renter in a home that has a barking dog or loud parties or a car on blocks in the driveway or all of those types of things which I think are much more impactful on a neighborhood than an office which is going to be quiet on the weekends and quiet in the evenings and quiet in the mornings when you're at home with your families. So I think that people would be very surprised and probably will never even know that we're there.

There is a hair salon across the street and, I believe, two doors down. So I would certainly not be the first building in the neighborhood to become a business. There's an empty lot to the north of me is a large rental structure. There's a single family house and then they built a two-story rental structure, which is quite large, right there. And then there's an alley to the north of us. So there's not actually anyone that will be looking at the office, if that makes sense, as far as the neighborhood goes.

The house is quite small. It's actually larger than what I have now, but it's quite small, so it was a little hard for me to get pictures. But this is taken from the kitchen looking in. This will be the reception area. You come in the front door and my legal assistant will be sitting there. The area that you really can't see there would just have a conference table for if I needed to spread out books or whatever. This is one of the bedrooms that would be an office. This is the other view. That's the dining room; that's where the conference table would be. That's into the kitchen and that's irrelevant pretty well.

So that's what I would like to do. I don't know if you have any questions.

AUDIENCE PARTICIPATION:

1. John Hughes, 602 N. Jones – I'm against the proposal for a special use, because it seems like a small step to grant special use at a house, but the thing is our neighborhood has already lost a lot of houses for various other reasons. Van's Pig Stand had a couple of houses torn down for their parking lot and for their drive-through. Tarahumara took down a couple of houses over at their part of the neighborhood for the same reason. And now the new library – they've just torn down I think it was four houses that are over there in that area. It just seems like when anybody wants to change our neighborhood, they simply get it. We're just simply losing our neighborhood little by little.

I have to just kind of mention that the idea that to have commercial would be better than having a renter – I just have to completely disagree. I'm not sure -- I was a realtor for over 10 years and most people don't realize in every neighborhood in Norman there is actually a large percentage of renters and most of them you don't know who they are, because not all renters are so bad. To say renter equals bad – I'm just against that. And to say commercial is better than renter, does that mean we're just going to deport all our renters and make them all commercial? And that's my point. I mean, that may sound like I'm making it much bigger than it is. It's just that basically we kind of want families, and I think the other people in the neighborhood don't really make the distinction of whether they're renters or not. We wouldn't mind if a family lived there. There's already barking dogs. There's already kids at the skate park. You know what I mean. It's a diversified neighborhood. I just don't really – like I said, it's only one little step, but there's already been a lot of little steps and if we keep on there's going to be more little steps and there won't be a neighborhood. I'm sorry to sound dramatic, but that's just how I feel. Thank you.

2. Lavina McKinzey, 213 E. Acres – I've lived here since the 70's. We've worked really hard to do a historical restoration of that property and spent a lot of time and money on it. We've also worked hard in the neighborhood as organization and we've fought these other things, like when the hospital took two square blocks out of our neighborhood for parking lots. It's our hope, and the hope of a lot of other people in this neighborhood, that it become R-1 again instead of R-3. I don't understand how it got to be zoned R-3. There's a section of our neighborhood that is R-2. I think it probably happened during the housing shortages. I know the house that I live in used to be a duplex and since I've owned it, it's no longer a duplex. I have no objection to this

young woman; she's a very nice person. But I would rather have a family living in a house. A family living in a house is different from residential character. We'd rather have residents and we'd rather have our core neighborhood preserved. It's a historical part of Norman. Thank you.

3. Ellen Frank, 211 E. Daws – I live around the corner from this property. I don't object to the plan to make it a professional office. I have one concern about it, and that's the parking to be sure that we don't have – we could possibly have five cars there. That would be my concern about this particular situation. But I do want to know and be sure that, if this should – does this set a precedent for saying other people who come and ask for a home to be turned into a professional building – does that mean that you wouldn't say no because it would discriminate against someone because you've already set the precedent for it? That's a question I have. Now, I don't know if you want to finish with my questions and then answer that, or answer that now.

Mr. Sherrer – I don't know that there's – precedent is an interesting word to use. I think that each of these would be looked at on an individual basis is how I would probably best answer that.

Ms. Frank – Okay. And you wouldn't call it discriminatory, necessarily, just because you've granted this one.

Mr. Sherrer – Well, we would just look at each of them, again, individually on whatever the merits of that particular.

Ms. Frank – Okay. And then what if Ms. Nicholson sells this property, what happens then?

Ms. Connors – The special use permit does not automatically transfer to the new owner. The new owner would have to request that transfer through the Planning Department and pay a fee and they would have to agree to whatever conditions were on the original special use permit, or come back through and ask for any. So it's not an automatic transfer of the use.

Ms. Frank – Okay. So what would be the parameters of this property that would apply to somebody else who wanted to purchase it?

Ms. Connors – That's up to the Commission as they move through this discussion process. But if it was not used as an office, it would revert to the R-3 zoning – the underlying zoning, whatever that was.

Ms. Frank – Okay. And so that would be binding upon the Commission.

Ms. Connors – Well, the City Council will be the final decision makers. This is a recommending body to City Council.

Ms. Frank – Okay. So I need to ask the same question when the City Council has the second reading of this?

Mr. Sherrer – You may certainly ask that question at that time.

Ms. Frank – But that would be the only way to ensure that these questions would – the Council has the final say on how to interpret these questions?

Mr. Sherrer – The Council would interpret the questions that you're asking independent of the Planning Commission and then would make whatever decision they felt like was appropriate at that time.

Ms. Frank – Yeah, but you do have the ability to recommend. They have the final say. So I need to attend the second reading in order to ask these questions.

Mr. Sherrer – Certainly, if you would like to, you may.

Ms. Frank – Well, otherwise – I mean, I'm all for mixed use and protecting our core – I am for the way it looks visually. I'm also for it remaining family, but I don't think this will prevent that from happening if we're careful and don't – you know, at some point, we might have to say, if everybody comes in and asks every block for a professional designation, but otherwise I think that I would like to see the core – and we're kind of out of some of the core area parameters, and I would like to see us at least downzone to the R-2, but I think this would be very good mixed use kind of a situation. So I won't – except as I said, I hope that Ms. Nicholson will follow through on the parking. That would be my only concern.

4. Brenda Kimmel, 309 E. Daws – Ms. Nicholson has previously mentioned that, if she did not get the special use, she would rent this property out. I, personally, would rather see it remain as a rent house. It is in the Silk Stocking Neighborhood. It is an established neighborhood. A while back, the City Council set a boundary line along Tonhawa and Porter street to keep the businesses and the residential boundary – keep the residential area versus the commercial and business area. So I would like for this to remain a residence. Thank you.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Pailes – This seems very benign. Of course, the issues are that the historic neighborhoods have a lot of people wishing to alter them and the only protection is zoning. And if the zoning is fragile, they basically have no protection. The sentence there about – in our agenda – professional offices are located interspersed in residential neighborhoods because these types of businesses are low impact. There should be an addition there – professional offices are located interspersed in older historic neighborhoods, not in new residential areas because, of course, their zoning is more restrictive. The question of precedence is not a legal precedence exactly, but it does become a wedge issue. If somebody wants to put up a ten-story apartment building nearby, they can say, well, the neighborhood has changed. Look, there's rentals and, see, there's offices. And so it's no longer inappropriate to put up large multi-family buildings or businesses, because the neighborhood has changed. So it's not really a precedence exactly, but it certainly is a wedge issue. We hear those words, oh, the neighborhood has changed, very often, any time a change is being asked for. And, no, it doesn't – it seems relatively benign, but I'd be inclined to vote against just because the neighborhoods have so little protection and the protection they do have is to not grant a special use.

2. Mr. Sherrer – I have one. I just want a clarification. Is this – and it was mentioned – the Porter Street corridor, I know, was a study that a lot of time and intense work was done on that. Is this particular property inside of the Porter Street Corridor or is it outside?

3. Ms. Connors – This property is outside the Porter Corridor Plan boundary.

Chris Lewis moved to recommend approval of Ordinance No. O-1617-12 to the City Council. Sandy Bahan seconded the motion.

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

YEAS	Sandy Bahan, Chris Lewis, Andy Sherrer, Lark Zink, Tom Knotts
NAYES	Roberta Pailes, Dave Boeck
MEMBERS ABSENT	Erin Williford, Neil Robinson

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1617-12 to the City Council, passed by a vote of 5-2.

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