

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JANUARY 9, 2020

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 9th day of January, 2020. 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.

Chair Sandy Bahan called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Matthew Peacock
Nouman Jan
Erica Bird
Sandy Bahan
Tom Knotts
Dave Boeck
Lark Zink
Steven McDaniel

MEMBERS ABSENT

Erin Williford

A quorum was present.

STAFF MEMBERS PRESENT

Jane Hudson, Director, Planning &
Community Development
Roné Tromble, Recording Secretary
Lora Hoggatt, Planner II
Janay Greenlee, Planner II
Anais Starr, Planner II
Ken Danner, Subdivision Development
Manager
David Riesland, Traffic Engineer
Beth Muckala, Asst. City Attorney
Bryce Holland, Multimedia Specialist

* * *

Item No. 6, being:

O-1920-34 – JOHN AND TARA CHAMBERS REQUEST REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR 10 ACRES OF PROPERTY LOCATED AT 13300 E. DEER CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative
4. Exhibit A – Site Plan

PRESENTATION BY STAFF:

1. Anais Starr reviewed the staff report, a copy of which is filed with the minutes. Staff supports this request and recommends approval of Ordinance No. O-1920-34.

PRESENTATION BY THE APPLICANT:

1. Tara Chambers, 2201 Wagon Trail Boulevard, Harrah – I created a small slide show to show what we were doing because we got so many appeal letters. I wanted to clarify any questions they might have and show them that we're still respecting the A-2 zoning, it's just a small additional dwelling guest home that will never be used for a rental home of any sort causing increased traffic or anything like that. This is the plan and stages of development that we're thinking of doing. We wanted to move into the current mobile home that is on there and live in that for a few years while working with a developer to show where we can build, because there is quite an extensive hundred year flood zone through the southern part of the address and the property. We wanted to work with a developer to make sure we stay out of that area and protect the water drainage and all that good stuff. After we live there for about 2-3 years, we planned on building a home, and I actually put in a prospective photo of what we want the home to look like. Because there is a mobile home on there, I don't see that it would be an issue with devaluing property, which was one of the things in the letters of appeal that they were worried about. So I put that in there just in case that they didn't have it – kind of what we were trying to do. Eventually, the mobile home will be removed from the property. We didn't want a mobile home. We could have used a mobile home for a medical hardship, but we didn't want to go that route and have a mobile home on the property. This would be a prospective of the main home that we're trying to build. I feel that it would make the property value go up significantly from what is currently on there, and then this would be a picture of kind of the accessory dwelling unit, so it would be more like a shop house/guest house that we would build on there for my parents. My mother has a chronic illness and I need her close to me so that I can care for her while that is persisting on for the remainder of her life. So that was what I was trying to make happen for her. This is the protest letter concerns that I noted down, and kind of like answering those questions for them. The road access that they put in the letter – that is not at all being changed. The only thing that would be changed would be actually the extending on to the current driveway just to get to the home – that's the only thing being added. We're still staying within the 100', respecting the A-2 zoning law. There wouldn't be any increased traffic. I have aging parents; they don't go in and out a lot. They're retiring. The current mobile home on it will be removed and building a permanent home, so I think that that wouldn't devalue the property in any way; if anything, it would increase the value of the homes around it, I would think. The guest home will never be used as a rent house for anyone; it is mainly just a home for my aging parents. It would never be rented out to any family members or rented out to friends or anything like that. When they passed on it would just be a home – just a guest house for people that come and stay for Christmas or whatever we needed. We wanted to make clear to the protesters that we still value the A-2 zoning; that's why we want the property. We like that it has the large property, the ten acres; that's what we were looking for. We didn't want to be close to a bunch of people; we wanted to be around people we knew. We're actually buying the land from friends. They are in support of this. They've lived there for many

years, and the owner is here if you have questions for him. Any questions for me? And I would be happy to answer any of the protesters' questions as well.

AUDIENCE PARTICIPATION:

1. Michael Norris, 9651 136th Place N.E. – It's just about 1,500 feet to the east of this property. Let me first state that we're not here to oppose this because of the problem that this lady just set out for you; we're sympathetic to that issue and to the problem that they have stated in their application. But, as property owners, it's our concern about property value and a few other issues. Number one, I have Bill Spears and Virgil Weeden here with me. They're homeowners. Mr. Weeden is the president of our homeowners association, and there are about 15 other homes directly across the road from this planned development. Everyone there and in the area moved there because of the A-2 rural zoning, because that's what we wanted and most everybody there uses it in that manner. A lot of people have cattle, horses, domesticated animals and they're there for that reason. One of the reasons that we oppose it is the timeframe they show is build the main house in 2-3 years and then an additional dwelling in another 2-3 years, which could average anywhere from 4-6 years before either of these dwellings are built and we think that, if nothing else, the zoning is a little premature. We were not aware of the other Planned Unit Development that's in the area. But we think that it should remain rural district zoning because that's the whole area is that way and that's what it was developed for. As to the assertion that the property would never be used for rental property, I'm sure that this owner can guarantee that, especially if they would be willing to put a restriction in their deed, but there's no way under the current laws that I know of that you can restrict the alienation of property based upon something like a house won't be used on a property for any other use than what they've stated. It would probably be valid against them, but I don't think it would be valid in the future. So a purchaser may not be bound by those restrictions. We also would make the statement that we don't see that the use that they want it for is necessary to have two dwellings. We feel like that an assisted living type situation for parents could be done with a home that has an addition for that on the same property without having a second dwelling that would just add to the possibility of a rental property or further traffic in there if this area starts getting more requests for the Planned Unit Developments. Now, as I said, we have about 12-15 homes across the road and next to it in one area and all of the property owners, as you can probably see from the filing, are opposed to the rezoning because of what I've stated. And we're concerned about those issues and would request that, if nothing else, it be delayed at the very least, but denied in essence because we don't think it's needed and we don't think it's necessarily the appropriate place to put that kind of a dwelling. It's in basically a rural area. I'll answer any questions if you have any.

2. Bill Kidd, 11111 E. Franklin Road – I own the 80 acres east of this property. When I bought it, I bought it to build a new house. That's still in the works. I had a fellow that owed me a lot of money and I wound up with 46 acres on Franklin Road and we built a house there 26 years ago. My problem with this deal – and I want to make it clear that I respect what the lady is trying to do for elderly – her parents – because I'm fixin' to be 75. I hope my kids think enough of me to try to help me. I am in the air conditioning new construction industry. The gentleman brought up the fact that two houses on one property – are you going to split it into 5-acre tracts? All the houses I do that are designed for Aunt Betty, Uncle Bob, mom, dad have a wing or an upstairs on a single-family dwelling for the parents or the grandparents. I've never seen, in 40-some years of new construction heating and air conditioning, two properties separate for this type deal. I oppose it. I think it's a bad idea. And I'm just against it. It's not right. Are you going to be able to go back and let all the people that already bought lots that don't want it change theirs? I'm not an eloquent speaker and I'm blunt. My wife will tell you that. But I don't think it's right. I have no problem with them building one big house and building a wing or an upstairs for the parents, but I have a problem with two houses on 10-acre tracts when it wasn't zoned that way to begin with. Thank you.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – I respect everybody's comments. One of the things in dealing with aging in place – one of the issues that we deal with is we've got restrictive zoning here in Norman and we've talked about it. We've discussed it, but it's never been acted on. Whether you do an addition to a house, just the fact that you talk about building a second floor – you bring parents in because they aren't mobile so they can't live on the second floor. I lived in a two-story house and I had two knee surgeries and I couldn't get to my bedroom or my bathroom so I had to sleep on the couch. So in my practice, what I do is help people make their houses accessible. And, true, you could build an addition – make the house a little bit bigger, and that might be an option. But I don't have a problem with building a parents' house or an additional separate house, because that gives them independence. The potential owner had made the comment about not having any additional traffic. Since we're trying to build a senior wellness center, and keeping seniors well means getting active, so that hopefully they will drive to the senior wellness center and work out before they go home. So I don't have a problem with that, either. But I support this project.

2. Mr. Jan – I support this project as well, and everything that David said I highly support. I think parents should have their own independence and I have no problem having a second house. The property is big and I really – I believe we have protests, but the issues that the lady is going through – I see no problem in pursuing that project.

Dave Boeck moved to recommend adoption of Ordinance No. O-1920-34 to City Council. Nouman Jan seconded the motion.

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

YEAS	Matthew Peacock, Nouman Jan, Erica Bird, Sandy Bahan, Tom Knotts, Dave Boeck, Lark Zink, Steven McDaniel
NAYES	None
MEMBERS ABSENT	Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-34 to City Council, passed by a vote of 8-0.

* * *