

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**JANUARY 9, 2014**

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 9<sup>th</sup> day of January 2014. 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 Chris Lewis called the meeting to order at 6:30 p.m.

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Item No. 1, being:

**ROLL CALL**

MEMBERS PRESENT

Curtis McCarty  
Jim Gasaway  
Roberta Pailes  
Andy Sherrer  
Dave Boeck  
Sandy Bahan  
Tom Knotts  
Chris Lewis

MEMBERS ABSENT

Cindy Gordon

A quorum was present.

STAFF MEMBERS PRESENT

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

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Item No. 8, being:

**ORDINANCE NO. O-1314-28 – DAVID HOUCK REQUESTS SPECIAL USE FOR A TYPE I BED AND BREAKFAST FOR PROPERTY ZONED R-1, SINGLE FAMILY DWELLING DISTRICT, LOCATED AT 1405 MCKINLEY AVENUE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Site Plan
4. Pre-Development Summary

**PRESENTATION BY STAFF:**

1. Jane Hudson – This is an application for a Special Use for a Type I bed and breakfast located at 1405 McKinley Avenue. The existing zoning in the area is totally surrounded by R-1. The University is to the west and to the north. The existing land use is majority of single family, with some rental properties. There is R-3 and RM-6 to the east for the multi-family. The proposed site plan shows wood fence screening on the north side of the site, landscape area on the north, and an additional landscape area on the south corner. The applicant purchased this property about three years ago. At that time, he demolished the existing house and built this new home. It is a two-story, four bedroom, four car garage, with four tandem parking places in the driveway so he can accommodate eight cars on site. He intends to move back to this site and run the bed and breakfast once his children are out of the house. The home is currently leased until May of 2015. At that time he would like to begin the process of the remodeling. In addition to this special use request, he is also requesting an extension from the two year timeline to establish a special use to three years. As I stated, there are eight available parking places, which meets the requirements for the Type I bed and breakfast. The owner acknowledges they will need to live on-site. There are the landscaping areas that I showed you that he will comply with per the zoning ordinance. Staff is in support of this request for the Special Use Type I Bed and Breakfast, as well as the extension from two years to three years. We recommend approval of Ordinance O-1314-28. We did have a protest which reached 1.7% across the street from the property. The applicant is here if you have any questions for him. Staff is available for questions as well.

2. Mr. McCarty – How many bed and breakfasts do we have in residential neighborhoods like this?

Ms. Connors – We have two that are on Boyd.

Ms. Hudson – I think there's a third one over here across from the library.

3. Mr. McCarty – Are they all under Special Use for a two-year period of time.

Ms. Hudson – The two year period is to get the business started – to establish the special use. He is just requesting that additional year because the property is leased until 2015. So he would establish the business. And, of course, if he vacated it for two years, then it would expire.

4. Mr. Sherrer – What was the reasoning for bringing it now, instead of a year from now? I'm just curious.

Ms. Hudson – The applicant is here and can answer that as well, but it's my understanding he's just trying to get everything in line to know whether or not he would be able to do this.

5. Mr. Boeck – It's a four-car garage with parking for four in front, but that doesn't equal eight spots because if four people are parked in the driveway, then four people can't pull into the garage. It seems like an odd arrangement of parking. Did you approve that?

Ms. Hudson – Yes.

**PRESENTATION BY THE APPLICANT:**

1. David Houck, 10450 Kiamichi Court – Jane has told you a little bit about me and a little bit about the property and I'd like to go over some of that again and address some other issues

also. I bought this property, I think, in 2009. It had burned down. There was a fire and it had burned down and I bought it with the idea that at some point in time that perhaps my wife and I, when the children were grown, we could move back into town and operate a bed and breakfast near the University. It's a great little neighborhood. That's why I built the house that I built. It has four bathrooms. It has four bedrooms and a four-car garage. The issue was, when the children are grown in the future, we'll do this. Well, the future is running up on us pretty fast. Our daughter graduates from high school next year and she's talking about going out-of-state for college. Our son graduates from OU this year and is going to get his Ph.D. in Texas. So the future has arrived. We have some friends that have three girls that are friends of the family who asked if they can rent it next year, and I've told them yes; I've not signed leases with them. So if the three year extension doesn't work, I could go with the two year. Like I said, they're friends of the family and I just wanted to help them out. That's kind of a little of the history on myself and why I did this and why I'm trying to do it.

I recognize that there was a protest made, and actually the individual who brought the protest is my neighbor across the street. Most of the neighborhood is rental. The people who brought the protest – I think there's two houses on the street that are not rental. We actually have the same concerns. I do not discount their concerns at all. I made sure, when I built this house, that I did not encumber the community at all by building enough parking, because the big issue down there is parking. It is a huge issue down there. So my feeling was, if I can eliminate a parking issue – as a matter of fact, improve the neighborhood by not having parking necessary on the street, it would be a better way to go. I received the protest this afternoon and I was wondering if it would be alright with you if I address the five items on the protest.

The first part of the protest talks about the language of the ordinance, and it talks about whether it's vague or poorly written or whatever – not tight enough. I can't control the language of the ordinance; it's not something I have any control over at all. My argument on that, if the language isn't good enough, there is a process to change that language. I can't control that part.

The second point is the neighborhood is not ideal because there are those in the neighborhood that don't maintain their property. And that is absolutely valid. There certainly are. Every neighborhood has those people. As a matter of fact, the individuals who did the protest – I would argue that their home and my home are the best maintained homes on the street. While some homes in the neighborhood may not be ideal, my home, I believe, is, and I believe the neighborhood is because of its proximity to the new sports facility that OU has built, the dorms, the new mosque, the Weather Center – all within walking distance of where I'm located – and many other south campus entities. I really believe it is an ideal place. I do disagree with the contention that there's not enough parking. I really believe that – essentially there's eight spaces. I recognize your argument on that, and that's a valid argument. There is the space for eight cars to park off the street. The protest claims that this year a car parked on the street backed out of 1405 McKinley into their car and damaged their car during a football game. Many, many people drive around the University during football games. It was not a tenant from 1405 McKinley, as far as I know – and I wasn't there, so I don't know – it was somebody pulling in the driveway and backing out. That has happened to other people on this street – down the street I know of another person who someone backed out of another driveway into a car. So I think solving that kind of issue – perhaps the way to do it is, as other streets in the area have done, completely eliminate street parking because every house in that neighborhood has a garage and a space in front of the garage, so there are two spaces at every house.

The last thing that the protest indicates is that they believe that it will increase traffic, and I make the argument that, with tenants there, you'll have boyfriends' cars coming over, girlfriends' cars coming over, friends' cars coming over. With a bed and breakfast, you'll have a maximum of four people a day coming. So I would actually make the argument that it would decrease traffic, not increase traffic. Valid concerns and I'm not discounting them. I'm really not. From the very beginning, I've tried to be a good neighbor and I believe in that. But I also do believe that this would be a good thing for the neighborhood and not a bad thing.

2. Mr. Knotts – Do you own the property to the north?

Mr. Houck – I used to.

Mr. Knotts – So that's the reason it looks exactly like?

Mr. Houck – Yes. It has the same siding on it, yes.

Mr. Knotts – And your plan is to live in this facility?

Mr. Houck – That is correct.

Mr. Knotts – So you have four bedrooms now; one would be dedicated to you and your wife.

Mr. Houck – Correct. And that's why I was waiting until the kids were gone.

Mr. Knotts – I think one of the things that hit me, and I think the protest talked about it in the language and all that, that it could be just a way of getting around four non-family members living in the same place for a semester. What assurances can you give us that that is not going to happen?

Mr. Houck – Well, I can tell you I'm not going to do that. I mean, I don't know how other bed and breakfasts make those assurances to Planning. I don't want to live with three kids; I've done that. No offense to young kids. The other thing about the traffic and kids – and the four cars that come in – they'll be adults; they won't be kids driving around. So I think there is less opportunity for accidents. I don't know how I can assure you any more than that.

3. Mr. Lewis – So if you're planning on having adults at your bed and breakfast, typically a bed and breakfast would be someone that travels into our community, spends funds, invests in our community in that they either go to the movie, go out and eat, those types of things. So it would seem to me that if you have four parking spaces in a garage, which is my understanding, and then four parking spaces. If you have you and your spouse, that's potentially two cars, then you potentially only have three more cars to take up those additional six spaces. So it does seem like to me that there is ample amount of parking at your facility so, certainly, I would support this.

Mr. Houck – I appreciate that. I believe that also. Dave makes a really good point about – I mean, people could get parked and I would have to move cars, for sure.

#### **AUDIENCE PARTICIPATION:**

1. Katie Sanchez, 1406 McKinley Avenue – I do want to point out, although they would be adults most likely, sometimes they come in more than one car. And when they come to the game days, which is a very high occupancy, I believe you mentioned, they party just like the college kids. That's part of the problem. He went over most of my concerns, as you're aware. Since I wrote that letter, I have thought about a few potential code considerations that come up when you increase the risk factor of the occupancy from an R-1 to a transient occupancy. There are fire rating considerations, accessible units, additional exits in case of a fire. There are just more risks that come with people being unfamiliar with the house. And then, on my end, my car is getting backed into. It's the visitors that go to that house that back into my vehicles. It's not the people that live there, because they get used to it. So if there are more people all the time, it just seems like it will increase that situation.

#### **DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

1. Mr. Gasaway – I'll just say I'm in support of this. I'm pretty familiar with the other bed and breakfasts in residential areas in town, and they are extremely good neighbors. They're some of the nicest properties; they're well-kept. The clientele that comes typically to stay in them are paying a pretty good amount to come there and I think ordinarily they take pretty good care of the place. And, particularly, I think if the owner does occupy part of that house, that hopefully will alleviate any concerns that there would be partying involved. I've not observed that at any of the other bed and breakfasts in town. So I'm in support of this.

2. Mr. Boeck – She brought up a good point. I'm not sure, in terms of building codes, when you apply for a bed and breakfast, do the plans have to be reviewed? Is there something at the City level for reviewing plans for fire exits, emergency, and all kinds of stuff like that?

Ms. Connors – Well, I'm sure there will be some fire considerations when it becomes a bed and breakfast, but this was built as a single-family home.

Mr. Boeck – Oh, yeah. But then it's not a single-family home. I know two or three of the owners of bed and breakfasts that are already here.

Ms. Hudson – Well, the only thing I can speak to is if they do come in for an application, then they would have to get that approved through the building code. But if he's not making any changes structurally – if it's all cosmetic stuff, that wouldn't necessarily require a permit.

Mr. Boeck – Isn't there a requirement when you do something that has multiple people living in it, like a hotel? It's basically like a hotel and you have to have all kinds of things in terms of fire extinguishers, a fire sprinkler systems, exit ways – all that kind of stuff.

Ms. Hudson – That's very true. I just can't speak to that. I'm sorry.

3. Mr. McCarty – Are there any licenses that you're required to get as a bed and breakfast?

Mr. Houck – I know one of the other bed and breakfast owners. My understanding is it's a limited special use. Frankly, I don't know if the City requires a business license to do that.

Ms. Connors – The City does not have business licenses. Prior to City Council, I will get this issue resolved.

4. Mr. Boeck – I'm supportive of it, because I know a number of the people that own bed and breakfasts here and they serve a great purpose. Good people stay in them – usually pretty boring people coming to the University to do boring things. It's not like having three kids from a sorority coming in for a weekend. So I don't have a problem with that.

*Chris Lewis moved to recommend adoption of Ordinance No. O-1314-28, with an extension of the Special Use to three years, to the City Council. Dave Boeck seconded the motion.*

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

YEAS	Jim Gasaway, Andy Sherrer, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis, Roberta Pailes
NAYES	Curtis McCarty
MEMBERS ABSENT	Cindy Gordon

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1314-28 with an extension to three years to City Council, passed by a vote of 7-1.

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