

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JANUARY 14, 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 14th day of January, 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.

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

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Andy Sherrer
Roberta Pailes
Tom Knotts
Sandy Bahan
Dawn Jourdan
Dave Boeck
Chris Lewis

MEMBERS ABSENT

Erin Williford

A quorum was present.

STAFF MEMBERS PRESENT

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

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Item No. 7, being:

O-1516-34 – RED ROCK LAND FUND, L.L.C. REQUESTS AMENDMENT OF THE PUD ESTABLISHED IN ORDINANCE NO. O-0708-40, AS AMENDED BY ORDINANCE NO. O-1516-23, TO ALLOW FOR MULTI-GENERATIONAL HOUSING FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF 12TH AVENUE N.E. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-C
4. Pre-Development Summary

PRESENTATION BY STAFF:

1. Janay Greenlee – As you stated, Red Rock Land Fund is requesting amendment to PUD Ordinance No. O-0708-40 at the corner of 12th Avenue and Tecumseh. This is the existing PUD. This preliminary plat just went through in December. This PUD amendment will only pertain to this tract here, not to this tract on the west side. Currently it's vacant, going through development soon, as the preliminary plat was just approved by Council in December.

This is the site itself. This is the corner of 12th and Tecumseh. The main reason for this PUD amendment is to allow multi-generational housing in single-family house. It will allow basically a 400 square foot addition that will be attached to the house for seniors – for family to be able to live in with their family, with a small kitchen, a living area and a bedroom. It will have a separate entrance, but it will be connected to the main dwelling. There will not be a separate address, so it will just be part of that main structure. This is the main reason that we brought this forth for this PUD amendment. There are some minor amendments. There's going to be allowance of one or two stories. Garages may be one or two or three vehicle capacity. But everything in the underlying PUD basically is staying the same. The only reason they brought this forth is to allow for the multi-generational addition to this PUD. And, with that being said, staff does recommend and support Ordinance No. O-1516-34. I'd be happy to answer any questions.

2. Mr. Knotts – Is there any prohibition in this to renting that space out?

Ms. Greenlee – Because it will have the same address, it won't be able to be rented out. It will be on the same utilities. It won't have separate meters for any utilities at all and it will not be allowed to be rented out as a separate unit.

3. Mr. Boeck – People are devious by nature. Keep someone from renting it out, even though – I mean, there's lots of rental units that don't have separate meters on electrical and stuff like that. I'm just asking that question. I love this idea. But someone is going to ask that question, so I thought.

Ms. Greenlee – Sure. It will have the same address. So it's one unit and it's attached to the single-family house.

Mr. Boeck – I know it's meant to be like for parents.

Ms. Greenlee – Correct. If that does come into play or there are complaints, that will be up to our Code Enforcement to go out and do an inspection if that does happen. These are going to be basically marketed as these types of units. This is not going to be multi-family and the houses are going to be one or two stories with three garages. Like I said, they'll have a separate entrance, but they'll also have access to the remainder of the house. It will become a Code Enforcement issue at that point.

Mr. Boeck – Well, being a proponent of aging in place, I'm supportive of this. It will just be interesting to see if we do a statistical analysis on this in five, ten years and see how successful it is as that. I like this idea.

4. Mr. Lewis – Janay, one question. This allows each piece of property to have this addition to it, but it doesn't require that each piece of property have this addition in it.

Ms. Greenlee – That is correct.

5. Ms. Pailes – Two questions. I should be the poster child for multi-generational living. But in terms of reality, it's self-limiting. Of the folks I've had live with me, three years was the longest and then you have an empty room. It seems relatively likely that some of them will be rented. And that was my question. If it just reverts to Code Enforcement, it will be interesting to see how that plays out. Equally likely, I think, is older children moving back, which is still multi-generational. If a house outside this particular area had a parent move in and got a permit and added onto their house, they could readily build something about this size just with a permit for an addition, couldn't they?

Ms. Greenlee – That is correct. In R-1 you can allow additions to houses, but we don't allow kitchens per se. There is allowed kitchenettes, but not full cooking facilities such as this is allowing.

Ms. Pailes – Okay. And, actually, this is safer because we added on and that was kind of an issue. So this is really a much safer option.

6. Ms. Messner – Let me clarify a couple of points. Your question about renting the units: Janay is correct that it won't have a separate address. However, there's no prohibition in the PUD that would allow, for example, the homeowners association to enforce a situation where there were multiple tenants in one of these type units. Something, maybe, that if you wanted to ask the applicant to address, that would be a good question for him. I do think that, as far as Code Enforcement enforcing an issue of this being rented out and a three unrelated type issue, that it would be a stronger case for Code Enforcement to have it clearly stated in the PUD that these are not allowed to be separate rental units, that they are intended to be occupied by a multi-generational single-family type structure.

In addition, as far as adding onto another house in the neighborhood, we don't have a specific prohibition in the code that would prohibit a second kitchen, however, our Planning Department strongly discourages that because of the inherent ability there for a wall to go up and for it to be a duplex and you start having over-occupancy issues. And it's an easier way for our Code Enforcement officers to enforce it, if there's one kitchen, one central living area in a home, to understand that it's a single-family unit when it's constructed that way. Does that answer your questions? Thank you.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, representing the applicant – I believe there certainly is no intent that this be a rented second unit at all. Let me explain a little bit about the genesis of this. This is Ideal Homes. They've built, of course, many, many, many homes throughout the State of Oklahoma and they've had this request many times to have a little kitchenette put in for an in-law suite they call it. What has occurred is the City of Norman has been very reluctant to do that from a zoning perspective for these reasons. So they asked us to come back through the process with a PUD amendment. We tried very hard to write this PUD amendment to keep it so that it can't be a rental. I would urge you to consider, though, that any three-bedroom house we build could easily have a room rented out. There's no distinction, really, between this and those and the three persons ordinance is aggressively enforced in this town I can tell you right now. I have a client being prosecuted.

And it brings me back to one of the first cases I had with Code Enforcement was a client who had a home and I think one of the homeowners somewhere in that area and they had converted the basement to a kitchen in an apartment and it was a two unit then. Code Enforcement, through the neighborhood, quickly seized on it, had them connect the units. The result – the solution was – because there was no connection between the upstairs and downstairs. There was a walk out basement apartment and an upstairs apartment. And Code Enforcement said if you connect those units. And I believe they had to dismantle parts of the downstairs kitchen. Then it was okay. And that's what they did. And that tenant downstairs quickly moved out because you have free interaction between the two spaces. And so that's sort of the concept of what we've tried here.

I want to show you what it will look like. That is the actual paragraph that's in your staff report. You can read it. But I wanted to highlight some of the things. The multi-generational suite cannot exceed 400 square feet. It may have a separate exterior entry, but it must be connected inside. There must be a continuation of space inside the unit. It cannot be walled off, as I talked about on that Lahoma address. And it must be accessible to the remainder of the house. It may not have separate utility meters. It may not have a separate garage or separate parking. It may not have a separate mailing address. All of this is written into the PUD. And it must utilize the same mailbox and street address as the rest of the house.

So, if you can imagine all of that, basically the only difference between this and another single-family house is that we've allowed for a kitchenette in one room. That's really it. Otherwise, it's the same thing. So Code Enforcement, I think, could be very easily on top of the situation.

This is, in essence, what they look like. Again, it's Ideal Homes units. You can see on the bottom they call it an in-law suite. And you can see over on this one, for example, the kitchenette is – and this is a really small area. That's the other thing. You're certainly not going to even find people wanting to rent this as a separate apartment because it's a tiny little area on a much larger house. So it's an in-law suite of a bedroom, a bath, a walk-in closet, and really a pretty tiny little kitchenette area that can serve them so they can have some privacy, some independence. They're not going back into the main kitchen and making meals with the rest of the family if they don't want to do that that night. But a continuation back into the remainder of this space from that space. And then over here, they don't show the kitchenette, but I think they were planning it down in this area and, again, a bathroom and walk-in closet. So really quite small spaces. These are not anything that's going to in any way be considered another unit.

They're actually – I put no protests. I think there was a protest filed. One protest within a neighbor to the district. So please disregard my note there of no protests; there is one. Otherwise, staff supports. There's no 2025 plan change. Platting has already gone through and that was it. So I'm happy to answer any questions that you have.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – The comment that I'd have is that I'm glad we're addressing this, because us baby boomers understand the situation with parents. I have many friends that are dealing with the situation right now, and having a house that's actually designed to accommodate this kind of thing, I think, is really important. Because, otherwise, like Roberta said, you go in and try to fix things in your house to bring someone in, but there's so many things that need to be fixed. So it's a good start. I'm assuming that the drives and the entrances will all be accessible – no steps, those kind of things?

Mr. Rieger – I wouldn't speculate very much that if this is a multi-generational targeted market, they're not going to.

Mr. Boeck – I'll talk to Richard about it.

Mr. Rieger – I will find out for you.

Dave Boeck moved to recommend adoption of Ordinance No. O-1516-34 to the City Council. Chris Lewis seconded the motion.

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

YEAS

Andy Sherrer, Roberta Pailes, Tom Knotts, Sandy Bahan,
Dawn Jourdan, Dave Boeck, Chris Lewis

NAYES

None

MEMBERS ABSENT

Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1516-34 to the City Council, passed by a vote of 7-0.

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