

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**MAY 10, 2018**

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 10<sup>th</sup> day of May, 2018. 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.

Vice Chair Tom Knotts called the meeting to order at 6:30 p.m.

\* \* \*

Item No. 1, being:

**ROLL CALL**

MEMBERS PRESENT

Sandy Bahan  
Nouman Jan  
Chris Lewis  
Tom Knotts  
Lark Zink  
Dave Boeck  
Andy Sherrer

MEMBERS ABSENT

Neil Robinson  
Erin Williford

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &  
Community Development  
Jane Hudson, Principal Planner  
Janay Greenlee, Planner II  
Anais Starr, Planner II  
Roné Tromble, Recording Secretary  
David Riesland, Traffic Engineer  
Ken Danner, Subdivision Development  
Manager  
Terry Floyd, Development Coordinator  
Elisabeth Muckala, Assistant City Attorney  
Bryce Holland, Multimedia Specialist

\* \* \*

Item No. 6a, being:

**R-1718-108 – ZACH MOFFITT, D.D.S. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM LOW DENSITY RESIDENTIAL DESIGNATION TO OFFICE DESIGNATION FOR PROPERTY GENERALLY LOCATED AT 201 SOUTH BERRY ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. 2025 Map
2. Staff Report
3. Pre-Development Summary
4. Greenbelt Commission Comments

and

Item No. 6b, being:

**O-1718-49 – ZACH MOFFITT, D.D.S. REQUESTS REZONING FROM R-2, TWO-FAMILY DWELLING DISTRICT WITH PERMISSIVE USE FOR A DOCTOR/DENTIST OFFICE, AND R-1, SINGLE FAMILY DWELLING DISTRICT, TO SPUD, SIMPLE PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT 201 SOUTH BERRY ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Brick House SPUD with Exhibits A, B and C

Ms. Zink asked whether she needed to recuse herself; she is a patient of Dr. Moffitt. Ms. Muckala indicated that she did not.

**PRESENTATION BY STAFF:**

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes. Due to the recent discussions by City Council on the concern of commercial intrusion into the residential neighborhoods, staff recommends denial of this application.

**PRESENTATION BY THE APPLICANT:**

1. Zach Moffitt, the applicant – I'm going to make some introductory comments as the first part of the presentation, and then Ryan Eshelman, the architect, will take you through a more detailed explanation. My wife, Liz, and I live in Ward 2. I've owned and operated Brick House Dental since 2006. First of all, thank you for the work that you do serving on the Planning Commission, and thank you for listening to this presentation. This is a topic that I know carries an inherent degree of controversy because of recent requests for rezoning in a residential area. I think that you'll find that there are some really unique characteristics to this property and this particular business that I think make it worthwhile, worth the effort, and worth your support.

The first thing I'd like to mention is that I spent about a year and upwards of \$15,000 on architectural design studies and fees trying to work with this existing structure. My practice has grown to the point where we have a six to eight month wait for new patients, and that building is great – I love it – it has a lot of character – but it's at the point where it does not function that well as a health care facility. I feel like I've gone to great lengths to try to work with and stay in the existing facility to preserve the structure. It was cost prohibitive and time prohibitive. Using the advice of experts, I determined it was going to be the best move to have a new facility, but I want to stay at that location. When we learned of how Habitat for Humanity can take the homes, it really dovetails nicely and it makes sense. That's when the project started coming together and taking shape.

Just a couple points I want to mention worth emphasizing. Rightfully so, there's concern of the neighborhood when a commercial-like business is coming in requesting a rezoning. There's going to be concerns for traffic. There's going to be concerns for future commercial use. I think when you look at the fact-based analysis of traffic here, it will really make sense. On the City website there's traffic data. Eight thousand plus cars a day up and down South Berry Road. I estimate an extra 15 vehicles a day with the new facility. So that's an estimated increase

traffic flow of 0.003%. I do not see traffic increase as being a concern. Also a concern would be future use. In the SPUD we have limited the usage to dental/medical office, so this can alleviate concerns of the neighborhood that a business with late night hours, light pollution, noise pollution – we're eliminating those factors in that SPUD proposal.

Another concern I want to mention is trees. I love trees. I was an environmental science major in college and I've transplanted 50+ trees in my life. We're going to go to great lengths to keep the trees we can, and I'm going to transplant as many trees and as much vegetation as I can. I'm going to plant as many new trees as I can fit on the lot. Any healthy trees that are cut down, I've got a local carpenter who is going to make furniture out of those trees so that I can donate that furniture. I think that there's a lot of ways you're going to hear about from Ryan right now that we've tried to go about this in a responsible way and in a conscientious way. I think that this specific property can set an example for answering the question "when is it appropriate to rezone for a commercial application?" and "when is it not?" I agree with decisions that the Planning Commission has recently made and that Council has made, where applications were denied. But I think this specific property and the use has very unique applications and I think that it is worthy of your support. Thank you.

2. Ryan Eshelman, GSB, 3709 Dalston – The staff report highlighted the location of the project, but one of the things that I want to reinforce is, obviously, the unique location it occupies in between a large residential district and a very intense commercial district. So this image is a good illustration of exactly that unique relationship. This rezoning requested at the other end of Garver Street or deeper into the neighborhood would be a totally different matter, but because of its location on Berry adjacent to the C-2, I think the presentation will illustrate why this makes sense in this location. One of the things that I wanted to highlight was the total lack of transitional development in this area. If you look at the street, Garver is really two streets – the east and west half – and on the upper image you see the east half with residences and trees on both sides of the street, and on the bottom image you see the west half and you see the effect of complete lack of transitional development. You see C-2 zoning backing up to the street facing R-1 zoning and residences. Obviously, this is originally a house. It's surprising, even for those of us who have lived in Norman for 20+ years, this has actually been a commercial use for nearly 60 years here on the corner. One of the things that the site suffers from, obviously, is lack of parking, because it was originally a house, so the parking is a former driveway and a dead-end lot with a drive onto Berry. So everyone that's parking in the lot is forced to come and go on Berry, where the bulk of the traffic is. We'll look at how that's mitigated with the proposed site plan. Obviously, across the street there's also on Berry C-1 zoning directly abutting R-1. Again, views of that stretch of Garver and the lack of transitional development – the hard edge between C-2 and R-1.

This is the view directly across the street from the proposed site. I think it's telling what these lots face and, again, the way this transitional medical/dental office development will buffer this from the residential district. The Spirit Shop was actually expanded so what you see is an addition that brought that commercial construction even closer to the residences there. And this stretch of street is a mixed bag of residences. Dr. Moffitt mentioned he's been on the street for 12 years and has been working to beautify properties under his control and wants to continue to invest here and see Garver continue to grow as a healthy street.

Quick overview of the site plan. You can see the building – the dental clinic – in its proposed location on the east side of the lot. There will continue to be a stockade fence screening on the east and south lots adjacent to the residences. We had meetings with City departments and got all their feedback. A new driveway location is proposed on Garver Street, the appropriate distance separated from Berry and the existing drive on Berry Road would remain, but instead of being a dead-end parking scenario, it's a through lot, so no one is forced to come in and out off of Berry, depending on the traffic situation. Cars aren't forced to do backing maneuvers and other things in the lot. We've also written into the SPUD the parking provisions, which are slightly less than the standard ordinance. This serves the needs of the practice, but this is actually less parking than standard zoning would require in response to the

limitations of the site. There are landscape buffers both on Garver and on Berry; you can see extensive landscape planting shown along the Berry frontage. These three trees on Berry are existing and mature and they would remain, and you can see that there are three new street trees proposed on Garver as well. There's also no sidewalk existing on Garver, so a new sidewalk would be included; now it doesn't connect to anything because there's no sidewalk to the east, but that would be an enhancement. You can see the building faces Berry Road and would have a Berry Road address. As the staff report mentioned, the sign would be moved slightly to get out of the sight triangle per Traffic's request, but would remain same size and general location.

Just a quick overview of the clinic layout – won't go into detail on that – but obviously the existing facility has ADA limitations, there are Health Department and OSHA requirements that are a constant pressure to comply with in that 1500 square foot house. The doorways are limited and the ability to incorporate infrastructure is limited, so this really allows for a state of the art practice in a residential-looking building that we'll look at elevations in a moment. Open space was mentioned; roughly 30% green open space. Landscape plan of all proposed plants. Existing trees that are mature along the property lines would be maintained as well and should further screen the residences. This is a view of the proposed elevation, and you can see that the name of the practice is Brick House Dental and there are no plans to change that. This will be a new brick house on the corner with a state of the art dental clinic within. There's actually one existing street tree that's been removed from this image so we can see the building, but there is a third tree that would remain and you can see that in some of these other images. These give you some 3D views. You can see it's brick and some fiber-cement siding, it's shingled roofs with some metal accents and some cedar decorative wood brackets and posts and awnings. So completely residential in character.

Just to hit a few of the points that Dr. Moffitt mentioned. This is a locally owned business; it serves local patrons in the neighborhood. There are people that walk and bike to their appointments, so it's great to be able to maintain the practice here and maintain people's abilities and neighborhood service. It solves issues related to the capacity of the building, some of the parking access challenges with the single driveway that I mentioned, and creates a state of the art facility right here in Ward 2.

Contributing to the community in a couple of ways. Obviously, there is concern when there's residential rezoning about loss of housing units, and particularly affordable housing units. Dr. Moffitt mentioned he is taking the two homes that he currently owns on the adjacent lots and the former home that's now his clinic and Habitat is relocating all three of those housing units, so there's actually a net gain in housing units when the former clinic returns to residential use. Obviously the architecture is intended to harmonize with the residential area and this is intended to be a transitional development, so this is a commercial office use which buffers that intense C zoning that we saw facing Main Street from the residential district. And, of course, the SPUD was limited in its use to dental and professional offices, obviously, to make sure that in perpetuity there are no inappropriate uses. I believe the hours of operation are roughly Monday through Thursday, 8 to 5 presently. So it's limited to business hours in the week.

Just a few comments from the founding chairman of the Oklahoma District Council of the Urban Lands Institute. You can read here – those comments relate to using a development like this as a transitional zoning element, maintaining walkable communities with services that are in proximity, and using the backs of properties to transition rather than the front. So instead of transitioning in the middle of Garver from the commercial district, transitioning behind this property to the next block. You can also see an example of new urbanist walkable commercial in the middle of neighborhood residential district.

Last few points. Trees – keeping lots of trees on the property lines where they can, adding new trees, improving driveway safety. The civil engineers have done a preliminary storm water analysis and there's actually a reduction in runoff – 5.35 to 5.01 – so there is an improvement in the storm water situation and the 100 year flood. As Zach mentioned, a very small increase in traffic – way, way, way below 1% when additional vehicles are added to his

operation. He also has an agreement with the Spirit Shop owners to use their parking lot as needed if the situation arises.

So that is a quick tour through the project. Again, we feel like this is responsible transitional development. It takes advantage of a site that's been in commercial use and expands it slightly and, again, creates the appropriate kind of buffer between C-2 and R-1 and serves the district with a walkable service. I welcome any more questions that you have about the proposal.

Mr. Jan – Dr. Moffitt, how many chairs do you currently have in your facility?

Dr. Moffitt – Currently three chairs.

Mr. Jan – You're expanding to?

Dr. Moffitt – Eight.

Mr. Jan – Sedation will be done here?

Dr. Moffitt – Define sedation.

Mr. Jan – The sedation procedure.

Dr. Moffitt – Conscious sedation. Relaxing medications, not to the point of unconsciousness.

Mr. Jan – I'm going toward like unconsciousness.

Dr. Moffitt – No.

Mr. Lewis – And for the engineer – I apologize. I didn't catch your name.

Mr. Eshelman – Ryan.

Mr. Lewis – Ryan, one quick question. I notice in looking at your presentation it's like going through a new home. There's a lot of oohs and ahhs and it looks beautiful. No question. But we're putting this in an area where flooding is already an issue. So speak to me regarding the engineering report and, specifically, I notice that you said there was a minimal reduction in storm water runoff. Can you speak more to that? With the increase in impervious surface, how are we getting to that reduction in storm water runoff?

Mr. Eshelman – Well, I wish I were the civil engineer; I'm the architect. Our civil engineer, Aaron Hale with Engineer By Design, has done this analysis and submitted it to the City for review. I've actually got the drainage calculations. There's existing buildings and drives and patios being replaced by one rooftop and the parking area. It's obviously very close to being identical. I don't have a specific explanation for why the site is an improvement; that was just a ...

Mr. Lewis – And the engineer chose not to be present tonight?

Mr. Eshelman – No, we did not ask the civil engineer to be present. I've got the data that I can provide to you from his analysis that he submitted to the City.

#### **AUDIENCE PARTICIPATION:**

1. Nelson Dent, 1206 Ann Arbor – I'm a neighbor on the west side and I love this proposal. I think it's fantastic. I do not drive. I'm hearing impaired and vision impaired. I work here in the City of Norman so I ride the bus every day. The sidewalk that you see is something that I would use every day. There's a sidewalk on the north side of Garver, but I live on the south, so when I take the bus, the bus stop is past Berry. So from an ADA standpoint, this is thumbs up for me. I attended the ADA meeting for the City of Norman last night and one of the components that they were talking about last night was sidewalk and sidewalk use. This ties right into it. We've been informed on it. We've been updated from the City. Communication has been great. I really like this aspect. The sidewalk that you see that's on the Garver side that goes east and west – that's something that I would use every day, especially because I have to turn that corner and go down some and then cross to Ann Arbor. That's something that I would use every day and I'm very supportive of this and I think it's a great proposal. Thanks.

2. Deneka Cain, 310 Redwing Drive – I am the Executive Director of Cleveland County Habitat for Humanity, which is why I'm here today. I wanted to talk just briefly about the wonderful things that the donation of those homes to Cleveland County Habitat for Humanity does for Cleveland County and Norman, specifically. For those of you that don't know, Habitat

for Humanity builds homes entirely at their own cost, through the use of volunteer work and donations, and then they provide 0% interest mortgages to families and people who might not otherwise qualify for mortgages. So it allows people to purchase homes who would not otherwise be qualified. We believe that the foundation of a home is the foundation for all good things that come. People who have a home – a decent place to live – are more likely to be educated, they're more likely to be employed, and they're more likely to be healthy and so that's what we do with our community and Cleveland County Habitat for Humanity. We are celebrating our 25<sup>th</sup> year in Norman this year, so we're very excited. With Dr. Moffitt's generous donation of these three homes, we will be able to pick up these homes, move them to other locations, and refurbish them and put at least three to four new families into homes that don't already live in a place that they can call their own. Also, by doing this, it normally costs us about \$130,000 per home to build something from scratch. This will allow us to provide those homes for less than half of the cost, and by doing that the money from those mortgages and the money from many refurbishing or repurposing of materials that we will take out of that home will allow us to purchase more lots and to build more homes and to refurbish more homes to house more families in Norman, Oklahoma. So we're very excited and very grateful for his generosity. I'm happy to answer any questions that you might have about his donation or how that would impact our community and Habitat for Humanity specifically.

3. David Sloan, 1030 W. Brooks Street – I just kinda want to offer my support to this project. The presentation showed how much work and effort they've put into kind of maintaining a transitional zone to put an effort of beautification into the cross-over between the commercial use on Berry as well as the residential area just to the south and to the west. I think that kind of effort is important. I understand the transition from a residential zoning to commercial is a touchy subject, but I think this offers a compromise and is well thought out and it also kind of blends to the two in a way that I think is acceptable. That's pretty much.

4. Don Hornbeck – I live at 1120 Garver, which is the property immediately east of the existing dental clinic. As a result of this property development, I will be moving. However, I think that the statements that have been previously made will significantly improve the neighborhood. The transition area between the existing residential into the commercial just improves the sight lines and the whole neighborhood. So I fully support the project.

5. Joe Dickey, 900 Garver Street – I moved in there in '92 when I came back to get an MBA at OU, rented the house for several years and bought it when they got it out of estate. There's 23 houses on the south side of Garver Street and 12 houses on the north side. The majority of those houses are rentals. Most of the landlords and tenants take good care of them, but there's a few of them if you make a drive-by and he showed you a couple of photos – one that had the windows boarded up. There's one right next to it that's been abandoned as long as I can remember. There's probably, on the south side of Garver Street, where there's 23 houses, I bet there's not five or six, seven maybe that the owner lives in, and three or four, five out of the 12 on the north side of the street. A little bit of history, from what I understand, these houses were all built back in the early '40s for the pilots out on North Base. They're all about 700 square feet. The portion of Comanche Street that parallels Garver Street – same way. They're all tract houses. You can drive by. They have no eaves. You can tell they're World War II houses. The majority of them are rentals. The fact that Zach is going to put in something that really looks good maybe will help improve the neighborhood. As far as the traffic goes, the people driving east on Main stop at Berry, go south on Berry, turn on Garver, go to Pickard, turn back east on Comanche, to miss the light on Flood and Main. We've got more traffic than you would imagine. The people going north on Flood turn west on Comanche, north on Pickard, back west on Garver, and then back from Berry to the light on Main and Berry. We've got more traffic than you can imagine so having the dental shop there is not going to increase any traffic. I've tried for years to get speed bumps; they finally put a few speed bumps on Garver. They're pretty weak and don't do much. Tried to get them to put them on Pickard; no good. But it's not going to affect the traffic on

Garver Street one bit. And if all the neighbors kept their houses up the way Zach has, we'd have a good neighborhood.

6. Elizabeth Moffitt, 1833 Rolling Hill Street – Expressed support.

7. Robert Ross, 2604 Lynnwood Circle – Zach Moffitt is my dentist and we're just thrilled that his practice is growing, and I really think this project would enhance the neighborhood. I know he's bent over backwards to do it. Zach is a great dentist. He's not totally painless, but he's pretty much painless dentistry. On the one occasion he wasn't, I found the fact that the Spirit Shop was right across the street to be a big benefit.

8. Jonathan Ross, 1200 Windsor Way – At the corner of Berry. Longterm resident of Garver before I moved and bought the house on Berry. Been a patient of Zach's for a long time; was able to walk to my appointments and still am and drive by the site every day and fully support the project.

9. Dirk O'Hara, 3100 Meadow Avenue – Dr. Moffitt inherited us in 2006 and we inherited him when he took over the former dental practice there, Brick House Dental. Just wanted to come tonight and speak for a great guy, who has vastly improved the current look of that building, and what a beautiful project to continue to enhance what's going on on Garver and Berry. As another small business owner in this town, it's important for more of us to get out and speak for other locally small business owners in support when they're trying to grow their business in a community where they need to be able to do it where people can walk and bike to them. So if you're close on this vote tonight, I just ask you to invoke the great guy clause, because there couldn't be a better guy than Zach and I urge you to vote for him tonight. Thank you.

10. Lauren Lackey, 1130 Grover Lane – Which is just north of Boyd on Berry. I've owned my house for over a decade and so this is my neighborhood that I walk in with my dogs every single day. I am going to be in the minority, but I am opposed to the rezoning of the two houses on Garver to commercial from residential. I'm opposed to two existing homes being removed from my established neighborhood. I think a rezoning of residential to commercial is a slippery slope to the decimation of our core Norman neighborhoods. There are many available commercial properties in our town, like the other half of the old Homeland that has Habitat for Humanity in it. I don't think that you should, because you have outgrown your space within someone else's neighborhood, tear down their neighborhood. You should either find a way to fit in where you are or move somewhere else. There's a dentist's office right across the road that actually Gabriel Bird is building a new building on Main Street and maybe they could swap.

I would like to read a letter that was sent in by my friend who is a resident on Garver and he is currently out of town. His name is Tanner Miller. He lives at 1108 Garver and he is actually also owner of a small business, the Blue Bonnet Bar. He says, Greetings. My name is Tanner Miller and I have been a resident of Garver for four years. I hope this letter finds everyone well and I hope that these words will resound as if they were delivered orally by the author. Thanks to Mrs. Lackey for relaying the message and I trust that she will deliver it verbatim. I would first like to say that I am all for small business owners and I fully realize that expansion is an amazing opportunity. It is the realization of potential from all the efforts that have been put into creating a sustainable livelihood. I applaud Dr. Moffitt and his associates for their hard work and dedication. However, I do not agree that there should be rezoning of the residential properties next to Dr. Moffitt's practice. I have been led to believe that Dr. Moffitt owns the two houses to the east of the dentistry and if the two properties were to be rezoned he would donate those properties to Habitat for Humanity. The latter is a very generous action, but I think there is an underlying issue that should be addressed. Garver Street is a very congested roadway; it is the avenue that everyone takes to avoid traffic at the intersection of Berry and Main. It also is the path for all the high school students to avoid the hellaciousness of Main Street. (That was nice for him to put in there for me to try to pronounce.) I believe the construction of the commercial properties, be it

parking lots or buildings, will only detract from the safety and fluidity of Garver. The most important issue that should be addressed is the following: why would the City Council approve rezoning of residential property on a neighborhood street? Are there not other properties in Norman that are suitable to be occupied for a large-scale dentist practice? This proposed plan is not the hill to take a stand on regarding all the residential properties that are being dismantled to construct multi-family housing. Dr. Moffitt is just trying to expand his business and he is willing to donate the housing to provide for those that don't have a home. However, this ruling has potential to set a precedent that could leave residential areas vulnerable to other commercial entities. And he thanks me for reading it.

11. Barbara Dale and Joshua Polaschek, 1112 Garver Street

Mr. Polaschek – Directly east of the proposed rezoning.

Mr. Knotts – Just as a point of reference, are you the house right next ...

Ms. Dale – Yeah. We're the white picket fence.

Mr. Polaschek – Where the white picket fence is at.

Mr. Knotts – Okay. With the beautiful tree.

Ms. Dale – Yes.

Mr. Polaschek – Absolutely.

Ms. Dale – Several beautiful trees.

Mr. Polaschek – Well, the trees around the neighborhood are old, big, beautiful. As Mr. Chris Lewis mentioned, the flooding issue of it. Our driveway naturally – 1/8 inch of rain and the entire thing is flooded. With rainfall off the roof of that building, it's going to increase all the flooding in that area. Also, the amount of safety that it takes away from all the children in that neighborhood.

Ms. Dale – If it's a through drive-through, am I allowed to go through it and cut through that area to get to my house easier if that happens? Because is there going to be like a rule that I can't cut through that parking lot to get to my house? Because I think a lot of people do that if they can – will cut through the Restore parking lot, which is empty all the time, to get through and go around to get onto Garver to get to Berry or Flood.

Mr. Polaschek – At night there is a lot of – you know, I don't judge anyone for their decisions, but there's a lot of homeless people that walk up and down that street. We live there. We watch it. There's dumpsters – all sorts of – lots of foot traffic at night. If there's a big open empty commercial area at night, because I don't imagine the dentist office is open 24 hours, that just increases them hanging out. That detracts the safety for the five year old that we have at our house, and all the kids around the area. Every day at 8:30 and every day at 4:30, Norman High traffic congests that even more. Three high school students walking down the street. We oppose.

Ms. Dale – Yeah. We oppose.

Mr. Polaschek – And I heard you were from Iowa, Sir, and I don't – I also promote growth of business. I absolutely do. I just don't think it's the right place to do it. It's a beautiful part of a natural neighborhood and a bunch of cool old houses. Thank you.

12. Blair Humphreys, 1222 NW 20<sup>th</sup> Street, Oklahoma City – I'm here speaking in support. My background is primarily in the urban design related areas, so I served as the first Executive Director of the Institute for Quality Communities, actually worked with City leadership in initiating the form-based code program that's been so successful. Both in my educational background and in my professional practice spend a great deal of time focusing on exactly these types of issues. I did want to speak really just on a couple quick things and I'll try to move quickly, because I know everybody wants to get home. You know, I think there's a couple of issues that play – or certainly a couple of variable or constraints that the team has been trying to deal with in this proposal. One is land use. I think it's a small issue in this case. I mean the SPUD limits the use, not just to the current use, but specifically targets it for a dentist office. So this isn't really a rezoning from residential to commercial. It's an expansion of a dentist use from a dentist parcel. Which then, I guess, the question would become how well is that done? But it certainly is not



opening a can of worms or sliding down a slippery slope. It stops exactly where a dentist office is on that slope. From an urban design standpoint, form-based codes are typically recommended to utilize transitional uses and transitional forms between very active commercial corridors, like Main Street, and a residential area, like the east side of Garver and like the residential area behind it. The fact that Berry has the amount of traffic that it has would make it actually less appealing for a residence to be on it. So actually turning the building to face onto Berry and creating a very appropriate transitional design, both in terms of the building's placement on the site as well as its architecture, I think, is perfectly appropriate and in line with what the best ideas and best practices are – form-based code and its implementation.

From a walkability standpoint, that's something that's been a huge focus area for many communities, especially Norman. There is no doubt that this makes the area more walkable. There's a couple components of that: one is always the question when it comes to walkability and bikeability is do we have the appropriate infrastructure in place? I think that this is actually augmenting the best types of infrastructure, in this case sidewalks. The second thing that a lot of times people overlook when it comes to walkability and connectivity within the neighborhoods is whether you actually have a mixture of uses to walk to. Very few people are porch crawling day-to-day, but they need to go to the store, they need to get a dentist appointment. So having these places activated throughout the day and intermixed is appropriate, especially when it's done well.

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

Mr. Sherrer – I would like to make a couple of comments, if that's alright. Just a couple of things that I'd like to make a point of. I'm one of the longer serving Commissioners – Chairman and Mr. Lewis, excluded, I believe. I think through the years one thing that always provides me a point of reference when I talk about these kinds of projects is not necessarily what, Dave, you're talking most recent, but I look at projects that I think have been done either well or not well that I've maybe voted incorrectly or correctly as I look back as a history. One of the projects this most reminds me of wasn't a dental practice, but it was a project that was done by Cain and Cain, which is located at Mercedes and Main Street, and was a very difficult project. In fact, actually, it was more of a commercial intensive use than this. In fact, Dr. Moffitt has kept ...

Mr. Boeck – You're talking about the architect's office.

Mr. Sherrer – No. Attorney's office. I think, to me, that project – the work that was done there mirrors this and the quality of the transitional. I appreciate – the second point I'd make, I love that word because I think it is incumbent upon us to think and consider when we're talking about a hard commercial use, which is certainly the case in the hard corner of this, and look at this and see what's the right answer to allow facilities and opportunities for walkability for better quality, for better neighborhoods to exist – and I think this does that. I think that there's a commercial office opportunity here that really allows that to happen. I certainly empathize with those that are close by that disagree. I understand that perspective. It's always a challenge when we sit in the seats that we sit in to kind of weigh that. But I also think that the property rights of yours, the property rights of those that have current ownership, but I think in the end usually where I fall is what I think is the right answer and what I've seen as history that's been done in similar situations in our community. Certainly that Cain and Cain project was a part of that. I also think we've had a lot of protests lately. There's a lot of contentiousness that's existed, it seems like in this meeting and also City Council. I think it's delightful to see a community that's showing support for a project that I think is someone who has participated – it appears as though – at least what I'm hearing today – as a really good steward and a really good neighbor in their current facility and now has the opportunity to expand that and do it the right way. I think hearing things like trees – that we're going to make sure that are transplanted, they're going to be kept in place as much as we possibly can. Providing fencing that's appropriate to at least protect the neighbors from any sort of encroachment of any kind. To look at storm water. You know, I started on this Planning Commission we weren't talking about storm water.

Maybe Commissioner Knotts was, and I appreciate his leadership in that way, but for me to hear storm water being talked about as a point of emphasis to then look and say it's reduced – I see so many quality pieces of this. I think we have to really think about that in a broader perspective. So I'm certainly going to be supportive of this project tonight and I think encourage others to consider that as well.

Mr. Lewis – Mr. Chairman, I would concur with Commissioner Knotts. When I first looked at this item, I'll be quite frank, I was opposed to it. But I think, as I've listened to the applicant, I've listened to the Commissioners, this is an excellent piece of transitional architecture that will revitalize a community. I understand that, as we grow, there's pains that some don't agree with and some do. I do wish the engineer would have been here tonight. I certainly hope he or she may be at the Council meeting to explain the storm water runoff a little bit better. But I will be in support of this this evening, simply because I think it's a good transitional architecture that fits well with the current location and, quite frankly, if we were trying to rezone this and a dentist's office hadn't been there for 50 or 60+ years, then certainly I would be against it. But since this has been an established business for quite some time, I feel it's an appropriate place for revitalization for the City of Norman.

Mr. Boeck – I just want to add it's inspirational to hear the kind of positive comments I'm hearing up here. I just hope they carry through to the next meeting. They need to feel the pain that some people go through. No. Yeah, transition spots are tough. And we try – I think we try to be rationale about them and it's one of those deals where I, personally, think we, as Planning Commissioners, and them, City Council people, need to look at things in what I'd call a logical way as to what makes a good transition in a community.

Mr. Knotts – I kind of trolled this site knowing the history that you all are talking about, and I saw a situation where there are, I think, two handicapped parking spots out front on Garver and that's where the ramp is, and someone else came in and had to let someone off, blocking part of Garver, and then back out into Garver and then go around the back side and park in the parking lot that's behind the building, out onto Berry, back in. There is a point of public safety here, also. I think that can go unaddressed if we don't bring it up.

*Chris Lewis moved to recommend adoption of Resolution No. R-1718-108 and Ordinance No. O-1718-49 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	Sandy Bahan, Nouman Jan, Chris Lewis, Tom Knotts, Lark Zink, Dave Boeck, Andy Sherrer
NAYES	None
MEMBERS ABSENT	Neil Robinson, Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1718-108 and Ordinance No. O-1718-49 to the City Council, passed by a vote of 7-0.

\* \* \*