

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

DECEMBER 11, 2014

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Complex, 201 West Gray Street, on the 11th day of December 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 Dave Boeck called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Robertta Pailles
Erin Williford
Sandy Bahan
Dave Boeck
Jim Gasaway
Tom Knotts
Chris Lewis
Cindy Gordon

MEMBERS ABSENT

Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Janay Greenlee, Planner II
Roné Tromble, Recording Secretary
Jeff Bryant, City Attorney
Larry Knapp, GIS Analyst II
Shawn O'Leary, Director of Public Works
Ken Danner, Subdivision Development
Manager
Scott Sturtz, City Engineer,
Drew Norlin, Asst. Development Coordinator
David Riesland, Traffic Engineer
Terry Floyd, Development Coordinator

* * *

Chairman Boeck welcomed Erin Williford to the Planning Commission.

* * *

Item No. 12, being:

12A. R-1415-40 – INLAND AMERICAN COMMUNITIES ACQUISITIONS, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM FLOOD PLAIN DESIGNATION TO HIGH DENSITY RESIDENTIAL DESIGNATION AND FLOOD PLAIN DESIGNATION FOR PROPERTY LOCATED AT 303, 333 AND 403 E. BROOKS STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report

12B. O-1415-27 – INLAND AMERICAN COMMUNITIES ACQUISITIONS, L.L.C. REQUESTS REZONING FROM R-3, MULTI-FAMILY DWELLING DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 7.36 ACRES OF PROPERTY LOCATED AT 303, 333 AND 403 E. BROOKS STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-E

12c. O-1415-28 – INLAND AMERICAN COMMUNITIES ACQUISITIONS, L.L.C. REQUESTS CLOSURE AND VACATION OF THE EXISTING PUBLIC UTILITY EASEMENTS LYING WITHIN BLOCK 3, MILLER ADDITION, A REPLAT OF BLOCK 3, MILLER ADDITION.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

12D. PP-1415-12 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY INLAND AMERICAN COMMUNITIES ACQUISITIONS, L.L.C. (HUITT-ZOLLARS, INC.) FOR UNIVERSITY HOUSE NORMAN ADDITION, A PLANNED UNIT DEVELOPMENT, A REPLAT OF BLOCK 3, MILLER ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF PAGE STREET AND WEST OF BNSF RAILROAD RIGHT-OF-WAY.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan
6. Pre-Development Summary
8. Greenbelt Commission Comments

PRESENTATION BY STAFF:

1. Jane Hudson – The application before you is this subject tract. This is already designated High Density Residential for a portion of the tract; actually expanding that High Density Residential Designation and pushing the floodplain over so it would look like this if approved.

The existing zoning in the area, as you see, to the north is the R-3 which was the Elsey application that you heard. To the east is R-1. To the south is University property; it's technically unclassified as far as zoning is concerned. To the west is R-3.

Again, the same land uses. To the north of this one is the single-family homes. To the east, across the railroad tracks, single-family. To the south is the University parking lot. To the west is, again, single-family as well as University-owned properties.

This is the site itself, Bishops Landing. This is from Brooks. This is along Page, the single-family on the north and the project on the south. This is the creek area on the east with the apartments across the creek. This is at the northwest corner of Trout and Page – University property. The same thing here. This is at the corner of Trout and Brooks with some additional area that the University has purchased. This is the parking lot that's across Brooks to the south. And this is the duck pond area.

Sorry. These were out of order. I need to get back to the protest slide.

One update – the Park Board did vote 7-0 for fee-in-lieu of land.

There is also the same process for this application. They actually had submitted on their preliminary site development plan originally a layer that noted the signs. When they revised their site plan to change some of the surface parking, that layer didn't get turned back on, so there's no changes to this; it's just noting the locations of the signs, which you did see already included in their PUD Narrative.

We did receive protests, as you can see from the protest map. They were across the railroad area, which came to 1.9%.

Again, with continued change in the neighborhood component, University ownership, rental properties, staff does support this resolution and rezoning request, Ordinance No. O-1415-27 and Resolution No. R-1415-40. I'd be happy to answer any questions that you might have. The applicant is here with their representative with a presentation for you as well.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – I'm going to try to move quickly. We've talked about a lot of this area, obviously, already. I will try mostly to contrast and compare so that you hear the differences and we don't reiterate. I'll do the best to do that.

First, I just simply want to mention the word "sprawl". Sprawl. We hear it here all the time. I see it on blogs all the time. I hear it in our debates all the time. Some of the same speakers you just heard up here a few minutes ago constantly talk about it and how we need to deal with sprawl. We can't talk about sprawl and dealing with sprawl without talking about the anecdote for it. And the anecdote for it is density. And density in areas where we can put it. Areas that can accommodate it. Areas that make sense for added density in the center parts of the city. Because without that, then we will continue to debate sprawl. And we can debate growth or no growth; that's a different debate. We can debate whether we have it at all. But if you want to talk about sprawl and dealing with it, we then have to talk about where we put density, where it's appropriate, and where it works. So I want to couch the debate in that manner. I do appreciate Cheryl Clayton's comments that this one is quite a bit a less dense than the last project.

First, let me just introduce the applicant. The applicant is a very highly experienced applicant and they're here with me tonight. Mr. David Pierce, Mr. J.R. Thulin, Mr. Kelly Dwyer is here, their engineer Dean Collida, and our traffic engineer as well. So all here tonight. They've come a long way. I know Dave is not feeling well. He was going to speak tonight, but I'm not going to ask him to do that because you're going to hear his cough. But they are heavily experienced throughout the nation. They have roughly about \$9.8 billion in assets. You can see a flavoring of their projects all over the country. This is a heavily experienced applicant, not one that has just done a few projects, but that has done many, many projects throughout the country.

That's the site. You're familiar with it, of course. I do want to mention, though, that we were in a meeting – I think it was a plat review meeting that we call it here at the City – not long ago – a few weeks ago. I know we don't know anything about this, particularly, but I know Mr. O'Leary was in that meeting and it was mentioned that OU has mentioned at least – and that's probably as far as I can go with it, because I don't know much about it, but in this meeting it was said that OU has mentioned the possibility of, I believe – and I'll be happy if Mr. O'Leary corrects me – but I believe it was a four-story parking garage to occur at some point in the future between Trout Avenue to the west and north of Page Street, which would be right there if you watch my pointer. Would be catty corner to our property. So very little I know about it, but in a meeting it was said that – and it was said because the question came up as to whether we need to plan to deal with that structure or not. The decision was at this time, as I understand it, no, because it was outlaying into the future and we're not sure when or how that develops. But that was something that you need to know about, because I think that factors into this discussion. If OU is going to put a multi-story parking garage catty corner to us, then really is there much left to preserve in this immediate corner of Trout and Page if that is to happen and if that's true? We know OU has been buying up virtually everything over west side of Trout –

significant purchases and growth of OU into that area, so I think it's quite likely that OU will be, at some point in the future – it could be ten years, fifty years – it could be two – I have no idea. But I think it would be quite likely that OU is to do something, perhaps all the way over to Trout and so I think that's the context you need to be thinking about these projects in – is what happens just west of Trout. Because I don't think it's foreseeable that what happens is it stays as it is.

Of course, we're very close to OU. One contrasting point with the project that you just looked at to the right of us is we are surrounded on all three sides by public roads. And one of them, Brooks Street, is a collector street with bike lanes. And right across the street from us is one of the two primary hubs for the CART system – immediately across the street from us – right out our front door. You see it to the left there. And you see the commuter lot right there to the left as well. That's how close we are to the stadium. That's how close we are to the Energy Center. And, again, that quadrant right there – vague is all I have, but is my understanding OU has something in their mind at least for a significantly large facility on that block.

That's the site. Another contrasting point here is this is an apartment complex, and it is an old apartment complex. No offense to its owner or anyone else that has maintained it, but it has been there a long time. It's probably seen its day to some degree. It is two and three stories. It's a variety of different structures. It's about 7.36 acres. It's about 50 years old. 261 units; 340 beds; 2 and 3 story. You can see it comes right up close to it. One of the things I want you to notice – and Commissioner Pailles, I would hope you would distinctly notice this, but this site actually encroaches out into the BNSF right-of-way. If you want to see some survey problems – if you've ever seen a bad survey – I know, Commissioner Knotts, you've seen them and a lot of people have. This one is a nightmare. There are encroachments across the property line into the BNSF right-of-way. That parking lot is sitting on it. There are encroachments out into the right-of-way of this parking lot out into Trout – it has parking spaces sitting in the right-of-way.

I'm going to show you in just a moment – you have seen 2025, but this is something that's very important for you to consider with this property. This property is, from a survey standpoint – from a public facilities standpoint – from a floodplain standpoint – it is a mess. If you look at that slide, you see the light blue. The light blue is the existing floodplain. Those buildings are in the floodplain. In the floodplain. Six different buildings in and on top of the floodplain. That's not supposed to happen. We don't like that. That's not good. It's not good public policy and it's a dangerous condition. If you want to talk about impediments and obstructions to water flow in a flood situation, that's it. Right there. Covers the floodplain. And we have many other problems. We've talked about the encroachment into the BNSF right-of-way. They have encroachments into the public rights-of-way on the streets. We also have sewer lines and easements going under buildings. See all these lines? That's a main sewer line; public sewer line going right under the building. I don't know what happens if you ever have a problem with that sewer line. I don't know how you're going to deal with that. You're going to rip down, probably, an entire apartment building somehow to get to it. There's no easement for it, either. There's another one – another sewer line going right up under a building with no easement. This is a storm sewer line coming under buildings over here; no easement. We have significant, significant problems on this property in terms of its floodplain and its utility systems. Significant problems.

This is what we're proposing – a much different situation. What we're proposing is a situation that basically completely reconfigures that floodplain in a much better, improved condition. And we've done it very sensitively in that we've taken the large open space and we've put it to the east. You realize where the only two protest signatures were were on the east. They were right over here. We have taken the building as far away from them as we possibly can. We've taken the building to the west. We've taken the building where, again, likely OU will be our neighbor to the west. OU owns much of the block catty corner to the northwest of us. So we've taken the facility and put it to the west end toward the campus end – toward the end where OU has been growing and accommodating property. The proposal is to change from R-3 to PUD and the PUD allows us to do the densities you heard – I think Cheryl Clayton mentioned the densities per acre. We are basically adding an additional about 600 beds over what is there existing. Really a pretty incredible impervious amount – 49% impervious; 51% open space. We

are reducing the impervious ground on this property – reducing it. I never get to tell you that. I don't know a time I've ever really gotten to tell you that, but that's what we're doing here. That's a contrasting measure to the one to the north that is taking significant backyards and so forth and covering them. This is reducing the impervious area. This is a one-phase construction. You do not have to worry about if we build one phase and we have an exposed parking garage and it never gets done. If they don't get financing, you don't get the absorption rate and it sits there. That's not the case here. This is one project; one completion; one in and one done. A significant park space, and this is really a key feature of this project is that we are opening up this park space as available to the neighbors, to the area, and it's a continuation of – you see the duck pond below us. It basically is a continuation of that and Greenbelt Commission was incredibly highly praised of this situation. We do not anticipate – plan – desire at all to deal or change with that flood channel. We are going to touch it as minimally as possible. That is not the plan. There are no plans to build over it or to do anything on it. And to take you to the point of how sensitive this particular developer is, you see the fire lane – the one fire lane they have right here – they have proposed that in a product called grasscrete, and I should have put a slide of it on the screen. But if you've ever heard of that product – grasscrete – it is basically, if you could imagine, a checkerboard and the checkerboard is concrete and grass. And what it is, it's a product that, when you look across it from a distance, it looks like grass – you don't see the concrete because the grass has grown up through the different patterns of the concrete. But it is built in a way that will support a fire truck. So it's a really incredible product. It's an expensive product, but it can be done so that then when you're looking across that landscape it looks like a field, but it can support a fire truck.

Some of the key features here on this is we're lining up – it doesn't quite show it that way there, but we're basically having an entryway right here that lines up with the CART entryway across. This is that CART hub right there. So right out the front door of this – this is the main lobby area – the main leasing area – parking area so that guests that are coming to consider leasing can park out front. That's a little different than the project you just saw where they have to figure out how to go into the parking garage. This one has its own welcoming surface parking lot out front. But very importantly is that right across the street is CART. I'm going to show you a slide in just a minute that shows you a little more about that. We, too, have walk-up units. You see the little sidewalks right here that walk up to units. You don't have to come into the main building and circulate around within for all of the units. For the ones that are down on the ground floor, you can access from – you see all around this property has walk-up units within it. We have three different courtyards – one right here, one right here, and then a main one over here where the main pool facility is and a main clubhouse area is right here off of this edge. You can see the parking garage is completely shrouded, right there. The parking garage is in the middle. It's similar to what the other proposal is. That's similar also, I should mention, to Millennium project. You recall the Millennium project that got approved – it's under construction right now. It's at Lindsey and Classen Street. That is an example of a project relatively similar to one of these that is five stories with a parking garage in the middle of it. And it's not very far along yet – you don't get a good sense of that yet, but you will. You will see how that works in a very short order period of time. So that's basically the site plan. Tremendous amount of open space on the right side of it, a CART hub to the south of it, very likely OU ownership and long-term to the west of it.

That's the context, again, and you can see the number of parking lots all around it. Again, very likely, perhaps long-term – we don't know. But very likely in the future everything to the west of this will be OU and could be a significant size facility up here – not entirely sure. But, again, you see the massing is to the west, so the massing is to the west. The open space is to the east so that we protect the neighborhood such as Lyntha was talking about and places like that.

These are the elevations. You can see we did a great deal of articulation on the property. You see the masonry across the bottom. This is the leasing center right over here, so this is the Brooks Street elevation. I'm going to show you in just a moment the streetscape that will happen across the front of that. We have quite a bit of in and out on the facility. We have

towers on the ends to kind of cap the corners of the facility. This is the Trout Street elevation – treeline. We talked about different types of trees that we can put in these facilities that will work along those streets. And we get to some three-dimensional imagery here in just a moment. That's the Page Street elevation. Again, some ins and outs. This is the east elevation. This is facing that park, so this is not up against the railway. This is looking down into that park area that is available for everybody to enjoy and live with. And there is a view from above. You see the park area again over here. This is the Brooks Street elevation.

But I think what you really probably should consider is from the ground. This is what you will see from the ground. This is the imagery of the property. This is the corner view from Page Street and the park so you're up on the north. To the right of us would be the Elsey project. To the left of us is the park, so the park area is over here and this is the leasing center right down there. This is the corner view from Brooks Street and the park, so to the right of us is that park, again – basically the large open space that sits off the east end of the property. This is the leasing center right here and that parking lot where you can come in – pull in, check and see if you really want to lease this property or not. This is the tower element that looks down into that parking area and out onto Brooks Street. This is the corner of Trout and Brooks, so right here is Trout and Brooks. Of course, I think many people have tailgated on game day right up and down this street. This is really, in a lot of ways, to pay homage to that, and you can see we anticipate large pedestrian plazas of sidewalks right here that come right up to the curb. I believe they are about 18 feet wide planned in that area and, indeed, there it is. So you see what they planned is a large pedestrian promenade on Brooks Street and then carries up Trout as well. You see these spaces that come out – the walk-outs onto the space. We, too, as many properties now do this, we will have a bike share space within the facility itself. And then what we're going to offer is a public bike space there; if the City of Norman or OU at some point actually embarks upon public bike share program, we are happy that they put it right there, because right across the street is the CART hub station.

Amenities. I won't bother you too long with this, but basically everything you typically see – pool, fitness center, grills, computer lab, very high-end finishes, computer fully videoed surveillance and controlled access security.

This is the unit count. I do want to spend a few seconds on this, in that this is one that has a great deal of variety. About 67% of the units are one and two bedrooms, not the completely four-bedroom units that you see on a lot of these student housing projects. This one actually spends a great deal of its unit type on one and two bedrooms you see right there. And then about 7% of its four-bedrooms are the townhome units, where there would be two bedrooms up and two bedrooms down. So it would be a townhome arrangement, not four bedrooms around a common area, but two up and two down. Only about 5% are three-bedroom, and about another 20% are four-bedroom. They do show parking as 1.8 per space. They have really a tremendous track record around the nation to show you that this works at that rate. But that is what they are used to seeing throughout all of their properties. Actually, that is in excess – quite a bit in excess of what they're used to seeing in a number of their properties.

LEED or NGBS. I don't want to spend too long on this, but they will move for a certification of the building. This is important to them. This is something that they do on properties. Some of you are probably familiar with LEED. NGBS is actually the National Association of Homebuilders standard that is similar to LEED and NGBS is more attuned to residential projects. So it's more attuned to multi-family projects. It has categories that you move for certification on. Lot and site development. Energy efficiency. Water efficiency. Some of the examples that they would likely look to in a project like this is low-flow plumbing fixtures, energy efficient lighting, star appliances, HVAC, low VOC paints, things of that nature. And you get credits for those types of systems that you put into your facility and they would move for a certification of one of those two. They have not decided yet which one. They've done both. But they will move for one of those certifications so that we have a legitimately green building and green project.

The green space and the parks – this is really a key feature of this project. This would be the large open space over here. We took this to Greenbelt Commission and Parks. They were

both, I think, pretty excited about it. You start to see the fees that mount on these kinds of projects. This one would develop through the building permitting and the platting, is \$32,000 roughly – these are rough figures – estimates – but roughly \$32,000 in the neighborhood development park funds, which would go to Eastwood Park, which is just to the northeast a little ways. It's a pretty large park up into the neighborhoods northeast of here. They basically pick the closest park is what they do. They find the closest park and move the monies into that. About \$25,000 fee-in-lieu-of would also go to that. So that park would probably see close to upper \$50,000 to go into that park from this project. And then another \$32,000 or so would go to the community park fund, which would go to the regional parks – Reeves Park, things of that nature. They pay for all of this; the City doesn't pay for any of that. They pay to maintain and build and control this open space. The City doesn't pay for any of that. They pay to clean up the floodplain to make it function so that there are no impediments in it; City doesn't pay any of that. We've talked about storm water bond issues and storm water utility fees. None of them would be needed here, because this developer would take care of that and improve that facility. The City doesn't pay any of it.

This is how close we are to CART, and this is something that I would hope you would consider. This is our project, you see on the lower right. That's Brooks Street. And this is CART's map, but right across the street is the transfer station. And then this is CART's verbiage, but they basically say there's a walk of about 10 to 13 minutes over to their other transfer station, which is the Campus Depot. So the two stations that serve the entire CART system – the whole thing – come from right there next to the property. So they have access to virtually the entire CART network within 10 minutes of one station and right across the street to another station. So if there is any ability to use mass transit, this is the best site anywhere – period – to do that.

Bike lanes – I won't spend much time on that, but, as you know, there are bike lane systems throughout – and Brooks Street happens to be one of the actual striped bike lanes. So we actually have a striped bike lane on this street – this collector street and, therefore, it can fully utilize the bike sharing program.

Traffic – We've talked about it. I won't repeat, but I do want to show you what we usually talk about in the vernacular traffic, which is the level of service. And you don't see these very often, but you see AM Peak Hour, PM Peak Hour and the Level of Service is what you see in this column and you see a whole lot of As and you see a whole lot of Bs. You go over here and you see As and Bs. I won't break this down too far for you, but, basically, each of these categories are for our project and for the Elsey project, if it should happen. That's what you see across the bottom. They're basically, if you look at this chart, there is basically one intersection that likely is a problem and we would be funding into it, and it is at Trout and Boyd. That intersection likely needs help at some point from these projects. We would be funding into help that project. And then, again, if OU does something, likely that's another factor into it. But the traffic study found that there were no negative impacts and the streets could handle that.

This is the economic investment. Roughly similar. \$51 million. The building permit – the one collection of checks that they will write for the privilege to build in our town would be \$800,000 and that would go straight into the City coffers. The annual property taxes are estimated at roughly \$650,000. I think that's relevant back to the first word I started with, which was sprawl. We hear all the time that sprawl causes us to cost monies out on the periphery of our town. Well, this one would not, and perhaps those monies then could be better spent elsewhere.

The policies – we've talked about these before. You've seen them. I won't repeat them. But there are extensive policies of 2025 that tell us – instruct us – guide us that we want to support infill development. It's about sprawl. We want to support and encourage opportunities for properties to be put back into the urban area at higher densities. That is a positive planning tool. That is a positive policy, and that's why this one is good.

Greenbelt Commission really had good comments. We're starting to see more comments out of the Greenbelt Commission than we used to. I've been able to show you some of them. They were pretty excited about the east end of this project. You see it. They basically said – they pointed out the positive aspects of the open space that will be available for public

use and the emphasis that has been put toward alternative transportation, meaning we are across the street from CART transit, the bike sharing. We will focus on that. And Pre-Development – We were really shocked. I don't know that I've ever been so surprised to walk into Pre-Development. I could tell you about that night. It was here. They had it in this room, thinking we would have a huge crowd. We walked in and Ms. Hudson was here. I came in with the gentlemen, and there was nobody here. I literally thought I had mistaken the time. I even went to Jane and said what's happening? Where is everybody? Because I thought there would be a huge crowd. We've always had huge crowds on these kinds of projects. There was nobody. As you see from the staff report, there was one neighbor. Well, a few other people started walking in and we said we're glad you're here. They said no, we're here for that southeast Norman project. They weren't even here for the project. So we had one person to come to the Pre-Development hearing for this project. That was it. And they voiced no concerns; they basically said we're here just for information. That was it. And it's been that way throughout this project. We didn't have anybody that I can recall came to the Greenbelt Commission or the Parks Board. The Floodplain Committee nobody came to. So it's been like that really throughout.

So, in closing, I don't want to be repetitive from all the discussion we've just had with Elsey project, but this one has had really tremendous support. And I think the staff's report echoes what I've talked about in that staff said we hear the concerns of expanding infrastructure to the outer edges of the City creating additional strain on the existing infrastructure. This proposal helps alleviate that concern. And it does. And I think we have to decide as a community when are we going to start addressing sprawl? We can't just talk about it and say we don't want it, unless we start dealing with it. And this is a way to deal with it.

Would this one fill up with students? Very likely. It's right next to campus. But as I think one of the speakers said, once it fills up, then the apartment complexes in other places that are filled with perhaps students in those places would rejuvenate, renovate – they would have to to compete, and then they fill up with people that would have gone to the periphery – would have created that sprawl. So this is a positive development. This is what we need in places that can accommodate it. This one absolutely can on Brooks Street looking across the street to the duck pond, looking west to OU properties that are starting to infill in that area. We encourage your support for this one. I'm happy to answer any questions you have. I don't know how much longer you want to be here tonight, but we'll be here as long as you want. Thank you very much for your time.

2. Mr. Lewis – Sean, I do have one question. When is pre-leasing? I might want an apartment in this.

Mr. Rieger – Well, I think 2017 is when they anticipate this project to be open. So please come see us.

3. Mr. Gasaway – Could you address moving the floodplain?

Mr. Rieger – I would be happy to. Actually the engineer is here as well. Let me first talk through it and I'll show you some slides. Flood Plain Management – and I know staff is here as well. The Floodplain Committee chairman, I think, is here, and several staff members. I'll just briefly go over it and then I'm going to ask Dean Collida to come up and talk through it. But we have been at the Floodplain Committee already. We went to the Floodplain Committee at the request of staff. We did that. We had unanimous vote of approval at Floodplain Committee on this project. They saw what we were proposing. Staff studied it. Staff recommended approval. At that meeting – I was taking notes – I don't know if they have it on audio, but I wrote down one of the staff members said "a great example of Flood Plain Management." That was said in that meeting and then the vote was taken shortly thereafter as a unanimous vote. We are improving the storm water management on this site. I cannot stress that enough. I'm going to go into length to answer your question, Commissioner. But I don't think you can look at this slide long enough to look at the problem we have. You see these buildings in the floodplain. We are

removing everything from the floodplain. We are removing residents who are living in the floodplain. We're taking them out of there. We're improving a situation.

Now, I think you've heard – or will hear from people that are saying we shouldn't be allowed to touch this floodplain. I'm going to suggest to you that it should never be the policy of the City to say that we cannot move in and correct and improve a situation. If that is the mantra, then it's wrong. If their mantra is that we should not be allowed to touch that just simply because there's a policy that says we can't touch a floodplain, then it's a wrong policy. I don't think that is the policy at all. We've got ordinances we can go through all night, if you want, to say that. But I think absolutely the policy should allow us to go in and correct that situation. That situation is dangerous. It's a bad situation. It's an impediment to the flood waters in that area.

Now I am going to ask Dean Collida to come up and talk to you – just tell you specifically what we're proposing to do in the floodplain.

4. Dean Collida, Huitt-Zollars Civil Engineering, representing the applicant – The floodplain here, obviously, we've got zoned AE, which is a studied floodplain which has elevations in Zone A, which is not studied because that's basically the end of their study – their effective study. So essentially, to reiterate, we've got six individual residential structures in the floodplain – 120 units – approximately 156 people in the floodplain. In the red area here is where the floodway is. That's the main channel of the floodplain. If you block that, that's your main channel that's really going to cause backwater effect to flood somebody. The floodplain, yes, it's an issue, but that's going to be more of a low-rise, less velocity. In the red, if you're blocking that, you're going to have some backwater effects that are going to affect people up to the north of this. So we have buildings in the floodway. No one allows that. FEMA does not allow that. It's avoided if at all possible. With this situation there is a high risk of property damage and high risk of erosion, because, as things come through an impediment, they're going to try to go around and create eddys and they're going to cause a lot of erosion in the area.

This is the existing conditions; this is what we're up against right now. The road here where Brooks is at, where the culvert is right here – this is undersized significantly. The road overtops and there's nothing to stop that. We do not plan on touching that, although it's one of those things that is a problem that's been existing for a while. We're not touching that area because OU to the south – we don't want to impact them at all. So our purpose of this is to not impact anybody upstream, downstream, left or right of this property. That's what we have done with the floodplain study that I have performed. Basically, the hydraulic analysis that I do – it's taking the FEMA models and we topograph the site – run cross sections – use a model, which is what FEMA uses as all their floodplain models. We run this model. It's existing condition. The floodplain lines that are in the red here are the FEMA effective flood lines, and what we have done is essentially we are excavating property – basically excavating land here to move the floodplain over to this side. We are not touching the creek at all. The main channel of the creek – the flowline – we are not impacting at all. We are not touching the bank on the west side. The only thing that we are touching on the bank is a couple feet off of the east side here to get more available area for floodplain storage. We're getting zero residential structures in the floodplain. There is no units – no people living in there. We're removing every obstruction from the floodway. We are also – they talk about fill, but we have a net decrease of soil in the floodplain. We are removing fill. We're not bringing fill in. It's a net decrease of soil. We're taking more soil out than we're putting in. So when they talk about fill, don't believe that, because we are removing more than we're taking – it's a net decrease, which is where we get the additional floodplain capacity storage – 1.3 acre feet. It's quite a bit of storage when you're adding to a situation and trying to improve it and make it better. So, additionally, we're also maintaining the natural drainage pattern – we're not changing that. And this is in the code – this is what they represented in some of the letters that we received. And the erosion protection – we are going to be protecting this creek. Another thing in the ordinance was talking about preserving the floodplain; well, our floodplain is now going to be preserved with a park. So, therefore, that's open space park area. There's going to be low risk of any type of flood damage now because we're fixing the situation. As in the ordinance as well, the whole purpose

of the floodplain district and to floodplain manage is to have a sound use of the land that will increase your tax base. So, essentially, that's our proposal.

5. Sean Rieger – I think the key point there is the 1.3 acre feet of additional capacity. We are increasing the capacity of the floodplain. We're taking out the impediments that cover it right now.

6. Mr. Knotts – So are you widening the channel?

Mr. Collida – No, sir. I should probably have put a slide of the cross-section there. On the west side, we're leaving everything alone on the west bank. The flowline of the creek we're leaving alone. When it comes up on the other side, when we get out of that two-year storm, then we start cutting the bank – I think it's about two feet below where the existing top of bank is, and then we're cutting it out and basically excavating where the buildings are at now, after we remove everything, obviously, and that's where the additional storage – so, basically, we're just transferring – we're redistributing soil from one area to the other and moving the floodplain to the east side.

Mr. Knotts – So will the overtopping of Brooks ...

Mr. Collida – That remains the same.

Mr. Knotts – But it would be wider, probably.

Mr. Collida – No. It will remain the same. It's shaped a little different – if you look at the – now here's the thing with the FEMA model – and I've got all this.

Mr. Knotts – You're pushing it to the east.

Mr. Collida – The FEMA model – I've got all the data I can show you. But the elevation that they have at the street there – if you actually take the real elevation, it's as wide as what we're doing. So we're not really impacting that. They just have the model – they have it drawn incorrectly because they are assuming that everything is going underneath the culvert. We've modeled this and I've got all that data and I can show it to you.

Mr. Knotts – So the built side – the apartment side – are you raising – I mean you're obviously not going to take that silt and take it over as fill, but are you raising the base elevation?

Mr. Collida – Yes, sir. On the west side.

Mr. Knotts – Finished floors.

Mr. Collida – It will be a minimum of – I think the minimum is two feet above the 100-year floodplain. And we'll make sure that that's well above all that.

Mr. Knotts – And what kind of increase is that over what it is now?

Mr. Collida – We are not increasing the floodplain. We are not increasing the height of the water at all.

Mr. Knotts – No. I'm asking the finished floor elevation now and what it will be.

Mr. Collida – This building here, I think, is around 1144 – 1143. It's going to be around 1146-47. So everything is going to be up two to three feet.

Mr. Knotts – And it will be a different building.

Mr. Collida – It will be a fill section. We're putting a retaining wall on the west bank to make sure it's protected from erosion as well.

7. Mr. Gasaway – I'm not an engineer; I'm just a simple state employee. So excuse the simplicity of my questions. I'm a little concerned when you muck with Mother Nature that Mother Nature tries to take it back. After hundreds, thousands, and millions of years of the water running through there. So you're saying you're going to narrow it down – essentially make it deeper – somewhat of a funnel effect?

Mr. Collida – No, sir. These red lines here – this represents the FEMA floodway. Our floodway is in the green. All we're doing is shifting it over and winds slightly, but our floodplain – so biggest is your main channel – but we are not deepening the channel. We're not touching the flowline. The creek will look the same. We're not going to disturb it except on the east side where we can cut in and get more floodplain storage out of it.

Mr. Gasaway – But what keeps it from wanting to get wider, like it was originally?

Mr. Collida – Oh, we want it to get wider, but we're making it get wider on the east side. You see, our floodplain now is out here in blue. See, we're controlling it in the fact that – instead of letting this water be impeded by these units and then kind of slowly drift over here and flood, we're creating an area and managing that flood water in a controlled environment. You know, some cities do this as projects without development around it and they do this as a floodplain management project, and they spend their own dollars to do so. On this project, private funding is going to help fix kind of a public floodplain issue to get these buildings out of the floodplain.

Mr. Gasaway – When you do that, does that impact the water at the head or the foot?

Mr. Collida – To be honest with you, we're actually bettering the situation to the north of us as well. Because all this extra storage, when it hits that creeks and it hits that headwall, it backs that water up. If we create more storage, it's not going to back up as far, so there's going to be less people technically in the floodplain to the north. So it's actually bettering the situation not only for the floodplain in general, but for residents that are to the north of us as well.

Mr. Gasaway – Okay. And doesn't affect the flow into the duck pond at all?

Mr. Collida – No, sir. We're not touching that area right there where the main section comes across the road. We're not touching the road or the creek or the culvert, so that remains the same. And downstream of Brooks there is no impact.

Mr. Gasaway – So it's okay to muck with Mother Nature?

Mr. Collida – In this situation, since it's already been messed with, yes, sir.

Mr. Rieger – You already did. And you see right there with buildings ...

Mr. Gasaway – Yeah. We built buildings on top of it.

Mr. Rieger – In the floodway and in the floodplain.

8. Mr. Boeck – Well, one of the things I will mention there is FEMA changes – every time you see a FEMA map, it's different. They're changing their maps all the time, so it's not sacrosanct as far as ...

Mr. Knotts – They're just getting better information.

Mr. Boeck – Maybe.

Mr. Collida – And that's what we'd be doing. We're going to go for a CLOMR, which is a conditional letter of map revision. And upon approval of that, we construct the facility and we as-built the survey and redo it based on as-built conditions. Then we submit for a LOMR, which is a letter of map revision. Upon approval from FEMA, then we actually change those maps you're talking about and then it's officially out of the floodplain and then it can be a certificate of occupancy because it's not in the floodplain.

Mr. Boeck – I'm thinking probably what's now floodplain, when they built it, was not floodplain.

Mr. Rieger – Well, I think you're right.

Mr. Boeck – It changes every year, every five years, every ten years.

9. Mr. Rieger – If I can expand real quick on that. Not only is that impediment to flood water, but it's an impediment to this property being redeveloped. I've heard many people since I started on this project tell me that, man, it's about time Bishops Landing got something done to it. Well, it's not going to get anything done to it unless we solve that flood problem. So that is at the heart of getting Bishops Landing into its next generation. So I apologize for injecting.

10. Mr. Gasaway – Besides the process tonight, what's the process of – the application process for moving the floodplain and getting it approved by the City? What are the steps in that process?

Mr. Collida – The flood study that was approved by the Floodplain Committee – that will be submitted to FEMA as a CLOMR – conditional letter of map revision. They go through a review process. We address comments. Upon approval, then it would kick in to where we could actually start building the project, final plat approval and construction plan approval by the City

of Norman. Then, after it's built – after the dirt work is done – because, once it's out of the floodplain, anything above it is fine – we'll do another survey of the topo. We'll run cross-sections, rerun the hydraulic models through there, then submit it again to FEMA, as it's being built, and then upon approval from FEMA as a LOMR submittal, then once they approve that, then it's officially – and the timing is supposedly as in the CLOMR gets approved, we start construction. As the LOMR gets approved, they finish construction and we're ready for residents.

Mr. Gasaway – Does City Council have to approve that separate of the zoning process?

Mr. Rieger – I'd probably defer to Mr. Bryant to answer, but I don't – City Council, of course, will be approving this project. They have to go through that entire process. I don't know that it will be a separate agenda item, if that's what you're asking. I'm not sure.

Mr. Gasaway – We've just never done it.

Mr. Rieger – Right. City Council will approve this project, just as they have any project.

11. Mr. Knotts – So it used to be that Brooks was basically the flush point for City water – I mean storm water. You didn't have to detain – you don't have a detention area here. Is that still the case, Sean?

Mr. Collida – We're reducing the amount of impervious cover on the property. We're taking more concrete out.

Mr. Rieger – Quick answer, and Shawn is going to expand, I'm sure. But we are reducing the amount of impervious so we were not required to produce our own detention facility for the project.

12. Shawn O'Leary, Director of Public Works and Floodplain Administrator – At the risk of just repeating what they've said, they did a complete storm water study and a floodplain analysis. Because they are actually reducing the impervious area, which is a very rare thing with any new development project or infill project, they are not required to do any detention – any conventional storm water detention for storm water purposes. Although they are, as Dean has said a couple of times, creating additional storage for the floodplain at their own will and as part of the floodplain management process.

I would just offer that I would concur with really everything they've said; they did a nice job representing that. I was waiting for Dean to get to the discussion of the LOMR – letter of map revision. He got to that eventually, but that's a very critical part of this process and was a condition of the Floodplain Permit Committee's approval – that it has to go through the LOMR process with FEMA. It is a four to six month process easily. It is a very extensive engineering hydrologic and hydraulic analysis. I would guess the applicant is spending \$10,000 or \$15,000 or \$20,000 just on that process alone to get that, and nothing can happen on this project, depending on what the Planning Commission and City Council would do – nothing can happen with any filling or earth work or any channel work in the floodplain until the LOMR is approved by FEMA and ultimately distributed to us. That term LOMR – letter of map revision – is effectively revising the floodplain map. It's making it look like that based upon this study. Then, as he said, they would prove afterwards that they actually did everything that they said they were going to do.

To the point – and Jeff can speak to it – about City Council involvement in this floodplain issue, there is an element of the current floodplain ordinance that requires that if the floodplain area is being reduced by 10% or more then that application that was approved by the Floodplain Permit Committee must go to the City Council during the plat review process. So we are prepared to do that with your recommendation tonight and the Council will then consider that issue of reducing the floodplain width by more than 10%. I'm sure we'll have some of these same discussions that night as well. Any other questions I can answer with regard to the floodplain issue? Thank you very much.

13. Ms. Pailes – Rental cost range?

Mr. Rieger – We were just talking about it a little while ago. They haven't set it yet. I would just say probably market rate, comparable to what you see these other complexes. But I don't have that for you as yet.

Ms. Pailes – I mean, the granite tops is very nice, but it makes the rent. So I'm just curious. So, basically, you don't know.

Mr. Rieger – Do not know the answer to that.

Ms. Pailes – Total height of the building?

Mr. Rieger – Is similar to the Elsey project. It's five stories, roughly 60 feet at the periphery, and then the parking garage we have shown at 80 feet. We don't think you would likely see the parking garage. As you can see, again, it's shrouded within the complex. When you're down on the ground looking up at the five-story building, I don't think you'll see it. But it's similar heights to what the Elsey project.

AUDIENCE PARTICIPATION:

1. Sherri Stansel, 608 Shadow Crest Court – I currently serve on the Floodplain Committee and have since its inception in 2007. Also served on the Council committee that drafted our new Floodplain Ordinance. I am here because there was a mistake made in approving this floodplain application for this development that is before you, being that they are proposing to fill in the floodplain, which is in violation of our ordinance. There is a copy of a letter that you all are getting here on behalf of myself and Neil Suneson, the other citizen committee member. Like all of you on this board, I am a citizen volunteer and when I had experience in this subject my time is limited to fully review the materials and we depend upon staff report and technical presentations to be able to make an informed decision. Following approval of this application, I continued to feel very uneasy and continued to review the ordinance and the application itself and discovered that a critical part of the ordinance regarding the restrictions on the uses of fill were not cited in the staff report or raised and discussed during the meeting. I talked with Mr. Suneson early this week, who concurred, and together we drafted the letter you have to make the City aware and make the request that the application be postponed and reconsidered. Based upon these restrictions regarding fill, the proposal does not meet the floodplain regulations. I highly urge you not to send this forward, as this is the foundation of our revised ordinance that we spent two years putting together regarding no adverse impact of our floodplains. This also impacts our citizens who have flood insurance in the City of Norman, as FEMA gives them deductions and better floodplain rates based on better floodplain management practices. We are a member of the Community Ratings System. Norman came in a very high 5 rating, which gives each one of the people that have flood insurance a 25% reduction. I'm going to give other people an opportunity to speak. Thank you very much. I do hope that you turn this down. Thank you.

2. Marion Hutchison, 5220 Montrose Circle – Commissioners, I appreciate the chance to speak. I also served on the City Council Floodplain Committee that drafted the current ordinance from 2006 to '07. I also served on the Floodplain Permit Committee from 2007 until 2012, when I retired my position. I can tell you – I'm also a geologist and my personal experience – got involved in all this because I lived in the Cambridge Addition, which part of it happens to be raised on fill. And my house happens to sit on part of it. I can tell you our neighborhood is having problems with the channel that was channelized to do that project that was probably run through models and calculated that it would be fine, not knowing that actually in the real world often Mother Nature does what you don't really think it's going to do and we've got headcut problems, erosion problems. So I just want to make sure that – you can hear all kinds of information about calculations on these things through models, but in the real world sometimes it doesn't work. What's being proposed has significant fill on it. If you look at the staff report – I'll just quote on here that this is a major fill operation. While our fill restrictions are not complete prohibitions from putting fill in the floodplain, we have specific limitations -- only three precise uses for fill. Those uses, and the limitations weren't cited on the staff report or

at the Floodplain meeting – I think you may have a copy of those. The first is (a) the elevation of individual residential and non-residential structures, including driveways; the construction or repair of public roads and bridges; the river or stream bank stabilization or reinforcement projects. We have never in all the time I was on the permit committee and we looked at dozens of permits – and the Planning Commission never saw those applications for development because they never got past our Floodplain Committee. We never approved anything of this magnitude – ever – which is the wholesale filling of the floodplain. That has never occurred. Our ordinance only allows for the minimum amount of fill necessary to raise individual structures on a pad to allow people that actually have property, if they so desire and want to go with minimum FEMA standards – which a lot of communities have. You can go to a lot of places besides Norman and the minimum FEMA standards are that you can raise the floodplain – you can fill it in. You can do everything you want with it and you can do all that. But the reason we redid our ordinances was to get away from minimum FEMA standards – to move into the 21st century of planning. While I completely endorse planning in the 21st century for urban development and density, we've also moved away from 19th century – 20th century stream planning. Floodplain management now means stay out. FEMA recommends that. The community rating system that Sherri referred to was – the CRS – we will get docked points if we set precedents for undermining our floodplain ordinance. Currently, at a minimum, on the fill standard, this application doesn't meet the ordinance. Thank you.

3. Rachel Butler, 4000 Hammer Drive – I'm here before you as a member of Council who worked on the floodplain ordinance modernization and improvement from the inception, along with Sherri and Marion and several other people, including a couple of other Council members. I'm going to talk about the floodplain. I think that the floodplain issue trumps everything else about this project. I feel very strongly that way. If this project were to go ahead as is – sitting here thinking this – to me it eviscerates our floodplain ordinance and I chose that dramatic word purposefully. If we ignore the language in our ordinance, which is trying to produce no adverse impact, as you mentioned, and put us to a higher standard than the old days, we've made a precedent that takes us back to old style floodplain management, minimum standards.

Let me tell you about Tulsa. Tulsa, back in the 80s, had a huge flood. They had had early floodplain ordinance modernization, but there was a lot of pressure and so they stepped back and allowed more building in closer to the streams, and then they had a gigantic storm and flood and people died. So that was the start of them moving back towards keeping out of the floodplain all structures and not messing with Mother Nature – letting the floodplain do its natural kind of services that it provides.

If we pass this as it is, we have set the precedent that anything goes, just like the olden days, and we no longer have that protection which we wrote into the ordinance based on a lot of research and looking into the experiences of other communities in the state and outside the state, what their experiences were, and best practices that they had discovered over decades of looking at flooding and storm water runoff and all of that. So that was going on when all of this began, when we began working on upgrading the ordinance. There were some projects that came forward that kind of got our attention. For me, personally, part of that was kind of more of an awakening to watersheds and runoff and what happens with the cumulative development and increasing intensity of development in urban areas. Each project by itself may have minimal impact, but the cumulative effect of all of these things is extremely detrimental. We have lots of experience of how that works and I don't think we want to go that way anymore. So I ask you not to send this ahead.

4. Stephen Weichbrodt, 1400 Classen Boulevard – All the questions and concerns that I had have been addressed by either the presenters or the concerned citizens that have presented themselves before. So I don't have anything else to ask.

5. Mitch Baroff, 421 Park Drive – Pretty much reiteration of what I said on the last applicant. I feel that, if the project's density is within the current zoning ordinances, go ahead with the

project; it sounds fine. I wish I knew how many units are allowable by current zoning. If I had the numbers correct here, currently they have 35 units per acre – gross acres – 7 acres – and they're going to have 60 when the project is done, plus or minus. I guess the last project was about 90 per acre. And then how does the floodplain work? If you have 10 acres and 50% of your property is in floodplain, can you count that for units and just put them all on the 5 acres? Or do you have to subtract that out? So I'd like to know an answer to that also. I have no idea. And back to the play by the rules. The current zoning is current zoning. I know our infrastructure cannot handle this kind of density. We need to do a major plan throughout the whole facility. Transportation can't handle it. Can't even handle it regionally right now, let alone locally. And who knows about water and sewer at these kind of densities? Like somebody said before, how many people are going to be in one square mile if we allowed everything to be at that particular density? I'm tired. The drawings and the presentation were real nice. All our trees really hit that façade real pleasantly. The trees kind of bring the scale of the building down. I love the open space. But, again, the bottom line is the density and zoning.

6. Girma Moaning, 208 Dollina Court – As we consider developments in the City of Norman, I think that it's important to ask what do we want to be as a city and where do we want to be in the future? I've heard the statement current zoning many, many times tonight. But if we were to roll back 25 years and look at current zoning then versus what we are today, and then fast forward to 25 years in the future, I think that we need to take a large scale viewpoint as we're considering these. I also feel that the argument about traffic is being phrased in an almost reverse type argument, because the further the people have to travel into a location with sprawl, the more time that a vehicle is going to be on the road. Whereas, if you have major draws, such as the University and major work places where you have high density housing in the vicinity, that greatly reduces the amount of cars on the road. You could say, well, there are 100 people with cars in a set development, or a thousand, but how much time are we removing those cars from the road I think is the question that we really need to look at. Suburban sprawl impacts Mother Nature much, much more than an individual high-density development. I also think that, as a City, we also have to consider long term when developers spend hundreds of thousands of dollars multiple times in our cities, we want to ensure that we have ways within our zoning to insure that some of these development can move forward, because the current and the future uses by the citizens of the city are not the same as what they were 10, 50 or 75 years ago. So I hope that you all take that into consideration tonight. Thank you for your time.

7. Sean Rieger – I just think it's relevant that you hear that – I just want to focus in. Ms. Stansel said that we should have no adverse impact on our floodplain. We're improving the floodplain. We have an existing adverse impact. Then I think it was Ms. Butler that said keeping out of the floodplain all structures. They're in the floodplain. We're trying to get them out of the floodplain.

Just quickly, the ordinance, section 1, page 1, had about 11 items of the purpose of the floodplain ordinance. Number one is to protect human life. Number two, minimize public money for costly flood control projects. Number three, minimize the need for rescue and relief. Number five, minimize damage to public facilities, utility lines, sewer lines – those are all in the floodplain right now. Number seven, control the floodplain, keeping structures and buildings out of it. Number nine, meet the needs of the floodplain to carry the water through it. Number ten, enhance existing protections for residents, structures, facilities from flood damage. We are right in line with not only what they said – get the structures out of it and no adverse impact – but with the ordinance. So I would urge you to consider that, please. Thank you very much.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Lewis – We've been provided three different documents that say we've made a mistake as a Floodplain Commission. I'm just wondering if Mr. Bryant or Mr. O'Leary can address those concerns. Has there been a mistake made? And where are we?

Mr. Bryant – We were actually brought into this probably day before yesterday late afternoon. So we haven't had a whole lot of time to do a lot of in-depth legal research on it. But from looking at the Floodplain Permit Committee question, that committee was duly posted, duly called, duly held. The vote was unanimous. There are seven members on the Floodplain Permit Committee. Every one of them voted for this particular application. Afterwards, I understand from the comments, that there has been some second thoughts by at least two of those members. But process wise, when you have a deliberative body, you make a decision on that deliberative body; if there's a point of reconsideration, that has to be done before that deliberative body adjourns, and that did not happen. So you really don't get overs.

Now, a point that was made, I think, by Mr. O'Leary, which I think this body should keep in mind, is, because it impacts 10% of the floodplain on this site, it is required under the floodplain ordinance to go to the Council for consideration when Council considers the preliminary plat. So Council will get to hear these comments and Council will get to consider that as they consider the preliminary plat. There's really nothing in the floodplain ordinance that asks the Planning Commission to consider this particular issue. Planning Commission's role, as you look at the land use plan change – which is an overlay district – should it continue in the flood hazard district, or should that be removed with this project as it matches with the zoning change and the preliminary plat that's being presented? The underlying zoning is not being changed; it's still R-3, which is high density. So your role on the overlay question really is, with this proposal, should that overlay for that part that's being taken out of the floodplain be taken out of the flood hazard district? The question that they're talking about tonight, about whether the Floodplain Permit Committee made a mistake, is really not within the purview of the Planning Commission. But Council does get to consider their concerns when they consider the preliminary plat, because it impacts 10% of the floodplain. Does that answer the question?

Mr. Lewis – Absolutely. Mr. Bryant, I appreciate the clarification in regards to process. That's what makes this a democratic country, and it sounds like this is the Council's problem and not something that the Planning Commission actually should review. Thank you.

Ms. Connors – I just want to correct one thing that Mr. Bryant said, was there is a zone change being requested this evening. The NORMAN 2025 land use plan change is only as it relates to the floodplain, but there is a zone change from R-3 to PUD.

2. Mr. Knotts – So I understand this discussion that we had – that we're not supposed to consider. But I look at this project and I think that the mistake was made in '65 – '64 when that original project was built. And this appears that it's – that's what changed the floodway, the floodplain – the 100 year flood – whatever that is. Flood area. So it appears to me that this project is coming in to rectify that and not necessarily channelize – which I don't like – but it is going back to a more natural and a more – an easier maintainable area of floodway. That's the way I believe, and I think I'm right.

3. Ms. Gordon – I have a quick comment. I think whatever the last gentleman said that went to bed – I think he made a good point and I don't know. If a good 40 to 50% is the green space and the floodplain, then the density is probably greater – at least similar to the Elsey project. Is that not correct? If it's about 4 acres really that you're developing on – 900 units or something – then really the density is about the same and maybe even a skosh more by my numbers. So we can't really say it's less dense, because it's not really true. Doesn't seem to be anyway.

Mr. Boeck – You're dealing with different acreages.

Ms. Gordon – Sure. But I'm saying, you're not building on the 7.5 acres they're saying. You're building on 3 to 4 acres, which is about the same as the other project with more units.

So kind of part of the issue I have – I really like this project for a number of reasons. The floodplain thing. The one-phase construction. I think there's a bunch of things that takes care of the issues with the proximity to the railroad tracks. Let's face it, Bishops Landing really needs to be dealt with for a number of reasons. However, you're still dealing with some – it would be disingenuous for us to say the traffic is an issue with the Elsey project but not an issue with this

simply because it's next to a CART stop. Well, for any other reasons. Really. I go back to the same thing. I don't know that it's necessary. We're still, I think, relying on this kind of fairy tale assumption that people aren't going to drive as much as they probably will. You know, the parking – although there's a lot of parking. I don't know. I mean, we're talking 900 something bedrooms. That's a whole lot of people for that area. I just don't think it's a good fit. It's massive. It's not a good fit for that space. It's more than is necessary. Would it improve on what we have? Absolutely. Is it the best improvement that may be out there? I don't know. It doesn't seem that way to me.

4. Mr. Gasaway – I've kind of waivered back and forth on this for the last several days. So as we were going through tonight I made my little plus and minus list, which are very similar to Cindy's. But let me just go through some of them. I'm kind of talking to myself, as I'm prone to do from time to time. On the positive side, it's replacing an aging apartment complex, rather than tearing down neighborhood homes. It's one phase from start to finish, so you don't run into three or four years of construction in the area. It does have access to Brooks, which is both a positive and a negative, because, when you get to the east and west end of Brooks, it's very difficult to go somewhere from there. I mean, if you've seen the traffic on Brooks when it comes to those intersections, it's very difficult. Another positive – it's a very attractive design.

On my negative side, you're still planting a college dormitory with the number of people of Adams Center at OU in that part of town. But, to me, I think the most deciding factor is still the mass and scale and the size of the facility. You know, if it were two stories shorter I'd probably be in favor of it. But I think it's still very much out of place for what Norman is used to at this point. It may be a few years down the road we get used to buildings like this. But I don't think we are now and I don't think that's a very good place to have as a starting point.

5. Ms. Pailles – Much as Jim said, you've got 950 beds. You've got 778 parking spaces. That's just not acceptable. Maybe it works some place; I don't think it's going to work here. As I said, walking around Page Circle – 26 lots, 32 cars at 3:45 on December 10. The students here have cars. 778 parking spaces are not enough. They'll be parking on Brooks. They'll be parking on Trout. They'll be everywhere. That's just not acceptable.

The density – right. If you're looking at the density of Calcutta, it's just too much. The streets around are still labeled as failing at peak hours; it's not time to build something this dense right here. Our infrastructure is not being effective use made of it. Our infrastructure is not ready for this, and may never be. Again, if it were built in connection with the Page Circle, you turn the area into a cement canyon. I don't see the attractiveness of this. The building itself is attractive. It's just way out of scale. 80 feet. They say if it's stepped back you don't notice it. It's hard not to notice a building that's 80 feet tall. It really is.

Just in terms of sprawl and Sean's comments, density is seen often as a counter force to sprawl. Sprawl being just the eating of the entire ecosystem around all cities through suburbs. The only way density counteracts sprawl is if you have obligatory land offsets. If you have the density here, you give open land here. Otherwise, density does not counteract sprawl. I was talking to a friend who is a city planner in Seattle. I said we're talking about density, but there are no offsets. He said, oh, well, what you're voting for is both density and sprawl. If there are no land offsets, density does not counteract sprawl. Some people live in the suburbs and the rest of them live in apartments and you have three times the population you were planning on.

On the plus side, holy cow. Right now it's a mess there. Right now the parking lot feeds through a culvert directly into the creek. The creek is a slimy mess because it's filled with oil runoff, both from Classen and from the parking lot at Bishops Landing. It just runs directly into it. This would correct that. I'm almost inclined to vote for it just for that, because it's a slimy mess right now. It's a LEED building. We've had a number of density proposals come to us talking about their commitment to a walkable environment. Well, you look for the other data points that means this is a sincere commitment. Walkable, yes. This is the only one that has met the other data points. This is the only one with the energy star appliances, the low flow, and the LEED commitment. That's very impressive.

It's just too massive for the area as I see it. And the parking.

6. Mr. Lewis – Mr. Chairman, while being certainly concerned about the environment, from this standpoint I usually don't speak about it, but on this project I must speak about the environment and the impact of what we currently have in regards to what the applicant is proposing. Right now what we currently have is a mess. Very clearly. Whether the mistake was made in the 60s, the 70s – whoever made the mistake, it was a mistake. This applicant is spending an enormous amount of money, energy, and time and has already spent money and energy and time in trying to rectify a problem that exists within our community. Ms. Pailes mentioned it as well – not only do we currently have a stream that has oils in it, this obviously has some type of cleansing with the grasslands going into that stream – a major improvement over what's currently there.

The pluses – I know, Commissioner Gasaway, you asked one of the things and mentioned it on two different items – we're building a college dormitory. I think about a college dormitory and I think about the University campus and, while the University has made leaps and bounds in building multi-level parking spaces, if you look at the current dormitories that are at the University of Oklahoma, it is a massive asphalt sprawl of cars. This complex, as well as the Elsey complex, has contained those cars into a multi-level parking space which I applaud. That's one of the questions that really set into me was, maybe at some point in the future the City of Norman – we will be ready for this. I ask you now, as we look at 2020, 2025, 2030 – we are to be looking in the future. This is going to have a lifespan of some 50 – 60 – 70 years. We don't know. But it's going to have a very long lifespan. If we're not ready for it now, when will we be ready for it?

As we look into the future of the City of Norman, look at the expansion of the University of Oklahoma and look at specifically the expansion that Mr. Rieger mentioned, we don't know what's going to be happening to that piece of property to the north and to the west. It may be a very large building. It may be a very large parking garage. We don't know. But the University is expanding and this fits perfectly within the model of where the University is going in its expansion. So not only do I applaud this project for its very positive environmental impact, but I applaud this project because it is very forward looking. It's preparing for an expansion that is coming, and if we put our heads in the sand and say, hey, it's not coming, then we're going to be stuck with a City of Norman that cannot accommodate the number of students that will be at the University in the future. So I very much support this and I would hope that my other Commissioners would see that as well.

7. Mr. Boeck – Well, I want to add to your comments on energy – LEED. We talked about LEED. One of the things – I look at Bishops Landing. I never lived there, but I got here to go to school in '72 and it was already old. I had friends – girlfriends that lived in those apartments and they were nasty then, not very energy efficient. So I'm not sure what the difference in energy use is between Bishops Landing and what you guys are planning to do. We've got traffic issues. We've got energy issues. We've got water issues. And by building things like this, we can start addressing our efficient use of water, our efficient use of electricity, energy.

Mr. Lewis – And not only reduce the amount of crime that's in that area right now.

8. Mr. Knotts – So I have just a point of information, if I could. Kind of a personal thing. Are these caves that are on the project wine cellars? No? What are they?

Mr. Rieger – They're breezeways between the courtyards and the outside that you can see through.

Mr. Knotts – Okay.

Mr. Lewis – But they would be good wine cellars.

Mr. Knotts – Not if they're open in Oklahoma. So I just have one traffic kind of situation that I want to bring up. There are a lot of parking places here in this garage, but there are only two outlets. I can tell you, as a designer of parking lots, that if you constrict the flow, you're going to constrict the use. So I think that possibly will ameliorate the concerns about major traffic – car impacts. There is also a huge parking lot across the street that I built, by the way. It

is a surface parking lot. Anything that drains a surface parking lot – a street – a driveway is going to have oil in it. So it's going to be a problem.

Mr. Boeck – And that parking lot drains right into the duck pond.

Mr. Knotts – I know. That's the way it was designed.

Chris Lewis moved to recommend adoption of Resolution No. R-1415-40, Ordinance No. O-1415-27 with the amended site plan showing sign locations and amended PUD Narrative addressing signage, Ordinance No. O-1415-28 and PP-1415-12, the Preliminary Plat for UNIVERSITY HOUSE NORMAN ADDITION, A Replat of Block 3, MILLER ADDITION, to City Council. Sandy Bahan seconded the motion.

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

YEAS

NAYES

ABSENT

Erin Williford, Dave Boeck, Tom Knotts, Chris Lewis

Robertta Pailles, Sandy Bahan, Jim Gasaway, Cindy Gordon

Andy Sherrer

Ms. Tromble announced that the motion to recommend adoption of Resolution No. R-1415-40, Ordinance No. O-1415-27, Ordinance No. O-1415-28 and PP-1415-12 to City Council, failed by a vote of 4-4.

* * *