

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

APRIL 11, 2013

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 11th day of April 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Curtis McCarty
Jim Gasaway
Roberta Pailes
Cindy Gordon
Dave Boeck
Sandy Bahan
Tom Knotts
Chris Lewis

MEMBERS ABSENT

Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT

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

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Item No. 13, being:

CONSIDERATION OF AN APPLICATION SUBMITTED BY SASSAN MOGHADAM FOR FOUNTAIN VIEW NORTH ADDITION, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

Item No. 13a, being:

RESOLUTION NO. R-1213-111 – SASSAN MOGHADAM REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-8) TO REMOVE THE FLOODPLAIN DESIGNATION, AMEND A PORTION OF THE PROPERTY FROM VERY LOW DENSITY RESIDENTIAL DESIGNATION TO LOW DENSITY RESIDENTIAL DESIGNATION, AND AMEND A PORTION OF THE PROPERTY FROM LOW DENSITY RESIDENTIAL DESIGNATION TO VERY LOW DENSITY RESIDENTIAL DESIGNATION, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Memo
3. Exhibit A
4. Pre-Development Summary

Item No. 13b, being:

ORDINANCE NO. O-1213-35 – SASSAN MOGHADAM REQUESTS REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, AND A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Memo
3. PUD Narrative
4. March 14, 2013 Planning Commission Minutes

Item No. 13c, being:

PP-1213-13 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Memo
4. Transportation Impacts
5. Preliminary Site Plan
6. March 14, 2013 Planning Commission Minutes

Item No. 13d, being:

FP-1213-36 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, SECTION 1, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY ¼ MILE SOUTH OF TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Memo
4. Memo – Deferral of Street Improvements
5. Final Site Development Plan

PRESENTATION BY STAFF:

1. Jane Hudson – The application before you is actually one that you've seen before. The applicant is here for a Land Use Plan amendment as well as rezoning and placing a PUD for the entire property. You can see the subject tract here. Currently, he has got the approval already for the low density residential area designated there. The additional area outlined there is in a floodplain. If approved, the area to the north will become very low density residential, and then he will also expand out to the east in this yellow area with the low density residential. The additional application is for rezoning from A-2 to a Planned Unit Development. Again, there's the existing Planned Unit Development with this additional area that the applicant has acquired since getting the original Fountain View approved. This is currently vacant now – all these homes have been cleared out. This home will remain in the large acre lot area. This is a photo of the site looking back to the east at the corner of 48th and Tecumseh. This is looking east on Tecumseh – you've got large acre lots across the street to the north as well. This is the site looking to the east. Single family home – large acre lots back over on the east side. To the west is floodplain – agricultural area. Staff is in support of this application. The applicant's representative is here as well with a presentation and available for questions.
2. Mr. Knotts – On page 13a-6, the Pre-Development Summary, appears to be incomplete at the end.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, engineer for the applicant – At the Pre-Development Meeting, there were a few people there who were a little bit concerned. One was a guy across the street wondering about wanderers. One was about taking care of some issues. And one was just taking care of stuff. After that meeting, I got a love letter from one of the lawyers and I responded to that and we now are a happy family. The issues that were a concern, particularly that landowner to the east, were some traffic and some stuff. We now have worked all those issues out and they are not here tonight. That has been resolved.
2. Ms. Pailles – I'm curious about areas that say Common Area in the north corner and along the northwest boundary. This presently is under water. Is that a concern? It's actually a pond.
Ms. Hudson – That's going to remain is my understanding.
Ms. Pailles – And along 48th Avenue where it says Common Area in kind of a long strip. That's presently under water, too. Is the whole common area likely to be inundated? It's not always under water, but presently.
Ms. Hudson – Tom might be able to answer that as well, but there are actually two detention ponds there. One is for the Fountain View Addition to the south – the single family. The one to the north is for the gated adult community that you saw previously under the original Fountain View PUD that came through.
Ms. Pailles – Is there dry land that is also common area, or is it all likely to be damp?
Mr. McCaleb – The current pond that you're talking about stays. It will be a common area; it will be part of the amenity package for the whole project. That's a pond that Mr. Dake has manicured for a long time, and they're going to stay there for quite a while, and he wants to continue playing with his pond, so we're going to allow that to happen.
3. Mr. Boeck – Just eliminating floodplain status – how does that work? I mean, you just go ahead and say I don't want floodplain any more so I can get rid of it.
Ms. Hudson – That was actually updated with the new FEMA maps and it wasn't taken off of the 2025 Plan. That's all we're doing is just taking that designation off.
Mr. Boeck – What's the data as far as water elevations that says we can take that off the floodplain?
Mr. McCaleb – The City retained a consulting firm a few years ago – I can't remember the name of the company. They went through the whole analysis and prepared the floodplain

analysis and took it out of the floodplain. It has been done by FEMA. It's done. The City adopted that process.

Mr. Boeck – I just think about the weather patterns and we talk about we're in a drought right now, but I've known that place down there to be flooded. I know we've developed other neighborhoods in what used to be floodplain by raising the elevation and saying we can do this because we get it up to a certain level. Is there a difference between floodplain and floodway?

Mr. McCaleb – Absolutely. This is not floodway. Floodway means stay out; you're going to get wet. Floodplain doesn't mean that. Floodplain means that you have the capability to take it out of the floodplain if you can demonstrate that it's not going to flood, and that's what has occurred. This whole application is just a revision of what you've already approved before. The area to the east or the south of it – the single family that we've got constructed and recorded. We've learned a lot during that construction of some of the issues you're talking about. We were digging the pond down at the bottom of 48th Street. I had below the pond to put in some CKD to solidify the bottom so it would hold the water. At the elevation that we had projected to be CKD, it was H₂O. It was water and it was the constant level, so we've maintained that elevation, and that was last summer when it didn't rain at all. So we have found the water table. It is wet, but not wet above it. We're working with that elevation.

Mr. Boeck – How does that work as far as floodplain insurance, too?

Mr. McCaleb – That's underground. That's sub-surface conditions. Sub-surface doesn't have anything to do with floodplain. It's just working with the geology of the land. It's not in the floodplain. That was just something that got overlooked before by staff, and now this is correcting that. It was done quite a while ago; the Comp Plan was never advanced to that approval. It's a clean-up area for the Comp Plan right now. As far as the engineering, that's resolved and one. The pond that Ms. Pailes talked about has to be fed – he has to feed water to that pond, because it doesn't get water naturally.

4. Sean Rieger, representing the applicant – Most of the questions on this have been stormwater and you've probably just heard all the answers, so I'll be very quick on this. You're being asked tonight – you see on the left this was approved unanimously by the City Council in that configuration on the left. So that is done – that is approved – that's a plat that is complete. The only thing that happened here was this developer purchased additional land right next to it, so they're back tonight. I've tried to diagram it for you. This little piece right here is being changed to that – so two large lots instead of a whole bunch of little ones. This is the other piece of land that he bought – so if you can imagine, we're kind of taking that little piece right there and sticking it over here, and then the rest of the new land he bought is very large lot single-family homes with one little cul-de-sac gated entry. That's it. That's the extent of the change you're being asked to approve tonight. The rest was already approved previously. I won't waste your time to go through all the rest. I'll quickly glance through. These were some images of what you already approved last time. This was already approved, platted by City Council – basically a senior living area. I'll leave it at that to save your time. Happy to answer any questions.

5. Mr. McCarty – We've had issues with stacking in entries of gated communities. Has the design or the entryway been discussed with City staff, and where is that in the process for this gated community?

Mr. Rieger – Well, I'll tell you what's happened with gated entries – the short answer to that is this one will be in line with what staff requires us to do gated entries as. That all changed with Ashton Grove. If you'll recall, Ashton Grove did a gated entry that a lot of people didn't like – still don't like – and they're still in the courts about it today. But after Ashton Grove, the City adopted a standard. So we're done with this – we're going to find a standard for a gated entry and that's what it's going to be and that's what you're going to do and that's what we're doing.

AUDIENCE PARTICIPATION:

1. Tracy Calvert, 4831 West Tecumseh Road – It's just to the northeast of this area that's being built. I would like to just show you some pictures of last week's rain that we had. And this is the ditches that they're building. And that's just one of the three. I don't know exactly how deep they are, but I know if I stood in the middle of it, it would cover my head. And that was just four inches of rain. My concern is I am in the floodplain and it has come into my garage. My only concern is, with me living in the floodplain, and them building dirt up as high as they have so far. I don't have anything wrong with them building there. But the water that's going to be standing – and if we got 10 inches of rain – in Oklahoma, you can get some wet springs and falls. Is it going to flow over into the creek and cause a lot of mosquitoes with the livestock and all that? That's our biggest concern. We want to see if the City will help flow that water down towards the river where it should go naturally. That's all my concerns. Thank you.

2. Ms. Pailes – Could you indicate where the ditch is that you had pictures of?
Ms. Calvert – The pictures that I had were in these retaining ponds that were all along here, and they're completely full.
Ms. Pailes – That's my experience.

3. Mr. Gasaway – Mr. Chairman, since that has come up, can we address that a little further? It seems like there are two totally different opinions and we need to make an educated vote. I think most of us have driven along there and seen that. But you all seem to think there's a solution. Could you elaborate just a little further?

Mr. McCaleb – We're not finished, yet. The construction is done for the single-family with the ponds, and now we're interconnecting the other retention ponds. This is not finished. This structure is built. This is not finished. We haven't connected all this into there. And we haven't connected all the storm drain systems into this piece of land. But this whole designed system has been designed, reviewed, and approved to detain the water before it's released down here – it's off the picture here. It comes across the land owned by the horse ranch. I've watched that during the rains, too, and it stays nicely. Because that gentleman we met with a long time ago, when there was a lot of concern about flooding in all this area, and we had to make sure we accommodate his horses and the way he services horses. And we did that. He has been a real gentleman; he hasn't complained. He said his problem just does not exist. If you recall, at one point in time we suggested no detention here – that we shouldn't have any detention and that hydraulically it would be better off if the water would get on down to the river and act as a bypass. And we demonstrated that to Council that we should do that – it's a better hydraulic solution. Council rejected that and said put your detention in. We have. And so that's why it's there. And it work. And we haven't finished the whole project, but we will.

4. Chairman Lewis – The detention pond that looks like it is to the south and the west – that is actually not in place, then, currently as we speak?

Mr. McCaleb – It's not finished. We had to enlarge this area right here. We had to dig this out and we're putting in some walls along this thing to contain it. This is not finished, and all the infrastructure is not completed yet. When this is built, this cul-de-sac will take this water and this will be an underground system and discharge into that pond. There is an existing pond on the east that Lander owns. We've met with Lander. We're going to put a structure there and we're going to take the water that goes down to a hole, pick it up in this pipe, take that water over and into this system, so his existing pond will maintain the way the pond was designed and built. In doing so, he has about six pine trees that he was concerned about, and we have agreed to relocate those six pine trees way to the west on his other farm. So that took care of that issue. He was concerned about his pond; he built a pond that doesn't drain. There's no structure; it just fills up and spills out around both sides. So he was concerned about his pond being overloaded. We surveyed it, got the elevations, and came up with this solution. We did not have this in there before. We added it. It's a 24-inch RCP. He agreed and let us put an inlet right there to take his water and let his pond continue to work as it has and the water that drains

down his access road to his pond will be picked up in this inlet. There is surface water that drains from his house that goes back to the west, and in this area right there we would do nothing to impede that water from going back to the west. So it would go as it is today. That was one of his concerns. So we're not going to build any structure or berm or anything from about right there back to Tecumseh Road. What sheds to the west will continue to shed to the west. Drain across these lots, picked up into the street, and taken like this and then work its way down. As the lady said, it will be detained, retarded, and slowed down.

Chairman Lewis – And since that system is not completed, it's not functioning the way it's intended to function, and that's why we're seeing the pictures that Ms. Calvert showed us – the water is being retained in other places.

Mr. McCaleb – That's possible. It's probable. I didn't see her pictures.

5. Ms. Gordon – So do we know when that's going to be done? Is the manipulation of this area causing more flooding for what she's going through now, or it hasn't affected it at all? Does that make sense?

Mr. McCaleb – The timing – the change order plans that we turned in for this project – and you're approving the final plat tonight – those plans – we went with a change order to amend. Those plans were approved today. So I can release my contractor to finish. I had to pull him off the site to make sure we got approved plans so they had been reviewed, instead of trying to do the work before the approval had taken place. So, if you've driven by there, you've seen some equipment sitting there, doing nothing. I want to get them doing something and finish up.

6. Mr. McCarty – So the entryway to the adult active community – north of that – that area has been raised approximately 3 feet recently. They keep bringing more and more dirt in. Going north, that drops off significantly to where the pond is up on the corner. Will that pond always stay there?

Mr. McCaleb – Yes, it will. There are two ponds there. There's a north pond and there's a little pond south of it. The north pond will stay.

Mr. McCarty – With that grade elevation – it drops 3 to 4 foot – it's pretty significant. Are all those lots along 48th going to be raised up to that same elevation?

Mr. McCaleb – This one will not be and this one will not be. This one will have some raised here. This lot here will be.

Mr. McCarty – My concern is the bar ditch on 48th, because right now in this last rain it's filling up and lapping onto 48th. There's nowhere for that water to go. So how is that going to be addressed? I'm not worried about the detention ponds; those are going to flow and do what they're doing. But the water in the bar ditch doesn't get to the ponds.

Mr. McCaleb – No, it does not. The water in the bar ditch of 48th Street does not get into the ponds. That's correct.

Mr. McCarty – So where is it going to go?

Mr. McCaleb – It will go where it goes. I mean, 48th Street has no grade whatsoever, and for years we've had the City and the County out there cleaning the bar ditches. And the bar ditches – it doesn't take much.

Mr. McCarty – In this last rain, I mean it wasn't dangerously, like hydroplaning type, but it was getting pretty close to that.

Mr. McCaleb – The plat for this will have the same responsibility as the plat for this, and that is construction of that system – that road – is going to be deferred to a massive City project to build the whole road system all the way from there down to a mile, so it does function, with curb and gutter and with proper drainage. That's not an arterial road. It is a project that is planned. We deferred pavement for Fountain View. We deferred pavement for Las Colinas. And the City has elected to make a comprehensive plan. I don't know the date, but it's not going to be an arterial design.

Mr. McCarty – That intersection is going to be signaled in August.

Mr. McCaleb – If you'll recall, when Ashton Grove was done, that half mile was not to be built – period. So I can't answer that question. But in the years past, what we've been able to do is get the County up there to clean up the bar ditches. And when they clean the bar ditches out, it drains better, but it's very flat.

Mr. McCarty – Lastly, any traffic concern with the proximity to the intersection of that exit of the gated community?

Mr. McCaleb – No.

Mr. McCarty – You're not very far from where the stop light is going to be.

Mr. McCaleb – There is a transition – a striping transition in this area and the traffic engineer has requested that we restripe that, so that's our commission to restripe that to make sure that is accommodated.

Mr. McCarty – That's not there currently, is it?

Mr. McCaleb – It is. It's a painted transition.

7. Mr. Boeck – I have concerns about drainage in this part of town, but City Council has already approved what's there, so what we're doing has no bearing on issues of drainage. It just has to do with moving some land around and changing the zoning.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Tom Knotts moved to recommend approval of Resolution No. R-1213-111, Ordinance No. O-1213-35, PP-1213-13, the Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development, and FP-1213-36, the Final Plat for FOUNTAIN VIEW NORTH ADDITION, SECTION 1, A Planned Unit Development, with deferral of street improvements for 48th Avenue N.W., to the City Council. Curtis McCarty seconded the motion.

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

YEAS

Curtis McCarty, Jim Gasaway, Roberta Pailles, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis

NAYES

None

MEMBERS ABSENT

Andy Sherrer

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1213-111, Ordinance No. O-1213-35, PP-1213-13 and FP-1213-36 to City Council, passed by a vote of 8-0.

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