

**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.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Robertta Pailes
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

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Chairman Boeck welcomed Erin Williford to the Planning Commission.

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NON-CONSENT ITEMS

Item No. 5, being: **CLASSEN CROSSINGS, L.L.C.**

5A. R-1415-4 – CLASSEN CROSSINGS, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM COMMERCIAL DESIGNATION TO MIXED USE DESIGNATION FOR PROPERTY GENERALLY LOCATED SOUTH OF EAST CONSTITUTION STREET AND ON THE WEST SIDE OF SOUTH CLASSEN BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report
3. Excerpt of November 13, 2014 Planning Commission Minutes

5B. O-1415-3 – CLASSEN CROSSINGS, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, AND I-2, HEAVY INDUSTRIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED SOUTH OF EAST CONSTITUTION STREET AND ON THE WEST SIDE OF SOUTH CLASSEN BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-C
4. Revised Preliminary Site Development Plan (Sign Locations Included)
5. Excerpt from Revised PUD Narrative regarding Signage

5C. PP-1415-1 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY CLASSEN CROSSINGS, L.L.C. (OKLAHOMA SURVEY COMPANY) FOR CLASSEN CROSSINGS APARTMENTS & RETAIL ADDITION, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED SOUTH OF EAST CONSTITUTION STREET AND ON THE WEST SIDE OF SOUTH CLASSEN BOULEVARD.

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
7. Greenbelt Commission Comments

PRESENTATION BY STAFF:

1. Janay Greenlee – The applicant, Classen Crossings, is requesting a NORMAN 2025 Land Use and Transportation Plan amendment from Commercial to Mixed Use Designation. This is the subject tract, currently commercial land use, proposing mixed use development. Also, a rezoning is being requested from A-2, Rural Agricultural, and I-2, Heavy Industrial, to a Planned Unit Development, and also consideration of a preliminary plat for Classen Crossings Apartments and Retail Addition. The subject tract – part A-2 and this section right here currently I-2 is the existing zoning. This is the existing land use. There was once a single-family home at the site. It had been there for many years but most of the lot is vacant. This is the preliminary site development plan for the project. Commercial fronting Classen, with the 44-unit apartments in five different buildings to the rear. The railroad to the west. Classen industrial is to the south and then the Family Video commercial is to the north. You'll note on the site plan two sign locations – one right here just right behind the 5-foot landscape buffer. It will be a pole sign. And then the ground sign for the residential component is located over here. The site plan has been amended to show those. This is the site itself. This is looking from Classen to the west toward the railroad. This is looking to the south. This is south on Classen. This is directly across the street to the east. This is another development that's going to be very similar in nature to what is being proposed with the commercial retail that's in front with the residential component to the rear. The Family Video to the north of the site. And this is looking north. This is the future – which is

happening right now – is developing is the neighborhood Walmart with the planned unit development with the residential component that's going on right now. Staff assesses two things for a land use change. We look at the circumstances in the general vicinity – if they have changed in recent, and also traffic impacts. Staff does believe that this type of mixed use development is definitely in concurrent with what's happening right now. It is approximately 3.9 acres. There's going to be 11,400 square feet of commercial development, 44 dwelling units, as I said, with five buildings that are going to be two stories. The commercial component will be one story building. There will be 32 2-bedroom with one bath, 8 2-bed with 2 baths, and 4 units with 3-bed and 3 baths, with two accessible units. There is 23% green space at the site. As I stated, the site plan amendment shows the signs and also the access for the development. There's two access points on the development – let me go back to that – this is the north access. It's a right-in/right-out only. And then the other access is for the gated residential, which is both right-in/right-out, can go both ways onto Classen. They have come to an agreement with that, and also as well as a sewer solution with a cross-access agreement with the railroad. Given that, staff does support this development and we do recommend approval of Resolution 1415-4, Ordinance No. 1415-3 and the preliminary plat 1415-1. I'd be happy to answer any questions.

2. Ms. Gordon – So the southern in and out access off of Classen – can you pull up the picture to where, in relation to that development across the street, that kind of happens? I can't get a really good visual of that. So where does that exit hit in relation to this?

Ms. Greenlee – I believe it's going to line up with the access point across the street.

Mr. Boeck – Go back to that plan. I think it's south of that. The original plan that you had up. See, if you look, it's just offset a little bit.

Ms. Gordon – Does that interfere – or will that interfere with that left turn lane or anything at that signal light that's going to be there?

Ms. Greenlee – The traffic impact study and the traffic engineer for the City of Norman have gone through it and have approved it.

3. Ms. Pailles – Out of curiosity, has the potential hazard of putting people so close to the railroad track been addressed or considered?

Ms. Greenlee – There is an easement and the railroad does make all development adhere to, and there is development all along. Another example is the Boyd and Classen. There's the Loft development that directly abuts the railroad track and they meet that setback.

Ms. Pailles – Yeah. I, personally, voted against the Loft because I did not want the liability of putting people in harm's way. When we first moved here I was surprised that there were apartments at Lindsey and Classen so close to the railroad track and I thought, well, with modern zoning you couldn't do that anymore. But these are closer to the railroad track than any of that previous development. Between Boyd and Lindsey there are a number of single-family homes. The homes are approximately 200 feet from the railroad track. This the apartment facing the right-of-way there is about 80 feet from the center of the railroad track. So I personally thought that was a bit of a hazard. I looked up the incidents of derailments in Oklahoma – and some derailments are fairly simple – the train just flops right over. But a lot of derailments are – obey the laws of physics – the trains become a wave and they go way past what the easement is for the railroad track. So, anyway, I looked them up. 2008 derailment in Luther. 2005 one in Jones where there was an explosion. 2010 derailment in Oklahoma City. 2014 and 13 derailments in Tulsa. 2012 Goodwell – that was an immense fireball. 2013 Winoka. 2014 Winoka. I would consider that there is a – that this is putting people in harm's way. That the original agricultural or at least industrial designation is appropriate – that it's an inappropriate place to put people. Not only – and it's becoming increasingly so. The Bachan oil fields type are far more flammable than the past. The request has been for the trains to be more cautious in carrying this; no changes have been made. When that explodes, it causes houses nearby to explode from the inside. It is incredibly flammable. I don't know if you can enter this into the records or anything. It says hazardous cargo shipping highly flammable Bachan crude oil yet many communities are unprepared for an accident. I certainly would not want to put people

anywhere near that so, basically, I'm saying I'm voting against it because I don't think I can personally accept the possible liability of putting people in harm's way.

Ms. Greenlee – It does meet the setback regulations for that.

Ms. Pailles – It does. It is less than the setbacks that were observed in the 20's, and I'm sure it's entirely legal. I'm not questioning that it's legal. Whether it's prudent is an individual call and I'm making that on the basis of what I just said, the record of derailments and the increasing hazard of explosion.

4. Ms. Greenlee – Lastly, I just would like to include that we provided a proposed motion for your consideration that includes all sign information regarding the site development plan with the proposed signs. And the applicant is here to make a presentation.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – I will be brief. I know we have a long agenda tonight. That is the site plan. I want to address these two questions here very shortly. But let me take you through it again just to show you a couple things here. There's the site plan; you've seen that. I just want to show you what it would look like. This is basically the generic strip center on the front. This is what the elevations of the residential units on the back side of it would look like. This is that easement that we talked about.

First, I want to tell you the reason we postponed several months is we were trying to get sewer access to this site, and we are very appreciative of staff. Staff helped us quite a bit on this to try to find a way to get sewer to this site and also the right-in/right-out. And the sewer that we're talking about is right there. We could not get the ability to bore under the Family Video properties, so we have gone over onto the BNSF property and the right-in/right-out is right up here where we compromised with staff. This does have full support of everybody that we've had so far. No protests. No problems at Pre-D. Nobody came to Pre-D. And, as staff notes, this is currently zoned industrial and agricultural and I would hope we can all agree that this is certainly not agricultural land anymore and really the industrial is not what has been happening.

So there is the site plan. Let me address those comments, though, if I may, Commissioners. First and foremost, the right-in/right-out – and the reason we have two curb cuts is really from the staff report – or, I'm sorry, from the traffic impact study and let me read that to you: "Because of the heavy traffic on Classen Boulevard, it is recommended that the two proposed drives be installed for the Classen Crossings development to offset the difficulty in exiting the development created by the traffic on Classen." So the traffic impact study said we needed two ingress and egress points. That means, then, we separate them as far as we can. Staff was very gracious in supporting us on the right-in/right-out only, as we have on the left side, and then we move the other one as far over as we can. So that is the reason that we have those located as we do.

Commissioner Pailles, to address you on the comments. They're well-taken. We appreciate those comments. We understand your concerns. But I do want to highlight that we have many properties that are in close proximity to the railroad tracks – the Loft was mentioned. I would also mention The Edge apartments that are up on Classen just to the east edge of the railroad tracks. Those are three, I believe – maybe four stories. Large. The Edge complex. You're familiar with it? I wish I had an arrow that would show you. Right up against the railroad tracks. And I would also remind you that the Center City Visioning Project right now, that is only in draft form – it's not adopted policy but it is in draft form and I believe – unless I'm mistaken and Ms. Connors, please correct me if I'm wrong – but I believe one of the corridors shown for one of the highest density possibilities is the corridor along Jenkins by the railroad tracks. I believe that has, I think, the highest max height – one of the corridors shown in the Center City proposal is in that corridor – not right up next to the tracks, but next to Jenkins, which is right up next to the tracks as it curves south of downtown. So there are many examples of existing developments and even possibly proposed that would put lots of residential complexes next to the railroad tracks, and we could go on and on about some of the other areas in urban locations that have that. Last point on that, we are at 200' right-of-way, I believe, at the tracks.

We're about 100 feet away from the centerline of the tracks to the edge of our property. Then we have an easement beyond that that would take you a little bit farther. So we believe – we're very confident that this is a safe condition. We think it is. We think it's proven out with other properties. With that, I'm happy to answer any questions you have and we request your support tonight.

2. Mr. Knotts – Is there a barrier between the development and the railroad right-of-way?
Mr. Rieger – Yes. A fence. There would be a barrier as far as a fence. This will be discouraged as far as pedestrian traffic interfacing, of course, with the railroad track.

Mr. Knotts – 3' or 6'?

Mr. Rieger – I believe we show 6'.

Mr. Knotts – Concertina wire?

Mr. Rieger – Not concertina wire. No.

3. Ms. Gordon – I have a quick question while he's playing with buttons here. So, just curious, the development across the street – that commercial strip – is half full. I mean, those things have been sitting empty pretty much forever, basically – couple of years now – however long that thing has been there. And you guys are wanting to put more of the same across the street and I'm just curious as to what magical thing you're going to do to get yours to fill but not have those across the street that aren't working.

Mr. Rieger – One of the things that's happening in southeast Norman is really an explosion of population as you go farther south from this area. So we believe – and I think many believe – that traffic on Classen is going to become quite intense – much more intense than it is right now as the population south of Highway 9, especially, is seeing very large complexes get built. There are proposals working through staff right now that haven't come to you that show plans for additional hundreds – literally – of acres that will be in play in the South Classen/South Highway 9 area. So we believe as those people certainly move up and down Classen Boulevard every day, there will be more and more traffic – more and more exposure for these properties.

4. Mr. Lewis – Mr. Rieger, I have a question. In regards to the safety of the occupants that are going to be in those apartments – certainly putting anyone in harm's way is unwise. To your knowledge, when trains come into the City of Norman – I certainly understand in the rural area trains can go upwards of 55, 60, 70 miles an hour. I'm certainly not an engineer in regards to the railroad. But in the City of Norman, do trains not have to slow down? And do we not have safety in place to protect the public? Commissioner Pailles, I certainly respect the concern of putting future tenants in harm's way, but I just can't see that's the case if a train is going at a minimal speed coming through our fair city. And in the rural areas it speeds up. And certainly train derailments happen. They happen all over the country. To your knowledge, do you know of any speed limit in this city?

Mr. Rieger – I do not, Commissioner. I'm not aware of their regulations as to what speed they have to go at and what they don't.

Mr. Lewis – Does our legal department, by chance, know?

Mr. Bryant – 35 miles per hour.

Mr. Lewis – So 35 miles an hour. If a train derailed, you said there's at least 100 feet?

Mr. Rieger – Probably about 120' from the centerline of the track.

5. Ms. Gordon – Can I just remind my Commissioner friend that doesn't it take a good mile for a train to stop? Maybe not at 35 miles an hour, but if a basic car going 50 miles an hour can go through a wall, I'm going to just suggest that a train going 35 miles an hour that derails could easily take out an apartment within a few hundred feet.

Mr. Lewis – I would certainly agree with you. I would say that if a train is going to derail and there's going to be hazardous chemicals on that train, then it's not just going to be 100 feet – 200 feet or 300 feet that we're going to have to actually ask people to leave. It's going to be

miles that we're going to have to ask people to leave. So just by having a train come through the City of Norman, I think having an apartment complex 100 feet from a railroad track is not putting anyone in any more harm's way than having The Commons down the street to the south, having The Edge over to the west, having a retirement center down further to the south of that. I don't see this as being any different than any other complex.

Mr. Rieger – I would also suggest – I believe it was Park 7, Campus Crest, Grove products south of Highway 9, between 12th and the railroad tracks. I don't recall the exact site plan as to whether they were right up against the tracks or whether there was a parking lot, but the development itself did abut the railroad tracks and those were approved.

6. Ms. Pailles – Very quickly, the places I read are all cities. So those derailments were inside cities. Jones, Luther, Oklahoma City, Tulsa, Tulsa, Winoka. Those are all inside cities. So, if you want to just Google derailment, it's quite instructive. I was not even addressing really the chemical deal. That's an entirely different deal. I'm just thinking of waking up with a boxcar in your bedroom. At the very least, what I would suggest – yes, there are developments like that. I wasn't on the Planning Commission then. And it's an individual decision. I would at least suggest that when you're putting a development along the tracks the people – apartments, especially – should be along the street and the parking lot should be near the tracks. At least gives you a fighting chance. Again, if it's commercial, at least if you have a derailment you're vertical – you're up – you've got a chance if you're not asleep and helpless. That's my take on it.

AUDIENCE PARTICIPATION:

1. Joy Hampton, Norman Transcript – If I'm out of line, this is my first Planning Commission meeting I think. But that area already has heavy bicycle use by students. It sounds like the location of this complex would probably serve students. I was wondering if there's any hope for bicycle friendly inclusions in the plans.

Mr. Rieger – Thank you. My engineer was reminding me. Yes, we do, of course, have sidewalks across the front – I believe 5' sidewalks across the front of the space, and we do have bike racks that we have to provide within the facility. So the answer is yes. We are accommodating bicycles. We will connect to the sidewalks that are around the Family Video site right here. And I don't see whether there's – but then you're on Constitution Avenue which takes you on into the South Research Campus of the University. I don't remember what the bike path situation is on Constitution Avenue, but as to immediately around our site, yes, we would connect to any sidewalk system.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to recommend adoption of Resolution No. R-1415-4, Ordinance No. O-1415-3 with the amended site plan showing sign locations and amended PUD Narrative addressing signage, and PP-1415-1, the Preliminary Plat for CLASSEN CROSSINGS APARTMENTS & RETAIL ADDITION, A Planned Unit Development, to City Council. Chris Lewis seconded the motion.

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

YEAS

Erin Williford, Dave Boeck, Jim Gasaway, Tom Knotts, Chris Lewis

NAYES

Roberta Pailles, Sandy Bahan, Cindy Gordon

ABSENT

Andy Sherrer

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1415-4, Ordinance No. O-1415-3 with the amended site plan and amended PUD Narrative addressing signage, and PP-1415-1 to City Council passed by a vote of 5-3.

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