

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JUNE 14, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of June 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:33 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Dave Boeck
Jim Gasaway
Cynthia Gordon
Diana Hartley
Tom Knotts
Curtis McCarty
Robertta Pailes
Chris Lewis
Andy Sherrer

MEMBERS ABSENT

None

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
Kathryn Walker, Asst. City Attorney
Larry Knapp, GIS Analyst
Terry Floyd, Development Coordinator
Scott Sturtz, City Engineer
Shawn O'Leary, Director, Public Works
Susan Atkinson, Planner I

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Item No. 7, being:

PP-1112-18 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY MIKE AND CINDY MILLIGAN (MORRIS ENGINEERING & SURVEYING) FOR MILLIGAN INDUSTRIAL TRACT ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF ROCK CREEK ROAD ON THE EAST SIDE OF THE BNSF RAILROAD RIGHT-OF-WAY.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Request for Variance of the WQPZ
5. Letter from Engineer regarding the WQPZ
6. Request for Road Improvement Deferral
7. Site Plan

PRESENTATION BY STAFF:

1. Mr. Danner – I'd like to give a little bit of a background on this. The Planning Commission saw the preliminary plat in March of this year and recommended approval of it to City Council. With that particular preliminary plat, we had a variance in the WQPZ and a recommendation whenever the final plat came forward of a deferral of Rock Creek Road. In between that time, the applicant chose not to pursue the deferral or the WQPZ, so it never did make its way to the City Council. As a result of the changes and his desire to request exemption of the WQPZ and exemption of the street improvements, he has brought forward a revised preliminary plat. That's why you have it before you now. Mr. O'Leary is going to make a presentation regarding those exemptions. As far as the preliminary plat itself, a sidewalk will be required adjacent to Rock Creek Road. A fire hydrant will be used to serve the facility in regards to any structure. It will be a private sanitary sewer system, because there is no public sewer available. Water is existing.

2. Mr. O'Leary – This is an unusual situation and I want to take a few moments to certainly answer your questions if you have them. We have a few slides that we hope will help to clarify what is being requested here. Frankly, we don't think we've ever received these requests for a total exemption from a deferral or the improvement costs for the arterial street. In the one year that we have had the Water Quality Protection Zone ordinance, that has not happened either. There are variances and other ways to approach these things, but, again, what is being requested here is a total exemption. Let me elaborate, if I may. Here's the site plan that you're looking at in your book of the Milligan tract. I think one of the bases of the request from the applicant is the small size of the parcel. It is a parcel under 3 acres in size. We certainly understand and sympathize with that, but, again, neither of these ordinances give any relief to a smaller parcel different than a larger parcel. This is to acclimate you to the location if you haven't been out there. Bordering the BNSF railroad tracts on the west side of the parcel. That is 12th Avenue N.W. running along the east side of the parcel area and, of course, Rock Creek Road on the south side. Just to the east, the first developed parcel is Forest Lumber, and east of there would be Trailwoods Addition. A photo taken yesterday. It's a fairly active parcel; there's quite a bit of activity today on the site. Trucking operation and those trucks were taking access today through a gravel driveway onto 12th Avenue. This parcel does not have adjacent frontage on 12th Avenue, so I wanted to clarify that if you'd seen that. This parcel is the yellow bounded parcel. There is a long linear piece of privately owned property separating this parcel from 12th Avenue so it doesn't have access onto 12th Avenue. This is the site plan overlaid on an aerial photograph just to kind of put it into scale for you. Those red lines illustrate the three different parcels again – the one that we're talking about is the western most, the little flag lot, and the long linear lot are privately owned by another party so the applicant only owns the western most parcel. You can kind of see the location of a proposed building and a lateral septic tank system and then the driveway access onto Rock Creek Road adjacent to the tracks. I'll speak briefly to the two exceptions being requested. First is the Water Quality Protection Zone ordinance – fairly new – about a year old, roughly. This Planning Commission approved that

ordinance and recommended that favorably to the City Council last June, and on June 28, 2011 the City Council approved the ordinance. We've been operating ever since. I think we've had four or five applications that have come forward with the dedicated buffer zone along streams. Two tests. Why would a parcel be subject to the WQPZ ordinance? First, is it a new preliminary plat? This is a new preliminary plat. And second test, does the runoff from this parcel end up in Lake Thunderbird? Yes. The runoff from this parcel, shown on this map – the blue bordered area is what we refer to as the Lake Thunderbird watershed, so all the parcels within that blue boundary, including nearly 50% of the parcels in Moore and Oklahoma City – all of that stormwater runoff ends up in Lake Thunderbird through Little River and Rock Creek channel and Dave Blue Creek and so on and so forth. Believe it or not, the water that runs off this parcel ends up all the way over there in Lake Thunderbird. So the ordinance applies to this parcel. That is why we have recommended that they follow the ordinance. Again, that ordinance, without going into great detail, gives really a number of options. The starting point is where there is a water quality protection zone or a floodplain area – and this parcel has floodplain or a channel along the west boundary and along the north boundary, so there are two full build out floodplains adjacent to this parcel. The general starting point is that you can create a buffer – a 100' buffer from the edge of that full build out floodplain into the property, dedicate that as an easement for water quality protection zone, and you're done and that would come forward on the plat. This applicant had some concerns with that, primarily because of the size of the parcel – very logical and very appropriate concern. So then we went to the variance. This ordinance has a number of variance options. The one that was most practical and the most realistic here is what we call the engineered alternative. In other words, the applicant would work with their engineer to design an alternative system of water quality treatment of the storm water runoff. We've just done a very basic drawing here of the last version that our storm water engineers, working with Morris Engineering for the applicant, finally proposed would fulfill the ordinance. It basically was roughly a 15' wide grass swale with a sand filtering system shown along the east boundary – it could be anywhere on the parcel, but the east boundary was the applicant's preference – and then a storm water detention basin that the applicant is required to build as part of the basic storm water ordinance, so that's not being exempted here. But using that, then, for the water quality purposes, we recommended over-excavating – making it deeper so it was serving as a retention basin, and then installing a series of wetlands plants. We just did this in Brookhaven channel – just finished a project earlier this year. So very achievable, very doable, and we really felt like it certainly would accommodate the improvements on the parcel. So that was the engineered alternative. I think after working through all of that the applicant chose not to do any of it. Don't exactly know why. Obviously, he'll speak to that here tonight. That was where the discussion of the fulfillment of the WQPZ ordinance ended. The other very unusual part of this corridor is Rock Creek Road and the widening thereof. There's a long explanation in your book – I won't bore you with all the details. There is a history here. Naturally, like every corridor, back in the late 70s there was a development along the south side of Rock Creek Road closer to Stubbeman. This was called Toddco, an industrial development job generator – it was a big deal back in the late 70s – and they were successful in getting an industrial roadway grant to improve Rock Creek Road. Unfortunately, when they did that they built it to a lesser width than we require. They built it to 44' wide, instead of 50' wide. Standards were changing at the time. Nevertheless, every plat that has come forward since that time, including all the Trailwoods plats, the Forest Lumber plat on the north, all have agree to pay a deferral for widening their side of the road an additional 4' in the future. Theoretically, we'd like to do it on the south in the future as well. There is a project today that has been generated out of the development process – out of the Trailwoods Addition primarily – that would improve the intersection of 12th Avenue and Rock Creek and the intersection of Trailwoods Drive and Rock Creek with two new traffic signals and the widening of the road. So we have a project in our 5-year plan. We fully intend to use the deferred amounts from Trailwoods Addition and from Forest Lumber, and this is the reason we can't recommend to you a deferral of the roadway widening requirement, which is in the Subdivision Regulations. Certainly, we see a practical use of those

funds, but we see a fairness issue here. We didn't grant that deferral to Ideal Homes and to Forest Lumber; we don't think it's reasonable to grant it here.

3. Chairman Sherrer – Do you have an estimate on what the cost was or would be for doing the engineered solution?

4. Mr. O'Leary – I appreciate that question, Mr. Chairman. We do not. I think that's about the time that the process broke down. I would defer to Mr. Morris. He was doing the real heavy lifting on the design. Our storm water engineer, Bob Hanger, is no longer with us and I don't believe we had an estimate of dollars when that process stopped.

PRESENTATION BY THE APPLICANT:

1. Ross Morris, Morris Engineering, 617 N.W. 27th in Moore – The applicant, Mr. Milligan, and his wife are here as well. When we came through in March for the preliminary plat, and it was approved, we set to work to try to get together our final plat and our plans. As we went through the alternate engineered method – I'm speaking about the WQPZ – it became obvious to Mr. Milligan that this was going to take up more of his land and was going to create more of a burden on him financially in trying to comply with it, because we were going to wind up with 20' of a swale and it was going to encroach upon what he had envisioned for his property. So we had worked with the City – Mr. Hanger – to come up with a series of alternatives that would work and then to see how they would fit on his property and then what that would do to his plans for his property. We tried several different rounds of that. It just became obvious that whatever we did was going to encroach upon his property and hinder his plans for his property, so that's why we respectfully said let's just come back and try to get a deferral of it so that Mr. Milligan can continue on with his project and developing his business there. As well, the street section, in terms of the widening 4' in our little segment – it didn't seem to make sense to us. If we just widened it in our segment, then we would have a dead end right there and our little 100' or so – and Mr. Milligan already had his driveway in, so, again, that's why we had asked for the deferral on that, too. He would be happy to speak to that and answer any questions if you have any.

2. Ms. Gordon – The total area here is about 2-1/4 acres and you talk about it taking up too much of that. Do you have an approximate how much of that it would be taking up?

3. Mike Milligan, 2313 Rockwood Lane – When we looked at the – instead of doing the 100' buffer, it reduced it down to 25 – that was the option we had. But by the time you put in all the wetlands and the swales for the runoff, it makes the property totally worthless. It comes out to be about 20 or 25' of the total east side of the property from the front to the back.

4. Cindy Milligan, 2313 Rockwood Lane – One of the things that I wanted to mention, just to add onto what Mike and Ross said, is that when we look at the WQPZ, it's not only the space that it takes for the land there, but you look at the road widening, the setback for that, and then you look at the setback for the 10' landscape area that we're supposed to have – the buffer. You look at adding all of that up and, quite frankly, it doesn't leave us a lot left to be able to do what we need to do on the land.

5. Ms. Gordon – Well, that's why I'm trying to get a handle on what "not a lot left" means. You know – ballpark.

6. Mr. Morris – Mike could explain what business he's in and how he's using the property, so we can help you get an idea of what we're doing there and how this does affect them. She's wanting to know what kind of property this would take. Did we do any calculations on that at that time?

7. Ms. Gordon – But it would help to understand how you're using it or how you intend to.

8. Mr. Milligan – We own Milligan Trucking. We have a dump truck service here in Norman. We supply sand and gravel to home builders and all the construction that goes on in town. We had another site that was zoned agriculture that we housed our trucks on. It wasn't appropriate. I was told to buy industrial property so we went and done that and here we go. This is 2.4 acres of land. It's kind of a weird shape. What we do is we house our trucks there. We stockpile material there. We've got screened topsoil, regular topsoil, rock, river rock, and we're hoping to open this up for the general public to have a place to purchase these products for their landscaping needs in Norman. It's going to create tax revenue for the City of Norman by all means. But if you take the 10' landscape easement, you take the 25' on the east side of the property, you take the area for the retention pond – it's like Lord have mercy! Where does it stop? You know, I bought a piece of property I'm going to pay taxes on, but I can't use it. And that's certainly not what I was looking for when I purchased the industrial property that I had to have to be able to do this in Norman.

9. Ms. Milligan – We were unaware of the amount of setbacks that would be required for the WQPZ and the landscape boundary, the road widening – it all adds up. It fractions your property down. Dump trucks are big and the area of topsoil that we need is large. So I think that Ross had calculated at one time that it took up – what? Point two acres of it just for the WQPZ, not including the landscape easement, the road widening, and all that.

10. Ms. Gordon – When did you guys buy the property? It may be in here somewhere and I honestly don't remember.

11. Mr. Milligan – It was around the first part of the year.

12. Ms. Milligan – We didn't realize we would run into this. We really look at it as we have a growing business and we're wanting to serve the community. We need a place to park our trucks that's suitable, but we also need a place to be able to service the public because we want to be able to serve the community, not just commercial construction and residential builders. We would like to share our materials with people like you guys who want to do your yard.

13. Mr. Milligan – We're just a small business. We're not multi-millionaires or anything else. When we come up, we had got a permit to cut the driveway 'cause we had no access to the land. So we went to City of Norman and we agreed right-in and right-out. I went ahead and got a permit, got started right away on that 'cause I was just excited to be able to get to the property and do something. Well, then a couple days later it come up that we're going to have to widen the road. It's a brand new driveway. It's about \$6,000 already spent. To come up with another additional cost on a small business – it's just been one thing after the next, and that's why we ask you all to give us a variance.

14. Ms. Gordon – I have questions for staff, sort of. I don't know if it's appropriate to ask them now. So when you bought this tract, is this something that – here's your packet of information for your industrial lot, or is it something that it is incumbent upon the applicant to find out all of the restrictions and the regulations and all that – so when you buy this, you should say to someone, a staff member, what are the regulations I need to know before I buy this plot? Is that correct? I'm assuming that's how it works.

15. Ms. Connors – Well, certainly, the purchase of the property happens outside of any City process and, therefore, once someone wants to get a building permit or any sort of change to the land, they need to come through the City processes, which is when they learn what the requirements are. We don't piecemeal the requirements. Whatever they say they want to do, then we try to guide them through that process totally.

16. Ms. Gordon – And the 4' change to the road that needs to happen at some point – you said that was some point down the road. Is that correct? Within 5 years. And so those sections that are privately owned and that kind of thing – I mean, is there any kind of input from them as to having to pay for this? Is there a certain time you're waiting for kind of everybody to be onboard to have this happen, or it's just going to happen when you get the money?

17. Mr. O'Leary – It's really driven by need. The need for the widening of Rock Creek and the two traffic signals – again, one at 12th Avenue N.W. and one at Trailwoods – was generated by this development – not this particular one, but particularly Forest Lumber and Trailwoods Addition. It was that generation of additional development in the last decade or so that has prompted the need for additional improvements and the road widening comes along with those. Then there's an application process for funding, which we've gone through. We believe we'll be successful in getting federal funding for that project. I would offer, too, it's very possible that some of these deferral fees for this one or the other developers would then be partially refunded or fully refunded if we get alternate funding for the project. Very commonly done. We just did a refund to Norman Regional Hospital for the Journey Parkway signal because we got 100% federal funding, but they did pay the deferral until we got that done.

18. Ms. Milligan – When Mike got the permit for the driveway, he actually went and talked to the City Manager, who said nothing – there was no plan that was known about ...

19. Mr. Milligan – We talked to Mr. Lombardo and the only thing that he said – he said that we wouldn't have to – 'cause he was looking at this and they didn't want it off Rock Creek. We came to an agreement that it would be a right-in/right-out only. He made the statement I wouldn't have to worry about widening the road because ODOT done it years ago, but they are going to put a traffic light in that intersection. And that was the only thing that was said at that time. Well, I went to the City Manager because I was denied access to pour the driveway, so I went to the City Manager, Steve Lewis. Steve Lewis finally gave me authorization and supplied the permit to – or he talked to the people that do that, and I finally got the permit to pour my driveway and a couple days later, here we go – you know, we're going to have to widen the road, too. At the time, the only thing that was said about that intersection was they were going to put stop lights there and that's why they wanted the right-in/right-out only. That's what I was told.

20. Ms. Milligan – If I can make another comment about that. Since we are a small business, cash flow is always tight. We're a growing business and it's very painful as far as growing pains. Since road widening can be funded by federal funds, that's one of the reasons why we'd like to know if we could have a variance – even just a partial variance, because I've got people to pay on payroll and putting money out for something that might happen down the road when you actually can keep that money up to ten years – that can really hurt a small business.

21. Mr. Gasaway – You mentioned you had visited with Mr. Lombardo and there was an issue with that that you then approached the City Manager. What was that specific issue?

22. Mr. Milligan – Well, the issue was – see? We were growing at such a rapid pace and we had no place to go with the business. We were kicked off this other property, if you would. So we struggled to find a place to purchase, and then once we purchased that, we couldn't get access – we were denied access to the property. Well, I was pretty persistent about it. I apologize if I made anybody mad – you know me. But I went to Steve Lewis, as well as one of the Council members went with me, and they granted me access. They granted me a permit to pour my drive, on the conditions it was a right-in and right-out only. And we fulfilled that obligation. Here we go. And after that is when the widening of the road came about after all of that. But when we first started talking about it and started doing these plans, I was told the

only thing I'd have to worry about is the right-in and right-out, because they're going to put a signal light in that intersection and they were going to widen 12th Avenue N.W., I believe it was.

23. Ms. Pailes – My sympathies. It's very difficult to sort this all out and I'd love to buy your stuff. In terms of us, we probably do not have the authority to grant you a variance in terms of Rock Creek. I mean, we simply don't have that authority. So that question is kind of moot. In terms of the water problems or the setbacks from the creek – unfortunately your business is exactly the kind that really impacts water systems, because dirt and rock and gravel stored produces sediment, which is the biggest problem in our water systems all the way to Lake Thunderbird – sediment and clouded water. I live near the U-Haul and the stream right below it used to be a living stream full of fish – we used to go fishing there. When U-Haul came in and parked their trucks there, it killed the stream, because the oil from the trucks and the runoff from the driveway kills life in the water. So the requirement for a swale, I understand, seems odd, especially if it's kind of sprung on you. It's actually very important. I would hope there would be some way for you to say, okay, actually, this doesn't cost as much – we can work this one out. I would hope you could do that. But it's actually an important issue. The landscaping – I don't know. It's okay with me. I don't know if we actually even have the authority to forgive a landscaping setback, either – it would be okay with me if you didn't have to do that, but I truly don't know that we actually have much authority in this at all.

24. Mr. Milligan – And I do understand your concerns. However, the entire 12th Avenue N.W. is lined with industrial and commercial business from Short's Concrete to Kudron Concrete to Dolese on the other side. The list is long. And to have topsoil – I don't have compost. I don't have any type of fertilizing product.

25. Ms. Pailes – Even dirt counts. And those folks – it's relatively recent regulation and I completely sympathize that you probably were not aware of it. Technically, your realtor should have told you – technically, I imagine. I'm not sure who should have told you. Somebody should have informed you, or you should have investigated. I truly don't know where the difficulty lies. I'm sorry you got your tail caught in that.

26. Mr. Boeck – Well, that leads to another comment. Being an architect, a lot of time my clients come to me when they're looking at a piece of property and say, okay, we want to do this on this piece of property. Can we do it? So then I go through the research of looking at all of the ordinances and requirements that a community has. Engineers are supposed to be able to do the same thing. But if you don't know the questions to ask, that's where the catching point is, because you're a truck company that sells dirt and rock. You're not a realtor, you're not a builder, you're not an engineer and you're not an architect. That's part of the process is how you can improve that kind of education in the community. You think you're buying a piece of property just to run a business off of, but there's all kinds of other stuff going on. Norman takes a rap for being a hard place to build, but if you go to Edmond, you go to Oklahoma City, most cities are realizing that runoff into their streams and lakes are killing their streams and their lakes. I used to be on the ECAB board. One of the new members is a neighbor across the street from me; he's an engineer, and we were talking about that whole thing with potassium and nitrogen fertilizers – that actually dirt in central Oklahoma holds 60% of the unused phosphorous that doesn't get dissolved until it's move and aerated and water runs through it. So even selling topsoil and stuff like that has phosphorous and nitrogen in it in excess of what you need to grow stuff. So I guess the only comment is we need to figure out some way to improve that process. We can't be responsible for all land owners that are buying land and developers, but this is a tough situation.

27. Ms. Milligan – Well, the thing is, this is such a small piece of land and really there's – when you look at, like Mike said, all the other industrial properties that are around us, I don't feel like our piece of land impacts what flows into Lake Thunderbird greatly. There's no benchmark

testing beforehand to say how much of these things are in the water coming off the land now to say when we do that – when we go through that expense – what we've improved. No testing done.

28. Mr. Boeck – There's been research done on the kind of systems that the City is recommending here. Obviously has been researched in other places. They know what the difference is. The community just to the east of the lumber yard there – Ideal Homes has done two specific storm water runoff plans. One is an alternative bioswale system and one is the standard one to see what kind of sediment runoff they have. That kind of testing is done. People say, well, but why should I be held to a different standard than the industrial people that went in 20 or 30 years before me? Well, we didn't have that knowledge; we didn't have the regulations to regulate things the way they do now, because we know more now. It may seem unfair, but it's a learning process all the way down the line. So I'm not helping you -- it's just part of the issue.

29. Ms. Milligan – Coming from a neighborhood where people fertilize their lawns, I think, is different than runoff from river rock. Do you follow me?

30. Mr. Milligan – Not only that, you've got 12th right there. You've got Rock Creek right there. How many vehicles pass either way all day long every day and that water, when it rains, where does it go? Low and behold, it goes right behind my property where I'm supposed to filter what runs off the rock. It's kind of a catch 22. You've got a major thoroughfare right there with all the traffic.

31. Mr. Boeck – And there's lots of wetlands all along the railroad tracks there.

32. Mr. Milligan – So certainly whatever comes in off Rock Creek Road or off my little bit of rock or my little bit of topsoil will be filtered out by the time it gets to Little River or Lake Thunderbird, for Pete's sake.

33. Mr. Boeck – Well, if this system is put in. That's what it's designed for is to stop it at your property line and filter it out. If you don't do it, then it doesn't. Then it just goes into Little River runoff.

AUDIENCE PARTICIPATION:

1. Harold Heiple, 218 E. Eufaula, representing Forest Lumber Company – I was here in March to protest, on behalf of my client, the plat that was before you then because we wanted opaque fences on the east side and the north side of this property to protect from the dust and the noise generated by the operation that was going to be on the property. I didn't know until today, and I read through the staff report, that the thing had been pulled back and the changes that had been made. I'm in a position right now that I've never been in before for 40 years, and let me tell you, this has ramifications that go far beyond this particular piece of ground. You recall how much time we spent on the storm water thing and how much developers fought it because of the onerous burdens of the WQPZ and finally got the exception built in there, which developers said they could live with, but it was going to be very expensive. This demonstrates what that WQPZ does to small properties and absolute inability to use your property for anything with these kind of burdens placed on it. I was interested to hear your comments, Dave, about the phosphorous, because it brought to mind the comment from a DEQ man at a meeting of the ECAB board not long ago when he said that the biggest contributor of phosphorous to topsoil are the falling leaves that are dissolved. They carry more phosphorous than anything else – any other contribution that's there. So what I'm saying now is that – and, of course, if the City Council grants these two variances that are required – when I first read this, I figured this thing is DOA when it gets to the City Council anyway, and I don't need to spend a lot of time looking for a fence because it's not going to go anyplace. But if the City Council

grants these two things, obviously my client, Forest Lumber, will be just like staff expected, will be standing in Mr. Francisco's door the next morning asking for their money back on the money that we've already put up on those improvements. But I think a lot of developers will also be in to demonstrate the fact that that WQPZ is onerous and it ought to be reconsidered and taken into consideration what it is actually doing to the ownership and development of private property in this community far beyond any benefits that it might be for the improvement of the water quality at Lake Thunderbird. There's lots of things that we could have been active upon in this community already, taking advantage of things like promoting phosphorous and nitrogen-free fertilizers, that the City Council hasn't done. But I think what I'm saying to you is I probably would like to see you recommend approval of waiver of both of these problems with, of course, the requirement that they put a couple of fences out there on the west and north side to the benefit of my client. But do that and let the City Council really get a feel for just exactly what's coming home to roost. Because this is about the first time that this has come back – anybody has been aware of it. I know several developers made comments when the storm water plan was adopted that the small land owners out in eastern Norman really had no idea what was going to hit them until they come in and ask for a building permit. It is onerous – we spent months on this thing. You guys spent a lot of time; we spent a lot of time, and all this under the guise that this is going to radically improve Thunderbird. Well, Thunderbird's quality needs to be improved – there is no doubt about that. And there's a sincere belief on the part of the development community that we need to be doing things like that. But the extremely broad provision requirements of the WQPZs in this ordinance is not one that should be a priority. So I would encourage you to give some consideration to say, City Council, why don't you grant both these exemptions – complete waivers and exemptions. And, like I say, it's going to cause a line to form outside the doors of a couple of offices here in City Hall, but it will get the City Council talking about let's consider whether we really did the right for property and for the benefit of the City of Norman with the provisions of the water quality. So don't forget my fences, but give serious consideration to these waivers. Thank you.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Gasaway – I might just say to the applicant, regardless of how this comes out tonight, it sounds like there might be another issue or some more to the story in terms of how the driveway came about, and I certainly would visit with your City Council member before it goes to Council and see what that issue was, why it was resolved that way, and what can be done. I think that may be a separate issue from the whole group tonight. So I would encourage you to visit with your Council member and see just how that came about.

Diana Hartley moved to recommend approval of the Revised Preliminary Plat for MILLIGAN INDUSTRIAL TRACT ADDITION, and recommend approval of the WQPZ exemption and the exemption from paving improvements for Rock Creek Road, to the City Council. Dave Boeck seconded the motion.

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

YEAS	Diana Hartley, Chris Lewis
NAYES	Dave Boeck, Jim Gasaway, Cindy Gordon, Tom Knotts, Curtis McCarty, Roberta Pailes, Andy Sherrer
ABSENT	None

Ms. Tromble announced that the motion to recommend approval of the Revised Preliminary Plat for MILLIGAN INDUSTRIAL TRACT ADDITION, and recommend approval of the WQPZ exemption and the exemption from paving improvements for Rock Creek Road, to the City Council failed by a vote of 2-7.