

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JULY 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 July 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

Jim Gasaway
Andy Sherrer
Cindy Gordon
Sandy Bahan
Tom Knotts
Chris Lewis

MEMBERS ABSENT

Curtis McCarty
Roberta Pailes
Dave Boeck

A quorum was present.

STAFF MEMBERS PRESENT

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

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Item No. 7, being:

RESOLUTION NO. R-1213-133 – MSDC PROPERTIES REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-10) FROM LOW DENSITY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE S.E. AND STATE HIGHWAY NO. 9.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report
3. Pre-Development Summary

ORDINANCE NO. O-1213-49 – MSDC PROPERTIES REQUESTS REZONING FROM R-1, SINGLE FAMILY DWELLING DISTRICT, TO C-1, LOCAL COMMERCIAL DISTRICT, FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE S.E. AND STATE HIGHWAY NO. 9.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Commercial Lots Site Plan

PP-1213-18 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY MSDC PROPERTIES, L.L.C. (CLOUR PLANNING AND ENGINEERING SERVICES) FOR BELLATONA ADDITION (FORMERLY A PART OF SUMMIT VALLEY ADDITION) FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 36TH AVENUE S.E. BETWEEN EAST LINDSEY STREET AND STATE HIGHWAY NO. 9.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Revised Preliminary Plat
6. Request for Alley Waiver for Commercial Property
7. Pre-Development Summary
8. Greenbelt Commission Comments
9. Excerpt of Minutes – June 13, 2013 Planning Commission

PRESENTATION BY STAFF:

1. Janay Greenlee – This is a Norman 2025 Land Use and Transportation Plan amendment from Low Density Residential to Commercial Designation at the northeast corner of 36th Avenue S.E. and State Highway 9. This is the existing 2025 Land Use and Transportation Plan site map. The existing land use is low density residential. The proposal is to commercial land use designation. Also, rezoning from R-1, Single Family Dwelling District, to C-1, Local Commercial. The existing zoning is R-1. Currently the land is vacant. MSDC Properties proposed land use amendment and rezoning request – just a general overview. We're going from low density residential to commercial designation. The rezoning request is from R-1 to C-1. This includes six two-acre parcels that will be accessed from the interior collector street with individual buildings on each two-acre lot is on the proposed site plan. Existing 2.2 acre commercial lot already exists; C-1 with a Special Use for a gas station that passed in October of 2003 and abuts the proposed rezoning/land use site. According to the Norman 2025 Land Use Plan, we look at two criteria before a land use designation change is supported by City staff. Those two criteria are: a change in circumstances from development in the general vicinity that suggests change will not be contrary to the public interest, and there is a determination that the proposed change would not result in adverse land use or traffic impacts to surrounding properties. In examining these two criteria, this is what we found. Summit Valley Addition currently has 147 existing lots, 237 preliminary platted, and 692 preliminary platted lots in Bellatona, for 1,076 single-family lots.

Also, the 2025 Plan supports commercial development along section line roads and highway corridors. Commercial development buffers neighborhoods and provides services locally. C-1 with a Special Use for a gas station was approved in October of 2003. ODOT will begin Highway 9 improvements to go out to bid starting in 2013 from 24th Avenue S.E. to about 1/3 mile past 36th Avenue S.E. with a light proposed at the 36th Avenue S.E. intersection. A traffic study was conducted in November 2009 that concluded the level of service will not be negatively impacted. The rezoning request is R-1, Single Family, to C-1, Local Commercial. C-1 is typically located on arterial roads and highways buffering neighborhoods and is to provide amenities and services and goods in the immediate vicinity. Closest services and goods from this site are approximately two miles. The existing C-1 with a Special Use for a gas station, O-0304-15, abuts the proposed rezoning site directly to the west. Local commercial is designed to provide local services for residents in the immediate area, which could be anything from a child care, gift shop, professional businesses and offices, retail, restaurant, or even a salon. The need for local amenities and services is increasing in the vicinity due to the projected 1,076 single-family homes to be built in the near future. We had a protest of 2.5%. After review of the proposal, staff recommends approval of Resolution No. R-1213-133 and rezoning from R-1 to C-1, Local Commercial, Ordinance No. O-1213-49. Criteria is met to recommend approval and the proposal is within the typical growth pattern to serve growing population in local neighborhoods. I'd be happy to answer any questions. The applicant and his representative are here.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – I appreciate staff's overview of that. As you heard, what is before you tonight is a large tract – you see it right there – but what I want you to understand is that really there are three items on the agenda. One of them is a rezoning. One of them is a 2025 Plan change. And one of them is a preliminary plat. Only the preliminary plat is dealing with that entire large tract. The rezoning and the 2025 Plan change are only dealing with a small strip along Highway 9. So as we talk about this tonight that's important that you please understand we're not proposing any land use change or 2025 change or rezoning change on the bulk of that entire property. That would just be a preliminary plat.

That is the development – you see it right there – called Bellatona Addition. Highway 9 across the bottom here and what's the focus of our discussion tonight is six commercial lots right there across the bottom of it. This is, I believe, 600 and some homes. I'm going to show you that in just a minute and it goes all the way up to Lindsey, all the way down to Highway 9. Again, all of this is already zoned R-1, Single Family, and that's the zoning for it that we haven't changed at all. So all of that is virtually already approved. Again, that's the subject tract. What I really want you to pay attention here, this is current Norman 2025. Now, on Norman 2025 what we show for single-family residential is that light yellow. When you look at that map, you see a massive area of light yellow – single-family residential. So 2025 – our adopted policy – says that a massive area – this area around Norman – is going to be covered with single-family homes. That's our goal. That's our plan. What you don't see in all of that massive yellow area is much red or much institutional or much of anything else. All you see is the yellow. We know that residences need services – that they need places to go shop. We've heard many times from this microphone neighborhoods come up and say they want services. I can recall just last year when Cascade neighborhood fought and opposed a zoning that we were doing to change commercial to multi-family with the argument that they wanted the commercial because they didn't have a gas station, because they didn't have enough shopping. They wanted it next to them. Residents want that. Now what you won't hear tonight is the voices of the thousands of people that are going to live right there. What you might hear tonight is the voices of a few that live there now, but you need to understand that as we develop this area over the next few decades, there will be thousands of people that are going to live right there that will need services and that aren't here to speak tonight. What is there is one tiny little lot – you see it right there – it's a two-acre lot. That is zoned C-1 with gas station as a special use, but that is all that is there. So that little two-acre tract is going to carry the burden of supporting this entire area of

yellow that's already zoned and planned for single-family. There's the zoning again – R-1, C-1 down on that one tract. Again, we're not changing those zonings, except for the proposal of the edge right down here. There's the plan against the aerial. What you see at the bottom is what is being discussed tonight. You see the six commercial tracts – two-acre tracts – C-1. C-1, neighborhood scale right next to one that is already zoned and platted for C-1. You see the addition up here. What this doesn't show is, again, the preliminary plat and approval of this entire R-1, Single Family that is right over here as well. So 1,076 homes will be sitting right on top of Highway 9 right there.

The proposal tonight is to do one small strip right here of multiple lots to support and serve that neighborhood, and we're going to talk extensively about why that is a good idea and why you should approve it, as staff just stood here and told you as well. So 1,076 homes. If we have 2.5 people per home, that's 2,000 to 3,000 people that are going to be living right there that are going to need all of the things that Janay just stood here talking about – child care, shops, retail, services. They'll all be clamoring for it. That's what it looks like. We've spent considerable time in designing this with good work by Clour Engineering and David Hargis, who is here tonight. What he has proposed is two-acre lots. There's only two entry points off of Highway 9 – between the six lots that are proposed and the existing 36th Avenue right over here. Now, long term, what is proposed is a stop light right here, and I believe the staff report mentions that when this is half built out, that stop light gets put in. The developer pays for that. It gets put in right here, and there's a reason it gets put right there, because our Land Use and Transportation Plan that was adopted has 36th Avenue going south as a major arterial. So that is the point that you want a traffic light. In fact, just to the southwest of here is the Saxon Industrial Park that has an outlet coming out onto 36th Avenue. There will be trucks coming up 36th Avenue to turn left onto Highway 9 at some point when the Saxon Industrial Park develops out. So that's why the stop light is proposed right here. I think you'll probably hear from some that say it ought to be over here, but that's in the middle of the section line. It would not support the truck traffic and the section line urban arterial that is already planned and so it's properly located right there. These sites are two acres. They're single lots and what has occurred here – and I'm going to show you a better graphic at the end of the presentation but you have a street that serves it from behind. So we keep the traffic off of Highway 9 as the traffic goes back and forth between these commercial lots. That has been done a lot lately in Norman. It has worked. We did it down on the Empire Addition on South Classen where we have a bank and others and we have a cross-access agreement that carries across. This is not a cross-access agreement; this is actually a public street that would carry between the back of the sites. We have fencing – brick pillar fencing – and then we have significant landscaping all along that back.

What I hope you will see with this diagram is that we have a layering. We have a layering of uses between Highway 9 and the residences to the north. We have Highway 9 which is a major highway. We have the commercial C-1, then we have the buffer of the street, landscaping, fencing, and then we get to the residences. We have protected those residences from the Highway 9 corridor. We've buffered them. I'm going to show you in a minute why that's important. C-1, as Janay mentioned, is intended for this. Throughout Norman we have neighborhoods with C-1 right next to them, and the verbiage right out of our code says that C-1 is intended for the conduct of retail trade to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas – adjacent residential areas. It's meant to be an integral part of the neighborhood closely associated with residential. So C-1 is not designed to have uses that are offensive to neighborhoods. They're supposed to be right next to it. And, indeed, we know that we've heard from neighbors – in fact we met with one neighbor recently about a week and a half or two ago. And the first thing that neighbor said to us in a meeting was that she hates to drive to 12th Avenue and Alameda to Homeland. She opened the meeting that way. She said, in fact, everybody hates it – that they want a grocery store down here. They want something next to the neighborhood. C-1 can do that. It can give them those services next to the 1,076 homes that are about to be there.

This is an example of what some of the C-1 structures look like in a development on 36th Avenue and Rock Creek Road in northwest Norman. This is Brookhaven Additions that are

drawing over here – Brookhaven Falls, Brookhaven Mansions, and then you see a bank, an eye doctor, a child care center. These are all C-1. You see them right here, right outside of those neighborhoods. That's what we're talking about. That's what we're talking about putting along Highway 9 next to this neighborhood.

Let's talk about development along highways. That's the core discussion of what we're talking about here tonight. We have really two major corridors that travel through Norman as highways – of course I-35 built decades ago and Highway 9. I-35, if you look at that graphic and you see the light yellow, you don't see much on I-35 – very, very little. We tend to keep single-family away from highways for good reason. There's one neighborhood next to I-35 and I'm going to show you what happened over the decades when that neighborhood has now faced expansion and additions to I-35. We do have some down here, and then we get out here and past about 48th Avenue, as I think Susan said in a meeting not long ago, that's about the break line that we go out into the rural areas of Norman. Highway 9 is expanding. We know the State has succinct plans for Highway 9. We know that – I think there's still a flyover planned at 24th Avenue SW to alleviate that bottleneck at that corner. We know that Highway 9 is about to be widened to a four-lane divided highway out to 72nd Avenue. And we know that ODOT plans for Highway 9 to be a four-lane divided highway all the way to Tecumseh, Oklahoma. Look at that graphic. We can see what ODOT is doing. ODOT is making Highway 9 a major corridor east and west through the metro of Oklahoma City. It's a matter of time. Now, Commissioners, I say that because it's important as policy makers that you not just think of next week or next month or next year – that you think of 30 years from now, because that's what we build these homes for. We build them for decades. You need to think about what's going to happen in 20 or 30 years. Normandy Creek, next to I-35, got put next to I-35. I doubt they anticipated there would be a wall around it today, but that's what happened. So we need to think about what happens in decades.

This neighborhood sits right up next to Highway 9 – right next to it in the area that is about to be widened to a four-lane divided highway and that will have high travel speeds. What happens next to highways of single-family residential? We went around and kind of researched a little bit. I found one study out of the Arizona Department of Transportation. They studied a corridor in the Phoenix area, and they found that single-family residential next to highways actually suffers in property values but they found that, conversely, commercial and multi-family thrives – it does well – it works next to highways. And their lesson for the Arizona Department of Highways was to focus on putting the higher densities and the commercial development next to the highways. The Federal Highway Administration has learned the same thing over many decades. You see from their website they say the most pervasive sources of noise in our environment today are those associated with transportation. And you can see, as they suggest, you can put up walls. We can build penitentiaries around neighborhoods, if that's what we want to do, to protect them from noise. But there's another solution, and this is from their website. The Federal Highway Administration reminds us that we don't have to do that – we don't have to just use a wall. We can use planning. And through planning, as it says there, noise reduction can be achieved by locating noise-compatible land uses between the highway and residential units. Whenever possible, compatible uses should be nearest the noise source, and that's their graphic right there – right off the website. You see it. Highway at the bottom, commercial facilities, and a neighborhood. That's exactly what we're proposing to you tonight. Highway, commercial facilities, and a neighborhood. Good planning can keep us from building walls and having problems decades down the road. This is another agency that – it's basically an agency of transportation professionals and they remind us of the same thing and they tell us of how high speed and trucks have dramatically higher impacts of noise on neighborhoods. And they tell you the same thing. They say noise compatible planning encourages state and local governments to use your power to regulate land development in such a way that noise sensitive land uses are prohibited from being adjacent to a highway. This is what happens when you don't. This is I-35 around the neighborhood I grew up in – Osborne Drive, Normandy Creek – that neighborhood. And when that was built – I-35 decades ago and that neighborhood was built back in the 1950s and 60s, I really doubt that a Commission or a Council sat here and

thought we want to put it there so that in 50 years we can put that wall around it. But that's what happened. That was the result of that planning. That is what could happen if you continue to put homes next to highways.

We were in a meeting recently and I'm going to quote you, Susan – please forgive me if I misquote you, but you said – you were adamant that homes should not be next to highways, if I remember the quote correctly. We agree with you. And so our plan tonight is to put neighborhood-compatible C-1 next to a neighborhood. So you have a choice, really, when you plan for the decades out, which is what you plan for when you make policy. We can either go ahead and put residences right up against Highway 9, so when it becomes a four-lane divided way all the way to Tecumseh and then the State decides to connect it to I-40 and over off to 44 that we will eventually put a wall around it. Or we can go ahead and plan ahead now and put C-1 and commercial uses next to it. I suggest we do the C-1. We can do it properly. We can do it well. And we can satisfy two points that we hear often in this microphone. We can provide services to a neighborhood that needs it, as the one neighbor told us in the meeting – they hate driving to 12th and Alameda – well, here they can walk to it. And we can put a buffer along Highway 9. We can achieve both. That's the proposal here tonight.

We have put forth extensive efforts to actually go back – this is the corner and there was a neighbor – the one protest you saw was right here. The neighbor lived right up to the northeast. We tried very hard to alleviate her concerns. We met with her again, with a Council member as well, and with City staff, and we said what are your issues? And she said the big deal to me is what am I going to look at out my door? She said I would like to look at more landscaping and I would like to make sure that that edge is treated well. And so we committed to her that day that we would do that – we would put in additional landscaping, and we have. We've gone back in and this is on a lot that is already platted, already zoned, it's not up for discussion tonight, but we're happy to go back and put in additional landscaping on this corner so she's not looking at that, and we're committing to the fencing to being the brick pillars and the wood fencing along the entire edge. We've committed to heighten landscaping along that edge as well. So we have done significant plans to make sure that that edge is protected. There you see, again, the landscaping along that edge, the fencing, the drive, and then Highway 9 down here. This is another view of that edge right on this corner right here – that would be what she would look at so that she's not looking at a gas station. That was important to her and we were happy to accommodate that. So that is really what we're talking about tonight.

You have two problems that you can solve tonight. You have 1,076 homes that are going to be built right above here over the next several decades, and you can give them services right next to them. And you have a highway that is going to increasingly become a dominate corridor, widened to four lanes, fast and loud, and you can provide a buffer for that. That's what we're asking you to give approval for tonight. The engineer is here. I'm happy to answer any questions you have and I thank you very much for your time.

2. Mr. Knotts – I have a question for David, if that's alright. There's about 600 homes, I think – I don't remember the number exactly – north of this and I can see what's going to happen here. You've got a thoroughfare from Lindsey all the way through this housing addition – this Bellatona Addition – and it dumps onto Highway 9. Mr. Rieger had some premonition that someone was going to say something about this. It bothers me – it is currently a high-speed highway and, when the light goes in at 36th Street and the people start coming south out of this, most of them are going to come about a third of a mile east of 36th through this opening in the commercial and I think that's a flaw in the overall design. I really don't have a problem with the commercial at the highway, but I think you're going to dump 1,200 cars, more or less, onto Highway 9 at a third of a mile from a stop light, as opposed to taking that route through and putting it at the stop light. Is there a reason that I shouldn't be worried about that?

3. David Hargis, Clour Planning and Engineering Service, 123 Tonhawa – You're speaking of the secondary entrance. Is that correct?

4. Mr. Knotts – Yes, that's correct. But that's the secondary entrance to the commercial, but it's the primary entrance to the housing. And if that comes through those – I mean, coming through the commercial isn't a problem. The problem is dumping all those people onto Highway 9 – two-lane or four-lane. I can see that we could get another user activated stop light, because people aren't going to be able to get on or it's going to be a real traffic hazard.

5. Mr. Hargis – Well, let me try to address that for you. First of all, this secondary entrance was installed from the inception, when both sides were a single preliminary plat called Summit Valley Addition. So it's not something – this has already been approved, already been analyzed through at least two traffic reports. We've got a boulevard, like you said, enters off of Highway 9 and extends all the way north up to Lindsey Street. That was never going to happen if they tried to extend 36th Avenue up there. The topography just wouldn't allow it. So we were able to move over just a little bit to the east. You notice it's a nice curving road. We've got islands in there, traffic circles in there, to help slow down the traffic through there. We have accel and decel lanes along Highway 9. We've given up right-of-way already to the State for Highway 9. And you may be correct – it may be signalized at the time both sides are completely filled out. But I can envision that a lot of these people are going to go north and access Lindsey Street to get out of there, more so than off of Highway 9. You're going to have a lot of them are going to possibly just drive a little bit further over and access 36th Avenue, which will likely be signalized first, too. So I don't see it really as a traffic hazardous issue.

6. Mr. Knotts – I guess we can agree to disagree on that. Because I see that you obviously have the topography for other streets over here, up in that area. So you could bring that serpentine road down to the corner and dump it into what is going to be a signalized intersection, as opposed to bringing it out here.

7. Mr. Hargis – Well, they have access off of a collector width street right through here.

8. Mr. Knotts – All I can say is think yourself what you would do if you come down and you can go straight or you have to drive over there. Now, the congestion is going to be tremendous at that point. Let's just say a third of the people go north and two-thirds come south, so that's only 800 cars coming south. I just think that there's a major flaw in it. I like the idea of a buffer, but to me that's just dumping people in two locations and it's going to be a real problem.

9. Mr. Hargis – I appreciate your concern that way. We still have time to look at that and analyze it further.

10. Mr. Knotts – So could you change it before tomorrow, please?

11. Mr. Hargis – No, we couldn't change it, I'm afraid.

12. Mr. Knotts – I think it's a real problem. I think it's a real problem, not just a hypothetical. I can see those people are going to take the path of least resistance.

13. Mr. Hargis – Again, I'm sure that the City staff will also be looking at it, and we will, too. Of course, we know by the time it's completely built out, there's going to be numerous changes that take place. That's just the nature of development. And everybody is always looking for the optimal, safest solution.

14. Mr. Knotts – I understand. I just don't want an old, decrepit Sean Rieger to come back in 20 years and say why did you do this?

15. Mr. Lewis – Can you show me on this plat – did you guys, as well as the City of Norman, conduct a traffic study, and was this specifically mentioned?

16. Mr. Hargis – There were two traffic studies. One was when the entire area was Summit Valley and a traffic study was done, of course, to account for the R-1 lots. There was only one C-1 lot at the time. And in 2009 when the developer decided to rezone this area down here, a traffic study was performed again to take into account the commercial areas. So that has been analyzed significantly and it's still valid. I mean, nothing has changed out there in this time. These are the only changes we're proposing. Nothing else has changed.

17. Mr. Lewis – So let me ask you, in regards to Commissioners Knotts' concern that this might be a thoroughfare that many cars would use, did any of the traffic engineers deem that that was a concern at all?

18. Mr. Hargis – No, they did not.

19. Mr. Lewis – I have one other question for Mr. Rieger. In regards to the Bellatona Addition and what is now currently platted and under development, Summit Valley – I believe that's the name of the addition. I notice when I drive down Highway 9, and I did recently just to look at it again, that there's several lots over in the Summit Valley Addition that are vacant that back up to Highway 9. Is there a reason for that? Do future homeowners not want those lots?

20. Mr. Rieger – My understanding from the broker is that they've been difficult to sell. When you back up to a highway, it's difficult to market those lots and Highway 9 has gotten busier in recent years and I think, definitely, the highway affects that.

21. Mr. Lewis – So just common sense, for me, anyway – what I'm perceiving is happening is because those lots are difficult to sell, then this is a solution to keep homeowners from backing up to highways and putting a buffer zone in place there.

22. Mr. Rieger – That's correct.

23. Ms. Gordon – A point of clarification. The signal is going to be at 36th. Was there anticipation to put a signal at the other entrance or not?

24. Mr. Rieger – No. Mr. Riesland is here. He might want to talk about that. But here's my perspective on it, from what I've gleaned from staff. One, very specifically they wanted it at 36th Avenue because that is, by 2025 Land Use and Transportation Plan, that is the artery. They want that to be the artery and that's where they want the light to be. Saxon – those issues. My understanding, also, is they don't want too many lights on Highway 9. That's sort of a problem when you get into breaking up that corridor very much. So it really does become a decision on where you want that light. We're happy to put it either way. We don't have a strong preference on putting it on 36th versus over on that corridor.

25. Ms. Gordon – I understand what Tom is saying, and I envision putting it at 36th, because it makes sense. But I have this fear that, down the road, you're going to recognize that there are more traffic issues at that intersection and need to do something about it, by putting a light in or some such thing. The issues are going to come up. Then you are stuck with two lights so close together.

26. Mr. Rieger – I would interject, though, that I think it's a logical assumption to assume that most of the people coming out of the addition are going to be making a right turn coming out of that addition. So a right turn is, perhaps, the safest and easiest turn we have to make. So I

would suggest that maybe it's not as congested as you would think when it's always a right turn, which is what this will be out of that addition.

27. Mr. Gasaway – It looks like, from the drawings, that you all envision this being six separate buildings, rather than a strip mall type – and I guess it would be seven with the property that is currently C-1.

28. Mr. Rieger – That's correct. I'm going to expand on that a little bit. Southeast Norman has other sites that are probably much more applicable to what we would call large box retail. Southeast 24th, for instance, and Highway 9, where Perfect Swing is, has large areas of land that are zoned as large tracts of commercial. Very likely those are big box commercial users. I doubt that you would see that over here on the edge, that you would have big boxes. So this is planned to be the smaller users.

29. Mr. Knotts – Do you have design guidelines for these buildings?

30. Mr. Rieger – They haven't been drafted yet, but there will be restrictive covenants against these properties. That is something that every developer – they do those routinely and they do them for their own protection as much as anybody, because when they sell one lot – the way this happens in practice is, let's say I sell one of those lots and I haven't put restrictive covenants on it as to the architecture, as to the uses – once I sell that lot, I still have five others to sell. If I sell it to one guy and that guy puts in what may be usable under C-1 but, in a very terrible use in a terrible architectural, if I haven't controlled that, I guarantee the other five will be either hard to sell or will only sell very cheaply. So the developer routinely puts in architectural guidelines. The ones I showed you earlier from 36th and Rock are under similar restrictive covenants from the same developer, and that's what we intend to put against those lots here. They're not drafted yet, but it would be the same type of covenants.

31. Mr. Knotts – I can't bring those to my vision here, but I'm thinking that they only have one side. I drive Highway 9 all the time – every day – and I can visualize a bad fence and a dumpster, and I would just like to be clear that that wouldn't be a desire.

32. Mr. Rieger – I understand. And City staff, actually, any more, frankly is pretty pressing on that point, in that we have a regulation now as to where you place dumpsters in near proximity to residences, and we have an aesthetic ordinance in the City of Norman now as to percentage of masonry. So even if we, for instance, our architectural design committee wanted to let the back end of the building just be a metal wall, I don't think the ordinance of Norman would allow it. I think there's significant protections. Realize, too, that back street is the access point for all of these commercial. So, unlike some other positions of commercial where the front is accessed on all of the buildings, this is rear access. So, really, you almost have to do four-sided architecture, as we call it, because that back street is your access point. For the same reasons that you still want to sell all those lots, you're going to want to make sure the back looks good, as well.

33. Mr. Knotts – It bothers me that they haven't been written, though.

34. Mr. Rieger – They rarely are until the final plat is done. Obviously, restrictive covenants is a pretty complex document, costs a lot of time and money to write. Until you, the policy makers, give us the go ahead on development, typically a developer will not spend a significant amount of money and time to actually craft those covenants. But, again, this would very likely be a very similar covenant to what is at 36th and Rock, where we have the Razook eye clinic, the child care center, First Trust Bank, I think, is the bank there. What I showed you on screen – those developments. That's the style that you would be looking to.

35. Mr. Knotts – Yeah, but we only saw the front.

36. Mr. Rieger – True. I think the backs are actually not bad on those. I will give you that promise.

AUDIENCE PARTICIPATION:

1. Robin Tanamachi, 3300 Valley Brook – This is my husband Dan Dawson. We live in the Summit Valley subdivision. This proposed rezoning may sound all fine and good on paper, but there are a couple of concerns that we have as residents of Summit Valley that we have either not heard adequately addressed or kind of glossed over during these proceedings.

The first is that the aerial view maps that we've looked at have not really shown the topography of the area. It's kind of V-shaped. And that is because there is the Dave Blue Creek running through the middle of the proposed dividing between the current Summit Valley subdivision and the proposed Bellatona subdivision. So, basically, all runoff from both of those areas is going into the Dave Blue Creek and we're actually concerned about the quality of the water – how that's going to be impacted through this commercial area. If it's food service or gas station, how that's going to impact water quality going into Lake Thunderbird. That is something that was not addressed here at this hearing. Concern number one for us is how this is going to impact the quality of the water that is draining into Lake Thunderbird.

Our second concern – and we heard a little bit of this addressed tonight – is the traffic impacts. We've established that there's going to be a new stop light at 36th but, again, that second entrance and exit area from the Bellatona subdivision is something that we're not sure how that's going to impact the traffic coming into the neighborhood. Currently, when you approach the Summit Valley subdivision from the east, you have to slow down from 60 miles an hour to make a right turn onto 36th. There is no turn lane there, so basically you have to cross your fingers and hope that you don't get rear-ended coming in there. So we're concerned about the control of the traffic coming in there, because if somebody is driving in from the east who is not as familiar with the area and they see an amenity on the right-hand side that they want to access, they're going to go for the first turn on the right. They're not going to go an additional third of a mile if they're not aware that that's the proper way to access it.

This is another concern that I have personally – it's near and dear to my heart. I am an avid cyclist and this is from the bike route map for the City of Norman current year. This green dashed line represents a proposed bike path going all the way from the City out to Lake Thunderbird on the north side of Highway 9, which is precisely where this proposed rezoning is going to take place, and it is not clear to me how that proposed rezoning is going to affect that planned bike route.

Additionally, we're concerned about crime. We feel that these businesses will attract people to the area that are not concerned with keeping it beautiful and keeping it crime free. I just went and looked up the rate statistics. The Summit Valley neighborhood has only had two crimes in the last three years, and one of those was actually reported by me. It was theft of mail off my doorstep. And Ward 5, as you know, is a gigantic ward which has only two patrolling officers at any given time.

Lastly, my husband and I are soon to be parents. We are concerned about the impact on neighborhood health from the availability of cheap calories – convenience store and fast food within walking distance – when we currently have no public playground where people can burn those calories off. That's just a public health concern that we have. So, in summary, we are generally opposed to this proposed rezoning and these were the reasons why. Thank you.

2. Robert Robinson, 3225 Valley Brook – I live in the Summit Valley Addition. I'm returning to Norman after a long hiatus being employed elsewhere and finally get to come back to Norman, and then learn that they're trying to rezone this area. I think MSDC Properties have given you a very good sales pitch, and that's what it is. Mr. Lewis had asked why the homes hadn't sold – it's because MSD Properties didn't do appropriate buffering and now they're trying to sell us on an idea that commercial zoning will be the buffer. I believe the inherent increase in traffic, the light

pollution, the noise pollution, and the litter that come with commercial zoning – I mean, it's just a fact that that's what happens when you have commercial – will be a nuisance to me rather than a use to me. Also, I think this is going to contribute to urban sprawl, and I've lived in many cities that have urban sprawl, and let's not go that way is my hope. I just want to thank you for your time.

3. Bill Dunham, 3424 Valley Hollow – My wife, Brenda, is over there with me tonight. I would like to agree with the two previous speakers. Certainly, it was a very good sales pitch. I think some of the things they addressed were important to what's going on in Norman and I value that. But, at the same time, I'm concerned that when you look at that subdivision that I live in now I think only – what? – was it .25% opposed it as far as what was around the red line that was drawn on the slide. Well, it didn't take into consideration the people in that subdivision specific. I think most people in that subdivision feel like, and I'm not speaking for them, but I think, if you were to talk to them, they would say I don't necessarily want to have something that – and to the picture that he had on the screen of the fencing around it that the neighbor was complaining about – all he showed was the fencing. He didn't show the 10' – 12' tall gas station behind it with all the lighting. So the eyesore is still going to be there for her. It's just upsetting to me that, when I go and purchase a piece of property that what I see behind me now – and I live right there where the drain goes down into – you can look back and you can see directly where that gas station is going to be and then beyond that, is it going to be a grocery store as he stated? You know, the person wants – is it going to be a Homeland there? What's it going to be? We don't know. And when we bought the property, we bought the property knowing that – or feeling like that was going to be a property that I would be able to live at for a long time and be happy to look out my back door and see something that was nice, as opposed to commercial development. So that's all I have to say.

4. Mary Sue Backus, 2701 Shoreline Drive – I'm a property owner and resident of Wellington Lake, which is the addition just east of where the proposed property will be rezoned. I have a lot of objections to the rezoning. I appreciate the need for future planning, which is why I love the 2025 Plan. Things change, of course, and we need some commercial development. But the truth is we don't need it now. Even for future planning, I think it's wholly unnecessary. If you look at the commercial lots available in southeast Norman, there's a tremendous amount of acreage that could provide the services that were spoken about earlier. So there's a lot of zoned commercial still undeveloped. And if you go – I think it's actually less than two miles – up to 77 and Highway 9, there's a lot of developed commercial that's empty. So there are plenty of opportunities to provide services there. I actually bought our property in this area to avoid those kinds of services. So I would dispute that it would be for my convenience. There are plenty of services available. And even if future development will bring thousands of people here in that area and the new neighborhood, it's not necessary yet. One of the things that we're trying to do is develop the core area and develop as we move out. But we're leaving a big gap of undeveloped commercial property in southeast Norman. So it's really unnecessary to do it at this time. Additionally – so my two things – one, we really don't need it at this time. Two, I am concerned about the water quality issues. Lake Thunderbird has to be a priority. I know that we've made it a priority in planning, but the quality of drinking water and recreation there should continue to really concern us. So I would like to see the water issues addressed as well. Additional impervious surfaces lead to more runoff. Depending on what kind of development is there, it could be potentially harmful to the water in that area. So I am one of the few residents in the immediate area – those few voices that Mr. Rieger encouraged you to ignore. But I would suggest that you consider that there are many residents around the area that object to the rezoning. Thank you.

5. Kellye West, 3301 Valley Hollow – What the gentlemen haven't told you is that they showed beautiful pictures of the front of the bank, but it's the back of those businesses that will face Highway 9. And putting up walls – that's going to be great to buffer, but when those

businesses close down at night, it's going to be a mecca for young people to gather, things like that. I foresee it as a problem. I know when we built our home, we didn't build our home thinking I want commercial right beside me where I can just walk right up the street. We built where we built to be a little bit further away from those things. So please keep that in mind.

6. Nita French, 2410 Shoreline Drive – I also live in the Wellington Lake Addition and am very concerned about this for a number of reasons. We do have a great deal of traffic on Highway 9 now. But, as it stands, the people who travel Highway 9 are either going to work or going home from work, or going to the lake. We don't have a lot of people from the inner city of Norman coming out to go to a liquor store or a drug store. We don't have a lot of people what want to come out our way unless they have somewhere to go. This is going to change our way of life because, on top of the traffic that we already have, we're going to have more traffic coming out of town. The residences that are out there – Summit Valley, Wellington Lake – we moved out to that area knowing full well that there's nothing out there. We like it that way. You've heard the song we're from the country and we like it that way. We knew there were no stores out there and that's how we wanted it. When you pass the Postal Training Center, there's nothing but homes. We like that. The lady that said that she hated going to the grocery store needs to move. We want that to stay a residential area. We like it that way, including my next door neighbor who is not here because, as you may know, he has a conflict of interest in being here tonight. We are happy where we are. We know that there's a lot of traffic noise as it is, but we are dealing with that. We've put up some plants, some trees, some things to buffer the noise and we're fine with it. What we don't want is an increase and more traffic. When we have more traffic, we could have more crime as the one lady stated. We can have a lot more people loitering in that area. We don't want that. The other additions that he mentioned in his wonderful presentation that is simply to earn money from this deal, and not thinking about people who actually already live there – he had some beautiful ideas about places that – housing additions that have said they want more businesses. Those housing additions that he mentioned are already in town. They are already surrounded by city. They already have a great deal of city traffic so, of course, they wanted stores. We don't. We're not in the city. We don't want more. And, lastly, the dumpsters. Mr. Knotts mentioned driving down Highway 9 – it's beautiful. The scenery is beautiful and no matter how he tries to tell you that he's going to follow covenants and architectural design, they're dumpsters. Is he going to wallpaper them? I mean, we're going to be looking at the backs of buildings and it's going to be ugly. So please keep those things in mind when you make your decision. Thank you.

7. Sean Rieger – Dumpsters, and Susan can confirm this for you – the City of Norman has a code right now. If you build any commercial building, you can't just put a dumpster out there. You have to put an enclosure and the enclosure has to be of the same materials as the building. It actually has to be, I believe, 8' by 12'. It has to be taller than the dumpsters. So you're not allowed to see a dumpster.

And I heard a lot about water quality. This area has Water Quality Protection Zones through it. This developer, I think, may be one of the first that came here tonight and did not instruct me or anybody to say we're going to move for a waiver or we're going to try to do something different than what is shown on water quality protection zones. The instruction here tonight is to leave them alone. Nothing is proposed within the Water Quality Protection Zones that cover those properties. They have left them alone. That was the intent of this body. He has honored that. So water quality will be absolutely protected from the ordinances that we just passed at great upheaval over the last couple of years.

Last point, you heard a lot tonight about people saying that they're not in the City; well, they are. 2025 shows that entire area as low density residential urban development. 1,076 homes will be there. That's urban. That's city. They will need services. The argument you heard tonight is that we don't want the commercial; we want to drive to it. That's not the direction of policy in the city; hasn't been for a long time. We want them walking to the commercial – certainly the neighborhood commercial that supports them. We don't want them getting onto

the highway or Lindsey and driving two miles to get to it, because that presents the problem that you're concerned about. We want them walking to it. This gives you the opportunity to do that. Thank you very much.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Sherrer – Just a quick comment. I will be voting yes for this for a lot of the reasons that I think Mr. Rieger talked about tonight. To me, I think growth is inevitable, and I think the opportunity to do smart growth – and I view this as smart growth – especially with the idea of creating a buffer. I think one thing I've always been concerned about is the more residential that we put next to highways – the concern that that provides. I think having commercial buffer is a huge deal and an important way of mitigating that concern going forward. I do think Commissioner Knotts' points are well made and there are some things that probably need to be thought through on that. I think traffic engineers have looked at this and probably have determined that, at this point, it probably makes sense. But I do think, in the future, it's something that I would encourage the developer to at least consider. But either way I think this is an opportunity to really move this development forward and create an opportunity to really further extend appropriately our east Norman development. So I will be voting yes.
2. Ms. Gordon – I'm going to do what everyone asks and think long-term. So Mr. Rieger wants me to think 30 years down the road, and I'm going to suggest that three years down the road – or whenever this is built, a few years later you're going to have some serious traffic issues at that intersection. I just can't imagine there's not going to be issues. The second thing is, as Mr. Rieger stated, Norman is growing and it's growing outward. And as much as you wish to kind of keep it just homes only, I'm just thinking way down the road and thinking, especially if Highway 9 becomes four lanes, there's going to be commercial development along that corridor. It's going to happen. And doing it smartly and thinking ahead in those terms – you know, I appreciate wanting to keep it residential and liking the scenery and that, but I'm just thinking that at some point the commercial is going to happen. It's not going to stay just all residential. I can't see that happening with that corridor. I just wanted to make that comment.
3. Chairman Lewis – Mr. Rieger, I do have a couple questions. I believe in the comments from everyone that came to the podium there were several things that kept resonating. Those things – and I'll just list them – water runoff, which you addressed; dumpsters, which you addressed by ordinance. There were three other ones being light pollution, crime, and the homeowners didn't want to see a business out there. So I have a couple of questions for you. In regards to the one lot that was already platted as C-1 with special use for a gas station, can you tell me when that lot was platted? Was it platted when Summit Valley was platted? And the reason I ask that is because I heard several homeowners say I don't want to see a business, and a business was already there when they bought their lot.
4. Mr. Rieger – It was platted, I think, 2006. Mr. Hargis – The first Summit Valley Addition. Mr. Rieger – 2006 is what I'm told. 2006 is when it was platted.
5. Ms. Connors – We know the rezoning occurred in 2003 or 2004, and the preliminary plat occurred at that same time. So the final plat was perhaps in 2006.
6. Mr. Rieger – If you look at 7c-4, you will see the history of the platting.
7. Chairman Lewis – So what I'm wanting to clarify is, there was no homeowner that owned a lot prior to this gas station already being there. So there was going to be commercial there before anything else.

8. Mr. Rieger – I believe that's correct. In fact, one of the letters you got was a homeowner who had bought their home in 2009 directly across the street from this gas station when it was most certainly platted years before.

9. Chairman Lewis – The next one is lighting pollution. I know recently the Planning Commission worked extensively regarding lighting and non-glare – those types of things. Can you speak to the light requirements that will be required so that we don't have light blasting into the back of these homes?

10. Mr. Rieger – I can. As you know, that was hotly contested for years. Well, it got passed. It got revised. But it is still in there. Full cut-off fixtures. Substantial protections for neighbors from lighting – I think everybody was as generally happy as they could be with the compromise that came out of that. But a lot of work went into that for the protection of neighborhoods next to commercial.

11. Chairman Lewis – So my understanding from that ordinance that was passed by City Council was that homes backing up to a commercial development indeed would have full cut-off fixtures, be protected from glare coming into the window, even though some of our Commissioners like their lights blaring and lit up in the back yard. The last one is regarding crime. And light and crime kind of go hand-in-hand. We think of lighting areas to protect people from crime, as opposed to dark areas where crime can be – do you have any studies, or do you know any information regarding the potential for increase in crime with commercial areas being there?

12. Mr. Rieger – You know, I can't say I do. But I will just give you some perspective on it. This comes up often in zonings. If you remember on the Cascade office park. The neighborhood suggested that would be crime-ridden. Every time we do multi-family it's suggested that will be crime-ridden. I'm always a little bit confused by it, frankly, because, if I'm a business owner in that building, am I going to want the crime? No. I think the crime concern and fear is just as relevant to the business owner, to the property owner, as it is to the neighbor nearby. I've always been confused by that argument, because why would the business owner want the crime around their store. I mean, if a business owner has crime around their store, they're going to be the first to try to get rid of it because are they going to have customers? Are they going to have property damage? There are big concerns for a property owner and a business owner if he has crime in his area. They're the first to confront it.

13. Ms. Gordon – I have one more quick question, if I could. I hadn't thought about it until it was mentioned. Did you guys look into at all how it would affect the proposed bike route out to Thunderbird?

14. Mr. Rieger – I did not see that in the study. I don't know if staff did or not. A lot of Highway 9, I think, frankly, is going to be driven by ODOT.

15. Ms. Gordon – Right. I didn't know where it was in the process with that bike route now.

16. Mr. Riesland – The bike route is something we've been working on. We've had difficulty with ODOT, trying to get them to decide where it can be with respect to the right-of-way. Our goal was to put it at the edge of the right-of-way on the north side. We're going to try to do that everywhere we can. I think in this area it would be within right-of-way.

17. Mr. Knotts – I have a few comments, I guess. I'm a little conflicted on this project, because ever since I moved to Norman in '84, everyone in east Norman says fix my roads – give me some commercial – and here we go and we've got it. I can tell you, as a landscape architect, a few bushes and some trees are not going to stop sound. So I appreciate the

separation. I want to believe that the Highway 9 face will be as pretty as we would like it to be. I think there's a serious problem with traffic. I don't know where in this process we can get that addressed. David said he wasn't going to change it overnight, but I believe that there is a serious problem that needs to be addressed.

18. Chairman Lewis – Susan, let me ask a question. When ODOT improves Highway 9, will it take into account if these lots are approved for commercial – that increased traffic count?

19. Mr. Riesland – The plans to improve Highway 9 – it doesn't take that into account one way or the other. I mean, it is part of the number. They based their counts off of Norman 2025, so it wouldn't have been in there. That's not going to change what they're designing. They're widening from two lanes to four lanes.

Andy Sherrer moved to recommend adoption of Resolution No. R-1213-133, Ordinance No. O-1213-49, and PP-1213-18, the Preliminary Plat for BELLATONA ADDITION, with an alley waiver for the commercial area, to City Council. Jim Gasaway seconded the motion.

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

YEAS	Jim Gasaway, Andy Sherrer, Cindy Gordon, Sandy Bahan, Tom Knotts, Chris Lewis
NAYS	None
ABSENT	Curtis McCarty, Roberta Pailles, Dave Boeck

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1213-133, Ordinance No. O-1213-49, and PP-1213-18, with an alley waiver for the commercial area, to City Council, passed by a vote of 6-0.

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