

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

DECEMBER 10, 2020

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 10th day of December, 2020.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://www.normanok.gov/sites/default/files/documents> at least twenty-four hours prior to the beginning of the meeting.

Chair Lark Zink called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Nouman Jan
Tom Knotts
Lark Zink
Erica Bird
Sandy Bahan
Steven McDaniel

MEMBERS ABSENT

Mark Daniels
Erin Williford
Dave Boeck

A quorum was present.

STAFF MEMBERS PRESENT

Jane Hudson, Director, Planning &
Community Development
Lora Hoggatt, Planning Services Manager
Janay Greenlee, Planner II
Anais Starr, Planner II
Roné Tromble, Recording Secretary
Bryce Holland, Multimedia Specialist
Beth Muckala, Asst. City Attorney
David Riesland, Traffic Engineer
Ken Danner, Subdivision Development
Manager

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Item No. 5, being:

O-2021-23 – WISHNUCK INVESTMENTS, L.L.C. REQUESTS REZONING FROM CCFBC, URBAN STOREFRONT TO CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT, FOR 0.16 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF WEST MAIN STREET AND NORTH WEBSTER AVENUE (231 WEST MAIN STREET).

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. CCPUD Narrative with Exhibits A-D

Ms. Bird announced that she is an adjacent property owner and perceived a potential conflict and will be recusing herself from voting on this item. She left the room.

PRESENTATION BY STAFF:

1. Anais Starr reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT:

1. Gunner Joyce, Rieger Law Group, representing the applicant – Joey Wishnuck is here with us as part of the applicant team. Anais basically covered a lot of the logistics here, but I'll go through it again really quick. This is the site we're talking about; it's on the corner of Webster Avenue and Main Street. We're talking about .16 acres in a downtown lot. Here is the existing aerial. This is the dilapidated building that is no longer there; it was taken down in 2019. Here, again, is a 1997 picture from the City's GIS map that shows the building and also the existing – that's still there – red brick building that will remain. Important to note here that this site has sat vacant for many, many years and also has been on the market for a while with no activity. So we're really excited to present this project tonight to show some movement in this area and this exciting potential development. Here's the street view from the intersection. Again, this really focuses on that existing building, which will get a facelift and some remodeling to make it look pretty and an architectural element of the site. Really excited about the potential development here. In the PUD we talk about some of the uses that could be confined to this specific building. We want to be really flexible. The overarching theme here is flexibility and walkability, but we go into specifics in the PUD that's talking about this can be a stand-alone use, such as a coffee shop, a serving window, a snow cone stand, or also additional seating, additional function space of some of the other uses on the site. So really excited at what that could be used for. Here is kind of the legalities of this: the 2025 designation – the plan for this site is commercial; no request needed for this project. The zoning, like we've already discussed and Anais pointed out, is in the Center City Form Based Code, right next to a CCPUD of Dr. Bird's office. An interesting nuance is that this actually falls within two separate categories of the form based code. So another advantage of this Center City PUD is that it will bring the entire site into one set of rules for the development of this property as it goes forward. Here's the site plan shown. Just a couple quick notes about this project before we really show you specifics and elevations – the goal here is to preserve that unique existing structure, but also to create a really active and pedestrian-friendly development, so a lot of the variances that we'll talk about here go to achieving that goal of making this a walkable and active center right on a main intersection as you head into downtown. Really we envision this site as being a gateway into the new and revitalized downtown Norman. So really excited about having this project developed and be a new entryway into that part of the City. Again, active open space – part of that is a rooftop patio space that we'll discuss in some of these renderings, but it's going right up here. In Phase 1 of the development, the whole project is being built as a roof deck so that it can be an active space up here – open space. Flexibility is another general theme in the uses and today's environment and the way Covid has impacted retail, we really want to focus on allowing uses that can be flexible over time, such as office space. The whole building is really designed to be flexible. As you can see, this is a floor layout that shows multiple tenant spaces, but has the flexibility to be maybe two or three, maybe five or six, just depending on how it develops and the tenant mix that occurs over time. Really the intent and the goal here is for this to be possibly

incubator space, local entrepreneurial space right here, so we're really focused on flexibility on the end users. Also allowance for the second story, which we'll show you in a second, for residential uses – a maximum of eight units per floor. Really, again, excited about the potential to have those residential units in this part of the City. Finally, this is worth noting, too; the initial story – the first phase is the first story, but the initial story is going to be constructed with floor joists instead of roof joists, so what that means is it will be easy to expand into the second story because the building is already structurally made to support two stories from the jump. It is a request that the first phase be allowed to be single story, but with the clear intention that it will be second story as the property develops. I'm going to discuss real quickly about one of the major variances here; it's a request to change the required build line. In the Center City Form Based Code, there's a required build line on the property. Let me see if I can go back real quick. This line right here is the existing required build line; you have to build right up to the property line. The red line is what we're proposing. It allows an additional open space and setback so that we're not built right on top of the sidewalk. As you can see, this is where the existing required build line would be; you'd be right on top of the sidewalk that's only 3'. So we requested an additional setback to give us six and a half feet of space to really achieve that desired walkability, pedestrian friendly development here. This is an old picture that shows that dilapidated structure and, as you can see, this is a very tight squeeze with that small sidewalk. So that's the reason for the change to the required build line. Here's some of the elevations. This is Phase 1 from Webster looking at the Phase 1 of the building. As you can see, here is the tenant space, again with that expanded open space and pushed back build line. We anticipate this being a pedestrian friendly area with potentially outdoor seating if a restaurant or coffee shop comes in there, and really just a place that is friendly and inviting to the community. And, again, this open space up here, as you can see, this is going to be a roof deck. When we go to the renderings, you can see some people up there just being able to use this space for all the tenants and really the community. That's another variance that's requested here tonight, because the second floor space under the Center City Form Based Code is required to be tied to one of the ground floor uses. So we're requesting here to have that open space be kind of a free-flowing use that doesn't have to be tied to a specific tenant on the first floor – another variance that's requested here. Here's Phase 2 from Webster. This shows the build-out of the second story. As you can see, retains that open space up above that existing building and then a little bit to the east when you see from this side. This is a portion of the new building that's being proposed; it wraps around this existing red building. So, again, back from Webster you see we've built up. We have a walkway up to the second floor. And then as you get to Main Street right here, this is Phase 1 looking from Main Street at the building. You can see the wrap around. You can see the existing structure still remaining and then the open space is just moving up. This is Phase 2 which shows the build-out and then again retaining that open space for the site. I want to point out a similar feel in the area. One of the variances here is allowing it to be Phase 1 as a single story. The goal and the intent here is that this property can grow with downtown and grow with the properties around it. So really as the market and the tenant space increases downtown, we'll expand into the second story. And while it's in a single story, it really complies and fits well with the environment that's downtown. Here you go again – you can see the existing red building over here off of Main Street and you can see how it fits collectively and cohesively with the single stories that are there in the area. So here's some exterior renderings. This shows the first story Phase 1, with Phase 2 kind of faded in. It will be built out over time. And, again, as you can see pedestrian friendly is really the goal here – walkability off of Webster, walkability off of Main. Then up there an open space that the pedestrians can really use and enjoy. Here it is again off of Webster, as you can see, utilizing the pushed back required build line exemption for kind of an open space, open seating area. And then again from Main Street, Phase 1 again, no building up here. This is what it would look like in the first phase of development. So here is the list of the requested variances that Anais just walked through, and really they all fit into four categories. Really the goal here is flexible tenant mix, a request for signage allowance, achieving a walkable pedestrian-oriented development, and then finally the height and phasing allowance that we discussed. So as we go through here, the open

space and walkability variances are 1, 2, 3, 8 and 9. The reason there are so many of these – it might look like a long list, but really we're dealing with the Center City Form Based Code that's a 92-page document that's extremely detailed and so in order to achieve our desired development and achieve that pedestrian-friendly walkability environment we kind of went through with a fine-toothed comb and really made sure we got the requested variances that were needed here. So as we walk through these, here is the requested setback that we discussed off of Webster, the reduction from 100% to 80% of the build line on Main Street is to keep 1) the existing building and then 2) also not required to build out fully on Main Street so that we can have the walkway going up but also kind of an open air feel. A lot of those walkability variances that I talked about are to achieve that open air, open environment, walkable environment. The plain reading of the form based code requires street walls in any gaps that don't meet up to the requirement on Main Street and Webster. We'd like to do away with that requirement so, again, we can have this open air, this walkable environment. Number 4 and number 10 are identical – it's an exemption from the two-story requirement. Like we've talked about, the intent here is a single story first phase built with the floor joists to support a second story, and then a second story that comes along later, with allowances for residential uses. Five, six, and seven are all about tenant mix. Again, like I mentioned, we don't really know the impact on the retail uses that Covid could have and in the future, so we've requested variances from requirements that require retail uses. We've requested a variance that requires second floor retail or second floor restaurant be tied to a ground floor identical tenant use. You can see this play out in Chisholm Creek in Oklahoma City. If you've been there, it's a two-story structure that has separate retail, separate restaurants on the second story that are not tied to the first. We want similar flexibility here. There's actually an escape room there that is solely on the second floor. That's something that wouldn't be allowed under Center City Form Based Code, would be allowed under our PUD. Again, finally here, 7, again about tenant mix; we've requested an allowance of office uses within the first 20' of the required build line. That kind of, again, goes to show how specific this form based document is. We'd like that variance to be able to have some of those entrepreneurial offices, the incubator space, in any of those tenant spaces that are shown. 8 and 9 are again to achieve that walkable, pedestrian friendly environment. We've asked for an exemption from the landscape requirement because there's not enough space on the Webster frontage to put in any street trees. Again, it's only a 3' sidewalk and Main Street already has a planter right in front of the site from a recent revitalization, so we believe that in order to keep this an open and really walkable intersection right there on the hard corner that it's best to ask for a variance from those requirements. Then the open space – this is kind of a nuance discussion here, but let me click back into the site plan. There's a requirement in Center City Form Based Code that open space on the ground floor must be located behind the parking setback line. This pink line over here is the parking setback line on this site. Under the plain reading of the Form Based Code, if we were going to have open space on the ground floor, on the base level here of this site, it would have to fit in this tight gap. Again, our goal here is to have that pedestrian walkable environment both on Webster and Main, so we've asked to get an exemption from that requirement and put our open space for the ground floor right here on Webster and Main. That accounts for about 10% of the site as open space, and we're also showing, again like we've shown already, the rooftop deck as an open space, which currently shows the site at 40% open space. So we're requesting a variance, again, mainly because of the location there, but we're showing on the site plan up to 40% of the site as open space. 10 we've talked about. 11 and 12, additional signage allowances – really what sparks this request is that there's already pretty iconic signage in this area. Dr. Bird's site has that beautiful mural sign. The intent here is kind of to match that and keep that iconic signage in the area, and really become a gateway and an entry into the revitalized downtown Norman area. The applicant is still working on potential designs but is really hoping to have a really exciting rooftop sign that kind of fits with what's already going on there. Here's a quick summary just to wrap up. Again, the exterior renderings and really why we're here tonight is because the plain reading of the Form Based Code just wouldn't allow this type of pedestrian friendly walkable environment here so the request and all the variances are to achieve that

desired goal. Again, we're asking for a setback from the required build line on Webster, variances that will allow us to keep that existing structure, and variances that will allow this to again be walkable and a very pedestrian-oriented environment at this key intersection. I'd like to point out that we're not aware of any protests. No neighbors have attended the Pre-Development meeting we had for this item. With that, very happy to answer any questions that you might have.

2. Mr. McDaniel – Could you go back to that shot right there? It shows there is a structure on the second floor. Can you explain or give more detail on that?

Mr. Joyce – Yes. The initial phase right here, that structure is just to serve as an outdoor patio space. It's not going to be occupiable space in the first phase. The second phase, which is shown up here, that's when it's actually built out and becomes usable occupiable space.

3. Mr. Knotts – It doesn't look very handicapped friendly to get to your second floor – to get to the open area. Why, if you're only planning ultimately to be two floors, why are you asking for six?

Mr. Joyce – First on the floor question – the allowance for this site is an unlimited height today under the Form Based Code. So what we've requested is to retain the second highest allowance under this category of the Form Based Code which is six stories or 85 feet. We've asked to comply with that. You're correct that we've only shown two stories here, but as the market develops around here and as other buildings develop around here, we wouldn't want to give up an allowance that's already retained on this property, so we'd like to retain the ability to go up to six stories if possible. We would have to show, obviously, that site plan and go through the City process for that, but, again, the allowance is already there today for maximum no limit and so we've just request that six stories which is consistent with the zoning around this area.

4. Mr. Knotts – With open stairs, you're inviting people at all hours to access your roof. Do you have any solution for that?

Mr. Joyce – It's something that we would comply with all of the requirements of the Form Based Code. We haven't asked for any variances that talk about any kind of lighting or security or even the steps going up. We would just comply with everything that would be applicable to any other properties in this area. They'd have lights, probably security systems out there. That would be kind of an end user/tenant question, more than developer.

Mr. Knotts – Are you familiar with the term "attractive nuisance"?

Mr. Joyce – I am. I really don't think this type of development and the funds that are going into this proposed development would really be attractive to that kind of nuisance I think you're referring to.

Mr. Knotts – Okay. I don't agree.

5. Mr. McDaniel – Talk to me a little bit about the signage variance that you're wanting to put in place.

Mr. Joyce – Signage allowances in the Form Based Code have been relatively small. That's something that we've seen a lot in the surrounding areas that people have needed variances for signage. We'd like to address it up front and just ask for allowances to have the type of signage that is on Dr. Bird's building, but also signage that can advertise the site and then also the tenant mix.

Mr. McDaniel – Obviously, seeing what is on the good doctor's building, where do you intend to place this signage?

Mr. Joyce – The final location hasn't been determined yet, but I think we're in talks of potentially being somewhere right up here that can still be seen from the intersection, but obviously the goal would not put it right in front of the mural and block the visibility of that.

Mr. McDaniel – So that would not be on the building itself; it would be on a structure placed on top of the building?

Mr. Joyce – There's two allowances requested. One is a wall sign, so that would be physically on the building, let's say like right here. Final locations haven't been determined here, but maybe on this existing building right here is a wall sign. And then the second request is for a roof sign – kind of a scaffolding sign, and we're anticipating that being on top of the roof, very similar to something you'd see in Automobile Alley in Oklahoma City, like the Buick sign. That's kind of the idea here. So the roof sign, the scaffolding sign, would be on top of the roof of the building. The wall sign would be up against the wall of the exterior of the building. Those requests are in addition to regular tenant signage. So it's anticipated that the tenants of one space would have their logo or something right above – maybe where it says 101 right up here. So those two requests are really for development signage to advertise the building as a whole. I believe – and Joey, you might know better – but believe it would be the J.R. Ford Building – kind of preliminary talks, so the signage that says something along those lines – Ford Building – J.R. Ford Building. That's the request for those two.

Mr. McDaniel – How much does that deviate from not only the Center City but also the current Norman signage?

Mr. Joyce – I'm sorry, I don't know from the current signage. I know there isn't an allowance for a scaffolding sign in Center City. There's allowance for blade signs that stick out, and Joey likes the idea of that scaffolding sign, so that's the request here.

Mr. McDaniel – The only reason I'm asking is when this request came forward, I went through the minutes of the Center City group – I read, I think, all of them that were posted – and that was one of the things that they talked about is signage and having those strict limitations on signage. So I'm just trying to understand what we're talking about here and how much does that deviate from what those 15 individuals were trying to put in place in the Center City. So I appreciate that information.

6. Ms. Bahan – I have a question. You didn't really address Mr. Knotts' question about accessibility and what the provisions are for accessibility, particularly to the second floor.

Mr. Joyce – There's been no request for any variance of any accessibility requirements on the site. It's something that would be more fleshed out at building permit stage when they actually come with the final construction drawings, and there would be full City staff review at building permit stage. I apologize; I did forget to answer that.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. McDaniel – I think I'd like to ask someone from the City to give us some information regarding the signage, because that's one of the things I'm really concerned about when we start talking about a sign that's unlike anything that we have downtown, I wanted to understand what the individuals and those 15 individuals were talking about when they helped draft this document.

Ms. Hudson – I apologize; I did not bring the sign code with me, so I can't go through that with you as far as what the C-3 zoning would allow in the downtown area. I know you went over the minutes. But as far as the general standards for signage within the Center City Form Based Code area, they've got the wall signs are permitted within an area between the second story floor line and the first floor and those are not to exceed 2' in height, as well as in no case shall this band be higher than 20' or lower than 11' above the sidewalk; the letters shall not exceed 18" in height or width; and the signs shall not come closer than 2' to the adjacent common lot line. As far as additional square footage, you can have a plaque, but it shall be no larger than a rectangle of 18 square feet. Then the blade signs that I believe that they mentioned, not more than 5' wide containing a maximum of 25 square feet per side and minimum 9' clear height above the sidewalk may be hung from the façade.

Mr. McDaniel – So what you're saying is that the scaffolding sign would be a fairly large deviation from what we currently have?

Ms. Hudson – Yes, I believe it would be.

Steven McDaniel moved to recommend adoption of Ordinance No. O-2021-23 to City Council. Nouman Jan seconded the motion.

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

YEAS	Nouman Jan, Lark Zink, Steven McDaniel
NAYES	Tom Knotts, Sandy Bahan
RECUSED	Erica Bird
MEMBERS ABSENT	Mark Daniels, Erin Williford, Dave Boeck

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2021-23 to City Council, passed by a vote of 3-2.

Ms. Bird returned to her seat.
