

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

DECEMBER 11, 2014

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Complex, 201 West Gray Street, on the 11th day of December 2014. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Chairman Dave Boeck called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Roberta Pailes
Erin Williford
Sandy Bahan
Dave Boeck
Jim Gasaway
Tom Knotts
Chris Lewis
Cindy Gordon

MEMBERS ABSENT

Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Janay Greenlee, Planner II
Roné Tromble, Recording Secretary
Jeff Bryant, City Attorney
Larry Knapp, GIS Analyst II
Shawn O'Leary, Director of Public Works
Ken Danner, Subdivision Development
Manager
Scott Sturtz, City Engineer,
Drew Norlin, Asst. Development Coordinator
David Riesland, Traffic Engineer
Terry Floyd, Development Coordinator

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Chairman Boeck welcomed Erin Williford to the Planning Commission.

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Item No. 10, being: **LEGACY TRAIL APARTMENTS, L.L.C.**

10A. R-1415-61 – LEGACY TRAIL APARTMENTS, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM COMMERCIAL DESIGNATION TO HIGH DENSITY RESIDENTIAL DESIGNATION FOR 10.31 ACRES OF PROPERTY GENERALLY LOCATED AT 3219 W. ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report

10B. O-1415-29 – LEGACY TRAIL APARTMENTS, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR 10.31 ACRES OF PROPERTY GENERALLY LOCATED AT 3219 W. ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-E

10C. PP-1415-13 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY LEGACY TRAIL APARTMENTS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR LEGACY BUSINESS PARK & LEGACY TRAILS APARTMENTS, A PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 19.34 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF WEST ROCK CREEK ROAD APPROXIMATELY 560' EAST OF 36TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Revised Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan – Legacy Trails Apartments
6. Revised Preliminary Site Plan – Legacy Business Park
7. Pre-Development Summary
8. Greenbelt Commission Comments

PRESENTATION BY STAFF:

1. Jane Hudson – Just real quick, I wanted to give you one update from the staff report in your agenda. It stated that the Park Board will meet after the printing of the agenda. This did go to Park Board and it was voted fee in lieu of land, 7-0. That's an update for you on that.

Several of you saw this application south of this proposal come in back in August when Legacy Business Park came in in this area. They're moving forward with the subject tract here now. The existing land use for this site is Commercial. North is Industrial. To the east you have Office and Commercial. South you have High Density Residential as well as Low Density Residential and some Commercial. And to the west you have Commercial and Low Density Residential, which this Low Density Residential is actually an apartment complex or a duplex type setup over there. If approved, this will now become a High Density Residential Designation. The existing zoning in the area is, again, I-1 to the north for the industrial use; O-1, C-2 to the east with the additional park area on the east side there. You've got RM-6 and R-1 and C-1 to the south, with C-2 and the RM-6 there to the west. And, if approved, this would take on the Planned Unit Development designation. Again, the existing land use in the area. It is the industrial, commercial, residential surrounding property. This is the preliminary plat location. Again, as I stated, the southern portion came in in August and this is now coming forward with the continuation of the development there. This is just an aerial photo of the site to familiarize. Again, like I said, there's the park area to the east with the walking trail which does connect to Legacy Trail there along Rock Creek Road. This is the south side of the development. This is Pendleton Drive, which will continue in and dead end at the apartment complex there. Legacy Trail along Rock Creek Road. This is the multi-family that will be to the west of this proposal. This is, again, the site looking from the industrial area to the north.

This will consist of 210 units; 378 parking spaces are required and they have proposed 438. As we have discussed before, there has been a great deal of activity in this area. The Rock Creek Road overpass, the street improvements, the addition of the neighborhood Walmart to the west, future professional offices to the south. As a result, it is not surprising that multi-family is coming in there because it does not have the frontage on the street. Staff does support this rezoning request, as well as the resolution – Ordinance No. O-1415-29 and Resolution No. R-1415-61. I'd be happy to answer any questions you might have. The applicant is here with a presentation for you as well.

2. Ms. Pailles – I have a question – a couple. Is there any access from the development directly into the park? I mean, is it easy to get out of the development to the park, or do you have to go all the way around the front?

Ms. Hudson – Pedestrian access?

Ms. Pailles – Yeah.

Ms. Hudson – I think the applicant can probably speak to that as well, but I believe that there is a fire lane access that will be on the east side. I thought I had a plat, but Hal may have a better picture of that.

3. Ms. Pailles – What is the fencing along the back? What material? I assume there is fencing across the back of the property between here and the industrial area.

Ms. Hudson – It's a brick wall. Yes.

Ms. Pailles – Brick wall. And the neighbors up on Bart Conner Drive – the industrial area – do we know who they are? Are there any hazardous chemicals?

Ms. Hudson – Not to my knowledge. We have – I believe Massey's Dance Studio is up there. There is an engineering firm that's up there, and maybe a couple other office.

Ms. Pailles – I just was curious if that had been examined to make sure there was no acetone in use in a garage – things like that.

Ms. Hudson – Not to my knowledge, no.

PRESENTATION BY THE APPLICANT:

1. Hal Ezzell, 100 48th Avenue N.W., representing the applicant – Thank you, Commissioners. I'm glad to be here this evening. In addition to being the representative of the applicant, I'm also one of the owners of this project, so it's highly personal to me. I think probably the thing I want to do is I'm going to let Tom McCaleb address you first and talk about some of the technical details on the site.

As you see before you, this will be done in the French country architectural style. This will be generally what each of the building elevations will look like. I would note, before we go into that, that the balconies there are decorative. We don't actually allow functional balconies. We don't find them to be a positive. They wind up being a storage place for things and a place to hang towels and laundry. So those are decorative accents. This will be the elevation of the clubhouse facility that will be present.

Before Tom gets going, I just want to talk a little bit about – you've already sort of seen this, but this is the 10.3 acres. It's in the back behind the commercial. This is going to be about 68,500 square feet of office space and about 10,000 square feet of retail space. This is the Walmart Neighborhood Market. The retail space will come down in here on the south. That doesn't have anything to do with our project. And then it will be all office buildings across the back and on this end.

To just briefly and quickly address Commissioner Pailles' question. We are redoing the east wall to address and incorporate the comments of the Greenbelt Commission. One of the sort of exciting and unusual aspects of this project is we're putting in a bike share program – and bike shares are not that common in this part of the country but it's basically you can come up – it's open to the public access via credit card, take a bicycle and ride it off to wherever you want to ride it off to. We're pleased that the City is considering – just over on the other side of this Rock Creek Road overpass – is Legacy Park and the City is very seriously considering putting

another one of these bike share stations in Legacy Park, and we're trying to convince them to partner with them on other places along Legacy Trail. One of the keys to the success of the bike share program is you've got to have multiple stations. You can't just have one bike share station that doesn't have any destination point. So we're going to modify the east wall and bring an indentation in and we're going to have that bike share station located to incorporate the Greenbelt Commission comment to tie it into what is probably better called a trail spur than a park that comes up off of Legacy Trail.

And since I've got it on Tom's drawing here on the preliminary plat, I'm going to stop right there and let him take over and talk about how some of the infrastructure works on the site.

2. Tom McCaleb, SMC Consulting Engineers, engineer for the applicant – Thank you, Hal. As Hal has suggested, and as Jane had already suggested, this site has evolved quite a bit. The tract of land has been submitted, the preliminary plat, the drainage report, all that stuff has been submitted and reviewed by staff and has been accepted.

This property has changed quite a bit with the construction of the I-35 overpass at Rock Creek Road which not very long ago, it wasn't there. With the cooperation of this applicant and the land owner, the S&S Family Properties, that road and that construction has been able to commence. In addition, with the same cooperation, there is east of this site a detention pond, a wetlands, and a City park. So that all has happened with the applicant's assistance to make all that happen. So here we are with the last piece of land that they own, which is this 10 acres. It has been with the site. Previously, the neighborhood market – Walmart – has been zoned; it's built. The Christian Brothers Automotive has been zoned and it's built. The tract to the south of this tract has been zoned and there is a cooperative effort between the apartment people and the business people to cooperatively build a lot of the infrastructure.

Let me briefly tell you what that is. Pendleton Drive – right there – that road is not there today, but it is across the street to the south. When Rock Creek was built, this was pre-planned and so that access and driveway currently exists. The road will be constructed from Rock Creek north and will be the access for this apartment site. That will be a public street to this location. In addition, the sanitary sewer will be extended from about right here off this existing manhole there and a gravity line will be laid to go over to Pendleton and then up and access and provide sewer for this facility and provide sewer for this facility as well, and it's a cooperative effort in getting that constructed. The same is true for the water line. There's existing water line on Rock Creek Road and there's existing water lines that we stubbed out for the grocery store. Those are all being connected and the water line will come across and serve both sites and it will loop the system for the apartment site, and will loop around the buildings to provide adequate location and loop facilities for domestic water and fire protection. Storm drainage – the same thing. There will be existing detention pond we built right here on this site and this site will provide a connection that will come up and connect to this detention pond and they will be interconnected and built and discharge to the south into Rock Creek Road existing facility. The exact terrain of this property – about half the property drains west and about half of it drains east. The east half would drain to the existing detention pond that's already built and has been sized to handle this water – has been approved to handle this water for detention. So all the infrastructure publicly has been done – already being done and has been planned on being built. Everything is there.

One other item that you just discussed briefly is the Fire Department has requested that we connect an emergency access right here on the east side of the apartments; there will be an emergency crash gate. They've asked us to make that road acceptable to take a fire truck under an emergency condition that will access from the I-35 Service Road. So that will be a crash gate. We've agreed to do that.

Also, there is no connection to the existing sidewalk in the park – it just goes in the park and makes a circle. We've been asked to connect that sidewalk and we're going to connect that sidewalk from the circle right here and extend it like so and connect it to the existing sidewalk that was built with the Christian Brothers facility. So that will be a complete sidewalk connection all the way along the Legacy Park on Rock Creek Road, through the park and into

the park, and outside the park to the service road. So that, briefly, is an account of all the construction – infrastructure required for the facility. Hal will address now the PUD and other issues and subsequent to that we'll be glad to respond to any questions.

3. Hal Ezzell – Thank you. This is the preliminary site development plan that shows the layout of the buildings and the parking. Within that parking count, there are 72 garages that are going to be built, and some of the garages will have units over the top of them; some will just be garage buildings. This is somewhat similar to the layout that we did at the Falls at Brookhaven just on the other side of Rock Creek Road and 36th. Again, and you can also get a better flavor for the layout of the commercial and retail in the front of the development. And this shows you a little bit more clearly the crash gate and road that Tom was describing and how the sidewalks tie in.

One other issue that we agreed to address is currently that trail spur sidewalk actually crosses over and encroaches into the property – it is mislocated. We have agreed to move that, at our expense rather than requesting the City move it at their expense, and that also gives us that opportunity to tie in on that east side the bike share station as well that will tie into that and, as Tom said, we'll tie all the sidewalks together and Pendleton Drive.

That's just the preliminary landscape plan. We intend to heavily landscape it.

Commissioner Pailles had asked about the fencing. It's going to be a 6' brick wall all the way around the facility and we will probably, rather than do – we will do a gate access, but we'll do more of an alcove for the bike share station just for aesthetic consistency.

Again, that's the elevation of the building. That's not totally accurate in that the line actually goes over that trail spur sidewalk there. Again, you've seen this, this is the view to the west. That's the Norman Housing Authority project. This is a view if you are standing – that's probably about the northeast corner of the property looking to the north. That is looking from the west boundary of the property into the interior of the property to the east. That's standing on the northwest corner looking to the southeast. Again, that's standing at Pendleton Drive that's going to go through there.

What really sort of changed the lay of the land, and I think it's important to consider the history of it – this 19 acres, or it was more than that then, was annexed to the City in 1960. It was zoned agricultural in 1962. When the City came through in 2009, started the realignment of Rock Creek Road – as you'll recall, the old Rock Creek Road runs right over here. This new four-lane – and one of the reasons we thought this would be a great bike share opportunity is the connection with Legacy Trail and it extends up over the bridge on both sides of the bridge – these are actually what you don't see very much but they're referred as multi-modal sidewalks, meaning that they're much wider than the normal sidewalk, and then you have Legacy Park under construction over there. We really want to tie together to that. But you can see it's four lanes, center turn lane already. That really changed the nature and character that changed this from – that and the industrial district to the north really reduced all feasibility for low-density residential.

The problem with the site, from a commercial standpoint, you have two issues that I want to point out to you. Walmart Neighborhood Market comes in with a fairly restrictive set of covenants for everything that goes in around it. So the Walmart covenants prevent any sort of competitive retail. You're only going to have something very small scale so the City is not losing or giving up a commercial or sales tax opportunity.

The other thing is the depth of the site. All commercial and office – everybody wants to be along Rock Creek; nobody wants to be back here in the back of the site abutting the industrial, so it really kind of winds up being sort of a stranded 10.3 acres that really is not suitable for anything – or most ideally suitable for multi-family. That's the user that would have the interest in that site.

That's looking west toward the Walmart Neighborhood Market and 36th Avenue. Again, this is looking north; that's one of the buildings. I really, from the types of users, I'm not aware of any user that would have chemicals. It's Bart Conner Gymnastic Academy, the engineering firm. I'm not aware of any real actual manufacturing activity that goes through there. This is

Christian Brothers and this is the detention facility that Tom was describing. It's a broader view out of it. This is that – I would correctly call a trail spur, rather than a park. This is a pretty small narrow strip here. I think the City intended it to be a passive park, so they have these little explanatory, almost like walking information marquees that you stop and look at and it tells you about the wetlands and it ties into a system on the other side in Prairie Creek Park that does the same thing. This is where it comes around and this is the part that we're going to have to remove because it's actually encroaching on the property line. I think this is important because I just want to show it. This is the area around the detention pond. It's not really very attractive. And this is one of the things that will change with the commencement of this project. This area will be better maintained and cleaned up. The reality is the City does not have the resources to police every small space that accumulates trash like that. But we, because it will be adjacent to our property, will keep that policed and clean up and better landscaped. And the fee in lieu of the parkland is going to contribute to, in addition to some improvements in Prairie Creek Park, some additional tree plantings and we are going to irrigate those trees. That has been one of the prohibitions on more trees there is there's been no way to functionally irrigate them.

I had some other slides, I thought. I think I'm missing a slide. So to talk about the project, I just want to briefly read you one thing from your staff report, because I think it's very appropriate in describing the change in the area, and that's on page 10b-3 of your packet. It says: "However, as time passed and development has continued to expand in the northwest portion of Norman, this area is no longer suitable for rural agricultural or lower density residential uses; this area is surrounded by more intense zonings and uses. The area to the north of this entire ownership and preliminary plat is I-1, Light Industrial District." So this area is suitable for multi-family; it's actually ideally suited for multi-family.

The northwest quarter of Norman – I want to take just a brief moment with some comments and address one of the things that I think is – I hear a lot in conversation and it's discussed a lot is the number of apartments that are being constructed in Norman. There's always the question of when do we get to the tipping point? Are we at the tipping point? Do we have too many? Not enough? Nobody really knows. What I can tell you is – If you don't mind, I want to give just a little bit of a primer on multi-family housing, because I think it's important because you all will have to deal with it so often. Multi-family housing has multiple unique and distinct layers. This is what is called a market rate property, meaning it's not geared to a very specialized demographic, such as senior housing that is geared to a specialized demographic. Student housing is geared to a specialized demographic. Low-income housing is geared to a unique demographic. They each have their own constituency and market, and when you look at Norman it has sort of, frankly, multiple sub-markets. And even within those submarkets, there are distinguishing characteristics. I consider northwest Norman, from a multi-family standpoint, starts at Main Street at about the Mall and goes up to the Interstate and over to 48th and runs all the way up to Indian Hills Road. That's what we look at and say that's our constituent market for multi-family housing. That market had no construction from about mid-1980s until the first project that came on-line or was started was the Falls at Brookhaven in that corridor which opened in the later part of 2013. The unique thing about the Falls at Brookhaven project was that it's the first time in our experience that leasing ever outstripped construction. We couldn't get the COs and bring the buildings on fast enough. That project is 99% occupied today.

The market study that we did showed a capacity for the corridor of 800 units and the Falls at Brookhaven was 164. The other thing we look to is the Mike Casis Company did a project called Icon up at Indian Hills Road roughly. We think that's the northern boundary and probably a little bit outside, but that project is now full after only being open a short period of time. There is a high appetite and demand for market rate multi-family housing in that northwest corridor. We have not even yet approached – even with what's under construction – reaching half the demand curve. And there are a lot of societal things that are driving that as well.

You know, home ownership rates are declining. Home ownership rates of people under 35 are plummeting. I've got some information – this, I hope, will be a helpful reference. I just couldn't get it updated before the PowerPoint presentation was due. It's statistical information.

Outside of the anecdotal analysis of trying to figure something out, we look at, for example, this project – Legacy Trail Apartments – is an \$18 million project. It's going to have a \$14 million loan. We don't borrow those kinds of funds on hunches or guesses or theories. We borrow those and make determinations on data. And one of the things I think is helpful for you to consider is, if you look at the City of Norman population growth – and these are all off the Census Bureau website. You can go on there. There's a big table for Oklahoma and compares it to national, and that's where these numbers derive from. The 2010 population from that census for Norman was 110,925. The Census Bureau projected that Norman's 2012 population was 115,562. If you average just that period of time growth rate, and it's actually fairly consistent if you broaden it out, that's about a 1.7% growth rate. I think if you actually were able to update the numbers in a broader period, it bumps up to about 1.8 or 1.9%. But looking at that compacted period, it's 1.7. You can go down to the 2000 census number – again, that's a number 95,694. So, what you can see is, from 2000 to 2012, you had an increase in your population of 20.8%. That number is actually 1.73. The Census Bureau actually tracks housing, as well. So you had renter-occupied housing units of 17,393 in 2000 and you had a vacancy rate on all rental housing – and that includes single-family rentals, not just multi-family – of 8% and that's pretty consistent with national numbers, as well. In 2010, again hard numbers based on the actual census, the units had increased to 20,238 and the vacancy rate had actually declined from 8 to 7.2% with the addition of 2,845 rental units. So I look at that and say there obviously is a tipping point somewhere but we're not at that yet. When you'll see that tipping point is when those vacancy numbers start to tick up. If you project out – and I think this analysis is important as well, because it paints the picture. If you have 1.7% growth rate, then that would mean you would have added, based on their estimates, 1,964 people in 2013. The City of Norman issued 426 single-family building permits in 2013. The average household in Oklahoma, according to Census Bureau, is 2.55 persons, so that means in Norman likely added 770 households in 2013, but only built 426 new homes. So that leaves a difference of 344 households and those households, I would posit to you, are renters – new renters. And you just back that number to look at 2012, it would be 745 households but only 414 single-family building permits – another gap of 331 units. So in 2012 and 13, you added an estimated 675 new households to Norman that came to Norman and rented. And that's reflective of national trends as well.

We've noted some of those, as well. Home ownership rates by the end of 2013 had dropped to 64.9%, which is the lowest since 1995, from the high in 2004 of 69.4. Home ownership rates for everybody are declining. Oklahoma's are actually a little higher at 67% than the national numbers. Home ownership rates for people under 35 have dropped to 35.9% from a high of 43.6%. And this is what you see in a lot of the articles – in a lot of the industry articles – millennials simply aren't buying houses. They're burdened with student debt, wages are stagnant. In 2007, just to put some more history on it, the City of Norman issued 419 single-family permits. In 2008, it issued 564 single-family permits. In 2011, it declined to 357. So one of the things about Norman is it is incredibly steady and consistent. It's incredibly steady and consistent in its population growth and it's incredibly steady and consistent in its single-family building permits and it's incredibly steady and consistent in the gap that exists between those two, which I think are fairly presumptively renters. So, as you contemplate the question of more apartments, I hope this data proves useful to you in thinking through that as you evaluate the projects.

Lastly, I want to close with what I think is unique about this project is there are a couple of unique things. One we've talked about, which is the bike share program and getting that expanded further out into the City of Norman. The thing that's fairly unique is we want to tie this into the whole aesthetic of Legacy Trail, so the people who are developing the commercial part in front and our group have agreed to partner to buy two pieces of public art to be placed – one probably right about here on this walking trail spur and another one closer to the entrance, and we're looking at doing bronzes. They're on the scale – and a lot of people see – it's a prairie grass structure that's in a roundabout on the east side of Norman. That's sort of the scale that we're looking at and budgeting. So the public art that ties into Legacy Trail, and the suggestions we've got are to tie it into thematically the aesthetics of the bridge. This bridge is also unique in that it has a lot of – unlike bridges of the past that ODOT used to build that were

just bridges – this has some nice artwork, some reliefs that are in the side of the bridge. So we're going to integrate that on a consistent theme for those two pieces of bronze to keep the Legacy Trail theme going. Legacy Trail comes up, if you're not aware of it, and in the future plans it hits 36th Avenue and then it will run to the north to what, hopefully one day, will be Ruby Grant Park when that develops. So we want to see that Legacy Trail theme consistently at least come up now to 36th and Rock Creek and be prepared to shoot north to the Ruby Grant Park and we're going to do what we can to facilitate that.

The last thing I just want to – sometimes it gets lost in the discussion. What are the benefits? We've talked about some of the non-financial benefits to the City – the public art, the bike share program. Some of the financial benefits to the City I think are always important to consider when you're evaluating projects is the building permit for this project is going to be north of \$500,000 into the City's coffers. We always try and buy local first on materials. Approximately 65% of the project cost is materials. That's \$780,000 in sales tax revenues, a good majority of which will come from local purchases. We always try and go local first. Currently, this 19.3 acres generated \$76.05 to the County treasury in ad valorem tax revenues in the past year. The new tax bill on just Legacy Trail Apartments, without taking into consideration the commercial part on the front, is going to be – a round number is \$268,000 annually in ad valorem taxes that supports the schools and the ad valorem recipients as well as the City's bonding capacities. So there are tangible financial benefits.

This site is perfect for multi-family. Staff supports it. There were no protests; no one even came to Pre-Development to attend or ask questions. We ask for your support. I'd be happy to answer any questions that you might have. Thank you for your time this evening. I know you're going to have a long night.

4. Mr. Boeck – Hal, I've got a question. I don't know what the term is, but as an architect I try to design houses that are age-friendly. What are you doing to – you were talking about senior markets, which, you know, that's not just senior markets. If you're designing housing for younger people, they have parents and grandparents that might be a little bit decrepit. So what are you doing with these units to design them to be age-friendly?

Mr. Ezzell – The age-friendly is you'll have a choice. They're not townhome units, meaning they don't have a first and second story within a unit. You can have an upstairs unit or you can have a downstairs unit, and that's your choice. And presumptively, if you don't want to go upstairs, you're going to pick one of the downstairs units and you can have a garage associated with the unit. Typically, the ones that are geared specifically to seniors are all single story, as you're well aware. And this, being a market rate project, we're not gearing toward seniors per se, but they would have a choice of a ground floor unit.

Mr. Boeck – And, again, I'm not talking just about seniors. Young couples have senior parents or aunts and uncles that will come visit if they can get in – if there's not steps – if there's a bathroom that's accessible. How are you designing those units to be accessible for all age groups?

Mr. Ezzell – They're fairly large – in the world of multi-family, they would be considered large floor plans and they have large bathrooms. It would just be incumbent upon the person to make the decision whether they really need to be in a second story unit or in a first story unit and that would be, in my opinion, incumbent upon them to make a determination. I think if they were in a first floor unit, the floor plan – we have wide halls, etc. – would be perfectly adequate.

Mr. Boeck – That's the kind of questions I was asking. If they're being designed ...

Mr. Ezzell – They are. They're purposely designed. We have overly large hallways. You could turn a wheelchair around in them if you had to.

Mr. Boeck – 3 foot doors, that kind of stuff?

Mr. Ezzell – Yeah.

5. Ms. Pailles – It's lovely and there's a lot of need for apartments where it would be tolerable to raise a child. It's very lovely and it's got a lot of nice features. I do have a further question on what I asked about in terms of being right next to the industrial area. Squinting hard,

I see that there is an auto body shop on Lot 11 there. Body shops mean paint. Paint means solvents. Solvents are things like acetone, which are very hard on your brains, especially if you're a child. And they're also carcinogens. So the question is, is this vented toward the back of their property, which would be right into your windows? Or is this filtered? I don't know whose responsibility it is to find that out, but it seems like somebody ought to.

Mr. Ezzell – Let me go back to the site plan. I think that will help explain it a little bit.

Ms. Pailes – Just the one with the floor plan would work.

Mr. Ezzell – I think so, because the buildings – if you go the way they're oriented. You see the way the buildings are oriented. None of the backs of the buildings are actually turned – the buildings are all angled so there's actually no windows that go toward the back of the industrial area.

Ms. Pailes – It doesn't matter. If you're walking outside on the sidewalk. Somebody should go check and make sure.

Mr. Ezzell – Again, I don't think they're engaging in those activities in their parking lot. I'm sure they're doing those within the confines of their building. And if it's safe enough for their employees to be directly engaged in it – I've not ever noticed a smell.

Ms. Pailes – It's normally vented. I'm just saying – I don't know whose responsibility it is. It would be good if somebody checked.

Mr. Ezzell – That's a legitimate concern, but I don't – having been on the site multiple times, nothing seems out of order, nothing smells, my eyes don't burn. The way the buildings are oriented, I think, will be fine as well. But I can't tell you that I've made any formal survey of exactly who is there.

Ms. Pailes – And I didn't notice that until just now. I apologize for not being prepared.

Mr. Ezzell – Not a problem. Thank you for your question. Mentioning the children – based on our own experience – we look at children as far as -- when we're deciding on amenities – playground age children. We use the demographics that we have. In the Falls at Brookhaven, we have approximately of our units only 6%, maybe almost 7%, have children under the age of 12 in them. And those individuals typically gravitate toward the 3-bedroom units and we don't have a tremendous number of 3-bedroom units – we do have some in here. So we would think that the small children would be consistent with our experience at The Falls, so we would estimate that of the 210 units we would have a unit count of approximately 7% having children, which is why we're interested – the City Parks Department, frankly – they don't consider this a park, per se – it's a trail spur. So they're not going to be adding really any amenities within this that would benefit the residents of the community. They're going to be spending that money in Prairie Creek Park, other than some landscaping enhancements. So we are trying to get permission to put some small feature in that – after we redo the center turnaround – that would be a nice amenity for the residents and anyone walking by, frankly. But that's – just so you know, that's about how many small children under 12 we expect to have.

6. Mr. Knotts – Are you coordinating your architecture with the commercial area in front?

Mr. Ezzell – Yes. We're all doing a common theme. It's all that what we described loosely as French country. The commercial buildings will match. That's one of the things that we had to agree with each other. We didn't want hodge-podge looking – we want a uniform look in here. So if you're driving down Rock Creek Road, the apartments themselves will really not appear any aesthetically different than the buildings you see, to the extent you can even see them. So it is uniform architecture, uniform brick, stone accents on the corners. We're still working through all that, but it's going to be very uniform.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to recommend adoption of Resolution No. R-1415-61, Ordinance No. O-1415-29 and PP-1415-13, the Preliminary Plat for LEGACY BUSINESS PARK ADDITION AND LEGACY TRAILS APARTMENTS, A Planned Unit Development, to City Council. Tom Knotts seconded the motion.

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

YEAS	Roberta Pailes, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Tom Knotts, Chris Lewis, Cindy Gordon
NAYES	None
ABSENT	Andy Sherrer

Ms. Tromble announced that the motion to recommend adoption of Resolution No. R-1415-61, Ordinance No. O-1415-29 and PP-1415-13 to City Council, passed by a vote of 8-0.

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RECESS 7:53 to 8:00 p.m.

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