

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**FEBRUARY 13, 2014**

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Conference Room D of Building A of the Norman Municipal Complex, 201 West Gray Street, on the 13<sup>th</sup> day of February 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.

Vice Chair Sandy Bahan called the meeting to order at 6:35 p.m.

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Item No. 1, being:

**ROLL CALL**

MEMBERS PRESENT

Curtis McCarty  
Jim Gasaway  
Andy Sherrer  
Cindy Gordon  
Sandy Bahan

MEMBERS ABSENT

Dave Boeck  
Tom Knotts  
Chris Lewis  
Robertta Pailles

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  
Roné Tromble, Recording Secretary  
Leah Messner, Asst. City Attorney  
Larry Knapp, GIS Analyst II  
Terry Floyd, Development Coordinator  
David Riesland, Traffic Engineer

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Item No. 6, being:

**NICHOLAS ROBERT CORPORATION – 213 E. TONHAWA STREET**

**6A. R-1314-97 -- NICHOLAS ROBERT CORPORATION REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM LOW DENSITY RESIDENTIAL DESIGNATION TO MEDIUM DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY LOCATED AT 213 E. TONHAWA STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

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

**6B. O-1314-34 -- NICHOLAS ROBERT CORPORATION REQUESTS REZONING FROM CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, TO R-3, MULTI-FAMILY DWELLING DISTRICT, FOR PROPERTY LOCATED AT 213 E. TONHAWA STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Site Plan
4. Exterior Rendering
5. Applicant's General Commentary and Attachments

**PRESENTATION BY STAFF:**

1. Janay Greenlee – We're here for a proposal by the Nicholas Robert Corporation for a Norman 2025 Land Use and Transportation Plan amendment from low density residential to medium density residential at 213 East Tonhawa. The existing land use is low density for the subject tract with office on both the east and west sides, and immediately abutting it also is low density residential. This is the proposed to medium density residential for the Land Use Plan amendment.

We're also doing a rezoning from CO, Suburban Office Commercial, to R-3, Multi-Family Dwelling District. This is the subject tract with R-3 on both sides and CO at both the east and west ends of that street. Right now the existing land use is vacant.

These are a few pictures of the site. This is, in fact, the site -- the vacant piece of land with a single family house on the west side and a duplex on the east side. Both of them are currently rental properties. This is across the street looking to the south. At the east end is a sign shop. Across the street from there is a church. This gives you an idea of the mix of uses in the area. Directly across the street looking to the south is another R-3. It has some apartments that are in the back. Terry's Automotive is across the street with offices at the west end on the south side of Tonhawa. This is the alley, which will be primary access for this development. On the left side of the screen is ABLE, which is the center for adults with developmental disabilities. This is the rear of the site, looking south, where the proposed parking lot will be with the building in front. There is a small single family home which is now a salon, just an idea of the mix of uses in the area. More offices. At the end of Tonhawa that abuts Jones, there will soon be a new restaurant – we just had a zoning go through from I-1 to C-3 so there will be a restaurant right down the street. Parking lot to the west end of Tonhawa.

This is a site plan that has been submitted by the applicant. This is a three-story townhouse with three units. Parking spaces proposed – he meets the required 1.8 per unit. He's offering a little bit more parking to hopefully not have on-street parking. There is on-street parking on Tonhawa on the south side of the street, however. This is the artist's rendering of the building.

Staff does support the land use amendment change and the zoning. It has met all the requirements for that. As you know, this is kind of the Original Township site, has gone through a lot of changes, mainly was mostly residential up until recent history. In this area, most land

around it is commercial, office and R-3. Staff does support Resolution No. R-1314-97 and Ordinance No. O-1314-34. There were no written protests received.

2. Mr. McCarty – In R-3, remind me what the height requirements are. Is there any maximum height?

3. Ms. Greenlee – In R-3 it's three stories. It's by stories.

4. Mr. McCarty – Are they one bedroom units? Two bedroom units? Do we know?

5. Ms. Greenlee – His proposal is for each one of them to have four bedrooms. They're three stories. The first level is going to be the living/kitchen area. The second and the third will be the bedrooms.

6. Mr. McCarty – So you're talking about potentially 12 people living there? I know the parking requirements, but how many parking spots is he providing?

7. Ms. Greenlee – There are 16 that he initially has proposed. The four that aren't hatched are being proposed. We have 12 right now that we're looking at. And that's mainly to do with the coverage. The lot exceeds the requirement for this type of building. It's 10,500 square feet. The building and the paved areas come right below that, as you can see. If he has the ability to prove detention, he may propose those other four spots, but that wouldn't come until we go through the permitting process to make sure that he is within the requirements of coverage and detention.

8. Mr. Gasaway – I noticed that in the Pre-Development conference the issue came up about the City ordinance prohibiting more than three unrelated persons in a residence.

9. Ms. Greenlee – That was a concern, and that is up to the management. This corporation is going to manage this property, will be the one that's leasing and keeping the property up. It will be up to them to ensure that they follow that ordinance. They are well aware of it.

10. Mr. Gasaway – Four bedrooms opens up that possibility.

11. Mr. McCarty – Does that apply in R-3?

12. Ms. Greenlee – The three unrelated is strictly up to the landlord to ensure that they are not going to rent to three or more unrelated. Once that does happen, that's basically driven on a complaint basis and then it will go to our code enforcement if he does happen to break it. He did assure everybody that was at Pre-Development that, from his standpoint, these are upper scale townhouses. He wants to have yearly leases. They're not going to be by semester or renting rooms out to students individually. It will be under one lease. Anybody that leases one of the units from him will have to prove that, obviously, they don't have the three or more unrelated.

13. Ms. Gordon – I'm having heartburn with this. I don't know about anybody else. You have four bedrooms per unit and this is an upscale property.

14. Ms. Greenlee – The applicant is here. He doesn't have a presentation but he would be happy to answer any questions.

**PRESENTATION BY THE APPLICANT:**

1. Scott Sidwell, 743 N.W. 99<sup>th</sup> Street in Oklahoma City, representing the applicant, was available to answer questions.

2. Ms. Gordon – You want these to be more upscale and there are four bedrooms per unit. I'm just finding it hard to understand your target audience, if you will, to be able to fill a four-bedroom townhome with families that would need four bedrooms, other than the student population. I guess I worry that you won't be able to fill them and then the temptation will be there to have student population of unrelated.

3. Mr. Sidwell – Our previous experience – our demographics is what we would refer to as renters by choice. As I had mentioned to the zoning staff, we own another property here in Norman that the neighbors next door bought the house for the sole purpose of attending OU football games, and they're here during that time only; they live in Lawton. Our other communities, as an example, are two-bedroom units but the majority of those units, because they are \$1.05 to \$1.25 per foot rental rates, are used as closets and second bedrooms. So just because I use the word "bedroom," I highly doubt that we would even have four people in the unit. These would be families that have a daughter or two that need a place for them to stay that have the types of moneys that the rents that we would require and the fact that the other two bedrooms are empty is not relative to the conversation from our viewpoint. I can see your heartburn, as you refer to it.

4. Ms. Gordon – Are there many other three story buildings in that area? I know there's a lot of commercial, but it seems like kind of a large footprint for that.

5. Mr. Sidwell – Now we do conserve space height-wise because of the flat roof and we're using Sips panels, so our floor spaces are only six and a half inches. We save a couple of feet overall there. The church down the street, even though it's just two stories, by the time you put the peak on there it's 35 feet tall or so.

6. Ms. Gordon – And there were no complaints from the immediate neighbors, specifically the residential which was right to the west?

7. Mr. Sidwell – That would be the Grishams. She had concerns, obviously, because that's their family's home. It's a rental property currently, but she had mentioned that she might, in fact, move back into it at some point. I did not leave the meeting feeling that there was undue concern.

8. Mr. Sherrer – I couldn't tell on the outside exterior façade – I know it was mentioned. Tell me a little bit more about what your plan is there. I'm just curious.

9. Mr. Sidwell – It will be very contemporary. And they did have some concerns about that as compatible architecture. We'll have stucco, masonry, and architectural panels on the skin of the building.

#### **AUDIENCE PARTICIPATION:**

1. Ellen Frank, 211 East Daws – I'm in the 350 foot perimeter for notification. I have a couple of questions. I'm not at all against infill. I welcome it. I think that some nice townhouses that are properly managed and proper architecture and so on would be an addition to the neighborhood, but I have some real concerns that I think – and part of it isn't just a concern for this property, but partially what it sets a precedent for and how our neighborhood is looked at. One of my first questions that kind of surprised me when I heard the presentation was my notice said the property is currently zoned CO – commercial. I didn't realize that it was R-2 and going to R-3 – that those were separate issues. That wasn't addressed in the letter that was sent to us. So I'm not sure how that – maybe someone can explain that to me so I understand that. I thought it was zoned commercial.

2. Ms. Connors – Commercial Office. CO.

3. Ms. Frank – So the land use is separate from how it's zoned?

4. Ms. Connors – Yes. The Land Use Plan and the zoning map are two separate documents.

5. Ms. Frank – Okay. That's one question. I guess I'm not sure I want it changed if that's to R-3. I certainly think it's better than commercial. But also one of my questions is – and it was not announced to us in the notification that that was going to be a change – just that it was going to go from commercial – that it would be rezoned.

In the discussion of what this area is like, the description goes from the Tonhawa alley south to Gray Street and over to Jones and over to Ponca. Directly north of the alley that this abuts is totally residential. It's single family. There's one duplex and then you go north in Old Silk Stocking and it is predominantly residential. I feel kind of uncomfortable that, when the description is given, what we see is south a block and then two or three blocks east and west, which makes it look like it is predominantly commercial surrounding this property. And that is not accurate. It is accurate south, of course, but it is totally residential of some variety north and it's Old Silk Stocking. I notice in the report that it says – and maybe this is something I don't understand and somebody can explain – the Original Townsite. How does that relate to Old Silk Stocking? Are they two different designations?

6. Ms. Connors – Those are just neighborhood areas.

7. Ms. Frank – No – well, you see, the Old Silk Stocking, in the 2025 Plan, goes to Gray and it is not the Original Townsite – at least that's not what it's called in the 2025 map. And when you talk about that these – the old homes may become commercial, I think a lot of people are going – or right now are in process of trying to preserve these old single family homes. As a matter of fact, and I spoke to this at the Pre-Development meeting, along Crawford north, south of Robinson, but just north of Tonhawa and Daws, people are moving back who lived there when they were children and now they're grandparents and they're renovating the small, single family homes there. And then bigger homes on Peters. So I think it's really important that we think about how this neighborhood – because I call it a neighborhood – is going to develop in the future. One of the reasons that I think Ms. Gordon had appropriate questions is that this is a four-bedroom – each one of these units, just as she spoke to and my understanding was the rent is going to be like \$1,600 a month. Is that correct? So that, if a parent decides that they want to spend \$1,600 a month and have four students living there – I mean, I'm not saying that's a good idea, but that sounds like what would happen, especially if you started out with sixteen parking places. I mean, you wouldn't have that many parking places for three families. I'm not saying I'm opposed to this project; I'm saying how can we put some parameters on it so that it fits into the neighborhood and it doesn't – I've been, for a short time, a property manager for a neighborhood around the University and I know what the problems can be. And even though you have a wealthy parent who could afford to spend \$1,600 a month and get two of their children and two of their children's friends to rent, it doesn't necessarily mean that they're going to be good renters. Now, I've lived near students and I've been perfectly happy with them. So I don't want to say students are – I don't want to live near students. But how can we ensure that this is going to be compatible with our neighborhood? Do you people have some suggestions on that?

8. Ms. Gordon – I have a question for staff. Is Old Silk Stocking a CDGB neighborhood?

9. Ms. Frank – Yes. Oh, sorry.

10. Ms. Gordon – That's fine. It's for whoever can answer. Because that was a concern of mine when I first looked at that with that area – and I live in First Courthouse. So I know one of the big issues with these neighborhoods, particularly CDGB neighborhoods, is the creep that

we're kind of getting from commercial and how to preserve the residential. That was a concern of mine. When I looked at this, this is really kind of the northern stop of what seems to be right now the commercial. But I can see how the concern would be that we would continue to slowly kind of peck away at the residential part of this neighborhood and I think that is a valid concern and I think that's one that somebody in the City or your neighborhood needs to address and kind of work on – at some point, the creep needs to stop to maintain. So I don't have an answer for that, but I will tell you that that was a concern of mine. However, when I saw the street that this was on and darn near everything else on this street – right. But I think that that is something that is a serious concern and needs to be looked at.

11. Ms. Frank – But one of my concerns, and I asked the Planning staff – because this happened at the last – when we had the Commission meeting about the restaurant that's going to be on Jones – that the Planning Commission calls us a high density neighborhood. Now, yes, that is on the alley also there, but if you just turn your head around, it's not high density in the sense of big apartment buildings and it worries me that the Planning Department looks at this area as some kind of high density commercial district. And this is the 2025 Plan and this is the Old Silk Stocking neighborhood that goes down to Main Street. I took this off the computer just before the Pre-Development meeting.

12. Mr. McCarty – Just looking down Tonhawa Street right now at the current zoning. We already have C-3, I-1, C-3, CO, R-3, R-3, CO, CO, R-3, C-2 all the way down the whole street. So there's already existing other zonings on this whole street. You go over another block to Daws, there is some mixed in C-2 as well. So it's already kind of a mixed zoned area.

13. Ms. Frank – Right. And I think that's something our neighborhood needs to look at. But, in fact – and I think that's been addressed in some of the neighborhood issues that have been on the website – that, in fact, it's not very high density north of Tonhawa, but the zoning is so out of sync – and that's one of the reasons I was disappointed in a way that high density stopped all of a sudden and we lost what protection we might have, because it was supposed to include our – the original high density meetings were supposed to include – we were part of the core neighborhood. Those are my concerns and however it can be fixed so that we are protected – I really would appreciate it, and I'm sure the neighbors would, because if you drive down Daws just on the other side of the alley that we're talking about there's a vacant lot but all the others are low residential.

14. Mr. McCarty – Janay, is this actually in Silk Stockings? This proposal?

15. Ms. Greenlee – I do not know the boundaries of Silk Stocking, so I can't speak to that. I do know that, from the plat, that it is the Original Township site. The neighborhood boundaries for Silk Stocking I can't really speak to.

16. Mr. McCarty – I was just curious, because there was a neighborhood study done on Silk Stocking already. I didn't think the boundary went quite this far, but I could be wrong. That's why I was asking.

17. Ms. Frank – This is the 2025 Plan and I don't know how that relates to this.

18. Ms. Connors – This is in Old Silk Stocking neighborhood. The boundary line goes down to Main.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Curtis McCarty moved to recommend adoption of Resolution No. R-1314-97 and Ordinance No. O-1314-34 to the City Council. Cindy Gordon seconded the motion.*

1. Mr. McCarty – I, personally, don't think that it's inappropriate for the current area and the current zoning. I understand the creep, and as you look into a block or two away, possibly they could protect that. But if you look at this current block, there's already duplex next door. You've got commercial. You've got industrial. I think it would enhance the area. I don't think it's going to hurt.

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

YEAS	Curtis McCarty, Cindy Gordon
NAYES	Jim Gasaway, Andy Sherrer, Sandy Bahan
MEMBERS ABSENT	Roberta Pailles, Tom Knotts, Chris Lewis, Dave Boeck

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1314-97 and Ordinance No. O-1314-34 to City Council, failed by a vote of 2-3.

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