

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**OCTOBER 9, 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 9<sup>th</sup> day of October 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

Andy Sherrer  
Roberta Pailles  
Curtis McCarty  
Sandy Bahan  
Dave Boeck  
Jim Gasaway  
Tom Knotts  
Chris Lewis  
Cindy Gordon

MEMBERS ABSENT

None

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  
Leah Messner, Asst. City Attorney  
Larry Knapp, GIS Analyst II  
Ken Danner, Subdivision Development  
Manager  
Drew Norlin, Asst. Development Coordinator  
David Riesland, Traffic Engineer

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Item No. 12, being: **EAGLE CLIFF – SW CORNER OF EAST CEDAR LANE ROAD AND 12<sup>TH</sup> AVENUE S.E.**

**12A. R-1415-29 – EAGLECLIFF LIMITED PARTNERSHIP REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM COMMERCIAL DESIGNATION TO MEDIUM DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED A SHORT DISTANCE SOUTHWEST OF THE INTERSECTION OF EAST CEDAR LANE ROAD AND 12<sup>TH</sup> AVENUE S.E.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. 2025 Map
2. Staff Report

**12B. O-1415-13 – EAGLECLIFF LIMITED PARTNERSHIP REQUESTS REZONING FROM C-2, GENERAL COMMERCIAL DISTRICT, TO R-2, TWO-FAMILY DWELLING DISTRICT, FOR APPROXIMATELY 7.34 ACRES OF PROPERTY GENERALLY LOCATED A SHORT DISTANCE SOUTHWEST OF THE INTERSECTION OF EAST CEDAR LANE ROAD AND 12<sup>TH</sup> AVENUE S.E.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Preliminary Plat

**12C. PP-1415-8 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY EAGLECLIFF LIMITED PARTNERSHIP (SMC CONSULTING ENGINEERS, P.C.) FOR EAGLE CLIFF ADDITION SECTION 15, GENERALLY LOCATED A SHORT DISTANCE SOUTHWEST OF THE INTERSECTION OF EAST CEDAR LANE ROAD AND 12<sup>TH</sup> AVENUE S.E.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Pre-Development Summary
6. Greenbelt Commission Comments

**PRESENTATION BY STAFF:**

1. Jane Hudson – Just a quick notice on this one. You actually saw this application in June. You approved it unanimously and it got to City Council in July. The Land Use Plan amendment was acted upon; the rezoning and the preliminary plat were not, so this applicant does not have to wait the required one year to come back again to ask for your approval. So we're going to see this again tonight. It's the same application. There is a Land Use and Transportation Plan amendment from commercial to medium density. The existing land use in the area is commercial for the site. You've got commercial to the northeast, commercial over on the east side of 12<sup>th</sup> Avenue, industrial to the north, and single-family to the west and multi-family to the south. If approved, the land use plan amendment will move to medium density residential for this site. The rezoning will be going from C-2 to R-2 and then as well as the consideration for the preliminary plat. Again, the existing zoning for this site is C-2. We have RM-6 to the south, R-1 to the west, Industrial to the north, C-1 and again R-1 across 12<sup>th</sup> Avenue to the east. The existing land use in the area is single-family to the west, the multi-family to the south. You've got the commercial at the northeast corner, and again the single-family to the east. This is the commercial corner. This is the site itself; that's the multi-family there in the distance. This would be to the south; to the southwest. You've got the single-family on the west side. This is the industrial area to the north. Single-family and commercial along with the oil well on the east side across 12<sup>th</sup> Avenue. This is looking back to the east at the commercial at the site itself. This is the plat. Again, nothing has changed with this application; they're just coming back in so they can move forward to City Council. Staff supports this request and recommends approval of Resolution No. R-1415-29, Ordinance No. O-1415-13, and preliminary plat PP-1415-8. Be happy to

answer any questions you might have. The applicant's representative is here with a presentation and to answer any questions as well.

**PRESENTATION BY THE APPLICANT:**

1. Sean Rieger, 136 Thompson Drive, representing the applicant – This is a reboot. We're back. Sometimes in zoning you find yourself in a whirlwind that you did not expect – could not have anticipated. I don't know if you were following the news or the papers or zoning in around July and August, but there was something called Walmart that came through on Cedar Lane – a Walmart Super Center – a very large Walmart Super Center. Well, it hit the papers on a Monday or Sunday and this item was the Tuesday that it hit. That particular night at City Council there were quite a large number of people here that were quite angry with the Walmart being unveiled upon them on final vote at the Council meeting. We were in that whirlwind that night. This particular item is right down the street from where that Walmart was to go. There were seven Council members there that night. The Mayor was gone that particular night and the room went through a pretty heavy discussion on what would happen on Cedar Lane and Classen because of the Walmart. This project is on Cedar Lane. This project is right at the other side of Cedar Lane. And so that night Walmart got postponed; our item got turned down. I've watched the video tape. I don't know if anybody else has. I've talked to Council members about it, and I think in general – and I'm always careful to say what Council members think – but in reconstructing all of that and looking back upon it I think, in general, there were two concerns that night that culminated within that whirlwind. One was should it be removing commercial in anticipation of whether or not that we're going to decide when the Walmart was going to be approved. They didn't know that night. They had just learned Walmart was even proposed within 48 hours of this vote. So they didn't know yet whether this should be removed from commercial or not, depending on what would happen with Walmart. And secondly, traffic. They were concerned about traffic as to what the impact of traffic would be on an ongoing construction project on Cedar Lane. Those were generally the two most prevailing comments that night. We lost in the 2025 Plan vote. Successively to that, Walmart went on and got approved and so we now know what's going to happen on Cedar Lane with Walmart – it's going to happen on Cedar Lane and Classen. So tonight, forgive me, but I am going to spend some time on this item to show you why we believe we should be approved and why we would hope that City Council will revisit the discussion and positively look upon us.

This, too, by the way, is a Richard McKown creation. Once again, I'm going to ask him to come up again in a little bit and talk about it and we're going to show you his drawings in just a moment.

This is the site right there at the southwest corner of Cedar Lane and 12<sup>th</sup>. You've seen this again – bear with me to go through it. But right to the south of it is a multi-family project. Right on the northeast corner of the site is a gas station/convenience store. Astellas Pharmaceuticals is up here. The Eagles Nest large neighborhood to the south. This is basically raw land to the northeast. And, again, Cedar Lane is ongoing construction right now, as will be 12<sup>th</sup>.

This is the preliminary plat. It's C-2 zoned currently. It has never been used as C-2, but that's the zoning. We're asking to rezone to R-2, Two-Family Dwelling District. Eighteen duplex lots, 7.5 acres roughly, only a density of about 4.9 units per acre. Three common areas; you see them in green on the screen. A detention basin right here. Basically an open space right here; there's a large sanitary sewer line that cuts right through the middle of that so that will simply be an open space with probably some accommodations for the residents on the street. And then a very nice green space connection over to the convenience store right here with a sidewalk and some greenery. And I know when I talked to one Council member they expressed to me they were not aware that that was there and they wanted it, and so I'm not sure if that was their vote or not. It is there – the connection between the commercial and the residence. I know this is something that Richard is very proud of, actually, to show that. We probably could fit another lot in there if you look at that, but we're not. We're going to show that as open space with connection over to the commercial.

This is a drawing for Richard. I'm going to come back to it and let Richard be able to talk about it. But it shows you the overall view of the area right there. This is looking off of 12<sup>th</sup>. Again, I'm going to have Richard come back up and talk about these when I'm done. But that's a view over on the west side. I'll compliment him, if I may. Very sensitive design in the middle with this open space that serves the whole area. This is a green space connection over to the convenience store. And this is the detention area over here that presents a nice image off of Cedar Lane as you come into the neighborhood.

But let's talk about those two issues, if you will forgive me and let me have that time. Commercial – should we remove it as commercial? Again, that night we didn't know. We didn't know what would happen to Walmart. I think many people thought it would be objected to. What happened was right here on the right – that's Walmart. Before, that was not Walmart; that was not commercial. That was basically an industrial tract shown off the corner of Cedar Lane and Classen. But commercial has shifted. This is the zoning you're looking at. It's C-2 right here. That's what we're asking to transfer over to basically an R-2 development. I would also note that this piece right here on the corner – that's a 10-acre site that is not used right now. I can tell you through acquisition right-of-way work that was done on Cedar Lane, that was valued and paid for as commercial land, so certainly many people project or consider that corner likely will be a commercial corner, so you still have that corner as a 10-acre piece if you need it. This is the 2025 plan and you can see again now significant commercial developing over here and this is commercial that has not developed on the west.

Let's talk about what has happened in this location over time. On the left is 2025 as it was adopted in December of 2004, and you can see that Classen Avenue, right over here, had a very strong industrial influence. This is 2025 today, and 2025 today now has two significant changes to it. Up here a large area of commercial and right here the Walmart. I think almost anyone can agree with me that, once the Walmart gets in place, you will see that propagation continue. Very likely more commercial will come to the Walmart site, to that area, and along Classen.

So do we want that? Has the City decided that's the case? I would say they have, and I want to share with you several zonings as examples of how that has happened. This is the site at the lower left. This is 12<sup>th</sup> Avenue going north and this is Cedar Lane going right here. I want to take you through three examples of zonings in this area and show you how that has transferred to Classen. This is zoning right here on the upper right called the Empire Addition. It's 2006; it was a zoning I handled for a gentleman named John Proctor. It was intensely fought. That was a very intense zoning fight, to the point that City staff opposed it. They did not want it. They put a legal ad in the paper actually declaring a special use area to try to keep it from being zoned to commercial. It went on to City Council, with staff fighting it all the way through, and City Council very adamantly said, no, it's time; that should be commercial. It got put into the commercial district on Classen. It was the first. Classen before that, as I just showed you, was industrial – very much an industrial corridor. And that was the fight. That was the policy fight that day in 2006. Council said no, it's time for this to be commercial. So we did it. Buffalo Wild Wings is in there. There's a gas station in there. There's a strip center in there. There's another development about to occur in there I will share with you that will also be a significant commercial piece on that site. So that was 2006.

Fast forward to 2009. 2009 and let's look at this site right here. In 2009 this whole area right here was vacant. It was raw land. The first zoning that came through was an ambulance center right here before 2009. And it's still there – a little ambulance center. I think it's a two garage ambulance facility. Very shortly after that, that piece was bought right next to it and was called Victory Park. And a zoning came through for multi-family, which the piece was intended to be on the east side of it. But in that zoning in 2009 the frontage was proposed as commercial. That, too, was a very controversial zoning. And what was controversial about that zoning was the industrial part being taken away. Nobody really thought that the controversial piece would be the commercial frontage on 12<sup>th</sup>. It ended up, when that got to Council, it was defeated. And it was defeated primarily on the force of Councilmember Doug Cubberly who lived in Eagle's Nest, right down here, and he fought it vigorously. He, by the way, fought

vigorously for this commercial piece on Classen. He fought vigorously against this commercial frontage on 12<sup>th</sup>. And his argument that night was to say that we have, as a policy, said that we do not want 12<sup>th</sup> Street to be commercial; we want Classen to be commercial. Very clear. He made the policy decision and that was what was done. That zoning on 12<sup>th</sup> Avenue with the commercial piece was defeated and not brought again. It eventually brought back student housing in that area – the Campus Crest Addition was ultimately approved on that site. Park 7 was approved just south of it. That frontage piece became zoned office lots, which still have not been used. But very adamantly and very clearly the City Council said that will not be commercial on 12<sup>th</sup>, and Councilmember Cubberly said so because he did not want 12<sup>th</sup> Avenue to become a traffic congested thoroughfare of commercial. That was his thinking that night. He didn't mind that Classen could because he felt – and I'm speaking for the gentleman who is not here to correct me if I'm wrong, but I was there – and he felt that Classen could accommodate a commercial zone and that was the distinction.

Now we fast forward again to the night where we found ourselves in the whirlwind and the decision was before the City Council, after you unanimously put forth both of these projects – the decision was before them. Do we take away commercial over here? Do we add it over here? Well, that night Walmart got postponed. They didn't make the decision that night. They voted no against us. And it was pretty clear that they were trying to figure this out. Where do they go with commercial in this area? Well, we know ultimately they went with Walmart. It got approved. And so what happened was this piece got approved as commercial on the corner of Cedar Lane and Classen. And I want you to see, if you will, that that was a continued policy that was consistent with what has been done since 2006. You can take it all the way back to Empire Addition to that night that was very vigorously fought when they decided that Empire Addition would be commercial. They then fast forward to 2014 and say Walmart would be commercial. And now you know what's going to happen – that that corridor will absolutely very clearly become a commercial corridor.

So then what happens to this piece? Does that piece, now as we go back through, and now they have decided the Walmart decision – does this piece stay as commercial? I would suggest to you no, because once a Walmart Super Center goes in, that becomes the nucleus of commercial. That becomes the magnet. That becomes the anchor, as we call it – the destination place. That's where commercial will gravitate to. This site also, even if you were to take away the Walmart site and discuss is it a good site for commercial, it's not. And I would suggest that if you look at the screen you can see that. This is the corner of Classen and Cedar Lane right there. And if you look at this area of Norman, it has pretty severe limitations to call that a significant commercial corner. Because if you just go ½ mile west, you're at a floodplain dead end. If you go one mile south, you're at a floodplain dead end. Those streets dead end. They go to the river and floodplain. They don't go anywhere. So that is not a dominant commercial corner that has long distances of section line roads coming to it. And it certainly won't see the traffic that it used to now with Walmart over to the Classen side. In fact, this area has become such a lesser traveled area as far as any commercial sense that the master transportation plan that this community recently adopted downgraded 12<sup>th</sup> Avenue from our corner south from a minor arterial to a collector street. They're not even calling it an arterial any more. So why would you want C-2 commercial zoning fronting on a collector street? You wouldn't. That's the path of progress and policy. That commercial tract has sat there since 1981 as a C-2 piece and has never been used. You have seen six preliminary plats come through this chamber; not one of them has made their way to final plat. Not one. But I think, as interestingly as all of that, the last time anybody even tried was 2003 – eleven years ago. Nobody has even attempted it since then. Walmart just happened a month or two ago – a few months ago. But you had 10 years before that nobody even tried it. I can assure you – I'm very confident nobody will try again for a long time now with Walmart one mile down the street. This property has failed as a commercial property, so it's time to revisit it as what it will be.

Traffic. Let's talk about that briefly. I spoke with one of the Council members afterwards and said please let me know what your concern was. And the person told me that their concern was not the overall traffic count; it was actually a timing issue. This is one Council

member – doesn't speak for all of them, but this particular Council member told me it was a timing issue, that their concern was that they understood that it was significantly less traffic, but if it got approved right away and would put residents there right away, they would exacerbate a difficult condition right now with all of the construction happening on Cedar and 12<sup>th</sup>. And so what we've gone back and thought about is how soon will we be occupied? How soon will the Cedar Lane project be done? The Cedar Lane project will be done in June of 2015. At that time, the intersection and Cedar Lane over to Classen will be completed. It will be a pretty miraculous and wonderful artery that will connect those areas, significantly adding capacity and ability for people to move around in that area. Our project will not be finished and occupied before then – it simply is not even possible, I don't think. I've seen things go pretty quick, but we're in October right now. We have to go complete platting. You have to go complete building permitting and you have to build it and you have to lease it. It's not going to happen before the finish of the Cedar Lane project. So you're not going to add problems to the Cedar Lane project before it is finished.

What I do want to make sure that everybody is clear that even if you look at just the traffic count, we are dramatically reducing the amount of traffic to go from C-2 to an R-2 development. If you look at the top, staff wrote it: "As indicated with the traffic information, there will be less impact in the area with residential use than commercial." I thought it would be helpful to show you just how much, because it is incredible the difference. At the top, it's from the staff report for this project. And this is a staff report that shows the trip generation of daily trips for the site. This is Eagle Cliff Section 15 as proposed: 7.34 acres. We're proposing R-2, two family dwellings. Under that proposal on that size, basically 36 individual units of residences, typically in traffic you see about 10 trips per day per unit of a residence. And 36 units, you rough it all out here. Basically the staff report, the engineers have determined this has 410 trips per day for that entire site of 7.34 acres. Now, if we were to leave it as C-2, we can go get a building permit right now, if anybody would ever bring one, but I don't think they would after we just talked about it. But if it happened, if you went C-2, what would that look like in traffic? At the bottom of the screen is the Murdock Village Addition. This is West Main Street. This is only a 6.6 acre addition, about 10% smaller than what we have tonight. But that was one that was actually done in 2010. This is the former Marc Heitz Chevrolet dealership site that move to I-35. This was one large site, or two. We divided it up into preliminary plat so that we could put different uses in there and, sure enough, it's been successful and has What-a-Burger, Arby's just now under construction, Aldi, Goodwill, and there are two other small strip centers that will be built on that to finish it out, and those are in process I think right now. But that is a smaller site, but very similar size. If that's C-2, the traffic report on that one said the trip per day were 5,718. That's the difference you're talking about in traffic versus leaving it right now as C-2. You would have something on the order of 6,000 trips per day projected. If you go to R-2, you have 410 trips. Fourteen times the amount of traffic if you leave it as C-2. We can help the traffic problems with Cedar and 12<sup>th</sup> by changing the zoning to R-2.

And so staff recommends approval for this project, as they said. 12<sup>th</sup> Avenue now designated as a collector street south of East Cedar Lane. Residential development. Much more appropriate for that type of a location. No persons appeared at Pre-Development. There have been no protests. We have staff support. And, at this time, I do want to ask Richard McKown to come back and talk about his creation and I'll leave the slides up for him to talk to you.

2. Richard McKown – I'm going to be so brief. You all know I can be long-winded. The two things that I really like the most about this particular project. The architecture is a new product that we've been working on for a couple of years now where we've taken the two garages and pulled them apart, which can really – on townhouse units, that can be a little bit daunting to drive past basically a giant four-car garage with the front doors tucked around on the sides. This gives you a lot more opportunity to interact with your neighbor, to be social, and so on, and that's one of my favorite things about this property. And then the pedestrian connection so that you're not forced to go out and around always to the section line road as a pedestrian to get to

the neat little convenience store here that's appropriately scaled for the neighborhood. But, anyhow, we've been working on this Eagle Cliff community for well over 30 years. I remember chasing cows out there as a kid. It's a low traffic situation. And it reminds me of a friend of mine wanted to put a restaurant over in northwest Norman at the intersection of Franklin and West 36<sup>th</sup>. That doesn't have any dead ends, but it doesn't have any highway access either, and Franklin Road carried 600 cars a day at the time. It might carry 2,000 cars a day today. And I told her, I said you know if I sell you a parcel at that location in northwest Norman and you put a restaurant there, you'll go broke. Go lease somewhere in a high traffic location. It's even hard to sell houses in a low traffic location like Eagle Cliff. I'm excited about this. I think it's finally – it's been many, many years trying to complete this project. I appreciate your support.

#### **AUDIENCE PARTICIPATION:**

1. Robert Castleberry, 4701 Windrush – I am not here as a City Council member. I am here as somebody that was at the City Council meeting. And I can tell you why this was rejected, and for none of the reasons that it was previously rejected. We were not given this. When the questions were asked, what are the size of the duplexes? Well, we don't know. How many people are going to be there? We don't know. The problem when it came first to Council was we just want to make this townhomes, we don't really know what size they're going to be, how many there are going to be. We don't really know. We just want this to be duplexes. Is that okay? And that was what the Council members were uncomfortable with. It's just duplexes. None of the questions could be answered. I don't think it really had anything to do with the other reasons. I'm not here supporting it or against it. But this type of drawing was not presented the first time. It was more of a plat kind of thing. So just to kind of give you a frame of reference, I think one of the reasons why the Council didn't like it at the time was there was not enough specificity as to what you're going to do and what it's going to look like. There was some concerns about traffic, but the concern about the traffic was we didn't know how many units were going to be there. Was this going to be two stories, that type of thing? So just to kind of give you a frame of reference of what some of the issues were the first time it came through. Thank you.

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

1. Ms. Gordon – I have a question for anyone that can answer it. We're doing upgrades to the intersection of 12<sup>th</sup> and Highway 9. Is that right? Adding a turn lane. When will those be done in relation to when this is going to be finished?

Mr. Riesland – 12<sup>th</sup> Avenue is a separate bond project from Cedar Lane and I think it's in 2017 maybe. And that includes the intersection of 12<sup>th</sup> and Highway 9. I don't have that information in front of me. It's 2016 or 2017.

Ms. Gordon – I think it's supposed to get – because of the increase in apartments that were just built there in the last how many years, it was supposed to get a turn lane and improvements to handle that flow, correct?

Mr. Riesland – Yes.

Ms. Gordon – And that's not going to happen for another 3 years? Because I'm already hearing from people that live there that it's already kind of a nightmare getting up through there, and so I was just curious if we're going to add to that, even though it seems minimal, then I was just curious how long those people would have to deal with the traffic issues.

Mr. Riesland – I apologize for not having that information with me. That's what I'm recollecting is 2016 or 2017. That's when it's programmed to begin.

Mr. Rieger – I've talked to Mr. O'Leary about it and he didn't have a definitive timeline, but what I recall was roughly 2017 it would be done. I want to urge caution here on one point, though. I represented Campus Crest and Park 7 and these questions were not put on them as to we should delay any potential review or consideration until our projects around you are done. Nor I don't believe Walmart was said you have to wait for your opening until we finish all the road work around this area. This pales in comparison to the size of those projects that were

allowed to go on through with this work ongoing. So I would suggest – I would hope you would consider that when you decide whether or not a 36 ...

Ms. Gordon – I understand that, but if we continue to dump development into this area, whether it's commercial or residential, at some point we have to acknowledge that we're not able to keep up with the traffic, and we can't keep saying, well, it will happen at some point in the future and all these other projects it wasn't an issue so it shouldn't be an issue on this one. At some point it's going to be an issue. And I'm telling you I'm hearing from people that live in the Eagle Cliff Addition that it's already an issue. And so now they have to wait for another three years, deal with the construction on Cedar Lane. So, basically, that's a problem for me. If we continue developing this and we're not able to keep up with the infrastructure, for money or time or whatever reason.

Mr. Riesland – The Park 7 project did have interim improvements to the intersection of Highway 9 and 12<sup>th</sup>, which have been implemented. That included provision of two left-turn lanes to go west on Highway 9. Those have been made.

Mr. Rieger – This project also has to pay for part of that work. If you approve it, this actually has monies that come out of this project to pay for some of that work. So not only do they get the benefit of doing that, they have to pay for it out of their pocket.

*Curtis McCarty moved to recommend adoption of Resolution No. R-1415-29, Ordinance No. O-1415-13, and PP-1415-8, the Preliminary Plat for EAGLE CLIFF ADDITION SECTION 15, to City Council. Andy Sherrer seconded the motion.*

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

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

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1415-29, Ordinance No. O-1415-13, and PP-1415-8, to City Council, passed by a vote of 9-0.

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