

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

DECEMBER 12, 2019

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 12th day of December, 2019. 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.

Chair Sandy Bahan called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Matthew Peacock
Erin Williford
Erica Bird
Sandy Bahan
Tom Knotts
Dave Boeck
Lark Zink
Steven McDaniel

MEMBERS ABSENT

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A quorum was present.

STAFF MEMBERS PRESENT

Jane Hudson, Director, Planning &
Community Development
Roné Tromble, Recording Secretary
Lora Hoggatt, Planner II
Janay Greenlee, Planner II
Ken Danner, Subdivision Development
Manager
Todd McLellan, Development Engineer
Jason Spencer, Capital Projects Engineer
David Riesland, Traffic Engineer
James Briggs, Parks Planner
Beth Muckala, Asst. City Attorney
Bryce Holland, Multimedia Specialist

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Chair Bahan welcomed Erica Bird to her first meeting as a member of the Planning Commission.

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Item No. 9a, being:

O-1920-30 – D.C. FLOYD & ASSOCIATES, P.L.L.C., ON BEHALF OF SAVANNAH, INC. AND CAROL RAPER SMITH, REQUESTS CLOSURE OF FOUR (4) AREAS OF RIGHT-OF-WAY GENERALLY LOCATED SOUTH OF EAST BODY STREET BETWEEN 12TH AVENUE S.E. AND JAMI DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Request to Close Public Easement with Attachments

Item No. 9b, being:

O-1920-27 – WOODS ROW, L.L.C. REQUESTS REZONING FROM R-1, SINGLE FAMILY DWELLING DISTRICT, TO SPUD, SIMPLE PLANNED UNIT DEVELOPMENT, FOR 4.71 ACRES OF PROPERTY GENERALLY LOCATED NEAR THE SOUTHWEST CORNER OF EAST BOYD STREET AND 12TH AVENUE S.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Boyd Street Commons SPUD Narrative
4. Site Development Plan Map
5. Open Space Diagram
6. Pre-Development Summary

Item No. 9c, being:

PP-1920-7 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY WOODS ROW, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR BOYD STREET COMMONS FOR APPROXIMATELY 4.71 ACRES OF PROPERTY GENERALLY LOCATED NEAR THE SOUTHWEST CORNER OF EAST BOYD STREET AND 12TH AVENUE S.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Site Development Plan Map
5. Pre-Development Summary

PRESENTATION BY STAFF:

1. Ken Danner reviewed the staff report, a copy of which is filed with the minutes. Staff supports the request to close and later vacate those portions of the old Boyd Street right-of-way as described in the legal descriptions submitted for this closure.

PRESENTATION BY THE APPLICANT:

1. Rick McKinney, representing the applicants – Very pleased to be here tonight. This is a project that has been in the works, believe it or not, since 1970. My father bought into this property with some other gentlemen and that property then passed through to my siblings and another group of owners. It was his desire to maybe someday do a residential development here. Well, we're going to do it, with your help. I'll let David take this from here, and then I'll talk about the development.

2. David Floyd, 3305 Riverwalk Drive, representing the applicants on the closures – I don't have a whole lot to add to what staff said. This is mainly a clean-up thing. We've gone through extensively and looked at the records and cannot find where an action was ever taken to close this easement for right-of-way access. That's what we're asking to do today. We are not cutting off access to the duplexes that sit there; they will continue to have their entryway on the private drive that's there. We're also not removing any utility easements or anything like that; those are

all going to remain in place. This is just a clean-up to let us do the entryway where that drive intersects in off of Boyd. Mr. McKinney can get into this in a little bit more detail later, but we had considered at one point putting access in off of 12th Avenue; when you do that, that causes a lot of traffic problems. There's not a safe way to get people in and out. It really does not work for the subject property, so the decision has been made that this is the best safe way overall for traffic, for aesthetics, and for the ease of the development to come in off of Boyd Street. Happy to answer any questions you have. Also have Mr. McKinney and Mr. Muhammad Khan, the engineer, to discuss any engineering or design questions you might have.

AUDIENCE PARTICIPATION:

1. Brian Eischeid, 825 Belmar Boulevard – I own what is shown as Tract No. 1, also known as 1116 East Boyd Street. I purchased this property in December of 2005. I support the project that these gentlemen want to undertake. I think developing this property is a smart move. I think it's a nice piece of property; it's a great area. The only issue that me and my neighbors have at this point is where the actual northern wall of this subdivision is going to go. This right-of-way, as it stands right now, functions for a few different purposes. Number one, when we come up our common driveway, it allows us to turn our vehicles around without having to back all the way down the common driveway. We have no public parking out here. We cannot park along Boyd Street; we cannot park along 12th Street. This also allows us temporary parking when we have visitors. It allows also for utility companies to access – mainly OEC to access the power lines along 12th Street to be able to work on those lines without having to block traffic in the right lane on 12th Street south. It also functions for pedestrians and cyclists to have a short-cut without having to go through the intersection at 12th and Boyd Street. My neighbors and I have been maintaining this right-of-way for the past 14 or 15 years at our own expense. We'd like to compromise, if we can; the only thing we ask is that – we just – they don't put a wall directly next to our driveway. It would kill the functionality of our entire subdivision. These are rental properties for the most part. They would become very difficult to rent in the future if people could not actually have visitors to their own house, because they would have nowhere to park. Again, like I said, I'm in support of the project. I just want to make sure that the northern wall of the new subdivision allows us enough room to function the way that we have since day 1. Thank you.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Bird – One of the things that I looked at in reviewing this was actually the plat from the original addition. I know they put that into the presentation materials. The private drive, in particular, that I think he's referring to is really running behind the property and it was allowed by what appeared to be a 25' drive easement, and then on the other side of that was a 10' utility easement. When I looked at what was actually constructed from the Exhibit 9a-7, it looks like that drive didn't exactly match up on the line, so that drive is actually slightly going over into that utility easement now, but there's still probably somewhere between 5-10', depending on where you are, from that property line and the actual private drive currently. So I believe, if I'm correct, that's the same area that he's talking about backing over and where those utilities are, and my understanding of this project is that the wall is going to be on the property line or onto the owners' property line. So I really see this vacation as really a big clean-up item, especially because it does look like between the current Lots 1-5, that the current drive – what they're actually looking at vacating right now is the Boyd Street right-of-way, and not the private drive to clarify that difference. So this is cleaning up what was the former Boyd Street and not that private drive, to make sure that that's clear. They're not asking to take away that private drive. I kind of look at those as two different issues, maybe more a comment toward the development and not for vacating this old street.

2. Mr. Floyd – That is correct. We're only talking about the old Boyd Street easement; we are not talking about the private driveway.

3. Mr. Eischied – You see the common driveway here as it stands. What happens is we pull in and then when we need to come out, instead of backing all the way down and backing back out into Boyd Street, we loop around and nose out this way. So if there's a wall right there, that's going to make that impossible to do that. Also, if you have somebody coming up the driveway and somebody coming down the driveway and there's a wall right there, there's nowhere for both drivers to go. We've been doing this since day 1. It would create a bad situation for property owners right there.

Dave Boeck moved to recommend adoption of Ordinance No. O-1920-30 to City Council. Erin Williford seconded the motion.

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

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| YEAS | Matthew Peacock, Erin Williford, Erica Bird, Sandy Bahan, Tom Knotts, Dave Boeck, Lark Zink, Steven McDaniel |
| NAYES | None |
| MEMBERS ABSENT | Nouman Jan |

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-30 to City Council, passed by a vote of 8-0.

PRESENTATION BY STAFF:

1. Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes. The applicant's request for a SPUD for the use of single-family dwelling units is similar to the existing residential uses in the general vicinity. The intensity of uses will remain the same. Staff supports the applicant's request and recommends approval of Ordinance No. O-1920-27. Staff recommends approval of the preliminary plat for Boyd Street Commons, a Simple Planned Unit Development.

PRESENTATION BY THE APPLICANT:

1. Rick McKinney, McKinney Partnership, 3600 West Main Street, representing the applicants – This gives you a general location. This site is 4.7 acres. It's ¾ mile from Campus, which sites it very well. It's really unique that this large a tract has been undeveloped over this amount of time, but one thing is that the piece of land itself is fairly narrow for the development of a cul-de-sac, because 12th Street expanded and took more right-of-way. So I think that's impacted most developers from even considering this tract of land. This is a few aerial shots. This is from the northeast; it shows Boyd Street on the right, 12th Avenue on the bottom. You can see those four rental units on the lower right-hand of the picture and that kind of shows you how they've been using that land to circulate over the years. Another thing I want to point out is the trees. There are some very nice trees on this site and we're going to talk about those a little bit later. But they're conveniently placed around the outer perimeter of this site, which is the back yards of the houses that we're proposing. We have written into our PUD narrative that these trees be maintained whenever possible; if they can't be maintained, then they would be replaced by a sizable tree. This works real well in our layout. This is from the southeast, looking at the trees again. This is from the northwest, I believe. Right in front there is the right-of-way land that we have been talking about earlier and the private drive that feeds those three houses.

The site is very difficult, like I say. Access was a concern. When we first looked at the property there were two possibilities; one was on the bottom of that image you see where our driveway could align with a street across 12th Street, which is what normally the City wants you to do is to align streets. The second thing would be go to the upper right – to the northwest. Much more complicated, there's a lot of right-of-way issues that were involved, there's dealing with circulation, utilities, things like that. So we chose that way because it's safer. Twelfth Street, if

you're aware of that area, has a lot of accidents along that stretch of road and we didn't think it was wise – we were looking at possibly some senior housing, some retirement housing, and having these residents pull out onto 12th Street just did not make sense, so we pursued the northwest option that you see there in the upper right-hand corner. Again, these are the rights-of-way that were just discussed and approved. This is a view from Boyd Street, looking east. This is where our entryway would be on the development. All of that open area that you see would be part of our development as the open green space that was approved by the Parks Board. The Greenbelt Committee was also – they were unanimous about this as well as how we would use that. This will be landscaped – it's private dedicated land that will be accessible to the public. Now, that's kind of a two-sided thing, but we're glad to develop that and we think it fits well on a pedestrian way for all the users to enjoy that. This is a view from the northeast again, and you can see the size of the trees we were speaking of. This is from the southeast; some more trees in the background. Sidewalk is already in place. Our screen wall would be 1' past that sidewalk on the east. And this is the development plan. We have two blocks of land. Block 1 has these 18 lots and you can see on the outer perimeter the trees that are preserved. We laid out the lots to try to take advantage, as much as possible, of saving the trees so the trees would actually be able to be enjoyed by neighboring properties. We've also indicated that we're – one of the reasons that we wanted to move the houses forward was – and that's why we went with a SPUD – was we're going to turn our garages at 90° to the street. There's no garage doors facing the street, so you don't have to pull straight into your garage and be able to park on your site in front of your garage. You pull into the side, and I have an example of that coming up. But all of these have side approach garages. And then the second block is on the far right-hand – that's that attached residence there that we were talking about earlier. That will be Block 2, Lot 1, because in order to get our roadway through to 12th Street, we're needing to acquire part of that lot that is kind of a pointed lot there up where it says "greenway" – that allows our access. But we can't subdivide a lot and keep one part in another plat and then the part we purchase in our plat, so that lot will now become part of our plat as Block 2.

This is an example of the style house we're talking about. This house actually has a 10' front yard and it's almost like Center City visioning, where the properties are moving closer to the street. This is building closer to the street, but your access and your circulation for your vehicles is well within your property and well across the property line, so it does not impede the sidewalk at all.

I want to show one more thing also. We're going to incorporate oak trees at every property line where it abuts the street. The homeowners will be required to plant a 2" Shumard oak tree, so the whole street will be tree-lined by the time it's all said and done.

This is the front entryway that will be landscaped, irrigated. We'll have park bench seating. This is the open space that was approved by Parks Department and the Greenbelt, and that was unanimous approval. This is the existing entryway. The private drive starts just on the other side of that sidewalk, and this whole area to the right is just – right now it's kind of no-man's land. It's seldom taken care of, the grass grows high. That's a mailbox on the drive that's been hit and it's been broken for quite some time. The trash trucks have to turn around. Mail trucks have to turn around here. Our proposed entry is this, where we will have a public street. It will be landscaped, irrigated, sidewalks on both sides. The open space for the public is on the right. We'll relocate the mailbox for the private drive houses, so that will be reconstructed, and then the street kind of serpentine back into the cul-de-sac. We're going to have low-level lighting that'll meet City standards, sharp cut-off. We'll save as many existing trees as we can.

The last issue that I want to address, which I think is important, is drainage. This is the existing slope of the land and the arrows show the way that the water flows. Each one of those dashed lines is a 1' drop, so the site, believe it or not, drops 5' from east to west and it basically sheet flows straight into the back of those homes at their back fence. We want to address that. Muhammad will talk a little bit about that here in a moment. This is largely what we're going to do here. So I'd like Muhammad to kind of talk about the drainage concepts. But, basically, the blue is the water that we're going to collect and detain. It will be taken underground through piping into the dry detention basin that's purple, and then it will be released at a timed release

down Boyd Street to a storm inlet. The only water now that will flow – instead of having 5 acres flowing into their back yards, you'll have less than 1 acre – about 0.85 acres is that green, which is the back yards of one side of the cul-de-sac, compared to 5 acres. I think the whole neighborhood to the west will benefit from what we're going to be doing.

2. Muhammad Khan, SMC Consulting Engineers, 815 West Main – Thank you, Rick, for setting this up; made my job easy. As far as the plat goes, these will be served with 8" water line, 8" sewer line. Rick mentioned about the drainage part here. Currently, everything, as you can see, sheet flows from easterly to westerly direction toward back of these existing houses. With our proposed drainage plan a substantial amount of runoff which is currently flowing across the vacant parcel toward these houses will be intercepted by the on-site storm sewer system and those will be part of the proposed cul-de-sac drive. All of the surface runoff from the houses will be collected through the roof gutter system and diverted through the cul-de-sac street. So by directionally controlling it we'll convey the storm water runoff to the detention pond. The detention pond itself is a dry detention pond and it will be 4' deep under a 100 year storm. The benefit of having a detention pond there, first of all, is to control the additional storm water runoff which is generated as part of any development work. Also, divert the storm water flows from the detention pond through a system of underground storm sewer system to an existing storm sewer system for Boyd Street. So, as you can see, right now everything sheet flows from 12th Avenue toward those houses – it just sheet flows over land, it gets into the back yard of those houses, then it flows toward Jami Drive and then it goes through the curbing system for Boyd Street. By incorporating all these storm water management practices, we'll intercept the on-site storm water runoff and carry it to the detention pond, release it lower than the historic rate, meaning what is happening now, carry it through the underground storm sewer system and tie it to an existing storm sewer system on Boyd Street so there will be positive impact as far as the storm water goes. There is a smaller point I would like to make. The Lot 19 currently just sheet flows toward Boyd Street, so by incorporating that detention system we'll be actually compensating, meaning that we'll be retaining the amount of storm water runoff which is generated by Lot 19 through the detention system so there is a reduction of the storm water runoff to Boyd Street there.

I think in the next item we will talk about the existing utilities, how these are served. The fire hydrants are provided as part of the development.

I might just go ahead and mention about the traffic while I'm here. The location of the existing drive and the traffic impact of this property is smaller or a lot less and therefore a traffic impact analysis is not needed. However, a limited traffic count was done and that had shown that in the a.m. hours is only like 13 vehicles for an a.m. hour, which is usually 7-9 period. And then in the p.m. hours is 4-6, which is only 17 vehicles in those two hours. The 170 vehicles per day is a lot lesser than threshold to require a full-blown traffic study. The report was submitted to the staff and staff has reviewed and agreed with the traffic counts. So, as far as traffic goes, there will be no adverse impact to the adjacent street system.

I'll be happy to answer any question you may have. I would like to request your approval on this.

3. Mr. Knotts – On the detention pond, all grass?

Mr. Khan – It has a concrete flume where the storm pipes coming into the pond. As you may notice that at the start of any storm event, it carries little bit of debris and everything, so by having those concrete flume to the outlet headwall of the pipe will allow the suspended solids and everything to pass through it. Now the rest of the pond is all grass and dry detention there.

Mr. Knotts – And the slope on the sides mowable?

Mr. Khan – Yes. It is 4:1.

Mr. Knotts – Will there be a HOA to maintain?

Mr. Khan – That's right. Yes. Part of the POA.

4. Mr. Boeck – Big question I have is – we talked about Parks approval for land and all I see is a detention pond. I don't see any park land. Are we counting that detention pond as green space, and why?

Mr. McKinney – Commissioner Boeck, that's a great point. When we first ...

Mr. Boeck – Green space is one thing, but it was approved by Parks, so I'm assuming that there was park land, and I don't see any park land.

Mr. McKinney – Okay. There's one thing she mentioned with the parks land that was not – it did change. This entire amount of open space amounts to just over 11%. Originally, we were told that if we did a dry detention that was primarily grass, that could be used as open space. Then they clarified that's not allowed. So we subtracted that. So this large triangle at the bottom is not included, and so our actual open space is about .5 – it's about half of that, but it still exceeds the amount required to qualify for open space. It's not park land; it's open space and it is dedicated. It will be dedicated for that space and maintained by the homeowners association for the use by the public. If we went through the formula for open space for a fee in lieu of park land, the amount of money we would have to pay would be like \$1,500 and we said we'd rather do this and buy park benches. It's going to cost us a lot more, but it just is a better impact on the community.

5. Mr. Peacock – Aside from the setbacks and the driveways, were there any other factors that went into going the SPUD route versus maintaining the R-1 zoning?

Mr. McKinney – No. That's a great point as well. Again, the primary reason for the setbacks was the 15' front and back, and that was virtually the main reason why we went with a SPUD, yes. This meets the 2025 plan. But other than that, it's primarily an R-1 development. So it was just the modifications to the front yards.

6. Mr. Knotts – Have you taken care of this man's problem?

Mr. McKinney – I don't believe so. I think one thing that you'll see – we're not going to put our fence directly on that driveway. As you can see, I think there is 5-6' maybe between the driveway and where the fence will go on the property line. That 4-unit development was ...

Mr. Knotts – It's a pre-existing condition that you have to deal with.

Mr. McKinney – Yeah. It was ill-conceived, as far as the parking and circulation and all that, so we're – one thing that we are – this is our – Commissioner Boeck, this is the amount of open space that was approved by park land – it's not in the detention. Now one thing that they – I'm not sure why this was allowed, but the driveways going into these garages for this Lot 19 are 11'6". There's no way you can park a car there, but this was allowed at some point to be built. So what we have, with this lot right here which we're going to adopt into our development, in that area we're going to shift the fence slightly to allow for parallel parking, so they will have parking for this first unit. The other 3 units can park in their driveway; they have parking as required by ordinance. One thing I might say is that there's enough depth on the driveways where you can do a 3-point turn to go in and back and out again to get down that private drive. But right now they've kind of created their own cul-de-sac.

Mr. Boeck – It's obvious that they've created their own cul-de-sac.

7. Mr. Knotts – This was your property before it was developed, though, wasn't it?

Mr. McKinney – Which property are you speaking of?

Mr. Knotts – These four units.

Mr. McKinney – No. Our property stopped at that white dashed line on the right-hand side.

Mr. Knotts – I thought it went all the way over Boyd.

Mr. McKinney – No, it did not. It's about 4.3 acres in that rectangle, and then we're acquiring those two small pieces in the upper right-hand. So our property goes up to where the new screen fence will be installed. But beyond that was never our property.

Mr. Knotts – So your solution to this problem that is pre-existing – you do admit that – whether it was ill-conceived or what, it has to be addressed.

Mr. Boeck – Why?

Mr. Knotts – Because he'll knock down the fence.

Mr. Khan – I might just add usually the overhang for cars is 3' or so. As Rick has mentioned, the fence will be at least 5' away from the edge of driveway. Now, the driveway itself – they are deep enough for somebody to pull in, back out, and then go – so like 3-point maneuver what Rick has described. It's still on their property, will be able to pull into driveway, park in garage, or leave it outside, and then reverse it. They will still be on their concrete driveway. Rear of their vehicle will not hit the fence, because fence is at least 5' away from edge of the concrete and they'll be able to easily exit to Boyd Street. Yes, prior to that it was going in all different direction over the grass area, over the utility easement. Now it is a controlled movement allowed on their own property and not violating or encroaching on somebody else land over here. That's really the point, the way we see how this maneuver will work.

Mr. McKinney – I might also add that the ownership entity that owns this 4.3 acres, that have owned it since about 1970, have paid the taxes and have mowed. We mow this site 4-5 times a year as far as maintaining the property.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Erica Bird moved to recommend adoption of Ordinance No. O-1920-27 and PP-1920-7, the Preliminary Plat for BOYD STREET COMMONS, to City Council. Erin Williford seconded the motion.

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

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|----------------|---|
| YEAS | Matthew Peacock, Erin Williford, Erica Bird, Sandy Bahan, Tom Knotts, Dave Boeck, Lark Zink, Steven McDaniel |
| NAYES | None |
| MEMBERS ABSENT | Nouman Jan |

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-27 and PP-1920-7 to City Council, passed by a vote of 8-0.

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