

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

MAY 13, 2021

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, and via video conference, on the 13th day of May, 2021.

Notice and agenda of the meeting was posted at the Norman Municipal Building and online at <https://www.normanok.gov/your-government/public-information/agendas-and-minutes> at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 6:34 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT
(via video conference)

Sandy Bahan
Lark Zink
Dave Boeck
Michael Jablonski
Erin Williford
Steven McDaniel
Erica Bird

MEMBERS ABSENT

Nouman Jan
Mark Daniels

A quorum was present.

STAFF MEMBERS PRESENT
(in person, except as noted)

Jane Hudson, Director, Planning &
Community Development
Roné Tromble, Recording Secretary
Bryce Holland, Multimedia Specialist
Beth Muckala, Asst. City Attorney (video)
David Riesland, Traffic Engineer
Todd McLellan, Development Engineer

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Item No. 9, being:

O-2021-43 – ACCELERATED NORMAN MAIN, L.L.C., FUZZELL BROTHERS, L.L.C., AND GOLDEN TWINS, L.L.C. REQUEST CLOSURE OF THE PUBLIC INTEREST IN A CERTAIN STRIP OF LAND, THE EAST-WEST ALLEY IN BLOCK 1, OF RE-PLAT OF FUZZELL'S SECOND ADDITION.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Request to Vacate Public Easements and Right-of-Way

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT:

1. Gunner Joyce, Rieger Law Group, representing the applicants (via video) – Just a little history while I dive into this. There was an application filed in October of last year. The three property owners couldn't reach an agreement, so they got together and we've come together at this point with all three joining in on the application; all three agreeing on the path forward. So let me walk you through a little bit. We're at the corner of basically Main Street and Berry Road. This is basically a 10' strip of land, and really the character of this strip is in question. The plat back in 1948 didn't accurately describe this as an alleyway, so there's a debate on whether it was properly dedicated as an alleyway, or if it's private property. Johnny's, when they developed, came in and put this entryway into their site, trying to gain another access point. The property owner right here disputed that it was actually an alley and then basically put a blockade to not allow access. And then Johnny's built over the other half of the alleyway with the trash enclosure, as you see here, and the parking lot. So really the request tonight is basically to clear this up and to clear up a title issue, because the title commitments are showing this as an alleyway on the plat, even though really we've kind of gotten two answers from City staff over many, many years now that it was an alley or that's private property. So the wording in this application is really just to clear up any public interest in this strip of land, be it an alley, be it not, and move forward through the District Court action to vacate any rights in this strip. There is an overhead electrical line, and also sewer line here. We will provide easements for those utilities to remain in their existing locations through the District Court process when we get to that point. Here's a street view so you can kind of see what it looks like on the ground. This is from Berry Road looking west, and you can see that start of that access point that Johnny's put in. It dead ends right there from the trash enclosure, which you can see from the other side, from Gatewood Drive. So you can see no connection there for an alleyway and it really has not been treated like an alley on this side. So that's really the summary here. It's kind of an interesting one, but now moving forward all three abutting property owners agree on basically the end result they want to reach. The City agrees with this that they have no issues with the proposal, as long as we provide those easements for the existing utilities, which we will do. That is basically it, so I'm happy to take any questions you all may have.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Bird – I'm just going to add that my husband previously rented the space just to the south of the alley closure in question. I asked him his thoughts being the neighbor to that, and he did not see any issue with that closure. I asked somebody who used that property directly adjacent what his opinion was and he was there for several years. So I would be in favor of that closure.

*Steven McDaniel moved to recommend adoption of Ordinance No. O-2021-43 to City Council.
Erin Williford seconded the motion.*

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

YEAS	Sandy Bahan, Lark Zink, Dave Boeck, Michael Jablonski, Erin Williford, Steven McDaniel, Erica Bird
NAYES	None
MEMBERS ABSENT	Nouman Jan, Mark Daniels

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2021-43 to City Council, passed by a vote of 7-0.

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