

Juniper Sage at Cobblestone Creek

6. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2627-2: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 8 NORTH, RANGE 2 WEST, OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA FROM A PUD, PLANNED UNIT DEVELOPMENT AND PLACE THE SAME IN PUD, PLANNED UNIT DEVELOPMENT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (4403 12th AVE S.E.; WARD 7)

ITEMS SUBMITTED FOR THE RECORD

1. Staff Report
2. Supporting AIM Documents
3. Location Map
4. Amended PUD
5. Site Plan
6. Green Space Plan
7. Sign Location
8. Pre-Development Summary
9. Protest Letters

Staff Presentation

Logan Gray, Planner II, presented the staff report for the Juniper Sage at Cobblestone Creek project.

Commissioner McDaniel sought clarification on the wording used to describe the age restriction in the original PUD. Lora Hoggatt, Planning Services Manager, stated it was for 55 plus.

Applicant Presentation

Joe Krodel, the applicant's representative, presented the Juniper Sage at Cobblestone Creek project.

Jay Rippetto, applicant, presented the Juniper Sage at Cobblestone Creek project.

Commissioner Kindel asked how removing the age restriction would affect who could live at the property. Mr. Krodel explained age restrictions generally must qualify under 55-and-older housing requirements to comply with fair housing laws. He stated families with children could reside there, but the unit mix and

price point are intended to attract adult professionals rather than by-the-bed student tenants.

Mr. Rippeto added that fair housing requirements prevent excluding families with children or designating individual buildings exclusively for seniors. He stated the development would not offer by-the-bed rentals and that rent levels, unit mix, and location are expected to influence the resident demographic.

Commissioner McClure asked how the development intended to discourage student occupancy while complying with fair housing requirements. Mr. Rippeto stated they do not intend to accept parental guarantees or offer seasonal or by-the-bed leasing, although some students could independently qualify. Commissioner McClure expressed support for the request.

Commissioner McDaniel asked whether the federal 80/20 rule for senior housing could allow some residents under age 55 without modifying the PUD. Mr. Krodel explained federal regulations allow certain exceptions, including up to 20 percent of occupancy by persons under 55, but felt that flexibility would not sufficiently address the development's occupancy and financial concerns.

Commissioner McDaniel asked whether the existing PUD prevented use of the 80/20 flexibility. Mr. Krodel stated that the PUD and covenants identify the development as senior housing. Mr. Rippeto added that the property has historically been marketed as a 55-and-older community, making it challenging to attract younger residents while retaining that designation. He stated that they had recently begun adjusting their marketing.

Commissioner Jablonski asked whether alternatives to removing the age restriction had been considered, including conversion to assisted living. Mr. Rippeto stated the property was designed to accommodate a potential future conversion to independent or assisted living, although modifications such as a commercial kitchen would be necessary. He stated they would consider selling or leasing for such a use but had not actively sought an operator for a conversion.

Commissioner Bird asked whether the property's Opportunity Zone status affected the owners' ability to sell. Mr. Rippeto stated selling before approximately 2030 or 2031 could result in the loss of certain tax benefits. However, an earlier sale could become necessary if occupancy does not improve and the owners discontinue financial support.

Commissioner Bird asked about current occupancy. Mr. Rippeto stated approximately 95 or 96 of the 168 units were occupied, or roughly 57 percent.

Commissioner Bird asked whether a portion of the development could remain 55-and-older while opening the remaining units to other residents. Mr. Krodel stated his understanding was that senior housing requirements generally apply to the development as a whole, subject to the 80/20 framework, and the

proposed arrangement would not be permitted under the current zoning and covenants.

Commissioner Bird asked whether dividing the property or individual buildings could affect that determination. Ms. Hoggatt stated her understanding was federal requirements apply to the development as a whole and at least 80 percent would need to qualify as senior housing for the applicable fair housing exemption.

Public Comments

Linda Wright, 4403 12th Ave. S.E. (Protest)

Eldie “Lois” Morris, 4403 12th Ave. S.E. (Protest)

Lori Mouse, 4403 12th Ave. S.E. (Protest)

Kissie Mouse, 4403 12th Ave. S.E. (Protest)

Timothy Shannon, 4704 Augusta Dr. (Support)

Bonnie Holmes, 4403 12th Ave. S.E. (Protest)

Commission Discussion

Commissioner Bird thanked those in attendance for their participation and feedback and acknowledged the strong sense of community surrounding the development.

Commissioner Brewer asked when the zoning change would take effect if approved and whether the effective date could be deferred to give current residents additional time. Mr. Gray stated the change would take effect 30 days after City Council approval and he was unaware of deferred zoning.

Commissioner Brewer noted a 30-day effective date could create a significant change for current residents with existing leases. Ms. Muckala stated she would need to research whether a deferred effective date was possible but noted zoning decisions generally address the property and surrounding development as they currently exist.

Commissioner Bird asked whether City Council could postpone consideration of the item. Ms. Muckala explained first reading is generally required for public notice, while postponements at second reading are within City Council’s discretion.

Commissioner Bird asked whether City Council could postpone the item on its own motion rather than at the applicant’s request. Ms. Muckala confirmed City Council could do so.

Commissioner Jablonski asked whether City Council could require residents to be released from their leases if the PUD change were approved. Ms. Muckala stated lease provisions are generally better addressed through private contracts rather than zoning regulations.

Commissioner Bird noted that the Commission had also received a request regarding HOA dues and stated private HOA dues and rental rates would not be appropriate matters for the Planning Commission to regulate.

Commissioner Brewer asked about the development's current policy regarding children. Mr. Rippeto stated children may visit, but households with children are not currently permitted to lease units.

Mr. Rippeto stated, if the request is approved, management intends to allow residents to terminate their leases with 60 days' notice regardless of the remaining lease term. Residents whose leases expire before City Council consideration could also transition to month-to-month arrangements, and additional leasing incentives may be offered.

Commissioner Griffith asked about proposed rent incentives and noted some residents had not previously heard about them. Mr. Rippeto stated approximately 40 to 50 residents attended an earlier meeting where these issues were discussed, out of an estimated 120 residents.

Commissioner Griffith asked whether rent incentives would be standardized or individually negotiated. Mr. Rippeto stated management intends to publish a standardized leasing plan allowing residents to terminate with 60 days' notice or renew with incentives based on the length of the lease term.

Commissioner Griffith asked whether future marketing would target graduate students and young professionals. Mr. Rippeto stated the property would be marketed to applicants meeting the income requirements, noting the requirement of approximately three times the monthly rent could make it difficult for many full-time students to qualify.

Commissioner Jablonski supported moving the request forward rather than postponing it, noting both the applicant and residents would benefit from certainty. He suggested the applicant put its lease commitments in writing before City Council consideration so residents and Council would have a clear understanding of what was being offered.

Commissioner Bird stated lease agreements and negotiations are private matters that should not be mandated through the Commission's recommendation. She encouraged the applicant to improve communication with residents through meetings, newsletters, or other formal communications.

Commissioner Bird added residents could contact City Council members, submit additional letters, and provide public comment at the meeting before

Council considers the request. She encouraged continued transparency from the applicant but reiterated lease terms should remain a private matter.

Commissioner McKown agreed additional communication from management could help residents understand their options and make informed decisions. She agreed it was not the Commission's role to dictate how those private matters should be handled.

Commissioner Kindel emphasized clear communication could affect residents' trust and the property's future occupancy. She noted management has an incentive to thoroughly screen future tenants to maintain the quality of the community and retain existing residents.

Commissioner Kindel acknowledged the development challenges faced by the applicant and encouraged greater communication with residents before City Council consideration. She stated increased transparency could help residents feel more informed and potentially build support for the proposed change.

Commissioner Parker expressed concern that the discussion had become too focused on how the applicant should operate its business. He noted the applicant developed the senior housing requested by the community, but it had not performed as anticipated and stated the Commission should focus on the requested change to the age restriction.

Commissioner McKown acknowledged existing residents were being asked to accept a significant change from what they originally agreed to. She encouraged residents to remain open to the potential benefits of intergenerational living.

Commissioner McKown also emphasized adequate occupancy is necessary to maintain the development's financial viability, amenities, and overall quality. She stated the request was reasonable given changing market conditions and expressed support for the PUD amendment.

Commissioner Bird reminded the Commission zoning runs with the land rather than the applicant. She acknowledged the significant support and opposition to the request and noted that the issue was complex, with strong perspectives on both sides.

Commissioner Bird highlighted the development's one-bedroom units, noting this type of housing is limited within the community and could provide valuable options for working professionals and other residents.

Commissioner Brewer thanked the residents for participating and the applicant for appearing before the Commission. He noted the discussion allowed the applicant to hear residents' concerns directly while providing transparency regarding the development's financial challenges.

Motion to approve made by Commissioner Brewer, **Seconded** by Commissioner Griffith.

Voting Yea: Commissioner Brewer, Commissioner McClure, Commissioner McKown, Chair Bird, Secretary Parker, Vice Chair Jablonski, Commissioner McDaniel, Commissioner Griffith, Commissioner Kindel

Planning Commission recommended approval of O-2627-2.