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ORDINANCE NO. O-1920-13

ITEM NO. 6

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	223 McCullough, L.L.C. (Tammy McCown)
REQUESTED ACTION	Rezoning to CCPUD, Center City Planned Unit Development
EXISTING ZONING	Center City Form-Based Code, Neighborhood Middle Frontage
SURROUNDING ZONING	North: CCFBC, Neighborhood Middle Frontage East: CCFBC, Neighborhood Middle Frontage South: CCFBC, Neighborhood Middle Frontage West: CCFBC, Neighborhood Middle Frontage
LOCATION	223 McCullough Street
SIZE	7,280 square feet, more or less
PURPOSE	Construction of a duplex with 6 bedrooms in each unit – 12 bedrooms total
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Duplex Structure East: Single-Family Structure and Garage Apartment South: Duplex Structure West: Duplex Structure
LAND USE PLAN DESIGNATION	High Density Residential

**SYNOPSIS:** This is a request to rezone a parcel located on McCullough Street between Monnett Avenue and the BNSF railroad tracks, included in the CCFBC (Center City Form-Based Code) Neighborhood Middle Frontage District to a CCPUD (Center City Planned Unit Development), as outlined in Appendix B of the Center City Form-Based Code.

The CCPUD proposes to meet the requirements of the CCFBC Neighborhood Middle Frontage except for three requested variances as outlined below.

- The allowance of more than 3 bedrooms per unit (6 bedroom per unit proposed);
- The use of tandem parking for the entire parking area, as opposed to the 75% allowance for the lot;
- Adding an additional 2.5 feet to the depth of the structure as opposed to the allowed maximum depth of 45 feet.

The proposal for this site is to allow for a three-story duplex with six bedrooms per unit. Each unit will have a ground floor with a kitchen, living room, laundry facilities and one bedroom, a second floor with 3 bedrooms and a third floor with two bedrooms. All 12 required parking spaces on site are proposed as tandem parking, which will leave more than the required 25% open space for the site.

This is the first application for a Center City Planned Unit Development since the adoption of the revised Center City Form-Based Code (CCFBC) on July 23, 2019. As a reminder, the City has been working on this area of the City, since January of 2014, when the City went through an extensive process for the proposal of the initial CCFBC. Below is an overview of the initial CCFBC process which led to the adoption of the CCFBC as well as the recent revisions to that code.

**HISTORY OF CCFBC:** On January 29, 2019, the City Council implemented a six-month Administrative Delay to allow the formation of an Ad Hoc Committee to review and revise, if necessary, the CCFBC to address issues and concerns developed since its original adoption in July 2017. The Ad Hoc Committee proposed revisions to address concerns regarding several issues, such as: technical clarification of certain design requirement sections; the continued construction of the student housing product in the form of multi-bedroom units; inadequate parking requirements for those multi-bedroom units; storm water issues as a result of the larger new infill development in comparison to what had been on these site for many years. The City Council adopted those proposed revisions on July 23, 2019.

City Council approved a Memorandum of Understanding (MOU) between the City of Norman and the University of Oklahoma (OU) on January 14, 2014. The MOU set forth the terms and conditions that would govern the development of a Center City Master Plan/Visioning Project and outlined the responsibilities of the City of Norman and the University of Oklahoma.

The Center City Form-Based Code, which is the outcome of this Project, was generated and recommended through a Steering Committee. In addition, there was an Executive Subcommittee of the Steering Committee comprised of one representative from the City of Norman, one representative from the University of Oklahoma, and one citizen chosen jointly by the City of Norman and the University of Oklahoma.

Plans for a Center City Vision Design Charrette were established and the Charrette was held the week of May 12-16, 2014. The event consisted of three public meetings: a Hands-On Design Workshop, an Open House and a Final Presentation. The remainder of the week included Steering Committee meetings, technical meetings, numerous ad hoc meetings with property owners and interested citizens and an open design studio so visitors could see the design process.

After the Charrette, the Steering Committee met numerous times over a two-year period to discuss and recommend a form-based code document to present to City Council.

The City Council moved forward with this project in cooperation with the University of Oklahoma for many reasons: that the current zoning regulations were not adequately handling the growing, modern demand for infill development in Norman's Center City area; there was significant community disagreement about market-driven proposals for infill developments; the professional charrette process was the best technique available to articulate community-supported vision; and building community support for a vision followed by development of land use regulations that allows the achievement of the vision will provide both community and investors' confidence. The results of the Charrette process became the foundation for the future of the Center City area, Center City Form Based Code (CCFBC).

#### **BUILDING FORM STANDARDS IN CCFBC:**

- **Urban General** – The basic urban street frontage, once common across the United States. The purpose is to develop multi-story buildings placed directly at the sidewalk or behind small dooryards.
- **Urban Residential** – Same as the Urban General except that the uses are limited to residential and related support services.
- **Urban Storefront** – Represents the prototypical “main street” form with shopfronts along the sidewalk and a mix of uses above. A high level of pedestrian activity is anticipated. It is a subset of the Urban General, with more specific requirements at the street level.
- **Townhouse/Small Apartment** – This frontage is of moderate intensity, often created by a series of smaller attached structures configured as single-family residential or stacked flats. The character and intensity of this frontage varies depending on the street-space and the location of the required building line.
- **Neighborhood Middle (added as part of the revisions adopted in July 23, 2019)** – This frontage was added as part of the July 2019 revisions to the CCFBC. The frontage is represented by the traditional one-, two-, or three-dwelling unit

structures or set of structures with small front, side and rear yards along tree-lined streets. Structures are 1 to 2 stories in height with pitched roofs and front porches. This frontage is intended to protect the character of existing neighborhoods while allowing more intense and compact infill development in a form that is compatible with the existing context.

- **Detached** – This frontage is represented by the traditional single-family house with small front, side and rear yards along tree-lined streets.

Form-based codes definitely offers a new way of thinking about development regulations and can help communities holistically shape their futures. They can help achieve desired urban forms, such as: vital centers supportive of businesses both big and small; neighborhoods and streets that are safe and attractive for walking and bicycling; preservation of community history; and protection of the environment.

The CCFBC is composed of Building Form Standards and Public Space Standards mapped on a Regulating Plan.

Building Form Standards regulate the following: how far buildings are from front property line, how much window area at a minimum a building must have, how tall a building may be, how accessible and welcoming front entrances are, and where a building's parking should be located. Building Form Standards require buildings to have windows and welcoming entries and the placement of parking to the rear of buildings to ensure that form of streets contributes to life on the sidewalk. These standards require that buildings support and shape the public spaces of our city.

Building Form Standards control the use of land in a more indirect way than standard zoning. The Standards do not provide long and ever-expanding lists of permitted and special uses that typical zoning codes normally utilize. Rather, the Building Form Standards describe general uses, and then prescribe regulations to form the built atmosphere.

Public Space Standards regulate the form of streets and squares. These standards provide for comfortable and useful spaces for many activities, including walking, bicycling, driving, public transit, and a community's social life rather than just providing for the movement and storage of cars. A shopping street is a different kind of street than a boulevard, which is different from a residential street, which is different from a rear alley. The street sections in Part 5 of the CCFBC identify these different types of streets.

**DISCUSSION:** The zoning designation for this property will be CCPUD, Center City Planned Unit Development. Outlined below are the variance requests to the adopted CCFBC – Neighborhood Middle Frontage for the subject property.

- **Exemption from Section 704. Development and Performance Standards (H) Special Use for Dwelling Units with Four or More Bedrooms.**

- o The applicant is requesting exemption from Section 704. Development and Performance Standards (H ). The request is to allow for six bedrooms per unit in the duplex, for a total of twelve bedrooms.

- **Exemption from Section 605. Special Parking Standards D. Tandem Parking.**
  - The applicant is requesting the parking area allow 100% of the parking be fulfilled with tandem parking spaces as opposed to the allowance for 75% can be tandem parking. The design is to have the entire parking area – 12 spaces - accommodate tandem parking.
- **Variance of 2.5 feet to the allowed 45 foot depth of the buildable area.**
  - The proposed structure will be 47.5 feet in depth.

Additional guidelines for this CCPUD are as follows:

- The proposed development will comply with all the other applicable regulations for CCFBC, Neighborhood Middle Frontage including: building height, RBL (Required Build Line), setbacks, fenestration, building projections, landscaping, and open space.
- Bike racks will be installed at the front of the structure to encourage use of bikes by the tenants.
- Open space offered will be larger (1,767 sq. ft.) than required 1,152 sq ft.
- There will be one parking space per bedroom for a total of 12 parking spaces provided on-site.

Staff reviewed the CCPUD Narrative and finds the variances requested to the Center City Form-Based Code, Neighborhood Middle Frontage, are minimal. Staff does not see the proposal will reflect negatively on the intent of the adopted CCFBC in this general area. While the applicant is requesting a variance to allow six-bedrooms per unit in the duplex, adequate parking will be available on the parcel, as required by the recent revisions to the CCFBC. Though the proposed parking will be 100% tandem this, along with the addition of bike racks, will encourage the “park once concept”, which is one of the goals of the adopted CCFBC.

This lot is located near the University and is surrounded predominantly by student rentals. New duplex units developed to the south and west of this site, while older duplex units are located to the north and east. As stated in the Neighborhood Middle Frontage, the intent of this frontage is to “protect the character of the existing neighborhood while allowing more intense and compact infill development in the form that is compatible with the existing context”.

The proposed six-bedroom per unit duplex will increase density sought by the CCFBC while providing a structure with a similar look to some of those already existing in the neighborhood, while following the required form elements of Neighborhood Middle Frontage. The form elements proposed for this development include: stoops that project forward of the RBL, a building set at the RBL, bike racks in front of the structure, parking in the rear and street facing entries for each unit, all of which creates a more pleasant pedestrian feel and thereby encourages connection to the street.

The requested variance for a slightly bigger maximum building depth (2.5 feet) seems minor considering that the square footage footprint of the previous structures totaled approximately 1,774 square feet, which is only slightly smaller than the footprint of the proposed duplex at 1,991 square feet.

**OTHER AGENCY COMMENTS:**

- **PARKS BOARD** Parkland dedication is not required for the redevelopment of this lot.
- **PUBLIC WORKS** The parcel is platted and all public infrastructure is in place. Public Works has reviewed the drainage report/plan submitted and has two comments. Public Works review finds that the proposed drainage plan meets the intent of *CCFBC, Part 9: Site Development*, with less than 65% impervious surface coverage proposed and a drainage plan that proposes measures that will help reduce drainage run-off from impacting neighboring properties.

**STAFF RECOMMENDATION:** The proposed ordinance comes to the Planning Commission for a recommendation to the City Council. Staff recommends approval of Ordinance No. O-1920-13.