

CITY COUNCIL  
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

December 6, 2012

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 9:00 a.m. in the Conference Room on the 6th day of December, 2012, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Jungman, Spaulding, and Chairman Lockett
ABSENT:	Councilmembers Kovach and Williams
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Mayor Cindy Rosenthal Mr. Trey Bates, 3720 Timberidge Drive Ms. Tessa Breder, Norman Chamber of Commerce Mr. Harold Heiple, 218 East Eufaula Ms. Joy Hampton, <u>The Norman Transcript</u> Mr. John Woods, Director, Chamber of Commerce Mr. Don Wood, Executive Director, Norman Economic Development Coalition
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Mr. Bob Christian, Building Permit Manager Ms. Susan Connors, Director of Planning and Community Development Mr. Ken Danner, Subdivision Development Manager Mr. Terry Floyd, Development Coordinator Mr. Jud Foster, Director of Parks and Recreation Mr. James Fullingim, Fire Chief Mr. Fred Henderson, Fire Marshal Mr. Ken Komiske, Director of Utilities Mr. Steve Lewis, City Manager Ms. Leah Messner, Assistant City Attorney Mr. Shawn O'Leary, Director of Public Works Mr. Scott Sturtz, City Engineer Ms. Kathryn Walker, Assistant City Attorney Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

DISCUSSION REGARDING STREAMLINING THE DEVELOPMENT PROCESS.

Mr. Terry Floyd, Development Coordinator, said Council expressed interest in finding ways to streamline the City's current development process. He said three options were developed for the Committee's review that includes input from the development community. He said the three options were designed to assist future industrial, commercial, and residential development projects by reducing cost and time. He said current rezoning/platting projects can take approximately 165 days or more to become eligible for a building permit. Applicants utilizing concurrent construction or deferring public improvements may have fewer days to become eligible for a building permit. He said timelines for applicants to submit engineered plans and meet current deadlines can vary based on the complexity and size of the project.

Mr. Floyd said all preliminary plats, rezoning items, land use changes, and Certificates of Survey (COS) go through Pre-Development and Greenbelt Commission (GBC) meetings before submission to the Planning Commission (PC). He said due to filing deadlines, it can take 7 to 14 days before the GBC reviews the application and up to 17 days before a Pre-Development meeting is scheduled. He said once the Pre-development meeting is held, an applicant has up to six months to submit the application to the PC. After the Predevelopment meeting, the project is then reviewed at a Development Team meeting approximately one week later. He said the Development Team consists of Staff from several City departments involved in the development process. He said prior to the Development Team consists of Staff from several City departments involved in the development process. He said prior to the Development Team meeting, Staff holds

Item 1, continued:

an internal meeting to review the plat and make a note of all changes that need to be made or considered, which is then transmitted to the applicant. At the Development Team meeting, the applicant will have the opportunity to discuss each change or modification and ask questions. He said approximately 24 days after the Development Team meeting, the PC considers the item; however, the timeline can change depending upon whether the item is a rezoning or preliminary plat. He said a preliminary plat with no rezoning will usually not make the deadline for the following Council meeting and in the event of rezoning the item has to be scheduled for First Reading, then Second Reading two weeks later that will include the preliminary plat. He said once the preliminary plat process is completed, the applicant decides when to submit the final plat.

Mr. Floyd said the final plat is reviewed by the PC before being submitted for Council consideration and another Development Team meeting is held. He said depending upon the applicant's progress on public improvements it could take up to 65 days to go through the PC and Council approval process. He said after Council approval, a building permit can be issued. Mr. Floyd said the City's subdivision regulations allow the applicant two years to complete public improvements and once those are completed, the final plat can be filed with Cleveland County.

Mr. Floyd highlighted three options to streamline the development process to include:

Option One - change the expiration period of preliminary plats from its current three year period with an additional two year extension if any portion of the project is final platted, to five years. He said the preliminary plat could be extended with a fee, plat extension application, and a formal letter from the applicant or their representative. He said there would be a requirement that plats must conform to currently adopted subdivision regulations once they move forward to final plat. He said this option is similar to Oklahoma City's (OKC) process. He said this option could benefit larger developments that may take a number of years to acquire funding for extensive public improvements. This option would also save the developer the cost and time to take a preliminary plat back through the development approval process, particularly if the project is taking a number of years to get to the point for final plat approval. The option could also be beneficial to Staff by reducing the number of times a preliminary plat will have to be processed and reviewed as part of the development process. The option would give Staff, PC, and Council the opportunity to weigh the potential impact on surrounding properties. The City of Norman Development Committee would review and approve or disapprove the plat extension; however, preliminary and final plats will still have to meet current subdivision regulation standards. Mr. Floyd said changes to the current process would require an amendment to the ordinance.

Option Two - Mr. Floyd said the PC currently reviews final plats to ensure all public dedications are provided and it conforms to the previously approved preliminary plat. After PC approval of the final plat it is scheduled for Council approval. Final plats and any required public improvement plans are checked by Staff to ensure compliance with the preliminary plat and a Staff report and any pertinent plat items are included with the final plat for PC consideration. Option Two would eliminate the PC approval process for final plats since the plats typically conform with the previously approved preliminary plat. He said modifying the process would allow the applicant to be issued a building permit after approval of the preliminary plat by Council provided the applicant utilizes the concurrent construction process for public improvements, i.e., posting a surety bond to ensure improvements are accomplished in a timely manner. Option Two could save the applicant 30 days or more in the development process and help the development meet construction deadlines and timelines for opening. He said revisions to the subdivision regulations would need to be made to implement this change.

Option Three - Mr. Floyd said pre-development meetings between the developer and neighboring property owners are required to discuss potential applications for rezoning, Land Use and Transportation Plan amendments, COS, and preliminary plats prior to PC and Council consideration. The meetings are generally conducted after the filing deadline for the following month's PC meeting and under current development process timetable, an applicant with a COS may have to wait over one month before an item is considered by the PC. Option Three would allow property owners that apply for a Rural COS to subdivide large parcels into smaller parcels of ten acres or more without a pre-development meeting.

Mr. Floyd said COS developments are agriculturally zoned properties sold adjacent to private and public roadways, primarily in east Norman. These properties are residential in nature and are generally private home developments.

Item 1, continued

The 350-foot notification area required for a pre-development meeting will often yield very few affected property owners and meetings have typically been low or have no attendance by neighboring property owners. Option Three would allow the property owners with a COS to decide whether or not a pre-development meeting would be beneficial in resolving issues before starting the formal development process and could potentially save the applicant time in the development process. The downside to Option Three is the pre-development meeting can sometimes be the only notification surrounding property owners receive regarding development projects near their property, but public concerns can be worked out during PC and/or Council meetings instead of the pre-development meeting. The pre-development meeting also allows Staff to identify possible "fatal flaws" in a proposed project so the applicant can address the issues or re-consider proceeding with a project. Mr. Floyd said the pre-development meeting option will continue to be presented to applicants that contact the City; through the City's website, and through information provided to architects, engineers, and developers that are doing development projects in Norman.

Councilmember Spaulding asked what the point of a preliminary plat extension fee and formal letter is and Mr. Floyd said the fee would cover Staff's processing time and the formal letter would allow the applicant to attach additional information regarding the plat. He said these requirements are similar to OKC and Councilmember Spaulding asked if any city other than OKC has that requirement and Mr. Floyd said no. Councilmember Spaulding asked what the City's current fee is and Mr. Ken Danner, Subdivision Development Manager, said \$150 plus \$10 per acre. Councilmember Spaulding asked if the proposed fee is comparable to OKC's \$1,200 fee and Mr. Floyd said OKC charges \$2,400 to file a preliminary plat and \$1,200 for an extension.

Mayor Rosenthal said the proposal will allow the preliminary plat to have a twelve year life from its initial approval if the City allows five years with a two year extension then another five years with the final plat. Mr. Floyd said it would be a ten year life because the City would eliminate the two year final plat extension to allow a five year expiration period with an additional five years for the final plat. Mr. Jeff Bryant, City Attorney, said Staff did not draft language in the ordinance as Mr. Floyd described, but could redraft if needed.

Mayor Rosenthal asked for clarification on what constitutes a substantial change and felt clarity was needed. She said an enormous amount of authority seems to be delegated to a Staff committee that will make decisions on a project that will have a twelve-year life. Mayor Rosenthal said there could be consequences not only in issues that might be of concern to the City, but to the development community as well. She would like discussion on that or see information on how other communities deal with that. Mr. Floyd said, currently, Section 19-306 of the subdivision regulations outlines what constitutes a change in a preliminary plat that includes re-routing a collector street, change in the relationship of the use of land, and an increase in lots by more than five percent.

Mr. Shawn O'Leary, Director of Public Works, said there is an additional definition in Section 19-307(C)(a) that states, "amendments to the preliminary plat currently on file shall not be considered minor by the Development Committee if the preliminary plat significantly alters the layout, use, number of lots, or other material features of the preliminary plat. If the Development Committee determines that the amendment is not minor, the Development Committee shall require such a preliminary plat to go back through the approval process contained within Section 19-302 and Section 19-304." Mr. Harold Heiple, attorney representing the Norman Developers Association, said he felt it was the language "other material features" that the Mayor was concerned about. He said the development community is pleased with the direction the City is headed, but the ordinance needs to be specific. He said one concern is that if there is a change in the current ordinance between the time the preliminary plat is approved and the first final plat is submitted, the final must conform with ordinances in existence and although developers agree, there are exceptions. He said one example is a current development that has streets and drainage designed, but by the time the developer is ready to file the preliminary plat the City could require underground drainage and elevations with manholes would not permit underground drainage. He said when a preliminary plat is approved, the developer is guaranteed water and sewer capacity for all lots, but that has never been specified in the ordinance. He suggested developers and Staff meet to tweak some of the language for more specificity and include what would define material features. Mayor Rosenthal felt better clarity would be helpful. She remembered an older plat that had changes in terms of the City's Transportation Master Plan and classification of streets so there was suddenly a disconnect between what was being proposed as a development and infrastructure that was actually constructed.

Item 1, continued:

She said a lot can change in a twelve year period and Mr. Heiple said everyone will benefit from the creation of a specific list. Councilmember Gallagher said what may be considered significant to the City may not be significant to the developer so language that allows latitude should be stricken or significant items specifically identified so the developer and Staff are guided equally and Councilmember Jungman agreed. Mayor Rosenthal said if a developer has made an investment installing infrastructure, no one at the City would think it fair to make drastic changes to the plat. Mr. Heiple said the City has a lot of required improvements that must be done by the time the preliminary plat is approved so this is the type of specificity he is talking about. Mayor Rosenthal said the City should have a trigger for developers who have made that investment on something that cannot be altered, which is a reasonable request.

Councilmember Gallagher asked if filing fees vary on the size of the project at the application level and Mr. Floyd said there is an initial \$150 fee then \$10 per acre thereafter.

Councilmember Gallagher asked if Staff reviewed the 165 day process timeline in detail because that is an enormous amount of time for a developer to wait. He asked if that timeframe was in line with other cities besides OKC. He felt the timeline could be streamlined and Mr. Floyd said he researched other communities and they vary, but most communities have PC meetings twice a month. He said the City of Norman's PC and Council have agenda deadlines and if a project misses a deadline that could add another 30 days to the process. He said the City has up front processes such as the pre-development meetings that other communities do not have. Staff reviews plats in a timely manner and there needs to be some time allowed to thoroughly review plats in order to make a proper recommendation to the PC. Councilmember Gallagher said developer's biggest complaint is the time waiting for meetings so that is something Staff should take a look at. He said the PC could meet twice a month and Council once a week. Mr. O'Leary said Norman has a lot of overlapping meetings and he felt Staff is very efficient in the preliminary plat process compared to other cities, but Norman is the only City he has worked with that has pre-development and GBC meetings, which add approximately 60 days in the front end of the process. Councilmember Spaulding asked if Staff had a timeline for this process in other cities and Mr. Floyd said some communities have a 55 to 65 day process on preliminary plats and final plats take another 30 days. Mr. Steve Lewis, City Manager, said that timeline is for zoning issues and Mr. Floyd said that is correct, zoning issues have First and Second Reading, which is standard procedure in other cities so the timeline is basically the same. Councilmember Spaulding asked if there is another city similar to Norman where the process may be 90 or 120 days from start to finish and if there is, Norman should be the same. Mr. Floyd said he would research a more definitive timeline of what other metro communities are doing, but felt it would depend on PC and Council meeting schedules. Councilmember Spaulding said he would like to see some of those numbers. Mr. O'Leary said Norman's process is a "textbook" process. He said in November, Council heard testimony from neighbors of the Santa Rosa development whose preliminary plat was filed in April, which is not uncommon. He said Norman's timeline is somewhere in the middle compared to other cities.

Mr. Lewis asked Mr. Danner to elaborate on how the GBC and Parks Board approvals cycle into the process. Mr. Danner said the GBC does not hold up the process because any project scheduled for a pre-development meeting is automatically scheduled for GBC. He said the pre-development meeting would be the issue as far as upfront timeframe. He said if a zoning item is included with the plat, the developer is supposed to wait another 30 days to be scheduled for PC. He said there have been projects forwarded to PC if there were no issues at the pre-development meeting to try to speed up the timeline. Councilmember Gallagher said he attended a couple of GBC meetings and did not see much discussion that was necessary and suggested those meetings be blended into Parks Board meetings.

Mr. Heiple said the development community has ideas that would allow the City to achieve the intent of pre-development and GBC meetings, but cut out a lot of time out in the process and he would be happy to present those ideas to Staff at their convenience.

Councilmember Jungman asked how concurrent construction factors into the process and Mr. Floyd said concurrent construction allows an applicant to obtain a building permit when certain parameters of public improvements are completed. He said an ordinance was recently approved by Council allowing concurrent construction for residential development, but that varied from concurrent construction standards for commercial and industrial development. He said for residential developments water improvements have to be in place before a building permit is issued. He said commercial and industrial developments have to have temporary drainage solutions and additional public improvements are bonded at 125% of the

Item 1, continued:

engineers estimated cost. He said before a Certificate of Occupancy (CO) is issued, those public improvements must be installed. He said for concurrent construction in residential developments parameters for surface of the roadway are required, which is primarily for public safety responders to be able to access those developments before a building permit can be issued. Councilmember Jungman said concurrent construction seems to shorten the timeline and Mr. O'Leary agreed. Mr. O'Leary said the term "concurrent" means the developer is concurrently building private and public improvements. He said concurrent construction is a traditional process in most cities and there is risk in that, which is covered by the bond. He said the risk is that the developer will construct the building or residence and are ready for occupancy, but the roads are not constructed because it has been raining constantly or the water system is not complete and fire protection cannot be provided. He said residential developments are more difficult because there may be 100 lots with 100 builders that want to start construction at the same time paving and water contractors are working. Mr. Danner said there is typically a two stage permit for commercial development, a foundation only where the development installs water at the same time the foundation is being constructed and once that is done a building permit can be issued. Councilmember Jungman asked what problem the proposed streamlining process solves that concurrent construction does not and Mr. Heiple said none as the adopted concurrent construction ordinance for residential developments solves the streamlining problem.

Councilmember Spaulding said Mr. O'Leary stated Norman's timeline was in the "middle" compared to other cities and asked for an example of another municipality with a longer timeline. Mr. O'Leary said Norman is very efficient in the preliminary plat/final plat process, but what makes us unique is the GBC/pre-development meeting process. He said the larger the city, the more timely the process and cities such as Wichita, Kansas, Denver, Colorado, New York, and San Francisco, California, come to mind. He said each city has created a process that works for them and that is the key.

Mr. O'Leary said requiring a pre-development meeting was a decision made by Council several years ago. Mayor Rosenthal said neighbors complaining they had no opportunity to influence the process and were frustrated about being surprised by a development were the reasons Council established the pre-development meetings. She said the process has allowed problems to be addressed early in the development and it was intended to protect the developer from being ambushed by public objections in the final stages of the development after having invested time and money in the development. She felt pre-development meetings serve an important role in preventing the developer from incurring major costs before they know what public response will be. Mr. Trey Bates, 3720 Timberidge Drive, agreed that pre-development meetings are an important part of the process and have been positive for the community and developer. He said when you stack the preliminary plat and final plat processes in chronological order it creates an extended period of time for the project. He said in Norman a developer must preliminary plat the entire property ownership so they are potentially laying out hundreds of acres of property that may take decades to develop. He said there is an opportunity to shorten or combine what happens between a preliminary plat and a final plat. He said in residential communities, the developer plans multiple phases so public improvements can be planned, but commercial developments are different because the developer is not going to close the deal on a project unless they know they are going to get a building permit. He said they are facing significant economic impact and being delayed 30 days can be huge and make the difference in whether a developer builds in Norman or another community that may not have as long a process. He said the preliminary plat and final plat must go through PC and Council and depending on deadlines a project can be delayed up to 60 days or more.

Mayor Rosenthal said she did not believe there are issues of controversy in Option Three. Ms. Susan Connors, Director of Planning and Community Development, said COS's have to go through the GBC process so the GB ordinance would have to be amended. She said the GBC is part of the pre-development schedule, not part of the platting issue. Mayor Rosenthal said it might be appropriate to report applications to the GBC rather than hold up for projects for pre-development and GBC meetings. Mr. Heiple said if an applicant voids the pre-development meeting and ends up with a certain percentage of protests, the applicant has to start the process from its inception according to the current ordinance. He felt this would place the burden on the applicant to talk to neighbors before filing to see if they have problems with the project, which would save time.

Mr. Floyd said anytime Staff is contacted by an applicant regarding information on Norman's process, a pre-application meeting is generated to bring in Staff involved with that type of project to discuss issues before a plan comes forward.

Business and Community Affairs Committee Minutes

December 6, 2012

Page 6

Item 1, continued:

Councilmember Spaulding asked when BACA could expect to see results of the meeting between Staff and developers as suggested by Mr. Heiple and Mr. Lewis said Staff could bring that back in January. Chairman Lockett asked those who have suggestions or concerns to contact Staff so they are able to put together as much information as needed before the next meeting and not be blindsided by additional questions. Mr. O'Leary said Option Two may be the most significant option in terms of streamlining timelines.

Items submitted for the record

1. Memorandum dated November 29, 2012, from Terry Floyd, Development Coordinator, Business and Community Affairs Committee members with draft ordinance
2. Economic Development Incentives Policy Norman, Oklahoma
3. PowerPoint presentation entitled, "City of Norman Development Streamlining Options," Business and Community Affairs Committee, dated December 6, 2012

Item 2, being:

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 10:05 a.m.

ATTEST:

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City Clerk

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Mayor