

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

June 28, 2018

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4:04 p.m. in the Conference Room on the 28th day of June, 2018, 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 Clark, Holman, Wilson, and
Chairman Hickman

ABSENT: Councilmember Karjala

OTHERS PRESENT: Mayor Lynne Miller
Ms. Susan Connors, Director of Planning and
Community Development
Mr. Mark Daniels, Utilities Engineer
Mr. Terry Floyd, Development Coordinator
Mr. Taylor Johnson, Marketing Specialist for
Cleveland Area Rapid Transit (CART)
Mr. Travis King, Fire Chief
Mr. Steve Lewis, City Manager
Ms. Beth Muckala, Assistant City Attorney II
Mr. Tim Powers, Director of Information
Technology
Mr. Scott Sturtz, City Engineer
Ms. Kathryn Walker, Assistant City Attorney III
Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

CLEVELAND AREA RAPID TRANSIT (CART) RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF MAY 2018, AND IDEAS FOR FUTURE SERVICE TO UNIVERSITY NORTH PARK.

Mr. Taylor Johnson, Marketing Specialist for Cleveland Area Rapid Transit (CART), highlighted CART Ridership Reports for May 2018, and said fiscal year-to-date ridership (July to May) had a decrease of 6% over the same period last year. In May, CART transported 63,299 passengers that included 479 riders who traveled with bicycles and 216 riders who traveled with wheelchairs.

CARTaccess transported 3,049 riders in May, a decrease of 5% over the same month last year with an average daily ridership of 117 riders. Year-to-date primary zone ridership decreased by 7% while secondary zone ridership increased by 10%.

Item 1, continued:

Mr. Johnson said CART will be offering free rides to election polls on June 26th and November 6th to further encourage voters to participate in these elections.

Mr. Johnson said CART Staff participated in the City of Norman's Bike to Work Day festivities on May 18th and answered questions about using the bike rack on buses. He said CART will be hosting a "Read and Ride" event with Councilmember Clark on August 11th (more details will be released at a later date). CART also hosted public meetings on June 25th and June 27th at the Norman Public Library Central to make a presentation of the proposed changes to Route 20, West Norman Link. A public notice of the proposed changes and meeting dates were issued on May 25th in the Norman Transcript, CART's website, social media, and CART vehicles. He said one person attended both meetings so CART is moving forward with the service change. He said Route 20 was started in 2009, and serves northwest Norman including Sooner Mall, Norman Regional Healthplex, University North Park (UNP), and the Embassy Suites-Norman Hotel/Conference Center. He said ridership has not grown above 1,000 riders per month, which is the lowest current ridership and fiscal year-to-date average daily ridership is 33 passengers per month with an average passenger cost of \$29.20 whereas overall fixed route service average cost per passenger is \$2.30. The proposal will change the West Norman Link to operate during peak times on Monday through Friday from 10:15 a.m. to 5:45 p.m. with no Saturday service with changes to be effective on July 30, 2018.

Councilmember Clark said a constituent asked about service to the Westwood Aquatic Center and she suggested providing a temporary bus stop on the southwest side of Robinson Street from Memorial Day to Labor Day while the Westwood Aquatic Center is open for the season. She said the current bus stop is near Target in the University North Park (UNP) area so people have to cross four lanes of very busy traffic. Mayor Miller said attendance at the Aquatic Center has increased from 200 per day to 800 per day since the grand opening of the new NORMAN FORWARD facility and if a bus stop was nearby, CART might gain more ridership. Chairman Hickman said a bus stop in the area would make public transportation more accessible to citizens citywide.

Chairman Hickman asked if plans are being made for bus service to the East Branch Library and Mr. Johnson said accommodating that facility would make the route travel time longer so CART would not be able to provide the current one hour route service. He said a route to accommodate the East Branch Library would not be feasible at this time; however, CART and City Staff are working on route accommodations for the Central Library scheduled to open in 2019.

Mr. Johnson highlighted ideas for proposed extension of service in the UNP as requested by the CPTC. He said Route 10, Main Street Route, and Route 20, West Norman Route, currently link to serve the UNP area and Route 20 is the only route that provides service north of Rock Creek Road. He said Route 10 would be revised to serve the UNP area as well as the Norman Regional Healthplex and Route 12, Lindsey West Route, would be extended past its original path to serve Sooner Mall and Ed Noble Parkway covering the path of the existing Main Street route on the west side of I-35.

Mr. Johnson said CART's Long Range Plan accounts for the continuous development of north Norman with the inclusion of several different new proposed routes and CART is currently going through an interim update of its long-range plan. Once a draft of the plan is final, more information will be available, but service to the UNP is being carefully considered.

Item 1, continued:

Mr. Johnson said Route 21, Alameda/East Norman and Route 11, Lindsey East, provide service to the east part of Norman. He said access to the UNP from the east side of Norman can be accomplished by transferring riders from Routes 11 or 21 to Route 10 at the Brooks Street Transfer Station. Alternatively, if taking Route 21, passengers could disembark at the stop at Berry Road and Robinson Street and transferring to the nearest Route 10 stop.

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the months of May 2018
2. Cleveland Area Rapid Transit Monthly Reports for May 2018
3. PowerPoint presentation entitled, "Cleveland Area Rapid Transit (CART) Ideas for Increasing Service to the University North Park (UNP) Area"

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Item 2, being:

CONTINUED DISCUSSION REGARDING NEW CELLULAR TECHNOLOGY IN THE RIGHTS-OF-WAY.

Ms. Kathryn Walker, Assistant City Attorney, said Staff was approached by AT&T and other cell phone providers and infrastructure providers about attaching a new technology called "small cells" to street lights, electric poles, and other structures to enhance the cellular network and provide faster download speeds. She said small cells are critical to the implementation of a new fifth generation (5G) technology, that will allow technology devices, both mobile and stationary, to send and receive data without being plugged into a wall in a home or office. The Oklahoma Municipal League (OML) formed a working group of municipal attorneys and municipal electric utility providers to work on legislation with cell service providers that culminated in the creation of Senate Bill 1388 (SB1388) signed by Governor Mary Fallon on April 26, 2018, creating the Oklahoma Small Wireless Facilities Deployment Act (the Act), which only applies to small wireless facilities by a wireless provider in the rights-of-way (ROW) and the deployment of utility poles to support small wireless facilities.

Ms. Walker said the City of Norman currently manages what is allowed in the ROW through franchise agreements, contracts, revocable licenses, and revocable permits. She said cities have concerns regarding small cells that include location, competing interests in the ROW, aesthetics, and retention of local control. She said federal law is expressing a strong preference to increase cellular network capacity and while cities still have some ability to regulate specific aspects, cellular companies are complaining that cities are slowing expansion and the Federal Communications Commission (FCC) is listening. She said under federal law cities can regulate placement, construction, and modification of wireless facilities; can charge fair and reasonable compensation; and manage the public ROW; however, cities cannot prohibit small cells on OG&E light poles because any investor owned utility must provide access to their poles unless there are capacity, safety, or reliability issues caused by the attachment. Cities also cannot require too much documentation, cannot use regulations to prohibit the provision of wireless service, and cannot discriminate between providers.

Item 2, continued:

SB1388 states that cell facilities cannot obstruct or hinder travel or public safety on the ROW and if a wireless facility cannot be accommodated on an existing pole, a new pole can be erected in its place, but new or modified poles cannot be more than ten feet taller than the tallest existing pole within 500 feet or 50 feet above ground level. Small cell antennae must fit in enclosures of no more than six cubic feet in volume and associated equipment cannot exceed 28 cubic feet in volume. Cell providers must follow reasonable and objective criteria for concealment of small wireless facilities in designated areas and on decorative poles and as long as the equipment does not interfere with another company's equipment, more than one small cell facility can be placed on the same pole.

Ms. Walker said local municipalities will be allowed to approve site locations and issue permits before small cell facilities can be constructed or modified and facilities would have to meet all building and electrical codes, if applicable. She said SB1388 sets a ceiling of \$200 on application fees for the first five facilities on the same application and \$100 thereafter on the same application with up to 25 facilities per application. A permitting fee of up to \$350 per pole in the ROW can be charged along with an annual fee of \$20 per small wireless facility for occupying the ROW as well as an annual rental fee of \$20 per wireless facility for co-locating on City poles in the ROW.

Councilmember Wilson said Oklahoma Electric Cooperative (OEC) is an electric company, but they are beginning to branch out into the cellular communication world and asked how that would affect their franchise agreement with the City. Ms. Walker said the City and OEC have a separate draft agreement similar to what the City has with Cox and AT&T/U-Verse, but they are not typical franchise agreements.

Ms. Walker said the next step will be to draft an ordinance for Council approval on September 25, 2018, that will consist of classifying types of right-of-way use and requirements for each type; permit processes and fees; stealth/concealment criteria; annual rental fees; and indemnification, insurance, and bonding requirements.

Chairman Hickman said the City needs to charge as much for permits and/or fees as allowed and be as restrictive as allowed.

Items submitted for the record

1. Memorandum dated June 27, 2018, from Kathryn L. Walker, Assistant City Attorney II, through Jeff Bryant, City Attorney, to Members of the City Council Community Planning and Transportation Committee
2. Senate Bill No. 1388
3. PowerPoint presentation entitled, "New Cellular Technology in the Rights of Way," Community Planning and Transportation Committee, June 28, 2018

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Item 3, being:

DISCUSSION REGARDING COMMERCIAL PARKING REGULATIONS.

Ms. Susan Connors, Director of Planning and Community Development, said Staff was asked to provide information regarding the City's parking regulations, specifically, why big box retail establishments seem to have excessively large parking lots. She said Norman's Zoning Ordinance currently requires a minimum number of parking spaces determined by specific uses, which is a standard used in many cities. She said off-street parking standards are an attempt to minimize spillover parking on public streets and ensure safe and efficient movement of traffic by making sure the amount of parking at the site of the development is adequate enough to meet demand. While parking minimums require a certain number of parking spaces for a specific land use, there are other alternatives to the traditional minimum parking requirement, i.e., minimum requirements combined with maximum parking requirements limits the total number of spaces that would be allowed by a single use. This strategy can effectively minimize over parking and has been applied in several cities.

Ms. Connors said parking maximums have been used most extensively in central business districts where there is an existing built environment; however, establishing a maximum standard can be an effective tool for communities interested in maximizing green space, managing stormwater runoff, increasing densities, and utilizing sustainable land development management tools, while meeting transportation and parking demand throughout the community.

A parking minimum combined with a parking maximum standard can limit the number of parking spaces supplied while providing adequate parking. Maximum standards can be applied in several ways including basing the maximum parking requirement on a reduced square footage of building area for the parking calculation or setting a minimum parking ratio per number of square feet of building area to a maximum ratio of building area allowed per use. Another strategy is to increase the landscape and impervious coverage requirements that can naturally decrease the space available for parking.

It is important to recognize there are a variety of stakeholders in decisions regarding off-street parking requirements. Those include developers, business owners and their employees and patrons, community residents, and the general public all of whom have an interest in mobility and in an attractive physical environment where automobile traffic is not overwhelming.

Because the City of Norman bases parking standards on the minimum requirement and does not have a maximum allowed parking space per use, it is up to the land owner/developer to decide how many parking spaces will be provided. If there was a minimum parking requirement with a maximum allowed combined with increased landscape and impervious coverage requirements, it would help limit the overly large commercial parking lots.

Chairman Hickman said Tulsa, Oklahoma, recently overhauled their parking requirements and he likes a lot of their requirements, which are very innovative. He is willing to enact requirements incrementally by trying to limit some of the businesses with massive parking lots by slowly incorporating other ideas. Mayor Miller agreed and likes the idea of having maximum parking requirements because every time she drives by large, empty parking lots it makes her think about the

Item 3, continued:

waste of space and what that space could be used for. She said long term parking needs to be assessed because no one knows what will happen in 20 years as many people are predicting there will be more transit options and fewer vehicles on the roadways while others are talking about the need for parking garages.

Chairman Hickman is more concerned about the larger commercial businesses that overbuild parking lots for seasonal sales that happen once a year.

Councilmember Wilson said there is a big paradigm shift of retail shopping and she would like to see a mechanism where a business or office could be built in large parking lots, for example, Hastings on Main Street which is empty. Councilmember Clark agreed and said that although she understands a lot of parking is needed around Christmas, brick and mortar shopping is slowly decreasing due to online shopping, and the City should be decreasing parking space requirements as well. Councilmember Holman said all of the Campus Corner area could fit into the parking lot at Big Lots, which is hugely underutilized.

Councilmember Wilson suggested allowing temporary pop-up retail shops in the larger parking lots or perhaps placing a shipping container in the parking lot to allow people to lease and use them for short term sales.

Chairman Hickman suggested starting with targeted zoning districts, such as commercial, and using requirements from the Tulsa ordinance as well as receiving input from business owners and developers about ways to decrease spaces required in the large commercial parking lots.

Ms. Connors cautioned members about the consequences of undermining restaurant parking because if restaurants are under spaced for parking, it can become a problem for adjacent residential neighborhoods that would most likely be used when parking is not available at the restaurant. Mayor Miller said the Lyric Theatre in Oklahoma City is a prime example of residential neighborhoods becoming overwhelmed with people parking on residential streets to attend theatre events. Councilmember Holman said a lot of fast food restaurants tend to have a lot of parking spaces that are not utilized because many people only use the drive-through and he wondered if any cities make a distinction between the types of restaurant being developed.

Items submitted for the record

1. Memorandum dated June 18, 2018, from Susan Connors, Director, Planning and Community Development, to Community Planning and Transportation Committee Members, with Exhibit A, Section 431.5, Off-Street Parking Requirements from the City of Norman Zoning Code; Exhibit B, Tulsa Zoning Code, Parking Scenarios and Parking; Exhibit C, article entitled, "Maximum Parking Allowances – Limiting Parking Supply," by Kit Un; and Exhibit D, Sustainable Transportation Toolkit – Parking, Annotated Biography

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Item 4, being:

DISCUSSION REGARDING CARPORTS IN RESIDENTIAL ZONING DISTRICTS.

Ms. Connors said the CPTC discussed regulations for carports on May 19, 2014, and Staff moved forward with developing detailed ordinance language that focused on whether material compatibility should be included as it could be costly for applicants; however, after discussion on October 23, 2014, there was no consensus on whether or not to move forward. The language was reviewed by full Council in a Study Session on December 2, 2014, and again there was no consensus on what the final language should be and discussion did not proceed and no changes were made to the proposed regulations.

Existing language states, “no carport shall be constructed nearer than five feet to any side yard line and shall not be constructed nearer than seven feet to the front property line nor within any sight triangle of intersection streets. The construction of carports shall only be authorized or permitted on the premises on which there now exists a dwelling structure. The installation or construction of a carport on property on which there has not been a commencement of construction of a new dwelling structure as of November 22, 1966, which carport would extend past or beyond the required front yard setback line, is specifically prohibited except in those cases where other legally constructed and permitted carport exist in the same block on either side of the street; in which case, a carport would be permitted to extend past the front yard setback line but only to the extensions of the same block.”

Ms. Connors said current language has been problematic for many years because it is very difficult to determine when some carports were built prior to 1966 on a parcel or block and to determine if building permits were issued for those carports. One proposal in 2014, was to delete the language and insert new language that states, “Carports must be set back twenty-five (25) feet from front property line unless property has alley access in the Central Core Norman then it must be placed in back and accessed through the alley or property with a one car garage or no garage, carports can be located no closer than seven feet from the front property line and five feet from side property line.”

There was concern from the Committee about how allowing new carports as regulated in the language above could affect a neighborhood. The Committee felt the language was too broad and criteria for materials might be too restrictive for citizens on low or fixed incomes. There was also discussion regarding carports not being allowed in new neighborhoods that have covenant restrictions.

Ms. Connors said Staff contacted 20 cities to determine their regulations regarding whether or not carports are allowed, if carports are allowed in the front yard setback, if a public hearing is required, and if there are architectural requirements. Based on this research along with information from CPTC meetings in 2014, Staff prepared carport criteria for the Committee’s review.

Councilmember Clark said the very first call she received after being elected was about carports. One resident in an older neighborhood wants to install a carport in front of his residence, but cannot obtain the building permit because his home was constructed just a few weeks after November 22, 1966. Another resident lives in a newer neighborhood and wants a carport in front of his residence because his side yard slopes too far down for a carport, but since the house was built after 1966 he cannot obtain a building permit. She would like some flexibility on this issue because an automatic no from the City seems grossly unfair.

Item 4, continued:

Mayor Miller said this issue is problematic for older homes that do not have a garage or have renovated their garage into an extra room, so there needs to be a way to allow carports as long as they are aesthetic and durable enough to withstand strong winds.

Councilmember Holman said during the 2014 discussions, many citizens felt that carports were eyesores and did not want to allow them in the neighborhoods.

Councilmember Clark likes the idea of carport applications being reviewed and approved by the Board of Adjustment because notice to property owners would be given and neighbors will have a chance to weigh in if they choose. Councilmember Holman said he would support a path to allow carports as long as they were well secured and fit in with the overall appearance of the neighborhood.

Councilmember Clark said the current regulations are outdated and exclude so many residents from building a carport and felt the Board of Adjustment would be the perfect path for approving applications. She said carports may not seem important to the Committee, but it is a big deal to residents and she is asking the Committee to support moving the ordinance language forward. Chairman Hickman said he cannot make an informed decision without feedback from his constituents, but he supports discussing ways to allow carports.

Chairman Hickman said his biggest concern is people installing cheap, metal carports that will devalue the neighborhood and Ms. Connors said the Board of Adjustment will be looking at the ordinance criteria for materials used and will not allow metal carports.

Chairman Hickman suggested incorporating some of the Historic District guidelines for carports into the ordinance language.

Councilmember Clark did not believe there would be a huge influx of applications, but her constituents are very insistent on allowing carports. Chairman Hickman said he understands there are mixed opinions on carports, especially in Ward Four, but this may be the fairest option for allowing carports.

Items submitted for the record

1. Memorandum dated June 22, 2018, from Susan Connors, AICP, Planning and Community Development, to Community Planning and Transportation Committee, with Exhibit A, Carport Survey, and Exhibit B, Carport Criteria

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Item 5, being:

MISCELLANEOUS COMMENTS.

None.

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The meeting adjourned at 5:31 p.m.

ATTEST:

City Clerk

Mayor