

JOINT CITY COUNCIL/PLANNING COMMISSION STUDY SESSION MINUTES

December 1, 2015

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 5:32 p.m. in the Municipal Building Conference Room on the 1st day of December, 2015, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

CITY COUNCIL PRESENT:	Councilmembers Allison, Castleberry, Heiple, Holman, Jungman, Lang, Miller, Williams, and Mayor Rosenthal
CITY COUNCIL ABSENT:	None
PLANNING COMMISSION PRESENT:	Members Boeck, Pailles, Sherrer, Williford, and Chair Bahan
PLANNING COMMISSION ABSENT:	Members Gordon, Jourdan, Knotts, and Lewis

Item 1, being:

PRESENTATION OF THE FINAL DRAFT REPORT ON THE CENTER CITY FORM-BASED CODE BY MARY MADDEN, AICP, FORM-BASED CODE SPECIALIST WITH FERRELL-MADDEN.

Mayor Rosenthal said two more public meetings will be held regarding the Center City Form-Based Code (CCFBC). The primary purpose of tonight's meeting is to better acquaint the City Council and Planning Commission with the product that is being recommended by the Center City Master Plan Visioning Committee (Steering Committee). The presentation tonight will be available tomorrow on the City's website as well as the draft of the CCFBC for public review. This process began with a public meeting at St. John's Episcopal Church on March 26, 2014, with 150 people in attendance and the degree of interest and enthusiasm has only grown during the process. There was also a five day Charrette process in which 300 people participated in one fashion or another over the course of those five days. She said the hard work was taking visions from the Charrette and translating those visions into development regulations.

Ms. Mary Madden, AICP, Form-Based Code Specialist for Ferrell-Madden, said the Steering Committee was given several interactive exercises during the Charrette to get feedback on what the community wanted in the Center City. One of the first exercises was to identify the strongest and weakest things in the Center City area. The strongest areas included walkability, historic neighborhoods, attractiveness, activities, and trees. The weakest areas included poor walkability, strip malls, fast traffic, lack of vegetation, abundance of large, seldom used parking lots (churches), blight, and dangerous intersections.

The next exercise was a visual preference exercise where different architectural building designs were shown to the Steering Committee so they could rank their preference for designs they would like to see in the Center City area. All the images were a mixture of local architecture and architecture from communities around the country. There were also images of streetscapes with residential units on top of retail as well as parking structures.

An open house was held in the LoveWorks building at Main Street and Santa Fe Avenue on May 13 through May 15, 2014, to allow citizens to come and go while giving their ideas on what they would like to see in Center City. One of the topics was what would happen if Main and Gray Streets were made two-way streets and what type of development might be allowed along those streets to make it a more pedestrian friendly, multi-modal environment.

At the end of the Charrette process a summary report was submitted to the City that included background research, analysis, what was heard in work sessions, and the publics' comments/ideas. This report is available on the City's website. She said lots of ideas came out of the Charrette process and the report included "big ideas" as follows:

- Mixed-use development
- Wide, consistent sidewalks and street lights
- Multi-modal district and reduced auto speeds
- Bike lanes
- Parking structures and management strategy
- Small scale retail
- Diverse residential
- Decoupling Main and Gray Streets
- Public infrastructure improvements

Ms. Madden said some items, such as park space and public transit, are not in zoning regulations and may need to be implemented by other public policies. She said development can support being more transit friendly, but ultimately the transit service will be an additional or separate project.

Another consistent idea coming from the Charrette was that more intense development should be in activity centers, which should remain in the Main and Gray Street areas or be concentrated around Campus Corner. Areas in between should be improved for pedestrians and bicyclists, connecting downtown with Campus Corner, installing sidewalks, planting street trees, and encouraging redevelopment on a more neighborhood scale.

Once the Charrette visioning process was complete, work moved to regulations for a Form Based Code (FBC) and what that would mean in regards to zoning. Ms. Madden said throughout the visioning process, the consistent comments have been that Center City is not the same as the rest of Norman as there are a lot of areas in Norman where large, big box retail makes sense. Center City is a nice area with street and block structure with small blocks that are conducive to pedestrians and bicycle traffic as well as accommodating vehicle traffic. Citizens really wanted to promote mixed use where it made sense, but not everywhere in Center City.

Ms. Madden said other rules of development include a range of housing options, promoting connection between Downtown and Campus Corner, and making small scale infill development easier. Citizens felt that form and scale of new development is very important and a FBC can help address form and scale by "placemaking." Placemaking is the community deciding what Center City should be without focusing on individual land uses, floor area ratio, and density. She said these are all things conventional zoning uses extensively, but they are really metrics for measuring and are not good tools for planning and design.

Ms. Madden said the FBC is fundamentally built on the community's vision and Ferrell-Madden incorporated knowledge of good urban building forms as well as experience with other communities who are dealing with comparable issues. Ferrell-Madden set the bar high because the community wants a better quality of development and has high expectations for walkability and placemaking. The bar can always be lowered, but if you start with a low bar no one will ever want the rules to be made more stringent. She said Ferrell-Madden love to be visionaries and paint the beautiful pictures, but at the end of the day the market cannot be defined.

Ms. Madden said some people believe Norman is too pro-development while others believe Norman is too conservative, but if a community wants more infill redevelopment and revitalization the developers need to be able to make money. During the Charrette some participants wanted to keep development at one or two stories and as much as that may be their ideal, Ferrell-Madden knows from working in other communities and a general understanding of the market that developers will not redevelop one and two stories as there is no profit incentive. It is important to remember that people have a certain development right based on existing zoning and as much as the community may want to change the rules completely, they have to be careful not to create any downzoning.

In November 2014, Ferrell-Madden presented a draft FBC to the Executive and Steering Committees and gave them an opportunity to suggest changes or revisions. They were told if the draft did not make sense or if Ferrell-Madden missed the mark, the regulations could be adjusted. Ferrell-Madden received a lot of feedback from the Steering Committee and City Staff, made the revisions, and redistributed the revised draft. In September, another set of comments was received and the draft revised again based on that input and in November the current draft being presented tonight was submitted to the City. The next steps will include an official public hearing process and adoption of the land development regulations, which includes a public publication process.

Ms. Madden highlighted how FBC works, how it is used, how it is administered, and how it is regulated. The Regulating Plan is much like a zoning map and there is a district color key and symbol code within the Regulating Plan. She said the Building Form Standards (BFS) are the rules for developing in the district. It is important to understand that private development conveys a lot of the character of an area, but the public amenities are also fundamentally important.

There is a required building line (RBL) along the front of each parcel in the Regulating Plan and because the City is trying to create a more walkable, urban district, one of the primary rules in the FBC is that buildings be built up to the street to have a more defined street wall along the sidewalk. The RBL is not always along the property line because citizens want more generous sidewalks for opportunities for outdoor dining, etc. A blue broken line designates the parking setback line to help deal with large parking lots which are not pedestrian friendly. The FBC allows paved surface lots, but parking cannot be directly next to the sidewalk in new development. A magenta broken line designates lot building limits (LBL), which means building must be stepped back so they are not at the back of the street. The colors on the streets identify the BFS for that particular street frontage. Paying attention to transitions of color is really important in looking at fine grained infill development because some of the parcels are very large and some abut single family areas so by looking at how buildings address the street you can think more carefully at how you transition between the frontage types. A parcel may not entirely be on the same frontage, but that is rare.

HEIGHT

Ms. Madden talked about FBC building height and siting and said a building shall be at least two stories in height at the RBL, but no greater than six stories/82 feet in height in the downtown area and 70 feet in height in the Campus Corner area. For commercial buildings, the ground story finished floor elevation shall be no lower than the average fronting exterior sidewalk elevation and no higher than 18 inches above the average fronting sidewalk elevation. The ground story shall have a clear height of at least 12 feet contiguous on the RBL frontage for a minimum depth of 25 feet. Residential units' finished floor elevation shall be no less than three feet and a clear height of at least nine feet. The minimum clear height for each upper story will be nine feet. A street wall not less than five feet in height or greater than 12 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.

SITING

On each lot the building facade shall be built to the required RBL for at least 75% of the RBL length and within eight feet of the block corner. The ground story façade may be chamfered to form a corner entry. A private open area equal to at least 15% of the total buildable area shall be preserved on every lot. Up to 33% of the required private open area may be satisfied through the balconies of individual units. At least 67% of the private open area shall comprise no more than two separate contiguous areas as follows:

- a. Where located at grade, such private open area may be located anywhere behind the parking setback line, but not within any required side or rear setbacks.
- b. Where provided above the ground story but below a building's highest roof level, the private open area may be located forward at the parking setback line and shall open onto no more than one street-space and shall be set back at least 30 feet from any block corner or building corner.
- c. Where located on the building's highest roof level, the private open areas may be located anywhere on the roof.

Openings in any RBL for parking garage entries shall have a maximum clear height no greater than 16 feet and a clear width no greater than 22 feet.

ELEMENTS

Fenestration

- Blank lengths of wall exceeding 20 linear feet are prohibited on all RBLs
- Ground store fenestration shall comprise between 33% and 70% of the ground story façade
- Upper store fenestration shall comprise between 20% and 70% of the facade area per story

Building Projections

- Awnings shall project a minimum of four feet from the façade
- Awnings may have supporting posts at their outer edge provided they have a minimum of eight feet clear width between the façade and the awning support posts or columns and provide a continuous walking path at least five feet side within that clear width running parallel to the awning posts/columns

Street Walls

- One access gate no wider than 22 feet and one pedestrian entry gate no wider than five feet shall be permitted within any required street wall

USE

Ground Story

- The ground story may only house commerce or residential uses

USE, continued,

Upper Story

- The upper stories may only house residential or commerce uses. “No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use except that restaurant uses are allowed on the roof level of urban storefront frontages
- No commerce use except for permitted rooftop restaurants is permitted above a residential use
- Additional habitable space is permitted within the roof where the roof is configured as an attic story

URBAN RESIDENTIAL

Where urban residential is designated on the Regulating Plan, these urban general BFS standards shall apply except that the building shall be no greater than four stories and 51 feet in height and the uses shall be limited to residential and related support services, such as lobbies, leasing offices, resident exercise facilities, etc.

Ms. Madden said the FBC has six frontages as follows:

- Urban General
 - The basic urban street frontage once common across the United States. The purpose of this frontage is to develop multi-story buildings placed directly at the sidewalk or behind small dooryards with one or more entrances and windows across the façade. The uses range from commercial to residential, municipal to retail and restaurant, and combinations of all the above. There could be several buildings lined up shoulder to shoulder filling out a block or on smaller blocks, a single building might fill the block face. This frontage is designated in the most intense areas of the Center City District and it is anticipated there will be significant pedestrian traffic along these blocks.
- Urban Storefront
 - Represents the prototypical “main street” style 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 frontage, with more specific requirements at the street level.
- Urban Residential
 - Similar to Urban General, but promotes more residential uses.
- Townhouse/Small Apartment
 - Moderate intensity often created by a series of small attached structures configured as single-family residential or stacked flats. The character and intensity varies depending on the street space and location of the RBL.
- Neighborhood Middle
 - Represented by traditional duplex, triplex, and courtyard bungalow residents with small front, side, and rear yards along a tree lined street.
- Detached
 - The traditional single family house with small front, side, and rear yards along a tree lined street.

Ms. Madden said there were locations identified during the Charrette that could potentially be used for a farmer's market downtown and the FBC standards would be slightly different in order to accommodate a space for that use. Even though commercial use is allowed at a location a FBC could prohibit retail encroachment into existing neighborhoods and keep retail concentrated towards the Campus Corner area or towards downtown.

The FBC thinks holistically about placemaking and cities can get the streets right and the buildings wrong or get the buildings right and the streets wrong. Cities should look at how wide the streets are, whether or not there is on-street parking, how wide the sidewalks are, if there are street trees, how the buildings relate to the street, etc. It sounds simple but cities can have great historic buildings or apartment buildings that are not pedestrian friendly because there are no sidewalks, no door entries from the street, etc. The FBC helps cities think about these different pieces as a whole and look at the overall intent.

Ms. Madden said there has been a lot discussion about how tall the buildings should be and most of the Center City area does not currently have height limits. She said FBC brings those height limits down, but would allow mixed-use and residential buildings without going through a rezoning process. She said Urban General would allow six stories in the downtown area and five stories in the Campus Corner area. Urban Residential follows the form of Urban General except they would be limited to residential or uses that support residential and can have four stories. She said Norman has a lot of horizontal land and if a lot of height is allowed, those building could potentially absorb most of the market for a really long time and some of the other redevelopment sites would continue to sit.

Charrette discussions included lack of parking options on Campus Corner and downtown. The FBC does not only address parking, it looks at quality and design of parking as well as locations. New parking lots in front of stores and apartments would not be allowed. She said retail would be on the ground floor to create street life and activity with parking on top or on-street parking could be done by widening streets enough to accommodate parking as well as two-way vehicular traffic.

Ms. Madden said the Steering Committee has been continually discussing how FBC will work. She said basically, the FBC for Center City can have an optional overlay, which means the preferred development regulations would not be required but encouraged and the existing underlying zoning would remain in place so existing development rights would not be taken away. The recommendation would be to have very strong incentives to encourage people to use the new standards and move toward redevelopment of what the Center City Visioning Plan proposes. Many of the developments could be approved administratively if FBC rules are followed as well as a reduction in fees and fast tracking. She said market economics would have more development potential, for instance if someone currently has unlimited height for commercial use and there is no commercial use the FBC would allow them the opportunity to respond to the market that currently exists. If someone wants to use their existing zoning they would have to show "burden of proof" as to why the existing zoning would be more appropriate.

Mr. Dave Boeck said even though most developers say they cannot make a profit on two-story buildings, he has seen local developers building two-story duplexes all over Campus Corner so someone is making money. He appreciates the FBC promoting this type of diversity in Norman.

Mr. Jim Adair said the City has done a good job of getting public opinion, but he has a hard time with the RBL. He said nothing in the Campus Corner area conforms to the RBL and Ms. Madden said the intent of the RBL is to encourage parking behind the house rather than paving the front yard. If Ferrell-Madden needs to revisit that requirement they can, but the rights-of-way in the Center City areas are all different, some 60 feet and some 80 feet, so not all will conform to the RBL.

Councilmember Jungman said during the last Steering Committee meeting, there was consensus on prohibiting four-bed, four-bath style “student use only” style of apartments. Is there anything in the FBC relating to that? Ms. Madden said the FBC currently does not address that head on, but has been told by attorney’s that it is very, very hard to regulate unless it is controlled through other means, such as the amount of parking provided, etc. She said that is not something typically regulated through zoning and this phenomenon is happening all over the country and is something all communities struggle with. She said all communities are concerned that these four-bedroom, four-bath unit are basically private dormitories that will be functionally obsolete in a very short term with very little secondary users. Ms. Susan Connors, Director of Planning and Community Development, said Staff has not found a way to regulate the number of bedrooms and bathrooms in the interior of a building, but the Planning and Legal Departments are reviewing that.

Ms. Roberta Pailes said, currently, if there is a change in land use a predevelopment meeting is held where the neighborhood is involved in what is proposed to be developed. She asked if an administrative approval process would mean no predevelopment meeting with the neighbors and Ms. Connors said there will only be an administrative process if developers follow every aspect of the FBC eliminating the need for a public hearing process. Ms. Pailes asked if the public would even be made aware of a development that could affect their neighborhood and Ms. Connors said the public will know about it when the overlay zoning is adopted by City Council. Ms. Madden said Ferrell-Madden has tried to be very precise with the Regulating Plan so that commercial use cannot be too close to residential use in order to make the transition from commercial to residential smoother. If developers want to use the original zoning instead of the FBC, they would have to go through the regular development process that includes neighborhood notification. She said any mixed use is already zoned commercial.

Ms. Rebecca Bean asked if the FBC addresses the three unrelated persons limit and Ms. Connors said no.

Mr. Bill Hickman asked if an analysis was done about where public capital dollars should be invested in the Center City area to make the FBC more of a reality because there are areas that may need capital dollars for roadway improvements, sidewalk improvements, etc. If there are public dollars invested, does that give the City greater authority to make FBC mandatory versus optional? Ms. Madden said she understands that Tax Increment Finance (TIF) District is a bad word in this community, but believes this is the idea he is referring to and that is really a legislative public policy decision. Mayor Rosenthal said the Steering Committee had a very lively debate on mandatory versus strongly preferred, incentivized. To make it mandatory potentially invites allegations of taking of property rights that are already in the current zoning while on the other hand if the City does not make it mandatory it may not get what it wants. The Steering Committee’s opinion stayed in the middle with a strongly preferred zoning code and ways to try to incentivize people to adopt the Code by streamlining the process. She said as public meetings are held and input given, the City will discover if they have hit the right balance.

Ms. Joy Hampton, The Norman Transcript, said TIF is not a bad word in the Norman community as the Campus Corner TIF was very popular. She said if the City adopts the FBC, are there areas the City would look at to see if a TIF would be a proper mechanism and Mayor Rosenthal said the Steering Committee did not discuss that as being an incentive.

Ms. Jayne Crumpley asked if the FBC includes any requirement for the design or materials used for the buildings to ensure they fit better into the neighborhood. Ms. Madden said architectural standards were discussed and there may be a handful of prohibited materials. The general consensus and direction was to stay light on the architectural design standards, make sure buildings fit into the context as far as mass, scale, and urban form, and that they have doors and windows. The FBC is definitely silent on architectural style issues.

Councilmember Holman said there is a new building nearing completion on Campus Corner that is five stories high, but that building did not go through predevelopment, Planning Commission, or City Council for approval since the property is zoned commercial. He said the whole building will be commercial and that is one example of something that can be done under the City's existing Code without approval or notice. He said people need to understand that existing zoning allows certain development without public notification.

Mayor Rosenthal said it is important for the public to read the details of the FBC because it is detailed in respect to design, windows, doors, etc., that are not typically in the current Code. She thanked everyone for attending the meeting and said additional public meetings will be held. Ms. Connors said a public meeting will be scheduled soon to keep the momentum of public input going forward.

Items submitted for the record

1. Norman Center City Vision Charrette Summary Report dated July 2014
2. PowerPoint presentation entitled, "Norman Center City Vision Draft Form-Based Code Presentation to City Council, Planning Commission, and Steering Committee," dated December 1, 2015
3. Center City Form-Based Code Final Draft dated November 2015

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The meeting adjourned at 6:50 p.m.

ATTEST:

City Clerk

Mayor