

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

January 3, 2013

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 3rd day of January, 2013, 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, Williams, and Chairman Lockett

ABSENT: Councilmember Kovach

OTHERS PRESENT: Councilmember Roger Gallagher, Ward One
Mayor Cindy Rosenthal
Mr. Trey Bates, 3720 Timberidge Drive
Ms. Tessa Beder, Norman Chamber of Commerce
Mr. Steve Ellis, 633 Reed Avenue
Ms. Mary Francis, 850C Cardinal Creek Condos
Mr. Harold Heiple, 218 East Eufaula
Ms. Joy Hampton, The Norman Transcript
Mr. John Woods, Director, Chamber of Commerce
Mr. Don Wood, Executive Director, Norman Economic Development Coalition

STAFF PRESENT: Ms. Susan Connors, Director of Planning and Community Development
Mr. Ken Danner, Subdivision Development Manager
Mr. Terry Floyd, Development Coordinator
Mr. Steve Lewis, City Manager
Ms. Leah Messner, Assistant City Attorney
Mr. Scott Sturtz, City Engineer
Ms. Karla Chapman, Administrative Technician III

Item 1, being:

CONTINUED DISCUSSION REGARDING STREAMLINING THE DEVELOPMENT PROCESS.

Mr. Terry Floyd, Development Coordinator, said in its meeting of December 6, 2012, the Business and Community Affairs Committee (BACA) discussed ways to streamline the City's current development process. He said three options were presented for the Committee's review. The three options were designed to assist future industrial, commercial, and residential development projects by reducing cost and time.

Option One would change the expiration period of preliminary plats from its current three year period to five years with an additional two year extension if any portion of the project is final platted. The preliminary plat could be extended with a fee, plat extension application, and a formal letter from the applicant or their representative. 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. Changes to the current process would require an amendment to the ordinance.

Option Two would eliminate the Planning Commission (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 Council approval of the preliminary plat 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. Revisions to the subdivision regulations would need to be made to implement this change.

Option Three would allow property owners that apply for a Rural Certificate of Survey (COS) to subdivide large parcels into smaller parcels of ten acres or more without a pre-development meeting. 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.

Mr. Floyd said Staff also outlined an option for pre-submittal meetings that is currently being utilized by some in the development community, but could be made more available to potential applicants. He said review and approval of final plats by City Council only and optional pre-development meetings for COS properties were discussed as viable options the Committee would like to explore further for possible future implementation.

Mr. Floyd said the Committee requested clarification of what constituted an administrative change in a preliminary plat for the option of extending validity of preliminary plats for five years and adding an administrative plat extension process. He said Staff met with members of the development community to draft language clarifying what constituted an administrative change.

Mr. Floyd said the Committee requested information on other community's development process timelines and Staff researched Oklahoma City (OKC), Edmond, and Moore. The approximate number of days in the development process is based on an applicant meeting submittal deadlines and developing the required project plans, drawings, and documents within the specified deadlines as set forth by each city. He said applicants can experience delays that are not always due to a City's development process and causes for those delays can be the complexity of a project, project financing, project size, delays in plan and drawing development, and complexity of site engineering.

Mr. Floyd said all cities, except OKC, require preliminary plat approval by the PC and City Council. He said OKC does not require City Council approval. All cities have multiple City Council meetings monthly and OKC and Edmond have two PC meetings per month. Norman, OKC, and Moore frequently allow zoning, site plan approval, and plat approval to move concurrently through the development process while Edmond encourages developers to obtain zoning, site plan approval, and platting separately. Not all cities require a pre-development meeting; however, Edmond has a process for a pre-development meeting between a developer and surrounding property owners that may be strongly encouraged in certain circumstances, but is not required.

Mr. Floyd said development streamlining options would change the expiration period of preliminary plats from its current time period from three years to five years, extend the preliminary plat with a fee, plat extension application, and a formal letter from the applicant or their representative. It would also require plats to conform to current adopted subdivision regulations once they move forward to final plat, which will be noted on the preliminary plat. Councilmember Castleberry asked if a development could be grandfathered in and Mr. Floyd said no, all developers would have to adhere to current subdivision regulations.

Mr. Floyd said, after meeting with the development community to clarify a substantial change to a preliminary plat, the following modifications to the ordinance are proposed for an extension of the preliminary plat to be approved administratively by the Development Committee:

Item 1, continued:

- Increase in the number of lots up to 10%
- Decrease in the number of lots
- Changes to parkland location – upon recommendation of approval by the Director of Parks and Recreation (or designee). If a change in parkland location is denied, the plat must be reapproved by the Planning Commission and City Council.
- Street alterations may be approved if necessitated by request for an increase or decrease in the number of lots, if the layout of the streets is not substantially altered. All alteration to streets must conform to adopted public safety and traffic management standards before being approved.
- If the Development Committee determines an amendment is not minor, they shall require the preliminary plat to go back through the approval process

Mr. Floyd said the following will constitute a substantial change in a preliminary plat applying for an administrative plat extension and require reapproval by PC and City Council:

- Significant alteration to the layout and use of the preliminary plat
- Increases the number of lots by more than 10%
- Alteration of streets that do not meet the requirements as outlined in the ordinance
- Significant alteration to the design and scope of the preliminary plat

Mr. Floyd said there were varying views on what the word “substantial” meant, but Staff’s goal is to allow for flexibility in working with the developer on changes. He said if language is too rigid, it could be hard for the developer to adhere to, especially on street alterations.

Councilmember Gallagher asked what kind of overall time has been saved for developers to make the process more fluid and Mr. Floyd said the more substantial change is the option for administrative approval to move the final plat forward to City Council. He said this could save up to a month if the deadline was missed. Councilmember Gallagher asked the cost of the extension fee and Mr. Floyd said the fee is proposed to be \$1,200, which is similar to OKC, but fees varied throughout other communities. Mr. Steve Lewis, City Manager, said OKC has an initial fee of \$2,200 to \$2,500. Councilmember Gallagher asked why the fee is so high, what is the City’s cost? Mr. Ken Danner, Subdivision Development Manager, said costs would be incurred for the Development Committee to meet and review the plat to ensure the plat is consistent with what was previously approved by City Council. Mr. Lewis said Staff can calculate cost of Staff’s time and submit to the Committee. Councilmember Castleberry said if nothing has changed on the plat, there should be no cost and Councilmember Jungman said Staff time would still be used to review the plat. Councilmember Williams asked why an extension would cost more than the initial fee and Councilmember Jungman said he would like to see the City’s costs. Councilmember Williams said extension fees should not cost more than the initial filing fee. Mr. Harold Heiple, Attorney, said the development community has no problem paying the same amount for an extension fee as they paid for the initial filing of the plat. Councilmember Castleberry asked if there is a scenario where the extension review would take more time than the initial filing review and Mr. Heiple said yes, if there was a substantial change, but that would not be administratively approved. Chairman Lockett said Committee members need to keep in mind that Staff and developers have met and were all in agreement with the proposed modifications.

Councilmember Gallagher felt allowing developers to rezone property before filing the preliminary plat, similar to Edmond’s process, could cause problems. Mr. Floyd said Edmond encourages that process because they have had a number of controversial zoning cases and, if the rezoning request is done separately, their Staff can usually determine if the area may spur a lot of public discussion. He said Edmond’s Staff does not want developers putting forth the time and effort of filing rezoning requests and a preliminary plat at the same time when the rezoning request will most likely be denied. Mr. Danner said the City of Norman believe a rezoning request needs to accompany a preliminary plat so issues can be addressed in the predevelopment meeting.

Item 1, continued:

Councilmember Williams said he has attended predevelopment meetings and sometimes no affected property owner attends and asked if no one responds to notification letters, can the City just not hold the meeting. He said this would save Staff time as well as the applicant's time. Ms. Susan Connors, Director of Planning and Community Development, said the City does not require a response from the property owners to the letters. She said property owners are notified of the meeting and can attend if they wish. Councilmember Williams asked if there are any communities that ask for a response and Ms. Connors said she did not know of any and felt requiring a response would unnecessarily complicate the process. Councilmember Spaulding asked when notification letters are sent out and Ms. Connors said two weeks prior to the meeting. Mr. Heiple said developers cannot file for rezoning until after the predevelopment meeting has been held, but developers are requesting the predevelopment meeting, Greenbelt Commission (GBC) meeting, and rezoning requests be held at the same time, which can cut thirty days out of the process. Mr. Lewis said this is something BACA can review in a future meeting.

Councilmember Williams said developers who work in Norman know the City's meeting schedules, but there are individuals who do not know the development process and may miss a meeting deadline by just one or two days causing a ninety day delay. He felt there should be a way to help them in that situation. Councilmember Jungman said it is not unreasonable to ask people to read Norman's regulations or call and ask questions, but Councilmember Williams disagreed because he has been through the development process and it is not easy. Councilmember Spaulding agreed the process needed to be easier and is incumbent upon the City to help people through the process and be customer friendly.

Councilmember Jungman asked if the City has measured customer satisfaction lately and Mr. Lewis said in 2008, a citywide survey showed very good scores for customer service.

Councilmember Castleberry asked what the City's process is if someone calls to ask questions about the development process and Ms. Connors said Staff sits down and walks them through the process, particularly if they are new to the community. Mr. Floyd said many times, first contact is with land acquisition companies or architects, which will initiate a meeting and Staff tries to give them all the information necessary. He said sometimes the person requesting information does not have a location in mind or may change the location, which affects the development process. Mr. Sturtz said development issues discussed tonight are not unique to Norman.

Councilmember Castleberry suggested placing some type of guidelines on the City's website.

Ms. Joy Hampton, The Norman Transcript, asked if Norman is considering holding two PC meetings per month and Mr. Floyd said that has not been proposed at this time. Ms. Hampton asked if holding only one PC meeting per month is contributing to timeline problems and Ms. Connors said no one has complained about one meeting per month.

Mr. John Woods, Chamber of Commerce Director, said the ability to condense the schedule would make the difference for a successful project. He said the timeline for getting a retail business open could determine whether or not the project goes forward or is scrapped. He said most retailers require a construction completion date so the business can open by a date certain, especially during the holiday season. He said anything the City can do decrease the amount of time the development process takes would be beneficial. He said Staff does an outstanding job on the front end of guiding people through the process, but encouraged Staff to work on streamlining the building permit inspection process such as having a one stop inspection. Councilmember Spaulding said he thought the City had addressed one stop inspections and Ms. Connors said Staff is in the process of addressing that. Councilmember Spaulding asked how this is being addressed and when the Committee can expect to be updated. Mr. Lewis said inspections are being primarily addressed through training and an automated computer system. He said the Committee should have an update within a few weeks.

Item 1, continued:

Mayor Rosenthal said funds budgeted for a citywide Citizen Satisfaction Survey, but were transferred to the Street Division for additional street sweeping, which needs to be done on a regular basis. Councilmember Castleberry asked how much was budgeted and Mr. Lewis said \$45,000 to \$50,000. Councilmember Castleberry suggested doing a survey on Planning Department services only to determine what services are lacking.

Mr. Steve Ellis, 633 Reed Avenue, asked what the role of the Norman Economic Development Coalition (NEDC) is in helping represent Norman and people who have not been through the planning process. Mr. Don Wood, Director of NEDC, said NEDC primarily focuses on clients they represent; however, they will refer businesses to the Chamber or City.

Mr. Lewis said Staff will bring more information on the extension fee to the Committee at their next meeting. Councilmember Williams said if the extension fee amount is the only issue left open he would suggest forwarding the development process proposal to Council with Staff providing an amount at that time. Councilmember Jungman said he would rather wait for information on Staff costs before deciding on an amount. Mayor Rosenthal said the proposal would have to be reviewed by the PC prior to Council and Ms. Connors said the PC could discuss the development process proposal in its January meeting and review the extension fee after BACA has come to a consensus and the Committee agreed.

Items submitted for the record

1. Memorandum dated December 27, 2012, from Terry Floyd, Development Coordinator, to Business and Community Affairs Committee with Attachment A, Draft Ordinance, and Attachment B, Development Timelines – OKC and Metro Communities
2. PowerPoint presentation entitled, "City of Norman Development Streamlining Options," Business and Community Affairs Committee, dated January 3, 2013
3. E-mail dated January 2, 2013, from Harold Heiple to Councilmember Linda Lockett and Brenda Hall

Item 2, being:

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 9:56 a.m.

ATTEST:

City Clerk

Mayor