CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

February 7, 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 7th day of February, 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, 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 Beder, Norman Chamber of Commerce Mr. Steve Ellis, 633 Reed Avenue Mr. Harold Heiple, 218 East Eufaula Ms. Joy Hampton, The Norman Transcript Mr. Don Wood, Executive Director, Norman Economic Development Coalition
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney 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. Anthony Francisco, Director of Finance 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. Syndi Runyon, Administrative Technician IV

Item 1, being:

CONTINUED DISCUSSION REGARDING STREAMLINING THE DEVELOPMENT PROCESS.

COSTS ASSOCIATED WITH REVIEWING PLATS

Mr. Terry Floyd, Development Coordinator, said in its meeting of January 3, 2013, the Business and Community Affairs Committee (BACA) continued their discussion regarding options to streamline the City's current development process. Staff presented research related to development timelines in communities comparable to Norman and presented language that clarified what constitutes an administrative change in a preliminary plat as a part of the proposed preliminary plat extension ordinance. Staff was asked to research the City's costs associated with reviewing plats as part of the proposed preliminary plat extension process and explore options for streamlining the pre-development meeting process.

Item 1, continued:

Mr. Floyd said Staff researched personnel costs associated with conducting a review of a preliminary plat and utilized a cost analysis that factored each employee involved in each phase and review of the employee's estimated time during each phase of review. He said hourly wage figures include the employee's salary and benefits based on the employee's current rate.

During the streamlining review, it became evident that two cost totals would be needed, one based on a preliminary plat review with no changes and one based on a preliminary plat review with minor amendments. In the proposed preliminary plat extension process, the following conditions will be considered as minor amendments to a preliminary plat applying for extension that can be approved administratively:

- An increase in the number of lots up to 10% or decrease in the number of lots
- Changes to parkland location upon recommendation of approval by the Director of Parks
- Street alterations that concurrently accompany a request for an increase or decrease in the number of lots without substantial altering

Mr. Floyd said the proposed fee for a preliminary plat with no amendments is $450 and the proposed fee to review preliminary plats with minor amendments is $900 and highlighted the proposals. He said the cost difference is due to the number of Staff involved and estimated amount of additional time involved in each review.

Mr. Floyd said Staff previously proposed an extension fee of $1,200 to be consistent with fees charged by Oklahoma City (OKC) for a similar process. He said representatives from the development community stated they would be willing to pay the same fee they pay for a preliminary plat filing which is $150 plus $10 per acre. He said depending upon the size of the development; fees could range from $160 for smaller developments to over $1,000 for larger developments. He said once a fee schedule has been determined, a biennial review will be done to ensure fees are adequate. Councilmember Castleberry said he was pleased the schedule will be reviewed regularly.

Councilmember Gallagher asked how an "adequate" fee could be determined when Staff is already working in that discipline and Mr. Floyd said Staff would look at the time it takes to review the plat to make sure time is adequately accounted for. Councilmember Castleberry asked if time will be tracked and Mr. Steve Lewis, City Manager, said yes, the proposals are estimates at this time.

Councilmember Gallagher said if there is no change or a simple change to a preliminary plat it would not involve every Staff person that reviewed the original preliminary plat and Mr. Floyd said generally, the Staff he listed is involved in the initial process as well as the extension process, but if an amendment did not include park changes then the Parks Department would not be involved. Councilmember Castleberry said it appears Staff is using a worst-case scenario in listing Staff that could be involved in reviewing the plat, but that does not necessarily mean they will be involved and Mr. Floyd said that is correct. Councilmember Castleberry asked if there was Staff that could possibly review the plat that are not listed and Mr. Shawn O'Leary, Director of Public Works, said the Fire Department. He said public safety is always a concern. Councilmember Castleberry asked what their role would be in reviewing the plat and Mr. O'Leary said they would be reviewing the water system to ensure there is enough water coverage for extinguishing fires, access to the development, lane width, etc. Councilmember Gallagher said water usage will become more serious given the drought situation. Mr. O'Leary said the City's Code is very clear on what every subdivision has to produce in terms of gallons per minute at a hydrant and coverage to every house.

Item 1, continued:

Councilmember Castleberry asked if the application is an extension of a previously approved plat, what factors would change that aspect and Mr. O'Leary said there should be no factors. Mr. O'Leary said changes are not always internal to the plat, they could be external to the plat (the perimeter). Councilmember Jungman asked if Staff ever visited a development site and Mr. O'Leary said yes, there are extensive site visits. Councilmember Jungman asked if Staff visits the site when a developer applies for an extension and Mr. O'Leary said yes, generally to review perimeter property changes. Councilmember Castleberry asked if that Staff time is included in the proposals and Mr. O'Leary said yes, an estimated time. Councilmember Jungman asked if proposals include costs for the use of City vehicles and Mayor Rosenthal thought that was a good point. She said contractors and engineers include time, fuel, mileage, etc., into their costs so she did not have a problem with the City's extension fee covering direct costs, which is standard practice. Mayor Rosenthal said the proposals just include costs of doing business, generally.

Mayor Rosenthal asked how long OKC has charged $1,200 for plat extensions and Mr. Floyd said since the mid 1990's. He said their filing fees range from $2,200 for a plat under ten acres to $2,500 for anything over ten acres so $1,200 is basically half their initial filing fee. Mayor Rosenthal said the City of Norman needs two levels of fees with amendments having a higher cost. She felt the City should charge $1,200 for minor amendments and $600 for no amendments. Councilmember Castleberry said he would not be opposed to that, but $900 and $450 would actually make Norman more competitive. Councilmember Jungman liked the idea of matching cost to Staff time as it is a good principal. Councilmember Gallagher asked if OKC based their fees on employee time and wages and Mr. Floyd said he did not research OKC Staff costs. Councilmember Gallagher asked if that would be a factor and Mr. Lewis said Staff does not know OKC's factors as that is an internal issue within that City. Mr. Floyd said OKC processes 12 to 15 plats per year whereas Norman processes four to five maximum. He said he expects residential subdivision developers to use the extension more than commercial developers.

Mr. Trey Bates, 3720 Timberidge Drive, said he is concerned about the ambiguity of what constitutes a minor amendment. He suggested splitting the difference for a fee of $900. Councilmember Castleberry asked if most extensions have amendments and Mr. O'Leary said he did not think any extension is ever submitted without a change. He said the question is whether the changes are minor or major.

Councilmember Castleberry said the simpler the City can make the process, the better. He said more Staff time and cost has been invested on this discussion than he feels is necessary and encouraged Council to move forward. He said the fees are immaterial in a $240 million budget.

Chairman Lockett said businesses would rather have consistency and know what fees will be charged and having a competitive edge would be nice.

Mayor Rosenthal said she was fine with charging $900 and Mr. Floyd asked if $900 was the consensus of Council and they said yes. Councilmember Castleberry said he was comfortable with that since the process can be reviewed later and fees changed if warranted.

Mr. Steve Ellis, 633 Reed Avenue, asked if the $900 fee is the City's way of subsidizing plat extension in order to compete with OKC and Councilmember Castleberry said subsidizing is not the correct word. He said as long as the City if averaging out and does not have a material cost, he is comfortable with that. Mayor Rosenthal said Mr. Ellis has a relevant philosophical point; however, the City is in the service business so the City is trying to cover direct personnel cost while providing a service and recognizing all costs will not be covered. Councilmember Castleberry said he would rather the fee be a little low opposed to not getting a development because the fees were too high, which could ultimately cost the City thousands of dollars in revenue. Councilmember Gallagher said the point is to be competitive and provide a good service for a decent price so businesses will want to build in Norman. Councilmember Jungman said he did not favor trying to be competitive on plat fees, but if $900 if fair, fair is good. Councilmember Castleberry asked if he could quote Councilmember Jungman on not wanting to be competitive and he said he could quote him on stating he does not want to be competitive on plat fees.

Item 1, continued:

OPTIONS FOR STREAMLING THE PRE-DEVELOPMENT MEETING PROCESS

Mr. Floyd said the City currently requires applicants applying for rezoning, Land Use and Transportation Plan (LUP) amendments, Certificates of Survey (COS), and all forms of preliminary plats to attend a pre-development meeting before the application is eligible to be submitted for Planning Commission's (PC) consideration. The first opportunity for the development to appear on a PC agenda is the following month, which can add approximately 28 to 30 days to the development process. He said Staff and the development community discussed options to condense the timeline for pre-development meetings and PC submittal.

Mr. Floyd said the purpose of the pre-development meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and gain information about the proposed application. He said an option to streamlining the process is to allow pre-development meetings to be held on an as-needed basis. The proposal will also allow an applicant to submit their application for a pre-development meeting and Planning Commission meeting in the same application cycle, which could reduce the timeline by approximately 28 to 30 days. He said the choice is up to the developer on whether or not to skip the pre-development meeting and many may choose to have the meeting. He said the proposal would require an amendment to Section 19-301 of the subdivision regulations and Section 442.1 of the Zoning Ordinance.

Mr. Floyd said the amendments may be beneficial to smaller commercial developments or industrial prospects that may be working on a compressed timeline. The developer may choose to hold a pre-development meeting in advance of the PC submittal to receive and/or resolve questions or concerns the surrounding property owners may have. The pre-development meeting is valid for up to six months before PC submittal.

Councilmember Jungman asked if pre-development meetings are valid after a PC meeting and Ms. Susan Connors, Director of Planning and Community Development, said the pre-development is expired at that time and no longer valid. She said if any changes are made the applicant must go through the development process again.

Mayor Rosenthal said the original trigger for protests is currently 20% and the proposal is suggesting 30% and asked why the change since it is rare to even receive 20%. Ms. Connors said it was suggested by the development community and there did not seem to be any harm in changing the percentage. Mr. Harold Heiple, 218 East Eufaula, said protests on pre-development meetings are not as important as protests filed with the PC. He said 30% would be more indicative of problems or concerns and adds protection to neighborhoods. Mayor Rosenthal felt the applicant is already allowed to forego the pre-development meeting so adding 30% protest seemed unfair to property owners who do not get a "peek" at the development. Mr. Heiple said if 30% versus 20% is a deal buster, change it back to 20% and move on and Mayor Rosenthal said she would be more comfortable with 20%.

Mr. Floyd said the proposed amendments could be submitted for PC review on February 14th and to Council for First Reading on March 12th and Second and Final Reading on March 26th. He said if Council prefers, the information can be presented at a Study Session for additional comment or review. Mayor Rosenthal did not believe a Study Session would be necessary and told Staff to submit the proposals to PC on February 14th and if there is significant feedback suggesting Council should reconsider, a Study Session can be scheduled.

Items submitted for the record

1. Memorandum dated January 31, 2013, from Terry Floyd, Development Coordinator, to Council Business and Community Affairs Committee with Attachment A, City of Norman Employee – Total Hours and Cost, No Amendments to Preliminary Plat; Attachment B, City of Norman Employee-Total Hours and Cost, With Amendments to Preliminary Plat; and Attachment C, Draft Ordinance
2. PowerPoint presentation entitled, "City of Norman Development Streamlining Options," Council Business and Community Affairs Committee, dated February 7, 2013