
ORDINANCE NO. O-1718-13

ITEM NO. 9

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Dr. Gabriel Bird
REQUESTED ACTION	Rezoning to CCPUD, Center City Planned Unit Development
EXISTING ZONING	Center City Form-Based Code, Urban Storefront
SURROUNDING ZONING	North: CCFBC, Urban General East: CCFBC, Urban Storefront South: CCFBC, Urban Storefront West: CCFBC, Urban Storefront
LOCATION	221 West Main Street
SIZE	0.4 acres, more or less
PURPOSE	Dental Office, Food Truck Plaza and ancillary uses
EXISTING LAND USE	Vacant (Previously a lumber yard)
SURROUNDING LAND USE	North: Office/Commercial Uses East: Office/Commercial Uses South: Office/Commercial Uses West: Office/Commercial Uses
LAND USE PLAN DESIGNATION	Commercial

REQUEST SUMMARY/CCFBC EXCEPTIONS:

This is a request to rezone an area along Main Street, included in the recently adopted Center City Form Based Code (CCFBC), to Center City Planned Unit Development (CCPUD), as outlined in Appendix B of the Center City Form Based Code.

BACKGROUND:

This is the first application moving forward to Planning Commission and City Council to request an amendment to the recently adopted Center City Form Based Code (CCFBC); many may

not be aware of the extent and process that went into the preparation and review of the CCFBC, below is an overview for those not familiar with the process.

City Council approved a Memorandum of Understanding (MOU) between the City of Norman and the University of Oklahoma (OU) on January 14, 2014. The MOU set forth the terms and conditions that would govern the development of a Center City Master Plan/Visioning Project and outlined the responsibilities of the City of Norman and the University of Oklahoma.

The Center City Form-Based Code, which is the outcome of this Project, was generated and recommended through a Steering Committee. In addition, there was an Executive Subcommittee of the Steering Committee which was comprised of one representative from the City of Norman, one representative from the University of Oklahoma, and one citizen chosen jointly by the City of Norman and the University of Oklahoma.

The consultants hired for the project were Bill Lennertz with the National Charrette Institute as project manager and the other project team members included staff from Opticos and Ferrell Madden.

The Center City Vision Design Charrette was held the week of May 12-16, 2014; this week-long event provided three public meetings: a Hands-On Design Workshop, an Open House and a Final Presentation. The remainder of the week included Steering Committee meetings, technical meetings, numerous ad hoc meetings with property owners and interested citizens and an open design studio so visitors could see the design progress.

After the Charrette, the Steering Committee met numerous times over a two year period to discuss and recommend a form-based code document to present to City Council. In addition, Mary Madden from Ferrell Madden made presentations to City Council on the history of the project, what is a Form Based Code, how the Center City Code developed and administration of the Code.

The City Council moved forward with this project in cooperation with the University of Oklahoma for many reasons. Some of the reasons were that the current zoning regulations were not adequately handling the growing, modern demand for infill development in Norman's Center City area; that there was significant community disagreement about market-driven proposals for infill development; that the professional charrette process was the best technique available to articulate community-supported vision; and that building community support for a vision followed by development of land use regulations that allows the achievement of the vision will provide both community and investors' confidence and certainty. The results of the Charrette process became the foundation for an illustrated, well-articulated, community-supported vision for the future of the Center City area, Center City Form Based Code (CCFBC).

Center City Form-Based Code Contents:

How to Use This Code

Table of Contents

Part 1: General Provisions

Part 2: Administration, Application Process & Appeals

Part 3: The Regulating Plan

Part 4: Building Form Standards

Part 5: Urban Space Standards

Part 6: Parking and Loading Standards

Part 7: Building Functions

ZONING DISTRICTS INCLUDED IN THE DOCUMENT:

- **Urban General** – The basic urban street frontage, once common across the United States. The purpose is to develop multi-story buildings placed directly at the sidewalk or behind small dooryards.
- **Urban Residential** – Same as the Urban General except that the uses are limited to residential and related support services.
- **Urban Storefront** – Represents the prototypical “main street” form 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.
- **Townhouse/Small Apartment** – This frontage is of moderate intensity, often created by a series of smaller attached structures configured as single-family residential or stacked flats. The character and intensity of this frontage varies depending on the street-space and the location of the required building line.
- **Detached** – This frontage is represented by the traditional single-family house with small front, side and rear yards along tree-lined streets.

Form-based codes offer a new way of thinking about development regulation and helping communities holistically shape their futures. They help to achieve desired urban forms, such as: vital centers supportive of businesses both big and small; neighborhoods and streets that are safe and attractive for walking and bicycling; preservation of community history; and protection of the environment.

The CCFBC is composed of Building Form Standards and Public Space Standards mapped to a Regulating Plan.

Building Form Standards regulate simple things like: how far buildings are from sidewalks, how much window area at a minimum a building must have, how tall it is in relation to the width of the street, how accessible and welcoming front entrances are, and where a building’s parking should be located. Building Form Standards require buildings to have windows and welcoming entries that contribute to life on the sidewalk and they require the placement of parking to the rear of buildings to ensure that it doesn’t get between buildings and pedestrians. These standards require that buildings support and shape the public spaces of our city.

Building Form Standards control the use of land in a more indirect way than standard zoning. They don’t give the long and ever-expanding lists of permitted and special uses that zoning codes typically contain. Rather, they describe general uses. And they try to guide land use through building type. For example, if a community wants a pedestrian-friendly main street, its standards would prescribe shopfront or mixed-use buildings.

Public Space Standards regulate the form of streets and squares. These standards provide for comfortable and useful spaces for many activities, including walking, bicycling, driving, public transit, and a community's social life rather than just providing for the movement and storage of cars. A shopping street is a different kind of street than a boulevard, which is different from a residential street, which is different from a rear alley. The street sections in Part 5 of the CCFBC identify these different types of streets.

DISCUSSION:

As stated, this is the first application for a Center City Planned Unit Development. With the exceptions listed below the Center City Form Based Code will be followed, the zoning designation for the property will be "Center City Planned Unit Development (CCFBC)."

The applicant is requesting a modification to the following three requirements in the CCFBC:

- Section 404.b. "The minimum ground story clear height is **12** feet." (Current requirement in the CCFBC is 15 feet.)
 - The objective of a 15 foot clear height in the CCFBC was to create a line of vision, a sense of connection into the business as pedestrian and vehicular traffic travel along the street. However, in this specific situation, staff has been informed that a 15 foot clear height on this 3-story building is a substantial financial investment for a property owner, in addition to additional building code requirements. Therefore, the applicant is proposing a 12 foot clear height for the ground floor. This allowance does not change the line of sight or viewing depth into a business from the sidewalk for pedestrian traffic.
- Section 402.G.1 "Tree requirement is met as shown on the site plan submitted."
 - The applicable section requires trees be planted in private open areas as follows: 1 tree per 800 square feet, 2.5 inches in diameter at designated breast height and at least 10 feet in overall height. As shown on the site plan there are approximately 30 trees planned for this plaza area, an adequate amount when 13 are required by code and the trees will be selected from the CCFBC approved tree list.
- Part 8, Definitions. Definition of Street Wall is changed to: Street Wall. A ~~masonry~~ wall **or visual barrier comprised of materials that provide a general barrier from passage but that may allow views into the site, such as but not limited to, mesh, cedar horizontal boards with spaces, etc., which shall be** set on the required building line which assists in the definition of the street-space in the absence of a building. See the building form standards for height and gate specifications." (Current requirement in the CCFBC is a masonry wall, this allows for different types of screening materials at the building line.)
 - Since there is no building proposed in the east portion of the development area the CCFBC requires a masonry wall be set on the required building line, this is to assist in the definition of the street-space. However, if the above design requirement is not varied, allowing for visibility from pedestrians as well as traffic along Main Street, it will create an unwanted separation between pedestrians and the plaza use behind the fence, missing the public connection intended by the CCFBC. The objective of this amendment to the screening requirement in the CCFBC is to allow for the use of different materials which will allow a view into the plaza area. There are 3 gates/openings in the fence line to allow for access/travel by pedestrians along Main Street into the proposed food truck/plaza area.

After review of the CCPUD proposal staff does not see that the proposal reflects negatively on the recently adopted CCFBC. The variance or changes to the CCFBC are minimal and do not create problems for additional development in the general area.

Two of the goals coming out of the Charrette and visioning process for the future of the Center City area were as follows: make small scale infill development easier and promote mixed-use in key locations; i.e., downtown area. This application is proposing development in an area of downtown that has been vacant for many years. Staff has met with several individuals over the years yet nothing has moved forward, until now. This application is requesting changes to the recently adopted CCFBC; however, the changes are minimal and do not reflect negatively on the goal of the area for CCFBC and for new development.

STAFF RECOMMENDATION:

The proposed ordinance comes to the Planning Commission for a recommendation to City Council. Staff recommends approval of the O-1718-13.