

## CITY COUNCIL STUDY SESSION MINUTES

November 17, 2016

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 4:08 p.m. in the Municipal Building Conference Room on the 17th day of November, 2016, 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.

PRESENT: Councilmembers Chappel, Clark, Heiple, Hickman, Holman, Karjala, Mayor Miller

ABSENT: Councilmembers Allison and Castleberry

Item 1, being:

PRESENTATION BY MARY MADDEN, AICP, FORM BASED CODE SPECIALIST WITH FERRELL-MADDEN, AND CONTINUED DISCUSSION ON THE CENTER CITY FORM BASED CODE RESULTING FROM THE CENTER CITY VISIONING PROCESS.

Ms. Mary Madden, AICP, Ferrell-Madden, said a presentation on the Center City Form Based Code (CCFBC) was presented to Council in a Study Session on October 18, 2016, and at that time there were additional questions from Council. She is not repeating that presentation tonight, but will touch on some high points from that meeting as well as answer Council's questions from that meeting. She said the CCFBC was drafted with the idea to implement the vision plan developed in the Charrette held from February 2014, through June, 2016. During the Visioning Charrette (Charrette) process, the community developed an overall vision for Center City and how that could be implemented.

Ms. Madden said many people wonder why the City is considering changing the zoning and development regulations for the Center City area. What is wrong with the existing zoning? She said a lot of areas in Center City, particularly around Main Street and in Campus Corner, are currently zoned C-1, Local Commercial; C-2, General Commercial; and C-3, Intensive Commercial, which do not have a residential component. Currently, any mixed-use residential development would need to go through a Special Use Permit process that is often negotiated individually. Another large portion of the area is zoned R-3, Multi-Family, that addresses density allowed on the property, but beyond that has very few standards related to the form and character of what would be developed. There are other types of zonings sprinkled throughout the area that were approved on a parcel by parcel basis without an overarching vision for the area. She said if a property owner or developer wants to redevelop using the existing zoning they could do that "by-right" leaving the City dependent on the good will of property owners/developers to "do the right thing." As long as they meet the minimum standards in the existing zoning by-right, they can develop without additional review.

The existing zoning focuses on use and density and the form of the development is looked at last, but under the CCFBC, there is priority on different aspects of development that include form, character, use, density, etc. When you think about form and character you also start thinking about how the front and back addresses the street and where cars are parked. The City has been discussing parking garages for downtown Norman and Campus Corner, but some people do not like parking garages and the CCFBC establishes ideas on how to build a parking garage that is not exposed to the street. A pedestrian friendly mixed-use environment can be created that does not have to be dominated by vehicles.

Ms. Madden said the Form-Based Code (FBC) is first and foremost, a tool, and Ferrell-Madden tried to draft the tool in a way that the community vision from the Charrette could be implemented. The

community needs to look at the CCFBC holistically because it not only looks at what happens on individual properties, it also looks at how properties relate to the overall district to create a total place with an identity, defined as placemaking.

Ms. Madden highlighted recommendations from the Charrette as follows:

- Center City is not the same as the rest of Norman
- Promote mixed-use in key locations
- Increase pedestrian and bike-friendly character
- Create a “park once” environment – structures and management strategy
- Provide connections between Downtown and Campus Corner
- Make small scale infill development easier

Ms. Madden said the CCFBC includes an introduction on how to use the CCFBC; an Administration Process; Regulating Plan; Building Form Standards; Urban Space Standards; Parking Standards; Function (use); and Definitions. She said if development standards are clear and straightforward there will be a better chance to incentivize in-fill and redevelopment with an administrative review and approval process. She said Building Form Standards (BFS) establish basic parameters governing building form, including the buildable envelope and certain permitted and/or required elements, such as shop fronts, balconies, and street walls; Urban Space Standards ensure coherent street space and assist builders and owners with understanding the relationship between the public realm and their own building; Building Function Standards define the uses allowed and/or required on ground and upper floors, correlated with each Building Form Standards; and Parking Standards provide goals and requirements to promote a “park once” environment through shared parking and encourage a pedestrian friendly, walkable Center City District.

There was discussion at the October 18th meeting regarding protection of tree canopies and although the CCFBC does not specifically address that, there are administrative adjustments that can be made for unique circumstances, e.g., if an 80 year old tree is in the building line, the Planning Director would have the ability to administratively adjust the building line in order to preserve the tree.

Ms. Madden said in the CCFBC there will be fewer zones with higher standards and more flexible uses. She highlighted existing zoning districts in Center City as C-1, Local Commercial; C-2, General Commercial; C-3, Intensive Commercial; RO, Residence/Office; I-1, Light Industrial; R-1, Single Family; R-3, Multi-Family; PUD, Planned Unit Development; and MUD, Mixed Use Development. The proposed CCFBC would have fewer zoning districts and higher development standards, but the range of uses would be broader, e.g., residential component in commercial zones. She said there would be more opportunity for mixed use by right. Another big difference would be parking and proposed parking standards to address that.

Ms. Madden said the Steering Committee was very hands-on and recommended the following:

- Policy Decisions
  - Mandatory rezoning
  - Implementing parking strategy before including Campus Corner in CCFBC District (public-private shared parking structure)
- Regulatory Standards
  - Heights – designated in specific locations
  - Fewer “frontage standards” than originally proposed (based on input from local developers)
  - No detailed architectural standards

- Administration
  - Creation of Center City PUD option
  - Neighborhood representation on Development Review Board (DRB)
  - Establishment of fee waivers and other incentives for using CCFBC

Ms. Madden said based on discussion in the October 18th meeting as well as questions from the public the following are potential issues for further discussion:

- Policy Decisions
  - Public realm – priorities for investing in infrastructure (public/private partnership)
  - Parking and alley access – may require adjustments to other City ordinances
  - What about density?
    - Character and intensity varies by context – not “one size fits all”
    - Desire for more housing options – the “missing middle” and other urban forms
- Regulatory Standards
  - Understand intent prior to making adjustments
  - Architectural Standards?
    - Building Form Standards cover basic elements and signs
    - Prohibited materials
    - Desire to avoid subjectivity
  - Raised Ground floor and Accessibility
    - Why?
    - Options?
    - Examples

Ms. Madden said the CCFBC encourages property owners/developers to build houses with a pitched roof without that being counted against the height. There are height restrictions and the idea within the community was to create a habitable third floor while keeping the appearance of a traditional house or duplex. She said some of the regulatory standards may need tweaking; however, she wanted everyone to have a basic understanding of the “intent” behind the recommended standard.

There was some discussion at the last meeting regarding architectural standards. Ms. Madden said there are some architectural standards within the BFS regarding signage (to ensure signs are street oriented and pedestrian scale); windows and doors facing the street (to make sure there are no blank walls); balconies; and awnings. She said these are functional elements that definitely affect the way buildings look; however, they are not style oriented. There is also a short list of prohibited building materials recommended by the Steering Committee. She said it is up to Council to decide whether or not they want to pursue further architectural standards or design guidelines.

The CCFBC states, “a finished floor elevation shall be no less than three feet and no more than eight feet above the average exterior sidewalk elevation at the Required Building Line (RBL)” and people have a hard time imagining eight feet. She said buildings can have a zero step entrance and grade transition can be dealt with inside the building, so there does not have to be a “stoop” outside to the sidewalk. The intent of this is an expectation of compact, urban in-fill and creating a distinction between the public and private realm. When you think about bringing buildings to the sidewalk it is helpful for those residential units to be above the sidewalk with specific doors that help maintain an active street frontage in a natural way. She said if you walk around Center City Norman today, you will see buildings built prior to 1970 that consistently have a raised first floor, so this is not something new. She said buildings built at the eight foot maximum generally have first floors used as an office or separate apartment. Typically, first raised floors give increased privacy; are more desirable; provide more eyes on the street; and help to break down perceived scale of buildings. Without raised first floors there is reduced privacy, reduced unit

value, curtains stay closed, and there are fewer eyes on the street. Having shades closed all the time is not quite as bad as a blank wall, but it is not much better.

Ms. Madden said concern has been expressed about Americans with Disability Act (ADA) accessibility with a raised ground floor. She said accessibility can be developed inside the building through the use of ramps, elevators, small lifts, etc. There are a lot of ways to provide accessibility through specific building and site designs. It is easier to build accessibility into a building than to try to retrofit accessibility. A raised floor with a slope for accessibility would aid in directing drainage away from the foundation as well. She said there is always the ability to adjust the raised ground floor elevation through design, such as adjusting the RBL because the further the distance from the sidewalk, the less elevation is needed for privacy. If “zero step” is used for the entrance, all units must be fully ADA accessible with extra wide doorways, low counters in the kitchen, and fully accessible bathrooms.

Councilmember Clark said a lot of discussion has involved mandatory versus non-mandatory regulations. Has the FBC been successful in areas where it is mandatory? Ms. Madden said there have been some communities where it is mandatory and it has been very successful. Those communities that offered optional overlays that have been successful have definitely incentivized the FBC; however, other communities that have offered FBC as an option have not used the FBC because developers are so familiar with the existing codes. If the existing system is difficult and time-consuming then making an optional, more streamlined system might be enough to encourage people to use it; however, if they feel like they can do what they want to do under the existing system, it is doubtful they would opt in to use a new system.

Councilmember Hickman left the meeting at 5:13 p.m.

Councilmember Heiple said if the City does not make the CCFBC mandatory then all the City has to fall back on is the current Zoning Code, which is a 62 year old document. He felt it was time to acclimate to new changes and believes mandatory rules work 90% more than non-mandatory rules. He said given all the citizen involvement as well as all the time put into this process, it should be mandatory.

Councilmember Clark left the meeting at 5:15 p.m.

Councilmember Holman said the Steering Committee suggested a maximum height of six stories in downtown Norman, but he would prefer no height limit downtown. Ms. Madden said, as drafted, there is a clause in the CCFBC that C-3 does not have a height limit. Councilmember Holman felt the downtown area would be an appropriate location for buildings taller than six stories. He is concerned about this because he has seen cities that have height limits and they have experienced rent affordability problems. Ms. Madden said having a height limit can encourage a more balanced, consistent development. She said without height limits some property owners may think their property would be perfect for a twenty story building, which makes them believe their property is worth more than it is in the real market. She said unlimited height can also lead to low quality construction. On the other hand, she has seen places where people think they have more development potential than what is really there and will build high quality buildings in the hope of bringing in tenants.

Councilmember Heiple left the meeting at 5:35 p.m.

Mr. Jonathan Fowler, 422 Park Drive, said discussion by the Steering Committee on height limits came about after R-3 developers working in the Jenkins, Monnett, and DeBarr area expressed concern to a member of Steering Committee that the area has a higher density than what was being reflected in the CCFBC. Since the area is only 10% owner occupied and there were three and four story structures already in the area, the Steering Committee felt a change to less restrictive rules for the area would be appropriate.

Ms. Cindy Rosenthal, Co-Chair of the Steering Committee, said the Steering Committee was represented by business and residential property owners within the district as well as the University of Oklahoma (OU) and Councilmembers Holman and Jungman. The Steering Committee members were hard working, diverse, and strong minded and the City had the best possible consulting team in the nation helping the Steering Committee work through the process. She said there was overwhelming public participation in the Charrette process and enthusiasm for the vision and she wanted to emphasize that the enthusiasm for the vision is what carried the process through and there is a danger in forgetting that and losing track of that in the process of nitpicking pieces of the CCFBC. She said the Charrette process gave the Steering Committee strong goals and literally hundreds of people participated in the process.

Ms. Rosenthal said there were many key compromises during the Charrette process and some of those compromises were reached by a largely overwhelming consensus, although some compromises had consensus with a little dissent and some came down to some really tough votes. She said Mr. Fowler suggested an amendment in the CCFBC for the west side of University Boulevard, but she is not sure his language is accurately reflected in the CCFBC because it references four stories on University Boulevard while the Steering Committee vote was clearly a restriction to three stories on the west side of University Boulevard. She said the Steering Committee recognized and wanted to honor property rights for properties downtown or in Campus Corner currently zoned C-3 with no height limits or parking requirements. The Steering Committee also endorsed the concept of a Tax Increment Finance District (TIF) for the creation of some type of parking structure on Campus Corner, which was intended to recognize a parking solution is immediately needed in Campus Corner. Built into the CCFBC process is a stream-lined review and, by consensus, the Steering Committee embraced mandatory regulations because they felt if the CCFBC is simply a suggestion, the City would not get the vision that was articulated out of the Charrette process.

Ms. Rosenthal said this is not a perfect plan, but it is a perfect example of the process of compromise and give and take. She felt some language in the CCFBC was still not quite right, such as the citizen participation on the compliance review. She said that language does not speak to the issue of how the citizen representative is going to be appointed or their term. There was also a recommendation to require posting of properties because there is currently no notification process. As currently drafted, that posting occurs when application is made for a building permit, however, notification needs to happen at the time the applicant submits plans for the compliance review, which gives the surrounding property owners an opportunity to voice their concerns, if any. She asked Council to consider all the elements of the debate, not just one side who might appeal for a change, and to remember the intent to create the vision embraced in the Charrette process.

Ms. Rebecca Bean, Steering Committee Member, said there have been questions about why Campus Corner was left out of the CCFBC boundary and where that leaves us going forward. She asked someone to speak about the parking trigger as well. Ms. Madden said if you are moving to a "park once" environment, there has to be somewhere to park within a reasonable walking distance so that brought forth the idea of consolidated parking that everyone could jointly pay for and benefit from and that leads to the question of who builds it, how is it paid for, how is it going to work, etc., which is beyond the scope of development regulations that Ferrell-Madden was providing. She said during the Charrette process, part of the discussions dealt with parking management strategies and Ferrell-Madden offered some ideas to the Steering Committee and the City. She said the Campus Corner area was put "on hold" until a parking strategy could be developed. Ms. Rosenthal said, as a practical matter, it was clear to the Steering Committee that unless there was a parking structure in Campus Corner it was best to take it out of the CCFBC boundary. Until there is a parking structure, the City is not going to see big, tall buildings.

Ms. Bean said there is an indication through social media that some people think “bad development” is happening on Jenkins, Monnett, and DeBarr and the CCFBC will fix that problem while other people do not think the CCFBC will fix the problem. She said the RBL could prevent large driveways from being built in front of the properties, but what in the RBL will really affect the change people want to see in the community? Ms. Madden said streetscaping and location of the building on the lot will help, but at the end of the day, that is purely aesthetic and this code is not going to address that. She said elevating ground floors may give people incentive to build real front porches again or building true pitched roofs that are not quite so flat or requiring private open areas so people are not paving an entire lot. It is very hard to address individual, architectural aesthetics within a development regulation unless there are design guidelines, which typically slow down the process and become very subjective. Ms. Susan Connors, Director of Planning and Community Development, said early in the process, the Steering Committee rejected the idea of design guidelines, specifically those that have not been incorporated into the Code.

Ms. Lyntha Wesner, 616 Tulsa Avenue, said she understands how TIFs work when connected with commercial property, but how would that work in non-commercial areas since there would be no sales tax. Mr. Jeff Bryant, City Attorney, said the City has not fully explored that, but it would probably be more of a commercial area TIF based primarily on property valuation increases and the TIF could be broader if there were incentivizing elements such as additional public improvements.

Mr. Jim Adair, Steering Committee Member, said he would be really concerned about nitpicking the CCFBC. The Steering Committee spent two and a half years of serious discussions ironing out the details and as Ms. Rosenthal stated earlier, there were a lot of compromises. He was against a mandatory code; however, since that time he has become more sensitive to the concerns of neighborhoods regarding the types of developments happening around them. There is also a part of him that is entrenched in protecting property rights and some people feel the City will be taking away their property rights or devaluing their property if they make the CCFBC mandatory.

Mr. Keith McCain, 206 Eddington, is concerned about the setback from the RBL because you cannot build a 36-inch porch with a three-foot setback. He said porches require five steps, by Code, and five steps at 12 inches equals five feet. Ms. Madden said she will review that because what he is describing would be problematic and may need to be tweaked; however, Ferrell-Madden typically takes that into consideration. If this is a Catch 22 created in drafting of the Code then it definitely needs to be addressed.

Mr. Adair said the Chamber of Commerce expressed concern regarding the infrastructure in the area. He said as properties are pulled forward to the RBL and driveways are eliminated, all vehicular traffic is moved to the alleys. Some of the alleys are basically gravel and the City does not have the money to pave or repair alleys to withstand the vehicle load that will be required. There is also a need for additional storm sewers and he wonders if the water lines in the area are capable of supporting additional sprinkler systems because there are currently problems with supporting sprinkler systems downtown in one story buildings. He said a TIF approach could supplement the City’s required additional infrastructure, but if the City wants to make this happen then the more incentives offered the more it will come to fruition.

Ms. Beverly Clark, 322 East Main Street, has not heard anything about uncoupling Main and Gray Streets and that was something she hoped would be addressed. Ms. Madden said during the Charrette, the Steering Committee talked about the benefits of that, but it would not be handled by zoning. Ms. Connors said a study was done on one-way to two-way on Main and Gray Streets and the City is looking at follow-up to determine if the implementation should move forward; however, this RBL will not solve that. Mayor Miller said Council is not ready to uncouple Main and Gray Streets yet, but they are considering a road diet. She said there will be a public meeting on November 28, 2016, for public input on a road diet. Ms. Joy Hampton, The Norman Transcript, said she is troubled that no height limits means buildings will not be ADA friendly. The solutions described by Ms. Madden do not seem to be friendly to persons in wheelchairs and the retrofit ramps shown in the pictures are way too steep and no independent

handicapped person in a motorized wheelchair would be able to safely navigate that steep of a ramp. Ms. Madden said one option would be to have a greater distance for the RBL and there are multiple ways to achieve access, but access will be more about the individual project design. She said ADA is a law that has to be met and it serves a very good purpose, but for individual private property owners and single-family houses there are a lot of different ways to approach and achieve access.

Items submitted for the record

1. PowerPoint presentation entitled, "Norman Center City Vision – Center City Form-Based Code," City Council Study Session, presented by Ferrell-Madden, dated November 17, 2016
2. Draft Section 520 – Center City Planned Unit Developments
3. Center City Form-Based Code dated September, 2016
4. PowerPoint presentation entitled, "Norman Center City Form Based Code," City Council, October 18, 2016
5. PowerPoint presentation entitled, "Norman Center City Vision – Center Form-Based Code," City Council Study Session, October 18, 2016

The meeting adjourned at 5:57 p.m.

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City Clerk

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Mayor