

**NORMAN PLANNING COMMISSION  
SPECIAL SESSION MINUTES**

**APRIL 6, 2017**

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 6<sup>th</sup> day of April, 2017. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least forty-eight hours prior to the beginning of the meeting.

Chair Erin Williford called the meeting to order at 6:30 p.m.

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Item No. 1, being:

**ROLL CALL**

MEMBERS PRESENT

Nouman Jan  
Chris Lewis  
Neil Robinson  
Erin Williford  
Lark Zink  
Dave Boeck  
Tom Knotts

MEMBERS ABSENT

Sandy Bahan  
Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &  
Community Development  
Jane Hudson, Principal Planner  
Roné Tromble, Recording Secretary  
Larry Knapp, GIS Analyst II  
Leah Messner, Asst. City Attorney  
Terry Floyd, Development Coordinator  
Steve Lewis, City Manager  
Jeff Bryant, City Attorney

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**Non-CONSENT DOCKET**

Item No. 2, being:

**O-1617-35 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 22 OF THE CITY CODE TO ADD SECTION 429.7 – NORMAN CENTER CITY FORM-BASED CODE, WHICH INCORPORATES BY REFERENCE THE CENTER CITY FORM-BASED CODE DOCUMENT, AND AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE THE FOLLOWING DESCRIBED PROPERTIES FROM R-1, R-3, R-O, RM-6, MUD, CO, C-1, C-2, C-3, I-1 AND PUD AND PLACE THE SAME IN THE NORMAN CENTER CITY FORM-BASED CODE DISTRICTS OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEROF.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Ordinance No. O-1617-25
4. Center City Form-Based Code (dated April 2017) with Appendices A and B
5. Pre-Development Summary

**PRESENTATION BY STAFF:**

1. Susan Connors reviewed the staff report and PowerPoint presentation, a copy of which is filed with the minutes.

2. Mr. Boeck – Thank you for that presentation. I think it helped clarify some things, but I've got some questions. One of the things that has come up as I've read through this and talked to some of the developers that are out there currently doing things – we've seen lots of pictures of Deep Deuce, which brings housing right up to the street. Quite frankly, my favorite street on Campus Corner, even though the name doesn't seem to be what people want to keep it, but DeBarr Street with its multi-family – actually, what it was, I think, originally was like boarding house. But it's bungalow style. It's Oklahoma front lawn with trees that create, in my mind, a very warm and friendly and walkable street and it's a historic street, also. But how are we going to do this? Deep Deuce was an empty slate; all they had was a street grid. It had been emptied out. All the buildings had been removed. Developers had pretty much cleaned it off when they started. We don't have that between Boyd and Main Street. And because of the last four or five years now, we've got probably a third or a fourth of former single-family residences or rental properties have been torn down and replaced by large duplexes that were built under the old zoning with the 25' setback or 30' setback. I don't see how this works literally with what we've got. I mean I like the idea of the form-based code. I like the idea of higher densities and walkable streets, but there's some parking issues. You know you said Campus Corner has been taken off the plan because it still has parking issues. Well, as far as I'm concerned, the housing still has parking issues. What's your vision for integrating the old with the new, because I don't see any of those properties coming down over the next 50 years because they're making money. So as long as they keep them up, what would be the incentive? If you tear them down and rebuild closer to the street.

Ms. Connors – We're actually working with the City Council on a way to incentivize that this code might go forward more easily. But aside from that, these things take a long time. I think that this will happen very slowly. But I think that the difference between the setbacks, etc. that just is an evolution that occurs in many places as you redevelop an area. So you will have some buildings that are set back and some closer, and I think there's a way to make those blend. I think the positive is that as one property develops, someone might be inspired to do another one. And somebody might come in and do a whole block. It's hard to tell. But I think that this is more the vision that the community wants to move forward with, and what we have now and what the redevelopment that is occurring now is.

Mr. Boeck – I guess one of the other questions regarding that is right now you talked about there being more diverse developments, instead of being one lot at a time, but that's all they've been developing is one lot at a time. We've got double duplexes parked next to each other with 10' spaces in between them on numerous streets. Most of the streets have identical matching, except for brick, duplexes standing right next to each other. Are we going to allow two or three pieces of property to come together to create some diversity, where we might get some things like Logan Apartments or something like that? What's the vision for that, because that's another thing. We've allowed lots of double apartments to be built – or duplexes – here in the last four or five years, and they're identical and they're monotonous. So how are we going to ensure that development will happen beyond the one lot process?

Ms. Connors – Well, we can't ensure that. Even now people can build on more than one lot, and certainly under the form-based code there's no restriction that you have to build one lot at a time. So that would be up to someone moving forward. If the form-based code is adopted, that will be the new zoning. So the existing zoning will not be – they'll become non-conforming uses in the area and the new zoning will be what the property is zoned. There is a mechanism in the appendix that allows that, if you can't totally meet the form-based code, there's a Center City Planned Unit Development that has been developed, so someone can come before City Council and ask to be rezoned to that. So you either develop newly under the form-based code, or you come and get rezoned to Center City PUD. There's options. Obviously, there are some options for the non-conforming uses for expanding those. There's regulations in the code that allow single-family and two-family units to expand under certain conditions, and also commercial and office uses to expand under certain conditions – more restrictive than the residential, however.

3. Mr. Robinson – I guess one of the things I have a question of is what happens if there's no action taken on this? Where do we go from here if this doesn't go anywhere?

Ms. Connors – At this Commission?

Mr. Robinson – As a city. In other words, if this attempt at form-based code doesn't make it through the City Council, what happens?

Ms. Connors – Then the existing zoning remains on the property.

Mr. Robinson – So we go back to where we are now.

Ms. Connors – The existing zoning would allow what we have now.

Mr. Robinson – I was looking at the Planned Unit Development regulations, the Appendix B, and I've got a couple of questions. When a Planned Unit Development is developed under this, is it basically similar in operation to the Planned Unit Development under the current code?

Ms. Connors – Similar?

Mr. Robinson – Well, in other words, there's a Planned Unit Development process through the current code, but this one is its own animal, right?

Ms. Connors – Yes, because it varies from the PUD that exists in the zoning ordinance Chapter 22 now.

Mr. Robinson – Okay. So this one is specific to the form-based code?

Ms. Connors – Yes, that's correct.

4. Mr. Boeck – On parking – what we have now currently is creating what I consider a pretty disastrous parking issue with a lack of construction in the alleys. Some alleys even being grass or partially grass. I know the City is attempting to put all the parking in the back, but the developers still come up with two or three or four parking spots in front because we're trying to get twelve cars into only a requirement for four cars. How are we going to deal with – especially if we remove parking from the streets to make them more open so people can be seen walking down the street. And bicycle paths – I haven't seen anything about bicycle paths on these streets, but I'm sure that's part of this, isn't it?

Ms. Connors – On some of the major streets there are recommendations for bike lanes, but not on the residential streets. Not set-aside bike lanes; they would be shared.

Mr. Boeck – Okay. So it seems to me, especially if we're creating density, we still have issues with creating enough parking, unless we're just going to continue what we've been doing and saying we only need two parking spots per unit – or per apartment, whether we've got two bedrooms or six bedrooms. So how are we going to deal more specifically with – I don't want to say restrictions – but realistic development and parking that goes along with it?

Ms. Connors – Well, currently there – certainly on-street parking is encouraged in the form-based code. There's also discussion that parking garages are also encouraged. The actual parking standards currently in the form-based code are less than what our current code requires, because the idea, again, is to park once and do many things.

Mr. Boeck – I don't want to pick any specific group, but the people that live in those duplexes that are being built are used to having one car per person. Do you see that changing over a long period of time? Do you see the people that live in those places becoming enlightened and saying I don't need a car, because I don't see that happening.

Ms. Connors – I can't speak for those people.

5. Mr. Jan – Susan, I have just one question. So this map which the code will eventually be passed against – is there any recommendation from the City that, if this thing is approved, this is going to be – particularly, where are we going to start with? So any recommendation by you guys. Like is it going to start north – for example, University -- are you going start with the Main Street area?

Ms. Connors – There's no restriction on who might come in first to develop. You mean where the first application might come?

Mr. Jan – Exactly.

Ms. Connors – No. The City isn't able to control that, so there's no restriction on that.

Mr. Jan – Okay. So it can actually start anywhere.

Ms. Connors – That's correct.

6. Mr. Knotts – The redevelopment of the infrastructure has been a question, and I understand that the Council is working on some kind of solution. Is there any kind of timeline for that solution to be correspondent to this adoption?

Ms. Connors – The City Council is working on an infrastructure analysis right now, and we have some consultants working on what could happen to finance and/or incentivize development in this area. There isn't a specific deadline or timeline on that, but certainly we're hoping that through the end of this year we would certainly have something sound to work with.

Mr. Knotts – And this includes the redevelopment or reconstruction of alleyways that we hear are non-existent or grass or whatever?

Ms. Connors – There are many alleys that are deteriorated and deteriorating, and some that don't exist very much, and so, yes, part of that is looking at ways to finance that redevelopment of our public infrastructure.

Mr. Knotts – And to facilitate this form-based development ...

Ms. Connors – Well, certainly if the City put in the time and effort and money to rehabilitate the public realm, then certainly that could inspire the private side to come forward and redevelop the area also.

7. Mr. Robinson – One more thing. I want to go back to the Center City Planned Unit Development. The last item in the document that we have is Administration. It refers to changes in the CCPUD that come in, that as long as they're less than 5% and it lists items that changes can be made for. One of the things I would like to see incorporated into this would be that, upon any change in ownership or ownership control or any use that's not specified in the original PUD document as adopted, that the staff will make an assessment as to whether or not this conforms with the PUD as originally drafted and would make a recommendation to send it back through this Commission for review and approval if it were in any way significantly different or if the use were deemed different. In other words, if the staff reviews it and determines that

there could be a need for the Commission to review it again, that you would have that authority to do that.

Ms. Connors – I think we do. This isn't very different than what our current PUD says. And certainly any time someone wants to build something in a Planned Unit Development area where the use is not listed, that's really a zone change – an amendment to that Planned Unit Development – so that's really how we handle that now. Ownership, on the other hand, does not require rezoning or another public hearing. So an ownership change of property, the property remains zoned as it previously was under the old owner and if the new owner wants to change the land use, then that again would be an amendment to the Planned Unit Development.

Mr. Robinson – So how do we ensure that someone who purchases a property that's under a PUD and then determines that, for whatever purpose, they're going to remodel part of a building or something and it's going to become something that's really not conformable – I mean, will they not be able to get a building permit for some reason?

Ms. Connors – They would not be able to get a building permit. As the building permit comes in, we look and determine that the use of the building is what it's zoned.

Mr. Robinson – So someone who had, say, restaurants as a listed item in their PUD, and they have a restaurant that someone comes in and they're going to change that restaurant to a restaurant with a drive-through, as opposed to one previously that didn't have one. Would that be another use, or would that be able to go through as a restaurant?

Ms. Connors – It depends on how the PUD was written. If there was no prohibition on the drive-through, I'm not sure we could restrict it. But I think that under Planned Unit Developments we try to make that very clear, particularly on restaurants, whether they are allowed with or without drive-through service.

8. Mr. Boeck – Okay, I've got one more thing. Brought it up a few months back and asked about some kind of design standards and design review process. We had one study session on that, and that's as far as it got. I know in talking to some of the City Council people – and I've talked to City Council people and to some of the developers and pretty much – you know, people know how I've talked about some of the development that's gone on, but design standards are an important thing and design review process that many cities have, like Oklahoma City, and it's done quite successfully. How do we get that involved in this process here, whether it's here – that's not something that would go into the long-range master plan. You talk about the form being a form-based code, that that's the most important thing. But how can we insure that we get quality and aesthetically pleasing – and I know some of the developers said that that's all objective or subjective, but how do we get that in there? I still want to push for that. I still want it as part of what we do as a city, and especially at the start of what's going on here with this form-based code.

Ms. Connors – Well, the form-based code, as recommended by the Steering Committee, does not include specific design standards. However there are design standards in here – prohibited materials. There are elements that are required in each of the form districts. There's the form of the building, street space – so there are some design requirements, probably not at the detail you're talking about. But, also the City Council moved this forward under the recommendation of the Steering Committee and we're bringing it to you as it is right now recommended from those groups.

Mr. Boeck – Well I do know from talking to a number of City Council people that would like to see it, including Bill. Is that something, if we pass this without getting that in there and I don't think we can get it in there right now – is that something the City Council can add to it to insure that it happens?

Ms. Connors – Absolutely. The City Council could ask us to amend this at some point in the future, yes.

Mr. Boeck – Okay. I talked to a couple developers and they said if there were some kind of standard we would have followed it, but there was no standard and so we did what we wanted to do.

Ms. Connors – You mean under the current zoning?

Mr. Boeck – Under the current zoning.

Ms. Connors – Well, there aren't a lot of design standards in the current code. That's correct. There's certainly more in this.

Mr. Boeck – Okay. Thanks.

9. Ms. Williford – I have a quick question, Susan. With the infrastructure analysis and the incentives, is there a reason why we would vote on this without those already lined up? Is that something that might be beneficial to have all of that information before passing this code?

Ms. Connors – It might be, but this is really a zoning document, so this is the use of the land and the infrastructure and how we redevelop that and how we finance that is really a separate issue from the zoning on the property.

#### **AUDIENCE PARTICIPATION:**

1. Dean Harrington, 1228 Broad Acres Drive – I have a property at 201 West Duffy. It's at the corner of Santa Fe and Duffy. I bought it in 2008. It's actually an apartment complex. They're all two-bedroom, one bath with two studio apartments. There's only ten bedrooms in it. It's a nice apartment complex and I had talked to Susan last week, because I wasn't aware a lot of this stuff was going on, and it's 9,000 square feet. If I wanted to improve that and tear it down, what would I be able to build? What type of small apartment? Is that enough to build a small apartment if I wanted to? I'm not a big developer; I'm one guy. This is part of my retirement, and now all of a sudden they're telling me if you tear that down, you can't build something similar that's nice. You know, it's part of my retirement and all of a sudden they come and they want to change everything. What about all the people that have bought property in the last couple years that have bought property at high prices? If this goes through, they may be upside down in their loans. What happens to all those people that have bought these properties to develop them? I'm very disappointed in when it talks about this code places the greatest emphasis on design, physical form because its importance in defining neighborhood and district character. I don't see anything wrong with the character down there right now. This is around a major university; there's always going to be some parking problems. There's old houses that people want to tear down and make nicer. Some want to live there; some want to have investment property. I think the City is over-reaching. I think the University is too involved in this. They don't pay my property taxes; I do. And for them to come in and tell me what I can and can't do – how tall my ceilings can be – things like that – to totally control my property is not fair. I think that if you take a look at all of these – on page 31, there's no way it's ever going to look like these pictures on here, not with all the develop that's happened in the last couple of years. I really implore you to consider this. But you still haven't answered my question. What can I build on a 9,000 square foot lot? I read this and nothing in here says what a small apartment is. It says you can build it, but I don't know what that is. Is it twelve bedrooms? It just doesn't say. I want to know if it says if you can build this, what is it? How big is it? What kind of lot? Most of these lots are individual. Everybody keeps talking about developers. What does that mean? Is that somebody with deep pockets that can buy a whole bunch of lots? Well, I'm not a developer; I just have one piece of property down there that I bought because CDs are paying a percent and a half ...

2. Joan Koos, 409 Park Drive – My main question right off hand is I don't know how the dividing lines – what would encompass this and what would not. I live on Park and I understand that on the east side of Park would be included but the west side would not be. So I have those two questions. How that map was determined in as short of an answer as possible.

3. Roger Broach -- 704 Monnett Avenue is the property that we own. We bought the property for the boys – I've got three boys and, actually, their sister originally lived in the house. Now when the boys are finished going to college, then I'm going to want to redevelop that piece of property. I'm kind of like this guy over here. I'm not Mr. Deep Pockets, but I'd like to be

able to do that, and I would appreciate that there would not be a lot of government restrictions on how I go about doing that. Now, I do understand that zoning is important and I don't want to build a shack there. It's not going to be Jed Clampitt's place. But I'm not able to build Taj Mahal, either. I implore you guys to try to keep some semblance of reasonableness in your mind when you think about this. This is affecting a lot of people's lives – a lot of people's futures. I would appreciate that you guys consider that. That's all I have. Thank you.

4. Marsha McDaris, 448 College Avenue – I'm a property owner. I have one property in this Center City Vision zoned area. It's a 1930s bungalow. When I bought it I realized I was buying in R-3 zoning and that I had the option of maybe building a garage apartment. But I don't really choose to increase the density in that area. I like to rent to single families and to students, and I like for them to have a yard and place to put their cats and their pets. Everything that I see proposed in the new Center City Vision starts with a minimum of a two-story place. Where my property is located is within the first two blocks west of the tracks on Symmes. And the way I understand the diagrams is all of that is to be built as small apartment/townhouse and if you take those first two blocks of Symmes and go in with small apartments and townhouses, it leaves maybe one to two blocks – and I don't think even two – of where single family homes could exist in this plan. I just think that – I was part of the rezoning for the College Avenue street – the downzoning. I owned a house in the Miller District, so I was part of that, and I was very much in support of the other areas that were downzoned. To be able to downzone from R-3, which we were, to R-1 – it took a vote of the – it took more than 50 percent of the people in that area to approve of it and all three areas got 60-65 percent approval. And then we got 100 percent approval from the Planning Commission and they thanked us. We started with the College area. You all thanked us for bringing this issue to the City, because of all the development that we were talking about and how to control it, and it is a good way to control, I think, what's going on. And then we also got 100 percent approval from the City Council. Other issues, like if you want to get parking off the streets, you've got to get a 65 percent approval rating from the owners on one side of the street. If you want to get speed bumps, you've got to get a 60 percent approval from the owners on a street. And I just kind of feel like that this is – the City is coming in and they're making the decision on how this area is going to be treated and I think the people of Norman – our Councilman says there's 300-400 houses that have downzoned. And I think these people represent the majority of the way the people in the area feel ...

5. Keith McCabe – I'm currently building a new duplex at my piece of property at 206 Eddington. I have multiple properties in this neighborhood. I have asked for the last month -- and I'm just going to bring this up to you – about the ADA requirements. If we do the setbacks – if you read on this piece of paper, your setback when you get to where it says the neighborhood street 80 or the neighborhood street 66, the door yard is your front yard. If you bring the house up to within three foot of that sidewalk with the new zoning requirement, I have to build your house 36 inches up. I cannot build it ADA required – can't do it. It's a federal law. I keep bringing it up, because I keep hoping somebody listens before we get to that part. Now if you're trying to be all-inclusive, which I believe we are, somebody please look at this requirement on a three foot setback from the sidewalk three foot tall I cannot do it, and it's not me, it's the building community, because we're required by law to build it a certain way. So I'm going to keep saying it until somebody hears me. Thank you for your time.

6. Mitch Baroff, 421 Park Drive – I have 113 points. I'm just kidding; I gave you thirteen points by letter a little while ago and I'll try to be fast. I actually am in support of this ordinance. I live adjacent to this core area on Park Drive. I have a few houses there and I actually have some property in the core area also. Some of them are apartments and I actually can make them more dense, so I guess if I wasn't as old as I am, I'd probably deal with that. I understand that Campus Corner is exempt from this area until a parking garage solution is taken care of. I also understand that an infrastructure study is underway or completed and that there's going to be some kind of financial solution to both the parking garage and infrastructure improvements

which will need to be dealt with before Campus Corner is actually included in this Center City rezoning. I am pretty concerned about the road network, internally and externally from the Center City area, and I hope the infrastructure study will look at that closely. I really don't agree with the road diet changes for Gray and Main. I could support a two-way Main Street with one-way couples on either side of Main, similar to Lawrence, Kansas. Gray is already one-way. We would have to figure out how to get a one-way street on the other side of Main Street going east. I really would like to see that development review team mix changed – maybe more like how the TIF is set up, where it's about 50/50 public and staff. I think that's really important. And notification has to be early; it can't be approved and then you're notified and that's kind of how it reads right now. Public notification is my point 6 which I just pretty much talked about. It should happen pretty much at the pre-application conference and I think the property needs to have a sign put out previous to that meeting so we know what's going on. I don't want to know what's going on when somebody is ripping down a building and ripping trees out; I want to know beforehand. I think the appeal process is good. Page 18, Neighborhood Manners, is excellent. I have two properties that back on that property and you actually are dealing with keeping the buildings lower. This kind of all started because of the six-story apartments that tried to be built in that area and one was going to be at the end of my street. ...

7. Brad Worster, 132 N. Santa Fe – Good evening. I think three minutes is going to be short for everybody tonight. 132 North Santa Fe is a commercial building right across the street actually. I'm probably going to devote most of my three minutes to my client's property instead. I'm a commercial real estate broker and property manager. They own a building at 332 West Main, which is on the corner of Main and University. It occurred to me as I was sitting through the first part of this presentation that the applicant's presentation for this one seems to be a lot different than a regular applicant. Normally we see site plan, surveys, photos up and down the street in different directions, a radius map, a protest map. I know there's been protest letters, yet none of those have been provided to us on the screen to see who has protested against this. So I'm wondering why the City's application gets to skip a lot of the rules that the rest of us don't. So there's a question that I guess gets answered later. Back to 332 West Main – the 50 foot corner on that has been designated as public open space and it's private property. I've spoken with staff about this and they told me that it would be changed. I'm assuming it still will be, but all this new information that has April date on it still shows it as public open space. And I found today a document that goes back to 2014 that still shows it as public open space. So it kind of seems like that's been the plan all along. Private property owners don't want to be condemned, and that's how this is shown. So I'd like that to be on the record taken out of here tonight. If you vote on anything, please amend that out. Moving on. I'm sorry, there's a lot here. I did try to apply the code. As another gentleman had said earlier, it takes a while. We had 23 days from receiving the notice to read a 70-page plan and apply it to our properties to the protest date. That's just unfair. Nobody knows how this affects their property. I spent 40 hours applying it, and when I did it to 332 West Main it basically means we have to demo the building. It's too far back, can't get parking on it. So then I did a whole study on how it works, and it doesn't work economically. It makes a \$3.2 million building to build to this code and it would be worth about one and a half. So there's some really big problems in the code as it is. I don't see why downtown Norman is any different than Campus Corner. Same problems. Parking. Please exempt downtown Norman from this, because I've done it for one property. If you give me a year, I'll do it for every single one of them, but they're still not going to work. Some of them might; maybe half. ...

8. Rusty Rains, 783 Debarr Avenue – In particular, a few of the comments made earlier really resonated with me. We bought the house about a year and a half ago, renovated it. It's a 1930s I assume Craftsman style – if my wife were here she'd tell me exactly what it is. But we chose to kind of keep it consistent with what it had been previously, except that it's no longer a 13-bedroom boarding house. It has been converted into a duplex. Our boys live there. It's got a curb cut out front with parking, so what happens with that parking is certainly an important



thing for us. Essentially, the house looks the way it did. It's right across from the Holmberg House. So I'm curious what's going to happen to a house that's on a Historic Register. Are you going to build a townhome with a blank brick wall right up next to the Holmberg House and maybe right up next to our house, with a Craftsman style front porch? It seems like we're going at this particular issue where we don't like the architecture, maybe, that's been built. And so maybe could we maybe step back and take a look at what's being built and say, well, if it's a 1930s home now, then if it's acceptable then maybe lets renovate that, but let's not come in and try and make an entire street convert over to townhomes, because I can tell you there's nobody from here forward that's going to be alive when this happens on DeBarr Avenue. And I think you want to keep the feeling of that street, and I think a lot of the streets in the area, and so I really think we need to rethink, in particular, DeBarr Avenue. Thank you.

9. Stephen Ellis, 633 Reed Avenue – This rezoning proposal is not ready for City Council yet. The section on Administration, Application Processes & Appeals – that's Part 2 – is a mess and it's a mess that's sufficient to undermine all of the possible advantages of this whole code. So what I'm asking is that you ask the City Council to revisit Part 2 of the Form-Based Code before we go on. Section 204 is at the heart of the administrative process and nowhere does it provide any public oversight, not even any public notice as it's written right now, as to what the Development Review Team is considering. As it now stands a project could go from pre-application to building permit without the general public, or for that matter even the City Council, knowing about it at all. That's a bad thing. Publicity in public business is good. Citizens have the right to know what's going on in the town. Further, the Code gives the Planning Director some really broad discretion as I want to explain below, and there's no one to sound the alarm if that discretion gets overstepped. Section 206, which is on Administrative Adjustments, actually has the same flaw. There's no notice requirement whatsoever. But the very worst part of this draft code is Section 208 on Designed Deviations. Given Section 206, which is the Administrative Adjustments, and the CCPUD process in Appendix B, this Designed Deviations section is really redundant for its stated purpose. As a matter of fact, if you look at its stated purpose, it's almost exactly the same as the CCPUD stated purpose. Instead, what this Section 208 really does is give the Planning Director enough flexibility – in quotes – to approve just about anything that someone could offer. Given how the City Legal Department interprets phrases like slightly smaller than in the PUD ordinance, which is basically to say – says it doesn't mean anything – phrases like minor design changes and the intent of the CCFB are the only controls in 208 and those are essentially rubber terms. You have no idea what they mean. You don't know how they'll get interpreted so they're worrisome, and the result is that the Planning Director has almost unlimited discretion. As a matter of fact, given the constraints in 204 (D), it's really hard to get anything even before you guys or the City Council. So all of this shows that the staff has it wrong when it says there are standards – this is just guidelines that the City Planner can actually change at will. So I hope you will at least ask the City Council to look into the administrative issues before you pass ...

10. Mark Campbell, 517 N. University Boulevard – It is one thing to have citizens vote to improve infrastructure of an area, as in the Lindsey Street improvements. It is not okay to favor a part of town, including housing, including property owners to have their property values skyrocket without a vote of the people. At the first final form-based code wrap-up a member said that lots will go for \$250,000. At the Norman Forward meetings, presenters let us know that rents could double, especially going from a one-way street to two-way streets in those areas. That's not fair. Downtown and near OU have been naturally favored for 100 years when it comes to interest and development. Center City will subsidize property owners and developers with the inevitable tax increment finance district so housing is subsidized for the upper crust and not even a little for low-income subsidized housing. It is not progressive; it is not right. I'm asking you to not approve it. It is of the haves, by the haves, and for the haves and upper middle class students who will be able to afford the far-above fair market value rents. One of the chairs of Center City said we need to build to the standards of OU. Well, OU builds with steel and

concrete. Center City seeks to build five and six-story block-long buildings, built wood-frame construction because that returns the max on their investment. Any higher would have to be built steel frame. The comment was also made that if they couldn't max out their investment, they were just going to take their chips and go home. They just couldn't make a profit. Well, I see all kinds of residents, some here tonight, building two-story now. They plan on making a profit. It is wrong-headed to fundamentally change what makes Norman great. It is wrong-headed to circumvent a vote of the people. Of course, people in the Center City study area are for it. Don't let that be your primary guide. The City is trying to build trust. Center City form-based code does not engender trust. Thanks.

11. Ms. Connors – A couple of the people that spoke asked what can be built on a lot. I can tell you that, even now, if somebody came in and said I have a 9,000 square foot lot, what can I put, I could tell them the uses that are available, but I don't know the number of bedrooms or – you know, there are setbacks. There are build-to lines in this code. There's parking lines. I can't describe exactly what can be built in any structure, just as I can't under the current zoning code. So they can build in the blue area. Townhomes and small apartments. They are allowed accessory units at the back of the lot. There are sidewings – buildings that can be built, garages. But other than that, I can't dictate or identify the number of bedrooms that would be available on a 9,000 square foot lot.

There was a question about the dividing line along Park. The Executive Committee, in consultation with some of the Steering Committee members, identified the boundaries and agreed to the boundaries of this plan. It does run down Park Avenue, with the west side outside the boundary, and the east side of Park Avenue inside the boundary. The boundary was set at the very beginning of this process, even before the early meetings in 2014.

There was a question, or just sort of a comment, about the City making the decisions. This is a zone change. It was a process that, in 2014, the City Council decided to move forward with the charrette with the understanding that the form-based code process would follow the charrette, and the City is able to apply for zone changes through the public hearing process.

Mr. McCabe, I know, has for a long time wanted to know how you build structures that are three feet high. I know he has had discussions with the consultants. One thing I would say is that not every structure is required to be ADA compliant. One and two-family structures – I don't believe the building code requires all those structures to be ADA compliant. There are multi-family structures that do require some access, but not every building has to be ADA compliant.

I do have a list that was passed out to you. I do want to bring this up, and it's kind of relevant because of Mr. Worster's concern about 332 West Main. I've listed some recommended changes to the Center City Form-Based Code. They're mostly technical changes – spelling changes, but I would add to that – and apologize that I didn't to Mr. Worster – we did intend to request that you recommend that 332 West Main be put in the urban storefront frontage. Because it is a little green space, we're not sure how it got placed there. It does seem to have been placed there a long time, so for some reason it became invisible to us that have reviewed this several times, but we do recommend that, as a tenth item on the recommended list, that that property be put in the urban storefront and taken out of the public open space.

Again, there's questions about how does this work. This is a code that has been used in many cities. I haven't personally experienced development under a form-based code, but I know that it does work, and it may be a difficult transition from what we have now to this form-based code, but I know that it is possible to develop under these types of standards.

I'd be happy to discuss with Council the Section 2. I do believe that it has some protections in it. There are requirements – if we rezone these properties to form-based code, part of the idea is that there should be expedited ability for people to meet the code, just like now if you build under the existing zoning you don't go through a public hearing process to build under what your property is already zoned. So there is some allowance for administrative review, but much of that goes back through the development review team, which is a

technical team of many City departments looking at the technical aspects of planning, public works, utilities, fire – we’re looking at the technical issues of if they’re meeting our standards, and that’s what would continue. In addition, there will be a citizen member added to the development review team for these specific applications as it was recommended by the Steering Committee and moved forward.

I think I’ve addressed all the questions, unless you have some that you don’t think I’ve ...

12. Ms. Williford – I believe there’s a question about what happens to homes on the Historic Register.

Ms. Connors – Well, there are structures that are on the National Historic Register. There are no local requirements that we can impose on those structures. Someone can build to the national standard if they want tax credits, but if they don’t they can tear the building down and build something new. So there isn’t any local requirement, or any federal requirement that that be preserved, and we have no authority over that.

13. Mr. Robinson – Again going back to the Center City Planned Unit Development. Is there a requirement in that for public notice if a CCPUD is applied for?

Ms. Connors – It would be a zone change and would go through the public hearing process at Planning Commission and City Council.

Mr. Robinson – So it would always be covered under public notice?

14. Ms. Connors – And there was a question – here is the protest map. Mr. Worster had said that he would like to see that, so we did have that that I can show you. As you see, there’s six percent protest against this zoning change.

15. Mr. Lewis – As a point of clarification, maybe I misunderstood. Hopefully I did not. Did I just hear you say that if a building in the City of Norman is on the National Historic Register, the owner has the freedom to tear that building down?

Ms. Connors – You did hear me say that. Yes, that is correct. Now, we have historic districts and they’re not allowed to tear those buildings down because we have local guidelines and requirements for those three historic districts now in the City of Norman.

Mr. Boeck – Can I ask you something about that? Because DeBarr is on the National Register, but it’s a different classification because none of that is protected?

Ms. Connors – That is correct. We’ve done research and we have determined – it’s on the National Register and it goes by those rules and we don’t have any local rules restricting redevelopment.

Mr. Boeck – We could make that a historic neighborhood – well, I’m not even going to go there.

Ms. Connors – Would have to have the actual property owners.

16. Mr. Jan – Was there any survey done which would tell how many properties in this zone would be directly impacted by the new zoning change – directly or indirectly? I know it’s very difficult to do, but I mean, obviously, after listening to many citizens, obviously they have made their own analysis that their properties were impacted. So I was just curious to know.

Ms. Connors – Every property will be rezoned. Every property will have a different zone than they currently have. But some of the uses remain the same, technically. But it is a rezoning of each of these properties.

17. Mr. Knotts – But passing this does not compel anyone to do anything to an existing property.

Ms. Connors – That is correct. There is no requirement that a property change at any point in time. And if you don’t change, then this does not affect that property. And, again, as I said, there are some expansion allowances as a non-conforming use that are identified in the form-based code.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

1. Mr. Boeck – Steve Ellis, I appreciate your comments, because that’s been one of my biggest concerns about this, is oversight and this gets back to my need for a design review process with citizens and design standards for this neighborhood, so that there is adequate participation in looking at how this part of the community develops in the future. And, Susan, you said that there are some things going to be added there, and I understand if an existing zoning is already in place then it’s just like everything else, they can do whatever they want to the piece of property. But I feel like there needs to be some design standards and design review process in this mechanism. And the comment came up about housing. I know for a fact there’s some poor people, some old people that live in some of these properties that haven’t been kicked out to have their house torn down. But how are we dealing with low-income housing? Do we have a mechanism to require developers to provide some kind of availability for people of low income of housing that might qualify for housing certificates – rental certificates to be able to live in these places like we do through the Housing Authority? Campus Corner is a very expensive area and keeps getting bigger. What’s our concern for providing housing for people that currently live there but couldn’t afford to live there once their house is torn down? Have we got anything? How is that being addressed?

Ms. Connors – I don’t think it’s specifically being addressed through the zoning ordinance. And we work through the CDGB programs and with the Housing Authority to provide housing for low-income individuals in the City. Those are our primary programs that I believe we use to provide that.

2. Mr. Boeck – And, Susan, you made a comment that there’s no requirement for making all properties ADA. And you know how I talk – since aging in place is, to me, one of the most important things available, I think all properties, whether it meets standards or not, need to be accessible. Every property in town. Every development in town needs to be accessible so that – you know, you even have a student living in one of those many fraternity houses. Their grandparents may come and see them, and if there’s steps, and especially for going up to three feet finished floor above grade – that’s six steps. How are people going to be able to get into those places if they’re an old aunt or uncle, or great aunt and uncle, or a parent, or a grandparent? I think every house that we build in this town, anyplace, needs to be accessible. And that’s one of the issues I have with this.

3. Mr. Lewis – Dave, I would follow up with that. One of the things that Mr. McCabe brought up just a moment ago was our ADA requirements – guidelines – within the United States. Being someone that has always advocated inclusion at every opportunity, I do not find it a humorous topic when we’re talking about not all buildings in the City of Norman must be ADA compliant. If we’re redeveloping or we’re building new buildings, those buildings should – must – as a City encourage that everyone has access to those buildings regardless. So, Commissioner Boeck, I whole-heartedly agree with you. That’s one of the issues that I’m having with this right now. I see that we have nine staff recommendations for changes to this document. I find it a good document – don’t get me wrong. But I think this is another one of those items where, if we step back for a moment – and, granted, this has been going on since 2014 – and pause and take the comments that we heard tonight – I’ve taken down eleven of them – and incorporate some of the ideas and fundamentals into this document before it goes to City Council – it seems that we’re getting the cart before the horse if we’re trying to approve something and go back and amend it.

4. Mr. Boeck – We’ve come across this before.

5. Mr. Robinson – I think I have to concur with Commissioner Boeck. The design review process is needed to be incorporated into this. It’s really the most realistic way we have to assure some sort of continuity within neighborhoods within acceptable limits. It’s difficult. I

wouldn't necessarily want to spend a lot of effort myself in trying to define what other people should do. On the other hand, when you undertake a development, you have a responsibility to your neighbors to do the best you can in making your development to make it something that's a benefit to others as well as yourself. And I think that's possible. It's hard to do, but I think it's possible and I think a design review board could certainly encourage that to happen.

*Chris Lewis moved to table Ordinance No. O-1617-35 until further study can be done. Dave Boeck seconded the motion.*

6. Ms. Messner – Commissioner, table until next month? Table until a date certain?

Mr. Lewis – And that's the question. How soon can we have an evaluation done on all of the items that this Commission has brought up, that has been brought to it from the citizens of Norman? I just wrote down several, one being the protections, one being the financial impact study, an oversight design review committee, design standards, certainly the ADA compliance. I mean, there's many issues that we have taken on tonight. I don't know that a 30-day timeframe could get us to that point. But I do understand you can't table indefinitely.

Mr. Boeck – And I want to approve this. But right now there's just too many open ...

Mr. Lewis – I think it's a good document going forward. But I think there's several concerns that individuals have brought up in regards to investments and livelihood. I can't imagine it would be that difficult to do a financial impact study to truly see from an impartial perspective what is the impact going to be on people's investments that are counting on retirement and those types of things.

7. Ms. Messner – Commissioners, I would add for your information and thought into the motion that you made, Commissioner, is that we are currently under an administrative delay for this area, which is preventing new construction and new building permits for residential within the area that is set to expire, I believe, in July. So we're working – I think Council was hoping to work toward completion of this process and a vote on this process prior to the expiration of that delay. So that's a timeline to keep in mind when you're thinking about slowing this process down.

8. Mr. Boeck – Oh, believe me – I, as much as anybody, don't want to see us going back to what's been going on for the last four years in that neighborhood. I really want to see this passed. Again, I feel that there's some things that need to be addressed, and this is the first time it's come to us. And I know we're under a timeframe. But I want those kind of things being considered as part of this process to approve it.

9. Mr. Lewis – And City Council set the moratorium. I mean, they can extend the deadline.  
Ms. Messner – Yes, they could.

10. Ms. Connors – I just want to remind the Commission that the City Council appointed a Steering Committee to work through this, and these issues came up, and again they spent over two years discussing these issues and bringing forward the best document that they felt covered all the issues. There was a wide range of people on that Steering Committee, as I showed you before. I just want you to remember that, that those people worked very hard to bring this document forward that met everyone's concerns.

Mr. Lewis – Not everyone's, and that was certainly taken into account.

11. Ms. Williford – So if 30 days does not seem adequate, would ...

Mr. Boeck – I think it would be very adequate. I still think – I don't want to have this passed after the moratorium is over. But if we could be told that these questions that you've answered, Susan, and the stuff that I brought up for addressing Section 2 and ADA stuff – because I understand Keith – I know where he's coming from. I just feel like – and Richard is sitting back there and he was co-chair of that task force and spent lots of time – 3 years – 4

years – I want to see this pass. And I guess if I could feel confident that these things could be addressed between now and when it goes to the City Council, I'd say let's pass it. But I'd have to have someone tell me that they would address these things and they would be on the City Council agenda.

12. Mr. Lewis – So our next Planning meeting is April 13. Certainly can't happen between now and then. May 11 or June 8?

13. Mr. Boeck – And when is the moratorium over?

Ms. Messner – I believe July. It was passed in January with a six-month delay. I would – you know, this is a special meeting that you all are having here on the 6<sup>th</sup>. So it is possible to schedule another special meeting. You do not have to wait until May 11, if you're interested in that option.

Mr. Boeck – I have no problem with that.

14. Mr. Lewis – This certainly could have been handled at a regular Planning Commission meeting. So May 11 or June 8?

15. Ms. Connors – I'm speaking as the applicant, and usually the applicant is able to come forward and say to you that they do or don't want this to be tabled. City Council actually directed staff to bring this forward to you under a certain timeline. We think that it would be appropriate, if you have concerns, to identify those this evening, and I've written down all the comments that you made this evening, and we of course have them on tape. And we feel that this should move forward on that deadline that City Council wanted to proceed with.

16. Mr. Boeck – But those concerns will be given to the City Council?

Ms. Connors – Yes. City Council gets verbatim minutes, and certainly between this time and when we go to City Council, staff will be working on these items and they will know what your concerns are – and everyone else who spoke this evening.

17. Mr. Lewis – And how will this Commission know the items that we have listed this evening, such as a financial impact study, the oversight, and those types of things have been addressed before we, as a recommending body, either recommend or not recommend it moving to City Council?

Ms. Connors – As I've identified, we're working with the consultants now on the financial side of this. City Council has blessed that consultant group to move forward with the next phase of that study. And all the issues that you've raised – I've had many public meetings. The Steering Committee had many meetings with developers. We have heard these concerns and we've been working. Actually, this is the document City Council asked for us to bring forward to you – the one that's before you this evening. We understand there are still items that not everyone agrees with.

18. Mr. Lewis – I still make the motion that we postpone this item until May 11, when the items that have been raised tonight, specifically the ADA items, the protections, the design oversight committee, the standards can be addressed at that time.

19. Mr. Boeck – I'm taking back my second. Can I withdraw my second?

Ms. Messner – Commissioner Boeck has requested to withdraw his second. Yes, you can do that.

20. Ms. Zink – I will second so that we can proceed to a vote.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Nouman Jan, Chris Lewis, Neil Robinson
NAYES	Erin Williford, Lark Zink, Dave Boeck, Tom Knotts
MEMBERS ABSENT	Sandy Bahan, Andy Sherrer

Ms. Tromble announced that the motion, to postpone this item until the May 11, 2017 Planning Commission meeting, failed by a vote of 3-4.

*Tom Knotts moved to recommend adoption of Ordinance No. O-1617-35 to City Council, with the caveat of additional refinement in the questions that have been brought forward tonight. Dave Boeck seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Neil Robinson, Erin Williford, Lark Zink, Dave Boeck, Tom Knotts
NAYS	Nouman Jan, Chris Lewis
MEMBERS ABSENT	Sandy Bahan, Andy Sherrer

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1617-35 to City Council, passed by a vote of 5-2.

\* \* \*

*Two hand-written comments were turned in at the end of the meeting. They are as follows:*

- Melina Evard, 311 S. Webster Avenue #7 – Requesting inclusion in FBC:*
  - canopy ordinance*
  - design review board, or DRT that is 50% private citizens*
  - maintaining historic character of the neighborhood*

*Concerns*

- gentrification*
  - inadequate infrastructure for increased density*
  - loss of historic homes and neighborhood character*
- \* Please extend administrative delay if needed to address concerns*
- Deb Clark, 322 & 324 E. Main Street (storefront):*

*Federal Requirement for ADA access is 12" of length per 1" of elevation. A 36" rise is equivalent to a 36 foot distance required to make a property accessible under federal ADA requirements. Private residences are exempt. But this Code makes this entire area non-compliant with Federal Access Requirements for Americans with Disabilities requiring the use of a wheelchair. What if New Requirement for setback is 12' (approx.) – ample depth for 3' wide ramp that wraps.*

Item No. 3, being:

**MISCELLANEOUS COMMENTS**

1. Mr. Boeck – I want to thank my class for showing up tonight.

\* \* \*

Item No. 4, being:

**ADJOURNMENT**

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 8:07 p.m.

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Norman Planning Commission