



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: K-1718-135

File ID: K-1718-135 **Type:** Contract **Status:** Consent Item

Version: 2 **Reference:** Item 21 **In Control:** City Council

Department: Public Works Department **Cost:** **File Created:** 06/01/2018

File Name: ROW Revocable License Agreement with Garner Crossing, LLC **Final Action:**

Title: CONTRACT K-1718-135: A REVOCABLE LICENSE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GARNER CROSSING, L.L.C., IN THE AMOUNT OF \$187.95 PER YEAR ALLOWING PLACEMENT OF REMOVABLE STOOP STRUCTURES FRONTING JAMES GARNER AVENUE WITHIN THE PUBLIC RIGHT-OF-WAY, AND ATTACHED TO MULTI-UNIT DWELLINGS LOCATED AT 102 WEST SYMMES STREET, 410 JAMES GARNER AVENUE, AND 416 JAMES GARNER AVENUE.

Notes: ACTION NEEDED: Motion to approve or reject Contract K-1718-135 with P. Petromilli in the amount of \$187.95 per year; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 06/12/2018

Agenda Number: 21

Attachments: Exhibit A Enlarged Site Plan, Exhibit B, Exhibit C, Garner Crossing Revocable License Agreement

Project Manager: Beth Muckala, Assistant City Attorney

Entered by: beth.muckala@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File K-1718-135

body

BACKGROUND: In September 2017, applicant Garner Crossing, LLC, through its managing member Peter J. Petromilli, requested a Certificate of Compliance pursuant to the Center City Form-Based Code (“CCFBC”) for the construction of multi-unit dwellings located on the northwest corner of the intersection of West Symmes Street and James Garner Avenue. Once completed, the dwellings will have the following addresses: 102 West Symmes Street, 104 West Symmes Street, 106 West Symmes Street, 410 James Garner Avenue, and 416 James Garner Avenue. The pre-application conference took place on September 29, 2017 and the CCFBC Design Review Team (“DRT”) met on October 16, 2017 and November 20, 2017 to discuss the project.

The property is assigned an "Urban General" frontage designation by the CCFBC. The CCFBC requires that at least one entrance to each separate structure be placed on the facades fronting James Garner Avenue and Symmes Street, as applicable. During the DRT process, the applicant submitted plans showing compliant functional doors on the building facades fronting each street, and in front of each door a shallow recessed balcony surrounded with iron railing to imitate a "Romeo and Juliet" style. Pursuant to the submitted site plan, the entrances fronting James Garner Avenue and Symmes Street were not intended to operate as functional entrances, and the site plan provided for additional entrances on the side of each separate structure to function as the primary means of ingress and egress from each building.

Subject to DRT review and comment, the Planning and Community Development Director approved applicant's CCFBC Certificate of Compliance based on this original site plan on December 13, 2017. Based upon the same site plan, the applicant was issued building permits, commenced construction and is currently nearing the final stages of construction on the five multi-unit dwellings.

DISCUSSION: In May of 2018, the applicant requested a Material Modification of his Certificate of Compliance pursuant to CCFBC Section 205(A). The Material Modification requested by the applicant concerns an addition of removable stoop structures to the structures on the sides fronting James Garner Avenue. Because the CCFBC's required build line for the structures is the same as the applicant's property line in this case, these stoop structures would be constructed within the public right-of-way.

The DRT discussed applicant's request for Material Modification at its next available meeting date on May 21, 2018. At the DRT meeting, the Director of Public Works and City Engineer discussed the prospect of widening James Garner Avenue, as well as the right-of-way needs for such a project, and the potential complications to future expansion plans if the modification request was approved. The applicant presented information concerning the appearance of the approved Romeo and Juliet balconies, the design challenges they feel the CCFBC has presented, and stated that a revocable license allowing placement of the requested stoops until such time as James Garner Avenue was expanded was an acceptable solution to their request. The Planning and Community Development Director approved the applicant's requested material modification on May 21, 2018.

This proposed revocable license agreement would allow the placement of the stoop structures, as outlined by the applicant to the DRT, within the public right-of-way abutting the multi-unit dwellings fronting James Garner Avenue. The revocable license agreement provides that annual rental of \$187.95 will be paid by applicant to the City of Norman and that either party may terminate the license agreement upon thirty (30) days' notice. Upon termination, the revocable license agreement requires that the applicant complete construction or otherwise return the affected multi-unit dwellings to the plans as outlined by the December 13, 2017, CCFBC Certificate of Compliance.

The annual rental payment of \$187.95 will be receipted into revenue account Other City Expense (010-0000-366.12-29) when received.

STAFF RECOMMENDATION: Based on the above information, staff recommends approval of K-1718-135, the revocable license agreement with applicant Garner Crossing, LLC, allowing placement of removable stoop structures fronting James Garner Avenue within the public right-of-way, and as attached to dwellings located at 102 West Symmes Street, 410 James Garner Avenue, and 416 James Garner Avenue.