

**NORMAN PLANNING COMMISSION
SPECIAL SESSION MINUTES**

JULY 8, 2019

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 8th day of July, 2019. 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 Sandy Bahan called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Neil Robinson
Chris Lewis
Sandy Bahan
Tom Knotts
Erin Williford
Steven McDaniel

MEMBERS ABSENT

Lark Zink
Nouman Jan
Dave Boeck

A quorum was present.

STAFF MEMBERS PRESENT

Jane Hudson, Interim Director, Planning &
Community Development
Roné Tromble, Recording Secretary
Scott Sturtz, City Engineer
Ken Danner, Subdivision Development
Manager
Todd McLellan, Development Engineer
David Riesland, Traffic Engineer
Beth Muckala, Asst. City Attorney
Bryce Holland, Multimedia Specialist

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Non-Consent Items

Item No. 2, being:

O-1920-3 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA IMPLEMENTING AMENDMENTS THROUGHOUT THE CENTER CITY FORM BASED CODE (“CCFBC”), WHICH IS INCORPORATED BY REFERENCE IN CHAPTER 22 OF THE CITY CODE AT SECTION 429.7, TO REPLACE, SUPPLEMENT, OR CORRECT LANGUAGE THROUGHOUT THE CCFBC TO RESOLVE INCONSISTENCIES OR INACCURACIES, INCLUDING THE INTRODUCTION, PART 2 (“ADMINISTRATION, APPLICATION PROCESS & APPEALS”), PART 3 (“THE REGULATING PLAN”), PART 4 (“BUILDING FORM STANDARDS”), PART 5 (“URBAN SPACE STANDARDS”), AND PART 8 (“DEFINITIONS”); TO AMEND REFERENCES TO BUILDING FORM STANDARDS AND AMEND SECTION 303 (“THE ILLUSTRATIVE REGULATING PLAN”) WITHIN PART 3 (“THE REGULATING PLAN”); TO AMEND AND SUPPLEMENT GENERAL PROVISIONS AND THE BUILDING FORM STANDARDS IN PART 4 (“BUILDING FORM STANDARDS”); TO AMEND REQUIREMENTS IN PART 6 (“PARKING AND LOADING STANDARDS”); TO AMEND AND SUPPLEMENT USES IDENTIFIED IN PART 7 (“BUILDING FUNCTIONS”), INCLUDING THE ADDITION OF A SPECIAL USE FOR DWELLING UNITS WITH FOUR OR MORE BEDROOMS TO SECTION 704 (“DEVELOPMENT AND PERFORMANCE STANDARDS”); TO AMEND AND ADD DEFINITIONS TO PART 8 (“DEFINITIONS”); TO ADD PART 9 (“SITE DEVELOPMENT REQUIREMENTS”); AND TO MAKE OTHER LANGUAGE ALTERATIONS AS NECESSITATED BY OR CONSISTENT WITH THESE AMENDMENTS, DECLARING AN EMERGENCY, AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance No. O-1920-3 (Annotated)
3. Pre-Development Minutes
4. Center City Form-Based Code (July 2019 – DRAFT)

PRESENTATION BY STAFF:

1. Jane Hudson – Tonight we’re going to discuss the Center City Form-Based Code update. This is being brought to you from the Ad Hoc Committee that was established. Back in January of this year, Council adopted the Administrative Delay for the Center City Study Area, and established the Ad Hoc Committee that would review the existing Center City Form-Based Code and make recommendations moving forward to City Council with how the amendments should be addressed.

Just as a reminder to review a few items, this is the outline of the Center City Study Area. We have Boyd on the south, the railroad tracks on the east, Gray to the north, Flood and then coming back down Park, University on the west.

This is the Regulating Plan as adopted.

Some history of the Center City Form-Based Code. City Council approved an MOU between the City of Norman and the University of Oklahoma back in January of 2014. This was in response to an up-tic on some of the multi-family or the duplex developments that the City of Norman was seeing with the number of bedrooms that were in each unit. Members in the community expressed a concern with the fact that we wanted the density, but we wanted to look at some different types of density. Hopefully, we could get some different types of density within this area that’s shown on the Center City area. City Council approved the contract in February of 2014 and, as you can see on this list, we went through several years of discussions, vision design charrettes. The charrette summary report was posted on the website in July of 2014. After the charrette, the Steering Committee met numerous times over two years before concluding in front of City Council in July of 2017. Again, reiterating, we had the Administrative Delay established in January of 2019 and we had the Ad Hoc Committee and I think we had eight meetings between the committee and the chair.

This is the current schedule. We have had the City Council Study Session; we had that on June 18th. Pre-Development meeting was on June 27th. And, of course, we’re here tonight for the Special Planning Commission meeting. Then we will be following up with the first reading on July 9th, with City Council voting on July 23rd.

The Center City Form-Based Code – they defined a goal and they wanted to reset the conversation, and provide guidance for future development and redevelopment within the Center City area. The Form-Based Code is intended to implement the purpose and goals of that plan by providing a strong implementation tool for the Center City area.

The Form-Based Code is a zoning tool and a different way to regulate development to achieve a specific type of place. It is really looking at shaping the physical form of the community.

The Form-Based Code is composed of the Regulating Plan, which provides a public space master plan with specific information on development parameters for each parcel and shows how each lot relates to the Street-Space and the surrounding neighborhood. The Building Form Standards require buildings to have windows and welcoming entries that contribute to the life on the sidewalk, and they require the placement of parking to the rear of the building to ensure that the parking doesn't conflict with the pedestrians on the sidewalks. These standards require that buildings support and shape the public spaces of the community.

When we went to Council in January of this year, there were several things that we outlined to Council that we thought needed to be addressed. One of the concerns was the stormwater runoff issues. From the committee, you'll see as we go through this – this is basically the slides that we talked to Council back in January, but we were able to address many of these concerns and so I've just kind of gone back and outlined and responded to how the committee wanted to address these concerns. For the stormwater and runoff issues, there has been a new section, Part 9, added and that addresses the 65% coverage within this area. The City of Norman requires a 65% coverage within the residential zoning districts, so this is not different than what we would be looking at if you were in Brookhaven or Hall Park or some of these other areas, unless you're designated as a PUD, but 65% is typically the standard.

There was a concern expressed between the design professionals as well as staff. In Part 4 of the Code, there was some confusion on how the architectural guidance and disconnect of the form and function of the buildings that were being constructed between the vision and the code, so the committee had a lengthy discussion about this and, with some minor changes that you see in the document, the policy discussion is that the "Complete and Discrete" in Part 4 shall apply as is written, so there were really no changes in that section of the Code.

One of the other issues that we struggled with was the Code stated, while there are no side yard setbacks required, when they went through the original discussion, they had the charrettes and everything for the Center City Form-Based Code, there was the goal – the idea – that the buildings would come to the back of the sidewalks, essentially, and there really would be that connection between the buildings and the public area there on the sidewalk. But what we were getting was the continued stand-alone buildings. We had 5' side yard setbacks. One of the changes that the committee is recommending is that the required construction in the blue, which is the Townhouse/Small Apartment, will come to the required build line for 100% for the first 12' of the unit.

Now there is something that came up; it wasn't discussed at the committee meeting, but many have come forward and asked that this is something that be discussed and addressed moving forward to City Council. There is a concern if someone has to build up to the property lines on either side, if they have an adjacent property owner that does not want them on their property to install the façade, the brick materials, in that case we could look at an administrative variance on a case-by-case basis, or the property owner would be required to move forward with a CCPUD requesting that change or that relief from the requirement.

The TIF, or the Project Plan, is one of the items that was discussed at the committee, but nothing was finalized with that topic, and that's going to be a continued discussion with the committee after this current document is reviewed and voted on by Council.

Another one of the concerns heard from the community is the parking impacts. The committee had brought forward the proposal, if you have more than three bedrooms per unit, that you would be required to provide one parking place per bedroom, and that is on-site; that can't be accommodated off-site.

For corner lots, that was something else that we struggled with in working with the design professionals. When you have a corner lot, if you're requiring the building to be built at 100% at the required build line, you could be creating an issue with sight distance – sight triangles. We were wondering if they should have 65% on the side lot – not the side that the lot is addressed on, but the side lot, and that would be at 65% and then they would fill in the remaining area with the street wall.

Another requirement was the functioning street entry. Currently the way the Code is written, it requires a door on both sides of the unit, so each street side you would have to have a functioning street space entry. One of the proposals is to only require the street entry on the addressed side of the lot. So if you have a corner lot, you would require your front door on the side that's addressed, and then the side yard or the side street would not be required to have the additional door. One of the problems on the corner lots is you have a required build line where the lot is addressed, and typically that's at 10-12' setback from the front property line. But the corner lots, the way the Regulating Plan was established, the side the required build line is almost at the property line, so there's no room for a developer to get an additional – well, they've struggled with getting an additional entry on that side.

Another issue was the density within the area. Currently, there have been twelve applications with approximately 184 bedrooms. One of the proposals is to require a Special Use. They want to be able to closely monitor the density impacts on the Core Area. Again, while we do want the density in the Core Area, we want this density to be something that can be reused. Five, ten years from now, when we have five-six bedroom duplexes and we want to reutilize those structures for young professionals, single parents, whatever the case may be, they're probably not going to want to rent out a five or six bedroom duplex.

The on-street parking will be a continued discussion for the committee moving forward, as well as the alley improvements. The alley improvements relate back to the TIF discussion that I mentioned on another slide.

This is the Regulating Plan that's currently adopted. Another proposal moving forward – you'll see here, we've got the pink back down on the south end of the Plan. One of the proposals is to bring the pink area back. With the exception of one change, it would look like this. Over on the east side of the proposal, within the Center City Form-Based Code, we've got Eddington and McCullough, and those are still shown to be blue. However, within the discussion of the committee it was stated that they wanted to bring the pink back the way it was. Originally, that's how the pink looked. However, the discussion is that the intent was to continue the pink over on Eddington and McCullough, so that will be something that Council has to do, because it was after the committee had ended and the votes had been taken. We just have to point this out and let you know that we are moving forward with that recommendation to City Council to pull the pink over to Eddington and McCullough.

Continuing with the challenges, the discussion at the Ad Hoc Committee for the orange, Urban General – one of the problems is, if you develop in the orange, Urban General, with residential on the ground floor, you were required to have a 3-foot elevation for those residential uses. One of the concerns was that they weren't going to be able to utilize those properties for different uses after a property was sold or something, so they were proposing to remove the 3-foot elevation requirement for residential on the ground floor, with the understanding that these would be constructed under the commercial code. So if you're developing a building in the orange, and you want to put your residential on the ground floor, you will have to develop or build to the commercial code, but five years from now if you sell the property and you have a new property owner that wants to come in and they do want to put commercial on the ground floor, it's an easier transition for those property owners to be able to have the commercial/office use on the ground floor.

Again, going back to the Townhouse/Small Apartment, they were proposing that there will be a three-unit minimum within the blue, which is the Townhouse/Small Apartment.

There are several other small changes within the document. There were some typos and stuff that needed to be addressed. There were some sign code changes. But these are the

main concerns that came from the original discussion in the committee, so those are just what I've outlined.

As a reminder, this is a living document. When this was adopted back in 2017, the discussion was that it is a living document and, as conditions change within the City of Norman, we're going to have to go back and evaluate this document and see how it is working for the community and see if there's any changes that we need to look at, amendments. We just have to stay on top of it and keep reviewing the document as time passes. The things that we would want the committee to continue to look at would be evaluating the impact of density, assess if the vision is still being met for this area, the impacts on the public infrastructure, impacts on adjacent properties. We need to evaluate for inconsistencies, and it would be a good idea to establish a timeline for periodic review. The Ad Hoc Committee did discuss that they would be willing to move forward after this document goes to City Council, so there will be continued review with that committee.

I'm happy to answer any questions that you might have. I do have a couple of the committee members if there are questions that I can't answer, I'm sure that they'd be happy to. And we do have staff from other departments if there's anybody that has any questions.

AUDIENCE PARTICIPATION:

1. Lee Hall, 648 S. Lahoma Avenue – Good evening. I was one of the members on the Ad Hoc Committee. I also wanted to point out the other members who are here tonight: Jim Adair, Byron Morris, and Keith McCabe. I don't think I missed anybody else. I just wanted to let you know that it was really a pleasure to serve on this committee as a member representing the community. The Form-Based Code process has been something that I've been involved in since 2014, and attended the charrettes, attended all of the meetings, have followed it closely when it was initially implemented by the City Council. I was really gratified to have the opportunity to address some of the concerns that have come up in the last two years as we're implementing this living document. Jane did a wonderful job of walking you through all of the technical pieces of it, but one of the things I was happy to see when working on this committee is it was a very diverse group and we really did try to address all of the current concerns. The amendments that are being put forward to you are really part of an overall package to address all of these concerns in kind of one fell swoop – as many as we could get to.

One of the things that was of over-arching importance to me was we're currently only getting a single housing type in the things that are being built currently. I think there are a lot of pieces of this that will now encourage diverse housing types, so that we're going to see the potential to have smaller units built, townhouse type units, small apartment units. The potential to preserve some of the single-family homes in the transitional neighborhood with the Detached Frontage area. It provides for lots of flexibility going forward, but it also gives our City staff the ability to be a little bit more intentional about what the over-arching goals of the Form-Based Code are. I'm hoping that you can support the amendments as a whole, and I think this is going to do a lot to plug some of the concerns and solve some of the problems that we've experienced over the last two years. Thank you.

2. Kamala Jolly Stewart, 621 E. Hughbert Street – Just briefly, I attended most of the meetings that took place as they looked at the revisions to the Center City Form-Based Code. I believe that there was a great deal of compromise that led to this document that is being presented. Specifically, there are things I don't love, such as the parking requirements within this document. However, I do understand the reason for their inclusion and I believe this document represents a balanced and effective set of codes which will strengthen the Core of the City of Norman, specifically within the Center City Form-Based Code designation. That being said, I'm fully supportive of what we've got here, because I think it is an excellent compromise and is going to strengthen not only our housing options, but also the economic development that can happen between Campus Corner and Downtown Norman. That's all I have to say.

3. Russ Kaplan, 420 W. Eufaula Street – Good evening. I live in the Detached Frontage area. I have a couple of concerns. I'm looking forward to the increased density that was part of the impetus of what we put in place here, and some of the changes that we're making -- I'm concerned about their effect on that. The density increase will help us support our existing retail and restaurants on Main Street and Campus Corner, and I want to see that thrive in the future.

Part of my concern is with bringing the Center City Form-Based Code back under the 65% coverage ratio that the rest of the City has always had and that this area had prior to the implementation of the CCFBC – I understand we have a stormwater issue, and I can appreciate coming back to the 65. My concern is that we're doing a lot more than just coming back to 65%. Section 903.c, under Drainage Calculations, reads: "For redevelopment where impervious cover is increasing to 65%, the difference in the runoff between pre-development and post-development must be accounted for through site engineering and/or engineering solutions." So we are holding the residents of this area to a much, much higher and more expensive standard for managing their runoff than we are the rest of the City, or than we did this area prior to any of the zoning changes, and that concerns me.

It also concerns me – Jane touched on, with the 100% lot coverage at the required build line, that you have a problem with if the neighbor is not cooperative with accessing during construction – but the other problem is if you have 100% coverage at the build line, typically when you do drainage, a little bit of it drains to the alley and a little bit of it drains to the street – and it's probably more to the street than the alley. So if you're building 100% at the required build line, the water now all has to go to the alley, because we're building very close to the street, which is going to put a lot of drainage load on the alley. I don't know how that works. That's just a concern I have.

Then, finally, requiring the Special Use permit for four or more bedrooms – when you go to requiring a Special Use permit, you've taken away development by right. Currently, someone looking to build a home on a lot where there might be a dilapidated house today that is just beyond repair, can buy that house, tear it down, and build their beautiful new home, which increases property values to the area and is a positive thing. But if they have to get a Special Use permit and they don't have that development by right that they have today, I think that's a significant loss of property rights and, therefore, property value.

Generally, though, I do support all the hard work that went into this, and just have a couple of concerns. Thank you.

4. Mitch Baroff, 421 Park Drive – I'm pretty happy with most of the changes. What was determined about the old single-family area? Were the setbacks going to go back to the R-1 ones, or were they going to be what is in the Center City Code? Was that determined?

Ms. Hudson – Within the yellow, which is the Detached section, front yard setbacks, as proposed, this is how it reads: "New construction, and redevelopment, may construct at the setback of the existing structure or follow an existing setback on an adjacent/neighborhood property in the Detached Frontage District only."

Mr. Baroff – Good. That sounds great. I think my greatest disappointment so far in the implementation of the new buildings, of course, is there's not much of a mix of housing type. I think that's how many people feel, and most of them are those single-room occupancy dwellings that a lot of us call student housing of some sort or another. I call them modern rooming houses.

[Power interruption in Chambers]

Mr. Baroff – That's my biggest complaint, is the lack of heterogeneity in the neighborhoods.

I feel pretty strongly, and I would really like to see some kind of architectural review board, similar to how Oklahoma City does most of their special neighborhoods. I think every single special neighborhood has an architectural review committee of some sort or another. I think that's pretty darn important. I think that's about it for now. Thank you.

5. Jayne Crumpley, 423 Elm Avenue – I want to thank staff for bringing this issue forward so that we could get the moratorium to really look at what was happening in the area. I think that most people agree that what we thought we would get did not happen. I applaud the committee. I thought they did an excellent job. I think there's a lot more work to do, and I'm hoping that, since it is a living document, that committee will continue to function and that changes can be brought forward, because I think there's some other tweaking that I would hope would be done.

I want to thank Scott for the Part 9, the Site Development Requirements. Most of you all know that when we were R-3 they built a two-story triplex next to us. Because it was previously platted, they didn't have to go through the extra engineering steps. When it rains, it floods the side of our property, flows all the way back to Park, and floods three properties back there. So I applaud this. I think 65% lot coverage is more than enough.

The other concern that I had was I was only aware after I read the minutes of the issue of lot line to lot line. There are still a number of craftsman bungalow homes or single-family homes in this area that are owner-occupied, and I have a friend who is in one of them. The idea that they can request that the person give them permission to put their scaffolding over on their property so that – I mean, they literally then will block any view for that house and the people who live in it. We suffer from that with what they built next to us that blocks the entire north side of any view that we have. I'm wondering what kind of solutions – I know it talks of it. The committee didn't address this and that would be something that Council may talk about. But I would be curious as to what kind of options might be offered if the person said no, we are not going to allow access on our property for you to build that right on the property line. I don't know what thoughts or whatever have been given to that. Thank you.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Lewis – Commissioner Boeck is not here tonight and he asked me to relay his concerns. Allowing developers with accessible units – making that at ground level, as opposed to three feet up, so they will be accessible. Also allowing through a Board of Adjustment to make that exception at ground level, instead of having to go through a special zoning change through Planning Commission and City Council or going through a PUD. Those would be Commissioner Boeck's two comments. I think he has iterated those in a letter, as well.

2. Mr. Robinson – I have a couple of questions. Jane, one issue I think that Jayne Crumpley just brought up – no, it was the other gentleman. About architectural review board. That's not incorporated into this in any way. Is that right?

Ms. Hudson – It is not at this time.

Mr. Robinson – Is it possible that that could be added in the future to this particular portion of the Code?

Ms. Hudson – That would be up to Council.

Mr. Robinson – I guess what I'm trying to get at is that – if it were added, it would only apply to the Form-Based Code, and not the rest of the Zoning Code. Is that correct?

Ms. Hudson – Correct. It would be for the Regulating Plan within the Center City Form-Based Code.

Chris Lewis moved to recommend approval of Ordinance No. O-1920-3 to City Council. Tom Knotts seconded the motion.

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

YEAS	Neil Robinson, Chris Lewis, Sandy Bahan, Tom Knotts, Erin Williford, Steven McDaniel
NAYES	None
MEMBERS ABSENT	Lark Zink, Nouman Jan, Dave Boeck

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-3 to City Council, passed by a vote of 6-0.

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Item No. 3, being:

MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

Ms. Hudson – I just wanted to say thank you to the Planning Commissioners for coming in on this special meeting. I know we have to come back Thursday, as well. Don't forget. But I do appreciate your time. And to the committee, thank you very much.

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Item No. 4, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 7:08 p.m.

Norman Planning Commission