CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

April 28, 2014

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:00 p.m. in the Conference Room on the 28th day of April, 2014, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Holman, Williams, Chairman Jungman
ABSENT:	Councilmember Miller
STAFF PRESENT:	Ms. Susan Connors, Planning and Community Development Director Mr. Terry Floyd, Development Coordinator Ms. Kathryn Walker, Assistant City Attorney Ms. Syndi Runyon, Administrative Technician IV
OTHER GUESTS PRESENT:	Mr. Mark Campbell, Concerned Citizen Ms. Karlene Smith, Marketing Specialist for Cleveland Area Rapid Transit (CART)

Item 1, being:

CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF MARCH, 2014.

Ms. Karlene Smith, Planner and Grant Specialist, Cleveland Area Rapid Transit (CART), said the March, 2014 CART Fixed-Route Total Ridership was up 1%; however, the March 2014, CARTaccess Total Ridership was down from February, 2014, ridership due to spring break. She said currently the CARTaccess is making 100 trips per day.

Ms. Smith said CART continues to do manuals counts one week a month not only to double check the automatic passenger counters, but to also track the number of passengers who utilize bicycles and wheelchairs.

Councilmember Castleberry thanked CART for the Whittier route change and reminded everyone that Dump the Pump is scheduled for June 19, 2014.

Items submitted for the record
1. Cleveland Area Rapid Transit Ridership Totals for the Month of March, 2014

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Item 3 was discussed before Item 2 at Chairman Jungman's request.

Item 3, being:

DISCUSSION REGARDING CONSTRUCTION IN THE CENTER CITY VISIONING STUDY AREA.

Ms. Kathryn Walker, Assistant City Attorney, said Councilmembers Jungman and Holman requested Staff bring forth this item for discussion after observing several instances around campus of single-family homes being torn down and new duplexes being built that include four or five bedrooms and bathrooms in each unit. The concern expressed includes structures out of scale with the existing neighborhood and disproportionately increased density, although the area is zoned R-3, which explicitly allows a two-family dwelling, but does not limit the number of bedrooms or bathrooms of the dwelling.

Ms. Walker said the City imposed an administrative delay during the Porter Corridor Study in 2009. She provided a copy of Resolution No. R-0910-28 establishing the administrative delay and a map of the Porter Corridor Project Area Boundary for reference.

Item 3, continued:

Ms. Walker said with the Center City Visioning Plan process moving forward having a possible outcome of creating form-based codes, Staff was asked to look at the feasibility of an administrative delay to address construction in the study area while the new codes are being developed. She said an administrative delay imposed now would apply to any building permits requested after Council imposed the delay; therefore, permits requested prior to imposition of the delay would not be affected.

Ms. Walker said temporary administrative delays are appropriate tools for municipalities when creating or changing a zoning plan or ordinance. However, when choosing to implement a temporary administrative delay, citizens and affected property owners may raise concerns regarding taking jurisprudence.

Mayor Rosenthal said she understands there has to be an appeal process and Ms. Walker said that is correct. Ms. Walker said this is an important aspect of an administrative delay due to balancing the rights of the landowners with the rights of the City. She said the appeal is a safeguard to ensure the City does not unintentionally deprive a property owner the right to use their property beyond what is allowed. She said more often administrative delays are approached with caution because you may have people who will get upset because they feel they have the right to use their property under the current zoning and building code regulations.

Ms. Walker highlighted several Supreme Court cases and their outcomes/findings to the Committee. She said based on the Supreme Court cases and in order for Staff to craft a delay that passes constitutional muster, Staff offers the following guidance if Council chooses to move forward with an administrative delay:

- Any administrative delay should be reasonably limited in time based on the anticipated timeline for development of revised zoning codes through the Center City study process; and
- An appeal process should be in place to ensure the due process rights of affected property owner are protected.

Ms. Susan Connors, Director, Community Planning and Transportation, said the R-3 zoning district allows development within the Center City Vision Plan area that could be contrary to the scale and density of the neighborhoods where the zoning district exists. She said the R-3 zoning in the central part of Norman was established in 1954, with the adoption of the Zoning Ordinance and the same Zoning Ordinance, with amendments, is the zoning regulation in use today.

Ms. Connors said the primary concern is the teardown of single-story, single-family homes which are frequently being replaced by large two-story, multi-unit homes that are out of place in the neighborhood. She said the new multi-units are much larger in scale, create impervious surface on the lot to the maximum percentage allowed, remove mature landscaping, and potentially create parking issues in the area. Ms. Connors said the size of the new construction is dictated by lot size with no requirement that the new building blend in with the surrounding homes. She said the new structures must abide by the no more than three unrelated persons rules; however, four and five bedrooms as well as four to five bathrooms are being constructed since there are no regulations as to how many bedrooms and/or bathrooms can be built in the units.

Ms. Connors said one reason to consider an administrative delay is to allow the City to study the development related issues through the Center City Vision Plan process without additional construction projects creating new problems in the area. She said there are four options the Committee could consider to achieve an effective administrative delay for the Center City Vision Plan area and in each instance the administrative delay would provide that no new permit applications would be accepted after the effective date of the administrative delay.

Ms. Connors highlighted the four options for administrative delay as follows:

- The administrative delay could stop the issuance of all permits in the Plan area, which would include all remodeling, demolition, and new construction;
- The administrative delay could stop demolition, new construction of single-family and two-family residential dwellings and remodeling projects in excess of a certain square footage;
- The administrative delay could stop the demolition and new construction of multi-unit residential dwellings; and
- The administrative delay could stop the issuance of only demolition permits which would still allow new construction on vacant lots.

Item 3, continued:

Councilmember Holman said he is specifically concerned about the parking strains the multi-unit construction is putting on the neighborhoods, particularly parking in the alleyways. He asked if the property owners are contributing to any of the alley maintenance and Ms. Connors said no, the alleys are City maintained. Councilmember Castleberry asked how long an administrative delay would be and Ms. Connors said six months to one year. She said the Center City Vision Plan will begin in approximately two weeks. Six months may not be long enough; however, Council can choose to rescind or extend the administrative delay depending on whether the Center City Vision Plan reaches its goal prior to the year or it takes longer than expected.

Mayor Rosenthal said she is concerned with the possibility of having non-conforming uses that will not look anything like what the Center City Vision Plan envisions and/or designs for the area, both under-developed as well as over-developed, and felt a nine-month administrative delay would not be unreasonable. She explained that the Center City Vision Plan may identify certain locations as being ideal for more density, e.g., the vacant lot on James Garner Avenue, while other areas may be identified as being ideal and limited to only single-family uses, e.g., the vacant lot on Comanche Street. Councilmember Castleberry felt the assumption that the City may have a new ordinance code or goal coming out of the Center City Vision Plan is capricious. He said he is concerned about taking rights away from property owners and Mayor Rosenthal said the R-3 zoning has been as such since 1954; however, it is problematic as it allows almost all manners of construction. She felt a nine-month administrative delay would not be onerous.

Councilmember Holman said he is concerned that these multi-unit homes are being constructed very quickly and the neighbors do not have any recourse to protest the project via a public hearing at Planning Commission and/or Council because of the current zoning "loop hole." Councilmember Miller said she is comfortable with limiting to "like" properties and does not want either under-developed or over-developed properties in this area.

Councilmember Miller asked Staff how many building permits have been issued for the area and Ms. Connors said the City has issued two permits that are currently under construction. Ms. Walker said if an administrative delay is chosen, Council would adopt a resolution and during the designated timeframe Council choses, which is listed within the resolution, no permits would be issued.

Councilmember Castleberry asked what would happen if the property owner's original R-3 zoning was changed during the study process, and the ultimate design goal is in conflict with what the property owner would like to do. Ms. Walker said that may happen when the final study comes out; however, as far the administrative delay goes, it will only temporarily delay the zoning of the property. She said the courts have said if it is a temporary delay, the City can do a "balancing test" to make sure the City's right's to plan are balanced to the property owner's rights and the courts have upheld those situations.

Mr. Steve Lewis, City Manager, noted that it is a good faith effort on the City's part to study the issue and Ms. Walker said the City is conducting the Study before/during the administrative delay. Councilmember Williams asked whether the City would be restricted from obtaining demolition permits and Ms. Walker said yes; however, condemnation is a different issue and a demolition permit may be issued if all requirements are met.

Chairman Jungman said he does not want to stop additions and/or remodels to existing homes and regardless of which option is chosen the City needs to be flexible. He asked if there was Committee consensus to request Staff draft a resolution and if so, whether Staff felt Council approval of a resolution in late May would be timely enough. Councilmember Holman felt a six month administrative delay, with the option to extend, would be appropriate and Mayor Rosenthal felt six months might be too short for the upcoming Center City Vision Plan study.

Ms. Connors said Staff can take this topic to a Council study session rather than coming back to the Community Planning and Transportation Committee (CPTC), which might save two-four weeks. Councilmember Castleberry said he does not like moratoriums and is hesitant to tell people what they can and cannot do on their property. Councilmember Williams said he is concerned about not bringing this topic back to CPTC and being forced to make decisions on the fly.

The Committee requested Staff draft a resolution using Option #1, however, remove the word "remodel." Staff will clarify that new construction does not include storm shelters, adding rooms to existing homes, etc. Chairman Jungman requested this topic be brought back to the May 19, 2014, CPTC meeting.

Item 3, continued:

Items submitted for the record

1. Memorandum from Ms. Kathryn L. Walker, Assistant City Attorney, through Mr. Jeff Bryant, City Attorney, to Community Planning and Transportation Committee, dated April 24, 2014, with copy of Resolution No. R-0910-28
2. Memorandum from Ms. Susan Connors, AICP, Director, Planning and Community Development, to Community Planning and Transportation Committee Members, dated April 25, 2014, with Exhibit A, Porter Corridor Project Area Boundary
3. Aerial Map dated March, 2013, of Center City Vision Plan produced by the Geographic Information System Division, dated April 25, 2014

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Chairman Jungman requested the Committee return to Item 2 at this time.

Item 2, being:

DISCUSSION REGARDING A GRANT APPLICATION TO BE SUBMITTED FOR THE TRANSPORTATION ALTERNATIVES PROGRAM.

Mr. Shawn O'Leary, Director of Public Works, said approximately four years ago Staff was discussing this very topic with Council and then a week before the grant(s) were to be announced, Oklahoma Department of Transportation (ODOT) put the program on ice. He said the grant program was reinstated approximately 30 days ago and has changed from an ODOT administered program to an Association of Central Oklahoma Governments (ACOG) Transportation Alternative Program (TAP), which has a little different formula for the grant dollars. Mr. O'Leary said Staff is requesting Council guidance on whether to proceed on a fairly tight timeline for which he believes are opportunities that exist for improvement for Downtown Norman and Legacy Trail.

Mr. Angelo Lombardo, Transportation Traffic Engineer, said tonight's presentation is to review two potential Transportation Alternatives Projects previously submitted to ODOT under the no-longer-funded Transportation Enhancement Program. He said the first project is the Downtown Main Streetscape (West End) and the second project is to do a number of gaps on the Legacy Trail Extension beginning at 24th Avenue N.W., from Robinson Street to Rock Creek Road, and 36th Avenue N.W., from Rock Creek Road to Ruby Grant Park.

Mr. Lombardo highlighted the history of Norman Enhancement Project requests from FYE 2001 to FYE 2013 and said many projects were completed before ODOT cancelled the program.

Mr. Lombardo said under the ACOG TAP grant program, the Federal Funding Program - Moving Ahead for Progress in the 21st Century (MAP 21) is a conglomeration of the "old" Transportation Enhancements Program, Recreational Trails Program, Safe Route to School Program, and a new role for Metropolitan Planning Organization (MPO)'s. He said ACOG has the discretion over the use of funds within the Transportation Alternatives Program, which has approximately $2.8 million available. He said eligible applicants include local governments; transit agencies; natural resource or public land agencies; school districts, local education agencies, or schools; tribal governments; and any other local entity with responsibility for oversight of transportation or recreational trails.

Mr. Lombardo said eligible projects include on-road and off-road trail facilities, infrastructure-related projects that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs; conversation and use of abandoned railroad corridors for trails; infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school; and activities to encourage walking and bicycling to school.

Mr. Lombardo highlighted the financial specifications stating the TAP is an 80/20 match and every two years ACOG receives $2.8 million. He said ACOG Bicycle and Pedestrian Advisory Committee (BPAC) recommended details to include $500K in maximum funding request; no maximum project size; no limit to number of applications; 56% of total is maximum an entity

Item 2, continued:

can receive which is consistent and derived from the Surface Transportation Program-Urbanized Zone Area (STP-UZA) program; and engineering costs are eligible for the funding.

Mr. Lombardo said the TAP is a point system and includes two categories:

Programmatic: Safety considerations (15 points maximum); barriers, i.e., what is keeping people from being able to walk or ride their bicycle (10 points); connectivity within existing networks (15 points); and connectivity between communities (10 points).
Practical: Funding (15 points); planning and design (25 points); and public recognition (10 points).

Downtown Main Street Improvements Project - West
Mr. Lombardo said the project extends from west of University Boulevard to the railroad track and will be in conjunction with proposed other projects to include STP-UZA project to interconnect traffic signals and upgrade lighting and replace waterline (constructed separately). He said the scope of this project includes landscaping, cobblestone paving band, sidewalks, street furniture, decorative lighting upgrade, stamped and colored asphalt, and American Disabilities Act (ADA) ramps. Mr. Lombardo said the estimated cost for the total project is $1,730,000 broken down as Federal: TAP - $500,000 and STP-UZA - $470,000 and Local: City - $685,622 ($517,622 currently budgeted in FYE 2014) and private - $75,000. Mr. Lombardo said the City is still waiting for a cost estimate for utilities.

Legacy Trail along 24th Avenue N.W., north of Robinson Street and 36th Avenue N.W., north of Rock Creek Road
Mr. Lombardo said this project will extend the 24th Avenue N.W. trail to Rock Creek Road including two gaps with lighting; connects to the Rock Creek Road trail constructed with the I-35 overpass (which is the only bike friendly crossing across I-35 in Norman); and extends the trail along 36th Avenue N.W., from Rock Creek Road to Tecumseh Road, then eventually to Ruby Grant Park. He said the approximate costs will be $772,250 broken down as Federal: TAP - $500,000 and Local: City - $272,250 ($150,000 currently budgeted in FYE 2014). Mr. Lombardo said the City is already working with development to build a path along 36th Avenue N.W. He said the Walmart Neighborhood Market located at 3571 West Rock Creek Road constructed 10-foot sidewalks to match the future path along 36th Avenue N.W., as well as the sidewalks at Fire Station No. 8 and the new development near Norman Regional Healthplex.

Mr. Lombardo said if the Committee wishes to move these two projects forward, Council will need to adopt the programming resolutions at a City Council meeting on May 13, 2014. He said Staff would submit grant applications by May 23, 2014, and ACOG would select projects in June 2014. Mr. Lombardo said selected projects would go to ODOT for inclusion in the State's TAP, and if selected, the ODOT Project Agreement approval by the City is due by the fall of 2014. The City would then choose from a pre-qualified ODOT list of engineering companies for design and construction would begin no later than the fall of 2016.

Mayor Rosenthal said the City should consider a recoupment project on the sidewalks and multi-modal trails (similar to the recoupment projects for street improvements) the City will be constructing through University North Park. She felt it was important to get this specific piece of Legacy Trail completed; however, there should be some type of fairness policy or developer fee in lieu of the developer putting in the improvements.

Ms. Joy Hampton, The Norman Transcript, asked whether the developers are required to do landscape along Legacy Trail or does part of the recoupment go into the landscaping and Mr. O'Leary said the developer has a landscaping plan.

The Committee agreed to move forward with current projects, Downtown Main Street Improvements and Legacy Trail, as presented by Public Works.

Items submitted for the record

1. PowerPoint presentation entitled "City of Norman and Association of Central Oklahoma Governments, Transportation Alternatives Program, 1st Biennial Application Cycle," presentation to: City Council Community Planning and Transportation Committee, dated April 28, 2014

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Item 4, being:

DISCUSSION REGARDING CARPORTS IN RESIDENTIAL ZONING DISTRICTS.

The Committee agreed to postpone this item to the May 19, 2014, Community Planning and Transportation Committee (CPTC) meeting.

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Item 5, being:

MISCELLANEOUS DISCUSSION.

None.

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The meeting adjourned at 6:45p.m.

ATTEST:

Brenda Hall

City Clerk

Cindy S Rosetta

Mayor

CITY OF NORMAN CORPORATE SEAL OKLAHOMA