

CITY COUNCIL STUDY SESSION MINUTES

August 18, 2015

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 5:30 p.m. in the Municipal Building Conference Room on the 18th day of August, 2015, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Allison, Castleberry, Heiple, Holman, Lang, Miller, Williams, Mayor Rosenthal

ABSENT: Councilmember Jungman

Item 1, being:

DISCUSSION REGARDING THE CONCEPT OF MASTER DEVELOPMENT PLANS TO BE USED IN CONJUNCTION WITH LAND USE AND ZONING APPLICATIONS.

Ms. Susan Connors, Director of Planning and Community Development, said a zoning and land use amendment application has been submitted for a 760 acre development in the southeastern portion of Norman. The applicant has requested the application be processed differently than current City regulations allow. The main difference from the current process is the zoning would be based on a Master Development Plan (MDP) instead of a preliminary plat. Consideration of a preliminary plat would be postponed and submitted when a parcel is ready for development. This has not been done in Norman and Staff is seeking Council's input.

Ms. Connors said the current process approval requires the applicant to go through Predevelopment Committee and Greenbelt Commission meetings. Concurrent applications can be submitted and applications for land use plan amendments, zoning changes, and preliminary plats go forward at the same time followed by a final plat after the preliminary plat has been approved and improvements have been constructed. She said an optional process for a large acreage could require Predevelopment Committee and Greenbelt Commission meetings. She said applications for land use plan amendments and zoning changes would be a Planned Unit Development (PUD) zone change, which would go forward with the MDP as part of the PUD. The standard zoning and subdivision regulations might be varied in the PUD and platting would not be required to be submitted at the same time as the PUD was considered.

Mayor Rosenthal said the University North Park Tax Increment Finance (UNPTIF) District's process seems to be similar to the MDP process and Ms. Connors said the difference is the UNPTIF applicant had a good definition of the entire southern portion of the development so the preliminary plat went forward with the PUD, but they were subdividing the property into large lots. The northern half was divided into large tracts because the developers did not have specific users, but if someone has 800 acres of non-specific uses the preliminary plat does not work very well. In a preliminary plat the applicant has to define roadways and utilities, submit a drainage report, submit a transportation impact study, etc.

A MDP sets forth a long-term strategy and rules for development on property and is an implementation tool of the Norman 2025 Plan in these areas. It also sets forth the maximum amount, type, and location of future development which will occur during the lifespan of the MDP. The MDP is used to describe a physical framework to guide development, provide an effective context for decision making regarding components of the development program, and allows flexibility which is important when addressing the buildout of a community over many years.

Ms. Connors displayed various examples from other states that would qualify as a MDP. She said most of the plats have commercial, residential, office, industrial, and other varied uses that include the number of lots, and lot type and size to be developed in the area so there are different levels of specificity. She said there should be some type of definition for any open space as well and different uses would have to be identified by color codes with text explaining the uses.

Ms. Connors said the major components of a MDP would include existing conditions with a site analysis; purpose of the project; land use plan; master roadway plan with access points; parks, trails, recreation and open space plan; master utility plan; phasing plan; compatibility with adjacent users; description of types of housing units with specific configuration on the lot and design standards; description of types of housing units with specific configuration on the lot and design standards; descriptions of other land uses and specific population that apply with the design standards; and signage plan for the exterior perimeter of the development.

Ms. Connors said when identifying facilities, applicants need to identify the major category of facilities necessary to serve the development program and infrastructure needed at buildout. The applicant needs to provide a summary of infrastructure costs for major transportation projects; roadway structures; utilities; drainage; parks and recreation; and community facilities.

Ms. Connors said land use controls would have to be defined such as zoning; definition of street and block patterns; design guidelines; phasing strategy; pedestrian systems; landscaping; mix of housing types and densities; and connecting land uses for mobility. She said phasing strategies should include the following:

- Where to begin the development
 - Each area of development should facilitate efficient extension of infrastructure and services by taking advantage of opportunities to build on existing site improvements and utilities
- Timing of the development
 - New phases of development should be initiated when appropriate and services are adjacent. Phasing sequence is important but future flexibility needs to be recognized
- Type of development
 - Each identified phase must respond to market opportunities and set a precedent for high quality development (due to changing market conditions flexibility is needed)

Mayor Rosenthal said she understands the need to respond to market opportunities, but the general public has an expectation of what is going to happen in the neighborhood next to them, which cannot be predicted on 500 acres or more with much certainty. Ms. Connors said the applicant can identify the types of housing and areas where housing is to be constructed. Mayor Rosenthal said we all know how controversial it has been to go from a Lifestyle Center to a Town Center in the UNPTIF and the expectations there. Ms. Connors said the commercial aspect of the UNPTIF did not change, but the way it gets developed may change, which might be an example of the flexibility built into the PUD and MDP. She said the plan can be stricter by allowing only a 5% to 10% modification of the plan. Mayor Rosenthal said the built in flexibility would not have to go through a review process and that is when the City gets criticized from neighbors who complain that what is being built is not what was promised. Ms. Connors said the flexibility can be varied, if needed.

Ms. Connors said the advantages of a MDP is understanding existing conditions on a large parcel of land; context of the surrounding area; a firm plan for the future; a consistent point of reference for future development; more predictability regarding budgeting and planning; potential to optimize resources; a means to establish community character; enhanced amenities in the development; a mix and variety of uses that are not achievable otherwise; and an adequate method to provide infrastructure.

Challenges of a MDP include being a new untested process in Norman; managing a flexible and loosely defined process; monitoring infrastructure plans; creating a mechanism to clearly define development responsibilities as the Plan progresses; defining and coordinating connections to existing development as the Plan progresses; creating a mechanism to address necessary regulation changes that may occur in a long build-out period for a Master Plan; creating a mechanism to refine regulations that do not work once the details are identified; and determining what, if any, improvements or enhancements can be achieved above what current regulations require. She said completing the analysis of proposed changes to regulations can be time and staff intensive. She said the anticipation of a MDP is that it is bringing something extraordinary or high quality into the City.

Councilmember Heiple said there are currently PUDs that are not complying with the PUD documents so how will the City monitor the MDP flexibility if we cannot monitor and enforce current PUDs? Ms. Connors said different departments enter into the monitoring at different stages and generally there is a certain percentage of a development that has to be built-out before the City can anticipate that all the requirements of the MDP or PUD are met. Councilmember Heiple asked if the City has enough Staff to do that and Ms. Connors said not on a daily basis, but the City does have enough Staff to monitor MDPs as they come through to ensure they are being built in accordance with the Plan. She said the UNPTIF is a PUD that was built out over time and when new developments come into that area Staff reviews the original documents to make sure the development is in accordance with the plans that were approved.

Councilmember Allison asked what the minimum size of MDPs would be and Ms. Connors said they can be 50 acres to 1,000 acres. She said there is a development in Stapleton, Colorado, that is 4,600 acres and was built by one developer.

Councilmember Miller loves the idea of a big vision for large tracts of land; however, when something goes on for a long period of time, such as ten to twenty years, the City has less and less control. If a buildout does not occur on a fairly tight schedule then how does the City keep up with it? She said Staff changes over the years and what happens if developers go under, which has happened. She said a huge project like this could be too much for the Planning Department to try to monitor. How do you protect the regulations as the development progresses and protect the neighborhoods around the property that believed they are going to see something happen then ten years later it is not what they expected?

Councilmember Castleberry asked if the acreage being discussed tonight would be similar to the Griffin property development and Ms. Connors said yes, one of the things recommended for the Griffin property was a master developer.

Councilmember Allison likes the larger development plan because it gives some level of certainty for neighboring properties that there would not be multiple land use plans, etc.

Councilmember Heiple asked about timelines for development and Ms. Connors said the construction would be done in phases and once a phase has started all the amenities and improvements would have to be in place before the next phase begins. She said setting a timeline for a specific number of lots or specific commercial square footage would be very difficult. Councilmember Castleberry said it is a risk and if the development did not work out as planned the City would have to live with the consequences. Councilmember Allison said he would prefer a master development move in next to him because that would give him an idea of what will take place in the development which makes him more comfortable than having multiple land use plans come forward without knowing what the next plan will be.

Ms. Connors said potential benefits for the developer include long term strategy for development, administrative approval processes, and variances to development standards for street widths, sidewalk placement, lot size, lot coverage, setbacks, and building height. Potential benefits for the City include high quality development; design standards with design review; improved park land; enhanced perimeter treatment; innovative subdivision design; enhanced neighborhood centers; prohibited uses; and extensive pedestrian system throughout the development. Changes to the process can include the PUD becoming the long range plan for the development; PUD including regulations for future submittals; the PUD document needs to provide detail to allow building permits to be issued once platting has occurred; and the Master Site Development Plan (MSDP) is the guiding document instead of the preliminary plat.

Council Comments

Mayor Rosenthal said there is no preliminary plat in this process so would there just be a final plat and Ms. Connors said there would be a preliminary and final plat process. The developer would be defining a lot at the zoning level without a preliminary plat whereas the current City process defines everything with the zoning and a preliminary plat.

Ms. Connors said additional changes to the process can also include house types and lot sizes that are not allowed by the current zoning code but would need to be detailed as they are in the current zoning code with setbacks, height limitations, parking, access of lots, etc. Although a general plan of major arterial roadway improvements should be included, a complete analysis of traffic and drainage is not possible with the MDP with additional analyses being triggered by the progression of stages of development.

Councilmember Miller said in regard to the house types, is Staff talking about tiny houses and what does the City currently not allow that could be in a MDP? Ms. Connors said house types could include town homes, stacked condominiums, flats, etc., and the City currently has some of these types of housing, but not a lot. She said housing styles and how they are built are much different today than they were in the 1950's when the zoning regulations were set up.

Councilmember Heiple asked if Staff is talking about micro-houses and Ms. Connors said maybe not micro-houses specifically, but smaller lots currently not allowed. She said this leads to the questions of how the City would handle smaller lots, how it would be designed, what access would be, what the street placement would be, etc. Councilmember Heiple likes the idea of micro-houses and said the code needs to be updated since it has been in effect since 1950.

Ms. Connors asked Council if they thought it would be beneficial from a longer term planning perspective, to look at a MDP to effectively plan for infrastructure needs and asked what benefits Council sees in this process?

Mayor Rosenthal wondered how the City could strike the right balance between flexibility that is desired and some certainty on the plans. She said this is getting ahead of the 2025 Plan update process and the City is currently working on some pretty important projects that need to be completed instead of developing a whole new process. She said it might be beneficial, but should it jump ahead of the 2025 Plan update, Center City Visioning Plan, etc. Councilmember Heiple concurred and said the City needs stormwater and master utility plans and to address the issue of HOAs taking care of the stormwater and lakes. The City has learned that HOAs are woefully underqualified to handle stormwater and lake management and those are two very large issues that need to be dealt with before the City basically gives developers a "blank zoning check." He would be in favor of a MDP, but more details need to be worked out and be in line with the 2025 Plan.

Councilmember Castleberry felt the City could do more than one thing at a time and his fear is if the City does not create a MDP the City will get back to the hodgepodge of spot zoning. He said with an MDP the City would at least have the benefit of a vision for large tracts of land to avoid spot zoning. He sees a need for the process, but there are still a lot of questions. Councilmember Heiple said he can see the validity to do this, but it seems to go against everything the City has ever done.

Councilmember Lang said he is always wondering who drives the process, who is the one that develops the vision, and who controls the vision. He said the initial drivers are the developers and the public and one single developer handling development on a large tract of land gives him pause because some larger developments fail. He is always cautious about allowing growth where it makes the most sense to the citizens of Norman, but the process should be opened up to invite all comers. He wants to see more about the plan to make himself feel comfortable about going beyond what the City can actually handle.

Councilmember Allison would like to see more examples of other cities' codes that have been written to reflect this process and how to establish control over these types of developments and Ms. Connors said she has researched which has proved to be a challenge. Councilmember Allison said the City would have to define density so that huge stacked units could not suddenly appear.

Councilmember Miller said the City is already doing pieces of that in Center City and may do it with the Griffin property. The City has been discussing high density and if someone is interested in long term development of a large tract of land how would it be handled? Ms. Connors said the request would be a PUD if someone were to come in today. Mr. Jeff Bryant, City Attorney, said the primary difference is that instead of a developer submitting a preliminary plat for the entire tract which is the current process, the MDP would allow the City to look at the tract and plan it using the primary tool of a master plan. As pieces of the development come forward for development, the developer would submit a preliminary plat then follow that up with a final plat. He said a MDP gives the City and developer a little relief on the preliminary platting process and opens up a negotiation process about what in the MDP would encourage Council to approve the PUD zoning. The MDP would be the master plan guiding documents and preliminary plats coming forward in phases.

Councilmember Heiple asked if the MDP would help with planning infrastructure, such as streets and utilities, as well as save the City money. Mr. Ken Komiske, Director of Utilities, said Staff is looking at how to model that with existing utilities and a lot of that will be based on how large the development will be. Mr. Shawn O'Leary, Director of Public Works, said it has the potential to be beneficial and save money in planning streets and drainage systems.

Councilmember Castleberry would like to go forward with the process and start discussing the details. He said in looking at growth in eastern Norman, there will be large properties that need to be developed properly.

Councilmember Miller wants to know more about the MDP. She can see the advantages, but there are still lots of questions such as how would the process be monitored, etc.

Mayor Rosenthal asked Ms. Connors to research ordinances in other cities. She said when she hears about big master plans, lots of flexibility, and administrative approvals she starts to get pretty nervous that suddenly the Council is not really being responsive or controlling the process. She trusts Staff, but at some point in this planning process, people look to Council to make these decisions so getting the right balance of flexibility and certainty is what needs to be reviewed before she is ready to sign on for a final product. Councilmember Miller said the public might worry that Council is supplementing its own planning process for the developers' planning process and Council needs to be able to reassure the public that proper tracking is taking place. Ms. Connors said finding an ordinance document is not a simple thing because information is not readily available on the internet and she will have to obtain the information by calling individual cities.

Public Comments

Mr. Harold Heiple asked if it is beneficial to look at a master plan to effectively plan infrastructure needs? He would like to work on a proposal with staff and those who have an interest in the game. He has always advocated that Council have final control.

Mr. Jeremy Salyer said he studied Sustainable Community Development and innovation districts specifically at the University of Oklahoma (OU). Those districts are very successful nationwide and the Brookings Institute has recently looked into a lot of these types of developments and they have a lot of good information showing these developments are successful and good for the community. If Council has uncertainty regarding large developments, it is something that can be addressed.

Mr. Sean Rieger, representative for Builders Association of South Central Oklahoma (BASCO), said the goal of a MDP is to bring a bigger vision which would benefit the City. He asked Council not to suppress the bigger vision because the City can plan this type of development along with developers. He said developers understand the certainties of zoning, densities, connection, etc., and the City understands the certainty of infrastructure and development plans. He said the alternative is preliminary plats containing little pieces of land here and there and Staff will have no idea what the roads are going to look like a mile away, but when a developer brings in a large tract of land under an MDP the City will know what infrastructure will look like.

Mayor Rosenthal said there seems to be interest in exploring this, but the Planning and Public Works Departments have some very major projects underway such as the Center City Visioning Plan, Griffin land development, and the 2025 Plan update. She said an MDP is not a simple project. She said the City can explore that and see how it fits in with other ongoing plans. She said the City Manager may have some ideas to discuss at the City Council Retreat on August 22nd.

Items submitted for the record

1. Memorandum dated August 14, 2015, from Susan Connors, AICP, Planning and Community Development Director, to Honorable Mayor and City Councilmembers
2. PowerPoint presentation entitled, "Master Development Plans," City Council Study Session dated August 18, 2015

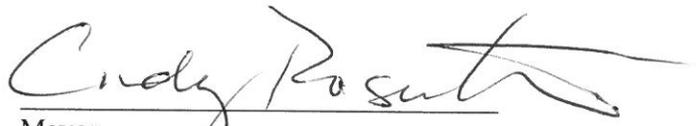
* * * * *

The meeting adjourned at 6:34 p.m.

ATTEST:



City Clerk



Mayor

