

CITY COUNCIL  
PLANNING AND COMMUNITY DEVELOPMENT  
COMMITTEE MINUTES  
August 13, 2010

The City Council Planning and Community Development Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:00 a.m. in the Conference Room on the 13th day of August, 2010, 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 Atkins, Cubberley, Griffith, and Chairman Butler
ABSENT:	None
OTHERS PRESENT:	Mayor Cindy Rosenthal Ms. Karla Chapman, Administrative Technician Mr. Phil Cotten, Police Chief Mr. Ken Danner, Development Manager Mr. Jud Foster, Director of Parks and Recreation Mr. Doug Koscinski, Current Planning Manager Mr. Steve Lewis, City Manager Ms. Leah Messner, Assistant City Attorney Ms. Debra Smith, Environmental Services Coordinator Mr. Tom Knotts, Planning Commission Liaison Ms. Wanda Frost, for Norman Builders Association Mr. Sean Rieger, Attorney

CONTINUED DISCUSSION ON PROPOSED LIGHTING ORDINANCE

Council charged the Planning Commission (PC) with preparing a commercial lighting ordinance and the PC has held several study sessions to review background information and has also actively participated in reviewing several drafts of the ordinance. Mr. Doug Koscinski, Current Planning Manager, said the proposed lighting ordinance is still under review and a PC Study Session is scheduled for August 26, 2010, to discuss.

Mr. Koscinski said the current draft ordinance is designed to deal with commercial lighting in a relatively simple manner and General Standards are specified and quite easy to enforce, to include fully shielded lights, specifying the maximum height of pole-mounted lights, and imposing setback distances from abutting properties. He said several issues remain to be resolved:

- How to deal with existing conditions and with changes over time. Building additions equal or exceed fifty percent of the original building must update lighting to meet new requirements;
- Buildings which remain vacant for more than two years must bring lighting to new standard before reuse;
- Allow illumination level based on the amount of developed "hardscape," not including the building area, making the basic allowance for all new uses five lumens per square foot of hardscape area and additional amounts for pedestrian features, i.e., plazas, sidewalks, drive-through windows, ATMs, and gas station canopies; and
- All lights not needed for security be turned off thirty minutes after a business closes.

He said the issue of security lighting has been raised and Staff requested input from the Police Department. He said Police Staff have attended training sessions to encourage good design in order to reduce the amount of crime. Crime Prevention Through Environmental Design (CPTED) is based on the idea that the proper design and effective use of the built environment can lead to a reduction in the incidence and fear of crime, and an improvement in the quality of life. CPTED takes crime prevention one step further by studying the site design and working with the development community in an attempt to create safer designs in new and existing development. Mr. Koscinski said Staff examined articles which provided some information about design and lighting issues and incorporated the following into the draft ordinance to include:

- Establish a minimum level of light for all new parking lots of 0.2 footcandles and recommends the uniformity of exterior lights be a four to one ratio, both referenced in the *Lighting Design – III* article;

- Allocate an additional amount of "allowable" light amounting to 12 lumens per square foot of sidewalk or plaza area within all new developments to help with the safety issues of pedestrians;
- Lighting levels be reduced by seventy-five percent once a business is closed, but exempts lights that illuminate all exterior entrances and lights controlled by motion detectors; and
- Require full cut-off fixtures with shields to minimize glare. The article *Security Lighting: What We Know and What We Don't* discusses the basic design problems caused by glare, a major reason for the creation of this ordinance.

Mr. Koscinski distributed several articles to the Committee that suggests some key questions to ask as well as issues and situations to take into account when making decisions about installing or changing lighting. The article published by the National Crime Prevention Council titled *Lighting Up for Crime Prevention* frames some theoretical grounds for the effectiveness of lighting, outlines five key purposes for which lighting might be installed or upgraded, and reviews major recent and common standards and strategies for lighting. Mr. Koscinski said the article titled *Crime Prevention Through Environmental Design (CPTED)* is a document used by the City of Virginia Beach, Virginia, and is a guide to design community and professionals so that the *CPTED* techniques and principles can be incorporated whenever possible in the design of projects. He said the document of the Government of Western Australia entitled *Designing Out Crime, Designing In People* specifically talks about lighting standards and crime prevention.

Mr. Koscinski said the Planning Commission (PC) continues to review and discuss the proposed commercial lighting ordinance and representatives from the development community have attended all meetings. He said the next PC study session is scheduled for August 26, 2010, and Staff and the PC would like to receive guidance and direction from Council. He said once a final draft of the ordinance is accomplished, the PC will schedule one or more public meetings to hear from the general public before formally making a recommendation to Council.

Councilmember Cubberley asked Staff if most businesses in Norman would be in compliance with the proposed ordinance, specifically the five lumens per square foot requirement, and Mr. Koscinski said yes. Councilmember Cubberley asked whether a proposed ordinance could be written for a progressive requirement in reference to the cut-off and aiming issues, whether requesting exiting lighting be re-aimed, adding shields, or installing new lighting, i.e., five years all commercial lighting required to come into compliance. Mr. Koscinski said yes, one alternative would be to establish an amortization period after which all existing lighting would have to come into compliance and the Committee agreed setting an amortization date would be a good idea in dealing with light trespass.

Mr. Steve Lewis, City Manager, requested Staff find examples of what it might cost a business to retrofit their existing lighting, i.e., shielding and aiming costs. He asked Staff to also provide types of fixtures that are available and what it would take to install them. The Committee agreed examples of what the impact of retro-fitting might be for a business needed to be researched and discussed in order to decide an amortization date.

Councilmember Atkins asked if the proposed ordinance deals with the color of lighting and Mr. Koscinski said it does not. He said the whiter lights offer better face recognition from a security standpoint, but they are not the most efficient bulbs. The higher pressure sodium bulbs, or yellow bulbs, are longer lasting and cheaper. Mr. Koscinski said the LED Main Street Lighting Project will hopefully provide some research on the color and cost efficiency for lighting.

Mr. Sean Rieger, Attorney for the Home Builders Association (HBA), asked to address the Committee and said the HBA agree with the light trespass issues. He felt all Norman commercial and industrial businesses will be affected by this ordinance and the lighting requirements could be a significant cost for them. He said the proposed ordinance could be a substantial issue for business and commerce in Norman, specifically the two year vacancy requirement. Mr. Rieger said the Saxon Warehouse Building was constructed in 2004, but since it has been vacant for over two years, any new business wishing to lease the building will have to retro-fit every exterior light. He said the new CVS Pharmacy and strip mall located at 36th Avenue N.W. and Tecumseh Road are currently under construction and this proposed ordinance will require them to retro-fit every exterior light. Mr. Rieger said there are significant issues with the proposed ordinance and urged Council to consider them before adopting a lighting ordinance. Mayor Rosenthal said for those locations where there would be no light trespass issues, one option might be to not require lighting to be upgraded; but those locations that do deal with light trespass would have an amortization period allowing them time to retro-fit lighting to come into compliance. She requested Mr. Rieger to bring input to the PC meeting scheduled August 26, 2010, to include which businesses might fall into a five year amortization period and which businesses might not.

Mr. Jud Foster, Director of Parks and Recreation, said there is and will be more public art placed in public parks and in public locations through out Norman that will have accent lighting. He asked Staff if the proposed ordinance will require this particular accent lighting to be turned off at 11:00 p.m. or will it be exempt. The Committee discussed and agreed theft of public art could be a problem if not properly lit and Councilmember Atkins felt the provision of security lighting would apply to public art. Mr. Koscinski said Staff can address access lighting on public art in public places however Council chooses and said under the proposed ordinance, property that is not zoned as single-family or residential, is considered commercial. He said it can be argued although the public art location is not a commercial business; it does remain *open* for 24 hours, thus allowing the lighting to remain on for 24 hours. Mr. Foster said Staff can and will make certain proper shielding is in place on all accent lighting for public art. The Committee discussed accent lighting, specifically lighting for American flags, and said it should remain exempt.

Items submitted for record

1. Memorandum dated August 5, 2010, from Mr. Doug Koscinski, AICP, Manager, Current Planning Division, to Planning and Community Development Committee of the Norman City Council
2. Excerpts from the Canadian Security, September/October 1987, entitled, *Lighting Design – III” Providing Security and Safety for Walkways and Parking Areas*
3. Excerpts from the Lighting Magazine, December 1991, entitled, *Security Lighting: what we know and what we don’t*
4. Article from the National Crime Prevention Council entitled, *Lighting up for Crime Prevention*
5. Document from the City of Virginia Beach, Virginia, entitled, *Crime Prevention through Environmental Design General Guidelines for Designing Safer Communities*
6. Document from the Government of Western Australia entitled *Designing Out Crime, Designing In People Lighting For Crime Prevention*
7. Approaches to Open Space
8. Version 5.5 Draft Commercial Lighting Ordinance

MISCELLANEOUS DISCUSSION

Councilmember Butler provided an update on the Association of Central Oklahoma Governments' (ACOG) new transportation plan, Encompass 2035. She said the ACOG Board voted August 12, 2010, to approve the new projects selection criteria for Encompass 2035, which means projects that come before ACOG and are in the line up for construction will be evaluated not only on what level of service they provide, but a whole range of criteria relative to what makes a place more livable. Councilmember Butler said more consideration will be given for projects with more than one form of transportation, connectivity, and whether it supports economic development and/or mixed use. She said it conforms nicely with the new federal focus on livability and funding.

Councilmember Butler said Norman received a \$205,000 air quality grant for the controlled natural gas (CNG) vehicles. and ACOG will soon be announcing the opportunity to apply for funding for transportation enhancement projects. She said Norman received funding in the past for starting a bike route on State Highway 9 and as Oklahoma Department of Transportation (ODOT) widens and constructs Highway 9, the bike route will be constructed too. She asked Staff be ready to submit enhancement projects, possibly the West Main Street Downtown enhancements that was disapproved by ACOG as well as projects for Porter Avenue/Corridor. Councilmember Butler said \$600,000 is the most any city can receive for any one project. Mr. Lewis said Staff will be bringing forward a package of alternatives in the near future and requested Council help prioritize and pick which projects to submit to ACOG.

The meeting adjourned at 9:04 a.m.

---

Attest: City Clerk

---

Mayor