

CITY OF NORMAN, OKLAHOMA
CITY COUNCIL COMMUNITY PLANNING AND
TRANSPORTATION COMMITTEE AGENDA

Municipal Building Conference Room
201 West Gray

Monday, October 28, 2013

5:30 P.M.

- 1. CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF SEPTEMBER, 2013.**
- 2. CONTINUED DISCUSSION OF CITY COUNCIL DEVELOPMENT APPLICATION POSTPONEMENT PRACTICES.**
- 3. MISCELLANEOUS DISCUSSION.**

CART - Ridership Report September 2013

CARTaccess Passenger Information

ROUTE	Sep-13	Sep-13	Change		YTD FY13	YTD FY14	Change
Average Daily	128	127	-1%		114	115	1%
Month Total	2,482	2,788	12%		8,129	8,505	5%
Zone Two	221	363	64%		627	986	57%
DAYS OF SERVICE	21	22			73	74	

CART Fixed Route Service

The automatic passenger counters have been down for an extended period of time and the numbers are not reliable. CART is working with the vendor and has begun performing manual counts. We hope to have this problem resolved in the near future.

Note: FY12: July 1, 2012 to June 30, 2013

FY13: July 1, 2013 to June 30, 2014

Connect with CART:
510 E. Chesapeake
rideCART@ou.edu
(405) 325-2278



rideCART.com
CARTgps.com
@CARTNorman
CART on Facebook

Safety Concerns Prompt CART to Discontinue the Farside Stop at James Garner/Eufaula Effective November 30.



Alternate stops are available nearby: Webster/Main (Stops 14 and 65) on the Main Street N10 Route and Peters/Comanche (Stop 84) on the Alameda/East Norman Route N21. The stop at Webster/Main is at :04 and :38 after the hour. The stop at Peters/Comanche is at :35 after the hour.

We apologize for the inconvenience, but the safety of CART's passengers necessitates this action.



office memorandum

TO: Chairman and Member of Council Community Planning and Transportation Committee

FROM: Susan Connors, AICP
Director of Planning and Community Development

DATE: October 28, 2013

RE: Policy Regarding the Postponement of Development Applications

Staff was asked to propose a Policy regarding the postponement of development cases when they are before City Council. At the Committee's September meeting staff presented information on how other cities handle postponements, a table showing the applications in Norman that have been postponed at Planning Commission and City Council since 2009 and identified reasons to consider in determining when a postponement was appropriate.

After discussing the information provided, the Committee asked staff to develop a policy and bring the language back to the Community Planning and Transportation Committee for review.

Purpose of the Policy:

1. All interested parties and the public should have an opportunity to participate in public hearings regarding real estate development applications for zoning amendments, land use plan amendments and preliminary plat approvals coming before the City Council.
2. Applicants for zoning amendments, land use plan amendments and preliminary plat approvals periodically need to reschedule a hearing date due to unforeseen circumstances.
3. The City Council has the discretion to postpone applications for zoning amendments, land use plan amendments and or preliminary plat approvals to a future date due to the need for additional information with which to consider an application and other valid reasons.
4. It is recognized that postponements, whether at the request of the Applicant, by staff or by action of City Council, may present an inconvenience to the public or the parties that have an interest in participating in the public hearing process regarding real estate development applications for zoning amendments, land use plan amendments or preliminary plat approvals. It is the intent of this Policy to limit the inconvenience to the public that could be caused by these postponements.

Postponement of development cases at City Council:

1. An Applicant for a real estate development application before City Council seeking a zoning amendment, land use plan amendment or preliminary plan approval may postpone that application as a matter of right no more than two times. Each request must be in writing and the total postponement period cannot exceed six months.
2. If an application is not heard after the second postponement at City Council, the application must start over; except that City Council may postpone an application to a date specific with or without the consent of the applicant after considering the factors as set out below. An affirmative vote of at least five Council members shall be required to grant a postponement. The record shall indicate any stipulations or conditions placed on the postponement.
3. If an item that is subject to a public hearing is continued or otherwise carried over to a subsequent date and the public hearing has been opened, the public hearing shall not be deemed concluded until the date on which the hearing is formally closed. If a continuance provides that date on which the matter will be heard, re-publication of notice is not required. If a continuance does not specify a date on which the matter will be heard, public notice, as applicable, shall be provided prior to the date on which the matter is heard.
4. Should an applicant fail to move an application forward to the next step in the development process for a period of 12 months, it shall be considered withdrawn unless the applicant provides written reasons why the application has remained inactive, including a schedule indicating when the application will again be active.

City Council may consider the following in determining a development application postponement:

- Substantive changes in the project or the area of the project after the Planning Commission hearing.
- Major scheduling conflicts for the applicant or the applicant's representative or agent with the date of a hearing.
- Missing or incomplete information that does not allow a full review of the project.
- Whether a city-sponsored study may give an applicant additional guidance on whether a pending application is consistent with overall Council planning objectives.
- Neighborhood input or concerns.
- Other causes for the postponement found to be reasonable by five affirmative votes of City Council.

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

September 30, 2013

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Conference Room on the 30th day of September, 2013, 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:	Councilmember Holman and Chairman Jungman
ABSENT:	Councilmembers Miller and Williams
OTHER COUNCIL PRESENT	Mayor Rosenthal
STAFF PRESENT:	Ms. Susan Connors, Planning and Community Development Director Mr. Anthony Francisco, Finance Director Mr. Steve Lewis, City Manager Mr. Angelo Lombardo, Transportation Traffic Engineer Mr. Shawn O’Leary, Public Works, Director Ms. Kathryn Walker, Assistant City Attorney Ms. Karla Chapman, Administrative Technician
OTHER GUESTS PRESENT:	Mr. Gail Armstrong, Citizen and Business Owner Mr. Bret Cabiness, Cabiness Engineering Mr. Scott Donaldson, Garver Engineering Ms. Joy Hampton, Norman Transcript Mr. Harold Haralson, TIF Oversight Committee Mr. Doug Myers, Director, OU Parking and Transportation Ms. Janice Oak, Citizen Mr. Shane Smith, Garver Engineering Mr. Mike Spayd, Garver Engineering Mr. Walt Strong, Westheimer Airport Ms. Nicci Tiner, Garver Engineering

Item 1, being:

CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF AUGUST, 2013.

Mr. Doug Myers, Director, OU Parking and Transportation, said Cleveland Area Rapid Transit (CART) “Stuff the Bus for Operation Homefront” will be held Friday, October 11, 2013, from 10:00 a.m. to 6:00 p.m. at both Norman Walmart Store locations. Mr. Myers said donations consisting of gift cards for gas or groceries; new sporting supplies, i.e., bats, gloves, footballs, etc.; new toys; winter coats, hats, mittens or scarves; diapers; art supplies; and books will go to military families in need.

Mr. Myers distributed a CART brochure entitled “CART. We’re going places.” with enclosed average CART route costs and proposed fare increases. He said Metro Transit recently increased their fares and the proposed CART fare increase will be the first rate increase in 18 years.

Item 1, continued:

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the Month of August, 2013
2. Cleveland Area Rapid Transit Newsletter entitled "CART. We connect you."
3. Cleveland Area Rapid Transit (CART) flyer "Stuff the Bus for Operation Homefront"
4. Cleveland Area Rapid Transit (CART) brochure "CART. We're going places," dated August 26, 2013

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Item 2, being:

REVIEW OF CITY COUNCIL DEVELOPMENT APPLICATION POSTPONEMENT PRACTICES.

Ms. Susan Connors, Director, Community Planning and Transportation, said Staff was asked to research how other cities handle deferment, continuation, or postponement of development cases at City Council. She said Staff contacted the following cities to include Broken Arrow, Edmond, Midwest City, Moore, Oklahoma City, Stillwater, and Lee's Summit, Missouri, and highlighted their responses/practices. She said overall it appears that many cities have unwritten practices regarding how many times they allow an application to be postponed. From the cities surveyed the most common number of times postponement is allowed is two.

Ms. Connors said if the Community Planning and Transportation Committee (CPTC) would like to develop a written policy for Norman, other than the current unwritten practice of allowing the applicant to determine when its project is ready to move forward for formal consideration, the following items might be considered in determining a policy for continuation to include:

- Reasonable cause stated for the postponement;
- City-sponsored discussions or studies that are on-going which might entail new regulations and change the direction of the discussion;
- Substantive changes in the project or the area of the project after the Planning Commission hearing;
- Major scheduling conflicts for the applicant or for the applicant's representative or agent with the date for a hearing;
- Missing or incomplete information that does not allow a full review of the project; and
- Neighborhood input or concerns.

Ms. Connors said the City of Norman has not limited the number of postponements; however, the majority of postponements occur at the Planning Commission and are at the request of the applicant. She highlighted applications that have been postponed at the Planning Commission and City Council since 2009, and said Staff requests applicants to request postponements in writing. Ms. Connors said there are few cases where the postponement has been recommended by Staff due to the lack of information provided by the applicant, which in turns makes it difficult to provide an appropriate recommendation to the Planning Commission.

Staff said by ordinance if an application is denied by the City Council, no further application for a zoning change on the same property can be considered by the Planning Commission or the City Council for a period of one (1) year from the date of the City Council denial with few exceptions. Ms. Connors said this has been a consideration for the applicant when deciding whether to request a postponement and keep an application "active". Councilmember Holman asked if this rule would apply if a different applicant brought the application forward and Ms. Connors said the rule would apply but the applicant could request a different zoning category on the same location and resubmit their application.

Chairman Jungman said lately Council has heard a lot from citizens regarding recent continuations and he preferred a more formal document. He felt the process needed to be more defined, stating 90 days (for postponement)

Item 2, continued:

is reasonable and he does not object to applications staying active when the applicant is willing to withdraw the application and come back later with reasonable notice and/or continuing consideration of the application indefinitely. Ms. Connors said most applications are continued to a certain time/date; if an application is postponed indefinitely or withdrawn, the public hearing must be re- advertised prior to being considered by City Council.

Mayor Rosenthal said postponements are a matter of right, whether formal or informal, and felt the criteria in the memorandum are good. Mayor Rosenthal said she is a little uncomfortable with the second consideration "...City-sponsored discussions that are on-going..." and felt an application that comes forward for approval should be based on current criteria/regulations. She felt the consideration was too broad and requested Staff to refine it. She stated she is comfortable with each application having a six (6) month timeframe and two (2) postponements. Chairman Jungman asked whether Council would get two (2) postponement requests, the applicant would get two (2) postponements, and/or if Council and the applicant would each get only one (1) postponement, thus making two (2) postponements total. Mayor Rosenthal felt there should only be two (2) postponement requests, period; not divided up between the applicant and Council and the applications should not exceed six (6) months.

Chairman Jungman asked how such a policy would be implemented. Mr. Steve Lewis, City Manager, said it could be adopted by resolution, ordinance or by practice. Mr. Lewis said most communities want to retain the flexibility because as sure as it is adopted into a policy, a very good reason may arise to put the flexibility versus the policy into action. He said one way Council could attempt this is to announce postponements as a "public practice". Councilmember Holman asked whether such an announcement would need to be done by resolution and Mr. Lewis said a resolution is an expression but does not have any provision penalties.

Chairman Jungman felt issues have only arisen when the "tough cases" have been postponed again and again. He felt if provisions are not mandatory for postponements, they are likely to be ignored and Council will make exceptions; thus, the public in which this issue is designed to protect then loses the protection the City is attempting to craft in the first place. Mayor Rosenthal felt this topic needed to be heard by more Councilmembers before making any decisions and Chairman Jungman agreed.

Mayor Rosenthal requested Staff bring draft language to the next CPTC meeting so the Committee could give feedback regarding the language and whether the postponement process would/could be a practice, i.e., a public announcement attached to applications, etc., or whether the postponement process should be in the form of a resolution.

Items submitted for the record

1. Memorandum dated September 30, 2013, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Chairman and Members of Council Community Planning and Transportation Committee

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Item 3, being:

DISCUSSION REGARDING THE UNIVERSITY NORTH PARK INCREMENT FINANCE DISTRICT – ROBINSON STREET IMPROVEMENTS WEST OF I-35.

Mr. Shawn O'Leary, Director of Public Works, highlighted the Robinson Street and I-35 West Alternative Analysis and Functional Plan relating to the University North Park (UNP) Tax Increment Finance (TIF) District, stating that on November 13, 2012, the City approved K-1213-50 with Garver Engineers. He said Garver Engineers conducted a feasibility study of possible improvements to the west side of the I-35 and Robinson Street Interchange, as improvements to the west side were identified as one of the projects in the UNP TIF.

Item 3, continued:

Mr. O'Leary said in 2006, the UNP TIF Development Agreement No. 1 listed the traffic improvement project for Robinson Street at West I-35 Drive/Crossroads Boulevard and the budget for the improvement was \$1,111,583.

He said UNP TIF Development Agreement No. 5 allocated \$200,000 for the design of improvements to Robinson Street west of I-35.

Mr. O'Leary said there are several avenues to pursue in hopes of gaining potential funding sources for the improvements to include: TIF funds (\$1,110,583); Association of Central Oklahoma Governments (ACOG) funding opportunities; Oklahoma Department of Transportation (ODOT) funding opportunities; and developer participation.

Ms. Nicci Tiner, Garver Engineering, highlighted the project schedule and the primary study area and said the existing conditions include: closely spaced intersections; heavy side street turning movements; downstream blockage during PM peak travel; northbound and southbound left turn phasing; two (2) ramps are located in the southwest quadrant of I-35; and Level of Service (LOS) issues, i.e., southbound left turn and Crossroads Boulevard and westbound left turn at North Interstate Drive are near capacity.

Ms. Tiner highlighted the work completed to date includes analysis of existing traffic operations and projections for future traffic volumes in 2025 and 2035, and evaluation of seven (7) improvement alternatives as compared to existing "no build conditions".

Mr. Spayd said under "no build" conditions the 2025 traffic volumes will have very poor PM peak and the 2035 traffic volumes will have a severe LOS F or gridlock type conditions. He said the presentation included an analysis of the Original TIF Recommendation of maintaining two (2) signals at existing locations; Alternative 1 of maintaining two signals but move North Interstate Drive intersections; and Alternative 2 of eliminating one signal. The width of the Robinson Street/I-35 bridge will be maintained for all options/alternatives.

Mr. Spayd said the design originally envisioned by TIF agreements revealed the 2025 AM peak to be satisfactory; however, the PM peak will perform poorly and the 2035 conditions revealed both the AM/PM peaks performing poorly. He said estimated cost for the Original TIF Recommendation was \$1,110,583 and noted this figure is from 2006; therefore, with today's inflation the estimated cost may be closer to \$1.4 million. Although this is the least expensive alternative and would add considerable left turn capacity at North Interstate Drive onto southbound I-35, it would not address the distance issues between Interstate Drive and Crossroads Blvd. or the issues associated with the southbound to westbound exit ramp.

Mr. Spayd then highlighted Alternative 1, which would add three (3) new turn lanes within the corridor and move the intersection of Robinson Street and Interstate Drive eastward. Alternative 1, 2025 conditions reflect the AM and PM peak traffic will be acceptable and the 2035 conditions reflect the AM peak will be acceptable; however, the PM peak will perform poorly. Mr. Spayd said the estimated cost is \$4,500,000 and would improve the issues associated with the distance between Interstate Drive and Crossroads Blvd. as well as add considerable left turn capacity at North Interstate Drive onto southbound I-35. Although this alternative improves the spacing between Interstate Drive and Crossroads Blvd, the intersections would still be closely spaced and this alternative would not address the issues associated with the southbound to westbound exit ramp.

Mr. Spayd then highlighted Alternative 2, which would create a new eastbound right turn lane just west of Crossroads Blvd., close the existing I-35 southbound off-ramp to Robinson Street, and instead install a dedicated receiving lane onto Robinson for I-35 southbound off-ramp traffic. Additionally, the left turn movement onto Robinson Street from Interstate Drive would be eliminated, while an additional left turn lane would be added for traffic traveling south on Crossroads Blvd. through Robinson Street. With Alternative 2, southbound I-35 traffic would travel south on Crossroads Blvd., and eastbound through the current Hollywood Theatre parking lot (requiring property acquisition), before accessing the highway.

Item 3, continued:

Alternative 2 reflects the 2025 traffic conditions to be LOS "F" movements at the PM peak due to heavy left and ramp weave; the AM peak 2035 traffic conditions to be borderline movements; and the PM peak to be gridlocked with heavy left and ramp weave. Mr. Spayd said the estimated cost is \$6,100,000; however, that figure does not include ROW acquisition costs. Although Alternative 2 would remove the signalized intersection at Interstate Drive and provide improved access to the highway, it would extend the limits of no access and require significant property acquisition of existing businesses while creating a weave movement through the movie theater parking lot and increasing volume at the Crossroads/Rambling Oaks intersection.

Mr. Spayd summarized the alternatives as follows:

- Original TIF Recommendation: Least expensive, but worst operational analysis;
- Alternative 1: Best operational analysis; and
- Alternative 2: Most expensive and the cost does not include the ROW

Mr. Spayd said once an alternative is selected, Garver Engineering will develop functional plans, submit a final report, and assist with pursuing funding opportunities.

Chairman Jungman asked why the other five (5) options/alternatives were not included in tonight's presentation and Mr. O'Leary said they were very expensive, extensive, got into bridge widening, and were just not practical. Mayor Rosenthal asked if this is the first time Staff made this presentation and Mr. O'Leary yes. He said there is no perfect solution and the option/alternative Council chooses will need to be approved by ODOT because they have jurisdiction; therefore, they can make changes to the option/alternative.

Mr. Harold Haralson, Chair, UNPTIF Oversight Committee, asked which option presented tonight was closest to early discussions of needed improvements including limiting traffic to right-turns only at Interstate Drive and Crossroads Drive. Ms. Tiner said Alternative 2. Mayor Rosenthal suggested Staff give this presentation to the TIF Oversight Committee, as well as the sub-committee of the CTP, to gain input and Mr. O'Leary agreed.

Items submitted for the record

1. PowerPoint presentation entitled "City of Norman Community Planning and Transportation Committee, UNP TIF Traffic and Roadway Improvements, Robinson Street – West of I-35 Evaluation of Alternatives," dated September 30, 2013

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Item 4, being:

MISCELLANEOUS DISCUSSION.

None.

The meeting adjourned at 6:44 p.m.

City Clerk

Mayor