

COUNCIL CONFERENCE MINUTES

August 11, 2009

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:32 p.m. in the Municipal Building Conference Room on the 11th day of August, 2009, 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 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal

ABSENT: None

DISCUSSION REGARDING THE TEMPORARY ADMINISTRATIVE DELAY FOR TWELVE MONTHS ON ALL APPLICATIONS FOR BUILDING, DEMOLITION, PAVING, PLATTING, AND REZONING ACTIVITIES IN THE PORTER AVENUE CORRIDOR.

Mayor Rosenthal said on July 14, 2009, Council considered Resolution No. R-0910-28 establishing a twelve-month temporary administrative delay for applications for building, demolition, paving, platting, and rezoning activities in the Porter Avenue Corridor. She said currently there was a motion on the floor to adopt the resolution and it was postponed for revisions. A revised resolution is being considered this evening in City Council meeting. She said Staff advised Council to make a motion to substitute the revised resolution for the resolution considered on July 14th. She said the procedures will be explained to the citizens and Councilmember Dillingham will be making amendments to the resolution as well.

Mr. Jeff Bryant, City Attorney, said an annotated copy of the Resolution has been provided to Council to allow comparisons to the original resolution submitted on July 14th. He said the amendments to be proposed by Councilmember Dillingham have also been included.

Ms. Susan Connors, Director of Planning and Community Development, said Staff met with the Porter Corridor Stakeholder Committee who were generally in favor of the Temporary Administrative Delay order to implement the Porter Corridor Plan. She said the Stakeholder Committee wanted the delay to be short enough to sustain the momentum in moving the plan forward; they wanted to affect the fewest types of permits; and provide an administrative review process. She said Staff prepared a new resolution that has included these three proposals and suggestions made at the City Council meeting on July 14, 2009. She said the boundaries have not changed and Staff still recommends a twelve-month delay to allow preparation of the Porter Corridor Overlay Zoning District and Design Guidelines and appropriate public input and to provide enough time to have a consultant in place for the Design Guideline portion. She said the language had been deleted from the resolution that would extend the temporary delay for six months. She said there had been concerns that the resolution was too broad and could delay property owners whose projects had no impact on the future revitalization of the Porter Corridor. She said Staff revised the resolution and incorporated a chart which shows projects that would be allowed with no permits unless they are in a Historic District, those allowed with a permit but not subject to the Administrative Delay, and those that would be subject to an Administrative Delay. She said adding this piece allowed Staff to remove a lot of language from the resolution that had itemized different permits and applications that would be delayed. She said the Appeals Process was still defined and all applicants would have the right to appeal the Temporary Administrative Delay to City Council and their appeal would be scheduled on the City Council Agenda as soon as possible once the application is filed. A project timeline has been developed for the Porter Corridor Plan which is scheduled for Council's consideration on September 22, 2009, as well as a timeline for the Overlay Zoning District and the Design Guidelines. The Administrative Delay timeline begins immediately after adoption of the resolution.

Councilmember Kovach asked what financial burden is placed on applicants who are subject to the Administrative Delay and if the project was postponed, could it be appealed.

Ms. Connors said if the project was postponed, it could be appealed, and there is no fee for the appeal process.

Councilmember Ezzell asked why Staff felt it was important to maintain such a large area surrounding Porter Avenue.

Ms. Connors said the Design Guidelines would be established which would cover the entire project area and Staff felt it was important to keep the entire project corridor together as one piece because there are elements of the Overlay Zoning District and Design Guidelines that will effect every piece of property. She said the resolution has been revised to give quite a bit of leeway to the residential properties to allow the homeowners the ability to proceed with projects. She said additions were an exception because, recently, a house had been demolished to allow a duplex to be built and since the zoning did not have to be changed, it was allowed. She said these types of circumstances would be subject to an Administrative Delay unless it was appealed. She said items such as decks, windows, doors, painting, new roof, and fencing could move forward without an Administrative Delay.

The Mayor said there were concerns about changing the boundaries at this point since these boundaries were the original ones studied. She said there were issues for both residential and commercial properties and changing the boundaries might not be legally defensible.

Councilmember Kovach asked if Staff had an idea when Council could consider any funding sources.

Councilmember Dillingham said the consultant was required to submit an implementation plan for the Porter Corridor to allow Council to review available financing options and this plan would be available in the near future.

Councilmember Cubberley asked if the main reason the residential areas are included in the Porter Corridor was because of intentions to downzone these areas. He asked if the Overlay Zoning District would be finished before the Design Guidelines.

Ms. Connors said the intent was not to downzone but to place restrictions on some of the uses. She said it is important to keep it as is until Council decides what action needs to be taken. She said the Overlay Zoning District would be developed by Staff first and could be approved by City Council separately from the Design Guidelines.

Councilmember Dillingham said there were certain areas that had been identified on the west side of the Porter Corridor that have been recommended to be single family instead of multi-family.

Councilmember Ezzell asked why the regular zoning approval process was insufficient to control or address the concerns of Staff.

Ms. Connors said many of the actions and permits listed would not require Planning Commission or City Council to give approval. She said an existing business adding a small addition, if it is zoned correctly and properly platted, could be approved administratively without any type of public hearing process.

Councilmember Quinn asked if there were any requests for permits or any type of plans submitted for changes presently submitted that would be affected by the Administrative Delay. Ms. Connors there only a few projects being done at this time and they would go forward.

Councilmember Dillingham said she will be proposing to amend the resolution by adding two paragraphs, a new Section 18, acknowledging the funding sources and a new Section 27, which sets a review date of the Administrative Delay for the second meeting in April, 2010, and adopts the timeline as Exhibit C. She said at that time Council can decide if the Overlay Zoning District and Design Guidelines have progressed accordingly and whether to lift the

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Administrative Delay. She said it is important for the public to see how serious City Council is by showing the consultants and the public how the projects are progressing and having a good implementation plan in place.

Mayor Rosenthal said she had attended the Chamber of Commerce Board Meeting on Monday, August 10, 2009, and it was stressed how important funding sources and options were as well as a timeline. She said the resolution addresses these issues.

Items submitted for the record

1. Memorandum dated August 4, 2009, from Susan F. Connors, Director, Planning and Community Development
2. Resolution No. R-0910-28, as revised
3. Legislatively notated copy of Resolution No. R-0910-28
4. Proposed amendments by Councilmember Dillingham

Participants in discussion

1. Mr. Jeff Bryant, City Attorney
2. Ms. Susan Connors, Director of Planning and Community Development

The meeting adjourned at 5:51 p.m.

ATTEST:

City Clerk

Mayor