

CITY COUNCIL STUDY SESSION

May 1, 2012

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 Council Chambers on the 1st day of May, 2012, 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 Dillingham, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal

ABSENT: Councilmember Ezzell

Item 1, being:

GENERAL DISCUSSION AND OVERVIEW OF HIGH DENSITY RESIDENTIAL DEVELOPMENT.

Mayor Rosenthal said the Planning Commission requested Council discuss the topic of high-density residential development and said the City has recently received two applications for high-density development that are not currently covered in the Norman 2025 Land Use and Transportation Plan (LUP) and/or addressed in any current zoning ordinances. She said Staff will give a preliminary briefing to Council on high-density development and reminded Council that this is not the time to discuss the details of the two high-density applications/projects since the two applications are active and currently going through the process.

Ms. Susan Connors, Director of Planning and Community Development, said the City has recently received two applications for very high-density housing in older Norman neighborhoods and although Norman has many multi-family housing complexes, these two projects are requesting very high densities which are not now common in Norman. She said to date the highest density multi-family complex in Norman is 26 dwelling units per acre and the new applications currently in the process are requesting 100 to 165 dwelling units per acre. One key question is “how much density” is appropriate without the projects overwhelming the remaining neighbors, as well as additional parameters that help mitigate that density, i.e., design, landscaping, amenities, parking, traffic improvements, etc.

Norman 2025 Land Use and Transportation Plan (LUP)

Ms. Connors said the Norman 2025 LUP does not speak directly to what composes “high density” and there is no number of units per acre that is dictated. She said there is one mention of residential density in “Mixed-Use Development”, stating...“Residential density should be sufficiently high in order to support a level of pedestrian activity, and should typically be not less than six (6) dwelling units per acre. A mix of two or more different housing types should be included, at varying densities. Residential dwellings located above first-floor retail, offices and services are encouraged...” However, this does not give much guidance in discussing high-density residential developments, except for the idea of pedestrian activity in close proximity to services or destinations that would encourage pedestrian movements or take advantage of the availability of mass transit, rather than a historic reliance on automobiles as the primary means of movement.

Ms. Connors said the best mechanism in the Norman 2025 LUP which will allow a very high-density development is by creating a Special Planning Area (SPA) and the process allows the City to develop criteria and regulations addressing the unique nature of an area or type of development. Since very high-density development does not currently exist in Norman and may need a framework of guidelines to “fit in” the current development pattern of the City, the following list identifies potential criteria that might be included in a SPA for high density to include:

- Density of approximately 100 units per acre;
- Private open spaces that focus on courtyards and amenities rather than large park-like areas common in more suburban location;
- Six story buildings;

- Adequate, but limited, parking to encourage walking rather than using automobiles;
- Reduced setbacks that insist that new buildings come forward to the property line but with pedestrian amenities so as to encourage a sense of “public place”;
- High quality design, with the inclusion of human-scale elements such as awnings, balconies, and plazas, accompanied by much wider sidewalks with enhanced landscaping;
- Stepping back the façade of the building to allow more height; and
- Requiring articulation of the façade to add interest and avoid large blank walls.

What is Density?

Ms. Connors said density needed to be defined and said density refers to any increase in the number of units not only to high-rise buildings, the definition depends on the context, and density can mean development that is higher than what typically is found in the community. She said high density can be located in rural, suburban, urban, downtown, and interstate interchange areas. The City calculates density using units per acre, persons per square mile, floor area ratio, and “net” and “gross” density.

Some positive views of density:

- Compact Development
- Availability of services near-by
- Shorter commutes
- Walkability
- Variety of housing types
- Cost of public service
- Can be a focus for transit service
- Attractive to employers

Some negative views of density:

- Does not fit in the neighborhood
- Causes traffic and parking problems
- Lowers property values
- Only attracts transient clients
- Increase crime in an area
- High density development is unattractive

Ms. Connors suggested the City also have discussions about how to design for density to include:

- Streets – gridiron, curvilinear, cul-de-sac
- Buildings – single-family, duplexes, town homes, apartments
- Open Space – balconies, formal promenades, squares, parks, wooded stream corridors

Ms. Connors said high quality architecture and careful site planning can maintain the best quality of low-density living in more compact neighborhoods and plazas and squares can be created, as well as, places for people to walk and/or see into a development so that it does not seem to be crowded all while maintaining the ability to have high-density. She said placing houses closer together is important, but building vertically is really essential when designing for high-density, i.e., a two-story house provides the same living space with half of the footprint, thus preserving land. Ms. Connors said building up, rather than out, not only allows higher densities but also offers opportunities to create significant green space. She said one way to provide open space in high-density living or apartment complexes is *not* always at ground level and an important aspect of creating a livable high-density development are balconies. Ms. Connors said if balconies are created and designed well they can provide a way to allow sunlight into the units, provide open space, and allow people to have a view of the street and surrounding areas; thus becoming an extension of the living space. She said another option would be roof-top gardens in places where people can feel as though they are away from the hustle and bustle of the street.

Ms. Connors said locations that are determined to be too dense usually have an overall characteristic of a settlement pattern, such as very little variation of development from one corner of town to the other or if the same block, shape, and/or building type is repeated relentlessly it will make it feel crowded even if having a low-density. She said contrast and diversity at the neighborhood level can be a vital component of successful density and designs will be the determining factor of citizens who are willing to live in higher density residential communities.

Norman Zoning Ordinance

Ms. Connors said Norman's current zoning ordinance does not have an existing category that allows extremely high residential densities with coverage factors that leave little private open space. Under the current regulations, applications which request very high density development, can only be accommodated either as a Mixed Used zoning, a Special Use within several commercial categories, or under the Planned Unit Development process.

Current High Density Applications

Ms. Connors said the Planning Commission unanimously denied an application on their April 12, 2012, agenda requesting a Norman 2025 LUP amendment to allow very high-density housing on a city block bordered by Boyd Street on the south, Monnett Avenue on the west, McCullough Street on the north, and the railroad track on the east. She said the applicant and Staff had prepared different criteria for the SPA; however, Staff was recommending postponement of the item and requesting a broader discussion on the issue of high density with Council, Planning Commission, and the public to better identify what high-density residential should be in Norman. The Planning Commission also recommended that Council take up the discussion of high-density housing in order to determine where it should be, how it should be approved, and what it should look like; and Planning Commission be involved in the discussion(s).

Ms. Connors said a second application for high-density housing is scheduled on the May Planning Commission agenda and the property is located on Asp Avenue, just north of White Street.

Ms. Connors said currently in the zoning ordinance there is the ability for C-1, C-2, and C-3 commercial zonings to have mixed-use buildings, therefore if a developer wanted to mix uses in a high-density building there is an accommodation that would allow them to do so. She said one of the applications the City received did not wish to do this because they wanted living units only, therefore this mechanism could not be utilized.

Councilmember Kovach asked Staff what density is allowable in the current code and Ms. Connors said it is not addressed in the current Zoning Code. Ms. Connors said there is no limitation on the number of units, but the density has been controlled because of setbacks and landscaping requirements and typically 25 to 30 units would be the maximum that would be allowable. Councilmember Kovach asked what the density is for the current building project "The Loft" located on Boyd Street and Staff said they did not currently have that information, but would get the information to Council.

Councilmember Gallagher asked Staff to explain the terminology "net" and "gross" density and Ms. Connor said "net" density takes the parcel and subtracts all the public right-of-way (ROW), i.e., streets, alleys, etc., and "gross" density includes all the public ROWs. Councilmember Gallagher said he is concerned about the current size and image for Norman and wonders why all of a sudden the City is starting to see a lot of high-density development requests without a population growth. He asked how many requests for high-density developments have been received over the past 10-15 years and Ms. Connors said the City has not had any such requests. Ms. Connors said multi-family development typically goes through a 10 year cycle, stating when apartments are plentiful to rent the economy is saturated therefore developers stop building for a time and when vacancy is low the building ramps up again. She felt the economy, timing, and what is currently prevalent in the industry are the reasons for the recent high-density applications. Councilmember Gallagher asked the vacancy rate for apartments in Norman and Ms. Connors said it is approximately 8% vacancy with 92% occupancy.

Councilmember Gallagher felt Staff's presentation is more favorable than unfavorable and asked if it was Staff's goal to simply offer or pursue high-density development. He felt Staff has a dual purpose to present information both the pros and the cons of high-density development. Ms. Connors said the way Norman has developed reflects the lower-density development side and felt there was not a need to show what is currently prevalent in Norman. She said Staff's presentation was merely illustrating what high-density development(s) might mean and *could* look like if pursued in Norman, as well as how an increase of density could be handled or not handled in the community. Ms. Connors said

Staff does not favor or oppose high-density development and is simply presenting information to Council, looking to obtain Council direction regarding where density should and/or should not go in Norman. Councilmember Gallagher said high-density developments on college campuses are necessary, but invading Norman residential areas with high-density development will change neighborhood atmospheres and felt the outcome would be negative.

Councilmember Griffith said he understood that vacancy rates can encourage high-density and asked what other issues could trigger the interest for high-density development in the community. Ms. Connors said she has never lived in a university community before but felt the University of Oklahoma (OU) is a great impetus for high-density development to come forward. She said the City's current vacancy rate is such that it can be very appealing economically and suggested obtaining information from apartment developers as to what other circumstances must be present in order to encourage high-density development.

Mayor Rosenthal asked what other limitations of mixed-use development do not fit with high-density development. Ms. Connors said the high-density development applications reflect two types of housing with a mix of non-residential development on one to two acres of land and not applicable to mixed-use development. She said typically 10 to 20 acres is used for mixed-use development rather than on a building by building basis; therefore, the two high-density applications received for single infill building projects are not applicable to mixed-use development. Mayor Rosenthal said her recollection of the Special Planning Area (SPA) designations in the Norman 2025 LUP are for areas that had an uncertain future and the SPA is not *really* a zoning category. She said the SPA is only a mechanism or placeholder that would designate a future area or location that the City should study and develop an appropriate plan. She asked Staff how the SPA could be used in order to deal with high-density projects and Ms. Connors said the Norman 2025 LUP describes an area or location must have unique characteristics that force the SPA designation to that location and she said if the City were interested in high-density development then a SPA could be used to create those unique characteristics. Mayor Rosenthal said she is concerned with using a SPA to craft a policy for high-density development and felt Council should consider creating a specific zoning category for high-density development, similar to how the mixed-use development district was crafted. She said the Council Planning and Community Development Committee, now the Council Community Planning and Transportation Committee (CPTC), handled the mixed-use zoning designation by looking at several different ordinances from other communities and periodically received briefings and input from the Planning Commission. Mayor Rosenthal suggested this process was an appropriate method to proceed regarding the high-density development and asked Council how they wished to proceed.

Mayor Rosenthal asked where existing infrastructure capacity fit into the calculations, i.e., water, sewer, streets, etc., which are huge pieces of high-density development and Ms. Connors said the development would have to provide the infrastructure(s) necessary to make it work. Ms. Connors said water and sewer lines can be installed and/or upgraded and streets can include improvements such as create acceleration/deceleration lanes. Mayor Rosenthal said Staff's presentation indicated that visual design is very important for high-density development and said she was only aware that mixed-use development districts included design criteria. She is concerned how design would be regulated without the design criteria guidance and Ms. Connors felt some design criteria could be created for very high-density to include façades, balconies, entrances, wider sidewalks, step-back buildings, and create variety as construction goes up so that the magnitude of the building project is not at the street line.

Councilmember Dillingham asked if it would be beneficial to identify the in-fill/open space areas that might be targeted for high-density development and identify any commonalities for using these special planning districts in the in-fill/open space areas. Ms. Connors said yes and felt it should be a long-range goal for the City. Councilmember Dillingham said when looking at trying to use high-density, how a policy be created that can be applied uniformly but at the same time be unique and offer variety and Ms. Connors said the criteria and framework could be created as a form/outline, then create "help" criteria to assist with the variety of high-density types. Councilmember Dillingham asked if criteria for the basic architecture designs such as size, shape, height, and spacing could be crafted, but then the individual artistic design criteria could be more flexible to match the architecture elements of the proposed area and Ms. Connors said yes, stating the City would not try to dictate architecture but rather form and function.

Councilmember Kovach said he would support the idea of having more discussion in regards to how criteria can be crafted for high-density development to include adequate pedestrian traffic, i.e., wider sidewalks, etc. He said he supported high-density development in general because it saves on infrastructure for the City and it can help reduce some of the traffic issues. Councilmember Kovach felt the mixed-use aspect can also work for high-density development such as living units above businesses. He said he agreed with Councilmember Dillingham that open areas should be identified which the City would either encourage or allow the use of special planning districts and felt the appropriate time for such discussions would be during the future Norman 2030 LUP update. Councilmember Kovach also felt that along with placement or design of the building, the City should also consider the privacy aspect, i.e., most citizens would not like a six-story building looking down onto their property. He agreed that Council should move forward requesting the CPTC begin discussions regarding high-density development and said a liaison with the Planning Commission regularly attended the CPTC, which was very helpful.

Councilmember Dillingham did not want the process of crafting high-density designation(s) be a "piece-mill" practice as projects come forward and felt the CPTC should begin discussions, working with the Planning Commission, the development community, and neighborhood representatives. Councilmember Quinn agreed that neighborhood representatives should be involved in the process of creating a high-density development because involving the public will make a better product. Mayor Rosenthal suggested requesting representative(s) from the neighborhood(s) where the two proposed high-density development applications have derived to set with the CPTC and participate as the applications go through the process.

Mayor Rosenthal said although this is not a public hearing, asked if anyone in the audience would like an opportunity to ask questions or give input to the issue of high-density development.

Ms. Joy Hampton, *Norman Transcript*, said as Councilmember Gallagher pointed out, Norman is not New York City and there is a certain cultural way of thinking about how citizens live in Oklahoma. She felt Oklahoma is not very pedestrian friendly and asked if there are ways to identify places that the City could create the supporting infrastructure so that citizens could walk to the corner store. Ms. Hampton said maybe the locations could be blighted areas in the City that need revitalization and possible federal funding could be retrieved to renew/revamp them. Ms. Connors agreed that areas in Norman needed to be identified and the issue of how to define and identify these areas, to include what components the areas will have, will need further discussion.

Mr. Jim Stanley, 3922 Pine Tree Circle, said several years ago the University tore down a lot of buildings on campus and asked Staff if OU would be considered when discussing high-density development or will the City continue to allow the University to go its way, hoping that everything else will fit. Ms. Connors said the City does not have the ability to manage OU or to make OU conform to Norman's regulations, therefore whatever OU chooses to do/not do on their campus is outside the City's regulatory authority.

Ms. Jayne Crumpley, 623 Elm Avenue, asked whether the high-density projects already received by Staff will be put on hold while the CPTC is developing guidelines for Council to approval. She said her concern is *if* the applications go forward and are approved, only later to be determined that they are not the best and/or right projects for the area, what happens when other high-density applications come forward stating that a previous high-density application was approved; therefore, this subsequent high-density application should be approved as well. Ms. Crumpley said she is very concerned about what could potentially happen to Norman neighborhoods.

Ms. Cheryl Clayton, 503 Tulsa Street, said one of the proposed high-density application projects is *extreme* high-density, proposing 175 per acre, not only for the community of Norman but for other large cities as well. She felt the project would look like a prison and wondered if Staff would look at public safety issues such as how fire vehicles and/or firemen would gain entrance, etc., while considering the proposal or future proposals. Mayor Rosenthal reminded everyone this is not a public hearing on any specific high-density proposal and no public notice has been given to high-density applicants or to the neighborhoods. She said she does take the question of "how does high-density deal with issues of public safety," as a legitimate question and concern. Ms. Connors said she noted this as an item going forward with high-density discussions.

Mr. Ty Hardiman, 630 Miller Avenue, asked Staff whether a Planned Unit Development (PUD) process has ever approved an application for density exceeding 20 to 30 dwelling units per acre in the core area or anywhere in Norman and if not, he felt this would be an appropriate boundary to draw regarding future high-density applications and for further review and/or high-density studies. Ms. Connors said Norman has not ever received or approved any developments that have come in under the zoning category to include PUD's that resemble the recent proposed high-density applications. She said the PUD can not handle high-density development because there is a criterion requiring open space and other items that some of the proposed high-density applications do not fit under. Ms. Connors said the PUD ordinance could be amended or a zoning category could be created allowing differences so that the proposed high-density developments can occur.

Mr. Bobby Stevens, P.O. Box 6226, felt high-density developments would be an eye sore for Norman and wondered whether The Links located on Cedar Lane is considered high-density. He said he agreed that planning and public safety issues are crucial to high-density development. Mayor Rosenthal said that The Links did conform to densities that are currently in Norman's City Code and Ms. Connors said The Links are what is currently what Norman considers high-density. Ms. Connors said The Links is an apartment complex and meets the pattern that most of the complexes in Norman follow, so the application was not out of the ordinary.

Mayor Rosenthal noted that any high-density application that has currently been filed/received has every right to proceed through the process. She said Council will use judgment and take into consideration any advice from the Planning Commission, as those applications are researched, looked at, and discussed. Mayor Rosenthal asked Staff to schedule this item on the Community Planning and Transportation Committee (CPTC) agenda and to proceed quickly in order to begin developing policy guidelines for the City regarding high-density development.

Items submitted for the record

1. Memorandum dated May 1, 2012, from Ms. Susan Connors, AICP, Director, Planning and Community Development to Mayor and Council Members
2. Catalog of aerial photos from the Lincoln Institute of Land Policy project entitled "Visualizing Density"
3. PowerPoint presentation entitled "High Density Residential Development," dated May 1, 2012

The meeting adjourned at 6:37 p.m.

ATTEST:

City Clerk

Mayor