

CENTER CITY ADMINISTRATIVE DELAY AD HOC COMMITTEE

APRIL 22, 2019

9:00 A.M.

Committee Members Present:

Councilmember Bill Hickman
Jim Adair
Cameron Brewer
Lee Hall
Keith McCabe
Richard McKown
Byron Morris
Autumn McMahan (via phone)

Mayor Lynne Miller

Committee Members Absent:

Councilmember Holman

Staff Present:

Jane Hudson
Anais Starr
Beth Muckala
Terry Floyd
Sara Kaplan
Roné Tromble
Tara Reynolds
Kathryn Walker

Public Present:

Jayne Crumpley
Russ Kaplan
Peter Petromilli
Dave Boeck
Brent Swift

Councilmember Hickman -- I'm going to call the Center City Administrative Delay Ad Hoc Committee meeting to order for Monday, April 22. Do we have Autumn on the phone? Or can we get Autumn on the phone?

Ms. Hudson – To have Autumn on the phone, there is an additional process for Open Meeting records, and we have to advertise ...

Ms. Muckala – All committees are subject to the Open Meetings Act for the purposes of notices. So for someone to join, it needs to be by video-conference, and it would need to be in a public place where people are able to attend. So we've communicated to Autumn and we're figuring out setting up facilities to be available to her for attendance in person, unless she wants to attend in a different public place. We're working all that out.

Councilmember Hickman – Could she listen in via phone call, just to hear what's going on, whether she could or could not participate?

Ms. Muckala – She would not be able to participate, but whether or not we've ever opened even a line up to the public – Kathryn, have we done that before, just for listening purposes?

Ms. Walker – We haven't done that before. That's a new idea. I just worry that she'd be tempted to participate, and we can't do that. But she could certainly listen. She

could not be present for the purposes of establishing a quorum by phone, nor could she act.

Councilmember Hickman – Do we want to call and see if she wants to listen?

Ms. Hudson – Hi, Autumn. It's Jane. I've got you on speaker phone here in the conference room. It's my understanding with discussion with the committee and Legal here in the room with us that you can listen but if there's a vote taken, you cannot vote. So you can just listen in.

Ms. McMahon – All right. I will be listening then, quietly.

Councilmember Hickman – Autumn, this is Bill Hickman. If you have any questions after this meeting, in preparation for the next meeting, please feel free to reach out to me or one of the committee members or to staff. Okay? But we wanted you to be able to listen in and stay caught up if possible.

Ms. McMahon – Yeah. I appreciate that. That's great. Well, I will be here.

Councilmember Hickman – Okay. Before we get started, I want to take the opportunity to tell Lee Hall, one of our committee members, happy birthday. Happy Birthday, Lee. Thanks for being here on your birthday. I'm sure you couldn't think of anything more exciting to do on your birthday.

Ms. Hall – I couldn't think of one more thing that would be more enjoyable than being here on my birthday.

Councilmember Hickman – Okay, Jane, are you going to kick us off?

Ms. Hudson – I am. Welcome everyone. I hope everyone had a great weekend. I'm going to go through this PowerPoint presentation, and then we can backtrack on some of the slides for things that we want to look at. But I'm just going to give an overview of what we've got going on. As a reminder, these are the meetings that we've had thus far. I put in two slides, one at the beginning and one at the end, and I really outlined everything that we've got going for your meeting schedule, the timeline for the final report. June 6th we have to have the legal in the Transcript, as well as any public notice or notice to property owners, depending on how we move forward with this process. That has to be done by June 6th to make a June 27th Planning Commission meeting, and that is a Special Meeting. So that would be the absolute latest we could do this and still be on Council for July 9 and July 23rd.

Again, I just kept this slide in there about the study area. Districts for our frontages.

For the discussion today, and I will go back to this one – I got everybody a copy of the PowerPoint so everybody can stay on track with where we are as far as the discussion is going and the items that we need to go over today. There will be discussion regarding the pink, the Neighborhood Middle Frontage. There will be a

discussion regarding the number of dwelling units, count of dwelling units per frontage. The impervious coverage – the existing regulations in the Zoning Ordinance is 65% -- 40% for all structures on a lot – not just a main structure. The remaining area is the parking lot. So we're coming up with 65% coverage. That's a discussion that we need to have today. We've got a lot of runoff in the Core Area. Parking requirements – we need to discuss the parking requirements, regarding whether we have a 3, 4, 5, 6 bedroom unit – we want to go over some of the parking requirements. The incentives – there are some possible incentives regarding bedroom count – we want to discuss that today. Then we want to go back – I wasn't clear where we ended on the orange for the residential on the ground floor, and I want to make sure that everybody is on the same page for that. I also want to have a discussion regarding the yellow, which is the Detached Frontage area specifically on Park. It's up to you guys which direction you want to go on that, but at this point right now I believe we're specifically talking about the area on Park. Then we'll move into the technical changes. But that last, as it was pointed out, I had that first and everybody said, well, wait a minute, you want to have that last, depending on how you guys end up with the other items before that. Then, as requested, we'll have a discussion on the TIF at the very end, to give an outline for that.

Just wanted to remind everybody about the pink, the Neighborhood Middle Frontage, represented by the traditional duplex, triplex, bungalow, and then the pink was removed from the Center City Form Based Code – not currently utilized.

Again, this is just a map to show where that area was that's down here at the southeast corner of the overall Form Based Code area.

Councilmember Hickman – Jane, go ahead and go to your next slide. I'm sorry.

Ms. Hudson – If I could just go through these. That way it gets everything out on the table. These are the definitions that we are proposing: a bedroom definition, dwelling unit. There is a definition for a lot that we need to determine, because in this area they were all platted as 25' lots, so we need to determine if we want to reference this as parcel, tract – what we want in there for the definition. Then we still need the definition for the common drive.

Again, as a reminder, these are the things that we're looking at for this overview of the Form Based Code.

Again, wanted to have the timeline up there for the administrative delay.

Councilmember Hickman – Jane, if you can please go back to the slide that was the regulating slide that showed the pink. Okay, so Committee, what I wanted to do today is just take on some of these tough questions and discussions, and I thought the first thing that would be helpful would be discuss this pink area and whether or not we wanted to add it back in. Let me tell you what I'm thinking here. A way we can tackle a couple problems in one strategy is we have the yellow, the pink, the blue – the three main residential areas. If we considered the yellow to be 1 dwelling unit -- and you just saw that definition of dwelling unit – with an ADU, which is essentially a garage apartment, which is already allowed in yellow. If we added back in pink, and said pink was 2 dwelling units per lot, and we're working on a definition of lot that, in theory, being 2 dwelling units per project. Then blue was 3 dwelling units or more per lot – per

project. Then we would be, in a way, defining the density areas by yellow, pink and blue. The idea – there was the last-minute change to take pink out of the committee -- would be to add it back in, and it would be the area that would be defined as up to 2 dwelling units per lot, and would help to create multiple differing styles of housing and density units based on the yellow, the pink, and the blue. What are your all's thoughts about that idea of bringing back the pink and more clearly defining it? Just to be clear, Keith, for example, last time we talked about those definitions of like townhouse/townhome, we would not use the definitions, because those seemed to create some confusion. We would not define duplex. We would not define townhouses. We would set those aside and we would define them more on dwelling units. Like I said, yellow is 1 dwelling unit with an ADU, pink is up to 2 dwelling units, blue is 3 or more dwelling units. I want to get everybody's thoughts on that, and we're going to need to start taking some action. So, Keith, what are your thoughts on bringing back the pink and defining the colors by dwelling units?

Mr. McCabe – When we had the original meetings, this neighborhood was actually an R-3, which allowed certain buildings to be built. After this study was done and the pink was brought in, the pink had a height limit on the duplex to two-story only. Putting pencil to paper, which there was a lot of that done at that meeting, the current value that we were purchasing that property for was so many dollars per sq. ft. of dirt. You could not rebuild the existing pink structure and make financial sense. So through that meeting, since we were losing our R-3 zoning, which allowed us to build a certain product, after discussion and realizing that the pink was devaluing that property, it was agreed to move it to the blue. That came with a lot of discussion with the Steering Committee. This wasn't just done – and I don't mean at the last moment. This was done with a lot of discussion, a lot of numbers, a lot of building plans brought in. So this was actually something done. I understand needing something like this. I do. My concern is the height issue. I'm building a structure right now – it's a third story, but I'm actually under roof. So it's not 3 stories with the roof, but it's 3 stories under roof, which would not be legal in the pink.

Councilmember Hickman – Jane, does the pink limit it to 2 stories?

Ms. Hudson – It does.

Councilmember Hickman – Can we make it 3 stories in the pink, like it is in blue? They're essentially building the 3 story product in the blue now. The regulation is more focused on units than height.

Ms. Hudson – We can change it to 3 stories. I will tell you that currently we have 1 project on Dean's Row and we have 1 project on Monnett, which are being built under the existing blue, so they are at 3 stories. I would hate to have 2 3-stories sitting there and then move forward and have 2 stories, because we'd have those really oddballs out.

Councilmember Hickman – So if we amended the old pink, as it was back 3 years ago, or 4 years ago now when it was taken out by the committee, and kept it as pink, but modified it to be 3 stories, 2 dwelling units per lot, can we live with that? Everybody?

Mr. Adair – Question. Jane, tell me if I'm wrong here. The way this is written, we set a maximum that you can build. We are not setting a minimum, correct? In any of the zoning classifications.

Ms. Hudson – Correct. As far as maximum height.

Mr. Adair – So what we're talking about doing in the pink, you could do in the current blue area.

Ms. Hudson – Yeah. The only difference between what the pink and the blue is – is that the pink limited the height to 2 stories. That's what they were building before under the R-3 – we had 2-story structures with ...

Mr. Adair – If the only difference was 3 stories and 2 stories, and now we're going to do pink with a 3 story limit, isn't that blue?

Councilmember Hickman – Well, because we eliminated pink – pink is going to be up to 2 dwelling units, and the proposal is to say blue will be 3 dwelling units or more per lot. So that we can create more density in the blue area, Jim.

Mr. Adair – Then we need to define a lot as 50' of frontage.

Councilmember Hickman – We're working on that definition. But the concept is that the project, the lot, or however you want to look at it – when they bring in a set of plans – will be in the pink up to 2 dwelling units, in the blue will be 3 dwelling units or more. Cameron, what do you think about adding in the pink and defining it based on these units like this?

Mr. Brewer – Well, I did feel that pink was an important part of the original plan. I wasn't involved in the discussion during the Steering Committee, so I'm sure, as Keith said, there's a lot of discussion and reasoning as to why that flipped out. I understand the height issue concern, so I think if we're able to remedy that, that seems like a ...

Councilmember Hickman – Thanks, Cameron. What we're trying to accomplish here is to get more of this missing middle housing – different housing types – by making blue a more dense area and by clearly defining pink the way we're talking about with the accommodation for the height.

Jane, you had your hand up. You wanted to say something?

Ms. Hudson – I just wanted to say, also in the pink, there are established required 5' side yard setbacks, and in the blue – and, of course, that's something we still need to go

over – but in the blue it said there are no side yard setbacks. So in the pink they will be required to have that 5' side yard setback.

Mr. Adair – I think as part of the discussion, we've still got to talk about parking. What we're talking about overall is density, and if we increase the parking requirement, then we've reduced the density. I can't talk about them disconnected.

Councilmember Hickman – Okay. Well, we're going to talk about parking, too, Jim. Yes, Keith.

Mr. McCabe – Kind of thinking about what we're proposing maybe. I can actually see it kind of making sense to me at this moment. Because, since we're talking about the elephant in the room – we're talking about the student housing that we're building, basically from Duffy south to the University. That allows us to address the dwelling unit that we're going to discuss. It allows us to discuss the parking that we're going to discuss. I think we want to see more young professional, urban type living. In my experience, when I get those phone calls, as soon as they show up and see they're living in between a fraternity, a sorority, kids, they don't want where I'm at. They want to be up by Main Street. That's where they walk. So I see the benefit at this moment for doing that, because it would define that more urban, young professional, townhome living closer to Main Street where the restaurants and all of that's at, and we're able to concentrate on our market. So kind of makes sense if we can talk about that building height.

Ms. Hall – I think, in concept, the pink was part of that whole original transition plan. I've always wondered why – and thank you for your thoughts on why it was removed in the first place. I think if this is creating a way to limit the 2 dwelling units in a specified area, I think that is going a long way toward accomplishing what we're trying to achieve.

Councilmember Hickman – Do we want to take an action on these two pieces – one being to bring back the pink with a height up to 3 stories, 2 dwelling units per lot; and then an action on defining the yellow to be 1 dwelling unit with an ADU and the blue being 3 or more dwelling units per lot? Keith?

Mr. McCabe – Jane, on the 2 structures being built right now, because I know where they're at – I just haven't looked at them. Are they a true 3rd story with a roof above, or are they like my building that has the 3rd story under roof?

Ms. Hudson – I will get an email out to everybody. I think, just off the top of my head, if I remember correctly, the one on Dean's Row is, I believe, I want to say like an attic area.

Mr. McCabe – Under roof, like what mine is.

Ms. Hudson – Then the one on Monnett is a true 3. I think. I could have that flipped, but I think that's how it is. But I'll make sure.

Mr. McCabe – So maybe, if we only have one structure at this time that's a true 3-story with an attic, we're talking 12' difference in height from the attic of the 3rd story to the peak of the house – for the ridge, maybe. That maybe we look at – I understand we have 1. But maybe we look at – to help keep with the height issue, that we do the 3rd story under roof.

Councilmember Hickman – I'm comfortable saying that the height and the side lot lines for pink would be the same as blue, and that the distinction be that pink is up to 2 dwelling units per lot, and blue is the 3 dwelling units or more per lot, but otherwise pink and blue are the same. I'm comfortable making that compromise, if you will, since I know there's been activity down in the pink area already. Does that ...

Mr. McCabe – The reason why I'm thinking if we did end up staying the 2 stories or the 3rd story under roof, that does save 10' of height to help with like what Lee's talking about getting that height up. Yes, we have one house in there, but we have one or two houses in each little area that didn't quite fit what we were hoping for, anyway. So maybe that's the one that gets blessed, because it's not mine. But maybe that's the one that gets blessed and we correct it from here forward. But I respect the 5' side easements in the pink, because, since we're purchasing this property 50' sections at a time, and a lot of the older houses are actually built over that, my fireman in me tells me that I just can't build on that property line. I've got to give some space.

Councilmember Hickman – So how would you make that motion then? Want to add the pink back ...

Mr. McCabe – I think it's just adding the pink back, with changing the height limit.

Councilmember Hickman – And what would you recommend that height limit be?

Mr. McCabe – 3 story, if the 3rd story is under roof.

Councilmember Hickman – Okay. So let's make that a motion – motion to bring back the pink with a height of 3 stories under roof, and maximum number of dwelling units per lot of 2. That work, Keith?

Ms. Hudson – Can I ask a question? Because, I'm sorry, I am not an architect, and I want to make sure I'm clear on this, and maybe somebody else needs to – I just want to ask. When you're saying adding the pink back, 3 story if 3rd story is under roof, is that a livable area, or is that – is that where you could put a living unit?

Mr. McCabe – Yes.

Ms. Hudson – So how does that differentiate between a 3-story in the blue right now? Just help me understand it so I can explain it.

Mr. McCabe – You're okay. I've always heard – but construction terms are literal – it's what you're used to building, and Byron or Richard can help. When I hear of a 3rd story building, I'm actually seeing 3 floors, and then there's an actual attic space above the 3rd. I have heard my type of building that I'm building – and Brent, can you help with how we would define that? I know the one that I'm building right now is 2 full floors and then the 3rd floor is under the roofline of the – basically like a bonus room in the attic.

Mr. McKown – I'm not sure that this is what we – back to the question, and we've already got two of them being built over there that are 3 stories tall. I'm struggling to figure out what we're gaining, other than bringing the height down and limiting the number of units. There's a whole bunch of stuff over there already that you split this thing in half and it's 6 bedrooms on this side, 6 bedrooms on this side – what have we really accomplished with this?

Councilmember Hickman – We have more clearly defined the areas by the number of dwelling units that are going to be on the lots – on the projects.

Mr. Adair – But our problem hasn't been units.

Councilmember Hickman – We're going to get to the bedroom part in a second. We're laying a foundation. Step 1 is number of units per lot. I'm not sure I understand the difference between under the roofline or 3 stories. Jane, did that make sense to you?

Ms. Hudson – Yes. Richard, on this one, this would be a true 3-story, and that's what we're getting right now in the blue. Right?

Mr. McKown – Right.

Ms. Hudson – And then this would be the 2-story with the 3rd floor under roof, but still can have a living area up there. Okay.

Mr. Adair – Keith, do you have side window problems?

Mr. McCabe – No, sir, because we build dormers. Actually the dormers fit in closer to the neighborhood and the people that have stopped to talk to me about my project have commented about how it actually looks like it belongs. But we dealt with that with the dormers and then I don't have to worry about bedrooms secondary means of egress because of the 5' setback that I leave on the property.

Councilmember Hickman – Okay. Do we have any objections to bringing back the pink, with up to 3 stories in height, or do we want to say 3rd story under the roof? Like I say, I'm not sure I understand the difference. With a maximum of 2 dwelling units per lot.

Mayor Miller – May I ask a question? Maybe it's changed so much I don't really quite understand what's on Jenkins and DeBarr. But a lot of those old houses have more than 2 dwelling units in them. They could have an upstairs attic apartment, the downstairs, a basement, or the second floor, the main floor, the basement, the attic.

Councilmember Hickman – All of those would be grandfathered in.

Mayor Miller – You're just assuming that eventually those will be rebuilt. Because the cost thing I'm wondering about. Keith made that comment about it wasn't worth it to rebuild. Of course, I'd love to see the houses protected. That was an historic area. Yes. But I don't know it works. I don't know what makes it work financially. So I'm just wondering about that. You're just saying they'll be grandfathered in and eventually you think they'll come down and they'll be made into duplexes.

Mr. McCabe – If I understand it correctly, right now I'm allowed to do remodel to the existing property and be grandfathered under the old ...

Councilmember Hickman – 50% or more.

Mr. McCabe – I think the definition is if I on purpose bring it to the ground – if I bulldoze it – then I have to adhere to the new building standard.

Mayor Miller – So you're saying you think that's a better way to preserve those structures, because people will continue to remodel inside the basic structure.

Mr. McCabe – They get to stay the way they are. You hate to say everything is money, but in the cost of it, a lot of those older houses that have those individual dwellings that you're talking about makes perfect sense to go in there and bring those back up to date, leave them the way they are. It really does.

Mayor Miller – Okay.

Mr. McKown – I feel like what we're about to do here, if we bring back the pink, is basically say everything on that map is going to be duplexes. Period. We're going to get basically exactly what we've been getting. They're going to be a little closer to the street and a little – it's basically that's what we're going to get. We're closing off the opportunity to get the small apartments that are not duplexes.

Councilmember Hickman – In the pink area?

Mr. McKown – Yeah. I just don't understand what we're accomplishing here in terms of a 30-year plan, basically saying this will always only be this. When we had it in the blue, if somebody is able to figure out how to make it work, then we could actually get the small apartment, which – I completely agree with what Keith said. Right now your young professional doesn't want to live next to undergrads, but alcohol policy or weed policy on campus could change all of a sudden everybody goes back and lives in the

dorm because it's okay to drink in the dorm. You know alcohol policy is totally what's driving this. Right?

Dave Boeck – Does pink restrict the ability to buy 2 or 3 lots and put something up like a missing middle?

Mr. McKown – The market is kind of what's making it really difficult to get more than ...

Mr. Boeck – If it's blue or pink, it's doing the same thing.

Mr. McKown – No, I understand. But if it's blue, you actually could justify paying a little bit more money for the inefficient building next door and actually having the ability to tear something down. When you restrict it to the duplex, which I'm pretty sure that's what we're about to do here, that's all you're going to get.

Councilmember Hickman – We would not be restricting blue to duplex. In fact, we would be saying blue has 3 dwelling units.

Mr. McKown – If we do the pink, we're basically duplexes are what you're going to get.

Councilmember Hickman – Or single family homes with detached garages. Things like that.

Mr. McKown – The dollars and cents won't really let the single family home be the thing. I think that was part of the argument of why we make it blue, so that you'd have enough in the zoning to say let's lure additional investment here, and a significant downzoning limits the amount of investment that can go there. So I'm pretty sure we're going to get lots more student-focused multi-bedroom duplexes if we go this route.

Councilmember Hickman – Or preservation of the existing homes that are there and remodeling those homes that have multiple units like the Mayor said.

Mr. McKown – That's true. Dave sent us all some stuff that he found about the history of the boarding houses that were there. It was some of the earliest student housing in Norman, Oklahoma. But what we've talked about ever since we went on the walk, however many years ago that was, is every one of us is guilty of imagining stuff that's west of Elm and projecting those images – the beautiful campus neighborhoods – everything to the west – Flood – and projecting it in our mind onto these 3 streets, and the other thing that we remember is there were almost no owner-occupied units over here. Most of the houses that were over here were in the hands of landlords of one form or another. What we're unhappy with is a whole bunch of stuff that got built that has nothing to do with this code, and we keep acting like this code is somehow the problem of why we've got these duplexes people aren't happy with. They're set way back from the street, and parking in the front yard, etc. Shifting it to pink is just basically going to say, well, let's have just this be completely built out with more of the same.

Slight difference in terms of where its' relationship is to the sidewalk, but it's pretty minimal.

Councilmember Hickman – But the flip side of that is that then we define blue as being 3 units or more, which means no more of those things go in the blue area. If they are built as they have been historically under this code and the previous code, they're all limited to the pink area. So do you want to save and protect the blue area by defining it by dwelling units per lot, to have a little more play, and the alternative housing styles in the blue area? Or do you not want to create a difference by defining by dwelling units per lot and leaving it all open to what may or may not come in that entire blue area?

Mr. McKown – Okay. So where we're headed is to say this is going to be the ...

Councilmember Hickman – The closest area to the University, if it's where the students should be, and if the developers believe the duplexes are the best model to do that, which they appear to be – that appears to be what they're saying to us – then let's define where we want those, and let's protect the other areas, i.e., the blue. Like Keith has said, that's where those young professionals want to be is up there by Main Street. Let's put the duplexes where they should be, which is by the University – by the ocean. That's the pink area. It doesn't mean they can't remodel what's already there. It doesn't mean that they couldn't come forward with a CCPUD, hypothetically, if they combine lots together or want to do something unique.

Mr. McKown – If that's the case, what we might want to do, then, relative to this 3-story discussion, is just say 3 stories, and that way you essentially could come down here and make a more significant investment, if you were able to get enough land to warrant it, and we could get some proper buildings down here that – these are very different things of saying we want to protect the blue and say in the blue it has to be a minimum number of units, but down here in the pink you can lower that minimum number.

Councilmember Hickman – The pink area, in my mind, would be worded where it would be up to 2 dwelling units per lot. Which means you could do yellow– which would be 1 dwelling unit, a house. It could be a house with an ADU – a garage apartment. It could be a duplex – a two-unit project in the pink area. The yellow area would be basically a single family home or a single family home with an ADU, which is what it is currently. And then blue would be 3 dwelling units or more per lot.

Mr. Adair – I think I'm catching up. I feel like we're coming at it a little bit backwards. What you're doing is setting a minimum for the blue that does not exist today.

Councilmember Hickman – Correct.

Mr. Adair – And the pink actually is kind of the old blue.

Councilmember Hickman – Correct.

Mr. McKown – It's going to have a maximum number of units, is the thing.

Councilmember Hickman – We're defining the density. In my mind, it's in part defining the density areas that we are recommending how we think this area should develop. To me they make logical sense. The yellow is the area that abuts the single family – the R-1 zoning. The pink is the area that's closest to the University, where we think student housing makes more sense, and that's what I've heard from people like Keith. And the blue is kind of the “missing middle housing”, where we want more density for our young professionals, for seniors – for everybody else, essentially, that we went through the 2-3 years of the charrette process to try to get the other kind of housing.

Mr. Adair – As we're discussing the new pink, we keep saying a lot and a duplex, envisioning 2 units on a 50' lot. Again, going back to the charrette and the visual preference survey, we saw pictures of 100 year old row-housing in Boston that everyone loved. Are we specifically saying a duplex on a 50' lot, as opposed to saying 1 unit per 25' of frontage, which would permit a tri-plex or a four-plex on a 75' or 100' lot?

Councilmember Hickman – I think the concept would be 2 dwelling units per – I'm saying per lot, but only in the context of that's how they've been being brought forward. When Keith comes forward with a project, that is then defined as a lot, as he puts the acreage together – the property together – the parcel, that it would have no more than 2 dwelling units on that project.

Brent Swift – I've got a couple of concerns about the conversation that you're having at the table. One is that we've got these products out there, and I'm really not that familiar with them, other than I can see them and I know there's a lot of bedrooms in them and it seems like there's an ordinance about no more than 3 unrelated, or something like that, that they all violate. I could be completely wrong. But there's that. So that's a concern as a neighborhood. And you have this little thing called fire suppression. I'm not sure if the committee has ever considered the number of bedrooms and the number of kiddos that are actually ending up in these units, but as soon as one of them catches on fire, I can promise you you're going to be having another conversation about fire suppression.

Councilmember Hickman – We've done that, haven't we, Jane?

Mr. Swift – So they're all sprinkled? Okay. That's fantastic.

Mr. McCabe – Once you went above – once you start the 4th bedroom duplex.

Mr. Swift – Four bedrooms. Okay. So once you get above 4 bedrooms, but all the 4 bedrooms being built are not sprinkled, so you have 4 kiddos, 4 girlfriends, 4 boyfriends, so you can have a total of 8 people in a product. Right?

Ms. Starr – 3 bedrooms or less is not sprinkled.

Mr. Swift – I'm just throwing it out there so it can be considered. Then the other thing is I love the idea of what Jim was going for with the densification. There's nothing wrong, in my mind, of having 8 units on a 50x140, if it's built architecturally where it works. The problem is you're building these mass models that are just square or rectangle boxes. Instead of having something interesting for the community, the architecture is – I think one of the things, that there's no design review so that the architecture that's being produced is basically a massing model that supports a mathematical formula and it doesn't take into consider its impact on the neighborhood. So architecturally these things are – they're boxes, and I get they're getting density by using that formula. I know it costs more to build more walls and add more windows. But there's some perfect examples, like on University Boulevard, I used to own this tri-plex and just to the north of me was this beautiful bungalow courtyard. I'm not sure how many units are in there, but there's probably a solid 4 in the back, and then 2 and 2, so there's really – I think there's about 8 units – maybe 10 there. And there's little parking areas in the front. It's a beautiful little courtyard. I think if the architecture was reviewed and we had some design review that could be implemented, I think it would be helpful for, not only the developers, but also the community to have at least a member or so on there that could help with what we want our city to look like. If everybody is happy with what's being produced ...

Councilmember Hickman – Architectural design review is one of the topics this committee is going to take up, just not on this agenda for today.

Mr. Swift – You're changing policy – like Richard is saying, you're changing the policy. It's going to have an impact. So maybe before you start changing the height or the infill product, maybe you look at the formula that gets you to that product. That's all.

Mr. McCabe – I love the courtyards on University. That 125' wide lot. I like the apartments that were built on Lindsey on the 82' wide lots. I am dealing with a true definite number of 50' lots. That's how I buy. I love the idea to just be able to buy the property and sit on it and maybe get to buy the lot next door. That's not what's happening. I'm 50' at a time. I love the ideas, and I promise you I'm looking personally at a lot of ideas. But the constant of the 50', I can't get away from. And that's the constant.

Councilmember Hickman – Jane, go to the next slide – no, the meeting list slide. Since there's been this other conversation, I want to walk through a couple of other topics here before we maybe start voting, so that we can kind of all be, hopefully, on the same page. So we're talking about the pink and the dwelling units.

Issue 3 is just impervious coverage. Part of what's also being proposed is that, in the residential areas – yellow, pink and blue, if we do pink – it would be a 65% impervious coverage limit. There was a point in time where it was interpreted, I guess, where in those zones the impervious coverage limit was allowed to be greater than 65%. In all of the rest of the City of Norman, in all other residential zone categories, 65%

has been the limit, I believe. So the concept here is to re-establish 65% as the impervious coverage limit in R-3 residential zoned categories.

Ms. Hall – I have a question about that. How did we get to the 75% to begin with? I have looked at multiple documents. I've looked at the July 2017 Form Based Code. I have not found that described anywhere, unless it's in the actual building requirements that you somehow calculate that, which I can't do. How did we allow that to begin with?

Ms. Starr – Are you saying where is it in the current Center City?

Ms. Hall – Yeah.

Ms. Starr – It's the fact that it's not in there. There is no limit.

Ms. Hall – How can that be?

Ms. Starr – There's 15% open space limit. That's it.

Councilmember Hickman – It was interpreted based on the open space discussion in the Form Based Code that that open space could be applied to the impervious coverage area, which essentially gets you to around 80% of impervious – or concrete being allowed. That's kind of my rough understanding.

Ms. Starr – And you can count balconies as part of your open space.

Ms. Hall – So that's how you all have interpreted that.

Councilmember Hickman – Just so everybody knows, the Form Based Code area is in the Imhoff Creek watershed. The Imhoff Creek watershed is over-subscribed, meaning it's taking in more water than it can handle. The people downstream of this point in the Center City area along the Imhoff Creek are losing their yards and are suffering massive erosion and some people's fences and properties are nearing the point of falling into the creek. The stormwater bond did not pass, so there is no end in sight to that ongoing problem. So stormwater is a significant issue in this area, and it seems logical to me that we would not allow more impervious surface in the Form Based Code area in the Imhoff Creek than we do any other residential zoning area. This is, to me, kind of a clean-up item, to put this back clearly at 65%. So that would be issue 3 that would go along with these other changes.

Issue 4, on parking requirements. It would be, like we have previously discussed. We've now proposed a definition of bedrooms. That definition has already been used in other City-approved items, such as the overlay that we did in the Old Silk Stocking area. Essentially, if you have a dwelling unit that has 4 or more bedrooms in it, you would be required to have a parking spot for each bedroom. If you stay 3 or under, you're allowed to continue to have parking per the current Form Based Code requirements; if you go to 4 or more in a single dwelling unit, then you have to have one

per bedroom. Conceptually, items 3 and 4 should begin to manage the number of bedrooms in a dwelling unit that we are currently seeing. So if you go to 4 or 5 bedrooms, you will have to have 4 or 5 parking spots on a lot that now you're going to have the ability to use less concrete because it would be at 65%.

Mr. Swift – Just a quick question. So the City ordinance that we have out there doesn't allow 3 or more unrelated parties to live in one single dwelling unit. Is that correct?

Councilmember Hickman – That's correct.

Mr. Swift – So why is the City permitting 4 and 5 bedrooms for student housing?

Ms. Walker – Because, although we know how they're being used, when we permit them we can't assume that that was the use. The restriction, the way we have it drafted in the Zoning Ordinance – it's been in there since the 50s – is in the definition of "family". A family is no more than 3 unrelated.

Mr. Swift – But if the City permits it – on the legal side or the code side they permit it, but they know good and well that it's a code violation on the fact side of the finished product.

Ms. Walker – It may be. The difficult part is enforcement. We cannot legally assume the use.

Mr. Swift – So would design review help that process, where a conversation could happen between the City or a body of folks and the developer that's proposing to build on a 50' lot or 1,000 square feet or whatever?

Ms. Walker – It could, but I think all of the developers are aware of the rules. Realtors are aware. We've done presentations to multiple groups.

Mr. Swift – Somehow it's still being permissible for this construction to happen. And the City isn't concerned with any liability if an event happens in one of these permitted constructions?

Ms. Walker – As long as they're being built to code, the liability issue is more related to insuring fire suppression is there and all of that is being built to code.

Mr. Swift – I just find it ironic that the Form Based Code discussion that's happening at this table right here flies straight in the face of a City ordinance. Literally, we're all taking time out of our day to come sit at this table and have this conversation, knowing that the product that you're going to vote and hammer down on is in violation of the City Code of Ordinances the way it's going to be used. It's not R-1. It's not a permissible use according to City code. I get that it's not enforceable. I understand that. I understand you don't want to be in the business of knocking on doors. But it really troubles me that we're having this conversation knowing that.

Mr. McKown – You make a perfectly good point, but we do have special zoning in Norman for apartment complexes that are rent-by-the-bedroom apartment complexes. I can think of at least 2 that I've visited that are 4-bed/4-bath and shared living area. Here, it's just happening without the approval of that special zoning category and, essentially, we're looking at the tools to say, if we make it difficult enough, from an impervious surface requirement and a parking requirement and height limit, are we going to be able to stay within the bounds of land use law and property rights and still be able to push this in a direction we want? That's a bit of the difficulty. We've been grappling with this a long, long time.

Mr. Swift – I get it. The product shows we're still grappling with it.

Mr. Boeck – He's right on. He is right on with what's the problem here. We're just skirting the issue.

Mr. Swift – I think the product is the result of something, though. The product that's being built now is the result of the decisions being made at this table, but also it's going against some policy that's in place for a reason. The citizens have made this request to lower, maybe, some of those densities in certain areas. So this model – I hope it doesn't leave the room – but it's worrisome to me about how can it be produced, really, anywhere. Because there's no architectural review for the product – for the number of bedrooms, whether you have 3, 4, 5, 6. There's no review to that. I think it even happened on Elm Street where you had – I looked at that property and what was built there is not what I envisioned. You know what I mean? When I looked at that, it was a way to create a really nice bungalow courtyard on that lot. But if somebody just maybe had the idea to share it with somebody or they brought something forward and there was a design review, maybe a different product could be produced that would still meet the financial need of the developer. But I have a real problem with going against a City policy or code, and it's permissible because – to me I have really a hard time with it, because it doesn't make sense to keep permitting these multiple bedrooms, knowing that you're going to have children in there that are not related and they're just filling a bedroom. I understand what Richard is saying. I know the apartment complex he's referring to. Those were sold off as individual units. But this is not that. This is a single developer owning bedrooms.

Mr. McCabe – What is the difference of this and the Coltrane buildings from the past? What is this different than the Mr. Roberts Furniture that owns 800 units, that takes a 1,200 square foot 2-bedroom house and have 5 bedrooms in it right now that aren't legal? So when you talk – people that own 5, 6, 800 houses putting 12 kids in a 1,200 sq. ft. house that has nowhere near the security, the safety – everything that brand new buildings have. You're pointing out 13 structures built to building code, saying there's a problem, but you're ignoring the Coltrane properties, Mr. Roberts properties. These have been going on for life and this is what's in there, but the difference is this is now more visible. The problem has been there. The problem has been there.

Mr. Swift – I'm not disagreeing with you. But I think if you really started knocking on doors and started going inside those structures, you would find there would be 2 and 3 kiddos in the majority of them, versus 4 and 6.

Mr. McCabe – I know the difference, because I've remodeled a bunch of them, and I know of multiple single-family homes with 12 to 14 kids in it right now. Multiple.

Ms. Hall – This is such a sore spot with the neighborhoods in Core Norman. I have had such confusion about this because – and maybe you can clarify this for me once and for all – because as much as I want the City of Norman to enforce this 3 unrelated rule, I thought it only applied to single-family dwellings, and not duplexes, and that's been the source of the problem. So when we say it applies to all building types, I didn't think that was correct.

Ms. Walker – What makes it difficult is it's in the definition of family, so it's not a separate policy on its own that said in these zoning districts you cannot have more than 3 unrelated. It's in the definition of family, so then you have to flip back to the zoning code dealing with whatever that underlying zoning is. The other thing with Center City is we're regulating the form, not the use. So how does that play into that? So that's difficult. But, for example, if it was RM-2, which is low density apartment district, that allows 2-family dwellings, single family dwellings with garage apartments, apartment buildings with 4 or fewer units. So how does that definition of family fit into that? And the same follows through these other zoning districts. So that does present a challenge for us, because we're interpreting it using a definition, and not a policy.

Mr. Boeck – Can you allow 5 bedrooms and 5 bathroom single family residence, you know exactly what's going to happen. I understand that you can't limit because you might have a family that has 5 kids. But that seems to be the issue, is how do you define what a single family residence is? Surely there's a city someplace that has defined that. Maybe not.

Ms. Walker – Most cities have a similar definition and struggle with the same issues. But, again, in the Form Based Code, we're looking at the form, not the use. So whether or not that even applies is an issue, I think.

Mr. Swift – Is there a way to merge those two somehow? I'm just asking.

Ms. Walker – We can look at that. But if we're trying to get density here, and trying to encourage a certain type of use, it may not be productive to fix that definition.

Mr. Swift – I'm just wondering if you fix that definition, though, if it wouldn't change the form of the architecture.

Ms. Walker – It would force even more small apartments or smaller duplexes.

Councilmember Hickman – Let's put the 3 unrelated rule onto a later agenda for this group.

Item 5 is incentives for the bedroom count. Conceptually what this bullet point is intended to provide for, based on the original 4 – the prior 4 – is to be, if you want that 4th bedroom, you could either do one of 3 things. You can make the ground floor – the word I will use is visitable. If you build that ground floor unit – and, Keith, you know that I'm referring to – in compliance with visitable standards, which we will be defining – or which are being defined – then you can get that 4th bedroom with no extra parking requirement – the same parking requirements as exist now. You could make the unit affordable – whether that's one of the bedrooms – so 25%, for example – of your extra 4th bedroom – that extra 4th bedroom you have to commit to making it available to a person who qualifies under affordability standards that we have in the City of Norman that we will get you the language on, if we decide to do this. Or you comply with certain best management stormwater practices, such as retaining more stormwater on-site. One of those 3 options, which we will further define, but just conceptually here you get your 4th bedroom without the additional parking requirements as a way to incentivize certain things that we want – visitable housing, affordable housing, better stormwater management – as a way to get a 4th bedroom without the additional parking requirements to try to balance the parking issue with incentivizing what we want with the economics of the number of bedrooms that developers might want.

I'm going to draw the line there, before we go on to orange, and say that's conceptually 1, 2, 3 – those 5 bullets are kind of the proposed sort of master plan for our residential zones, setting aside the yellow, because it's down here – but really to address the challenges that we're having right now, by bringing back the pink, by defining by dwelling unit, by imposing a 65% impervious coverage limit, by having an enhanced parking requirement if you go to 4 bedrooms or more, by providing an incentive opportunity for that 4th bedroom at the lower parking requirements based on if you do visitable, affordable, or stormwater practices. Thoughts from the committee members?

Mr. Brewer – To the impervious coverage requirement, I'd be interested in visiting the same incentives for stormwater management practices to increase the impervious surface, because I think that 65% is going to be highly limiting to most of what you can build in the Form Based Code.

Councilmember Hickman – But what I would say to that, Cameron – while I'm not opposed to that conversation, what I will say is that, when the original duplexes were being built before the Form Based Code that we've seen on Monnett and Dean's Row, those were built with the 65% impervious surface rule in place. So that product can be built on the 65% impervious coverage. So that makes me believe that what they're building right now, in theory, could be built on a 65% coverage, but I could be wrong.

Mr. Adair – Anticipated parking requirement along with that, Bill? You're talking historically.

Councilmember Hickman – The parking requirement before was even greater than it is in the Form Based Code.

Ms. Hudson – Well, it was 2 parking unit per space. It's my understanding some of them over on Jenkins that were developed, they had duplexes – we'll just say 10 bedrooms – 5 and 5 – 6 and 6 – 12 bedrooms. But they were getting approximately 8-10 parking spaces in the rear area back there.

Also, I would say, too, previously under the old zoning, the height or the stories – it was limited to 2, because they couldn't get that 3rd because they would have to increase the setbacks so much. So now if we allow them to have the 3 stories, but at the 65%, they wouldn't have to increase those setbacks going up that 3rd story, so that would be a plus for them. But still keep it at the 65%.

Mr. McCabe – What happens is when you build – a parking spot is a bedroom. Just telling you about the white elephant. Because you had a 65% impervious coverage. You could either build a bedroom or you could build a parking spot. I have product that I've built that I believe every bedroom gets a parking spot, which means I've reduced bedrooms on my personal properties, but that's my belief – not everybody's – my belief. That's part of where this conversation is so hard, is we want a – Form Based Code is high density, park once, never move your car. But then we talk about we don't want density, we've got to have parking spots, so we're arguing against each other on the exact same facts about what we truly want for this area. So, again, you can build a product with the 65% coverage, which helps with stormwater. I think that we can – and it's not for this committee, but there's a lot of low-impact development products and building that we're just not familiar with here. I go to city and as I go to discuss about how to help with – we're just not familiar with that. I think there's a lot of great ideas out there, but the product can be built. We've shown that. They might not like the way it's rented. They might not like the way the building looks. Well, we all have a personal opinion. Art is in the beauty of the – what is it? – the eye of the beholder. But the product can be built that works.

Peter Petromilli – If we're going to reduce our impervious coverage, but yet we're wanting to increase the number of units per lot, we're kind of working against ourselves there. You just mentioned they were able to build the duplexes before at 65%. Well, if we're trying to do something other than duplexes, then let's not keep the 65% or you're just going to get duplexes. Especially in the blue area. If we're wanting to go up to 3 units or 4 units, or multiple small apartment complex buildings, which I think is a fantastic idea in the blue area, then we reduce our impervious coverage we're going to reduce the number of units.

Mr. Brewer – I guess I just don't see the – if we are adopting practices that allow a higher impervious surface – say at 75% -- I have no idea what that would be – then if they were offsetting the stormwater impacts, then I don't see the harm there. We're putting in the restriction at 65%, but waiving that if you're putting in stormwater practices that offset any of the impacts. You're achieving your density while also

offsetting any stormwater impacts there. Richard, you've done a lot of research on stormwater LID, things like that.

Mr. Adair – I'm just concerned we're really getting ready to impact density here. I mean, we're talking about impervious surface. We're going to talk about parking requirements. To me, that's the real double-whammy. If you start requiring detention on-site, that's a third impact again on density, and we're really trying to get some density in the blue area.

Councilmember Hickman – Jim, we have flooding in this area, too.

Mr. Adair – The parking discussion we keep not having. I really want to have the parking discussion first, and then come back and have some of the others, because that's the one I'm not sure where we're going. Again, when we're talking about impervious surface, are we just talking now in the blue and the pink area?

Councilmember Hickman – And yellow. The residential zones.

Mr. Adair – In the red area, a lot of it you've got 100% coverage. In the orange area, I think you're certainly anticipating potentially 100% coverage in some of it.

Councilmember Hickman – That's part of why I've not said orange and red, because they are commercial and there's a little bit different animal there. But the orange issue will come up when we get to item 6 about ground floor residential and how that discussion goes and how orange develops. I'll put it that way. If it's all residential, then it could be like everything else.

So let's set that off to the side. To your issue, Jim, about parking – the proposal on the table is that if you have 3 or less bedrooms, you get to follow the parking requirement as it is. If you have 4 or more, it's 1 spot per bedroom. So if you build a dwelling unit with 4 beds, it's 4 parking spaces. 5 beds, 5 parking. If you build a unit with 3 bedrooms, then it's 1.8 or whatever it is under the Form Based Code.

Mr. Adair – I'd heard us hit at that. I hadn't heard us say it. Okay.

Councilmember Hickman – To me, these 5 bullets kind of all work together. One of those bullets is the parking requirement component, with an incentive option to get to a 4th bedroom. I'm open to the conversation about an incentive option on the impervious coverage, but there are significant stormwater issues here and these are residential developments. If we're talking density, the density here, in part, is on the height. Under the R-3 zoning, it was only allowed to go to 2 stories. We are giving them density by giving them a 3rd floor. If you build the small apartment building, for example, that's an extra unit in the blue area that's a 3rd floor dwelling unit that would not and did not exist under R-3 on the same footprint on the ground as far as impervious coverage. Just to be clear, Jim.

Mr. Adair – My concern is I'm making a distinction between what's legally permissible and what's functionally going to happen.

Councilmember Hickman – I think Keith has showed us – and others – that an apartment building with stacked units is possible and can be built. I can't opine as to the economics of it, but as Cameron has said, this is a 20 year or 30 year plan that may or may not pencil today, but it's a product that can be built on the lots with these restrictions in place. Because those would all be 3 bedrooms or less units, stacked units, 3 stories. That's more density than could be allowed that could have been built there under the R-3, because that could only have been 2 stories. And with a different housing type than we're getting right now.

Mr. Swift – Quick question about the parking. So at the 1.8 for 3 bedrooms or less, really the policy that you have in place now to incentivize these developers to build 4 bedrooms or more.

Councilmember Hickman – It does not penalize – yeah.

Mr. Swift – It kind of incentivizes them.

Councilmember Hickman – Which is why we're talking about a change.

Mr. Swift – Okay. I just wanted to make sure that everybody understood that you're incentivizing the developer to build more than 3 bedrooms by the parking.

Mr. Adair – Current code is .5, 1, 1.5, and 1.67 for 4 or more. And 4 or more has been taken to some extremes.

Mr. McCabe – When you talk about the 3 bedrooms or the 4 bedrooms, current language states that I can use parking – and this is just me asking – up to 1,000' away. Are you proposing changing it to on-site parking?

Councilmember Hickman – Yeah, those 4 spots would be on-site.

Mr. McCabe – On-site. Okay. That's just what I wanted to get the clarification is on-site or up to the 1,000' away.

Councilmember Hickman – To Brent's point, conceptually here, we're seeking to incentivize more units, fewer bedrooms per unit, with an opportunity to get an extra bedroom – with the incentives of what we want and what I've heard from people in the community is they want visitable housing – Dave has left – affordable housing are the two main other housing things that people would like to see incentivized. So if you will incorporate those into your development model, you can get the 4th bedroom without the additional parking.

Jane, we'd have to talk to, I assume, the smart people in Stormwater about how we could tie an incentive to impervious coverage. Are there engineering things that

can be done to say, okay, you can go from 65 and you can get an extra 5 or 10 or 15% coverage if you do A, B or C?

Mr. McKown – Brent makes a really good point. I'm thinking the exact same thing. It's like we're basically saying if you lower the house to where you can get in it if you have any mobility impairment issues, then you get a 4th bedroom for free. If you do the right thing, you get a 4th bedroom for free. That's crazy. So we're just giving away a 4th bedroom. We should do the right thing. Period. Then we can set that whole visitable issue aside.

The affordable – I don't know how you'd manage that. Well, we're going to collect rent from you, you and you at market rate, and yours is affordable and you all don't know each other. Again, we're creating something that can't be managed and can't be known and can't be enforced. I think that's a real impossible task that we're going down. Affordable housing would be great, because that's part of what we're losing is very affordable housing that's in poor condition. I have a friend that used to live over there. I'd be like, holy cow, I can't believe human beings get to live in places – but students will live almost anywhere.

So now it really gets down to stormwater. If you say, okay, you want the extra bedroom, you therefore have to not only provide all the parking, but it also has to serve as on-site detention. That can be done. We have an amazing example at Tecumseh Road and NW 36th where you've got an entire subsurface detention facility. It's insane how much that costs to do, but now it's like if you want the 4th bedroom, you've got to detain the water. Because you can't get to this parking – I've been drawing through it. If you just look at the aerial photos, that's 6 parking spaces. Take 2 of them away, you're still not at 65% cover. You're over-developing on the site based on the 65%. So if you want greater overall impervious surface, some of that's going to have to become porous paving with some storage capacity, and that's all calculable – that is a known – we can get there, but I think visitable – if we just say, oh, well, if you make it visitable – that's just like the biggest loophole to just jump through to get 4 bedroom duplexes. I can't get behind that. Let's just make everything visitable.

Mr. Adair – We'd still have the 3' stemwall requirement?

Mr. McKown – That visitable would make that go away.

Mr. Adair – At this point, we've held to that.

Ms. Hudson – Currently, it is still in.

Councilmember Hickman – Visitable is simply – there's a potential set of standards about how visitable would be defined, and it would not mean the 3' stemwall would necessarily go away. It would mean there would be a no-step entrance into the ground floor of the structure, such as it could be coming in from the parking area in the rear. I think you're asking us to bite off – Richard, I don't disagree with you, but I think to impose visitable standards on every unit is maybe more than our development community wants to take on right now.

Mr. McKown – You don't have to make every unit visitable. We have made every unit unvisitable with the 3' requirement.

Councilmember Hickman – But, Richard, just because you lower that down to the ground floor does not make that structure visitable. If you can't get into the bathroom, if you can't get down the hallway – there's a lot more things than just getting into the unit, though.

Mr. McKown – I know ADA really, really well. I get all that. But you can't get past the impediment of the 3' stemwall. It's absolutely impossible.

Councilmember Hickman – What I'm saying is if we're going to take that away, then we're going to make the inside also visitable, because just getting to the door does not make the unit visitable. It does not make it comply with ADA.

Mr. McKown – It would be fine to just, in a simple category, say everything down here the ground floor units have to meet the ADA standard, and ANCI Type B unit, like any apartment building would have to have, and that would be straight up and easy to just – it would be totally normal. There is a loophole for small buildings, that if you're under 4 units you don't have to comply with ADA, but you can – that would be a perfectly normal thing and it's done every day all the time. In every massive apartment complex, all the ground floor units meet that standard. Not full Type A ANCI, but Type B ANCI standard, which is visitable.

Councilmember Hickman – I guess that's what I'm saying, is – and Keith, you've been in those meetings. I'm not even being the person to say that I would – I have no problem making the development community make every ground floor unit comply with visitable standards. I saw it more as an opportunity to incentivize a way to get that 4th bedroom for them. But, again, I am not opposed to making it a requirement.

Mr. Swift – What are you gaining by the stemwall height requirement and the stoop? Because the buildings aren't being lowered.

Mr. McKown – Again, Brent, this goes back to where we're stuck is so much of what's been built that everybody is not happy with has nothing to do with this Form Based Code. The Form Based Code would pull them forward and the idea is to create a defensible space. But in this whole area we're talking about, in most cases, the alley is higher than the street. I don't have survey data to back that up. But when you pull them forward, they're going to be an amount higher than the sidewalk that creates that defensible space. If we can get it to where – and you only have to have 1 ADA entrance. I mean, in a fire, it's assumed you can roll somebody out and tumble them down a short pile of steps and save their life and they'll be okay, but if you – if we can get an ADA entrance in the back, then we're probably going to have to bring that front separation from the sidewalk to the finish floor – it's probably going to end up being more like 18" on a practical standpoint. But it would still create defensibility and

the idea that you don't have somebody walking by looking into your livingroom, bedroom, etc.

Ms. Hudson – Brent, Councilmember Holman is not here, but I want to throw this out. That question came up at one of our meetings recently, and he was on the committee all the way through the process, and he said that what the committee expressed was, as this builds out, because of the existing buildings that are there, a lot of the existing homes that are there, they have the crawl space, they're somewhat elevated, and so they were trying to bring this together. Even though you're bringing them forward, it's going to keep that elevation and it would be somewhat similar to the elevation that was there before. Maybe 3' isn't the answer.

Can I throw one more thing in there real quick? There is a similar code, the one in Tulsa. They actually have 18" at the minimum and then they go up to 3'. So that's just something.

Mr. Swift – I just think you need to revisit the idea of the 3' stemwall, or a minimum stemwall height requirement, with the given setbacks that you have in your code, and also your sideyard setbacks in your code. Because if you're going to raise, densify, pull forward, it starts to make a lot more sense. But you're trying to have the best of both worlds here and you're kind of like pushing back and squishing, but you still have this requirement so your architecture is a little odd. So, again, design review would be very helpful, because you have people that are very smart at your table that could review simple things like this and make suggestions.

Councilmember Hickman – Okay, guys. We're going to start moving through this. We're going to get to the design review. That's a topic on this committee to consider. So I'm going to draw the line at the first 4 bullets. Pink, dwelling units, impervious coverage, and parking. Then we can discuss incentives.

Do we have consensus on bringing back the pink, the dwelling unit definition as I've discussed – 1 and ADU in yellow, up to 2 in pink, 3 or more in blue, impervious coverage of 65% in the residentially zoned areas (yellow, pink and blue), and parking requirements 3 or less bedrooms as currently under the Form Based Code, 4 or more 1 parking spot on-site per bedroom? Is there anybody who has significant dispute with those 4 proposals?

Mr. Adair – I think I have a problem with the parking and the coverage together. I don't have a problem with the parking. I think I have a problem with the coverage requirement.

Councilmember Hickman – Well, the products can be built. We've seen it. We can discuss next if we want to provide incentive opportunities for impervious coverage, just like with bedrooms.

Mr. Brewer – I might be okay with it if we figure out what that incentive is. But at this point, just adopting that – need to see what's there.

Councilmember Hickman – We have no other part of this town where there is – in residentially zoned areas – more than 65% impervious surface allowed. I just wanted that to be clear.

Mr. Brewer – But we also have no other area in this town where we require best practices in stormwater.

Councilmember Hickman – That's true.

Mr. Brewer – There is an offset here that's possible.

Mr. Adair – No other area where we're intentionally trying to provide the opportunity for density.

Councilmember Hickman – We have no other part of this community that has the stormwater issues that this part of town does.

Mr. McKown – Wait. I've got to say this into the record. We've been requiring detention since 1982. There is no detention in any of this part of town – any of the 4 impaired creeks: Merkle, Imhoff, Bishops, and Normandy. The vast majority of the watershed feeding into that was all built out prior to 1982. So whether or not detention is an absolute best practice, it is a practice that were it in place here would have a massive improvement on the performance of those 4 impaired creeks.

Councilmember Hickman – Richard, I don't disagree with you. But we are building now in that watershed.

Mr. McKown – But the difference between best practices and detention – and there's having to do with quality and having to do with flood control. So if you say we're going to increase the overall coverage, and then you can provide stormwater best practices and detention – which are two separate things – then you ought to be able to increase the overall coverage here. I mean, because you can do a tremendous amount and get greater ecosystem services out of the whole green infrastructure that can be put in place. But every part of town except here has flood control and has had flood control since 1982.

Councilmember Hickman – That's my point, exactly. Why would we allow more impervious surface in an area that has already been developed without those practices in place, that we know is already impaired, and it's already flooding? We should put the minimum in place and then talk about, if there are things that could be done to not make it worse, i.e., under incentives, have that discussion. But why would we allow more impervious surface in residential properties than is allowed anywhere else?

Mr. McKown – I don't necessarily think it's going to end up being defined as an incentive. It's going to be very expensive to do it. But if you want to do all of the

stormwater management best practices and flood control, and can demonstrate that you are not going to increase the rate of runoff above the 65%, then okay. But you've got to come in and bring the engineering and the calculations and make that argument. But it's not really an incentive.

The guy that has been told he can't do porous paving in this part of town has got his hand up.

Mr. Petromilli – Trying to do something different here than what's being done in other areas in Norman from residential standard. We're trying to increase density and we're trying to bring in this missing middle housing. You've got this TIF that is a fantastic opportunity to take this stormwater problem we have and address it, without having to sacrifice the original intent of the Form Based Code. So if we were able to utilize that TIF money, instead of incentivizing developers and giving them money to over-design their lots, or whatever you can give the developer for – put that money into stormwater management and keep the higher density housing that we're trying to achieve, or at least that the original intent was trying to achieve.

Mayor Miller – That was actually what I was asking Kathryn about, was the fact that we do have the TIF money and it does seem like this would be a kind of smart thing to do. Now, recognize that there was plan that was done before we approved the TIF that lined out block by block by block what all the infrastructure and everything was, from the sidewalks, and alleys and all of that. It still seems like somewhere in there – and Kathryn said there is some stormwater project money in there. But it seems like that would be a really smart thing to do, if we could eke out some of that funding from the TIF and use it as a way – that's what the TIF is supposed to be, is infrastructure incentive. That's what it's supposed to be.

Councilmember Hickman – Just to be clear, that TIF stormwater, which is in here – and so in areas, is only the basic stormwater system that should have been – would have been built in one of your current-day suburban neighborhoods. So all it is doing is taking old Norman and the lack of proper stormwater and would be having it put in place. In your suburban neighborhoods, though, you still have the 65% impervious surface coverage. It's not stormwater enhanced, where water was built-in detention facilities in public streets or something. It didn't contemplate green roads or things of that sort. It's the basic stormwater system that's already inadequate in this area, to bring it up to essentially current day standards, which maintains the 65% impervious surface area, like your suburban neighborhoods.

Mr. McKown – There's more to it than that. This is just making the pipes bigger. In the suburban neighborhoods, we give up a significant amount of land for detention, and as Jane has mentioned ...

Councilmember Hickman – I'm not talking about detention.

Mr. McKown – I understand, but ever since 1982, we're making the pipes the proper size to carry the 100 year flood event, and that's not how big they are down here. This is to

upsized them to carry the 100 year event. But we don't have anywhere for public green space or for any kind of detention.

Councilmember Hickman – That's correct.

Mr. McKown – So those are missing components. We talked about the example in St. Louis, where they're doing green infrastructure in the bulb-outs at the corners and the islands between parallel parking spaces. All of that can be worked into an excellent TIF proposal that looks at the infrastructure holistically. In the interim, if you wanted to say to do the additional parking, because parking – the market demands it – show us what you're going to do to mitigate the stormwater. Pete tried to do porous paving and wasn't allowed to do it and that's tragedy, because it would have significantly reduced the amount and the rate of runoff. There are things that we could do here. Calling it an incentive is fine, but it is going to be expensive.

Mr. McCabe – If you build at the 65% number or less, we're not talking about making that have to retain the water?

Councilmember Hickman – No.

Mr. McCabe – So if the 65% and less, you don't have to worry about the retention. You can build if you stay under that 65 number.

Councilmember Hickman – It's the same rule that applied before the Form Based Code and the same rule that applies everywhere else in the City on residential zoned property.

Mr. McCabe – That's what I kept hearing. So is it an issue – and I don't want to make it easy, because there's nothing about this that's easy. But, obviously, if we took this area back to pink, we added the 65% -- that could handle the stormwater, which it has for – right, wrong, or indifferent – and then we look at maybe on the blue that we want the higher density, the greater deals, the impervious – that we start looking at that as carrying the more stormwater. Can it be defined that easy?

Councilmember Hickman – Well, to me, the 65% is the rule across the board in all residential. If you have a TIF proposal – you've got to remember, guys – a developer can come forward with the CCPUD, with a TIF proposal. We can't necessarily draft a code that takes into account every possibility. If we allow it to be 80%, thinking that people might come forward with an innovative TIF proposal or do on-site detention but we don't require it, then we're going to only make things worse. Again, I don't want to beat a dead horse, but this is a part of town that's old, has inadequate stormwater systems, is over-subscribed. There's more water, more flooding in this part of town than anywhere else. It's part of why the stormwater bond failed, because people said, why should I, on the west side, have to pay for central Norman's problems? Well, we're not going to make it worse by allowing more development in an area that's already over-developed. If you want density, then you've got to address the stormwater issue. The

stormwater issue – why in the world we allow more impervious surface when we know this is an area that's already got worse flooding, downstream flooding in Imhoff Creek. If the developer wants to do more than 65%, yeah, it may cost some money, Richard, and they're going to have to pay, because, guess what, they haven't had to do like you do in your additions and build on-site detention facilities. They should have to follow every rule that every other developer has to follow. I'm not opposed to density. We see where you can build the apartment building and add more density and go up 3 stories. I'm open to the idea of having incentives to allow them to upside their impervious coverage and have them talk to our stormwater people about what to do that. But, I'll be honest with you, to me, this is a no-brainer. Why we allow them more impervious surface as a requirement without them doing something else when we don't allow anywhere else and this is the worst part of town with flooding and downstream flooding on Imhoff Creek?

Mr. McCabe – So the 65% is basically your cutoff. If they want to build more, they can – I mean, they're going to have to come get approval – CCPUD or whatever they need to do – but then when they go for that approval over the 65, that's when the City kicks in – the engineering kicks in – all of that – which you would have to do anyway. So you're basically just saying we're going to put a threshold at 65 and ...

Councilmember Hickman – Correct. What I'll say is, under incentives, right now we talk about bedroom count, but we could put a slash there and say impervious coverage, and we can get the Stormwater Division to come back with a proposal on an incentive to increase the impervious coverage, if they do X. I don't know what X is. But we'll get that from our Stormwater people. So that if they want to do more impervious coverage in the blue, we can come up with a proposal from the Stormwater Division – right, Jane? – of how they could increase their impervious coverage in blue by doing certain stormwater practices. I'm thinking more from a flood control, not water quality.

Okay. Do I have a motion to recommend that we bring back the pink – Neighborhood Middle Frontage?

Mr. McCabe – If you include the wording for that 3rd story under roofline ...

Councilmember Hickman – Yes. You can make the motion.

Mr. McCabe – Then I'll make the motion. I make the motion that you return the pink with the addition of a 3rd story – 2 ½ story – whatever the legal definition – that I can have a living space on the 3rd floor under the roofline.

Councilmember Hickman – Okay. Do we have a second?

Mr. Brewer – Second.

Councilmember Hickman – Okay. All those in favor, raise your right hand. Any opposed? Raise your right hand.

Mr. McKown – I'm going to just abstain from this. It does not feel right.

YAYS:	Adair, Brewer, Hall, McCabe, Morris, Hickman
NAYS:	None
ABSTAIN:	McKown
ABSENT:	Holman

Councilmember Hickman – Okay. Under the dwelling units definition – so what this is intended to be is in yellow you have 1 dwelling unit per frontage with an ADU, in the pink you have 2 dwelling units per frontage – up to 2 dwelling units per frontage, and then in the blue you have 3 or more dwelling units per frontage. Do we have a motion to that effect?

Ms. Hall – Say that again.

Councilmember Hickman – Yellow is 1 dwelling unit per frontage with an ADU, pink is up to 2 dwelling units per frontage, and blue is 3 or more dwelling units per frontage.

Mr. Adair – Are you saying a minimum of 3, Bill?

Councilmember Hickman – Yes. 3 or more.

Ms. Hall – Units.

Councilmember Hickman – Units per frontage.

Mr. McKown – You've got to define frontage.

Ms. Hudson – The frontage is the orange, the yellow, the blue – the frontage is the Neighborhood Middle Frontage, Townhouse/Small Apartment Frontage – those are the frontages.

Councilmember Hickman – So it would be dwelling units per lot, and staff will be bringing us a definition of lot.

Mr. McKown – Yeah. You can buy a 100' lot. We haven't – earlier, what Jim was talking about per 25' of frontage. If you make that the definition, then it gets closer to having us know what we're talking about.

Councilmember Hickman – I think what we're talking about is the average lot – looking at Keith – this is being developed on a lot-by-lot basis right now. So we're talking about – what's the standard size lot?

Mr. McCabe – It's 25'x140' is a building lot. Then what we build upon is the 50'x140' or 7,000 sq. ft.

Ms. Starr – That's what the typical lot in the neighborhood is.

Councilmember Hickman – That's what we're talking about is a 50'x140' lot.

Mr. McCabe – When you look at the legal description, it will actually say Lot 1 and Lot 2. It actually has both of those lot numbers in the legal description.

Mr. Adair – Are we talking about setbacks, then? Side yard setbacks on that?

Councilmember Hickman – That's not – we're not talking about that right now.

Mr. Adair – My question is are we totally abandoning the concept of row housing?

Councilmember Hickman – In the blue.

Mr. Adair – In the blue.

Councilmember Hickman – No.

Mr. Adair – Okay.

Councilmember Hickman – Jim, row housing can be built with 3 or more units. If you want to purchase up the lots and put them together to a single parcel and bring that forward, that would be what would be considered.

Mr. Adair – Okay.

Mr. Petromilli – So a 75' wide lot at the frontage, you would still only require 3.

Councilmember Hickman – You could have 3 or more.

Mr. Petromilli – A 50' would still require 3 or more? A 25' would still require 3 or more?

Councilmember Hickman – If it's in the blue, yes.

Ms. Hudson – Hang on. When you're saying lot – are you saying the 50'x140' or are you saying the 25'?

Mr. Petromilli – I don't know. I know there are lots out there that are 25'.

Ms. Hudson – So if we define it as a 50'x140' as a developable lot, then you can have 3. If you have a 75' wide lot by 140' – what are you trying to get to?

Mr. Petromilli – Well, the question was asked are you doing row housing in blue, and if we're saying that you have 3 on 50', then you're very close to not being able to do that architecturally.

Councilmember Hickman – Here is how I look at this, guys. To me it's a minimum of a 50'x140' size lot to build on. But if the builder puts contiguous lots together – buys a whole block – and they bring that forward as their project, then that is the lot – that is the parcel – that is what they're bringing forward as the project, and they could build row houses all down that entire side that they put all the parcels together. Jim, does that make ...

Mr. Adair – I think so.

Mayor Miller – Say what you said again about the 25'. That made sense.

Mr. Adair – Well, it's all 25' lots.

Councilmember Hickman – But you can't really build on a 25' lot.

Mr. Adair – Our question may be to define a buildable area as a minimum of 50' frontage.

Ms. Hudson – One of the questions that came up at the last meeting, or in an email or something – but in the blue, we have 50'x140'. If we're saying that you have to have 3 units on that lot, and you're doing the townhouse development, if we keep the 5' setback on either side – am I saying that correctly? – then you're restricting to a 13' wide townhouse. So who asked about the 5' in the blue – the 5' side yard. So if we keep the 5' side yard setback in the blue, then that is restricting someone to a 13' wide townhome.

Mr. Adair – And that doesn't work.

Mr. McCabe – No. That doesn't work, and there's also language that says that it can't be below a minimum of 18'.

Councilmember Hickman – Right. But there's nothing that prohibits the developer from going out and buying a third lot and making it now a 75'x140' size lot.

Mr. Adair – We cannot end up in a situation where you've got to have 75' of frontage. You're just going to kill everything. We have to have something that works on a 50' frontage. Now, I'm not sure it has to be townhouse development.

Councilmember Hickman – I was going to say, Jim, you're not going to get townhouses on a lot-by-lot basis here.

Mr. Adair – Agree.

Councilmember Hickman – You're going to get small apartment buildings.

Mr. Adair – I agree.

Mr. McCabe – You're going to get small apartments or stackable units. I can build you 3 stackable units with one stairway access on the side, in the middle, in the back – but stackable. I can do that.

Ms. Hall – How many bedrooms are in that stackable unit?

Mr. McCabe – However many you can put in there. Just like what we talked about with those stackable units – 3 or 4.

Mr. Adair – It becomes a function of your coverage requirement and parking requirement.

Mr. McCabe – Instead of a townhouse idea, which are side-by-side, these are just stackable, going up.

Councilmember Hickman – Okay. So do I have a motion on the dwelling units allowance per frontage – the yellow, the pink, and the blue – as we have discussed. The frontage, like I said, we will bring back a definition of lot, but what I envision is that there will be a minimum buildable lot size with an allowance for the developer to put additional lots together, which would make it one parcel – one developable project – so that if somebody put multiple lots together, like Jim, you were saying – you could then build a town row of houses as we saw in those pictures. But if it develops on a lot-by-lot basis, then you're going to get these small apartment buildings in the blue area presently.

Ms. Hall – Which is what we're trying to get.

Councilmember Hickman – Correct.

Mr. McKown – So we're basically saying, in yellow it's 1.

Councilmember Hickman – 1 and an ADU – garage apartment. That's what it is right now.

Mr. McKown – In the pink, it's up to 2. Then in the blue it's a minimum of 3.

Councilmember Hickman – 3 or more, yes.

Mr. McKown – That's going to bite us, because there's somebody somewhere that owns a 25' wide lot.

Mr. Adair – No, there aren't.

Mr. McKown – Do you have one?

Mr. Petromilli – I don't, but I was trying to pick one up. For 40 I can stack 3. But you're saying you have to have a 50' wide lot. I've got a 42' and a 40'.

Mr. McKown – That makes perfect sense that you'd be able to stack 3 on a 40' or however many you want. It makes perfect sense that you could stack 3 on a 25' – I used to live in that in Boston, but it didn't have any parking.

Mr. Adair – Is there anything to be gained by going to 4 stories in the blue?

Mr. McKown – Requiring 4 stories?

Mr. Adair – Permitting 4 stories.

Councilmember Hickman – Hold on. Can I hold you for a second there? Jane, on this definition of lot, let's just be flexible. I don't want to – if we need to define a lot at the lowest level that's buildable at 20' frontage, then they can put multiple ones together and let's just structure it that way.

I'll put on the list to talk about height in blue.

Mr. McKown – We've got to come back and actually work this out. You're going to end up with – is it 1 ½ units on a 25' lot? I mean, that doesn't make sense. You can't really build a half a unit. We've got to think on that a bit on how we define a lot to make that go. I'm fine with where we're at with the yellow and the pink. But this blue minimum of 3 is going to have some ...

Mr. McCabe – There is no 25' lots in this area.

Mr. McKown – He's getting ready to buy one right now in the blue area.

Mr. McCabe – Where at?

Mr. McKown – He can't tell you. He's under contract.

Mr. McCabe – I don't mean that. I just mean – because ...

Councilmember Hickman – Are you sure that's not in orange.

Mr. Petromilli – Oh, it's in orange.

Mr. McCabe – Okay. Just in this area, we have scoured for the 25' lots, because trying to do some infill. The old building code said that to do an R-1 I had to have 6,000 sq. ft. and I kept thinking, with the 25'x140' – 3,500 sq. ft. – I could build some infill housing. There's not existing code that even allows me to do that. So then we had the 7,000 sq. ft., which was the 50'x140'. That allowed the duplex, and to build the tri-plex I had to have 10,500, which was basically 75'x140'. So I guess what I'm trying to say is – I'm not

saying that there – obviously, you found the one. I get it, but I don't think that that is a majority of the properties that we're talking about – a 25' property.

Councilmember Hickman – Okay. The one he was talking about is in orange.

Mr. Petromilli – It's in orange. But there's 40s in blue. There's a 40' and a 42'.

Councilmember Hickman – Okay. So I need a motion on the dwelling units allowance per frontage for the yellow, pink, and blue.

Ms. Hall – So moved.

Councilmember Hickman – Do I have a second?

Mr. Morris – Second.

Councilmember Hickman – All those in favor, raise your right hand.

YAYS:	Adair, Brewer, Hall, McCabe, McKown, Morris, Hickman
NAYS:	None
ABSENT:	Holman

Councilmember Hickman – Okay. No opposed. Okay.

The impervious coverage – imposing a 65% overall impervious coverage in the yellow, blue, and pink zones. Do I have a motion to that effect? With the understanding we're going to come back and talk about incentives to allow that to be potentially increased, based on feedback from our Stormwater Division. But putting the minimum in place currently as required everywhere else. I'll make a motion to make that impervious coverage 65%. Is there a second?

Ms. Hall – Second.

Councilmember Hickman – All those in favor, raise your right hands.

YAYS:	Morris, Hickman
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Councilmember Hickman – Okay. Guess that one fails. What do you all want to do on impervious coverage?

Mr. Adair – Bill, my problem was we're seeing a piece of the answer. I need to see the whole answer.

Councilmember Hickman – What's the piece you need to see?

Mr. Brewer – I don't have a problem with the 65%. I just wanted to see what that solution is. You say with the understanding we're going to come back, but that's something we can propose at a future meeting and vote on that.

Councilmember Hickman – Okay. Well, we're running out of time. There aren't many meetings left, and a lot of topics left to cover. If we don't want to make that the minimum, that's fine. Just want you all to be aware of that.

Mr. Brewer – I have no problem making that the minimum.

Councilmember Hickman – Well, the motion just failed. We're going to ask the Stormwater Division to bring back an incentive to allow the impervious surface – to address the impervious surface issue. So let's put that on the next meeting agenda. I don't know what that will necessarily look like. But we have to have someplace as a baseline for them to be incentivized from. That's the part that I guess I'm struggling with.

Mr. Adair – Bill, when we're upping the parking requirement, and we're lowering ...

Councilmember Hickman – I'm just going to tell you guys ...

Mr. Adair – I'm having trouble meshing the two.

Councilmember Hickman – I talked to the former Planning Director when this was passed and I told people as their elected representative that the 65% was the rule here. I did not realize until we were well into development in this area that 65% was not what was being honored. I feel like that is a non-negotiable, as an area where the 65% is what is allowed everywhere else that's residential, especially in an area that has the flooding and the stormwater issues that this one has.

Let's move on to 4, the parking requirements, because it's almost 11:00. Do we have a consensus on whether or not the parking requirements, if it's 4 or more bedrooms will be that you have 1 parking spot on-site per bedroom? Does anybody want to make that motion?

So we don't have a consensus on that? What do you guys want to do about parking?

Mr. McKown – I just don't want to be the one that makes the motion, but it's probably just fine. But I'm not making the motion.

Mr. McCabe – I'll make a motion.

Councilmember Hickman – Do we have a second?

Mr. Adair – Second.

Councilmember Hickman – All those in favor raise your right hand.

YAYS: Adair, Brewer, Hall, McCabe, McKown, Morris,
Hickman
NAYS: None
ABSENT: Holman

Councilmember Hickman – On the incentives. The ideas here have been incentives for visitable housing and affordable housing to get a 4th bedroom, and incentives for increased impervious coverage. Does anybody feel like we are – yes, Richard?

Mr. McKown – I'm going to move that if you solve the stormwater problem, then you can have more than 65% coverage. I know that doesn't help, but that makes sense to me.

Mr. Adair – Can you define "solve"?

Mr. McKown – Yeah. I think I specifically left that vague, because we've got to come back and tie that down. You're not increasing the rate of runoff more than if it were at 65%.

Councilmember Hickman – I mean, essentially, if what you're saying is you retain on-site whatever the over 65%. Meaning that you maintain the runoff as if it was 65% impervious. So, whether that's on-site detention or retention, I'm not sure of the right terminology.

Mr. Adair – Is retention and detention our only options? Impervious paving?

Mr. McKown – You can detain underneath porous paving, but you've got to create some kind of like a gravel reservoir and then you get to count all the voids, or you can put in a rain garden.

Mr. Adair – Pervious paving simply reduces your amount of runoff?

Mr. McKown – No, it doesn't, unless you build something underneath it to store the water. So you dig it out, fill it up with gravel, and then you get to count the voids. But it can be done. Or you can put a series of vaults down there and pipes or whatever to store the water.

Mr. Petromilli – And that's a great solution, but there is a number of areas in this the City Center that don't attach to any kind of stormwater drains. So doing that is virtually impossible. So you build these cisterns underneath and then you have nowhere to let it out slowly because there's no drainage pipe.

Mr. McKown – That's the language of solve the stormwater problem. Once it's full, it's full and it's got to have a place to bleed off. We could define it along those lines and

then you just start trying to figure out an engineering solution for it. There's none right off the shelf.

Mr. Brewer – As you said, that's why the TIF exists to start upgrading those possibilities to tie in.

Mr. McKown – That gets you halfway toward your 65%. So do you want me to restate that motion?

If you want greater than 65% overall impervious surface, then you have to reduce the rate of runoff through stormwater best practices to maintain the level of runoff as though it were 65%.

Councilmember Hickman – While I appreciate that motion, and I would support it, the problem is that right now the 65% is not the requirement. They're able to put over 80% of impervious surface down right now. So nobody is ever going to put anything in – there is no incentive, because you're already getting to put in 80-85% of concrete. So with accepting #3 up there of 65%, then there's no discussion about incentives, really, on stormwater, because they're already doing 80-85%.

Mr. McKown – But back to the bedroom count. If you want that 4th bedroom, and then you have to do the parking, you've also got to solve the stormwater. Is that more clear? The definition of solving the stormwater is to reduce the rate of runoff back to as though it were only 65% overall coverage.

Councilmember Hickman – Meaning if you want a 4th bedroom?

Mr. McKown – Yeah. You don't get it for free. I mean, just by providing the parking, you've also got to solve the stormwater problem.

Ms. Starr – So you're saying you have to have that extra parking space, you're going to have to have 4 parking spaces, and you're going to have to solve the stormwater drainage problem at the same time?

Mr. McKown – Yeah. Which is why it doesn't feel like an incentive, now, does it? Feels more like a punishment. But if you want the 4th bedroom, it comes at a price.

Ms. Hall – Well, we've made it really easy to have the 4th bedroom up 'til now. I think anything that we put in place to make it as difficult as possible to get the 4th bedroom, particularly in the blue – that's a win for the community and more to the vision of the code.

Mr. McKown – The other – is this just limited to the pink discussion, or once we're going into the blue if – by doing this we're also suggesting smaller apartments at 2-bedroom and 3-bedroom apartments – or, hey, 1-bedroom apartments – there's something for young professionals. But you don't have any significant parking requirement, so therefore you don't get stuck over into the stormwater problem.

Mr. Adair – Right now we're at 3 bedrooms is 1.5 parking spaces, 4 bedrooms is 4 parking spaces. What if we say 3 at 1.5, 4 at – this doesn't add – 2.5 which is going to be 3, if you, by calculation of stormwater runoff, come down to a 65% coverage?

Mr. McKown – Well, I hear where you're going with that, and that makes a lot of sense, but it also – the goal is to ...

Mr. Adair – Are you trying to double restrict the 4th parking space, by parking and by coverage?

Mr. McKown – I think that's exactly what we're trying to do. Yeah. We were trying to discourage the 4-bedroom apartments.

Ms. Starr – Again, you can have 3 dwelling units. You can have a stacked flat or small apartment. You don't have to have a townhome.

Ms. Hall – Which is what we want.

Mr. McKown – I think if Brent were here, and somebody can tell him what I said, but I think he would say that now we're moving in a direction to try and discourage a built environment that goes against the very 3 unrelated rule.

Mr. Adair – Thankfully you're in a TIF district, because I believe House 1032 has passed, which, were we not a TIF district, we could not limit bedrooms.

Mr. McKown – I understand.

Councilmember Hickman – But we're not limiting bedrooms. I just want to reiterate that, prior to the Form Based Code, duplexes were built with 6-8 bedrooms on each side with on-site parking for – how many did you say earlier?

Ms. Hudson – 8-10.

Councilmember Hickman – 8 to 10 – with an impervious surface area of 65%. I'm not sure what everybody is struggling about. It was being done with 65% and now we're allowing 80%. The only difference is that the Form Based Code has driven the parking into the streets and not requiring it on-site. But there are still some building larger – drive down some of these alleys and there's parking lots behind some of these properties. I mean, we either want to address this problem, or we don't. The impervious surface and the parking is the way to do it.

Mr. McKown – This has 10 parking spaces. There's 5 here, 3 here, and 2 more in the front. Both of these units are like that.

Councilmember Hickman – That's already ones built before the Form Based Code.

Mr. McKown – I know.

Councilmember Hickman – And they meet 65%, supposedly.

Mr. McKown – When we get done here, we're going to end up with double stacked. So, yeah, I think this is a way to make it more restrictive to drive us toward the 3-bedroom or under.

Ms. Starr – Get the diversity of housing, I think, is what you're getting at, Richard. Right? We're trying to encourage them to get other housing types that we haven't been getting.

Mr. McCabe – So the two, to me, are tied together. The 65% rule that failed by motion, that, as Cameron said, failed because he just needed other information. I think these two need to be joined together and brought forth again as a motion – but brought together instead of independently – and I think what – if I'm hearing it correctly – the 65% is the maximum that was allowable, which should still be the number that we're actually setting the 65% and that, whether through parking or impervious or whatever, if I exceed that, I have to take that into account in my development or my building. I have to go do whatever is needed once I hit the 65 so I think, if I'm not wrong – I think it failed because it failed on its own merit, but combined it has a better chance of coming to an understanding. Unless I'm wrong.

Ms. Hall – I think that's right. I think that's what you just said, of going back to the 65% without some of these other restrictions. You say, oh, well, we've got to build those. Well, we don't want those anymore – any of them. They were allowed to build the duplexes that has really spurred all of this in a lot of ways.

Councilmember Hickman – But, respectfully, Lee, with the impervious surface not being reduced to 65 or 70 – being left at 80-85% with additional parking, they're going to still be able to build those.

We didn't impose a stricter impervious coverage limit on them. So I'm not sure we've gained anything. I guess that's what I'm confused about.

But we're out of time.

Mr. McKown – That's fine. Let's bring that back.

Let me say one last thing on your incentives -- unrelated. How about if you make the ground floor unit visitable, meaning meeting the basic ADA standard of – I believe it's Type B – let me double-check that – but that the ground floor of all apartments being built have to meet this standard. So if you make the ground floor visitable, then you can lower the finished floor height to what's needed to achieve said standard – down from this absurdist 3' stemwall height. That's a motion – including absurdist.

Ms. Hudson – So you're saying if you make the ground floor accessible, you can reduce 3' down to no less than?

Mr. McKown – The height needed to accomplish the accessibility.

Councilmember Hickman – Well, that could be ground level.

Mr. McKown – I think you'll create units in a bathtub if you do that and have water coming in the back door. These buildings are being built in Norman. We still have a team that comes out and does a pad inspection and a finish floor – we provide a lot of assistance to our building industry.

Councilmember Hickman – Well, we can pick up next time with the incentives section and then revisit impervious coverage, and then continue to go down this list. I've made the notes of a few additional items, like: 3 unrelated rule, design review, side setbacks, and the height in blue, as additional topics.

I appreciate everybody's work today. We've got a few things done. We will meet again on May 1st, I believe, from 2:00 to 4:00.

You should have also received the technical changes from the code from Jane. Go ahead and please review those. That will also be on our agenda for next time. Any last comments?

Ms. Hudson – If anybody has any comments about what I sent out last week that has the technical changes as you went through the whole document and just looked at it and as you read through it, please send those in between now and then. We can get that on the agenda and we can have that information printed out and ready to go for any possible changes.

Ms. Starr – And then TIF next time.

Councilmember Hickman – If we have time. I think it's important to get through these – I'm not trying to be difficult, but staff has to have time to know what the notice is and what changes we're going to make, and that notice has to be published June 6, so we have to have our decisions made in advance of that so they can have everything else done prior to that. So some of these things may carry over – could carry over past June 6. Then we'd have to do either another round of changes in order to get done what we need to get done for this current Administrative Delay. We have to have it done far enough in advance of June 6 for the legal publication notice requirements.

Alright. We're adjourned.

Adjourned at 11:10 a.m.