

CITY COUNCIL  
COMMUNITY PLANNING AND TRANSPORTATION  
COMMITTEE MINUTES

February 26, 2015

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4:05 p.m. in the Conference Room on the 26th day of February, 2015, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmember Allison, Holman, Miller, and Chairman Jungman

ABSENT: Councilmember Williams

STAFF PRESENT: Ms. Susan Connors, Director of Planning and Community Development  
Mr. Ken Danner, Subdivision Development Manager  
Ms. Grace Dawkins, Legal Intern  
Mr. Terry Floyd, Development Coordinator  
Ms. Brenda Hall, City Clerk  
Mr. Steve Lewis, City Manager  
Ms. Leah Messner, Assistant City Attorney  
Ms. Jeanne Snider, Assistant City Attorney  
Mr. Mike White, Fleet Maintenance Superintendent  
Ms. Syndi Runyon, Administrative Technician IV

OTHER GUESTS PRESENT: Ms. Joy Hampton, The Norman Transcript  
Mr. Harold Heiple,  
Mr. Taylor Johnson, Planning Intern with Cleveland Area Rapid Transit (CART)  
Ms. Karlene Smith, Marketing Specialist for CART  
Mr. Bobby Stevens, Ward Five candidate

Item 1, being:

CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF JANUARY, 2015.

Ms. Karlene Smith, Planner and Grant Specialist, Cleveland Area Rapid Transit (CART), highlighted the CART ridership report for January, 2015. She said fixed route ridership was up 7% with the most dramatic increases on the Lindsey East and West and Research routes. She said 406 CART riders traveled with their bicycles and 43 passengers used wheel chairs. She said CARTAccess ridership has increased 3% with 113 average daily riders. CARTAccess passengers can now ride the fixed route for no charge, if they are able. She said 25 CARTAccess riders signed up for the free fixed route service in January.

Ms. Smith said CART held a student orientation on January 22, 2015, to educate new students on fixed route services. She said CART is coordinating with the University of Oklahoma (OU) Student Government Association to hold a "Turn Up for Transit" event during the spring and fall semesters.

Ms. Smith said CART will install three bicycle repair stations and 15 bicycle racks on the OU Campus in March. The repair stations will be located at the Brooks Street Transfer Station, Research Campus, and the City Hall Complex near the Library. CART is also working with the City of Norman and the Bicycle Advisory Committee to install a bus end wrap to promote a "Share the Road" message.

Item 1, continued:

Ms. Smith said two new 35 foot Compressed Natural Gas (CNG) buses are scheduled to arrive in July, which is earlier than originally expected date of September.

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the Month of January, 2015
2. Cleveland Area Rapid Transit (CART) Monthly Report, January, 2015

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Item 2, being:

CONTINUED DISCUSSION REGARDING A PROPOSED ORDINANCE REGULATING TRANSPORTATION NETWORK COMPANIES SUCH AS UBER AND LYFT AS WELL AS OTHER AMENDMENTS TO THE CITY OF NORMAN PUBLIC TRANSPORTATION ORDINANCE.

The Community Planning and Transportation Committee (CPTC) met on November 24, 2014, to review the City's public transportation ordinance and discuss whether or not the Committee would like to consider establishing regulations for Transportation Network Companies (TNC's) such as Uber and Lyft. TNC's enable passengers to request transportation network vehicles services through a digital platform. These digital based companies operate through a smartphone application that connects people who need rides with drivers.

On January 29, 2015, the Committee reviewed a draft ordinance establishing regulations for TNC's and asked Staff to provide additional research on the window decals for the vehicles as well as policies and/or procedures for transporting minors.

Ms. Brenda Hall, City Clerk, said since the January meeting, the Staff team met to make a final review of the proposed ordinance to determine whether there were other areas that need to be modified or may have been previously overlooked.

Ms. Hall said additional tiers were added to more accurately reflect the number of vehicles licensed and cover the costs of decals as follows:

- 10 or few drivers                      \$ 300
- 11 to 30 drivers                        \$ 750
- 31 to 70 drivers                        \$1,500
- 71 to 100 drivers                       \$2,250
- More than 100 drivers                \$3,000

Ms. Hall said additional language has been added to remove the City of Norman Fleet Maintenance Division from the annual inspection process for taxicabs, motorbuses, and limousines and require companies to obtain inspections through an outside Automotive Service Excellence (ASE) certified mechanic on a form provided by the City as proposed in the TNC regulations. She said the Fleet Maintenance Service Analysis prepared by Mercury Associates indicated the City's Fleet Maintenance Division is currently understaffed and taxicab inspections must be worked into their daily workload of maintenance of City vehicles and equipment. This change would allow companies to obtain their own inspections in many cases, in a timelier manner and relieve the additional burden on the City's Fleet Maintenance Division. A provision will be included to allow the City to perform its own inspection if the City has reason to believe the information provided has been falsified in any way or a complaint has been filed with the City Clerk's Office regarding the safety and/or condition of the vehicle.

Item 2, continued:

Language has also been added for the City Clerk's Office to issue a decal to each driver once they have been approved to drive under a specific TNC platform. The decal will be tied to a specific driver and vehicle so the City Clerk's Office would have a complete record of authorized TNC drivers. TNC's would also have to file a monthly report of the drivers authorized to access the TNC digital platform, which shall include the license plate number, vehicle identification number, make, model, and year of the vehicle. She said the decal color would change annually and be mounted on the windshield for easy identification. Councilmember Miller asked licensing TNC's be an unusual burden on Staff and Ms. Hall said issuing decals could become burdensome to Staff since drivers change daily, but believes Staff will be able to handle the workload.

Staff researched other cities in the metro area as well as the cities included in the original research of TNC's regarding policies for transporting minors and were unable to find anything that specifically addressed minors in any of the ordinances. While private airlines and some bus lines have policies and protocols in place for minors traveling unaccompanied, Staff has been unable to find anything that requires documentation of parental permission for minors using taxicab transportation. Staff questioned some of the existing taxicab companies and was unable to find a company that has an actual policy addressing transportation of minors. Ms. Jeannie Snider, Assistant City Attorney, contacted Uber who stated the Uber service is not available for use by persons under the age of 18 and users may not allow persons under 18 to receive transportation from any driver unless accompanied by the user. If Uber becomes aware that an unaccompanied person under the age of 18 is using the service, they will deactivate the account. Ms. Hall said it would be difficult to codify language in the ordinance to address the issue.

Ms. Hall said there a couple of House Bills (HB) were filed in this legislative session regarding TNC's. One is about the insurance regulations for TNC's, which is more restrictive than the City's and the second, HB1614, is a preemption type bill that will not allow municipalities to regulate TNC's. Under this legislation, TNC's would be licensed by the State through the Corporation Commission. She said the City should know by May whether or not the bills passed. Chairman Jungman said he has no problem not acting on the draft ordinance until the City knows what steps the State will take and the Committee concurred.

Items submitted for the record

1. Memorandum dated February 19, 2015, from Brenda Hall, City Clerk, to Council Community Planning and Transportation Committee
2. Draft ordinance

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Item 2, being:

DISCUSSION REGARDING PLANNED UNIT DEVELOPMENTS – REGULATIONS AND ENFORCEMENT.

Ms. Susan Connors, Director of Planning and Community Development, said the City Council Planning and Transportation Committee (CPTC) asked Staff for information on the evaluation and enforcement of Planned Unit Developments (PUD's) in Norman. She said PUDs are residential, non-residential, and mixed use communities that include any mix if land uses and shared public spaces within a designated area. A PUD is a special zoning classification that allows development configurations that would not be permitted in other zoning districts. One of the reasons to request a PUD is the ability to build structures closer together, i.e., reduced setbacks, producing densities that would be a violation of zoning regulations in the Zoning Code, etc.

Item 3, continued:

A primary advantage of a PUD is that it allows relaxation of other zoning district requirements, both residential and non-residential. PUDs can utilize a layout that features clustering of homes and large open spaces or possibly compact commercial areas with shared parking. PUDs have included residential uses, both single-family and multi-family, shopping centers, parks, recreational facilities, and restaurants. The City has approved three PUDs with an underlying industrial use, Saxon Office Park, University North Park, and the Sysco plant.

Ms. Connors said a PUD zoning application goes through the same public hearing process at the Planning Commission and City Council meetings as all other zoning applications. An application for a PUD is required to include a PUD narrative, site plan, and regulating documents for review and approval. These documents must be adopted by City Council to control development of the site. Prior to approval, Staff receives and reviews the proposed narrative and site plan for compliance with the PUD Ordinance. The primary reviewing departments are Planning, Public Works, Legal, Utilities, and Fire.

Because of the intentionally flexible nature of PUDs, there are no specific prescribed uses permitted within the boundaries of the PUD. The developer is responsible for preparation of a list of permitted uses within the PUD and the list shall take into account the nature and purpose of the PUD area and such uses and location shall be appropriate in order to protect and be in harmony with surrounding development. Following approval by the Planning Commission and City Council, the list of specific uses permitted by right shall serve the zoning for the property and as the control list in issuance of building permits and certificates of occupancy.

A site plan includes a general development plan of the tract indicating land uses, dwellings, and areas proposed for open space and recreational use. If the site plan changes more than the percentages allowed in the PUD Ordinance, the proposal will be required to go back to Council for review and adoption. The PUD Ordinance only allows amendments to be administratively approved by the Planning Director when certain criteria are met, i.e., a non-residential increase in floor area of not more than five percent; an increase in building coverage of not more than five percent; an increase in building height of not more than five percent; a decrease in land coverage, height, or number of units up to ten percent; and the first three of these factors had not previously been adjusted.

The PUD Zoning District regulations include a list of development standards. Some of the areas included in those standards are minimum acreage, parking, perimeter or setback requirements, and open space requirements.

Ms. Connors said the City has several mechanisms for enforcement of PUD narratives, 1) when a non-residential development is completed, Staff conducts an inspection of the site to assure the development meets the requirements of the PUD. A landscape and maintenance bond is also submitted to the City to hold for three years guaranteeing the on-site landscaping. At the end of the three year period a site inspection is completed and the bond is released if all landscape material is found to be in good condition; 2) if the property owner were to develop or operate their property in such a way that was not contemplated by the PUD narrative, the Code Enforcement Division can file Municipal Court charges for a zoning violation as the PUD narrative specified the approved zoning and uses for the specific property; 3) the City of Norman could potentially seek a District Court order enjoining a property owner from developing or operating their property outside the boundaries of the PUD narrative; and 4) an affected property owner could bring a private legal action in order to enforce the provisions of the PUD narrative.

Councilmember Miller asked if there are instances where the City has had to take court action and Ms. Leah Messner, Assistant City Attorney, said, to her knowledge, there has not been one.

Item 3, continued:

Councilmember Holman said in 2005, a PUD for a multi-family complex known as The Reserve on Stinson was built east of the Parkview Terrace neighborhood. Part of the PUD required planting of certain trees or landscaping between the apartments and the neighborhood which was done; however, the trees died and were never replaced. He said one of his constituents has complained for years about the trees not being replaced. He asked if, after three years, landscaping does not have to be maintained and Ms. Connors said the City does not have the resources to inspect landscaping once it passes its three year time period and the bond is released. She said when the City received the complaint a Code Enforcement Officer did inspect the property and made the property owner re-establish some trees in the area. She said the PUD required 100 evergreen trees to be planted and they are not surviving because of existing environmental atmosphere from surrounding residential properties. She said after some of the trees were replanted and died, the City has not had much cooperation from the property owner in planting more trees when they are not surviving in that circumstance.

Councilmember Holman said his constituent asked why the City would require landscaping if they are not going to make the property owner maintain the landscaping. Chairman Jungman asked if the trees are required or not and Ms. Connors said they are required as part of the PUD. Ms. Messner said she would have to review the PUD language before answering that question. Councilmember Allison said every developer creates their own PUD narrative and it seems this developer is not really meeting his own requirements.

Chairman Jungman said if the developer agreed to something they cannot actually live up to can the PUD be amended and Ms. Connors said the condition of this particular PUD was placed on the floor of the City Council meeting so this was not something the developer initiated through their PUD narrative. The developer did plant the trees requested by City Council, but the trees are not living and evergreen trees are pretty sturdy so there is something in the environment that is not allowing them to survive. She said all the trees have died and it is not from lack of watering.

Chairman Jungman said if the developer agrees to certain requirements and cannot meet those requirements there should be a formal process to amend the PUD and Ms. Messner said the developer can come back to Council with a PUD amendment.

Councilmember Miller asked if the City should really be enforcing landscaping into perpetuity as that seems problematic and impractical. Chairman Jungman said if landscaping requirements are going to be placed in a PUD there should be language that after a certain period of time the City will no longer enforce that requirement. Councilmember Holman agreed and said if the City is going to require something it should have a time limit of enforcement.

Ms. Connors said the solution may be to amend the PUD to something more realistic such as bushes although that may not satisfy the constituent making the complaint because he wants trees there. Chairman Jungman said he understands that screening can be important, but if the screening dies and there is no remedy it does seem unfair. He said the City needs to be able to enforce requirements in the PUD narrative.

Mr. Harold Heiple, 218 East Eufaula, said the City will always have individuals that continue to harp on the same subject so the City should not rewrite ordinances for that. He said University North Park (UNP) has a specific provision that lot owners will be responsible for landscaping. He said if Council is going to discuss enforcement of PUDs then they need to discuss enforcement of all zoning districts and the City does not have the resources to do that. He said the biggest advantage of a PUD is the fact that the City can impose conditions on a PUD, but cannot impose conditions on any other zoning. He asked the Committee not to single out PUDs.

Item 3, continued:

Ms. Joy Hampton, The Norman Transcript, said it is a well-known fact that when neighborhoods decline it affects the whole neighborhood. It worries her that Norman's stance is reactive rather than proactive because many citizens do not realize they can complain to the City. She asked if the City has a remedy in place to monitor deterioration of neighborhoods and work with neighborhoods to find solutions. Chairman Jungman said the City has a proactive code enforcement provision. Ms. Hampton said if a neighborhood is in poverty, writing citations does not solve the problem and Ms. Connors said the City has Community Development Block Grant (CDBG) Programs to help homeowners repair their homes and that is the main mechanism for low and moderate income homeowners.

Councilmember Holman did not know how the City could enforce the Stinson issue. Mr. Steve Lewis, City Manager, said this issue is screening so who is responsible for screening issues especially along arterial roads? He said there are many requirements in a PUD and it is not feasible for the City to enforce all the provisions in a PUD on a proactive basis. Ms. Connors said most businesses want to keep their landscaping nice as part of their business practice and this is an isolated incident and it is unusual that there would be that many trees required as a condition of approval.

Mr. Heiple said the City now requires Property Owner Associations (POAs) to whom the City can levy the responsibility to comply with neighborhood covenants.

Chairman Jungman felt there is a chance for give and take between the City and the developer on a PUD, but asked when should that happen? He felt it should not happen in a Council meeting at the last minute. He said it might be more proper to talk with the City Manager beforehand if there are questions regarding a PUD.

Councilmember Holman asked what he should tell his constituent and Ms. Connors said Code Enforcement will take action on Stinson and try to work on a compromise for an amendment to the PUD. Councilmember Holman asked Ms. Connors to keep him updated and she said she would.

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Item 4, being:

#### MISCELLANEOUS PUBLIC COMMENT.

Chairman Jungman asked Ms. Connors if the Committee could have a status update on the Center City Visioning process at the next meeting and Ms. Connors said yes.

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The meeting adjourned at 5:04 p.m.