

**CENTER CITY ADMINISTRATIVE DELAY AD HOC COMMITTEE
MEETING MINUTES**

MARCH 10, 2022

The Center City Administrative Delay Ad Hoc Committee of the City of Norman, Cleveland County, State of Oklahoma, met in the Executive Conference Room of the Norman Municipal Building, 201 West Gray Street, on the 10th day of March, 2022.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://www.normanok.gov/your-government/public-information/agendas-and-minutes> 24 hours prior to the beginning of the meeting.

MEMBERS PRESENT

Councilmember Lee Hall
Councilmember Stephen Holman
Councilmember Matthew Peacock
Keith McCabe
Jim Adair
Richard McKown

MEMBERS ABSENT

Autumn McMahon

A quorum was present.

STAFF MEMBERS PRESENT

Jane Hudson, Director of Planning & Community Development
Logan Hubble, Planner I
Lora Hoggatt, Planning Services Manager
Colton Wayman, Planner I
Anais Starr, Planner II
Rone' Tromble, Admin. Tech. IV
Beth Muckala, Assistant City Attorney
Scott Sturtz, City Engineer
Todd McLellan, Development Engineer
Nathan Madenwald, Utilities Engineer

GUESTS

Peter Petromilli
Elizabeth Bevel

Councilmember Hall called the meeting to order at 11:36 a.m.

1. WELCOME

Councilmember Hall – Glad to have everybody here. Ms. McMahon can't make it today, and Councilmember Peacock is delayed, but on his way. We're going to go ahead and proceed. I was able to have a brief review yesterday with Planning staff on what's left. So we are going to move through our items today, and I've assigned blocks of time to make sure we stay on point. No one from the public today, but I was going to suggest

that we don't take public comments today. If anyone is listening to this session and would like to provide feedback, if you would just email me your feedback or any questions you have to Ward4@normanok.gov and then I can distribute that to our staff and the rest of the committee. Thank you all for hanging in there with us. We'll get going.

2. DISCUSSION OF DEFINITION OF "BEDROOM"

Councilmember Hall – Our first item of discussion is the definition of a bedroom, which we have visited before. We're just going to do a brief review and hopefully we can move on from that.

Ms. Hudson – We're just going over these briefly. We really wanted to bring this back one more time to let you know that this is what we will present to Council as the bedroom definition, the habitable space, the definition for general living space, as well as the dwelling unit. In visiting with staff, looking at many, many different cities online for their bedroom definitions, habitable space, general living space – these are all in line with many of the definitions when you do the search online. Again, this is a very brief – I think we gave 5 minutes to this item, but wanted to make sure that we got it out there one more time to let you know this is what we would put in the document and present to Council when we move forward.

Councilmember Hall – The reason that we wanted to revisit this was to get as tight of a definition as possible because of continuing issues we're having without having a more precise definition.

Ms. Hudson – Right. We have the requirement for special use if you have more than 3 bedrooms. We were seeing a lot of the units coming in with 3 bedrooms, with 2 and 3 studies, dens, living areas, and stuff like that. We think that it's only appropriate for Council to be able to get a look at these proposals when they do have more than 3 bedrooms, because those are the guidelines that were adopted. By having this adopted – this block that you see here on this slide – this really does give staff the opportunity to look at an application when it comes in and say, no, you need to go to Council and ask for special use to make sure that this is the direction that Council wants to go with these.

Mr. McKown – So if they put a study out there that doesn't have a window and then they are just trying to slip it in, then it becomes a code violation.

Ms. Hudson – It can be. Yes, it is a code violation if they do not have a means of egress. But, again, once these are permitted and they get their CO, we don't come back in.

Mr. McKown – I guess, though, if you had a complaint, where there's extra cars being chronically parked, and we see 5 people coming in and out of this when we think there should be 3, or whatnot. Do we have the ability to go back in and go, hey, you're misusing this?

Ms. Hudson – It falls on the neighbors. I'll let Beth address that, if she'd like to.

Ms. Muckala – We encounter this issue a lot. It has to do with enforcement of what we have already. It's an evidentiary issue. We don't have the right under the Constitution to just enter without reasonable cause. Theoretically, there is an ability, if we think we have enough evidence, to do an inspection. At that point, it's really a matter of staffing and ability and the time it would take to develop that evidence, which is why it has historically fallen to neighbors to notice these things and document them for us. If they get evidence that's usable from the standpoint of protecting their Constitutional rights, then, theoretically, we can move forward. But you can see the challenges.

Mr. Adair – You're saying, functionally, it doesn't work.

Ms. Muckala – Yes.

Ms. Hudson – There's a form that we actually have that we can send to neighbors. But it's the taking pictures, it's the writing down the tags.

Mr. McKown – Do you have an example of a floorplan that's been submitted – and, again, another legal question here – once somebody submits something, is that now available as public record?

Ms. Hudson – Absolutely.

Mr. McKown – So could we all see an example of the thing you just described? Three bedrooms, plus two suspect den/study, that clearly it's, oh, this person is intending to do a 5-bedroom duplex here. Because I think seeing that – the physical thing – especially as we're moving toward the whole idea of pattern zoning, and figuring out – we're going to eventually be able to land on this is what we want. And it's an economic product. Right now, we've got this mis-match between economic viability and we just keep getting what we don't want. I'd love it if you could circulate that physical image.

Ms. Hudson – We've got some that we can pull.

Mr. McKown – That would be great.

Ms. Hudson – Just real quick – side note – funny story. We have the overlay for the CNZOD, the Central Norman Zoning Overlay District, and within that if you have more than 4 bedrooms you have to get special use. This is out of Center City, but this is just how this goes, Richard. We had an application come in years ago and they had the bedroom count, but then they had an additional area that the space backed up to a bathroom, and then had this little cutout. Well, it's for sale now. There's several of them. It's got a bathroom sink and clearly it's converted into a bedroom. It does happen. I'll get a set out to you.

Mr. McKown – Another definition – and I don't know whose requirement – if it's an FHA thing, but usually having to do with a window, a door, and a closet. If you don't have a closet, it's not a bedroom, and it won't appraise as a bedroom. Do we want to add closet to this definition? Is it in there?

Ms. Muckala – The way it's set up, it's not dependent upon having a closet. Our current definition says either has a closet, or it's capable of having a closet added to it. Of course, that could be an armoire. That could be literally just building in the walls for a closet. That became so meaningless in that context that we didn't find it to be a distinction for the purposes of zoning definition. Though you're probably right for other agencies it would be a requirement.

Mr. Adair – You're looking in the wrong direction. You're looking for what qualifies as a bedroom. We're taking something that would not qualify as a bedroom.

Mr. McKown – I'm not sure that we're solving the problem with this, and I think that we're going to have to come at it from a different direction to solve the problem.

Councilmember Hall – Well, if that's possible, but it does help move us in the direction that we want to go. Correct?

Ms. Muckala – The goal of this is to have something that anticipates the issues we've been seeing. That's why it's written the way it is. But it does always come back to enforcement, and we do have to be honest; the fact is if someone submits a plan that meets the letter of this, we might not know if it gets changed later. Or if it meets this definition and it's easy to change. There might be some things that – you might be right – we just can't stop. But we have to go on the honesty of the applications being submitted.

Councilmember Hall – And it does give you more of a path to get what is intended. Correct?

Ms. Hudson – Right. Once it comes in, we can look at it and let applicants know that they meet this test of an additional bedroom and so they have to get special use.

Mr. Adair – You all have had circumstances with something that's conspicuously a bedroom, labeled a study, and is done just to circumvent the requirement.

Mr. Hubble – Yeah.

Mr. Adair – We're writing rules; you need to play by them.

Councilmember Hall – Exactly. Okay. We're moving on, unless anybody else has a final comment. Good job, group.

3. DISCUSSION OF CONSOLIDATION OF NUMBER OF FRONTAGES AND QUALITY STRUCTURES AND ARCHITECTURAL REQUIREMENTS

a. HEIGHT MAXIMUM REQUIREMENT

Councilmember Hall – Number 3 on the agenda is discussion of consolidation of number of frontages and quality structures and architectural requirements.

Mr. Hubble – This is the height map we want to use, mostly for the Urban Residential area. You have seen this before, but we changed it slightly based on some feedback we received. Now it steps down a little bit more toward the Detached Frontage, so the things that are adjacent to the Detached are 3 stories – so it goes from the 5, 4, 3. Basically, before it was 4 stories adjacent to the Detached, and now it just steps down a little bit more gently.

Mr. McCabe – Thank you for that step down.

Councilmember Holman – Honestly, along Gray Street, between University and the tracks, I wouldn't mind if there was no height limit, similar to Main Street.

Ms. Hudson – On University?

Councilmember Holman – On Gray Street. I don't have a strong feeling on one side of the road or both. Maybe the south side of the road.

Mr. Hubble – Everything aside from the blue Urban Residential area is the same as it was originally. I didn't change any of that. But, yeah, definitely.

Councilmember Holman – Since we're discussing it. I just foresee, since there's so many empty lots and parking lots, there could be a higher demand, or more space to build up on Gray Street than there is on Main Street, without harming any existing structures.

Councilmember Hall – I guess my only comment about that is that, for our purposes, and because of the timeframe that we're in right now, we're really concentrating on the transition from the blue and the pink to this Urban Residential. I think that's something that we could always come back to later. We literally reviewed a long list yesterday of things that we know we're not going to get to. I think, for our purposes right now, that we need to stay focused primarily on the changes that we need to make in the residential areas at the moment.

Mr. Adair – Speaking to Stephen's comment, if you wanted to go 8 stories on Gray Street, is that subject to Council exemption? Is it a hard rule you just can't, or can I go to Council and go I want to build an 8-story building?

Ms. Hudson – Absolutely. That would be the CCPUD option.

Councilmember Hall – So we have a path.

Ms. Hudson – Absolutely.

Councilmember Hall – And it could be something that we add to a future list.

Ms. Hudson – I wrote it down just as a question for something that we could continue after that.

Councilmember Hall – Any other comments?

Councilmember Holman – I don't have any problem with this change. Like I said, in that middle area, it makes sense. I think it makes sense closer to Boyd Street, and then stepping down as we go closer to the yellow and to the single-family neighborhood – I think that makes sense to me. I'm curious about the 5 at the bottom on University next to the President's house. Is that because we allowed the hotel to be that tall?

Mr. Hubble – That's just what it was. That's what it is right now.

Councilmember Holman – I remember some friction about taller structures behind the President's house, but I guess President Boren doesn't live there anymore.

Councilmember Hall – That might be old news now. That is the status quo, right?

Mr. Hubble – Yeah.

Councilmember Hall – Any other comments? Do you want to move to Part b?

b. UNIT MINIMUM REQUIREMENT

Mr. Hubble – Discussed this previously, but we wanted to close the discussion so we can move on to the impervious lot coverage discussion. I know Jim wanted to touch on this again before we made any sort of declaration on the 75% or 85% issue. What we're thinking for unit minimums – and I can flip back and forth between this and the previous slide. Three units per lot, or one less than whatever the height maximum is, whichever is greater. So, for example, this 5 would have to be a 4-unit minimum there; 4 it would be 3-unit minimum. In the 3, you would still be a 3-unit minimum, because you can't go less than 3, basically.

Councilmember Holman – So as an example, it could be a single building that has 3 stories and each floor is a single unit? Or it could be one on each side, or something like that.

Mr. Hubble – Something like that. This is a height maximum, not a height minimum, so they can still build 2 stories there if they want to, but they would be required to have at least 3 units.

Councilmember Holman – We do have a height minimum, though, don't we? It has to be at least 2 stories, right?

Mr. Hubble – Yeah.

Mr. McCabe – You just led into a question that I've had. When you tell me I have to build 3 units on a lot – that's your minimum. I have had a problem with the interpretation of the law – an R-3 development, which says I could have done a duplex, but I still could have done a single-family home. We have now interpreted it that the blue, which were the townhomes, had to be a minimum of 3 units. I've always wanted to go back to all of

these negotiations we did, because I know we talked about if somebody owned a single-family home right beside a townhome, but he wanted to bulldoze and build his personal home right there to tie in, he could. I believe that was our intent. That is not the intent that's being applied. If I bulldoze, I have to build a 3-unit minimum. You're telling me now that's continuing. I have a problem with that because how do I build a retiree's house that doesn't want to live in an apartment? How do I build a grad student's that might want a single-family home, that want the same look, the same lot, the same everything as a true single-family home if I have to build an apartment complex? That's how this has evolved. I know we don't have time for this. But that's how this has evolved. I always, being in the building industry – whatever the zoning was was basically a maximum amount I could build. We've interpreted that as a minimum amount, and that's a big difference. If you're telling me, for me to bulldoze the house, I have to build a 3-story home – that I cannot build a single-family home – I have a problem with that. And I think it's how we're interpreting that language. Thank you.

Mr. Hubble – There is still the opportunity to build 3 townhouses on one lot. They don't have to be stacked vertically. They could be next to each other. All we're getting right now is the student housing. You all know more about the market than I do. I don't know how much the market is there for actual townhouses. I don't know if anyone can really afford that.

Mr. McCabe – This is just me playing advocate – so then we need to take that out of our discussion. Don't ever bring up a single-family home. Don't ever bring up a graduate student. Because if I can't build for that – I cannot build a single-family home in this area, I think that really – to me, this changes the whole concept of what we were thinking. Because we constantly talk about older, living in place – all of that stuff, and we're basically saying, if I have to demo it because that house is so bad, I have to build an apartment. I have to build a multi-story, multi-unit. Again, I've always believed that a zoning was the maximum amount you could build on a lot. It was never set forth to be the minimum. The minimum should be whatever that developer deems financially responsible -- that he can build whatever. Case in point, a gentleman just bought a piece of property on Park Street and paid silly money because he wants to build his personal home, because he couldn't in this area, because he wanted to bulldoze and build his personal home.

Councilmember Hall – Is it on the west side? Is it in Center City?

Mr. McCabe – Nope. No, it's not Park – what is it?

Councilmember Hall – Page.

Mr. McCabe – Page. So I'm sorry, but that was part of it. He wanted to be here and he couldn't bulldoze to build back a single-family home, so he found an area that he could. That's been a little bit of a heartburn when I keep reading minimum units.

Ms. Hudson – I don't disagree with you, as far as wanting to have aging in place and so on and so forth. But from the very beginning the idea was to bring additional density into

the area, and that has been the discussion from the very beginning, from the admin delay to where we are now. If the ability to build a single-family home within this entire Center City Form-Based Code area, excluding your yellow over here – because that is single-family. In my opinion, that completely changes the discussion, and that's not the direction that we are right now. I think if that's something that we, as a committee, or as Council wants us to look at, we can obviously look at. But that's not the direction that this administrative delay is going. I don't believe that we can actually switch that right now, because that's not part of the resolution that was completed.

Mr. Adair – Your minimum is 3 minimum anywhere, and you said then 1 less from the height. Is that what's designated here or what's actually built?

Mr. Hubble – What's designated here.

Mr. Adair – In all the areas marked 5, you've got a 4-unit minimum?

Mr. Hubble – Yes.

Councilmember Holman – From my perspective, one of the very first decisions we ever made about this was that we were going to give up the idea that there would be single-family housing in this whole area anymore, and that we were giving up the idea that any of these houses would be preserved, and that they would all be redeveloped over 20-25 years. I definitely have never envisioned there being any single-family in the Center City area at all, except the far western edge. Because the whole intent has been to provide an area that can have increased density from everywhere else in Norman. During the same time as Center City, the City Council down-zoned both the western neighborhood and the eastern part of this area to single-family. So there's more single-family around here than there was before. The whole idea is to have increased density. I don't know that I want somebody building a single-family home in there, because that's not going to be the highest and best use of property in this area. Part of me feels like I wouldn't be opposed if somebody wanted to tear down a house and rebuild the exact same house – exactly the way it looked, exact square footage, but with new materials and new plumbing and electricity. But I wouldn't want just any single-family home being plopped up in this area, especially if it didn't look at all like the single-family homes that did exist in this area. Really I don't know if there are really any – it's all been zoned R-3 for 70 years. I don't know if there really is even any real single-family homes in this area. Some have been used that way, for sure, especially on your streets -- on Eddington and Monnett. I've known many people – single people, not students – that have lived on those streets. But that's kind of the intent that I've always had, anyway, is that this area is specifically for higher density than what's allowed anywhere else in Norman. You can build a single-family house anywhere else in Norman, pretty much.

Councilmember Hall – And we do have the transition area with the yellow.

Councilmember Holman – I'm surprised that somebody would want to build on Page Street. The whole street has been demolished by OU. There's really almost nothing left. I guess they're going to build a giant parking garage next to it, also.

Mr. Adair – Quick question. I want to make sure we know where we're heading. I'm going to say, with the exception of corner lots, probably 80-90% of this is 50' frontages. So if we're talking 4 units on a 50' frontage, we're saying we're going to preclude a townhouse design. Is that what we want to do?

Ms. Hudson – That's what we're getting right now. It's a 50' lot with ...

Mr. Adair – With 3 townhouses?

Ms. Hudson – Well, 3 units, 4 units. And they're going lot line to lot line.

Mr. Hubble – What we've been discussing with trying to increase the density here, it kind of has to be the unit minimums, the parking minimums, and the height maximums altogether. Those 3 things – they all work in sync to do this. If we lose any of those 3, we're not going to get the increased density with fewer bedrooms per unit that we're wanting. I do like having the possibility of single-family homes being able to be here – like a single-family townhouse – but I don't know if I want that at the expense of having increased density and fewer bedrooms per unit so a different type of student can live in this area.

Mr. McCabe – If I was to bulldoze, I have to build to current Center City Form-Based Code, so I cannot build a single-family home back in the same footprint, back in all of that. That's not going to happen. If I was to bulldoze a house and wanted to build a single-family home in the blue or what we're changing it to, it would have to become a townhome. I would have to bring it up to the property line. I would have to build it building to building so it would look like what we have. It ties it in. Would it allow that opportunity to build what the market drives? Now, we're paying \$325,000 for a 50' by 140' lot, 7,000 square foot – that's almost \$50 a foot for dirt. But I just remember – and I'm sorry, and I know we're busy, but I just hate the fact that if somebody wanted the possibility to build that townhome that tied in with the architecture, tied in to the frontage, tied in everything, that that's not an opportunity. We took that away, from the way I remember the conversation, is because we do have some single-family homes that were built because they did not have bedroom caps, and so they started building 8-bedroom, 12-bedroom, 16-bedroom single-family homes. So that was part of how this conversation came around. We were trying to put a cap on the bedrooms. We're already doing that with the parking, with the bedroom count with this. Again, I understand we're saying that this is going to be that area, and I've always heard from the very first conversation, we expected contractors to come in and buy the whole block and just bulldoze everything.

Councilmember Holman – Just to clarify, I'm not opposed to single-families living in this area or having housing that is suitable for them, because we have talked about having housing that a married couple with kids would be able to come into at some point, maybe when it's not as popular with the students someday. But what I was trying to avoid in this area is the construction of a suburban single-family house. I don't want to see that in this area. But I feel like I wouldn't be opposed to a structure that looks like what we're trying to do here, but is geared toward a single family living there.

Mr. McKown – Is it an option to say you can either do one single-family house or it has to have 3 units, but it can't have 2? Would that be a way to keep the single-family?

Councilmember Holman – Like one townhome? It would be 2 stories, but it would be a single residence, not a multiple unit.

Mr. Hubble – A couple of things. I'm not responding to Richard's point; I'd need to think more about that. But to what Keith said – right now, as it's currently written, we are required 3 dwelling units per lot in the blue area. So this would only be an increase – in some areas it would not be an increase at all; in some areas it would be an increase of 1 unit per lot. Then, also, for someone who does want to build themselves a single-family townhome in this area, there is the CCPUD process still.

Mr. Adair – That was my question. Okay.

Mr. Hubble – So it does not completely preclude single-family development.

Ms. Hudson – That's what I was going to say. You always have the option to do the CCPUD. However, that does take you 90 days through Planning Commission, and City Council. If that's an appetite that we have, I'm sure that we could look at, if you're genuinely building a single-family home, maybe there's – we have the DRT. I don't know how much of an appetite there really is to do a single-family home in this area as far as what you guys want to see this amended to. But there's the CCPUD, and then there's different ways that you guys could put an allowance in there, like Richard said.

Councilmember Hall – I think, from all of the discussion that we've had in the past, and this is why it's valuable to have a new look and also have the history of participation of Councilmember Holman and Mr. McKown and Mr. Adair. They've seen this conversation go off in many directions, but I think what I want to point out is that we do have a specific task before us that's outlined in the resolution. For the way I've thought about it, as far as continuing to talk about different opportunities – different types of housing – and I'm probably not saying that quite right – but as opposed to a single-family home, it's that type of unit that's going to appeal to a couple or maybe a young family that is a townhouse type of option, and we are not seeing that now. I think that's part of at least my overarching interest in continuing to revisit this is that we are building housing that is going to appeal to those beyond one demographic group. We have the opportunity to transition into this single-family home area. We have the opportunity to use the CCPUD. I think, again, what we're trying to do is simplify what is the easy path forward for approval. So anything that we keep doing to add another layer is getting away from trying to make it straightforward.

Mr. Adair – I remember in the original Center City, knowing that it carried really negative connotations – making the comment so what we're talking about here is urban renewal. Yes, we're talking about total redevelopment. I think that's always been part of the discussion. Keith, my concern is when we try and piece into this every possibility. I think

history has shown us we're creating loopholes that are causing us problems. If the CCPUD is still on the table – 90 days, but that's ...

Mr. McCabe – I guess where my thought is – we constantly complain about a single type of unit we're getting, but, yet, we are sitting here making rules forcing us to build the one product that we complain about getting. Are we not? So, again, typically zoning – that number of unit is the max number that you can build. We've interpreted that as a minimum number. I have to build a 3-story. I can't even comprehend a single-family residence. So if what we're saying is – and maybe that's the problem is we've all been here for too darn long and we've had 100,000 conversations – but I still thought we wanted a little bit of diversification – that we wanted to have that ability, and everything that we've done and every interpretation that we're doing, we have led to one type of housing, but yet we sit here and complain about that type of housing. So I don't think allowing somebody to go less than 3 units is a big jump through the hoop.

Mr. Hubble – The type of housing that we usually complain about – the only type we're getting is the 4-bedroom units. The goal of having the unit minimums, would be to have fewer bedrooms per unit. So, really, it is a different type of housing. We're hoping to get some 1 and 2-bedroom units here. That would be a different type of housing.

Councilmember Peacock – I'll just play Devil's advocate. I think the big heartburn with the CCPUD route is that you're going to get one of these at a time, versus the comprehensive block type development, where if you had 7 or 8 townhomes in a row, then you start to get that look and feel that we're looking for in the Center City area. CCPUD you're guaranteed to get the one project. So I don't know if it plays into the full vision just to rely on a CCPUD, or you add some flexibility and wiggle room in there to get some single-family. I can see the argument, but I think diversification of the housing type is what we've been after this whole time.

Councilmember Hall – So back to what you were saying, and the thing that I think we've got to keep front and center is that we need this 3-legged stool to maybe move the needle.

Ms. Starr – Just as a staff member, I can't even tell you the last time I had somebody ask for a single-family. We just don't get that ask.

Councilmember Hall – Since 2017.

Ms. Starr – Since we changed it to the 3-unit minimum last time. It's just not something we get asked about.

Councilmember Hall – Do you think it's because people know they can't do it?

Ms. Starr – I think it's because we have developers who are interested in producing a certain type of product and are aiming it toward the student population. I don't think it's realistic to think that we're going to get a whole bunch of people asking to do this. If we did, again, we'll still have the committee going forward to come back and change

it. But right now, we're getting multiple units and multiple bedrooms is the ask. I couldn't even tell you the last time I had somebody ask for that.

Councilmember Hall – Have you had any kind of inquiries in the yellow?

Ms. Starr – It's usually to build a garage or to build an addition, or something like that.

Ms. Hudson – I know we have limited time on this, and I see both sides of this – absolutely 100%. From the very beginning, the idea was density. Are we getting no inquiries because people know that they can't do that? If we open the door and say, yes, you could build that – I don't know – 3-story single-family home between 2 of these tri-plex or quads or whatever has been developed – I think it would be a wonderful idea to have diversity in the area, but I want to look at Beth – not to put her on the spot – but with the resolution that we have – does it fit under simplification of the code that we could have this on the table to say if you're in any of the areas within the Center City, with the exception of the red, and you wanted to build a single-family home that met the standards that are adopted – is that within the resolution that we have right now?

Ms. Muckala – Not really. It could tie into various things. I did note that consolidation of the building frontages kind of affects the subject a little bit, but not directly from the standpoint of literally going back and adding in a single-family option for every BFS, because the last time – it was the last committee where this idea of minimums were first introduced, and it was very clear about the blue. I will say that I've looked – the pink was meant to be more flexible. It did 1, 2 or 3. Of course, there's single-family in yellow. So I do think that would be beyond the resolution of this committee. That doesn't stop City Council – City Council has the authority to consider anything. But adding it as a topic here would require amending that resolution, probably.

Councilmember Hall – I just want to make sure that I understand what we're talking about, because I thought we were specifically talking about Urban Residential.

Mr. Hubble – Yeah. Really that's what we're focusing on. We could do a unit minimum in the Urban General, like this, but really what we're focusing on here is Urban Residential.

Councilmember Hall – Which has been the focus from the beginning – is the two residential areas that we're trying to consolidate. Okay.

Mr. Adair – Good discussion. I think I'm shifting a little bit. I came in very much in favor of a unit count. Parking is going to make a big difference. I think we're about to get, finally, to a bedroom definition that will stop what, just in my words, have been some of the abuses. I'm not sure we need to fix it 3 or 4 times. The discussion last week about impervious coverage – I want to see all that put together and see that we're still getting a density that justifies this kind of land cost. To the comment on single-family, typically, if you take a \$300,000 land cost, you're talking about \$1.5 million house. You're not going to get that here. Somebody's really got to want something out of the ordinary. Land costs are why you're not seeing single-family here.

Ms. Muckala – Just because you touched on it, I might just add one thing. I was going to ask, from the perspective of the people who know the development, are those higher land values we are seeing because of the potential for single-family development or they're for the revenue-generating – so part of what we discuss, when it comes to making zoning amendments, is are we protecting health, safety, welfare? And when you look at preserving property values, you're falling right in that welfare category. I'm just thinking through these things from the perspective of are we allowing enough options – people to use their land. And, frankly, it sounds to me like what I'm hearing is, by focusing on the revenue generating, we're doing a good job of zeroing in on those property value factors that we would want to consider, and that it's a justifiable thing to consider it case-by-case if people want to do something else that could potentially lower their own property value.

Councilmember Holman – I'm definitely interested in this topic, but maybe it's something we take on later. For now I would feel like, if there hasn't been a demand, I wouldn't want to change what we're doing. I want to try the unit minimum count to see how that works. If we get a CCPUD or a couple asking for these single-family – I'm not necessarily opposed, if it looks like what is being built in the area from the outside, so from the outside somebody would think it's a multiple-unit apartment building, but it's actually just someone's – and maybe they have a lot of money so they want to live in that type of thing so they're willing to spend whatever it takes to build it because they want to and this is the area they want. I'm not necessarily opposed to that, even though it doesn't necessarily help with the density part, but it does fulfill the look and the walkable area and those boxes we're trying to check off. I'm not necessarily opposed to the idea of incorporating that if we see that there's maybe a demand for it in this area. I would feel like right now trying these unit minimums in this area, and maybe with the next resolution including the committee discuss this topic further about single-family in the Center City area and not having to do the CCPUD option. But I probably feel okay with just sticking with that process for now until we can come back to it.

Mr. McCabe – The last thing from me. Because I'm a simplistic person, I think it is just a difference between using the word "minimum", which means I have to build, or "maximum" that I can build up to the 3 units. I think it's just that interpretation of minimum and maximum. I don't think it changes the rules. I don't think it changes a building. Maybe I'm just simplistic in my thought, but that's the word I'm hearing is we keep talking minimum, which says it has to be 3 units. If you use the word maximum in the exact same sentence, in exact same line, you're still getting the same number you want, but there's just a possibility of doing less if whoever owns the piece of property chose to do that. Even though the CCPUD are options, they're not a guaranteed option. We've all been through that. Again, I just see it as a difference of minimum and maximum.

Mr. McKown – We're not saying it's a minimum – if it's a minimum of 3, you can build up to 5, you can build up to 6. Right? Whatever you can figure out.

Mr. Hubble – As I said, right now it is a 3-unit minimum. I worry that we would hurt the density if we went less than that – that we would end up just with duplexes, which are fine, but it wouldn't be the density that we're hoping for here.

Councilmember Hall – I think, to your point, we can talk about this housing type. I get where you're coming from – I really do. But the reason that we did this the last time around was to close the door on – this is when it gets really confusing in my head about a tri-plex versus a duplex, when the duplex literally has the most potential for massive number of bedrooms. So that would open that door right back up, too, I feel like. I think for purposes of this discussion, we probably need to move forward in the direction that we're going and part of revisiting this is we have to consider the other legs of the stool. Let's see how it all fits together.

I'm going to say right now that what we're intending in our next meeting is literally to start drafting a document. We have not hit all of the topics that we're going to discuss, but we do have that roughly mapped out now, and we have a very short timeframe and we have to get through these things per meeting now. So what's going to happen at the next meeting is there's going to be the start of a draft document that you will be sent ahead of time – right? That's the plan. We're going to have some people missing next week for spring break, so it won't be the full committee, but everyone will have an opportunity now to see it all in one place. I think that will help us move past this for now, and if it's something that we want to tweak a little bit or add to the list for down the road, I think when we see all the pieces put together that's going to inform a consensus.

4. DISCUSSION OF PART 9

a. REDUCTION OF IMPERVIOUS LOT COVERAGE

b. RAIN STORAGE TANKS/BARRELS

Councilmember Hall – We have 30 minutes. We need to move on to discussion of Part 9 in the Center City Form-Based Code document. We had started this discussion about reduction of impervious lot coverage and also some issues that were raised with the rain storage tanks/barrels, etc.

Ms. Hudson – I think it's a combination of myself and City staff back there. I had Logan add this – we got this picture and I thought it was amazing, so I wanted to throw this out there for you guys today. At the last meeting there was the – I don't want to jump around, but we're on 4 for Part 9; 5 also mentions the service courts and the screening and stuff, which is in relation to the tanks that we see there. I know at the last meeting, Jim wanted us to bring back the discussion about the 75 versus 85. Not to speak for Jim, but the question was, if they're accounting for everything at 85%, why are we concerned with taking them from 85 down to 75? So there were some questions that were floating around from the last meeting and we need to know are we going to stay at the 85? We need to make sure that we're not getting additional coverage at 85, and that they're not able to go even further than that because they have over-sized tanks. I'm not an engineer, so I can't speak the engineering language, but we also want to make sure that whatever they put in there is also accounted for in their coverage area. That's where we are today.

Mr. Adair – I'm still kind of where I was last week. If we're accounting for the stormwater runoff, then we're just pulling density back. I don't want to see even bigger tanks, necessarily. Maybe if you want that last 20%, maybe you do 25 or 30% toward the

drainage. Maybe you help more. I'm not saying it necessarily has to be one-to-one. Now, I think that maybe moved, forcing you toward storage tank type solutions.

Councilmember Holman – Those definitely look a lot nicer than the example we have. I would feel similar, especially when we haven't – unless you guys did it last week – decided on the parking stuff. I wouldn't want to reduce the impervious surface allowed and require more on-site parking, because then we are really significantly impacting density at that point, and that, to me, is going the opposite direction that we want to go.

Mr. Sturtz – I'd just like to make a slight clarification. When we're doing these engineered solutions on the site, we're not accounting for the increase in impervious area. What we're doing is we're accounting for the 1" rainfall that occurs on the site. So to say that we're accounting for it -- we're making improvements and we're taking care of a portion of it. To say that we're actually accounting for that increased percentage is not really accurate. We are, but we aren't. We're not saying if you go from 65 to 75 you do 10%; if you go to 85 you do 20%. What we're saying is if you go over this level, you must account for what we call the water quality volume, which is that first 1" flush of the site, which is typically where we see the majority of the pollutants and also usually that's your first flush that rainfall, so you're getting that first intensity of it and then hopefully it tapers off from there.

Mr. Adair – This is not a mini interpretation of subdivision regulations, then, is it? I'm used to detention ponds and historical runoff at your property line.

Mr. Sturtz – That's not really what we're doing here. So what we're actually saying is let's account for what that – let's improve it, but we're not saying as in a development situation where we're saying you have to have the same discharge prior and post. That's really not what we're doing. We're treating the contaminate source and trying to reduce it with some additional measures, but not at an equal – not necessarily accounting for all the additional flow directly.

Mr. McCabe – What my question is, all of Norman is 65%. We've increased it in this area because of density. We're now talking about decreasing it, but adding stuff. In my mind, I understand why we think we need a cap. But if there are viable solutions that cost a lot of money – but if those viable solutions to go above 75 -- to go above 85 – and if those solutions have to be part of the whole build – whole floodwater, why are we even putting a limit. If somebody can come in and they want to go up to a larger scale, knowing that it's going to cost them – if that's part of their equation and if they're accounting for it, why are we even putting a cap on it if they're paying for it out of their pocket? If they want to go big, then let them go bigger. You have to approve it. I'm just not understanding why we're hung up on this 10%, whether we come up or come down. But if I can control or do what you're asking me to do on any piece of property – and if I want to go bigger, I just know it costs me more money.

Mr. Sturtz – The way we're written today doesn't do what you just said. What we have written today is that if you go over, you're going to account for the 1" calculation of additional running water – the first inch of rainwater on that. It's not the same as saying

that you're going to account for your increase in impervious area. They're not the same thing. They're not even equateable. You can't say it's a 1 to a 1.5 or anything. They're just totally different calculations. So that's not what they're doing in what our current Section 9 does. That's not even applicable application for what we have today. That would be a whole other set of description. I think if somebody did want to do something like what you're discussing, we'd probably go more the CCPUD range with that. But my memory going back – and if I'm wrong, throw eggs at me – it's fine. But my memory is that part of the process was we didn't want this to be a giant concrete jungle. We wanted green space. We wanted livable area, not urban hell heat source. There's balances here. I'm going to tell you that, from a stormwater standpoint, 75% is 100% every day of the week better than 85%. Now, if you're doing something to offset that, that's a different discussion. But, again, for what we have in here, we're not offsetting the increase in percent coverage.

Mr. Adair – I don't have any evidence that says that between parking requirement and coming down from 85 to 75 that we're reducing density to the point that it affects land value. Beth was talking about land values earlier. But you certainly haven't convinced me that it doesn't. I have this huge fear that doing both of those together does. Putting both of them together – I'm not sure that is increasing our diversity in housing, getting us more 1 and 2-bedroom units. I have this concern we're getting ready to seriously affect density, which affects value. And I'm not unconcerned about drainage.

Councilmember Holman – What's the downside of requiring it to compensate? We said you could go up to 100, but it has to compensate for that increase, just like you're mentioning. What would be the downside of requiring them to compensate for that increased impervious surface? Right now, we're not. We're just saying the first inch. But what if we said, okay, we're going to keep it at 85 and there's a door that you could go to 100, but if you do it has to be entirely accounted for.

Councilmember Hall – To me the downside would be having any green space at all on a parcel. Again, it's just vision. If we want this to be a pedestrian friendly, walkable, attractive neighborhood, it's hard to imagine that we would be comfortable with – even if it had the most advanced stormwater mitigation possible, is that really what we ultimately want to have, is a parcel that's 100% impervious surface that's supposed to be a livable neighborhood? Mr. Sturtz, you were a big part of this discussion the last time around, too. So my question for you is, if we are comparing apples and oranges – which I think is what you're saying – let's say we leave it at 85%. I was really pleased the last time because I felt like we put some important stops in that to be allowed to go to 85% because this is a place where we want to increase density and allow for those kinds of things, but you had to go above and beyond to be able to do that. I felt like we made some pretty significant changes last time. My sense of it was that you were comfortable with the changes that we made. So do you have any recommendations – if we leave the discussion at 85% -- are there things that we could be adding to this that's apples to apples? Because I think one of the pieces that we probably are not going to get to, but is significant and is a holdover topic last time, is the lack of green space, and being able to account for pieces of triangle of a parking lot that account for your green space that adds to the amenities of living in a new urbanism environment.

Mr. McCabe – Because I do think simplistic, I understand the green space. I understand utopia. I understand the dream. But now we're talking about 5-story buildings. We're talking about minimum parking per unit. There's not going to be green space. So we say what we want, but then we say what we build, and they're not together.

Councilmember Hall – Then we have a problem.

Mr. McCabe – Then we have a problem. That's what I'm trying to address, is I understand the dream. But we keep raising height. We're raising parking. We're raising density, which is all what we want. But when we actually speak in those terms, we're decreasing green space. And I think that's the problem. We want – but we keep talking about this.

Councilmember Holman – I agree about having green space. But part of me feels like the front of these buildings has green space that now doesn't have a driveway in the front anymore, so there's some added maybe there. But the back faces an alleyway. It's not being used as public green space at all. Part of me is like, does every single individual property need to have its own green space? Because of the whole urban idea, just as I feel with parking, is communal. If there is communal parking, there's street parking everywhere, and we have missed the boat on getting property to build a park, but Center City needs a park, actually. To me, that's why New York City has Central Park, because it's just not practical that every single space in New York City can have a back yard or a courtyard or a front yard, so they have a giant Central Park in the middle of the city that everybody can use. So that's kind of the direction I wish we were going, is that there was a communal green space in Center City, and maybe we've already missed that opportunity. But that could be counted toward total greenspace to try to address that. I do agree that the back part is being used as parking and storage for trash cans, and I don't know that a lot of the residents are using it for anything. We're not planting trees on them. I don't want it to affect density, as far as if we have on-site parking and we have a requirement for X amount of green space, and then we're just getting it smaller and smaller. So I want to avoid that. That's just my thoughts on green space.

Ms. Hudson – Everything everybody has said at this table – Scott, you may send me black roses – but here's the thing. Those little triangles in the back parking lot – they're not being used. They should not be, as far as my opinion – they should not be counted as part of their open space. The back yards – they're not being used. We do have one other item that we need to talk about. It's the service courts.

Councilmember Holman – Balconies and roof tops. Do they count?

Ms. Hudson – Yes. So I'm 100% about whatever we can figure out as far as getting this area accounted for. But that back yard is not open space – never has been – never will be, as long as we're getting these multi-units – even if it's 5 units and it's a single family in each one of those 5 units, they're not going to go down and use that back yard. I just think that there could be options – not that I want to see 100% coverage on these lots or anything, but I do think that we could better utilize these areas in the back for service courts or whatever.

Councilmember Hall – So from a Planning perspective, what are your thoughts about 100% impervious surface?

Ms. Hudson – Well, they're never going to be 100%. It goes back to what Councilmember Holman said. It's this communal area. Will we ever have the opportunity to get a park in this area? I think so. Again, we've got to remember this is long-term; this is not just 2 years from now. But it is an apartment complex type environment in this area. I think it could be better utilized, better accounted for, because right now they're mucky messes. That's probably one of the reasons why some of the polycarts are not brought back up close to the units, because it is a mucky mess.

Councilmember Hall – We're not making the best use of the space in the back.

Councilmember Peacock – Just a clarification – in the original discussions about this, was the open space requirement – was that a quality of life thing, or was that a stormwater management tool?

Ms. Hudson – I am not sure I can answer that, because I wasn't ...

Councilmember Peacock – Because they do make grass pavers that you can use for parking lots. Now it's not a paved surface – it's got a permeable surface that doubles as greenspace. There's underground detention.

Mr. Sturtz – We can't park on a grass surface. The grass dies and now doesn't meet our codes. So grass pavers are not an allowable parking surface. I'm just interpreting the rules as given to me.

Councilmember Peacock – I've seen them used with great success in the past. I hate to hear that we've closed the door on that completely.

Mr. McKown – Can we just leave this at 85 and move to the next topic?

Councilmember Hall – I think we can, but I also would like you to think about one of the things that we accomplished that I think we all felt pretty good about last time is, since the standard for the entire city is 65%, we're already getting an option to go higher and we did include some things, but now I'm wondering, since we have the introduction of this type of thing, if there are other measures that, from an engineering standpoint, you think could continue to improve this. Because underlying all of this conversation is the fact that we're doing this redevelopment in the oldest part of town where the public infrastructure pieces also have to be addressed – but that's another conversation. So can we just move on to the service courts and screening? And anything that we left out about the potential screening issue with the rain barrel, too. We can just stick that in there.

5. DISCUSSION OF SERVICE COURTS AND SCREENING

Ms. Hudson – The service courts that was brought up at the last meeting, and I don't have any site plans or anything like that for it. I thought that was an excellent idea. I think we have reached the point where we recognize that dumpsters would not work for each lot within these areas. I agree that they'll probably be used as a community trash can. I really do like the idea of having an area designated in the back yard – and when I say designated, I'm saying you may not like the little short picket fence or something like that.

Mr. McKown – I drew it for you. I just didn't send you my homework.

Councilmember Hall – Included in this, we are eliminating the recycling polycarts. Correct?

Ms. Hudson – I believe that is correct. It's my understanding there's a form that we need to ...

Mr. Adair – It's got 4 polycarts in it.

Ms. Hudson – That's great, but then there was also the discussion last week about, if you did have this mechanism for coverage, that this would be included in this service court area. Am I correct? That's what they were saying last time.

Mr. McKown – Okay. It could, but usually that's at a lower point. If you want gravity on your side, I'd be more in favor ...

Ms. Hudson – I like what you've done there. I think that's great. It's just that they have to ...

Mr. McKown – We could expand that and use one of these useless triangles and put a tank there, but we also looked at an image where we put the tanks woven into the building as an idea. Included in the image you guys brought in today, the tanks are part of a concept. That looks like Austin, Texas. I wish I had developed that. I think that is the coolest thing I've seen in a while.

Mr. McCabe – I was thinking Norway. Just with the solar everything.

Mr. Adair – I want to go back and look at it 20 years from now.

Mr. McKown – It will be cool. It will. I was at one of these crazy hippie deals in California last year and it's cooler – it just keeps getting cooler.

Mr. Adair – The solar panels will be gone. I'm getting too old – I know.

Mr. McCabe – I think that's where we keep, in my opinion, running into obstacles, is because we have this dream of what we want but yet we have laws and we have codes and we have things set up on the City where we have – part of the obvious talked about you can't do a dumpster lift there because of overhead lines and because we think the green grass squares would be cool, but we have laws that say we can't do that. So

that's the part that we keep running into, is we come up with these really great ideas and then there's a law or statute that really says you can't do that. So I don't know how you fix that.

Ms. Hudson – Can't do that – “that” being what? Service court?

Mr. McCabe – How we come up with these ideas, but yet we're running into roadblocks as far as statutes and regulations that says that's a great idea, but our bylaws say you can't do that. It's great that we made alleyways your primary street, but, oh, by the way, it's not a primary drive and we don't maintain alleys, and if a tree limb falls, we don't pick up the tree limb, because it's not a primary driveway. So I would really love to see us start addressing some of these issues that would help to ease this transition into what we want to see.

Ms. Hudson – I like the service court that Richard has there. The only thing – were there gates on those? And they swing into the alley, or no?

Mr. McKown – No. It does not. It's got a little – I'm making room for the tank. I just moved the tank down there real quick. So the alley – this is your alley right-of-way. That's the 12' wide driving surface. I went ahead and showed a concrete apron, and those are two 4' doors. So literally open up your gates, if you will. I drew it as 8" CMU block, if you wanted to build it out of concrete block would be the simplest thing with wooden gates on it.

Councilmember Peacock – I think what Richard has drawn here is really solid. I think the only heartburn I have with it is you're going to have a run of gutter going from the building to that storage tank, and I'm not sure that's any more visually appealing than what we've got right here. You've got a run floating in the middle of the air and it's now a head obstacle.

Councilmember Hall – So the storage tank needs to be closer to the building.

Councilmember Peacock – Or underground.

Mr. McKown – It's got to be filled from the top – you're right.

Councilmember Peacock – I've been a fan of the underground detention, which I know is more expensive. But maybe that's the carrot that we use to go to 100%. If you want to do 100%, or go over the 85%, you've got to provide underground detention.

Councilmember Hall – Okay. So we like the idea of the service court. Need to flesh that out a little bit more.

Ms. Hudson – I think it needs to be part of the requirement for the site plan – you have to show us where the polycarts will be located and how they can get them out to the alley and then bring them back.

Councilmember Hall – Yeah. I guess my question is, I've seen lots of examples traveling of the enclosed service court, but then who is responsible for – how does that work? Is that up to our Sanitation Department? What do we do?

Ms. Hudson – As far as bringing them out? No, that's up to the property owners. They'll have to get it out to the alley. Or the tenants.

Councilmember Hall – They're the same guidelines that we have for everybody else. Get it off the street by ...

Ms. Hudson – Well, that doesn't apply to the alleys. That's one of the things that we found out. That could be something – it's on our list – but it could be something that we could look at – not under the administrative delay, but an overall change for the City as a whole, not just this area. Because there are other areas that aren't in Center City that are serviced by the alley for their polycarts.

Councilmember Hall – I think you missed some of the discussion about the above-ground storage tank, from an engineering point of view, and from a water detention mitigation point of view. Lots of support for that. But, for me, form and function – that works. That doesn't work for me. So one of the things that we talked about, again, that hopefully you can help us with, Scott, is there some kind of capacity that's proportional to what the building is? Is that too big for what we're really trying to accomplish? Because, to me, if we open that door, then we're just going to see a bunch of the most inexpensive product that could literally be behind every single building. So that's kind of where we were stuck.

Councilmember Peacock – We do have the opportunity to redo some alleys and maybe provide some stormwater infrastructure. You've got the main line running down the alley and we provide taps to each property, much like we did on Main Street with the fire sprinklers. Maybe we could even bury the overhead utility lines at the same time and give you the possibility to do garbage trucks back there, because I'm hearing that's a sticking point with getting garbage trucks back there.

Councilmember Holman – So, just to be clear, people don't take their trash out and it builds up, they can be fined for that. Right?

Ms. Hudson – Right. We can get Code to help.

Councilmember Holman – It's their responsibility.

Ms. Hudson – That would be a health violation.

Councilmember Holman – I know if I don't roll mine out to the street, it's not going to get picked up. They're not going to come up into my driveway and roll it out for me. But I also couldn't just let my trash cans fill up and spill over into the driveway full of trash bags and such. I would like to see, independent of the Center City discussion, the Council or staff do the one-way alleyways and get that going. And make the changes necessary to treat the alleyways in the Center City area the same as we treat streets, as far as

access and taking care of them, since we're making everybody park back there right now anyway.

Councilmember Hall – Maybe we can add that to Community Planning and Transportation.

Councilmember Holman – Definitely.

Ms. Hudson – I want to say one last thing about the coverage issues. As these applications come in and staff has to review them, and we're reviewing the percentage and stuff like that, it goes back to the comment I made last week about this vision versus what we're getting and how it was going to be the open space areas for each development. Again, talking about the triangles that are being counted as part of their open space. I still think that has to be part of the consideration, however we figure it out. Because it is silly to look at the back parking lot and have the triangles and those are part of that area.

Councilmember Hall – We do have the option to use a balcony and rooftop terrace type of option as well.

6. DISCUSSION OF NEXT STEPS

Councilmember Hall – We are going to meet next week. We know we're not going to have everyone here. Is anyone not able to be here next week? I know Autumn can't be here. Nobody else? Okay. Well, we're good. We will send out a working draft.

Ms. Hudson – And it is a draft.

Councilmember Hall – We can take a look at and hopefully we'll start getting these little building blocks all wrapped up.

Mr. Adair – Redlined draft?

Ms. Hudson – Yes, I'm hoping. InDesign is a little weird. We'll do our best. At the very least, we'll have a copy of the document we have now and kind of strike through that.

Mr. Wayman – We can strike through it and blue text to kind of mimic it. Yeah.

Ms. Hudson – At least to get them close to seeing what we're doing.

7. MISCELLANEOUS COMMENTS

8. ADJOURNMENT

The meeting adjourned at 12:58 p.m.