

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

APRIL 14, 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 14th day of April, 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
Keith McCabe
Jim Adair
Richard McKown (12:01 p.m.)
Autumn McMahon

MEMBERS ABSENT

Councilmember Matthew Peacock

A quorum was present.

STAFF MEMBERS PRESENT

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

GUESTS

Peter Petromilli
Jayne Crumpley

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

1. WELCOME

Councilmember Hall – Good morning, everyone. This is the Center City Administrative Delay Ad Hoc Committee on Thursday, April 14, 2022. I want to welcome everybody who is here today. Councilmember Peacock will not be here today. Mr. McKown will be arriving a little bit later. Everyone else is present.

2. DISCUSSION REGARDING AMENDING, SUPPLEMENTING, AND CLARIFYING THE USE CHART AND RELATING PROVISIONS

Ms. Hudson – Good morning, everyone. I think everything is pretty brief today; we are getting down to the end of some of these items. As we know, in the current document, we have the Use Table, 702, which will also reference under 703, Use Categories. There has been some discussion about – as an example, under Use Categories, Residential Uses, we have household living, we have elderly living, assisted living, boarding house, nursing home, transitional home, so four or five uses that we're really not 100% sure where this combination came from, because some of them we don't even have in the zoning ordinance, and they were placed in the document. What we would like to do is essentially we want to move toward the categorical zoning. We will have definitions in the document. We will have the use chart – and this Use Table under 702 will be updated, amended, and address any possible categories of zoning that we need to include. This will be part of the draft that you will get very soon. Then we will have the definitions in the back of anything that needs to be identified of how we can utilize them with the categorical zoning. One of the examples that we were dealing with is that on page 68 it talks about the residential uses that can come in, and mobile home was actually included as one of those uses that would be allowed to come in for this area, but that's just really not going to fit with this area. We think that having the categorical zoning will be easier for everybody, and it will be category in nature, which provides that flexibility for those uses within this district, and takes us full circle back around to this is form, not necessarily use. So mine is pretty brief. Any questions?

Mr. Adair – So you're pulling out the specifics. You're pulling out daycare. You're pulling out boarding house.

Ms. Hudson – I'm not saying that we're pulling them out, but anything that we're going to have in this use table, we're going to be able to define in the book, which we are still lacking some definitions. There's a lot of definitions that we're going to add to the document.

Mr. Adair – If you look historically at a boarding house, it's really not that far from the 6-bedroom mini-dorms that have been objectionable in some opinions. You and I talked about daycare. I'm going to kind of get on the restrictive side of the fence, which I rarely get on ...

Ms. Hudson – That's one of the definitions we need to pull over. Realistically, we've got three categories in the Zoning Ordinance, Chapter 22, that talks about a home daycare, a commercial daycare, and then a larger daycare that can be operated within a church. We need to have those definitions – not necessarily referencing back to the Zoning Ordinance, but we need to be able to look at this document and see how they best fit.

Ms. Muckala – From a legal standpoint of what's happening, from my bird's-eye view, the way it's written now it kind of says, hey, go over to the Zoning Ordinance, pick all this up in a bucket and dump it in Center City, and we know it's not compatible, because a

lot of those things didn't match things that were on the categories here, and you wondered how you reconcile those conflicts, when it seems like Center City is saying this should be done here, but really that wasn't in the legacy district, so how could it be pulled over? Then there were other items, like Jane mentioned mobile home uses, which there's no way that's ever going to comply with form, so how on earth could that have been allowed? So the hope is not for this to push to actually really change uses, so much as avoid a bunch of the pitfalls that could have occurred in allowing us to apply it with a true categorical approach based on Center City's goals. I think the intent is to keep the chart – it will change for the BFSs that are being consolidated, but otherwise the format is going to be very similar.

Ms. Hudson – We'll just extend it with any of the additional uses.

Councilmember Hall – If we're using the group living as an example, you'll go through all of these that are on the residential uses, commerce uses, civic uses – or are you just specifically doing residential uses?

Ms. Hudson – It will be everything. We'll look at everything that's on there – the civic and the commerce uses. Yeah.

Councilmember Hall – That's what I thought, but I just wanted to make sure. Any other comments or questions about that? Okay. Thank you.

3. CONTINUED DISCUSSION REGARDING IDENTIFICATION AND DEFINITION OF “TRIGGERS” TO CCFBC APPLICABILITY AND DEFINITION OF TREATMENT OF LEGACY-ZONED PROPERTIES (OR OTHERWISE LEGAL NONCONFORMING STRUCTURES)

Ms. Muckala – I'm back on this because we had great feedback last time, and we've followed up on a lot of those comments, especially from Councilmember Holman and Richard McKown, so we've been focusing on those. Since City staff has taken this transition of the use category to a categorical approach, that also, I think, affects what we had previously proposed, so I wanted to tell you how we thought through these issues. Again, the goal is to allow for a better transition. It was really awkward – the idea of picking stuff up and dumping it from a Euclidian-based zoning into a form-based context. If we can move to this categorical approach, the idea would be to allow – the way I see it, and correct me, Jane, if I'm saying it wrong – for a smoother transition between those uses from seeing them as the legacy-zoned into Center City zoned uses. Honestly, from the beginning, by referencing the Zoning Ordinance, it's clear that we never intended to change uses in any big way; we expected to see the same kind of things that we were seeing, we just categorized them differently and where they should go. Anyway, that's what I'm trying to think about, is make that transition smoother and to continue the emphasis on form over use.

That being said, we've known from the beginning with legacy zoning continued uses that were in place, those can continue. Those are fine. Very likely, because of how Center City zoning uses were set up, they are likely to be allowed in Center City, too. If there aren't any additional restrictions on that use chart, then a legacy use that continues might look no different from a Center City use. So what's the purpose of the distinction?

The answer is, there is none. So those uses, they continue – they're allowed. That's fine. If you do have a situation, though, where someone has a use that continues when they've been legacy zoned and there are additional restrictions, their inability to meet those won't trigger the code. That's why they've been legacy zoned. That's the protection they get. Their inability to do those little things won't kill it, won't trigger the form. So that question is not changing; same answer.

So addressing what we were going into with Mr. McKown and Councilmember Holman last time, this idea of what if there's another use in the legacy zoning district that we don't see as inconsistent, and what is the issue with them moving within their legacy district? Really all that takes is a broader approach to what it means to be legacy zoned. Are they frozen in that one moment of what they were doing? That looks a lot like grandfathering, and we kind of talked about that, too. So if we were to take a broader look at it and say legacy zoning means you're frozen in that district; yes, at the time that district existed, but you get to move within those other permitted uses. We do think that removing that language that said if you move to another it destroys it and it triggers form, that doesn't seem to be consistent with the idea of allowing the form to control, not the use. If the use can so easily trigger it, it didn't seem consistent with everything that's being done here. So that's a change from the last time we were here that we proposed to implement. So you can move within those permitted legacy zoning uses without triggering.

Councilmember Holman – On that topic, so 783 Deans Row, that person would be able to restore the existing structure back to what it was before?

Ms. Muckala – I wouldn't be able to give an answer on a particular property, and I certainly don't know them as well as any of you all do.

Ms. Hudson – Is that the 14-bedroom one?

Councilmember Holman – The one that I used to live in on Deans Row, which was 14 bedrooms, because it was a sorority house originally, and then it was a boarding house. Then it was vacant for years, and then in 2016 a guy bought it and converted – redid the whole house. It looks exactly the same on the outside as it did before, but the inside was gutted and there's two apartments – one upstairs, it's 4 bedrooms, and one downstairs that's 4 bedrooms. I don't know what they did with the basement. But that would still be allowed? He would have been allowed to do that under the Center City? Or would he have had to tear down the house and rebuild something?

Ms. Muckala – I'll just kind of neutralize the question into if you have a properly legacy zoned property, if they're going to be a proper nonconforming, meaning that they were legally in place at the time, then, yes, they're going to be able to move within that district. Now, if they aren't legally in place with what they were doing in the first place wasn't allowed – if that use wouldn't have been allowed in the zoning district, then, no, I don't think they'd be allowed to go back to it or to change it.

Councilmember Holman – Somebody couldn't go back – if I bought that house, I couldn't restore it back to 14 bedroom – I couldn't restore the original floorplan to the

house. Is that what we're saying? If I don't like that he turned it into two apartments; I want to convert it back to a single family. It wasn't ever a single-family house, but it was a single – it was not broken up into apartments before. It had one kitchen and two bathrooms and 14 bedrooms.

Ms. Muckala – I guess what I'm tripping on is when the legacy zoning went in place, if what they had there was a legal use according to the legacy zoning, then the definitions that we've proposed that would make them a legal nonconforming structure. And if what they proposed to gut and change that interior to is a legal use within that permitted district, then, yes, that should be fine. That's what we're saying here is that moving to another permitted use within that legacy district is not going to trigger the form and make them bring it up to the front of the lot.

Councilmember Holman – I'm wondering about that house that's for auction on Jenkins, next to the strip mall. It's a large, three-story – four with a basement, I guess. But it is broken up into multiple apartments and has been for a long time. But I don't know if that was ever done legally – probably not, I'm guessing.

Councilmember Hall – Is that in Center City?

Ms. Hudson – No.

Ms. Starr – It's outside of Center City.

Councilmember Holman – Really? Since it's on the frontage of – it's on Jenkins.

Ms. Hudson – It's south of that strip mall. It's excluded.

Councilmember Holman – It's north of the strip mall.

Ms. Hudson – Well, south of the other one.

Councilmember Holman – Oh, it's between two of them. That's right. Okay.

Ms. Hudson – That's the excluded area.

Councilmember Holman – Okay. Oh, because of the Campus Corner.

Ms. Muckala – We did have previous discussion about what does it mean to be legacy zoned, and how should we define that? As it's defined now, it does have to be a lawful use in place at that time. Partly just because we're the rule followers, I guess, but then also it's really difficult to go back in time; it would put a lot of emphasis on the applicant or on staff to figure out what was legally in place before that? I can't really find a way I would recommend doing that that I think would adequately protect the City's interests, honestly. It would be a very hard thing to prove. So I think the easiest approach, and the one I would recommend, would be only legacy zoning those that were legally in place at the time. It's the cleanest way to be sure we're enforcing it fairly.

Councilmember Holman – Those two properties I would mention, too, the structures on them take up almost the whole property. The way I understood it before, anyway, was that one of the main reasons 783 wasn't demolished was that they wouldn't have been able to rebuild something that size on that tiny lot. If that house on Jenkins was in Center City, though, and somebody buys it at the auction, what would they be able to do with it? They'd be able to fix it up? They wouldn't have to tear it down and rebuild something that conforms with the look of Center City?

Ms. Muckala – If they're a legal nonconforming structure, then they would be able to find other uses, and if they wanted to find other residential uses that required rearranging the interior to break it up from separate dwelling units into a larger single-family bedroom and that was an allowed use, they would be allowed to do so.

Councilmember Holman – One person said I just want to live in this house by myself, and I'm going to redo it so it's a single house. They could do that?

Ms. Muckala – Right. An interior remodel is not going to – it's the form that we're looking at as the trigger in that case, actually. So it's not like they can demolish the structure.

Ms. Starr – But they have to use the uses of R-3. Right?

Ms. Muckala – Their legacy zoning district. Right. That's what they would be bound by.

Mr. Adair – Beth, your vocabulary is broader than mine. I have not used the term legacy zoning. Are we talking about the historical zoning? And, in that case, virtually all this was zoned R-3. Correct? The vast majority of it. I think during Center City 1, at one point in time there was a discussion of we're not going to make you do this; you're going to have the option. You can go under this code or you can go under this code, but you have to go all the way; you can't pick and choose pieces. I was kind of in favor of that. I don't think I am any longer. I don't believe that's where we ended up. We ended blanket rezoning everything to Center City. It is no longer zoned R-3, in my opinion. It kind of sounds to me like you're saying you can go back to your old R-3 use. That's why I'm getting confused.

Ms. Muckala – You're correct on the semantics of it. These are zoned Center City, and they're zoned in their BFS. The question is what is going to trigger applicability of those form provisions that's going to make them demolish and rebuild? The question of nonconformity really controls how much they can do before that trigger happens. We talked a lot last time about how much that use should drive the conversation. We know form is a big deal. You really can't change much, and we haven't proposed really altering the form nonconformity language very much; we've fleshed it out and made it more clear, but it's really the same as it ever was. But as far as uses, we wanted to make it more clear about how uses interact in that, because we had some strange things happen since Center City was passed, like medical marijuana uses, and I don't think anyone expected uses to be literally created out the thin blue sky and put in our zoning ordinance that did not exist whenever these properties were legacy zoned. So part of

this is to tackle those issues, but also in transitioning to categorical zoning, that's going to be something else that could help us see the transition between the uses.

I'm trying to remember if I'm repeating myself. Have I talked about bars? That kind of transitions to my next topic. Last time I came to you with the language of – okay, we had this medical marijuana issue, short-term rentals. They're brand new. They can't do this in their legacy district, so if they do it, what does that mean for them? Should they have to comply with form? Obviously, we've had some applications come forward with CCPUDs, because it seemed absurd in some circumstances for that to be the case. So I proposed a, hey, they get one. Right? This is kind of like a compromise – a fairness thing here. But we started talking about the uses and the way Center City uses, as they're defined in their categories, actually interact with the Zoning Ordinance, and we realized that something like bars – that would be a special use in any of these legacy categories. Right? Well, it's permitted in Center City. We have Main Street locations that could easily do a bar as a permitted use. There's a special use provision in Center City, actually, if they're within 100 feet of a residential district, but otherwise they're permitted. That's another situation where, if you have someone who wants to move toward a use that is actually more in line with Center City and its purposes, why should that trigger the form? Why should we not encourage them to move and transition in that direction? That was another thing that we thought about again since the last meeting. I think at this time staff would recommend that we don't make it a one and only one. If there are Center City uses that are available, that by itself, should not be a trigger to the form. So that would mean medical marijuana and short-term rental. If bar would be allowed in their BFS without the special use, then they can do that and not have to tear down the building. So that's another tweak to the last language you saw that we had proposed that we would be making.

Councilmember Hall – Jim, did you get your question answered, before we continue?

Mr. Adair – I think so, yeah.

Ms. Muckala – I took it pretty far, didn't I?

Mr. Adair – That's okay, because I was pretty confused.

Councilmember Hall – We don't want you to be confused.

Ms. Hudson – Can I just add to that? I hope I'm going on the same path. What we talked about was on Main Street, we didn't want to have to lose those buildings. So we were thinking that if we could allow them to have some of these uses, then the buildings are still safe.

Ms. Muckala – And this language won't be just restricted to one area or Main Street. But, obviously, with commercial uses such as that, those are the areas you're going to see it. The others would be a lot less stark contrast with residential uses.

Councilmember Hall – That's where we've been challenged in real time with proposals that have come forward.

Ms. Muckala – Yes. That's the area.

So the last part of this is something that actually isn't really talked about in Center City so far, and it's not a conversation we've really directly had in any meaningful way, but it's something that occurred to us when we talked about categorical zoning and what that means. Now the way Center City has always been drafted, I said it took those uses in a bucket and dumped them in – only the permitted uses. It never talked about the special uses in the legacy categories and what's done with that. I keep saying the word “legacy” – I'm using it way too broadly, Jim. What I mean is it never talked about when you are a proper nonconforming, a legacy-zoned property, what you can do about those special uses. We talk about, I guess, the benefit of being frozen in time. We don't see how you consistently can be frozen in time while bringing something such as a special use application or a rezoning application within your legacy district. That would seem to be a pretty obvious thing that should destroy legacy zoning -- if you're asking for something that's simply not there. So that's what we were thinking, is that when you have a legacy zoning status, that doesn't mean that you can come back and ask for that special use on the legacy zoning. By all of these other changes we're making – by allowing you to reach into Center City uses and be consistent with that, that's enough leeway that if you can't find it in your permitted legacy category and you can't find it in the Center City allowed uses, then that's the situation where, probably, you need to be bringing a CCPUD to talk about whether or not it's really what was envisioned for the Center City area. So, at that time, form won't necessarily be triggered, so much as it will be a part of the discussion. Any CCPUD is going to bring the entire property there. So this would be kind of that one narrow area that we can see as being a situation where use might end up triggering the form, and that's only in the case that you've proposed a use that isn't within your permitted legacy district and isn't also within Center City. We think that's consistent because it would be in Center City if it were a use that was planned for this area, so it makes sense to come and have that conversation about whether it's appropriate. And, if so, whether that building can remain properly in place as it is, or if it's a situation that really does need to be redeveloped.

Mr. Adair – Again, you're talking about within Center City by right, not CCPUD. Correct?

Ms. Muckala – Which part?

Mr. Adair – I can take the red area in Center City, which my broad term is commercial for it still. You're not permitted to do residential by right, but if you wanted to do loft apartments in there, I would assume you would come in under CCPUD. I wouldn't anticipate triggering a total redevelopment of the property. I would envision something similar to what we've done on the east side of the tracks, where you're simply redeveloping the upstairs. Or perhaps – and Jane knows we've toyed with the idea of adding a second story on a one-story building for an additional residential component in that area. Again, I think CCPUD would – I don't have a problem with going that route. I think it gives you the latitude to blend the use. I'm not using a legal term. Is that making sense, Jane? I mean I wouldn't want something that, when we're simply redeveloping the upstairs, to trigger total redevelopment of the entire property. A lot of these have

got some historical character that I think everybody wants to see preserved. Again, I don't have a problem with CCPUD.

Ms. Muckala – So redevelopment – that definition is going to be based on the nonconforming language and whether or not a remodel or a repair triggers it, that's going to be spelled out there. Whether or not an addition triggers it – that will be spelled out. Destruction and replacement. All of that's in there, and a lot of it's based on things such as footprint, height, and siting. We know all those terms and are comfortable with them. So you're probably right that an upstairs remodel is not going to trigger the form. It would just be in the case – and I hope this is finally getting an answer to your question. I think the answer is yes. I mean that if the use is not one that is a permitted use in whatever that legacy zoning district is, or if it's not allowed by right in Center City, then that's the situation where you would need to bring a CCPUD. There's always going to be that option. There's always going to be an avenue. We've tried to think really hard about not making a simple thing send someone into the need for a CCPUD, but in the case of special uses, we thought it was important to make it clear, because we were, I guess, fearful that we could reach a point where applicants might be wanting to bring rezoning, essentially, applications on their legacy district, which doesn't seem consistent with the idea of being frozen in time in any way. So this is our solution to that. Do you think I've missed anything?

Ms. Hudson – No, I don't think so. I want to go back to Jim's question, though. So, for a mixed building, you're saying like if it was a bar downstairs and you wanted to put an apartment upstairs?

Mr. Adair – Okay.

Ms. Hudson – So that would have to be special use, because you're within 100 feet of – because of the bar.

Mr. Hubble – If it's in red you wouldn't, because you only need special use if it's within 100 feet of solely residential zoned area, and the red is not. The red and orange are not.

Ms. Hudson – Okay. So maybe not, then.

Mr. Hubble – You can be within 100 feet of residential.

Ms. Muckala – That is an interesting wrinkle in that question. We might want to think a little bit on it. But let's say we did have a legal nonconforming structure. Let's say it's on Main Street and it's 5 inches behind the RBL. If we did need a special use, the way that I'm talking about it, I'm not sure that that property as a legal nonconforming property could come and seek a Center City special use. I still think the avenue would be CCPUD, because seeking a Center City special use would imply conformance with the form provisions. Okay. Good. So in the case that Center City did make you need a special use for that bar, that would really still be a CCPUD route for a nonconforming structure.

Mr. Adair – I appreciate your efforts to keep us from having to do CCPUD, but the truth is sometimes you can't write a code that – sometimes we need the common sense of staff and the common sense of City Council to go, yeah, this is okay. And you can write all day long and not get there.

Ms. Hudson – There's always a loophole.

Mr. Adair – Yeah. And you've got an answer to that.

Ms. Muckala – So if everything I've said seems fine, that's really the end of my presentation.

Councilmember Holman – How was Neighborhood Jam done under Center City? The building burned down, rebuilt a building that looks similar to the original building but is bigger and is set back so they can have the patio, which is all great. I can't recall how that went through. Were they allowed to do that just because it burned down?

Ms. Starr – I think it was because it burned down.

Councilmember Holman – But they didn't rebuild the same building. They made a bigger building that's set back.

Ms. Hudson – How long ago was it that it burned down?

Councilmember Holman – 2015. Well, it was S&B Burgers. It feels more recent than that.

Ms. Hudson – So was it before Center City, then?

Councilmember Holman – It seems like it was more recent that they rebuilt; that we had already passed Center City when they rebuilt the building. Neighborhood Jam has been open for three years, maybe – 2019-18 – four years.

Ms. Starr – Well, it might have burned down before Center City was there. If my understanding is correct, they still have the right to follow the rules that were in place when it burned down.

Ms. Muckala – It could have been that it was redeveloped according to the nonconforming language in the Zoning Ordinance, which gets really nice and confusing. But even so, the language in Center City is comparable height and siting.

Councilmember Holman – They could have built it taller and put apartments if they wanted to. The building before was two stories and didn't have apartments above it.

Ms. Muckala – Well, it's comparable height. I don't know that we've had a good example for how that term would be applied. I certainly wouldn't say that they could do something like that, but there's a standard for it being generally what it was before. It shouldn't be able to substantially change. This language ruled that out.

Mr. Adair – There's never been a height requirement. It was C-3 with no height requirement, and it still has no height requirement.

Ms. Hudson – Existing structure is destroyed by fire – may be replaced with a structure of comparable height, siting, redevelopment following the Center City standards or follow the process established in A, which is the CCPUD. I think that's how they went through, although I don't remember ever working on them at all.

4. DISCUSSION REGARDING ON-STREET PARKING DESIGN GUIDELINES

Councilmember Hall – The next item, discussion regarding on-street parking design guidelines, the staff member that we needed to be here today was not available, so we're going to have to move that to next week.

Ms. Hudson – Yes. Those are very minor. It's my understanding that you've seen the actual changes that they have and it's very minor tweaks.

5. DISCUSSION OF NEXT STEPS

Councilmember Hall – So we're to the point where continuing to review our next steps, because we are planning on meeting next week on the 21st, and I believe the plan – Mr. Hubble, can you just kind of review what's going to happen next week?

Mr. Hubble – Prior to next week's meeting, we'll try to – if not a full draft, it will be a mostly full draft that we'll send out to you guys a day or two ahead of time so you have a little bit of time to look at it before that meeting to ask questions. Then for the final meeting on April 28th, we'll have – if we have not sent out everything by the 21st meeting, we will send things out very shortly thereafter, so then you'll have longer to look at it and the 28th we can hopefully wrap it.

Councilmember Hall – We're going to have the opportunity for that initial look on the 21st and any other questions or feedback about everything that's in the draft, because there's a lot of technical things that we're proposing here, and then we'll have that one final opportunity on the 28th to make sure we're good. So that's where we are.

Mr. McKown – Have we made any headway on the parking rules for the back yard – like we've drawn through this and it's my understanding that the driveway width and the angle of the parking – that there's this disconnect between what's allowed and legal to build in Norman versus what we really need to be legal in Norman to accomplish our objectives. Have we spent any time on trying to struggle through how to build parking lots in the back of one of these things?

Mr. Hubble – I'm not totally sure what the question was, but ...

Ms. Starr – I'm sorry, but I didn't know we had that question on the floor. We talked about the front parking and I think you visited with staff about that, but the rear parking in

particular – what did you think the issue was? What's that disconnect that you're talking about?

Mr. McKown – My understanding, and I don't know what our rules say. I think there are some people here who do understand the rules that we could probably ask for some clarification on this. But it has everything to do with how wide the drive aisle has to be – you drive in and then we'll call it 45°-angle parking and the amount of distance of those 45°-angle parking spaces. In order to make all that work, there is a standard – it's not the adopted standard in Norman, Oklahoma – but there is a standard where you can have adequate width of that drive aisle, plus 17' for these additional spaces and get all that in 50'. But the problem is there's this conflict between the standards that we have for suburban Norman – because all of our codes are written only for suburban – this makes it really difficult to park. Keith might be able to speak to this more technically. Peter might be able to talk to it very specifically. But I feel like this is something, since we're moving toward requiring a number of parking spaces per bedroom, we need to make it where it's actually feasible to construct those parking spaces.

Ms. Muckala – I'm sorry. I'm so sorry. Could I interrupt? I just want to say this is not on the agenda. I'm a little concerned about getting into the substance of a conversation; if we're asking about revisiting that subject and whether it should be on the next agenda, I think that's what we should keep.

Ms. Hudson – It's part of this one that we're moving to the next meeting. The staff member is not here, so I don't want to speak for them.

Councilmember Hall – I guess what we really need to clarify is what we want to seek further clarification on when – I believe it's Mr. Riesland, right, that will be back? Is that the right person to be able to address this? Because I do remember talking about it.

Mr. McKown – My gut feeling from the previous discussions around it is it's not really a traffic issue. I feel like Scott is going to be the one that could give some clarification around this, because David is more traffic, and this is not really traffic.

Councilmember Hall – So conflict in standards that we currently have in engineering design criteria?

Mr. McKown – I think probably. I feel like my role here is to help us make it legal to build what we want built. Then the next role I feel like I have is to help us understand whether it's economically feasible and whether the market will help us support what we want built. So I do have another totally off agenda item that I want to figure out how we can get it on to a future agenda.

Councilmember Hall – Well, you know we're coming to a close.

Mr. McKown – I know. I know. I'm so sorry I wasn't here last week, but that was more important.

Councilmember Hall – Yeah, I understand. That's, I think, our challenge at this point is we have – there are always multiple areas that we have not been able to address. Hence the importance of being able to call this committee back at intervals to address these things. The resolution that was passed by the Council was fairly specific. We've really tried to stick to that and we've known from the beginning that we've been on a really tight timeline. Now really what we have time left to do is address these final hanging questions, but in the context of what we've already moved forward on, because now we're literally in reviewing the document and making sure that we're comfortable moving forward.

Ms. Hudson – I just would like some clarification, because what I see in the document it talks about the two parking spaces that are allowed to be tandem shall have a combined minimum dimension of 9' in width and 34' in length. If someone can show me somewhere else within the document where these guidelines are that are causing people a hiccup, I need to know that.

Ms. Starr – I think you're talking about the engineering standards.

Ms. Hudson – For Section 9?

Mr. Hubble – No. Just whatever they use in their siting.

Ms. Hudson – The EDC?

Ms. Starr – Yes.

Councilmember Holman – I'm just going to mention it. There are some things that we can do outside of this committee, like in the CPTC committee. A couple weeks ago – last month – we took up the one-way alley issue and feedback was that that would not work and wouldn't solve the problem. That meeting is on a recording – a video, I believe, if anybody wants to take a look. But there were several issues pointed out by staff about why the one-way alley thing would not work. The parking issue could be something, if we can't get to it in this committee, I can put it on the agenda for the Community Planning and Transportation Committee to take up.

Mr. McKown – You're probably correct that we don't even have the power to fix this under this mechanism. It's just got to get fixed, and it needs to be part of the overall discussion in order for Council to make a comprehensive series of decisions to try and make it all work. It's a version of this parking lot. What is drawn here isn't a legal parking lot, but it is an accepted standard in Pennsylvania and they have worse snow load to deal with. So, I mean, if they can make it work, surely we can make it work as well. This is an 8 parking space parking lot and we can make it a 10 parking space parking lot. It's a practical solution. We've got to figure out how it can be legal.

Mr. McCabe – It's the legal width of the drive alley. It's not the angled parking that cannot be done. It's not the tandem parking that can't be done. It's the parallel parking

so that cars are not physically blocking each other in. You cannot create that drawing with the required width of the drive alley.

Mr. McKown – This is 12' and our standard requires something wider. And 12' is a legal allowed standard in other places in the United States.

Ms. Hudson – And, again, I think that circles back. I think David Riesland is the one that has been discussing that. So when he comes back ...

Councilmember Hall – I guess as far as process of where we are right now, that's a question for you, Ms. Muckala – is this something that we can move forward here, or would it be better off moving it to ...

Ms. Muckala – I didn't realize we were talking about literally the same topic that had been addressed at CPTC. For this committee, it has to fit within the list of topics, and what we have next on the agenda, to the extent that it relates to this, there's no reason we can't discuss it, but I guess the question is whether there is actually a mechanism to fix it at this point and whether time should be devoted. But we're controlled by that resolution here. Anything that this committee gives is recommendatory to the City Council anyway. So there wouldn't be a conflict with both talking about it, necessarily.

Ms. Hudson – I'm trying to locate it. There is something on the resolution, I thought.

Councilmember Hall – And do we have time? That's the question.

Ms. Hudson – I think we do. There's very minimal changes that he wanted to discuss for today's meeting, and he's up at ACOG so he's not here. But I will visit with him when he gets back, but I don't think that there's a reason we can't put it on there. I will find out.

6. MISCELLANEOUS COMMENTS OF COMMITTEE MEMBERS AND STAFF

Mr. McKown – I do have one other topic I'd like to just throw out.

Councilmember Hall – It's not on this agenda.

Mr. McKown – I'm so overwhelmed I haven't even read the agenda. I kind of don't want to be here right now. I've got other things I need to do.

Councilmember Hall – I'm sorry.

Mr. McKown – So I'm sorry I haven't read the agenda. We have talked about this whole issue around unit count. We learned about a code hack while we had the Congress for New Urbanism in town. The code hack that's being employed in Berkeley, California to try and get one-bedroom apartments affordable, in one of the most unaffordable markets in the country, is they're building essentially 5 and 6-bedroom duplexes. The common area kitchen, and a common living room that's professionally cleaned, and then they're building a whole bunch of 1-bedroom studios that have hotplates. That is a

building code hack, not a zoning code hack. The way that works is, once you put an oven – the 220 outlet – it becomes another impact fee, another electric meter – it becomes another address. It's called co-housing. But if we wanted – I've penciled out the basic principles of the 1-bedroom apartment and it won't pencil; it makes a gross return less than half of what's being built. So we're not going to see 1-bedroom apartments get built. But if we wanted to explore the possibility of making this legal – the whole definition of the studio apartment in the context of the single address with one water meter, one electric meter, one impact fee that has multiple studios inside of it, each one with a kitchenette, that could be a really interesting solution to make legal to get what we want. We have discussed all of that in this weeks and weeks of talking about this. I don't know if it's on the agenda, or I don't know if it's okay to talk about, but that is an option. We brought some of the best minds in the country to Oklahoma City and some of them actually came down to Norman. So I don't know if that's something that we want to talk about.

Councilmember Hall – Okay. I'm going to defer to our esteemed legal counsel and consider that a miscellaneous comment.

Ms. Muckala – It would be, right. Any suggestion for a future topic.

Councilmember Hall – Yes. So we can definitely keep that on the list of future topics, of which there are others. Thank you for that.

Mr. McCabe – Are we on to miscellaneous comments?

Councilmember Hall – Yes.

Mr. McCabe – Okay. Understanding all the legal, this is me. I don't feel like we've tackled any situation here at all. I have no clue what we're doing. I see an agenda. I don't have any drafts. I don't get anything to study. I thought we were supposed to be tweaking the existing. The very first rattle out of the box we were changing everything completely. Every time we've brought something up, we're told we can't discuss it. We haven't addressed corner lots. We haven't addressed the economic buildable situation of a building. We haven't addressed the bedroom count. I don't see it on the agenda. We're running out of time. The only thing I can talk about is what's on the agenda. So I'm really trying to figure out myself is how I'm sitting here on a committee tweaking the Center City Form-Based Code, and yet we haven't – we've talked off-street parking, we've talked water storage containers. I'm a little disappointed, and maybe I'm missing it completely, but is the reason we're not discussing any of these problems in building is because we already know we're making the change? I've asked this question when we very first started, and I've never been given an answer. Is that why we're not addressing the changes and the problems that we're having in the building? Because we're not addressing the problems within the current code to be built. If our intent is to completely change and go with the new plan so that everything become orange ...

Councilmember Hall – It doesn't become orange.

Mr. McCabe – Well, the pink and the blue do.

Councilmember Hall – Well, we have a building form standard that's urban general, but we have gotten consensus on so far is redefining the urban residential building form standard. That's not the orange.

Mr. McCabe – Okay. Well the new color is orange and it's listed as three different categories, but the blue and the pink were going to go away. I guess that's what my question is. On tape are we not tweaking or modifying what I believe City Council voted for us to do? Are we completely changing the zoning and going away from Center City Form-Based Code as we know it?

Councilmember Hall – Mr. Hubble, would you like to address the building form standard that we're talking about?

Mr. Hubble – I don't think we're totally going away from Center City Form-Based Code as we know it. The townhouse area – the blue area – it's already being built almost identically to the orange area, the only difference being that orange allows for commercial on the ground floor. So turning that into urban residential, which is essentially urban general – the orange without commercial on the ground floor – is really not much of a change at all. Very minor changes. Then the pink – the idea in changing the pink was to allow for a higher density down there in that area that's closest to campus where we need the most housing. That was the idea. I don't see it as making a new thing. It's still the Center City Form-Based Code and largely using the same building form standards – changing it some, but I think it's a very positive change, hopefully.

Mr. McCabe – So you consider, if you don't mind me asking, higher density – more units – not more people – as density.

Mr. Hubble – More people. That's the idea. One thing that I know that Council has repeatedly said that they want is a smaller number of bedrooms per unit. I think it's good to accomplish both of those things – both more people and fewer people per unit, so that we can get, hopefully, a different type of resident in this ...

Ms. Muckala – I really hate to be the agenda police, but miscellaneous comment is for comment. When it's raising a new topic, you can identify and I guess make the parameters of the topic that we want to discuss, but because we're subject to the Open Meetings Act, if we go into topics that aren't on this agenda, we are depriving the public of an opportunity to be here and have notice of the discussion. We just don't want to do that.

Councilmember Hall – So I think we're going to have to leave it there.

Ms. Muckala – I did want to point out that the topic where that has been addressed is the possible consolidation in number of frontages. So if that came back for discussion, that's what I would recommend – because that was in the City Council resolution.

Councilmember Hall – Okay. I appreciate your comment, and I think we're probably just going to have to disagree, because we have a resolution. We've tried to move forward the agenda. I think we've covered a lot of territory and addressed some of the primary reasons of addressing all of the continued issues that we're having. The ability to create a more simple document that can be easier for our staff and our development community to understand. Again, I do share some frustration of not being able to hit everything that you absolutely want to hit, and value the time that you have shared, for sure, and the feedback is important. But we are at that tricky, tricky place of being careful how we move forward now.

Mr. Adair – I'll try and make this a true miscellaneous comment. The first week of this round, we got into definitions and, in my opinion, set definitions for bedrooms, set definitions for rooms, got real clarification of what I consider to be a loophole in our ordinance and abuses that were taking place. In that context, an administrative delay was appropriate. If you announce you're getting ready to do this and you don't do administrative delay, people come rushing in to slide something under the door for the last minute before they can. We've had additional topics come up today that we're going to want to continue to talk about. I think you and I have said there's more things in Center City that continue to need refinement. If it's a confusion for staff, I'm sorry – that doesn't justify an administrative delay. Only use the administrative delay when it's absolutely an abuse – when we're getting something that absolutely is not intended. In my opinion, administrative delay is a huge infringement on a property owner's rights. Jane and Anais can tell you when we got ready to do the 2nd one, I came storming in – that's my term – storming into Jane's office and an hour and a half later I walked out and went I'll help you do it because you have genuine problems outside of your capacity to solve. Clarification is one of what we're doing here; we're trying to make it work better, but it's not because it's not working now to some extent. So I would caution us to be really, really hesitant to use administrative delays in the future. Have committee meetings all we want to. I would think Council would permit this to approve this committee any time we thought it was needed. I'll quit.

Councilmember Holman – So going forward, we'll have a draft of changes next week? Will we get to address some of the concerns? Will we get that before Thursday? Or the day before?

Mr. Hubble – We'll send out as much as we possibly can coming down to the wire.

Councilmember Holman – So we'll be able to see what changes we have discussed, what we're planning to be changed, progress report what we've done?

Mr. Hubble – We'll have a track changes version so it shows what it had, what we've added and stuff, and you'll get it at least 24 hours.

Ms. McMahon – Could we have what you have now? Could you send us the track changes that you have now?

Mr. Hubble – It's not compiled at all.

Ms. Hudson – It's not ready.

Ms. Starr – Because we're working in InDesign, so it's not an easy thing to work with.

Councilmember Hall – We need clarification on if there's anything that we can do at this point on the parking business, and we'll still have that as an agenda item next week. I just think that we have gotten to where we can get at this point. We set those definitions out, but we were going to see how the draft looks and we'll be able to respond at that time, I think, because we can't really – we're kind of stuck today. Right?

Ms. Muckala – Right. We need to stick to the agenda, and we were just talking about how we can make sure that the draft is going to be able to be fully discussed from the standpoint of questions and stuff next time.

Councilmember Hall – Okay. I thank you all for your time today and this meeting is adjourned.

7. ADJOURNMENT

The meeting adjourned at 12:35 p.m.