

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

APRIL 21, 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 21st 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
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
Scott Sturtz, City Engineer
David Riesland, Transportation Engineer

GUESTS

Peter Petromilli
Russ Kaplan

Councilmember Hall called the meeting to order at 11:37 a.m.

1. WELCOME

Councilmember Hall – Good morning, everybody. This is the Center City Administrative Delay Ad Hoc Committee meeting of Thursday, April 21, 2022. Welcome to all of our staff and the committee members and our visitors today. I'd like to point out that we're probably going to make use of every minute of our time, and if we need to take a few extra minutes, is that going to be an issue for anyone? Okay. We'll try to see if we can make it at 1:00. So we will not be doing public comments unless we have time at the

very end. If you have comments, you can always email either me or staff and we can look at those before next week.

2. SUMMARY OF STATUS

Councilmember Hall – The first thing I would like to do is do a summary of our status and where we've been and where we are. As you know, this is our second to the last meeting, and both of these meetings are going to be committed to any last-minute issues that still need resolution. I appreciate all of you that have been able to review the draft document that was sent out and appreciate feedback that staff has already gotten and tried to address as many questions as we could with questions that have already been sent in. But if we can't answer them today, we will for sure be able to come back next week. I'm really envisioning this as a two-part session; this is part one today and refinements and answering anything that we couldn't get resolved today will take place next week, and hopefully we'll be in spot where we'll all be comfortable with unanimous recommendation going forward. That's the goal.

What I wanted to do, and this document was sent out to you last night, is just quickly review the Resolution and point out that it was very focused and very specific. As we work through resolutions that come forward from the City Council, this was our challenge and our goal was to get through as many of these as possible. The good news is you all have worked really hard and appreciate all of your time and feedback. We had 23 items in this Resolution to potentially address, and out of the 23 there are only two that we didn't get to because of lack of time and the time commitment that would be involved to address either one of those issues. I'm going to quickly go through and add my comments to the memo that you already received last night.

Item 1 was side yard setbacks – lot line to lot line for the first 12 feet. After discussion, no changes were recommended on that one.

Number 2 – possible consolidation in number of frontages. This was where we suggested that Urban Residential replace Townhouse/Small Apartment and Neighborhood Middle Frontage to reach our goal of simplicity and interpretation of the code.

Number 3 – clarify terms and definitions and address incompatible or conflicting language or provisions – and I think, as you all have already commented, you will note that there are approximately 37 new definitions that have been added or modified to the definitions section. This has been sorely needed and been an area that needed to be addressed really since 2017, so check that one off.

Number 4 – consolidate and simplify the code format and provisions while clarifying inter-capability with other aspects of City Code and regulations. One of the things that we looked at was whether we wanted to make any changes to ground floor residential/commercial in the Urban General, and we recommended that we keep that as is. We also discussed references in the code to engineering standards that we needed to do.

Number 5 – structure elevation, 3' elevation/accessibility issues where applicable. We had a robust discussion about that, and recommended that we change it to 14" instead of the current 3'.

Number 6 – fully identify and define triggers to Center City Form-Based Code applicability and better define the treatment of legacy-zoned properties (or otherwise legal nonconforming structures and uses) existing in Center City Form-Based Code (as of

the adoption) and adopt Section 208. Design Deviations that were previously removed. We were able to define the triggers by providing definitions and clarifications of nonconforming uses and structures.

Number 7 – discuss allowed signage – location, size and dimension. We were able to strengthen and clarify the nonconforming sign language.

Number 8 – refine definition of bedroom to better respond to the needs of the code and to coordinate with other implicated definitions (such as Zoning Ordinance generally, the Central Norman Zoning Overlay District specifically, or other regulating bodies such as the County). On that one, we were able to include any habitable room or space of 70 square feet or greater in floor area in a dwelling unit which, a) may be segregated by any means of closure, or is otherwise capable of being used for sleeping quarters and, b) has more than one means of egress, doorway or window and, c) is not a kitchen, bathroom, or utility room, less and except only one room or space meeting this definition that is specifically designated and utilized as general living space, but only where a general living space is not otherwise provided in the same dwelling unit. We had quite a robust discussion about this, and recognized the need to tighten this definition as one of the larger goals of what staff was really hoping to accomplish.

Number 9 – the number of bedrooms allowed per unit before a Special Use is to be required. Currently we are recommending maintaining the status quo.

Number 10 – increase in and provision for application of architectural requirements to ensure quality structures and properties. This is a place where the urban design and implementation plan will come in, and also we discussed the 3' additional setback from the RBL to allow for balconies and landscaping. We discussed courtyards in that discussion as well. We also clarified the updating of permits that were needed for the removal of the sidewalk.

Number 11 – impervious lot coverage issues and what should be allowed in terms of design and approach, coordinated with Public Works and the Storm Water Division. After a discussion, the recommendation was to maintain the status quo. We did add language regarding tanks being enclosed on two sides for above-ground storage tanks.

Number 12 – setback inconsistencies, including corner lot design issues, explore opportunity for pattern zoning to benefit corner lot design, including amendment to the Regulating Plan. As we have discussed repeatedly, there is a potential to solve this problem with pattern zoning, and that is moving forward in a parallel manner, and hopefully we will be able to identify funding for that. What we have done is allowed language for place-holding that's included in the draft.

Number 13 and 14 – pedestrian lighting and alley improvements. Both of these topics will be addressed with urban design and implementation plan. Just to update you, because we have discussed this on several occasions, this is also a parallel action that's being taken on the part of the Council, and it is my understanding that that will be coming to Council – I don't think it's next week, but it will probably be sometime in May, for approval and funding source.

Number 16 – clarification of dumpster/polycart provision and placement requirements. The recommendation was that recycling polycarts should be removed from Center City. Upon further investigation, there are either utility requirements that also come into play here that I believe Mr. Hubble will be addressing.

Number 17 – reformulation of parking requirements – to increase/decrease parking spaces required. The recommendation was residential minimum reserved

parking spaces per unit: studio unit 0.5 spaces; 1-bedroom unit 0.5 spaces/bedroom; 2-bedroom unit 0.5 spaces/bedroom; 3-bedroom unit or greater 1 space/bedroom. Again, this was to encourage an incentive for those smaller bedroom counts. The second part of that was to fix the fee-in-lieu sections of the code, and this has been removed until the parking garage option can be fully developed.

Number 18 – amend and supplement and clarify the Use Chart and relating provisions. What we have accomplished there is we have reorganized the uses in the Use Chart from a mish-mash of Zoning Ordinance and original Form-Based Code language to categorical uses. That's a transition to what we believe is a more forward-thinking way to address this issue.

Number 19 – fix the elements that prevent quality structures, address barriers to courtyard development. We added additional language for a 3' setback, for a total of 5' setback, to allow for landscape or balcony planning. That's been an issue that needed some resolution.

Number 20 – potential Regulating Plan amendment to reduce the size of the Center City Form-Based Code area. This is one of the two items that we were not able to address, just because of the challenge of what a large undertaking that would be, so that's going to have to be brought back for future committees to take a look at.

Number 21 – creation of quality open space, including public spaces. Again, same rationale applies. We were not able to address that for lack of time.

Number 22 – residential block face landscape requirements to promote a walkable neighborhood. That goes back to the setbacks and allowing for landscaping and balconies that we just discussed.

23 – protection of downtown structures, including non-conforming one-story structures and existing signage. We have allowed to maintain the current uses in the Center City Form-Based Code and in the existing structure. We've addressed legacy zoning, special uses that will would require review.

I think we should all feel very proud of ourselves. That is a brief summary of what we have covered. The rest of the memo that you already have literally outlines meeting-by-meeting of what was addressed per meeting. Before we move on from that, any questions or comments about that?

3. DISCUSSION REGARDING CONSOLIDATION IN NUMBER OF FRONTAGES

a. Unit Minimums

Councilmember Hall – On to our next agenda item. This was an item requested by Mr. McCabe. Would you like to go ahead?

Mr. McCabe – Yes, thank you. As I've looked through this scenario, and looking at what's been proposed and trying to catch up with everything that we're trying to do and where we're trying to go to, looking at the proposed changes and the 5-unit minimum, I sat down – and I'm sorry I didn't make one for everybody, but I'll be more than happy to hand you my copy – but I made a copy for ...

Councilmember Hall – 5-unit minimum? Is that what you meant to say?

Mr. McCabe – Five. The number of stories minus one.

Mr. McKown – The 6-story area. Right?

Mr. McCabe – Correct. Basically, what I did is we keep talking about cost. We keep talking about functionality. Existing in the pink, which allows for duplexes, it allows me to basically pay \$300,000 for the lot, build a 3,000 sq. ft. duplex – 1,500 per side – and at \$150/sq. ft., which is \$450,000 plus the \$300,000 for the lot – that's \$750,000 total. When we look at the new proposed being able to build, whether it's that minimum, or if it comes up to the 4 or 5-story – how we do that, building that same exact building, still using the same lot cost of \$300,000, I'm now at \$200/sq. ft. build cost, so going up the five flights of stairs I'm basically at 1,200 sq. ft./floor of \$1.2 million in building cost. I now add the \$300,000 lot cost, so my total cost for the exact same piece of parcel is now at \$1.5 million. What that has done is that has allowed me to put 10 people in the space, to where currently, with the 3 person that we have, or the special use that I could do, which allows for a fourth – we're gaining 2 people at the most for the same square footage on dirt, but yet I'm doubling the cost. What I would like to propose is – and it's not so much the numbers, and I get that, because we're always looking at density. To me density is adding people. We're trying to get more folks living in a smaller footprint – smaller space. At double the cost, I'm adding 2 people. The only thing getting bigger is my building. As we get to it, and we can discuss it, everything that we've done was based upon a 3-person unit. We could do special use, which kicks in parking, sprinklers, all the stuff that goes into it if I ask for 4. So what you're seeing through Council is 3 bedrooms and a flex room. What they're actually truly asking for four bedrooms from the get-go and they're able to pencil that and make that number work. So what I would like to propose that we discuss is that we raise the minimum – am I talking correctly about the unit – the people to going to 4 – or am I talking about – or the unit minimums of 3 or ...

Councilmember Hall – The first one I thought we were discussing ...

Ms. Hudson – I just need clarification, please. So south of Duffy is 5 stories.

Mr. McCabe – Yes.

Ms. Hudson – So you could build to 4 units.

Mr. McKown – You'd be required – the way it's written right now, you'd be required to build a 4-story building.

Mr. Hubble – No.

Mr. McKown – Is that not what it says?

Mr. Hubble – You'd be required to build 4 units, but not 4 stories. You can do 4 units in 2 stories if you want to.

Mr. McKown – Yes, you're right. Alright. So south of Duffy, you'd be required to build 4 units, which is you're no longer not even able to build a triplex. You take a 50' lot, you couldn't even divide it up and have 3 16' wide side-by-side buildings. You're essentially

required to start stacking them up to build a small apartment building. I've been running the numbers different than Keith put them together, and your gross margin on that, because you're adding all of these kitchens – full-blown kitchens, plus your additional cost of running additional electric services, additional water meters, connections – all these things, and you're going to have to build fire escape structures because it's now a small apartment building – your gross margin on this is less than half, and it's small enough that it won't pencil, by the time you put your soft costs in here, we've pushed the building into a requirement that isn't going to get built. The interesting thing about -- what is it we're trying to do? Are we trying to make the code better and more usable to get a better product? Or are we trying to just shut down development? I think we need to ask that question. Because if we're forcing all of that area into the small apartment building and your cost per square foot is going to jump from \$150 up probably closer to \$225, then we're all of sudden out of business and we're not going to see anything get built. Even the guys from out of town are going to find a rent ceiling and they're not going to be able to make their numbers work, either.

Ms. Starr – Just want to make sure everybody is on the same page. The height map is maximum, not a minimum. So you could do more than 4 units. I just want to make sure everybody is on the same page there. It's a minimum unit number and a maximum height number. So you're still saying if somebody came in and wanted to do 20 units, they wouldn't be able to make their money work out. Is that what you're saying?

Mr. McKown – Your cost per square foot – the taller the building gets and the denser the building gets, your cost per square foot actually goes up. That's just the nature of building urban buildings. The single-family detached house is the most affordable price/square foot that you can build anywhere in the United States. That's just how our industry works. Every time you gang it together and add complexity – fire suppression systems, and then you add fire stairs – that lot cost spread out over density doesn't make up for the additional complexity in building a complex urban building. If you went up to your maximum height and got all those units and still took advantage of the lesser parking requirement, you've got a pretty unrentable building at that point. The other thing I've learned – and I'm not down here building. This is so different than the urban stuff we do in downtown Oklahoma City, and the market is so different. We can't keep a 1-bedroom apartment in downtown Oklahoma City. It's the hottest commodity down there. When I say we, I mean me and all ten competitors with big, urban buildings. The only vacancies anybody has are in the 2-bedroom and 3-bedroom. The complete opposite is true here. The 1-bedrooms are the last to rent and they're having to be deeply discounted relative to what they cost to create. It has everything to do with the life cycle. The student comes onto campus and they're required to live in the dorms their first year and they can't have alcohol. Alcohol policy is driving all of this.

Councilmember Hall – I think there are actually several other policies that drive this, too, in regards to Greek life.

Mr. McKown – I'm sure all of that's true. But we have no control over any of that stuff. Right? I mean, we can make rules around alcohol and hazing policy on campus and they'll just laugh at us. Right? So your sophomore year you move into one of the houses

– the sorority house, fraternity house, a soro-ternity house – whatever you want. You're having a great time. You made some really good friends and you're like, hey, we party well together; let's go rent a house down in the pink zone. Do I have my colors right? Blue or pink?

Mr. Hubble – Pink.

Councilmember Hall – Or blue. Either one.

Mr. McKown – Pink our junior year. It's a group of friends. The most popular thing is the largest number of bedrooms. My business partner went to school in Fort Worth – Texas Tech – and she's like, oh, my god, I love living in the 6-bedroom duplex they lived in. It's a thing. It's a thing, and it is what it is. Then maybe their senior year, needing to buckle down to graduate, they might move into a 2-bedroom or 3-bedroom and get serious about trying to pass their classes.

Ms. Hudson – Or the 5-year plan.

Mr. McKown – Yeah. It may be their 5th year that their parents are finally like you're going to move into a 1-bed. Anyway, the 1-beds are really hard to get rid of and there's not a market for them. Now, as we come north, all this land over here on Gray Street that has all this potential – that's where we need to be directing our out-of-town investors where there's actually room to dive in and get a parking garage that can serve a 4 or maybe 5-story building, and where we can get grown-ups living down here. I say grown-ups, I'm talking 25-35 – the young, single professional. We've had this product work. The economics of the TIF – I don't know what the numbers are, but the property taxes have gone from damn near nothing on these little old houses that have been down here to big buildings generating a lot of money into the TIF.

Councilmember Hall – Well, to that regard, our fiscal year 23 budget that we are now working through, it is the first year that we have a page for the Center City TIF.

Mr. McKown – Anybody know how much money is in there?

Councilmember Hall – It's about \$800,000 – something like that. However ...

Mr. McKown – Let's spend some of it.

Councilmember Hall – We've got plenty of ideas.

Mr. McKown – I bet if you'd give Scott some he'd build some alleys.

Councilmember Hall – Okay, let me address a couple of things. I already forgot the first one. The alley piece and the pedestrian lighting piece literally should be addressed in Part 2 of – we did the infrastructure analysis. We have been pressing for well over a year now to fund the Urban Design and Implementation Plan, and I think we're about to get there.

Mr. McKown – That's awesome.

Councilmember Hall – Yes. That will address that, and it will address it in a way that I think, as Councilmembers, what we find extremely useful is how multiple departments break down and rank projects according to a databased analysis of what the priorities are. That's what we should be achieving, if we can finally get this underway. I'm feeling pretty optimistic about it. That will take care of a big, big chunk of that, so that's really, really important. Then I think to your other point about the policies at OU and how it's driving this, and we've had – oh, I know what I was going to say. The Urban Design and Implementation Plan, that literally was a recommendation of the 2019 Ad Hoc Committee that is going to take literally 2 years to implement. But we're getting there. Not for lack of effort. So the policies and driving and all the things that you all see from your world view – understand it – but I think what we're trying to achieve here is some kind of balance in the universe. Yes, we're going to keep building those. But we're really trying to find balance in the universe to try to get other options.

Mr. McKown – I know – Keith is about to say what I'm – if we adopt this as is written, we're about to make it impossible and illegal to build what we've been building.

Councilmember Hall – And we hear you. One of the things that you have brought up, and that has continued to be brought up in multiple conversations, is – which I think you're getting to, and we're just going to cut straight to the chase – is your suggestion of treating south of Duffy in a different manner with, I believe what you're asking for, is no minimums.

Mr. McKown – I wanted to make it purple, just on the record. If you leave it pink, that might actually make it easier and clearer.

Councilmember Hall – I'll let staff respond to that, because we have tried to discuss that. Can you all address why it helps you, from a staff standpoint, which, in turn, helps you work with designers/developers/architects to have one Urban Residential? I'll point out that the Urban Residential designation that we have also has specific location – I don't know if exception is the right word, but it is location-specific. Do you want to address that?

Mr. Hubble – The fewer colors we have, the easier it is to work with. We really don't need a whole new color for it. It can literally just fit in there one sentence that says south of Duffy there is no unit minimum.

Councilmember Hall – Does that get to ...

Mr. McCabe – If you're asking me, yes, ma'am, I think that will be beneficial.

Councilmember Hall – That's what I keep hearing.

Mr. McCabe – I understand we're trying to make it easier on staff and the wording and the language. But I still think that by doing these separations, the beautiful thing that we did do when Daniel Parolek was here and we did adopt this, we created individual neighborhoods and styles from the yellow, to the pink was the duplex, to the blue was the small apartment/townhomes, to the orange which was Urban General, to the red which was Main Street. There was a very distinct flavor to those areas. I still believe that it's the easier – we're not – talked about use – how it's used. Just the building itself promotes itself with I don't have to build an apartment. If I can still build the single-family or the duplex, I still think that that lends itself closer to a more family unit than it does apartment-style living. So the fact of us wanting to throw everything into one pot to make it easier I understood, but I just still think that we need a little bit of division that makes each little section its own. And I think that was part of the missing middle housing that we all bought into.

Councilmember Hall – Well, ironically, that building form standard – the pink – was left out of the original adoption. I think – going back and reviewing all the comments that have been made and the conversations that have been had, for me, personally, I really am looking for balance in the universe, and I was the last time when I represented the community on this committee. This seems like a reasonable accommodation to plan for the future, when maybe these smaller number of bedrooms becomes more popular, becomes more – we're preserving a place where that can be done, but also addressing the concerns that you have for the here and now and to continue to encourage development. For the record – we do not want to discourage developing in Center City. Does that address the primary issues, and is that acceptable to everybody?

Mr. McKown – If I could just restate it for clarity?

Councilmember Hall – Okay.

Mr. McKown – What I'm thinking we're in agreement on is south of Duffy we're going to allow – you can build 1 unit on a lot, you can build 2 units on a lot. I think the other part that we haven't discussed and I'd like to talk about in more detail is that unit can have 4 rooms in it that are the size and shape of bedrooms. We need to do a little work to get to what that means, because there are plans that have come in – I've heard these amazing stories where it's like 3 bedrooms and a study with a full bath next to it and a closet in the study and the only thing that makes it a study is the word study. It's a bedroom and it's going to be rented. If we need to say that is what it is – it's a room over a certain size that has a door – I mean, a livingroom – I lived in a livingroom when I was an undergrad and it was a lot of fun – it had a screen. If you're really coming in and you can look at the plan and go, yeah, four people can live here and have privacy – one's a study, one's a sitting area, and there's 2 bedrooms – 4 parking spaces are required. That's a 4-bedroom unit. We need to have a mechanism to call it what it is and to make that legal, because we've approved, through the CCPUD process, 4-bedroom units. If you come in and go here's my 4 rooms and I want to go through the CCPUD and get a 5th, you have grounds to stand on at this point to go, no, we're turning this down. But there have been several approved that are 4-bedroom. To make it just this complicated thing to have to run back through. I did a whole spreadsheet that looked at the 1, the

2, the 3 – your returns don't get anywhere near what you need them to be to be able to finance these things. You're sitting with your banker, they're like is this profitable? Am I going to get paid back on my loan is what all the bankers care about. The 4-bedroom unit, if we don't make it allowed, then we've just got this whole – all the work of everyone coming through.

Councilmember Hall – Let's backtrack, because right now we're on number 3. That's number 4. So let's see if we're all in consensus on an accommodation for the Urban Residential building form standard south of Duffy. Any comments or questions about that?

Councilmember Holman – So we are increasing what's allowed currently in that area, but we're also saying you don't have a minimum either.

Mr. Hubble – Currently in that area you can only build one or two units. We would be removing the maximum; there would be no minimum, so one to infinity.

Ms. McMahan – Wait. You are removing the maximum?

Mr. Hubble – Yeah. That's what we've been talking about from the very beginning is there's not going to be a unit maximum.

Ms. McMahan – Oh, a unit maximum. I'm sorry. I was hearing height.

Mr. McKown – That's a good thing. That makes perfect sense.

Councilmember Holman – The whole point was trying to – since that area is closer to the campus, it seemed more appropriate to allow more than what's there now.

Councilmember Hall – We've had plenty of discussion about that but, as you know – I think you have perfect attendance at these meetings. The whole idea of this is a diversity of world views on how we look at this and this has come up again and again, and Mr. McCabe requested that we revisit it. To me, like I said, it's not exactly where we started, but we can accommodate the here and now and also allow what we're looking for north of Duffy, and my hope, as you know, is that this is not going to be the end of this. There will be another review, and in two more years – it's been two years since we did the – well, it was adopted in 2017. We revisited it in 2019. Now we're at 2022. I think that's the nature of what the challenge is here, that let's see and if we have to come back and revisit in two more years, we can.

Councilmember Holman – So you could build one unit on the lot, but that one unit would have to be a 2-story building? It has to be at least 2 stories.

Mr. Hubble – It would still have to be built lot line to lot line.

Councilmember Holman – But it could just be one single unit.

Mr. Hubble – Yes.

Councilmember Hall – It addresses all of the challenges of the reality of what can be done right now. It also addresses the continued interest of providing – having that door open for other housing types.

Councilmember Holman – I'm fine with that. I think – since the very beginning since we first approved Center City regulations, we've been told by many folks that nothing will ever get built in this area. From the first iteration of rules, we were told nothing would get built in this area; it's too restrictive. But what's happened? Stuff has been built. Stuff started being built right away. So I don't really know how people come to the decision to invest in that, and what's profitable or not, and what rules make it not profitable, I guess. But I do want to make it – I think it's a good compromise to address the concerns that Keith has and allow more in that area if people want to do it ...

Councilmember Hall – They can.

Councilmember Holman – If somebody wants to have a single home there, too, they can do that, too. Yeah. I think it's a good compromise.

Mr. Adair – I think my view has shifted as we've gone through the years a little bit.

Councilmember Hall – We're evolving. Congratulations.

Mr. McCabe – We have become a living document.

Mr. Adair – Especially in the early years, we heard a lot of pushback from the neighborhoods regarding scale – that what was being built was of a scale that was very different than what was there. I don't mean to sound insensitive to that, but the objective is total redevelopment. If you have total redevelopment, you no longer have a problem of scale – everything is at the larger scale; everything is at the higher density. Again, in this type of code, I'm very concerned with the streetscape – of what it looks like when I drive down the road. I'm less concerned with what's going on inside. We have to be careful that we don't create a situation where we kill the economics of everything. We have to stay sensitive to that. The other piece – and I think we've done a good job of fixing this. Where I think there was a very genuine objection of old people in the neighborhood and new people in the neighborhood – we had a parking standard that was messed up, and I think we've moved toward fixing that. Now, the balance of that is reducing density. If you add parking, it reduces lot coverage and that's pulling back density one way or the other. But it's part of the balance. We had parking standards initially that was creating an abusive situation.

Richard, with what you were saying a while ago – I think the one thing we've really done kind of well is the definition of the bedroom in this. I don't think we're going to have people coming in with 3 bedrooms and a study and building it and leasing it as 4 bedrooms in the future. Our rule says 3, go ask for 4, and I think that's where it's going to – I mean, I think we have an enforceable code, better than we had before. Now, if you really think we need 4, we've got a really long discussion ahead, again.

Mr. McKown – When we get to that item on the agenda ...

Councilmember Hall – Hold your thought. If you have any other comments about this piece, go ahead.

Mr. McKown – The one thing – Councilmember Holman, I don't disagree with you that we did say it would be restrictive, but I do also kind of remember that that's kind of how we got to the pink, was to make it allowed and that wasn't part of the original vision. But when we move to these more complicated things, you start shifting away from Keith and you start shifting over to guys like me that are working with big out-of-state contractors. We're bringing in capital groups and huge amounts of money in order to make those things work. In the end, the cost of housing gets higher as well, because we are paying more per square foot. But I kind of think it's charming what's happening down here. Our whole industry – you know, every civilization on the planet builds shelter. That's a fundamental human thing. But we've professionalized it – all of our great great grandparents knew how to build and they built their own homes. The more we push it up to only big players in the market, I think that's not a good thing. I want to see Keith stay in business down here.

Councilmember Hall – I think we really, with this, have a mix. I just want to point out to everybody that it's 12:15 and we have a large draft document to try to plow through, so unless there's other comments about this particular agenda item, I think we need to move on, and I'd like to keep our discussion to maybe 5 or 10 minutes and then the hard stuff starts.

4. DISCUSSION REGARDING THE REFINEMENT OF DEFINITION OF “BEDROOM” AND THE NUMBER OF BEDROOMS ALLOWED PER UNIT BEFORE A SPECIAL USE IS REQUIRED

Councilmember Hall – Mr. McCabe, did you have anything else you wanted to add to that, or have you pretty much laid it out?

Mr. McCabe – I have, and I appreciate Logan answering. I sent some questions last night, and he replied to me, so thank you for printing this off because I leave too early in the morning to read emails.

Councilmember Hall – And I believe everyone got a copy.

Mr. McCabe – Just to add that thank you for considering the idea that we did put a minimum square foot in a room that we would call a bedroom. It just dawned on me that we didn't have a maximum, and we know what happens when you don't have a maximum. So, basically, what I did was I doubled the 70 twice, which was 140, came a number south of that or less than that, then I also put, as an example, a typical bedroom that we try to design for, just because of the way it lays out, is a 10x12 or 120 sq. ft. That is a decent size bedroom – not too large, not too small – and that's typically the size that we try to build to, just because your carpet comes in that width. There's a reason for those numbers, because everything comes in 4s. So that's it. We have a beautiful definition now that I think will really help a lot with these rooms. I think that will help City

staff for all the fancy words that we see between study and flex room and media room and all the creative words that people come up with. But thank you for looking at that fact that maybe the maximum size, also.

Mr. Hubble – You suggested that, basically, any room that is 140 sq. ft. or greater that would count as two rooms, essentially.

Mr. McKown – 140 or 130?

Mr. McCabe – Well, 140 is 70 twice.

Mr. Hubble – I'll be honest – I don't know a whole lot about bedroom square footage. I don't know what is truly getting built in terms of size. Would 140 be too restrictive, maybe? I don't know. I don't know if there's a lot of 14x10 bedrooms.

Councilmember Holman – I guess my only thought about that would be if somebody did build the single unit they might want a primary bedroom that is maybe much larger. I wouldn't want them to have to come and get a CCPUD just to have a bigger primary bedroom.

Ms. McMahon – That was my only comment, as well.

Mr. McKown – You do see, in urban buildings, 12x12 looks like a primary bedroom, feels like – I mean, they feel really big, for whatever it's worth.

Mr. McCabe – And that's 144 – 12x12. I think, in reality, what we really have to navigate here is, yeah, we love the idea of a primary bedroom being larger than scale, but we also open ourselves up to a division into two and three additional bedrooms after the fact. So the fact of being able to give City staff some parameters that says you're here or you're here, and if you are that one person that wants to go bigger, then maybe you have to go through the deal. It's just going to make it easier on City staff to have a beginning and an end. Since we've already learned that inspection and enforcement after the process is a big challenge, not that we can stop it all, but it might help.

Mr. McKown – Maybe that extra 4' might really matter. So I would say 144 would be ...

Ms. Starr – I have a question about 144. When you say the 144, are you talking primary bedroom and their huge closet that goes with it? Because, typically ...

Mr. McKown – No.

Ms. Starr – You're just talking the actual room?

Mr. McKown – The room itself.

Councilmember Hall – So where are we?

Councilmember Holman – I don't have a problem with that.

Mr. McKown – Adding a definition of the upper limits – maximum.

Councilmember Hall – I really appreciate that suggestion, because it addresses one of the most frustrating aspects that development review team comes up against over and over again. So that makes a lot of sense. I'd like to point out, we're talking about a single-family home that has yet to be built in Center City, and we have lots of development for other multi, so I would rather adjust to that zebra down the road and address the horse.

Mr. McKown – I think – sorry if I'm off the schedule again, here – but if that really has a closet and is adjacent to a bathroom, it's a bedroom. It's going to be rented as a bedroom. We should be able to call it what it is in the plan review process. So there's just no games. We're just trying to help close a loophole that we're aware of. I have reviewed several plans that have been brought to you. There's going to be a door cut in that one after certificate of occupancy, and I guarantee if you went out there at framing, you'd see a header framed into the wall. I have enough tools in my truck to put that door in.

Councilmember Hall – Okay. Can we talk about the special use piece? Is there anything else you wanted to add? I have some comments. I think other people do, too.

Mr. McCabe – Looking at the no minimum units, currently we have a 3-bedroom and then once you go into the 4th room – flex room, study, media room, whatever – that invokes a special use when it becomes a bedroom, which goes into the parking, goes into the sprinkler, goes into everything involved in that. If we could discuss the possibility, just looking at some of the things that have been brought forward through City Council through these during the delay, we're doing 4 bedrooms – we're bringing 3 bedrooms and a flex room – and they're offering a courtyard, or they're offering something that's really giving us a different product. But I'm assuming that you see the importance of that 4th room, whether it's a study, 2 bedrooms, study, den, whatever you want to do – but let's just be honest if it all ends up being a bedroom the possibility of allowing true 4 rooms from the existing 3 that we have. It still allows you to build a duplex. It still allows you to take care of the parking on the premises. And if we want to somehow attach the special use permit from 5 forward – make it more harder to do – but I would like for us to discuss the ability to be able to build 4 rooms before the special use kicks in. Changing the number from 4 – from greater than 3, to changing it to greater than 4.

Councilmember Hall – Anybody want to – I'll jump in. I understand where you're coming from. We have had discussions about this, but from my perspective, not only representing my ward on City Council, but also as a member of the community. This particular item that we all participated in last time and added I think has been one of the strongest pieces that we've had to encourage multiple housing types and other options. So, for me, personally, I would really prefer to keep that in place.

Ms. McMahon – I would agree. I agree. I like the 3 over 4.

Councilmember Hall – And you can still do it.

Mr. McCabe – And you can still do it.

Councilmember Hall – I would also like to point out that it's not hard to do if you have a good plan.

Mr. McCabe – It's not hard to do. Special use. It is just a longer process. It is going and asking permission. Not only was I looking at the 4th room that's being done now, but it actually simplifies the process, and that's part of what we're trying to do is simplify the process. That stops – and we can still do the special use, and we've all done it and we all know what it takes to get there. But it just would streamline the process, make it easier. It actually would make it easier on City staff, without having to keep looking at what is this room truly used for? Again, it's not that we don't have the option of a special use – we can. Not only the doing it, but the simplifying the process to make it easier – making it easier in the language.

Councilmember Hall – I really understand that. I do. But this has been one of the building blocks that has really, I think, helped out. I think from just a policy standpoint, and for what we're trying to accomplish from the community goals and how we've approached this the last 2 years, it does give us the opportunity to review that. You can do it. It's not as extensive of a process as other things. I think the ones that have been approved have made sense for where they were an infill project, and it has definitely helped reduce the larger bedroom units, which we have a very robust inventory of units with larger bedrooms, and what we're really trying to do is encourage getting units that are a smaller number of bedrooms, and same density but smaller number of units. That's just how I see it.

Mr. Adair – Question specifically for Jane, or maybe the Councilmembers who got to vote on it – I know on at least one specific occasion – and I won't name names – but there was a CCPUD project that requested and was granted permission for 4 bedrooms. What did that project do right? In light of what the code says, why was that project approved?

Councilmember Hall – I can tell you. Do you want to know why the Council approved it?

Mr. Adair – Yeah.

Councilmember Hall – I can tell you. It was an infill project. It was the last project that filled out the entire block, and it had a smaller bedroom count than every other project on that street.

Mr. Adair – My follow-up would be can we, without going to great lengths, write something into the code that, if we see that situation coming again and we know that's going to happen again, and it's fine, can we write that into the code to preclude that from having to go CCPUD?

Councilmember Hall – It wasn't a CCPUD; it was a special use. It was just a 4-bedroom.

Mr. Adair – Okay. Again ...

Councilmember Hall – So it accomplished its mission.

Mr. Adair – Functionally, there's no difference. You had to go through Planning and City Council, didn't you?

Councilmember Hall – No, not for special use. Oh, yes, you do. Sorry. What am I saying?

Ms. Starr – I would also say on that project that we're speaking of that we shall not name, that I think the design of it was such that the City Council – I think the design was very important in that. So I don't think that should be overlooked. It wasn't just that the person was infilling ...

Councilmember Hall – Thank you for pointing that out.

Ms. Starr – It also was a quality design and that reflected favorably enough to allow the Council to ...

Mr. Adair – All of which is what we want to see encouraged.

Councilmember Hall – Exactly what we want to see. Yeah. There was no wiggle room. There was no way to fit in a 5th bedroom.

Mr. Adair – Trying to figure out how we get that without costing somebody 3 months.

Mr. McKown – I think if we change the definition of bedroom to include something like and/or any media room, study, sitting room, or any other thing you want to name it, if the room can be used as a bedroom – there's no wiggling in the extra 5th room. But what I really want to say is ...

Mr. Adair – That's what we've done.

Mr. McKown – Alright. Good. I didn't understand it to be that clear.

Councilmember Hall – We've got an awesome definition.

Mr. McKown – These are two equal lots and one of them allows the 2 bedroom with 3 units, but you can now have 3 units on this one lot, right? So 6 people live here; 9 people live here. My question is, have we created better real estate? When you drop a unit down to where it's 16' wide, your entire circulation pattern is like right through the kitchen, assuming the kitchen is on the ground floor. But even if you put it on the 2nd floor, at some point, you're circulating through that. Is this when you really dive into the nuts and bolts of actually drawing out a set of plans? Does this piece of real estate have higher

flexibility? Does this piece of real estate look better in the future? So if we allow 4 bedrooms, there now is only 1 renter difference between the 2, and I think we might be building better real estate to allow these 4 bedrooms and just have it – and trying to smash 4 bedrooms into a 16' wide piece of real estate is probably not going to happen. And trying to park it. So 9 here going to 12 – there's not 12 parking spaces to be had, probably. I'm saying it's not an absurd request.

Ms. Hudson – I just want to clarify something. So are we talking about the special use elimination south of Duffy only?

Mr. McKown – Yes.

Ms. Hudson – Okay. I just wanted to clarify that.

Mr. McKown – Well, I say yes. You know, if you're building a stacked up small apartment building and you were – you know University Commons? Those are down by the golf course, and they're all over this town – the rent by the bedroom – they're almost always a 4-bedroom model. If we want more of that kind of capital investment that comes in to do the \$5 million building, instead of the \$1 million building, or the \$10-12 million building or more – having that open as an option to be able to meet the market where it is, that might be a thing, and it also goes back to this code hack we learned about at the Congress for New Urbanism. Berkeley small apartment building. The Berkeley small apartment is basically taking that University Commons style of living, where you've got a common kitchen, common living area, but they amp it up slightly where each bedroom has a kitchenette.

Councilmember Hall – I think really where we are with that is, even if we wanted to move forward on that, I don't think we have the building codes that ...

Mr. McKown – Oh, no, no. It's within our building code. You could get a permit and build that today. We wouldn't have to do anything special. But we don't want to make it – it's called co-housing, also, and we don't want to make co-housing illegal. It would be great to see someone actually do it.

Councilmember Hall – We really need to move along and see if we can get some resolution here.

Mr. Hubble – I was just going to say, you were talking about the 16' wide. They don't have to be built next to each if you had 3 units on one lot. They can be stacked or they can have 2 and 1.

Mr. McKown – I know. But ...

Mr. Hubble – You were talking about the circulation that would essentially be ...

Mr. McKown – You can stack this up and still get your 9 residents in here. When you stack it up, you're driving your cost up. And your fire and egress and all that stuff gets more

punitive when you go vertical. But that's what we're going to – this is what we're going to get is the 3 narrow pieces of real estate. And the cost delta is big enough that I'm certain of that.

Councilmember Hall – Okay. Do you have any other comment? Alright. I'm going to suggest, because we do need to actually attack our document here – I'd like to get a sense of – Councilmember Holman, do you have any comments one way or the other? Your feelings on it?

Councilmember Holman – Not real strong. I can see allowing 4 bedrooms perhaps, maybe just in the south of Duffy area, to maybe get some more density out of it, maybe. I don't have a real strong feeling.

Councilmember Hall – Here's what I'd like to do on this one, because I think this – we really need to move on. Because Councilmember Peacock is not here, we've got you on the record – if you all want to say where you are – you want to wait 'til next week – that we go ahead and finalize this next week when he can be part of the conversation, too. Is that acceptable to everyone? Because we really need to hit our document.

5. DISCUSSION REGARDING CCFBC DRAFT CHANGES

Mr. Hubble – We're just going to start going through the document. We have Keith's comments. I think Autumn sent 1 or 2 in. But Keith is really the main person who sent anything in, so that's why we have his printed out, and I'll address those as we go through.

Regarding the How to Use this Code section, or Part 1, the General Provisions – those are mostly legal things. Does anyone have any comments on those?

Councilmember Hall – Any comments? Okay.

Mr. Hubble – Alright. We'll move along. Part 2. Keith had a couple on this one. You had asked about the recycling carts. I talked to Nathan Madenwald in Utilities. He said it should be within the next month that they start getting rid of the recycling carts, and that should be reflected on the bills, too.

Mr. McCabe – Is that the entire – are we talking the entire Center City Form-Based Code area?

Mr. Hubble – Multi-family properties apparently were never supposed to have recycling, so they are now remedying that – they're going to change it. So it should be the entire Center City Form-Based Code area.

Ms. Hudson – Not the single.

Mr. McCabe – That's what I'm wondering.

Mr. Hubble – No. Just multi-family.

Mr. McCabe – So we're just basically talking what was the older pink, blue, orange area.

Mr. Hubble – Yes. Not specifically that area, because single family homes in that area will still receive it. It's just multi-family properties that will have those removed.

Mr. McCabe – And once you take away the can, we're reducing that cost off of the bill?

Mr. Hubble – Yes. That's my understanding.

Mr. McCabe – Because, like I said, I voluntarily removed all of mine, but I still pay, even without the service.

Mr. Hubble – I can triple check with him, but that is my understanding. Lora has something.

Ms. Hoggatt – Are duplexes considered multi-family?

Mr. Hubble – I'm not sure. I don't know if they are for utility purposes. I'm not sure.

Ms. Hudson – Well, they've been considered 2 single-family units, but they're permitted as a duplex, but I believe, in talking to Scotty with Sanitation, it will be any of the multi-family areas. So if it's a duplex, a triplex, quads – whatever we've got going on over there, those will be not serviced with the recycling. But any of the single family, garage apartments that are still going, then they will.

Mr. Hubble – Then he had asked about the pattern zoning. Those of you that aren't on Council, I don't know how familiar you are with the pattern zoning concept that we've been talking about. We're just now getting really started on implementing that. We want basically to have mention in the code so that whenever pattern zoning does happen it can be utilized. In some cases, pattern zoning projects might differ from what's allowed in this book, so we want to make sure that those are still possible, because these would be pre-approved plans. These wouldn't be things that would be just someone building whatever they want to and they don't have to go through a code. They would have to be building something that would have been approved already by City Council, so these would be quality structures.

Councilmember Hall – And it's voluntary.

Mr. Hubble – Yes. And it is voluntary. Yes.

Mr. McKown – Does the word overlay have to be in there?

Ms. Hudson – Where are you?

Mr. Hubble – Page 6, 3. I believe that was Beth that wrote that in there. I don't know if there's any significance to the word overlay. Oh, she left?

Ms. Starr – She'll be back shortly.

Mr. Hubble – Maybe we can return to that. I think maybe it was just – I can't say for sure.

Ms. Hudson – Well, why do you have?

Councilmember Hall – We can double-check that.

Mr. McKown – It feels like it could complicate this whole thing if we're treating it as yet a whole other overlay.

Ms. Hudson – It's only specific corner lots.

Mr. McKown – No, no. I'm just saying like an overlay within the number of properties and notifications. It feels unnecessarily complicating things.

Ms. Hudson – Well, we'll ask.

Councilmember Hall – We can double-check on that. Because we've been at the same things. All of the presentations that I've seen about pattern zoning, including through ULI and the subcommittee presentation and the study session that we all got to see, we've been told over and over and over again – and I think that's where the overlay is coming from – that you can definitely use pattern zoning as an overlay – that it overlays nicely with other codes, including form-based code. But we'll have an answer for that next week.

Mr. McKown – I think it's a very specific legal term that kicks in a whole bunch of notification requirements.

Councilmember Hall – We can check. That's why we're doing this. Maybe Beth will have a simple answer when she gets back and, if not, we can definitely address it next week. We've got that down as something to take a look at.

Mr. McCabe – So that's there primarily for future use?

Mr. Hubble – Yes.

Councilmember Hall – Yes, just a place-holder.

Mr. Hubble – So we don't have to come back and change this code.

Mr. McCabe – We don't have something right here right now that we're missing.

Mr. Hubble – Correct.

Mr. McCabe – Future use. Good.

Councilmember Hall – It's just a place-holder.

Mr. Hubble – So that was what Keith had. Did anyone else have any comments regarding Part 2?

Moving on to Part 3. Much of this remains the same. Of course, the new map is in there. Keith had a question about the alleys, so he asked, are existing alleys to be considered critical and recategorized as essential roadways and receive storm damage removal clearing? Scott might be able to briefly touch on that.

Mr. Sturtz – That was new to me today, so I really can't say a whole lot about it. However, that's going to be a difficult one to do. Depending on the severity and the size of an emergency situation, it would still be a secondary clearing – it would not be primary. But I'll have to go back and I'll have to talk to our Streets Department and get more direction from them on this.

Mr. McCabe – If I can – it is right now secondary. October 2020 ice storm. Trees came down. Utilities came down. Calling for help to get the roadways clear, because now in Center City we require parking to come off of the alleys, so that is truly the primary street now. I was just basically told no help. So I physically had to come and hire crews to clear alleys for cars. So my question is, if we're requiring rear entry parking, and we're requiring the cars to drive there, we should at least treat it – when it comes to storm – I'm not even talking paving and curbs in alleys – and that will be great when that day happens. I'm just talking about ...

Mr. Sturtz – But as a point, this isn't the only place in town where this is an occurrence. So to specialize this one over other parts of town where we have the exact same condition. Like I said, I can't make this determination. It's not mine to make.

Councilmember Hall – So I've got a question for you, because we all have lived through now multiple wind, hail, ice and only expecting that we're going to continue to see these extreme weather events. This may not be resolved here, but I do think it's an interesting question, and maybe it is as specific as how we treat an extreme weather event when we are requiring parking off an alley. I think that bears discussion somewhere along the line.

Mr. Sturtz – Prioritize an alley serving two lots versus an entire collector street that's serving 130 lots. That's where you get into the problem. You still have to have a prioritization. Like I said, I can bring this up. I'll bring it up. We've got a meeting later today that we'll mention it. It's not something – like I said, I was kind of caught – I walked in and was asked the question.

Mr. Adair – Scott, I don't think we're saying it goes to the top of your list. It just doesn't go to the bottom.

Mr. Sturtz – Sure.

Mr. Adair – And that's the way you have treated it; it went to the bottom. You've got a street with 60 houses on it and this has got 20, then the 60 gets treated ahead of this. I don't think we're arguing with that.

Councilmember Hall – Like I said, I think it's a really legitimate question and something that I'm certainly interested in pursuing, because this has come up with a completely different scenario in a different area of town that we were able to get resolution after an opportunity to talk it through. So I'd definitely like to just add it to the list and see what we can do.

Mr. Sturtz – And I'll bring it up in a meeting with our management team.

Councilmember Hall – Okay. Thank you.

Mr. Hubble – So, otherwise – Keith did have one more regarding the height map. Building heights now at 5 stories tall, instead of originally shown 6. What part of the map are you talking about there?

Mr. McCabe – Blue.

Mr. Adair – What was the orange down the tracks was 6.

Mr. McCabe – And what we did was – from the no gathering of material, all I could go off of was when you very first showed the very first slide show was all 6s, and then we started talking about how we wanted to scale down as we got toward the residential, and then we started picking pieces and moving them down. All I'm saying is now a lot of those that you originally had as 6s are now moved to the 5, 4s, 3s, which is fine – but until I saw it on a piece of paper on a grid in front of me was the first time I had actually seen it from the first presentation, where I took a picture when you were doing the slide show and there was a whole lot of 6s up there.

Mr. Hubble – So, actually, we have not change it since that time. It may have been that my handwriting was bad on the original plan and you saw 5s as 6s. It was entirely hand-written.

Mr. McCabe – All I had for reference was that picture that was the slide. So I took a picture of it and so I was kind of comparing that.

Mr. Hubble – All of this has remained what we were talking about to begin with. I'm sorry for that confusion.

Mr. McCabe – No. You're good. Thank you for explaining it.

Councilmember Hall – Let's just take a little pause, because you're back and there was a question about ...

Mr. McKown – Page 6.

Councilmember Hall – Page 6. Would you like to ask the question?

Mr. McKown – Is the word overlay absolutely needed in that sentence?

Mr. Hubble – Regards pattern zoning.

Ms. Muckala – It was me who made up that language, so that's why I'm on the hot seat, I guess. I put an or in front of it, because, honestly, until that mechanism is adopted, I didn't want to block anyone in. I don't know that it will actually operate as an overlay, really, because it will be a voluntary program no matter what. But, frankly, it being a new thing, I didn't want to box us in.

Mr. McKown – Okay. My concern, though, was if it was being introduced as an overlay that it would go under legal notification out to all the affected property owners – not that this update doesn't have that same obligation, it's just sort of you don't want to have to do that yet again, in addition to what we're doing.

Ms. Muckala – I don't think anything that's been discussed with pattern zoning so far has been anything other than discussed as a voluntary program. So I don't want to imply, by the word overlay, that it wouldn't be voluntary. Frankly, if we're uncomfortable with that word, I do think it's not absolutely necessary. It was strictly there to keep options and pathway open, because that is still kind of conceptual.

Councilmember Hall – I'm fine. Are you okay with that? It's a place-holder.

Mr. McKown – The intention is clarified.

Councilmember Holman – On the height map, too. So it has 6s on Main Street.

Mr. Hubble – Really that's actually no limit if it's C-3, but I just put in 6s because that would be anything that was not zoned C-3 legacy. That was the idea. It still says that in the code that they can go unlimited with C-3.

Councilmember Holman – Okay. If something is not legacy, they wouldn't be able to build more than 6 stories?

Mr. Hubble – No, and that's how it is right now.

Councilmember Holman – Okay. I don't think there should be a height limit on Main Street at all.

Ms. Hudson – There's not.

Mr. Adair – There is no height limit on Main Street.

Ms. Hudson – We probably just need to take that out.

Mr. Hubble – How it's written in here, there is. But that may not have been the intention.

Councilmember Holman – Yeah. It's always been my impression that there's no height limit currently.

Mr. Hubble – What is in the code is properties with C-3 zoning at the time of CCFBC adoption are exempt from maximum building height limitations, which would be the vast majority of Main Street. Then it says, in all other locations, the building shall be no greater than 6 stories and 82' in height north of Eufaula Street.

Mr. McKown – So I interpret what you just read to mean if the zoning is C-3 – not that the building has been built.

Mr. Hubble – Right. Properties with C-3 zoning at the time of CCFBC adoption.

Mr. McKown – Right. So, therefore, if I had a piece of land that had that zoning, I could still build to any height I want.

Mr. Hubble – Yes.

Mr. McKown – And that's what you're saying?

Mr. Hubble – Yes.

Mr. McKown – Having the 6s on the map, if somebody was coming in from out of town wanting to build an 8-story building, they'd be kind of like, oh, I can't. I might be good to just remove ...

Mr. Hubble – We can clarify. But there are properties there that were not zoned C-3.

Mr. McKown – I understand.

Mr. Hubble – So they do still need to have that 6 limitation.

Ms. McMahon – Could you just add a +? Like 6+.

Mr. Hubble – Sure. We could do that.

Ms. McMahon – You've got to read more. I mean, truly, so that you're not just saying automatically ...

Mr. Hubble – And we do – 2 pages earlier there's a Center City Visioning Project map. That one does show all the places that are legacy zoned C-3. In the same section there is a reference, but we can do the 6+. We could add something below the map that says – makes it very clear that – like to refer to either the City of Norman zoning map or

something like that for more information. We can do it in multiple places, too, just to make it very clear for people.

Councilmember Hall – Okay. Next.

Mr. McKown – I had something on page 19.

Mr. Hubble – We'll finish up Part 3 first. Including the maps. Was there anything else regarding maps or Part 3? Okay. You can go ahead.

Mr. McKown – There's a sentence struck in 401. Intent, paragraph A – that last sentence is struck out. Do you really need to strike that out? It says, while allowing the buildings greater latitude behind their facades. The building form standards aim for the minimum level of control necessary to meet this goal. I like that sentence. It goes all the way back to the origins of what we're trying to do.

Ms. Hudson – I'm sorry. I was reading something else.

Ms. Starr – Do you just want to keep the last sentence? Is that what you're saying? Or both of those last sentences?

Mr. McKown – Everything that's struck. I think we ought to leave that in.

Ms. Hudson – I don't know. Probably just simplification. I don't think it really matters. We can leave them in there.

Mr. Hubble – Real quick, I'm on Keith's list, on page 30.

Mr. McKown – I had something on page 23, if you want to try and stay in order.

Councilmember Hall – Go ahead.

Mr. Hubble – Anyone have anything before page 23?

Mr. McKown – Even though we've got some money in the TIF account, and I don't know if we can spend it on this, but if we could find some money – in the pattern zoning project, or it could come out of the TIF account – to find the money to update the graphics. The whole point of a form-based code is it's visual. 100% of the buildings we build are built off of drawings, never off written instructions. I can't say that enough. I don't want to remove any of the graphics. I want to replace them with correct, updated graphics that makes it easier to build. But I'm really against these remove, remove, remove. We've got to replace.

Councilmember Hall – I think the whole – correct me if I'm wrong. The reason we need to take them out is because they don't match. They're not consistent.

Mr. McKown – I'm saying ...

Councilmember Hall – Yes, we have a design problem of getting them updated, but noted. Yes.

Mr. McKown – We can just change the word remove to replace. I won't talk about that again. It's all through here.

Councilmember Hall – Anybody have any comment about that, one way or the other?

Ms. McMahon – I like it.

Councilmember Hall – I do, too.

Mr. McCabe – I do, too.

Councilmember Hall – I know it's an issue. It's a technical issue, and it can't be fixed right away, but we can certainly work toward seeing how we can update those graphics. Okay. Let's move on.

Mr. Hubble – Keith had a very, very similar comment on page 30, asking why those graphics were removed. As an explanation, it was because many of them – they differ directly with what's in the code, or in some cases we're changing stuff. So just didn't want confusion for people reading the code for the first time, when there's direct contradictions there.

Councilmember Hall – So what seems like the runway there is we need to remove them because they no longer – well, they already had some problems, so they may be removed for the short-term, but we can definitely find our path forward on how we can update. It's technical design things, but we have a lot of smart people around here that can hopefully figure that out. So we note your point.

Mr. Hubble – Another one on page 33 – Keith had a question about the fenestration, so I talked to Greg Clark in Building Code about this. What we had previously discussed was that basically any exterior wall that's not within 3' of a lot line has to meet the fenestration requirements. We didn't realize that, based on the IBC requirements, we're basically requiring more fenestration than is allowed. Technically, you can get between 3 to 5' from the property. Technically you can get up to 25% if it's fire-rated, but it's much, much, much more expensive, and we don't want to make people go through that.

Mr. McKown – Fire-rated glass is yellow and has wire through it. You don't want – for whatever that's worth.

Mr. Hubble – I don't think we've decided on what to change it to exactly, but it will be something like between 3 to 5' we require 10-15% fenestration, and then greater than 5' away we'll go up to the full 20%.

Councilmember Hall – So we'll get that clarified for next week?

Mr. Hubble – Yes.

Ms. McMahon – One other random thing on that, and I have a handful of these things that I'm just going to hand you – like changing numbers and grammar. But under height, on what is listed as number 4, but should actually be number 3, because we struck out number 3. Could you reference the page that's on? So all it says is the BFS height map, but if we could just say, hey, that's on page 18? Make it easier.

Councilmember Hall – I love the editing eye.

Mr. Hubble – Then Keith had a comment about the unit minimums. I think we've discussed that at length already. He asked, on page 35, if the courtyard in the front of a building is considered private open area and thus a street wall is not required, and that is correct. That's what we had decided, because we were kind of concerned about having a street wall in that case, and just extra places for people to hide – less safe. So we won't be requiring a street wall in those cases.

Ms. McMahon – I just want to make a comment on all of these charts – they are amazing. I mean sincerely, sincerely, sincerely. The old ones were so confusing and there were like 4 different icons and I was always having to reference the code. It was ridiculous. This is like – I'm not saying that lightly. I literally looked and I was like ahhhh! So well done. That could not have been a small undertaking.

Mr. Hubble – That was Colton.

Mr. McKown – I'm sorry. I jumped to page 35. Under ii – Urban Residential Distinctions – drop down here – just for clarity, because it says each wing of the structure surrounding the courtyard – which implies there are 2 wings – shall have a minimum of 30% of the required build line length, totaling 60%. I think you just ought to add – so that we don't end up with – and I actually drew this up – a big L-shape courtyard. I don't think you want that.

Mr. Hubble – In 3.b. it says provided private open area fronts the RBL and is enclosed on all other sides by a structure – so that would require it.

We didn't really change anything else the rest of Part 4. Does anyone have any other comments?

I'm sorry, we did actually have one more in that section, on page 44, in the Detached Frontage. This is something that both Autumn and Keith brought up. Any ancillary structure in detached can be no higher than 18'. So 18', as Keith said, does not allow for a garage or an ADU. So should it be the same as the rest of the Norman code, and no taller than the existing main structure? This is what has been in there previously. I don't have a problem changing it.

Ms. McMahon – Yeah.

Councilmember Hall – Yeah.

Mr. McCabe – And, if I may, from the get-go when we were trying to decide heights on all of that stuff, these were just numbers that we were talking about trying to figure it out. But as I was trying to read – and I'm going to be honest with you, I don't read the yellow as much as I should. It's not my world. But just reading that, I just realized, when you do a 12" foundation – stem wall – with an 8' garage, which puts me at 9', 12" joist puts me at 10, I do an 8' wall for the ADU above it – I'm at 18' with no roof. And that's minimum built. So I'm at 18' with no roof. So I just kind of thought to myself, well, I know of a couple people that have went to build to try to get those and it seems like the form of no taller than the – is that right, Anais? No taller than the existing structure. That's what came to my mind, and I just thought, well, not that this is a problem, because it's never come up. If we're changing things trying to make it easier, would that not be one that we could change to make easier? Just because you can't physically build it.

Councilmember Hall – So sensible. What's up with that?

Mr. McCabe – I promise to read all the sections from now on.

Councilmember Hall – Even when you do, you can always catch something the next time around.

Mr. Hubble – We can definitely change that. So nothing else on Part 4?

Moving on to Part 5. We had very few changes to this – just some real minor stuff on these diagrams. Does anyone have anything?

Mr. McKown – Have we gotten to page 65 yet?

Mr. Hubble – No, we have not.

Councilmember Hall – Anything else on Section 5? It's a miracle. Okay, now we're on Section 6, page 61.

Mr. Hubble – I might answer your question in answering Keith's. Are you asking about the tandem section?

Mr. McKown – I just went to the parking.

Mr. Hubble – One change we've made, and I cannot remember exactly what page it's on – it's in this section, though – so parking lot design is now up to the discretion of the developer. You still have to meet the minimum parking space size, which there was a typo here. It should be 8.5x19 or 9x18 – it says 8x18. So you still have to meet that parking space size. But, other than that, it's entirely at the discretion of the developer. They can do entirely tandem if they want to. And this is for residential only.

Mr. McKown – Yeah. I get that. The way we measure a building height that's on a sloping piece of ground – so let's say half of the parking garage is half underground. You measure that distance by the mid-point of the building and you arrive at its mean

measurement. And that's code somehow – we can't build buildings out of wood taller than 60-some-odd feet from that measurement. When you go to a 45°-angle parking, like what we've been drawing to as our example, I can't get to these dimensions, unless we have some magical way of measuring the mean distance of the angle. I'm 16' on one side and 25' on the other, and it's not in here, but it works. It's a standard that's used in other parts of the country. So I was just going to propose I'll send you the drawing and we can adopt it as an option that's like this – here's a free graphic. I am giving it totally as a volunteer. Or something along those lines.

Mr. McCabe – If I may, if I'm hearing you correctly, you're saying you're going to leave it at the option of the developer, so if I choose to do angled parking, whether it's 45, 30° -- whatever it is, and I can't quite get the legal drive aisle, you're okay with that?

Mr. Hubble – Yes. We're leaving it totally up to developer discretion.

Ms. Hudson – It's private property. We've all said a million times this is a different area. We're trying to figure out how to get the density within this area and still keep the cars off the street, trying to eliminate the negative impacts from all the cars. We've seen over and over where many of these sites – they do have triple tandem trying to get all the cars on the lot. Even sometimes we get the striping and we get the parking lot designed to where it's meeting some of the standards and as soon as they get an occupancy they don't even use the striping to park.

Mr. McKown – Could we add or the square foot equivalent? Because that would fix it. My spaces are 184 sq. ft. and 18x9 is 162 sq. ft. I'm really giving you more room. But if I have to ...

Mr. Hubble – Well, what are the dimensions of them?

Mr. McKown – It's 16 on one side and 25 on the other. I don't know. It's an angle. It's 16 on the short side.

Mr. Hubble – The short side is what ...

Mr. McKown – I know. This is a really good way to park these things, and plant crepe myrtles in all of those green spaces. Might even be able to get lace bark elms in there. If I have to push it an extra 2 feet, my drive aisle gets meaner and I've lost any opportunity for the green space. But the reality of a car parking there – that's a perfectly good parking space. So if you just allow me to count my square footage, I'm golden and I don't have to get it into a really squirrely parking lot just to meet code. We do this to ourselves all the time, where we make it impossible for green infrastructure to live because we ...

Ms. Starr – What's your square footage?

Mr. McKown – It's 184 sq. ft. and a 9x18 is 162.

Ms. Hudson – So you're saying a parking space shall be no less than 162 sq. ft.?

Mr. McKown – There you go.

Mr. Riesland – Yeah, because the dimensions you were identifying were assuming 90°, and if we don't care what the developer does, square footage is a better way to go.

Mr. Adair – Are we saying you can draw something that meets the legal requirement for the number of parking spaces, but that we know doesn't, from a practical standpoint, function?

Ms. Starr – That's correct.

Mr. Adair – Aren't we boot-legging around our parking requirement at that point?

Ms. Starr – It happens in the real world. That's how they park.

Mr. McKown – What Jim is saying is you don't want somebody coming in here, showing you this plan, and then showing you 2 tandem cars and go there's 10 parking spaces to make my building work.

Mr. Adair – Parking requirements kind of become a big deal.

Ms. Hudson – I don't think we're letting them get away with anything, though. This is allowing them the opportunity to provide that parking in the rear.

Mr. McCabe – That's the comment I'd like to make, why I see where Richard is trying to go. I think, when you actually start saying that it has to be x amount of square foot, or whatever, then that becomes problematic also. I know some of my lots that I actually have – or actually typically right off of the alley – the first slots right there, and those are my small car, motorcycle type parking, which would not count – would not fit in his square foot. But because they're a smaller vehicle, that's who usually parks right off of the alley because there's just not that much space into the alley. So I'm going to ask that we just consider exactly what you said, leaving it at the discretion of the developer to figure out how to get his cars – because we now have a parking minimum. We're trying to figure out how to do it. If we can do that legally without being worried about the drive aisle being wide enough, and if I'm not deep enough on those two spots toward the alley, which allows for compact cars, that would be a lot easier.

Ms. Starr – I think, in your case, Richard, if somebody wanted to do that – I mean, they'd just be hurting themselves, wouldn't they? If they provided that angle parking like you're showing and then said, oh, by the way, I'm getting the rest of my space is I'm going to park 2 cars in the aisles – if they want to do that, then they're really not supplying the parking that they think they need for that building.

Mr. McKown – Jim's point, as I'm hearing it, is you're hurting the neighborhood. Now you've got somebody who is not accommodating the number of cars that are really

coming down here. My original proposal is this is a good parking lot, and we should adopt this picture as an allowable parking lot, even though that dimension right there is 16', your total square footage is substantially greater than ...

Mr. Hubble – We are adopting that as an allowable parking lot by the fact that we're saying that the developer can do whatever they want.

Mr. McKown – You're adopting it so long as the parking spaces meet the 18' minimum.

Mr. Hubble – We just said we can change it to 162.

Mr. McKown – What Keith is saying is that that's going to mess up some of your compact spaces. I hear what he's saying.

Ms. Starr – But we hardly have any compact.

Mr. Hubble – We have to have some standard for parking, otherwise everyone can say, okay, this little 4 sq. ft. space – this is a parking space. That's why we need some sort of minimum parking space size.

Ms. Starr – We have a graphic like this, Richard, that we use right now that comes out of the Zoning Ordinance, and that's where the aisle width and everything else come out of that we've tried to apply, and there's so much argument all the time about – oh, but I really don't need that aisle width, or I don't really – and this way we just say, hey, look, if you're going to say you're going to have 10 parking spaces, that needs to be 10 times 162 – and whatever you want to do to get that 10 times 162 to work.

Mr. McKown – But you don't want any of that drive aisle actually being counted as parking spaces, or you get the abuses that Jim's talking about.

Ms. Starr – I don't know how we would do that without getting – because we have lots of people who do this, but we also have lots of people who just come in, pull right off the alley, and they're doing 3 tandem, 3 tandem, 3 tandem, 3 tandem straight like this, and they're not doing any angle.

Mr. Hubble – Right. We allow that right now that are 3 deep.

Ms. McMahon – 100% what I was going to say. So we're already seeing this, and parking that's not functional. I'll tell you what else we're seeing is we're seeing people who are parking on grass. I'd rather them park like that, where then it's okay you guys figure it out. I like leaving it to the discretion of the builder. I also like giving them examples, because, Richard, to your point, if I can look and be like, okay, here's an option of what you've built. Here's another option. I think, if we can give options of what we'd like to encourage, I think does us ...

Councilmember Hall – Is that something that you could do at the DRT level when you're working out parking of having options?

Ms. Hudson – I think it's up to them to bring us – I mean, as simply as you could say this, the developer has to show us how he's going to get 8 cars on the lot. If he gets 2 in the front and he gets 8 in the back, he has to show us – go ahead, David.

Mr. Riesland – Our typical comment to DRT with respect to parking are questions. Can people back out of that space safely? Can they back out of the alley? Are there obstructions to the alley? We don't talk about dimensions.

Ms. Hudson – They have to show us.

Mr. McCabe – That's kind of why, Anais, with your comment about we're not coming forward with the compact car space, because right now we have a minimum set space. We know we can't. I prefer, when I build my properties, to take my parking and my permeable, non-permeable solution closer to the alley to allow more green space up closer to the house, as opposed to the green space off of the alley. Because that little triangle that we have is a perfect spot for my polycarts and trash, motorcycle, bicycle, whatnot – but by pushing that closer to the alley, as opposed to further up toward the house, that allows the green space at the house, which it seems like a lot more people prefer having that green space at the house. So that's why I prefer to push it that way.

Councilmember Hall – Okay. So do we want to ...

Ms. Starr – I'm thinking we're going to tweak it using this 162 and see if we can make it work and make it a little tighter.

Councilmember Hall – So we'll bring this back next week. Okay. This was the perfect segue – I've just been waiting to see if I could fit this in, because all of the technical things all boils down to are you going to successfully keep your tenants happy if you don't accommodate parking? I am sensing an organized advocacy group, because I am now getting multiple emails from students who live in this area that are complaining about the parking, the lack of parking, the lack of neighborhood manners – so parking matters, and it's going to matter to – when you're developing, if you can't accommodate that, I think this is interesting to me. I'm really proud of these OU students for weighing in and being civically engaged. But they're complaining about being ticketed. They're complaining about lack of providing parking in the units that they live in. They're complaining about parking on the grass. So there's the real world practicality of what are you going to provide as parking amenity for your building? So there you go.

Councilmember Holman – Part of it is that they need to understand – do they know – is it being explained to them – this is not suburbia. This isn't a student apartment complex where there's 500 parking spots – 5 for every 1 bedroom, basically. In this area, you might not be able to ...

Councilmember Hall – Which brings up a really interesting conversation that we're not going to have here about organized neighborhood associations, responsibilities of

landlords of making clear what they can expect when they're moving into this area, but I just want to get that out there.

Okay. It is 20 after and we have a couple more of Keith's, and I think we're going to make it if we can just keep going.

Mr. Hubble – Anything else regarding the parking section, Section 6?

Councilmember Hall – We'll revisit next week. Alright. Section 7.

Mr. Hubble – Section 7 is the uses. We talked about the special use for the bedroom count. Is there anything else that we have for Section 7? Is there anything else?

Councilmember Hall – Anything else? Are you leaving?

Mr. McKown – I thought we were done?

Councilmember Hall – Did you miss anything? You can leave if you don't have anything else to say. I want to make sure you get your comments in.

Mr. McKown – I don't think I have anything else.

Mr. Hubble – Anything regarding uses? No? Okay.

Mr. McKown – My notes ended there.

Mr. Hubble – Part 8 was Definitions. Part 9 was the Site Development Requirements. We flipped those. Now Part 8 is Site Development Requirements. We've talked about these quite a bit. Any comments?

Ms. McMahon – I have one comment on 802.a – just yes, yes, yes about putting the sidewalks back. I think that's so huge. I've watched people in wheelchairs or little's with strollers – that is a game changer. Then my only other question was on 805 – page 76 – so it's talking about having to submit something to Public Works by June 30th of each year. My question is, what if they miss the deadline and who is going to monitor that?

Mr. Sturtz – We're going to tear the house down and start over.

Councilmember Hall – You heard it here!

Mr. Sturtz – We're just going to take it down. We're going to start over – reapply and just do it the next time they get around.

Mr. Adair – You've got time to do that, but you can't clear an alley.

Mr. Sturtz – To be honest with you, we just felt like we had to have something in there, and we haven't really gotten to that point yet. We're still actually discussing within Public Works over who is this going to fall under? So we're trying to put as much of it back on

the property owners as we can. We really don't have the staffing to be able to go out and do this all alone. But we just felt like we needed to get something – we need something coming back, especially when we're doing an LID, because the biggest problem with LID is lack of maintenance and lack of inspection and so we want to just start getting that. We already have this incorporated into other sections, like in our Water Quality Protection Zone, so we're just trying to get that in. We're going to have to start a database of who is installing these items, and probably send out a letter saying, hey, you're late on this. But we're still trying to figure out where that's going to fall and who has the staffing levels to take care of that.

Mr. McCabe – So are we considering -- building with the LID, understanding the deadline, are we considering like if I have my engineering and/or company that provides that service that I can just pay for it, have it serviced, done what you want, and then submit the paperwork, and that would be as easy as that?

Mr. Sturtz – Yes.

Mr. McCabe – Good.

Mr. McKown – I did have one thing I skipped. On page 72 – and I don't know if this is where it goes, but when we're thinking about these restrictions and 3 units on a lot, there is an argument to be made around an actual home someone would want to buy, so now we are creating a lot that's quite literally 16' wide. You've got some common area that the parking lot becomes. So 3 little bitty 16' wide lots that are very shallow – maybe 60' of the 140. That would not easily go through the lot split process. It would really trigger an entire replat, which would put you in front of the Planning Commission and City Council and it would just be a nightmare. If we created that mechanism that you were able to actually sell off these individual townhomes, you might get some people wanting to buy an actual townhome down here that wasn't an income-producing property – that was actually a home. I can see some of the brownstones that are built in Oklahoma City could fit into this. You would want to avoid condo and stay fee-simple title if you're splitting them up into little bitty lots.

Ms. Hudson – We do have those standards in the Zoning Ordinance right now. But it is replatting.

Mr. McKown – This is for later – but to get the lot split to where we have a special lot split mechanism that we could use down here without replatting. Because you won't meet the lot split. We do lot splits all the time when we make a mistake – build a house too close to line, or whatnot. But it would be – and I know a lot split still requires Council approval, but it's not like a full-blown replat. Now I've got to go. That's all the notes.

Mr. Hubble – Now the Definitions. Is there anything about the definitions?

6. DISCUSSION OF NEXT STEPS

Councilmember Hall – Alright. Wow. Thank you all. This is great that we got through it. We've got a few things to come back to next week, but I think our path is cleared. Any other final comments? I think you all know what we need to do for next time.

So our next steps are revisiting the very few – I can count on one hand – items that we need to revisit next week with more clarification. I just want to say thank you, thank you, thank you for taking the time to get through the document. This is where the rubber really meets the road and I can't say how much I appreciate our staff and our committee. So thank you all for your patience.

Mr. Hubble – If anyone is looking through the document over the next week and sees anything we need to change, please email us so we can get everything possible changed before next week.

Councilmember Hall – It was really helpful – thank you, Mr. McCabe, for getting it to staff early, because then they can distribute to everybody else, too, as long as they have the time to address the questions.

7. MISCELLANEOUS COMMENTS OF COMMITTEE MEMBERS AND STAFF

Councilmember Hall – Thank you for staying a little bit late today. I really appreciate it. Appreciate all of you.

8. ADJOURNMENT

The meeting adjourned at 1:30 p.m.