



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 12/14/2021

**REQUESTER:**

**PRESENTER:** Jane Hudson, Director, Planning and Community Development

**ITEM TITLE:** CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-76: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A TEMPORARY ADMINISTRATIVE DELAY FOR A PERIOD OF SIX (6) MONTHS ON THE ACCEPTANCE OF ALL APPLICATIONS FOR CERTIFICATES OF COMPLIANCE ("COC"), DEMOLITION PERMITS, OR CENTER CITY PLANNED UNIT DEVELOPMENTS ("CCPUD") IN THE CENTER CITY STUDY AREA OF NORMAN; DECLARING POSSIBLE EXCEPTIONS; DECLARING A PROCEDURE FOR ADMINISTRATIVE REVIEW AND APPEALS PROCESS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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### **BACKGROUND:**

On May 23, 2017, the City Council passed O-1617-35, and adopted the City of Norman's first form-based code, the Center City Form Based Code ("CCFBC"). Center City in Norman was a vision that resulted from a collaborative process, including a Charrette making the following recommendations/observations:

- Center City is not the same as the rest of Norman
- Mixed-use should be promoted in key locations
- Pedestrian and bicycle friendly character should be increased
- Should create a "park once" environment-structures and management strategy
- Should provide a range of housing options
- Connections between Downtown and Campus Corner should be promoted
- Small scale infill development should be made easier

The CCFBC was adopted with this vision in mind, and in order to provide a zoning tool to achieve a very particular type of development in the Center City area of Norman. On December 19, 2017, City Council approved O-1718-27, adopting the Norman Center City Project Plan, establishing a date for creating a Norman Tax Increment Financing District No. 3, and authorizing the Norman Tax Increment Finance Authority and the City of Norman to administer certain portions of the Project Plan. The Project Plan area is the same as the area subject to the CCFBC (referred to collectively as "Center City").

Since the adoption of the CCFBC on May 23, four-plus years ago, thirty-two (32) projects have proposed development in the Center City. Of the thirty-two projects, twenty-seven (27) applied for review to the Center City Design Review Team, (DRT) for a Certificate of Compliance (COC), a prerequisite to issuance of a building permit within the Center City. Of the twenty-seven projects, twenty-six are completed or under construction, one withdrew. Included in the thirty-two projects, five (5) Center City projects have been submitted as CPUDs (Center City Planned Unit Developments) to be reviewed by City Council for adoption. Of those five CCPUD projects, four were adopted by City Council, one was not recommended for adoption. The breakdown of the submittals is as follows: 2017 – 6, 2018 – 7, 2019 – 10, 2020 – 4, and 2021 – 5.

The various projects have brought to light concerns with implementation of CCFBC and the Center Vision, including:

- Parking availability and public safety concerns
- Setback inconsistencies, including those impacting corner or irregular lots
- A lack of architectural guidance and a disconnect of function and form, including a need for development to accomplish a connection between downtown and OU Campus while still embodying the Center City vision and promoting a walkable, “park once” environment
- Development consistent with Center City’s vision for James Garner Avenue’s role as a “gateway” to downtown Norman
- Evaluation of incentives for development in line with the Center City vision, plans for public infrastructure projects, and use of the Project Plan adopted as O-1718-27.

As of January 29, 2019, the CCFBC had been in place for more than 18 months. At that time, City staff and City Council noted recurring concerns with implementation of CCFBC indicating a “disconnect” between the Center City vision and CCFBC itself. As a result, staff was requested to evaluate the status of the CCFBC’s implementation and make recommendations for moving forward. City staff was ultimately directed to prepare a resolution placing a six-month administrative delay on permit issuance within Center City, for City Council’s consideration in advance of the next COC application submittal deadline, which was granted. Following implementation of the 2019 Administrative Delay, the Center City Ad Hoc Committee convened and addressed various issues. The Committee ultimately recommended a package of updates and revisions to the CCFBC meant to address a variety of the matters that were believed to give rise to this disconnect.

Another two years have now passed since the 2019 updates to the CCFBC were implemented. On December 9, 2021, City Staff presented an update to the City Council Oversight Committee regarding the current status of various matters concerning the CCFBC and the Center City area of Norman. In addition to lingering matters remaining unaddressed by the 2019 updates, new issues have also been identified based upon applications submitted in the last two years. Additionally, City Staff has observed that applicant confusion and potentially conflicting language within the CCFBC has resulted recently in an untenable volume of staff time being required for the review and progression of CCFBC project applications. The amount of staff time required to address these ongoing issues is observed to be of immediate concern as it is not only unsustainable for processing CCFBC application, but also negatively affects City Staff’s availability for other project applicants. Thus, based upon the discussion of these issues, City

Staff was directed to prepare a resolution proposing the institution of a six-month administrative delay for the purposes of again convening the Center City Ad Hoc Committee to address various issues of importance.

## **DISCUSSION:**

An administrative delay is the temporary halt in the issuance of certain approvals and permit applications in a defined area for a defined period of time. A delay is typically enacted in order to call a 'time out' on rapid redevelopment to ensure future impacts are carefully studied. As an example, Norman enacted a year-long administrative delay while the Porter Corridor Study was completed to balance interests of residential and commercial property owners within the study area. More recently, Norman enacted a six-month administrative delay in Core Norman due to increasing concerns regarding density.

Resolution R-2122-76, is attached. It includes an Exhibit A identifying the Center City Study Area. R-2122-76 specifically references the types of approvals subject to the administrative delay as applications for COCs, demolition permits, and CCPUDs. Also attached for City Council's reference is a chart showing the number of COCs requested and/or issued in Center City, as well as CCPUDs requested and granted by City Council, from the inception of the CCFBC.

An administrative delay would preserve the current conditions in Center City while allowing Council the opportunity, with citizen input, to review all current activities in Center City holistically and implement policies to harmonize those activities, keeping in mind the Center City vision.

The Resolution also recognizes the impact that adoption of an administrative delay may have on property owners within Center City, and, as a result, it limits the delay to only six months, provides for an appeal process, and only delays certain approvals or permits, for example demolition and new construction, while allowing interior remodeling and the installation of storm shelters to continue. As drafted, the appeal process allows an applicant for a permit, after receiving a written denial of the permit or approval from the Planning and Community Development Department based on the terms of the administrative delay, to appeal to the City Council and be heard on the next regular agenda, or as soon as practicable. The Resolution also provides criteria for the City Council to consider when hearing an appeal including: the City's interest in protecting the public health, safety, and welfare; the City's interest in avoiding the creation of uses or structures that may not be in harmony with the intent and purpose behind the Center City Form Based Code and vision; the extent to which the proposed use will negatively impact the value of the property and surrounding properties; and the economic impact and hardship of the delay on the property owner.

## **CONCLUSION:**

If Council wishes to proceed with enacting a temporary administrative delay for the issuance or approval of COCs, demolition permits, or CCPUDs within Center City, i.e. the Center City Study Area, staff recommends adoption of Resolution R-2122-76.