



office memorandum

Date: August 19, 2022

To: Development Committee

From: Shawn O'Leary, Director of Public Works

Subject: Deferral of Street Paving, Drainage and Sidewalk Improvements
Norman Regional Health System Porter Campus Section 2, a
Planned Unit Development

Norman Regional Health System Porter Campus Section 2, a Planned Unit Development is generally located one-quarter mile south of Robinson Street and 250-feet east of Porter Avenue. As part of the required improvements, the developer would construct street paving, drainage and sidewalks improvements for a new public street named "Wellness Way".

The applicant has requested deferral of the above street improvements and waiver of the cost of the deferral. The request for deferral is fairly common. The request for waiver of deferral fee is uncommon.

Section 19-602B1, entitled "Subdivision Regulations, Deferral of Public Improvements", of the City Code indicates: *It is the purpose of this section to provide, in specific cases, as are hereinafter designated, a procedure whereby the City Council may temporarily defer the construction of certain public improvements required by the Code of the City of Norman at the time of acceptance of a final plat within a subdivision; provided that the City Council, in its sole judgment, deems that such deferment shall be immediately in the interest of public health, safety, or general welfare.*

Section 19-602B2, entitled "Subdivision Regulations, Deferral of Public Improvements", of the City Code indicates: *The City Council, after recommendation from the Director of Public Works, may accept a final plat and authorize the issuance of building permits prior to the construction of such deferred public improvements required by the Code of the City of Norman in the following situations: (a) Where incompatible grades exist; (b) Where there are inadequate or a lack of connecting facilities; (c) Where construction of the improvement would not immediately function for its intended use; or (d) Where such improvement would be replaced by a planned future project.*

Item (c) above appears to support the applicants request for the deferral of the street improvements for Wellness Way. It is reasonable to say that construction of the small portion of Wellness Way adjacent to the Final Plat for Section 2 will not immediately function for its intended use for two reasons, (1) the remainder of Wellness Way will not be constructed at this time and (2) the existing pavement for Johnson Street is still in place and will serve as an adequate paved access to the proposed Behavioral Health Facility until Wellness Way is fully constructed at a later date.

With regard to the applicant's request for a waiver of the deferral fee, the City's Code of Ordinances does not currently allow a waiver. Staff has no record of a previous request for such a waiver. Staff has no record of a previous request for such a waiver from NRHS or any other private developer. In fact, NRHS is currently paying in full for all public improvements on the hospital expansion at the Tecumseh Road campus. The cost estimate submitted by the applicant's engineer for the small portion of Wellness Way that is included in this Final Plat is \$312,962. Therefore the applicant is requesting a waiver of that amount and presumably agreeing to pay for the entire construction of Wellness Way at a later with full development of the NRHS Porter Campus Addition.

KID

cc: Darrel Pyle, City Manager
Jane Hudson, Director of Planning and Community Development
Chris Mattingly, Director of Utilities
Scott Sturtz, City Engineer
Lora Hoggatt, Planning Services Manager
Ken Danner, Subdivision Development Manager