



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/23/2022

REQUESTER: Ken Danner, Subdivision Development Manager

PRESENTER: Shawn O'Leary, Director of Public Works

TITLE: CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR NORMAN REGIONAL HEALTH SYSTEM PORTER CAMPUS SECTION 2, A PLANNED UNIT DEVELOPMENT, AND DEFERRAL/WAIVER OF STREET PAVING, DRAINAGE AND SIDEWALKS. (GENERALLY LOCATED ONE-QUARTER MILE SOUTH OF ROBINSON STREET AND 250 FEET EAST OF PORTER AVENUE.)

BACKGROUND:

This item is a final site development plan and final plat for Norman Regional Health System Porter Campus Section 2, a Planned Unit Development located a quarter of a mile south of East Robinson Street and 250-feet east of Porter Avenue. The property consists of 4.4496 acres and one (1) lot.

City Council, at its meeting of January 25, 2022, adopted Ordinance O-2122-29, placing this property in the PUD, Planned Unit Development District. Also, City Council, at its meeting of January 25, 2022, approved the preliminary plat for Norman Regional Health System Porter Campus, a Planned Unit Development.

The Norman Development Committee, on August 19, 2022, approved the program of public improvements, final site development plan and final plat and recommended the final site development plan and final plat with request for deferral/waiver of street paving, drainage and sidewalk improvements for the Norman Regional Health System Porter Campus Section 2, a Planned Unit Development be submitted to City Council for consideration.

DISCUSSION:

Construction plans have been reviewed for the required public improvements for this development. These improvements consist of water mains with fire hydrants, sanitary sewer main, and storm drainage. Stormwater runoff will be conveyed to an existing drainage system located south of the property.

The applicant has requested deferral of the above street, drainage and sidewalk improvements, and waiver of the cost of the deferral. The request for deferral is fairly common. The request for waiver of deferral fee is very uncommon, although the City has waived such costs for projects of its public trusts like the Norman Municipal Authority.

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.*

Section 19-602B2(c) above appears to support the applicant's 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.

When Council approves a request for deferral of public improvements, the final plat is accepted and building permits may be authorized. The request to construct the public improvements later is securitized by the applicant's payment of the cost of the improvements being deferred in the form of cash or certificate of deposit. The City returns the money to the applicant when the improvements are constructed at the appropriate time.

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 from a private developer or from the NRHS. 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 agreeing to pay for the entire construction of Wellness Way at a later date, presumably upon full development of the NRHS Porter Campus Addition.

STAFF RECOMMENDATION:

The final plat is consistent with the approved preliminary plat. Based on the above information, staff recommends acceptance of the public dedications, approval of the final site development plan and final plat and filing of the final site development plan and final plat subject to City Council's action regarding the deferral of constructing street paving, drainage and sidewalk improvements and waiver of the requirement to pay for the cost of the deferred improvements.