



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 11/12/2024

**REQUESTER:** Royce Enterprises, Inc. & Sooner Investment Dev. Co.

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

**ITEM TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-9 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE THE NORTHEAST QUARTER (NE/4) OF SECTION SIXTEEN (16), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED SOUTH OF EAST CEDAR LANE ROAD AND EAST OF CLASSEN BLVD)

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<b>APPLICANT/REPRESENTATIVE</b>	Royce Enterprises, Inc. and Sooner Investment Development Co./Rieger Sadler Joyce LLC
<b>LOCATION</b>	South of E Cedar Lane, east of Classen Blvd and west of 24 <sup>th</sup> Avenue SE
<b>WARD</b>	5
<b>REQUESTED ACTION</b>	Rezoning from PUD, Planned Unit Development to a revised PUD and a Preliminary Plat for a proposed retail development for approximately 40.41 acres.
<b>LAND USE PLAN DESIGNATION</b>	Mixed Use
<b>GROWTH AREA DESIGNATION</b>	Current Urban Service Area

**BACKGROUND:** The subject property was rezoned in 2023 from I-1, Light Industrial District, to a PUD, Planned Unit Development, for a mix of uses including commercial, office, senior living, and apartments. A Preliminary Plat accompanied the zoning application. The applicant

would like to revise the Site Plan and the signage regulations with the current rezoning application.

**PROCEDURAL REQUIREMENTS:**

**GREENBELT MEETING: GBC 23-14, June 20, 2023**

The item passed on the Consent Docket, 5-1 during the Greenbelt Commission meeting on 06/20/2023. Minutes included in Planning Commission packet.

**PRE-DEVELOPMENT: PD24-13, September 26, 2024**

A neighbor had concerns about detention. The developer said there are two detention ponds with landscaping on the property, a pond to the north and a pond to the south. Another attendee had concerns about the additional traffic and a lack of traffic signals going in and out of the development site. The applicant stated it was up to ODOT where a traffic signal would be installed.

**BOARD OF PARKS COMMISSIONERS:**

This application is not required to go before Parks Board until such time the determination is made to include residential use(s) on this site. At that time, the Site Development Plan will be amended and the applicant must submit to the Board of Parks Commissioners for determination of park fees for residential unit count.

**ZONING ORDINANCE CITATION:**

SECTION 36-509, PUD, PLANNED UNIT DEVELOPMENT

1. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of the comprehensive plan of record. The "PUD" Planned Unit Development district herein established is intended to provide for greater flexibility in the design of buildings, yards, courts, circulation, and open space than would otherwise be possible through the strict application of other district regulations. In this way, applicants may be awarded certain premiums in return for assurances of overall planning and design quality, or which will be of exceptional community benefit and which are not now required by other regulations. By permitting and encouraging the use of such procedures, the Planning Commission and City Council will be able to make more informed land use decisions and thereby guide development more effectively in the best interest of the health, safety, and welfare of the City.

Specifically, the purposes of this section are to encourage:

- (a) A maximum choice in the types of environment and living units available to the public.
- (b) Provision of more usable and suitably located open space, recreation areas, or other common facilities than would otherwise be required under conventional land development regulations.
- (c) Maximum enhancement and minimal disruption of existing natural features and amenities.

- (d) Comprehensive and innovative planning and design of diversified developments which are consistent with the City's long range plan and remain compatible with surrounding developments.
- (e) More efficient and economic use of land resulting in smaller networks of utilities and streets, thereby lowering costs.
- (f) Preparation of more complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.

The PUD (Planned Unit Development) Regulations are designed to provide for small and large scale developments incorporating a single type or a variety of residential, commercial, industrial and related uses which are planned and developed as a unit. Such development may consist of individual lots, or it may have common building sites. Private or public common land and open space must be an essential, major element of the development which is related to, and affects, the long term value of the homes and other development. A Planned Unit Development shall be a separate entity with a distinct character that respects and harmonizes with surrounding development.

**EXISTING ZONING:** The property is currently zoned PUD, Planned Unit Development, with Ordinance O-2324-3. This PUD allowed for similar uses but had a slightly different site plan. This PUD included a residential component on the site plan.

**STAFF ANALYSIS:** The particulars of this PUD include:

**USE:** The allowable uses for this PUD are included in the PUD Narrative as Exhibit E, Allowable Uses. In general, the site is allowing retail, office, and support services for the surrounding community. The Narrative does state the option of residential uses although none are shown on the Site Plan. Should the applicant decide to include residential uses, they will be required to present to Parks Board for any required park fees and amend the Site Plan. The initial phase is anticipated to be the bank site as shown on the Site Development Plan. The timing and number of future phases will be determined by market demand and absorption rates.

**SITE PLAN/ACCESS:** The proposed Site Development Plan shows access from Classen Boulevard from the west by way of two private street intersections. There is one access point off of 24<sup>th</sup> Avenue SE, which is also via private street; all private streets will be designed for full access to the proposed development. Commercial and office buildings are proposed along the western and southern perimeters of the development. Two retail buildings are proposed on the east of the subject property.

**HEIGHT:** There are no proposed height restrictions for the commercial and office uses within the property.

**PARKING:** The proposed development parking will meet or exceed Section 36-548, Off-Street Parking Requirements of the Zoning Ordinance, as amended from time to time.

**LANDSCAPING:** Landscaping for the proposed development will be installed and maintained according to Section 36-551, Landscaping Requirements for Off-Street Parking Facilities of the Zoning Ordinance, as amended from time to time.

**FENCING:** Any fencing placed on the property will meet City ordinances.

**SIGNAGE:** The applicant submitted an overall sign package for this site. In summary, signage for all lots with an office or retail use shall comply with the City of Norman's applicable commercial signage restrictions, as amended from time to time. Signage for all other lots shall comply with the City of Norman's applicable signage restrictions then in effect for the actual use of the lot, as may change from time to time. In addition to the signage allowances contained herein, the Property shall be allowed to feature the additional signage allowances enumerated on Exhibits F and F-1

**LIGHTING:** All exterior lighting shall be installed in conformance with applicable City of Norman Commercial Outdoor Lighting Standards in the Zoning Ordinance, as such may be amended from time to time.

**SANITATION:** Dumpsters will be utilized for sanitation services in locations shown on the attached Preliminary Site Development Plan. All locations will be reviewed and approved by City Staff.

**EXTERIOR MATERIALS:** Exterior materials of the building to be constructed on the property may be brick, glass, stone, synthetic stone, stucco, EIFS, masonry, metal accents, composition shingles, synthetic slate shingles, metal roofs, or other comparable roofing materials, and any combination thereof. The Applicant may file restrictive covenants against the property to more narrowly tailor architectural review within the development.

**OPEN SPACE:** Open space and green space areas are located throughout the property. The development will contain a minimum of 29.7% open/pervious space throughout the development. There shall be no maximum impervious coverage restriction on each lot within the development.

**ALTERNATIVES/ISSUES:**

**IMPACTS:** The applicant submitted a traffic impact study, which was evaluated by the City Traffic Engineer. It was determined no traffic operational issues are anticipated due to the development. It was also determined the proposed improvements will allow capacity to exceed demand in this area.

**OTHER AGENCY COMMENTS:**

**FIRE DEPARTMENT AND BUILDING PERMIT REVIEW:** Items regarding fire hydrants and fire/building codes will be considered at the building permit stage.

**PUBLIC WORKS/ENGINEERING:** The applicant is concurrently submitting for platting the property.

**TRAFFIC ENGINEER:** Please see attached reports from the City Traffic Engineer.

**UTILITIES:** City Utilities are available in this area with extensions to be completed in accordance with City requirements. Sanitation services for the Property will comply with the City of Norman’s sanitation ordinances, rules, and regulations.

**CONCLUSION:** Staff forwards this request for a new PUD, Planned Unit Development, and Ordinance O-2425-9 for consideration by City Council.

**PLANNING COMMISSION RESULTS:** At their meeting of October 10, 2024, Planning Commission recommended adoption of Ordinance No. O-2425-9 by a vote of 6-0.

**STAFF REPORT UPDATE:**

**BACKGROUND:** The subject property was rezoned in 2023 from I-1, Light Industrial District, to a PUD, Planned Unit Development, for a mix of uses including commercial, office, senior living, and apartments. A Preliminary Plat accompanied the zoning application. The applicant would like to revise the Site Plan and the signage regulations with the current rezoning application.

Additional proposed changes, after the October 10, 2024 Planning Commission meeting, the request to include the allowed use of “outdoor storage” has been added to the PUD Narrative.

After the October 10, 2024 Planning Commission meeting, staff met with the applicant representative to review the upcoming zoning application/request at City Council. As is typical, review of the possible uses for the site was a topic of discussion for this PUD Narrative. At that meeting it was brought to staff’s attention there could be the need for an “outdoor storage use” for the site. Staff reviewed the Narrative and the Zoning Ordinance with the applicant, staff and Legal came to the conclusion, for “outdoor storage” to be allowed at the site, the use needed to be specifically added to the PUD Narrative for consideration by City Council.

In *Sec 36-524, C-1, Local Commercial District*, it is specifically stated “no outdoor storage or display of material or good is permitted”. However, in *Sec 36-547, Exterior Appearance*, it is stated as follows:

*(b) Outdoor storage or display of materials and goods is prohibited in the CO and C-1 districts and within any required setback area in the TC district, as well as all public rights-of-way. However, in all commercial districts, an exception is granted for items located within five feet of the primary structure for display of vending machines, newspaper racks, bagged ice storage, small-scale propane sales, and other such similar items, provided that no such items encroach onto a public right-of-way or easement. In all other commercial zoning districts after October 28, 2005, the following criteria must be observed:*

- 1. In those zoning districts that allow outdoor storage or display of merchandise, such items may not be located immediately adjacent to any public right-of-way, but instead must be stored or displayed no closer than half the distance between the right-of-way and the principal building, or 25 feet, whichever is greater. However, display of living plant materials and ornamental statuaries may occur at any location so long as it does not*

*create a visual barrier to traffic and is not within ten feet of a public right-of-way. This exception does not include landscape timbers, blocks, stones, bags of wood chips or soil, fencing materials, or other similar items.*

- 2. In those districts that allow the sale or repair of vehicles, where the principal use of the premises involves the sale and display of finished vehicles, such as automobiles, boats, recreational vehicles, construction vehicles and heavy equipment, no special setbacks are required other than landscaping that would be required for parking areas and buildings by other sections of this chapter. Vehicles or equipment may not be parking or displayed within any required landscape area.*
- 3. In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, or a parking space necessary to meet the minimum parking requirements of all of the uses on the lot.*
- 4. All existing outdoor storage areas must comply with the requirements of this subsection within two years of October 28, 2005, the effective date of the ordinance from which this article is derived, or seek approval by the City Council for a revised site plan that shows substantial compliance with these requirements. For all new or expanded areas of outside display or storage, such locations must be clearly identified on a site plan that has been approved by the City Council.*

To allow the uses of outdoor storage for this site the applicant is requesting the PUD Narrative be allowed a floor amendment per the item title – “CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF .....

The proposed floor amendment consists of the following two additions to the existing Allowable Uses in Exhibit E:

- Garden Center.
- Outdoor Storage and/or Outdoor Display, noting that covered/shaded/open outdoor storage and/or display areas shall not be considered building coverage areas for purposes of determining building coverage within the Property.

Including this floor amendment will allow for outdoor storage of goods, in compliance with the parameters of Sec 36-547.