



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 06/27/2023

REQUESTER: Lora Hoggart, Planning Services Manager

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2021-44 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER (SW/4) OF SECTION SEVENTEEN (17), TOWNSHIP EIGHT NORTH (T8N), RANGE TWO WEST (R2W) OF THE INDIAN MERIDIAN (I.M.), IN CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL DISTRICT AND PLACE THE SAME IN THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND SO AS TO REMOVE A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER (SE/4) OF SECTION SEVENTEEN (17), TOWNSHIP EIGHT NORTH (T8N), RANGE TWO WEST (R2W) OF THE INDIAN MERIDIAN (I.M.), IN CLEVELAND COUNTY, OKLAHOMA, FROM THE A-1, GENERAL AGRICULTURAL DISTRICT AND PLACE THE SAME IN THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ONE-HALF MILE SOUTH OF CEDAR LANE ROAD ON THE EAST SIDE OF JENKINS AVENUE AND EXTENDING SOUTHEAST TO 12TH AVENUE S.E.)

SYNOPSIS: The applicant's request is to rezone from A-1, General Agricultural District, and A-2, Rural Agricultural District, to R-1, Single-Family Dwelling District; a preliminary plat and NORMAN 2025 Land Use Plan Amendment are part of this applicant's request. The preliminary plat is for 140 single-family lots that meet the R-1, Single-Family Dwelling District zoning regulations and the NORMAN 2025 Land Use Plan Amendment is from Future Urban Service Area to Current Urban Services Area for property designated as Low Density Residential.

This item was previously scheduled for Council consideration in August 2021 but failed for lack of motion after the proposed related Land Use plan amendment failed. The applicant challenged Council's vote in District Court and the case has been proceeding through the litigation process since that time. After a hearing in February 2023, the District Court judge ruled that Council's denial of the land use plan amendment was arbitrary and capricious, and thus, void as a matter of law. The City was further permanently prohibited and restrained from enforcing the Future Urban Service Area designation under the Norman 2025 plan as it pertains to this property.

Additionally, the court also placed the property in the Current Urban Service Area. Council has entertained settlement offers from the property owner's legal representative, but opted to place the items that had previously failed for lack of motion back on Council's agenda for consideration.

ANALYSIS: This request is to extend the existing single-family neighborhood to the south on undeveloped land. The existing neighborhood, Eagle Cliff South Addition, has been developing over the last 15 or so years. City Council passed Ordinances O-0304-16 and O-1920-5 for Eagle Cliff South Addition, which were identical to this request.

Single-family dwellings are to the north and east of the subject property; the land to the south and west remains undeveloped.

ALTERNATIVES/ISSUES:

- **IMPACTS** Eagle Cliff South is an established neighborhood and the request for single-family homes abutting the existing neighborhood will not create negative impacts to the surrounding area; the developer is proposing detention facilities to mitigate any additional runoff generated by the development.

This area of Norman has evolved from undeveloped agricultural land into a residential community over time. This site is in close proximity to goods and services with access to major arterial roads and highways.

The existing infrastructure has the capacity to be expanded to serve this proposed development.

OTHER AGENCY COMMENTS:

- **BOARD OF PARKS COMMISSIONERS** The Norman Board of Parks Commissioners met May 6th and had an 8-0 vote in favor of Fee-In-Lieu of Land.
- **GREENBELT COMMISSION GBC 21-09 - April 19, 2021**
Commissioners send this application forward with no additional comments.
- **PREDEVELOPMENT PD21-14 - April 22, 2021**
Neighbors voiced many concerns regarding drainage and stormwater controls. The previous Eagle Cliff development has experienced erosion problems and wanted to know what solutions are proposed for the new subdivision. Neighbors asked about traffic on Osprey and expected traffic from the new development. Neighbors asked about plans for the existing trees on the property.
- **PUBLIC WORKS** The Preliminary Plat is for 140 single-family lots with required public improvements. Water and sewer is available and the developer will extend the lines to the site; the lift station for the sewer does have the capacity for the additional 140 lots with this development proposal.

Access will be through the existing Eagle Cliff South neighborhood and the interior streets will connect to existing interior streets.

The lift station that serves the existing neighborhood will serve the proposed new addition and a Lift Station Agreement will go before City Council as a separate item before the Preliminary Plat moves forward on the same agenda.

CONCLUSION: Staff forwards this request for rezoning and Ordinance O-2021-44 to City Council for their consideration.

At their meeting of May 13, 2021, Planning Commission unanimously voted against a motion to recommend adoption of Ordinance O-2021-44 by a vote of 0-7.

Between the Planning Commission meeting of May 13, 2021, and this item moving forward to City Council, the applicant has reduced the lot count from 152 to 140, as noted in the staff report. Additionally, detention facilities are now proposed for the development.