



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 02/14/2023

REQUESTER: Bryan and Donna Komers

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2223-21 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 PART OF SECTION TWENTY-TWO (22), TOWNSHIP EIGHT NORTH (8N), RANGE ONE WEST (1W), OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOT 1 OF ROLL TOP RANCH COS-0708-5 – 10001 ETOWAH ROAD)

PROJECT OVERVIEW:

The applicant is requesting a rezoning to PUD, Planned Unit Development, at property located at 10001 Etowah Road. The site is currently vacant. On December 12, 1961, City Council adopted Ordinance No. 1322 placing this property in the A-2, Rural Agricultural District. Dirt mining is not an allowed use or Special Use in the A-2 District therefore, rezoning to a PUD, Planned Unit Development, to allow such operations in addition to uses normally allowed in the A-2, Rural Agricultural District is required.

PROCEDURAL REQUIREMENTS:

PRE-DEVELOPMENT MEETING PD 22-28, November 17, 2022

- A neighbor explained that he can see the dirt mining from his house.
- The neighbors also were curious if environmental studies had been conducted.
 - The applicant explained they had not.
- Neighbors were concerned with truck traffic and if the existing road can support the semi-trucks.
- A neighbor also requested that mining not be permitted after business hours and that a sound barrier be placed so as not to disturb his family while mining activity is occurring.

ZONING ORDINANCE CITATION:

SEC. 420 – 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 decisions that are more informed 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.

STAFF ANALYSIS: The particulars of this PUD include:

USE: The PUD Narrative includes the following uses:

- Commercial Dirt Mining Activities.
- Detached one family dwelling.
- Church, temple, or other place of worship.
- Public school or school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping.
- Agricultural crops.
- The raising of farm animals.
- All of the following uses:
 - Country club.
 - Family day care home.
 - Golf course (excluding miniature golf courses).
 - Home occupation.
 - Library.
 - Park or playground.
 - Plant nursery.
 - Accessory buildings, including barns, sheds and other farm buildings, which are not part of the main building. One guest house may be utilized provided (a) it is clearly secondary to the larger main dwelling; (b) the structure is not rented or leased, nor used as a permanent dwelling; and (c) is not a mobile home.
 - Type 2 mobile home.
 - Medical Marijuana Commercial Grower, as allowed by state law.
 - Medical Marijuana Education Facility (cultivation activities only), as allowed by state law.
 - Short-term rentals.

Dirt mining activities may only be conducted between the hours of 8:00am – 8:00pm. No mining activities will occur within easement areas depicted on the Site Development Plan.

OPEN SPACE: The property will maintain a ten percent (10%) open space percentage in accordance with the City of Norman's Planned Unit Development (PUD) Ordinance. No changes to the existing open space are proposed.

SITE PLAN/ACCESS: The Site Plan is shown in Exhibit B of the PUD Narrative. The site plan shows no changes to the property. Access will continue to be off Etowah Road and will be brought up to current City standards. While no structures are shown on the proposed site plan, a single-family home would be allowed in the future. Section 22:420.5.a.3.j. (Preliminary Development Plan submittal for Planned Unit Developments) states a site plan should show "general location of structures other than single family detached units."

SIGNAGE: Signs shall comply with the sign standards of the City of Norman Sign Code as applicable to a zoning of A-2, Rural Agricultural District. The low-density residential zone sign standards would apply.

SANITATION/UTILITIES: The property does not require City sanitation services. The property will continue to have polycart services. Additional sanitation services will be approved by City sanitation services.

PARKING: The property will comply with the City's parking ordinances.

FENCING: Where installed, fencing may be barbed wire, stockade, or other material. Fencing shall otherwise comply with all City of Norman requirements. It is anticipated that the entrance to the Property will be gated.

EXISTING ZONING: The subject property is currently zoned A-2, Rural Agricultural District.

ALTERNATIVES/ISSUES:

IMPACTS: Surrounding properties include single-family homes and vacant land. Adjacent properties are zoned A-2, Rural Agricultural District. Single-family homes adjacent to the site to the south are located in the Town of Slaughterville. This PUD will not change the existing uses of the site with exception to the addition of commercial dirt mining activities. Dirt mining activities will only be conducted between the hours of 8:00am – 8:00pm per the PUD narrative. In addition, no mining will occur within any easement identified on the Site Development Plan.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: No comments.

PUBLIC WORKS/ENGINEERING: The existing drive approach is required to be brought up to City standards.

TRAFFIC ENGINEER: The proposed access to Etowah Road affords proper sight distance to allow of safe ingress and egress to/from the site.

UTILITIES: No comments.

CONCLUSION: Staff forwards this request for rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development, as Ordinance O-2223-21 for consideration by City Council. At their meeting of January 12, 2023, Planning Commission recommended adoption of O-2223-21 by a vote of 8-1.