



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 06/25/2024

REQUESTER: Geoffrey Arce

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-47 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE PLANNED UNIT DEVELOPMENT ESTABLISHED IN ORDINANCE O-2122-10, TO AMEND THE SITE PLAN AND PUD NARRATIVE FOR PART OF THE NORTH HALF (N/2) OF SECTION TWENTY-SIX (26), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3766 E. ROBINSON STREET)

STAFF REPORT UPDATE: At the May 28 City Council meeting, Council recommended to the applicant postponement of the item to allow time for application to request a variance to Section 4008 of the Engineering Design Criteria (EDC). The applicant agreed to a June 25 postponement date. During this break, the applicant submitted the required application to request a variance to Section 4008 of the EDC. Staff reviewed the variance request and cannot support the request; see below review.

At this time, Utilities comments have not been addressed. Please see the Utilities section below for reference.

Engineering/Traffic Comments:

This location has an approved site plan indicating one driveway across from Bryant Circle and relocating an existing shared drive on the east property line approximately 60 feet to east to serve the adjacent property to the east. This was the plan supported by staff and submitted and approved to Planning Commission. This drive spacing on the approved site plan was acceptable because each drive was serving a different property.

The requested changes to the approved site plan will create two drives serving this property in violation of Section 4008 of the Engineering Design Criteria (EDC). The applicant has requested a variance to this section of EDC. However, the applicant has not provided sufficient support of the need of this request. In the attached request for variance letter the applicant states that this second drive is necessary to allow semi-trucks and vehicles with trailers to access the site without having to perform backing movements. This is a 5-acre site and staff have provided options within the property to accommodate larger vehicle turning movements. Additional

options would have existed with better site design. It is not uncommon for commercial vehicles to perform backing movements for site ingress and egress. Staff does not agree that this is cause to grant a variance the Section 4008 of the EDC.

There a number of concerns with proposed site plan changes.

1. The entire site is challenged in terms of available sight distance to the west because of a crest vertical curve on Robinson Street. Having two commercial drives at this location makes this situation worse for traffic on Robinson Street.
2. A commercial vehicle, leaving the site will be able to see approximately 480 feet to the west for oncoming traffic on the approved site plan. Based on the posted speed limit, approximately 590 feet is necessary. Traffic on Robinson Street is challenged and having commercial vehicles using both drives makes this situation worse. There are traffic control measures that can help mitigate this issue at the approved drive location. The City could install a truck entering sign for the eastbound approach to the intersection at the drive at Bryant Circle to alert the eastbound Robinson Street traffic of the driveway ahead. Another option is to install an intersection advance warning sign with a 40 mph advisory speed plate that would also be somewhat beneficial to those who live on Bryant Circle.
3. Having the driveway line up with Bryant Circle will eliminate potential conflicts on Robinson Street with left-turn traffic in either direction from Robinson Street competing for the same space.
4. Shared driveways are utilized in many areas across Norman and in many situations they are preferred to reduce the number of drives and the conflict points they create. However, in this situation this is not resulting in the elimination of a drive and does not provide that benefit. In addition, it is very uncommon to allow them in mix uses. A commercial driveway shared with a residential driveway might benefit the commercial use, but may cause serious safety issues for the residential user.
5. As discussed above, Mr. Arce has not demonstrated why he cannot develop a turn around on his site for easier truck ingress and egress except to say it would be easier to tie to the shared driveway. This option is clearly not easier for the residential property to the east or the traveling public on Robinson Street.

Based on these concerns and lack of explanation of need, staff does not support granting this variance and it is denied.

Currently, there is not a drive permit for the drives. It is necessary that the proper permits be applied for and received from the City of Norman and the Bureau of Reclamation (BOR). Each of these permits have design requirements. The driveways must meet City of Norman criteria and standards that are attached. A letter from the BOR is attached with their requirements. The City will require proof of BOR permit before issuing the City permits.

Utilities Comments:

The previously approved PUD (O-2122-10) included the following requirements regarding water and sanitation, status:

1. Concrete approach over raw water lines meeting Central Oklahoma Master Conservancy District requirements. This has not been completed to-date. Additionally, the driveway

on the west side of the property does not meet this requirement but was to be abandoned pursuant to the previous PUD (O-2122-10), which abandonment has not yet occurred.

2. Dumpster Enclosure. A dumpster was set at the site per the previously approved PUD and Site Plan, but the enclosure has not been constructed by Applicant to-date.

For the proposed modifications under this proposed PUD, the following requirements need to be met:

1. Concrete approach over raw water lines meeting Central Oklahoma Master Conservancy District requirements. Pursuant to the original PUD, this is required for any proposed crossings or crossings that were not previously approved. For the existing west driveway not formally approved and proposed for removal under the original PUD, this driveway must be removed unless approved by the Traffic Engineer, upon which a concrete approach must also be constructed.
2. Sanitation Service
 - a. Driving surface will need to meet City of Norman requirements and be designed to handle sanitation truck weights; however the PUD narrative and Site Plan do not yet indicate such compliance.
 - b. Site plan need to show proposed drive access widths, radii, etc. to scale that will allow sanitation vehicles to make the required turning movements; though requested, the Applicant has not yet provided this information.
 - c. Dumpster enclosure size and orientation needs to be shown and must meet City requirements; though requested, the Applicant has not yet provided this information.

Original staff report from the May 28 Council meeting:

APPLICANT/REPRESENTATIVE Geoffrey Arce

WARD 5

CORE AREA No

BACKGROUND: The applicant, Geoffrey Arce, is requesting to amend the PUD, Planned Unit Development, which was granted to the subject property as a result of a previous rezoning application in September 2021 under Ordinance O-2122-10. The applicant requests to modify the previously approved site plan by including the addition of a 30' x 70' metal building, a new barn and creating an additional approach, and moving the existing dumpster enclosure. These changes do not correlate with the site plan that was approved as a part of Ordinance O-2122-10. For this reason, the applicant has applied to amend the original site plan and narrative to reflect the desired changes for the subject property.

PROCEDURAL REQUIREMENTS:

GREENBELT MEETING: This application was not required to go to Greenbelt.

PRE-DEVELOPMENT: This application was not required to go to Pre-Development.

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.

STAFF ANALYSIS: The particulars of this PUD include:

USE: The PUD Narrative lists the following uses as allowed on site:

- 1. Vehicle Sales (Used or Unused) of the following types (definitions in PUD Narrative):
 - a. All-Terrain Vehicle
 - b. Motorcycle

- c. Low-Speed Electrical Vehicle
- d. Medium-Speed Electrical Vehicle
- e. Off-Road Motorcycle
- f. Recreation Vehicle
- g. Personal Watercraft
- 2. Parts & Accessories (for the above vehicle types) Sales
- 3. Detached one family dwelling
- 4. Church, temple or other place of worship
- 5. 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
- 6. Agricultural crops
- 7. The raising of farm animals
- 8. All of the following uses:
 - a) Country club.
 - b) Family day care home.
 - c) Golf course (excluding miniature golf courses).
 - d) Home occupation.
 - e) Library.
 - f) Park or playground.
 - g) Plant nursery.
- 9. 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.
- 10. Type 2 mobile home.
- 11. Medical Marijuana Commercial Grower, as allowed by state law. (O-1920-4)
- 12. Medical Marijuana Education Facility (cultivation activities only), as allowed by state law. (O-1920-4)
- 13. Short-term rentals. (O-1920-56)
- 14. Only one main dwelling permitted.

PARKING: There will be 6 available concrete parking spots in front of the commercial building, with existing (overflow) parking available south of building, as described in the Narrative. Staff is unsure what is intended regarding a structure or pavement – this was requested by Staff from the applicant but has not been provided or shown on the proposed Site Plan. The existing PUD states there will be 8 gravel parking spots for customer use (utilizing existing residential parking area). This is a decrease of 2 parking spots for the business from the previous PUD.

LANDSCAPING: The PUD Narrative does not address landscaping requirements. The applicant is requesting an exemption from landscaping requirements for their commercial development.

SIGNAGE: All signage shall comply with City of Norman sign requirements for office uses in Chapter 28. The Narrative also states signage will be mounted on a commercial building; this is shown on the Site Plan. The existing PUD allowed for a 4'x5' plywood sign and the location was depicted on the previous Site Plan; however, the sign was never installed and a wall sign has been installed on a building on the property instead of the approved ground sign. The proposed PUD narrative removes specific size and placement parameters without substituting any new proposed signage parameters or limitations, despite Staff requests for the same.

LIGHTING: The PUD Narrative states all lighting will meet the requirements of Section 36-549, Commercial Outdoor Lighting Standards. All new fixtures will be full cut-off, and all lights will be adequately shielded to avoid glare and light spillover on adjacent properties.

SANITATION/UTILITIES: Trash shall comply with City of Norman standards for commercial pick-up. Trash receptacle and enclosure will be placed in a location approved by Sanitation staff. Staff has requested that the applicant update the Site Plan to show required details as denoted in Utilities comment below, but the Applicant has not yet provided these details. See below Utilities comments for additional information.

EXISTING ZONING: The existing zoning for this property is PUD, Planned Unit Development, Ordinance O-2122-10.

ALTERNATIVES/ISSUES:

IMPACTS: The new/additional buildings proposed with the update to the existing PUD create a more intense business use on this property, which was zoned A-2 prior to its rezoning with O-2122-10. The majority of the surrounding properties are still used only as single-family residential. There is an existing eating disorder treatment center in a residential setting to the east of this proposal; this was approved as a PUD (Ordinance O-1617-30) in 2017. The patients are rarely outside due to the nature of the facility. There are residential uses to the west and a church further to the west of this proposal at the intersection of 36th Ave. N.E and E. Robinson St. The zoning in the surrounding area is RE, Residential Estates Dwelling District, A-2, Rural Agricultural District and a PUD, Planned Unit Development for the above mentioned facility. The applicant indicated there has been higher business traffic recently, which has created the need for the new/additional buildings requested and indicated on the proposed Site Plan.

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: This property is part of Pecan Heights Addition. The southern portion of the subject property is in the floodplain; any development in this area would require a Floodplain Permit. No Traffic Impact Analysis was required for this project because it was already platted.

TRAFFIC ENGINEER: The previously approved PUD (O-2122-10) site plan for this tract included a single driveway that would line up with Bryant Circle which serves a small subdivision on the north side of Robinson Street. Anytime it is possible to have a proposed driveway line up with an existing street or driveway, it represents a best case scenario because the potential conflicts with left-turning traffic on the main street, in this case Robinson Street, are removed. Another part of the previously approved site plan was the elimination of the connection to the shared driveway to the east and the conversion of this driveway to a single use driveway serving only the property directly to the east of the subject tract. Since that time, the applicant began construction of that drive across from Bryant Circle; it is a dirt driveway with no approved approach and does not meet City Standards. The applicant has expressed interest in

maintaining a connection to the existing shared driveway to the east. The provision of more than a single driveway serving this tract violates the previous PUD and Site Plan, as well as the spacing requirements for driveways in the City's Engineering Design Criteria. While no request for a variance has been received in response to the driveway spacing deficiencies, any such request could not be supported by Staff. The reasons for a decline of this potential request for variance are safety issues along Robinson Street and potential sight distance concerns with access to Robinson Street.

UTILITIES: The previously approved PUD (O-2122-10) included the following requirements regarding water and sanitation their current status:

3. **Concrete approach over raw water lines meeting Central Oklahoma Master Conservancy District requirements.** This has not been completed to-date. Additionally, the driveway on the west side of the property does not meet this requirement but was to be abandoned pursuant to the previous PUD (O-2122-10), which abandonment has not yet occurred.
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CONCLUSION: Staff forwards this request for a PUD, Planned Unit Development, as Ordinance No. O-2324-47, to Planning Commission for consideration and recommendation to City Council.

PLANNING COMMISSION RESULTS: At their meeting of April 11, 2024, Planning Commission declined to recommend adoption of Ordinance No. O-2324-47 by a vote of 0-7, with 1 abstention.