

Arce

3. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2526-44: 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 A 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, FROM A PUD, PLANNED UNIT DEVELOPMENT, AND PLACE THE SAME IN THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3766 E. ROBINSON ST.; WARD 5) (This item was postponed from the June 11, 2026, Planning Commission meeting.)

ITEMS SUBMITTED FOR THE RECORD

1. **Staff Report**
2. **Supplemental AIM Documents**
3. **Location Map**

Staff Presentation

Lora Hoggatt, Planning Services Manager, presented the staff report for the Arce project.

Applicant Presentation

Geoffrey Arce, the applicant, presented the Arce project.

Commissioner Bird clarified the reason for postponement last month was for the Commission to understand the benefits of the applicant wanting to switch back to A-2. She asked Mr. Arce if the main reason for his switch was so he was no longer locked into a site plan like he was with the previous zoning of a PUD. Mr. Arce explained the PUD was originally pursued because he understood it was required to obtain a distribution contract and dealer licenses for his business. He stated he would like the PUD to be revoked so the property could either be used for a shop by someone else or sold. He also expressed his belief the PUD has reduced the property's value compared to its previous A-2 zoning.

Commissioner Bird restated the request for clarification, noting Mr. Arce no longer needed the previously approved site plan and was seeking to remove the PUD because it was no longer necessary and could increase the property's value.

Commissioner Bird requested input from legal staff for any additional context regarding the application. Beth Muckala, Assistant City Attorney, explained the

property's unique history, having been platted as a five-acre A-2 tract under previous regulations, required a different approach. She stated while the applicant had requested a revocation of the PUD, however, the process outlined in the Zoning Ordinance for revocation does not match the revocation as the applicant had requested. There is also not a process specific to repealing a zoning ordinance either. As a result, the request was processed as a rezoning. She further explained that staff recommended implementing the rezoning by repealing the 2021 PUD ordinance and reinstating the property's previous A-2 zoning designation, which would return the property to its pre-PUD status and avoid creating a new nonconformity.

Commissioner Bird asked whether the motion would need to include specific language to address the recommended repeal and reinstatement. Ms. Muckala confirmed the updated Staff Report provided the necessary direction and advised the motion should recommend approval through repeal of the PUD ordinance and reinstatement of the previous A-2 zoning designation.

Commissioner Griffith asked how the proposed rezoning would best serve the property owner and what action the Commission could take to help move the request forward. Ms. Muckala explained the request to return the property from PUD to A-2 was made by the property owner and, if approved, the property would be regulated under the A-2 zoning district like any other similarly zoned property. She noted the existing PUD has several unresolved issues that would remain if it stayed in place. She also clarified the commercial business previously allowed under the PUD would no longer be permitted under A-2 zoning and stated the property owner understood that consequence.

Public Comments

Trey Kirby, Ward 5 (Comment)

Paula Wolf, 2821 Weymouth Way, Norman, OK (Support)

Greg Arce (Support)

Commission Discussion

Commissioner Kindel clarified the PUD had been approved and emphasized the issues experienced by the applicant were related to permitting and deviations from the approved site plan, rather than the PUD approval itself. She explained a PUD establishes a binding site plan and desired changes require additional approval. She acknowledged Mr. Arce's investment in the property and asked whether he wished to proceed with the requested return to A-2 zoning or instead pursue a revised PUD with a new site plan that reflected the intended development. Mr. Arce stated he believed the original building permit should have been approved and the permitting process had prevented the business from moving forward over the past five years. He explained he had previously pursued an amended site plan within the allowable development

period but encountered engineering-related issues, particularly regarding driveway design. He stated an engineer later concluded the revised driveway configuration was safer and the information had been submitted to the City, but he did not receive a response. Mr. Arce expressed frustration with the process and maintained efforts to amend the site plan were unsuccessful.

Commissioner Kindel asked whether the applicant proceeded with development in accordance with the approved site plan after the request to modify the driveway configuration was denied. Mr. Arce stated constructing the center driveway shown on the approved site plan would create a safety hazard and would not meet the City's sight-distance requirements. He referenced concerns previously raised by a neighboring property owner regarding visibility and traffic safety and stated a sight-distance study and supporting photographs had been provided. He maintained proceeding with the driveway as shown on the approved site plan would be unsafe.

Commissioner Kindel asked Mr. Arce to clarify which improvements shown on the approved site plan had been constructed. He explained the existing buildings were already on the property prior to the PUD approval, the existing residence had been remodeled rather than replaced with a new dwelling, and the rear parking area remained a gravel lot.

Commissioner Kindel asked the Mr. Arce to clarify whether he wished to proceed with the requested repeal of the PUD and reinstatement of A-2 zoning or postpone the application to submit a revised site plan. Mr. Arce responded, after five years of pursuing the project, he no longer wished to continue with the business at that location and requested the PUD be repealed and the property's previous A-2 zoning be reinstated.

Commissioner Bird summarized the history of the property based on the application materials and available records, outlining the property's development since its purchase in 2017, including the addition of a second driveway, construction of a berm, approval of the PUD and site plan in 2021, and the applicant's later request to amend the PUD in 2024. She noted the amendment was considered by the Planning Commission but was not ultimately approved by the City Council and asked the applicant to explain what changes had been proposed between the Planning Commission and City Council review. Mr. Arce explained the proposed amendments to the PUD were limited to the addition of a new shop building and revisions to the driveway configuration, noting multiple site plan variations had been submitted in an effort to address access concerns. He stated relocating the driveway was intended to improve vehicle turnaround for customers with trailers and explained a preexisting berm limited feasible driveway design options.

Commissioner Bird requested clarification regarding the five-percent administrative amendment allowance for PUD site plans. Ms. Muckala explained the provision applies to increases in the floor area of structures

shown on an approved site plan rather than changes to the overall land area. Commissioner Bird also discussed permitting issues and site plan deviations occurring after Planning Commission approval are outside the Commission's authority. Ms. Muckala and Ms. Hoggatt confirmed, if the current request to repeal the PUD and reinstate A-2 zoning were approved, the applicant could submit a new PUD application in the future if Mr. Arce wished to pursue different development plans.

Commissioner Bird asked whether the storage of boat trailers or other vehicles was affected by the proposed zoning change. Ms. Muckala explained, because the property would no longer be governed by a PUD site plan if the request were approved, personal boat storage would be permitted under A-2 zoning. Ms. Hoggatt clarified inoperable vehicles may not be parked on grass or an unimproved surface. Ms. Muckala further clarified floodplain regulations would continue to apply regardless of the zoning designation, and those requirements were separate from the rezoning request before the Commission.

Commissioner McClure expressed support for the work of City staff and stated, based on their experience, they did not believe there was a coordinated effort to prevent the applicant's project from moving forward. He acknowledged the applicant's investment in the property and support for the proposed business but expressed concern with suggestions that the development review process involved a conspiracy or intentional obstruction.

Motion to approve by accomplishing the repeal of O-2122-10 and reinstating the property's previous A-2 zoning made by Commissioner McDaniel,
Seconded by Commissioner Kindel.

Voting Yea: Commissioner McClure, Chair Bird, Commissioner McDaniel, Commissioner Griffith, Commissioner Kindel.

The motion was approved.