



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 01/10/2023

REQUESTER: Subtext Acquisitions, L.L.C.

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2223-17 UPON FIRST READING BY TITLE. 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 THE SOUTHEAST QUARTER (SE/4) OF SECTION FIVE (5), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE C-2, GENERAL COMMERCIAL DISTRICT, AND A-2, RURAL AGRICULTURAL DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (WEST SIDE OF CLASSEN BOULEVARD NORTH OF EAST CONSTITUTION STREET)

PROJECT OVERVIEW:

The applicant, Subtext Acquisitions, L.L.C., is requesting a rezoning to PUD, Planned Unit Development, at property located on the west side of Classen Boulevard north of East Constitution Street. The site is currently vacant except for the northern portion, which is where OU Motel is currently located. The subject property is currently zoned A-2, Rural Agricultural District, on the southernmost parcel and the rest is C-2, General Commercial District. The areas zoned Floodplain District will remain as Floodplain. The applicant requests the rezoning to PUD to allow for a multi-family student-based residential development.

PROCEDURAL REQUIREMENTS:

GREENBELT MEETING: GB 22-18, October 18, 2022

Commission discussion consisted of:

- Commissioner Nanny brought up that there are many college students in that area and not a good way to bicycle on Classen Blvd. or 12th Ave.
- Sean Rieger stated that along their property they would be doing a 5-foot wide sidewalk.
- Sean Rieger showed that the lower portion of the property is in the floodplain and drainage will likely remain the same, depending on what Public Works requires.
- Commissioner Wyckoff asked if this would be a new build since it mimics the look of the hotel that is currently there.

- Sean Rieger responded that at the corner of Classen Blvd. and 12th Ave there is a Welcome to Norman sign and that they wanted the entrance of the apartment building to be the first thing you see when you come down that street.
- Jack Burdett stated that the plans for city sidewalks will connect from the intersection of Classen Blvd. and 12th Ave. all the way to Brooks.

PRE-DEVELOPMENT MEETING: PD 22-24, September 22, 2022

No neighbors attended the meeting.

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 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 proposes the following uses for the property in Exhibit C:

- Apartment buildings.
- Accessory buildings.
- Leasing offices, pool areas, dog parks, sports courts, walking trails, fitness stations, Frisbee golf, outdoor grill areas, and similar recreational amenities for the residents of the development.

OPEN SPACE: Exhibit G in the PUD Narrative shows the proposed open space areas; a total of 5.4 acres, or 42.5% of the property, is shown as impervious surface. Total impervious area will not exceed 65% of the property. The proposed open space may include the following amenities: dog parks, sport courts, fitness stations, benches, Frisbee golf, walking trails, and other recreational amenities. The southern portion of the subject property is designated as floodplain. No development can occur in this area without further approval by two bodies; the Floodplain Permit Committee would have to review to ensure it meets all Floodplain Ordinance requirements and an updated site plan would have to receive approval from City Council.

PARKING: The PUD Narrative states parking will be provided in compliance with the Site Development Plan, with a maximum of 535 spaces. Electric vehicle charging stations may be included. The Narrative says there will be a maximum of 650 beds in the development. The submitted traffic impact analysis used the number of 635 beds.

PHASES: The development will be built in one phase, as it is one proposed building and parking lot.

SITE PLAN/ACCESS: The proposed development will have two access points off Classen Boulevard, one on the north side of the building and one on the south side. The proposed preliminary plat combines the parcels into one lot. There is one proposed building with a parking lot around the north, west, and south sides of the building. There is a pedestrian walkway from the building to the amenities area, which is on the south portion of the property. A 6' wooden fence is proposed along the western border of the parking lot; the fence will convert into a 4' chain link fence within the floodplain areas of the property. There is an existing cell tower compound near the north property line; this is shown on the Site Development Plan and the parking has been designed around the compound. Sidewalks will be installed along the property's frontage of Classen Boulevard.

AREA REGULATIONS: All buildings will be a minimum of 200' from the existing cell tower. The front yard setback will be 5' from Classen Boulevard. All other setbacks will be 5' as shown on the Site Development Plan.

LANDSCAPING: Landscaping will be provided throughout the development. A 5' landscape buffer will be placed along the front of the building. No parking space will be more than 85' from a portion of landscaped open space. A minimum of twenty trees will be planted and maintained.

SIGNAGE: Due to the size and scale of the development, plus the proximity to the railroad, the applicant has proposed signage that falls outside the allowances of Chapter 18, Sign Regulations. The PUD Narrative outlines the sign regulations for the development in Section III.B.5. Signage and Exhibits E and F.

(For clarification per discussion at Planning Commission – the PUD Narrative allows the existing billboard sign to be converted to a digital/electronic billboard sign, which must meet the applicable requirements in the Sign Code. This would allow for a sign 35' in height with 672 square feet of signage on each side. The sign will also meet the display requirements regarding brightness and illumination of the off-premise sign section of Chapter 18.)

Following the Planning Commission's December 8 vote to approve with the modification that the billboard allowance be removed, the applicant submitted a revised PUD document proposing additional language limiting the manner in which the subject billboard may operated as follows:

The billboard shall only display a static message or messages with no effects of movement, blinking, animation, scrolling, flashing, or similar effects. If the billboard displays more than one (1) static message, each static message shall have a dwell time of no less than eight (8) seconds and a transition time between static messages of no more than one (1) second. The billboard shall not display an illuminative brightness exceeding three hundred (300) NITs between sunset and sunrise and shall not display an illuminative brightness exceeding five thousand (5,000) NITs between sunrise and sunset. The billboard shall not display any message that resembles or simulates any warning or danger signal, or any official traffic control device, sign, signal, or light, or any consecutive message which constitute a substantially similar theme or story.

LIGHTING: All exterior lighting will meet the City's Commercial Outdoor Lighting Standards. This requires full cut-off lighting.

HEIGHT: The proposed structure can be five stories in height.

ALTERNATIVES/ISSUES:

IMPACTS: The addition of this use is consistent with the development patterns in this area of Norman.

OTHER AGENCY COMMENTS:

PARK BOARD: The applicant went to the Board of Parks Commissioners on November 3, 2022. The Board's determination was fee in lieu of parkland. The total amount due will be determined before the final plat is filed of record.

PUBLIC WORKS: Please see the Engineering report regarding the associated preliminary plat and the Traffic report regarding the traffic impact analysis in your packet.

UTILITIES: Water and sewer utilities are accessible to the development and design will be finalized at the building permit stage. A dumpster is shown on the site plan; the PUD Narrative allows for relocation by City sanitation services, if needed.

CONCLUSION: Staff forwards this request for rezoning from C-2, General Commercial District, and A-2, Rural Agricultural District, to PUD, Planned Unit Development, as Ordinance O-2223-17 for consideration by the Planning Commission and a recommendation to City Council.

At their December 8, 2022 meeting, Planning Commission unanimously recommended adoption of Ordinance O-2223-17 with the comment that a digital billboard should not be allowed, by a vote of 7-0.