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ORDINANCE NO. O-2122-10

ITEM NO. 13

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Geoffrey Arce
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: RE, Residential Estates District East: A-2, Rural Agricultural District, and PUD, Planned Unit Development O-1617-30 South: A-2, Rural Agricultural District West: A-2, Rural Agricultural District
LOCATION	3766 E. Robinson Street
SIZE	5.0 acres, more or less
PURPOSE	Used or unused vehicle sales, vehicle parts and accessory sales, residential uses
EXISTING LAND USE	Residential
SURROUNDING LAND USE	North: Residential East: Vacant/Floodplain, Residential treatment facility South: Vacant/Floodplain West: Residential

**SYNOPSIS:** The applicant, Geoffrey Arce, is requesting to rezone from A-2, Rural Agricultural District, to PUD, Planned Unit Development, for approximately 5 acres to allow for a mix of uses including used or unused vehicle sales, vehicle parts and accessories sales, and uses permitted in the A-2, Rural Agricultural District.

**HISTORY:** The subject property has been zoned A-2, Rural Agricultural District, in December 1961. This area is predominantly zoned for residential and agricultural purposes with the exception of the property at 3900 E. Robinson St. The property at 3900 E. Robinson St. was rezoned to a PUD in 2017 to allow for the Living Hope Eating Disorder Treatment Center. This

residential treatment facility and program provides meal support and dietitian and therapy groups. The patients do not have private vehicles at the facility and there is a maximum of ten patients at a time.

**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.

**EXISTING ZONING:** The existing zoning for this property is A-2, Rural Agricultural. This district allows for residential and agricultural uses by right with a list of Special Use options which require approval by City Council. The property's current zoning would not allow for a used or unused vehicle or parts dealership.

**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:
  - Country club.
  - Family day care home.
  - Golf course (excluding miniature golf courses).
  - Home occupation.
  - Library.
  - Park or playground.
  - 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.

The applicant has stated that there will be only one main dwelling unit permitted.

It is unclear what percentage of sales will take place online and what percentage will be conducted in person. Hours of operation are not specified in the PUD Narrative. The applicant will need to seek a license to become a Used Motor Vehicle Dealer through the State of Oklahoma's Used Motor Vehicle and Parts Commission in order to operate as a dealership.

**OPEN SPACE:** The open space will be as shown on the site plan. A percentage was not provided by the applicant.

**PARKING:** The PUD Narrative states the following as the "Parking Proposal" for the project: "There will be 8 available gravel parking spots for customer use (utilizing existing residential parking area)."

The Zoning Ordinance states, "All off-street parking spaces and their access roads shall be paved with an all-weather surface of asphaltic concrete, Portland cement concrete or any equivalent material acceptable to the City Engineer, and maintained such that no dust will result from continued use." This proposal is requesting gravel parking areas and driveways.

**SITE PLAN/ACCESS:** The subject property will have one access point off E. Robinson Street. There is a proposed building to be used for the vehicle and parts sales business. A customer parking lot is proposed east of this building. There is also a proposed location for a new single-family dwelling unit. A parking area is proposed on the south side of the property to be used for the storage of available vehicles. The dumpster enclosure location has been approved by the City Sanitation Division. There are no structures proposed within the floodplain area, as shown on the site plan.

**AREA REGULATIONS:** The PUD Narrative states all structures will meet current A-2, Rural Agricultural District, setback requirements as outlined in Section 420.2 of the Zoning Ordinance.

**LANDSCAPING:** The PUD Narrative states all landscaping will meet the requirements of Section 431.8, Landscaping Requirements for Off-Street Parking Facilities.

**SIGNAGE:** Allowed signage for the proposed development will follow Office sign standards in Chapter 18, Sign Regulations. The PUD Narrative goes on to say the location of the sign is on the site plan and "signage will be a 4'x5' horizontally oriented 2'x4' framed plywood sign, with low intensity LED strips attached to the inside of the frame so that light is emitted onto painted, non-reflective, signage image."

**LIGHTING:** The PUD Narrative says all lighting will follow Section 431.6, Commercial Outdoor Lighting Standards, and will be directed inward and away from adjacent properties.

**FENCING:** The PUD Narrative states, "Fencing shall meet residential zoned height requirements according to Section 431.9, Fencing, Walls, and Screening, in the Zoning Ordinance." The residential requirements only apply to fence height in the front yard or overall height and locating a fence in an easement.

Commercial uses are required to follow Section 431.9, Fencing, Walls, and Screening, subsection 2. Section 431.9.2, requires that side and rear property boundaries of all lots used for commercial, industrial, and multi-family uses be screened from any abutting lot used for single-family or two-family purposes by a solid opaque fence of at least 6' in height. It is unclear if the applicant intends to install fencing along the rear or side property lines abutting residential uses. If a fence is proposed within the floodplain, a floodplain permit will be required.

#### **ALTERNATIVES/ISSUES:**

**IMPACTS:** The proposed commercial use for this property is more intensive than the currently allowed uses. The use of motor vehicle dealership will create more traffic and noise than would be created by a residential or agricultural use.

#### **OTHER AGENCY COMMENTS:**

**GREENBELT GBC21-08**

**March 15, 2021**

The March meeting of the Greenbelt Commission did not have a quorum.

**PUBLIC WORKS:** This property is part of Pecan Heights Addition. The property is currently served by private utilities, water and sanitary sewer. 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 development because it was already platted. The access to the site will be from a new drive to be located across from Bryant Circle at the request of the applicant. The existing access to the site is located on the east side of the property and the Traffic Engineer required this drive access be removed. The existing drive was a common drive with the connection at E. Robinson St. As a result, a new drive for the east property owner will be constructed for the lot east of this property. A dirt driveway has been installed on the west side of the property without approval. It will need to be removed.

There are two raw water mains located in easements located adjacent to Robinson Street right-of-way. The raw water lines are 30" and 48" in size. The owner will need to work out requirements from the Central Oklahoma Master Conservancy District for the 30" raw water line and the City for the 48" raw water line before the new driveway is constructed.

**PREDEVELOPMENT 21-28**

**August 26, 2021**

No neighbors attended this meeting.

**CONCLUSION:** Staff forwards this request for rezoning and O-2122-10 to Planning Commission for your consideration.