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ORDINANCE NO. O-1415-6

ITEM NO. 8a

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Mark Cochran and Elizabeth George
REQUESTED ACTION	Rezoning to RE, Residential Estate Dwelling District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: A-2, Rural Agricultural District East: A-2, Rural Agricultural District South: RE, Residential Estate Dwelling District West: A-2, Rural Agricultural District
LOCATION	North side of Franklin Road approx. 1/3 mile east of 24 <sup>th</sup> Avenue N.W. (2013 West Franklin Road)
SIZE	10.30 acres, more or less
PURPOSE	Single Family Dwellings
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant/Farm Land East: Oil Well Operation South: Single Family Residential West: Single Family Residential
LAND USE PLAN DESIGNATION	Very Low Density Residential

**SYNOPSIS:** The applicants submitted development applications to preliminary plat and rezone the subject tract from A-2, Rural Agricultural District to RE, Residential Estate Dwelling District. This tract of land is approximately ten acres. The proposal is to subdivide the property into three two-acre tracts and one almost three-acre tract of land to develop for single family homes.

**ANALYSIS:** This tract of land was previously platted as Tract B in Alexander Acres, part of the Norman Rural Certificate of Survey (NRCOS) platting process. Alexander Acres was platted in

November of 2003. Alexander Acres consisted of three ten-acre tracts, Tracts A, B and C. In 2013 Tract C was purchased by Finley Resources. In early 2014 Finley Resources moved through District Court to remove Tract C from Alexander Acres, essentially vacating that tract from the original NRCOS for Alexander Acres. The vacation of Tract C permitted Finley Resources to drill an oil well on that site. Per City of Norman Code of Ordinances, Chapter 13, Licenses and Occupations, Article XV. Oil, Gas and Mineral Production, Section 1509, Production Prohibitions, a platted tract of land cannot be drilled upon; it must first be removed from any filed of record subdivision/plat, including all Norman Rural Certificates of Survey. This left Tract A and B remaining in Alexander Acres. Currently, the owner of Tract B is coming forward with a new plat, Box Acres, which will remove Tract B from the original NRCOS of Alexander Acres. This new plat and rezoning will allow the owners to develop four residential lots on an otherwise undevelopable lot for their needs because under the A-2 zoning the tract was required to remain at ten acres or more.

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

- **USE** The RE, Residential Estate Dwelling District is established to provide for a low population density in the Suburban Residential Growth Area, as reflected in the NORMAN 2025 Plan. The principal use of land is for single family detached dwelling and related recreational, religious and educational facilities. These areas are intended to be defined and protected from encroachment by uses which are incompatible with a residential environment.
- **DENSITY** The property is approximately ten acres but after dedication of public rights-of-way the residential area is approximately 8.9 acres. There are four lots proposed for single family homes, the lots are two acres and larger leaving a great deal of open space for the residents.

The NORMAN 2025 Land Use and Transportation Plan designates this property as Very Low Density Residential and in the Suburban Residential Growth Area. The Suburban Residential Growth Area favors development that is no more than one unit per two acres. Development will generally require individual water wells and sewage treatment systems; however, city water should be provided for any development in this area where high quality water cannot be assured. This proposal is compliant with the Land Use Designation and Growth Area.

- **DESIGN** The main access point for the development is off Franklin Road. The approach will comply with City standards and the street, Cochran Circle, will be a public street terminating in a cul-de-sac. There will be no residential drives accessing Franklin Road.
- **IMPACTS** This development is smaller in land area and density in comparison with the larger RE zoned developments to the north and south. This development will create no additional impacts on the area.

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

- **GREENBELT COMMISSION – GBC NO. 14-14** August 18, 2014  
The Greenbelt Commission approved the Greenbelt Enhancement Statement unanimously, with no additional comment or references to the Greenbelt Ordinance criteria.

- **PRE-DEVELOPMENT MEETING – PD 14-23**

August 28, 2014

Application Summary – The applicants are seeking to rezone and plat a 10.3-acre parcel from the current A-2, Rural Agricultural District to RE, Residential Estate Dwelling District. The applicants propose to construct four single-family homes on two and three acres lots in the plat Box Acres.

Applicant's Opportunity – The family owns this acreage and intends to utilize several sites for their homes. There is a possibility one or two of the tracts will be sold. The owners intend to build single-family homes.

Neighbors' Concerns – Finley Resources – Finley Resources is the adjacent property owner. Finley Resources is an oil and gas company responsible for drilling oil wells. Finley is concerned that with the approval of this plat for Box Acres they will not be permitted to drill an additional oil well and install additional tanks. Per the Norman Code of Ordinances, Section 13-1509 Production Prohibitions (c) No steam, gasoline, natural gas, diesel or other internal combustion engine of any kind shall be operated in conjunction with the drilling and/or operation of an oil or gas well within six hundred (600) feet of any dwelling or business structure unless waived by the landowner. On average, oil wells are drilled with the use of such an engine. The Code of Ordinances goes on to specify in Section 13-1512 Storage Tanks (c) No such tank shall be located closer than one hundred (100) feet to a street or highway, nor closer than six hundred (600) feet to a dwelling, business structure, church or school, unless the distance requirement is waived by the affected landowner. Finley expressed concern since production from the well is already on their property they will be stopped from future wells and tanks if the plat is approved.

Applicant's Response – The applicants stated they felt the placement of the tanks currently on-site was not installed as agreed; they are closer to the property line and not at the back of the property, to the north.

Neighbor's Response – Finley responded that they were told by the City where the tanks need to be installed so they were moved to where they are currently located.

Applicant Comment – Applicant stated they are willing to work with Finley but they are not willing to give up on the possibility of building their homes on this site.

- **NORMAN BOARD OF PARKS** RE, Residential Estates Dwelling District do not appear before the Parks Board. No additional parkland is required for this development.
- **PUBLIC WORKS/ENGINEERING & UTILITIES** There is no Water Quality Protection Zone (WQPZ) or Flood Plain on this property. Paving improvements will be installed per City standards for RE developments. Public water supply will be installed in accordance with City standards. Individual private sanity sewer systems will be installed on each lot.

**STAFF RECOMMENDATION**

Norman is continuing to grow with developments, both commercial and residential. This development proposal is consistent with surrounding zoning and land use; as recent as January of 2012 a 32 acre tract to the north was rezoned and

platted for RE development, consisting of six lots. Staff supports this rezoning request and recommends approval of Ordinance No. O-1415-6 and Preliminary Plat PP-1415-3.