

RESOLUTION NO. R-2021-58

ITEM NO. 6a

STAFF REPORT

ITEM: Denise (Finch) Clear, Jeffrey A. Clear, and The Kaye M. Linze Revocable Trust request amendment of the NORMAN 2025 Land Use & Transportation Plan from Low Density Residential Designation to Commercial Designation for approximately 0.22 acres of property generally located at 319 and 321 East Daws Street.

SUMMARY OF REQUEST: The applicants are proposing to amend the existing NORMAN 2025 Land Use designation from Low Density Residential Designation to Commercial Designation on two lots. This amendment will make way for a unified development plan, for the expansion to the existing business, possible new development and an associated parking lot.

BACKGROUND

Porter Corridor Zoning Overlay District:

The Porter Steering Committee worked with the City's consultant and staff to develop the Porter Avenue Corridor Study, and ultimately adopting the Porter Corridor Zoning Overlay District in August of 2010. The intent and purpose of PCZOD overlay district was to create a buffer between commercial and residential areas, to protect both land use types and encourage redevelopment of the Porter Avenue Corridor commercial district, and to limit the extent of commercial development into the neighborhoods.

In this case, three residences will remain in the north side of Daws Street over to Crawford Avenue to the west. In addition, when the west lot redevelops a permanent buffer wall will be constructed to establish the boundary between the commercial and residential land use. The proposed commercial expansion is supported by the Porter Avenue Corridor Study and the Zoning Overlay District.

One of the elements that the Plan addresses is commercial expansion in the area. This proposal meets the policies and standards for commercial expansion of a business into the neighborhood, as identified in the Porter Avenue Corridor Plan and the Zoning Overlay District both approved by the City Council on August 10, 2010, in the following ways: (a) three residences will remain within this block, which is an adequate number to retain a residential presence in this area; (b) a permanent buffer wall will be constructed at a height of four feet up to six feet adjacent to the residential back yard to establish the boundary between the future commercial development and residential land use; (c) the landscaping buffer and additional landscaping within and adjacent to the parking lot will meet the standards of the Zoning Overlay District; and (d) the parking lot lighting will meet the standards of the Zoning Overlay District.

Porter Avenue and Acres Street Intersection 2019 Bond Project Moving Forward:

On February 26, 2013, City Council approved engineering services Contract No. K-1213-165 with the engineering firm of Cabbiness Engineering, L.L.C., in the amount of \$55,300.00, to provide a conceptual design for the Porter Avenue and Acres Street Intersection 2019 Bond Project.

On November 25, 2014, the Norman City Council approved Programming Resolution No. R-1415-54, for the Porter Avenue and Acres Street Intersection 2019 Bond Project.

On July 11, 2017, City Council approved Amendment No. One to engineering services Contract No. K-1213-165 with the engineering firm of Cabbiness Engineering, L.L.C., in the amount of \$160,000.00, to provide final design for the Porter Avenue and Acres Street Intersection 2019 Bond Project.

On April 2, 2019, the citizens of Norman voted in favor of a Bond Issue to finance the local share of nineteen transportation improvement projects. One of the nineteen 2019 bond projects is the Porter Avenue and Acres Street Intersection Bond Project. Please see the attached location map showing the project boundaries.

Proposed improvements for the Porter Avenue and Acres Street Intersection 2019 Bond Project include:

1. Revised geometry of the intersection to enhance traffic operations and pedestrian safety
2. New traffic signals with ADA compliant ramps and crossings
3. New storm water structures meeting current City of Norman codes and ordinances
4. Dedicated left turn lanes to enhance traffic operations
5. Reconfigured access from Daws Street to accommodate intersection improvements at Porter and Acres
6. Utility relocations as needed to accommodate intersection improvements
7. New ADA compliant pedestrian sidewalks adjacent to the roadway.

On August 13, 2019, City Council approved Authorization for Expenditure No. Two to Contract No. K-1314-102 with Smith-Roberts Land Services, Inc., for the Porter Avenue and Acres Street Intersection 2019 Bond Project, in the amount of \$65,230.00, for right-of-way acquisition services.

STAFF ANALYSIS: For changes in classification under the NORMAN 2025 Land Use and Transportation Plan, the following information is forwarded for consideration.

The role of the NORMAN 2025 Plan in the City's ongoing and diverse planning activities states the document must be flexible, and that it is updated and amended periodically. The Plan defines the desired land use patterns for use and development of all private sector properties. This Plan will serve as a policy guide for zoning and planning requests as they are presented to the Planning Commission and City Council.

1. *Has there been a change in circumstances resulting from development of the properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest?*

The growth in this general vicinity along Porter Avenue, both north and south of Daws

Street and along the east and west sides of Porter Avenue has been somewhat slow but well managed. Many of the properties are still in limbo, waiting for the development of the Porter Corridor Plan to be completed before investing in redevelopment of the area. The Porter Corridor itself has experienced a shift in land uses over the last 50 years; this area of Norman historically consisted of various types of medical offices and medical supply shops, due to their close proximity to the hospital. In addition, there are the many other office/retail/commercial and institutional uses located along Porter Avenue. In recent years, there has been an increase in the redevelopment of the restaurants in this area.

The changes in the surrounding land use to more commercial uses demonstrate this area is evolving. In addition, the recent announcement of the proposed relocation of the Norman Regional Hospital Complex to the west side Campus will open the area for more redevelopment in the future. In fact, the surrounding neighborhoods benefit from the redevelopment of the area by continuing to provide services in close proximity to the existing residential neighborhoods.

In 2010, City Council adopted a Land Use Plan amendment and rezoning for the three parcels located at 315, 319 and 321 E. Frank Street, adjacent to the Tarahumara restaurant, for an expansion of the parking lot to serve the restaurant. The amount of parking increased from twenty-seven spaces to approximately seventy. The development of the parking lot followed the PCZOD design guidelines.

Also in 2010, City Council adopted a rezoning and Land Use Plan amendment for 322 and 316 E. Daws to allow for an expansion of the parking lot to serve the Van's Pig Stand restaurant. The parking increased from twelve spaces to approximately thirty-three. The development of the parking lot followed the PCZOD design guidelines.

In October of 2019, Van's Pig Stand acquired a residential lot to the south of their existing parking lot, the lot fronts Tonhawa with plans to construct an additional parking lot for their employees/customers to park. The rezoning and Land Use Plan amendment was adopted by City Council. Similar to all the other proposals, the applicants will follow the PCZOD design guidelines.

2. ***Is there a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity?***

The PCZOD plan encourages development proposals that are infill projects, such as this proposal for a future growth of an existing business, also offering solutions to the issues of existing parking in the right-of-way.

This proposal is located adjacent to the designation of the 'Extent of Commercial Development Line' according to the PCZOD, see attached copy of the PCZOD. Therefore, the parcel is within the commercial development line and should not result in adverse land use – this area is expected to eventually redevelop into commercial uses.

Access to this site is planned to be from Acres Street and exiting onto Daws Street.

Currently, access to Don's Lock is from Daws Street. The current set-up for the business has the front doors on Daws Street, with four to six parking spaces for customers, service vehicles park there after hours. Additional parking for other service vehicles is located

along Acres Street. This parking along Acres Street is recognized as cut-back parking; this specific parking is located in the right-of-way of Acres Street and will be eliminated with the future expansion of Acres & Porter intersection.

The customers and service vehicles located on the Daws Street side of the business can access and leave in two directions when heading out for the day's assignments – east to Porter Avenue or west to Crawford.

The service vehicles located on the Acres Street side of the business can also access both west and east. However, the current conditions for this parking of service vehicles in the right-of-way is not legal and not safe for both Don's employees and the vehicular traffic along Acres.

With the upcoming Porter and Acres intersection improvements, including Daws street, to accommodate the Porter Avenue improvements, access to Don's must be from Daws Street.

This request incorporates the design guidelines contained in the Porter Corridor Zoning Overlay District, works with the redevelopment of the Porter and Acres Intersection improvements and is within the area designated on the Porter Avenue Corridor Plan for possible commercial expansion.

CONCLUSION: With this land use change the entire property under this ownership will be designated as Commercial under the NORMAN 2025 Land Use and Transportation Plan. This request incorporates the design guidelines contained in the Porter Corridor Zoning Overlay District, and is within the area designated on the Porter Corridor Zoning Overlay District for possible commercial expansion.

Staff submits this request and Resolution No. R-2021-58 to Planning Commission for consideration.