



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: O-1415-6**

**File ID:** O-1415-6

**Type:** Ordinance

**Status:** Non-Consent Items

**Version:** 1

**Reference:** Item No. 42

**In Control:** City Council

**Department:** Planning and  
Community  
Development  
Department

**Cost:**

**File Created:** 08/19/2014

**File Name:** Cochran Rezone

**Final Action:**

**Title:** CONSIDERATION OF ORDINANCE NO. O-1415-6 UPON SECOND AND FINAL READING: 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 SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 9 NORTH (T9N), RANGE 3 WEST (R3W), OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL DISTRICT AND PLACE THE SAME IN THE RE, RESIDENTIAL ESTATES DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2013 WEST FRANKLIN ROAD)

**Notes:** ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1415-6 upon Second Reading section by section.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1415-6 upon Final Reading as a whole.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 10/28/2014

**Agenda Number:** 42

**Attachments:** O-1415-6, Location Map, Staff Report, Box Acres Preliminary Plat, Protest Map, Protest Letter, 9-11-14 PC Minutes - Box Acres Addition

**Project Manager:** Jane Hudson, Principal Planner

**Entered by:** rone.tromble@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	09/11/2014	Recommended for Adoption at a subsequent City Council Meeting	City Council	10/14/2014		Pass

**Action Text:** A motion was made by McCarty, seconded by Gasaway, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council, due back on 10/14/2014. The motion carried by the following vote:

1	City Council	10/14/2014	Introduced and adopted on First Reading by title only	Pass
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**Action Text:** That this Zoning Ordinance be Introduced and adopted on First Reading by title only. by consent roll call

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## Text of Legislative File O-1415-6

Body

**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 ten acres. The proposal is to subdivide the property into three two-acre lots and one almost three-acre lot to create home sites for single-family construction.

**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, oil and gas exploration permits shall not be granted on any parcel of land that is contained or described by any approved Final Plat or contained or described by an approved certificate of survey subdivision. To obtain a permit to drill on-site the property had to be removed from the NRCOS, Alexander Acres. This left Tract A and B remaining in Alexander Acres. Tract A has an existing single family home already established on-site. 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.

## **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 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 each resident.

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. Cochran Circle will be a public street terminating in a cul-de-sac and constructed to City paving standards. 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 preliminary plat Box Acres.

Applicant's Opportunity - Family members own this acreage and intend 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 to the east. Finley Resources is an oil and gas company responsible for drilling oil wells. Finley is concerned that with the approval of a final 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 a final 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.

**PLANNING COMMISSION HEARING SEPTEMBER 11, 2014:** This same testimony regarding the location of the tanks was also made at the Planning Commission hearing.

The location of the tanks in the northwest corner of the pad site was submitted in that location with the permit application. This location coincided with the oil and gas inspector's recommendation for the location of the tanks due to the soil conditions in other parts of the pad site.

**NORMAN BOARD OF PARKS:** RE, Residential Estates Dwelling District proposals 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 sanitary sewer systems will be installed on each lot.

**STAFF RECOMMENDATION:** Norman is continuing to expand with both commercial and residential developments. 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 an RE development, consisting of six lots. Staff supports this rezoning request and recommends approval of Ordinance No. O-1415-6. Planning Commission, at their meeting of September 11, 2014, recommended adoption of this ordinance by a vote of

7-2.