

RESOLUTION NO. R-1718-108

ITEM NO. 6a

---

**STAFF REPORT**

**ITEM:** Dr. Zach Moffitt, D.D.S. requests amendment of the NORMAN 2025 Land Use and Transportation Plan from Low Density Residential Designation to Office Designation for property generally located at 201 South Berry Road.

**SUMMARY OF REQUEST:** The applicant, Dr. Zach Moffitt, D.D.S., submitted a request to amend the NORMAN 2025 Land Use and Transportation Plan from Low Density Residential Designation to Office Designation and rezone from R-2 with Permissive Use for a doctor's office and R-1, Single Family Dwelling District to SPUD, Simple Planned Unit Development. The existing business is properly zoned and carries the correct land use designation; however, this request includes two residential lots to the east of the existing business, thus requiring amendment of the land use plan and rezoning. The applicant is working with Habitat for Humanity to relocate the two existing houses off-site to construct a larger building for his dental practice. Once the new office is built the existing office will also be relocated by Habitat. A companion rezoning request for a SPUD, O-1718-49, has been submitted along with a specific site plan for future redevelopment of the property.

**STAFF ANALYSIS:** The NORMAN 2025 Plan identifies two criteria that must be examined before a land use change is approved.

1. *There has 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.* This general vicinity has seen on-site redevelopment of the parcels in recent years and several of the uses in the existing commercial buildings have changed as well. To the north, across Garver Street, the large grocery store closed and Habitat for Humanity relocated there in 2015, occupying approximately one-half of the building. Directly north of this proposal, also across Garver Street, is the Spirit Shop packaged liquor store and parking lot; the Spirit Shop has been in place for the last 30 years and recently expanded their store in 2012. The Spirit Shop has a 6' to 7' stockade fence with a brick base and pillars located on the south side of their business, across the street from the applicant's dental office and the two residential units proposed to be removed with this redevelopment. The expansion of the Spirit Shop brought their delivery area closer to the residential uses on the south side of Garver Street.

To the northwest, across S. Berry Road, a small strip retail center has seen occupants come and go, more recently an orthodontist vacated the site to a new location, making way for smaller retail uses to occupy the strip center. The property had a split zoning designation: CO, Suburban Office Commercial District on the south end and C-1, Local Commercial District on the north end. In 2007, the property owner rezoned the south portion of the property from CO, Suburban Office Commercial District to C1,

Local Commercial District. By allowing the property to rezone to C-1 it made way for more retail/commercial uses as opposed to office uses in CO.

Farther west, a Johnnie's Charcoal Broiler Restaurant was built in 2004, replacing a vacated Nu-Way drive-thru cleaners and laundry. As part of the redevelopment for Johnnie's, a vacant residential lot to the south of the laundry was acquired, and planned to be used as an additional parking for the restaurant. The residential property was rezoned from R-1, Single Family Dwelling District to C-1, Local Commercial District. The land use designation was kept as Low Density Residential; the speculation is so the residential land use remained adjacent to other residential uses.

The areas south, east and west of this subject proposal are single-family residential; the properties are zoned as R-1, Single Family Dwelling District and Low Density Residential Designation on the NORMAN 2025 Plan. This proposed expansion is considered as a low impact development and is located across the street from commercial land use and commercial zoning; however, this proposal is encroaching into an established residential neighborhood, changing the existing character.

- 2. *There is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity.*** This site is located at the intersection of S. Berry Road and Garver Street. A doctor's office/dental office has been in place in some form at the existing site since 1959. The existing business has 3 operatory chairs and two doctors: the applicant and another dentist that works an opposite schedule from the applicant. The second dentist is on-site as an independent contractor and works on an as-needed basis. With the redevelopment there are no plans established at this time to have the independent contractor on-site more often, but it is possible. The hours of operation for the office are Monday through Thursday from 8-5 and the plan is to keep those set hours. With the proposed redevelopment, the applicant is proposing 8 patient chairs, as opposed to the 3 chairs he currently has on-site. The existing site has two parking spaces in front, adjacent to Garver Street; one is an ADA space. The second parking area is located on the south side of the building and accessed from S. Berry Road.

As indicated earlier, there are two single-family houses on lots to the east of the existing dental office; these lots are owned by the applicant and included as part of the proposed redevelopment; the existing office and these two houses are planned to be donated to Habitat for Humanity and repurposed as housing. The proposal is to have the new building situated on the east side of the development, next to the residential use. The building is brick and designed to fit with the residential character of the neighborhood. Originally, the design of the development placed the new parking lot adjacent to the existing residential use but at staff's recommendation the applicant redesigned the proposal, placing the building adjacent to the residential use and moving the parking lot out to S. Berry Road. Garver Street is posted as "No Parking" so there is no opportunity for patients to park along Garver impacting any of the residential areas. The new parking lot does abut a rear yard of the residential use to the south of this proposal; however, there is an accessory garage building for the residence situated between the house and the new parking area, as well as a 6' stockade fence. Access to the new parking area is proposed to be from 2 drives: an existing drive on S. Berry Road and another on Garver Street. This proposed change will allow growth opportunities for this practice, with additional traffic at an already busy corner which could result in traffic and land use impacts.

**STAFF RECOMMENDATION:** This proposal provides neighborhood services to those living in close proximity, allowing them to walk or bike to the office, and provides services in the core/central area of Norman; however, similar to recent applications submitted, this expansion does encroach into the established residential neighborhood. Due to the recent discussions by City Council on the concern of commercial intrusion into the residential neighborhoods, staff recommends denial of this application.