
REVISED PRELIMINARY PLAT

ITEM NO. 7

STAFF REPORT

ITEM: CONSIDERATION of a REVISED PRELIMINARY PLAT for MILLIGAN INDUSTRIAL TRACT ADDITION (Formerly submitted as Milligan Addition).

LOCATION: Generally located on the north side of Rock Creek Road between 12th Avenue N.W. and Burlington Northern Santa Fe Railroad Right-of-Way.

INFORMATION:

1. Owner. Mike and Cindy Milligan
2. Developer. Milligan Trucking.
3. Engineer. Morris Engineering Surveying

HISTORY:

1. January 23, 1962. City Council adopted Ordinance No. 1339 placing this property in A-2 zoning classification.
2. August 31, 1982. City Council accepted the proposed sewer solution for Rock Creek Storage Addition.
3. September 9, 1982. Planning Commission, on a vote of 9-0, recommended to City Council rejection of the request that this property be placed in I-1, and removed from A-2 zoning.
4. September 9, 1982. Planning Commission, on a vote of 9-0, tabled the preliminary plat for Rock Creek Storage Addition.
5. October 5, 1982. City Council adopted Ordinance No. O-8283-14 placing this property in I-1 and removing it from A-2 zoning classification.
6. October 14, 1982. Planning Commission, on a vote of 5-1, approved the preliminary plat for Rock Creek Storage Addition.

7. October 14, 1987. Approval of the preliminary plat for Rock Creek Storage Addition became null and void.
8. March 8, 2012. Planning Commission, on a vote of 6-0, recommended to City Council that the preliminary plat for Milligan Addition be approved.
9. April, 2012. Applicant chose not to proceed to City Council, but instead, to make significant changes to the application and return to Planning Commission.

IMPROVEMENT PROGRAM:

1. Alleys. In accordance with the City Code, alleys are not needed for a lot greater than one acre.
2. Fire Hydrants. A fire hydrant will be installed in accordance with approved plans. Its location has been approved by the Fire Department.
3. Permanent Markers. Permanent markers will be installed prior to City acceptance of street improvements.
4. Sanitary Sewers. A private sanitary sewer solution will be utilized in accordance with City and Oklahoma Department of Environmental Quality standards.
5. Sidewalks. A sidewalk will be located and constructed adjacent to Rock Creek Road.
6. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately-maintained detention system will be employed in natural low area to minimize the increase in storm water runoff from this tract.
7. Water Quality Protection Zone (WQPZ). This property is required to comply with the City's Water Quality Protection Zone Ordinance because it is a new preliminary plat and because the storm water runoff from the property discharges into Lake Thunderbird through the Little River and its tributaries. Staff has worked closely for months with the applicant and the private engineer on this matter.

This parcel is bordered by existing storm water channels, and thus WQPZs, along the west and the north property lines. The ordinance requires the dedication of 100-foot buffers along both boundaries unless an "engineered alternative" can be developed. The applicant requested this "engineered alternate" variance in order to maximize the use of this small parcel. Staff concurred in the variance that (1) the storm water detention basin be slightly enlarged, (2) the on-site drainage channel on the parcel be widened and (3) wetlands plants be incorporated into the detention basin. While the applicant's engineer was able to design these improvements in

accordance with the City's WQPZ ordinance, the applicant chose instead to request a full exemption from the ordinance.

The WQPZ ordinance currently does not allow a full exemption from the water quality requirements for any parcel within the Lake Thunderbird water shed. The Planning Commission may wish to comment on this issue, but it appears that only the City Council is authorized to waive the WQPZ ordinance requirements.

8. Streets. Development in this area first began in 1961 with the platting of Norman Industrial Tract Addition. This property was located on the south side of Rock Creek Road from the Burlington Northern and Santa Fe railroad to the east property a distance of 1,700 feet. The street width standard at that time was a half width of 22 feet. The developer was responsible for 1,700 feet of half width paving. The improvements were accepted October of 1962. The next development occurred in 1970. It was located at the northwest corner of Rock Creek Road and Stubbeman Avenue. This was the first development on the north side of Rock Creek Road. The developer installed 450 feet of 22-foot width paving for Rock Creek Road. In 1978, a large industrial user known as TOTCO proposed to move their operations to Norman. A request was made of the Oklahoma Department of Transportation for cooperation in providing an industrial access road. The plan was to utilize the existing paving and install new paving on the south side of Rock Creek Road for a distance of 1,300 feet. An issue was raised by City staff that ODOT was going to install the improvements at a width of 22-feet instead of the City's new standard of 25-foot half width. At the objections of the City of Norman, Rock Creek Road was built at a width of 44-feet or 22-foot half width. The north side of Rock Creek Road was included with the ODOT project. From the 450-feet of Rock Creek Road that had been installed in 1971 to the railroad tracks, 22-foot half width paving was installed. The project was accepted in 1981. Although the improvements did not meet the current standards at that time, the project was accepted, City Council released the deferral money that was submitted to secure the improvements and a certificate of occupancy was issued to TOTCO. Except for the one development on the north side of the street near Stubbeman Avenue, the remaining properties to the west remained vacant.

In 2005, development began 450-feet west of Stubbeman Avenue. At this time the City standards required 26-feet of half width paving. As a result, the developer was required to defer a 4-foot width street widening. This property had a frontage of 964 feet. The next development in 2006 to occur on the north side consisted of deferral of 4-foot width for a distance of 1,000 feet. The remaining development to occur between 12th Avenue N.W. and Stubbeman Avenue took place in 2009 with a frontage of 270 feet. This preliminary plat is the first development on the north side of Rock Creek Road located west of 12th Avenue N.W.

Rock Creek Road must be widened four additional feet on each side of the road in order to meet current City standards for arterial streets in Norman. The owner has

requested an exemption from this requirement. The City's Subdivision Regulations do not allow an exemption from the arterial street improvement requirements. To staff's knowledge, a full exemption of this requirement has never been granted by the Planning Commission or the City Council.

In this case, the requirement to widen Rock Creek Road or to pay a deferral fee for future widening has been imposed on other recent developments in the area including Forest Lumber and Trailwoods Addition. The attached aerial map illustrates those developments and the associated fees. If an exemption is granted to the Milligan Plat, then it would appear prudent to refund all previous deferral payments by other developers as well.

Rock Creek Road, including its intersections with 12th Avenue NW and Trailwoods Drive, is scheduled for widening and intersection improvements within the City's 5-year Capital Improvement Program. The City of Norman has applied for federal transportation funds to assist with the project. The deferral fees paid by developers will be used to pay for part of the local share of that project rather than using local funds. If the exemption is granted to the Milligan development, local funds may have to be used to make up the difference in the future local costs to widen Rock Creek Road.

9. Water Mains. There is an existing twelve-inch (12") main adjacent to Rock Creek Road. A water main will be installed to serve the proposed fire hydrant.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.
2. Rights-of-Way. All required street rights-of-way will be dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, site plan and revised preliminary plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: Based on the fact Staff cannot support the exemptions from the WQPZ Ordinance and arterial street improvements for Rock Creek Road, staff recommends disapproval of the preliminary plat for Milligan Industrial Tract Addition.

ACTION NEEDED: Recommend approval or disapproval of the request for exemption from the WQPZ standards and exemption from paving improvements for Rock Creek Road and approval or disapproval of the revised preliminary plat for Milligan Industrial Tract Addition to City Council.

ACTION TAKEN: _____