
ORDINANCE NO. O-1718-30

ITEM NO. 9b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Wally & Cynthia Kerr
REQUESTED ACTION	Rezoning to SPUD, Simple Planned Unit Development District
EXISTING ZONING	RM-2, Low Density Apartment District
SURROUNDING ZONING	North: Park Land East: R-1, Single Family Dwelling District South: PUD, Planned Unit Development West: R-1, Single Family Dwelling District
LOCATION	801 36 th Avenues N.W.
SIZE	0.73 acres, more or less
PURPOSE	Professional Office Use
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Park Land and Drainage Easement East: Park Land and Drainage Easement South: Duplex homes West: Single family homes

SYNOPSIS: The applicant is requesting to rezone 0.73 acres from RM-2, Low Density Apartment District, to SPUD, Simple Planned Unit Development, and a NORMAN 2025 Land Use & Transportation Plan amendment from Medium Density Residential Designation to Office Designation. The existing Floodplain Designation will remain on the eastern portion of the property. The applicant's proposal is to develop a one or two story building for professional uses as permitted in the CO, Suburban Office Commercial District.

ANALYSIS: The specifics of this SPUD include:

1. USE: The SPUD narrative allows permitted uses in the CO, Suburban Office Commercial District, Section 22:423.1.2(a)(8) and 22:423.1.2(b-e) of the City of Norman Zoning Ordinance. Specifically, these sections allow the following types of businesses:

Office buildings for professional services such as an accountant, attorney, architect, dentist, engineer, physician, and no retail sales are allowed other than the incidental sale of merchandise within the professional offices and recreation uses associated with any of the uses listed and maintained primarily for the benefit and use of the occupants thereof, shops and stores associated with and incidental to the uses listed for serving only the occupants thereof, buildings and structures and uses customarily incidental to the uses listed and name plate and signs relating only to the use of the premises and services provided therein.

2. OPEN SPACE: Open space is provided as part of the required landscaping around the parking lot and building; total impervious coverage is 64%, therefore open space/pervious area is 36%.
3. PARKING: The Zoning Ordinance requires one parking space per 300 square feet gross floor area for office use; this SPUD proposal meets this requirement. The total building square footage is 9,242 square feet/300 sq. ft. requires 30.81 parking spaces; the SPUD is providing 32 parking spaces with two accessible parking spaces.

ALTERNATIVES/ISSUES:

- **IMPACTS** This site has never been developed; it was replatted and rezoned RM-2, Low Density Apartment District with permissive use for offices in 1984. Offices were never developed on this site; therefore, the permissive use for offices expired because it was not enacted within two years of adopting the ordinance. The applicant is requesting the same type of use with this SPUD proposal that was adopted 30 years ago.

This rezoning request to SPUD will allow only professional offices and uses incidental to the allowed office use. This request can potentially have a lesser impact on the surrounding area due to the fact offices usually conduct business during regular business operating days and hours. Whereas, a low density apartment development could potentially have a greater impact on the surrounding area because of the nature of use; residential use will have activity during all times of the day. This parcel can be developed under the current RM-2, Low Density Apartment District, without any public hearing. Total impervious coverage in the RM-2 regulations is the same within this SPUD proposal; all buildings and paved surfaces can cover up to 65%. Therefore, this development proposal is not requesting a more intense use of the land but a change from the allowed uses only.

There are several existing offices on 36th Avenue N.W. a quarter mile to the south of this site; a bank, insurance agency, and professional offices. Within a third mile to the north, at the intersection of Robinson Street and 36th Avenue N.W., are many types of retail uses on this major commercial corner. This proposal is similar to other office uses currently allowed on 36th Avenue N.W.

- **ACCESS** There will be one access point for the development on 36th Avenue N.W. located directly across from Bob White Avenue on the west side of 36th Avenue N. W.; this will be the entrance and exit point from this site.
- **SITE PLAN** The site plan is part of the SPUD narrative and will regulate the setbacks, total coverage allowed for the building and all paved surfaces, landscaping and open space and parking.

OTHER AGENCY COMMENTS:

- **PARK BOARD**
Park land is not required for commercial or office development.
- **GREENBELT ENHANCEMENT STATEMENT ITEM NO. #17-20** **November 20, 2017**
Item placed on consent with no further comments. The Greenbelt Commission has concern about the amount of paving and asks the applicant to be mindful of the possible damage to the creek bed due to runoff.
- **PREDEVELOPMENT PD17-28** **November 16, 2017**

Neighbor's Comments/Concerns

The following are the neighbor's main concerns regarding this proposal:

- There will be an increase in traffic with a commercial office.
- Brookhaven Creek currently floods and this development will increase the flooding.
- A commercial use in this location should not be allowed, it is zoned RM-2 and should be developed as such.

Applicants Responses

The following are the applicant's responses:

- This is a platted lot, a Traffic Impact Analysis is not required. A traffic signal is planned for Bob White Street which is directly across from this development's planned access.
 - Because this is a platted lot, the drainage was previously addressed. The SPUD proposal coverage is 65% which is the same as RM-2 coverage requirements. Therefore, this proposal will not create any greater impact than an RM-2 development.
- **PUBLIC WORKS**
This parcel is platted, Replat of Lot 2, Block 1, Spring Brook Addition, Section 4 was filed of record in 1984. All public infrastructure is in place. Because this is a platted lot there is not a requirement for a traffic impact analysis. However, the applicant can submit a traffic signal warrant study to determine if a traffic signal should be installed at the Bob White Avenue intersection directly across from this development's proposed access point.

Currently, there is a 25' platted build line on the property; the applicant is required to vacate this build line in order to develop according to the SPUD and Site Development Plan. City Council and District Court will have to approve the request to vacate the 25' front setback build line.

STAFF RECOMMENDATION: Staff supports this request to rezone to SPUD for professional offices; with the condition the 25' platted build line is vacated, staff recommends approval of Ordinance No. O-1718-30.