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ORDINANCE NO. O-1415-31

ITEM NO. 5

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Byblos Holding, L.L.C.
REQUESTED ACTION	Special Use for an Automotive Service Station (Gasoline Sales)
EXISTING ZONING	C-1, Local Commercial District (With expired Permissive Use for Automotive Service Station – Gasoline Sales)
SURROUNDING ZONING	North: C-1, Local Commercial District East: PUD, Planned Unit Development South: PUD, Planned Unit Development West: PUD, Planned Unit Development
LOCATION	Southwest corner of 36 <sup>th</sup> Avenue N.W. and Tecumseh Road
SIZE	1.7544 acres, more or less
PURPOSE	Retail and Office
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Banking Facility East: Commercial/Retail South: Multi-family West: Multi-family
LAND USE PLAN DESIGNATION	Commercial – Current Urban Service Area

**SYNOPSIS:** This rezoning request is for the remaining undeveloped piece of property located at the southwest corner of Tecumseh Road and 36<sup>th</sup> Avenue NW. This remaining piece is separated from the single-family development to the west, Cascade Addition, by a recent multi-family development, Windsor Apartments. Across West Tecumseh Road and 36<sup>th</sup> Avenue NW, to the north and east, are banks, commercial uses and a strip mall. This proposal is west of the Norman Regional HealthPlex. The applicant is proposing C-1, Local Commercial District with Special Use for an Automobile Service Station to allow for the sale of gasoline. The overall C-1 zoning with Special Use will allow for a development consisting of a convenience store with gas sales, a dental office and a retail component.

**ANALYSIS:** In December of 1998 City Council adopted Ordinance No. O-9899-9 which placed this property in the C-1, Local Commercial District with Special Use for an Automobile Service Station, allowing for the sale of gasoline, however, the site never developed.

Per the conditions for Special Use in the Zoning Ordinance, Section 22:434.1 (f) Expiration for Non-Use:

"The authority to issue initial construction or initial occupancy permits pursuant to the granting of a Special Use shall expire two (2) years after the City Council approves the "Special Use", unless the City Council includes a different time limit as a specific condition of approval."

"In any case where the "Special Use" is not activated in accordance with the times specified in the preceding paragraph, or where the "Special Use" has been discontinued for two continuous years, then authority for such a "Special Use" ceases to exist and the owner must reapply in order to establish or re-establish said "Special Use."

As stated above this site was never developed/established under the previous Special Use so the Special Use expired. The new owner is requesting to renew the Special Use for the site, allowing for the sale of gasoline.

**ALTERNATIVES/ISSUES:**

- **DESIGN** The site will consist of one lot for commercial/retail use. There are two points of access for this site. These access points are shared access with the recently approved multi-family development to the west and south of this site.

The development will consist of two buildings. The building proposed for the convenience store and associated retail stores will be approximately 6,404 square feet. The stand-alone building proposed for the dental office will be approximately 4,000 square feet.

Parking for the site and proposed uses is adequate. Currently the site plan depicts 71 parking spaces. The convenience store and retail areas require approximately 52 parking spaces, this leaves 19 spaces for the dental office. The parking requirement for dental offices is three parking spaces for each treatment room and one per each doctor. When the applications for the dental office and retail stores are submitted, parking will be evaluated and uses of the buildings will be limited to fit within the parking provided on-site.

- **IMPACTS** As outlined above, the site was previously approved for the commercial use with the Special Use for the sale of gasoline. This proposal is essentially the same as before with the addition of the dental office. The original site included retail sales as well. There are no foreseen negative impacts to adjacent businesses or property owners with the approval of this development. In fact, when the proposal of the multi-family development was in the review process by Planning Commission and City Council, adjacent property owners expressed the desire for a gas station at this corner.

#### **OTHER AGENCY COMMENTS:**

- **PRE-DEVELOPMENT:**                      **PD NO. 15-01**                      **Meeting of January 22, 2015**

There were no neighbors in attendance for this meeting.

- **GREENBELT COMMISSION MEETING:**                      **No Meeting Required**

This property was already platted so there was no Greenbelt Commission meeting required.

- **PARK BOARD**                      There are no public or private park requirements for commercial development.
- **PUBLIC WORKS**                      Windsor Addition Final Plat was filed of record in September of 2014. The proposed drives are part of this commercial project and the apartments to the south and west; they are common drives with a cross access agreement. A five-foot sidewalk will be required adjacent to 36<sup>th</sup> Avenue NW and Tecumseh Road. Sanitary sewer and water, with fire hydrants, have been extended to the property and accepted.

The site plan has been reviewed by building, fire and traffic to determine an approvable distance between the gas pumps, the building, public water supply and access around the site for a tanker truck. The Traffic Engineer is requiring there be a one-way sign installed in the median; this median is located in the south shared access drive. This will help eliminate the possibility of traffic turning into the wrong lane when exiting this site. As stated, this one-way sign will be installed in the median; traffic exiting the site from the south will be directed to turn west from the site, then make a U-turn around the median to drive back east to access 36<sup>th</sup> Avenue NW. (See attached traffic flow diagram.) This one-way designation will be posted at the time of building permit. The access points and vehicular circulation around the building are acceptable.

**STAFF RECOMMENDATION:**                      This request for Special Use is the same as was previously approved for the site back in 1998. The design and layout of the lot is set up differently and the applicant is proposing to add an office use component, allowed under C-1 zoning; however, the approval of gasoline sales is the same. With adequate infrastructure in place, an approved site plan, the multi-family development as a buffer between this commercial development and the single-family homes to the west, staff supports this request and recommends approval of Ordinance No. O-1415-31.