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ORDINANCE NO. O-2021-19

ITEM NO. 6b

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Denise (Finch) Clear & Jeffrey A. Clear, The Kaye M Linze Revocable Trust
REQUESTED ACTION	Rezoning to SPUD, Simple Planned Unit Development
EXISTING ZONING	C-2, General Commercial District, and R-3, Multi-Family Dwelling District
SURROUNDING ZONING	North: C-2, General Commercial District, and C-3, Intensive Commercial District East: C-2, General Commercial District South: C-2, General Commercial District West: R-3, Multi-Family Dwelling District
LOCATION	319, 321 and 323 East Daws Street
SIZE	0.28 acres, more or less
PURPOSE	Expansion of an existing commercial building and future conversion of a residential building to a commercial building
EXISTING LAND USE	Residential and commercial
SURROUNDING LAND USE	North: Commercial East: Commercial South: Commercial West: Residential

**SYNOPSIS:** Denise (Finch) Clear and Jeffrey A. Clear, the Kaye M Linze Revocable Trust, are requesting to rezone a tract of land with approximately 0.28 acres at 319, 321, and 323 E Daws Street. Through the application of a Simple Planned Unit Development (SPUD), the applicants are proposing to expand Don's Mobil Lock Shop and redevelop the site in a way that is compatible with surrounding uses and the public improvements on E Daws Street and N Porter Avenue.

**ZONING ORDINANCE CITATION:**

SEC. 420.05 – SIMPLE PLANNED UNIT DEVELOPMENT

2. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of comprehensive plan of record. In addition the SPUD provides for the following:

Encourage efficient, innovative use of land in the placement and/or clustering of buildings in a development and protect the health, safety and welfare of the community.

Contribute to the revitalization and/or redevelopment of areas where decline of any type has occurred. Promote infill development that is compatible and harmonious with adjacent uses and would otherwise not be an area that could physically be redeveloped under conventional zoning.

Maintain consistency with the City's Zoning Ordinance, and other applicable plans, policies, standards and regulations on record.

Approval of a zone change to a SPUD adopts the Master Plan prepared by the applicant and reviewed as a part of the application. The SPUD establishes new and specific requirements for the amount and type of land use, residential densities, if appropriate, development regulations and location of specific elements of the development, such as open space and screening.

**EXISTING ZONING:** The subject property currently has two different zoning districts. The properties addressed as 319 and 321 E Daws Street are zoned R-3, Multi-Family Dwelling District. The properties each have one existing house. These properties have been R-3 since the adoption of the current zoning ordinance.

The property at 323 E Daws Street is zoned C-2, General Commercial District. Don's Mobil Lock Shop is located at this property. The property was rezoned from R-3 to C-2 with O-7475-01 approved on July 30, 1974.

**ANALYSIS:** The particulars of this SPUD include:

1. USE The SPUD Narrative states the property will have general commercial/retail uses, one residential structure, and an off-street parking lot to serve the uses. Exhibit B has a list of specific allowed uses. The Narrative also states the residential structure could be removed or converted to a commercial use allowed on Exhibit B.
2. SITE PLAN The submitted site plan shows one access point off Acres Street. This access point leads to a parking lot that is one way and will exit to the new cul de sac on Daws Street. This cul de sac is part of the Porter and Acres Intersection Improvement

project. The existing residence and garage on the west side of the property at 319 E Daws Street will remain. If the residence is removed, any new commercial construction will have to meet the landscape buffer requirement for the Porter Corridor Zoning Overlay District. Two existing buildings on the property (Don's Mobil Lock Shop and the garage at 319 E Daws Street) extend into the City right-of-way on the north property line. Both the SPUD Narrative and the proposed site development plan explain that if removed or destroyed, these buildings will not be permitted to be rebuilt in the right-of-way.

3. OPEN SPACE        The property will contain 3,721 square feet of open space. The impervious area for the property will not exceed 71%. The proposed open space is shown on the preliminary site development plan.
4. PARKING        An off-street parking lot will be constructed to provide parking for the property and will be developed as shown on the Preliminary Site Development Plan. The applicant will provide the required number of spaces as detailed in Section 431.5, Off Street Parking Requirements, of the City's Zoning Ordinance.
5. PHASES        The first phase of development will be the off-street parking lot. The second phase will be the expansion of the Don's Mobil Lock Shop building.
6. LANDSCAPING        Landscaping on the property will comply with Section 431.8, Landscaping Requirements for Off-Street Parking Facilities, in the City's Zoning Ordinance.
7. SIGNAGE        Signage on the property will meet the requirements for commercial uses in Chapter 18 of the City's Code of Ordinances.
8. LIGHTING        Lighting on the property will meet Section 431.6, Commercial Outdoor Lighting Standards, of the City's Zoning Ordinance.
9. FENCING        The Porter Corridor Zoning Overlay District requires a 4'-6' masonry fence between commercial and residential land uses. Because the 319 E Daws Street property is proposed to continue as a residential use, the applicant is proposing a 6' wood privacy fence. If the residential structure is removed or converted to nonresidential use, the Buffer Wall and Buffer landscaping provisions of Section 429.6, Porter Corridor Zoning Overlay District, will apply.

#### **ALTERNATIVES/ISSUES:**

- **IMPACTS**        This property is located within the Porter Corridor Zoning Overlay District (PCZOD) and is completely within the Commercial Development Line. The development of each lot as a commercial use is allowed per the PCZOD. The Commercial Development Line is meant to protect the surrounding neighborhoods from commercial uses creeping further than is appropriate. The required masonry fence and landscape buffer help protect immediate neighbors.

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

- **PUBLIC WORKS**  
Porter Avenue and Acres Street Intersection 2019 Bond Project Moving Forward:

On February 26, 2013, City Council approved engineering services Contract No. K-1213-165 with the engineering firm of Cabbiness Engineering, L.L.C., in the amount of \$55,300.00, to provide a conceptual design for the Porter Avenue and Acres Street Intersection 2019 Bond Project.

On November 25, 2014, the Norman City Council approved Programming Resolution No. R-1415-54, for the Porter Avenue and Acres Street Intersection 2019 Bond Project.

On July 11, 2017, City Council approved Amendment No. One to engineering services Contract No. K-1213-165 with the engineering firm of Cabbiness Engineering, L.L.C., in the amount of \$160,000.00, to provide final design for the Porter Avenue and Acres Street Intersection 2019 Bond Project.

On April 2, 2019, the citizens of Norman voted in favor of a Bond Issue to finance the local share of nineteen transportation improvement projects. One of the nineteen 2019 bond projects is the Porter Avenue and Acres Street Intersection Bond Project.

Proposed improvements for the Porter Avenue and Acres Street Intersection 2019 Bond Project include:

1. Revised geometry of the intersection to enhance traffic operations and pedestrian safety
2. New traffic signals with ADA compliant ramps and crossings
3. New storm water structures meeting current City of Norman codes and ordinances
4. Dedicated left turn lanes to enhance traffic operations
5. Reconfigured access from Daws Street to accommodate intersection improvements at Porter and Acres
6. Utility relocations as needed to accommodate intersection improvements
7. New ADA compliant pedestrian sidewalks adjacent to the roadway.

On August 13, 2019, City Council approved Authorization for Expenditure No. Two to Contract No. K-1314-102 with Smith-Roberts Land Services, Inc., for the Porter Avenue and Acres Street Intersection 2019 Bond Project, in the amount of \$65,230.00, for right-of-way acquisition services.

- **PREDEVELOPMENT PD20-18** **September 24, 2020**  
Councilmember Hall was the only attendee for the Predevelopment meeting. The applicant and Councilmember Hall discussed the proposed uses on the property and fencing requirements.
- **GREENBELT COMMISSION GBC20-20** **October 19, 2020**  
Greenbelt forwards this item to Planning Commission and City Council with no additional comments.

**CONCLUSION:** Staff forwards this Simple Planned Unit Development request and Ordinance No. O-2021-19 for the Planning Commission's consideration.