
ORDINANCE NO. O-1617-17

ITEM NO. 4b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	800 West Lindsey, L.L.C.
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	C-1, Local Commercial District, and R-1, Single Family Dwelling District
SURROUNDING ZONING	North: R-1, Single Family Dwelling District East: R-1, Single Family Dwelling District South: R-1, Single Family Dwelling District West: R-1, Single Family Dwelling District
LOCATION	800 West Lindsey Street
SIZE	0.35 acres, more or less
PURPOSE	Commercial Redevelopment
EXISTING LAND USE	Low Density Residential
SURROUNDING LAND USE	North: Single Family Dwelling East: Single Family Dwelling South: Single Family Dwelling West: Single Family Dwelling

SYNOPSIS: This parcel has two lots with two different zoning designations; Lot 1 is zoned C-1, Local Commercial District with an existing 1,600 square foot commercial building and Lot 2 is zoned R-1, Single Family Dwelling District and is vacant. The applicant is requesting to rezone the entire parcel to a Planned Unit Development, PUD, and amend the NORMAN 2025 Land Use and Transportation Plan from Low Density Residential Designation to Commercial Designation. The applicant owns both lots and wants to expand the existing commercial building to a 3,200 square foot grocery and liquor store with an associated parking lot.

ANALYSIS: This parcel is part of Oak Ridge Addition, platted as Block One, Lot 1 and Lot 2. The current zoning was established on July 13, 1954 when City Council adopted the Zoning Ordinance, Ordinance No. 884.

The structure on Lot 1 was built in 1954 and has operated as various commercial businesses since that time. Lot 2 never developed and is vacant.

Section 422.2, C-1, Local Commercial District. (1) General description, states, "This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. It is anticipated that this district will be the predominately used commercial district in the community." Permitted uses in C-1, Local Commercial District, include grocery stores, liquor stores, restaurants and pet shops or as stated in Section 422.2 (2)(c), "Any other retail store, shop or establishment serving the neighborhood in the manner stated above which in the opinion of the Planning Commission is similar in character to those above enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property."

This site has been designated as C-1, Local Commercial District, and has provided the adjacent neighborhoods with various goods and services for over 60 years.

1. USE: The PUD allows permitted uses in C-1, Local Commercial District on Lot 1. Lot 2 will be C-1 except that through the restrictions of the PUD this portion of the property will only be allowed to be improved as a commercial parking facility to serve the existing C-1 use on Lot 1.
2. OPEN SPACE: The site will have a landscape buffer on Lindsey Street and Lahoma Avenue that will be used to calculate the open space. Lot 1 is currently completely impervious; the open/green space will be increased throughout the entire parcel even with the development of Lot 2 for a parking lot. A six foot landscape buffer will extend the length of the west and south portions of the parcel. The site will have 26% open/green space.
3. PARKING: There are 16 parking spaces provided and 14 are required based on the parking requirement for a market/liquor store. The PUD also addresses the parking in relation to the pedestrian access to the site; many residents in the surrounding neighborhood will likely walk or ride a bike to this location.

ALTERNATIVES/ISSUES:

- **IMPACTS** This commercial corner has coexisted with the surrounding neighborhoods for over 60 years; there will not be negative impacts associated with the improvement of the building and site. The proposed use, as stated in the PUD, is for a pedestrian friendly neighborhood grocery and liquor store. The proposed improvements include: a new one story 3,200 square foot building with architectural features that fit within the character of the neighborhood, improved parking lot, landscaping and access to the site will be defined with two access points.

The City of Norman does not require businesses to register or apply for business licenses; therefore, any C-1 permitted commercial use can be located on this parcel if the parking is accommodated. For instance, a tattoo or vapor shop, a drive through coffee shop or take out restaurant, or an auto supply shop; these are several examples of what is allowed by right at this location without any rezoning required for C-1, Local Commercial lot. The Planning Department can only regulate required parking if a building permit application is submitted for review.

This infill redevelopment proposal will improve the existing site and provide goods to surrounding neighborhoods.

- **ACCESS/SITE PLAN** Currently, access to the site does not have defined drive approaches between the roadway and the parking lot on Lindsey Street, and the parking lot meets the road without separation of a curb. On Lahoma there is a deteriorated curb.

The redevelopment site plan (Exhibit A) shows improvements for access drives on Lindsey Street and Lahoma Avenue; this will separate the roadways from the parking lot. There will be one drive approach on Lindsey Street and one on Lahoma Avenue. This significantly improves the current condition of access to the site.

The building setback line on the north, Lindsey Street, and on the east, Lahoma Avenue, will be 15 feet to allow for canopies and awnings that serve as shade for seating areas outside the building. The south and west building setbacks lines are 25 feet.

Exhibit 'A' of the PUD is a detailed site plan that displays the following: landscape buffers, fence, parking lot configuration, building setback lines, bike parking, access with defined drive approaches, dumpster location, and building footprint.

OTHER AGENCY COMMENTS:

- **PREDEVELOPMENT #16-7** **April 28, 2016**

Application Summary

This parcel has two lots with two different zoning designations; the east lot is zoned C-1, Local Commercial District with a building that has a 1,600 SF footprint, the west lot is zoned R-1, Single Family Dwelling District and is vacant. The applicant's request is to rezone the parcel designated as R-1, to C-1 and make an amendment to the Norman 2025 Land Use and Transportation Plan from Low Density Residential to Commercial designation. The applicant owns both lots and wants to expand the existing 1,600 SF building to a 3,200 SF grocery store, liquor store and parking lot to accommodate the expansion.

Neighbor's Comments/Concerns

The neighbors' main concern is the expansion of the store and parking lot. The neighbors expressed that they do not want any expansion of the existing commercial building and do not want a parking lot abutting the residential property to the west of the existing building. They are concerned that a neighborhood grocery and liquor store will bring more traffic and could potentially be open 24 hours a day. They do not want a grocery store. They stated that an expansion could bring a Starbuck's with a drive through or other more intensive businesses than the existing liquor store. The neighbors do not want the building or parking lot expanded at all; they want the site to remain as is and protest any expansion. They want it to be a liquor store or cleaners and barber as it was 20 years ago; it has been this way for many years and shouldn't be allowed to rezone the R-1 portion to expand the current use.

Applicant's Response

The applicant's representative, Sean Rieger, explained that currently any allowed use in the C-1 designation is allowed at this location as long as parking requirements are met. Mr. Rieger also stated that the City of Norman doesn't regulate hours of operation for businesses. Mr. Rieger stated that the applicant is proposing a high-end grocery and a liquor store; the expansion will bring the building to meet the street with the parking in the rear. The applicant will be required to comply with all city ordinances; landscaping, fencing and lighting which should mitigate the neighbors' concerns associated with the expansion.

- **PARK BOARD**

Parkland dedication not required for this development proposal.

- **PUBLIC WORKS**

This parcel is platted as part of Oak Ridge Addition and public infrastructure is in place. This redevelopment proposal improves the current conditions of the site by providing separation of the private parking lot and roadway.

The applicant has filed for Request for Partial Exemption from Current Standards and a Short Form Plat. The Partial Exemption from Current Standards and Short Form Plat includes the following:

- Roadway, currently there is not a curb and gutter on Lindsey Street and Lahoma Avenue, and there is a marginal curb on Lahoma Avenue. Both streets are accepted public roadways and the applicant is requesting the roadway remain in the current state as it functions to standards.
- Sidewalk, currently there are no sidewalks on the north side of Lindsey Street from one-half block east of this site to Berry Road. The applicant is requesting exemption from installing a sidewalk on Lindsey Street because there is no connectivity, however the applicant will install the sidewalk if City Council makes this a requirement.
- Water and Sewer, the existing water and sewer are accepted and currently serve the existing commercial business on the corner of Lindsey Street and Lahoma Avenue. Improvements to existing public infrastructure are not necessary for this redevelopment proposal.
- The Partial Exemption from Current Standards will go before City Council the same time the rezoning request is voted on.
- The Short Form Plat will create Block 1 and Lot 1, thus removing Lot 2 from the parcel and the current 35 foot front build line on Lindsey Street and the 20 foot build line on Lahoma Avenue. The Short Form Plat will be voted on by Planning Commission after the Partial Exemption from Current Standards is accepted or denied by City Council.

STAFF RECOMMENDATION: This infill redevelopment proposal for a PUD that allows permitted uses under the C-1, Local Commercial District, will provide goods to surrounding neighborhoods which is what C-1 is designed to serve. Staff supports and recommends approval of Ordinance No. O-1617-17.