



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Text File

File Number: PP-1112-18

**Introduced:** 5/15/2012

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Preliminary Plat

Title

CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR MILLIGAN INDUSTRIAL TRACT ADDITION AND A REQUEST FOR AN EXEMPTION FROM THE WQPZ STANDARDS AND AN EXEMPTION FROM PAVING IMPROVEMENTS FOR ROCK CREEK ROAD. (GENERALLY LOCATED ON THE NORTH SIDE OF ROCK CREEK ROAD ON THE EAST SIDE OF THE RAILROAD TRACKS)

**ACTION NEEDED:** Motion to approve or reject the revised preliminary plat for Milligan Industrial Tract Addition and a request for an exemption from the WQPZ Standards and an exemption from paving improvements for Rock Creek Road.

**ACTION TAKEN:** \_\_\_\_\_

body

**BACKGROUND:** This item is a preliminary plat for Milligan Industrial Tract Addition and is located on the north side of Rock Creek Road between 12th Avenue N.W. and Burlington Northern Santa Fe Railroad Right-of-Way. The property is currently unplatted. This property consists of approximately 2.28 acres on one (1) lot. City Council, at its meeting of October 5, 1982, adopted Ordinance No. O-8283-14 placing this property in I-1, Light Industrial zoning district.

The preliminary plat for Milligan Addition was previously recommended for approval by Planning Commission on March 8, 2012. However, in April of 2012, the owner chose not to advance the preliminary plat for Milligan Addition to City Council. Instead, the applicant opted to make changes to the preliminary plat and to re-submit those changes to the Planning Commission.

Planning Commission, at its meeting of June 14, 2012, on a vote of 2-7 failed to approve the revised preliminary plat for Milligan Industrial Tract Addition, including the requested City ordinance exemptions from the Subdivision Regulations including arterial street improvement requirements and the Water Quality Protection Zone requirements.

The original preliminary plat application for the Milligan Addition was submitted by Mike and Cindy Milligan on January 9, 2012. City staff worked closely with the applicant prior to and following that application submittal. City ordinance does not allow new development or associated public improvements on an unplatted parcel until the preliminary plat is approved by City Council and the final plat is approved by the Planning Commission. In December, 2011, the applicant appealed to the City Manager for a variance from City ordinance to allow the construction of a new driveway from this parcel onto Rock Creek Road. The City Manager granted this variance on January 11, 2012 on the condition that the applicant complete the

platting process and that only basic maintenance of the property be performed during the interim period.

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 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 alternative" variance in order to maximize the use of this small parcel. Staff concurred in the variance based upon (1) the storm water detention basin being slightly enlarged, (2) the on-site drainage channel on the parcel being widened and (3) wetlands plants being 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. At the June 14, 2012 Planning Commission meeting, the applicant stated that the proposed WQPZ improvements would utilize approximately 0.20 acres or 10% of the property.

The WQPZ ordinance currently does not allow a full exemption from the water quality requirements for any parcel within the Lake Thunderbird watershed. Section 19-601(B) (*see attached*) of the City Code allows for reduction of the WQPZ width through buffer averaging "to accommodate unusual or historical development patterns, shallow lots, stream crossings, or storm water ponds". In addition, variations are available under §19-601(A) (*see attached*) when a tract is "of such unusual size or shape or is surrounded by such development or unusual conditions" that the strict application of the Subdivision Regulations would result in substantial hardship or inequity. In those cases, Council may vary or modify design requirements, but not procedure or public improvements, so that an applicant can develop his or her property in a reasonable manner. Although such variations or modifications may be allowed, Section 19-601(A) requires that the public welfare and interest of the City be protected and the general intent and spirit of the Subdivision Regulations be preserved by granting the variation. A variation based on unique condition(s) shall not be granted when the unique condition(s) was created or contributed to by the subdivider. A modification under §19-601(A) may be granted upon written request of the subdivider or his engineer, stating the reason for such modification, and may be approved by majority vote of Council, with the recommendation of the Planning Commission.

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 44 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 by the City of Norman of the Oklahoma Department of Transportation for a grant to construct Rock Creek Road as 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.

In 1976, the City of Norman adopted revised Engineering Design Criteria for all public improvements which included a new street width requirement on arterial streets of 52 feet. Despite the objections of the City of Norman, Rock Creek Road was widened and improved by ODOT to a width of 44-feet in 1979. The north side of Rock Creek Road was included in 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 by ODOT in 1981. Although the improvements did not meet the City's current standards at that time, the project was accepted by the City of Norman, City Council released the deferral funds that were submitted by TOTCO 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 on the north side of Rock Creek Road. At that time, the City standards required 26-feet of half width paving. As a result, the developer was required to submit a deferral fee of \$33,882.80 for a future 4-foot street widening for a distance of 964 feet. The next development occurred in 2008 on the north side of Rock Creek Road including of deferral of 4-foot width for a distance of 1,000 feet for Rock Creek Road and additional improvements for 12th Avenue N.W. and a fee of \$80,954.60. The remaining development to occur between 12th Avenue N.W. and Stubbeman Avenue took place in 2009 with a frontage of 270 feet and a deferral fee of \$15,288.80. The Milligan 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 (4) additional feet on each side of the road in order to meet current City standards for arterial streets in Norman. Under §19-602(B) (*see attached*) of the City Code, Council may temporarily defer the construction of certain public improvements that would otherwise be required at the time of acceptance of the final plat within a subdivision. Deferral is appropriate when Council deems that such deferment is immediately in the interest of public health, safety, or general welfare. Deferral allows the applicant to move forward with obtaining a building permit prior to the construction of the required public improvements. Whenever Council approves a deferral of a public improvement, the applicant is required to pay the cost of future improvements to the City within ten (10) days of acceptance of the final plat. Such payment must be in the form of cash or certificate of deposit. 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.

Staff estimates the deferral fee attributable to the Milligan Plat to be somewhere in the range of \$17,000 to \$18,000. The owner has requested an exemption from the deferral fee requirement. The City's Subdivision Regulations do not allow an exemption or even a variation from the public improvement requirements, but the City Council can release the deferral fee if the street widening has not occurred within ten (10) years of payment of the fee. To staff's knowledge, a full exemption of this requirement has never been granted by the City Council as part of the

preliminary plat approval process. 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 N.W. 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 and traffic impact 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, City capital funds may have to be used to make up the difference in the future local costs to widen Rock Creek Road.

**DISCUSSION:** All access to this tract is provided by way of a right-in/right-out driveway along Rock Creek Road. The location of the driveway was carefully chosen with respect to the existing railroad crossing and a future traffic signal at the intersection of 12th Avenue NW and Rock Creek Road. The lot is expected to generate an estimated 50 trips per day or 5 during the p.m. peak hour. This is well below the threshold for when any traffic impact analysis is required. The traffic capacities on the surrounding arterial roadways exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated on the nearby arterial streets.

(See attachment A-Traffic Impact chart)

The intersection of 12th Avenue NW and Rock Creek Road will require additional lanes and a new traffic signal. The estimated cost of design and construction is \$709,375 of which this applicant will be responsible for 0.21% of the cost (or \$1,471.12) based on their share of the traffic impacting the intersection. The City of Norman and other development will fund the remaining cost.

Public improvements for this property consist of the following:

Alley. Alley is not required.

Fire Hydrants. A fire hydrant will be installed in accordance with approved plans. Its location has been approved by the Fire Department.

Sanitary Sewers. There are no gravity sanitary sewer lines to secure this property. A private sanitary sewer system will be installed in accordance with the Oklahoma Department of Environmental Quality (ODEQ) standards.

Sidewalks. Sidewalks will be constructed adjacent to Rock Creek Road.

Storm Sewers. A privately-maintained detention facility will be utilized.

Intersections: A previous traffic study concluded that the intersection of 12th Avenue NW and Rock Creek Road will need to be improved. The estimated cost of design and construction for the widening and signalization improvements is \$709,375 of which this applicant will be responsible for 0.21% of the cost (or \$1,471.12) based on their share of the PM peak hour traffic impacting the intersection.

Streets. There is an additional four foot (4') paving requirement for Rock Creek Road. The applicant's share of the costs of this requirement is estimated to be around \$17,000 to \$18,000.

Water Mains. One water main will be installed to serve fire hydrant in accordance with approved plans and City water standards.

Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting.

**RECOMMENDATION:** Based upon the above information, staff cannot support an exemption from the WQPZ Ordinance or the exemption from Subdivision Regulations involving street improvements to Rock Creek Road. As a result, staff recommends denial of the preliminary plat for Milligan Industrial Tract Addition.