



## Legislation Details (With Text)

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**File #:** O-1617-2      **Version:** 1      **Name:** Jolley Rezoning - 36th and Cascade  
**Type:** Zoning Ordinance      **Status:** Passed  
**File created:** 6/22/2016      **In control:** City Council  
**On agenda:** 9/27/2016      **Final action:** 9/27/2016

**Title:** CONSIDERATION OF ORDINANCE O-1617-2 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE NORTHEAST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE RM-2, LOW DENSITY APARTMENT DISTRICT AND PLACE THE SAME IN THE C-1, LOCAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHWEST CORNER OF 36TH AVENUE N.W. AND CASCADE BOULEVARD)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. text File O-1617-2, 2. O-1617-2, 3. Location Map, 4. Preliminary Site Plan, 5. Rendering, 6. Staff Report, 7. 8-11-16 PC Minutes

Date	Ver.	Action By	Action	Result
9/27/2016	1	City Council		
9/27/2016	1	City Council		
9/13/2016	1	City Council		
8/11/2016	1	Planning Commission		
7/14/2016	1	Planning Commission		

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**SYNOPSIS:** The applicant's request is to rezone approximately 2.162 acres from RM-2, Low Density Apartment District to C-1, Local Commercial District to develop two one-story buildings for a retail shopping center. Each building will front on 36<sup>th</sup> Avenue N.W. and be approximately 10,500 square feet with up to six lease spaces in each building. Any allowed use in C-1, Local Commercial District will be permitted to occupy the lease spaces as long as the parking requirement can be met.

**ANALYSIS:** This area of Norman has experienced an increase in residential and commercial development over the last 20 years. Norman Regional Healthplex has generated much of the development in the general vicinity with new neighborhoods, office buildings, retail shops and shopping plazas in northwest Norman.

An increase in residential development is a direct correlation to the need for an increase in commercial development in a given area. To the west and south of this site is Cascade Estates single family residential development; the first phase was zoned R-1 in 1984 and is directly west of the church that abuts this site. The remaining Cascade Estates development was developed under a PUD in 1998. Directly north of this site is Windsor Apartments that recently

received occupancy permits. To the east of the site is the Norman Regional Medical Park with several specialty medical clinics and the hospital, along with a commercial corner at Tecumseh on the east and west sides of 36<sup>th</sup> Avenue N.W.

This area of Norman has experienced continued growth due to the proximity to interstate access, medical facilities, goods and services and entertainment. For example, the following new residential developments, such as Brookhaven Mansions Senior Independent Care Facility, The Falls at Brookhaven and Windsor Apartments, are located within a mile of this site. The Neighborhood Wal-Mart at Rock Creek Road and 36<sup>th</sup> Avenue N.W., as well as Legacy Office Park on the north side of Rock Creek Road between 36<sup>th</sup> Avenue N.W. and 24<sup>th</sup> Avenue N. W., are recent commercial developments in the area that provide goods and services to the growing population in this area.

This development proposal is similar in nature to the surrounding commercial developments that abut residential neighborhoods; for example, the northwest corner of 36<sup>th</sup> Avenue and Rock Creek Road is a convenience store and shopping center and Warwick Addition, a single family residential development, is directly west of the commercial development. This proposal is similar. Planning principles support commercial development in close proximity to residential neighborhoods on the exterior arterial streets---this proposal fits those parameters.

### **ALTERNATIVES/ISSUES:**

**IMPACTS:** This development proposal's main impact is going from vacant to developed land; because this site is currently zoned RM-2, an apartment building can be built by right. Because of the proximity to the new Windsor Apartments immediately to the north of this site and new apartments on Rock Creek Road-Legacy Trail Apartments (currently under construction) and the Falls at Brookhaven and the University North Park Apartments (currently under construction,) the property owner has decided a commercial shopping center is a better fit for the site.

Fundamental planning principles indicate that increased population in a localized area requires increased goods and services within proximity to that population; this retail shopping center will help provide those services.

**ACCESS:** A traffic impact assessment has been submitted by the applicant and approved by the city traffic engineering division. According to the assessment this proposal will generate an increase of 3.8 percent trips at the intersection of 36<sup>th</sup> Avenue N.W. and Cascade Boulevard.

The two commercial buildings will share one access off of 36<sup>th</sup> Avenue N.W. and one access onto Cascade Boulevard. The drive approaches are shown on the plat and site development plan.

Prior to this proposal, a traffic signal was recommended at 36<sup>th</sup> Avenue N.W. and Cascade Boulevard; the applicant will share part of this expense based on the amount of traffic this development will contribute at this intersection.

### **OTHER AGENCY COMMENTS:**

#### **PREDEVELOPMENT MEETING #16-6 - April 28, 2016**

##### **Application Summary**

The applicant is requesting a Norman 2025 Land Use & Transportation Plan amendment from Institutional to Commercial and rezone from RM-2, Low Density Apartment District to C-1, Local Commercial District to develop a single-story 19,200 square foot commercial retail center.

##### **Neighbor's Comments/Concerns**

The neighbors' main concern is an increase in traffic that will be created on Cascade Boulevard. They fear another access point onto Cascade Boulevard will cause too much traffic for their neighborhood.

- The neighbors questioned the type of retail that would be occupying the space.
- The neighbors asked if office space would be considered.

What will be the design? Will it look like the commercial center across the street?

##### **Applicant's Response**

Mr. Rieger explained that as they move forward with the preliminary plat traffic access points will be addressed by city engineers. At that time it will be determined if a traffic impact assessment will be required.

Mr. Jolley expressed that he wants to be a good neighbor and would consider cross access between the church's existing access points and the new retail center so a new drive approach off Cascade Boulevard may not be needed.

Mr. Rieger pointed out that the commercial center could have any use that is allowed in C-1 and the market controls who will occupy the space.

Mr. Rieger explained the applicants are not interested in office space and that Norman is currently saturated with unoccupied office space.

Mr. Rieger explained that the retail center will be brick and meet all city requirements and have an upscale design.

**PARK BOARD:** Parkland dedication is not required for this commercial proposal.

**PUBLIC WORKS:** The Preliminary Plat for this development, Jolley Addition including a Replat of Olivet Baptist Mission, has been submitted, reviewed and accepted as required per subdivision regulations.

**STAFF RECOMMENDATION:** This development proposal can be supported by staff; this site has not developed into any use allowed in RM-2 over the 25 years it has had that zoning designation because of the minimal size of the parcel. A commercial development to serve the surrounding neighborhoods is compatible and similar to other commercial developments that front 36<sup>th</sup> Avenue N.W. Staff supports and recommends approval of Ordinance No. O-1617-2.

Planning Commission, at their meeting of August 11, 2016, unanimously recommended adoption of this ordinance, by a vote of 8-0.