



Legislation Details (With Text)

File #: O-1718-49 **Version:** 1 **Name:** Zach Moffitt DDS SPUD Zoning
Type: Zoning Ordinance **Status:** Passed
File created: 4/17/2018 **In control:** City Council
On agenda: 6/26/2018 **Final action:** 6/26/2018
Title: CONSIDERATION OF ORDINANCE O-1718-49 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 LOT 5, BLOCK 2, FUZZELL'S ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE R-2, TWO FAMILY DWELLING DISTRICT WITH PERMISSIVE USE FOR A DOCTOR/DENTAL OFFICE, AND REMOVE LOTS 3 AND 4, BLOCK 2, FUZZELL'S ADDITION FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT AND PLACE THE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (201 SOUTH BERRY ROAD)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Master Text File, 2. O-1718-49, 3. Brick House SPUD, 4. Exhibit A - Site Plan, 5. Exhibit B - Existing Site Survey, 6. Exhibit C - Open Space Plan, 7. Location Map, 8. Staff Report, 9. Protest Map 5-10-18, 10. Protest-Support Letters as of 5-10-18, 11. 5-10-18 PC Minutes - Item 6

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------|--------|--------|
| 6/26/2018 | 1 | City Council | | |
| 6/26/2018 | 1 | City Council | | |
| 6/12/2018 | 1 | City Council | | |
| 5/10/2018 | 1 | Planning Commission | | |

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SYNOPSIS: The applicant, Dr. Zach Moffitt, D.D.S., submitted a request to amend the NORMAN 2025 Land Use and Transportation Plan from Low Density Residential Designation to Office Designation and rezone from R-2, Two Family Dwelling District with Permissive Use for a doctor's office and R-1, Single Family Dwelling District to SPUD, Simple Planned Unit Development to redevelop and expand his existing dental office, Brick House Dental. The existing business is properly zoned and carries the correct land use designation; however, this request includes two residential lots to the east of the existing business, thus requiring amendment of the land use plan and rezoning and then subsequently a Lot Line Adjustment to combine all three lots into one. The applicant will be relocating the existing office and the two houses as opposed to demolishing them; Habitat for Humanity is scheduled to relocate the structures. A companion NORMAN 2025 Land Use and Transportation Plan application has been submitted, R-1718-108, along with a specific site plan for future redevelopment of the area.

ANALYSIS: The particulars of this SPUD include:

USE: The applicant is limiting the uses allowed on this site to the following:

- (a) Medical or dental clinic or laboratory.
- (b) Office of such professional person as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicists, linguist, landscape architect, optometrist, orthodontist, osteopathic physician, planning consultant, psychologist, physician or surgeon, registered nurse or similar use.
- (c) Off-street parking lot to serve any permitted use.

SITE PLAN: The front of the business faces S. Berry Road. The minimum west side setback shall be 15'. The minimum south side setback shall be 10'. The minimum east side setback shall be 8'. The minimum north side setback shall be 25', in accordance with the 25' building line originally platted for lots facing Garver Street. There is a 5' utility easement along the south property line, as indicated by the existing site survey. All unattached buildings shall be set back 5' from the south property line and 3' from the east property line.

LANDSCAPE BUFFERS: The landscape buffer along the west property line (facing S. Berry Road) shall be no less than 8' and the buffer along the north property line (facing Garver Street) shall be no less than 6'. Internal landscaping is proposed adjacent to the building. Driveways, sidewalks and the ground sign may encroach upon the landscape buffers.

OPEN SPACE: Main and accessory buildings shall not cover more than 50% of the lot area. The total amount of impervious area including all buildings and permanently paved areas shall not cover more than 75% of the site.

PARKING: The parking requirements for medical/dental clinics is one parking space per treatment room/chair plus one per doctor. In this case the minimum number of parking spaces required under the current parking standards is 25; the applicant is providing 21 parking spaces. The applicant stated he has permission from a business owner in the commercial development across Garver Street for his employees to park in that parking area and they will continue to do so. There is no parking allowed on either side of Garver Street.

The SPUD proposes the following for parking:

- (a) For all permitted uses, 1 parking space shall be provided for every 250 GSF of building area.
- (b) No less than 1 handicapped accessible parking space shall be provided.
- (c) Standard parking spaces must be a minimum of 8'-6" in width and 19'-0" in depth. Handicapped accessible spaces must be a minimum of 11'-0" in width and 19'-0" in depth with a minimum 5' access aisle.
- (d) Off-street parking may extend within 8' of the west property line on S. Berry Road, within 6' of the north property line on Garver Street and within 5' of the south property line.
- (e) No other walls, fences or other structures than identified in the SPUD and/or shown on the site plan will be required to screen the off-street parking area along any of the property lines. Landscaping consisting of low shrubs will be provided along the west side of the property to partially screen the off-street parking area. Fences are provided on the south and east sides of the site.

EXTERIOR LIGHTING: All exterior lighting will comply with the Commercial Outdoor Lighting Standards of the Zoning Ordinance.

SIGNAGE: The applicant is proposing the following allowance for the ground sign adjacent to Berry Road:

Ground Signage: A new, two-sided ground sign, will be placed on the west side of the property in the landscape buffer area along S. Berry Road, but outside of the 30' sight triangle at the NW corner of the site, in a location near the existing sign. The total signage area of the new ground sign shall be no greater than 40 square feet. The height of the new ground sign shall be no greater than 5'.

Ground Signage Setback: The existing office ground sign is located immediately adjacent to the west property line. The new ground sign described above will also be located immediately adjacent to the west property line in the landscape buffer, but outside of the 30' sight triangle at the intersection, as indicated on the Site Development Plan. No setback from the property line will be required for this office ground sign.

Any wall signs for this site will comply with the Norman Sign Code under the Office designation. This will allow two wall signs at a maximum of 40 square feet for all wall signage.

PHASES: The proposal is to relocate the 2 houses and begin construction of the new office. Once the new office is

complete the existing office will also be relocated and the new parking lot constructed.

ACCESS: Access to the site will be from the existing drive located on S. Berry Road and the second access will be from Garver Street. The existing drive on S. Berry Road will be improved and widened to 24'. The existing access drive/parking area on Garver will be relocated east and comply with traffic separation standards from an intersection, the access will be 24' wide.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed rezoning does present potential impacts for neighboring residential properties but the proposal to allow a neighborhood service to expand does not work without the redevelopment of the site. The applicant has shown mitigation efforts by installing new landscaping and screening adjacent to the residential properties but encroachment of office use into the residential neighborhood changes the character of the block further than currently exists with the office only at the corner.

OTHER AGENCY COMMENTS:

GREENBELT COMMISSION GBC NO. 18-07 - APRIL 16, 2018

The Greenbelt Commission forwards the project to Planning Commission and City Council and commends the applicant for maintaining trees where possible and for planting additional trees on the project.

PRE-DEVELOPMENT PD NO. 18-06 - APRIL 16, 2018

Application Summary: The applicant is Dr. Moffitt, DDS and he operates Brick House Dental in a small office that was a former residence at 201 S. Berry Road; the structure was converted into a dental clinic in 1959 by a previous property owner. In order to expand this dental practice, the owner intends to remove the existing clinic and the 2 rental houses to the east and construct a new dental clinic and associated parking lot. The 3 separate lots will be combined, via a Lot Line Adjustment, into a single lot to accommodate this redevelopment. While the existing business has been in place for over 50 years, the 3 lots must undergo a zoning change and land use plan amendment to allow for the expansion of the business. The applicant is requesting a SPUD, Simple Planned Unit Development written specifically for this business.

Neighbor Comments

Q: Do you have a problem with pedestrian traffic crossing your lot?

R: At first, I tried to limit the pedestrian traffic cutting across the lot but over time I have learned to embrace the pedestrian traffic.

Q: What type of shrubs will you be installing along the western edge of the parking lot?

R: The shrubs will be low profile shrubs to block any headlight shining across S. Berry Road impacting any residential properties. The shrubs need to be low profile to not block any site lines for cars utilizing Garver Street and to not isolate the parking lot creating any safety issues.

Q: Trash service?

R: The site will be served by polycarts eliminating a noisy dumpster in the area.

PARK BOARD: Park land is not required for commercial or office development.

PUBLIC WORKS: This property is platted as part of Fuzzells Addition, all public improvements were installed as part of the platting process. The access points proposed on South Berry Road and Garver Street meet the Engineering Design Criteria. The three existing drives on Garver Street will be removed and replaced with a single drive and curbing. Sidewalks adjacent to Garver Street will be installed as part of this project and there is an existing sidewalk adjacent to South Berry Road.

STAFF RECOMMENDATION: This proposal provides neighborhood services to those living in close proximity, allowing them to walk or bike to the office, and provides services in the core/central area of Norman; however, similar to recent applications submitted, this expansion does encroach into the established residential neighborhood. Due to the recent discussions by City Council on the concern of commercial intrusion into the residential neighborhoods, staff recommends denial of this application.

Planning Commission, at their May 10, 2018 meeting, recommended adoption of Ordinance O-1718-49 by a vote of 7-0.