



Legislation Text

File #: O-1718-53, **Version:** 1

CONSIDERATION OF ORDINANCE O-1718-53 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 SOUTHWEST QUARTER OF SECTION FOURTEEN (14), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL DISTRICT AND PLACE THE SAME IN THE C-1, LOCAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED SOUTH OF ROCK CREEK ROAD AND WEST OF PENDLETON DRIVE)

SYNOPSIS: The applicant, S&S Family Properties, is proposing to rezone the 0.7803 acres of land located at the southwest corner of West Rock Creek Road and Pendleton Drive.

BACKGROUND: In June of 2009 City Council approved an agreement with S&S Family Properties, LLC to solidify the acquisition of property necessary for the completion of the Rock Creek Road Overpass on the west side of I-35. There were a number of components to the agreement, including language that committed the City to consent to closing the public street portion of the then existing Rock Creek Road that would no longer be needed west of Pendleton Drive. The agreement also provided that S&S Properties could seek to develop the remaining parcel after the closure west of Pendleton Drive provided some conditions were met. The conditions set forth in the agreement are as follows and will be filed of record with the County:

- The development plan must be for a single-story commercial retail store with parking west of Pendleton Drive;
- The remaining parcel east of Pendleton Drive can be utilized only for drainage and open space requirements for the tract west of Pendleton Drive;
- A Restrictive Covenant must be filed of record evidencing the use restriction;
- City maintenance requirements for any open space, drainage and parking must be satisfied;
- No curb cuts will be allowed on Rock Creek Road; and
- Access to the parcel shall be allowed only on the southeast corner of the west parcel.

The NORMAN 2025 Land Use and Transportation Plan was amended with the 2009 agreement removing this tract of land from the Low Density Residential Designation and placing it into the Commercial Designation.

ANALYSIS: S&S Properties is now ready to move forward with the request to rezone the property. Initially, the application for rezoning was from A-2, Rural Agricultural District to C-2, General Commercial District, with a Short Form Plat considered at a later date, but required prior to any development. However, due to the concerns expressed by the neighboring residential property owners regarding the possible development of this site with those uses allowed in the C-2 District, the applicant has agreed to change the rezoning request from C-2 to C-1, Local Commercial District and submitted a list of allowed uses, see Exhibit 1. The list of allowed uses will be filed with the County as a restrictive covenant along with the above conditions from the 2009 agreement.

ALTERNATIVES/ISSUES:

- **IMPACTS:** Staff received a protest prior to the Planning Commission public hearing for the rezoning of the tract from an adjacent property owner, with the understanding additional protests were in the works. Neighbors expressed concern with commercial uses locating adjacent to single-family homes with possible menu boards, loud speakers and other possible nuisances.

As outlined above, due to the concerns expressed by the neighboring residential properties, the applicant has agreed to change the rezoning request from C-2 to C-1, Local Commercial District. In addition, the applicant has agreed to a list of restrictive covenants to control the use and future development on the subject tract. The list of restrictive covenants for uses allowed on the site will be filed with the County. Any development of the property

will conform to the above noted development restrictions from the 2009 agreement and the new list of allowed uses.

- **SITE PLAN:** A site plan will be based on the above agreements for development of the site and required to be submitted as part of the application for a Short Form Plat. Access to the site will be restricted to the southeast corner of the subject tract, adjacent to Pendleton Drive.

OTHER AGENCY COMMENTS:

PARK BOARD: There are no parkland requirements for commercially zoned property.

PUBLIC WORKS: The property is not platted. The applicant plans to move forward with a Short Form Plat once the zoning has been established and a site plan will be a part of the application for the Short Form Plat.

FIRE: Subject to the submittal of a required site plan with a Short Form Plat, a fire hydrant may be required for fire protection. The remaining required public improvements are existing.

STAFF RECOMMENDATION: Based on the previous agreements for development and the amended uses for the site, staff supports Ordinance O-1718-53.

Planning Commission, at their meeting of June 14, 2018, voted down a motion to recommend approval of Ordinance O-1718-53 by a vote of 1-5.