

BOARD OF ADJUSTMENT MINUTES

MARCH 27, 2019

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of Building A of the Norman Municipal Complex, 201 West Gray, at 4:30 p.m., on Wednesday, March 27, 2019. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at www.normanok.gov/content/board-agendas in excess of 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Andrew Seamans called the meeting to order at 4:34 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Brad Worster
Curtis McCarty
Mike Thompson
James Howard
Andrew Seamans

MEMBERS ABSENT

None

A quorum was present.

STAFF PRESENT

Wayne Stenis, Planner II
Roné Tromble, Recording Secretary
Elisabeth Muckala, Asst. City Attorney

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Item No. 3, being:

APPROVAL OF MINUTES OF THE FEBRUARY 27, 2019 REGULAR MEETING

Mike Thompson moved to approve the minutes of the February 27, 2019 Regular Meeting as presented. Brad Worster seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	James Howard, Mike Thompson, Curtis McCarty, Brad Worster, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion to approve the February 27, 2019 Board of Adjustment Regular Meeting Minutes as presented passed by a vote of 5-0.

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Item No. 4, being:

BOA-1819-11 – FULTON WORSTER GROUP, ON BEHALF OF SOUTH I-35 PROPERTIES, L.L.C., REQUESTS A VARIANCE TO THE SIDE AND REAR YARD SETBACKS FOR PROPERTY ZONED CR, RURAL COMMERCIAL DISTRICT, LOCATED ON LOT 2, BLOCK 1, NORTH NORMAN BUSINESS CENTER ADDITION.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Aerial Photo
4. Application with Attachments
5. Plat and Site Plan

Mike Thompson moved to allow Brad Worster to be recused from BOA-1819-11. Curtis McCarty seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	James Howard, Mike Thompson, Curtis McCarty, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion to allow Brad Worster to be recused from this item passed by a vote of 4-0. Mr. Worster vacated his seat.

PRESENTATION BY STAFF:

1. Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval of a variance which designates a north (side yard) setback match the platted cross-access/utility easement of 23.38', the south (side yard) setback match the platted 10' utility easement, and the east (rear yard) setback follow the same regulations as in a C-1 Zone, that being to allow 0' but required to be 30' if the building is designed for service from the rear, and with the understanding that the Building Code still might require some setback. There were no protest or support letters filed.

2. Mr. Howard – Why was a C-1 zoning not something that was being recommended in this situation?

Mr. Stenis – Their request was to get a variance from the setbacks. It is only serviced by water line right now; sewer service is still the lagoon. Rezoning was never discussed.

PRESENTATION BY THE APPLICANT:

1. Brad Worster, 132 N. Santa Fe – I have some other information for you; I have some more color pictures. After reviewing staff's report, I went back to the potential user for this property and discussed how a building could be sited that could more accommodate staff's recommendation. We came up with a third site plan, which is in

the information that is included there for you. They think they can get their building with 20' rear setback. I've added another letter that shows what we would ask for at this point, which is side yard setbacks of 10' and rear setback of 20'. The applicant understands that the cross-access easement and the utility easement on the north side is 23' and they cannot build in that. We're still asking for a 10' setback for that so that if siting the building for drainage purposes or other reasons works better a little bit further to the north, they could either go through or come back and vacate part of that utility easement or that cross-access easement. If you look at the aerial image there, the way the driveway was actually poured, all but I think about 3 or 4' of it is actually on Lot 1 and part of the entryway. So just the way the construction ended up being built, it wasn't split right on the property line as the engineer had made the orientation.

Regarding Mr. Howard's question, I was involved with the property when the land was purchased back in 2009 or 2010. At that time, the owner was instructed that to be able to have C-1 or C-2 zoning they had to bring in public sewer. That's very far away. It was a \$300,000+, and none of the owners to the south were willing to participate; even though it would have gotten seven other people public sewer, none of them wanted to chip in. So they changed the way they were going to build the first building, and that was okay with those setbacks.

We kept the front setbacks and this is an owner/user that has the property under contract at the moment. They have a specific sort of building style and type that they want to use; I've included some pictures of those as the last page of the document. They just have certain things they have to be able to do. The idea was when one of the neighbors to the south would help with the public sewer cost – like if all six of them would split \$300,000 -- then they would pony up their share and bring in public sewer. The original site plan that was filed with the plat showed the primary building on Lot 1 actually kind of being L-shaped and taking over the sewer lagoon and the stormwater detention, moving stormwater detention under the parking lot, and reclaiming that at that point in time. Ten years later, none of those owners want to do anything; the land still looks the same on that side of the street, even though there has been development on the other side of the street. I have a lot of information and can answer just about any question, I think. I would respectfully request the 10' side setbacks and the 20' rear setback.

2. Mr. Howard – That answer helps me understand the situation, realizing the difficulty of getting that lot placed. Looking at one of the property owners already has two lagoons back there and probably feels they're in a good situation.

3. Mr. Worster – The former trailer park that was there closer to Indian Hills Road had lagoons on the other side of the creek there, and those were flooded out and no longer used. I believe that owner was one of the PUDs that staff had mentioned that they came back and were able to get that for an industrial zoning with lateral lines. Everybody on that side of the road, the sewer stops at Indian Hills and the requirements to go under that creek were significant. You can see the treatment plant for Moore in those aerials is just on the other side of the creek.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to approve BOA-1819-11 as presented. James Howard seconded the motion.

1. Mr. Seamans asked for clarification of the motion.
Mr. McCarty responded that it is what is in the application.
Mr. Stenis asked if it was the application or the presentation.
Mr. McCarty said he was accepting the application as presented.
Ms. Muckala noted that the motion can be amended to accept the staff recommendation, and there is the option of adding conditions.

2. Mr. McCarty asked if the presentation was the same as the application.
Mr. Worster responded that the original application was for no rear setback, because they were thinking the building could be closer to the front and they would put some out buildings along the back property line and have a 20' drive between some storage sheds and the building. If they move the building back to get two rows of parking, which looks like will be required for roughly 30 spaces, that moved the building back further. They are actually asking for less than what was originally applied for – 20' for the rear versus 0' for the rear. They've got to be able to circulate traffic around the building. It's more efficient to have all the parking in front versus some on the side. There is about 6,000 sq. ft. of actual store space, and that requires 30 parking spaces. They did try to make the building fit at 30'; that would have eliminated any storage areas against the rear property line, but they couldn't get it with the parking.

Mr. McCarty withdrew his motion.

3. Mr. Worster commented that they obviously could make it work with a 0' rear setback, and it would probably be a similar site plan because they will need to have a drive go around the building.

4. Mr. Stenis asked, if the building is 10' from the south property line and there are trucks driving around the building, is that enough space for trucks.

Mr. Worster responded that the south side is not for deliveries, but is more for customer pick-up, similar to the overhang in front of Lowe's and the contractor area. They designed it to have two lanes so if somebody was parked there, you wouldn't have to wait for them and could still pull around. There is one lane covered and one lane uncovered. Part of the reason we aren't able to tell you exactly how it will all be built is it still has to drain from the southwest corner to the northeast corner and we're sticking a big building on it; there are going to be some civil engineering challenges to make that work.

5. Mr. Stenis noted that if there are openings on the east side, the building code may

require a setback, and the Board of Adjustment doesn't have any authority over that. Also, the Traffic Engineer would be looking at circulation and might have some comments.

6. Mr. Thompson asked if the Board could leave the rear setback at 0' and hope that the applicant provides a 20' setback.

Mr. Howard commented that he sees no problem with the original request; it would be up to the designer and engineers to follow the building codes and deal with any traffic issues. The site plan included with the staff report shows that there are adequate aisles on the cross-access easement between the parking at the existing building and the proposed building. It looks like all the parking is going to be across the storefront, so there won't be traffic backing into that main aisle running east/west between the two properties. He would hate to restrict good design in terms of being able to develop the site and deal with water and sewer issues, etc. that still need to be worked out.

7. Mr. McCarty asked about the Concept Building #3 showing 23.38' on the north, 20' on the rear, and 10' on the south; he asked if the applicant would like to keep the rear at 10'.

Mr. Worster responded that Concept Building #3 is pretty close to the ultimate building, although they would like it to be square and not have the notch out of it, which is where they might have to build into the cross-access easement and would only encroach on the rear corner. The width of the building shown is the width that works for their general design. Customers will need to be able to drive trailers around the building to load stuff on the side.

Mr. McCarty asked about the Board granting 10' setbacks on the north, south, and east to give a little more flexibility for building siting because of the shape of the lot.

Mr. Worster indicated that would be acceptable.

Curtis McCarty moved to approve BOA-1819-11, the Variance to the side and rear yard setbacks for property located at 6351 N. Interstate Drive, with a north (side) setback of 10', an east (rear) setback of 10', and a south (side) setback of 10'. Mike Thompson seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	James Howard, Mike Thompson, Curtis McCarty, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to approve the Variance with a north (side) setback of 10', an east (rear) setback of 10', and a south (side) setback of 10', passed by a vote of 4-0.

Mr. Seamans noted the ten-day appeal period before the decision is final.

Mike Thomas moved to allow Mr. Worster to resume his seat. James Howard seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	James Howard, Mike Thompson, Curtis McCarty, Andrew Seamans
NAYS	None
ABSENT	None

The motion carried 4-0, and Mr. Worster resumed his seat with the Board.

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Item No. 5, being:

MISCELLANEOUS COMMENTS OF THE BOARD OF ADJUSTMENT AND STAFF

1. Ms. Muckala commented that it is not necessary to have a motion to let someone come back that was recused for one specific item.

2. Mr. McCarty asked the status of the Planning Director position. Ms. Tromble responded that there will probably not be any change until the City Manager position is filled.

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Item No. 6, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:05 p.m.

PASSED and ADOPTED this 24th day of April, 2019.


Board of Adjustment