

Agenda Item No. 5a, being: NEW BUSINESS

Discuss and consider **Rezoning Application No. RZ1049**, located in the SW/4 of Section 27, T10N, R3W, being North of SW 34th Street and East of S. Santa Fe Avenue, from C-3 General Commercial District to C-3/PUD General Commercial District/Planned Unit Development. Application by Battison Properties, LLC/Gunner Joyce. **Ward 3.**

The subject site is located north of SW 34th St and east of S. Santa Fe Ave. The property is currently zoned C-3 General Commercial District and is vacant. The applicant is proposing to develop a commercial space to be utilized as a light automotive repair shop, a use that is more intense than those allowed under the C-3 zoning by right. To achieve the desired development, the applicant is requesting a rezoning to C-3 as a Planned Unit Development.

Public water is available to the West along S. Santa Fe Ave. The waterline will need to be extended East to reach the property. Public sewer is available along the East property line.

Stormwater detention is provided by the existing detention pond for the Oak Ridge Crossing North Addition to the north of the property. There is no FEMA floodplain located on the site.

Access is provided by SW 34th St. In an effort to consolidate driveways within the larger development, a private access drive will be provided from SW 34th Street to serve both this subject property and the lot to the west.

The applicant is utilizing a Planned Unit Development (PUD) to allow the "Automotive and Equipment: Light" use unit classification in the C-3 General Commercial District zoning district while providing protections to preserve the integrity of nearby residential neighborhoods. By utilizing a PUD the City may relax certain requirements in exchange for amenities that would not otherwise be required.

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Public water is available with a 12" waterline located to the West along S. Santa Fe Ave. The waterline will need to be extended East to reach the property. Public sewer is available along the East property line.

Stormwater detention is provided by the existing detention pond for the Oak Ridge Crossing North Addition to the north of the property. There is no FEMA floodplain located on the site.

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In review of this application, the proximity to the Bluestem Ridge Addition requires a higher level of scrutiny in regards to light and noise trespass, along with outdoor storage of vehicles that is typically seen with automotive repair. Although originally submitted as a straight zoning application, after the March 11 PC hearing for a proposed comprehensive plan amendment, the applicant amended the rezoning request to a PUD with certain protections for the neighborhood, such as a prohibition on outdoor storage, height limitations for buildings and signs, and a minimum 20’ open space buffer on the east side of the property abutting the residential neighborhood.

The Envision Moore 2040 Plan calls for this location to be Neighborhood Commercial. Land uses allowed in Neighborhood Commercial include office, retail and service uses that are intended to serve the immediate area, being 1-3 mile radius. This application was reviewed as to its conformance with the intent of the Plan.

This application focuses on increased open space at 5% above the current required open space, along with height restrictions on the monument sign and building height. Additionally, the PUD does not allow outdoor storage of any kind.

This site has a multi-use trail along SW 34th which will be required to be maintained through development. The PUD calls for a shared access drive between this subject site and the lot to the west, effectively eliminating one driveway from SW 34th Street.

This application proposes a private driveway from the SW 34th St to provide access to the property with cross access across the three lots along SW 34th Street. This internal circulation works to eliminate the need to access SW 34th Street and reduces congestion.

This site has no natural features of significance. Being just over 1-acre in size, stormwater detention will be required.

The applicant had previously applied for a comprehensive plan amendment to Transitional Commerce in order to accommodate an automotive business with the potential for outdoor storage and potentially negative impacts on the adjacent residential neighborhood through light and/or noise. A public hearing for the comprehensive plan amendment was held on March 11, 2025.

Since that time, the applicant has modified the rezoning request to C-3/PUD to formalize protections for the neighborhood and area in general while allowing the business use of Light Automotive Repair. These amenities include increased open space with a landscape buffer on the east side of the site and no outdoor storage on the lot, both of which work to maintain the integrity of the neighboring residential areas. Due to the amenities and protections offered in the PUD, staff believes that this application is in general compliance with the comprehensive plan and an amendment to the plan is not necessary.

This application seeks to rezone an undeveloped lot North of SW 34th St and East of S Santa Fe Ave to support a commercial use that may not be compatible with surrounding uses in all circumstances, primarily due to the utilization of outdoor storage and the potential for increased light and noise due to normal business operations.

The proposed PUD formalizes an increased greenbelt setback to act as a transitional buffer, height restrictions for the building and monument sign, and a provision for no outdoor storage on the lot, which work to address most of those concerns.

However, it should be noted, traditionally, automotive repair establishments generate noise that could impact neighboring residential properties. City Staff conducted sound meter testing at existing similar businesses and found the average noise generated was within an acceptable level for urban residential areas, but results may vary depending on the operations plan of the establishment.

Sound meter testing was conducted by City staff of existing business with similar operations. The results show the average noise level to be within an acceptable level for urban residential areas. The study included several light automotive repair shops located in Moore. The two businesses that were, considered to be, closest in size and scope to the proposed business were Beneficial Automotive on Crystal Drive and Firestone on S. Broadway. During afternoon hours both had an average reading of 60 decibels.

Suburban commercial areas have a general decibel reading of 65 so that would be in line with the results of the sound study at the two closest examples. An example of decibel readings higher than 65 would be a gas lawn mower operating within 100 feet. A noisy urban area during daytime hours which is an 80 decibel. The 60 to 65 is an acceptable level.

However, the Ordinance is loosely written and does state that in the event a complaint is made by any reasonable person, an investigation similar to the one performed at this site, would be performed. Complaints are not anticipated as long as the business operations are performed as described within the automotive and commercial business; light.

Ultimately the Planning Commission and City Council will need to determine if the proposed open space buffer is sufficient to adequately protect the Bluestem Addition from any adverse impacts, including noise trespass. If Planning Commission and City Council find the amenities and building restrictions sufficient to protect the existing neighborhood, Staff recommends approval of this application.

Chairman Sherrard asked if there were any questions for staff. Emily Richey asked what is a typical set-back? Ms. Weitman answered, a minimum of 20' from any improvement. The site plan shows a 24' wide drive isle. From the building itself, which has no doors or windows on the east side, there would be a minimum set-back of 44 to 45 feet. The setback does increase as you go South.

Chairman Sherrard asked about the site proof requirement along the east side between the existing residential neighborhood. How would that work for those lots who already have a wooden stockade fence. Ms. Weitman answered, the existing stockade fence is considered to be site proof and meets the minimum requirement. No additional fencing would be required of the applicant. In the event a resident removed their fence or it is lost in a storm, the responsibility would fall to the commercial business to replace the fence. The fence would only be required along the east side.

Chairman Sherrard asked if the applicant was present. Gunner Joyce, with Rieger Law Group, 136 Thompson Drive, Norman, OK, introduced himself on behalf of the applicant. Mr. Joyce, reminded everyone that originally the applicant requested a Permissive Use for Automotive and Equipment; light with the current zoning of C-3 General Commercial District to remain the same.

There were no complaints or concerns from neighbors at that hearing, however, there were concerns stated by members of this board. For that reason, the decision was made to proceed with a slightly different application under the same C-3 zoning as a Planned Unit Development in order to better address some of the concerns raised. Which is the application you have before you tonight.

The PUD allows the City to lock in some of those assurances they are seeking.

As Elizabeth has already mentioned, the height of the structure will be limited to one story with a minimum of 20 feet of green space before you reach the side set-back for the building, creating up to 40 feet of buffer in some places along the east side. Providing an adequate buffer for the existing neighborhood to the east, was of particular concern during the last meeting.

In addition, as Elizabeth noted, there are no doors or windows on the east side of the building. That should mitigate the potential for any noise to bleed over and encroach onto the residential neighbors.

Signage was also of concern during the last meeting. The applicant has now limited signage to one monument sign with a maximum of 20'. With those items addressed, the only other change will be to the requested use of Automotive and Equipment Light while keeping the same underlying zoning of C-3 General Commercial District.

Chairman Sherrard asked If the applicant would be open to providing 6 trees of a certain height and caliper in the proposed buffer? Mr. Joyce explained, the applicant fully intends to provide a landscaped buffer that meets the landscaping code. A landscaping plan has not been completed, however the intent is for trees to be included in that area. Since that plan is still being developed, the cost is yet to be determined and providing a specific number of trees would be difficult at this point. However, the actually PUD narrative does state that It will be landscaped along the North and the East. The green space will be more than just grass and trees and shrubs from the City's approved list, will be utilized in those areas.

Chairman Sherrard asked if anyone else would like to address this issue. Hearing none, a motion was requested.

Motion: Kenneth Jarema made a motion to recommend approval of **Rezoning Application No. RZ1049**, subject to the following:

Reduce the number of allowed uses to those listed under the C-3 zoning district as "Uses Permitted By Right" and "Light Automotive Repair" only. This will exclude business uses that are more likely to have noise trespass, such as a car wash, alarm/stereo installer, etc.

Of the 10 trees required by City Code to meet the landscaping requirements, 6 trees must be provided in the eastern landscape buffer adjacent to the Bluestem Ridge Addition. These 6 trees must be served by an automatic sprinkler system, must be evergreen for screening purposes, and must reach a minimum height of 20' at maturity.

Chad Burks seconded the motion. Roll was called.

Ayes: Burks, Jennings, Jarema, Laib, Whitchurch, Sherrard

Nays: Welchel, Richey

Abstained:

Absent: Lunow

Agenda Item No. 5b, being: NEW BUSINESS

Discuss and consider **Rezoning Application No. RZ1050**, located in the SE/4 of Section 3, T10N, R3W, being South of Cass Avenue and East of N. Shields Boulevard, from C-5 Automotive and Commercial Recreation District to C-5/PU Automotive and Commercial Recreation District/with a Permissive Use for Automotive and Equipment; Heavy. Application by Prime Collision Works, LLC/Erick Gardea. **Ward 2.**

The subject site is located West of N. Shields Blvd. and South of Cass Ave. The site consists of 1 lot totaling approximately 1.01 acres with an existing commercial building. The applicant is seeking to rezone the property from C-5 Automotive and Commercial Recreation to C-5/PU Automotive and Commercial Recreation with a permissive use for Automotive and Equipment: Heavy to allow for auto body business with a paint booth.

Public water and sewer are available to serve the site. Access is provided by N Shields Ave and Cass Ave.

The site does not contain a FEMA-regulated floodplain or floodway. There are currently no plans for constructing new structures on this site, therefore stormwater detention will not be required at this time.

Historically, this northeastern section of Moore has seen heavier automotive uses dominating the area. This parcel was previously zoned to C-5 and has been used in the past for various automotive type businesses. The applicant is not changing the underlying zoning but asking for a permissive use to allow for a heavier automotive use, and an auto body repair business with a paint booth.

The Envision Moore 2040 Plan calls for this location to be Transitional Commerce. Transitional Commerce is characterized by heavier commercial, light industrial and some supporting office uses, creating separation between major roads and neighborhoods. This application was reviewed as to its conformance with the Comprehensive Plan.

This property and building are existing and are not proposed to change. There are no additional requirements, at this time.

Because no new development is proposed, sidewalk improvements are not required at this time.

The existing access to the site is from N Shields Ave and Cass Ave. No additional driveways are being proposed, and as such the application is not anticipated to negatively impact traffic congestion on N Shields Ave or Cass Ave.

The site does not contain floodplain or naturalized areas. As no new development is proposed, stormwater detention is not required.

This site is located in the Lockhoma Addition, which is mostly considered a Neighborhood Preservation District, except the lots fronting Shields Blvd., which are shown as Transitional Commerce. Because C-5 Automotive and Commercial Recreation District uses are existing and there will be no further encroachment into the neighborhood, an amendment to the comprehensive plan is not required.

Permissive Uses by definition are uses that may not be appropriate in all areas within the underlying zoning due to potentially undesirable characteristics affecting sensitive uses. Each Permissive Use application should be viewed as unique and evaluated on their individual merits.

Much of the surrounding area is currently dominated by automotive uses. This applicant is seeking to add a permissive use on the property within the C-5 zoning category of Automotive and Equipment: Heavy use unit classification. It is important to note that if approved, the Automotive and Equipment: Heavy use unit classification also would allow the repair of larger vehicles such as aircrafts, boats, recreational vehicles, as well as, body repairs, painting and engine rebuilding for automotives and larger vehicles.

Although this site is located in the Lockhoma Addition, which is considered a Neighborhood Preservation District to the east of Hillcrest, the site itself is identified in the comp plan as Transitional Commerce and is not proposing further encroachment into the neighborhood. And because the proposed use is not changing the site or property, and the area contains a high volume of commercial automotive uses, a permissive use of automotive and equipment heavy is not anticipated to negatively affect the surrounding area.

Staff recommends approval of this application.

Chairman Sherrard asked does the City have any safety requirements such as required filtration to protect the environment. Ms. Purcell answered no, they just have to meet current building code.

Chairman Sherrard asked if the applicant was present. Eric Gardea, 3401 Abby Lane, Newcastle, OK, introduced himself as the applicant and offered to answer any questions.

Chairman Sherrard asked what type of paint do they use, and do they work on any heavy equipment. Mr. Gardea answered, oil based paint and they do not work on any type of commercial vehicles. Chairman Sherrard asked if the paint booth is new. Mr. Gardea answered, yes, the paint booth will go in the smallest building with the tallest roof to accommodate installation of the filtration system.

Chairman Sherrard asked if there were any members of the audience who wished to address this item. After no response a motion was requested.

Motion: Chad Burks motioned for approval of **Rezoning Application No. RZ1050**. Brandon Laib seconded the motion. Roll was called.

Ayes: Burks, Jennings, Jarema, Welchel, Laib, Richey, Whitchurch, Sherrard

Nays:

Abstained:

Absent: Lunow

Agenda Item No. 6 being: CITIZENS - None

Agenda Item No. 7 being: ADJOURNMENT

Chairman Sherrard requested a motion to adjourn at 7:50 p.m.

Motion: Kenneth Jarema motioned for adjournment. Emily Richey seconded the motion. Roll was called.

Ayes: Burks, Jennings, Jarema, Welchel, Laib, Richey, Whitchurch, Sherrard

Nays:

Abstained:

Absent: Lunow

RECORDED FROM NOTES & TRANSCRIBED BY _____
Nora Kerbo, Administrative Assistant