
ORDINANCE NO. O-1617-9

ITEM NO. 4

STAFF REPORT

GENERAL INFORMATION

APPLICANT	David & Joan Koos and Jonathan Fowler
REQUESTED ACTION	Rezoning to R-1, Single Family Dwelling District
EXISTING ZONING	R-3, Multi-Family Dwelling District
SURROUNDING ZONING	North: C-3, Intensive Commercial and C-2, General Commercial Districts East: R-3, Multi-Family Dwelling District and RO, Residence-Office South: R-3, Multi-Family Dwelling District and Exempt property-University of Oklahoma West: R-1, Single Family Dwelling District
LOCATION	Core Norman
SIZE	24.1 acres more or less
PURPOSE	Single Family Dwellings
EXISTING LAND USE	Multi-Family, Two-Family and Single Family Dwellings
SURROUNDING LAND USE	North: Commercial, Multi-Family, Two-Family and Single Family homes East: Two-Family and Single Family homes South: OU, Multi-Family homes West: Single Family and Two-Family homes
LAND USE PLAN DESIGNATION	Low Density Residential

SYNOPSIS:

The applicant and petitioners submitted a request to rezone from R-3, Multi-Family to R-1, Single Family. According to the Zoning Ordinance, Section 442.1-Amendments, "Whenever the owners of fifty-one percent (51%) of the land in any area shall present a petition duly signed and acknowledged requesting an amendment of the regulations prescribed for such

area, it shall be the duty of the City Council to vote upon such amendment within ninety (90) days of the filing of the same by the petitioners with the City Clerk.” The applicant and the petitioners met the petition requirement to bring this request forward through the public hearing process; the owners of 57.8% of the property signed the petition in favor of the rezoning request. The applicant and petitioners are requesting this rezoning to prevent redevelopment of existing structures into allowed uses under the R-3, Multi-Family Dwelling District regulations.

ANALYSIS:

This area of Norman is known as Core Norman and is directly across the street from The University of Oklahoma. Campus Corner is two blocks to the east and downtown Norman is two blocks to the northeast. Core Norman is densely populated with a mix of eclectic architectural styles mainly designated as R-3, Multi-Family District with commercial zoning designations located in the nearby business districts. In this area of Norman, the R-3, Multi-Family District has a mix of single family homes, duplexes, townhomes, apartment houses and apartment complexes, as well as many single-family homes with garage apartments. Core Norman’s unique character is built around the mix of businesses and neighborhoods. This and surrounding neighborhoods developed around the University of Oklahoma and downtown Norman; most of the structures in this area date approximately from the early 1900’s to the 1950’s.

The City of Norman adopted the Zoning Ordinance, No. 884, on July 13, 1954, and at that time the R-3, Multi-Family District was established in Core Norman. The R-3, Multi-Family District surrounds the commercial and office zoning districts of Downtown Norman and the OU campus area. The R-3, Multi-Family District boundaries north of Boyd are approximately from Elm Avenue on the west, to Classen Boulevard on the east. The R-3, Multi-Family District has remained on these properties since the adoption of the 1954 ordinance. Single family homes, duplexes and multi-family apartment houses have coexisted in this area of Norman for over 62 years.

The nature of the built environment in this area corresponds with the R-3, Multi-Family District because the existing various types of dwelling structures are allowed uses in this zoning designation. Several single family homes were converted into multi-family and two-family dwellings, garages were converted into apartments and there are structures that were originally built as two-family dwellings.

The proximity to downtown Norman and OU, which is Norman’s largest employer with a high concentration of faculty and student populations, has precipitated higher density development. Norman promotes pedestrian friendly routes and walkability; therefore, higher densities are encouraged and planned where people can walk to work and school as well as be in close proximity to goods, services and entertainment.

ALTERNATIVES/ISSUES:

- **IMPACTS**

The request to downzone is uncommon; most cases for rezoning are to increase residential density or change the zoning to allow commercial or industrial uses. The applicant and petitioners made this request to rezone from R-3 to R-1 which will not allow the construction of new multi-family and two-family structures or apartment houses within the area requested.

Existing structures in this area range from single family homes to single-family homes with garage apartments, duplexes and converted single family homes into multi-family units. Under the R-3, Multi-Family District any use in the R-1, Single Family District is allowed by right as well as a duplex or a single family home with a garage apartment and an apartment house if the lot area meets the zoning requirements as well as the required setbacks.

To redevelop a lot the required lot area must be met. The following outlines the required lot size requirements for each allowed use: a single family dwelling requires 5,000 sq. ft., a duplex or single family dwelling and a garage apartment requires 7,000 sq. ft., and an apartment house requires 9,000 sq. ft. for three units and each additional unit increases the lot requirement by 3,000 sq. ft.

For example, a six unit apartment house would require 18,000 sq. ft. of lot area with a 65% impervious limit for all paving and structures as well as 1.8 parking spaces for each dwelling unit. Currently, most of the lots in this area do not meet those requirements. Therefore, to remove an existing structure and build an apartment house requires more area than most lots contain and lots would have to be combined through lot line adjustments to achieve the required lot size for this type of structure.

The request to rezone to the R-1, Single Family zoning district will create non-conforming uses because of the existing duplexes, multi-family dwellings and garage apartments. Non-conforming uses cannot be expanded beyond their current footprint which creates impediments to improving or upgrading existing two family or multi-family dwellings.

OTHER AGENCY COMMENTS:

- **PARK BOARD** Parkland dedication is not required for this request.
- **PUBLIC WORKS** There are multiple plats for this area of Norman and some lots are not platted. All public infrastructure is in place.
- **PREDEVELOPMENT MEETING #16-14** **September 22, 2016**

Application Summary

The applicants, David and Joan Koos and Jonathan Fowler made a request to rezone the requested area from R-3, Multi-Family District, to R-1, Single Family District. The applicant and petitioners met the required minimum of owners of 51% of the land in an area to bring this request forward through the public hearing process. The owners of 57.8% of the land in this area support this request. The applicants and petitioners have requested this downzoning to prevent redevelopment of existing structures to multi-family apartment houses, duplexes, or single family homes with a garage apartment allowed under the current R-3, Multi-Family regulations.

Neighbor's Comments/Concerns/Responses

The applicant and petitioners do not want any existing properties to be redeveloped into two-family, multi-family or a garage apartment. They stated that they value the current housing stock and do not want redevelopment or change to existing structures into any type of multi-family structures.

Property owners that did not sign the petition do not want the R-3, Multi-family designation removed from their properties. They stated this area of Norman has been zoned R-3, Multi-family since Norman adopted the Zoning Ordinance in 1954; rezoning from R-3 to R-1 removes their private property rights and as investors in the community will reduce their property values and sources of income. Furthermore, by downzoning it removes the potential to provide aging in place for elderly parents or provide housing for children that are in college.

Property owners asked Planning staff what other mechanisms are available besides rezoning to prevent the teardown of existing homes and rebuilding of multi-family structures. Staff explained options such as: requesting to be included in a Historic District, form a property owners association with covenants, or create an overlay district on R-3 zoned properties with architectural design guidelines, increased setbacks and greater lot size requirements are several options.

Staff also explained that rezoning from R-3 to R-1 makes the existing multi-family dwellings non-conforming uses. This was a concern to property owners that currently lease their properties. Staff also explained the implications of non-conforming uses to their properties; the use may remain but they cannot expand the existing footprint and if the use is not continued or ceases for two consecutive years the non-conforming use expires. Furthermore, the existing structure cannot be demolished on the property owners own will; the only way a non-conforming use would be allowed to be redeveloped into a multi-family structure is if it was destroyed by an act of nature. Staff explained the following implications of this request if passed; for instance, a homeowner of an existing single family house with a detached garage decides they would like to add a garage apartment but that would not be allowed under the R-1 zoning regulations. If you have an existing garage apartment in R-3 the use can continue but under R-1 regulations you cannot demolish and rebuild the existing structure. All multi-family properties that have existing structures that may be in substantial need of rehabilitation potentially will not be redeveloped because the ability to redevelop will be restricted. The downzoning creates non-conforming uses that cannot be rehabilitated, rebuilt or renovated beyond general maintenance.

Overall, the applicants believe their rezoning request will protect the integrity of their neighborhood, and property owners not in favor of this petition believe this request removes their existing property rights and will diminish their investments.

RECOMMENDATION

The applicants and petitioners made this request to prevent multi-family redevelopment of existing homes within this neighborhood. This zone change will also have the effect of creating non-conforming structures on lots which are developed with more than a single-family home. There are pros and cons on both sides of this request; however, staff supports this request to rezone from R-3 to R-1 based on the percentage of property owners who have signed the petition in favor of the change.