

Applicant: Judith Hadley representing the Miller Neighborhood

Project Location: Miller Neighborhood and abutting area to the west; approximately bounded by: East Symmes on the north, Ferrill Street on the south, Jones Street on the west and Classen Boulevard on the east

Case Number: PD 16-15

Time: 6:00 p.m.

Attendees

Russell Kaplan	Susan Shaughnessy	Larry Lessmann
Joseph Sullivan	Richard Hall	Marjorie Wells
Dianna Wilson	Lloyd Bumm	Larry Bierman
Emily and Levi Wilkins	Doug Cubberley	Cheryl Yaroslavski
Joyce Green	Lee Hall	Brian Harden
Judith Hadley	Kendel Posey	Suzette and John
Phil Hollingsworth	Marika Cassiel	McDowell
Linda Chapman	David John	

<u>Staff</u>	<u>Position</u>	<u>Contact Information</u>
Janay Greenlee	Planner II	405-313-8063
Jane Hudson	Principle Planner	405-366-5433
Leah Messner	Assistant City Attorney II	405-217-7748
Drew Norlin	Assistant Development Coordinator	405-366-5459

Application Summary

The applicant, Judith Hadley and petitioners have made a request to rezone the requested area from R-3, Multi-Family, to R-1, Single Family zoning district. The applicant and petitioners met the minimum requirement of owners of 51% of land in an area to bring this request through the public hearing process. This requirement has been met with the owners of 64.1% of land in this area that support this request. The applicants and petitioners have requested this downzoning to prevent redevelopment of the existing structures into multi-family apartment houses, duplexes or single family homes with a garage apartment under the R-3, Multi-Family regulations.

Neighbors' 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 value the current housing stock and do not want redevelopment of existing structures into any type of multi-family structures.

The majority of the land area in this request is within the Miller Historic Overlay District which provides a protective layer in the R-3, Multi-Family District. The Historic District halts redevelopment (demolition and/or building permits cannot be issued without approval from the Historic District Commission) that could otherwise happen under the R-3, Multi-Family regulations. The area immediately west of the Miller Historic District

boundary at Miller Lane west to Jones Street and north from Maple Lane and south to Ferrill Lane is not in the Miller Historic District and zoned R-3 Multi-Family District. This area could be redeveloped under the R-3 regulations without the Historic District Commission oversight.

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 downzoning to prevent the teardown of existing homes and rebuilding of multi-family structures. Staff explained options such as: expanding the Miller Historic District to the west to Jones Street, form a property owners association with covenants, or make a petition to 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 places existing multi-family dwellings into a non-conforming status. This is a concern to property owners that currently lease their properties. Staff further explained the implications of non-conforming uses and the potential impacts to their properties; the existing use may remain but cannot expand beyond the existing footprint, and if the use is not continued or ceases for two consecutive years the non-conforming use discontinues. 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 is if was destroyed by an act of nature. The non-confirming use could then be replaced/redeveloped only to the extent of what existed prior to the 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 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 the garage apartment is not allowed. All multi-family properties that have existing structures that may be in substantial need of rehabilitation potentially will not be redeveloped because the right to redevelop will be restricted. Downzoning can create non-conforming uses that cannot be rebuilt or expanded.

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