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ORDINANCE NO. O-1415-9

ITEM NO. 7a

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	WP Oklahoma Nursing, L.L.C.
REQUESTED ACTION	Rezoning to RM-6, Medium Density Apartment District with Special Use for a Convalescent or Nursing Home
EXISTING ZONING	R-2, Two-Family Dwelling District with Permissive Use for a Convalescent or Nursing Home
SURROUNDING ZONING	North: R-1, Single Family Dwelling District East: R-1, Single Family Dwelling District & CO, Commercial Office South: C-1, General Commercial District & C-3, Intensive Commercial District West: C-2, General Commercial District
LOCATION	501 E. Robinson Street
SIZE	4.559 acres
PURPOSE	Nursing/Convalescent Home
EXISTING LAND USE	Vacant nursing home facility
SURROUNDING LAND USE	North: County Property - Fairgrounds East: Office Use and County Property – Fairgrounds South: Doctor's Office & Commercial Use West: Mini-Storage Facility & Office Use
LAND USE PLAN DESIGNATION	Medium Density Residential

**SYNOPSIS:** This application for rezoning covers approximately five acres of land just east of the northeast corner of Robinson Street and N. Porter Avenue. The applicant is requesting to rezone and plat the property, bringing it under the current zoning and subdivision regulations. This property was never platted and the existing zoning is not adequate for the proposed use. The applicant is requesting to rezone from R-2, Two-Family Dwelling District with an expired

Permissive Use for a Convalescent or Nursing Home to RM-6, Medium Density Apartment District with Special Use for a Convalescent or Nursing Home.

**ANALYSIS:** The previous convalescent facility on this site was established in the 1960's per Ordinance 1403, R-2, Two-Family Dwelling District with Permissive Use for Convalescent Home. The facility had been utilized as such until around 2010, at that time the facility closed. In the 1960's the R-2 District allowed the convalescent home use as a use permissible on review. However, in 1990 the convalescent use was removed from the R-2 District, creating a legal non-conforming use on this site. Essentially, the facility was considered to be a "grandfathered use" since the use was already in place at the time the R-2 District allowances were restructured. Furthermore, the Zoning Ordinance, Chapter 22, Section 419, Non-Conforming Uses states that a use previously considered a grandfathered use, that has been discontinued for two years may not be reestablished without first acquiring the proper zoning for the site. In addition to the zoning update for the site, the property must also be platted.

The property was sold to a new owner in 2013. The new owner plans to reopen the convalescent facility with essentially the same set-up. The facility will be renovated and updated to meet the local and State requirements, allowing the facility to reestablish. The new owner does have future plans to demolish and rebuild the facility, however, there has been no timeline determined for those changes.

**IMPACTS:** There will be no additional impacts on adjacent properties as the use for this site is not changing from what has been in place for the last fifty years. Any exterior changes will be required to comply with the approved zoning.

The facility will have up to 200 beds and 60 employees per shift. There will be a total of 180 employees divided between three shifts. Per the parking requirements in the Zoning Ordinance (ZO), the facility will be lacking adequate parking. The ZO requires there be one parking space per each four beds and one per each two employees. As proposed, there are eighty parking spaces required, there are 73 spaces existing on-site. The applicant has applied for a variance through the Board of Adjustment for consideration at their October 22, 2014 meeting. Staff can support this variance in parking.

**OTHER AGENCY COMMENTS:**

- **GREENBELT COMMISSION – GBC NO. 14-24** Meeting of September 15, 2014  
The Greenbelt Commission approved the statement unanimously with no additional comments or references to the Greenbelt Ordinance criteria.
- **PRE-DEVELOPMENT – PD 14-27** Meeting of September 25, 2014

Application Summary - The applicant is requesting to rezone this property from R-2, Two-Family Dwelling District with Permissive Use for a Convalescent or Nursing Home to RM-6, Medium Density Apartment District with Special Use for a Convalescent or Nursing Home. The site has been vacant and non-operational for years; therefore the Permissive Use for the Nursing Home expired. To open the facility again requires a rezoning to the RM-6 District for the proposed use. The applicant's proposal is to renovate and update the existing facility.

Neighbor's Comments/Concerns - The Haralson families own property to the west of this site and were the only neighbors in attendance. The main concerns regarding the development proposal are:

- o Drainage issues between the properties, will there be an increase in pavement?
- o The tree line between the properties requires maintenance and the trees need to be removed.
- o The fence and gate between the properties is in disrepair and needs to be replaced.
- o In the past there has been suspicious activity and vagrants that break in to the facility.
- o Concern there is not sufficient accessible parking with only three spots designated.

Applicant's Response - The applicant addressed the issues as follows:

- o Currently going through the platting process and all drainage on site must be contained on site and will not impact our neighbors with our run-off; engineering solutions will be in place as required by the City of Norman.
  - o The tree line between the properties may be under both ownerships; the applicant agreed to research the property lines and address how to come to an arrangement regarding the maintenance of the trees.
  - o Per City of Norman Ordinance, fencing is only required for multi-family uses where the property abuts single or two-family dwellings. However, we can explore some alternate solutions to come up with an amicable solution for the fence and gate.
  - o This property has been vacant for years. Since the facility has been vacant it has become a place for vagrants and homeless people to find shelter. This redevelopment should naturally correct this problem and increase surrounding property values.
  - o Per ADA guidelines the requirement for accessible parking spaces is three; therefore the required accessible spaces are met. The applicant will certainly consider additional accessible spaces if needed.
- **PUBLIC WORKS/ENGINEERING:** Infrastructure for this property is existing. Street paving and sidewalks are existing. There is a potential of public water improvements for fire protection purposes. All other public improvements are existing

**RECOMMENDATION:** This rezoning proposal is essentially a housekeeping process to bring the property into compliance with the required zoning for a use that was previously in place and approved. As proposed, the site is not changing at this time. Staff recommends approval of Ordinance No. O-1415-9 and Preliminary Plat PP-1415-4.