



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-1415-9

File ID: O-1415-9	Type: Ordinance	Status: Non-Consent Items
Version: 1	Reference: Item No. 34	In Control: City Council
Department: Planning and Community Development Department	Cost:	File Created: 09/16/2014
File Name: WP Oklahoma Nursing Rezone	Final Action:	
<p>Title: CONSIDERATION OF ORDINANCE NO. O-1415-9 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHWEST QUARTER OF SECTION TWENTY (20), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE R-2, TWO-FAMILY DWELLING DISTRICT, AND PLACE THE SAME IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, WITH SPECIAL USE FOR A CONVALESCENT OR NURSING HOME, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (501 E. ROBINSON STREET)</p>		

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1415-9 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1415-9 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 11/25/2014

Agenda Number: 34

Attachments: Text File O-1415-9, O-1415-9, Location Map, Staff Report, Site Plan, PC Minutes

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

1	Planning Commission	10/09/2014	Recommended for Adoption at a subsequent City Council Meeting	City Council	11/10/2014	Pass
	Action Text:	A motion was made by Gasaway, seconded by Lewis, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council, due back on 11/10/2014. The motion carried by the following vote:				
1	City Council	11/10/2014	Introduced and adopted on First Reading by title only			Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call				

Text of Legislative File O-1415-9

Body

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 uses were amended. 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 had 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 is lacking adequate parking. The Zoning Ordinance 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 Special Exception through the Board of Adjustment. At the November 19, 2014 meeting, the Board of Adjustment, by a vote of 3-0, approved the Special Exception to allow 73 parking spaces, rather than the 80 space required, with the condition that parking must be brought up to Code standards if the use is expanded or demolished and rebuilt. In addition the Haralson family who owns property to the west of this property attended the Board of Adjustment meeting and stated that they had worked through their concerns with the new owners.

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 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. The site has been vacant for several years; therefore the Permissive Use for the Nursing Home expired. To open the facility requires a rezoning to RM-6 Medium Density Apartment District with Special Use for a Convalescent or Nursing Home. The applicant's proposal is to renovate and update the existing facility and open under new ownership.

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

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

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

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.

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.

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.

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.

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: All public improvements are existing; infrastructure for this property is existing. There is a potential of public water improvements to accommodate fire protection.

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 can support this request and recommends approval of Ordinance No. O-1415-9. Planning Commission, at their meeting of October 9, 2014, recommended adoption of this ordinance by a vote of 9-0.