



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-1516-4

File ID: O-1516-4

Type: Ordinance

Status: Non-Consent Items

Version: 1

Reference: Item 32

In Control: City Council

Department: Planning and
Community
Development
Department

Cost:

File Created: 06/10/2015

File Name: Ordinance rezoning 4630 East Franklin Road

Final Action:

Title: CONSIDERATION OF ORDINANCE O-1516-4 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 NORTHEAST QUARTER OF SECTION ELEVEN
(11), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN
MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL
AGRICULTURAL DISTRICT AND PLACE THE SAME IN THE A-1, GENERAL
AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE
SEVERABILITY THEREOF. (4630 EAST FRANKLIN ROAD)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance O-1516-4 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance O-1516-4 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 10/13/2015

Agenda Number: 32

Attachments: Text File O-1516-4, O-1516-4, Location Map, Staff
Report, 7-9-15 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	07/09/2015	Recommended for Adoption at a subsequent City Council Meeting	City Council	08/11/2015		Pass
Action Text: That this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting. to the City Council due back on 8/11/2015 by consent roll call							

1	City Council	08/11/2015	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		
1	City Council	08/25/2015	Postponed	Pass
	Action Text:	A motion was made by Council Member Heiple, seconded by Council Member Williams, that this Ordinance be Postponed until October 13, 2015 . The motion carried by the following vote:		
1	City Council	08/25/2015	Postponed	Pass
	Action Text:	A motion was made by Council Member Williams, seconded by Council Member Heiple, that this Ordinance be Postponed until October 13, 2015. The motion carried by the following vote:		

Text of Legislative File O-1516-4

Body

SYNOPSIS: This property contains approximately 3.28 acres and is located just west of 48th Avenue NE on the south side of Franklin Road. The current property has one single-family home located 220 feet south of Franklin Road. The applicant is proposing to plat and rezone the property from A-2, Rural Agricultural District to A-1, General Agricultural District.

ANALYSIS: The applicant is moving forward with this rezoning and platting request so they can demolish the existing home and rebuild a new home on a different site within this property. Anyone applying for a building permit on an unplatted tract of land must demonstrate it is a "filed of record" legal tract. The warranty deed filed of record, with the County Assessor's Office, for this tract demonstrates it is not recognized as a legal tract of land; it appears a portion of the property was sold without benefit of the legal process for subdividing lands several years back, thus creating an illegal subdivision of two tracts of land. In general, a tract of land in any configuration is recognized as a legal tract if the owner can produce a filed of record warranty deed prior to June 29, 1973. If the tract is considered a legal tract the owner can obtain a building permit, as long as all setbacks, coverage and use requirements are met.

In this case, the records show the applicant purchased this property in early 2003; the land was already in the current configuration of 3.28 acres. Sometime prior to 2003 an adjacent property owner purchased a small piece of property from the previous owner of this tract, which caused this tract, as well as the adjacent tract, to become illegal tracts of land, i.e. "subdivision of land without benefit of platting" after the June 29, 1973 date.

Over the years rural properties, more specifically those in the east part of Norman, have been subdivided without benefit of legal subdivision of the property. In looking at the configuration of this property it is not compliant with the existing zoning. Under the existing zoning, A-2, Rural Agricultural District, the property is required to abut the adjacent street for a minimum of 250 feet and a 330 foot width at the front build line is required; this property is 198 feet wide at Franklin Road and narrows as it runs south, in no way meeting the current A-2 zoning requirements. Under the A-1, General Agricultural District the property must abut the street for a distance of 35 feet and have a 50 foot width at the build line. Under A-1 zoning there is a minimum area requirement of 2 acres; therefore, the owner could not subdivide this property any smaller as there is only 3.28 acres total.

This application is only a rezoning, there is not a NORMAN 2025 amendment proposed for this site; the Land Use designated for this site is Country Residential Area and this will not change. The adoption of the NORMAN 2025 included Goals and Policies to establish a general statement of intent for the future growth and development of the City, and to serve as the policy basis for the more specific growth area designations, land use recommendations, and street and highway designations. These Policies and Goals should be used as a guide for future land use and infrastructure decisions and for considering amendments to the Plan. In order to encourage the retention of large open space areas and minimize the negative impacts that development may have on rural areas, with constraints such as flood plains, steep slopes or possibly areas of WQPZ, the NORMAN 2025 Land Use and Transportation Plan designated this as Country Residential Area. Under the NORMAN 2025 Plan the Country Residential Area is limited to one dwelling unit per ten acres or one dwelling unit per eight acres if clustering is proposed, therefore, leaving at least 65% open space on the property. This piece of property was already at its current size and in its current configuration when the NORMAN 2025 designated it as Country Residential Area. The applicant is going through this rezoning and platting process to

create a legal tract of land for new construction, there is no further subdivision of land included with this request.

OTHER AGENCY COMMENTS:

GREENBELT COMMISSION MEETING - GBC 15-16 - Meeting of June 15, 2015

The Greenbelt Commission sends the project for Neely Acres forward with no comments.

PRE-DEVELOPMENT MEETING - PD NO. 15-19 - Meeting June 25, 2015

No neighbors were in attendance for this meeting.

BOARD OF PARKS: This is an existing tract of land with an existing single-family home. There will be no additional parkland fees.

PUBLIC WORKS/ENGINEERING: Franklin Road is designated as a Minor Rural Arterial per the Comprehensive Transportation Plan. Platting of this property will require improvements be made to Franklin Road.

STAFF RECOMMENDATION: The request to rezone from A-2 to A-1 zoning district and a preliminary plat is made in order to create a legal tract of land, allowing for the issuance of building permits. Staff agrees with the proposal; A-1 is a reasonable zoning for the property and this area of Norman. Staff recommends approval of Ordinance No. O-1516-4 and Preliminary Plat PP-1516-2.

At their meeting of July 9, 2015, the Planning Commission unanimously recommended adoption of Ordinance No. O-1516-4, on a vote of 7-0.