

Applicant: David and Joan Koos and Jonathan Fowler representing the Elm Neighborhood

Project Location: 400 & 500 Block of W. Comanche, 400 & 500 W. Eufaula, 400, 500 & 600 blocks W. Symmes, 100-300 blocks west side University Ave., 100-400 blocks of Park Dr., 400 block of Elm Ave., 200-300 blocks east side of Chautauqua Ave., 400 block of Toberman (Park to Elm)

Case Number: PD16-14

Time: 5:30 p.m.

Attendees

Joan and Dave Koos
Jayne Crumpley
Russell Kaplan
Mitch Baroff
Sarah Iselin
Diane Vanlandingham
Pam Spurr
Scott Corby
Lynn Soreguem
John Lungren
Lori and Dennis Elliott

Chris Jackson
Conrad Draper
Steve Williams
Birthe and Bob Flexner
Robert Marriott
Lauren Mattgler
Michael Dean
Denise Davis
Steve Jones
Phillip and Jeanne Reid
Susan and Jeff Greer

<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's, 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 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.