



Legislation Details (With Text)

File #: O-1617-12 **Version:** 1 **Name:** Nicholson Special Use
Type: Zoning Ordinance **Status:** Passed
File created: 10/18/2016 **In control:** City Council
On agenda: 12/13/2016 **Final action:** 12/13/2016

Title: CONSIDERATION OF ORDINANCE O-1617-12 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 GRANT SPECIAL USE FOR A PROFESSIONAL OFFICE IN THE R-3, MULTI-FAMILY DWELLING DISTRICT, FOR PART OF BLOCK SEVENTEEN (17) OF THE ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (411 NORTH PETERS AVENUE)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Text File O-1617-12, 2. O-1617-12, 3. Location Map, 4. Staff Report, 5. Site Plan, 6. Pre-Development Summary, 7. Protest Map, 8. Protest Letters as of 11-9-16, 9. email 11-16-16, 10. 11-10-16 PC Minutes

Date	Ver.	Action By	Action	Result
12/13/2016	1	City Council		
12/13/2016	1	City Council		
11/22/2016	1	City Council		
11/10/2016	1	Planning Commission		

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SYNOPSIS: The applicant, Gretchen Nicholson, is an attorney requesting Special Use for a Professional Office located in the R-3, Multi-Family Dwelling District. The applicant’s proposal is to utilize the existing single family structure for a law office. Office hours for client appointments will be during regular work week hours; Monday through Thursday from 8 a.m. to 5 p.m. and Friday 8 a.m. to noon. The applicant will occasionally work after hours and during the weekend.

ANALYSIS: This property is located two blocks from Downtown Norman; it is on the east side of Peters Avenue two blocks north of Gray Street between Daws and Beal Streets and the north side of the property abuts an alley. The property is four blocks north of the Cleveland County Court House also on Peters Avenue; because of the nature of the applicant’s profession, close proximity to the Court House is desired.

Special Use may be permitted, after review, in the R-3, Multi-Family Dwelling District and states, “Office buildings for professional, businesses, administrative, and medical personnel, provided that: (1) No retailing, wholesaling, or servicing of merchandise shall be permitted on the premises; (2) No storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises.” The applicant’s proposal for a law office fits within this requirement.

Professional offices are located and interspersed in residential neighborhoods because these types of businesses are low impact and do not change the residential character of the neighborhood. Professional offices that are allowed with

Special Use typically utilize existing single family structures. For example, there is a professional law office on South Peters one block south of the court house with Special Use that utilizes the original single family structure. There is a hair salon on north Peters Avenue zoned C-3, Intensive Commercial, a block south of this site, that also utilized the existing single family dwelling just as this applicant is proposing.

Historically, cities allow low impact professional offices in neighborhoods because residents can easily access services like a dentist, an accountant, a lawyer or family doctor and the structures are residential in character. Furthermore, section 438.1-Home Occupations allows a professional office by right in any residential zoning district that meets the criteria in that section. This allowance for home occupations in the Zoning Ordinance demonstrates that professional offices do not conflict with residential neighborhoods.

ALTERNATIVES/ISSUES:

IMPACTS: A professional office will not create a negative impact on the surrounding neighborhood. The hours of operation for the law office potentially create less impact to the surrounding neighborhood than utilizing the single family home as a dwelling; a dwelling can have activity during all hours of the day every day of the week. The applicant, one additional attorney and a legal assistant will work at the office.

The parking requirement for office use is calculated based on the Gross Floor Area, (GFA); the single family home is 1,140 square feet, therefore, four parking spaces are required. There is adequate parking provided on site with a single detached garage and driveway that satisfies the parking space requirement. In addition to the on-site parking there is on street parking available a half block to the south on Daws Street which will be used by the applicant and her employees. The on-site parking will be available for client use with approximately two client appointments at any one given time during office hours.

This property is located within the boundaries of the Old Silk Stocking Neighborhood Plan that was adopted by Resolution No. R-1011-117. This plan addresses neighborhood improvement goals to preserve the character of the neighborhood and upgrade public facilities and infrastructure. The plan does not have regulations that prohibit the allowed uses in the underlying zoning district or any request for Special Use to be reviewed under the provisions of the Zoning Ordinance.

OTHER AGENCY COMMENTS:

PREDEVELOPMENT MEETING #16-16 - October 27, 2016

Applicant's Response; Application Summary:

The applicant, Gretchen Nicholson has made a request for a Special Use Permit for a Professional Office. The applicant plans to have her law office in the house if the Special Use Permit is approved.

Neighbor's Comments/Concerns/Responses:

The seven neighbors that attended the meeting had several questions regarding the Special Use Permit request. They wondered if allowing an office use in the middle of their neighborhood would set a precedent and allow for more commercial uses in the neighborhood. They wondered if the Special Use Permit extended beyond the current ownership to the next owner. The neighbors wanted to know if the Special Use Permit allowed the use to be limited to the way that the applicant stated she would run her business, in particular limiting it to a law office run between the hours of 8-5, limit the number of employees, and limit customers to one at a time. Does the Special Use Permit allow her to live and work at the residence, and can she rent out part of the space and work out of part of the space. Will signage be allowed and, if so, what are the limitations on signs. The neighbors wanted to see a site plan for the property. They were particularly interested in the use or alterations to the driveway and parking. The neighbors wondered why the applicant did not rent some of the many offices for rent around town instead of putting her office in the middle of a neighborhood.

The applicant relayed that she prefers a house over an office building because it allows her to landscape the yard and remodel the inside to her liking as well as it having a much nicer homey atmosphere. She conveyed that her practice is limited to family law and that this is usually a very trying time in people's lives and a homey atmosphere helps clients feel comfortable coming to her. She stated that her current office location is an office building that does not allow her to have plants or flowers outside and while her current location serves its purpose, it did not reflect her personality. She indicated that the house is very small and that will limit her business to her one worker besides her. She does not plan to live at the house and she already owns another house that is her residence. She stated she will rent out the house if she does not get approved to use the house for a law office. She further stated that she will fix up the yard one way or another. She currently does not have a site plan, but that she plans to use the existing parking and driveway in existence to accommodate her parking needs for both her employee and customers. She has no plans to add to the current house.

She further stated that she does not plan to put a large sign out in front of her office, but instead will install a small placard on the front of the house which will suffice for her business needs.

PARK BOARD: Parkland dedication is not required for this application.

PUBLIC WORKS: This is a platted lot part of the Norman Oklahoma Territory Plat of 1890; all public infrastructure is in place.

STAFF RECOMMENDATION: Special Use for a professional office at this location is similar to other professional offices granted Special Use in the R-3, Multi-Family Dwelling District. Utilizing the existing single family dwelling keeps the character of the residential neighborhood, and the office use is not a greater impact than other allowed uses in the R-3 zoning district. Staff supports and recommends approval of Ordinance No. O-1617-12.

Planning Commission, at their meeting of November 10, 2016, recommended adoption of Ordinance O-1617-12 by a vote of 5-2.