



## Legislation Text

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**File #:** O-1718-33, **Version:** 2

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**CONSIDERATION OF ORDINANCE O-1718-33 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 SCHOOL OFFERING GENERAL EDUCATION COURSES IN THE R-1, SINGLE FAMILY DWELLING DISTRICT FOR LOT ONE (1) OF NORMAN FIRST CHURCH OF THE NAZARENE ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1801 NORTH PORTER AVENUE)

**SYNOPSIS:** The applicant is requesting Special Use for a School offering general educational classes. The church is zoned R-1, Single Family Dwelling District and has Special Use (O-1516-29) for a Church, Temple or Other Place of Worship adopted by City Council on January 26, 2016.

**BACKGROUND:** On August 7, 1961 City Council adopted Ordinance No. 1299 that annexed these parcels "...extending the corporate limits of the City of Norman..". There was not a zoning designation made with this ordinance. In the event no zoning classification is made of any annexed territory then the area shall be and is classified as R-1, Single Family Dwelling District.

City Council removed church use from R-1 by right and required it as use permissible on review category with the adoption of O-7778-22 on November 1, 1977.

A preliminary plat was submitted for the First Church of the Nazarene to Planning Commission on February 8, 1996. The location map provided by staff with the staff report showed the church property as A-2, Rural Agricultural District with Ordinance No. 1299.

A final plat was submitted to Planning Commission on October 10, 1996.

City Council approved the final plat for Norman First Church of the Nazarene Addition on November 26, 1996. The Final Plat was filed of record with the Cleveland County Clerk on September 16, 1997.

In 1997 Norman Community Church of the Nazarene received a building permit for a new church building. At that time the application was processed under A-2, Rural Agricultural Zoning District, which allows a church by right. However, the correct zoning was in fact R-1, Single Family Dwelling District, which requires Special Use for a Church, Temple, or Other Place of Worship. Therefore, the building permit was issued by mistake and Special Use for a church should have been required prior to issuing the permit.

Because the current zoning designation is R-1, Single Family Dwelling District, and they requested to expand their facilities they were required to obtain Special Use for a Church, Temple, or Other Place of Worship to bring the church into conformance with the zoning regulations in 2016.

**ANALYSIS:** Norman Community Church of the Nazarene owns approximately 30 acres which consists of two parcels; the front 15.2 acres are platted and the rear 15 acres are not platted. The Special Use for the School is requested on the platted lot adjacent to the existing church buildings.

This proposed school, La Monde Charter School, is funded through the State of Oklahoma and admission for enrollment will be in the form of a lottery. This school is essentially the French Immersion program that was previously housed at Reagan Elementary but was discontinued at that location. The Community Church of the Nazarene is leasing land to La Monde to operate the school on their property.

This Special Use includes a request that the school be allowed a variance from the 80% exterior masonry requirement according to the Zoning Ordinance, Sec. 431.4, Exterior Appearance. This variance will allow the school buildings to be

metal portable buildings that are similar to Norman Public Schools portable metal buildings. Norman Public Schools are not required to adhere to municipal development regulations because they are regulated by the State of Oklahoma; therefore they are exempt from the City of Norman zoning regulations.

The Site Development Map will regulate the school development and shows that the metal portable buildings are set back approximately 440 feet east of Porter Avenue. Three school buildings are proposed for grades Pre-K through Eighth and will be located in close proximity to the existing church building. The applicant will screen the portable building that can be seen from Porter Avenue with an opaque fence and evergreen landscape materials and the two buildings that are not visible from Porter Avenue will not be screened. The Site Development Map for the school does not change the arrangement of buildings that were approved with the Special Use for the Church, but adds the school buildings at the east side of the site.

The portable school buildings are approximately 20 feet by 60 feet. The portable buildings will require a building permit prior to placement, and will be required to adhere to all City of Norman code requirements including building and fire codes.

#### **ALTERNATIVES/ISSUES:**

**IMPACTS** This Special Use proposal is on a 15 acre lot, therefore there is ample land area to expand church facilities and add school buildings while maintaining all R-1 zoning regulations and city ordinance requirements. The expansion of the church and school facilities at this location will not create a negative impact. The church has been established in this location for over 18 years without any negative impacts to surrounding neighbors; furthermore, because of the amount of acreage the church owns they are able to maintain significant buffers from abutting residential properties.

It is customary for churches to operate schools; for instance, All Saints Catholic School on 36<sup>th</sup> Avenue N.W., is zoned A-2, Rural Agricultural District and a school is allowed by right. Trinity Lutheran School at Alameda Street and Classen Boulevard, is zoned R-3, Multi-Family Dwelling District and they have Special Use for a school, and CCS on Interstate Drive is zoned I-1, Light Industrial District and the new school addition has Special Use for a School. Since these schools are not part of the Norman Public School District they are required to adhere to all zoning regulations and variances to exterior masonry requirements have not been granted.

La Monde School is a charter school that receives state funding and will be operated on church property. The Church of the Nazarene is providing a ground lease of their property for the school. If La Monde School ever moves from this location the Special Use will stay with this property and the Church of Nazarene could potentially operate a school at this location in accordance with the approved Site Development Plan.

#### **OTHER AGENCY COMMENTS:**

##### **PRE-DEVELOPMENT PD 17-32 - December 21, 2017**

The Norman Community Church of the Nazarene is proposing a school offering a pre-k through eighth grade curriculum on their existing site. The property will continue to be used and owned by the Church of the Nazarene.

No neighbors attended the meeting.

**PUBLIC WORKS:** The front lot abutting Porter Avenue is platted; public improvements are not required and infrastructure is in place. The rear tract is not platted and will not be utilized for this proposal and will remain undeveloped.

**TRAFFIC ENGINEERING:** The current drive approaches to the church facility will remain and no changes are proposed with this Special Use. The site has adequate drive lanes for the drop-off and pick-up of students.

**STAFF RECOMMENDATION:** The Norman Community Church of the Nazarene has been established at this location for 18 years; the request for Special Use for a school is similar to other churches that operate school facilities. Staff supports the Special Use which includes the Site Development Map Regulations and recommends approval of Ordinance No. O-1718-33.

Planning Commission, at their meeting of February 8, 2018, recommended approval of Ordinance O-1718-33 by a vote of

6-1, with one member recused.