



Legislation Text

File #: R-1819-90, **Version:** 1

RESOLUTION R-1819-90: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA GRANTING AN APPEAL OF THE TEMPORARY ADMINISTRATIVE DELAY TO ALLOW THE SUBMITTAL OF AN APPLICATION FOR 405 PARK DRIVE.

BACKGROUND: City Council adopted Resolution R-1819-75 on January 29, 2019, creating a six-month Temporary Administrative Delay for the acceptance of all applications for Certificates of Compliance (COC), demolition, or Center City Planned Unit Developments (CCPUD) within the Center City Study Area. Further, R-1819-75 allows for an appeal process, which is the purpose for this resolution.

DISCUSSION: The application was submitted on March 1, 2019 and denied by staff due to the property being located within the Temporary Administrative Delay area. The subject property is located at 405 Park Drive, Lot 1, Block 1, Parkview Addition, as shown on the location map. The applicant seeks to remodel the existing two-story home as well as add a two-story addition to the rear of the structure. This lot is zoned Center City Form Based Code (CCFBC) and is regulated by the Detached Frontage Building Form Standard, designated by the yellow color on the CCFBC Regulating Plan.

Per the applicant's request submitted to the City Clerk, the proposed addition will add 2,056 square feet to the site. The remodel will convert the existing kitchen into a new storage area and convert the existing dining room into a downstairs bedroom; the living room area will remain the same as shown on the attached floor plan. The addition will allow for a new kitchen, bathroom and laundry room downstairs, two bedrooms and two bathrooms upstairs and an additional living/den area upstairs, resulting in a 3-bedroom home. A covered patio area will be created off the rear of the structure.

An initial draft of the CCFBC, prior to final adoption, included language that would have allowed the alterations and additions sought by the applicant to proceed under the CCFBC, and without the need for rezoning to a CCPUD; however that section was removed prior to adoption of the CCFBC. Current compliance with the CCFBC would require either construction of the addition in the front of the home in order to comply with the required build line, or demolition of the existing structure and construction of an entirely new structure. To remodel and construct the addition in a manner that will maintain the character of the existing home, as currently submitted, the parcel requires rezoning to a CCPUD to allow the non-conforming use of the existing structure to be preserved and allow the addition to be constructed according to the previous zoning district that the current non-conforming structure is subject to, which is R1 - Single Family Dwelling District.

Resolution R-1819-75 states that the applicant shall bear the burden of establishing evidence that the processing of an application will not undermine the current character of Center City, obviate the purpose of the Center City Form Based Code or Vision, and will not place undue additional burdens on the existing infrastructure. The applicant is proposing to add on to the rear of the existing structure, keeping the historical visual and aesthetic integrity of the existing structure in line with the neighborhood. Furthermore, the addition and remodel of the structure is for a 3 bedroom home.

The Resolution goes on to outline the responsibility of City Council in considering an appeal:

- The City's interest in protecting the public's health, safety and general welfare;
- The City's interest is avoiding the creation of uses or structures than may not be in harmony with the intent and purpose behind the Center City Form Based Code and Vision;
- The extent to which the proposed use, if applicable, will negatively impact the values of the property and the neighboring property;
- The economic impact and hardship of the delay upon the owner.

CONCLUSION:

Staff supports the request to submit an application for the CCPUD that would allow the non-conforming nature of the current structure to be preserved and the proposed alterations and additions to be constructed in conformance with the R -1 zoning district via a CCPUD. Staff submits this request to City Council for their consideration in accordance with the appeal process approved in R-1819-75.