



Legislation Text

File #: O-2021-30, Version: 1

CONSIDERATION OF ORDINANCE O-2021-30 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 FRATERNITY OR SORORITY HOUSE IN THE R-3, MULTI-FAMILY DWELLING DISTRICT FOR PART OF THE NORTHEAST QUARTER OF SECTION SIX (6), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1115 COLLEGE AVENUE)

SYNOPSIS: The applicant, Alpha Chi Omega Housing Corporation, Psi Chapter, is requesting Special Use for a sorority house at 1115 College Avenue. Currently, the site is occupied by the existing Alpha Chi Omega House; the plan for this site is to demolish the existing house/site and rebuild with a new Alpha Chi Omega House.

HISTORY: The site was zoned R-3, Multi-Family Dwelling District, with the adoption of the Zoning Ordinance in 1964. Many of these older sites in the "Greek Row" area are considered "legal non-conforming" due to the configuration of the lots prior to 1973 and due to the Zoning Ordinance amendments in the R-3, Multifamily Dwelling District.

On June 27, 1996 City Council held a Study Session regarding concern for rooming and boarding houses in residential neighborhoods. An ordinance was drafted that requires all rooming and boarding houses, including fraternities and sororities, to obtain Special Use allowed only in multi-family dwelling districts. Since the adoption of Ordinance O-9697-6, all quasi-unit quarters, which include sororities and fraternities, must acquire Special Use. This type of Special Use can be obtained in the RM-2, Low Density Apartment Dwelling, the R-3, Multi-Family Dwelling District and in the RM-6, Medium Density Apartment District. This site does not carry the Special Use designation; therefore, the applicant is required to bring the zoning up to date before redeveloping the site.

ANALYSIS: A Special Use request shall be reviewed and evaluated on the following criteria according to the Zoning Ordinance 22:434.1, Special Uses:

1. Conformance with applicable regulations and standards established by the Zoning Regulations.
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
3. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (NOTE: Throughout this Section, "Permitted Use" means any use authorized as a matter of right under the applicable zoning district.)

4. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed "Special Use" and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.
6. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed "Special Use" with existing or permitted uses in the surrounding area.

ALTERNATIVES/ISSUES:

- **SITE PLAN** The redevelopment of this site for the Alpha Chi Omega House should not create an adverse impact to the surrounding area; as discussed, this area has been established as "Greek Row" for many years. This area has continued to grow as the University of Oklahoma has grown over the years. This sorority is bound on the north, west and south by other Greek housing developments, with commercial development to the east. The new building is proposed as a three-story structure with a partial basement area, approximately 35,969 square feet, whereas the existing structure is a two-story building with approximately 20,978 square feet, also with a partial basement area.

The proposed development will change the curb cuts along College Avenue, going from two curb cuts to one. There will be one-way access from College Avenue east to Elm Avenue. In addition, the Elm Avenue curb cuts will go from two to one - overall reducing the curb cuts for the west and east sides of the development. The south side, Elmwood Drive does not currently have curb cuts and none are proposed.

The applicants are offering to install new sidewalks along Elm Avenue and Elmwood Drive. Currently, there is an existing sidewalk along College Avenue, the sidewalks installed will be ADA compliant.

STAFF DISCUSSION: The applicants for this planned redevelopment submitted this application for Special Use with the understanding they could request the needed variances within the body of the Special Use request. However, to meet the regulations of the Zoning Ordinance, the applicants must submit the requested variances to the Board of Adjustment. In this case, when staff met with the applicants to finalize the application/request, it became clear that an application to the Board of Adjustment is needed. The applicants have submitted a request to the Board of Adjustment for the February 24, 2021 meeting. However, the applicants had already submitted their application for Planning Commission, the legal was advertised in the Norman Transcript and the notices were sent to the adjacent property owners.

After discussion with staff and the applicant, the decision was to allow the applicants to appear before Planning Commission on the condition they could not appear before City Council until Board of Adjustment reviewed and voted on the requested variances. In addition, the review and decision

from Planning Commission is to be subject to the review and ultimate decision of the Board of Adjustment on the below requested variances.

The applicant stated their first contact with city staff was in 2018 without any discussion of needing to submit to Board of Adjustment; City staff is trying to work with the applicants as best we can, while keeping them on their planned development schedule for construction of the new structure and still follow the regulatory standards in the Zoning Ordinance.

REQUESTED VARIANCES TO THE BOARD OF ADJUSTMENT:

1. Chapter 22; Section 431.5.2 - Parking Count: 87 spots required. With a goal to meet the required parking count, the on-site parking layout has been maximized, yielding a total of 77 spaces. Each space meets the minimum 8'-6" W x 19'-0" L.

The Alpha Chi Omega Housing Corporation has in place an existing agreement to rent 10 spaces from the Kappa Sigma House directly west across College.

The variance request is for 10 fewer on-site parking spots than are required by the Zoning Ordinance.

2. Chapter 22; Section 422.5.3.g - Impervious Area: At 25%, the Building coverage itself is well below the allowable 40%. But, when combined with the parking lot and other permanently paved areas, the total amount of impervious area exceeds the allowable 65%. When comparing the historic impervious area (37,400 SF) and the developed impervious area (43,380 SF), the total impervious area has been increased by approximately 5,980 SF.

The variance request is to allow a total impervious area, building + permanently paved areas that exceed the allowable 65%.

3. Chapter 22; Section 431.8 - Landscape: 3.1. Chapter 22; Section 431.8.2.a - Peripheral Landscape at Property Line. The northern boundary falls under this Section's requirement. The adjacent property to the north is another R-3 use with a low wall on the west half of the property boundary and a parking lot on the east half of the property boundary. Due to the adjacent parking lot, which accounts for approximately 50% of the property boundary, the exception per Section 431.8.2.a.6.b is applicable. To maximize the parking on this property, the back of curb was set at 1'-6" off of the property line.

The variance request is to eliminate the Peripheral Landscape requirement along the north property line.

3.2. Chapter 22, Section 431.8.2.b - Street Landscaping: 3.2.1. East Property line - The entire parking area along the east property boundary directly faces a parking area for a commercial property. The parking area for the commercial property has no landscape provision and extends from building façade continuous to back of curb on the east side of Elm Avenue. The proposed parking area sits directly on the east property line. The ROW between the east property line and the back of curb on the west side of Elm Avenue is approximately 14'-6".

This variance request is to eliminate the Street Landscaping requirement along the east property line.

In addition to an automatic irrigation system and sod in the ROW, the landscape plan includes providing (4) Dynamite Crepe Myrtles at 35'-0" OC.

3.2.2. South Property line - The south boundary of the new parking area echoes the historic south boundary of the existing parking. This boundary is 5'-0" off of the property line. This allows the owner to preserve the planting of (2) Shumard Oaks.

The landscape plan shows adding (3) additional Shumard Oaks at the south boundary to supplement the existing Oaks. The property directly across Elmwood Drive is also an R-3. The proposed parking area faces the adjacent R-3 parking area across the street.

This variance request is to modify the Street Landscaping requirement. In addition to an automatic irrigation system, sod and previously mentioned (3) Shumard Oaks will be provided at south parking boundary.

3.2.3. Section 431.8.3 - Greater than 30 spots - Due to the parking efficiencies and layout, the island shapes and square footages do not all comply. Along with an automatic irrigation system, one tree per island and ground cover will be installed in islands/peninsula.

The variance request is to omit the requirement for 1 tree/100 SF of interior landscaped area/parking space, omit the minimum island dimension and the minimum requirement for 2 trees per island.

OTHER AGENCY COMMENTS:

- **PREDEVELOPMENT MEETING PD21-01 January 28, 2021**

No neighbors attended the predevelopment meeting.

- **PARK BOARD**

Park land dedication is not required for this project.

- **PUBLIC WORKS**

This is a redevelopment on a legal tract of land; public infrastructure is existing. The applicant has offered to install new sidewalks along the east and south sides of the property. There is an existing sidewalk on the west side of the property.

The plan has an increase in the impervious area by 5,980 sf for the 1.286-acre Alpha Chi Omega site. As a result, on-site detention will be provided within the east parking lot towards the north end for the site. The increase in the storm water will be detained at the release rate that will be at or less than historic runoff for the site. The engineer for the applicant is currently working on the detention for the site, along with the Detention Plans and Report, with Calculations for this site to be submitted to City staff for review and approval.

CLOSING: As stated in the above evaluation of the application, the applicant has previously

appeared before the Planning Commission and BOA, both of which considered the application - recommended approval - subject to the approval of this Special Use by the City Council.

CONCLUSION: Staff forwards this request for Special Use, Ordinance O-2021-30, for Planning Commission's consideration.

Planning Commission, at their meeting of February 11, 2021, recommended adoption of Ordinance O-2021-30, by a vote of 8-0, with one abstention.

The Board of Adjustment met on February 24, 2021 to consider the following variances: (1) 22:431.5 (2) for reduced number of parking spaces; (2) 22:422.5(3)(g) to increase impervious area; (3) 22:431.8 to reduce landscaping; (4) 22:431.8(2)(b) to reduce street landscaping; and (5) 22:431.8(3) to reduce landscaping on parking lot islands. The Board of Adjustment approved all five variances by a vote of 3-0.