



Legislation Text

File #: O-2021-38, **Version:** 1

CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2021-38 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 DWELLING UNITS WITH FOUR OR MORE BEDROOMS IN THE CCFBC, CENTER CITY FORM-BASED CODE URBAN GENERAL FRONTAGE FOR LOTS ONE (1) THROUGH FOUR (4), BLOCK TWO (2), LARSH'S FIRST ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (430 SOUTH JAMES GARNER AVENUE)

SYNOPSIS: The applicant, Peter Petromilli, CSO Development, is requesting Special Use for this proposal to allow a fourth bedroom in the residential units he plans to construct within the next year. The applicant will be redeveloping the existing parking lot into an apartment building.

In March of this year, the applicant submitted a 4-unit apartment proposal for this site to the Development Review Team (DRT) with each unit having three-bedrooms along with a large open space/lounge area. The lounge area did not have direct access to a bathroom nor did it have a closet - all defining factors to designate a room as a bedroom. However, the applicant anticipated that the units would be leased to students, as has been the market in this area. The applicant recognized that with each unit having the additional area designated as a lounge it was possible the tenants would convert the space to an additional bedroom area with a shared bathroom. Given this possibility, the applicant decided to seek approval for a Special Use for four or more bedrooms to accommodate the reality of how the spaces will be leased. The applicant did not move forward with this design concept.

The applicant redesigned the proposal and submitted to the Development Review Team on April 12, 2021, now with a 6-unit apartment building proposal, with each unit having 4-bedrooms. This 24-bedroom proposal is a continuance of similar projects in this area.

The CCFBC Development Review Team reviewed the site plan and elevations at their April 12, 2021 meeting. The proposal passed through Development Review Team process contingent upon the approval of a Special Use for four or more bedrooms per unit. The applicant is seeking approval of the Special Use request before submitting a building permit.

HISTORY: The original structure on this parcel was demolished in 2007. The parcel remained vacant for over a decade. The applicant constructed a temporary parking lot in late 2019 with the intention of eventually redeveloping the site with a structure. The parking lot provided overflow parking for adjacent developments.

EXISTING ZONING: This site at 430 S. James Garner, along with the adjacent properties, was placed in the Center City Form Based Code, Urban General Frontage, in July 2017. The legacy zoning for this lot is I-1, Light Industrial District, adopted with the Zoning Ordinance in 1954.

On January 29, 2019, City Council implemented a six-month Administrative Delay to allow the formation of an Ad Hoc Committee to review and revise, if necessary, the CCFBC to address issues and concerns developed since its original adoption in July 2017. The Ad Hoc Committee proposed revisions to address concerns regarding several issues, including the continued construction of the student housing product in the form of multi-bedroom units and inadequate parking requirements for those multi-bedroom units. The Administrative Delay Ad Hoc Committee recommended, among other revisions, an amendment of the Center City Form Based Code with the requirement for Special Use for dwelling units with four or more bedrooms. Subsequently, City Council adopted those proposed revisions on July 23, 2019 as Section 704.H. Special Use for Dwelling Units with Four or More Bedrooms.

Center City Form Based Code:

Section 704.H. Special Use for Dwelling Units with Four or More Bedrooms

In any BFS where residential use is permitted, Dwelling Unit(s) may contain four or more Bedrooms upon approval of a Special Use Permit as follows:

1. The requirement to obtain a Special Use Permit applies to new construction, including demolition and reconstruction, or an addition/alteration to existing construction adding at least one Bedroom where the resulting structure is to contain four or more Bedrooms in a residential Dwelling Unit(s);
2. An Applicant seeking a Special Use Permit pursuant to this subsection shall follow, and is subject to, those procedures and regulation set forth in the Norman Zoning Ordinance, at 22-434.1 *except that*:
 - a. The Planning Director may also require applicant submit information in addition to that listed in 22-434.1(a) where the Planning Director feels that said additional information is necessary to address particular aspects of the subject property's character, or to assist in evaluating and determining a project's adherence to the goals of this Code;
 - b. The Planning Commission and the City Council may also, in addition to those items identified in 22-434.1, take into account the underlying purposes and goals of the Center City Vision and this Code, in setting conditions (including occupancy conditions) recommending or approving any Special Use Permit application; and
 - c. Any violation of a Special Use Permit constitutes a violation of the Norman City Code, as embodied in both the Norman Zoning Ordinance and this Code.
 - d. This provision does not apply to structures with four (4) or more bedrooms existing at the time Section 704 (H) is enacted. Where an existing structure already has four (4) or more bedroom prior to enactment of Section 704 (H), but voluntarily seeks and is denied a Special Use Permit, denial alone will not render Section 704 (H) applicable unless an addition/alteration adding at least one more bedroom occurs per subpart (1) above.

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.

As stated above, the Center City Form Based Code allows for the application for the use of four or more bedrooms through the Special Use process. Section 704 H. 2.b. indicates that the Planning Commission and Council may consider the purposes and goals of the Center City Vision and Code when reviewing Special Use requests for four or more bedrooms. The Center City Form Based Code document cites the following specific goals of the Code in Section 103. B and it is as follows:

1. Capitalize on public investment in existing infrastructure
2. Stabilize and strengthen mixed-use commercial centers and residential neighborhoods
3. Create a pedestrian-oriented and multi-modal district
4. Promote, create, and expand housing options
5. Ensure transit-supportive and transit-serviceable development
6. Ensure a complementary relationship with surrounding neighborhoods

ALTERNATIVES/ISSUES: This area has been redeveloping for several years with increased density both before and after the adoption of the Center City Form Based Code. The prevalent development type in the area has been structures primarily oriented to the student-housing model. To help offset the impacts of developments with four or more bedrooms, Council revised the Center City Form Based Code to require one parking space per bedroom.

The parking provided for this development meets the requirements for CCFBC. The developer will be providing twenty-one surface parking spaces with an additional four garage spaces, for twenty-five total parking spaces, which is one parking space per bedroom.

The site will be developed according to the site plan and elevations submitted to the Development Review Team.

- **IMPACTS:** The impact of the addition of twenty-four bedrooms should be mitigated by the number of parking spaces provided on-site. The tenants of this apartment building will utilize the twenty-five parking spaces provided for this site. This will potentially push those currently utilizing the existing parking lot to find parking elsewhere.

OTHER AGENCY COMMENTS:

- **PREDEVELOPMENT MEETING PD21-11 March 25, 2021**
Neighbors did not present any concerns or issues with this request.
- **PUBLIC WORKS:** The property is served by existing public sanitary sewer and water improvements. There is an existing sidewalk adjacent to James Garner Avenue. Parking in the rear of the property accesses a public alley.

CONCLUSION: Staff forwards this request for Special Use, Ordinance O-2021-38, for City Council's consideration.

Planning Commission, at their May 13, 2021 meeting, unanimously recommended adoption of Ordinance O-2021-38, by a vote of 7-0.