

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

FEBRUARY 14, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of February 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

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Item No. 1, being:
ROLL CALL

MEMBERS PRESENT

Roberta Pailes
Cindy Gordon
Andy Sherrer
Jim Gasaway
Sandy Bahan
Tom Knotts
Chris Lewis

MEMBERS ABSENT

Dave Boeck
Curtis McCarty

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Janay Greenlee, Planner II
Ken Danner, Subdivision Development
Manager
Roné Tromble, Recording Secretary
Leah Messner, Asst. City Attorney
Larry Knapp, GIS Analyst II
Terry Floyd, Development Coordinator

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Item No. 6, being:

TJ FOOD & FUEL, DBA GREEK HOUSE

Item No. 6a, being:

RESOLUTION NO. R-1213-95 – TJ FOOD & FUEL, DBA GREEK HOUSE, REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-7) FROM OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 768 SOUTH JENKINS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report
3. Aerial Photo
4. Pre-Development Summary

Item No. 6b, being:

ORDINANCE NO. O-1213-30 – TJ FOOD & FUEL, DBA GREEK HOUSE, REQUESTS REZONING FROM RO, RESIDENCE-OFFICE DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, WITH SPECIAL USE FOR A BAR FOR PROPERTY LOCATED AT 768 SOUTH JENKINS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Aerial Photo

PRESENTATION BY STAFF:

Ms. Hudson – The existing land use in this area consists of commercial to the east and west of this site, office designation to the south, as well as the University of Oklahoma, and then residential to the north. The commercial designation would take over the subject tract. With regard to zoning, the subject tract is zoned RO, Residence-Office. C-1 is on the south, west and east, and there is residential zoning to the north. Currently on site we have the Greek House Restaurant which takes up the east end of the building, and the west side is vacant. In examining whether or not an amendment to the 2025 Land Use Plan can be supported, staff has to look at whether changes in the area will be contrary to the public interest, as well as whether or not the proposed change would result in adverse land use impacts on the adjacent property. When reviewing rezoning requests, we have to look at the zoning that would be allowed on that property and how it would impact the adjacent properties. The majority of the area around Campus Corner is completely developed. Any new businesses that come in will go into existing facilities. When this building was permitted in 1969, it was permitted for mercantile and office use with no residential component. At that time, the required parking was 13 spaces. Currently, the site has 9 parking spaces. The Central Core Plan for the Campus Corner commercial area considered the RO district to act as a buffer for the residential properties in that area. Allowing expansion of commercial use into the residential areas of campus, which would be north on Jenkins in this area, could increase the decivilization of that residential area. As noted in the staff reports, traffic and parking congestion in these areas is a problem. The applicant has not demonstrated how he will accommodate the additional parking requirements for the C-2 with a Special Use for a bar. It is important to note also that allowing a Plan change as well as increase in the zoning in the heavily impacted areas does not necessarily stay with this use should the bar not make it and they put another use in there that would be allowed under C-2 zoning. So in keeping with the goals of the 2025 Land Use Plan and the possible impacts of the zoning change, staff recommends denial of the Land Use Plan amendment Resolution No. R-1213-95 as well as the rezoning request for Ordinance No. O-1213-30. Slides show the west end of the building where the proposed bar and smoke shop would go, a house to the north, commercial on the east, the office use on the south side, and another commercial strip on the west. There is a shot of the access point on the south of the subject building, which is very tight. The parking

area in front of the building is not counted as legal parking. There was a protest letter submitted from the property to the south which equated to 4.5% protest.

PRESENTATION BY THE APPLICANT:

1. Nemo Tajbakhsh, representing the applicant, was present to answer questions.
2. Mr. Knotts asked if there are any plans to add parking. Mr. Tajbakhsh said they were hoping to talk to businesses around their facility to rent parking spaces for evening uses. They are planning for half of the available space to be used for the bar, with the remainder used for storage. They believe the maximum capacity for the bar would be 10 to 12 people.
3. Ms. Pailles asked if the Greek House would continue. Mr. Tajbakhsh indicated the Greek House will close at 8:30 p.m. and the bar will open from 8:30 p.m. to 2:00 a.m. and will probably be the most busy on weekends.
4. Ms. Gordon asked about the parking on the east. Mr. Tajbakhsh said there is actually a sidewalk there, so they are not blocking the sidewalk. Ms. Connors confirmed that the parking on the east is actually in the public right-of-way.

COMMENTS FROM THE AUDIENCE:

1. Alan Stacy, representing Keith F. Walker Oil & Gas Company, 103 W. Boyd Street in the Casablanca Building – The building is directly south of the Greek House. We are an oil and gas exploration company that has been in business in Oklahoma since 1951. We are concerned about several issues. I don't know if you have a copy of the letter or not. By the way, I really appreciate you guys coming out. I really had no idea that the City does business at this time of night, and many of you probably have regular jobs, as we do. And the fact that you're doing this is quite an honor. Thank you very much for giving up your Valentine's. We currently have quite a few people on a daily basis. As I was coming over here this evening, I had Greek House customers in my parking lot. I know they're Greek House customers because I waited and watched them walk to the Greek House. During the day, we also have 30,000 more or less – 20,000 OU students who want to park in our parking place. So we have to be fairly jealous of our parking places. After a fashion, the Greek House is more or less a family sort of an atmosphere. I'm actually quite concerned about the addition of beer. I have three female employees, two of whom regularly work late. And if you look at the space, it's really quite secluded, especially at night. It's not really visible. Our building is away from Boyd and a combination of our building and the Greek House is sort of in the way looking at it from the east side. So it's actually quite secluded. Greek House has no exterior lighting that I'm aware of at all. I really don't want my female employees coming out at night and confronting drunks in our parking lot. I don't think that, if they had any business at all – right now they can't really run their business. On weekends they're in our parking lot. I don't really believe that they will run their bar business without being in our parking lot after hours. Even though there may be parking places there, like I say, I don't want my female employees confronting drunks. And so we're quite concerned. And we haven't seen any plan. I mean, it's one of these deals where we want to rezone it for a bar; there's no plan for security, no plan for lighting. Nothing has been stated, to my knowledge, at all. It's just let us do it and we'll let you know how it comes out later. And we don't think that's fair to the people in the area.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Pailles – Bars adjacent to residential areas tend to generate a lot of people that end up complaining before the City Council because people from the bars behave badly in the neighborhoods. I kind of see as one of our objectives on Planning is to catch the things so that they don't happen and don't end up with people complaining before the City Council. So a bar seems a little iffy. It would be great to have commercial areas in those places that have

been empty. I love the Greek House and it would be nice to have those empty spaces filled, but I don't know that a bar is a really good match and the parking seems to be questionable.

2. Mr. Sherrer commented that the Commission could have separate motions on the resolution and the ordinance. Chairman Lewis indicated it would be acceptable to have a motion for each item.

3. Mr. Knotts asked for clarification. The change in zoning would remain, even if the bar were to close. So the idea that the bar and smoke shop are trying to accommodate with the hours of the Greek House – it's only an accommodation that they've agreed to but not necessarily would be held to. Ms. Connors responded that this is a request for a C-2 zone and any use in a C-2 zone would be allowed once it is rezoned.

Andy Sherrer moved to recommend approval of Resolution No. R-1213-95 to the City Council. Roberta Pailles seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Andy Sherrer
NAYES	Roberta Pailles, Cindy Gordon, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1213-95 to the City Council, failed by a vote of 1-6.

Andy Sherrer moved to recommend approval of Ordinance No. O-1213-30 to the City Council. Roberta Pailles seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	None
NAYES	Roberta Pailles, Cindy Gordon, Andy Sherrer, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-30 to the City Council, failed by a vote of 0-7.

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