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ORDINANCE NO. O-1314-45

ITEM NO. 8

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Orange Development, Inc.
REQUESTED ACTION	Rezoning to C-3, Intensive Commercial District
EXISTING ZONING	C-2, General Commercial District
SURROUNDING ZONING	North: C-1, Local Commercial District East: R-3, Multi-Family Dwelling District South: C-3, Intensive Commercial District West: C-3, Intensive Commercial District
LOCATION	735 Asp Avenue
SIZE	.2450 acres
PURPOSE	Retail Drug Store
EXISTING LAND USE	Commercial
SURROUNDING LAND USE	North: Retail East: Residential South: Mixed Commercial/Retail West: Mixed Commercial/Retail
LAND USE PLAN DESIGNATION	Commercial

**SYNOPSIS:** The applicant, Orange Development, Inc., doing business as CVS Pharmacy, is proposing to locate a new store at 735 Asp Avenue. This rezoning application is only for 735 Asp Avenue. The business will occupy 735-745 Asp Avenue, however, 745 is already zoned C-3, Intensive Commercial District.

**ANALYSIS:** This subject tract is located in the Campus Corner area of town, just southeast of the Asp Avenue and White Street intersection. The centrally located commercial areas of Norman have been zoned, for the most part, C-3, Intensive Commercial District for many years.

The zoning for 735, the northern piece of the building, is C-2, General Commercial District and has been zoned as such since Ordinance No. 1938, November 1966. This zoning was changed from R-3, Multi-Family Dwelling District. At the time of that rezoning request there was C-3 zoning to the south of this proposal already in place. The Planning Commission and City Council, at that time, believed the C-2 request was appropriate and created a buffer between the commercial area to the south and the residential area to the north.

The zoning for 745 Asp Avenue, the southern piece of this building, is C-3, Intensive Commercial District and has been zoned as such since Ordinance No. 884, the original zoning for the City of Norman, adopted July 13, 1954. In fact, the current zoning along the east side of Asp Avenue from 745 Asp Avenue all the way down to the corner of Boyd Street and Asp Avenue is C-3, adopted by Ordinance No. 884.

Across the street, along the west side of Asp Avenue, the zoning is C-3 and was also included in Ordinance No. 884.

The existing zoning to the north of this rezoning proposal is mixed. Directly adjacent to this property, on the north side at 731 through 733 Asp Avenue, the zoning is C-1, Local Commercial District, zoned under Ordinance No. 1720, December 1964. Continuing north the zoning is C-3, at 729 Asp Avenue, adopted with Ordinance No. O-8485-58, January 1985, allowing for the use of a parking lot. This parking lot is for the businesses located at 731 through 733 Asp Avenue. The design of the parking lot was consolidated with the existing parking lot behind the adjacent commercial building. The zoning continuing north at 723 Asp Avenue is C-2, approved by Ordinance No. O-0405-35, February 2005. This zoning was approved with specific requirements for lighting and site design and to provide parking for the business at 747 Asp Avenue.

This rezoning proposal is in line with the existing zoning in the Campus Corner area. Parking is a concern for Campus Corner and staff acknowledges this issue. However, this applicant is taking on a problematic site as the single building carries two different zoning designations. As outlined above, the northern portion of this building carries the C-2 zoning and the southern portion carries the C-3 zoning, this has been the case for this area since 1966. Under the C-3 zoning there are no parking requirements an applicant must meet. The C-3 zoning district was implemented primarily for Downtown Norman and Campus Corner. These areas are very walkable areas and have more pedestrian traffic than other areas of Norman. However, under the C-2 zoning designation there are parking requirements an applicant must meet. The parking existing for this building does not meet the current C-2 requirements. The total number of parking spaces needed for the C-2 portion of the property is twenty-nine. There are seventeen parking spaces existing directly behind this building, on the same lot. It is evident the applicant would either need to request a variance for the parking count or clear up the mixed zoning for the site. Staff recommended clearing the zoning issues for any business that may occupy this building.

There are two entrances for this business, one on Asp Avenue and one on the alley side of the building, adjacent to the existing parking lot. There will be foot traffic from both the surrounding neighborhoods as well as from the Campus.

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

- **PARK BOARD** There are no additional park requirements for this commercial rezoning request.

- **PUBLIC WORKS** The area is already platted; there are no additional requirements for this rezoning request.

**STAFF RECOMMENDATION** The zone change to C-3 is compatible with the surrounding zoning and the pedestrian nature of Campus Corner. This zone change does not eliminate any parking that is already provided in the area, but will not impose additional parking requirements on this building. Staff supports the rezoning. Cleaning up the mixed zoning on the building is practical and a necessity for the proposal.

Staff recommends approval of Ordinance No. O-1314-45.