



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: O-1314-3**

**File ID:** O-1314-3

**Type:** Ordinance

**Status:** Non-Consent Items

**Version:** 1

**Reference:** Item No. 39

**In Control:** City Council

**Department:** Planning and  
Community  
Development  
Department

**Cost:**

**File Created:** 06/20/2013

**File Name:** 1217 S. Berry Rezone

**Final Action:**

**Title:** CONSIDERATION OF ORDINANCE NO. O-1314-3 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 PLACE PART OF THE NORTHWEST QUARTER OF SECTION SIX, TOWNSHIP EIGHT NORTH, RANGE TWO WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1217 SOUTH BERRY ROAD)

**Notes:** ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1314-3 upon Second Reading section by section.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1314-3 upon Final Reading as a whole.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 08/27/2013

**Agenda Number:** 39

**Attachments:** O-1314-3, Location Map, Rezoning Staff Report -  
1217 S Berry as presented to Planning Commission,  
Preliminary Site Plan Linberry, Linberry Protest Map  
7-10-13, 1st Protest Ledbetter 6-27-13, 2nd Protest  
Ledbetter 7/22/13, 7-11-13 PC Minutes - R-1314-7  
O-1314-3 PP-1314-2

**Project Manager:** Jane Hudson, Principal Planner

**Entered by:** rone.tromble@normanok.gov

**Effective Date:**

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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1	Planning Commission	07/11/2013	Recommended for Rejection	City Council	08/08/2013	Pass
			Aye: 5	Commissioner Gordon, Commissioner Knotts, Commissioner Gasaway, Commissioner Lewis, and Commissioner Bahan		
			Nay: 1	Commissioner Sherrer		
1	City Council	08/13/2013	Introduced and adopted on First Reading by title only			Pass
			Aye: 8	Council Member Williams, Council Member Kovach, Council Member Griffith, Council Member Rosenthal, Council Member Heiple, Council Member Castleberry, Council Member Miller, and Council Member Holman		
1	City Council	08/27/2013				

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### Text of Legislative File O-1314-3

Body

**SYNOPSIS:** The applicant has requested to rezone this vacant tract to convert the tract into a parking lot for a proposed restaurant located on the lot to the north of this tract. The old Texadelphia restaurant located north of the subject tract closed and is under contract by the applicant. The applicant intends to rearrange the existing parking on the north lot and add additional parking area on this subject tract for a new restaurant, yet to be determined.

### **ANALYSIS:**

- **SITE PLAN** The site plan submitted for this project has been reviewed by staff and meets the City requirements. The applicant has proposed landscaping and fencing to buffer adjacent single-family properties. There will be one access point onto South Berry Road.

### **OTHER AGENCY COMMENTS:**

- **PARKS BOARD** There are no additional requirements for parkland dedication on commercial developments.
- **PUBLIC WORKS** This subject property was never included in any plats processed in this area so the applicant is going through the platting process at the same time as the rezoning and Plan change requests. The applicant will be required to install a sidewalk adjacent to South Berry Road, along the west side of this tract.

The lot to the north of this unplatted subject tract is already platted; however, the City Traffic Engineer has required the applicant to close the existing access onto South Berry Road from the northern lot. The newly proposed parking area has an access point onto Berry Road; therefore, the two access points are too close for Traffic to approve both locations. There is an existing one-way access point onto Lindsey Street from the northern tract and that access point will remain.

**STAFF RECOMMENDATION:** At the time of application for this rezoning it was the understanding of staff that the intent of the owner/applicant was to combine the already platted lot to the north of this subject tract and this subject tract into one via a Lot Line Adjustment.

Free standing commercial parking lots are an allowed use with an accompanying Special Use Zoning in the following zoning districts:

- R-2, Two Family Dwelling District, RM-2, Low Density Apartment District, RM-4, Mobile Home Park District, RM-6, Medium Density Apartment District, R-3, Multi-Family Dwelling District, and RO, Residence-Office District, with a Special Use to allow for parking provided that such parking lot is adjacent to the land on which the principal use is located or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, I-2, R-1 or R-2 or R-3 zoning districts. This

shall not be construed as permitting separately operated commercial parking lots.

- O-1, Office-Institutional District, CO, Suburban Office Commercial District provided that such parking lot is adjacent to the land on which the principal use is located, or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1 or I-2 Districts.

"Automobile parking lots" are a permitted use in the C-1, Local Commercial District, C-2, General Commercial District, C-3, Intensive Commercial District and TC, Tourist Commercial District.

As previously stated, it was the understanding of staff that the applicant was intending to combine the two lots. Staff did not recommend a zoning district other than C-2, General Commercial District for the proposed parking lot because staff cannot support two zoning districts on one lot. If the applicant does not combine the two lots then a less intense zoning for the parking lot could be supported.

Staff has reviewed this application in several meetings and again for the platting and application process and considers the application compliant with zoning and platting requirements. As previously noted above, the applicant has been required to eliminate a drive along Berry Road, creating a better access point at the Berry Road and Lindsey Street intersection. The new/additional parking area on this subject tract for the proposed restaurant to the north will help with parking congestion and illegal parking from customers on a lot with limited parking.

Staff recommends that City Council rezone the subject parcel to C-2. Staff's recommendation is conditioned on the applicant's agreement to combine the two lots into one lot via the lot line adjustment process. The approved Lot Line Adjustment must be completed, filed of record with the County Clerk and returned to City staff.

Combining the two lots into one lot will eliminate any concerns of the scope of potential for allowed uses placed on this lot as it will be used for parking for the lot to the north. The proposed parking area for the future restaurant use is controlled by the approval of a site plan that accompanies the plat and designates the use as parking for the restaurant. Amendments to the site plan, according to the requirements of Chapter 19, the Subdivision Ordinance, require City Council approval if the building or parking areas are expanded by more than five percent from the previously approved site plan. Therefore, if City Council approves the rezoning and site plan designating this lot for parking, if the property owner wishes to convert the parking lot to a different permitted use in C-2, i.e. a hotel or convenience store, that change will require Council approval of an amended site plan.

With the above noted condition, staff supports the rezoning request for this property from R-1, Single-Family Dwelling District to C-2, General Commercial District and recommends approval of Ordinance No. O-1314-3.

However, if it not the applicant's desire to combine the two lots, Staff recommends that City Council consider a less intense zoning category, perhaps R-2 with Special Use for a parking lot, for the subject lot. By zoning the lot to a less intense zoning category, the property owner would not be able to use the lot for the wide range of commercial uses permitted in the C-2 category without returning to City Council for a zone change. These two options, C-2 and combining the lots or R-2 with Special Use for a parking lot, are the best options to both accomplish the applicant's desire to build a parking lot to serve the adjacent restaurant and to protect the adjacent residential uses from increased incursion of commercial uses into the surrounding neighborhood.

The Planning Commission, at their meeting of July 11, 2013, recommended denial of this ordinance by a vote of 5-1.