



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-1516-33

File ID: O-1516-33

Type: Zoning Ordinance

Status: Non-Consent Items

Version: 1

Reference: Item No. 33

In Control: City Council

Department: Planning and
Community
Development
Department

Cost:

File Created: 12/21/2015

File Name: Gardner Special Uses

Final Action:

Title: CONSIDERATION OF ORDINANCE O-1516-33 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 BAR, LOUNGE OR TAVERN AND SPECIAL
USE FOR A LIVE ENTERTAINMENT VENUE IN THE C-2, GENERAL COMMERCIAL
DISTRICT FOR LOT NINE (9) IN BLOCK TWO (2) OF W.S. MURPHY ADDITION TO
THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR
THE SEVERABILITY THEREOF. (1309 24TH AVENUE S.W.)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance O-1516-33 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance O-1516-33 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 02/23/2016

Agenda Number: 33

Attachments: O-1516-33, Location Map, Staff Report,
Pre-Development Summary, Protest Map 1-14-16,
Protest Letters 1-14-16, Petition of Support - 2-17-16,
1-14-16 PC Minutes

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:
---------------	--------------	-------	---------	----------	-----------	-----------------	---------

1	Planning Commission	01/14/2016	Recommended for Adoption at a subsequent City Council Meeting	City Council	02/09/2016	Fail
1	City Council	02/09/2016	Introduced and adopted on First Reading by title only			Pass

Text of Legislative File O-1516-33

Body

SYNOPSIS: The applicant is requesting Special Use for a Bar, Lounge or Tavern and Live Entertainment Venue. The applicant's initial proposal included a request for an Adult Entertainment Use, however, this request was eliminated due to the close proximity to residential uses; Adult Entertainment establishments are not allowed within 500 feet of residentially zoned property, and R-1, Single Family Dwelling District is east and northeast within 250 feet of the building.

The building, located near the intersection of West Lindsey Street and 24th Avenue S.W., is zoned C-2, General Commercial, and to bring the current business into conformance with the zoning code Special Use is required for the proposed uses.

ANALYSIS: This business establishment has been operated as various bars, lounges, and dance clubs over the past 45 years. The applicant is requesting Special Use to operate the business in conformance with City of Norman Zoning Regulations.

This location has long been established, according to local historians or 'Normanites', (citizens that were born and raised in Norman and lived here all their lives) as an entertainment venue/bar/lounge and dance club as far back as the late 1960's. The Cleveland County Assessor shows the facility was built in 1965 for a warehouse show room. However, 'Normanites' reminisce about the various businesses that have operated out of this Norman landmark building. The establishment has been known as the Blue Onion or Onion, JR Buckaroos or Buckaroos, Okie Pokies, The Fox, The Red Fox, Sooner Knights, The Castle, The Hidden Castle and, until recently, The Labyrinth. All these previous businesses were bars and dance clubs, pool halls and a venue for live entertainment. This establishment has even been a restaurant, Buzz's Sub Shop.

The applicant owns and operates the business, Loves Productions, an entertainment venue for music, bands, DJ's, and artistry shows; Loves Productions also proposes to rent the facility for private parties and special events such as weddings, bridal showers and birthday parties. These uses fall under the category of Special Use for a Live Entertainment Venue. In order for the applicant to obtain a liquor license to serve alcohol at these events, they also need a Special Use for a Bar, Lounge, or Tavern.

This facility has been utilized as a variety of bars/lounges and entertainment venues from the late 1960's through 2015. The Zoning Ordinance has been updated over the years. In the 1969 Zoning Ordinance dance hall and night club were an allowed use in C-2; taverns were not listed. However, in November of 1976 night club and tavern were moved to require approval from City Council, i.e. Use Permissible on Review (now Special Use); around the same time dance hall was removed as an allowed use and combined with nightclub. When this amendment was adopted the existing uses at this facility became legal non-conforming uses. Staff does not have any concrete evidence that there was continuous use of the structure; therefore, we believe that the structure has lost its non-conforming status because the use was discontinued for at least a two-year period and a Special Use is now required. The Zoning Ordinance states, if a Special Use has been discontinued for two continuous years, then authority for such Special Use ceases to exist and the applicant/owner must reapply in order to establish said Special Use. The applicant would like to reestablish the use of a Bar, Lounge or Tavern and add Special Use for Live Entertainment Venue, also considered Special Use in C-2 and adopted with Ordinance No. O-0102-51.

ALTERNATIVES/ISSUES:

IMPACTS: This business location has long been established as an entertainment venue/bar/dance hall; surrounding businesses and residences have developed around this establishment over the last 50 years.

Surrounding this location are offices, automotive recycling operations, mini-storage facilities, restaurants and bars, and an eclectic mix of retail business as well as single family homes and agriculturally zoned properties. Because of the established type of uses in this location, which are similar in nature to the applicant's requested uses, there are no negative zoning impacts associated with this request. Furthermore, the applicant will be required to adhere to all ABLE regulations regarding the liquor license for the facility in conjunction with City of Norman codes.

OTHER AGENCY COMMENTS:

PARK BOARD

Parkland dedication is not required for commercial infill businesses.

PUBLIC WORKS

This parcel is platted as part of W.S. Murphy Addition, Block 2, Lot 9, and filed of record with Cleveland County on March 13, 1951

PREDEVELOPMENT MEETING - December 18, 2015

- Maria & John Gardner were present and explained their proposal which at that time included adult entertainment use.
- The Del Rancho Restaurant property owners expressed concern about burlesque shows being held at the event center and wondered how often they would be held.
- The applicants stated yes that burlesque shows would be one of the activities held at the event center but not the only one. The Special Use permit would provide the applicants the ability to tap into a variety of venues to host at the event center.
- Applicants explained that a burlesque show was really an art form and encouraged the neighbors to come see a practice show at the building. Furthermore, the burlesque shows would only be offered on Friday and Saturday nights and yes liquor would be served.
- Neighboring property owners stated that given the burlesque shows and the alcohol involved, how the applicant's will handle the problems associated with such a venue.
- The applicants stated they have hired security to be at the facility, they have a private membership requirement and they screen their membership. They further explained that their shows would be similar to shows held at The Dollhouse, located in Bricktown in OKC.
- The neighbor stated they were fine with the other uses proposed for the event center but were opposed to the Adult Entertainment Use. The neighbors indicated there was not anything the applicants could do to mitigate the Adult Entertainment Use; they further stated that there were other event centers in town and that they did not need an adult entertainment next door to their family-oriented business.
- Reaching this impasse, Leah Messner, City Attorney, explained to the neighbors the process for submitting a protest letter if they desired to do so.

STAFF RECOMMENDATION: This building has over 45 years of history in Norman, operating as a bar, dance club or live entertainment venue; the applicant's requests are alike in nature to the businesses that have operated previously in this location. Staff supports and recommends approval of Ordinance O-1516-33.

Planning Commission, at their meeting of January 14, 2016, did not recommend adoption of Ordinance O-1516-33, on a vote of 3-4.