



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-1213-30

File ID: O-1213-30

Type: Ordinance

Status: Failed

Version: 1

Reference: Item No. 26

In Control: City Council

Department: Planning and
Community
Development
Department

Cost:

File Created: 01/22/2013

File Name: Greek House Rezoning

Final Action: 06/11/2013

Title: CONSIDERATION OF ORDINANCE NO. O-1213-30 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 LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT WITH SPECIAL USE FOR A BAR, LOUNGE OR TAVERN, AND REMOVE THE SAME FROM THE RO, RESIDENCE-OFFICE DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (768 SOUTH JENKINS AVENUE)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-30 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-30 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 26

Attachments: O-1213-30, GreekHouse Location Map, Staff Report
T & J Fuel O-1213-30, Greek House Aerial Photo,
Greek House Protest, 2-14-13 PC Minutes - Greek
House, Email requesting postponement

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	02/14/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	03/12/2013	Fail
	Action Text: A motion was made by Commissioner Sherrer, seconded by Commissioner Pailles, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council , due back on 3/12/2013. The motion failed by the following vote:					
1	City Council	03/12/2013	Introduced and adopted on First Reading by title only			Pass
	Action Text: That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call					
1	City Council	03/26/2013	Postponed		06/11/2013	Pass
	Action Text: postponed until June 11, 2013					
1	City Council	06/11/2013	Withdrawn			
	Action Text: Withdrawn					

Text of Legislative File O-1213-30

Body

SYNOPSIS: The applicant, Mohammed Reza Tajbakhsh, recently purchased the property located at 768 Jenkins Avenue. The current building has six separate exterior doors which might house up to six separate businesses within this building. Currently, the only business on-site is the Greek House Restaurant. The applicant would like to move forward with adding a second commercial business to this location. The applicant is requesting to rezone this site from RO, Residence-Office District to C-2, General Commercial District with Special Use for a Bar, Lounge or Tavern.

ANALYSIS:**C-2, General Commercial District:**

This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

The applicant is requesting C-2, General Commercial District with Special Use for a Bar in order to have a bar and smoke shop with a water pipe system, on the west end of the building. The proposal of the bar and smoke shop consists of approximately 768 square feet. Currently, the restaurant is on the east end of the building utilizing approximately 1,512 square feet. The seating area for the restaurant is approximately 720 square feet with 38 to 40 chairs. The remaining 800 square feet in the building is used for storage of supplies for the restaurant.

Parking: The requirements for parking in the C-2, General Commercial District for the specific uses of restaurant and bar are as follows:

Restaurant: 1 parking space per 50 square feet of Customer Service Area (CSA)

Bar or Tavern: 1 parking space per 50 square feet of CSA

At a minimum with the restaurant being the only use, the site requires fourteen parking spaces. The site currently provides nine parking spaces. There are six parallel parking spaces available along the south side of the building, in what is designated as the fire lane area. These parking spaces are not striped or designated as parking. There are three parking spaces at the west end of the building however, these as well are not striped or designated as parking spaces. There is an area at the east end of the building that customers utilize for parking. This area is not legally designated parking as it is in the right-of-way and was not included as part the nine available parking spaces. The applicant stated in his narrative submitted that the restaurant and bar/smoke shop will not be open at the same time. The plan is to close the Greek House at 8:30 pm and then open the bar and smoke shop. However, even with the staggered business hours the parking required for the bar and smoke shop is still short of the minimum required parking spaces.

OTHER AGENCY COMMENTS:

PARK BOARD The request of a Special Use does not require any parkland dedication.

PUBLIC WORKS The property has already been platted. Utilities, streets, public alley are existing. This Special Use will not require any modification to the site which would require additional public improvements.

STAFF RECOMMENDATION: If commercial utilization of this property is approved sufficient parking cannot be provided on-site. This building was built in 1969 and over the years several different uses have been in this building. Staff cannot find records which clearly indicate how the restaurant use was approved in this location as it is not an approved use in the RO, Residence-Office zoning. The RO, Residence-Office zoning designation is designed to provide areas for high density residential development; limited offices, convenience goods stores, and personal service establishments in conjunction with residential uses; primarily in the vicinity of the campus business district. The majority of the area around this business is zoned C-1, Local Commercial District, a less intense zoning district as opposed to the requested C-2, General Commercial District. As previously discussed, there are existing parking and traffic issues in the Campus Corner area. Increasing the intensity of zoning in an already heavily impacted area creates additional problems for the existing residents and businesses. The properties in this vicinity are zoned C-1, Local Commercial District, RO, Residence-Office District and R-3, Multi-Family Dwelling District. With the existing lower intensity zoning districts present in the area this zoning request for C-2, General Commercial District is considered spot zoning. Spot zoning is contrary to the basic zoning principles which are set to protect adjacent properties. With the lack of parking and traffic congestion already in the area, staff does not support the request to place this property in the C-2, General Commercial District with Special Use for a Bar. Staff recommends denial of Ordinance No. O-1214-30. One letter of protest was received from the immediately adjacent property to the south, which comprised a 4.5% protest. Although the Planning Commission, at their February 14, 2013 meeting, had a motion and a second to approve Ordinance O-1213-30, the ordinance was disapproved by a vote of 0-7. The ordinance comes forward with a recommendation from the Planning Commission for denial.