
ORDINANCE NO. O-1920-10

ITEM NO. 5b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Jerry's, L.L.C.
REQUESTED ACTION	Rezoning to C-2, General Commercial District
EXISTING ZONING	R-3, Multi-Family Dwelling District
SURROUNDING ZONING	North: C-2, General Commercial East: C-2, General Commercial South: C-3, Intensive Commercial and R-3, Multi-Family Dwelling West: R-3, Multi-Family Dwelling
LOCATION	325 E. Tonhawa Street
SIZE	8,400 square feet
PURPOSE	Parking Lot for Van's Pig Stand
EXISTING LAND USE	Single family home
SURROUNDING LAND USE	North: Commercial Parking Lot East: Commercial Business/Window Tinting South: Commercial Business/Norman Fence West: Single Family Home
LAND USE PLAN DESIGNATION	Low Density Residential with request to amend to Commercial

SYNOPSIS: Van's Pig Stand/Jerry's L.L.C. owns the subject tract; the tract is currently zoned R-3, Multi-Family Dwelling District and the current land use designation is Low Density Residential Designation. The companion land use plan amendment and this rezoning is required for the applicant to redevelop the lot as a parking lot to serve an adjacent commercial use. The lot is currently occupied by a single-family structure; the structure is slowly deteriorating.

ANALYSIS: The applicant is seeking to increase the amount of employee and customer parking for the restaurant; they plan to remove the house to install additional parking. The existing parking area on the adjacent lot, to the east, planned to be reconfigured and the design will allow cross-access between the two lots, accommodating approximately twenty-two spaces.

The Porter Steering Committee worked with the City's consultant and staff to develop the Porter Avenue Corridor Study, and City Council ultimately adopted the Porter Corridor Zoning Overlay District in August of 2010. One of the elements that the Plan addresses is commercial expansion along Porter Avenue. In this case, three residences will remain on the north side of Tonhawa Street with office use at the opposite corner of Tonhawa and Crawford Avenue. In addition, a permanent buffer wall will be constructed to establish the boundary between the commercial and residential land use. The proposed commercial expansion is supported by the Porter Avenue Corridor Study and the Zoning Overlay District.

ALTERNATIVES/ISSUES:

- **IMPACTS** The Porter Corridor Study determined and established a Commercial Development Limit Line so that any future development the Study determined appropriate would not negatively impact adjacent property owners.
- **SITE PLAN** The site accesses the alley to the north, the adjacent commercial lot to the east as well as Tonhawa Street to the south. The lot to the east of the subject tract is not part of this request but the design of both lots has been incorporated into the overall design of the area.

The Porter Corridor Zoning Overlay District enumerates certain design criteria that must be followed when property is converted to commercial use that abuts existing residential use. In this case the three principal components include:

1. Buffer Walls.

(1) Intent. The buffer wall is intended to provide a permanent, solid separation between commercial and residential land uses. These walls define the extent of commercial development line.

(a) Requirements for Buffer Walls.

- i. Separation walls shall be used as a buffer when any commercial land use abuts any residential land use.
- ii. Walls shall be both decorative and functional in nature and contribute to the overall visual quality of the project or development, though not become a dominant visual feature.
- iii. All buffer walls shall tier up from four feet at the street to six feet along the backyard section of an adjacent residential lot.
- iv. All buffer walls shall include a ten-foot landscape strip on the commercial side with no automobile overhang, or 12 feet with an automobile overhang.

The proposed four-foot wall will start at the front property line, and increase to six-feet where it abuts the rear yard of the neighboring property, and will comply with the guideline established.

2. Buffer Landscaping.

(1) Intent. The buffer landscaping is intended to provide an area of landscaping to separate the commercial land use from the residential land use.

(a) Requirements for Buffer Landscaping.

- i. The landscape buffer shall be a minimum of ten feet.
- ii. The landscaping shall be planted immediately adjacent to the "buffer wall" identified in a. above and shall be landscaped on the commercial side of the buffer wall.
- iii. The landscaping shall consist of trees and shrubs as well as ground cover.
- iv. The landscaping buffer shall contain only landscaping. No structures, containers, receptacles, vehicles, etc. are allowed.

As shown on the attached Site Plan, the applicant shows a landscape area that meets this requirement.

3. Parking lot design.

(1) Intent. To decrease the negative visual impact of parking areas located adjacent to residential property by the following:

- (a) The layout of the parking lot shall include the requirements of a. and b. above.
- (b) Landscaping as required per Section 431.8 of the Zoning Ordinance except that any commercially-zoned property shall have a ten foot landscape strip between the abutting right-of-way line and the parking lot.
- (c) Parking lot lighting shall meet the following standards:
 - i. A concealed light source of the "cut-off" variety shall be used to prevent glare onto adjacent buildings and residences.
 - ii. The maximum height of parking lot poles shall be 20 feet measured from finished grade.
 - iii. Light poles shall be located within medians wherever possible, and shall have a maximum base height of three feet, unless otherwise approved through the development approval process.

A specific lighting plan will be required when construction drawings are submitted which demonstrates that no glare will impact the abutting residence. At this time the applicants are not proposing any new lights for the parking lot.

OTHER AGENCY COMMENTS:

- **GREENBELT COMMISSION** **September 16, 2019 GBC 19-18**
Greenbelt Commission sends the application forward with the following comment:

The Commission encourages preservation of any trees, if possible

- **PREDEVELOPMENT**

September 26, 2019 PD 19-20

The applicant presented to the neighbors the outline of the recent proposal. The following comments are summary of the meeting.

Neighbor Comment: Removal of a smaller house in the neighborhood is a concern of one of the residents but she also recognizes the Porter Corridor Plan is a community goal. Concerned with the possible drainage/runoff from the property.

Neighbor Comment: One of the residents attending the meeting expressed great support for the project. Previous Mayor, Cindy Rosenthal, appointed this individual to sit on the Committee for Porter Corridor Overlay District. This proposal is consistent with the Plan and should be supported for that reason. The UNP cannibalized businesses all over Norman, with 50 to 100 medical marijuana stores all over town, they're not sustainable – so with the Porter Plan the restaurants have been the life blood of North Porter, encouragement of the restaurants is important and as a community we should be in favor of this plan to keep the restaurants thriving in this area.

- **PARK BOARD** Decision from Park Board is not required for this project.
- **PUBLIC WORKS** Streets are existing. The applicant paved the alley where the parking lot will connect to the north. Sidewalks is adjacent to Tonhawa Street.
- **PROJECT ENGINEER** The applicant worked with the Project Engineer, of the Porter Corridor Project, for review of the proposal. The Project Engineer supports this proposal as designed. The site accesses the alley to the north, the adjacent commercial lot to the east as well as Tonhawa Street to the south. The lot to the east of the subject tract is not part of this request but the design of both lots has been incorporated into the overall design of the area.

STAFF RECOMMENDATION: This request incorporates the design guidelines contained in the Zoning Overlay District, and is within the area designated on the Porter Corridor Zoning Overlay District for possible commercial expansion. Staff is able to support this request, and recommends adoption of this Ordinance No. 1920-10.