



# City of Norman, OK

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

## Text File

File Number: O-1213-36

Agenda Date: 4/23/2013

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Status: Non-Consent Items

In Control: City Council

File Type: Ordinance

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### Title

CONSIDERATION OF ORDINANCE NO. O-1213-36 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 17, 18 AND 19, BLOCK 26, NORMAN ORIGINAL TOWNSITE, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE C-3, INTENSIVE COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (420 SOUTH PORTER AVENUE)

### Body

**SYNOPSIS:** The previous business on-site was a gas station/automobile service station. After the gas station went out of business the site was used as a flea market of sorts from time to time. The owner has now leased the facility to Chris Womack, dba Hot Wheels of Oklahoma Motors. At the time the owner leased the site to the current tenant he was unaware the current zoning of C-3, Intensive Commercial, did not allow for the use of automobile sales. The owner is trying to re-use the property to its best advantage. To allow the current tenant, Hot Wheels, to remain on-site the owner has requested to rezone the property to C-2, General Commercial District to allow the use of an automobile sales lot for this site.

### 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.

### ALTERNATIVES/ISSUES:

IMPACTS The primary issue for this site is one of compatibility. The original proposal of C-3, Intensive Commercial zoning occurred in 1954, when downtown was the principal commercial center of the community, and on-street parking was plentiful (given the volume of traffic) and adequate to meet the general needs of the community. Porter Avenue was the primary car sales area of Norman for many years, and there are still several auto-related uses along Porter Avenue making this use compatible in the area.

ZONING Historically, staff has favored rezoning such tracts in areas adjacent to the downtown area from C-3, Intensive Commercial to C-2, General Commercial District, as new uses are required to provide and maintain legal parking for their current use. In this case, there is limited opportunity for on-street parking since no off-street parking is required in C3, Intensive Commercial District. However, there is adequate pavement on the lot to designate customer parking.

This site is located in the Porter Corridor Zoning Overlay District. This site is already zoned commercially and the request is in fact a down zoning; therefore, there are no additional requirements for the site with regards to the Porter Corridor Zoning Overlay District.

SITE PLAN The applicant has proposed no change to the site. The building has been repainted and repair of paving on-site has occurred.

**OTHER AGENCY COMMENTS:**

**PARK BOARD** Commercial zoning does not require public park land be dedicated.

**PUBLIC WORKS** The property was platted as part of the Original Townsite so there are no platting issues needing to be addressed.

**STAFF RECOMMENDATION:** This is an appropriate rezoning request for an area that is already dominated by uses that are fully compatible with the proposed C-2, General Commercial District. There is a tire shop and an office building to the east of this facility, across South Porter Avenue. There is a laundromat and Hiland Dairy to the north of this site. To the south is an old church, which was used as a furniture resale store for many years. The church building is now vacant. The parcel across the street to the east was rezoned from C-3, Intensive Commercial District to C-2, General Commercial District in 2005 to allow the use of an auto related business. The area to the west of this parcel is residential, zoned R-3, Multi-Family. The majority of the corner parcels in this area along South Porter Avenue are zoned C-3, Intensive Commercial, however, as stated previously staff supports down zoning in areas adjacent to the downtown area. There are no changes proposed for the site that would be incompatible with adjacent land uses. Staff recommends approval of Ordinance No. O-1213-36.

At the March 14, 2013 Planning Commission meeting staff had received one letter of protest for this item. This letter of protest referenced a property and their requirements of rezoning located at the southeast corner of Porter Avenue and Symmes Street. This letter did not contain the address or phone number of the sender; consequently, staff cannot determine if this protest letter is from a property owner within the notification area. Therefore, the letter of protest received is not calculated as a percentage of protest within the notification area.

The Planning Commission, at their March 14, 2013 meeting, recommended adoption of this ordinance, by a vote of 6-0.