

RESOLUTION NO. R-1213-95

ITEM NO. 6a

STAFF REPORT

ITEM: TJ Food & Fuel, dba Greek House, requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1213-7) from Office Designation to Commercial Designation for property located at 768 Jenkins Avenue.

SUMMARY OF REQUEST: 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 an additional use to his current location. The applicant requests amendment of the NORMAN 2025 Land Use and Transportation Plan from Office Designation to Commercial Designation on this tract of land. There is an associated rezoning request for this site as well. The applicant is requesting rezoning from RO, Residence-Office District to C-2, General Commercial District with a Special Use for a Bar or Tavern.

ANALYSIS: The 2025 Plan identified two criteria that must be examined before a land use change is approved.

1. *There has been a change in circumstances resulting from development of properties in the general vicinity that suggest that the proposed change will not be contrary to the public interest.* The majority of the area around Campus Corner is completely developed. There are some small areas that are available for in-fill development; however, those areas are limited. On average the development and businesses that do establish in the Campus Corner area are projects that go into existing buildings or there are those that demolish and rebuild. The structure on this site was built in 1971. The buildings around this site to the north and south were established well before this structure was built, around the 1930's to 1940's. There are offices to the south zoned C-1, Local Commercial District, with a Land Use designation of Office. A commercial strip mall to the east was built in 1970 and is zoned C-1, Local Commercial District, with a Land Use designation of Commercial. There are two residential uses directly across the street to the east zoned R-3, Multi-Family Dwelling District and the Land Use designation is Low Density Residential. There is a second commercial strip mall to the northeast, zoned RO, Residence-Office District with Land Use designation of Office. The property to the north, abutting this lot, is zoned R-3, Multi-Family Dwelling District and the Land Use designation is Low Density Residential. There is a commercial strip mall to the west built in 1986 and zoned C-1, Local Commercial District with a Land Use designation of Commercial. All of the commercial uses along this portion of Boyd and Jenkins Avenue have been in place for many years. However, the parking for this entire corner has never been adequate as it is such a busy area of Campus. The traffic at Boyd and Jenkins Avenue is very congested and although they have designated parking areas for each of the businesses in this area the parking count does not meet ordinance requirements.

This site is 6,910 square feet with a 3,169 square foot building existing on the site and the remainder of the lot is paved. With the existing building, the available area for parking is limited. The parking requirement for this facility was established under the requirement noted on the building permit issued in December of 1969, "the parking must meet 200 square feet of area of the building for each parking space." The minimum parking requirements for this site, at that time, should have been thirteen spaces. The applicant stated in the application submittal there are fifteen spaces. However, the total current parking count for this site is nine spaces. There are six parallel parking spaces the customers can utilize along the south side of the building. There are three more spaces which abut the building along the west side along the alley. There is an area on the east side of the building that customers use for parking but this is not an approved parking area as it is in the right-of-way. The applicant has not demonstrated how additional parking can be provided as required for the C-2, General Commercial District. The requirement for support of an application is to show there has been a change in circumstances resulting from development of properties in the general vicinity that suggest the proposed change will not be contrary to the public interest in that area. This area has been in its current built state for many, many years. The impact of additional traffic, increase/impact of allowed commercial uses in this area would be contrary to the neighbors as well as the public interest.

2. *There is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity.* Norman's

General Plan (1964) was amended in 1966 to allow for a "high density mixed use zoning district." That district was the RO, Residence-Office District. The intent of the Plan amendment was to provide an eastern boundary of commercial development in the Campus Corner area. The boundary that was established at that time was the alley between DeBarr Avenue and Jenkins Avenue.

In August of 1967, a rezoning request was submitted for this parcel. The owner at that time had requested to rezone from R-3, Multi-Family Dwelling District to RO, Residence-Office with permissive use for a commercial parking lot. The request was granted under Ordinance No. 1995. The parking lot was never constructed. In October of 1969 a second rezoning request was submitted for this parcel. The owner requested rezoning from RO, Residence-Office to C-1, Local Commercial District. This request was not supported by staff and the applicant withdrew the request. In December of 1969, a building permit was issued for this site. The zoning was designated RO, Residence-Office and the building permit was issued for office/mercantile lacking any residential component.

The COMPLAN replaced the original General Plan as the long-range policy document controlling development. It did not call for the expansion of the Campus Corner Commercial area. It retained the medium density residential designation along Jenkins Avenue. The City's detailed policy statement for this area was the Central Core Plan, which was prepared by the consulting firm of Barton-Aschman Associates in 1984. That effort was an intense study of the central area of Norman that focused on the many problems and conflicts, and outlined several strategies for enhancing or protecting its best aspects. The Central Core Plan saw the Campus Corner commercial area as unique in Norman and recommended that it be contained by a Mixed Use District. This recommendation equated to a zoning district that was designed to be unique to this area, the RO District, a high density residential district which would allow a mix of limited offices, convenience goods stores and personal service establishments in conjunction with residential uses to provide for an orderly transition to the surrounding residential areas around Campus Corner.

Staff went out on-site to verify some of the square footages noted in the applicant's submittal; staff's calculations varied slightly in favor of the applicant. The Greek House is about 1,512 square feet with 720 square feet of customer service area, 38-40 chairs for customers.

The calculation for parking requirements for 720 square feet is fourteen parking places. The area for the proposed bar and smoke shop is 768 square feet. The applicant has not submitted a final interior design plan for the bar and smoke shop but if he utilizes 500 square feet of customer service area then ten parking places will be required. The applicant stated the two businesses, Greek House and the bar/smoke shop would not be open at the same time keeping parking requirements to a minimum. The effects of this plan change, if granted, could go far beyond the border of this property. Granting this change would condone commercial expansion along Jenkins increasing and destabilizing the residential property north on Jenkins Avenue. Although the applicant's request is to renovate the existing property for an additional use of a bar and smoke shop, it is important to note that a Plan change and commercial rezoning to C-2, General Commercial District would not limit the owners of this property to the particular proposed use. If the request for a change in land use and commercial zoning is granted to this property, the size and character of allowed uses could greatly increase from the more limited uses allowed in the present R-O, Residence-Office District to the allowed uses in C-2, General Commercial District; this would create an adverse land use and traffic impacts to surrounding properties.

STAFF RECOMMENDATION: The majority of the area around this business is zoned C-1, Local Commercial District, a less intense zoning district with less intense use as opposed to the requested C-2, General Commercial District. There are existing parking and traffic issues in the Campus Corner area. Increasing the zoning use in an already heavily impacted area creates additional problems for the existing residents and businesses. In keeping with the goals of the 2025 Land Use and Transportation Plan, staff is unable to support the applicant's request for change to the Land Use Plan from Office Designation to Commercial Designation. Staff recommends denial of Resolution No. R-1213-95.