



# City of Norman, OK

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

## Master

**File Number: R-1314-7**

**File ID:** R-1314-7

**Type:** Resolution

**Status:** Non-Consent Items

**Version:** 1

**Reference:** Item No. 38

**In Control:** City Council

**Department:** Planning and  
Community  
Development  
Department

**Cost:**

**File Created:** 06/20/2013

**File Name:** 1217 S. Berry 2025 Amendment

**Final Action:**

**Title:** RESOLUTION NO. R-1314-7: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION SIX, TOWNSHIP EIGHT NORTH, RANGE TWO WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION. (1217 SOUTH BERRY ROAD)

**Notes:** ACTION NEEDED: Motion to adopt or reject Resolution No. R-1314-7; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 08/27/2013

**Agenda Number:** 38

**Attachments:** Text File R-1314-7, R-1314-7, 2025 Map, 2025 Staff Report - 1217 S Berry, Predevelopment 1217 S. Berry, Greenbelt 1217 S. Berry, 7-11-13 PC Minutes - R-1314-7 O-1314-3 PP-1314-2

**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	07/11/2013	Recommended for Rejection	City Council	08/27/2013		Pass
<b>Action Text:</b> Recommend denial							

### Text of Legislative File R-1314-7

Body

**SUMMARY OF REQUEST:** The applicant is requesting a NORMAN 2025 Land Use and Transportation Plan amendment from Low Density Residential Designation to Commercial Designation for property located at 1217 South Berry Road. The applicant recently purchased this tract and the platted lot to the north, which has a

vacant restaurant facility already on-site, with the goal of establishing a commercial parking lot for patrons of a proposed restaurant to use. The applicant is also going through the process of platting and rezoning this tract.

**ANALYSIS:** The NORMAN 2025 Land Use and Transportation Plan identifies two criteria that must be examined before a land use designation change is approved.

***1. There has been a change in circumstances resulting from development of the properties in the general vicinity, which suggest that the proposed changes will not be contrary to the public interest.***

There has been a change in circumstance in this area, beginning with the change of use at the facility to the north of this tract. The lot to the north of this tract was previously a gas station many years ago. The site was sold and a restaurant was established. The parking for the restaurant was limited as its previous use, the gas station, did not require a great deal of parking. The subject property has not been platted as the previous home had been there for many years and was never part of a development. After the demolition of the home, the site was put on the market to sell. Staff has been approached several times regarding the possibility of constructing an apartment complex on-site but the tract is not large enough for the number of apartments requested to be built.

***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.***

There has been a restaurant on the site to the north of this site for many years. The addition of this parking lot will not have negative impacts on traffic or land use. To comply with the traffic design guidelines City staff has required the applicant to eliminate the existing drive along the southwest side of the northern platted lot since it is too close to the proposed access on the subject tract; better access will be achieved with fewer curb cuts along Berry Road, and creating further distance for a curb cut from the Lindsey Street/Berry Road intersection. The areas to the east and south are still residential land uses. Those residential lots will be buffered by landscaping treatments as well as fencing to eliminate any impacts from lights and automobile noise.

**STAFF RECOMMENDATION:** At the time the application for this rezoning and land use amendment was submitted it was the understanding of staff that the intent of the owner/applicant was to combine the two lots once platted, into one lot via a Lot Line Adjustment. The Zoning Ordinance does not specifically designate a parking lot as an allowed use on a lot zoned C-2, General Commercial District without a principal use in place on that same lot. Therefore, staff has placed a condition attached to the rezoning request that the owner/applicant must complete a Lot Line Adjustment to combine the two lots so the proposed parking lot is on the same lot as the primary use prior to staff issuing a building permit for the parking lot. The applicant is required to buffer the east and south sides of the proposed parking area where it abuts the single-family properties. This buffer will reduce noise and minimize impacts from car lights. The proposal to remodel the old restaurant to the north of this tract should be no more of an impact than that of the previous restaurant. In any case, the addition of the new parking area will eliminate customer cars parking in this vacant lot on dirt. In addition to creating surplus parking for the restaurant, the elimination of the existing curb cut on the north lot will help reduce traffic access issues along Berry Road because the access to the parking lot will be further south of the Lindsey Street/Berry Road intersection.

Staff recommends approval of Resolution No. R-1314-7.

The Planning Commission, at their meeting of July 11, 2013, recommended denial of this request by a vote of 5-1.