

Chapter 20: May Flowers Bring Zoning Showers

The decade of the 70's was fraught with new challenges for The Village. It was a time of polyester leisure suits, flared pants legs, platform shoes, lamb-chop sideburns and wide, outlandish ties. The "King" made his comeback and the disco craze swept across the nation. For better or for worse, it was also the era when local residents first gained dubious notoriety as "The Village People", --a facetious but lamentable reference to the gender-confused rock and roll group which popularized such tunes as "YMCA", "Macho Man" and a few other more forgettable jingles.

Throughout the late 60's and throughout the entire decade of the 70's, the city continued to grow to the north. A major consequence of the inexorable march northward was panoply of zoning clashes, some of which would engulf the city in what can only be described as internecine warfare.

The first hint of the zoning battles to come had first surfaced in the mid 50's when the need for control over zoning on May Avenue had been asserted by town officials as the major argument in support of annexation of the area west of May. Much later, however, as areas north of The Village began to rapidly develop, traffic on May Avenue began to increase exponentially. In a blink of an eye, --or so it may have seemed, May Avenue had become a major thoroughfare with tens of thousands of cars making the one-mile trek from city limit to city limit each day.

As this transformation took place, the vacant lots on May Avenue, most of which had been platted for residential development, became increasingly less desirable for such use, and conversely, more and more desirable for commercial development. Business, eager to locate on the busy thoroughfare, began to eye commercial development up and down May Avenue. Efforts to commercialize the area, however, met stubborn resistance.

Especially vocal was Ward 4 Councilman Tom Graham, who represented areas abutting the prospective commercial district. Many of his constituents, as well as many others in the community, wanted to preserve The Village as a residential community. Wholesale commercial development of the area frankly did not fit into their vision for the community. As further evidence of the pervasiveness of this thinking, Bob Blakeley was elected to the Ward 5 Council seat in April 1964 by virtue of his outspoken opposition to commercial development on May Avenue.

Deep-seated moral convictions were also brought to bear on the process as city leaders vigorously opposed the establishment of adult-oriented businesses and those selling alcoholic beverages.

Residents whose homes abutted May Avenue added their voices to the clamor by ardently opposing the establishment of restaurants in the area. Of paramount concern seemed to be anxiety over the prospect of incessant exposure to unwelcome alimentary aromas drifting indiscriminately through the neighborhoods. Residents also cited blowing litter as a major drawback to the commercial development.

City leaders, in spite of the persistent anti-business sentiment in the community, were aware that the dynamics of the bustling corridor would eventually dictate commercialization. They were also cognizant that it would be difficult for the city to prevail in the vigorous legal challenges that would likely ensue if the city blocked all commercial development along the busy thoroughfare. Having come to this sober realization, city leaders instead began to concentrate on finding a way to maximize the city's control over the impending commercial development rather than to stop it dead in its tracks.

In response to this challenge, City Attorney Wayne Quinlan advised the Council against broad-based rezoning along the busy thoroughfare. Instead, he urged the Council to proceed with commercial development of the area on a lot-by-lot, case-by-case basis through the issuance of "special use" permits. According to Quinlan, this atypical approach would allow a commercial use on a residentially zoned lot but, more importantly, would provide for the city to "negotiate" the details with the developer to ensure desirable results. As one might expect, "desirable" would be as defined by the city.

To what extent the city's tactics would have withstood legal challenge is subject to debate. At any rate, jawboning seemed to work, and in the absence of any vociferous objections, the city was more than content to continue down the special use path.

In due course, however, the city would suffer one notable snag in its ongoing quest for ultimate zoning control over the area. The setback occurred when Mobil Oil Company took the city to court upon the city's refusal to rezone the southwest corner of Hefner & May for commercial use. Apparently, the company did not feel that it was in their best long-term interest to accept complicated and restrictive special use provisions that might hamper the future use of the property and perhaps lower its resale value. In a stunning defeat for the city, the District Court ruled in favor of Mobil and ordered the city to rezone the corner from residential to commercial.

Despite this slight aberration, most of the business corridor along May Avenue would, over the course of time, be developed through the special use process. The effectiveness of the "special use" strategy in tailoring the business makeup to reflect the local disinclination towards restaurants, adult-

oriented businesses, and the sale of alcoholic beverages remains evident today. Moreover, most of the special use restrictions imposed over the years have stood the test of time and continue to govern the use of these properties even to this day.