

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

FEBRUARY 14, 2019

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of February, 2019. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Vice Chair Tom Knotts called the meeting to order at 6:33 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Sandy Bahan
Nouman Jan
Chris Lewis
Tom Knotts
Steven McDaniel

MEMBERS ABSENT

Neil Robinson
Lark Zink
Dave Boeck
Erin Williford

A quorum was present.

STAFF MEMBERS PRESENT

Jane Hudson, Interim Director, Planning &
Community Development
Anais Starr, Planner II
Roné Tromble, Recording Secretary
David Riesland, Traffic Engineer
Ken Danner, Subdivision Development
Manager
Terry Floyd, Development Coordinator
Beth Muckala, Asst. City Attorney
Bryce Holland, Multimedia Specialist

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Item No. 2, being:

ELECTION OF OFFICERS FOR 2019

Vice Chair Knotts asked for nominations for the position of Chair for 2019.

Chris Lewis nominated Sandy Bahan as Chair for 2019. Nouman Jan seconded the nomination.

There being no additional nominations and no further discussion, a vote was taken with the following result:

YEAS	Sandy Bahan, Nouman Jan, Chris Lewis, Tom Knotts, Steven McDaniel
NAYES	None
MEMBERS ABSENT	Neil Robinson, Lark Zink, Dave Boeck, Erin Williford

Commissioner Bahan was elected Chair for 2019 by a vote of 5-0.

Vice Chair Knotts asked for nominations for the position of Vice-Chair for 2019.

Sandy Bahan nominated Chris Lewis as Vice-Chair for 2019, and Nouman Jan seconded the nomination.

There being no additional nominations and no further discussion, a vote was taken with the following result:

YEAS	Sandy Bahan, Nouman Jan, Chris Lewis, Tom Knotts, Steven McDaniel
NAYES	None
MEMBERS ABSENT	Neil Robinson, Lark Zink, Dave Boeck, Erin Williford

Commissioner Lewis was elected Vice-Chair for 2019 by a vote of 5-0.

Vice Chair Notts asked for nominations for the position of Secretary for 2019.

Chris Lewis nominated Tom Knotts as Secretary for 2019, and Sandy Bahan seconded the nomination.

There being no further nominations and no discussion, a vote was taken with the following result:

YEAS	Sandy Bahan, Nouman Jan, Chris Lewis, Tom Knotts, Steven McDaniel
NAYES	None
MEMBERS ABSENT	Neil Robinson, Lark Zink, Dave Boeck, Erin Williford

Commissioner Knotts was elected Secretary for 2019 by a vote of 5-0.

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The meeting recessed briefly to allow the newly elected officers to take their seats, and to update the changes in the voting machine.

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CONSENT DOCKET

Item No. 3, being:

TMP-134 -- APPROVAL OF THE DECEMBER 13, 2018 PLANNING COMMISSION REGULAR SESSION MINUTES

Item No. 4, being:

COS-1819-2 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY AR DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR KIRBY RANCH FOR 119.544 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF EAST ROBINSON STREET AND 72ND AVENUE N.E.

Item No. 5, being:

COS-1819-3 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY STELLA HILLS, L.L.C. (POLLARD & WHITED SURVEYING) FOR STELLA HILLS ESTATES FOR 157.25 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF 144TH AVENUE N.E. AND INDIAN HILLS ROAD.

Item No. 6, being:

SFP-1819-5 – CONSIDERATION OF A SHORT FORM PLAT SUBMITTED BY SPENCER HINCKLEY (POLLARD & WHITED SURVEYING, INC.) FOR HIDDEN LAKES ESTATES FOR 2.5177 ACRES OF PROPERTY LOCATED APPROXIMATELY ¼ MILE EAST OF 24TH AVENUE N.W. APPROXIMATELY ½ MILE NORTH OF FRANKLIN ROAD.

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Chair Bahan asked if any member of the Planning Commission wished to remove an item from the Consent Docket. There being none, she asked for a motion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to approve the Consent Docket as presented. Tom Knotts seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Sandy Bahan, Nouman Jan, Chris Lewis, Tom Knotts, Steven McDaniel
NAYES	None
MEMBERS ABSENT	Neil Robinson, Lark Zink, Dave Boeck, Erin Williford

Ms. Tromble announced that the motion, to approve the Consent Docket, passed by a vote of 5-0.

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Item No. 4, being:

COS-1819-2 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY AR DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR KIRBY RANCH FOR 119.544 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF EAST ROBINSON STREET AND 72ND AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Norman Rural Certificate of Survey
4. Variance Request for minimum acreage requirement
5. Variance Request for minimum frontage requirement
6. Greenbelt Commission Comments

This item was approved on the Consent Docket by a vote of 5-0.

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Item No. 5, being:

COS-1819-3 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY STELLA HILLS, L.L.C. (POLLARD & WHITED SURVEYING) FOR STELLA HILLS ESTATES FOR 157.25 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF 144TH AVENUE N.E. AND INDIAN HILLS ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Norman Rural Certificate of Survey
4. Variance Request for width of the private road
5. Greenbelt Commission Comments

This item was approved on the Consent Docket by a vote of 5-0.

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Item No. 6, being:

SFP-1819-5 – CONSIDERATION OF A SHORT FORM PLAT SUBMITTED BY SPENCER HINCKLEY (POLLARD & WHITED SURVEYING, INC.) FOR HIDDEN LAKES ESTATES FOR 2.5177 ACRES OF PROPERTY LOCATED APPROXIMATELY ¼ MILE EAST OF 24TH AVENUE N.W. APPROXIMATELY ½ MILE NORTH OF FRANKLIN ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Short Form Plat

This item was approved on the Consent Docket by a vote of 5-0.

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Item No. 7, being:

O-1819-29 – CHILDREN'S HOUSE MONTESSORI SCHOOL (KRISTEN HILL, DIRECTOR) REQUESTS SPECIAL USE FOR A SCHOOL FOR PROPERTY CURRENTLY ZONED R-1, SINGLE FAMILY DWELLING DISTRICT, AND LOCATED AT 2323 CLASSEN BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Aerial Photo
4. Pre-Development Summary

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes. Staff supports this request for Special Use and recommends approval of Ordinance No. O-1819-29.

PRESENTATION BY THE APPLICANT:

1. Sherry Jackson, Chair of the Board of Directors for Children's House Montessori School – Kristen Hill could not be here this evening; she's actually on her way to Colorado to complete an additional piece of her certification. We like to get as many certifications and as much training for our educators as we can. I'm here just to spend a few minutes to tell you about who we are and why this space means so much to us, and then answer any questions you might have about who we are.

What is Montessori education? Did anybody here attend Children's House Montessori School? Or have you ever been familiar with a Montessori program? I'm going to tell you a little bit about what it is. I wasn't until my daughter went there. My daughter started Children's House Montessori when she was 3 and she just recently completed 5th grade there, and is now in 6th grade at Alcott Middle School and doing terrific. So I'm proud of the Montessori program we put together. Maria Montessori believed no human is educated by another person. She must do it for herself or it doesn't ever get done. A truly educated individual continues long after the hours and years she spends in the classroom, because she's motivated from within by a natural curiosity and a love for knowledge. Dr. Montessori felt, however, the goal of early childhood education should not be to fill the child's mind with facts from a pre-selected course of study, but rather to cultivate her natural curiosity and desire to learn. Our highly specialized faculty and staff recognize a child's sensitive periods for learning and seize the child's curiosity. Children's House Montessori School provides a non-competitive atmosphere for learning, which, in turn, builds a deep community within. You're seeing on the slide show some of the materials that we use in early childhood education; we have areas ranging from practical life, early mathematical concepts, science, tools. A Montessori classroom is a very specialized play space for a kid, because it's really all about play and activating their curiosity for learning.

These are our current buildings that we've been living in since 1971, when Children's House opened its first classroom, which was actually inside St. John's Episcopal Church. As it grew and got larger, it allowed us to begin renting the small white houses that are also owned by St. John's on that block, the Linn Street and Santa Fe buildings that we have been occupying since 1971. A few years ago, when we began the project to build an elementary program, we moved back inside the St. John's building for that portion of the school, and we have reached capacity. We can't operate in that space much longer; we need a space to put that program and to allow these kids to have the space they need to function and the play space outside they need to be able to move around and do what they need to do to grow.

Our Primary Program, in two classrooms, is 3 years old through kindergarten. It's currently home to 40 3-6 year olds with a 1:10 teacher/student ratio. Teachers at CMS have a minimum of a bachelor's degree; many hold advanced degrees, ranging from master's degrees in Montessori education, philosophy, to Ph.D.s in music composition and environmental toxicology. The lead teachers in all of the classrooms have been through the AMS certification program and that is a part of our pathway to becoming an AMS (American Montessori Society) certified

school. Our teachers absolutely share the love of learning for themselves. We have a very passionate group of educators.

Our Elementary Program is currently home to 35 students from 1st through 5th grade, at a ratio of 1:8. The tuition at Children's House ranges from \$650 a month to \$740 a month, depending on which program you're participating in and length of day. Some students are half day, only in the primary program; elementary is a full day program, five days a week. We currently have a waiting list of 56 families that would like to join our program. These families are interested at all levels of programming; many of them are primary, looking for a solid preschool environment. Some of them are elementary. But we do tend to fill our elementary from the primary program. Those are parents that have enjoyed the Montessori method through kindergarten and would like to continue that through elementary school. This property would allow us to accommodate that wait list by opening a third primary classroom that would feed into a second lower elementary classroom, and then ultimately to the one upper elementary classroom that we've got going. I think that would be our dream goal, that we can take care of that. It does a couple of things for us: it allows us to be more financially stable. We are currently solidly running this school with a sizeable savings account, and we are cash positive in all ways in our school. But the sustainability of this school is definitely going to increase exponentially if we can have that third primary classroom that allows us some sustainability for the upper levels. Attrition happens. Most people are going to leave the Montessori primary and go to public education. We are big supporters of public education. But a third primary classroom allows us to ensure that our lower elementary and upper elementary programs stay full, so that we can sustain those.

Each level of classroom at CMS is comprised of a multi-age three year building curriculum. Families who choose CMS choose a three-year minimum commitment, with most choosing to stay through upper elementary if they go on beyond the primary classroom. I've loved watching what kids do in a three-year classroom, because when you've got students that are older and younger than you in a classroom, it activates not only their inner educator, but their inner learner as well. They learn how to cooperate and operate at their own pace without the pressure of needing to be absolutely on par with everybody next to them. There are learning spaces for kids. Not every 5 year old is ready to read a full book; some absolutely are. Some are still tangling with those letters, trying to figure out what they all do, and this creates a space where everybody gets to flourish.

Our Upper Elementary – I'm terribly proud of what we've built – has two to five to three hour uninterrupted work cycle in the day. In a Montessori classroom, uninterrupted work cycle we believe is critical to the building of concentration and skill. During this time, individual and group lessons are given and students are able to explore the environment, collaborate, revisit lessons, and further their mastery of skill. It was my great pleasure – my undergraduate degree is in theoretical mathematics, and it was my great pleasure to watch these kids spend a couple of hours on the floor with the tools that they had, after being given a lesson by their teacher, without really knowing what they were doing, derive the formula for area of a square and a circle and figure it out on their own and come to those conclusions and know what that was. My daughter has graduated Montessori 5th grade and is now in 6th grade taking pre-algebra and making straight A's and doing really excellent work. I'm super proud of her as a student and a human. 'Cause the other thing that it provides is, when they're working together, there's a huge focus on conflict resolution, being able to solve problems among your peers and work collaboratively on a project at an executive level, because you're deciding what project to undertake, what your timeline is on completing it, and getting that done with your classmates.

These are a few of the photos of 47 years of community at Children's House Montessori. I was just talking to Grady earlier – there's not a place I go in town, and I work with the Norman Music Festival and the Depot and work in the arts in downtown Norman, and I run across people all the time who have had their kids come through this school as a primary school, or who went through it themselves, and they all have terribly fond memories and remember what it was like to be in this space. We couldn't be more thrilled to be thinking about having a launch pad and a place that we can build, call our own, that gives us an asset that would anchor this school

and make sure it's got another 47 years in it. And that's our current year with all of our teachers and our kids.

There's our proposed forever home. What we really love about being able to take over this space is we couldn't believe that we found a space that kept us so close to Core Norman. One of the things that we've really enjoyed with our students is them spending lunch times at the Fred Jones Museum, listening to classical musicians or people play, letting them go to the library and check out books for research or work that they're doing, and keeping us as a part of Core Norman really anchors this group of people as people that will grow up loving and understanding what their community is about, and being able to be a part of it. It allows us to create community garden space, playground space, soccer fields outside, and accommodate additional classrooms and more interactivity between the classrooms. Currently we've got two little buildings, one space inside the school, and that keeps them sort of segregated from each other during the day, and a space like this would allow them to really interact and become a community. And lots of trees and space for them to run that we don't have currently on Campus Corner. And a playground and community space that would be there and available.

Montessori loves integrating things into nature and be able to make things arise out of nature that make sense for kids to play with and be a part of, and these are some of the ideas when we put our wish board together. These are some of the things we'd like to see built on that space.

And this, if I can get the video to work – maybe I can; maybe I can't. Look, there it is. We were working on a community garden this year and this is about 45 seconds of our kids at work. Thanks. We're really proud of what we've built. We hope you see fit to approve the zoning change so that we can move to a forever home. Can I answer any questions for you?

2. Mr. Knotts – Are you buying this new home?

Ms. Jackson – Yes. What we really love about this space – what makes this space so attractive to us is that, with the money that we've got in a savings account – well, even if we didn't – even if we just purchased it outright, we have money for the down payment. We can purchase this outright, and the mortgage payment on this space is less than we're currently paying in rent. It makes it a very sustainable choice for us.

3. Mr. Lewis – I see that expansion is in the horizon. Do you have a timeline or a timeframe of when you think that might occur?

Ms. Jackson – So if we are able to purchase this building and get it rezoned for a school, we will probably stay put where we are for at least another year while we go through a fund-raising round so that we can pay for any expansion we would like to do up front. We've already started that work in anticipation of whatever forever home we land in. I'm hoping that within the next year to year and a half we would be able to get that construction taken care of.

Mr. Lewis – So then that would occur before you actually move in?

Ms. Jackson – These are the questions that we discuss now. Like, can part of us move into the existing space? Would part of us stay behind? Would that be too distracting to separate us? We've also talked about being able to occupy the space and modify the work that we do. But really, if I'm just speaking off the cuff, my best case scenario is that we would be able to afford to let the kids stay in the space they understand while we completed some improvements to that building. There are obviously some things that we would need to alter right away to make it suitable for the kids. We need more stalls in the bathroom for kids. There are just some functional pieces that we would need to take care of before we're able to put kids in this building.

Mr. Lewis – And just one last question. I would assume you have an engineering design architect in place that is going to work with the traffic flow, egress, ingress, as well as the expansion of the parking lot and parking areas.

Ms. Jackson – Yes. Absolutely. I was about to say we couldn't be more lucky to have builders, architects, and planners all as parents in our school. So we have a team of people that is working with us on the traffic flow. We've been able to work the traffic flow in the small St.

John's parking lot since 1971 and with the growth of our elementary school without impacting the surrounding streets on Campus Corner, without creating lines or any traffic hazards. We feel confident – what we loved about this space when we saw it is, if you see when you turn off the main road to the side road, there's a turn into the parking lot and a drive through to the main building. So there's a lot of space on the property to be able to handle traffic flow and with that egress. We've talked about, if we see that our primary program grows and we're hitting a spot where we've got an extra primary class and that's creating a traffic problem, we can stagger start times in the morning for each of those classrooms to make sure we eliminate that for the neighborhood.

Mr. Lewis – So that kind of answers a question for me. Do you have the plans already in place – are they already drawn?

Ms. Jackson – For the building?

Mr. Lewis – For the expansion.

Ms. Jackson – This opportunity came along so quickly that we felt we had to leap on it. So we have some preliminary dreams, but do we have schematics exactly what we want to do? No, not yet. That would be the next step. We didn't really want to incur the costs of getting architectural plans drawn up before we knew whether or not this was going to be the space. We wanted to be wise stewards of the money that we have.

Mr. Lewis – Just being transparent, you brought up the concern that I have. Because when I looked at this space, I immediately thought, you're absolutely right. You have an arterial road, you have an ingress, an egress, because you drive around the building and have good traffic flow. There's not going to be a bottleneck and kids aren't going to have to be dropped off on Classen Boulevard and walk across the greenspace. But then when I saw the expansion, which you're asking for the rezoning with the expansion in mind, but we're not seeing what the expansion is, and how this parking lot is affected with the ingress and egress – that's my concern.

Ms. Jackson – I got it. I do understand that, and that is something that we've talked about. When we talked about the expansion, the existing structure has a couple of classrooms on the inside that we can utilize. It's got a main space, but we would need some additional spaces to be able to operate in. So expanding that building to make that work – and our discussions have been which way do we expand the parking lot, because we would need to increase that space. Although that's not in that drawing, that is one of the things that we've talked about doing is expanding our parking space and making sure that whatever expansion we do doesn't leave us in a space – we're going to have parents that want to come to Parent Night and we're going to need a place for them to park without working on surrounding streets and things like that. So that is definitely a part of our consideration.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Lewis – I have a question for the Traffic Engineer, or maybe to Jane. When property is rezoned in the current plat, or the current form, and I know that any time we change that property, it has to be brought up to code. Would there be, other than just the number of parking spaces for the occupants in the building – would there be requirements of reclassifying the speed zones on Classen? Would there be requirements of ingress/egress in regards to the traffic flow around this building – to maintain where it's not dumped out into Louise Boulevard and into the neighborhood of Donna Drive?

Mr. Riesland – We could entertain a school zone with beacons around the school. Kind of the first I've heard of this, to be honest with you. Generally those are reserved for those locations where kids are going to be crossing the street. If they're dropped off, it's looked at slightly different. We could also entertain static signs that post the time when school is going to be in session.

Mr. Lewis – Again, I'll bring up my main concern. Where I see the ingress and egress, we're not dumping traffic into the neighborhood, like we have in some other areas where

schools are, and I see a nice traffic flow in from Classen Boulevard, down Lois Street, around the building, and back out onto Classen. If that building is expanded, and I know there's plans to improve the parking lot and which way it will go is up in the air, what I'm just wondering is do we have a City guideline or an ordinance that would require that parking lot to be expanded, or can they abut right up to the edge of it where it does impede that circular traffic flow?

Mr. Riesland – I'm not aware of anything that would.

Ms. Hudson – So are you asking can they construct the building up to the existing edge of the parking lot?

Mr. Lewis – Parking lot. Where my concern lies is where you see the traffic flow of the picture, it's nice; you come in, you can drive around the entire building, and you can go out. It's a circular motion, kind of like what we had on Main Street when we approved that school. That was our big concern was the traffic jam, because during University time, Classen is packed 35-40 miles an hour with students going to or from class. If you're going to impact an entire lane there, we're going to have issues. But if you have someone coming in, especially when we have people from 3 years old, maybe even lower, up through 5th grade, you're going to need a second to drop them off in a safe place away from traffic, and then you continue on back out onto Classen Boulevard, and we really don't have a bottleneck. I'm wondering if, when that building is expanded, which it shows – I understand that there is plans to expand that parking lot, but how do we ensure there's still that continuity of traffic flow. It's kind of like we're getting the cart before the horse here. Because we don't have plans of the actual expansion that's going to occur.

Ms. Hudson – When that application comes in for expansion, it would be reviewed for everything you're talking about. We would look to see how they're going to route the cars. We could actually ask them for a traffic plan when they bring the application in.

Mr. Lewis – Would that come back through Planning Commission?

Ms. Hudson – No. It would just be reviewed through the building permit.

Chris Lewis moved to recommend adoption of Ordinance No. O-1718-29 to City Council. Tom Knotts seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Sandy Bahan, Nouman Jan, Chris Lewis, Tom Knotts, Steven McDaniel
NAYES	None
MEMBERS ABSENT	Neil Robinson, Lark Zink, Dave Boeck, Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1819-29 to City Council, passed by a vote of 5-0.

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Item No. 8, being:

O-1819-30 – CRAIG BLANKENSHIP REQUESTS REZONING FROM CENTER CITY FORM BASED CODE-URBAN GENERAL TO CENTER CITY PLANNED UNIT DEVELOPMENT (CCPUD) FOR PROPERTY LOCATED AT 421 WEST GRAY STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. CCPUD Narrative with Exhibits

PRESENTATION BY STAFF:

1. Anais Starr reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval of Ordinance No. O-1819-30.

PRESENTATION BY THE APPLICANT:

1. Craig Blankenship, 441 Heritage Boulevard, Edmond, the applicant, was available to respond to any questions.

2. Mr. McDaniel – Could you explain a little bit about the filtration system, and how that's going to control?

Mr. Blankenship – Certainly. You're not going to exhaust any odor outdoors. What we do is – I currently have a grow at a 13,000 square foot facility on the south side of the city. It's in my energy services business. I have people in that business working right beside in the other bay, separated by a cinder block wall, a 4,500 square foot grow right now. The pictures that I sent in the packet are from one of those rooms. You have separate rooms. You have a vegetation room, a flower room, a curing room, cloning room. In each of those rooms we have what's called a carbon filter. You can get an 8", 10" – whatever size you want, and it sucks air in, flows it through a big carbon cylinder, and there are various sizes. In large warehouses, which at some point you'll have somebody presenting it to you, they're as big as this podium right here. They just look like a huge plenum, and it's lined with carbon. Sucks it in; spits it out. What they want to do is filter the entire room about once every two to three minutes. So the misconception about cannabis is the odor. The odor is during the flowering stage. Your vegetation stage or cloning, you're not going to smell anything. When it hits the flowering stage, you will smell it. If you have a carbon filter in there, you won't smell it. Now, if you don't have a carbon filter and you're just sucking it and throwing it outside, people outside could smell it. How far away? I don't know. That's not a practice I use. The filtration system, as far as AC and all that, is entirely closed. It's a closed loop, so it's all contained within.

AUDIENCE PARTICIPATION:

1. Ali Ghaniabadi, 13001 Rohan Court, Oklahoma City – Thank you for letting me speak tonight, and thank you for being here on such a special night; you all should be with your loved one at dinner somewhere, but thank you for being here and hearing us. I have a shopping center on 555 West Gray and also the empty parking lot west of this proposed site – I own that as well. The cultivation of marijuana, on a dispensary level – it's almost – the smell of it can only go probably about 50' on either side, and you can prevent that smell by sealing the space that is selling it, or using a carbon filtration to get the smell out so you won't go either side. But when they grow it, as the gentleman spoke, during the flowering the smell escape because it is like greenhouses. The smell is so disturbing that, if it is windy, you would smell it for a mile away. It is just like smoking it outside. We have Sprouts grocery store. We have Copelin's that a whole bunch of teachers coming in shopping. We have a lot of offices. We have a lot of residential around the area. I don't believe the use of the building for cultivation of marijuana is a good idea for the middle of the city – right in the center of it. Maybe outside on Chautauqua way down there where – trash disposal goes over there. There are buildings over there. Maybe over there in that area, but not in the center of the city. It would be almost disturbing to a whole bunch of residents. That's my concern about the cultivation plan and rezoning it for that purpose.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Lewis – Let's just be clear. As long as in the area that you want to consume, bake, smoke – whatever you want to do with it, I have no objection whatsoever to marijuana use – at all. So let's be clear about that. But when Mr. Ghaniabadi brought up the issue of the odor, I got to thinking about that. Growing up with a mom as a psychiatrist and dad as an attorney, kind of the Montessori School made me think of this. He sat me down as a child and he asked me specifically about a case he was working on, because we had to go back to kindergarten. He wanted an unabashed view and I got to thinking, you know, when I was in kindergarten was I trying to put a round peg into a square hole? So I got to doing some research and looked at a few – [microphones cut off briefly] – and in actuality, odor is a huge concern. I visited with staff to find out if the City of Norman or the State had any guidelines or regulations in regards to the things that have to occur if you're planning on growing, cultivating, researching, processing marijuana within the City of Norman, Oklahoma. And in the City of Norman – correct me if I'm wrong – there are no guidelines, or very limited.

Ms. Hudson – Well, there are building code requirements. As far as odor is concerned, we have no guidelines within the zoning ordinance.

Mr. Lewis – So with that kept in mind, I'll take us to Clackamas County in Oregon. Oregon was one of the first areas that legalized pot, along with Colorado and California, and there was a 5,000 square foot barn facility in the hills of Oregon, surrounded by trees that we all know make the air much better. This is rolling hills in a sparse green space and the odor was so bad that homeowners several miles away sued the individual that owned this barn, who had charcoal filters in place – and that is supposedly the best thing that you can do – and the homeowners went up through the Court of Appeals for the 10th Circuit, because they felt like their property values had been diminished, so they had damages. The judge in the 10th Circuit ruled that, not only did they have damages, but because on a federal level marijuana is not a legalized status, he said that the homeowners would have damages and could sue for in excess of three times of damages because it is not a legally recognized entity of smoking marijuana and he termed it under the racketeering statutes of the United States. Why do I bring that up? Is because the 10th Circuit you would think we're very liberal in some areas. Growing up in California, maybe there's a few more open-minded people than, say, in very conservative parts of the U.S. But the 10th Circuit actually is Norman, Oklahoma – we're in the western district of the 10th Circuit. So are we opening a Pandora's box that, if Mr. Ghaniabadi decides his property values have been diminished, that now we're in federal court over something that we're sailing through? Again, I go back to when I looked at – well, are we really talking about a small smell, a big smell – what kind of smell are we talking about? I'll liken it to this – it was likened to skunk dipped in turpentine and gym socks. It was likened to the pig farms of the Midwest. I'm sure we've all driven out west of Amarillo and we've all smelled the wonderful cattle that are being produced there. It reminded me that, when we're driving, sometimes somebody with me will say, "Smell the money." I prefer to use something a little later in the alphabet in the S range, because it's all in interpretation. I know we've all been into the panhandle of Oklahoma where some of the pig farms are, and the stench is unbearable. When I did the research on what is the latest development – can you control that odor – the best thing that people can do, or what the applicant is doing, and that is using charcoal filters. They have to be replaced quite often. The air has to be moved at a very slow rate, not 1 to 2 times in 2 to 3 minutes for the entire building. Unless the drying or cultivating and processing of the marijuana is occurring in a vacuum, that smell is going somewhere. Take us forward. If that were in an industrial area where we might have paint odors or other items that you would anticipate in an industrial area, I might be more agreeable to this. But when it's in the downtown City Center of Norman, we have a school less than 2 blocks away – a high school – 18 year old young people are in that high school. We have Sprouts grocery store that's going to be affected, a Walgreens, a CVS, a dentist's office. Again, are we trying to put a round peg into a square hole? I'll be quite frank, if this were just a dispensary, I would have no qualms with this whatsoever. I think as long as I've sat on this Commission, people know that I'm absolutely for retail development in the City of Norman. But

because it is a cultivation, growing, processing and research in addition, this is the wrong place, the wrong round peg trying to fit into a square hole.

2. Mr. Knotts – Can I ask a question of the applicant? I'd like to ask you if your other facility has been cited with any odor problems, and what the environs around it are like.

Mr. Blankenship – There's actually no problems. I've got a million dollars cash invested in this. You can't borrow money in these projects. So I know what I'm talking about, and I'm not speaking anecdotally. I do know that you turn your air over every 2 minutes; you don't turn it over slowly. You're turning the same air over in the room. I'm doing this – I've got my life into it. The way I got into this – because I listened to the Montessori presentation she put on. I've got an 8 year old that's autistic. I hadn't smoked pot since 1980 in Norman, Oklahoma. My kids were born here. I lived on Boyd Street in the 70s. My 8 year old is very brilliant, but he's non-communicative and he does all kinds of weird stuff, like throw his clothes off and take off to the neighbor's house. It was getting to be a really bad problem, and my daughter-in-law was taking him to New York and they were doing experimental stuff on him. Then he started going to Denver, Colorado and somehow the Sundance Film Channel heard about him – I don't know how – and for two years they've been doing a documentary on them and three other families, and following everywhere they go. Anyway, it's improved his life. When this is going to come up for a vote, I told my son, who is also my business partner in our energy services business – I said it'll never pass in Oklahoma. He said, well, let's see – and it did. So then when it did, that's when I decided, you know what? I'm going to try to – in other words, I don't have goofy names on products and stuff like that. I'm doing it to try to help.

Mr. Knotts – Let me dig a little deeper. How long has your facility in Oklahoma City been open and operating?

Mr. Blankenship – We've been operating since it became legal and we got our license, which was last August. We've got about 4,000 square foot. But I do have the carbon filters going, don't have an odor problem. But my contention is this, one person says well it smells like a skunk; another person may say it smells like a rose. A vegan can drive down Main Street and say that Whataburger is about to make me throw up.

Mr. Knotts – Okay. Let's don't get in that kind of conversation. What I'm trying to elicit from you is you have a facility now – what is surrounding your facility?

Mr. Blankenship – Five acres.

Mr. Knotts – You have five acres. Nothing else?

Mr. Blankenship – I have five acres that's fenced and secured. There's a body building place next door, but they're a couple of hundred feet away.

Mr. Knotts – Is there any THC is the odor from the flowering part? Do you know?

Mr. Blankenship – No. You don't have THC in the odor. You have to release the THC – that's why we have to process it. If you took it and just ate it, it wouldn't make you high. By smoking it is what.

Mr. Knotts – So you currently have a facility that you've not been cited for odor.

Mr. Blankenship – No. That's correct.

Mr. Knotts – And the people that are also working the same building are not complaining about it?

Mr. Blankenship – Not at all. No.

Mr. Knotts – I think that's the end of my question. Thank you.

Mr. Blankenship – Thank you. I apologize if I seem upset. It's just that I do this.

3. Mr. Lewis – I will address Mr. Blankenship directly. Again, when I set out with my statements, I have no qualms and I do see the benefit in medical marijuana, absolutely. It is phenomenal. We should have more of it, but I don't control that; the voters control that, and in Oklahoma we have approved that. My concern goes back to – and, again, it's not anecdotal – it's five acres versus five feet. There is an odor. It is well-recognized. For that, I will not be supporting the item.

4. Scott Ulrich, Symmetry Medical, Branson, Missouri – I'm a consultant for building laboratories and equipment. My background has been mostly aesthetic medicine and imaging, but I've also worked with the FBI and the DEA. I'm a friend of Mr. Blankenship's and an associate of his. He has hired me to assist him in building him a proper facility. I won't go on and on about the benefits of medical cannabis. I don't use it myself. I do know that they have done wonderful research that showed signs for Alzheimers and weight loss, which I'm hoping to get in line for some day. But to speak to the gentleman's objection about odors – I see the people rendering opinions and, as a scientist, I live in a world of data and facts. The data and facts about odors with cannabis are, as Mr. Blankenship stated, during the flowering portion of it. I think, perhaps, when Mr. Blankenship submitted his proposal to change the zoning, it was perhaps not clearly communicated that this is not Mr. Blankenship's grow facility. The growing portion is covered under the license for dispensary, which no one is objecting to. A dispensary in Oklahoma is allowed to sell small vegetation – non-flowering plants – just as they can sell cannabis or an accessory to such. So there's already going to be a small amount of live plants in a dispensary because it's a retail item. So there's already a growing live plant covered under Mr. Blankenship's license. Mr. Blankenship is vertically integrated – he is seed to table and the transparency that goes with it. So he has a grow facility in another area. The growing at 421 Gray would consist of a few plants that are for retail, and some plants for the lab – the science side that I'm building. These are just a few plants that are in various states of growth so that we can do scientific research and so that we can take the 371 chemical compounds found in cannabis and we can pull them apart and look at them under a microscope, and put them in a vacuum sealed oven – this type of thing. He is not building a grow farm that would permeate the air with odor. When you give a license for a pizza place, it's going to smell like pizza. That's just part of it.

5. Mr. Lewis – I do have a question for staff. Jane, with that comment being made, if we rezone this with that specification in place, is there anything that would prohibit the growing and cultivation occurring in that area? How does the ordinance read?

Ms. Hudson – Can you restate that question?

Mr. Lewis – If we approve it with the – let me find out what the exact wording is.

Ms. Hudson – Cultivation, processing, researching and dispensing medical marijuana.

Mr. Lewis – Then even though they're not planning on using it as a mass garden, is there anything that would prevent that from occurring? I mean, they said it would be a few plants, but it could end up, if there's that loophole there, being 300 plants.

Ms. Hudson – I'm going to let Legal respond to this, but I believe that if they have that written in their PUD document, then they would be restricted to those number of plants. Is that correct?

Ms. Muckala – I didn't understand, Commissioner Lewis, that you were asking about the number of plants. Is that the question? There's a certain number?

Mr. Lewis – The protest comes from is the odor. The odor, we know, is in certain stages of the process of the plant flowering. My misinterpretation was that this would be a grow facility that would be growing multiple plants, anywhere from the 10s to the 100s to who knows how many. I'm now advised – and I have to take under consideration – that's not the intent as being presented; it's only a few for research, but they have to cultivate and grow and process those in order to do that research. With us making the change to the rezoning, and it specifically saying they can cultivate, grow, process and research – does that change to the zoning have a specificity of you can only have the 2 or 3 plants they're planning on, or in a building this size in a warehouse that we saw in the picture – I mean, there's plenty of room to make that a very large operation.

Ms. Muckala – Yes, thank you, I understand the question now. Looking at the permitted uses that is set out in the PUD document and, as Ms. Hudson said, the PUD document would control. It would replace zoning. So this PUD document references commerce, marijuana cultivation, processing, research and dispensing. Our marijuana ordinance mirrors definition in the current State law. Now, that State law could change, but for right now these categories are

defined, and I believe the last commenter was referencing the fact that, with a dispensary, which is already allowed in this particular zoning they already have, they would be allowed to have live plants. I think they were making a comparison between that and having an actual grow facility. It's true; dispensaries can keep live plants. But growers are defined differently and, no, there isn't anything in this PUD document that would limit the number. That would need to be added in, and that certainly is something that could be added to a PUD document to make it more specific in that regard.

Mr. Lewis – Okay, so a current dispensary can have live plants, just not flowering plants. So is that the reason we're putting this in here for cultivation, growing, processing?

Ms. Muckala – Cultivation would refer to the growing. Processing is, of course, a different process, including extraction. Commerce – I'm not certain what that refers to – probably goes along with dispensing of medical marijuana. But those are all the separate categories under State law. I see all of the uses currently allowed by State law covered in this use, and that was my understanding of the intent of this document. I will rely on Ms. Hudson to confirm that, though.

Ms. Hudson – Well, within the Center City Form Based Code, under the Urban General, you cannot grow, process, research – so that's why we were moving forward with the PUD document, because you can dispense right now with the existing zoning.

Ms. Muckala – Right.

Mr. Lewis – But currently the PUD document does not specify one or two plants as presented, which would open it – it could be one or two or it could be a thousand or three thousand.

Ms. Muckala – Correct. I don't see any quantity limitations.

Mr. Lewis – Then the City's view is now that if we do approve it, we're just opening a Pandora's box. The PUD would really need to be more clarifying?

Ms. Muckala – The Commission has the option of approving it with a condition or recommendation that limitations be added, if that's something that you feel would be necessary in order to insure your approval going forward, and that's certainly an option.

Mr. Lewis – So if we see value here, and the concern is the odor by multiple plants as opposed to the 1, 2 or 3 presented, then we could move to Council with stipulation?

Ms. Hudson – We could do that. Can I ask the applicant a question?

6. Ms. Hudson – Sir, can I ask you a question, please? As your associate was saying, you will have plants there for research. Could you guess how many plants you would have there for that research?

Mr. Blankenship – This is why I asked to speak for a second. With a dispensary, there is no limit on how many plants you can keep for sale to medicinal patients who are allowed to buy plants. Here's the key. They are only allowed to be in vegetative state in the store, so you would keep them in the back, small and under T5 lights – they'd never flower. That's important. So, for research – on the research end, I'm not a scientist. To be honest with you, I don't even see myself doing any research. I just thought at some point we may – as soon as the federal government approves this and lets the states do their own control, there's going to be lots of research. Right now, it's just not available because of the federal level. Can I make this just real easy for everybody? Scratch the grow. I don't have to do it here. I already have a place. To me, it's not worth fighting over. I spent \$430,000 cash out of my pocket for that building; 3600 square foot of it is sprinkled warehouse. Used to be a paint store; they mixed explosive paints back there. To be honest with you, my recommendation would be just scratch the cultivation part and move on.

7. Mr. Lewis – Question for staff again. If, at the applicant's comment, at this point scrapping the cultivation, growing, processing because he can do that elsewhere – there's going to be research here. Do we need to take action on a rezoning, if what would be allowed – maybe this is for Legal again – what would be allowed that he has described would fall under the City Center Form Based Code, Urban General and not Planned Unit Development? I'm

trying to find a way to get to an approval on this, and that's why I'm asking the very specific questions.

Ms. Bahan – It can only be a dispensary currently. So we would still have to make a change.

Mr. Lewis – Right. But he can have a dispensary with live plants.

Ms. Muckala – Yes.

Mr. Lewis – My understanding from the applicant is the live plants is what would produce what they can do the research on, not the flowering plant. I don't have that answer. So if we already fall under the current guideline of a dispensary, then the question is why do we need to add the addition if he's growing somewhere else, the cultivation, growing and processing, if that's not going to be occurring?

Ms. Hudson – Because the Urban General only allows for dispensing. Processing and research is not included in the Urban General, so those two – processing and research – are why we would need to move forward with the CCPUD.

Ms. Muckala – I can elaborate on that. This is another thing about how our ordinance was organized. The definitions of the federal licenses match our City licenses, but they also match our zoning uses. So, as Ms. Hudson stated, only the dispensary use, as defined by the State law, which was referenced in our ordinance, is allowed. So, yes, in order to do research, even though they would be allowed to technically possess the plant that they may use for that research, it's not the same as the actual use for research. If they come with a – I said federal – I'm sorry, State – if they come with a State license allowing them to research or to process, then they would need this zoning to match that in order to get their license here with the City and actually commence their business.

Mr. Lewis – So, again, if live plants are allowed in a dispensary, the processing and research would be allowed City Center Planned Unit Development ...

Ms. Muckala – Not as currently drafted, because those are separately defined.

Mr. Lewis – If we rezoned it to Planned Unit Development under the PUD, and there's no plan of them growing and cultivating, which could be stricken from the PUD, then there would be no odor or concern.

Ms. Muckala – Yes, and the applicant or Ms. Hudson may want to weigh in on this, but I think the permitted use on page 8-8 is probably what we would want to look at, and it seems like part III.A.1.a, right after the word "commerce", the words "Marijuana Cultivation" being stricken – that would be the recommendation I'm hearing – to remove cultivation. I'm not certain if it would be set out in any other place that would imply it's a permitted use, so that's probably the only deletion that's required.

Mr. Lewis – Thank you so much.

8. Mr. Jan – I have a concern. Does PUD define the proximity of such dispensaries from schools or high schools at this moment?

Ms. Hudson – The State has a requirement for distance from schools. It's 1000 feet.

Mr. Lewis – 1000 feet. There's 5,280 feet in a mile. Twelve blocks in a mile.

Ms. Bahan – This is at least four blocks from the school.

Mr. Lewis – You're one block from Flood, and you're one more block to the high school property.

Ms. Bahan – There's another street in there. Lahoma. It's more than 1000 feet.

Tom Knotts moved to recommend adoption of Ordinance No. O-1718-30 to City Council, with the CCPUD modified to remove cultivation.

9. Mr. Lewis – Clarification, Tom. On just the cultivation, not the processing?

Mr. Knotts – Yes.

Mr. Lewis – Help me out to understand – would you think the processing falls under the research arm of it?

Mr. Knotts – Yes.

Mr. Lewis – And that's preventing the actual growing and blooming in the building?
Mr. Knotts – Yes.

Chris Lewis seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Sandy Bahan, Chris Lewis, Tom Knotts, Steven McDaniel
NAYES	Nouman Jan
MEMBERS ABSENT	Neil Robinson, Lark Zink, Dave Boeck, Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1819-30 to City Council with the PUD amended to remove cultivation, passed by a vote of 4-1.

* * *

Item No. 9, being:

MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF
None

* * *

Item No. 10, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 7:54 p.m.



Norman Planning Commission