

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JUNE 11, 2020

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session via Video Conference and in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 11th day of June, 2020. 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.

Chair Lark Zink called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT
via Video Conference

Matthew Peacock
Erin Williford
Nouman Jan
Tom Knotts
Lark Zink
Erica Bird
Dave Boeck
Sandy Bahan
Steven McDaniel

MEMBERS ABSENT

None

A quorum was present.

STAFF MEMBERS PRESENT
(in person, unless otherwise noted)

Jane Hudson, Director, Planning &
Community Development
Roné Tromble, Recording Secretary
Lora Hoggatt, Planner II
Janay Greenlee, Planner II
Ken Danner, Subdivision Development
Manager
Todd McLellan, Development Engineer
Bryce Holland, Multimedia Specialist
Beth Muckala, Asst. City Attorney (video)

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Ms. Hudson announced that people present in Council Chambers who wish to speak on any item will need to go into the room next door when they are called on to the computer set up for that purpose.

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CONSENT DOCKET

Item No. 2, being:

TMP-152 -- APPROVAL OF THE MAY 14, 2020 PLANNING COMMISSION REGULAR SESSION MINUTES

Chair Zink asked if any member of the Commission wished to pull any item from the Consent Docket. There being none, she asked for a motion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to approve the Consent Docket as presented. Sandy Bahan seconded the motion.

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

YEAS	Matthew Peacock, Erin Williford, Nouman Jan, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel
NAYES	None
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to adopt the Consent Docket, passed by a vote of 9-0.

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NON-CONSENT ITEMS

Item No. 5a, being:

R-1920-115 – SOONER TRADITIONS, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE & TRANSPORTATION PLAN FROM OFFICE DESIGNATION AND LOW DENSITY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR APPROXIMATELY 1.33 ACRES OF PROPERTY LOCATED AT 1027 AND 1035 S. BERRY ROAD.

and

Item No. 5b, being:

O-1920-58 – SOONER TRADITIONS, L.L.C. REQUESTS REZONING FROM R-1, SINGLE FAMILY DWELLING DISTRICT, AND CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, TO SPUD, SIMPLE PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 1.33 ACRES OF PROPERTY LOCATED AT 1027 AND 1035 S. BERRY ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Postponement Memo
3. Request for Postponement

and

Item No. 7, being:

O-1920-59 – THE BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY AND THE CLEVELAND COUNTY HEALTH DEPARTMENT REQUEST CLOSURE AND VACATION OF THE ALLEY RIGHT-OF-WAY AND CERTAIN EASEMENTS GENERALLY LOCATED BETWEEN LOTS 1-5 AND LOTS 28-32, BLOCK 68, NORMAN ORIGINAL TOWNSHIP ON THE WEST SIDE OF JAMES GARNER AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Request to Vacate Right-of-Way and Associated Easements

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Erica Bird moved to recommend postponement of Resolution No. R-1920-115, Ordinance No. O-1920-58, and Ordinance No. O-1920-59 to the July 9, 2020 Planning Commission meeting. Dave Boeck seconded the motion.

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

YEAS	Matthew Peacock, Erin Williford, Nouman Jan, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel
NAYES	None
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to postpone Resolution No. R-1920-115, Ordinance No. O-1920-58, and Ordinance No. O-1920-59 to the July 9, 2020 Planning Commission meeting, passed by a vote of 9-0.

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Item No. 3, being:

O-1920-55 – UNIVERSITY NORTH PARK, L.L.C. REQUESTS AMENDMENT OF THE PLANNED UNIT DEVELOPMENT, APPROVED IN ORDINANCE NO. O-0203-2, AMENDED BY O-0506-9, REPLACED BY O-0607-13, AND AMENDED BY O-1415-45, O-1516-24, O-1819-12, AND O-1819-37, TO AMEND THE SETBACKS AND LANDSCAPING REQUIREMENTS TO ALLOW CONSTRUCTION OF AN OFFICE COMPLEX FOR 2.7857 ACRES OF PROPERTY ON THE EAST SIDE OF 24TH AVENUE N.W. AND NORTH OF CORPORATE CENTER DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Amended and Restated PUD Narrative (May 2020) with Exhibits

PRESENTATION BY STAFF:

1. Janay Greenlee reviewed the staff report, a copy of which is filed with the minutes.
2. Mr. Boeck – Going from 50 to 25 and 25 to 15 – you said we're lining up with the buildings that have already been built?
Ms. Greenlee – On the north end of this development, an ordinance was passed on July 28, 2015 very similar, except for even lesser landscape strip and building setback because of the configuration of those lots, and to allow for emergency vehicle access and still be able to make those buildable lots.
3. Mr. Jan – What is going to be the height of the buildings?
Ms. Greenlee – It's two stories.

PRESENTATION BY THE APPLICANT:

None

1. Mr. Jan – Have we checked with the OU airport?
Ms. Greenlee – The applicant is aware of that. They will have to get that clearance, like I stated. Also, they are guiding them to get the letter of approval from the Oklahoma Aeronautics Commission as well.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to recommend adoption of Ordinance No. O-1920-55 to City Council. Sandy Bahan seconded the motion.

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

YEAS	Matthew Peacock, Erin Williford, Nouman Jan, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel
NAYES	None
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-55 to City Council, passed by a vote of 9-0.

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Item No. 4a, being:

R-1920-114 – NORMAN REGIONAL HOSPITAL AUTHORITY REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE & TRANSPORTATION PLAN FROM OFFICE DESIGNATION TO MIXED USE DESIGNATION FOR APPROXIMATELY 29.6 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY NO. 9 AND 24TH AVENUE S.E.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report
3. Pre-Development Summary

Item No. 4b, being:

O-1920-57 – NORMAN REGIONAL HOSPITAL AUTHORITY REQUESTS REZONING FROM O-1, OFFICE-INSTITUTIONAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 29.6 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY NO. 9 AND 24TH AVENUE S.E.

ITEMS SUBMITTED FOR THE RECORD:

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

Item No. 4c, being:

PP-1920-15 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY NORMAN REGIONAL HOSPITAL AUTHORITY (SMC CONSULTING ENGINEERS, P.C.) FOR NORMAN REGIONAL HEALTH SYSTEM EAST CAMPUS ADDITION FOR APPROXIMATELY 29.6 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY NO. 9 AND 24TH AVENUE S.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Master Development Site Plan

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes. We did receive protests for this application that came to 15.9% of the area within the notification radius.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, representing the applicant (via video conference) – If I can share this screen, Lora; it says I can't share until the other one is not sharing. Great. Thank you very much. Norman Regional Hospital is the applicant in this case. We do have a full team here tonight that I want to make sure you're aware of. We have leadership with us on the Zoom call tonight: CEO and President, Mr. Richie Splitt is with us; Mr. John Manfrodo is with us, the COO; and I'm not sure if Paula is with us or not, but I wanted to make sure she was recognized here as working on this project with us. The first thing I want to do – and Jane showed you where the site was – but the first thing I'd like to do is have Mr. Richie Splitt talk to you about Inspire Health, because this is a larger project than just this site. Tonight we're just here on this site in southeast Norman, but really this is a large sort of master plan for the health system, and I'd like him just to spend a few minutes with you to kind of place this as a piece of that, and to talk to you about the history of this area and how they themed the site to fit that history. Mr. Splitt, are you available?

2. Richie Splitt (via video conference) – It's good to be with you all tonight as part of Norman Regional's ongoing commitment to provide high-quality care to our community. We are very excited to share with you this plan tonight for the property located at Highway 9 and

24th Avenue S.E. It's important to note that submission of this plan initiates an essential project within our overall Inspire Health Plan. This is the free-standing emergency department in southeast Norman and we've spent many, many months talking about this plan and, again, this is the first element of the Inspire Health Plan for Norman Regional. Tonight it's my job to describe the unique collection of qualities and characteristics that will provide meaning to this development site, and it starts with the profound military history of Norman, Oklahoma, and we'll have more on that in just a moment.

Once we identified this site as the right location for our new emergency department, we immediately began thinking of the ideal layout and design, and you're seeing that tonight. We also contemplated themes for the overall development – themes that would create a sense of meaningful cultural context, a sense of connectedness, and a sense of place. So I believe – if you'll advance the slide, Sean. There we go. The images you're seeing on the screen right now reflect the theme we settled upon, and it is a naval theme. It's a naval theme that honors the history of our great community and the contributions made during World War II and the Korean War. You may recall that in 1942 the United States Navy established two Navy bases in the southern prairie town of Norman, Oklahoma. There was the North Base, and there was the South Base. The South Base was located about a mile and a half west of this specific property. As you see in the images here, that's right – the Navy was on the beach in Norman from 1942 through 1959. In fact, the red dashed line that you see there in the middle of the slide indicates the exact location of a 400-bed Navy hospital built in the early 1940s. On the next slide, you see images of the actual hospital itself. In our minds, this is a great connection between our community's historic past and the future of our community's health system. With this development, it's our goal to honor the selfless service of the brave men and women who fought to protect the sanctity of liberty and freedom in the United States and beyond, and the development of our new emergency department, and this site is our attempt to pay tribute to our historic past while we accommodate the health and wellness needs of our growing community. So we are excited to present this plan to you tonight and to answer any questions that you may have as we move through the presentation.

3. Sean Rieger (via video conference) – Alright. Thank you, Mr. Splitt. So now let me get into just the mechanics of the zoning, which is why we're here, obviously, in front of the Planning Commission tonight. This is the site and, as Mr. Splitt was saying, just right down the road just a little way off to the left was that 400-bed Naval hospital. So I think it's exciting that they brought that theme in. As Mr. Splitt said, this is one piece of an overall master plan for Inspire Health, of course including the other locations of the Norman Regional System. So tonight we're focused on this piece and this piece is at the intersection of Southeast 24th Avenue, right here, and Highway 9, right here. Hitachi is right here. 77 and Classen is right there. Highway 9 comes around. Norman Business Park, of course, right here. NEDC development. This is the Postal Training Center over here. Next to us, just off to the east, is Pebblebrook neighborhood and just to the south is the St. James neighborhood. Hitachi, of course, across the street. This field across the street, by the way, is owned by Hitachi, so that's Hitachi ownership directly across from us on that side. This, of course, is the old Perfect Swing. And right now these are both unimproved parcels. Zooming in just a little closer, you see Cross Pointe Church right here at the intersection, on the east side of the intersection. Again, Hitachi ownership just to the north. Ann Branden right here, which we'll show you as part of the development in just a moment. And that is the subject property right there, as right now being a field. St. James neighborhood to the south, Pebblebrook just off to the east. This is just an old pond right there – just a small little pond. Perfect Swing really abandoned at this point as the development to the west.

I think, as Jane showed you, currently it is zoned Office. We're proposing that changes to PUD. I think it is important to note that 2025 has the property as Office, also has the entirety of the property to the west of us as all commercial. So this is shown on 2025 as all commercial to the west, and this being all office at our site.

The actual master plan that we're showing on this site for this development would be a free-standing emergency medical center right here as the main component, and this would be

the Phase 1 component. I'm going to take this wording off in just a moment so you can see the imaging a little bit better, but I wanted to make sure you saw what the plans are at this point. So free-standing emergency medical center right here at the main focus of the piece. A lot of reasons for that to be out in front by Highway 9. Obviously, exposure and location, but also ambulances that are coming off Highway 9 dump right into the free-standing emergency center and they stay as close as they can to the highway and as far as they can away from the neighborhood. So free-standing emergency center, this all being medical right in this area. There is a little bit of a small site just off the corner. This is the existing location of Ann Branden as it winds through this site; we're not moving that location – it's staying right where it is. So then there's a little piece up here that we're showing as some form of commercial, and these other pieces we do not know right now what those are from an exact end user standpoint, so basically they are zoned as commercial. I'll get into a little bit more about the particular uses in just a moment. So commercial off the hard corner, as we would call it – a small piece of commercial here. A larger piece of commercial along the west side of the site, and then another piece of commercial right here. We're showing what we think will be a senior living center. The PUD actually does call it RM-6, so we are hoping that that's senior living center, which we think would fit very well with the medical component, but the PUD is written as RM-6 at that location. You see parking throughout. Then, importantly, throughout the middle of this site here, and I'll talk about this a little more in detail, is really some wellness features that we'll hope to enhance as we go through the project.

Let me get a little bit farther here and show you the uses. The PUD is basically a master plan of uses. Now realize, when we do a PUD, we have a site plan with it and when we do a plat we have a site plan with it. So the site plan becomes a fairly rigid piece of the application that we can't substantially change. But within that site plan the uses are medical uses, which of course is the free-standing emergency department, that would include things like laboratory, diagnostics, things of that nature, and that includes allowable uses of the O-1 zoning category, which is what it is already zoned. So that really is no change from the standpoint of O-1, and that can occupy up to 50% of the property – and these percentages will add up to more of the property, and this is how we're going to have some flexibility as we go forward on the master planning. But up to 50% of the property can be medical and free-standing emergency. Up to 70% can be commercial, and so the commercial would line around, as you saw, on those pieces. The commercial can be C-2 zoning category, but we have taken out a number of the uses. I will tell you there's been some back and forth with the neighborhood on the PUD document as to striking out some of those uses. I won't go into detail tonight on that, but we just submitted additional PUD edits today on that point to strike out some of those uses. We also are going to have deed restrictions against this property. The seller of this property is a church, and the church is requiring that we have deed restrictions on the property in return for taking title to it. Some of those deed restrictions, for instance, are no medical marijuana. Other restrictions are no bars, no nightclubs, no massage parlors. I've got a whole list here: no casino, no betting parlor, no breweries, no taverns, no smoke shops – all kinds of things like that – no abortion clinics. So there are a number of deed restrictions that will come with this property, and we have actually taken those deed restrictions and applied them into the PUD as well. We're happy to do that. So there's a number of uses that will be stricken out of the PUD. I think another one we struck out was automobile dealerships; that's stricken from the PUD. So it's not just the entirety of C-2; it's C-2 less a number of uses that has been asked upon us to take out. The remainder of the property, up to 30% -- again, really all subject to this site plan – would be residential, and we are hopeful that it's a senior living center, but we did write the PUD to say it would be RM-6. Again, the intensities and the impact cannot really exceed the site plan. So that's the proposed uses.

One of the important features of this that we've worked very hard to do as we've gone through the process and discussed with neighbors is a significant buffer on the southern edge. I wanted to show you how much we've gone to that extent against the site plan, becomes a part of the PUD, so we very well are set on a site plan with some flexibility, but not a lot, as we go through a PUD process. On the southern edge – so this is the southern edge you're seeing right there on screen. Highway 9 at the top. This is the whole master plan development. On the

southern edge of it, that buffer, of course, becomes very important. Now right now, under O-1 zoning, which is what this whole property is zoned for right now – I wanted to make sure you understood what could be done right now through the current zoning. Through the current zoning, if you look on the right, this is a graphic that shows you what can be done right now under O-1. Under O-1 – you see the property line right here – you see kind of ghosted behind here is the housing down in St. James. So St. James is R-1. Right now this is O-1 up at the top, and there is a current O-1 zoning district you're allowed to build up to a 27' tall building within 20' of the property line. So that's what it would look like. If you add the math in of the distance from the house to the boundary line, you're about 63' from the house to potentially a 27' tall building at the back of that property under current zoning conditions. What we have shown is a common area at the bottom, and that is a dry detention area at the bottom as common area, and therefore we can't build any building on it when we plat it as a common area, so that's proposed here. As a common area, it is basically dry detention right there, and then the service drive, and then you have building setbacks up here. The plan of the site plan for the PUD is reflected as 157' back to the first building, as opposed to a potential of 20' right there. If you're looking at a cross-section – and I know a number of you have seen these before as cross-sections – but under O-1, if you see my pointer over here, you see the house is about that close to the property line, but then a building could be 20' off of it. Under the current proposal of this, the house and then you go all the way back 157'. But, more importantly, we have the fence row and then we have established a berm row, so at the back of this site right behind that service drive we have put a full-length berm that goes along the service drive along that full back. So we have a berm right there with landscaping and trees on top of it and then we have the service drive and then we have more setback. So a significantly larger setback and buffer zone at the back of this property than what is currently shown under O-1. We hope that that is seen as a significant gesture to make sure that all of this development is buffered really quite substantially from the neighborhood to the south.

One of the key features that I've talked about again is, of course, this is Norman Regional Health System Inspire Health and a very important aspect of this is some wellness features. So their plan – some significant wellness features throughout the development and you can kind of see them right in here. These are walking trails that go throughout the development around here, and then you have a large open space – this is common area. So this would be platted as common area – can't be built on. This is the large anchor water feature you see right here, and these are water features in the middle as well. So really a significant walking trail is around this site. Of course we would have sidewalks and trails along the periphery as well. They anticipate this to be a notable feature of this development, to have some wellness aspects and some nice paths and features that people can enjoy sort of peacefully and in reflection. So reflection ponds, naval themed anchor, and just some peaceful, relaxing sitting areas to go along with that hospital wellness theme.

Finally, let me just show you the overall development without all that lettering on it, and you can kind of see this again. This is Ann Branden going right through the drive right there. Ann Branden would stay as it is. It is kind of an interesting side note – we found, through this process, that Ann Branden was not a platted public street, surprisingly. So staff has worked with us to say they will accept it as a public street and it will be platted now as a public right-of-way street. Then we would put in the second public street right here, which would be Overbrook Drive which will come right through the heart of the development right there, which basically becomes the separating feature from the free-standing emergency center and the commercial and the residential down here. So that is the second drive. It's important that we've lined up that drive with Overbrook right there. We've talked with the neighborhood, actually, about it and I don't show it on this slide, but we've talked about maybe putting some signage right here that talks about not a through street or residential areas only, and we are very much open to that. We haven't talked with Public Works yet, but we're hopeful to talk with them about maybe putting some signs here that really effectively cuts off anybody from thinking they can go further south instead of moving in this development right here for the commercial and medical uses. So we've worked very hard on this site plan. This, again, is the common area at the bottom that is

the extensive buffer. You can see the scale of the housing right here and a large buffer space right there before you get into the features there. So, with that, we have the full team here tonight. Civil engineer Terry Haynes is here. Todd Butler with the traffic engineer is here. Jack Joiner with the architecture firm is here. Of course, the Norman Regional leadership is here as well. Happy to answer any questions. With that, I would turn it back to you, Madam Chairman.

4. Ms. Bird – I know there was a lot of changes that were made to the PUD, a lot of things that were stricken out. I know Richie Splitt has always made a point to say that Norman Regional plans to be a local community and I think that that showed a lot of willingness to work with the neighborhood around there and what they were looking for. I noticed that the most recent edition did not strike apartment buildings, which was one of the bigger concerns that I heard of from that neighborhood. So I was hoping you could speak to the choice to leave RM-6 with apartment building for the hopeful senior center but still RM-6.

Mr. Rieger – That is correct, Commissioner. Yes. This piece right in here is shown as residential. We did leave it as RM-6 to have the flexibility. We do not have a senior housing developer locked in, if you will, as a certain developer. Until we do have that, we believe we need that flexibility. We believe the intensity, though, would be very similar. For example, when we do a site plan like this, these site plans are drafted basically with parking in mind for that intensity of use. We also have traffic that is planned on that intensity of use. So we don't believe that senior independent living would be significantly different than if this did just go straight RM-6. At this time, the hospital believes it needs that flexibility to remain as that nomenclature. It's hopeful that it would be senior living.

Mr. Boeck – But there is an option you could put other kinds of apartments in there for anybody else.

Mr. Rieger – That's correct, Commissioner. It is RM-6 in the PUD.

5. Ms. Williford – From hearing neighborhood comments, I feel that they would feel more comfortable if it was senior living, or if you could adapt the RM-6 language more specifically to say it would be single story apartments, or to give them some sort of comfort. Would they be open to that?

Mr. Rieger – Well, I would have to go back to the team and ask them, Commissioner. We will take all of these comments forward, of course, before Council. But we hear you and I understand the neighborhood wants that. I think it's a matter of use going back to the team and see how they feel about limiting that use down to just senior living or one-story. But we will consider it.

Mr. Boeck – How many stories right now could they put on that?

Mr. Rieger – We are looking at a maximum of two stories is what we are intending there with the layout that is shown with that parking. Right now, O-1 could build up to 27' for office. And they could build that all the way down to here. All the way down to the edge of that site.

6. Mr. Peacock – Can you tell me what the material is around the anchor pool there? Is that concrete?

Mr. Rieger – We haven't gotten that far in design detail. I don't have anything in the PUD that limits it to any particular material, so I don't think we've gotten to that level, Commissioner Peacock.

Mr. Peacock – I see that, combined with the amount of parking paving, just concerning from an impervious surface standpoint. Has there been any thought given to maybe doing a pervious paving or maybe a decomposed granite in that location – something to control the runoff a little better?

Mr. Rieger – Understood. I don't know that we've considered that, but I will tell you, and Terry Haynes could probably talk a little closer about it – I'll ask him to speak up in just a moment. I will say, though, there's been significant consideration as to stormwater. The stormwater system – and Terry is going to correct me if I'm wrong; I know he will – I know we talked about this just this week. The stormwater system is designed for a capacity as if this entire site was impervious to

95%. Obviously, it is not. It is not planned to that; it won't be planned to that. But they have planned the stormwater to accommodate that much runoff so that there is no chance that this overflows or has an issue. I certainly understand your concern, though, of an environmentalism and possibilities of pervious pavers. I would say, too, and just my experience of doing pervious pavement in the past, a lot of times it comes down to soil type, and I don't know what soil types are under this. If the soil type is clays or things that don't absorb, then the pervious pavement tends to not work. So I don't know what kind of soils we have.

Mr. Peacock – Is there any way you can write a percolation requirement into the PUD?

Mr. Rieger – Terry, do you want to address that? Terry Haynes is on with us. Why don't you address the stormwater in that context.

Terry Haynes, SMC Consulting Engineers (via video conference) – Yes, we've evaluated the entire site from the stormwater perspective as far as the collection system as well as the discharge from the site and its overall impacts to the site, as well as the surrounding properties. So we designed it to, as Sean alluded to, around a 95% impervious area. We do not have a geotechnical report to tell us yet what the subgrade soils are and whether or not that will accept percolated water through a pervious pavement system. However, what we do have shown are around the FSED – the free-standing emergency building – the primary building on the north side there – are two large detention areas – they'll be surface areas. They're dry most of the time, until we have that heavy rainfall – and Sean is drawing those pictures for me right now – thank you, Sean. Plus we have the water features that includes the water feature around the walking trails by the emergency building, and then we have the anchor which is also a water feature. Then there's an area that's also a little bit shaded dark green just next to the anchor – that is, again, another surface detention. And then the final detention area is right there in the very south end, which is the lowest point of the property. In addition to that, we've also begun preplanning, without going to full development, of the ability to place underground stormwater detention in that anchor plaza area. So, in a sense, it is a percolated type system, where the surface water is taken underground and then discharged through that southernmost detention area and then put back into its existing drainage pattern going off the site.

7. Mr. Peacock – Regarding that landscape berm to the south of the property, can you tell me what the planned spacing for the trees are going to be?

Mr. Rieger – I don't know that we have that shown. Jack Joiner – let me go to the diagram here. Typically, Commissioner Peacock, we do those on a 1:30', and I would suggest that's probably what we're looking at. Or Terry, if you remember what the spacing was that we were showing. I don't know that we wrote it into the PUD. What we wrote was the perimeter fencing would fit the Zoning Ordinance, and I believe it does have a spacing requirement.

Mr. Haynes – We didn't get specific as far as tree spacing. One every 30' is about right. Again, a selection of a variety of trees that will work in harmony with the environment as well as with the other species of trees is important for the viability and the growth of those trees along the berm. But what's very important along there is the fact that there is a berm, which elevates the earth – it's an earthen elevated structure which will help to basically deflect any noise or noxious noise that may be coming in from the north side of that berm. And then you combine that with the trees and then, ultimately, with the fence there along the residential properties.

Mr. Peacock – Has there been any priority given to Native plant species along this area, or is it just called out to be generic?

Mr. Rieger – Probably what we would do, Commissioner, is the City of Norman has a tree species list that we usually follow and we're required to follow. So the tree species list of the City of Norman Zoning Code would be what we would choose from.

8. Ms. Bird – Regarding the traffic on Ann Branden, from my understanding – I didn't realize that that was actually a private road before going to public. But my understanding is that actually does get quite a bit of traffic from people that are coming through into the neighborhood, because that road does connect to Classen and it's a way to avoid Highway 9 on that strip. I believe that the posted speed limit is 25, but I understand 50 mile per hour car is

completely normal for that area, since there is a little bit of vacant land, the abandoned Perfect Swing. Is there any consideration to slowing some of that traffic? And then a second question that I have relating to the traffic is regarding, specifically, that intersection overflow. I did see the comments that were in the report. But if you could speak to some of the concerns about that additional exit point being the only exit that this neighborhood has from their home and that particular intersection concerns.

Mr. Rieger – Thank you, Commissioner. I will. I'm going to bring Todd Butler in from Traffic Engineering Consultants. But, first, let me speak to Ann Branden. You mentioned it being as a private road. I do want to just clarify, technically, in legal title, it was a private road but it's been treated as a public road. I believe the City has really maintained it, frankly, for some time. To my knowledge, I don't think it has been treated as a private road. We will turn it into a public road. But, Todd Butler, if you will interject at this point and talk about your traffic report and those specific question, please.

Todd Butler, Traffic Engineering Consultants (via video conference) – We were fortunate to be able to collect existing traffic data around the site prior to the COVID-19 pandemic hitting, which drastically reduced traffic counts within the area. But prior to that occurring, the traffic counts along Ann Branden were less than 1,000 cars per day. So we didn't really see any anticipated traffic congestion problems along there, specifically at the intersections of 24th, as well as Classen. But, in addition to that, the access to and from Classen is proposed to be modified by ODOT in the near future. There's going to be turn restrictions at that intersection, which will eliminate the westbound left turn movement. So some of that traffic may be diverted to Highway 9, regardless of what happens at this particular site. In our traffic study, we were requested by the City of Norman, in addition to collecting existing traffic throughout the immediate area, to look at future undeveloped properties. We looked at eight different properties and added that future traffic to the background traffic, and then projected the existing background traffic up, and then added the new traffic from the proposed development to the total traffic. With that said, we did not see any major traffic congestion issues regarding levels of service or delays, specifically at the intersection at Overbrook and 24th, or along Ann Branden, or at Ann Branden and 24th. There was a drop in delay – or an increase in delay – a drop in level of service at the intersection of State Highway 9, particularly due to the increased background traffic, not necessarily the small amount of traffic this site generates. But in working with the City of Norman, we determined that to alleviate any major delay issues that there were some timing changes that could be made with the signalization that exists and modification on the lane use on the north leg. So, with that, no major street modifications or traffic control changes were found to be necessary to accommodate the traffic expected to be generated by this development.

Mr. Rieger – Todd, if you will address speed – I think, Commissioner, you asked about speed limits. Todd, can you talk about that and how those speed limits are determined?

Mr. Butler – The speed would be modified by the City. Typically a speed study would have to be conducted and the City would have to take that through the Commission to modify the speeds along Ann Branden. I don't see that occurring the in the near future. In fact, I think partially if you're seeing some higher speed traffic in the area it's just because there's nothing there right now. I think when you start to add more development in the area, which this would do, you kind of create that fiction which slows traffic down. We don't see the – we don't anticipate that a speed limit change to 40 or 50 mile an hour would ever occur within this area.

Mr. Rieger – Commissioner, did we answer your question?

Ms. Bird – Yes. Then just one other follow-up question there, too, related to that Ann Branden access there. I know there's some concerns specifically about the service road that's at the back of the property. Even though it does have a buffer there, that that might now create a place for cut-through, where people can turn from their neighborhood – the housing neighborhood – up to Ann Branden or from Ann Branden down to the neighborhood, avoiding that Highway 9 intersection. That could potentially create a little bit more increased traffic a little further south of this development – not to the middle of the development where you proposed on there. If you could speak a little bit to that.

Mr. Butler – In our review of the traffic that would travel south on 24th S.E., that would be generated primarily only by St. James or Pebblebrook residential areas. The service drive that you're referring to would typically not be very conducive to a through traffic movement. It's a fairly narrow street; it's not open. You've got several service drives through there so we didn't really see any issues as far as just service traffic alone through there. There would be very little benefit of anyone from the residential areas to use that as a cut-through. That refers back to the access control at Classen as well, because I think some of the turning traffic that you see there today will not be able to be made in the future, and I think that's what ODOT was attempting to do.

Ms. Bird – One follow-up thought from that – what about doing something to slow or deter some of the traffic through some of that service road – doing some speed bumps, some other factors like that to slow traffic or deter some unnecessary traffic?

Mr. Rieger – We talked about that with the neighborhood. There's various devices we can use for some traffic calming, we typically call it. I think it's something we talked about looking at. Go ahead, Todd.

Mr. Butler – There are various devices. The City of Norman does utilize speed humps, specifically in residential areas. That would be one thing that could be used. The narrowing of the street could be looked at a little bit more. So those kind of things would deter the traffic. We just don't normally see a lot of cut-through traffic on service drives or back drives such as this.

Mr. Boeck – Living close to Boyd, the Norman Police Department does a very effective job with motorcycle police on Boyd going east and west a number of times each week to slow traffic.

Mr. Rieger – We will look at that, Commissioner.

AUDIENCE PARTICIPATION:

1. Zoom Chat Comment – From Lawrence Wayland Switzer: We got signatures to protest from just about everyone on our street. The protest percentage seems inaccurate.

2. Zoom Chat Comment – From Mary: Has there been any discussion about changing the present curve in Ann Brandon as it runs into SE 24th. This curve is quite dangerous and I can't believe they would be taking ambulances down this road when oncoming can't see them coming!

Ms. Hoggatt – Sean, can you see the chat questions? If you guys want to address some of those as we are kind of in between people, too.

Mr. Rieger – There was that comment made to us in a neighborhood meeting. I don't believe that that's something we need to do. We think there is a careful enough plan to get the ambulances around it and the speed limits that we can accommodate that curve. The City has no request upon us to change it at this time. The next Chat item says: The storm water runs southwest into the pond. The geese inhabit this area and if you divert the draining to underground that pond will dry up. A piano teacher from our neighborhood tends to the road. My wife and daughter drive that way every day to and from work at WalMart. I don't see any other ones, Lora. Are there others?

Ms. Hoggatt – No, that's all we've gotten so far. Is there anything you want to say to address them? Or do you want to go to the next?

Mr. Rieger – I think we can go to the next.

3. Walt Strong, 3104 Langley Drive – I am also the St. James Park HOA President this year. I really appreciate what Norman Regional Hospital has proposed here. I think it will be an excellent addition to our great city. I also appreciate the fact that they're allowing us to have input to the process. We've got a number of folks in our neighborhood and Pebblebrook community that have concerns. For me, the one concern I have – and I don't want to sound like I'm coming up against a well-studied and knowledgeable traffic engineering firm. But my concern is the intersection of Highway 9 and S.E. 24th. As somebody spoke, that is the only ingress and egress to Pebblebrook, to St. James Park, to that whole neighborhood. All of that

traffic, shy of using Ann Branden, which not many people do, but all that traffic goes through that intersection – Highway 9 and S.E. 24th. So should there be some kind of a problem at that intersection, we and our neighborhoods have no way to get in or out of the neighborhood. An example that happened here yesterday, I believe it was, I was exiting the neighborhood and I found that the – I believe it was OEC – and I'm sure they didn't do it purposefully, but the OEC folks were replacing a telephone pole or a light pole and the trucks that they had parked through there – it effectively blocked the entranceway into St. James Park. So you had to go against traffic to get in and out of St. James Park. So my concern is as we bring more and more development into that section of the intersection – now the traffic study folks, they say it's not a problem. In my opinion, I think it will be a problem. One, because that's the only way for us to get in and out. Two, if there is some kind of – you know, if you had a gas line blow up or some such thing like that in that section, then it could cause that whole place to be closed. When we add more activity into that zone, we increase the possibility of something like that coming to pass. So my proposal was that we would have, through this whole development process, that there could be an additional street – there's a couple places in St. James Park that are not connected – Southlake Boulevard is one of those right now. If you could probably connect – I'm guessing it's less than 300' pavement, that would then allow another way in and out of the neighborhood on the southwest side, without going through the Highway 9 and 24th intersection.

4. Zoom Chat Comment – From Lawrence Wayland Switzer: Literally, that is my back yard. You read the concerns but don't respond. Would any one of you Norman Regional folks want this in your back yard?

Ms. Zink – Just as a point of clarification for everybody who is viewing and making comments, we will take the public commentary right now, limited to 3 minutes each, and then we'll return to the applicant to answer the issues that were addressed in public commentary. So there will be responses.

5. Terry Dillingham, 2249 Bretford Way – Is it possible to put the site map back up? Thank you. Bretford Way, as you were told earlier, is the street that backs up to the southern end of this proposed development. My house is one of the ones right behind the existing pond that was there. My biggest concern, I guess, and, of course, everyone that lives on Bretford Way facing that way's biggest concern is the barrier on the southern end. None of us believe that a few truckloads of dirt and a few trees are going to provide any relief from what's going to be going on over there. I'm just trying to – you see the existing pond – I'm just to the left of the existing pond. Whatever landscape is planned stops right at the pond. So all I'm going to be looking at is the commercial building straight north and the service road. Bretford Way goes all the way around. There's 11 more houses that you can't really see that will be looking at that same commercial space and service road. So, at a very minimum, to me, a masonry type fence would certainly be better than a few truckloads of dirt, and I would certainly – whatever we decide to do, it needs to be, in my opinion, extended further than just to that existing pond. It needs to go on around the corner and on up. One last thing I would say, and I don't believe it's been talked about, and it's just something that everyone that lives there really enjoys is that that 29 acres in the wintertime there are hundreds of geese that migrate there and basically live there every day during the winter. That's a shame that they'll be chased off. And, again, like everyone else, the senior living versus the apartment complex – that is a real issue that I could see no one wants to have in their back yard. I'll just leave it at that at this point.

6. Chris Hoggatt, 2317 Bretford Way (via video conference) – I've got a few concerns. My house will back up, essentially, to the detention pond and the service road, which is one of my biggest concerns. I think with that being a service road, obviously, the optimal use you're going to have a lot of trucks driving through there delivering things. That's going to create a lot of noise pollution. I know you talked about a berm, but I don't think that that is going to be adequate enough to address that issue. I think that the noise is going to be a large nuisance to the people in this neighborhood, especially those on Bretford Way backed up right next to it.

The other issue being we've brought up traffic and the increase that it's caused. You said you did a study and found that traffic in the area before Covid was not heavy. That's perfectly fine. That's, I think, how most people prefer it. But as you build this hospital and you have these businesses back there and you have those apartments back there, you're bringing a lot more traffic into that area. You have people coming to work at those places every day, leaving work, and people visiting those businesses for whatever it may be. So I think that's the concern that they're really bringing, is that you're clogging up the area with that traffic. Then, again, when it comes to that barrier between us and those businesses, I think that buffer should be quite a bit bigger just to be a good neighbor, if I'm being entirely honest. I think it should come with a masonry wall. Those are my thoughts. I know, originally, they had a pond back there was presented – that's what was originally presented to the HOA. Now we get this, and I think that that just kind of creates some tension, and I think everybody kind of feels like something was pulled over on them. I would like to see that service road go.

7. Zoom Chat Comment – From Galaxy A10e: Why can't that service road be moved further north, there is plenty of room to do this. I agree with Terry Dillingham that a masonry wall is required. Ed Chojnicki

8. Linda Sugg, 2417 Cimarron Drive (via video conference) – I've lived here about almost 30 years. Certainly was never expecting a development like this to try to come into a neighborhood. This is going to increase traffic. It is going to increase pollution and bring probably people into the neighborhood that we really don't want to be here. I am curious as to why you did not go down a quarter of a mile down the highway to the business park and build the facility there where there is no neighborhood. It is a business park. You wouldn't have the traffic problem that this is going to create. That's all I want to say at this time.

9. Lawrence Wayland Switzer, 2321 Bretford Way (via video conference) – Our home is right there behind the development – third one, currently, from the end where 24th is. That would be right behind us. We'd be concerned with the noise and things like that. We also moved here just 2 years ago from out of state and life here is a little more secluded. We understand that it's zoned for commercial already and maybe a business would go in there, but nothing like what's being planned. We probably wouldn't have bought here just last year and had a home built if that was there and we knew it. And nobody's fault here, but the builders told us that the church owned it and there was no plans for it and this is one year in and it's going to be something we would not like to see. We have a lot of kids and stuff on our street, also. I'm concerned with traffic and stuff. Put a sign that says not a through street, but inevitably people don't see signs. They'll come right through. Maybe this causes more traffic. We're the first street that they would turn in and probably try to turn around pretty close to the intersection there. So traffic concerns – traffic is a concern for us. Also, the kinds of stores that – you know, the church doesn't want them; neither do we. I don't know what else – or how you guys can stop that from happening in the future. We kind of wanted to be away from things like. I actually work across the street at NCV and my wife works around there at WalMart. It just was ideal before to live here. That being there makes it a little less ideal for us. I agree with all the other concerns that these people have brought forth also. Thank you.

10. Zoom Chat Comment – From Ed Chojnicki, 3005 24th Avenue S.E.: We were originally told buildings would not be higher than one story (except for the hospital).

11. Jay Cervi, 2613 Larston Drive – I thought the Commissioners might need a little bit of history on how this development at St. James started. About 25 years ago, we bought three sites. They were a combination of multi-family and single-family zoned products. We thought that homeowners should know their destiny and shouldn't be surprised in the future. Probably in about 2000 we started preliminary platting and actually bought some land NEDC was the first property, section 1 and 2, and the rest of it – the City had a great suggestion of the multi-family,

although we had preliminary platted it for single family homes, we reduced the zoning so they wouldn't have apartments – or the developers got ran over by a truck and were no longer there, somebody could take it up and put duplexes or apartments on the site. This is the second attempt for a new developer – and the hospital in this situation is the developer – to try to rezone and adversely affect some of the property owners, especially on Bretford that back up to this. I was at the stand-up meeting at St. James, where Norman Regional said there was going to be a 5-acre pond. They did reserve that there might be change, so I think most of the people thought it might be 4 acres, might be 6 acres – they didn't think it would be two sticks that look like an anchor, and that's a little bit misleading to the neighborhood. Sound and ambulances – you know, I was told that oh the ambulances don't leave the hospital sirens running. Well, I went to Norman Regional to get some lab work done the other morning at 6:30 and the ambulance is coming out of Norman Regional blaring – about blew me out of the pickup. I don't think the neighborhood should be subject to that torture when they didn't invite it. They didn't buy there when these adverse situations to their properties are there. I think you should consider all of these things and people should know their destiny when they buy it. Urge you to deny this second attempt at rezoning this to commercial. Thank you.

12. Zoom Chat Comment – From Tara Nelson: I am opposed to this site plan and agree with all of my neighbors concerns and share the same questions. Why here and not down the road?

13. Mr. Rieger – I was taking notes through this. I think a number of them, we've talked about, so I don't want to reiterate too much. I know there was a comment about access points out of the neighborhood and other access points. I want to make sure you're aware the applicant very much wanted another access point out of this site and tried very hard to get one right up in this area onto Highway 9 from ODOT – Oklahoma Department of Transportation – and the answer was a pretty swift and brutal no, that we were not going to be given an access point onto Highway 9 anywhere in this area. It was just simply not going to happen. So something we would have preferred to have another access point out of this site. We just were simply absolutely denied without any potential recourse of doing that. We would love that. If the City would help us get that other access point, great – we would love it. But I just don't think it's an opportunity at all. There's been several comments about not expected to be developed. I would just remind Commissioners, this is something that comes up on every zoning, but just remind Commissioners that the property was already zoned full-on O-1, which is Office Institutional and 27' tall buildings, offices 20' from the property. Also, 2025 shows the entire area here as Commercial just to the west. So I think there certainly was always plans for this area to go fairly intensely in development. Several comments about the buffer. I would encourage Commissioners – you have a lot of experience looking at developments in front of you every month. I would encourage you to consider the extensiveness of that buffer right there, compared to what you normally see on developments in front of you every month. I would hope you would consider that extensive. It certainly is far more extensive than what I normally see in anything we bring forward. I would recall you back to, for instance, the Dimensions Academy, Norman Public Schools – not trying to disparage them, but much less buffer right there than what was behind them, and I could show you many other developments that have much less buffer than what they're showing there. Sirens – I would talk about in the sense that very carefully, very intentionally they've made sure that the emergency room drop-off is up here, about as far away from the neighborhood as you can get – from both neighborhoods – having the emergency drop-off over here, as far away from Pebblebrook and as far away from St. James as they could possibly get, and keeping it right up there off the intersection. Finally, I would just say general location – I think this is an important point. Is this the right general location? Really, this is beyond our discussion tonight of the specific site zoning. But I would say you have seen this over the years and, in fact, the staff report talks about it when it talks about 2025, and it talks about the immediate area. In fact, I would refer you to the staff report on 2025 when it lists a number of neighborhoods. This area of Norman, where we're looking at right here, with Destin Landing, with Bellatona, with Cedar Lane, with Eagle's Nest area, with St. James, as

Mr. Cervi said, has a huge area still to develop – this is the population growth area of Norman. No question. Ask Mr. O'Leary in Public Works, this is the area of Norman that is burgeoning with new population, and so this makes very good sense as to why Norman Regional has chosen this area to put a significant free-standing emergency room facility that will help the population of this area. So I think that covers all the comments that I took notes on. And, with that, we'd be happy to answer any other questions. Thank you.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – It seems like we hear a lot from people this is going to cause traffic in our neighborhood. One of the things Mr. Rieger brought up, which if you look at the 2020 Plan and the 2025, since these have already been zoned for commercial and for office for a long, long time, to say we didn't anticipate having this in our neighborhood – you know, I feel sorry for homeowners, because we buy with aspects of what we want to look at – a field, some geese, a pond – and a lot of times that changes. Unless it's national park land or state park land, all land in the United States – we're a capitalistic country – and so if someone can sell a farm and develop it they do. My job as a Commissioner is to make sure that it's done properly. I guess my only comment – I do like geese and I do like ducks. I'm not sure about the anchor detail, and it looks like concrete around there – why that couldn't be a pond to allow geese and ducks and other fine birds to develop. I understand it was a symbol of the Navy bases, but to me it's a pretty weak symbol. It seems like it could be a really nice – especially if you're talking about walking, health and stuff like that, a pond there for drainage collection and stormwater runoff, building runoff, would be a lot more appropriate for that area than an anchor and paving. As far as – we've talked forever about where the hospital is going to put stuff and the east side of Norman – Highway 9 – there's been issues with ambulance times, fire times – the need for emergency rooms on the east side of town and the west side of town, and I think – I really appreciate what the hospital is doing to try to actually spread their health care out to center, east, west part of town. To me, this is an integral part of that and an important place, being close to 77. You move farther east and you've actually seen development proposals at 36th and 48th in the long-term plans, and a lot of those were protested. Highway 9 is not meant to be a commercial strip center all the way out to Lake Thunderbird. I think we've done a good job of focusing some commercial and important elements closer to the crossroads, and 77 is those crossroads. I would just say that I would support this project, but would suggest creating a little bit more of a natural setting there than the anchor pond and paving.

2. Mr. Peacock – I just want to second Commissioner Boeck's comments. I think my comfort level with this project would be much greater if you were able to address the amount of hard surfacing around that anchor detail. Losing the amount of green space is already hard enough, but turning it to impervious surface is definitely a hard swallow.

3. Mr. Knotts – I lived on Highway 9 and I was first responder to several near-fatal accidents at 72nd and Highway 9. The idea of being able to bring this health facility closer to those in that eastern area, to me, is an overriding factor. I understand some of the other comments, but the greater good, I think, is to approve this project.

Erica Bird moved to recommend adoption of Resolution No. R-1920-114, Ordinance No. O-1920-57, and PP-1920-15, the preliminary plat for NORMAN REGIONAL HEALTH SYSTEM EAST CAMPUS ADDITION, with the condition that the RM-6 be reduced down from apartments to a limited size, to City Council. Erin Williford seconded the motion.

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

YEAS	Matthew Peacock, Erin Williford, Nouman Jan, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel
NAYES	None
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1920-114, Ordinance No. O-1920-57, and PP-1920-15 to City Council, with the condition that the RM-6 be reduced down from apartments to a limited size, passed by a vote of 9-0.

Ms. Muckala – Before we move to the next item, it sounded like we had an amendment to the motion – the application that was in our agenda. We voted on the amendment, I think, which passed 9-0, but as amended I think we need a vote on the project with that amendment now.

Erica Bird moved to recommend adoption of Resolution No. R-1920-114, Ordinance No. O-1920-57 as amended, and PP-1920-15, the preliminary plat for NORMAN REGIONAL HEALTH SYSTEM EAST CAMPUS ADDITION, to City Council. Steven McDaniel seconded the motion.

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

YEAS	Matthew Peacock, Erin Williford, Nouman Jan, Tom Knotts, Lark Zink, Erica Bird, Dave Boeck, Sandy Bahan, Steven McDaniel
NAYES	None
MEMBERS ABSENT	None

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1920-114, Ordinance No. O-1920-57 as amended, and PP-1920-15 to City Council, passed by a vote of 9-0.

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Item No. 6, being:

O-1920-61 – JORDAN FAYAK REQUESTS SPECIAL USE FOR “ONE AND ONLY ONE OF THE SPECIFIC USES PERMITTED IN THE M-1, RESTRICTED INDUSTRIAL DISTRICT ...”, SPECIFICALLY “(G) MEDICAL MARIJUANA PROCESSOR (ANY TIER, EXCEPT THAT TIER I AND TIER II WILL NOT BE ALLOWED TO HAVE ON-SITE SALES), AS ALLOWED BY STATE LAW” IN THE A-2, RURAL AGRICULTURAL DISTRICT, FOR PROPERTY LOCATED AT 4520 E. FRANKLIN ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Site Plan
4. Pre-Development Summary

PRESENTATION BY STAFF:

1. Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes. We received protests within the notification radius which equal about 14%.

PRESENTATION BY THE APPLICANT:

1. Gunner Joyce, Rieger Law Group, representing the applicants (via video conference) – This is the location, just like Lora said; we're at Franklin Road and this 48th Avenue N.E. I'll take you through here. The aerial of the property. Just like Lora said, there is an existing house right now, and the applicants are in the process of building an accessory building, which is permissible as a matter of right in the current zoning. There are a couple ponds out here that won't be affected by the accessory building. It's also worth noting that the north portion up here is floodway and it will not be affected by the planned uses here. Walk you through a little bit of the site. Just like I said, the current zoning is A-2, Rural Agricultural. As a matter of right allowable use is medical marijuana commercial growing, and also allowable use is accessory buildings. Just like Lora said, that's underway right now. The City has issued a building permit for this warehouse, so it's important to note, not to get confused here – when we were at Pre-Development, and some of the questions we received were asking about the warehouse and medical marijuana growing. So, just to make it clear, it's not part of this special use request. Again, the City has approved the building permit for the warehouse. If processing is approved it will go in a portion of the warehouse, and that will require submission of an add/alt additional alteration permit to the warehouse to where the City will look at any additional changes that are required for processing in the building. Then again also medical marijuana uses are allowable on the property today as a matter of right.

Move forward and talk specifically on what this request is. It's only medical marijuana processing. Just like Lora read off, it's requesting all three tiers. There's Tier I and Tier II and Tier III, except that we're striking out the ability to sell on-site to end users, as Tier I and Tier II do allow. So we will not have that. It's processing, like we said, it'll be entirely indoors in a portion of this warehouse. Again, no commercial storefront. This is not a dispensary and processors are not allowed to make sales, especially Tier III like we're requesting here to end users directly – to consumers. There's no change to the underlying zoning; the property will continue to remain A-2. They will have a special use, but all special uses are tied specifically, one, to a site plan, but then also to the applicant, to the property owner. In order to move forward if they ever sell this, there's a process that the buyer would have to go through through the City to keep that special use. So it is specific to the property.

We did receive, like Lora said, protest letters. We got them on Wednesday – yesterday. So working with the applicant, we've decided to place conditions of approval on this request. This goes forward, a little bit like a PUD where we are placing these specific restrictions on the request as it moves forward, and these restrictions stay on the use for as long as that special use is in place. So the conditions we're placing are hours of operation. We've heard concerns about traffic, concerns about noise late at night, so we're placing a restriction from 8:00 a.m. to 8:00 p.m. for the processing activities. There's also been concerns about – I'll jump here for a

second – we've heard concerns that there's two driveways in close proximity to each other, if you can see my pointer up here. This is the subject tract's driveway, and then just to the west is another driveway. Apparently there is confusion that happens frequently, so the applicant is committing to putting fencing or landscape buffers in between those driveways to help designate, and then also there's been concerns about potential visibility of the building and so applicant is placing a restriction to install fencing and landscaping around the warehouse to the south here. Additionally, there were concerns about light spillover, so the applicant is committing to complying with the Norman Commercial Outdoor Lighting ordinance, which you guys are probably familiar with that, but it requires full cutoff outdoor lighting fixtures to ensure that the outdoor lights focus on the property and don't spill over to the neighboring properties. Again, with the potential confusion of driveways, the applicant will be installing enhanced property identification measures. I want to be specifically clear here – it's not a request for any commercial signage, not going to be advertising the business. It's just increased property numbers or large mailbox out on Franklin Road so that it's clear which driveway belongs to this property. Additionally, a requirement that the applicant is putting on itself – it's not required in the zoning ordinance – for processing is the carbon filtration system. This is some of the latest and greatest technology for marijuana uses to fight and combat smell of the product, so they are by themselves putting this restriction on themselves to have a carbon filtration system in the warehouse. Then, finally, just to address some of the concerns that have been stated about crime and some crime that could happen in the area, the applicant is committing to additional security measures, so a central alarm system that notifies local police; self-locking/self-closing doors in the warehouse; full video surveillance; and access to the warehouse is limited to employees only, so no customers, no guests – employee only access. We feel that, through the use of these six conditions that will move forward, we've adequately addressed the concerns we have received in the protest letters. That's all we have and I'm happy to answer any questions.

2. Ms. Bahan – How close are you to the school?

Mr. Joyce – I don't know the exact distance. I know that there's a requirement from the OMMA that they have to be a certain distance away from the school; in order to get the license they have to be outside that. We do have – I should have mentioned this at the beginning – an additional representative of the applicant, Justin Williams with Oberman Legal Group, is assisting the applicant on medical marijuana specifically – the medical marijuana industry. So, Justin, if you know the answer that or the restrictions – distance restrictions, jump on in.

Justin Williams, an attorney representing the applicants (via video conference), for the business that's going to be operating the actual cannabis cultivation facility on this property – I believe that there was a protest letter that specifically mandated or set forth the representation that the school was within 1,000 feet. I think that if we were to measure on Google Maps or any other distancing website, you'd note that it's approximately 800 to 1,000 feet away between the corner of this building to the very corner of that intersection of Franklin Road – 2610, I believe. But under Oklahoma law, the proximity requirements concerning a school only apply to medical marijuana dispensaries which have consumer sales to the end user. That restriction does not apply to medical marijuana growers or processors. As medical marijuana cultivation is already permitted as a matter of right on this property, there's going to be no requirement with the State Department of Health to demonstrate a proximity distance from the school that's on that intersection. If I could add one further quick point of clarification, just to support the presentation. One thing that Mr. Joyce did not specifically mention concerns the need for the processing license for this operation, this business. Under existing Oklahoma law, the definition of medical marijuana processing is incredibly broad. It essentially means any transformation of the cannabis flower that is grown in a cultivation space at all. That includes breaking it up into smaller pieces. Many medical marijuana cultivators will desire to sell cigarettes – pre-rolled cigarettes out of their product. That's a very popular product line. Any cultivation facility that has the ability to require – is required obtain a medical marijuana processing license from the State Department of Health to allow it to produce even medical marijuana cigarettes. Absent

that processing license, and absent this special use permit, this applicant wouldn't be able to offer up product lines that are as simple as broken up medical marijuana that it is permitted by right to grow on site. It is specifically part of the application that we are – while seeking the Tier I, Tier II, and Tier III permit – or the use of any applicable tier, the applicant anticipates utilizing only the pre-rolled cigarettes and then solventless extraction. Any request by the applicant at a later date to utilize chemical extraction for its processing would have to go through the City again. I know there are a lot of neighbors who expressed some concerns through the protest letters – I think two in particular – concerning any safety fear associated with the processing of the medical marijuana flower. That is not something that would be subjected to any unilateral determination by the applicant. They would still have to go to the City of Norman, have Fire inspections, building inspections, and receive the additional add/alt permit that Mr. Joyce had already discussed prior to being able to engage in any of that activity. I believe that the conditions that are put on the approval, none of which are required of them to grow marijuana itself, alleviate any concerns related to not only the processing the marijuana, but the cultivation of marijuana itself, something that the applicant isn't required to do. For that reason, we would respectfully request that Commissioners vote an approval of this application.

3. Mr. Jan – It says on the document that you guys will be using the carbon filters. Do you know which one – a particular model will be used? Because I know with these facilities odor is definitely an issue.

Mr. Joyce – I don't think they've got a specific model in mind yet. I think they will get there – go through this process to get approved then pick out the equipment to use and then that's when they'd go back to the City with the additional alteration permit and the equipment would then be reviewed by City staff for the building permit and then City staff would recommend any additional changes to the warehouse in order to have that equipment in the warehouse.

Mr. Williams – Yeah, to follow up – the applicant is utilizing a consultant to identify the proper construction and design of the cultivation facility that's permitted as a matter of right. I believe that that consultant would advise on the ideal chemical filtration system.

4. Mr. Peacock – The fence that is planned to be installed – is that going to be a wood stockade fence, or would that be more of a security fence?

Mr. Joyce – The applicant would like to look at different options before they commit to one. They've talked about shrubbery, specifically the fencing around the west driveways – potentially hedges, maybe evergreen trees to form kind of a natural buffer along the driveways. But if that doesn't work – it is kind of tight – they might be looking at a wood fence. Around the warehouse, the plan is probably a security fence inside – not inside the warehouse – but warehouse and then, as you go farther out, a security fence and then as you go farther out behind that they're thinking landscaping again to really protect the visibility of that warehouse and for security reasons.

5. Ms. Muckala – I just wanted to clarify one thing. I noticed that, in our agenda, the requested action by applicant is for medical marijuana processor, any tier. In our ordinance and under State law, there has been no legal distinction between extraction and non-extraction when it comes to processors. Our tiers didn't necessarily make that distinction. So any special uses that are actually to be limited to non-extraction activities need to state so as a special condition to the special use. I just wanted to clarify that, because this applicant, the way it's worded, if approved that way, would be for a full processor special use, which would include extraction. So that would need to be added as a special condition of the special use.

AUDIENCE PARTICIPATION:

1. Jim Hamilton, 4200 Crickett Lane – I live on 40 acres with my wife at 4200 Crickett Lane here in Norman. That property is immediately to the south of the subject property. We have lived there, invested sums of money, and for 40 years extensive amounts of effort to improve our

property and make it an enjoyable place to live. What the applicant is seeking to do is, in my opinion, destroy much of that ambiance of having a property zoned agricultural by installing a processing facility to extract pure marijuana which is then in a state to be sold to the public through whatever kind of facility. Now that is a pretty significant change in the use of that property. And I will tell you, first of all, that you need to understand how the property lies. The subject property and my property is in a creek bottom area. The terrain rises to the east and to the west probably 25-30 feet and forms a bowl with trees on either side on the east and west side. Now that provides a convenient conduit for odors, noise, lights – anything directly south to my property. I can sit on my front porch, which is about 500 feet away from this facility and see the facility. Now part of the enjoyment of living in a remote area in east Norman is to be able to enjoy the peace and quiet. Now the applicant has suggested that he will confine the activities to 8:00 in the morning to 8:00 in the evening. He's not suggested that that will only be Monday through Friday; it's seven days a week. I work. My wife works and when we get home at 4:00 or 5:00 in the evening, our time to enjoy the property is from 4:00 or 5:00 until we have to go inside. So virtually, from what the applicant says, they're going to destroy the enjoyment of our property by installing this processing facility. Now you also need to understand that this facility not only will impact our enjoyment of property, but will have a very, very significant impact on the value of the property. We've lived there 40 years. We don't have any intentions of moving at this time, but you're creating a situation that's going to be intolerable. I have provided some public comments and would encourage you to read those comments. Thank you.

2. Tom Myers, 4610 East Franklin Road (via video conference) – Our concern is the area that it's in and the appropriateness of it being in this area. This is not a normal 10-acre area, as is prescribed by the State ordinance – or the City ordinances. There are many smaller plots along here. My property is three and a half acres and our property is part of the border with that property. There is another property of two acres which borders that property and there are several others along the street on 48th and Franklin that are even smaller. So it's a higher populated area than most of this type of area. Within this area, we raised our six children and we have one of my children is hoping to be in this area also and raise his children there. In addition to that, in addition to the school, there is also a church which is even closer to the property – it goes along the other side of Franklin Road just east of 48th. So I'm just questioning the appropriateness of this being in this particular area – this particular neighborhood. This is more like a community than it is a rural area. So I think that needs to be considered – the children that also walk along the street on their way to school. That's our main concern. Thank you.

3. Ivan Moore, 4500 48th Avenue N.E. – Our property backs up to the applicants'. My parents bought that property in 1958 and so several generations live there. My main concern is, number one, a smell. I've done some research and there are ongoing lawsuits in other states right now over smells from marijuana processing. I know that's going to be a concern. My second concern is I've got five grandkids and we have a trail that goes through those woods that back up to the property there. I've read articles that they don't understand yet the impact of the by-product of this smell on kids. So that concerns me. I don't want my grandkids to be impacted by something 20 years from now that they didn't know was going to impact them. That concerns me. And, of course, all the other things I'm sure that will be mentioned. I do have concerns about crime and all of those things. But my main concern really is for my grandkids and my wife and myself, that we don't lose the quality of our life and the property values. Every study that I've read, and from Colorado to California, property values have decreased when a processor comes into your area. So those are just some of my concerns. Like I said earlier at the other meeting we had, I have nothing against these young guys. I think they must have an entrepreneurial spirit about them. I just don't want my family to lose the quality of life, and I understand we live in a free country and all that, but I do have concerns, like I said, about smells and something happening to my kids years down the road because they had to smell that. That's pretty much all I have to say.

4. Pam Bode, 4550 48th Avenue N.E. – I have many oppositions to this proposal. Some of the ones that have already been mentioned: property value decreasing, crime increasing, the safety, about the smell and the environmental concerns, impacts potentially on children. For the crime aspect, if someone is going to attempt to break into their facility or do damage, they're certainly not going to drive up the applicant's wide open driveway and make themselves known. They're going to access it from adjacent properties, such as mine. Mine backs right up to the property. Then a few things that I wanted to point out. The fact that we do have the school, we do have the church there. This type of facility is not child or church friendly. According to the OMMA website, there are 105 licensed growers in Norman -- just Norman alone; 47 of those is in the 73026 zip code. I don't feel that we really need another one. Then some other things, points of interest. According to the OMMA website an owner has to be 25 years of age, and I don't think either of those applicants are. Then here's my biggest concern. The applicant's background, specifically in December of 2017 charged with a DWI, transporting of an open container, resulted in a deferred sentence with 6 months probation back in June of '18. Then in November of '18, while still on probation, was charged with a DWI, carrying a firearm while under the influence of a controlled substance, that resulted in a deferred sentence for 5 years probation as of June of 2019. So they're still on probation for that. I feel given all those facts, to give someone who has this history a medical marijuana grower license is adding fuel to the fire. And that's really all of my comments. Thank you.

5. Mr. Joyce – Just real briefly, we'd just like to note again that this is a minor allowance additional to what's allowed as a matter of right. Growing is allowed as a matter of right on this property. The warehouse accessory building is allowed as a matter of right on this property. Processing is going to go in one small portion of that already allowed building. I think we've adequately addressed, to the best of our ability, the concerns we received in these special conditions we're placing on this application moving forward. Again, those six special conditions that we've placed on this are not required if the applicant goes forward with just growing. So this is something that – the processing portion is a minor addition, but comes with six substantial increases to the overall use of the property, in our opinion. Justin, if you want to jump in for some comments before we ...

6. Mr. Williams – Yes, thank you. I take issue in part with the reference, with all due respect, to the protestors that this activity is not child or church friendly, and to make a personal attack concerning a prior matter with the applicant. This is a matter which is permitted by right, and I think that there is a connotation with medical marijuana right now that is leading a majority of the protests that is not applicable to the specific matter before the Commission today, which is whether this special use permit ought to be applied. There will be the development of a structure on the site for the cultivation of medical marijuana. That structure will comply with all applicable laws and regulations. It will be subjected to yearly inspections from the City of Norman and has, and will continue to be utilizing legal counsel to ensure that it is preparing itself to be a great neighbor in this community. The special conditions we have placed on this application each address every single one of the safety concerns and the smell concerns and everything else that would be present under the permitted use and wouldn't be required of the applicant if it were to decide to open up this new business and exercise the entrepreneurial spirit referenced by one of the protestors. In a whole, the failure to approve this application will only lead to, perhaps, even additional concern by any of the protestors of the same exact criticisms they have of this special use permit. These special conditions that have been set forth and proposed by us are going to alleviate concerns that everyone of these protestors seems to share, which is namely not in my back yard. Not medical marijuana. That is going to be present, undoubtedly, but we're going to do everything we possibly can to make sure that this business is ran properly and in compliance with the law and in a manner that doesn't interfere with anyone's enjoyment of their property. Thank you all.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to recommend adoption of Ordinance No. O-1920-61 to City Council. Erin Williford seconded the motion.

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

YEAS	Matthew Peacock, Erin Williford, Tom Knotts, Lark Zink, Steven McDaniel
NAYES	Nouman Jan, Dave Boeck, Sandy Bahan
MEMBERS ABSENT	None
ABSTAIN	Erica Bird

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1920-61 to City Council, passed by a vote of 5-3, with 1 abstention.

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Item No. 8, being:

MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

1. Ms. Bird – I think this might be Matt Peacock's last meeting with Planning Commission before he rolls off and goes and joins City Council. So I wanted to commend him for the input he has put to the Planning Commission. I've really appreciated his comments and what he has brought to us. I'm sad to see him leave here, but excited to see him move up in the world. So thank you so much for your time and your commitment, Matt Peacock.

2. Mr. Peacock – Thank you so very much. It has been an honor to serve with you on here. Hope to continue these relationships very much after as I transition to that seat. Please don't hesitate to reach out if I can help with anything, especially if it's Ward 8.


3. Mr. Boeck – My only comment is I really enjoyed having two architects on the Planning Commission, but I'm going to enjoy now spreading out and having an architect on the City Council. Got to have our expertise spread out all over the place. So good luck.

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Item No. 9, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 8:41 p.m.


Norman Planning Commission