

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**OCTOBER 8, 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 8<sup>th</sup> day of October, 2020.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://www.normanok.gov/sites/default/files/documents> 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

Dave Boeck  
Sandy Bahan  
Erin Williford  
Erica Bird  
Mark Daniels  
Steven McDaniel  
Tom Knotts  
Lark Zink

MEMBERS ABSENT

Nouman Jan

A quorum was present.

STAFF MEMBERS PRESENT  
(in person, unless otherwise noted)

Jane Hudson, Director, Planning &  
Community Development  
Lora Hoggatt, Planning Services Manager  
Roné Tromble, Recording Secretary  
Bryce Holland, Multimedia Specialist  
Beth Muckala, Asst. City Attorney (video)  
Carrie Evenson, Stormwater Program  
Manager (video)  
David Riesland, Traffic Engineer (video)  
Todd McLellan, Development Engineer  
(video)  
Nathan Madenwald, Utilities Engineer  
(video)

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**CONSENT DOCKET**

Item No. 2, being:

**TMP-156 -- APPROVAL OF THE SEPTEMBER 10, 2020 PLANNING COMMISSION REGULAR SESSION MINUTES**

Item No. 3, being:

**COS-2021-4 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY DILLARD 1991 GST EXEMPTION TRUST (DODSON THOMPSON MANSFIELD, P.L.L.C.) FOR DILLARD ESTATES FOR APPROXIMATELY 79.9081 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF 72<sup>ND</sup> AVENUE N.W. AND WEST ROBINSON STREET.**

Item No. 4, being:

**COS-2021-5 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY CHARLES & ANITA HARMON (POLLARD & WHITED SURVEYING, INC.) FOR HARMON ESTATES FOR APPROXIMATELY 59.7 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF ROCK CREEK ROAD APPROXIMATELY ¼ MILE WEST OF 60<sup>TH</sup> AVENUE N.E..**

Item No. 5, being:

**COS-2021-6 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY ETHAN CASTLEBERRY (RED PLAINS SURVEYING) FOR SANDPLUM HILLS FOR 39.76 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 132<sup>ND</sup> AVENUE S.E. APPROXIMATELY ¼ MILE SOUTH OF POST OAK ROAD.**

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

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

*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	Dave Boeck, Sandy Bahan, Erin Williford, Erica Bird, Mark Daniels, Steven McDaniel, Tom Knotts, Lark Zink
NAYES	None
MEMBERS ABSENT	Nouman Jan

Ms. Tromble announced that the motion, to adopt the Consent Docket, passed by a vote of 8-0.

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Item No. 2, being:

**TMP-156 -- APPROVAL OF THE SEPTEMBER 10, 2020 PLANNING COMMISSION REGULAR SESSION MINUTES**

The minutes of the September 10, 2020 Planning Commission regular session were approved on the Consent Docket by a vote of 8-0.

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Item No. 3, being:

**COS-2021-4 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY DILLARD 1991 GST EXEMPTION TRUST (DODSON THOMPSON MANSFIELD, P.L.L.C.) FOR DILLARD ESTATES FOR APPROXIMATELY 79.9081 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF 72<sup>ND</sup> AVENUE N.W. AND WEST ROBINSON STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Postponement Memo

This item was postponed to the November 12, 2020 Planning Commission on the Consent Docket by a vote of 8-0.

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Item No. 4, being:

**COS-2021-5 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY CHARLES & ANITA HARMON (POLLARD & WHITED SURVEYING, INC.) FOR HARMON ESTATES FOR APPROXIMATELY 59.7 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF ROCK CREEK ROAD APPROXIMATELY ¼ MILE WEST OF 60<sup>TH</sup> AVENUE N.E.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report
4. Greenbelt Commission Comments

This item was approved on the Consent Docket by a vote of 8-0.

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Item No. 5, being:

**COS-2021-6 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY ETHAN CASTLEBERRY (RED PLAINS SURVEYING) FOR SANDPLUM HILLS FOR 39.76 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 132<sup>ND</sup> AVENUE S.E. APPROXIMATELY ¼ MILE SOUTH OF POST OAK ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report

This item was approved on the Consent Docket by a vote of 8-0.

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Item No. 11, being:

**O-2021-15 – HAYNES-ESTATES ENTERPRISES, L.L.C., RICHARD HAYNES, MANAGER, REQUESTS CLOSURE OF CERTAIN RIGHT-OF-WAY WITHIN BLOCK 1, REPLAT OF FUZZELL'S SECOND ADDITION (1230 WEST ROBINSON STREET).**

**ITEMS SUBMITTED FOR THE RECORD:**

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

The applicant has requested postponement to the November 12, 2020 Planning Commission meeting.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Erica Bird moved to postpone Ordinance No. O-2021-15 to the November 12, 2020 Planning Commission meeting. Sandy Bahan seconded the motion.*

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

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

Ms. Tromble announced that the motion, to postpone Ordinance No. O-2021-15 to the November 12, 2020 Planning Commission meeting, passed by a vote of 8-0.

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Item No. 6, being:

**O-2021-12 – EARNEST BELL REQUESTS REZONING FROM RE, RESIDENTIAL ESTATES DWELLING DISTRICT, TO A-1, GENERAL AGRICULTURAL DISTRICT, FOR APPROXIMATELY 5 ACRES OF PROPERTY LOCATED AT 2001 EAST ROCK CREEK ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Written Description of Project
4. Site Plan
5. Aerial Photo
6. Pre-Development Summary

**PRESENTATION BY STAFF:**

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes. We did receive protests representing 34.1% of the notification area.

**PRESENTATION BY THE APPLICANT:**

1. Gunner Joyce, representing the applicant (via video) – This is a quick presentation that's going to cover a lot of what Jane just said. Here is the aerial of the property, again, right on Rock Creek Road. These are five-acre tracts. We'll kind of talk more in detail, but it's a large piece of property with a lot of natural buffers to the north, east, and west. Here is a little zoom-in of it. Jane showed this as well, but an existing house on the property. That's where the applicant, Mr. Bell, and his wife live. It's their family residence. They're going to continue to live on-site, and this is an existing garage/accessory building. They're going to use the top floor of that building for medical marijuana growing. Here is a map of the current 2025 designation and zoning. Like Jane said, this little pocket is zoned RE, Residential Estates. The reason for that is it was thought to be included in Twin Acres, but never got developed that way, so this is undeveloped single-family residential homes that are not platted, not lot and blocks, still metes and bounds. This is kind of a line right here, as you can see, that urban developed edge out here with lot and block developed residential neighborhoods. As you can see, you've got A-2 agricultural all around it, except for this little pocket. We're requesting to go to A-1. The reason A-1 and not A-2 is now that this has been carved up over the years, it's less than 10 acres so it can't go back to A-2 as it originally was, so we're seeking an A-1 that would more appropriately fit this site. No change to the 2025 designation; it still complies with the Very Low Residential designation. The quick summary of the request. As I mentioned, this property is 5 acres. It has two buildings on it, the primary residence and the accessory building. Seeking the rezoning from RE to A-1. No 2025 change requested here. The primary purpose is to get medical marijuana growing as a matter of right on the site. One of the things worth noting, though, is that this zoning will go – more in detail on the next slide, but it is not any other commercial allowances. It does say commercial growing, but that's how it's defined in the statutes and the City ordinances, but no other commercial allowances on the site. The applicant will be complying with numerous City and State regulations that apply to all medical marijuana uses, as we've discussed before on previous zonings. Security, waste disposal requirements. Like I mentioned, no commercial storefront, no dispensary on the property, no processing can occur in A-1, and no sales directly to consumers. So if we look at this specific site and will A-1 be compatible here, we contend that it, and here's the statement from the A-1 Zoning Ordinance. It says that A-1 is a district that's intended for land situated on the fringe of the urban area. Again, as we've shown, this slide right here shows the urban developed area and the single-family lot and block residential development, and outside of it the A-2 agricultural and the little pocket of Residential Estates that never got developed into the residential neighborhood that it always was intended to be. If you go down here, A-1 is anticipated to be in close proximity to residential neighborhoods. So, again, we contend this site meets that intent as it's in close proximity to the residential and also on the fringe of the urban area. Just to give you a little feel for what A-1 uses are, here's the list. Essentially, as you can see, it's single-family dwellings, general purpose farm



and garden, some other uses that likely can't occur on the this site, such as a golf course, country club – it's too small of a lot. Then you get into medical marijuana commercial grower, which is the reason we're seeking this. Also worth noting, all the surrounding areas up here and to the east of this specific RE area are currently zoned A-2. A-2 contains essentially these same uses, with two additional uses: one is additional plans and the other one is Type 2 mobile home. Essentially, A-2 mirrors this list. Also worth noting that medical marijuana commercial grower is allowed today as a matter of right on all of these A-2 lots that surround here. One more quick slide here as we go into this specific site. We've heard some comments from some of the neighbors about the drainage of the site and protecting the health of the pond. First, the applicant lives on the site and really enjoys the pond. He fishes in it, he canoes in it, so it's his intention to keep this pristine. But just to kind of give some comfort here, this site drains from the north down to the middle of the site and then again from the south to the middle of the site. You can see this is the elevation. You've got 1190 – this is the high point of 1197 flowing down to 1169 and then, again, it goes over to the east to 1164. So the natural drainage flow of this site collects right here in the low point and then heads off down to the southeast, so there is no threat to either of the ponds to the north or to the west. Additionally, mentioned this previously at the beginning, but there's substantial natural buffers in place. One is this large pond that buffers to the north, but also there's dense tree canopy along the east that protects the building from visibility from the road and then from the neighborhood to the east, and additionally a very heavy tree line along the west border. Real quick here, we saw the protest map that Jane mentioned. We saw that late in the day. We understand that this Residential Estates tract is protesting, but worth noting that A-2 surrounds this site to the north and to the east. As I mentioned, medical marijuana is allowed as a matter of right today, so this is not showing any additional uses that aren't in the surrounding area. Also this residential home is one of the driving protestors and the distance between their home and this building where the medical marijuana growing is going to occur is over 1,000 feet; that's essentially the same distance – this is about 1,037 feet. To the east, if you go across this residential tract and go to the next A-2 zoning where marijuana is allowed as a matter of right, it's essentially the same distance. We're looking at, I think, 1,072. I've got the zoomed pictures there from it. One is 1,074 feet. So a very similar ask in relation to what's already allowed as a matter of right in this area. Again, the Residential Estates already borders this allowable use on two sides. That is essentially our request and we are happy to answer any questions that you may have. I'm going to stop sharing so you can see. Thank you very much.

#### **AUDIENCE PARTICIPATION:**

1. Nancy Burgess, 2861 Twin Acres Drive – I'm the old timer. I've lived there since the 60s. When we moved out there and built our house, my neighbors were cows to the west and fields to the north and the east and in the south, except for the other four houses there. So through these years I have seen lots of rezoning changes. Actually, that property they're talking about at one time was rural. So I was a little bit surprised to see that they're asking for the same thing that happened years and years ago, because now that is entirely residential. You can look at all those maps and everything, but all of the people that live out there have been in those residences for some time, except for Hallbrooke across the street. Over the years the agricultural number changed – sometimes it was a 1, sometimes it was a 3. But anyway it's all been agricultural at one time. I hate to see us go backward, frankly. This is a residential estate area and residences completely. There's nothing along there that's commercial – nothing. There is an OG&E substation that none of us objected to because we thought we're going to have lots of electricity and, you know, we have. Sometimes all of Norman has no electricity, but we have some. So that's the only thing that you could even think of as any kind of commercial. I tried to get on Zoom today and I had Dave Moore was there for two and a half hours trying to get my computer on Zoom. So this is a first for me, and I have to tell you it's interesting to get out from under being in this absolute isolation. This is my excitement since March. Okay, now Mr. Bell – dear Mr. Bell stated that he made a mistake believing that the RE, Residential Estates would

allow him to grow the commercial marijuana. The one thing I want you to know, I do think we do need to have some security about our zoning for all the residents there. Thank you.

2. Bill Poillion, 3140 Twin Acres (via video) – Unfortunately, we're not together, but I'm Mary's husband and involved with the protest. Two things I noticed in the presentation – and hopefully, she'll come on, because she's got the notes – but we're the ones that own the large 39-acre tract to the north with the pond. Also, there's a 5-acre tract up at the northeast corner that we have. Two things, in looking at the topographic map that lawyers and presentation have, it does show the drainage in the area, but if you look at that map, it goes around and it goes – it's still a low spot further east that goes into the pond. So it's not like it comes just off the property; it actually goes to the east if you look at the detail of that topo map, it goes actually into the pond from that area – not knowing what kind of processing we have, not knowing what we have going on, there is considerable concern about waste and fertilizer and pesticides getting into the pond. The other thing is the 5 acres up at the top is already classified, and everything that the lawyers showed, and the presentation showed, all that properties are A-1, and it's not A-1, because we just bought the 5 acres and it's 2972 24<sup>th</sup> Street and it is RE. So that's the two things I want to say. Our real concern, because we had nothing from any presentation that shows how big an operation is, how much water is being used, what is the waste disposal? All these questions, being right next to it is residential. We are worried about the pond and using it as a recreational pond and having contamination going into the pond. That's our biggest concern right now. The other thing is, when you're doing the processing, what about the smell and some other things that happen with it? The amount of employees, what kind of operation it is? There's no presentation on that. That's what we would like to see to – essentially, our concerns could be mitigated by some of that information. But the main thing is the pond, and what do you do about waste disposal and runoff, and the runoff will get into the pond. Thank you.

#### **DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

1. Mr. Daniels – I don't know anything about the growing operation. Is there a water discharge from that operation? Does the garage have a septic tank that it would be going into? Would it be overloaded?

Earnest Bell, the applicant (via video) – For starters, there is zero runoff. The plants are grown in a 5-gallon bucket. They sit in a dish or a grow tray. Give them 9 ounces of water twice a day. It's in an attic. The water is not draining from my attic, down into this, up this hill to the pond. I'm going to be polite about this. This is simply nonsense. There's no fertilizer. There's no pesticides here. I'm not doing any aerial spray. It's in a pot. It's like if you were growing flowers. With regard to water usage, they use about 15 gallons a day per 100 plants. When you take a bath in the morning it's probably about 45 gallons, so if I had 300 plants it would be about the same amount of water as what you use if you take a bath, except when you take your bath you pull the drain out and it drains out. The water goes in the pots; it doesn't go anywhere. There is zero drainage going anywhere. With regard to polluting the pond, like Gunner said, I walk my dogs out there every morning. I probably fish that pond, swim in that pond, canoe in that pond more than anybody in the neighborhood. The idea that I'm going to pollute the pond – that's insulting. That's ridiculous. There's zero. I wouldn't be so bold, but Mr. Joyce has gone to great lengths to try to explain this. There's some people that simply don't want this to happen. The reality of it is in this place no one will see it, they won't smell it, can't touch it, can't hear it. It's simply a non-issue. With regard to employees, there aren't any; I do this. I grow this. I'm 58 years old. I water the plants, that kind of stuff. Like I said, the water usage – I have a well. We also have City water from the City of Norman. 45 gallons a day – if you were to water your grass, the water comes out of the house at about 15 gallons a minute, so if you water your grass for 3 minutes, that's how much water you just used. The water use is a non-issue. Where the water is going is a non-issue. The pesticides, the employees – this is all simply nonsense.

Sean Rieger (via video) – Let me add one other thing, Commissioners. We hear this comment quite a bit when we discuss growing of marijuana, and we've heard it before where

people suggest that is a commercial use. It's been pretty well settled at this point that that is not a commercial zoning, such as C-1 and C-2, those kinds of zonings. It is called commercial marijuana growing, but it is within the agricultural districts. So I think it's a play on words when you hear people suggest this is a commercial operation. Not so. It is commercial only in the extent that it is grown for production of marijuana, just as anything else would be, and sold commercially, but it does not turn it into a commercial zone.

2. Mr. McDaniel – When the plant starts budding, there is typically a smell associated with it. What are some of the things you're doing to fix the smell, or prevent the smell from leaving the facility?

Mr. Bell – I spoke with Mr. Pyle, the City Manager, and also with the City Attorney. Mr. Pyle told me a story that when he was the City Manager in Southern California that across the street from the Police Station in Ontario, California there was a million square foot grow facility – we're talking about 1300 square foot. And he said zero smell, zero problem with it. How much smell do flowers put off? The answer is – I haven't crossed that bridge yet because, quite frankly, the idea that someone is going to smell this 1000 feet away in Oklahoma – I think that's a little far-fetched.

Mr. Rieger – And let me add to that, too, Commissioner. Realize the protestors are to the northwest and this one structure where the marijuana would be grown – prevailing wind, generally as we all know, come from the southwest. If there were any odor would push it to the northeast. Secondly, I think what we tend to hear in the marijuana zonings is that the processing is where you really get into the issues of odor. There would be no processing here. No sales on the site. So the processing would not occur where you really are starting to alter the physical composition of that plant that turns into a serious odor problem. That would not occur.

Mr. McDaniel – So what you're saying is three to six weeks after the plant is growing and the budding of the plant, you don't foresee there to be an issue with the smell? Because I know a lot of the ones that they've asked to come in, we've asked them to provide some type of ventilation, some charcoal – there was something to prevent the smell from escaping the facility. So what you're saying is you don't foresee that you have the need to have that type of ventilation?

Mr. Bell – I don't, but if that's a requirement that somebody wants to put on us to jump through hoops, fine. I would put out an invitation for anybody on the Planning Commission who would like to come out to our home and walk the property and take a look at this – sometimes a picture is worth a thousand words, and when you look at it you're going to walk away and go this is a whole bunch of nothing. And, quite frankly, maybe we can arrange to look at a few plants at some other grow operations in the area. I have a neighbor that has one off of Sooner Road; we can go walk that and you can smell it and see how much odor has been put off. I think that's really more of an argument that people put forward to keep it out than the real thing. I think some people have this odor thing confused with people smoking marijuana at a concert venue where you can smell it. But the idea of a plant putting off an odor that's so noxious you can smell it a quarter of a mile away – it's a little bit of fiction.

Mr. Rieger – And let me add one other thing, too, is Gunner illustrated the zoning code allows this is A-1. It wasn't just allowed as a matter of right in A-2, which is 10-acre tracts. The Zoning Code allows it in A-1 and, as Gunner illustrated to you, that is anticipated to be really adjacent to the urban fringe of housing.

Mr. Bell – I would throw this out, too. When someone says that you're allowed to do general purpose farm and gardening, what type of odors would come from that and is this odor really any more or any worse than what you would get with general purpose farm and garden? If I was to back my tractor up and plow up the back three acres and put in some corn and bring in some fertilizer – some chicken litter. You've got your choice of smelling some plants or a little chicken litter. Which are you going to pick? What is typically happening with general purpose farm and garden.

*Erica Bird moved to recommend adoption of Ordinance No. O-2021-12 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	Erin Williford, Erica Bird, Mark Daniels, Tom Knotts, Lark Zink
NAYES	Dave Boeck, Sandy Bahan, Steven McDaniel
MEMBERS ABSENT	Nouman Jan

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2021-12 to City Council, passed by a vote of 5-3.

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Item No. 7a, being:

**O-2021-8 – BLEW & ASSOCIATES, P.A., ON BEHALF OF AMERICA'S CAR-MART, REQUESTS A SITE PLAN AMENDMENT TO THE SITE PLAN ADOPTED IN ORDINANCE NO. O-0304-33 FOR PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, AND LOCATED AT 512 NORTH INTERSTATE DRIVE**

**ITEMS SUBMITTED FOR THE RECORD:**

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

Item No. 7b, being:

**PP-2021-1 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY WIREGRASS DEVELOPMENT, L.L.C. (BLEW & ASSOCIATES, P.A.) FOR NORMAN CAR-MART FOR APPROXIMATELY 2.98 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF NORTH INTERSTATE DRIVE APPROXIMATELY ½ MILE NORTH OF MAIN STREET AT 512 NORTH INTERSTATE DRIVE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Overall Development Plan
5. Pre-Development Summary

**PRESENTATION BY STAFF:**

1. Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes. We received one protest letter representing 1.8% of the notification area.
2. Mr. Daniels – So if we approve this, do those special conditions go away?  
Ms. Hoggatt – Yes. They would be gone. It would just be subject to development of the site plan that they submitted that goes with their preliminary plat.

**PRESENTATION BY THE APPLICANT:**

1. Jorge DuQuesne, Blew & Associates (via video) – This is the Car-Mart that we're planning on developing. The Lot 2, Block 1, that is a conceptual one for future. What we're doing is to meet City standards, we're proposing a shared access drive on that lot. The Car-Mart itself sits 50' away from the actual gas line. We're going to have a building and a detail shop and a future expansion right behind the main Car-Mart building that you can probably see on this. It will be just a standard parking lot. We're going to have most of our display property up in the front. The detail shop is used for mainly cleaning of the cars. We will have a few offices inside that detail shop. This parking in the back is for employees; it is going to be protected by a pipe rail fence so we don't expect any customers to go into the back area over there. We are showing a fence in the back to kind of screen from the residential area; we don't really want anybody in that product area anyway. But if you have any other questions, Timothy Allen is on the call; he is with Car-Mart; he is their representative. I am with Blew & Associates. If you have any questions, we will be here for you.
2. Ms. Bird – Can you just confirm the space from the back of the shop to the property and that measured distance? Is it 57'?  
Mr. DuQuesne – 37'.  
Ms. Bird – Do you have an approximate height for your building that's going to be there?  
Mr. DuQuesne – It's a one-story building. Timothy Allen may have the height. I don't believe it's much more than 13-14'. Like I said, it's a one-story building back there. Not exactly sure on the height.

Ms. Bird – As far as lighting in the back behind the building and by the employee parking, are you going to have any mounted pole lights that you're intending to put in there?

Mr. DuQuesne – Well, we'll probably have security lighting, but we will definitely make sure that it's pointed away from any residential areas. We don't want the lighting intruding into their back yards.

Mr. Boeck – We have a lighting ordinance in Norman that is zero – it has cutoff at all property lines. It's been in use for at least 6 or 8 years. So no building can have any light overflow in someone else's property.

Mr. DuQuesne – Perfect.

3. Mr. Daniels – It looks like a substantial fence in the back. I just can't read any of the text. Is that a masonry fence, or just a chain-link fence, or wooden fence?

Mr. DuQuesne – I think we're proposing a wood privacy fence.

Mr. Daniels – I'll ask the Planning – is there any requirement of type of fence, from the Planning staff, in this situation?

Ms. Hoggatt – They have to have at least a 6' stockade fence. So it doesn't have to be masonry, but it does have to be at least 6' tall between the commercial and the residential.

Mr. Daniels – Would the applicant be willing to put a more substantial fence back there to appease the people in the back – the residential area? I'm just throwing that out.

Mr. Boeck – Why would they have to do that? What we require is a 6' fence. Why are you asking them to do more than that?

#### **AUDIENCE PARTICIPATION:**

None

#### **DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

1. Ms. Bird – I intend to vote yes on this one, because it looks like there's going to be a pretty good buffer. I'd like to just be conscientious of any poles for the people in the back yards, that they're not going to see – even if it's not technically having a light spillover or something that's going to show in a residential back yard a big light pole. But, otherwise, I think that there is some good mitigation for sound by keeping the cars closer to the front end, and I plan to vote yes.

2. Mr. Boeck – Since we have restaurants to the north and car dealerships to the south, I was often wondering what was happening with that piece of land. There's lots of examples of our new lighting ordinance that have gone in since that happened. The City does a good job of policing that. If you look at even the 7-11 on the corner of Robinson and Flood, you have ample light on the site but it's dead cut-off on the property lines. It almost looks low key just because of the design of those kind of things. I'm assuming that the City will do what they've done on other projects and enforce the lighting so the people behind won't have that issue. But I'm supporting it.

3. Mr. Knotts – The main problem for residents, which I am one, is the loud speakers. I'll support this because they are not putting in – they've already stated in their comments that there will be no exterior public address systems that can be heard. I can hear Big Red and across the interstate at this point at my house. Kudos.

*Erica Bird moved to recommend adoption of Ordinance No. O-2021-8 and PP-2021-1, the Preliminary Plat for NORMAN CAR-MART, 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	Dave Boeck, Sandy Bahan, Erin Williford, Erica Bird, Mark Daniels, Steven McDaniel, Tom Knotts, Lark Zink
NAYES	None
MEMBERS ABSENT	Nouman Jan

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2021-8 and PP-2021-1 to City Council, passed by a vote of 8-0.

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Item No. 8, being:

**O-2021-13 – EQUITY BREWING CO., L.L.C. REQUESTS SPECIAL USE FOR LIGHT MANUFACTURING AND SPECIAL USE FOR A BAR, LOUNGE OR TAVERN FOR A BREWERY AND TAP ROOM LOCATED AT 109 E. TONHAWA STREET, SUITE 120.**

**ITEMS SUBMITTED FOR THE RECORD:**

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

**PRESENTATION BY STAFF:**

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes.

**PRESENTATION BY THE APPLICANT:**

1. Suzette Grillo, the applicant (via video) – I'm one of the four partners of Equity Brewing Company, and you can see there on your screen Jacque Braun and Lily Braun, and then I believe my daughter, Hannah Grillo. So it's two of us, just Jacque and me and our two daughters, Lily and Hannah. This is Larry Pickering, who is our designer and builder. I believe Jacque is going to share just a really short presentation, just to tell you a little bit about Equity Brewing Company. You can see our branding – Equity Brewing Company. We decided about a year ago to start working on developing a small brewery in Oklahoma. As you just heard, it is a growing business. Oklahoma still ranks 46<sup>th</sup> in the nation in terms of the number of breweries per capita, so we have a lot of room to grow in Oklahoma. We also have no women owned breweries in Oklahoma so we thought, well, this is our opportunity to disrupt an industry that needs some equity, so us four women decided to get together and build a brewing company. We all love beer; we drink beer, and want to buy beer that is consistent with our values. So we wanted to provide an opportunity to others to buy beer from women and we also hope to be able to open the door to other marginalized communities so that they have opportunities in the brewing industry, craft beer industry as well. As you can see there a little bit about us and about our goals to create great craft beer. We definitely want to create wonderful beer, but we also want to bring equity, diversity, and inclusivity to the craft beer industry. We hope to collaborate with other businesses and other breweries, in the process building those relationships. We also want to offer consultation services to assist other brewers in building a more diverse and inclusive community. You can see here the next slide is our floor plan. As you saw earlier, the tract of land, here is the design that Larry has developed for us to build out the space. In the back there will be the brewing equipment, fermenters, the walk-in and some prep area and the necessary sink requirements and all of that. Then in the front the tap room, a bar with about 10 seats and a few additional seats as well. Do you want to say anything about the design or anything or the build-out?

2. Larry Pickering (via video) – No. Just open to questions if anybody has any. It's a pretty straight-forward, pretty simple. It's a nanobrewery. It's a microbrewery. So there's not a lot of product actually going to be built in here. But it will be an R&D facility for the future growth is the goal of this space.

3. Mr. Boeck – Accessibility? I see steps.

Mr. Pickering – Dave, on the floor plan, the accessibility to the building is on the south side of the building, which comes into a common space, comes behind the Yellow Dog roaster into our space. There's common restrooms along that corridor. That's where we're at.

Mr. Boeck – Okay. Good. Thanks. I just like the idea of brewed beer and brewed coffee all at the same place.

Ms. Grillo – That's the idea. Come visit.



4. Mr. Knotts – If approved, when do you think you'll be ready for business?

Ms. Grillo – Well, it's a long licensing process. We are just at the beginning stages of applying. There are federal, state, and local licensing requirements for breweries. So we're in the early stages of that. It'll be several months – probably sometime in the spring, hopefully, we'll be licensed to sell beer. But hopefully our build-out will occur sometime throughout the wintertime.

Mr. Pickering – We've actually applied and have been in conversation with Landon Gum and Bob Christian over at the City of Norman, and we're going to be pulling our plumbing permits and electrical permits to getting our sinks in and getting basically operational so we can start testing the equipment. It takes a bit of time to run through and get this equipment dialed in, so we anticipate the winter being that time.

Mr. Knotts – So Covid will be over and we can come and drink.

Ms. Grillo – That's the plan. We also have a really nice garage door we can open up and spread out, so we'll definitely be managing that in some way. But hopefully we'll be through that process by the time we get there.

5. Ms. Bird – Can you just confirm if this is in our Center City Form-Based Code map or not? I think it's directly adjacent. I don't think it was in the form-based code, but if you could just confirm that for me.

Ms. Hudson – This is on the east side of the tracks, so this is out of the Center City Form-Based Code.

#### **AUDIENCE PARTICIPATION:**

1. Ms. Hoggatt – We had one comment on U-Tube from Patrick Schrank, 109 E. Tonhawa, Suite 100. "We are a co-tenant in the building and we are so excited and support this special use. Equity will be a wonderful addition to our building and community."

#### **DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

1. Ms. Bird – I just wanted to say I'm excited about this project, and partly because it is outside of the Center City Form-Based Code. You can see some of the momentum that has already started with the overlay zoning and seeing some of the other uses in there. I think these type of micro businesses – these small, compatible to neighborhood businesses – are really a nice way to grow some of our culture that we have going in downtown Norman and other areas of Norman, too. These are the type of things that will service the local neighborhood that you can walk to, so you're hitting some of the walkability goals. We're looking at this building in general has a reduced parking amount, but we're also having more people walking from other areas and parking in some of the City parking. So I'm excited to see the small businesses that could maybe be compatible directly next to neighborhoods and eliminating some of our food islands issues that we run into with a lot of large residential developments by having nice complimentary small businesses in there, and reduced or eliminated parking requirements on there that we have our accessible parking and then we also have walkability parking. I'm going to vote yes on this.

2. Ms. Williford – I'm in favor of this. I love the location and walkability, as Commissioner Bird said. But I also just want to applaud you for your mission and what you're doing. I think it's wonderful and I hope to see more of it coming in front of us in the future.

*Dave Boeck moved to recommend adoption of Ordinance No. O-2021-13 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	Dave Boeck, Sandy Bahan, Erin Williford, Erica Bird, Mark Daniels, Steven McDaniel, Tom Knotts, Lark Zink
NAYES	None
MEMBERS ABSENT	Nouman Jan

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2021-13 to City Council, passed by a vote of 8-0.

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Item No. 9, being:

**O-2021-14 – CITY OF NORMAN – NORMAN UTILITIES AUTHORITY REQUESTS SPECIAL USE FOR MUNICIPAL USES FOR APPROXIMATELY 30 ACRES OF PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, AND LOCATED AT 3901 CHAUTAUQUA AVENUE.**

**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.

**PRESENTATION BY THE APPLICANT:**

1. Nathan Madenwald (via video) – This is for the property located at 3901 Chautauqua Avenue. This is an existing parcel owned by the City of Norman. The existing uses on the site are essentially going to be the same uses moving forward, with the difference being on the Transfer Station property we would like to put our proposed Household Hazardous Waste Facility. The Household Hazardous Waste Facility is going to be a permanent location where people will be able to bring their household goods that they can't dispose of through normal solid waste methods – they can't put them in the trash can. So rather than having an annual event, we're looking to provide better service to our citizens and put that building here, allowing them to have the option to bring it year around, rather than keeping them at their house until that event. As Lora mentioned, a lot of the area around is vacant. This is our existing Transfer Station shown there, our existing Water Reclamation Facility over off Jenkins, and then south of Bratcher-Miner Road is the Compost Facility. The area in yellow is the property we're talking about tonight. Zoning will stay the same, except we're requesting the Special Use permit for Municipal Uses which is essentially what it is being used for now. Here's the same aerial that Lora was showing. There at the front of the property will be where our Household Hazardous Waste Facility – we are proposing to modify the entrance coming in. We think we can get a safer entrance if we come perpendicular from Chautauqua coming in, rather than having the entrance to the facility coming in on the curve. The existing Transfer Station site – we have no proposed changes to that area in red. Similarly, on the Water Reclamation Facility we don't propose to do any changes here. Primary improvements we will be doing there at the front of the property. She talked about the existing buildings there, so at the front of the property we are utilizing the previous Transfer Station location up there on the hill. We feel that that will be a good location for this, allowing residents to quickly enter, drop their household hazardous waste goods off, and then leave the site without getting back into the Transfer Station. Also, that will make it aesthetically more pleasing when people are driving down Chautauqua, not that there's that many sight-seers driving down Chautauqua. You'll have a little better visual site there with that building being up there on the hill rather than a vacant concrete pad that's there now. So here's a rendering that's not exactly placed on our particular site, but just showing in general kind of what the building will look like. Going to how the site will work, people access this building. Blue arrows will be coming in. They'll drive around to the north side of the site here. We'll have the door open here where people will be able to drop off their goods. People won't get out of their cars for normal drop-offs. Then they'll follow the red arrows to circle back out. The option will be for people to park, if they want. They can come and park at the front of the building if necessary. They'll do that if they want to swap goods or pick up something from the swap shop, because we'll look to reuse as much of the materials as we can, so that way we have less to dispose of, and people will find benefit from reusing that rather than having to go purchase it at the store. With that, I'd be happy to answer any questions that anyone may have.

2. Mr. Boeck – I don't have a question. I'm just applauding us finally doing this. We've needed this for years and years and years. So thank you very much for getting this done.

3. Mr. Daniels – I'll comment also. We've been doing the annual event for at least 20 years, and I've been at at least 19 of them. It's a very long day. We often had people complain about not being able to do this year around, and this will serve that need. I think it's a great new operation for us.

**AUDIENCE PARTICIPATION:**

None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Steven McDaniel moved to recommend adoption of Ordinance No. O-2021-14 to City Council. Mark Daniels seconded the motion.*

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

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

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2021-14 to City Council, passed by a vote of 8-0.

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Item No. 10, being:

**O-2021-10 – AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 429.1, SECTIONS 3, 4, AND 5 OF THE ZONING ORDINANCE TITLED FLOOD HAZARD DISTRICT TO ADD A DEFINITION FOR BASE LEVEL ENGINEERING; INCORPORATE AND ADOPT NEW FEDERAL EMERGENCY MANAGEMENT AGENCY REPORT DATED JANUARY 15, 2021; ELIMINATE REFERENCES TO THE CONDITIONAL LETTER OF MAP REVISION; ALLOWING FOR ADDITIONAL INFORMATION TO BE CONSIDERED IN CERTAIN ZONES IN THE ABSENCE OF BASE FLOOD ELEVATION DATA AND FLOODWAY DATA; CORRECT SPELLING AND GRAMMATICAL ERRORS THROUGHOUT; AND PROVIDING FOR THE SEVERABILITY THEREOF.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Ordinance No. O-2021-10 (Clean)
3. Ordinance No. O-2021-10 (Annotated)

**PRESENTATION BY STAFF:**

1. Carrie Evenson (via video) reviewed the staff report, a copy of which is filed with the minutes.

**AUDIENCE PARTICIPATION:**

None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Dave Boeck moved to recommend adoption of Ordinance No. O-2021-10 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	Dave Boeck, Sandy Bahan, Erin Williford, Erica Bird, Mark Daniels, Steven McDaniel, Tom Knotts, Lark Zink
NAYES	None
MEMBERS ABSENT	Nouman Jan

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2021-10 to City Council, passed by a vote of 8-0.

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Item No. 12, being:

**O-2021-16 – 34<sup>TH</sup> STREET PARTNERS, L.L.C. REQUESTS CONSIDERATION OF THEIR PETITION FOR DETACHMENT FOR APPROXIMATELY 42.83 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF WEST BETHEL ROAD (S.W. 34<sup>TH</sup> STREET) ON THE WEST SIDE OF THE RAILROAD TRACKS.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Petition Requesting Detachment

**PRESENTATION BY STAFF:**

1. Beth Muckala (via video) reviewed the staff report, a copy of which is filed with the minutes.

2. Mr. Knotts – Will the boundary be pinned and numbered so that it's readily ascertainable, or will someone have to go through this process to come up with a real boundary?

Ms. Muckala – I will give a brief response, but also I'll probably defer to Blaine Nice, who is a representative for the applicant. I do understand that they went through a survey process before they brought this action, so that legal description is very particularly set out in the petition itself.

Blaine Nice, representing the applicant (via video) – Does that answer your question? We do have a survey, Commissioner Knotts. Is that what you're asking? That it's been surveyed? And whether or not they set pins, I don't know. I'll certainly talk to my client about that.

Ms. Muckala – I think Mr. Knotts might be frozen, actually – his screen.

Ms. Zink – Yes, I believe he is frozen.

Mr. Daniels – So will this be unincorporated area after this?

**PRESENTATION BY THE APPLICANT:**

1. Blaine Nice, 100 North Broadway, Oklahoma City, representing the applicant – Initially, Commissioner Daniels, it will be. We've had discussions with the City of Moore to allow us to be annexed in. But frankly, when we came forward with City staff and met – correct me if I'm wrong – but I know when I talked to some of the staff members, there was some question – they didn't even believe all of this was in the City limits. There's some confusion over it. It does not have any services and NUA is not going to service it any time in the future. Moore does have available services. So that's kind of the reasoning for – got to get it deannexed first, before we can even start that process. The City of Moore has indicated that they will entertain that, but they wouldn't have any discussions until we were deannexed. They're not out looking to get any property from Norman or anything. But this property, where it's at, is just in a unique location. It has no services and will not in the near future. That's the purpose of requesting to be deannexed. Staff does support it. Public Works reviewed it. I thought there might be some issues with kind of a tussel between the two, but they had no objections. So I'd ask you to follow the staff's recommendation. I don't have any separate presentation at this point, because this isn't like a rezoning with a lot of things. Ms. Muckala did a good job putting that together and I just – you know, this isn't as sexy as a microbrewery. We're just asking to be off so we can kind of get some services.

2. Mr. Knotts – I'm just worried that the adjoining properties are going to have some difficulty with so many small segments to ascertain what their boundary really is. Did they pin this when they did it?

Mr. Nice – Not that I'm aware of, Commissioner Knotts. I will tell you, the legal description – there was a lot of work on that between our surveyor and the City Surveyor, because this is kind of unique out there and we had some issues with that and we took some time. We got definite boundaries drawn now. I couldn't tell you – I don't know if they're going to pin it or not. I understand your concern, and I'll certainly talk to them about that.

3. Mr. Daniels – Being a former Utilities guy, there is no way that they can get water and sewer from the City of Norman. I would make that statement.

Mr. Nice – I appreciate that. That's the main reason. It's not like we were trying to get out, but that's just – it's not going to happen. It wouldn't happen in a long, long time, I don't think.

**AUDIENCE PARTICIPATION:**

None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Dave Boeck moved to recommend adoption of Ordinance No. O-2021-16 to City Council. Mark Daniels seconded the motion.*

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

YEAS	Dave Boeck, Sandy Bahan, Erin Williford, Erica Bird, Mark Daniels, Steven McDaniel, Lark Zink
NAYES	None
MEMBERS ABSENT	Nouman Jan Tom Knotts was temporarily unavailable for this vote

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2021-16 to City Council, passed by a vote of 7-0.

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Item No. 13, being:

**MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF**

1. Mr. McDaniel – We've seen a lot of marijuana grow facilities come through. This notion that the smell of a plant doesn't happen – it's after 3 to 6 weeks when the plant starts blooming, that's when there is a smell. I would ask that the Council maybe look at something on that and give us some direction. Because, if we're going to continue to have these types of grows coming towards us, and there's no mitigation for the smell, that could be a problem later on. Just something to think about.

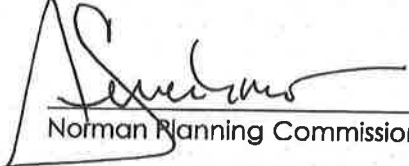
2. Mr. Boeck – Last time we had the Landmark development site for revised PUD, and I asked about designing accessible houses. They actually met with me and went through a number of the houses that they're planning on building there and asked for my input as to what would make the houses more accessible. I like that kind of builder/developer that's open to do that kind of stuff.

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Item No. 14, being:

**ADJOURNMENT**

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 8:07 p.m.

  
Norman Planning Commission