

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JANUARY 13, 2011

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 13th day of January 2011. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Zev Trachtenberg called the meeting to order at 6:30 p.m.

Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Cynthia Gordon
Tom Knotts
Chris Lewis
Curtis McCarty
Roberta Pailles
Andy Sherrer
Jim Gasaway
Zev Trachtenberg

MEMBERS ABSENT

Diana Hartley

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Doug Kosciński, Manager, Current
Planning Division
Ken Danner, Development Coordinator
Roné Tromble, Recording Secretary
Blaine Nice, Asst. City Attorney
Larry Knapp, GIS Analyst
Jane Hudson, Planner II
Jolana McCart, Asst. Recording
Secretary

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ELECTION OF OFFICERS FOR 2011

Chairman Trachtenberg asked for nominations for the position of Chairman for 2011.

Roberta Pailles nominated Jim Gasaway as Chairman for the coming year, and Curtis McCarty seconded the nomination.

Chairman Trachtenberg asked if there were any other nominations. There being no further nominations and no further discussion, a vote was taken with the following result:

YEAS	Cynthia Gordon, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Zev Trachtenberg
NAYES	None
ABSTAIN	Jim Gasaway
MEMBERS ABSENT	Diana Hartley

Commissioner Gasaway was elected Chairman for 2011 by a vote of 7-0-1.

Chairman Trachtenberg asked for nominations for the position of Vice-Chairman for 2011.

Roberta Pailles nominated Zev Trachtenberg as Vice-Chairman for 2011, and Cynthia Gordon seconded the nomination.

Chairman Trachtenberg asked if there were any other nominations. There being no additional nominations and no further discussion, a vote was taken with the following result:

YEAS	Cynthia Gordon, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Jim Gasaway
NAYES	None
ABSTAIN	Zev Trachtenberg
MEMBERS ABSENT	Diana Hartley

Commissioner Trachtenberg was elected Vice-Chairman for 2010 by a vote of 7-0-1.

Chairman Trachtenberg asked for nominations for the position of Secretary for 2011.

Curtis McCarty nominated Roberta Pailles as Secretary for 2011, and Cynthia Gordon seconded the nomination.

Chairman Trachtenberg asked if there were any other nominations. There being no other nominations and no further discussion, a vote was taken with the following result:

YEAS	Cynthia Gordon, Tom Knotts, Chris Lewis, Curtis McCarty, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None
ABSTAIN	Roberta Pailles
MEMBERS ABSENT	Diana Hartley

Commissioner Pailles was elected Secretary for 2011 by a vote of 7-0-1.

Chairman Trachtenberg relinquished control of the meeting to newly elected Chairman Gasaway.

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Item No. 2, being:

CONSENT DOCKET

Chairman Gasaway announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE DECEMBER 9, 2010 REGULAR SESSION MINUTES, NOVEMBER 18, 2010 STUDY SESSION MINUTES, AND DECEMBER 9, 2010 PUBLIC MEETING MINUTES

Item No. 4, being:

FP-1011-17 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 10, LOCATED WEST OF CARRINGTON LANE AND NORTH OF KENSAL RISE PLACE IN THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN.

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Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked whether anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Zev Trachtenberg moved to place approval of Item Nos. 3 and 4 on the Consent Docket and approve by one unanimous vote. Tom Knotts seconded the motion.

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

YEAS	Cynthia Gordon, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 and 4 on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

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Item No. 3, being:

APPROVAL OF THE DECEMBER 9, 2010 REGULAR SESSION MINUTES, NOVEMBER 18, 2010 STUDY SESSION MINUTES, AND DECEMBER 9, 2010 PUBLIC MEETING MINUTES

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

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Item No. 4, being:

FP-1011-17 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 10, LOCATED WEST OF CARRINGTON LANE AND NORTH OF KENSAL RISE PLACE IN THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Preliminary Plat

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

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Item No. 5, being:

ORDINANCE NO. O-1011-39 – LEMMCO, L.L.C. REQUESTS SPECIAL USE FOR A BAR IN PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, WITHIN THE BUSINESS KNOWN AS THE LEET SPOT, GENERALLY LOCATED IN COLONIAL ESTATES SHOPPING CENTER AT 1317 E. LINDSEY STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Service Description

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that this is an older shopping center consisting of about 109,000 square feet. The request is to install a video gaming facility which would be allowed under the existing C-2 zoning as an amusement enterprise. The applicant does not intend to operate a restaurant, although they will sell some food items, but wants to operate a bar. The ordinance requires that if you don't meet the requirements for a restaurant, you must seek bar approval. The shopping center is at the northeast corner of Lindsey and 12th Avenue S.E. There is a new Taco Bell on the corner. It abuts some residential uses. The zoning to the north is R-3, but was developed with single-family homes. The area under consideration is currently vacant; there are two vacant spots in the shopping center. The subject unit is about 8,400 square feet, which is a fairly large bar. To the rear of the shopping center is a public alley with single-family homes abutting it to the north. To the east is an apartment complex. There are other multi-family uses down the street. To the south is another row of commercial uses, including restaurants and banks. To the west are single-family homes. The bar location is roughly in the center of the shopping center. There is access from the back of the building into the alley. At the two Pre-Development meetings, one of the neighbors expressed concern about noise from the potential bar. A few neighbors at those meetings expressed concern about the changing character of the shopping area. Protests were received amounting to 2.34% of the notification area. The shopping center is quite large and there appears to be more than ample parking, and it exceeds the requirements under the current ordinance. The neighbors were more concerned about off-site impacts, hours of operation, and the lateness of the hours for bars (which can legally remain open until 2:00 a.m.). Staff is not able to support this request and reluctantly recommends denial. Zoning is permanent once you grant a special use. Unless it goes away for a period of two years, it can be reactivated by the next applicant.

2. Mr. McCarty asked whether the Special Use would be for the whole building. Mr. Koscinski clarified that it would be for the specific lease area. It could not be limited to just a video game parlor, for instance. Mr. McCarty asked if there is any way to limit it just to this one tenant. Mr. Koscinski explained that the ordinance provides that if a special use is vacant for two years or longer, it ceases to exist. If that happened, another applicant would have to come to the Planning Commission and justify their application.

3. Ms. Pailles noted that there is a daycare at the east end of the shopping center. She doesn't think a business that attracts young teens and has a bar is a good combination with the daycare. Video gaming attracts a lot of young teens, especially

males. The bowling alley had the same sort of set-up, but it was large enough that they were sort of separated. Another concern would be people stepping out the back door into the alley to smoke. Noise and trash are also concerns. She feels this is a business that attracts incompatible things: teens and people consuming alcohol.

PRESENTATION BY THE APPLICANT:

1. Susan Lemmond, 1808 Oakhollow Drive – She and her mother are a family company called Lemmco and wish to open a video gaming bar called The Leet Spot. The business will combine the act of playing video games with the social atmosphere of a bar. The gaming establishment will be 18 and over during the day, and at 9:00 p.m. every night it will become 21 and over. "Leet" is a gaming term that means "cool," "awesome," "good" and is shortened from the word "elite." They are going to sell video game playing time by the hour or by memberships. They will have a full bar. They will sell merchandise related to video games and The Leet Spot. They will sell concession-type food. Customers will enter on the south side into the gaming room. The bar will be a totally separate room in the rear. To the east of the bar is a hallway for bathrooms. They will not allow customers to have access to the alley; the exit will be for emergencies only. They will be providing jobs in Norman, and are currently looking at hiring fewer than 20 employees. They will also help keep spending in Norman. Many people and recent graduates of OU, who are not into the Campus Corner scene, go to Bricktown as an alternative. There will be a Dave & Busters opening in Oklahoma City, which is an adult entertainment venue, and will increase the draw of young people to go to Oklahoma City. They want to help keep spending and tax dollars in Norman by providing a bar with an added entertainment value. They also hope to draw people in from surrounding towns. They have been told by several people as far away as Tulsa and Stillwater that they would love to come to The Leet Spot, as well as many people from the Oklahoma City metro area, and they all want it to be open now. They have been contacted by the owners of Chicken Express, who responded with enthusiasm about them opening at this location, and they want to donate free boxes of chicken during the grand opening and they are planning on extending their hours to accommodate customers leaving The Leet Spot. They believe they will also help stimulate the other fast food restaurant in the area. They have contacted many of the businesses surrounding the area, and all expressed approval and none have expressed concern about them opening; these included Chicken Express, Church's Chicken, Sonic, Mr. Short Stop, Taco Bell, Value Foods, Dollar General, Seven-Eleven, and Our House Learning Childcare Center. They have spoken with the director of the childcare center and she does not see a problem, since they are located on the far side, and this proposal is located in the center, and the hours will rarely overlap.

The business will be located in the Colonial Estates Shopping Center, in the space formerly occupied by Goodwill, within Ward 1. They want to target customers who are in college or recently graduated; males between the ages of 21 and 35 are their target customers, but they feel that the business appeals to both sexes and people of all ages. They want to become an alternative atmosphere to the experience at Campus Corner. The main goal is not to get customers to buy as many drinks as possible, but to have the best time that they possibly can have. They want to sell an experience. The bartenders will be diligent about how much alcohol they serve to customers, since there will be expensive gaming equipment around. They want to provide a place for gamers to play, to meet new people, to try new games, and to have fun. The social atmosphere is different than any other bar in Norman, and they

hope their customers can experience something different than an overcrowded bar. Although customers do not have to purchase memberships, they will encourage memberships because it is most cost-effective for the customer. Having information on file will help understand the customers, their needs, and their wants and what they want from their experience, and it will also help retrieve information on customers if there ever is a problem. Since the establishment is 18 and over, upon entering the customers will need to provide a state-issued ID so they will know who everybody is in the establishment at all times.

They were made aware of some concerns prior to this meeting. First is neighborhood disruptions: we are unsure how the conclusion is drawn that opening a bar would lead to speeding in the neighborhoods. The only reason we could see how people would draw this conclusion is because of the neighborhoods surrounding Campus Corner. The problem that many customers face there is inadequate parking at campus corner, so many people park on the neighboring streets. Also, customers are not allowed to leave their cars parked at Campus Corner overnight without them being towed. Because of this, people park in the neighborhoods. Since our location has ample parking and neighborhood parking in relation to our business is remote, we cannot foresee any reason why people would go into the neighborhoods unless they live there. We know the majority of our customers will either leave on 12th or on Lindsey to get to their homes in the most efficient manner. We understand that a few of the neighbors are concerned with the character of the shopping center changing, and we hope that it does. Currently there are several vacant spaces in the shopping center and this is not good for anybody. The more businesses that can be operational in Norman not only increases the economic impact, but also the cultural impact as well. The economy still hasn't fully recovered and there are lots of empty buildings all over Oklahoma. We want Colonial Estates Shopping Center to thrive. We understand that, in addition to the space that we are renting, other spaces have become empty. The more spaces that are empty, the more of a deterrent it is for other businesses to rent the space. It can lead more businesses to conclude that the space is not good for attracting customers, it's a bad location, etc. We're contacting some of the surrounding businesses. Donna, the manager at Chicken Express, said they would love to have more traffic around here. Chicken Express would love to have our business because we can help them. By not serving food – only concessions – we are not in competition with the surrounding fast food places and they think it will increase their business, too. So we do hope to change the character of the shopping center, as well as Ward 1 itself. Change is not bad; it's progressive and we want Colonial Estates to be a thriving, bustling shopping center with lots of customers and lots of business, just like a shopping center is supposed to be.

Special Use Permit is given to the owner of Colonial Estates and not just to our bar. Although I cannot predict what will happen in the future, I can say we are not planning on leaving any time soon. Our lease with Colonial Estates will be for five years and we anticipate being at this location much longer. Assuming that we don't make enough money to stay in business, then, theoretically, another bar can open, but is that really a reason to deny us a special use permit because of what may or may not happen? We've been developing this idea for over a year while I was living in Toronto. We could have picked anyplace in the world and we picked Norman to open this business. With the economy how it was and with people being laid off, I thought about who we could help and where we wanted to launch this venture. I was born in Oklahoma near Tulsa. I went to OU and I love Norman and I just purchased a house

very near this bar and I couldn't think of a better place to start this venture. If we're successful, we hope to open more stores throughout Oklahoma, but we want our flagship establishment and our headquarters to be located in Norman, and we're hoping that you will help us be here and not have to look at other locations and other cities. We know that we can't please everyone and we would try to do our best to work with the community, but we feel that by opening this business we will please more people than will be disappointed. Without doing any active advertising and just opening a public Facebook page two weeks ago, currently we have 34 fans who are awaiting the opening of our bar. There are only two letters of protest and 34 people supporting us without any active marketing. This shows a positive public response to our business proposal.

Our establishment is quite large – around 8,000 square feet, but the bar area is only 1,000 square feet. The 7,000 square feet will hold games, TVs, concessions, merchandise, offices, special rooms to be rented for parties, storage, and bathrooms. Our hours of operation will be noon to 2:00 a.m. Monday through Friday, 11:00 to 2:00 a.m. on Saturday, and 11:00 to midnight on Sunday. We are not the only business in the area open at these hours and don't see how this is a factor to deny us a Special Use permit. The Taco Bell is open until 5:00 a.m. The Sonic is open until 2:00 a.m. The Seven-Eleven is open 24 hours. As I previously stated, we are not trying to get our customers to drink as much as possible because of the expensive equipment that we will be handling. We will be working with SafeRide.

Last, the potential negative changes that can happen. We have to say, what about the positive changes? You can't think about life in the negative; you must focus on the positive. Life is always happening every moment; it's much better if you focus on the good. We want to make a positive impact on the community. We want to provide jobs. We want to help get tax dollars to stay in Norman, as well as draw in more tax dollars from the surrounding cities. We want to make Norman our headquarters. We want to help attract other businesses back to Colonial Estates. We want Norman to be known for more than just football, and we want Norman to be a destination for gamers. From bankers to suppliers and all those in between, nearly 100% of the people who have heard about our bar await the opening with excitement. For a business that's already generating this much buzz without active advertising, imagine the positive impact we can have when we are allowed to start advertising after we receive our special use permit.

2. Mr. McCarty asked what they anticipate will be their main source of income. Ms. Lemmond responded that they anticipate their income mainly coming from the bar, but they will also be holding tournaments and other things periodically throughout the year that they hope will generate more income. Mr. McCarty asked whether the bar will be low-point alcohol or liquor. Ms. Lemmond said it will be a full bar with liquor and beer.

3. Mr. Trachtenberg asked about the capacity for the gaming operation. Ms. Lemmond responded that the gaming will accommodate approximately 30-40 people. The charges will be \$3 per hour Monday through Thursday, and \$4 per hour on Friday, Saturday, and Sunday. There will be three levels of memberships available, at \$30, \$45, or \$60, which will include discounts on merchandise and other benefits. Mr. Trachtenberg asked about the anticipated split in revenue between the gaming and the bar. Ms. Lemmond said they believe roughly 50% of the income will come from the

bar, the other 50% will be gaming, merchandise, and concessions. Mr. Trachtenberg said he totally supports having a facility for gaming, but he is concerned that the gaming operation is going to get swamped by the economic necessity of having to develop the bar business. The bar is what people have some concern about. He asked for clarification how the two will be kept separate, especially since the gaming will attract people who are under age. Ms. Lemmond stated that the bar area will be only for people over 21, and they will not be allowed to take drinks from the bar room into the game room until after 9:00 p.m. Everyone will have to provide their ID when they enter the facility, because they also don't want their equipment walking off. There will be someone checking that anyone going into the bar is 21 or over. After 9:00 p.m., when the whole place is 21 and over, people will be allowed to walk back and forth, and there will be servers to bring drinks to people. ABLE still has not come to confirm if the facility can be 18 and over. It depends on where they post their sign. If they determine that the bar area is indeed a totally separate room that we are able to monitor, then we can be 18 and over. If not, then the whole place might be 21 and over.

Mr. Trachtenberg asked if there will be a physical wall between the bar and the game room. Ms. Lemmond said there already is a wall existing. The photo only showed the game room; it didn't show the back.

4. Ms. Pailes commented that Irving Middle School is a bit north of the location and kids go through the shopping center on their way home pretty regularly. She asked if those kids would be welcome in the facility. Ms. Lemmond responded that they would not be allowed in; it is just for 18 and over.

Ms. Pailes asked about the food. Ms. Lemmond said they will have concessions, such as nachos, hotdogs, sodas and energy drinks. The concessions will be in the game area.

AUDIENCE PARTICIPATION:

1. Suzanne Potter, 1906 Texas Street, lives across 12th Avenue S.E. from Buy For Less. She loves the new business in the neighborhood, but they don't welcome the alcohol and being open until 2:00 a.m. They have always had a quiet neighborhood. Traffic has built up a lot because of the restaurants. It has been a pretty safe area. If there are going to be minors involved, when they are dropped off, who is going to take care of them until the parents pick them up? The school kids walk across the parking lot of the shopping center. She was concerned whether the owner has enough experience to take care of a situation that gets out of hand. She pointed out that there is nothing in print saying what age groups will be allowed in the establishment. She would like to have more details on the proposal.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Trachtenberg asked whether it is possible to make the age restrictions a condition of the Special Use. Mr. Koscinski said it would be difficult and would create an enforcement issue. Mr. Trachtenberg asked if the age restrictions would be part of a liquor license. Mr. Koscinski said this meeting is the first time he has seen a physical representation of how they wish to operate; he does not know whether that information has been shared with the ABLE Commission, or what their comments are on the proposal. He said he will be surprised if ABLE goes along with a mixture of ages since the applicant has stated that the primary use will be the bar.

2. Mr. McCarty asked whether the Special Use can include a restriction on the exit to the alley. Mr. Koscinski indicated there are code requirements for exits. It could be alarmed, but it would have to be operational. It would be possible to say there can be no entrance from the alley.
3. Mr. Knotts asked if the Special Use will be specific to the area designated for the bar. Mr. Koscinski responded that could be made a condition, but the applicant has said that after 9:00 p.m. the entire area would be open for drinking.
4. Chairman Gasaway asked the occupancy limit that would be imposed by the Fire Marshall. Mr. Koscinski indicated he has heard 15 square feet per person in an assembly area as a number to determine maximum occupant load. Ms. Connors noted that the limit will be posted. Mr. Knotts added that, to some extent, the occupancy load is based on the number of people that can get out in a certain period of time.
5. Ms. Pailles said she is concerned about loitering, which teens tend toward. She can see hanging out in the parking lot as a potential problem in terms of the character of the area. 18 is right on the edge of high school and college; high school seniors are prone to hanging around. That used to be a big problem in the parking lots all along Lindsey Street, and she can see it being a problem in an area like this. She would love to see some businesses in Colonial Estates. This seems like a business that has unusual requirements and almost needs an independently designed, free-standing place to accommodate the ages and activities.
6. Mr. McCarty said the applicants have spent some time planning this and have done a good job with their business plan. He is concerned about the use of the facility and the daycare, even though there will be very little overlap in the hours of operation. He is not sure this is the right place for this use. He asked about the sequencing between the Planning Commission action and ABLE Commission approval, or if that matters. The location cannot be used as a bar if the Special Use is not approved.
7. Chairman Gasaway commented that it sounds like the gaming part of the business has an ideal number of people of between 30 to 50 in a facility that could easily hold 500 people if there were a large special party. He doesn't think we really know what the impact of the facility could be.
8. Mr. Trachtenberg indicated that the economic development argument is a very strong one. The shopping center needs tenants. He wishes the business plan was to make it a coffee bar rather than a liquor bar. This is going to be a very attractive location for younger kids. He understands the applicant's 18 and over policy, but it seems inevitable that there will be under age people trying to get in and hanging around. There is the loitering issue, but he is also concerned about the prospect of underage drinking creeping in. He thinks there will be enforcement problems, and the possibility of fake IDs.
9. Mr. Trachtenberg commented that the big unknown is what the ABLE Commission is going to decide. He suggested the possibility of tabling this item.

10. Chairman Gasaway asked the applicant where they are in the ABLE Commission process. Ms. Lemmond responded that they have not currently signed a lease on the location; that is pending a decision on the special use permit. Once they lease the property, then ABLE will conduct a site visit to determine where the bar can be located. They don't want to sign a lease for five years and not be able to get the special use permit.

11. Mr. Knotts asked if there is a possibility that the ABLE Commission would determine the entire 8,400 square feet would have to be a bar, so the underage issue would go away. Ms. Lemmond indicated that is a possibility, but they will have to inspect the area.

12. Ms. Gordon asked, if the target audience is males between the ages of 21 and 35, why they are letting in 18, 19 and 20 year olds. Ms. Lemmond responded that the target doesn't exclude older people or females. They mainly target college students and recent graduates. Ms. Gordon asked if they have any idea how much business would come from those between 18 and 21. Ms. Lemmond said the average age of gamers is 30. Everyone they have talked to is excited about this business venture, so they don't know exactly the age of people who will be coming in.

13. Chairman Gasaway asked if they have seen a similar operation. Ms. Lemmond said they have not. There is one in Australia that is very successful. She is not aware of any in Oklahoma with the bar aspect; there have been video game centers that all went out of business.

14. Mr. Sherrer asked if they included the building owner in any discussions with the ABLE Commission. Ms. Lemmond said they did not. Mary Lemmond stated that ABLE has told them that when they have the lease, they will make the determination where the 21 and over is: at the south door, or at the bar door. The agent who visits the site makes the decision.

15. Mr. McCarty asked about ABLE's requirements for an 18-21 area. Ms. Lemmond indicated that their only requirement is that there be a permanent wall.

16. Ms. Lemmond asked whether the Planning Commission would be more comfortable if they were to decide to make the premises only 21 and older. Mr. Trachtenberg said it would make him more comfortable, because he thinks allowing underage people into a place where alcohol is being served in the next room, given the social environment that they're trying to create, is setting up a kind of temptation that is too dangerous to ignore. He would want to feel comfortable that this is going to be marketed to adults.

17. Ms. Gordon commented that this isn't the type of games or the people you get in a mall video game place. This is a whole different genre of gaming that is a much older population. It is not the teenage type of gaming. Ms. Lemmond added that she is a gamer; she started when she was younger and it's not something that you grow out of.

18. Mr. Trachtenberg commented that he originally thought of this as a video game operation with a bar attached, but it is sounding more like a bar with a video game operation attached. Ms. Lemmond said that is how they have to be classified because they can't prove that their main income is going to come from the other aspects of the business other than the bar. From their projections, they assume 50% will come from the bar.

19. Mr. Sherrer noted that the Planning Commission is a recommendatory body to the City Council. He asked what their next step would be if the Council denies the special use permit. Ms. Lemmond said they would probably start looking for a location in Oklahoma City. They initially looked in Moore, then decided they would rather be located in Norman and have their hearts set on this location.

20. Mr. Knotts commented that he has had some experience with the ABLE Commission; they do have rules, but they also understand certain situations. He would be supportive of tabling this to get an opinion from ABLE.

21. Chairman Gasaway commented that this is a really difficult decision. We would possibly be putting a very large bar in the facility. If it works out as planned, it might fit in very well.

22. Mr. Lewis commented that he lives in Ward 1. He has no objection to the applicants opening a bar. He thinks there are too many "what ifs." He believes Norman has a loitering ordinance. He believes we may have a curfew with regard to certain ages. He thinks the business plan is outstanding and would prosper. He applauds it for the revenue it would bring to Norman. He would be more comfortable if he had more concrete information to base a decision on.

Zev Trachtenberg moved to table Ordinance No. O-1011-39 until the applicant is able to get a more definitive response from the ABLE Commission. Chris Lewis seconded the motion.

23. Mr. McCarty commented that the Commission is trying to make a decision based on what ABLE might say. The real outlying issue is whether or not this is going to be a bar. They aren't going to open if they can't have a bar. Does the Commission really care what ABLE says? If ABLE says it has to be only 21 and older, that's the way they'll go. If the age can be 18 in the front, does that really matter? The big picture is whether we want a bar in a shopping center in that location. He is not sure waiting a month is going to help anybody. Is this the best place for this facility?

24. Mr. Trachtenberg asked what happens if the Special Use is approved, but then the applicant decides not to open. Ms. Connors stated that the special use would still be in effect for the location, unless it is not used within two years. Any type of bar could move in within the two years.

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

YEAS	Tom Knotts, Chris Lewis, Roberta Pailles, Zev Trachtenberg
NAYES	Cynthia Gordon, Curtis McCarty, Andy Sherrer, Jim Gasaway
ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to table Ordinance No. O-1011-39, failed by a vote of 4-4.

Chris Lewis moved to recommend disapproval of Ordinance No. O-1011-39 to the City Council. Zev Trachtenberg seconded the motion.

25. Mr. Lewis reiterated that he thinks the business plan is outstanding, but he is not sure this is the right location for it because of the "what ifs."

26. Chairman Gasaway noted that the motion is a little different than normal, and a "yes" vote will be to disapprove the special use.

27. Mr. Trachtenberg said he agrees with Mr. Lewis. He applauds the initiative and the vision of the proposal. The Commission is in a funny position because, on the one hand, they're making general land use decisions, and on the other hand they deal with the applicant and the business plan that they have. So the Commission is always balancing long-term considerations down the road against the current application. This application is very attractive but there is not a signed lease, and deals fall through at the last minute. If this deal falls through, and a special use is in place, then what is to stop a biker bar? Nothing. He is prepared to support the motion for disapproval, with the understanding that the Commission is making a recommendation and this will go through the process to the City Council, and in that time perhaps there can be more clarity whether or not this will actually go through the way the applicant intends it.

28. Chairman Gasaway agreed with Mr. Trachtenberg. If the applicant is able to get a clarification from ABLE of their position, it would probably strengthen their position at the Council meeting.

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

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	Cynthia Gordon
ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend disapproval of Ordinance No. O-1011-39 to the City Council, passed by a vote of 7-1.

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Item No. 6, being:

ORDINANCE NO. O-1011-40 – MARILEE TUSSING REQUESTS SPECIAL USE FOR A RIDING ACADEMY AND HORSE SHOW FACILITY ON PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, LOCATED AT 14100 E. CEDAR LANE ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Letter of Application
4. Preliminary Site Plan

PRESENTATION BY STAFF:

1. Mr. Koscinski reported this is an 80-acre tract which abuts the eastern city limits of Norman. The tract is zoned agricultural and is currently being used for horse operations. The horses are not the issue; the zoning ordinance allows rodeos and show barns, which is similar to what the applicant is proposing with specialized events. Celtic Cross Equestrian Center is the name of the proposed use. There are already one or two buildings under construction. The area is comprised of fairly large tracts. Further east on Cedar Lane Road is a small church, not directly visible from the site. A horse barn has been constructed. What is being proposed is a show barn; they could have that for their own use now. The public aspect of it requires the special use. The main entrance to the property is a gravel road that is in pretty good shape; gravel roads and gravel parking would be allowed in an agricultural setting. The existing barns are about 150' from the eastern property boundary, and the new barns would be further west. There would be very little off-site impact. The applicant lives on the property at the southern end. There were no protests on this request. Staff believes this is an appropriate use in a rural area and should have very little impact.

PRESENTATION BY THE APPLICANT:

1. Marilee Tussing, 14100 E. Cedar Lane Road – This is a hunter/jumper horse training center and they would like it to become a riding school. They are dedicated to equestrian education. She is a music teacher in Moore, and she inherited some money from her family, and this is how she has decided to use it. Her two loves are music and horses. They currently offer boarding and training, which is allowed by the agricultural zoning. They would like to provide lessons for other people on their horses. They host the Sooner Pony Club, which is a non-profit organization and is the Norman branch of the United States Pony Clubs, which teaches children to ride in the Olympic equestrian events at lower levels. They would like to have horse shows and clinics, where people would bring their horses to the property to work with a guest teacher. She has a riding instructor certificate from Shenandoah Riding Center in Galena, Illinois. She took riding lessons as a child at various riding academies in Chicago, but she did not own her own horse, and that is why her passion is to teach people who do not have their own horses, and they can't do that without a special use permit. She and her husband founded Sooner Pony Club in 1985; the national organization was founded in 1952 and teaches equestrian sports and horse management – horse care and safety is a big issue for them. Amanda Eggleston is their trainer and is a graduate A Pony Clubber – A is the top level and there are only 200 people who have achieved that level in the United States. She achieved that level in 2000. She became professional in 2005. Amanda's business has been outgrowing the farm she was leasing. The land is

owned by Ms. Tussing and Amanda runs and owns the business. They currently have a Morton building that is a shop and office, with a bathroom. They also have a hay barn. The project includes two Morton buildings: one will be a 21-stall horse barn, which is complete except for electricity, and they will have an indoor riding arena. The riding arena does not have grandstands; it is just a big open area to ride during inclement weather. When they have horse shows, they foresee having the lower classes for the younger children in the indoor arena. The outdoor arena is 150' by 250'. The horse barn is 72' by 92' with 21 stalls, 2 tack rooms, a feed room, a utility room, 2 grooming bays, and a wash rack (a shower for horses). The indoor arena is 81' by 140' with open area to ride. The special use permit for the riding academy is what they need in order to serve horseless riders. Students would be making appointments for private or group lessons, riding under supervision, and will be wearing helmets. Celtic Cross Equestrian Center would like to host horse shows as opportunities for clients and students to test and show their equestrian skills. The shows would be held once or twice a month on Saturdays, and they expect approximately 60 entries. People would be hauling their horses in to ride at the facility. Spectators are welcome, and usually bring lawn chairs, sit on the grass, or stand up. They don't envision building bleachers. There are not large crowds of people. Trailers will be parked in the west pasture if they don't all fit on the gravel parking lot. Celtic Cross Equestrian Center plans to be an asset to the Norman community. Feather Creek Farm is an excellent equestrian facility that hosts combined training, which is another equestrian sport. Celtic Cross will be the hunter/jumper barn of Norman. They work closely with Feather Creek Farm and want Norman to become the equestrian center of Oklahoma.

2. Mr. Lewis commented that he knows from a friend who is very involved in the horse industry how much enjoyment there is. He has looked at the buildings the applicant has presented, and knows that Morton buildings are very quality buildings. He will be enthusiastically supporting this request.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Andy Sherrer moved to recommend approval of Ordinance No. O-1011-40, the Site Development Plan and accompanying documentation, to the City Council. Chris Lewis seconded the motion.

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

YEAS	Cynthia Gordon, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None
ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Ordinance No. O-1011-40, the Site Development Plan and accompanying documentation, to the City Council, passed by a vote of 8-0.

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Item No. 7, being:

MISCELLANEOUS DISCUSSION

Chairman Gasaway thanked Mr. Trachtenberg for his leadership of the Planning Commission during the past year.

Mr. Koscinski reported that Mr. Lewis had asked for some information relating to rezonings from commercial to residential or from residential to commercial. In the past two years, there were eight rezonings that involved some type of residential to commercial or commercial to residential. The most controversial was the one on 12th Avenue S.E., which started as R-1 and now has C-1 uses.

Mr. Lewis asked the question in conjunction with the lighting ordinance, and the stipulation that when commercial property abuts commercial property there can't be more than .2 footcandles of spillover. If commercial property is rezoned from commercial to residential, then that line of definition would make sense. He thinks this happens often enough that it needs more consideration.

Mr. Knotts indicated that he has been serving as the Planning Commission Liaison to the City Council Planning & Community Development Committee, and he volunteered to continue in that capacity. He noted that in the last meeting the Council felt there was enough confusion about provisions in the lighting ordinance that they wanted to have an open house prior to the public hearing on the ordinance.

Ms. Connors reported that staff is generally thinking the lighting ordinance will be on the February agenda for public hearing. The week prior to that, staff will be holding a public open house. There will probably be a presentation and staff would be available to answer questions. The dates have not been confirmed.

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Item No. 8, being:

ADJOURNMENT

There being no further comments from the Commissioners or staff and no further business, the meeting adjourned at 8:00 p.m.


Norman Planning Commission