

## CITY OF NORMAN, OK PLANNING COMMISSION MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069  
Thursday, April 13, 2023 at 6:30 PM

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### MINUTES

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 13<sup>th</sup> day of April, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodem meetings.com> at least twenty-four hours prior to the beginning of the meeting.

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Chair Erica Bird called the meeting to order at 6:30 p.m.

### ROLL CALL

#### PRESENT

Cameron Brewer  
Steven McDaniel  
Liz McKown  
Kevan Parker  
Erica Bird  
Doug McClure  
Jim Griffith  
Maria Kindel  
Michael Jablonski

A quorum was present.

#### STAFF PRESENT

Jane Hudson, Director, Planning & Community Development  
Lora Hoggatt, Planning Services Manager  
Melissa Navarro, Planner I  
Colton Wayman, Planner I  
Anais Starr, Planner II  
Jack Burdett, Subdivision Development Coordinator  
David Riesland, Transportation Engineer  
Beth Muckala, Assistant City Attorney  
Bryce Holland, Multimedia Specialist  
Roné Tromble, Admin. Tech. IV

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## CONSENT ITEMS

Motion made by McKown, Seconded by Jablonski, to remove Item 2 from the Consent Docket for the purpose of postponement.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, McClure, Griffith, Kindel, Jablonski

The motion carried by a vote of 9-0.

## Minutes

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the March 9, 2023 Regular Planning Commission meeting.

Motion made by McDaniel, Seconded by Parker, to approve the Minutes of the March 9, 2023 Regular Planning Commission meeting as presented.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, McClure, Griffith, Kindel, Jablonski

The motion carried by a vote of 9-0.

## Short Form Plats

2. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of SFP-2223-2: Consideration of a Short Form Plat submitted by David Armstrong (Delta Surveying Co.) for THE CAREY ADDITION for 1.905 acres of property generally located at the southeast corner of Imhoff Road and Classen Boulevard.

Motion made by Parker, Seconded by Kindel, to postpone SFP-2223-2 to the May 11, 2023 Planning Commission meeting.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, McClure, Griffith, Kindel, Jablonski

The motion carried by a vote of 9-0.

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## NON-CONSENT ITEMS

### NORMAN 2025 and General Commercial Zoning

3. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Resolution No. R-2223-109: Plant Life, L.L.C. requests amendment of the NORMAN 2025 Land Use & Transportation Plan to remove Special Planning Area 1 (SPA-1), retaining Commercial Designation, for 0.53 acres of property located at 2516 Briggs Street.

#### **ITEMS SUBMITTED FOR THE RECORD:**

1. NORMAN 2025 Map
  2. Staff Report
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3. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-28: Plant Life, L.L.C. requests rezoning from R-1, Single Family Dwelling District, to C-2, General Commercial District for 0.53 acres of property located at 2516 Briggs Street.

#### **ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Site Plan

**PRESENTATION BY STAFF:** Mr. Wayman reviewed the staff report, a copy of which is filed with the minutes.

Mr. Jablonski asked why SPA-1 had a requirement for all the property to be under one ownership before it could be developed. Mr. Wayman did not know.

**PRESENTATION BY THE APPLICANT:** The applicant, Stephen Lewis, 501 Manor Hill Court, did not have a presentation, but was available to answer questions.

Ms. Kindel asked about the green space. Mr. Lewis responded that everything other than the building and pad will be landscape-driven. It will not be a nursery. They will install a tree line in the front.

Mr. Parker asked if everything will be stored inside. Mr. Lewis responded affirmatively.

Ms. Bird asked if they considered a PUD, which would be more specific to the use. Mr. Lewis responded that a PUD was suggested, but they already had the paperwork filled out for C-2. He noted that there is not sewer service to the site.

**PUBLIC PARTICIPATION:** None

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

Mr. Brewer thinks the use is fine, but rezoning to C-2 opens it up for potential future concerns. Ms. Bird added it is nice to see something that has been a vacant piece of land have some use along the highway.

Motion made by McDaniel, Seconded by Brewer, to recommend adoption of Resolution No. R-2223-109 and Ordinance No. O-2223-28 to City Council.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, McClure, Griffith, Kindel, Jablonski

The motion carried by a vote of 9-0

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## **SPUD Zoning and Preliminary Plat**

5. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-29: CA McCarty Construction, L.L.C. requests rezoning from R-1, Single Family Dwelling District, to SPUD, Simple Planned Unit Development, for 1.04 acres of property located at 1309 S. Berry Road.

### **ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. SPUD Narrative with Exhibits A-C
4. Preliminary Site Development Plan

6. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of PP-2223-6: Consideration of a Preliminary Plat submitted by CA McCarty Construction, L.L.C. (Arc Engineering Consultants, L.L.C.) for McCOOP ABODE ADDITION for 1.04 acres of property located at 1309 S. Berry Road.

### **ITEMS SUBMITTED FOR THE RECORD:**

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

**PRESENTATION BY STAFF:** Ms. Navarro reviewed the staff report, a copy of which is filed with the minutes.

### **PRESENTATION BY THE APPLICANT:**

Gunner Joyce, Rieger Law Group, representing the application, presented the project.

Mr. Parker asked whether the driveway will be shared. Mr. Joyce said there will be a shared access easement filed with the plat.

**PUBLIC PARTICIPATION:** None

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

Mr. Parker commented that he does not see any issues with this layout based on the frontage issue. Mr. Jablonski agreed. Mr. Brewer thinks it is a creative way to get two units on the site. Ms. Bird spoke in support of the project.

Motion made by McKown, Seconded by Griffith, to recommend adoption of Ordinance No. O-2223-29 and PP-2223-6, the Preliminary Plat for McCOOP ABODE ADDITION, to City Council.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, McClure, Griffith, Kindel, Jablonski

The motion carried by a vote of 9-0.

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## **Center City PUD Amendment**

7. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-30: J FORD, L.L.C. requests amendment of the CCPUD approved in O-2021-23 for 0.16 acres of property generally located at 231 W. Main Street, to allow for specific tenant signage and modify landscaping.

Motion made by McKown, Seconded by Brewer, to allow Erica Bird to be recused on this item.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, McClure, Griffith, Kindel, Jablonski

The motion to allow recusal passed by a vote of 9-0. Ms. Bird turned control of the meeting over to Vice Chair Parker and vacated the room.

### **ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. SPUD Narrative with Exhibits A-E

**PRESENTATION BY STAFF:** Ms. Starr reviewed the staff report, a copy of which is filed with the minutes.

Ms. McKown asked who will be responsible for maintaining the planters. Ms. Starr responded they will not be in the City right-of-way, so it will be the tenants or property owners.

Mr. Brewer asked for clarification of the sign placement. Ms. Starr responded.

### **PRESENTATION BY THE APPLICANT:**

Gunner Joyce, Rieger Law Group, representing the applicant, presented the project. No protests were received on this application.

Mr. Jablonski asked the plan if and when the old brick house falls down. Mr. Joyce responded and cited Section III(B)(2) of the CCPUD.

**PUBLIC PARTICIPATION:** None

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

Mr. Jablonski asked if there are any concerns with the signage proposed at the top of the 2<sup>nd</sup> floor. None were voiced.

Motion made by Brewer, Seconded by McDaniel, to recommend adoption of Ordinance No. O-2223-30 to City Council.

Voting Yea: Brewer, McDaniel, McKown, Parker, McClure, Griffith, Kindel, Jablonski

The motion carried by a vote of 8-0.

Ms. Bird resumed her seat and control of the meeting.

## **SPUD Zoning**

8. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-33: Midway Grocery, Inc. requests rezoning from C-1, Local Commercial District, to SPUD, Simple Planned Unit Development, for 0.234 acres of property generally located at 601 W. Eufaula Street.

### **ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. SPUD Narrative

**PRESENTATION BY STAFF:** Mr. Wayman reviewed the staff report, a copy of which is filed with the minutes. Supports of 13.9% and protests of 45% within the notification area have been received.

Mr. Brewer asked for an example of the maximum sound under the noise ordinance. Mr. Wayman did not have that information.

Ms. Kindel asked if there would be a setback requirement for the stage. Mr. Wayman responded that they would be able to place it generally where it is proposed on the site plan in the PUD.

Mr. Jablonski asked if any large trees would have to be removed for the stage. Mr. Wayman did not believe any trees would be removed.

Mr. Parker asked what items in the SPUD are outside of the existing C-1 zoning. Mr. Wayman responded outdoor catered events.

### **PRESENTATION BY THE APPLICANT:**

Hal Ezzell, 100 48<sup>th</sup> Avenue N.W., representing the applicant, presented the project.

Ms. Kindel asked questions pertaining to the size of the current and proposed stage, and the hours of operation. Bob Thompson, 2838 Misty Ridge Drive, addressed the future stage. Mr. Ezzell addressed the hours. Mr. Thompson explained they have been running events from 7:00 or 7:30 p.m. until 9:00 p.m. There were some times when it was very hot, so they pushed it back to 7:30 so there would be shade on the stage. He would like to have the ability to adjust to situations like that.

Mr. Jablonski asked how late commercial activity can take place. Mr. Thompson responded that he didn't know of any restriction.

Mr. McClure asked whether Midway has ever been cited for noise. Mr. Thompson said they have not. Mr. McClure asked about any parking issues. Mr. Thompson responded.

Ms. McKown asked about a timeline for moving from a temporary stage to a more permanent stage. Mr. Thompson responded that they plan to continue using the stage they have now.



Mr. Parker asked about frequency of events if the SPUD is approved. Mr. Thompson discussed staffing and the frequency of events. Friday, Saturday and Sunday are typically when people want to schedule events.

Mr. Griffith suggested including the location of the speakers in the SPUD that would create the least amount of noise intrusion into the neighborhood. Mr. Thompson responded. They don't want to commit solutions that have not been tested to an ordinance. They will probably want to put up a big fence, which is one of the most effective things they can do.

Ms. Kindel asked if there was a pattern to the calls to the police. Mr. Thompson responded and outlined things they have done to work with the neighbor. He also addressed the trees – there is a 120 year old pecan tree and an 80 year old oak tree, which are the first two legacy trees in Norman, so they will not be cut down.

Ms. Bird outlined some of the common areas of concern in the protest letters: hours, occupancy, and frequency. Mr. Ezzell responded. Ms. Bird asked what occupancy would be allowed by the City. Mr. Thompson responded that there is an occupancy of 42 allowed inside; there are approximately 50 chairs outside.

Ms. McKown asked, if someone wanted to rent the space and have 150 guests, what the response would be. Mr. Thompson responded.

Ms. Kindel asked if they would be opposed to amending the SPUD to state 75 guests and no more than 3 days a week. Mr. Thompson responded that he anticipates City Council is going to have some requests like that and they are prepared to work with them as this goes forward. Mr. Ezzell stated they would be willing to include a maximum of 3 days per week. Mr. Thompson would prefer 100 guests.

Mr. Brewer asked whether any number included in the SPUD would be addressing only outside guests, or both inside and outside.

Recess 8:14 to 8:20 p.m.

#### **PUBLIC PARTICIPATION:**

Dan Munson, 208 Waterfront Drive – spoke regarding Strong Towns as it would relate to this proposal, and in support of the application.

Odette Horton, 318 College Avenue – spoke in opposition to the application.

Kim Zahller, 304 Chautauqua Avenue – spoke regarding parking issues, and in opposition to the application.

Ruth Walker, 524 W. Comanche Street – spoke regarding noise, and in opposition to the application.

Ken Womack, 511 W. Eufaula Street – spoke in opposition to the application, citing foot and vehicular traffic, security issues, and parking problems.

Rick Poland, 425 Chautauqua Avenue – spoke in opposition to the application.

Dana Anderson, 306 Chautauqua Avenue – spoke in opposition to the application.



Chuck Anderson, 306 and 207 Chautauqua Avenue – provided copies of a photo, and spoke in opposition to the proposal.

Austin Brewer, 204 Chautauqua Avenue – spoke in support of the application.

Ben Alpers, 208 Chautauqua Avenue – spoke in opposition to the application, citing noise issues and neighborhood conflict.

Karin Schutjer, 208 Chautauqua Avenue – spoke regarding neighborhood balance, and in opposition to the proposal.

Jayne Crumpley, 423 Elm Avenue – spoke in opposition to the application, particularly parking issues, and about the availability of restroom facilities for the events.

Tara Myers, 205 Chautauqua Avenue – stated they don't mind the music at the Midway, but the proximity to their bedroom window makes the situation weird; they would probably support the application with some parameters established.

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

Ms. McKown raised the issue of parking enforcement on weekends.

Mr. Jablonski asked what recourse the neighbors have if the City won't measure the noise level. Mr. McClure referred to an incident in his neighborhood where the police shut down a loud party following a call.

Mr. Brewer spoke regarding the location of his home in the neighborhood and the number of events they can hear. The City needs to make enforcement of the noise ordinance a priority. The proposal tightens up the zoning on the site, and preserves the site. Concessions need to be made, but not at this meeting.

Mr. Jablonski believes this is an unusual case; most SPUDs want all possible uses. This is preserving something that has been in the neighborhood for a long time. We want infill development, walkable cities, restaurants we can walk to, entertainment we can walk to and that comes with growing pains. Maybe we need to change the noise ordinance levels for neighborhoods with live entertainment. Maybe we need to change how we enforce parking and on weekends. The noise concerns are valid.

Mr. Parker suggested requiring 50 parking spaces as part of the SPUD. Ms. Bird commented there was something similar with The Noun hotel where they had an agreement with the church.

Ms. Kindel commented that with each of the past events that have been held, the applicant could have taken steps to address some of the issues, such as parking; there are not enough specifics in the proposal to go from 7 events to unlimited events.

Mr. Brewer agreed there needs to be a parking solution, but off-site parking with a required number of spaces is not the solution; street parking is adequate and is rarely an issue. Parking on both sides of the street so an ambulance can't get through is a problem.

Ms. Bird asked if the Commission wanted to add any parameters. Mr. Jablonski suggested that the elected officials should make the decision on additional parameters.

Motion made by Brewer, Seconded by Jablonski, to recommend adoption of Ordinance No. O-2223-33, with the comment that additional considerations should be decided upon with City Council as part of approval.

Mr. Parker commented that the Planning Commission is called to represent everybody, not just business interests. The applicant has said they're willing to look at other parameters; allow that opportunity first for the Commission to consider. Ms. Kindel agreed.

Mr. Griffith would like to see the zoning changed to SPUD to preserve Midway because of its historic importance to the neighborhood, but he would have a difficult time supporting the outdoor entertainment as proposed. He would support a postponement to flesh out some of the details.

Voting Yea: Brewer, McDaniel, McKown, Bird, McClure, Jablonski

Voting Nay: Parker, Griffith, Kindel

The motion carried by a vote of 6-3.

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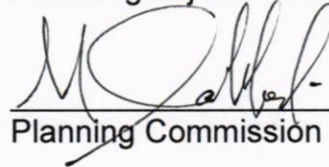
## MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

Ms. Hudson noted that applications for the upcoming committee for the Comprehensive Plan are still open. There is an application on the City website if anybody is interested in serving on that committee.

Mr. Jablonski suggested the City consider a two-tiered noise ordinance which would address live music in neighborhoods.

## ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 9:43 p.m.

  
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Planning Commission