

OPOLIS Productions, LLC  
113/111 North Crawford Ave.  
Norman, OK 73072

August 2, 2016

City of Norman Planning Commission  
201-A West Gray St.  
Norman, OK 73070

Dear Madam/ Sir:


Re: **Case Number: PD16-11** — El Chapo, LLC, DBA Puebla Tacos Y Tequileria “desires to have live music played on back patio of restaurant during business hours.”

We write in connection with the above planning application. We have examined the request for Special Use for Live Entertainment **outside** and wish to object strongly to the request.

Puebla Tacos Y Tequileria is located in historic downtown Norman and currently zoned C-3, Intensive Commercial District. Under current City of Norman Code, there is no Special Use listed for **outdoor** live entertainment. (See SEC 425.1-C-3, City of Norman Zoning Ordinance.) Current rules for outdoor live amplified entertainment require a Noise Variance Permit issued by the Norman Police Department. (See City of Norman Ordinance NO. 0-7778-9.) Puebla Tacos Y Tequileria’s request is asking for a change to City Code to accommodate one business. This could ruin the already generous and harmonious noise policy of Downtown Norman. Current Noise Ordinance allows seven permits to be pulled a year per location. Allowing **unlimited outdoor amplified noise** would overwhelm the tolerance of the Downtown business community and surrounding neighborhoods.

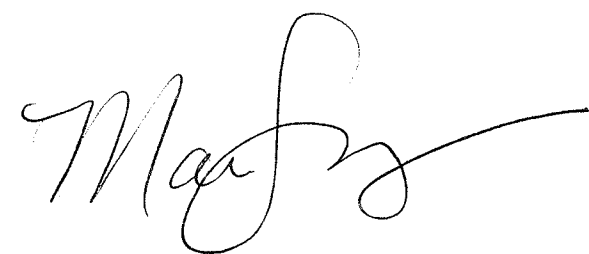
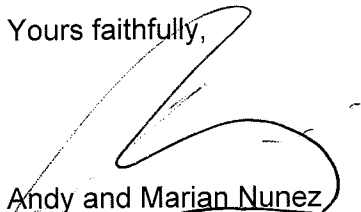
OPOLIS Productions, LLC, is an indoor entertainment venue and bar located in downtown Norman.

We have been in operation for 14 years and work closely with the Norman Arts Council, Norman Music Festival and University of Oklahoma to provide the highest quality live entertainment and cultural events possible to our community. We are advocates of the arts and encourage

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participation from other downtown businesses. We have worked numerous times within the parameters of the current outdoor noise rules over the past 14 years and consider them not only reasonable, but generous. Making an exception or alteration to the current City of Norman ordinances for Puebla Tacos Y Tequileria would be unfair to the downtown business community.

Yours faithfully,



Andy and Marian Nunez  
OPOLIS Productions, LLC  
[andy@opolis.org](mailto:andy@opolis.org)  
[marian@opolis.org](mailto:marian@opolis.org)  
405-595-9738

**SEC. 425.1 C-3. INTENSIVE COMMERCIAL DISTRICT**

(As amended by Ord. No. O-7677-47 – May 3, 1977; O-7980-66 – August 5, 1980; O-8485-25 – October 23, 1984; O-8788-8 – October 13, 1987; O-9192-17 – November 12, 1991; O-9192-18 – November 12, 1999; O-9596-19 – December 12, 1995; O-0102-50 – May 28, 2002; O-0102-51 – June 25, 2002; O-0304-29 – October 28, 2003; O-1213-17 – November 27, 2012; O-1314-13 – November 22, 2013)

**1. General description.** This commercial district is intended for the conduct of personal and business services and the general retail business of the community. It differs from other commercial districts in that off-street parking is not required. This district was created primarily for those commercial areas which already were so intensely developed that they could not comply with the provisions for other commercial districts in this ordinance.

**2. Uses permitted.** Property and buildings in a C-3, Intensive Commercial District, shall be used only for the following purposes:

- (a) Any use permitted in the C-2, General Commercial District, except as enumerated below:
  - (1) New or used automobile, farm implement, and machinery sales and services.
  - (2) Automobile, farm implement, and machinery repair and service.
  - (3) Drive-in movie theater.
  - (4) Drive-in restaurant.
  - (5) Golf course.
  - (6) Heating, ventilating, or plumbing supplies, sales, and service; unless conducted entirely within a completely enclosed building.
  - (7) Lumber and building materials sales yard.
  - (8) Outdoor advertising signs.
  - (9) Outdoor courts for handball, racquetball, tennis, or, sports activity of a similar nature.
  - (10) Storage warehouse.
  - (11) Trailer camp.
  - (12) Wholesale distributing center.
- (b) Buildings and structures and uses accessory and customarily incidental to any of the above uses, provided:
  - (1) There shall be no manufacture, processing or compounding of products other than such as are customarily incidental or essential to retail establishments.
  - (2) The Planning Commission makes a determination that such operations are not objectionable due to noise, odor, dust, smoke, vibration, danger to life and property or other similar causes which are injurious to the health or safety of the neighborhood.
- (c) Any other retail or wholesale store, shop or establishment which in the opinion of the Planning Commission is of similar character to those enumerated in this Section and is not more objectionable to the area in which located due to reasons specified in paragraph (b)(2) above.

**3. Special Use.** The following uses may be permitted, after review, in accordance with Section 434.1: (O-9596-19; O-0304-29; O-1213-17; O-1314-13)

- (a) Adult Entertainment Uses as provided in Section 439.1 (O-8788-8)
- (b) Bar, lounge, or tavern (O-7677-47; O-9192-18)
- (c) Drive-in restaurant.

- See also  
Light manufact  
permitted as  
long as  
not objectional  
due to noise.*
- (d) Light manufacturing or assembly operations, even though otherwise limited to I-1 District, meeting the following requirements:
- (1) Similar in character to operations normally associated with a retail business.
  - (2) Conducted in conjunction with a retail business with one-fourth (1/4) of the building used for commercial purposes and completely separated from the manufacturing portion by a fixed wall with not more than one (1) door therein for use by employees.
  - (3) Conducted entirely within an enclosed building, same to be a building already in existence, but this shall not be construed to prevent alterations to an existing building.
  - (4) Not objectionable due to noise, odor, dust, smoke, vibration, danger to life and property or otherwise injurious to the health and safety of the neighborhood.
- (e) Live Entertainment Venue. (O-0102-51)
- (f) Mixed building in which one or more dwelling units may be located on the upper floor(s) provided that the First Floor use is a permitted use in the district. (O-0102-50)
- (g) Liquefied Petroleum Gas sales and storage, when such use is clearly subordinate and accessory to the primary usage of the property.
- (h) Funeral parlor, mortuary, and crematorium so long as the crematorium is attached to the funeral parlor or mortuary and complies with the following conditions and requirements:
- (1) Any building which incorporates a crematorium use shall meet the setback requirements of the underlying zoning district.
  - (2) Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.
  - (3) All storage shall be inside.
  - (4) Incinerator stacks shall not be located on the front side of the roof of any structure facing the street. (O-1314-13)
- (i) Crematorium, subject to all the following conditions and requirements:
- (1) Crematoriums shall meet the setback requirements of the underlying zoning district, except that they will be located a minimum of 400 feet from any RE, R-1, R-2, and R-3 zoning districts and 100 feet from all other zoning districts measured from the closest point of the building to the nearest residential district.
  - (2) Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.
  - (3) All storage shall be inside.
  - (4) Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
  - (5) Crematoriums shall have direct vehicle access to an arterial street. (O-1213-17)

#### 4. Area regulations.

- (a) Rear yard shall not be required for retail establishments, except where a rear lot line abuts upon a dwelling district and the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than thirty (30) feet for lots without alleys and twenty (20) feet for the lots with alleys; and further provided that in no case where the rear lot line abuts a dwelling district shall the commercial building be erected closer than three (3) feet to the rear lot line.

#### 5. Height regulations. There shall be no height limit for any building or structure in this District.

# NOISE VARIANCE PERMIT

CITY OF NORMAN ORDINANCE NO. 0-7778-9

NOTE: MAXIMUM PERMISSIBLE SOUND PRESSURE LEVEL WILL NOT EXCEED 80 dB(A)

1. DATE: \_\_\_\_\_
2. NAME: \_\_\_\_\_
3. ADDRESS: \_\_\_\_\_  
\_\_\_\_\_
4. PHONE: \_\_\_\_\_
5. ADDRESS WHERE LIMITATION WILL BE EXCEEDED:  
\_\_\_\_\_  
\_\_\_\_\_  
INDOORS       OUTDOORS

6. HOW LIMITATION WILL BE EXCEEDED:  
BAND       STEREO       PA SYSTEM   
OTHER  (Specify) \_\_\_\_\_

7. BY REASON OF THE FOLLOWING EXCEPTIONS TO SECTION 10-304:  
 Applicant requires additional time to modify or alter his activity to comply with Section 10-304.  
 The operation or activity is of a temporary nature and cannot be done in a manner that would comply with Section 10-304.  
 No other reasonable alternative is available to the applicant.

8. DATED INVOLVED: FROM \_\_\_\_\_ TO \_\_\_\_\_

9. HOURS INVOLVED: FROM \_\_\_\_\_ ( ) .M. TO \_\_\_\_\_ ( ) .M.

NOTE: No variance for entertainment or recreational purposes will be permitted earlier than 7:00 a.m. or later than 11:00 p.m. Sunday through Thursday, and no later than 12:00 a.m. (midnight) Friday and Saturday.

10. ADDITIONAL DETAILS: \_\_\_\_\_  
\_\_\_\_\_

I, the undersigned applicant, have read, understand, and accept all of the requirements and conditions as set forth in the Noise Variance Permit Conditions and Guidelines on the reverse side of this form.

SIGNATURE: \_\_\_\_\_