

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**SEPTEMBER 12, 2013**

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 12<sup>th</sup> day of September 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Vice Chairman Tom Knotts called the meeting to order at 6:30 p.m.

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Item No. 1, being:

**ROLL CALL**

MEMBERS PRESENT

Curtis McCarty  
Jim Gasaway  
Roberta Pailles  
Andy Sherrer  
Cindy Gordon  
Dave Boeck  
Sandy Bahan  
Tom Knotts

MEMBERS ABSENT

Chris Lewis

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &  
Community Development  
Jane Hudson, Principal Planner  
Janay Greenlee, Planner II  
Todd McLellan, Development Engineer  
David Riesland, Traffic Engineer  
Roné Tromble, Recording Secretary  
Leah Messner, Asst. City Attorney  
Larry Knapp, GIS Analyst II  
Terry Floyd, Development Coordinator

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Item No. 9, being:

**ORDINANCE NO. O-1314-13 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN TO ALLOW CREMATORIALS IN CONJUNCTION WITH A FUNERAL PARLOR OR MORTUARY, WHETHER A PERMITTED OR SPECIAL USE IN THE DISTRICT, WITH CONDITIONS IN THE OFFICE-INSTITUTIONAL (O-1), SUBURBAN OFFICE COMMERCIAL (CO), LOCAL COMMERCIAL (C-1), AND LIGHT INDUSTRIAL (I-1) ZONING DISTRICTS, AND PROVIDING FOR THE SEVERABILITY THEREOF.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Exhibit A
3. Ordinance No. O-1314-13
4. Substitute Ordinance No. O-1314-13

**PRESENTATION BY STAFF:**

1. Susan Connors – The request before you this evening, as you just read, is to amend our Zoning Code to allow crematoriums to be in conjunction with a funeral parlor or mortuary. About a year ago, staff had come before you with a request to allow crematoriums as a use, which was not really a specified use in our zoning code previously. So when we came before you about a year ago, we did an amendment that allowed crematoriums as a stand-alone use. We have now had some additional inquiries about whether or not they could be a part of a funeral parlor or mortuary. As we looked at that, and even from our research from a year ago, this really is an improved industry – very clean industry at this point in time, and so allowing a crematorium which is allowed in other cities in Oklahoma, such as Oklahoma City and Tulsa, in lower zoning district categories without major setbacks. So the stand-alone crematoriums require 400 feet setback from residential zones and also required access specifically from an arterial street, and there was a reason for that – because as a stand-alone use it's just more obvious what it is. If you put the crematorium in a funeral parlor or mortuary, it's really just a small part of that building. What we're recommending this evening is that it be a special use in the O-1, which is the office district; the suburban office, which is CO; and the local commercial district, C-1; and then by being a special use in C-1, it would be allowed in C-2 and C-3; and then it would also, by this amendment, be allowed in light industrial. The crematoriums, when we allowed them as stand-alone, are now a permissive use already in I-1, so keeping that as a permissive use in I-1. The special use in C-1 allows this to go forward in the C-2 and C-3. That is what is before you and was in your book. Do you have any questions?

**AUDIENCE PARTICIPATION:**

1. Harold Heiple, 218 East Eufaula, representing the Norman Developers Council – We routinely ask City department heads, just prior to every monthly meeting of the Developers Council, if they've got anything they would like us to pass on to developers. This past couple of weeks ago, when we posed that, Susan came back and informed us that this ordinance was on the way through. I raised it at the developers meeting and didn't get any particular reaction at that time, but then when we got to reading through it and in talking to Judy Hatfield and other people who deal regularly as far as bringing in commercial tenants and so forth, the problem is that this would make, as a matter of right, a crematorium in C-2 and C-3, which would mean an existing business that's already out there operating in C-2 or C-3 could look out one day and, without any notice and without any opportunity for objection, a crematorium is being built next door to them, whether it is with or without a funeral home. Now, as Judy promised, and as I know from my own experience in dealing with national chains, there are a number of retail operations that will absolutely go crazy if you tell them that there's going to be a crematorium next door. So what we are saying is that it needs to be not a matter of right, but for C-2 and C-3 do the same thing that you're doing for O-1 and C-1, and that is make it a special use so that, if somebody wants to do that, they've got to come through with an application for special use, which will give notice and opportunity to object to the people that are next door. I asked the staff to pull this so that we could work on that, and Susan indicated no, they were going to bring

it forward, and I asked was anybody pushing it, and she said Hal Ezzel has a project that's coming forward and he particularly needs, among other things, the setbacks that are required in C-2, which is where he plans to build it. Now, I'm not sure – his land is a combination of CO and C-2. Susan thought it was on the CO part that he would have to have a special use permit anyway. He thought it was C-2. I'm saying that, in any event – and I think staff has ready a substitute ordinance that would require for C-2 and C-3 to take care of the things that we're concerned about, which means it would be a requirement for a special use permit in all of them. When you do that, you then have to go back and you've got to tweak the C-2 and C-3 general ordinances because right now they read that anything that is a permissive use in C-1 is permitted as a matter of right in C-2 and C-3, and that has worked well for years. But, in this particular case, that's what we're objecting to. That can easily be tweaked also. We're simply asking that you recommend approval, but with the changes so that a special use permit would be required for all zoning categories to do this. Now, Hal is here and can also tell you about the kind of designs that are available and the environmental impact, as well as the architectural and aesthetic impact of what they've got.

2. Hal Ezzel, 518 Chautauqua – I wanted to be available to answer any questions that you might have and confirm that, in fact, when I spoke with Harold and he raised his concerns with regards to requirement of special use, I have no objection to that. We are specifically bringing a project forward that we want to get before you as fast as possible that's going to be roughly at 24<sup>th</sup> and Riverside Drive. What we are looking to do is we felt like the zoning ordinances, at this juncture in time, addressed funeral homes and they addressed crematories, but they didn't address a funeral home that had a crematory contained within it. A retort, the piece of equipment that does the cremating, is about probably 10' wide by about 12' deep and about 8' high. It's easily self-contained within a building. The stacks on modern retorts are zero emissions. We have to have ours tested every year for Maricopa County air quality on another one that we have. And they are, in fact, zero emissions, meaning that there's no particulate matter. They don't billow smoke that you would see or odor that you would detect. It's not that it's impossible that you would have a problem. Your retort would be burning down if that were the case. The aesthetics of the design are they're largely – it's a residential appearing structure. It would not be discernible. You would have no idea what was going on there, other than a sign in the front that told you what it was. So it's very unobtrusive. In the instance of a crematory incorporated within a funeral home, it's not anything that would require a 400 foot setback, whereas as a stand-alone building that was just a crematory can be very industrial looking in nature. It might be a metal building. There could be other things that would be concerns that you might want that setback. But when it's incorporated into a combination design, that's really unnecessary. You should just be subject to the normal setback requirements. So I would respectfully ask that you send this forward. I don't know the procedure. If you want to make a motion to amend it to include the special use rewrite as it goes to Council, I'm fine with that. I would just ask that you send this forward this evening. Thank you. I would be happy to answer any questions you might have.

3. Mr. McCarty – Do we currently have a crematorium in Norman? If I get cremated, where do I go?

4. Mr. Ezzel – You would be sent to – now, given the recent sales, you would go to Moore. Previously, you would have gone to the Purcell area to Southhaven.

5. Ms. Connors – I wanted to just correct one thing that Mr. Heiple had indicated. In the current zoning code, a stand-alone crematorium is a special use in both C-2 and C-3 and it's not allowed in C-1. So the stand-alone is already a special use. The other thing I wanted to indicate is that staff has prepared a substitute ordinance putting this as a special use in C-2 and C-3, if you want to consider that this evening and I have copies up here I can pass out.

6. Mr. Knotts – So that would be a special use?

7. Ms. Connors – In O-1, CO, C-1, C-2, C-3 it would all be special use. It would still be an allowed use in I-1. If the Commission chose, they could just substitute this ordinance and then make a motion on this substitution.

8. Mr. Gasaway – Can we ask Ms. Connors to go through and indicate what the differences are, please?

9. Ms. Connors – In the ordinance that was in your book, the changes to the ordinance in your book are simply in the C-2 area, on the third page of this ordinance, we have amended the uses permitted in C-2: Any Special Use in C-1, except mixed buildings and crematoriums when attached to a funeral parlor or funeral home. So that wouldn't carry over as a permitted use. Then it is added as a special use in C-2 and then it's added as a special use in C-3. And it remains, as I said, a permissive use in I-1.

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

*Dave Boeck moved to consider Substitute Ordinance No. O-1314-13. Curtis McCarty seconded the motion.*

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Andy Sherrer, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts
NAYS	None
ABSENT	Chris Lewis

Ms. Tromble announced that the motion, to consider Substitute Ordinance No. O-1314-13, passed by a vote of 8-0.

*Andy Sherrer moved to recommend adoption of Substitute Ordinance No. O-1314-13 to City Council. Jim Gasaway seconded the motion.*

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Andy Sherrer, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts
NAYS	None
ABSENT	Chris Lewis

Ms. Tromble announced that the motion, to recommend adoption of Substitute Ordinance No. O-1314-13 to City Council, passed by a vote of 8-0.

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