

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JULY 10, 2014

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Complex, 201 West Gray Street, on the 10th day of July 2014. 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 Chair Sandy Bahan 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
Tom Knotts
Chris Lewis
Andy Sherrer
Cindy Gordon
Sandy Bahan

MEMBERS ABSENT

Roberta Pailes
Dave Boeck

A quorum was present.

STAFF MEMBERS PRESENT

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

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NON-CONSENT ITEMS

Item No. 3, being:

O-1415-1 – PLANTATIONS IN SOONER FASHION MALL REQUESTS SPECIAL USE FOR A BAR, LOUNGE OR TAVERN FOR PROPERTY LOCATED AT 3207 WEST MAIN STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Sooner Mall Map
4. Sooner Mall Tenant Map
5. Storefront drawing
6. Store layout
7. Pre-Development Summary

PRESENTATION BY STAFF:

1. Janay Greenlee -- This is a request from Nadill Enterprises for a Special Use for a Bar, Lounge or Tavern located in Sooner Mall at 3207 West Main Street. It is at the east end of Sooner Mall, and just to clarify the special use is just for Plantations. This is the subject tract that is showing the Sooner Mall there. It is existing C-2. That is the subject tract and the existing land use around it: commercial to the west; multi-family to the north; commercial to the south; and commercial to the east. There you can see where Plantations is located within the Mall. It is at the east end near Sears. It's approximately 1700 square feet total. The bar area will be approximately 600 square feet and the occupant capacity is going to be for about 10-15 people. That just gives you a layout of the mall. It is located near Sears -- one of the main entries to the mall on the south side of the mall. This is kind of an overview, some architectural renderings of the renovation for Plantations. This will have two double doors to the vestibule inside; the bar will be located at the back. There is a rear exit, but they are not going to have that open for entrance to that bar; that is going to be employee entrance only. This is the bar area, the humidor area, the double entrance to abide by all the health regulations for the smoking area. Obviously, we all know what Sooner Mall looks like, but it was a nice day so I got a few extra pictures. This is the entrance where you go into the main entrance to Sooner Mall and Plantations is located right inside of that entrance to that north end of the mall. This is looking to the west; back to the east. This is behind the north side of the mall; parking lot on the north side. This would be behind Plantations. This is the multi-family to the north. And inside the mall. They already have a lounge area there currently, so this is kind of the area where the bar area would be located. This is looking to the west end of the mall. There's the entrance that I was talking about that's in very close proximity to Plantations.

We did have two protest letters -- 0.25% within the notification area. However, nobody came this evening. It's not this whole area, it's one person within this area. Plantations is right now the only sole independent operator within the mall. They've been there since about 1976. They opened with the mall. The intention is to have a small bar so that they can obviously have a place where somebody could go have a drink and have a cigar. There is currently El Chico that's in the mall that's a restaurant; they have a bar area inside the restaurant. There have not ever been any problems associated with that. We feel that this would be a good use. So staff is supporting approval of the applicant's request for a Special Use for a Bar, Lounge or Tavern to be located. We do recommend approval of Ordinance No. O-1415-1.

Just one last item that I did want to bring up because of the Special Use. Change of ownership -- if somebody came in and decided -- that Special Use stays with this property. There is a lease contract with the mall and Plantations to allow the Special Use. They've gone through that. If there is a change in ownership, the special use has to be transferred to the new owner. They have to have written notification sent to the Planning Director, indicating date of transfer, name and address of the new owner, a statement acknowledging conditions attached to the special use, and intent to continuously comply with that special use, and there's a \$100 transfer fee, and then, lastly, there's an inspection of the property that they have to reveal that the continued use is in compliance with all original conditions.

2. Mr. Knotts – I have a general question about the notification area. It appeared that Dillards is not included inside the subject tract area, and then it would seem to me that it would be – if you look at this and then you look at this, the subject tract area doesn't come close to the Dillards. Those of us that have hunted for parking places at Christmas know that this is just very narrow. But this one is very wide. And also it seems to me that the subject tracts should be the perimeter of the property, rather than the perimeter of the mall.

3. Ms. Connors – He is indicating, Janay, that this map does not include all the land within the enclosed mall. The Dillards store.

4. Mr. Lewis – Is it possible that Dillards owns its own building?

5. Ms. Connors – It does.

6. Mr. Knotts – But Dillards doesn't own the parking lot. And so the subject tract would include – I don't think that there would be any protest from the expanded area, but if the subject tract included the parking lot, the 350' would come across Main Street, as opposed to not coming across. It just seems like there's a little glitch. That was just kind of a point of information, I guess. When I saw the notification area on the email that I got – the protest map – it kind of reflects that red line and that red line is – it doesn't even get off the parking lot in that short area right there. I don't know that it's a problem. I'm just saying that there might be.

7. Ms. Gordon – I do have a quick question. Have there been any issues, as far as the bar portion, and any problems with the surrounding area with the Plantations on Boyd that essentially has the same set-up, that we know of?

PRESENTATION BY THE APPLICANT:

1. Blaine Nice, 100 N. Broadway, Oklahoma City, representing the applicant – I will tell you Mr. Summers talked to the president of the Brookhaven Square homeowners' association. He asked a few questions but he was quite okay with it. It's going to be a very small operation. One of the reasons this came about is the change of law over the years. He used to be able to allow people to come in and purchase tobacco products and smoke a cigar or cigarette and sit in there and have coffee in his shop. When the smoking statutes changed, he can't do that. So in order to allow that, he had to do some modifications to his store which was quite expensive and he's doing that. To make it profitable to do that, he added this element to it. As you pointed out, over in Royal, his father opened that back in 1970. It's been in that corner; it has expanded and very successful. They opened this one in 1976 and it's been there. As he tells the story, when Plantations started at the Mall it was a dirt floor. They were one of the first tenants and the only independent that's still there. But it has been very successful over on Jenkins. It's not a large area, but the people that want to come in there and smoke a cigar or purchase a cigar or cigarettes and have a beer or a cocktail can do so. His thought at this location is if somebody's there with their spouse or somebody and they want to go in there while somebody is shopping, they can do that. And also the gentlemen or ladies that purchase a cigar can sit there and smoke it and have a drink.

We had a huge notification area. We got those two letters just today, but other than that nobody showed up. I expected we would get some comments from Brookhaven Square, but we didn't. I've had some discussions about the hours. I think that it will be the same as the Mall hours. One of the things that she mentioned – obviously, it's a special use permit and it stays with the property. But the Mall will have to have a lease with whoever moves in there, and they're going to restrict activities by their lease. General Growth is out of Chicago – I represent them on some other matters and I can tell you they're very professionally run and they'll have good oversight over the property.

2. Ms. Gordon – You mentioned the hours following the Mall hours. In our information it says that potentially the hours could be – depending on business, they may request permission to stay open later.

3. Mr. Nice – Whenever the Mall hours – they have special events. Mr. Gasaway and I talked about this. If they have Midnight Madness or whatever – if the Mall is open, he can be open.

4. Ms. Gordon – So it will still follow the Mall hours?

5. Mr. Nice – Yeah. They have to be there.

6. Mr. Gasaway – I was just going to follow up on the hours. I spoke to the Mall general manager today, and she said, by contract, the tenants in the Mall can only be open when the Mall is open. There is an occasional exception, like Easter they let El Chico open when the Mall is not open, and I think Game Stop when NCAA 2014 comes out they open up at midnight, but it's very, very rare.

7. Mr. Nice – This is a small venue -- we don't anticipate – it's not going to draw like down the street, Pub W, has a smoking area upstairs and Louie's does. It's not that type. It's going to be very small. Up to 10-15 people, but the way it's set up I would suspect that if there's more than between 5 and 10 people there at any given time I would be somewhat surprised, except on very, very rare occasions.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

*Chris Lewis moved to recommend adoption of Ordinance No. O-1415-1 to the City Council.
Cindy Gordon seconded the motion.*

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

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

Ms. Tromble announced that the motion to recommend adoption of Ordinance No. O-1415-1 to the City Council passed by a vote of 7-0.

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