

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

FEBRUARY 8, 2018

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 8th day of February, 2018. 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.

Chair Neil Robinson called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Sandy Bahan
Nouman Jan
Neil Robinson
Erin Williford
Lark Zink (arrived at 6:38 p.m.)
Dave Boeck
Tom Knotts
Andy Sherrer

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
Roné Tromble, Recording Secretary
Larry Knapp, GIS Analyst II
David Riesland, Traffic Engineer
Ken Danner, Subdivision Development
Manager
Drew Norlin, Asst. Development Coordinator
Terry Floyd, Development Coordinator
Kathryn Walker, Assistant City Attorney
Elisabeth Muckala, Assistant City Attorney

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O-1718-9 – HOLLYWOOD CORNERS STATION, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO TC, TOURIST COMMERCIAL DISTRICT WITH SPECIAL USE FOR A LIVE ENTERTAINMENT VENUE AND SPECIAL USE FOR A NIGHTCLUB OR TAVERN FOR APPROXIMATELY 2.38 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF PORTER AVENUE AND FRANKLIN ROAD (4712 N. PORTER AVENUE).

This item has been withdrawn by the applicant. No action is necessary.

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Item 10a, being:

R-1718-25 – HOLLYWOOD CORNERS STATION, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM VERY LOW DENSITY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR APPROXIMATELY 2.38 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF PORTER AVENUE AND FRANKLIN ROAD (4712 N. PORTER AVENUE).

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report

and

Item 10ab

O-1718-31 – HOLLYWOOD CORNERS STATION, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO SPUD, SIMPLE PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 2.38 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF PORTER AVENUE AND FRANKLIN ROAD (4712 N. PORTER AVENUE).

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. SPUD Narrative with Exhibits
4. Pre-Development Summary

PRESENTATION BY STAFF:

1. Jane Hudson reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval of Resolution No. R-1718-25 to update the land use designation of this site to accommodate those grandfathered uses. For Ordinance No. O-1718-31, staff recommends approval of the request for the SPUD, Simple Planned Unit Development, for the Bar, Lounge or Tavern, and staff recommends approval of the Indoor Live Entertainment, but not Outdoor Live Entertainment, based on the discussion and interpretation by City Council at their December 2016 meeting. There was a protest of 26.6% within the notification area.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – Every now and then we have an item that comes before us that is complicated, and an item that asks you to approve uses that are already there, an item that comes sometimes with us questioning what we're supposed to ask more for that we don't already have. This is one of those items. This is an item that came into my office and Tom's office some months ago, and I remember when we first got the call it was, Sean, we need to figure out how to zone Hollywood Corners commercial. I remember thinking, what do you mean zone it commercially? It's been a commercial facility all my life. I grew up in Norman. As we looked into it, we realized it's been a commercial facility for decades – since about 1925. So it was odd to get the request of wanting to rezone something to commercial that has operated commercially for generations in Norman. But that was the request. As we got into the item, we realized it was neighbors that wanted some issues addressed, and we heard from a Council member, and we heard from others, we started seeing what was involved. What we learned was permits had already been issued, approvals had already been granted. As we stood and talked with the client, I remember, on site the client

said, what am I supposed to ask for more that I haven't already been granted? It was a unique situation, in that we did have all these permits granted and we did have this ongoing use that had been granted and approved and invested upon on that basis, and here we were.

Nonetheless, as you saw tonight, this property is zoned A-2. It's zoned agricultural. It was never changed to commercial. That's the only reason we're here tonight, is because that property was never changed to commercial. So we need to clean up the zoning. We need to make it to where it fits what is happening on that site, and that's why we're here.

So let me take you through some of the proposals. You've seen the location. I think it's very important to make sure you understand that already on 2025 there are commercial locations around this intersection. We're asking for alignment with that. Again, really, the staff report, I think, very well covers this. It says that it's really a no-brainer that this be commercially planned – 2025 as commercial because it's been that since 1925. And 2025, of course, master plan just deals with the broad picture – commercial, industrial, residential. This has been a commercial site for 90 years. So 2025 is, of course, very appropriate to move to commercial.

The zoning – and that is our dilemma tonight, really, isn't it, that this was zoned A-2 and never changed. We don't know how or why it never got picked up through the years. We don't know how or why it never got changed and put into what it has been functioning as for so long, but it hasn't. So we're here and so the decision is upon us to figure out how to correct it.

That's the site. You saw that from Jane. This is just some pictures a little closer. This is the existing building. The building sits right out on the street, really. You will see it's very similar to what it's been for a long, long, long time. The interior very nicely remodeled through building permits, through process, through this City to be a bar, a restaurant, a deli – all through City permits approved and done in recent years, again on A-2 zoning, and that's our dilemma. The back, you see the patio area with a cover. This is looking from the patio out to the stage and this stage – that is heavy W steel, as we call it, columns with a permanent roof right over the top of it. That was done by a building permit through this City, and I'll show you that in just a few minutes. You can see a picture of the venue. You can see it's a venue that basically has folks sitting around picnic tables and enjoying live music from the stage under the roof as it was permanently permitted. Here's a viewpoint – this is from their Facebook page. This was a benefit of OU Children's Hospital. I was there one night recently in the fall. I thought, I've got to go see this in action – what is it like? When I was there, you can see the picture on the left was basically that, and when I was there that night – this was in the fall, they were having a concert and there were little kids running around right in front of the stage – 3 and 4 year old kids. So it is certainly a family appealing situation and one that a lot of people have enjoyed, and that's why you see so many people behind me tonight.

So let's get into the land use and the planning of it. This is the site plan as generated by Tom McCaleb, and basically this simply draws up what is already there, in essence, and puts some more methodicalness to it. The couple things that we're asking for in the SPUD – and actually, let me backtrack a little bit. When we first filed this, we did file it as a special use permit for live entertainment. We filed it as TC Commercial zoning with a special use for live entertainment. That was the first filing. The first filing asked for a number of special conditions that we put forth. What basically came about in that process over the last few months was that it was determined that the special use for live entertainment did not address exterior live entertainment. So it was decided that we would put it on hold. We would come back with a SPUD, and at that time, SPUD was just being adopted. This was in November and December and you were looking at the new ordinance. We realized we have to have the new ordinance in place if we're going to use SPUD, so we waited for that to happen, and in December we refiled as a SPUD, which then allows us to ask for the live entertainment on exterior use. That was the process that brought us here today. It was readvertised, as staff said, and we held the meeting.

The SPUD, I'll show you the use allowances in just a moment, but we basically asked for just a few modifications on the front yard. The front yard right here. The building already sits way out on the street and has sat out on the street for decades – generations. We're simply asking for you to approve of that through the SPUD so that it is at its existing location. The stage also sits

right back here. The TC, which is the zoning category that fits across the street already – so TC is already the use approved across the street. We are basically emulating TC in this SPUD – specifically called it out and just modifying TC – modifying the front yard setback to allow for that, and the rear yard setback to allow for the stage, and the parking to allow on the existing site. Then I'll show you a few other things that this will talk about. But that's the existing site plan, basically.

Here is the SPUD allowable uses. Again, on the right is the existing TC commercial uses. The property immediately north of us is fully allowable for that – the top uses permitted. It could move for a special use on the bottom if it wanted to. You can see all those categories that that property immediately north of us is approved for right now. We took those categories and we stripped out the ones that really just don't need to be in this project – the hotel and the motel, the boat and marine sales service, some of those stations, the travel trailer court. We took all of those out, and what we were left with was this. The SPUD you're being asked to approve tonight is what's on the left. Those are the allowable uses. Those are the uses that are asked for very specifically, because that is what is happening right now on that site. That is what has historically happened on that site for generations – for decades. That is essentially what is, in large fashion, grandfathered in. So that's how we modified the SPUD – the TC to say that this SPUD will allow for those uses.

In the SPUD limitations – you heard staff talk about it – this is a very important development, in that when we first filed the special use request – the TC – we asked for really fairly large decibel counts. I think it was 85 we put in there. We didn't really know yet, probably, what our parameter needed to be. Well, it's to the great credit of the applicant that has come forward and basically said, look, we want to be good neighbors. We will meet the noise limits of the commercial district as put forth in the City code right now. We went further and wrote it into the SPUD. So the SPUD says we will meet those decibel limits right there. This is a noise ordinance in your City code right now that governs every property in Norman as to noise allowances – as to decibels. The property immediately north of us – TC commercial – has to meet those requirements. We're simply saying we will meet them, too. We will meet the commercial limits. What does that do? What that does is means that the live entertainment – the exterior use – is no different than any other commercial use on this property, because we have the same noise limitations. We're happy to do that tonight.

What the noise limitations are – you see the decibel counts. This gets a little bit technical, but I wanted to share it with you. If you look on the lower right, there's decibel readings. Decibels is a measurement of sound level – sound intensity. You can see they range from 55 decibels at the bottom up to 75 decibels. It depends on the time of day. It depends on the percentage of time. It's a little bit of a complex formula. But what are we talking about in terms of just what you and I think of as sound? If you look at the top, what we're talking about – 55 to 75 is really in this range right up here. We're talking about a sound limit between normal conversation and a dishwasher. I want you to think about that. We're talking about sound levels at the far corners of this property to be at that level. We're comfortable with that. We can meet that, and we can have a good experience doing that. That's what this is written to be.

So is that appropriate even? What is the decibel limits that you have deemed to be appropriate in locations like this? Well, if you look at the far right, I just want to share this with you. This is an ordinance you approved in November of 2017. What you said in 2017, just three months ago, was that on this property and any property we could put a wind turbine – remember the wind turbine ordinance came through just a few months ago? Well, I don't know if you looked at that ordinance, but in that ordinance it said that the wind turbines would be limited to 65 decibels at the property line all day, every day continuously. So you have, as a matter of ordinance now, said in these locations we can have up to 65 decibels all day, every day continuous at the boundary. So, certainly, the commercial limits that I've shown you are, of course, very appropriate. We're right in that ballpark – right in that range.

What we've shown, we want to make sure we're fair about where we measure these. We have an odd-shaped site. It's a site that comes in and goes out, and so we want to define

out points. We want to make sure we're fair about this. We've said that point, that point, that point and that point would be the locations measured. We went further. This applicant, to their great credit, wants to make sure that they're neighborly friendly. They want to make sure that they confine the sound as much as possible. What they have said is that they will take the stage and they will put sound buffering around the stage at the rear and the sides. They're happy to do that. They want to make this a good experience for everybody. They want to make sure that the sound really is to the benefit of the folks right out here. It's really not a very large area. You can see it right here. You saw it on those photos. It's basically picnic tables sitting out in front of a stage at the restaurant. They're happy to confine it there. They're happy to confine it to the noise limits of the commercial ordinance. They have taken great strides tonight to make sure that you have the comfort to say that they are meeting it in a responsible fashion to the noise ordinance that's already in place.

There is large distances involved here, and I think that's important for you to understand, too, that when you take it down to the level of a dishwasher, of a vacuum cleaner – that kind of noise. We're talking about that kind of noise over hundreds of feet. The nearest residence to the stage, and this is the stage right here – the nearest residence is about 593' to the rear. In fact, you can see – and you saw from the protest map the ones that have voiced concerns are to the rear. Again, if we buffer the stage on the sides and the rear, we can accommodate that and even help it further. So we have long distances to carry that sound.

It is important for you to know tonight, and it's important for the Council members to know that, but for the permits that were issued on this property, we probably wouldn't be here. Hollywood Corners had basically been in operation, had been working as a deli, had been doing things as a convenience store, and it was when this applicant came forward and purchased it and decided to make something special out of it that it really found its new day. But that would not have happened if these permits had not been issued. It's important for you to understand that. Numerous permits were issued at their request through absolute processes of the City as everybody does at the counter right here in this campus. I want to show you some of those. This was February 27, 2017. This is City letterhead. This is Brenda Hall, the City Clerk. This was just, of course, about a year ago. It said the owners have upgraded their liquor license with ABLE and are upgrading their City Strong Wine/Beer to Mixed Beverage occupational tax permit. The City of Norman has no objection to the relocation of the bar or the upgrade of the liquor license for Hollywood Corners Station, etc. This was in response to their application for liquor licenses to operate basically a bar on this property. City was fully knowledgeable, fully aware and approved of it. As Ms. Hudson showed you, there have been many permits issued on this property in these uses. Now, I'm not trying to suggest there's fault on anybody. I'm trying to make you aware that I think it was so ingrained that this property functioned as a commercial property that it was what it was that these permits were simply issued because we all thought of it that way, just as when that first phone call came to me and I thought why are we rezoning something to commercial that's already commercial. It was odd. I would suggest that's probably why these permits were issued. But they were issued. I know from that first meeting with my client they said, look, if I had gone and asked for these permits and they said no, or they said we had to go rezone, I wouldn't have done it. I wouldn't have invested all of this time and effort and money in these properties if I had been told that, hey, you've got to go get the zoning fixed first. He wasn't. He invested. He got it going. Fortunately, it's been very successful. It's been greatly successful. Now he was told to come back and rezone. That's the dilemma tonight – for him, for you, for everybody. But if he had been told that initially, we wouldn't be here. Either he would have gone through the process or he'd have walked away. He didn't. He asked, like everybody else, can I do these things? Can I get a liquor license? Can I put a permanent roof over the stage? Can I do these things? It was granted without question.

I can go through every one of those, but basically what you're going to see there is liquor licenses. You're going to see, in essence, restaurant use licenses and permits. See cigarette, tobacco – all of those things were permitted through the processes normally attained. What – maybe the information was bad that they were shown. I don't know. I don't think it was, though, because here's an item that was presented for one of those licenses. Crude – maybe –

but that's pretty common, actually, if you work building departments and planning departments. You see often things come forward like this that show what they want. This was 2016 liquor license and you can see on the left – the only thing I put on here was the red circle – but it shows stage. They wrote stage on it. The stage was presented to the City as part of this permit, obviously on the exterior. This is the building right here. This is the patio. On here is also written reception area, portable bar – noted portable bar on outdoor patio right here. All of that was presented and the license was granted – it was issued. Now we're here asking for your permission to do what we were already permitted for previously through these documents.

This is the commercial building permit for the exterior stage roof. That document on the left is not our document; that's your document. That document says that it was a commercial addition or alteration for this property. If you look at it, it says the occupancy site was A-5 assembly and it was for a roof on the existing pavilion. Well, if you look up the occupancy type A-5, that's a technical term – it's a building term – it's a planning term – but basically you look that up under the International Building Code and assembly group A-5 is group A-5 occupancy includes assembly uses intended for participation in or viewing outdoor activities, including, but not limited to, amusement park structures, bleachers, grandstands and stadiums. A stage. A stage that was granted a building permit to cover it with a permanent structure right where it's at right now. So, again, permits were issued. Investments were made. Plans were taken and a successful business has sprouted through these permits on this property. We're here tonight to ask you to accept it.

Let me talk a little bit about the personal connection. I don't think it's any mystery that Mr. Toby Keith bought this property and rehabilitated it back to what it is. He didn't do that simply because he was on a whim, or because he was thinking of money or profit. He did that because this is very personal to him. He did that – and this is a story that we pulled off the wire, basically, but I want to read it to you. It says, this is my childhood. The first tank of gas I ever bought was right here. I grew up three miles up the road, to the north. And now moving out here and living three miles away in the other direction, to the east. He lives three miles away from this, and you will see him – I hope I'm not disclosing any secrets there – but he's there quite often actually. So he goes on, there used to be music here 50 or 60 years ago – big music. Bob Wills and stuff like that back in the old days. It has a history of all of these things and we're trying to bring back that vision to life. He's done it – successfully – to his credit – to our community's credit. This is a community benefit that I think a lot of people know and love, and you see them behind me. You see them written in to the Action Center and other places. It does have a long history. Very long. I don't know the date of this photo, but it is way back. Hollywood Corners, says the Norman Transcript in 2016, there was even media coverage when it got rehabilitated in 2016 and brought back to life into this new venture. It was not a secret. It was fully lauded – fully approved. As I said, it was an old time gas station and restaurant with history that dates back to the 1920s and plays host to famous musicians like Bob Wills. Many articles out there about it and its history. Used to be a dance hall – really important western musicians from the 20th Century played there. Actor James Garner is said to have worked pumping gas at Hollywood Corners – his first job as a teenager growing up in Norman. That's how old this goes – way back as a facility that had gas and restaurant and entertainment. Used to be cabins, motel. Bonnie and Clyde stayed there. Lots of great stories about how far this goes back. So much history.

So what are you being asked tonight? You're being asked to approve a zoning that has been in place for a long time in its use and in its function. And in its permits. You're asked to be approving what has been permitted previously on this site through this City. 90+ years. 1925. And recently through a significant investment of this applicant that has successfully worked and worked well. So staff recommends approval of the 2025. Staff has said, as you heard them, that they said they recommended approval of the bar, lounge, tavern. It has been wondering what the staff's recommendation is as to the live entertainment exterior. I talked to City Attorney Jeff Bryant about three hours ago. I said I wanted to understand this a little further. What are you saying? Is the staff recommending approval or not on this? It's my understanding from Mr. Bryant was that staff didn't have a position they could take really, because it has not been set forth in the zoning or codes to have exterior live entertainment. He told me that really is

probably going to be a Council decision. Of course, your decision tonight, as far as recommendation goes, on that particular item. But this is a project that we hope you will accept for what it was. We cast no fault on the permits that were issued. We thank you very much for them, because it's been a successful venture. We thank you for the ability to bring this back to what it was over decades. We're excited about that. A lot of people are excited about that. We hope that you're excited about it as well.

Finally, to my final point. This applicant has taken great care to address those concerns in the document that is enforceable and will be enforced against them as far as noise and the location of these structures.

With that, I'm happy to answer any questions you have. There are a lot of people here tonight in support of Hollywood Corners. I hope they can speak that to you and tell you of their stories, and I think you'll find them very interesting. Happy to answer any questions, and we ask for your support. Thank you very much.

2. Mr. Boeck – One of the things that I heard was additional parking – that for music it did not have enough parking, and there was some discussion about, I guess, kitty-corner – northwest – northeast corner getting some kind of approval. But they don't have any formal agreement. That's a big issue.

3. Mr. Rieger – Yeah. Let me address that. It's an issue – it is. I do have a letter of agreement. I didn't show it to you yet. It was hand-written and I would like to get that ...

4. Mr. Boeck – There's no parking lot there. It's just an open field.

5. Mr. Rieger – That's correct. What I would suggest to you is – I was talking to somebody about this just today. Do you want a paved complete parking lot over there? I don't think anybody does. I think what you think about is the Downs Family Christmas Farm – right? – where they have cars out in a field. Do you want that to be a paved parking lot? Probably not. Do we want to enjoy that experience? Probably so. I think it's appropriate, if that landowner in these kinds of situations – rural entertainment experiences like this – want to allow for that, and it's not disruptive and it's not continuous as 8 hours a day, 5 days a week – I think it's appropriate. What we've arranged for is this property owner right up here to allow us – you see an entry point right there – to allow us to use this as temporary overflow parking. I do actually have a document -- I'll share it before we get to Council – that shows you that. That would be the arrangement. Tom McCaleb and I have talked about how do we, then, make it safe crossing. We can do that. We can absolutely – and we're happy to do that, through pedestrian crossings at that location. So we can accommodate that. We have accommodated that. We're happy to do it in a more formal fashion going forward.

6. Mr. Knotts – How long will that land owner in the northeast corner own that land?

7. Mr. Rieger – I don't know. I can't predict how long they would own it. I can tell you that they're happy to allow us to use that. And it is a compensated arrangement. It would be compensated.

8. Mr. Knotts – So that's not a – that's a time-limited agreement.

9. Mr. Rieger – I can't predict. I think if you consider that, then we would be under the responsibility to find temporary overflow parking everywhere at another location. We've actually had that suggested before on a zoning. I remember a zoning that I worked on for, I think it was Rose Rock School on Main Street, where they had an arrangement to bus people in from a different location. That was considered acceptable. Actually, we do have an arrangement – my understanding is – with a church nearby that they could do that in certain

occasions. They would rather do it across the street, but I think if it needed to change, it could. I think our responsibility would be to provide temporary parking at a location that's acceptable.

10. Mr. Knotts – So one of the pieces of evidence of acquiescence to this is that you asked for a liquor license and the layout was there, but those people that approve that liquor license have no concept of what – they're not approving any changes or any structures on that land. So it's really a bad argument to make on that particular piece.

11. Mr. Rieger – I would disagree with you, respectfully.

12. Mr. Knotts – You always do.

13. Mr. Rieger – Oh, no, Commissioner Knotts. I never do. We're often in agreement. But on this one, I've got to disagree with you. Absolutely, before a permit is issued out of this building or this campus, they should check the zoning and they do check the zoning. I've had it checked on me. And if it's not fitting, you can't get that permit. Again, I think it was simple mistakes. I think it was the issue that, basically, this has operated as that for decades – for generations. I thought it was still zoned commercial. I thought it was that.

14. Mr. Boeck – So did Bob Wills drink there?

15. Mr. Rieger – I don't know. I don't know. But I think it's functioned as it has for a long time.

16. Mr. Knotts – I agree with that. But your arguments that asking for other permits – other licenses do not cross all of the lines for permit application. If it's just a liquor application, then it's inside the building and not – they're not approving an outdoor stage, which is – you circled – which is not where it actually is. I mean, it's ...

17. Mr. Rieger – I think we could have a disagreement on the liquor license. I don't know how you get to that disagreement on the building permit. I don't know how you get there. That was shown as a commercial building permit for a roof over the stage.

18. Mr. Knotts – I'm not talking about that one.

19. Mr. Rieger – I know. But how do you ...

20. Mr. Knotts – That was just a permit for a license – I mean, for a roof. It was an in existence stage.

21. Mr. Rieger – Clearly it was used that way. I think it's a stretch to suggest that it wasn't known what it was used for. I think it's a stretch to suggest that, if a city is going to issue a liquor license, that they could do it on an A-2 zoning without checking that.

22. Mr. Knotts – So we are disagreeing.

23. Mr. Rieger – We are probably disagreeing on that point. Yeah. But I would ask you, Commissioner, to just think about this and what is a property owner to do if they come to the City and say I would like to have a liquor license, if they come to the City with a drawing and say I would like to have a roof over this stage. Have they done enough? Yes. Have they done enough to rely on the response from the City to say you can do that and take the assurance that they had the right to do it? Yes. They should have that right.

24. Mr. Knotts – I have no question about that right, but the idea that you purport that, because they've asked for a liquor license, that approved the stage – the outdoor stage – the

idea that they asked for a roof approved all of this other and the additional parking and all of that. I just believe that you're conflating some ideas that really don't go together. And I'm happy to disagree with you.

25. Mr. Rieger – I know you are. We have in the past. I know. But I don't think I'm conflating, to use your word, the frustration of the applicant, whether he's Toby Keith or anybody else, when they come through that process and then given those permits and licenses to think they're done. Right? To think you're done.

26. Mr. Knotts – Who gave them the idea that asking for a liquor license approved a sound stage?

27. Mr. Rieger – I don't think he had that idea. I think he had the idea ...

28. Mr. Knotts – That's what you're trying to tell me.

29. Mr. Rieger – No. I'm saying when you come back later and say that, hey, that's not – you can't do that, when you previously handed the permit out. That's wrong.

30. Mr. Knotts – That permit had nothing to do with the sound stage.

31. Mr. Rieger – How is he to know that? How is he to know that?

32. Mr. Sherrer – Two things, Sean, that I've heard, as far as concerns from people that have contacted me regarding this application have been about parking, which I think was already addressed. The other thing is about sound, and you've certainly talked a lot about that, and we appreciate that. One of the things I know that gets into sound issues are we have a hard time, as a city, monitoring sound – it's challenging. So talk a little bit about how you and your applicant plan to go about making sure that you fall within that decibel level that you already described.

33. Mr. Rieger – Well, the first thing I would tell you to answer that is the City of Norman has invested in a new sound meter to measure this in accordance with their ordinance. It's my understanding that the City previously had difficulties doing that because they didn't have a sound reader that would do it to fit that ordinance of the decibel thing. The ordinance, to its credit, is more detailed than just to say 65 decibels. It's detailed in that it has a time issue to it, basically a decibel limit for 90% of the time, a decibel limit for 10% of the time, and a decibel limit for 1% of the time. So it can measure fluctuations and changes over a given, set period of time. My understanding is the City didn't have a device to read that previously; now they do – at substantial cost – I'm told thousands of dollars they invested to purchase a device that can do that.

34. Mr. Sherrer – That's still a mobile device, yes, that has to be moved on site. There's nothing there that the applicant has that's going to tell it how to monitor it, because – when I say it, the sound level at that particular point in time.

35. Mr. Rieger – The applicant – certainly they have decibel readers they can use on site. I don't know that it's the same style as this one – I don't think it is. But they certainly have the ability on-site to read some of those decibel readings and do that, and they will understand they're under this requirement. Absolutely. They would certainly to that; that would be their duty.

36. Mr. Robinson – Mr. Rieger, did your client do a study to establish what the ambient sound level is now?

37. Mr. Rieger – No.

38. Mr. Robinson – What about – the stage has lighting on it, I saw in some of the photos. How do you keep that from spilling over onto the adjacent property?

39. Mr. Rieger – Well, actually, I think I wrote in the SPUD that we would meet the commercial lighting ordinance. I think the intent of the commercial lighting ordinance is that you don't spill over on any adjacent properties. I'm happy to do a photometric study to make sure that we don't, if that's – I didn't write that in, but I'm happy to write that in, that we would have a photometric study that ...

40. Mr. Boeck – One of the issues is that lighting that's currently there – free, open bulbs all over the place – have no limits as to how to cut them off at the property line. That would be a big issue, because the City lighting ordinance was a big, controversial, complicated conversation, but it has its benefits in terms of property owners around a given site, like a convenience store or a gas station.

41. Mr. Rieger – I don't have any problem telling you we would meet that.

42. Mr. Robinson – I know it's a general music venue. Is it primarily amplified music, or is it acoustic?

43. Mr. Rieger – Both.

44. Mr. Jan – So, for example, if there isn't any approval and it still stay as whatever it is, can they still operate as a stage and whatever they're currently doing?

45. Ms. Connors – Their bar/restaurant – the building out on Porter, at this point in time, is a legal non-conforming use, and so all that operation in the building can stay. The outdoor live entertainment is not a legal use at this time, and if this is not approved it cannot continue.

46. Mr. Jan – Okay. So, if I'm not mistaken, with the approval of commercial will allow them to have the concert outside legally.

47. Ms. Connors – No. It would not.

AUDIENCE PARTICIPATION:

1. Mary Ellen Hickman, 5150 N. Broadway – I think I've heard a lot of talk. I heard a lot of cloud cover. What I would like to say is I am not here to hurt Hollywood Corners. I love the history of Hollywood Corners. The biggest difference – what all of us here – the ones that don't live where we live, they get to go home. They get to go home to their bedroom, go to sleep where it's quiet. I go to Hollywood Corners. I haven't now since I started this. But when I go to my bedroom at 10:30 at night – 2:00 in the morning – and I promise you this. My windows shake. What scares me beyond belief is what has that done to my property value? Okay? I have a very high-dollar property. I had friends down, because I'm thinking about selling it because my husband passed away. I had them come on a Sunday afternoon, because I wanted full disclosure. They said, Mary Ellen, we love your place. We cannot put up with this noise. What scares me is I called Hollywood Corners and I said, the noise level. We're going to work on it. Well, guess what. They haven't. So I go by actions, not words. For over a year, they have not turned it down. If they wouldn't have the noise here – hey, I drove my old car down there. I go to bike night. Wonderful people in this audience. I don't want to shut this down. But please consider us. You go home to a quiet home. I live in a place – it's not quiet anymore. I cannot

find peace in my own house. If you want to do that to a neighborhood and take away my peace, that's not fair. It's not fair. Thank you.

2. Brandi Callahan, 501 NW 170th Street, Edmond – I'm here to speak on behalf of the musicians that play at Hollywood Corners. First of all, I have to disagree with Ms. Hickman, because nobody ever plays 'til 2:00 in the morning at Hollywood Corners. The latest I've heard it go on is maybe 11:00 or 11:30. In regard to the noise, I can testify from experience standing on stage, that we have to warm up to at least two, maybe three songs – while I personally have a sound man that has a meter so he can read it, and the applicant tells him how far – how high the decimals can be. Not only that, the applicant goes across the street and stands there with his own meter. Then he goes to another point, then he goes to another point, and this thing – they're reading meters right and left to get it down to the right level. So, from a personal experience, Hollywood Corners is a gem. This is a place – I mean, trying to not sound cheesy, it's kind of like a little Mayberry Place, you know. You walk out there – there are kids. When I first performed there, the first time I saw toddlers dancing right in front of me while we were singing, and the parents got out there – they were dancing with their kids. It's such a friendly place, and it melds all different walks of life together in that one place, because everybody loves music. We have the elderly there. There was a man in a wheelchair when we were performing there at one point, and he was dancing from his wheelchair. It's just an incredible place. As far as safety goes as a woman, I can walk around anywhere in Hollywood Corners – outside, inside – and feel perfectly safe. I've never ever seen a fight break out there, and that's unlike some of the other places that I know – like Tyler and I play and some of these other musicians. I think that's all I have to say. Thank you. Do you have any questions?

3. James Rose, 5005 Pullin Lane – They talk about this noise ordinance, and that's the reason mostly that I'm here – a little bit because of the parking and the way people park along the roads when these things are going on, because they don't have sufficient parking area. I live – I measured by the computer – Google – from my house to the stage. It's at 3,000 feet, but I can plainly hear the music. I don't know what the decibel levels are – I have no way of measuring that from my porch, but I can hear the music very plain from my house. That's my biggest problem. The safety of the traffic going up and down the roads. It gets quite congested, I know, when they shut down at night. Like I say, mostly the parking and the noise. But I thank you very much.

4. Mayor James E. Bachman, 9652 E. Painted Sky, Etowah – I've been to the venue many times. I've enjoyed it. I've been to their hotrod nights out there. I've got an old El Camino – it's great to be able to go out there and visit with people of a like mind. There's plenty of families that go out there. I don't think you can get the entertainment value anywhere in Norman that they provide. You can take a family out there. You can sit and watch the music. You can wander around and look at the cars and talk to people about their cars, and it doesn't cost you a dime. Toby is a very successful national recording artist. If he had been somebody unsuccessful at that same venue, you wouldn't have any complaints. So, really, we're complaining that he's too successful. I'm in agreement with all the speakers that have been in support of Hollywood Corners, and especially Sean. You gave them the permits. You said he could do it. Let him run his business. Let him try to please you as best he can. He's a wonderful man. Thank you for your time.

5. Samantha Coffin, 5101 N. Broadway – Directly across from Ms. Hickman's property. I've lived there 20 years. I have a 13 year old, a 17 year old. My 17 year old didn't even know they had concerts at Hollywood Corner. I mean, we can – I sit out on the porch sometimes and listen to the music. You can barely hear it. And then I go there. I bring my 13 year old. We can eat, you know, together. We can watch the bands. It's just really a great place and it's improved the community feeling of that area so much. It was a convenience store. It was junky. There was – you know – then it was closed down. It was terrible. That brought down the property

value worse than anything. Now it's thriving. People – we meet there. We go eat lunch. It's a great addition to the area. It's awesome. That's it. I'm in agreement with everyone and support Hollywood Corners.

6. Milo Fox, 4776 N. Porter Avenue – I'm not a public speaker, but I'm going to hit my best shot. Maybe I can impersonate one. Good evening, City of Norman Planning Commission members, Hollywood Corners supporters, and Hollywood area residents. I'm a proud pioneer of historical Hollywood. 1925 it began as a wooded area with hollyhocks growing throughout the trees. Then a place was cleared out to accommodate a building and two gas pumps. Hence, it was named Hollywood. In that year, the store sold Budweiser brew. Hollywood had Bob Wills and the Texas Playboys do a live performance in the 1940s. A trailer park was there in the 1960s with a band of gypsies that sat around and played music to the wee hours of the morning there by the campfire light. My folks had the Hollywood Café next door to the Hollywood Grocery they owned also. Had a jukebox inside the café and had an outside speaker that played music – Elvis Presley, Chuck Berry, Rick Nelson, just to name a few. And neither of the neighbors, motorists, passerbys, attendees – no one voiced anything negative about the music. As a matter of fact, it made the guys' pants get up and dance, while the girls in their skirts seemed to get all the flirts. Well, to sum it all up, folks, Hollywood has always provided the public with alcoholic beverages, dancing, singing, and good down home, down to earth music. Let the legacy and the legend live on for historical Hollywood Corners, as it has for the last 92 years. Thank you very much, ladies and gentlemen, for your undivided attention.

7. Janet Fanning, 5613 12th Avenue N.W. – I'm just about a mile to the west. Hollywood Corners has been great to have in the neighborhood. It's a good family place that people can go to. I rent part of my property to a horse trainer. She's gone down there, done pony rides for great family entertainment. I know she personally goes there probably multiple times a week to try out their different sandwiches that they have. I have not had any problem with the noise and I'm in full support of Hollywood Corners being rezoned as commercial. It's been being used as commercial property already.

8. Teresa Sterling, 281 W. Tecumseh Road – I am in full support of Hollywood Corners. I think it's a great little place. It's Norman. It's Bonnie and Clyde. It's our history. I think we need to keep it around. I live at Porter and Tecumseh where the big red barn is, and across the street from my house is a nice little bar that used to be Boogie Hill. What I can hear from my house is cuss words, gunshots. Okay? You don't hear that from Hollywood Corners. You may hear some soft music coming from there – good music, but you don't hear the cuss words. You don't hear the gunshots in the middle of the night. You go in there, you see little kids dancing, just like they said. I do have concerns about some of the people who have been allowed to file complaints. I'm a retired police officer from Oklahoma City. There's been people who have been allowed to file complaints against Hollywood Corner and they've been allowed to make false arrest – I would consider a false arrest, because if they had met the legal requirements within the law under your statutes and they're allowed to sign a citizen's complaint – that's a false arrest. So they're, by proxy, making a false arrest against a manager at Hollywood Corners, which could cause litigation against the City, which could then cost my tax dollars. So I'm urging you to rethink your position on having officers do that. I don't want my tax dollars spent that way. I think you need to do what's right. Renew – or change the permit. It's been a commercial establishment for 90 years – as long as I've been alive. Let them run their business. It brings in great revenue for the City. And rethink your position on allowing people to just sign complaints for the sake of signing complaints when they're meeting legal requirements. Thank you.

9. Brad Smicklas, 4816 Belmar Boulevard – Three minutes is going to be tough for me to talk about this place. Grew up in Norman. Used to go there and get my bait and my beef jerky and all that fun stuff. It was really neat. Unfortunately, that didn't pay the owners' bills. They weren't able to keep the place open. Me buying a Snickers and some beef jerky every once in a while, I

guess, didn't do it. But we've been very fortunate that someone who has the wealth to come in and do what he's done. For me, I've got so many personal experiences there that I don't know where to stop. But my wife and daughter are here. She held my surprise 50th birthday party out there. We got engaged out there. We had our dinner prior to our wedding out there. Our daughter comes with us and dances out there, plays corn hole, met many other little children out there. There's some people that live up the road on Broadway, I believe, that ride their horses down there and tie 'em up, like the old days. She's never seen anything like that. Kind of like getting in an old car that I bring home and has crank windows and she doesn't understand why there's not a button to push. It's just an amazing place. You come in there. You see horses tied up. You see kids playing corn hole. Throwing a baseball around together. We have young artists that are able to sprout out of there and be seen by somebody who can take them somewhere if they've got the talent to be taken somewhere. You're not going to find that anywhere. I think we're all very blessed. It's brought income to the City. For me, it's one of my favorite places to be. I could go on and on. I won't. I appreciate your time today, and I hope you take into consideration our family and the time we love to spend out there. Thank you very much.

10. Casey Houseman, 12100 E. Lindsey – I am here to show my full support and approval of rezoning Hollywood Corners. This place allows my family – my children, my parents, my grandparents – a single location to come together in a non-smoky, safe atmosphere. The food and drinks – they're great. But we primarily go for the music. Until this music venue has opened up I've never known the talent we had right here in Norman, Oklahoma. I don't know of any other location that I can go with my family, listen to that kind of talent that plays on their stages. Personally for me, they have helped encourage myself to sing on stage -- I've had a huge deal with stage fright – a goal and a fear I never thought I would attempt without them, and they've pushed me to try it. Since watching the young kids on stage on open mic night, my 13 year old daughter has now started to play the guitar – she's learning, taking lessons. Since then, she's wrote several of her own songs. Hollywood Corners is not just a bar, and it's a place that supports the art of music, and we need that here in Norman. Music is a very important part of life. Even though music has no true shape or definition, it is like air and we cannot live without it. Music is a tool for learning, therapy, self-expression, and I appreciate this establishment for providing all of that in our lives and in our community. Thank you.

11. Mark Clarke, 1425 Avondale Drive – I'll try and keep this quick and concise. I can maybe bring a vantage point of an outsider. I've been living here in Norman for about three years now. I was here in the late 80s, and then I was out in New York City. I played a lot of music, did alright out there. Prior to that, I had lived in L.A. three times and played music out there. So I've been around music for quite a while. This particular venue is one of the more wholesome venues I've ever been around, as far as what I've seen. I stepped away from music for a while, and I got back into it about three years ago. I actually did something I would never do – I joined SWAN, which is Songwriters Association of Norman, and I know that they gave Rodney Carruthers, who runs Hollywood Corners, a special award this past year for supporting art and music and, you know, SWAN is under the Norman Arts Council. I've played at SWAN, played the Art Walk. I've played at the Porch Fest, which is over in the Miller District. I got a stage last year in the Norman Music Festival – got rained out. But I've only been playing music again for, I don't know, three years after being off for almost 20 years, so I'm a little bit of a retread. And to be embraced by these people and what goes on here, I think it would be a real disservice to take away what's going on up at Hollywood Corners. I found out about it just last spring, and when I got up there it was like – I'm a Yankee – they took me in like family, man. And I go up there and play regularly. I've met people up there where I've got – I'm going to be producing an album, or I've got somebody whose producing and I'll just be playing lead guitar. One of the guys, Rodney's son, is going to be playing drums and stuff. So I think it's an asset to Norman. I can't imagine – you know, akin to something like the Cain's Ballroom up there. When I heard about that Bob Wills, it would be a halfway stop and they'd stop here and play. To me it's part of the history and stuff.

And if you take away something like that, I think it really robs the town of a true asset. And, again, as a musician who's been around a little bit, it's one of the more wholesome venues I've ever seen and I enjoy being there. Thank you. I'm in support of Hollywood Corners.

12. Tyler Lee, 1204 SW 21st Street, Moore – I'm also coming from a musician point of view. I haven't been going there that long – it's only been a couple years. But I have been around a lot of places playing music. Like I said, from a musician point of view, working with Hollywood Corners and the staff and management – it's just one of the coolest places that I could imagine playing around, especially in Norman area. It's the first place my daughter came up on stage with me – she's 4 years old. I thought that was a pretty big moment, and to share that with Hollywood Corners. Everything that they've done – I'm there every Monday and pretty much every week I'm there and I'm glad to be there. I think a lot of people can agree with me on that. I just fully support everything that they're trying to do and hope that you guys can support that as well. So that's all I've got to say.

13. Shayne Walden, 708 SW 156th Street, Oklahoma City – I'm in support of Hollywood Corners. I've been there since they started up when they remodeled and everything. Been there for all types of events. You've mentioned before, Monday nights they'll have open mic night, which is new musicians. Thursday nights they'll have hotrod night. Weekends they'll have different featured artists that play on the stage, indoors and outdoors. One of the things I'd like to mention – I've been there many, many times. It was mentioned earlier that Hollywood Corners hasn't done anything to resolve the sound issue, and I've personally been there when they have. Like on Monday nights, open mic night, Rodney is very well-aware of what the decibel limits are and the legal limits and what we can have and what we can't have. Like on Monday nights, he'll push all the amped music for earlier part of the night because there's a 10:00 ordinance that says after 10:00 you can't have it – prior to 10:00 you can. And if it pushes past 10:00 at night, he'll move all the acoustic stuff to the end of the night. That way it isn't causing anybody any problems. On weekends, different concerts, I've seen him use the – instead of the big speakers that hang up from the stage, we've used local ones up on front of the stage so the sound goes out toward the crowd and not around the surrounded area. They've put up barriers on the side. They've done all kinds of stuff to try to accommodate the neighbors in the back. You know, it was testified earlier that they haven't done anything, and I've been a witness to that they have. It's a great place. I've taken my kids, my grandkids. I've been there for benefits – numerous benefits, numerous concerts, mic nights, hotrod nights. Enjoy all of it and my kids – my grandkids love it. Every night you're there there's such an eclectic crowd. It's old people, young people, different diversities, children, dogs, horses – everything you can imagine. People are riding motorcycles. People that drive hotrods. Every night there's somebody different there. It's just a great place. Like everybody else, I bought gas there when I was a teenager, stopped there for convenience stuff, all kinds of stuff. It's been a great part of the community forever, and I hope you continue it, and I'm in support of Hollywood Corners. Thank you.

14. Rick Spinks, 1324 Sonoma Lakes Boulevard, Moore – I work for a big jet engine corporation in East Hartford, Connecticut. I work on Tinker Air Force Base. When I first started going to Hollywood Corners, Rodney and the management at Hollywood Corners made me feel like family. The concerts outside – I've always stayed until they stopped, since I only live a mile and a half down the road. They have never gone until 2:00 in the morning. They've always ended 11:00 – you know, 10:30-11:00 and that was it. I really love the place because there's non-smoking in it. I'd rather go there than go into a smoking bar. I'm originally from California, so you can't smoke in any bar out there. I prefer a family place, which it is a family place. Rodney tries to do everything legally there. He's made a remarkable place – a family place there. I really support what he's done there. Thank you.

15. Jerry Connelly, 2130 Jazzman – My roots go back all the way to when Eddie and Levi's Grill was here downtown, Lindy's Bar-B-Que. I am actually here on behalf of the family that owns that property to the northeast corner there. We are willing – I've actually worked with the City already on putting a driveway in just to the right, 200 feet past that dirt path. I don't know if I can move this mouse or not. Sure I can. There's a guideline telephone pole where they've been going in and out right here. Miles Cotton and I went out and right here is a transformer on a telephone pole. We talked about putting in an approach across there – concrete approach. The family is a 100 year old farm. They've been there forever. They're not ever going to sell that corner. It's in a family trust. They're willing to lease that to us for an undetermined amount of time – whatever we can agree on – just legal insurance, lighting, everything that needs to be done. The crosswalk situation here that Miles and I talked about. This stop light at this corner actually has no crosswalks. In the City of Norman, if I'm not mistaken, all stop lights, stop signs are supposed to be marked with crosswalks. Is that correct? I don't know if anybody can answer that. But there's no crosswalks anywhere. There's one stop line right there that's painted. There's one stop line on the opposite corner here that's painted. With the lighting, fencing, whatever is necessary to put in this easement and approach for this parking area, we can solve the problem with all of the people – and people are going to do it no matter what you say – that are parking in the grass. The ones that park in the center median are idiots – they need to be towed off, anyway. The other ones that park in this City park that's here – I'm not going to say it. It's a pretty, grassy area. The ones that park there need to be hauled off, anyway. I'm not a musician. I'm here to support this family. I do a charitable event every year at this Hollywood Corners, and it's for the Toby Keith Foundation Cancer Kids – the Kids Corral. It's the only reason that I'm here tonight is this family wanted someone to come and represent them that kind of has some kind of idea what it's going to cost, and that's why I visited with Miles and the City Planning on what to do for our future there – what we could do for parking. As far as the noise level goes, guys, I live on the east side of Norman, and when they're playing soccer over here, I can hear them until 2:00-3:00 in the morning over there. I can hear them playing their bands until 11:00 or 12:00 and it's a mile from my house. I mean, the soccer field is right there. It goes on every summer. Noise is going to happen. They cut it off out there at 11:00. I mean, that's the cut-off time. If they're playing soccer at 2:00 in the morning or softball or whatever they're doing over there, it's still pretty loud. Thank you very much for your time. Any questions on the parking?

16. William Dance, 9928 S. McKinley, Moore – I am also the host of the Will Dance Show on 1640 AM from 7:00 a.m. to 10:00 a.m. every weekday live. I am pleased to congratulate you because I know that, when this is all over, this boils down to individual property rights. Mr. Keith is one of Oklahoma's favorite sons. He has gone out of his way to accommodate you on every single ordinance you have asked him to, from noise to sound to building to getting permits for his liquor license and building. And this boils down to the fact that this is not only an iconic location that has over 90 years of history, but we ask our children to go and be successful. One of Oklahoma's favorite sons has gone out and done just exactly that. He chased his dream; he became a musician and now he's come back and he's created a venue for musicians to come and experience what he has done. He lives just miles away. He has invested his money and, as his representative has shown you, he has jumped through every single hoop – some of them which are way beyond what the norm should be – to accommodate the City of Norman in what they do. I would ask you that you take a very strong look at individual property rights, because this is what it boils down to. This man has taken every step to invest back into his own community. Isn't that what we want? Isn't that what we ask of our community, that they go out and they reinvest where they came from? Well, he's done it. My boss convinced me to come here from Florida. I lived on the coast. He took me to Hollywood Corners, one of the few places that he took me, but it convinced me that Oklahoma was a place to live. And I will tell you right now this venue offers not only family fun and entertainment, but his cancer foundation – and you can clearly see by the representation of people who support it, that it is a place that Norman needs, not a place that Norman needs to restrict. Government is a necessary evil. Our

founding fathers said that emphatically. And it is your responsibility as representatives here who have been voted into office to make sure that all – all – interests are representative, not just minorities. And that means that when a individual comes back home and invests in his property and does what we ask of every person who has ever been born in this country – to go out, be successful, come back, invest in your homeland. Well, he's done it. Folks, this is a great place. I've walked to the edge of the corners and listened to the decibel sounds. I've seen the way he does the parking. You just had an individual come up here and said I'll accommodate the parking. This is exactly what we want ... Please take into consideration that this is individual property rights. Nothing more; nothing less. Thank you for your time.

17. Chris McKinley, 1620 High Circle – I'm a Norman resident for about 20 years. My entire adult life I've been a trainer of close combat and counter-terrorism for specialized law enforcement and military, including here in Norman. So I have a great respect for the rule of law and law enforcement. I'm also a lifelong musician, and for the past year I have helped organize and run the Monday night open mic night that we have at Hollywood Corners, where we emphasize basically a chance for newer musicians and players to come in and get a chance to play live for the first time. A couple points I want to make about Hollywood Corners. It's one of the finest and most professional live music venues that Norman has, by a considerable margin, compared to most, and that's simply a statement of how important it's going to be to the musicians community and to those who are fans of live music especially, again, because you have a smoke-free environment, which is very rare, but you also have great food – I mean, there's nothing on the menu that isn't fantastic. But you have – you've heard it over and over – it's a family-friendly environment. There really are kids right up there next to the stage dancing. In fact, in many cases, the kids are the performers. That's one of the nicest things that we've had the experience to see over the past year, is we've had kids as young as 9, 11 years old get up there and play for the first time in front of a live audience. It's just been a blessing to watch these kids grow into young, but confident and skilled performers. That's something that Hollywood Corners can lay an almost unique claim to in the Norman community, is providing a venue for that sort of entertainment and opportunity for young entertainers. Hollywood Corners is a very important source of support for Norman's live music community. As an example, Norman's Music Festival, an important cultural draw for Norman – Hollywood Corners gives those artists a professional level venue to basically keep their craft honed for the rest of the year. In order to keep the standards that we have, because I know it's not an easy ticket to land, when you've got one of those stages, there's some very good talent there and those people need a place to play for the rest of the year. Hollywood Corners is a great place to do that. It's a place, again, to nurture and develop the upcoming talent in the local community. Family-friendly nature, again. You can take your kids in there. We've got folks that are anywhere from little kids to retirees who are starting to play for the first time that get a chance to play for Hollywood Corners and that's something that ...

18. Darin Arnold, 5075 Broadway – It's about 800 feet or so from the establishment there. At nights I don't really have a problem with it. I like music. My general preference, but most times I'm disappointed that there's not music playing, because I spend a lot of time outside with my telescopes, and just outside in general on my back patio – that kind of thing, watching the birds or whatnot. Another thing I'd like to say is my son is a drummer and he is professionally trained. He has a lot of students that we recently lost a venue for them to put on their recitals. So I went to Hollywood Corners and asked for a time slot and what it would cost to put on a four-hour show. They said it would cost nothing; I could do it for free. So that says something about the integrity of Hollywood Corners in my opinion. Thank you.

19. Frank Lozano, 1408 Winding Creek Road, Moore – I would just mirror a lot of what you've heard here tonight. I've been going to Hollywood Corners for the last year, participating in the Monday night jams for amateurs. There's some professional musicians. It's just an amazing environment that allows some of these younger kids an opportunity to play. I personally have

seen Rodney walking the perimeter with a meter. He's very aware. He wants to be a good neighbor. I just think it would be a shame to deprive – you've heard testimony upon testimony of the benefits that this venue gives to just music lovers. It is a family environment. It would just be a shame, I think, to deprive this community of a venue that gives so much to the public. I certainly sympathize with, I believe Mrs. Hickman, if that's her name. I personally live half a mile from Moore High School. Friday nights I hear football game band. I can hear it. Is it obtrusive or intrusive? No. Can I hear it? Yes. I would just ask you to consider the benefit that passing this ordinance would give the community and you'll certainly get my tax dollars. That's all I have to say. Thank you.

20. Josh Kitchen, 277 W. Franklin Road – We live just west of this property. I'd just like to say that, personally, I'm for family. I'm for riding horses to a place. We're for a great venue. This is a very unique piece of property, I think, for the entire City. We actually absolutely love this part of the City. It's very peaceful. It's low density residential. We moved out there for a reason. It's a great location. I think for future development, I think there's great properties continuing on to the east. When I think from a development standpoint – I do a lot of development personally and I think about how do you do mixed use properly and do it well? I think that's what the City really cares about, is how do you take a great commercial ideas and blend them in with residential? I've always said that great mixed use provides a bridge to the residential community from commercial to residential, rather than providing a wall. It should not be a nuisance – it should bring value. I have three children myself. When my daughter comes in at 8:00 at night crying because she cannot sleep because of the noise, that's a nuisance. And that is bringing a devaluing to our residential property. There is great mixed use that goes on all over the country. When I look at this SPUD, and I look at a lot of things, there's not a lot of detail, I think. There's a serious parking problem. There are cars lined up and down Franklin Road, up and down Porter. We have actually heard inappropriate language from our property on multiple occasions. And the noise is – it's caused quite a bit of anxiety for my children. I'd just like you, as the Planning Commission, just to really consider this document and realize that, when the City thinks of great mixed use, how can it provide a bridge, not a fence? Thank you.

21. Lisa Martin, 4950 Broadway – Just north and west of the property. The first thing is I'm a little curious, if they're so aware of decibel levels and noise ordinances – I have records going through the whole summer in my driveway and the decibel levels are anywhere from 65 to over 80 decibels. My husband and I found and purchased our property in 2009. We decided to move and make Norman our community and build a house. We moved into it in 2011. We have three grandchildren adjoining our property and three grandchildren in west Norman. It was pretty idyllic until September of 2016 when Hollywood Corners changed their format and hired Rodney Carruthers as general manager. Since that time, many of my attitudes about life in Norman have changed. As you've heard, the noise is awful. Bear in mind that our house is 7 years old, well-built, well-insulated with high quality windows. There are times that the music literally rattles my windows. On May 15 of last year, our kids were out of town and our grandchildren spent the night with us. They were on the opposite side of our house from Hollywood Corners, all doors and windows were shut, noise machines in the bedrooms, and they could not sleep. This was a Monday, a school night, and Hollywood Corners played until 11:30, with my cute grandkids trying to sleep for school the next day. This was not an unusual occurrence; this is the norm. We made a choice to live in a rural area. We paid a good amount of money for our land and built a house because we desired the benefits of rural living. But there are times now that my husband and I go to Oklahoma City to dinner because we don't want to go home. We go shopping, because we can't face going to our house. Hollywood Corner has stolen our sanctuary. They've stolen our peace and they've stolen our quiet. Our home should be the safest, most comforting place we have, but due to the actions of the Hollywood Corners management, our home is filled with stress and frustration. It's been proven by Hollywood Corners management over and over again that they do not feel any need to abide by laws, ordinances, or even verbal agreements with the City. Any provisions for them to play outdoor

music brings us back to the spot where we are today, with no enforcement and no consequences from the City or the Police Department. I respectfully request that the rezoning request be denied, and Hollywood Corners is held to the same ordinances and laws that every other citizen and business in Norman is.

22. Randall Martin, 4950 Broadway – We purchased our land and built our home with great excitement. We were in the quiet countryside and our backdoor neighbors are our daughter, our son-in-law, and our three grandchildren. We spent many afternoon and evenings at our house, or theirs, enjoying our backyards which quietly back up to a large grove of trees. It has truly been a dream location and setting for us as parents and grandparents. However, since the management changed at Hollywood Corners, most evenings during the greater part of the year we can no longer spend a peaceful evening in either one of our yards. The noise can be so deafening that sometimes it is hard to understand each other when we are speaking. Even if we go inside with closed windows and doors, we still cannot escape the noise. Even with the TV on inside we can't escape the noise. The tension level inside our home on the nights that they are playing is through the roof, I'll be honest. If we leave to go out and eat just to get away from the noise, our stress level goes right back up when we return home. They play so loud and so late that many times we cannot even go to sleep with a noise machine on in our bedroom. We love our home, we love our community. We are not anti-Hollywood Corners. Hollywood Corners has a right to be in business. However, they do not have a right to destroy our peaceful existence where we live. We have reached out to them and asked them to be respectful of us in the neighborhood and they have ignored those pleas. I don't believe a single – and we just live, like, there's one property between us and Hollywood Corners. I don't believe a single person here would be able to endure the type of noise that we do if it was happening in your backyard, and this is basically our backyard. I have always been confident that the City of Norman, above all cities, would look out for the health and well-being of each citizen, rich or poor, and protect us from being bullied by someone that thinks they are above the law. Please do not let them rezone this. Do not let them have outdoor live entertainment, because once the SPUD is in place, they're going to do whatever they want. They've shown that in the past. Thank you.

23. Miranda Kitchen, 277 W. Franklin Road – Just a quarter mile west of Hollywood Corners. I would like to just state at first and reiterate that we are not asking for Hollywood Corners to go out of business. I would also like to say that it is a family place at some points when it's open. I used to take my kids there. There are staff members here who used to know my kids by name, and know what they ordered, and giggled that they ordered a bowl of beans as soup. However, as of September of 2016, when Hollywood Corners changed management, the entire dynamics of the place changed. As an example, this last September I had my son's birthday party, which was a swim party, in our back yard. Had friends that came to visit, and had multiple comments: Oh, my gosh, Miranda. I can't believe it really is this loud. Like, yes, that's what I've been telling you. I also, personally, around the same time on a Sunday afternoon was sitting in my livingroom trying to watch a Thunder game, and the bass was so loud that I had to excuse myself from my children, go into my bedroom, and had a breakdown because I can't relax in my house. The bass can be so loud – I don't know if you've ever slept with a dripping faucet, but the bass can be so loud in my bedroom that I can't sleep because it's like a constant tapping and it doesn't matter how loud I make my noise maker, I can still hear it. We have called in complaints. If you would like to know how late it goes, please check the City records to see how late our complaints have gone, because those are on record from several neighbors around there. As far as the zoning, I find it interesting that they are trying to abide by what they should have been abiding by the entire time, and they think that's okay. These noise ordinances were put into place for a reason. They should have been abiding by it and have not. We've had many empty promises not fulfilled by the management telling us they would work on it, and it seemed to just get louder. I honestly don't understand why we're going to try to measure it with decibel levels, because for the last year and a half we have actually tried to

get the City to enforce the decibel levels and have had zero luck. I know more about decibel levels than I care to know. I know more about the City noise ordinances than I want to know. I've tried to convince police officers that I know more than they do just to get the music to stop so I can sleep. This has caused a significant amount of anxiety and stress in my life, as a mom, as a wife. It's caused my husband ...

24. Amber Fields, 5347 12th Avenue N.W. – I'm about a mile away. I can hear the music in the evenings. I'm positive that it's went past 11:00 on more than one occasion. The majority of the comments have been from people that don't immediately live in the area, so I'm sure many of those people weren't there the nights that it continued longer. One evening I was cleaning my fish with an electric knife and could hear the music over the electric knife. So to try to equate that to the decibel level of a dishwasher – I don't quite understand that. I hope that you will consider the environment that we moved into when we live in an agricultural area for a reason, for the peace and quiet. I thank you for your time.

25. Roger Burke, 621 SW 68th – I'm not going to waste a lot of time. I probably have played at Hollywood Corners more than anybody. I can tell you a little bit about, obviously, reemulating that these guys really have tried to stay within what they've been told their boundaries are with the noise levels, walking the perimeters, being very cognitive of what the stage volume is going to be and what the residents are hearing within the limits of what they've been told they can do. If it's still too loud, I think anybody can find probably a reason to say, hey, it's too loud. And any of us that like it there can find a reason that it's not too loud. I think it's within the City Council's probably job to figure out – they've asked what can we do to fix it? Tell them what they can do to fix it. And let them do that. I think that's, at the end of the day, you guys have allowed the business to be there. It sounds like they've done their job. If there's more to be done, work on it together and get it done. That's all I have to say. Thanks.

26. Jeff Hays, 708 Pinewood Court – I just sold a house at 4000 Turtle Creek, approximately a little over a mile from Hollywood Corners. As far as the property value is, it paid off like a slot machine. I'm telling you that right now. They loved it. There was not a problem on it. As far as listening to the music, I could never hear the music at any given time. I had a 3000 square foot deck on the back of it and we had parties there and my parties were louder than what they are. And my grandkids go there. We go there, we have a good time. There's never – I've seen Rodney – as you seen in the pictures, the stage was built and then they started complaining about the sound, so he built the stage up, he built it around, he's enclosed it in. I watched him several times with the meter, try to keep it down, and it's just a great family place. And I don't see any of the arguments around there. I mean, I was a resident of there; never heard it. Thank you.

27. Latonia Miller, 801 Askew Drive, Midwest City – I just would like to say that two years ago I was diagnosed terminally ill. At that point in time, I prayed to my god, and I said show me a way to give back. I started a foundation called Halos and Horns Helping Hands Foundation. What we do with that foundation is raise all kinds of money, diapers, blankets, whatever we can for the children of Oklahoma. We give back. One of the very first persons – and let me also say I've also been an entertainer. I've been on the stage with Alan Jackson. I've worked with Toby Keith before. Conway Twitty. I'm on both sides of this. I also put bands – so I deal with a lot of the people that are out at Hollywood Corners, because it is so popular. One of the reasons it's so popular is because it's a place that, if you want to go with your family and be in a spirit of just honest friendliness, you can go anywhere you want to, be it Norman, Moore, Oklahoma City, Midwest City, and you will find bars that are nasty, dirty, grungy. The lighting is horrible and the sounds are way above what you all have set. Let me just say Rodney Carruthers is one of the greatest men I know, and the reason I say that is because he's an individual who does care about the community. When I approached Toby Keith and Rodney about having benefits there for these children – some of these children will never see the light of day again – they couldn't

go out and listen to music – they couldn't bring their wheelchairs and go in some of these other places. When I approached them, neither one of them batted an eye. Bring it on. Let's do it. And we did. We raised a lot of money for the Children's Hospital. Now, that's not in Norman; it's in Oklahoma City. But it's still a part of Oklahoma. When I went to thank Mr. Keith, the first thing he said to me was, all I want to do is give back to the community. All I want to do is bring revenue into this community, with a place where everyone can come and enjoy themselves without worry. There's been a lot of people here tonight talking about the decibel levels. Let me just tell you they've been talking about Rodney and Devon walking around with their little meters. They don't just do that. Trust me. They have come to me and said they've got to turn it down right now. They shut those bands off. It's not like they're allowed to do what they want when they want. I'm a Christian woman ...

28. Blaine Nice, 100 N. Broadway, Oklahoma City – Thank you members of the Commission. I'm here on behalf of many of the neighbors who have already spoken. I suspect if we were talking about Bob Wills playing out here, we wouldn't be having this conversation. We're talking about rock bands and one of the things I heard this gentleman talk about is property rights. And that's what we're here to talk about is property rights. We have had discussions with Mr. Rieger – the neighbors have. We sat down. He came back with this SPUD document. My clients, the neighbors, they're not against Hollywood Corners. While they say they're against rezoning, I don't believe – we're not against the use of this facility as a commercial use inside. What we are against is a change in direction with the City and outdoor entertainment. I think Mr. Rieger was correct when he said this is one of the difficult decisions. The City Council has struggled over outdoor entertainment, and they have kind of kicked the can down the road. Now you're here tonight being asked to approve a zoning – a SPUD which is its own zoning. We're not against anything in this SPUD application, with the exception of the outdoor entertainment. That is the problem. That's the elephant in the room. And how we resolve this, I don't know. We would like to think there's a solution, but I don't believe this is it. Mr. Rieger says, well, we're going to comply with the decibel levels in the commercial zoning. It's not the levels that are set; it's the enforcement. You've heard these people get up and say that they've called the police; there has not been enforcement. I gave you a list of calls for service – there's almost 50 calls for service, and I'm not going to sit here and tell you these are all bad calls. An officer indicated to me that many of those are pro-active policing because of the crowds. We think that's one of the biggest issues – the parking solution that's been put forth tonight – I'm glad the one gentleman got up and he did explain it a little bit, but we don't have a document to look at and that's a concern. This Commission – I've seen you many times turn down a project because of traffic and parking. We don't have that solved. So for you to recommend approval of this application the way it is, in my mind, is a problem, because there is not a legitimate parking solution. Crossing the street with no safety, no crosswalks – I don't think it's going to solve the problem. The noise level – enforcement is going to be an issue. The City of Norman took months to get a decibel meter. We've still not seen those readings. I do want to quickly point out one of the neighbors – Mr. Polston that lives over a quarter mile away – he couldn't be here tonight for a family event, but he's had the same experiences as the others have with the noise and keeping his children ...

29. Phil Nelson, 536 Woodsong Drive – I love the decibel. I've been involved in audio for 40 years. If you make a decision tonight based on what you've heard here, you are way ill-informed. All you've heard about is noise. You don't know anything about what noise is, what db is, what spl is. The information that's been provided here is pseudo-science. If someone lives 3000 feet away from this and they hear something, they can hear something. It could be 55 dba. Crickets make sounds at 65 dba, so crickets can be louder than the music. You don't have enough information here to make a decision.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Sherrer – I have a couple of comments. One of the things that I think the applicant – and maybe this is a question for Kathryn – is on the recommendation for 10b. The comment that I think Mr. Rieger made that – I just want a little clarification on what that exactly means. I think I understand as it relates to we can't make a recommendation as it relates to live entertainment, but I want to make sure that I understood what he referenced Mr. Bryant, but I want to make sure I'm hearing him correctly.
2. Ms. Walker – In the staff recommendation for Item 10b, they did not recommend approval for the live entertainment venue, because in the past the way that that's been interpreted by Council, and through other applications, is indoor only. So they did not feel comfortable making a recommendation approving it for outdoor, knowing that Council has not approved those applications in the past.
3. Mr. Sherrer – So this probably – I think I've been on the Commission seven or eight years. It's the only time I can recall a no recommendation from the staff on a particular item. Is that accurate, though? I'm understanding that correctly?
4. Ms. Walker – Yes. On that portion of the application.
5. Mr. Sherrer – One of the things that I might say, Chairman, with that in mind, is I feel really pulled a lot of different directions tonight personally on this particular item, just because I think that we need some clarification on that. I encourage, whatever happens tonight, that we have a little discussion as a City on how we better define sound levels, outdoor live entertainment – whatever that looks like – and I encourage our Council to take that on, if possible. I think that's an important distinction – what we need to do as a community to better understand, you know, what do we want to have? What do we want to have as outdoor live entertainment here in Norman? Also, just a clarification – and I believe this may be for staff as well – but is the zoning, if in fact we do the SPUD, and then there's a transfer of ownership, in fact that does stay with it, so I heard a lot of people say to me that this a great owner, this is a wonderful thing, but potentially it could sell tomorrow and we could have a different outcome. Is that accurate?
6. Ms. Connors – Yes. This is a zone change and it doesn't depend on ownership.
7. Mr. Robinson – I have a question for the legal staff again, if I could, please. This SPUD, as I understand it, includes within it the outdoor entertainment section. Right? Is that part of the SPUD?
8. Ms. Walker – Under the SPUD, that would be allowed.
9. Mr. Robinson – So is there another ordinance within the City of Norman statutes that relates to outdoor entertainment?
10. Ms. Walker – Specifically, there's not one in the zoning ordinance. There's a lot of discussion about live entertainment – it doesn't specify outdoor. How we've addressed that in the past is through our noise permitting process, special events ordinances, and things like that for larger events – you know, the things that come to mind, I think, for most people in Norman are things like the Norman Music Festival. I know Midway Deli has an event every year. They get noise variance permits for those events, and those are the permits that you can have – the City parks are excluded from the seven permits a year under the noise ordinance, but, yes, and for those special events, that's what that noise addresses through the permitting process.
11. Mr. Robinson – So am I correct in saying that this would, essentially, establish in a City statute outdoor entertainment as allowed?

12. Ms. Walker – For this particular application it would.

13. Mr. Robinson – For this application. What about the next application?

14. Ms. Walker – I think, as with any zoning application, particularly for SPUDs or PUDs, where they're listing out their uses and you all are considering those specific uses for that parcel, that's something you all would look at on a case-by-case basis.

15. Mr. Robinson – And how would the ordinances regarding the noise levels and the noise containment ordinances – do they apply, then, to this new ordinance that we are considering?

16. Ms. Walker – They do apply the way this SPUD is written. Mr. Rieger has pulled in the commercial use limits for sound that are contained in our noise ordinance, and so that would be applied. Our noise ordinance really only identifies three use districts – residential, industrial and commercial, and he has pulled in the commercial piece of that to set the limit for this operation.

17. Mr. Robinson – And the ambient levels that are listed – those are just generic ambient levels that were developed, or were they ambient levels that were actually measured here in town?

18. Ms. Walker – This ordinance was done long before my time, in 1977, so I'm not sure how they came up with those numbers. They do set forward numbers for the 90th percentile, the 10th percentile, and the 1st percentile. So in a 5-15 minute measurement period, 90% of the time in a commercial use district, the sound would have to be 55 decibels or below after 9:00 p.m. – between 9:00 p.m. and 7:00 a.m. Ten percent of the time, they could spike to 65 decibels. Only 1% of the time during that measurement period could they go to 70 decibels. And so it is, as Mr. Rieger indicated, it is a difficult process to measure. We do have the equipment to do that now. Our equipment, I think, was pretty antiquated before. So we would be applying those standards with that kind of measurement period using the noise ordinance.

19. Mr. Robinson – How does this long use as essentially – I guess, would you call this a non-conforming use in the zone that it's in? Is that appropriate?

20. Ms. Walker – Yes. I don't know – I'm assuming probably some of this operation started before we even annexed it, and over the years it just continued in a similar operation and so it became a legal non-conforming use – operated as a gas station and convenience center. And so, really, it's when the outdoor live entertainment began that that changed things.

21. Mr. Robinson – So it would seem that the people who are operating it are sort of operating under the general assumption that we've done this forever and we feel like we're not doing anything illegal, because we've done it from day one and no one has ever told us we're not.

22. Ms. Walker – For some of those uses, I'm sure that is the perception. But as those uses change, it's no longer a legal non-conforming use.

23. Mr. Robinson – How does this SPUD change that relationship of the ongoing use and now does the SPUD then bring it into conformance?

24. Ms. Walker – If the SPUD is adopted, then it would no longer be a legal non-conforming use. It would be a use adopted by its zoning. So for the restaurant, bar, tavern that's listed, the live outdoor entertainment – all of that would then be a legal use under that SPUD zone for this particular location.

25. Mr. Robinson – Including the outdoor entertainment?

26. Ms. Walker – Yes.

27. Mr. Knotts – I'm concerned about the decibel levels that are illustrated in Chapter 10. Those are for commercial areas and would have a higher ambient decibel level than the historic agricultural area. It seems to me that, for that location, those levels should be adjusted to the ambient level – the current ambient level, than to the city commercial area.

28. Ms. Walker – 10-304, Section (a) says if they create a sound level greater than 15 decibels above the ambient sound level within any land use district during a measurement period, it's a violation of the noise ordinance. Now our ordinance – I don't know how that would compare to the ambient noises – what we have set forth in the noise ordinance now – how that compares to the ambient noise level here. Obviously, it would be different here than it would be in downtown Norman or on OU Campus it would be different, depending on where you are and what the land uses are.

29. Mr. Knotts – How many crickets are singing?

30. Ms. Walker – Dishwashers. Yeah.

31. Mr. Robinson – Would there be measurements taken before – I mean, how would this be essentially mechanically done? I mean, would City staff take measurements and then say to the owner of the venue your ambient measurement is this level – you need to be within this many decibels of that?

32. Ms. Walker – The way the SPUD is written, if approved, they would just be using the levels set forth in that commercial category.

33. Mr. Robinson – That are in that.

34. Ms. Walker – And they set out where you would be measuring those levels from.

35. Mr. Robinson – So the actual ambient levels at the site really are irrelevant; it's what's in the ordinance.

36. Ms. Walker – Right. It's that 90th percentile/10th percentile and 1st percentile measurement.

37. Mr. Knotts – But the seven events would continue to be enforced? Is that correct?

38. Ms. Walker – Yes. If they propose to go over these limits, they would have to apply for a noise variance permit through the Police Department. They would have to specify the hours, the days, all of that kind of information, and how high that level would be allowed to go, and you can only do that seven times per year under our noise ordinance.

39. Mr. Knotts – I hear a lot of talk about Hollywood Corners, and I, personally, didn't grow up at Hollywood Corners, so I don't know exactly what that history is. But this really isn't about the use of that land or how good it is for that property. It is about property rights, because it's the property rights of those people that live around it. I think this is coming to us without solutions. The decibel level needs to be worked out, and I think it needs to take into effect the ambient decibel level in the country, and some solution to how to contain or divert or shoot it up – I don't know exactly how it works, but to get that solved and to get a real solution, not a – I've had talks

with parking solution. So I just think this is coming with not enough documentation, not enough solutions.

40. Mr. Boeck – Well, Tom, I very rarely agree with you, but this is one time that I – sound, being a musician, and we've sat in and we've approved or talked about different things downtown, and I know downtown is different where you have an entertainment district. But I know the fighting that's gone on between a number of the restaurants that provide music downtown that were supposed to meet certain decibel levels and it never got met. And then the parking thing. I agree. We don't have enough valid information about what decibel protection the neighbors could have, because, unless he wants to buy all the properties around there that have been affected by those decibel levels – which is a property rights thing – I just don't think we have the information that could make me chance a possible solution and then not have any control over it later on.

I've been there. I've been to Hollywood Corners. I've listened. I've danced with kids and I've drank and ate and it's a wonderful place. But I really feel sensitive to the people around there that have to deal with this, and that's not just seven times a year – it's every night of the week. I think there needs to be a better solution.

41. Mr. Sherrer – I might just add some comments. Certainly understand where Commissioner Knotts and Commissioner Boeck's comments are, and I whole-heartedly echo their comments about the wonderful nature of Hollywood Corners. I think the work that's been done over the last few years is tremendous. To me, we have two issues, though, just in addition to their comments that I do agree with and concur with. I think on item 10a and 10b – 10a I actually view very differently as a clean-up to our plan, and a commercial designation – very rarely do I say let's separate two items, but I do tonight. I think that 10a is an appropriate designation to move to commercial within our 2025 plan. But I do agree with Commissioner Knotts and Commissioner Boeck about the fact that I think we're just seeing this a little soon. I don't know that it's even necessarily the applicant's fault; I don't know that it's the property owner's fault; I don't know that it's the City's fault. But I do think we have some work to do as it relates to defining what do we want for outdoor entertainment? And determining what that is – whether that be an ambient noise situation compared to different parts of the community, whether that be just a better understanding of how we buffer sound. Again, I think we're a little ahead of where we want to be on that. Or this is an application that's come before, probably, we're ready for it in a lot of ways. So I encourage our City to move forward on that. I do agree with the parking solution as well. I think it just needs to be defined. The good thing about this particular group is we're a recommendation body, and so there's time before you actually get to the Council where the – I see two City Council people in the audience tonight, and I think they've been here to listen because they want to hear those recommendations. I think it's real important that, before we get to that point in time – I know it's very quickly – that a lot of work be done to understand the neighbors' concerns and try to find ways to appropriately make – find a place where a wonderful venue, like Hollywood Corners, can absolutely still exist and be a delightful destination place for our community, but, at the same time, try to find a solution that actually meets the needs of those other property owners within the area. I think that's what we're all about. I don't think anybody here – at least not the three who have spoken so far on the Commission – are saying we don't love Hollywood Corners. We love it. I think it's an amazing place. That's not what this really is about in my mind, either. But I do encourage us to look at 10a and 10b separately, because I think they are different issues and I would want to vote on those separately.

42. Mr. Boeck – I would have to disagree with you on that, because I don't think voting on them separately deals with the issues that we have here. Either way, if we vote on them, going commercial doesn't help the acoustic thing. It doesn't help the parking thing. Going with a SPUD doesn't help the acoustic thing or the parking thing. So, in my mind – and, of course, it

doesn't matter how we vote – the City Council can vote however they want and they've shown that in the past.

43. Mr. Sherrer – May I ask a point of clarification, because I think maybe you and I are seeing things differently. Planning Director Connors, if I may, item a is not a zoning change, it is only a plan change in our 2025 plan. Correct?

44. Ms. Connors – Yes. 10a would amend the 2025.

45. Mr. Sherrer – It's not making a zoning change at all. It is just changing the plan. There's not a legal change, whatsoever, within 10a.

46. Ms. Connors – Well, it's a legal change to the land use plan.

47. Mr. Sherrer – I'm sorry. It's a legal change to the land use plan, but not a zoning.

48. Ms. Connors – It is not a zone change. That is correct.

49. Mr. Robinson – Heard a lot tonight. I love Bob Wills. Went to Turkey, Texas to the museum. It was great. I haven't been to Hollywood Corners, but, having heard what I've heard, I will probably go. I think with some good acoustic engineering, I think some of these problems with noise – sound escaping -- can be solved. It's not going to be cheap and it's going to take some looking into in terms of materials and time and day and things like that. The parking issues definitely need to be addressed; that's a menace for the people who are going to the concerts and the others who live in the neighborhood as well. That needs to be taken care of, and I think there is a solution that has been offered, but we haven't seen anything in detail about it.

I think the idea of separating these two – I'm comfortable with that. 10a relates to the plan, I think, that kind of recognizes the historic fact that this has been here for a long time and it's been what it is and it continues to be what it is. I have great difficulty with the SPUD, in large part because of the fact that it's permanent and when the people who own it and operate it now are gone, the door is open to bring in heavy metal headknockers and line up some big amplifiers and go crazy. I just think that's a difficult thing to put an ordinance on. I'd really like to see the City Council address that outdoor entertainment issue up front and then have the staff do a little more in-depth study in terms of what is ambient sound in the various districts, rather than just adopt wholesale that this is what it is – in a commercial, this is what it is – because what it is on downtown Main Street when a train goes by is a whole lot different than what it is when a train is not going by. So ambient can vary from place to place and time to time. So I would urge that the applicant work with some acoustic engineers to come up with some detailed plans for how to deal with this. And then also work on the parking and traffic issues. I think that's just common sense. Obviously, it's a popular place to be and there's a lot of cars that need somewhere to go, where they're not parked in the dirt alongside the road, and people running across the street.

Andy Sherrer moved to recommend adoption of Resolution No. R-1718-25 to City Council. Sandy Bahan seconded the motion.

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

YEAS

NAYES

MEMBERS ABSENT

Sandy Bahan, Tom Knotts, Neil Robinson, Lark Zink, Dave Boeck, Erin Williford, Andy Sherrer

Nouman Jan

Chris Lewis

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1718-25 to City Council, passed by a vote of 7-1.

Tom Knotts moved to recommend rejection of Ordinance No. O-1718-31 to City Council. Dave Boeck seconded the motion.

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

YEAS	Nouman Jan, Tom Knotts, Neil Robinson, Lark Zink, Dave Boeck, Erin Williford, Andy Sherrer
NAYES	Sandy Bahan
MEMBERS ABSENT	Chris Lewis

Ms. Tromble announced that the motion, to recommend rejection of Ordinance No. O-1718-31 to City Council, passed by a vote of 7-1.

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The meeting recessed briefly from 9:20 to 9:22 p.m.