

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

APRIL 8, 2021

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, and via video conference, on the 8th day of April, 2021.

Notice and agenda of the meeting was posted at the Norman Municipal Building and online at <https://www.normanok.gov/your-government/public-information/agendas-and-minutes> at least twenty-four hours prior to the beginning of the meeting.

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

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT
(via video conference)

Sandy Bahan
Lark Zink
Dave Boeck
Nouman Jan
Mark Daniels
Michael Jablonski
Erin Williford
Steven McDaniel
Erica Bird

MEMBERS ABSENT

None

A quorum was present.

STAFF MEMBERS PRESENT
(in person, except as noted)

Jane Hudson, Director, Planning &
Community Development
Lora Hoggatt, Planning Services Manager
Brevin Ghoram, Planner I
Roné Tromble, Recording Secretary
Bryce Holland, Multimedia Specialist
Beth Muckala, Asst. City Attorney (video)
David Riesland, Traffic Engineer
Ken Danner, Subdivision Development
Manager

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Item No. 3, being:

O-2021-40 – S.W. ARMSTRONG, JR. AND JOHN TRAW REQUEST REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, TO C-3, INTENSIVE COMMERCIAL DISTRICT, FOR APPROXIMATELY 0.32 ACRES OF PROPERTY LOCATED AT 220 SOUTH PORTER AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

1. Brevin Ghoram reviewed the staff report, a copy of which is filed with the minutes.
2. Mr. McDaniel – Can you tell me how many dispensaries are in the area – within several blocks?
Ms. Hoggatt – I'm not really sure in this exact vicinity how many there are. Jane, do you know how many in the downtown area?
Ms. Hudson – We don't have an exact number, but I will tell you that just half a block north of this location actually puts them too close to Longfellow School that is northeast of this location. I know I've driven by there and looked at the site. I don't know of any that are in close proximity here and, like I said, it's due in part to the location of Longfellow.
Mr. Boeck – Friendly Market is right across the street.
Ms. Hudson – Oh, Friendly Market. That's right.
Mr. Boeck – I know where these places are.
Ms. Hudson – Is it down one block, Dave? So that puts it further south from Longfellow, so that's what the difference is.
3. Ms. Bird – I do want to add that Roné was kind enough to share with us, from a follow-up question from last meeting, that according to the City Clerk's data there were 53 dispensary licenses, 17 processing licenses, and 50 grow licenses for the City of Norman. That was an email we had received as a follow-up on March 18th. For the entire City, not just the area.

PRESENTATION BY THE APPLICANT:

1. Gunner Joyce, Rieger Law Group, representing the applicant (via video) – Really here for just a house cleaning matter, as we're seeking to revert back to the original C-3 zoning for this property. Here's the location map, and we're at the corner, as you just saw, of Eufaula and Porter. Real quickly, here is an existing aerial, similar to the one you just saw. The zoning of this property is currently a PUD that was done in 2017, and really that was done for one single user – it was a motorcycle shop that is no longer at the property, so the property owners would like to go back to C-3, the way it was before the 2017 PUD, and which is, as you can see, compatible with all the surrounding C-3 in this area. No change required for the 2025 Plan, as this property is designated for commercial uses. Here's a real quick street view; it's not as up-to-date as the pictures you just saw – they were from yesterday. But just to orient you, this picture is on Porter looking towards the Porter and Eufaula intersection. As you just saw, this is currently a gym. This is an empty space – leasable space. There's two leasable spaces here, one currently occupied with a gym; one vacant. Again, a quick summary. The existing PUD was for a motorcycle sales and service business that was not allowed in C-3 so the PUD essentially only added that allowance. This is now stripping that allowance from the property as it is no longer applicable, and seeking to return back to C-3. The staff report notes that there's no impact expected on the property because of the similar zonings in this area. We're not aware of any protests. Happy to take any questions you may have.
2. Mr. Jan – Gunner, I have no problem in basically approving C-3, but my concern, again, is having so many dispensaries that are being opened, especially in the vicinity. It's just a

growing concern that what are we really going to see after a year, two years, and three years? That is my concern.

Mr. Joyce – To respond, I know you weren't really posing a question to me there, but we typically at the zoning level just kind of let the market dictate those kind of end users. And here – I can pull the map back up – but, as you see, this entire area is zoned C-3 and C-2, which both would allow for dispensaries and other marijuana uses. So, while I understand the sentiment that was echoed earlier during the earlier question and answer with staff, and I understand your comment as well, it's really not a consideration of zoning at this level.

3. Mr. Boeck – I would say that this gets into the same kind of thing – that's what capitalism is all about, is putting in what people can make money in doing. We've had the problem of Campus Corner with the Form-Based Code and the student housing, and that's all that's been built. You didn't show much concern about that. I guess we had some. But unless we can find a way that the City can have more influence on how things develop in a more cognitive and intelligent way, we're kind of animals and captive to the old capitalistic system.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Williford – At the risk of opening a bag of worms, I feel this comes up every meeting, so I just want to echo Dave's sentiments. I feel like we, as a Commission, are here for zoning, not approval or disapproval of the businesses that are legally allowed to operate, and it's our job to consider zoning. So if their landlord has an agreement of a legal operating business, I feel like that's between the landlord and the business. I think that it's important that we keep that in mind, and that we keep separate what our job is from what landlords and tenants do as their job. So I just want to keep that in mind. We're not questioning other businesses. We're not questioning gyms. We're not questioning liquor stores. We're not questioning everybody else. That's all I have on that.

2. Mr. Boeck – Well, one comment I might make is if you look at the number of law offices in this neighborhood, there's about ten times as many law offices as there are dispensaries. I don't want to judge who uses those office buildings; I'm glad that they've been fixed up and are full, because when they don't have anybody in them, we don't collect taxes. So that's my only comment.

3. Mr. Jablonski – I agree with the sentiment that it's reasonable to convert it back to C-3 zoning. But I do think that our comments move on to the Council, and so if we get some comments along the lines of we're concerned about certain industry proliferating too much, whatever that is, I think it's reasonable to have those comments as part of this meeting so City Council can see that we're concerned.

4. Mr. Boeck – And, fortunately, we have one of my favorite City Council people here tonight listening in on all of what we're saying. I know she will respond. This takes me back to – I've been on the Planning Commission long enough to remember when one of the other great real estate attorneys in Norman – Harold Heiple – used to tell us regularly that we were only here as a recommendation body; we were not here to make policy, and if we did make policy by voting against his project, he would take our butts to court. We heard that lots. So, Sean, I thank you for not following in his footsteps.

Dave Boeck moved to recommend adoption of Ordinance No. O-2021-32 to City Council. Erin Williford seconded the motion.

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

YEAS

Sandy Bahan, Lark Zink, Dave Boeck, Mark Daniels, Michael
Jablonski, Erin Williford, Steven McDaniel, Erica Bird

NAYES

Nouman Jan

MEMBERS ABSENT

None

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2021-40 to City Council, passed by a vote of 8-1.

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