

CITY OF NORMAN, OK PLANNING COMMISSION MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Thursday, April 13, 2023 at 6:30 PM

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

NOTICE: The requested rezoning items appearing on this Planning Commission Agenda were filed by the applicant at least 30 days ago. Legal notice for each rezoning item was published in The Norman Transcript and mailed to each property owner of record within a minimum of 350 feet of each rezoning request.

Planning Commission will hold a public hearing on these items tonight, and each item upon which action is taken will be forwarded to the City Council with a recommendation. It should be recognized that the Planning Commission is a recommendatory body and that the City Council may, or may not, concur with the Planning Commission's recommendation. Therefore, it is important to note that all items forwarded by the Planning Commission will be introduced and heard at a subsequent City Council meeting.

PUBLIC WIFI – CONNECT TO CITYOFNORMANPUBLIC – PASSWORD: April1889.

Planning Commissioners: Cameron Brewer, Steven McDaniel, Liz McKown, Kevan Parker, Erica Bird, Doug McClure, Jim Griffith, Maria Kindel, Michael Jablonski

ROLL CALL

CONSENT ITEMS

This section is placed on the agenda so that the Planning Commission, by unanimous consent, may designate those items that they wish to approve by one motion. Any of these items may be removed from the Consent Docket and be heard in its regular order.

Minutes

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the March 9, 2023 Regular Planning Commission meeting.

Short Form Plats

2. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of SFP-2223-2: Consideration of a Short Form Plat submitted by David Armstrong (Delta Surveying Co.) for THE CAREY ADDITION for 1.905 acres of property generally located at the southeast corner of Imhoff Road and Classen Boulevard.

NON-CONSENT ITEMS

NORMAN 2025 and General Commercial Zoning

3. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Resolution No. R-2223-109: Plant Life, L.L.C. requests amendment of the NORMAN 2025 Land Use & Transportation Plan to remove Special Planning Area 1 (SPA-1), retaining Commercial Designation, for 0.53 acres of property located at 2516 Briggs Street.
4. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-28: Plant Life, L.L.C. requests rezoning from R-1, Single Family Dwelling District, to C-2, General Commercial District for 0.53 acres of property located at 2516 Briggs Street.

SPUD Zoning and Preliminary Plat

5. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-29: CA McCarty Construction, L.L.C. requests rezoning from R-1, Single Family Dwelling District, to SPUD, Simple Planned Unit Development, for 1.04 acres of property located at 1309 S. Berry Road.
6. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of PP-2223-6: Consideration of a Preliminary Plat submitted by CA McCarty Construction, L.L.C. (Arc Engineering Consultants, L.L.C.) for McCOOP ABODE ADDITION for 1.04 acres of property located at 1309 S. Berry Road.

Center City PUD Amendment

7. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-30: J FORD, L.L.C. requests amendment of the CCPUD approved in O-2021-23 for 0.16 acres of property generally located at 231 W. Main Street, to allow for specific tenant signage and for more efficient drainage.

SPUD Zoning

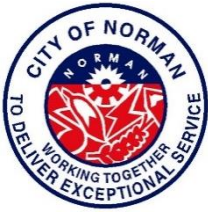
8. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-33: Midway Grocery, Inc. requests rezoning from C-1, Local Commercial District, to SPUD, Simple Planned Unit Development, for 0.234 acres of property generally located at 601 W. Eufaula Street.

MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

ADJOURNMENT

File Attachments for Item:

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the March 9, 2023 Regular Planning Commission meeting.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 04/13/2023

REQUESTER: Rone' Tromble, Admin. Tech. IV

PRESENTER: Rone' Tromble, Admin. Tech. IV

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the March 9, 2023 Regular Planning Commission meeting.

ACTION NEEDED: Approve, reject, amend, or postpone the Minutes of the March 9, 2023 Regular Planning Commission meeting.



CITY OF NORMAN, OK PLANNING COMMISSION MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Thursday, March 09, 2023 at 6:30 PM

MINUTES

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 9th day of March, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodemeetings.com> at least twenty-four hours prior to the beginning of the meeting.

* * *

Chair Erica Bird called the meeting to order at 6:32 p.m.

ROLL CALL

PRESENT

Cameron Brewer
Douglas McClure
Liz McKown
Erica Bird
Kevan Parker
Michael Jablonski
Steven McDaniel
Maria Kindel

ABSENT

Jim Griffith

A quorum was present.

STAFF PRESENT

Jane Hudson, Director, Planning & Community Development
Lora Hoggatt, Planning Services Manager
Melissa Navarro, Planner I
Jack Burdett, Subdivision Development Coordinator
Todd McLellan, Development Engineer
Jami Short, Traffic Management Center Engineer
Beth Muckala, Assistant City Attorney
Bryce Holland, Multimedia Specialist
Roné Tromble, Admin. Tech. IV

CONSENT ITEMS

Ms. Bird asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, she asked if any member of the audience wished to remove an item from the Consent Docket. There being none, she asked for a motion.

Motion by Liz McKown, seconded by Michael Jablonski, to approve the Consent Docket as presented.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, McClure, Kindel, Jablonski
Absent: Griffith

The motion carried by a vote of 8-0.

Minutes

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the January 12, 2023 Regular Planning Commission meeting.

The minutes were approved as presented on the Consent Docket by a vote of 8-0.

Certificates of Survey

2. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of COS-2223-4: Consideration of a Norman Rural Certificate of Survey submitted by Danny Lovett (MacBax Land Surveying, PLLC) for LOVETT RANCH, with a variance in the private road width from 20' width to 12' width, for 79.267 acres of property generally located on the north side of E. Post Oak Road approximately ½ mile east of 72nd Avenue S.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Certificate of Survey – Lovett Ranch
3. Staff Report
4. Request for Variance in Private Road Width

COS-2223-4 was approved on the Consent Docket by a vote of 8-0.

3. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of COS-2223-5: Consideration of a Norman Rural Certificate of Survey submitted by Edwin Rule (Pollard & Whited Surveying, Inc.) for Amended RULE'S EMERALD SPRINGS ADDITION, with a variance in the private road width from 20' width to 12' width, for 38.32 acres of property located south of Franklin Road approximately ¼ mile east of 12th Avenue N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Certificate of Survey – Amended Rule's Emerald Springs Addition
3. Staff Report
4. Request for Variance in Private Road Width

COS-2223-5 was approved on the Consent Docket by a vote of 8-0.

* * *

Planned Unit Development

4. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-27: RELA, L.L.C. requests rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development, for 19.84 acres of property located at 5201 24th Avenue N.E.

ITEMS SUBMITTED FOR THE RECORD

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-B

PRESENTATION BY STAFF: Ms. Hoggatt reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT:

Hussein Torbati, a board member of SunHive Collective, presented the project. His wife, Pati, the owner of RELA, L.L.C., was also present.

1. Mr. Brewer asked whether there are any plans for expansion in the future on the site. Mr. Torbati responded that the program only works if they keep the members to a limited number, because the members have specific needs. Unless they were to buy additional land to expand, this is it.
2. Mr. McClure asked how many members they have. Mr. Torbati responded 30 maximum. He outlined the three phases they have planned, which will depend on the finances: Phase 1 – finishing the building, finishing the barn and vegetable garden, and the privacy fence around the area; Phase 2 – once there are 16 members, they will look at building an activity center, which will allow them to grow to the maximum of 30 members; Phase 3 – addition of a caretaker residence.
3. Mr. Jablonski spoke in support of the project and commended the incorporation of nature into the program.

PUBLIC PARTICIPATION: None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Motion made by Kevan Parker, seconded by Maria Kindel, to recommend adoption of Ordinance No. O-2223-27 to City Council.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, McClure, Kindel, Jablonski
Absent: Griffith

The motion to recommend adoption of Ordinance No. O-2223-27 to City Council passed by a vote of 8-0.

5. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-28: Plant Life, L.L.C. requests rezoning from R-1, Single Family Dwelling District, to C-2, General Commercial District for 0.53 acres of property located at 2516 Briggs Street.

ITEMS SUBMITTED FOR THE RECORD

1. Location Map
2. Postponement Memo

Motion made by Steven McDaniel, seconded by Maria Kindel, to postpone Ordinance No. O-2223-28 to the April 13, 2023 Planning Commission meeting.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, McClure, Kindel, Jablonski
Absent: Griffith

The motion to postpone Ordinance No. O-2223-28 to the April 13, 2023 Planning Commission meeting passed by a vote of 8-0.

MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

None

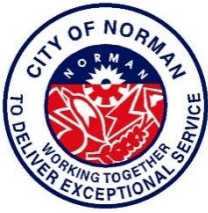
ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 6:46 p.m.

Planning Commission

File Attachments for Item:

2. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of SFP-2223-2: Consideration of a Short Form Plat submitted by David Armstrong (Delta Surveying Co.) for THE CAREY ADDITION for 1.905 acres of property generally located at the southeast corner of Imhoff Road and Classen Boulevard.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 04/13/2023

REQUESTER: David Armstrong

PRESENTER: Ken Danner, Subdivision Development Manager

ITEM TITLE: Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of SFP-2223-2: Consideration of a Short Form Plat submitted by David Armstrong (Delta Surveying Co.) for THE CAREY ADDITION for 1.905 acres of property generally located at the southeast corner of Imhoff Road and Classen Boulevard.

ACTION NEEDED: Approve, accept, reject, amend, or postpone Short Form Plat No. SFP-2223-2 for THE CAREY ADDITION.



office memorandum

Date: April 4, 2023

To: Chairperson and Members
Norman Planning Commission

From: Ken Danner, Subdivision Development Manager

Subject: April 13, 2023, Planning Commission Agenda – Item No. 2

The applicant is requesting postponement of a Short Form Plat for Lot 1, Block 1, Carey Addition. At this time, details need to be resolved regarding the site plan that is required with Short Form Plat No. 2223-2. Staff is recommending postponement of Item No. 2 until the May 11, 2023, Planning Commission meeting.

Cc: Shawn O’Leary, Director of Public Works
Jane Hudson, Director of Planning and Community Development
Scott Sturtz, City Engineer

Rone Tromble

From: blaine.armstrong@gaconstruction.com
Sent: Tuesday, April 04, 2023 1:46 PM
To: Ken Danner
Cc: Blaine Armstrong
Subject: EXTERNAL EMAIL : Carey Addition

Ken,

We have decided we need to postpone our lot split until we can get a few of these requirements taken care of in the very near future. Please inform the others.

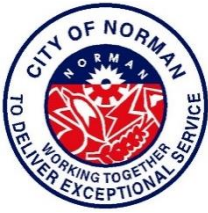
Thanks,

Blaine Armstrong
Business Development
Geddes-Armstrong Construction
(405)590-6510
1400 E. Imhoff Road
Norman, Oklahoma 73071



File Attachments for Item:

3. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Resolution No. R-2223-109: Plant Life, L.L.C. requests amendment of the NORMAN 2025 Land Use & Transportation Plan to remove Special Planning Area 1 (SPA-1), retaining Commercial Designation, for 0.53 acres of property located at 2516 Briggs Street.



CITY OF NORMAN, OK STAFF REPORT

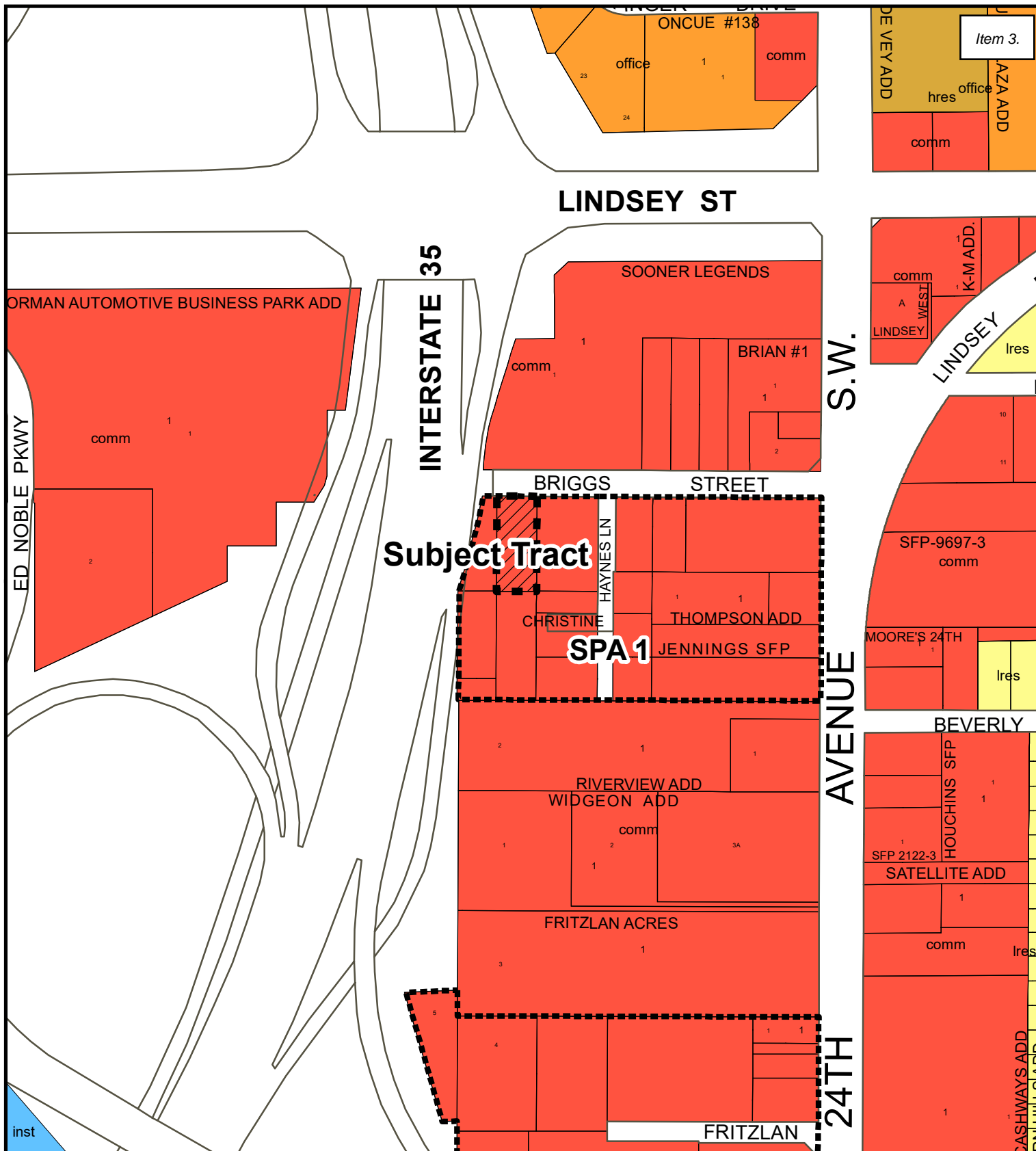
MEETING DATE: 04/13/2023

REQUESTER: Plant Life, L.L.C.

PRESENTER: Colton Wayman, Planner I

ITEM TITLE: Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Resolution No. R-2223-109: Plant Life, L.L.C. requests amendment of the NORMAN 2025 Land Use & Transportation Plan to remove Special Planning Area 1 (SPA-1), retaining Commercial Designation, for 0.53 acres of property located at 2516 Briggs Street.

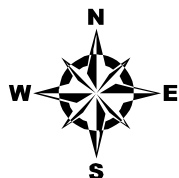
ACTION NEEDED: Recommend approval, acceptance, rejection, amendment, or postponement of Resolution No. R-2223-109 to City Council.



Norman 2025 Land Use Plan



Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

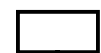


March 3, 2023

0 150 300 Ft.



Subject Tract



Zoning

RESOLUTION NO. R-2223-109

ITEM NO. 3

STAFF REPORT

ITEM: Plant Life, L.L.C. requests amendment of the NORMAN 2025 Land Use & Transportation Plan to remove Special Planning Area 1 (SPA-1), retaining Commercial Designation, for 0.53 acres of property located at 2516 Briggs Street.

SUMMARY OF REQUEST: The applicant is proposing the development of a storage building for his landscaping business's equipment on this 0.53 acre parcel. The proposed development will include a 50' by 65' storage building in the northeast portion of the lot. This development proposal requires rezoning from R-1, Single Family Dwelling District, to C-2, General Commercial District. This proposal also requires a NORMAN 2025 Land Use and Transportation Plan amendment to remove Special Planning Area 1 (SPA-1), while retaining the existing Commercial Designation. SPA-1 requires the unified ownership of all parcels within the Special Planning Area prior to redevelopment. The applicant does not own the adjacent properties so the unified development is not possible.

STAFF ANALYSIS: For changes in classification under the NORMAN 2025 Land Use and Transportation Plan, the following information is forwarded for consideration.

The role of the NORMAN 2025 Plan in the City's ongoing and diverse planning activities states the document must be flexible, and that it is updated and amended periodically. The Plan defines the desired land use patterns for use and development of all private sector properties. This Plan will serve as a policy guide for zoning and planning requests as they are presented to the Planning Commission and City Council.

1. ***Has there been a change in circumstances resulting from development of the properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest?***

The subject property and surrounding properties to the south and east are designated as Commercial, within Special Planning Area 1 (SPA-1), as shown in the NORMAN 2020 and continued in the NORMAN 2025.

Briggs Street is designated as Commercial and the properties located within SPA-1 are required to meet the following conditions to allow for the redevelopment of this area:

- Consolidation of properties into unified ownership for each area prior to its redevelopment.
- Provision of a master redevelopment plan prior to any rezoning or platting.
- Provision of all city services and infrastructure adequate to accommodate full build out.

Since the time when this property and the surrounding properties were placed in SPA-1 with the adoption of the NORMAN 2020 and the NORMAN 2025 Plan, this area has yet to redevelop. Generally, between Briggs Street and Thunderbird Lodge on the west

side of 24th Avenue S.W., SPA-1 is comprised of vacant lots, single-family dwellings and commercial buildings that have remained the same for decades. To the north of the subject property, Sooner Legends Motel was recently demolished and is now a vacant lot. Other notable changes in the past two decades includes the addition of Landers Collision & Glass and Locke Supply Company to the south of SPA-1.

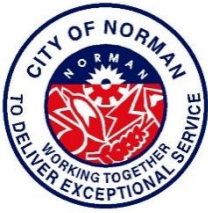
2. ***Is there a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity?***

Surrounding properties are designated as Commercial per the NORMAN 2025 Plan. As mentioned above, properties within SPA-1 have remained unchanged. The proposed change to a private storage building would not be out of character for this area as there are storage buildings that currently exist along the 24th Avenue S.W. corridor between W. Lindsey Street and State Highway 9. In addition, directly north along Briggs Street are vacant lots zoned and designated for commercial uses. Traffic impacts for the proposed use are negligible as there will be no patrons. No traffic study is required by Public Works.

CONCLUSION: Staff forwards this request for amendment of the NORMAN 2025 Land Use Plan to remove Special Planning Area 1 (SPA-1) and retain Commercial Designation as Resolution No. R-2223-109 for consideration by Planning Commission and recommendation to City Council.

File Attachments for Item:

4. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-28: Plant Life, L.L.C. requests rezoning from R-1, Single Family Dwelling District, to C-2, General Commercial District for 0.53 acres of property located at 2516 Briggs Street.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 03/09/2023

REQUESTER: Plant Life, L.L.C.

PRESENTER: Colton Wayman, Planner I

ITEM TITLE: Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-28: Plant Life, L.L.C. requests rezoning from R-1, Single Family Dwelling District, to C-2, General Commercial District for 0.53 acres of property located at 2516 Briggs Street.

ACTION NEEDED: Recommend approval, acceptance, rejection, amendment, or postponement of Ordinance No. O-2223-28 to City Council.

LINDSEY STREET

BUSINESS PARK ADD

C-2
0506-71

INTERSTATE 35

SOONER LEGENDS

C-2
8283-19*

BRIAN #1

C-2
8586-42

C-2
1925

BRIGGS ST

Subject Tract

R-1
1514

1514

HAYNES LN

C-2
8485-17

THOMPSON ADD

C-2
9637-38
JENNINGS SFP

R-1
1514

C-2
2355

C-2
8283-62

RIVERVIEW ADD

WIDGEON ADD

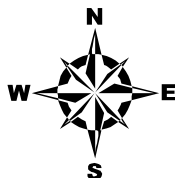
C-2
7879-61

24TH AVE SW

Location Map



Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.



February 3, 2023

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Subject Tract



Zoning

ORDINANCE NO. O-2223-28

ITEM NO. 4

STAFF REPORT**GENERAL INFORMATION**

APPLICANT	Plant Life, LLC
REQUESTED ACTION	Rezoning to C-2, General Commercial District
EXISTING ZONING	R-1, Single Family Dwelling District
SURROUNDING ZONING	North: C-2, General Commercial District East: R-1, Single Family Dwelling District South: R-1, Single Family Dwelling District West: R-1, Single Family Dwelling District
LOCATION	2516 Briggs Street
WARD	2
CORE AREA	No
AREA/SF	20,000 square feet, more or less
PURPOSE	Allow for a storage building
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant East: Single-family residential South: Vacant West: Vacant
LAND USE PLAN DESIGNATION	Commercial – Special Planning Area 1
GROWTH AREA DESIGNATION	Current Urban Service Area

PROJECT OVERVIEW: The applicant is requesting a rezoning from R-1, Single Family Dwelling District, to C-2, General Commercial District, for property located at 2516 Briggs Street. The applicant is proposing a private storage building to store landscaping equipment for his landscaping business. In 1963, City Council adopted Ordinance No. 1514 placing this property in the R-1, Single Family Dwelling District. The property is currently vacant.

PROCEDURAL REQUIREMENTS:

GREENBELT MEETING: GB 23-03, March 21, 2023

This item was placed on the consent docket for the Greenbelt Commission. No comments were made to be forwarded to Planning Commission.

PRE-DEVELOPMENT MEETING: PD 23-06, March 23, 2023

No neighbors attended the meeting.

ZONING ORDINANCE CITATION: CHAPTER 36-525 – C-2, GENERAL COMMERCIAL DISTRICT

General Description. This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

NORMAN 2025 PLAN CITATION: SPECIAL PLANNING AREAS 1 AND 2

Existing Conditions. Special Planning Areas 1 and 2 are situated on the west side of 24th Avenue SW, between Briggs Street and State Highway 9 and directly east of and adjacent to Interstate 35. Both of these areas are primarily residential in nature but have been surrounded over time by an assortment of commercial activities. Most of the remaining residential structures date back several decades. Access to these areas is limited to 24th Avenue SW. Although the predominate zoning in both of these areas remains R-1 (single family residential), actual existing land uses include a mixture of commercial (including landscaping/nurseries, auto and small engine repair, retail and services). Many of the homes in this area are on small lots, while a number of homes in both areas are located on very large lots.

Although sanitary sewer is in close proximity for some, most of the residential properties are on individual septic systems. The continued expansion and construction of Interstate 35 and the continuing intrusion of commercial uses into the area are creating a less than desirable residential environment in this area.

Proposed Land Uses. All of these areas are projected to become commercial per the SPA 1 on the NORMAN 2025. Provision for this use is recommended if certain conditions are met.

NORMAN 2025 Required Development Conditions.

1. Consolidation of properties into unified ownership for each area prior to its redevelopment.
2. Provision of a master redevelopment plan prior to any rezoning or platting.
3. Provision of all city services and infrastructure adequate to accommodate full buildout.

STAFF ANALYSIS: The site is currently zoned R-1, Single Family Dwelling District, and the applicant is proposing to rezone to C-2, General Commercial District. The general area contains residential, commercial, and industrial uses with vacant parcels intermixed. Notable businesses in the area include Locke Supply Company, Morningstar Storage, and Spartan Pool & Patio.

The applicant's proposal is to build a private storage building for his landscaping business equipment. The applicant will comply with all City requirements, including exterior appearance and landscaping requirements. In addition, the applicant will maintain a fence to screen from adjacent lots zoned for single-family development per City screening requirements. All equipment and materials will be stored in the proposed building and not outside per the C-2, General Commercial District, zoning requirements.

ACCESS/PARKING: Non-residential properties in the City do not have minimum parking requirements. The applicant proposes a 30' by 45' pad for parking, with access off Briggs Street. No sidewalks exist adjacent to the property or are proposed as part of this proposal. The applicant seeks exemptions from the requirements of a sidewalk and curb and gutter paving.

SITE PLAN: A 50' by 65' storage building is proposed on the northeastern portion of the lot. The building will observe a 5' side yard setback to the east and a 30' front yard setback to the north. A 30' by 45' pad is proposed for off-street parking to the north of the proposed building. Screening will be required along portions of the property that are adjacent to lots zoned for single-family development.

EXISTING ZONING: The subject property is currently zoned R-1, Single Family Dwelling District.

ALTERNATIVES/ISSUES:

IMPACTS: The properties directly north of the subject parcel are zoned C-2, General Commercial District, including vacant and commercial uses. Adjacent to the property and directly south is a vacant lot zoned R-1, Single Family Dwelling District. Directly east of the property are single-family homes located on Briggs Street – all zoned R-1, Single Family Dwelling District. Other non-residential properties on 24th Avenue S.W. and Briggs Street are currently zoned C-2, General Commercial District, PUD, Planned Unit Development (O-9798-28), or I-1, Light Industrial District.

This property's NORMAN 2025 Land Use Plan designation is currently Commercial, within Special Planning Area 1 (SPA-1). As cited above, SPA-1 requires the unified ownership of all parcels within the Special Planning Area prior to redevelopment. The applicant seeks to remove the subject property from Special Planning Area 1 to allow for the proposed storage building. Surrounding properties, including those zoned R-1, Single Family Dwelling District, are designated as Commercial on the NORMAN 2025 Plan. Those parcels directly to the east, west, and south are also within SPA-1.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: No comments.

PUBLIC WORKS/ENGINEERING: There is no sanitary sewer to serve the property. The applicant will be required to go through ODEQ for a private system. The applicant intends to

go through the Short Form Plat process. The applicant seeks exemptions through City Council from the requirements of a sidewalk and curb and gutter paving.

TRAFFIC ENGINEER: No comments.

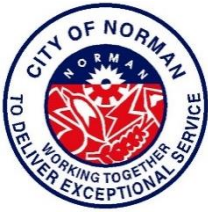
UTILITIES: No comments.

CONCLUSION: Staff forwards this request for rezoning from R-1, Single Family Dwelling District to C-2, General Commercial District as Ordinance No. 2223-28 for consideration by the Planning Commission and a recommendation to City Council.



File Attachments for Item:

5. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-29: CA McCarty Construction, L.L.C. requests rezoning from R-1, Single Family Dwelling District, to SPUD, Simple Planned Unit Development, for 1.04 acres of property located at 1309 S. Berry Road.



CITY OF NORMAN, OK STAFF REPORT

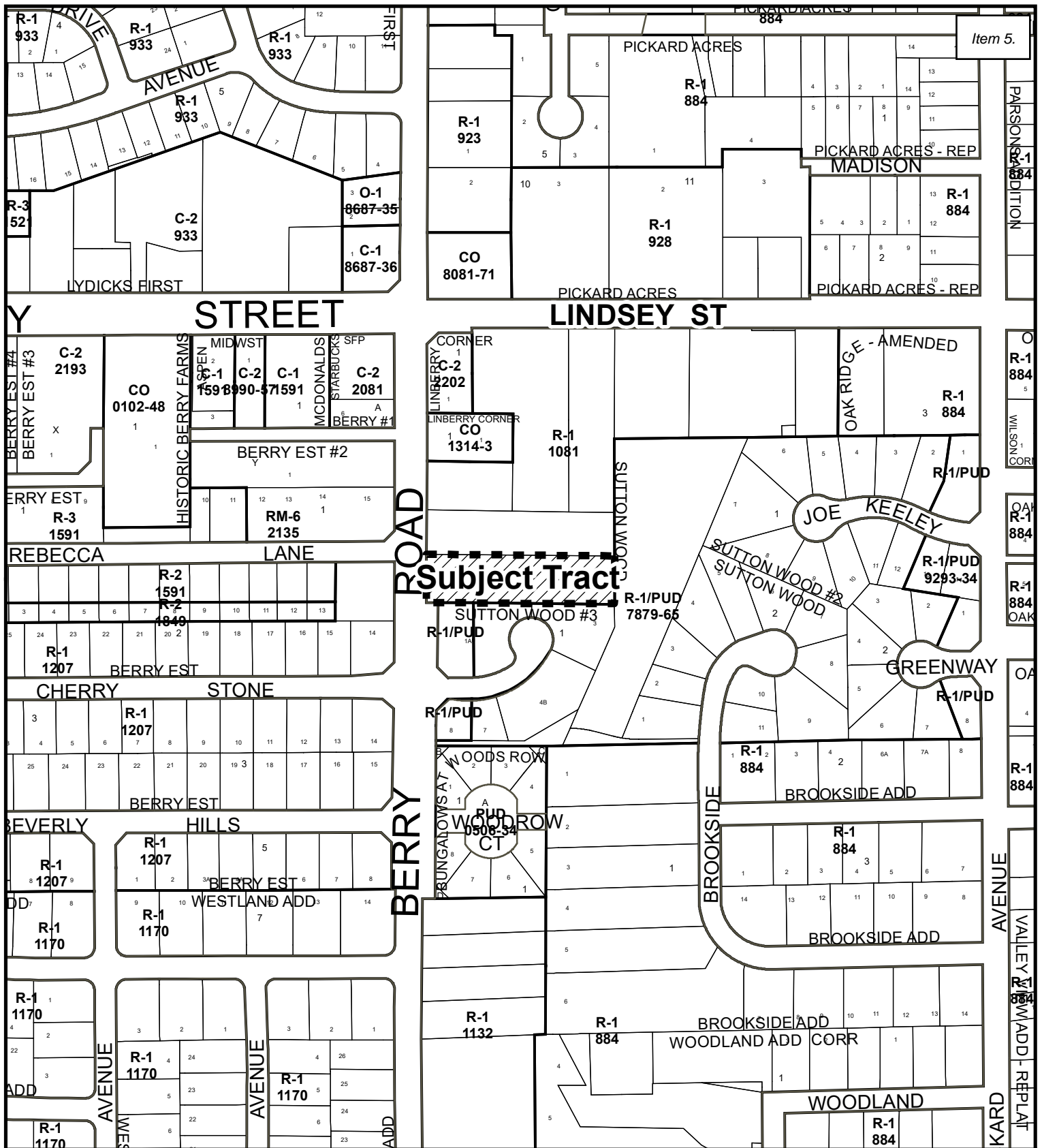
MEETING DATE: 04/13/2023

REQUESTER: CA McCarty Construction, L.L.C.

PRESENTER: Melissa Navarro, Planner I

ITEM TITLE: Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-29: CA McCarty Construction, L.L.C. requests rezoning from R-1, Single Family Dwelling District, to SPUD, Simple Planned Unit Development, for 1.04 acres of property located at 1309 S. Berry Road.

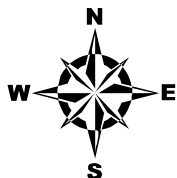
ACTION NEEDED: Recommend approval, acceptance, rejection, amendment, or postponement of Ordinance No. O-2223-29 to City Council.



Location Map



Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

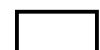


March 3, 2023

0 150 300 Ft.



Subject Tract



Zoning

ORDINANCE NO. O-2223-29

ITEM NO. 5

STAFF REPORT**GENERAL INFORMATION**

APPLICANT	CA McCarty Construction, L.L.C.
REQUESTED ACTION	Rezoning to SPUD, Simple Planned Unit Development District
EXISTING ZONING	R-1, Single Family Dwelling District
SURROUNDING ZONING	North: R-1, Single Family Dwelling District East: Flood Hazard Zone AE South: R-1, Single Family Dwelling District West: R-1, Single Family Dwelling District
LOCATION	1309 S. Berry Road
WARD	4
CORE AREA	Yes
AREA/SF	1.04 acres more or less
PURPOSE	Residential
EXISTING LAND USE	Low density residential
SURROUNDING LAND USE	North: Low density residential East: Floodway South: Low density residential West: Low density residential
LAND USE PLAN DESIGNATION	Low Density Residential
PROPOSED LAND USE DESIGNATION	Low Density Residential
GROWTH AREA DESIGNATION	Current Urban Service Area

PROJECT OVERVIEW: This Simple Planned Unit Development (the "SPUD") is submitted for the property located at 1309 S. Berry Road. It seeks to rezone the Property from the existing R-1, Single Family Dwelling designation to allow the applicant to split and develop the Property as two single family residential lots.

PROCEDURAL REQUIREMENTS:

GREENBELT MEETING: N/A for this item.

PRE-DEVELOPMENT MEETING: PD 23-09, March 23, 2023

The neighbors attending were concerned with easements in the property, fencing, storm water runoff, size of dwellings, and setbacks.

In discussion with the applicant, the neighbors felt better knowing the details of the project. All concerns are addressed in the narrative of the SPUD application.

ZONING ORDINANCE CITATION:**CHAPTER 36-510 – SIMPLE PLANNED UNIT DEVELOPMENTS**

1. General Description. The Simple Planned Unit Development referred to as SPUD, is a special zoning district that provides an alternate approach to the conventional land use controls and to a PUD, Planned Unit Development to maximize the unique physical features of a particular site and produce unique, creative, progressive, or quality land developments.

The SPUD may be used for particular tracts or parcels of land that are to be developed, according to a SPUD Narrative and a Development Plan Map and contains less than five (5) acres.

The SPUD is subject to review procedures by Planning Commission and adoption by City Council.

2. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of comprehensive plan of record. In addition the SPUD provides for the following:

Encourage efficient, innovative use of land in the placement and/or clustering of buildings in a development and protect the health, safety and welfare of the community.

Contribute to the revitalization and/or redevelopment of areas where decline of any type has occurred. Promote infill development that is compatible and harmonious with adjacent uses and would otherwise not be an area that could physically be redeveloped under conventional zoning.

Maintain consistency with the City's Zoning Ordinance, and other applicable plans, policies, standards and regulations on record.

Approval of a zone change to a SPUD adopts the Master Plan prepared by the applicant and reviewed as a part of the application. The SPUD establishes new and specific requirements for the amount and type of land use, residential densities, if appropriate, development regulations and location of specific elements of the development, such as open space and screening.

STAFF ANALYSIS: The particulars of this SPUD include:

USE: This SPUD, Simple Planned Unit Development proposes certain residential uses for the property. A complete list of proposed uses is included as Exhibit C in the SPUD Narrative. The following are the general uses proposed as part of this SPUD:

- Detached one family dwelling.
- Family day care home.
- General purpose farm or garden.
- Home occupation.
- Municipal recreation or water supply.
- Accessory buildings.
- Commercial parking only on days when the University of Oklahoma football team plays at home, subject to restrictions and conditions.
- Model Home, subject to an annual permit.
- Short-term rentals.

OPEN SPACE/PARKLAND: Open space shall be utilized on the Property as shown on the Site Development Plan. The impervious area and building coverage for the Property shall not exceed 65% per lot.

SITE PLAN: The Property shall be developed as depicted on the Site Development Plan, attached hereto as Exhibit B, subject to final design development and the changes allowed by Section 36-510 (k) of the City of Norman's SPUD Ordinance, as may be amended from time to time.

The following shall be the required building setbacks:

- The Front Yard setback shall be a minimum of ten (10) feet.
- All other building setbacks shall be a minimum of five (5) feet, except in the areas where, as shown on the attached Site Development Plan, the setback shall be three (3) feet on the east side, between Lot One and Lot Two, and on the southeast, between Lot Two and the adjacent property to the South.

FENCING: The site may be fenced, but not required. Fencing may be brick, stone, wood, wrought iron or other material. The maximum fence height for the Property shall be eight (8) feet.

ACCESS: There will be one access point on Berry Road. Traffic circulation and access to the Property shall be allowed in the manner shown on the attached Site Development Plan.

LANDSCAPING: Landscaping shall be installed and maintained in order to meet or exceed the City of Norman's applicable landscaping requirements for single-family residential lots, as amended from time to time. The locations and types of landscaping are subject to modification during final site development.

SIGNAGE: All signs shall comply with the sign standards of the City of Norman Sign Code as applicable to Low Density Residential Zone Sign Standards.

LIGHTING: The Property shall comply with the City of Norman's applicable lighting requirements for single-family residential lots, as amended from time to time.

SANITATION: Sanitation services for the Property shall be consistent with the City of Norman's applicable sanitation standards and regulations applicable to single family residential lots, as amended from time to time, such as poly cart service for each lot.

UTILITIES: All necessary utilities for this project (including water, sewer, telecommunications, and electric) are currently located within the necessary proximity to serve the Property, or they will be extended by the Applicant, as necessary.

PARKING: The Property shall comply with Norman's applicable parking ordinances, as amended from time to time.

SIDEWALKS: A five (5) foot sidewalk will be installed in the location shown on the Site Development Plan and will meet or exceed the City of Norman's applicable standards and ordinances for sidewalk design and construction, as amended from time to time.

EXTERIOR BUILDING MATERIALS: The exterior materials of the building to be constructed on the Property may be brick, glass, stone, synthetic stone, stucco, EIFS, masonry, metal accents, composition shingles, and any combination thereof.

EXISTING ZONING: The subject property is currently R-1, Single Family Residential District.

ALTERNATIVES/ISSUES:

IMPACTS: Surrounding properties are R-1 single-family homes. This SPUD will increase the density of this property. Other high-density dwelling options exist directly across S. Berry Road, such as RM-6, Medium Density Apartment District and R-2, Two Family Dwelling District.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: No comments.

PUBLIC WORKS/ENGINEERING: No comments.

TRAFFIC ENGINEER: No comments.

UTILITIES: No comments.

CONCLUSION: Staff forwards this request for rezoning from R-1, Single Family Dwelling District to SPUD, Simple Planned Unit Development, as Ordinance No. O-2223-29 for consideration by the Planning Commission and a recommendation to City Council.

McCOOP ABODE ADDITION

SIMPLE PLANNED UNIT DEVELOPMENT

APPLICANT:

CA McCARTY CONSTRUCTION, LLC

APPLICATION FOR:

PRELIMINARY PLAT AND
SIMPLE PLANNED UNIT DEVELOPMENT

SUBMITTED: MARCH 1, 2023

REVISED: APRIL 4, 2023

PREPARED BY:

RIEGER LAW GROUP PLLC
136 Thompson Drive
Norman, Oklahoma 73069

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- D. Utility Services
- E. Fire Protection Services
- F. Traffic Circulation and Access

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

- A. Uses Permitted
- B. Site Plan
- C. Traffic access/circulation/sidewalks
- D. Open Space
- E. Signage
- F. Height
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- H. Exterior Materials
- I. Fencing
- J. Drainage
- K. Landscaping
- L. Lighting
- M. Sidewalks
- N. Sanitation

EXHIBITS

- A. Legal Description
- B. Site Development Plan
- C. Allowable Uses

I. INTRODUCTION

This Simple Planned Unit Development (the “**SPUD**”) is being submitted for the property located at 1309 S. Berry Road, as more particularly described on **Exhibit A** (the “**Property**”). This SPUD seeks to rezone the Property from the existing R-1, Single Family Dwelling designation to allow the applicant to split and develop the Property as two single family residential lots.

II. PROPERTY DESCRIPTIONS; EXISTING CONDITIONS

A. Location

The Property is located at 1309 S. Berry Road, which is near the intersection of W Lindsey Street and S. Berry Road.

B. Existing Land Use and Zoning

The existing zoning is R-1, Single Family Dwelling, and the existing NORMAN 2025 Land Use Plan designation is Low Density Residential.

C. Elevation and Topography

The Property is undeveloped and the topography of the Property slopes gradually from East to West.

D. Utility Services

All necessary utilities for this project (including water, sewer, gas, telecommunications, and electric) are currently located within the necessary proximity to serve the Property, or they will be extended by the Applicant, as necessary.

E. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by the Applicant as such are required by applicable City codes, ordinances, and/or regulations.

F. Traffic Circulation and Access

Traffic circulation and access to the Property shall be allowed in the manner shown on the attached Site Development Plan.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Uses Permitted

This SPUD seeks to retain the Property's existing allowable uses under R-1, Single Family Dwelling to allow for the development of two single family residential structures on the Property, as well as accompanying uses. A complete list of allowable uses on the Property is attached as **Exhibit C**.

B. Site Plan

The Property shall be developed as depicted on the Site Development Plan, attached hereto as **Exhibit B**, subject to final design development and the changes allowed by Section 36-510 (k) of the City of Norman's SPUD Ordinance, as may be amended from time to time.

The following shall be the required building setbacks:

- The Front Yard setback shall be a minimum of ten (10) feet.
- All other building setbacks shall be a minimum of five (5) feet, except in the areas where, as shown on the attached Site Development Plan, the setback shall be three (3) feet on the east side, between lot one and lot two, and on the southeast, between lot two and the adjacent property to the South.

C. Traffic access/circulation/sidewalks

Traffic circulation and access to the Property shall be allowed in the manner shown on the attached Site Development Plan.

D. Open Space

Open space shall be utilized on the Property as shown on the Site Development Plan. The impervious area and building coverage for the Property shall not exceed 65% per lot.

E. Signage

All signs shall comply with the sign standards of the City of Norman Sign Code as applicable to a zoning of R-1, Single Family Dwelling designation.

F. Height

No buildings shall exceed three and one-half (3-1/2) stories or thirty-five (35) feet in height, excluding any necessary roof top mechanical units, equipment, screening, or parapet walls.

G. Parking

The Property shall comply with Norman's applicable parking ordinances, as amended from time to time.

H. Exterior Materials

The exterior materials of the building to be constructed on the Property may be brick, glass, stone, synthetic stone, stucco, EIFS, masonry, metal accents, composition shingles, synthetic slate shingles, metal roofs, or other comparable roofing materials, and any combination thereof.

I. Fencing

Fencing is permissible along the perimeter of the Property but is not required. Fencing may be brick, stone, wood, wrought iron, or other material. The maximum fence height for the Property shall be eight (8) feet.

J. Drainage

A preliminary drainage report has been provided to City Staff. The development of the Property shall meet or exceed the applicable ordinances and standards of the City, as amended from time to time.

K. Landscaping

Landscaping shall be installed and maintained in order to meet or exceed the City of Norman's applicable landscaping requirements for single-family residential lots, as amended from time to time. The locations and types of landscaping are subject to modification during final site development.

L. Lighting

The Property shall comply with the City of Norman's applicable lighting requirements for single-family residential lots, as amended from time to time.

M. Sidewalks

A five (5) foot sidewalk will be installed in the location shown on the Site Development Plan and will meet or exceed the City of Norman's applicable standards and ordinances for sidewalk design and construction, as amended from time to time.

N. Sanitation

Sanitation services for the Property shall be consistent with the City of Norman's applicable sanitation standards and regulations applicable to single family residential lots, as amended from time to time, such as poly cart service for each lot.

EXHIBIT A

Legal Description of the Property

A PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIX (6), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN IN THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northwest Corner of the Northwest Quarter (NW/4) of said Section Six (6);
Thence South 00°13'57" West, along the West line of said Northwest Quarter (NW/4) a distance of 555.86 feet;
Thence North 89°53'04" East a distance of 50.00 feet to the POINT OF BEGINNING;
Thence continuing North 89°53'04" East a distance of 401.00 feet;
Thence South 00°13'57" West a distance of 109.00 feet;
Thence South 89°53'04" West a distance of 401.00 feet;
Thence North 00°13'57" East a distance of 109.00 feet to the POINT OF BEGINNING.

Containing 43708.1593± square feet or 1.003± acres more or less.

Site Development Plan

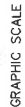


EXHIBIT C**Allowable Uses****Allowable Uses:**

- (a) Detached one family dwelling.
- (b) Family day care home.
- (c) General purpose farm or garden.
- (d) Home occupation.
- (e) Municipal recreation or water supply.
- (f) Accessory buildings.
- (g) Commercial parking only on days when the University of Oklahoma football team plays at home, subject to the following restrictions and conditions:
 - (1) On all sides of the parking area abutting other property a barrier shall be erected so as to prevent vehicles from damaging fences, trees, shrubs or other improvements on the adjoining property, such barrier to be at least two (2) feet within the property line of the property used for parking. All vehicles shall be parked within the property line of such property.
 - (2) An attendant over 18 years of age shall be on duty at all times when vehicles are parked on the property.
 - (3) All papers, containers and other trash shall be removed from the premises immediately after the vehicles have been removed.
 - (4) No vehicle shall ever be parked between the property line and any adjoining street.
 - (5) Unless a driveway is provided, a wooden or metal incline shall be placed in the gutter next to the curb on any street where there is a concrete curb, and the same shall be removed immediately after the last parked vehicle has departed. Such incline shall not exceed 25 feet in length or 12 inches in width.
 - (6) Any violation of the foregoing restrictions, whether by the owner of the property, driver of a vehicle, or other person, shall constitute an offense, and in addition to the other penalties provided by law, the owner or operator of such property so used for parking, upon conviction of such offense, shall not use said property for such purpose for the remainder of the year during which such violation occurs.
- (h) Model home, subject to an annual permit, as defined in NCC 36-101, for no more than four years.
- (i) Short-term rentals.

T 8 N, R 2 W, I.M., NORMAN, CLEVELAND COUNTY, OKLAHOMA

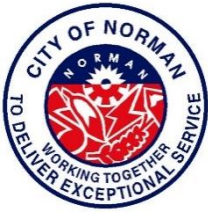
1. ALL EXISTING STRUCTURES TO BE REMOVED.
2. EXISTING SOUTH CURB CUT ON S. BERRY ROAD TO BE REMOVED.



GRAPHIC SCALE

File Attachments for Item:

6. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of PP-2223-6: Consideration of a Preliminary Plat submitted by CA McCarty Construction, L.L.C. (Arc Engineering Consultants, L.L.C.) for McCOOP ABODE ADDITION for 1.04 acres of property located at 1309 S. Berry Road.



CITY OF NORMAN, OK STAFF REPORT

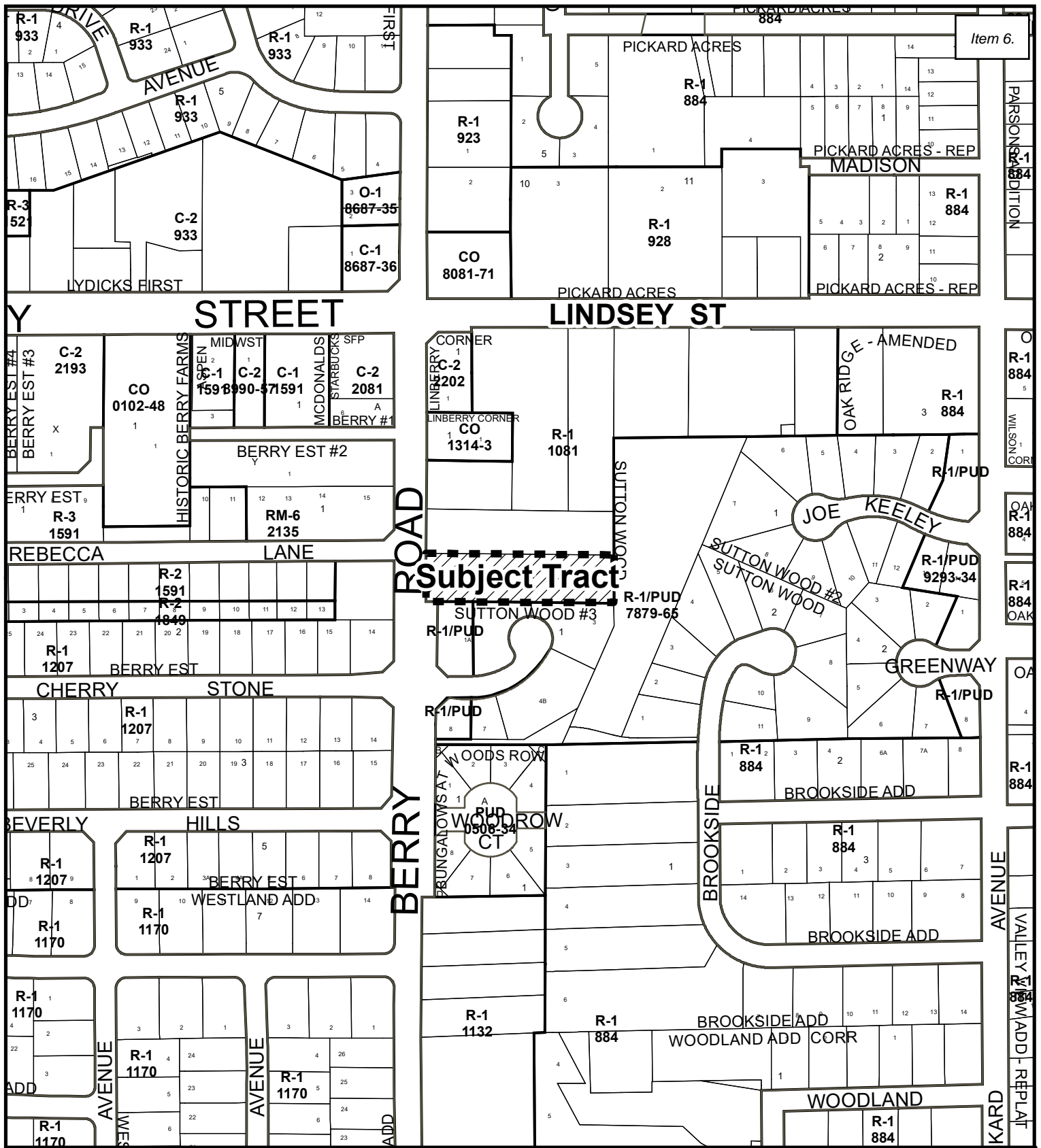
MEETING DATE: 04/13/2023

REQUESTER: CA McCarty Construction, L.L.C.

PRESENTER: Ken Danner, Subdivision Development Manager

ITEM TITLE: Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of PP-2223-6: Consideration of a Preliminary Plat submitted by CA McCarty Construction, L.L.C. (Arc Engineering Consultants, L.L.C.) for McCOOP ABODE ADDITION for 1.04 acres of property located at 1309 S. Berry Road.

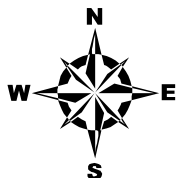
ACTION NEEDED: Approve, accept, reject, amend, or postpone Preliminary Plat No. PP-2223-6 for McCOOP ABODE ADDITION to City Council.



Location Map



Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

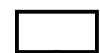


March 3, 2023

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Subject Tract



Zoning

Planning Commission Agenda
April 13, 2023

PRELIMINARY PLAT
PP-2223-6

ITEM NO. 6

STAFF REPORT

ITEM: Consideration of **PRELIMINARY PLAT FOR MCCOOP ABODE ADDITION, A SIMPLE PLANNED UNIT DEVELOPMENT.**

LOCATION: Located at 1309 South Berry Road.

INFORMATION:

1. Owners. C. A. McCarty Construction, L.L.C.
2. Developer. C. A. McCarty Construction, L.L.C.
3. Engineer. ARC Engineering Consultants, L.L.C.

HISTORY:

1. October 21, 1961. City Council adopted Ordinance No. 1081 annexing this property into the Corporate City Limits and placing it in the R-1, Single-Family Dwelling District.
2. April 6, 2023. The Norman Board of Parks Commissioners was scheduled to consider park decision for McCoop Abode Addition, a Simple Planned Unit Development. Results of that review will be submitted separately.
3. April 13, 2023. The applicant has requested rezoning of this property from R-1, Single-Family Dwelling District to SPUD, Simple Planned Unit Development.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrant is existing.
2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.
3. Sanitary Sewer. Sanitary sewer is existing.
4. Sidewalk. A sidewalk will be constructed in accordance with approved plans and City standards.
5. Stormwater. Stormwater runoff will be conveyed to LID drainage solutions.

6. Streets. Berry Road is classified as a minor urban arterial and special corridor. It is to remain two-lanes of traffic in this area. However, there is a requirement for additional widening for a bike lane. Staff anticipates deferral with final platting.

7. Water. Water is existing.

SUPPLEMENTAL MATERIAL: Copies of a location map and preliminary plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: Staff recommends approval of preliminary plat for McCoop Abode Addition, a Simple Planned Unit Development.

ACTION NEEDED: Recommend approval or disapproval of preliminary plat for McCoop Abode Addition, a Simple Planned Unit Development to City Council.

ACTION TAKEN: _____



CITY OF NORMAN

Development Review Form

Transportation Impacts

DATE: March 24, 2023

CONDUCTED BY: Awet Frezgi, P.E.
City Traffic Engineer

PROJECT NAME: McCoop Abode Addition

PROJECT TYPE: Residential

Owner: C.A. McCarty Construction, LLC
Developer's Representative: ARC Engineering Consultants, LLC
Developer's Traffic Engineer: N/A

SURROUNDING ENVIRONMENT (Streets, Developments)

The areas surrounding this site are generally single home residential and apartment complex to the north west side of the development.

ALLOWABLE ACCESS:

The access will be in accordance with Section 4018 of the City's Engineering Design Criteria.

EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)

Berry Road: 2 lanes (existing and future). Speed Limit—30 mph. No sight distance problems. No median.

ACCESS MANAGEMENT CODE COMPLIANCE:

YES ☒ NO ☐

Proposed access for the development will comply with what is allowed in the subdivision regulations.

TRIP GENERATION

	Total	In	Out
Weekday	20	10	10
A.M. Peak Hour	2	0	2
P.M. Peak Hour	4	3	1

TRANSPORTATION IMPACT STUDY REQUIRED?

YES ☐ NO ☒

The development is proposed for a location at the southeast corner of the intersection of Rebecca Lane and Berry Road with an access drive to Berry Road to the west of the site. Obviously being below the threshold for when a traffic impact study is required (>100 peak hour trips is the threshold), the developer is not required to submit a traffic impact analysis for this application. No traffic operational issues are anticipated due to the development.

RECOMMENDATION: APPROVAL ☒ DENIAL ☐ N/A ☐ **STIPULATIONS** ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

The proposed development will access Berry Road from the east by the proposed access drive located approximately 38 feet to southeast of Rebecca Lane on Berry Road. The proposed driveway on Berry Road will be designed full access. Capacity exceeds demand in this area. As such, no additional off-site improvements are anticipated.

SHEET NUMBER
of 1

49



Arc Engineering Consultants, LLC
CIVIL ENGINEERING
139 DEER CREEK ROAD
PHONE (408) 506-0712
FAX (408) 562-8648
LAHO PLANNING
EDMOND, OK 73013
CERTIFICATE OF AUTHORIZATION NO. BEEB-00000474

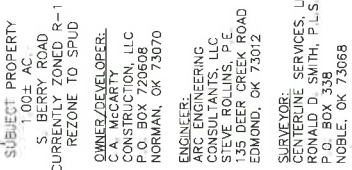


McCOOP ABODE ADDITION
1309 S. BERRY ROAD
NORMAN, CLEVELAND COUNTY, OKLAHOMA
PRELIMINARY SITE PLAN

[illegible]

PROJECT NUMBER	23-003	DATE	04-06-23	SCALE	ORIG. 1"=20'
					ERT. N/A

SHEET NUMBER
1 of 1



LEGAL DESCRIPTION

[illegible]

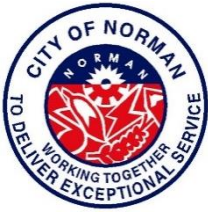
GENERAL NOTES

1. ALL EXISTING STRUCTURES TO BE REMOVED.
2. EXISTING SOUTH CURB CUT ON S. BERRY ROAD TO BE REMOVED.

McCOOP ABOVE ADDITION

File Attachments for Item:

7. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-30: J FORD, L.L.C. requests amendment of the CCPUD approved in O-2021-23 for 0.16 acres of property generally located at 231 W. Main Street, to allow for specific tenant signage and modify landscaping.



CITY OF NORMAN, OK STAFF REPORT

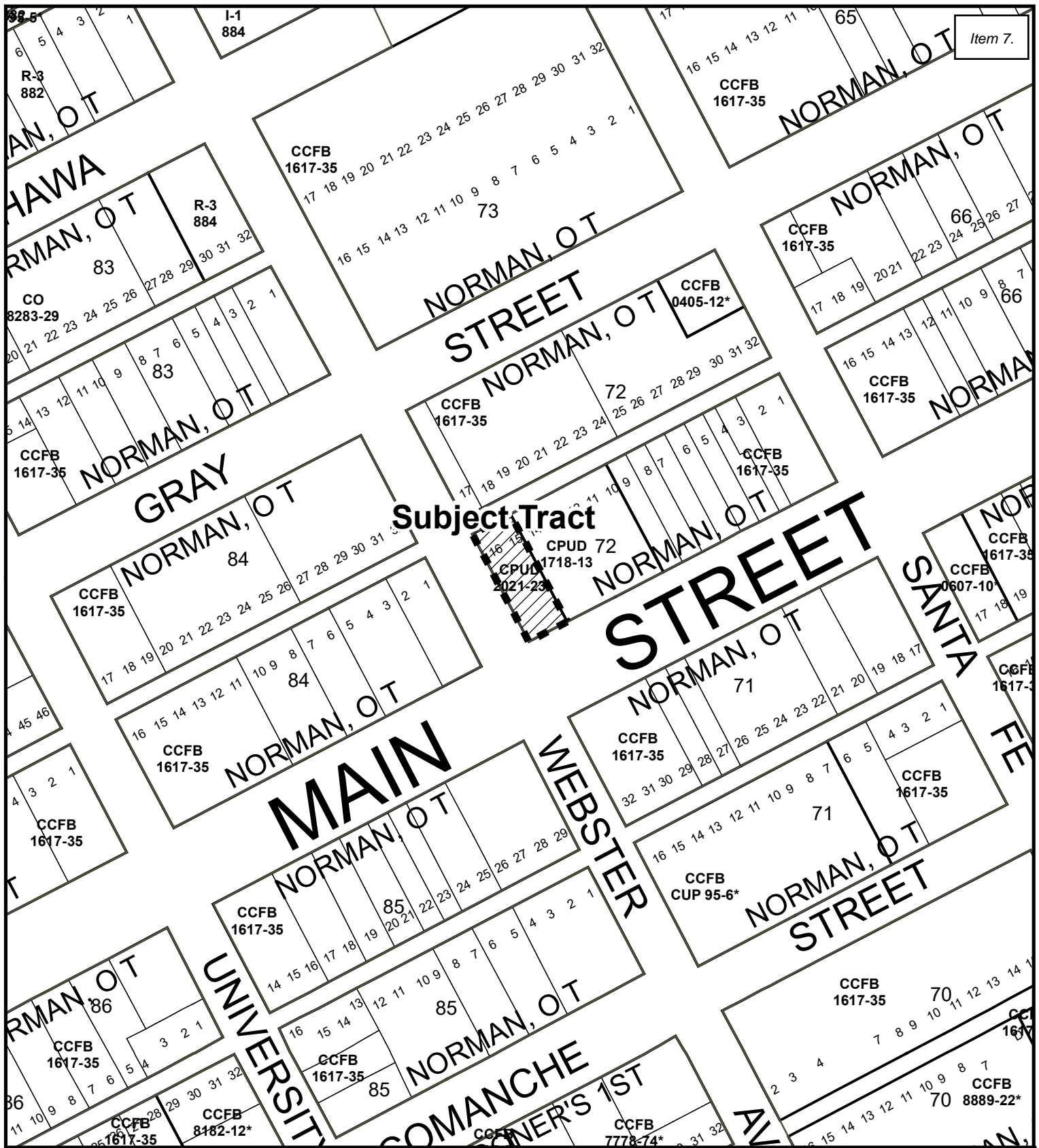
MEETING DATE: 04/13/2023

REQUESTER: J FORD, L.L.C.

PRESENTER: Anais Starr, Planner II

ITEM TITLE: Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-30: J FORD, L.L.C. requests amendment of the CCPUD approved in O-2021-23 for 0.16 acres of property generally located at 231 W. Main Street, to allow for specific tenant signage and modify landscaping.

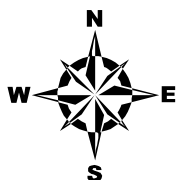
ACTION NEEDED: Recommend approval, acceptance, rejection, amendment, or postponement of Ordinance No. O-2223-30 to City Council.



Location Map



Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

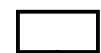


March 3, 2023

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Subject Tract



Zoning

ORDINANCE NO. O-2223-30

ITEM NO. 8

STAFF REPORT**GENERAL INFORMATION**

APPLICANT	J FORD, L.L.C.
REQUESTED ACTION	Amendment of the CCPUD approved by O-2021-23 to allow for additional signage and to modify landscaping
EXISTING ZONING	Center City Form-Based Code Planned Unit Development
SURROUNDING ZONING	North: CCFBC, Urban General East: CCPUD, (Dr. Bird) South: CCFBC, Urban Storefront West: CCFBC, Urban Storefront
LOCATION	231 W. Main Street
SIZE	0.16 acres more or less
PURPOSE	To allow for additional signage and to modify landscaping
EXISTING LAND USE	Vacant/Commercial
SURROUNDING LAND USE	North: Commercial/Office East: Commercial/Office South: Commercial West: Commercial
LAND USE PLAN DESIGNATION	Commercial

REQUEST SUMMARY/CCFBC EXCEPTIONS:

The applicant is requesting to amend the Center City Form-Based Code Planned Unit Development (CCPUD) for 231 W. Main Street to allow for additional signage and to replace the previously proposed rain garden with landscaped planter boxes.

The original CCPUD adopted in January of 2021 called for the retention of the existing building at the corner of Main Street and Webster Avenue, while allowing for development of a mixed

use building to “wrap” around that existing structure. The approved CCPUD had variance to accommodate this development. There are no requested changes to the uses of the building or the design of the building. Requested amendments are for additional signage and landscape modifications.

The applicant recently submitted a building permit to construct the first phase of the proposed mixed-use structure and anticipates two restaurant tenants will occupy part of this new building. As part of the building permit review, staff found that the requested signage for the two prospective tenants did not meet the existing CCPUD, which called for all signage to meet Section M., Signage of the Center City Form-Based Code (CCFBC). Additionally, the CCPUD stated that a rain garden would be installed on the west side of the structure, however, the applicant has found this would be difficult to install due to limited space and the rain garden is not needed to meet city drainage requirements.

With this amendment request to the CCPUD, the applicants are seeking a variance to the CCFBC signage requirements to allow for up to three tenant wall signs which may be located either on the wall or on the awning, depending upon the desires of the future tenants. The requested amendments also call for the allowance of temporary banners and allows both first and second floor commercial tenants to have a maximum of 25% of their windows covered with graphics. Finally, the amendments call for replacing the proposed rain garden with three planter boxes since there is limited space on the west side of the building.

During the review of the CCPUD, staff recommended to the applicant that they clarify the Live/Work option listed in the uses. The applicant provided clarification in the CCPUD narrative that the Live/Work use is allowed on the ground floor. No variances are associated with this clarification.

CCPUD BACKGROUND: During the review of the Center City Form Based Code, the question was asked, what to do with applications that need or want an option to vary from the regulations within the CCFBC? It was determined an option for a Center City Planned Unit Development, within the Center City Form-Based Code, be established in Appendix B, Section 520. Appendix B was included to provide an alternative zoning district for the Center City Area as defined in the Center City Form Based Code (CCFBC). This process of requesting a CCPUD gives Planning Commission and City Council the opportunity to review the proposal within the Center City Area.

Appendix B

Sec. 520 Center City Planned Unit Development

- A. Statement of Purpose:** *It is the intent of this section to provide an alternative zoning district for the Center City Area as defined in the Center City Form Based Code (CCFBC). This Center City Planned Unit Development District (CCPUD) is specifically catering to the Center City Area because of the size of lots, the lack of vacant land and other distinguishing characteristics in this area that make the use of the existing PUD regulations not feasible. The CCPUD encourages developments that create the character of development envisioned in the CCFBC.*

Specifically, the purposes of this section are to:

1. Provide an alternative zoning district to the CCFBC where a property proposes a development that does not meet the strict regulations required in the CCFBC.
2. Provide open space/street space that is compatible with the concepts of the CCFBC.
3. Provide comprehensive and innovative planning and design for a development which is consistent and compatible with surrounding developments.
4. Provide more efficient and economic use of land resulting in an urban/pedestrian environment.
5. Provide complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.
6. Encourage developments that achieve community goals, such as, but not limited to, aging in place, or affordable housing, or other emerging trends in housing, that may not be able to meet all the required elements of the Center City Form Based Code.

B. Uses Permitted. The CCPUD regulations are designed to provide for any mix of uses. There are no specifically prescribed uses which are permitted within the boundaries of the Center City Area in order to increase creativity and flexibility in the Center City Area when development according to the CCFBC is not feasible. The owner/applicant will be responsible for the preparation of a list of permitted uses within the specific CCPUD. The development of the list shall take into account the nature and purpose of the CCPUD area, and such uses and locations shall be appropriate in order to protect and be in harmony with surrounding development.

ANALYSIS: The applicant provided an amended CCPUD Narrative. The Narrative outlines the additional signage proposed as well as the modification to the landscaping. As stated earlier there are no proposed changes to use or design of the proposed building from the approved CCPUD.

PARTICULARS OF THIS CCPUD:

1. **AMENDMENTS REQUESTED:** The amended CCPUD Narrative contains amendments as follows.

SIGNAGE:

- Allowance of three additional anchor tenant signs. Each sign is to be a maximum of 30 square feet. Signs are allowed to be located on the wall either between the second floor line and the first floor ceiling, or the third floor line and the second floor ceiling, or attached to the metal awning.
- Allowance for vinyl window graphics to cover a maximum of 25% of the windows for either the first or second floor tenants;
- The allowance for one temporary grand opening banner sign for each tenant for 30 days per grand opening. Each sign is allowed to be a maximum of 60 square feet and attached to the wall of the structure and are prohibited from covering any windows.

VARIANCES: The CCPUD Narrative provides variance requests for up to three additional anchor tenant signs, for the allowance of temporary signage on site,

and for the second floor commercial windows to have window graphics as above.

Item 7.

LANDSCAPING:

- Three planters on the west side of the building will replace the previously proposed rain garden.

OTHER AGENCY COMMENTS:

- **PRE-DEVELOPMENT:** No meeting was required for this application.
- **GREENBELT COMMISSION MEETING:** No meeting was required for this application.
- **PARK BOARD:** Park land dedication not required for this application.
- **PUBLIC WORKS:** Water and sewer service are existing for this site. Stormwater runoff will be diverted to the storm sewer inlets near the corner of Webster Avenue and W. Main Street.

CONCLUSION: Staff forwards this request and Ordinance No. O-2223-30 to Planning Commission for consideration and a recommendation to the City Council.

231 W. Main Street

A Center City Planned Unit Development

Applicant: Wishnuck Investments, LLC

231 W. Main Street

Norman, Oklahoma

Application for:

Center City Planned Unit Development

Submitted March 1, 2023

Revised April 4, 2023

PREPARED BY:

RIEGER LAW GROUP PLLC

136 Thompson Drive

Norman, Oklahoma 73069

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I. INTRODUCTION

A. **Background and Intent.** This Center City Planned Unit Development (“CCPUD”) is proposed by Wishnuck Investments, LLC (the “**Applicant**”) for the property located at 231 W. Main Street, Norman, Oklahoma, more particularly described on **Exhibit A** (the “**Property**”). The Property contains approximately 0.16 acres. This CCPUD is intended to put forth the parameters for which the Property shall be redeveloped. The Property is located on Main Street in Norman’s thriving Downtown. The Property is currently empty with the exception of a unique brick building which will remain as an architectural element to the development.

A CCPUD is sought here in order to further the goals of the Norman Center City Visions Project and Plan (“Project Plan”). This proposal meets many of the stated goals of the Project Plan, including, but not limited to, utilizing private investment in Center City, capitalizing on the public investment in existing infrastructure around the Property, stabilizing and strengthening the mixed-use commercial district in the area, creating a pedestrian-oriented and multi-modal district, and creating additional housing options on the Property.

This CCPUD will allow for a cohesive development of mixed-uses and relaxed development and design criteria on the Property in furtherance of the stated goals of the Project Plan that could not otherwise occur under the applicable provisions of the Norman Center City Form-Based Code (“CCFBC”).

B. **Development Team.** The Applicant is Wishnuck Investments, LLC. The architect for the project is Peacock Design LLC.

II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

- A. **Location.** The Property is situated on the Northeast Corner of West Main Street and North Webster Avenue intersection. The specific location is illustrated on the Site Development Plan, attached hereto as **Exhibit B**.
- B. **Existing Land Use and Zoning.** The Property is located in the Center City Form Based Code (“CCFBC”) District and currently zoned CCPUD by Ordinance 2223-30 . The Property is largely vacant with the exception of the unoccupied small brick building.
- C. **Elevation and Topography.** The Property is essentially flat with little elevation change throughout the entirety of the development. The Property is covered with pavement and the existing structure with little to no pervious surface.
- D. **Drainage.** The Applicant will meet or exceed the City’s applicable ordinances regarding drainage requirements on the Property. Drainage will be directed into the existing storm sewer main located at the corner of Main Street and N. Webster Avenue.

- E. **Utility Services.** All necessary utilities for this project (including water, sewer, gas, telecommunications, and electric) are currently located within the necessary proximity to serve the Property, or they will be extended by the Applicant, as necessary.
- F. **Fire Protection Services.** Fire protection services will be provided by the City of Norman Fire Department and by the Owner of the Property where required by building and fire protection codes in the structures.
- G. **Traffic Circulation and Access.** The Property has no curb cut and the only access is from the alley to the north of the Property. No additional curb cut is proposed.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Property shall be developed in compliance with the terms of this CCPUD and the exhibits attached hereto and incorporated herein by reference, subject to the allowances contained in Section 520(F), Administration, of the CCFBC, and as thereafter amended.

A. Permissible Uses.

In order to achieve the type of mixed-use, pedestrian oriented, and multi-modal development sought by the Project Plan, the Property will be allowed to contain commercial and civic uses, as well as residential units in the upper stories of the building to be constructed on the Property. This flexibility seeks to create a vibrant mixed-use development that will stabilize and strengthen this area, as desired by the Project Plan. A list of the allowable uses for the Property is attached hereto as **Exhibit C**. The Property may feature a maximum of eight dwelling units per story. The allowable uses for any ground floor units facing Main Street will comply with Section 404(a) and Section 704(D)(1) of the CCFBC, which respectively limit allowable uses to retail sales or service, or professional service, as such uses are defined by the CCFBC, and as such definitions may be amended from time to time.

B. Development Criteria.

1. **Siting.** The development shall comply with the setbacks shown on the Site Development Plan, which includes a variance to the CCFBC RBL along N. Webster Ave. To achieve an active commercial sidewalk and a walkable, pedestrian friendly environment, the new RBL for the Property shall be set back 6 feet and 6 inches from the west property line, as shown on the Site Development Plan. Buildings on the Property shall be built at a minimum of 80% and up to 100% of the total RBL on the Property. The applicable setbacks are enumerated on the Site Development Plan and incorporated herein by reference. No street walls are required on the Property. Any unbuilt areas of the RBL are allowed to remain open in order to achieve the desired pedestrian-oriented development and active sidewalk spaces.

2. Existing Corner Building. Except for an Act of God, severe weather event, or other similar event that is outside of the control of the property owner, the existing brick building on the street corner shall remain in its existing location and in its current configuration, subject to any necessary improvements or repairs, to be done in accordance with the criteria enumerated below, in order to make the building useable for its intended purpose, which does not meet the CCFBC requirements. The existing brick building may be used independently as its own space, or as an accessory use to another use on the Property, such as, but not limited to, additional seating or function space for a restaurant, or as a stand-alone use on the Property, such as, but not limited to, a small art studio, office space, sno-cone stand, or coffee shop. In the event the existing brick building is damaged or destroyed, such as by an Act of God, severe weather event, or other similar event that is outside of the control of the property owner, the existing brick building may be restored, remodeled, improved, or rebuilt in substantially the same footprint as currently exists and with substantially similar materials of the previous structure. In order to ensure the existing building is usable for the types of uses contemplated above, repairs, remodeling, and improvements may be necessary. For any repairs, remodeling, or improvements occasioned by circumstances other than Acts of God or circumstances outside of the control of the property owner, such as initial improvements to make the existing building usable, the following criteria shall apply:

- a. Repairs, remodeling or improvements to the building shall, where feasible, retain and preserve original wall and/or building materials, replacing only those portions that are necessary to make the building usable for the owner's intended use or to achieve the desired improvement, and only with replacement materials that are reasonably available in the marketplace, substantially compatible with the historic character of the building, and which substantially reflect the building's original style, period, and design;
- b. Repairs, remodeling, or improvements shall not involve or include any recovering of any original masonry of the building, including siding or paint, and all exterior masonry shall be regularly inspected and maintained in an effort to preserve the existing masonry materials. Any replacement masonry shall be done with materials that are reasonably available in the marketplace and match the original materials as closely as reasonably possible in design, material, dimension, color, texture and detail;
- c. Repairs, remodeling, or improvements shall, to the extent feasible, align with original elevations and roof patterns or designs, and replacement

original roofing materials shall be replaced, in an effort to maximum maintenance and preservation of the structure, with "in kind" materials;

- d. Repairs, remodeling, or improvements shall endeavor to maintain and preserve original openings to the building, including windows and doors (as well as original glass and metal materials), where feasible and reasonably available in the marketplace. Replacement of deteriorated door or window items shall occur when necessary to ensure compliance with all applicable codes, including, but not limited to, codes governing food storage or preparation, as well as to ensure the building is a secure and habitable space. Such replacement shall be done in such a manner that seeks to maintain and preserve the historic spirit and design of the building as a whole. Replacement of original doors or windows (including glass) shall be with "in kind" materials where feasible and reasonably available in the marketplace. Notwithstanding anything to the contrary, one window shall be allowed to be updated and improved to serve as a serving window or similarly designed feature that allows for service from the interior of the building to walk up pedestrians using the active open space of the site; and
- e. Repairs, remodeling, or improvements shall not substantially alter or affect the existing footprint of the structure. Any change resulting in a modification of up to five (5%) percent increase or decrease to the overall footprint shall not be considered a substantial alteration.
- f. All other repairs, remodeling, or improvements (including interior alterations) may be conducted by the property owner to comply with the provisions of this CCPUD and other applicable regulations and laws.

Notwithstanding the foregoing, in the event the existing brick building is damaged or destroyed, such as by an Act of God, severe weather event, or other similar event that is outside of the control of the property owner, and the building is not rebuilt, no additional building will be required and the former footprint of the brick building may be used as open space in furtherance of the goals of this CCPUD.

- 3. Building Height.** The maximum building height shall be six (6) stories and 82 feet, which is a reduction from the Property's current exemption from maximum height restrictions and complies with the CCFBC Building Form Standards for Urban General and Urban Storefront. The initial development is expected to be a two (2) story building in two phases over time, with the first story to be the initial phase and the second story, as shown on the attached elevations, to be the second phase of the development at a later time. The front

30 feet of the Property's Main Street frontage is allowed to, but not required to, be developed as a single story in order to allow for the existing single story brick building and the proposed rooftop patio space as shown on the attached exhibits. The first phase will feature the first story of the building and an occupiable roof deck, as shown on the attached elevations. In order to utilize the roof deck, the Applicant will be constructing the initial phase of this project with substantial materials, infrastructure, and footings to support the use of the roof as an occupiable open patio space and to support impending construction of the second story in the future. This will include, but is not limited to, the use of floor joists, instead of roof joists to prepare the building for the impending second phase of construction. No variance is requested from the minimum ground story clearance height of fifteen (15) feet.

4. **Elements.** The Property shall be built in accordance with the terms of this CCPUD and the exhibits hereto. The Property shall comply with the applicable Elements requirements applicable to Urban General Frontage, pursuant to Section 403 of the CCFBC, including, but not limited to, the Fenestration percentages. Exterior materials shall comply with the requirements of Section 402 (J), Architectural Materials (exteriors), of the CCFBC. Elevations of the building to be constructed on the Property are attached as **Exhibit D**. Future stories of the building not shown on the attached elevations shall comply with the provisions of this CCPUD, including, but not limited to, the Siting and Elements requirements of Section 403 of the CCFBC.
5. **Sanitation.** It is the intent that trash dumpsters will be shared with nearby dumpster account holders. Sanitation services will be provided for Tenants of the Property. In the event that dumpster or trash service becomes required on the Property, the location of such shall conform to the applicable City of Norman Ordinances.
6. **Signage.** The Property may feature up to three (3) anchor tenant signs, which shall be comparable in size and location to those anchor tenant signs enumerated on **Exhibit E**, attached hereto. The anchor tenant signs may be located within the area between the second story floor line and the first floor ceiling or third story floor line and the second story ceiling. Each anchor tenant sign shall be allowed to be a maximum of 30 square feet per side and may be either mounted on the wall or attached to the awning, which may include hanging and/or blade signs. Additionally, the Property may feature vinyl window graphics within ground floor or second story windows for additional tenant signage. No more than 25% of an individual window may be covered by such vinyl window tenant signage.

The Property may also feature a scaffolding rooftop sign advertising the name of the development, and not any off-premise advertising, not to exceed the total square footage depicted on **Exhibit E**, attached hereto. For clarity, the scaffolding sign shall not be placed on the roof of the ground floor units and shall only be constructed on the roof of the second story as illustrated on the attached exhibit, subject only to modifications of wording or content, provided that no modification may exceed the maximum signage square footage illustrated on the attached exhibit. The Applicant will work with the adjoining neighbor regarding placement of the rooftop sign to determine a compatible location with the adjoining neighbor's existing mural.

All other signage on the Property shall comply with Section 402(M), Signage, of the CCFBC, as amended thereafter.

Tenants may display one temporary grand opening banner sign, up to 60 square feet maximum, for a period of thirty (30) days. There shall be only one grand opening allowed per business and this grand opening must occur in conjunction with the time the business first opens to the public at this location. These banner signs shall be located on the wall of the structure and shall not cover any windows.

7. **Traffic access and sidewalks.** Vehicular access to the Property shall remain off the alley. Sidewalks are existing along N. Webster Avenue and Main Street. Any damage to existing sidewalks will be replaced prior to a Certificate of Occupancy.
8. **Lighting.** The project shall comply with the requirements of CCFBC under 402. General Provisions; N. Lighting & Mechanical, as amended thereafter.
9. **Open Space.** The requested variance from the RBL on the N. Webster Avenue frontage will allow the Property to develop in a pedestrian-friendly manner. Open space will be provided in that setback area along the N. Webster Avenue frontage to create an interactive open space/sidewalk area in furtherance of the stated goals of the Project Plan. Additional open space will be provided around the existing brick building and on the roof top patio, in the manner illustrated on the exhibits attached hereto. The proposed open space will be adequate to serve the Property due to its mixed-use nature and thoughtful pedestrian-oriented design. The open space is not required to be located behind the parking setback line on the Property. It is preliminarily planned that second-floor open space will cover 30% of entire site, and the front of the building open space will cover 10% of entire site, resulting in 40% combined open space. The Property may, but is not required to, feature a roof top patio on the highest story of the

building as well as raised courtyards to be located above the ground floor but below the highest story of the building.

- 10. Landscaping.** Street trees are not required on the Property. Any trees to be planted shall be of a species that is listed in Section 506 of the CCFBC, as amended thereafter, or otherwise approved by the City of Norman Forester, City of Norman ordinance, or appropriate City of Norman staff member. In lieu of required street trees, there shall be at least three (3) planters on the west side of the structure, behind the sidewalk and outside of the right-of-way.
- 11. Parking.** The Property shall comply with Section 603(A) of the CCFBC, as amended thereafter.
- 12. Phasing.** The Property may be developed in multiple phases. The initial phase is expected to be the ground floor of the building. The second phase is anticipated to be the second story of the building. Additional stories may be developed over time in accordance with market absorption and other factors outside of the Applicant's control. It is the intent that the ground floor will feature Commercial and/or Civic uses, as defined on Exhibit C, and the upper floors will be developed as Residential uses. Notwithstanding the foregoing, the entire Property may be developed as Commercial and/or Civic uses. Residential uses are not allowed on the ground floor. The timing of each phase will be contingent upon market absorption.

C. CCFBC Variances:

The Property shall be developed in accordance with the terms of this CCPUD and the exhibits attached hereto and incorporated by reference. For convenience purposes, a summary of the variances sought from the CCFBC follows:

1. Additional setback from Required Build Line ("RBL") on N. Webster Ave., to a total of 6'-6" from the property line.
2. Reduction of the built to percentage from 100% to roughly 80% on W. Main St., due to a 6'-5" dimension of separation between the existing red brick corner building and the proposed new building (the proposal is to keep the corner building in place without change to its siting). If the existing red brick building is damaged or destroyed by Act of God, severe weather event, or other similar event that is outside of the control of the property owner, per Section III(B)(2) of this CCPUD, no new building is required to be constructed in its place.
3. Exemption from the street wall requirement for the unbuilt space on both W. Main St. and N. Webster Ave.

4. Exemption from the required two-story minimum to the extent that it is required within the first phase of development; the second/additional story to be provided and completed in a subsequent second phase as market absorption allows.
5. Allowance of additional Commerce and Civic uses on the ground floor units fronting N. Webster Avenue in addition to, or in alternative to, only Retail/Storefront uses.
6. Exemption from CCFBC 403 restriction that says no restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use, as it is applicant's vision that the second floor space in phase one be open to the public and not controlled by one ground floor use.
7. Allowance of office use on first floor within 20' of the RBL, except those units fronting Main Street.
8. Exemption from the landscaping requirement as this area of W. Main Street was previously enhanced with an integrated and unified design along W. Main St. by a federal grant streetscape project. Further, the N. Webster Ave. frontage does not allow sufficient space to properly accommodate both landscape and pedestrian travel.
9. Exemption from the required 15% open space requirement. Open space may be located behind the parking setback line. It is noted that the proposed second-story roof/raised courtyard space does provide 15% of the total site as open space behind the parking setback line.
10. Exemption from requirement of recessed doors as planned along N. Webster Ave., as such doors are provided within an exterior wall that itself is setback from the required RBL, due to the RBL being revised herein.
11. Allowance for a 300 square foot roof top sign and allowance for additional anchor tenant signage in addition to all other signage allowances in the CCFBC.
12. Exemption from CCFBC 402(M) maximum size and location requirements for the requested anchor tenant signage. Anchor tenant signage shall be allowed to be a maximum of 30 square feet per sign for up to three anchor tenant signs on the Property. The permitted anchor tenant signage may be mounted the wall or awning and may be located the area between the second story floor line and the first floor ceiling or third story floor line and the second story ceiling.

13. Allowance for Temporary signage, limited to one grand opening banner sign per tenant up to a maximum of 60 square feet, which may be displayed for a period of thirty (30) days. There shall be only one grand opening allowed per business and this grand opening must occur in conjunction with the time the business first opens to the public at this location. No other temporary signs, beyond what is allowed in Section 402(M), Signage, of the CCFBC, as amended thereafter.

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Lots Fifteen (15) and Sixteen (16), in Block Seventy-Two (72) of ORIGINAL TOWN OF NORMAN, Cleveland County, Oklahoma, according to the recorded plat thereof.

EXHIBIT B

PRELIMINARY SITE DEVELOPMENT PLAN

Full Size Document Submitted to City Staff

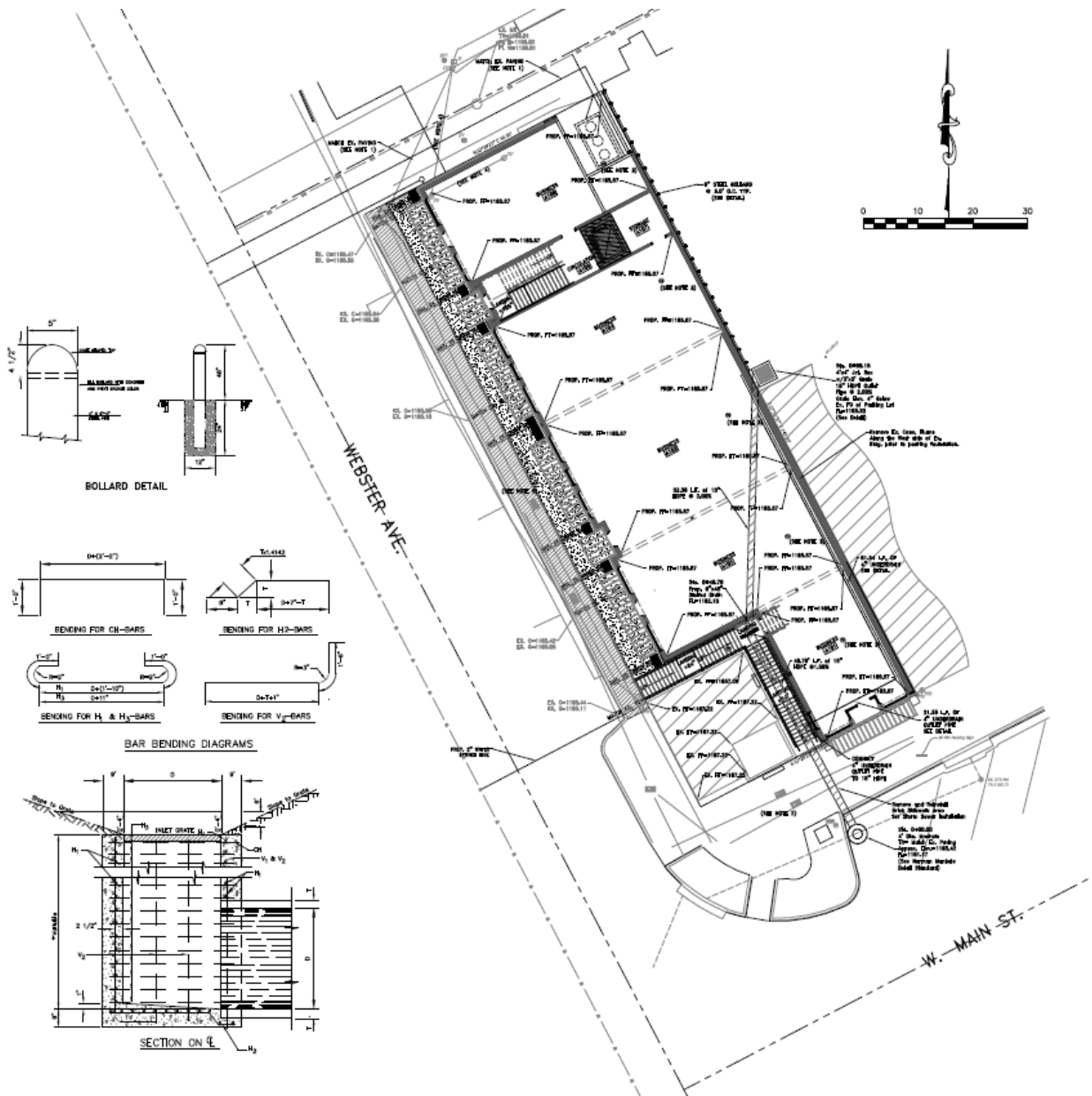


EXHIBIT C

ALLOWABLE USES

Residential – Upper Stories Only

- One, two, or three, or multi-dwelling unit structures
- Apartments/Lofts
- Senior and/or Elderly housing
- Group Living
 - Assisted Living
 - Boarding house, rooming house, lodging house
 - Hospice
 - Dormitory
 - Fraternity and Sorority
 - Monastery/convent
 - Nursing home
 - Transitional home

Commerce – All Stories, except that the allowable uses for any ground floor units facing Main Street will be limited to retail sales or service, or professional service, as such uses are defined by the CCFBC, and as such definitions may be amended from time to time.

- Office
- Overnight Lodging
- Hotel & Lodging
- Conference facilities and convention centers
- Communication antennas mounted on existing structures
- Day Care
- Retail Sales & Service
- Restaurant/Bar/Lounge/Tavern
 - Any Bar, Lounge, or Tavern shall be subject to the requirements of CCFBC Section 704.F.1,3,4,6. (704.F.2 is exempted, 704.F.5 is not applicable)
- Art Studio/Artisanal Manufacturing
- Research & Development
- Gym, Martial Arts Studio, Fitness Center, or Similar Exercise Use
- Amusement and/or Entertainment Enterprises
- Antique shop
- Appliance Store
- Artist materials supply, or studio
- Automobile parking lots, as permitted behind the parking setback line
- Automobile supply store
- Automobile parts and supply retail store (not auto service or repair)
- Baby shop

- Bakery/ Baked goods store
- Bank
- Barber shop, or beauty parlor
- Book or stationery store
- Camera shop
- Candy store
- Catering establishment
- Childcare establishment
- Clothing or apparel store
- Coffee house or coffee shop
- Commercial uses/shops/or services
- Dairy products or ice cream store
- Delicatessen store
- Dress shop
- Drug store or fountain
- Dry Cleaning and/or Laundry Establishment
- Dry goods store
- Event Space
- Fabric or notion store
- Florist/Flower Shop
- Furniture Store
- Gift Shop
- Grocery or supermarket
- Hardware store
- Hotel or motel
- Heating, ventilating or plumbing supplies, sales and service
- Interior decorating store
- Jewelry shop
- Key shop
- Leather Store and/or Leather Goods Store
- Live-Work – Only merchandise or a commodity manufactured on premise may be sold in the Ground Story of a Live-Work unit.
- Locksmith
- Lodge hall
- Lumber and/or building materials sales or storage yard
- Medical Marijuana Dispensary, as allowed by state law
- Music, radio, or television store
- Messenger, cellphone, telephone, or electronic store
- Outdoor Patio/Bar
- Pawn shop
- Packing Store or Service

- Painting and decorating shop
- Pet shop/or Small Animal Hospital
- Pharmacy
- Photographer's studio
- Restaurant. A restaurant may also include interior live entertainment and/or a dance floor, (all such activity fully within an enclosed building) provided the kitchen remains open with full food service whenever live entertainment is offered.
- Retail Shops or Stores
- Retail spirits store/Liquor Store
- Self-service laundry
- Sewing machine sales
- Sporting goods sales
- Shoe store or repair shop
- Shipping Store
- Sign Store
- T-Shirt Printing Service or Store
- Tailor shop/service
- Theaters, Bowling Alley, Arcade, and Similar Establishments, including those that sell alcoholic beverages in compliance with state law.
- Toy store

Civic – All Stories

- College, community college, university
- Museum, library, auditorium, arena
- Places of worship including church, mosque, synagogue, temple
- Police, fire, EMS station, substation
- Public or private (K-12) school
- Neighborhood arts center, Community Center or similar community facility (public)
- Farmers Market

EXHIBIT D

ELEVATIONS

Full Size Document Submitted to City Staff

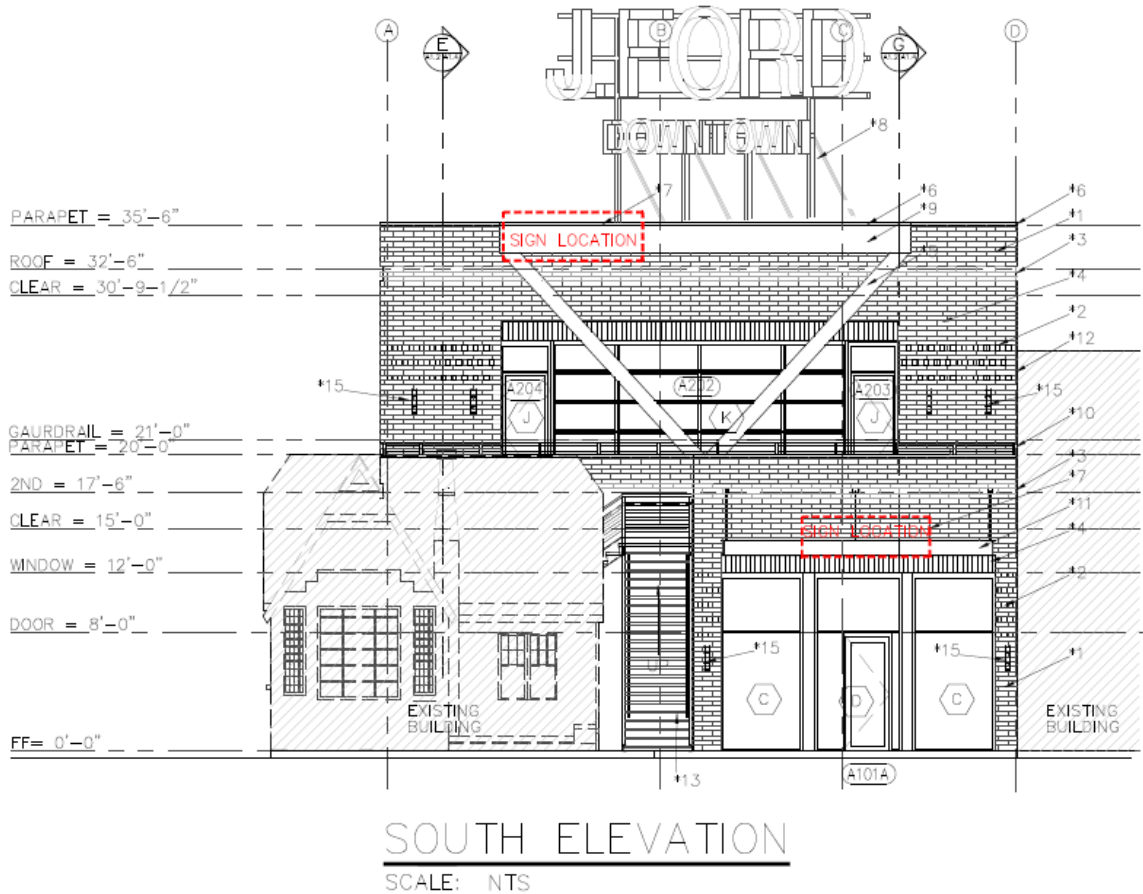
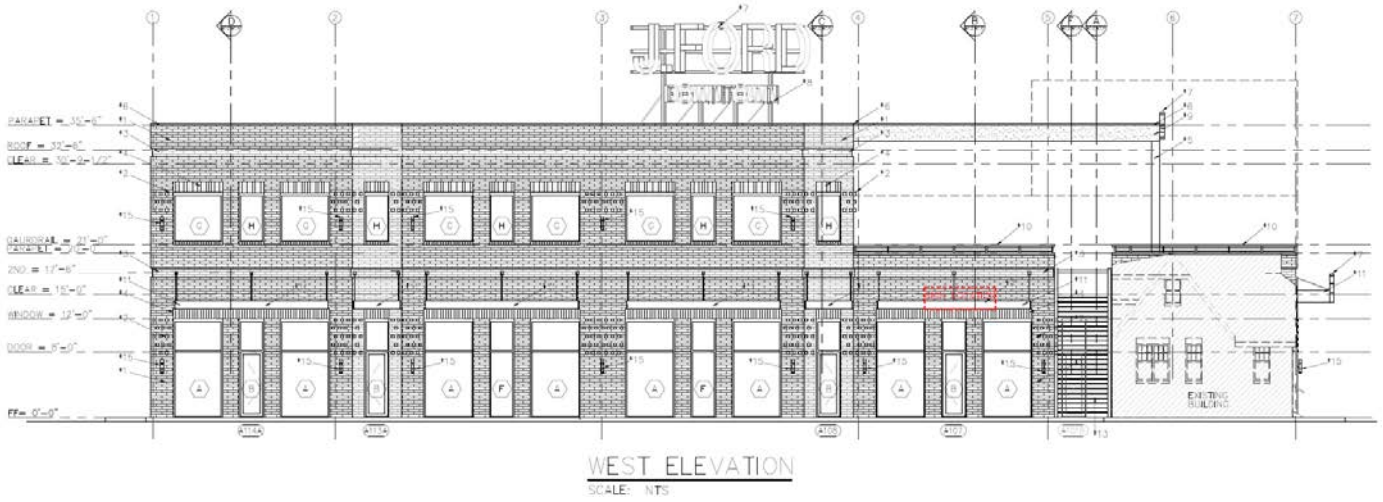
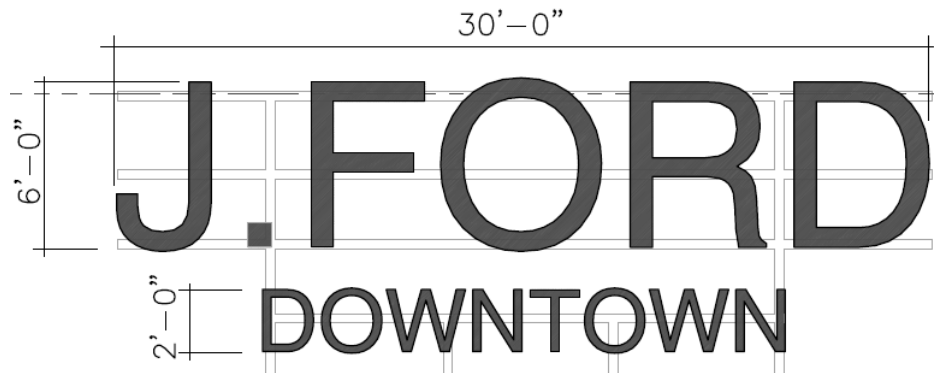
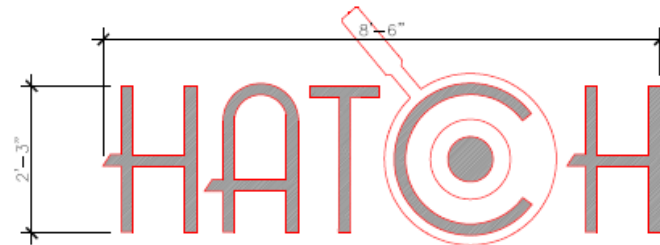


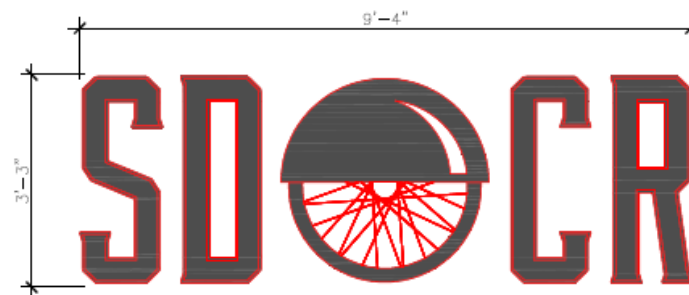
EXHIBIT E**SIGN DEPICTION & PROPOSED RENDERINGS****SCAFFOLDING ROOFTOP SIGN**

222 SF (LETTERS ONLY)

357 SF (FULL VOLUME)

**ANCHOR TENANT SIGN**

1ST FLOOR TENANT SIGNAGE
 30 SF MAX IF TENANT CHANGES
 CAST ALUMINUM LETTERING

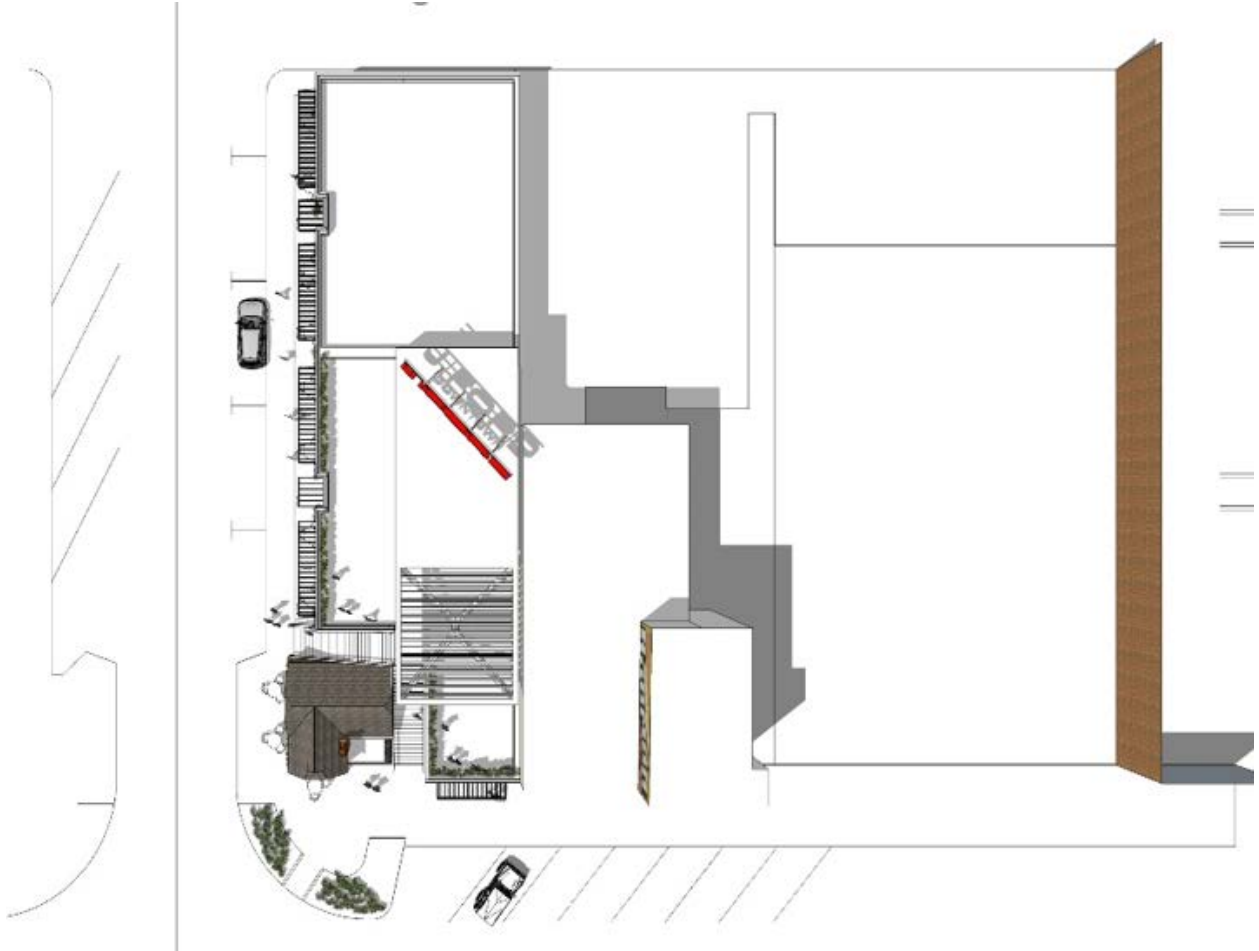


2ND FLOOR TENANT SIGNAGE
 30 SF MAX IF TENANT CHANGES
 CAST ALUMINUM LETTERING

TENANT SIGNAGE DETAIL

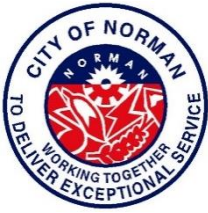
SCALE: NTS

EXHIBIT E CONT'D



File Attachments for Item:

8. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-33: Midway Grocery, Inc. requests rezoning from C-1, Local Commercial District, to SPUD, Simple Planned Unit Development, for 0.234 acres of property generally located at 601 W. Eufaula Street.



CITY OF NORMAN, OK STAFF REPORT

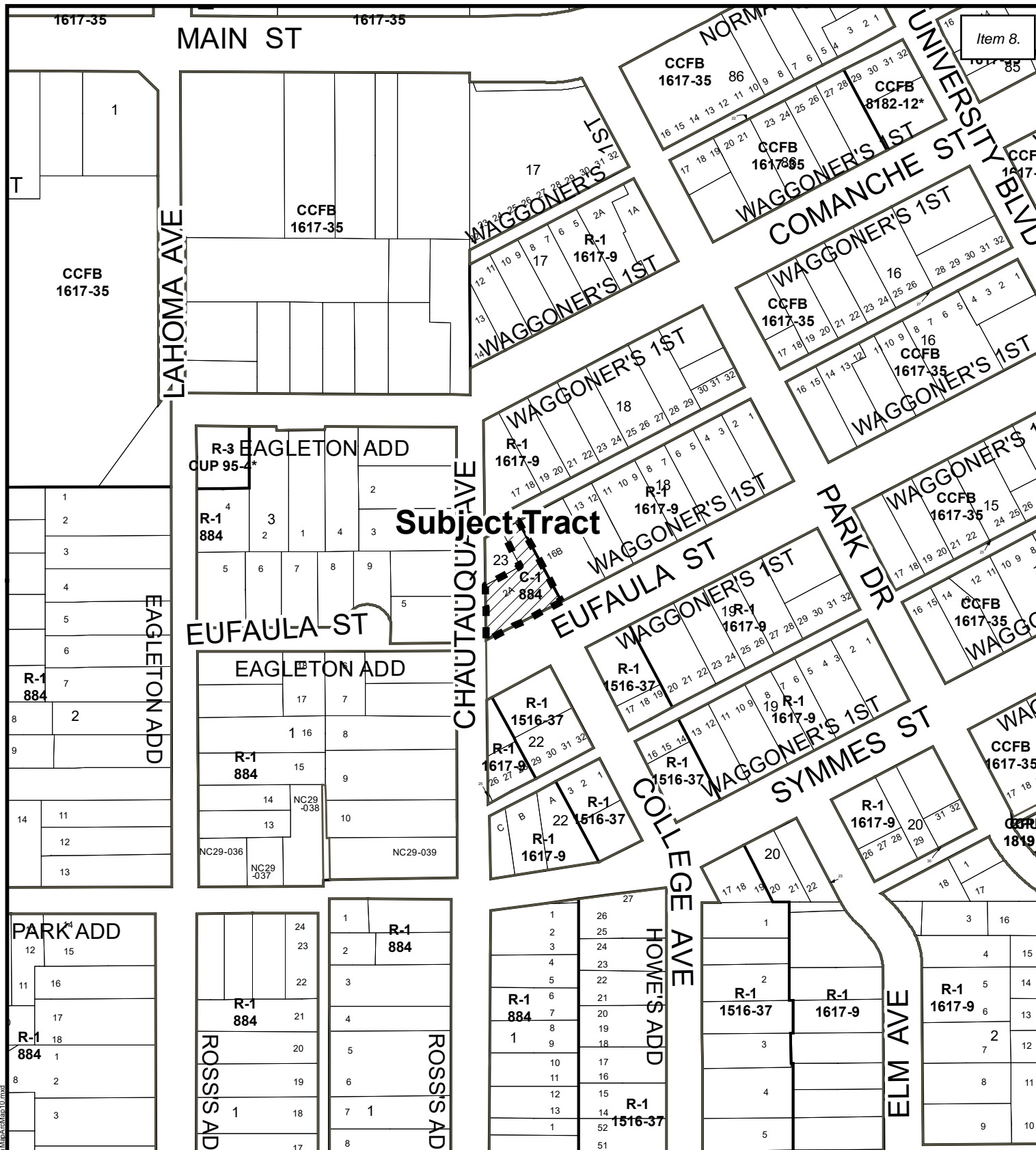
MEETING DATE: 04/13/2023

REQUESTER: Midway Grocery, Inc.

PRESENTER: Colton Wayman, Planner I

ITEM TITLE: Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-33: Midway Grocery, Inc. requests rezoning from C-1, Local Commercial District, to SPUD, Simple Planned Unit Development, for 0.234 acres of property generally located at 601 W. Eufaula Street.

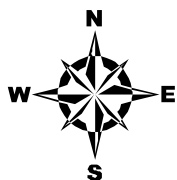
ACTION NEEDED: Recommend approval, acceptance, rejection, amendment, or postponement of Ordinance No. O-2223-33 to City Council.



Location Map



Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.



September 6, 2022

0 100 200 Ft.



Subject Tract



Zoning

ORDINANCE NO. O-2223-33

ITEM NO. 8

STAFF REPORT**GENERAL INFORMATION**

APPLICANT	Midway Grocery, Inc.
REQUESTED ACTION	Rezoning to SPUD, Simple Planned Unit Development
EXISTING ZONING	C-1, Local Commercial District
SURROUNDING ZONING	North: C-1, Local Commercial District and R-1, Single-Family Dwelling District East: R-1, Single-Family Dwelling District South: R-1, Single-Family Dwelling District West: R-1, Single-Family Dwelling District
LOCATION	601 W. Eufaula Street
WARD	Ward 4
CORE AREA	Yes
AREA/SF	.234 acres, more or less
PURPOSE	Formalize permissible uses
EXISTING LAND USE	Commercial
SURROUNDING LAND USE	North: Single Family Residential East: Single Family Residential South: Single Family Residential West: Single Family Residential
LAND USE PLAN DESIGNATION	Commercial
GROWTH AREA DESIGNATION	Current Urban Service Area

PROJECT OVERVIEW: Midway Grocery, Inc. is requesting a rezoning to SPUD, S Planned Unit Development at 601 W. Eufaula Street. This site is the location of Midway Grocery & Market. The subject property and adjacent property to the north were zoned C-1, Local Commercial District with Ordinance No. 884 on July 13, 1954 with adoption of the original Zoning Ordinance. The applicant requests this rezoning to formalize permissible uses in addition to proposing a new, non-permanent outdoor stage at the northern extents of the property.

PROCEDURAL REQUIREMENTS:

GREENBELT MEETING: N/A for this item.

PRE-DEVELOPMENT MEETING: PD 23-07, March 23, 2023

Neighbors wanted to understand what types of live entertainment and music would be allowed outdoors. Neighbors also wanted to know what time these uses would be outside and how many people the applicant anticipated would be at these events. The neighbors are concerned that the way the current proposal is written, if a change in ownership ever occurred, the new owner could have the ability to have outdoor music and entertainment whenever they like. A neighbor explained she wanted assurances in writing. A neighbor remarked that he does not want to live next to a private event center. Neighbors explained that a narrower proposal is needed for them to consider what the applicant is wanting to do.

ZONING ORDINANCE CITATION:

CHAPTER 36-510 – SIMPLE PLANNED UNIT DEVELOPMENTS

1. General Description. The Simple Planned Unit Development referred to as SPUD, is a special zoning district that provides an alternate approach to the conventional land use controls and to a PUD, Planned Unit Development to maximize the unique physical features of a particular site and produce unique, creative, progressive, or quality land developments.

The SPUD may be used for particular tracts or parcels of land that are to be developed, according to a SPUD Narrative and a Development Plan Map and contains less than five (5) acres.

The SPUD is subject to review procedures by Planning Commission and adoption by City Council.

2. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of comprehensive plan of record. In addition the SPUD provides for the following:

Encourage efficient, innovative use of land in the placement and/or clustering of buildings in a development and protect the health, safety and welfare of the community.

Contribute to the revitalization and/or redevelopment of areas where decline of any type has occurred. Promote infill development that is compatible and harmonious with adjacent uses and would otherwise not be an area that could physically be redeveloped under conventional zoning.

Maintain consistency with the City's Zoning Ordinance, and other applicable plans, policies, standards and regulations on record.

Approval of a zone change to a SPUD adopts the Master Plan prepared by the applicant and reviewed as a part of the application. The SPUD establishes new and specific requirements for the amount and type of land use, residential densities, if appropriate, development regulations and location of specific elements of the development, such as open space and screening.

STAFF ANALYSIS: The particulars of this SPUD include:

USE: This SPUD, Simple Planned Unit Development, proposes certain commercial uses for the property. The following are the commercial uses proposed as part of this SPUD:

- Restaurant
- Catering establishment
- Delicatessen store
- Office
- Food truck parking
- Catered Events: Catered events, indoor or outdoor, with or without amplified sound. All events shall comply with the City of Norman Noise Ordinance regulations as amended from time to time and enforced by the Norman Police Department. Amplified sound shall be used no earlier than 12:00 P.M. and no later than 10:00 P.M.

The applicant has not proposed any maximum capacity constraints for the above uses.

SOUND: Live outdoor exterior amplified music shall be restricted to not exceed the maximum permissible sound limits under the City of Norman Noise Ordinance, and applicable exemptions, if any, as may be amended from time to time and enforced by the Norman Police Department.

OPEN SPACE: No changes are proposed to the existing open space. Although a new stage is proposed, it will be a non-permanent structure and will therefore not affect open space on the site.

SITE PLAN/ACCESS: This SPUD, Simple Planned Unit Development does not propose additional structures with exception to a proposed non-permanent stage in the northern portion of the property. This stage will be an event-specific modular unit that is put up for each event then taken down after each event. The site will continue to be accessed from W. Eufaula Street and Chautauqua Avenue for vehicular and pedestrian traffic. The site cannot be accessed from the alley located to the north of the property.

SIGNAGE: Any new signage will follow the City of Norman Sign Code for commercial uses. No changes are proposed to the existing signage on the property.

LIGHTING: Any new exterior lighting shall comply with the applicable provisions of the City of Norman's Commercial Outdoor Lighting Standards. Any exterior lighting shall not spill onto adjacent properties or create glare. No changes are proposed to the exterior lighting on the property.

PARKING: No changes are proposed to the existing parking on the site. Invitees to catered events shall not park in such a way as to create a hazard or impediment to emergency vehicle ingress or egress.

EXTERIOR BUILDING MATERIALS: No changes are proposed to the existing buildings on site.

EXISTING ZONING: The subject property is currently zoned C-1, Local Commercial District.

ALTERNATIVES/ISSUES:

IMPACTS: Surrounding properties are single-family homes. All surrounding properties are zoned R-1, Single Family Dwelling District with exception to the adjacent property to the north zoned C-1, Local Commercial District, occupied by a single family home. In addition, a non-permanent stage is proposed abutting the alley to the north. This stage shall be removed following an event. No other changes are proposed to the site plan.

The SPUD Narrative proposes catered events (outdoor and indoor) as a permitted use for the property. The applicant has proposed that no amplified sound shall be used earlier than 12:00 P.M. and later than 10:00 P.M. A site capacity was not included in the SPUD. Outdoor events are currently not permitted in the C-1, Local Commercial District.

There are currently seven parking spaces on the site with no proposed changes. It is anticipated that patrons will utilize on-street parking and nearby parking lots. On-street parking is not permitted immediately adjacent to the site on both sides of Chautauqua Avenue and W. Eufaula Street.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: No comments.

PUBLIC WORKS/ENGINEERING: No comments.

TRAFFIC ENGINEER: No comments.

UTILITIES: No comments.

CONCLUSION: Staff forwards this request for rezoning from C-1, Local Commercial District to SPUD, Simple Planned Unit Development, as Ordinance No. O-2223-33 for consideration by the Planning Commission and a recommendation to City Council.

THE BACKYARD AT MIDWAY

NORMAN, OKLAHOMA

SIMPLE PLANNED UNIT DEVELOPMENT SPUD SITE DEVELOPMENT PLAN MAP

OWNER:
MIDWAY GROCERY, INC.

March 1, 2023

Prepared by:

Hal Wm. Ezzell, OBA #17618
Attorney for Applicant

EZZELL & WADLEY, PLLC
100 48TH Avenue NW
Norman, Oklahoma 73072
Telephone 405.928.2066
Facsimile: 405.928.2069
Email: hezzell@coxinet.net

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EXHIBITS

- A. Proposed SPUD Site Development plan

I. INTRODUCTION

The Backyard at Midway (the “Property”) is proposed as a Simple Planned Unit Development (SPUD) in the City of Norman. The Property is Generally located at 601 W. Eufaula St., Norman, Oklahoma.

The Property is an L shaped corner lot and is currently zoned C-1, Local Commercial District. The property currently operates as a restaurant and deli known as the Midway Grocery & Deli. The establishment holds a beer and wine license from the City of Norman and State of Oklahoma. The establishment is licensed by the State of Oklahoma Department of Health and by the City of Norman as a food service establishment.

The Applicant has filed and seeks this Simple Planned Unit Development (SPUD) pursuant to Chapter 36-510 – Simple Planned Unit Developments in the City of Norman Zoning Ordinance in an effort to work with other property owners in the area and formalize the permissible hours and uses of and on the Property. It is the intent of the Applicant to develop and use the property in an innovative and progressive manner that substantially improves the cultural and living experience of the surrounding neighborhood.

The SPUD Narrative and the Exhibits attached thereto, will set forth the requirements of the SPUD district adopted for this property.

II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

A. Location

The Property is generally located on the northeast corner of the intersection of W. Eufaula St. and Chautauqua Avenue at 601 W. Eufaula Street, Norman, Oklahoma.

B. Existing Land Use and Zoning

The Property is currently Zoned C-1, Local Commercial District. It has operated as a commercial use continuously on the site since it was originally opened in 1926. Throughout the decades it has been operated as a small neighborhood grocery store, a small grocery and convenience store, a small grocery with a deli and its current use today as a restaurant, deli and live music and entertainment venue (indoor). The establishment holds a beer and wine license from the City of Norman and State of Oklahoma. The establishment is licensed by the State of Oklahoma Department of Health and by the City of Norman as a food service establishment.

C. Elevation and Topography

This Property is generally flat with low slope topography. No part of the Property is in the FEMA 100-year flood plain.

D. Drainage

No changes are proposed to the existing drainage on the Property.

E. Utility Services

The Property is already developed, functioning and operating with all necessary utilities.

F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and otherwise required by code.

G. Traffic Circulation and Access

No changes are proposed to the existing traffic access and circulation on or to the Property.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The SPUD is planned to accommodate commercial uses as already operated on the property and allow for additional commercial uses of the outdoor areas and spaces on the Property.

A. Permitted Commercial Uses

The Proposed improvements in the SPUD are already constructed or have their future location reflected on the attached SPUD Site Development Plan Attached hereto as Exhibit A.

1. Permitted Uses

The purpose for the SPUD is to allow for new outdoor entertainment uses and continued commercial uses under the following development and zoning regulations:

- a. General Commercial Uses: The general commercial uses permitted are uses based on already issued permits and uses on the Property without any additional improvements:
 - i. Restaurant;
 - ii. Catering establishment;
 - iii. Delicatessen store;
 - iv. Food Truck parking;
 - v. Office;
- b. Catered Events: Catered events, indoor or outdoor, with or without amplified sound. All events shall comply with the City of Norman Noise Ordinance regulations as amended from time to time and enforced by the Norman Police Department. Amplified sound shall be used no earlier than 12:00 P.M. and no later than 10:00 P.M.

Invitees shall not park in such a way as to create a hazard or impediment to emergency vehicle ingress or egress.

B. Miscellaneous Development Criteria

1. Site Plan

Other than the proposed future location of the stage area as reflected on the site plan, no changes are proposed to the existing site plan on the Property. Therefore, the existing site plan as shown on Exhibit A attached shall remain unchanged. It should be noted that the stage to be used in the area identified on the site plan as Future Stage Area will not be a permanent structure. The stage to be used in the Future Stage Area will be an event specific, non-permanent modular unit that is put up for each event and then taken down after each event, which is why there are no changes reflected in the Open Space described below.

2. Open Space.

No changes are proposed to the existing open space on the Property, and the existing open space requirements shall remain unchanged. The total impervious surface area is currently 49% and the pervious surface area is 51%. These shall not change.

3. Signage

The existing signage as constructed and where constructed on the property as of the date of this SPUD filing on March 1, 2023, is approved within this SPUD. All future signage shall be in conformance with the City of Norman's Sign Codes, as amended from time to time, and comply with applicable district regulations.

4. Traffic access/circulation/parking and sidewalks

No changes are proposed to the existing traffic access, circulation or parking on the Property.

5. Lighting

All exterior lighting shall be installed in conformance with the City of Norman commercial outdoor lighting standards, as amended from time to time.

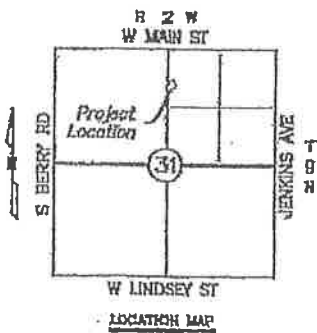
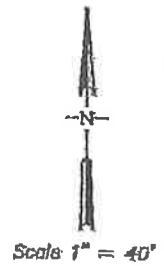
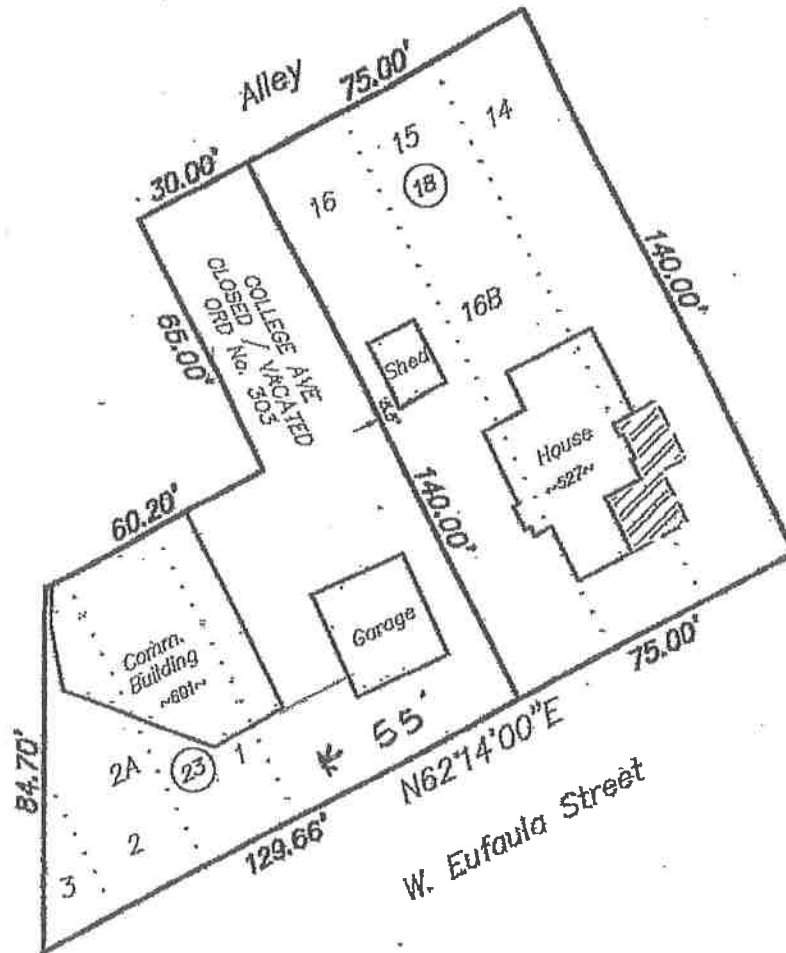
EXHIBIT A

PROPOSED SPUD SITE DEVELOPMENT PLAN

EXHIBIT A-1

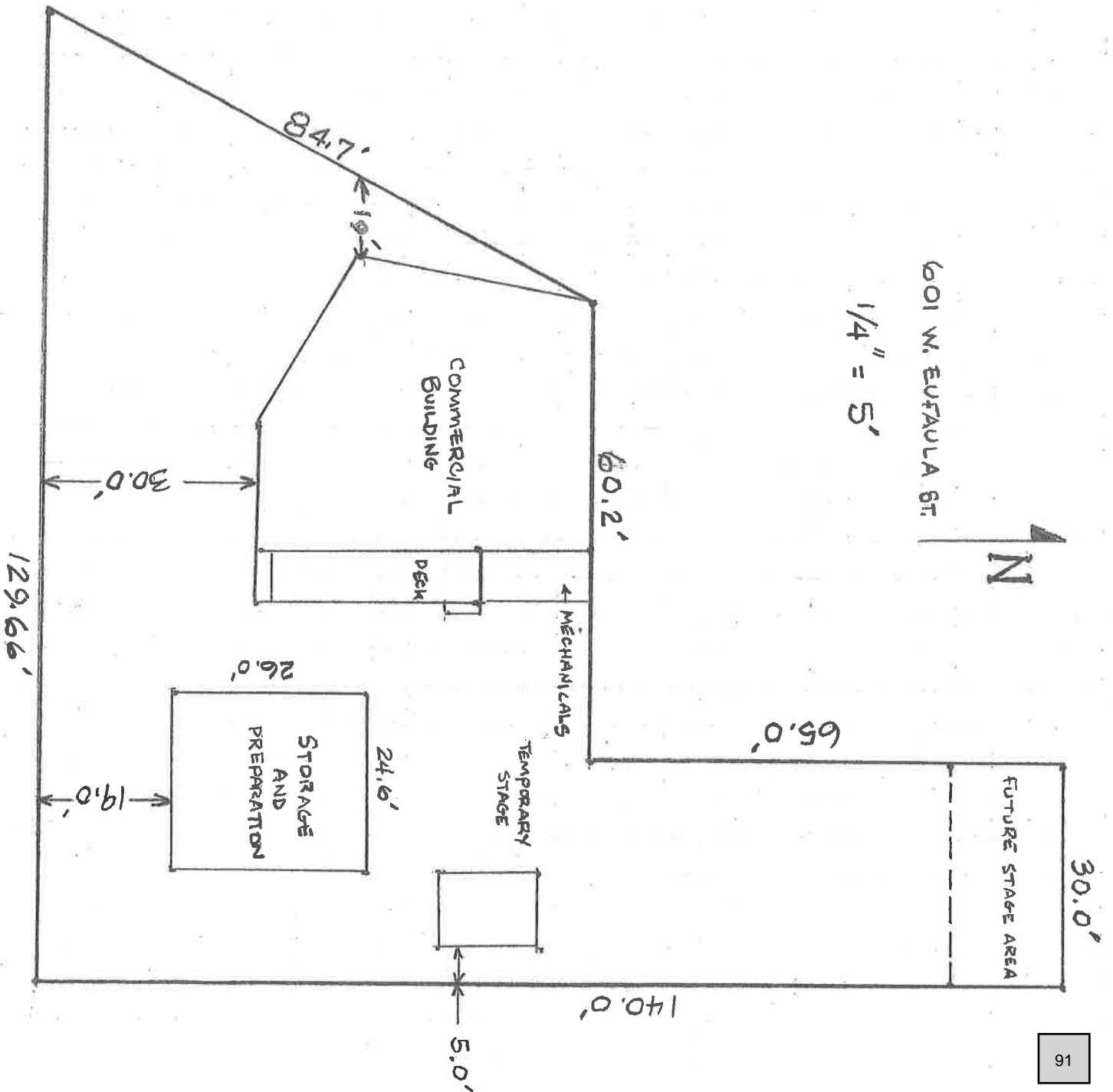
Item 8.

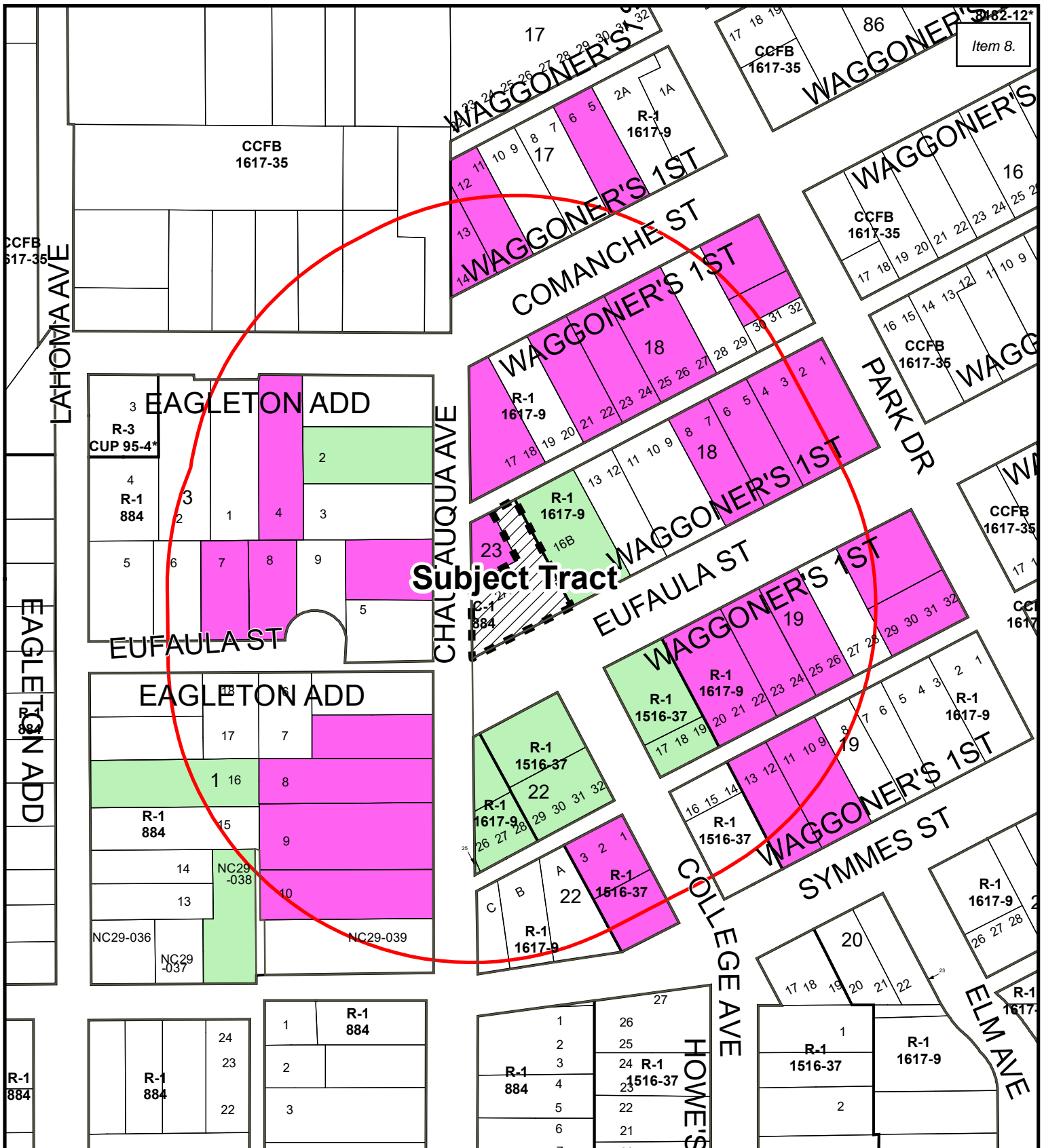
LOT 16B, BLOCK 18 and LOT 2A, BLOCK 23 of
T.R. WAGGONER'S FIRST ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA



LEMKE LAND SURVEYING, LLC 3226 WHITE CORNER DRIVE, NORMAN, OK 73062 PH(405)366-2341 FAX(405)366-2341 SA # 0878 http://www.lemke-ls.com		Surveyed By: Drawn By: HW/SA Approved By: BW Date: 12/7/2021 Scale: 1" = 40' Project No: 01618921	Project: Project Location: LOT 16B, BLOCK 18 & LOT 2A, BLOCK 23 of T.R. WAGGONER'S FIRST ADDN, NORMAN, OK Client: BOB THOMPSON MIDWAY DELL	Sheet Number 2 Sheet 2 of 3
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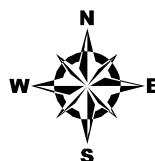


Protest & Support Map

13.9% Support Within Notification Area
45.0% Protest Within Notification Area



Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.



0 75 150 Feet

April 13, 2023

- Subject Tract
- Notification Area
- Support
- Protest

PROTEST LETTERS – From Property Owners within Radius
As of 4/12/2023

Ordinance No. O-2223-33
Midway Grocery, Inc.
601 W. Eufaula

520 W. Eufaula Street

524 W. Eufaula Street

220 Chautauqua Avenue
Norman, OK 73069

March 16, 2023

Planning and Community Development
City of Norman
225 N. Webster Avenue
P.O. Box 370
Norman, OK 73069/70

Dear Sirs or Mesdames:

I object very much to the Midway Grocery's Simple Planned Unit Development amended March 1, 2023. I own the three properties listed above--520 and 524 West Eufaula Street and 220 Chautauqua Avenue—in a trust of which I am the only trustee. All are within sight and sound of the Midway and the proposed S.P.U.D. They are all lived in by my immediate family. I dread the increased noise and traffic that the S.P.U.D. would bring to our residential neighborhood.

Sincerely,

Sarah Iselin

Sarah Cary Iselin
sarahiselin@hotmail.com
405-464-3357

Cc: Margaret Ruth Walker

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/20/23

520 West Eufaula Street
Norman, OK 73069-5627

March 29, 2023

Planning Commission
City of Norman, Oklahoma

Dear Sir or Madam:

Thank you for your service to our community.

I am writing to object to the Simple Planned Unit Development (SPUD) desired by Bob Thompson of the Midway Deli for Lot A, Block 23 of T. R. Waggoner's First Addition to Norman. I live at **520 W. Eufaula Street** (Waggoner lots 23-24, block 19) and own **524 W. Eufaula** (Waggoner lots 20-22, block 19) and **220 Chautauqua** (Eagleton E 140.8 of lot 7, block 1). Those properties are in the Sarah Iselin Revocable Trust of December 20, 1999, of which I am the only trustee. I enclose copies of the documents establishing that trust and my properties being part of the trust. The three properties are within 350 feet of the proposed SPUD. The SPUD would increase the sound of music and the traffic in what has been generally a quiet residential neighborhood. We sampled the increased noise last summer before neighbors' complaints shut the new outside music venue down.

With thanks for your attention,

Sincerely,

Sarah Iselin

Sarah Iselin
sarahiselin@hotmail.com
405-464-3357

Enclosures

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/29/23

SARAH CARY ISELIN REVOCABLE TRUST

THIS DECLARATION OF TRUST, made and entered into this 20 day of December, 1999, by SARAH CARY ISELIN (hereinafter called "Settlor"), and SARAH CARY ISELIN, Trustee (hereinafter called "Trustee"). In consideration of the mutual covenants of the parties contained herein, the parties agree as follows:

1. Creation. The Settlor, desiring to create an immediate inter vivos trust upon execution hereof, hereby grants, bargains, sells, conveys and assigns to the Trustee the property described on Exhibit A, attached hereto and made a part hereof by this reference, all of which property is hereinafter collectively referred to as the "trust estate", for the uses and purposes and upon the terms and conditions hereinafter set forth.
2. Additional Property. So long as this trust remains unrevoked, Settlor, or any other person with Settlor's consent, may add insurance policies or other property, whether real or personal, to the trust hereby created by making insurance payable or transferring such property to Trustee hereunder by deed, assignment, bequest or devise, and if so added, the proceeds of such additional policies and such property shall be covered by the provisions hereof, the same as if originally included hereunder.
3. Dispositive Provisions During Settlor's Lifetime. The Trustee under this trust shall hold, invest and reinvest the trust estate, and shall collect and receive the income therefrom, and shall pay all necessary expenses incident to the administration of this trust. The Trustee shall, during Settlor's lifetime, pay to Settlor or for Settlor's benefit the income (but if it is insufficient, then also so much of the principal) as shall be required to provide for Settlor's comfortable care (including medical care), support and maintenance in Settlor's accustomed standard of living. Such payments during any period of Settlor's incapacity shall be made on the Trustee's own initiative and without directions of Settlor or any other person; and the Trustee shall not require Settlor to expend any of Settlor's assets for such purposes. The determination of the Trustee as to the desirability or amount of any payment or payments to be made, or the persons to whom the same shall be made, during any period of Settlor's incapacity, shall be conclusive and binding upon all persons whomsoever.
4. Successor Trustee. In the event of the death, incapacity or resignation of the Trustee, then ARVEST TRUST COMPANY, N.A., shall serve as Trustee. The incapacity of any Trustee shall be conclusively established by an affidavit of the personal physician of the incapacitated Trustee delivered to the successor Trustee. So long as the physician is acting in good faith, any physician who executes an affidavit provided for in this paragraph shall not have any liability to any person, and shall be indemnified by the trust from and against any and all losses, costs, damages, expenses, including attorneys' fees, liabilities and obligations incurred or suffered by said physician as a result of his or her having made the determination described herein. References in this agreement to Trustee shall also include any successor Trustee.

3-24-2023

To Whom it may Concern

We did not mind the smaller gatherings at the Midway, but we have concerns on larger and more gatherings they want to do.

We have many neighbors that have concerns about parking, etc.

We are against the proposal of making it larger and more often.

We love our friends at the Midway. But this is too much to take in.

Thank You.

Walter Blackman
Walter Blackman

We are owners of the property at
514 W. Comanche St.
Norman, Ok. 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/24/23

MIDWAY REZONING PROTEST LETTER

RE: 511 W. Comanche Street
Norman, OK 73069

Date: 3-21-23

Conrad Draper
915 S. Ponca
Norman, OK 73071-5037

City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members,

I own 511 W. Comanche Street in Norman, OK, and I object to the current Midway Rezoning proposal.

Sincerely,



Conrad Draper

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3-24-23

MIDWAY REZONING PROTEST LETTER

March 23, 2023

City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members:

We own 520 West Comanche Street in Norman, OK, and strongly object to the current Midway Rezoning proposal. Although the property is now rented out to a long-term renter (some 10 years or so), our current plans are to move there ourselves at some point in the future. However, regardless of who is actually in residence, having a venue like the one described in this proposal is not just unwise—it is downright crazy. Exactly where are those people who come to events going to park in a neighborhood of old, narrow streets? The answer is undoubtedly in places they don't belong including on both sides of the street and blocking the narrow alley behind our house that is used by our renter.

Of course, the noise of an outside music venue is another issue that would affect many people in the surrounding area—not just those in the immediate vicinity of Midway Grocery. This is also something we find incredibly objectionable in a traditionally quiet neighborhood where many residents are decidedly not college-aged kids.

Again, we object in the strongest terms possible to this Midway Rezoning proposal and urge you to stop it before it goes any farther.

Sincerely,



Claudia Buckmaster and Don Mayhew, owners

520 West Comanche Street, Norman, OK

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/27/23

Andrew and Odette Horton
 318 College Avenue
 Norman, OK 73069

City of Norman Planning Commission
 Planning and Community Development
 225 N. Webster Ave.
 Norman, OK 73069

March 26, 2023

Dear Planning Commission and City Council Members,

My husband, Andy, and I object to the current Midway Rezoning proposal dated March 1, 2023. We live within a 350-foot radius of Midway. We objected to the previous application/proposal that was submitted for rezoning in October 2022 (those objections are copied after the body of this letter). There was such an outpouring of protest to the application at the Pre-Development Meeting then that the applicant, Bob Thompson, withdrew the application. I wrote him a letter of thanks for listening to the concerns of the residents of this neighborhood who would be negatively impacted by the proposed zoning changes and for withdrawing the application.

Well, here we are again. There is a new application for rezoning Midway from a C-1 Commercial to a SPUD. On a fast track. The application dated March 1, 2023 simply asks for a change to allow outdoor (amplified) music. There are none of the specifics that were itemized in the previous application: becoming an event venue to serve private customers, thus excluding residents of the neighborhood, hours of operation, attendance maximums, etc. So, it seems this application, if endorsed by the Planning Commission and approved by the City Council, would be a blank check for Midway to operate in whatever way it sees fit once it is allowed to have outdoor music.

The applicant, owner of Midway, Bob Thompson, said at the March 23rd Pre-Development Meeting that, when he approached the City of Norman permits office about handling the issue of renting his space for such events on a permit to permit basis, the office was unwilling to consider continuous permits from Midway for exceptions. He then said that the zoning office was willing to make a special kind of SPUD zoning that would need approval of ?some committee? if ownership of Midway changed... that the residents of the neighborhood would re-negotiate with new owner as to what would be allowed.

If that is true, I would want to hear from City employees from permits and zoning exactly what that entails. It sounds like City of Norman policy would change over this rezoning case. Who needs to approve that change in policy? Why does this case create an issue about which city agency is responsible for what. Very strange.

FILED IN THE OFFICE
 OF THE CITY CLERK
 ON 3/28/23

Since the first application was withdrawn by that applicant but is now a new application, I have been reflecting on the dividing line concerning commercial zoning in a residential neighborhood. I have some insights to bring to the discussion.

When we bought our house, 318 College Ave. in 1997, we did so because this was an affordable neighborhood close to OU where my husband and I were both employed. In the intervening 26 years, this neighborhood has been brought back from the brink of becoming an absentee landlord slum. In the 300 block of College Avenue, six of the eight houses have been renovated (or rebuilt). The value of the property on this block alone was valued, according to the Fair Market Value figures on the Cleveland County Oklahoma Assessor's Office, at \$390,750 when we bought our home. Using today's figure for Fair Market Value from that website, the properties on this block are worth \$2,225,361. And that figure is low-balling it. Our property's Fair Market Value is listed as \$194,306. We could easily get more than twice that amount.

The increase in property value is because people, residents, individuals, and couples, invested in establishing a home in this residential neighborhood. Buying our home was the biggest loan we ever took out, our mortgage. Our home is our largest asset. We have renovated, improved, maintained, and landscaped our property. I have not kept track, but I know we have invested in excess of \$100,000 dollars above the purchase price... and that does not include sweat-equity.

This is true for many of the property owners in this neighborhood. Amplify those figures over blocks and blocks and blocks. We, the residential property owners (note: the applicant is NOT a resident of the neighborhood) have poured our money into building and resurrecting a fabulous neighborhood that has raised property values, made people want to jog through, walk their dogs, and reside in this neighborhood. It is we, the residents and property owners, who have invested and brought the kind of customer to Midway that has allowed it, in its ever-changing business model, to be successful. Midway would not hold the reputation it now has if its current clientele had to brush off the sketchy characters who lived in the tenement house across the street. It had frequent police calls and a perpetual yard sale. I cannot imagine today's Midway customers welcoming a guy living across the street begging a beer off them.

I have to wonder why one property owner in this neighborhood, Bob Thompson, gets special consideration to expand the uses of his property to increase his income. ALL the other property owners and residents have to defend our lifestyle, our property value, and our community values, because one business (the only business) wants more money. The changes proposed to that one property, Midway, would diminish the actual value of all of the other properties in the surrounding blocks.

As a corner store, which Midway was when we bought our house, Midway brought convenience to residents. We sent our children off to buy milk and eggs and put it on our account. Midway is now seeking to move from being a convenience to becoming an inconvenience. It seeks to hold private events, excluding the residents, that benefit the owner, and bring innumerable outsiders

who do not have a vested interest in the neighborhood. It does nothing for the residents but cause great disruption to home life.

I look at the location of other businesses in the neighborhood. The Earth, fronting on Flood... no other businesses front on Flood. The Library, fronting on Boyd. No other businesses front on Boyd... until you enter Campus Corner, a Business District. Neither The Earth nor The Library have private events with live amplified music. They are open to the public, as businesses, that serve the community while providing livelihood for the owners.

The other places in this neighborhood where businesses exist front on the Main Street Corridor and in Campus Corner, two Business Districts. The kind of business the applicant for the rezoning of Midway desires would be appropriate for those Business Districts. There is ample real estate available in those areas should Midway seek to expand its operations.

Thank you for your consideration of our interests and input.

Sincerely,

Andrew Horton

Odette Horton

P.S. Below lists the specific objections to the previous application for the rezoning of Midway. I include it because these issues may appear with the proposed changes in the current application.

October 10, 2022

Dear Planning Commission of the City of Norman,

Andy, my husband, and I received notice that the Midway Deli is requesting a zoning change for the property that sits on Lot 2A, Block 23 of T.R. WAGGONER'S FIRST ADDITION to Norman, Cleveland County, Oklahoma, from C-1, Commercial, to SPUD, Simple Planned Unit Development. We live at 318 College Avenue, Norman, OK 73069, within the 350 square foot area that would be most closely affected by changes in the zoning.

We would like to formally protest this change to the proposed re-zoning.

Andy and I have owned our home for 25 years and moved into it 24 years ago. We loved the neighborhood then and still do. At that time, Midway was a corner grocery store, deli, and

butcher shop. It was a great convenience to be able to send the children to the corner for a half-gallon of milk, a loaf of bread, and some dishwashing liquid.

Midway has gone through several business models since those days. There was a time when you could order your Thanksgiving turkey there in advance. There was a shoe-shine stand for some period. There was a Saturday morning gathering of antique cars that we could all take a look at to see the amazing work of car collectors. These ventures were all a service to the neighborhood.

And this neighborhood embraced Bob Thompson, owner and proprietor, as an engaged member of the community. We supported his business in its many iterations. Bob gave back to the community by offering an annual concert, The Midway Jam. We supported it and special events though they brought temporary inconveniences. We could not park in front of our house because the popularity of these events that brought many cars to park on the neighborhood streets. There was added noise as well. And litter. But we never complained. It was a small price to pay for what Bob brought to the neighborhood.

Today, Midway is a popular deli that attracts a large crowd for lunch. I cannot find parking near my house if I give up my parking spot before lunch. I need to make special arrangements for the plumber, air conditioning service, tree service, etc. The fellow who takes care of our lawn knows not to come during Midway's lunch rush.

And still, we do not complain. I understand. We want to support Bob and Midway in business as it exists. It is an inconvenience for a couple of hours during the day. But that is something we can live with.

However, the proposal submitted for re-zoning is a different beast! It would use the space in an entirely different scope and scale. It proposes to hold private events of up to 150 people that do nothing for the neighborhood, that exclude the community from the events. Those events, "...receptions, weddings, fundraisers, reunions, birthdays, graduations," etc. would specifically exclude residents of the neighborhood from that space.* It would no longer be a place for community to come together, but rather an exclusive zone where residents would not be allowed.

The proposal seeks to newly permit a "Live Outdoor Music Venue" for "Live outdoor exterior amplified music". The time restrictions proposed for this are seven days a week, 365 days a year, from 4:00 pm to 10:00 pm on weeknights (Sunday – Thursday) and 3:00 pm to 11:00 pm on weekends (Fridays and Saturdays).

Not only would the re-zoning allow "Live outdoor exterior amplified music events" but would also permit "Showing live or recorded sporting events or movies on outdoor television screens."

That is unacceptable in a residential neighborhood. There are several residences right across the street from Midway. It can be a challenge to get the kids to turn off the TV. Now the games/shows/movies and music are going to be right outside the window.

The times proposed are not compatible with a residential area. If it were situated in Campus Corner, it would fit right in. But the hours of outdoor amplified sound start right when children

get home from school with homework to do, through the dinner hour, and beyond a child's bedtime... not to mention some adults'. With music blaring outside the window, how difficult would it be to get a child to sleep to get quality rest before an early morning rise to get to school on time?

Andy and I enjoy sitting out on our porch swing most evenings before dinner to catch up on the day, enjoy the fresh air, greet neighbors and students who pass by on walks or walking their dogs, watch the shenanigans of squirrels, witness lightening bugs, listen to the music of cicadas, and more. Having "exterior amplified music" would usurp the common outdoor space that all residents should be able to enjoy.

Then, there is the question of parking. I do not have a problem with cars filling the streets at the noon hour. However, it would be burdensome to have a parking problem well into the night, until 10:00 or 11:00 pm. When we have friends over for dinner or a drink or a game night, where would they park? [And what noise would many cars starting their engines at 10:00 or 11:00 pm every night?... I added this now... just for you. ☺]

Lighting is also a concern. The proposal states that, "All exterior lighting shall be installed in conformance with the City of Norman commercial outdoor lighting standards, as amended from time to time." The same is said for Signage. I did look at the ordinances for both, but I have to say, they are extensive and difficult to understand. Who knew there were so many different ways to mark your business?

My main concern in these departments (Lighting and Signage) is that, while under SPUD they would stay the same as under C-1, the use of the property would be both different and extended, and the lighting and signage may change in ways that we have never seen and (after reading the ordinances) could not even imagine.

For all of the above reasons, Andy and I do not think the proposed re-zoning and new uses for the Midway property would align with the residential lifestyle of this neighborhood. Further, it would impinge on the activities and enjoyment that residents of this neighborhood currently have right and access to.

And one final and very real concern is the prospect of the business or property being sold. The new owner could have very different ideas and plans for a business. We have been fortunate that Bob Thompson is an on-site owner and proprietor and has listened to neighbors in the past. There is no guarantee that would be the case of a new owner. All residents would then be subject to a plan that may be even further out of line with concern for the residents, neighborhood, and community.

Sincerely,

Odette Horton

Dr. Andrew Horton

*Please note: When I use quotation marks, I am quoting directly from The Backyard At Midway proposal submitted by Midway Grocery, Inc.

March 27, 2023

To Whom It May Concern

We write to protest the application to rezone, from C-1 to SPUD, Lot 2A, Block 23 of T.R. WAGGONER'S FIRST ADDITION to Norman, Cleveland County, Oklahoma.

We live at 208 Chautauqua Ave, directly across the street from the subject lot. We purchased our house in 1998 and have resided there ever since.

We believe that the proposed rezoning would make the Midway fundamentally incompatible with a residential neighborhood.

This is the second SPUD that has been submitted by the applicant, Bob Thompson. The SPUD he submitted -- then withdrew -- last fall was much more specific in what it permitted. Perhaps because so many in the neighborhood objected to the specifics in the last application, this SPUD removes all language regarding crowd size, hours, and so forth.

But, as far as we can tell, this simply makes the current SPUD application *more* permissive. All of the things which we objected to in the last application would still be allowed. Under this new SPUD, the Midway could host outdoor, private events, at which alcohol may be served, with no stated limit on the number of attendees, including weddings, OU graduation parties, class reunions, or any other kind of party that opts to hire the space. The Midway could also blast televised sports events and movies from its backyard. In short, the applicant is proposing to turn the property into a seven-day-a-week outdoor party house / sports bar / movie theater / concert venue. These desires were more explicitly enumerated in the first SPUD application, but they would still be permitted under the new application. Under the first SPUD, these events could last until 10 pm Sunday through Thursday nights and until 11 pm on Friday and Saturday nights. This SPUD has eliminated even these time constraints.

Even before these attempted rezonings, applicant's decision to move regular, public concerts outside to his patio has caused conflict in the neighborhood over the excessive noise created by these smaller, public events, which end hours earlier than the larger, private ones allowed under the proposed SPUD. The SPUD promises to make this situation much worse, while taking away the rights of neighbors to prevent such harmful behavior by the applicant's business. As you know, under C-1 zoning, restaurants like the Midway are expressly prohibited from having live entertainment or dance floors outdoors.

We have appreciated many things about the Midway over the years and indeed have seen it as a neighborhood amenity. We were not opposed to outdoor music, until, especially this past summer, the amplification and sometimes multiple concerts over a single weekend became intolerable for the neighbor of the house directly adjacent to the Midway and across the street from us. We joined other neighbors in meeting with Bob to ask him to take some steps to mitigate the noise for the sake of this neighbor. Our suggested options included consulting a sound engineer, putting in a sound-reducing fence, changing the orientation of the stage, or halting the amplification of the acoustic concerts. Bob acknowledged that the

sound level exceeded City Code, but was unwilling to halt the amplification. He also told us that he had spent money setting up the stage the way it was and was unwilling to spend more. After the meeting, the negotiation seemed to hit a dead end and the amplified concerts continued for the rest of the summer until the mediation process proposed by another neighbor revealed the zoning issue that forced the Midway to stop.

Our experience this summer certainly set off alarm bells for us. The applicant showed himself unwilling to respond to neighbors' valid concerns (even while acknowledging the violation of the noise ordinance), then shut down negotiation, while mobilizing social media on his multiple Facebook accounts against neighbors who, he claimed, were opposed to live music. This behavior certainly makes us concerned how he would handle any future neighborhood concerns once given the greenlight to expand his property into a large party and entertainment venue.

Since the applicant has repeatedly misled the neighborhood about his plans for the Midway, we are disinclined to trust claims he makes about limitations on his plans beyond those imposed by City Code

In any case, from the point of view of evaluating this zoning request, speculation of what the current owner of the Midway might or might not do is, ultimately, not the issue. The city must understand the proposal in maximalist terms. If the proposed SPUD *allows* uses that are harmful to the neighborhood, it must be rejected, whether or not the current owner of the property plans to pursue such uses.

The applicant told us very frankly this summer that he hopes that his business enhances the quality of life in the neighborhood but that his primary motivation is not altruistic but, as a businessman, to make a profit. That is entirely reasonable and indeed, much in his previous business model, under its current C-1 zoning has served the neighborhood well. But the proposed SPUD threatens it.

If the job of a business is to make money, a principal job of our city government is to make sure that profit seeking by businesses doesn't destroy residential neighborhoods. The recent behavior and further desires of the applicant are perfect illustrations of why we have a noise ordinance and restrictions on C-1 zoned lots. We have discovered the hard way that it is only such limits of the law that prevent any present or future owner of the property from essentially running a for-profit party house in the middle of our block. Please do not remove these limits.

Sincerely,



Benjamin Alpers



Karin Schutjer

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/28/23

Property owners,
208 Chautauqua Avenue

25 March 2023

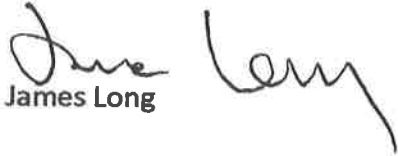
Norman Planning Commission

I am the owner of the property at 515/517 W. Eufaula. I am writing express my objection to the application by Midway Grocery for an outdoor music venue (PD 23-07).

Midway Grocery is located in an older, residential neighborhood where lots are small and houses are close together. It is a neighborhood where on-street parking has historically been a major problem. A venue of this type, with its attendant noise, lighting, and parking problems does not belong in this neighborhood.

I encourage you to reject this application,

Respectfully,


James Long

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/28/23

MIDWAY REZONING PROTEST LETTER

RE: 314 College Ave.
Norman, OK 73069

Date: 3/27/2023

Aja Walker
314 College Avenue
Norman, OK 73069

City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members,

I own 314 College Ave. in Norman, OK, and I object to the current Midway Rezoning proposal.

Sincerely,



Aja Walker

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/28/23

MIDWAY REZONING PROTEST LETTER

Item 8.

DATE: 3/29/2023

TO: City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

FROM: Property Owner Name and Mailing Address:

James Aiken
B-Aiken Investments #3 LLC
505 W. Eufrate St.
Norman, OK 73069

RE: Property Address: 521 W. Symmes St.
Norman, OK 73069

Dear Planning Commission and City Council Members,

I own the property at 521 W. Symmes St. in the affected area, and I object to the current Midway Rezoning proposal.

Sincerely,

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/29/23

(Signature of owner):



(Printed name of owner, and the title "Owner" or "trustee" as applicable:

James Aiken

Managing Member
Part Owner

To City of Norman Planning Comm. March 27, 2023

I object to the Midway
SPUD.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/29/23



505 W. Eufaula St.
Gabriela Lopez Alarcon
Owner

Dana Anderson
 306 Chautauqua Ave.
 Norman, OK 73069
 (405) 623-1927/cell
 anderson.dccm@gmail.com

March 30, 2023

TO: Norman Planning Commission

FROM: Dana Anderson, Resident, Trustee and Owner of 306 Chautauqua Ave. (Dana Anderson Revocable Trust), and Trustee of 207 Chautauqua Ave. (Charles Anderson Revocable Trust)

RE: Protest of Midway Grocery's Proposed SPUD

I am writing to you in PROTEST for the proposed SPUD for Midway Grocery. My concern stems from owner/applicant Bob Thompson's plans to expand into an entertainment venue with potentially frequent large crowds and events that intrude into our quiet historic residential neighborhood. I know that two of the points in the City Council's Mission Statement are to "enhance the lives of all residents" and to "improve quality of life." Passage of this rezoning request would do neither of those.

When we bought our two Chautauqua properties in 2004 and 2005, Midway Grocery was a charming little neighborhood grocery store. Our then-young kids were thrilled to walk over with some cash to buy a treat. Often, Bob would run a tab for the neighbors, and we were invited to mark all our kids' heights on the frame of the front door.

Once a year, Bob would hold the "Midway Jam" – a day-long outdoor live music event/block party. He or his staff would come around to all the neighbors, requesting our approval of his closing down streets, and letting us know the day and timing of the block party. This was always a much-anticipated annual event enjoyed by most of the neighbors, including us. We love live music and loved being the host neighborhood of this fun once-a-year event. The annual Midway Jam ceased at some point, although we've never been sure why.

Over the years, he changed the 'grocery' aspect of the business and focused more on being a breakfast and lunch deli. Since he has very limited parking, many cars began parking on the streets of the neighborhood. Most of us are at work during lunch time, so we have been tolerant of the situation. He expanded his limited indoor seating into an outdoor deck, and eventually had an arrangement with the then neighbor to the east of Midway (527 Eufaula) to use some of their yard for additional outdoor seating. Our family has eaten there on numerous occasions. My husband has ordered lunch from Midway for his office staff, in the past. We've always liked having Midway in the neighborhood. We've told Bob that and told him we want him to be a success in the deli business.

FILED IN THE OFFICE
 OF THE CITY CLERK
 ON 3/29/23

Several years ago, Midway began advertising and hosting concerts on a regular basis, indoors. I talked to Bob about that when he first began offering them. He assured me the crowds would be small, due in part to fire code since the concerts were inside. Although concert-goers sometimes parked on our streets, there was no intrusion to the neighborhood in terms of noise those nights, because they were indoors.

Recently, the applicant bought house to the east of Midway (527 Eufaula). At the suggestion of our then City Councilwoman, Lee Hall, the applicant held a neighborhood meeting, to discuss his intention for the house and garage. He said his plan was to use the detached garage as a prep area for his growing catering business. He said he planned to rent the (large, historic) home as a short-term rental (AirBnB). There discussion of use of the backyard at that time was “extra seating for the deli”, and definitely no discussion of outdoor concerts or large private parties.

Shortly after he acquired the property at 527 Eufaula, he cleaned up the very large and previously-untamed backyard, and did expand the outdoor seating into that yard, adding outdoor games, more seating and lighting. This backyard seating and game spaces now fully abuts the very small backyard of our rental property at 207 Chautauqua. We had installed an attractive wooden fence in prior years, which divides what is now Midway’s back yard from the backyard of our property at 207 Chautauqua. The backyard of our property is extremely small, meaning that the windows of the house are very close to that fence and Midway’s backyard.

With no discussion with neighbors, he applicant then built a stage, complete with lights and electricity. The stage currently faces our 207 Chautauqua backyard. Midway began advertising and hosting nighttime concerts in the backyard. Immediately, I talked to the applicant about his intentions. **He said these would be acoustic concerts, and he expected very small crowds (he mentioned only 20-25 people at some of the first concerts).**

Webster defines “acoustic” as “of, relating to, or being a musical instrument whose sound is not electronically modified”.

However, these concerts have ALL been electrically enhanced. Every single instrument and singer have used microphones, amplifiers, and speakers. The speakers are pointed directly at the bedroom window of 207 Chautauqua (probably 15-20 feet from speakers to the bedroom window). The resident had to run loud fans and turn her TV up to a high volume to try to drown out the sound so she could try to keep her quality of life, but the music made it extremely loud in her home, often exceeding the acceptable decibel levels from the City’s website. My thoughts of simple acoustic guitars and singers were replaced by multiple amplified guitars, sometimes with trumpets, trombones, saxophones and drum sets.

There were some periods of time this summer when there were three concerts in a single weekend. We tried to get information from Bob Thompson, such as

- Why did he say the concerts would be acoustic, when they most definitely are not? (He has never answered that – he has just offered a different definition of acoustic).

- Could he turn the stage around, so that the speakers pointed directly at his rent house instead of ours? (He seemed to contemplate that for a while, but eventually said no he would not do that).
- Could he move the bands to the parking lot side of his property, where the sound could dissipate somewhat before hitting neighborhood homes? (He did this one time after we asked, but never again).

If you search "Midway" on Facebook, you will find pages and groups such as "Midway Deli," "Music at Midway," "Evenings at the Midway," and for a while I began seeing Sponsored Ads (meaning that he had paid Facebook for the ads) for "The Backyard at Midway: A Performance and Event Venue." He has since taken that down, presumably while the re-zoning is being sought.

The last one had me the most concerned. Again, the applicant never initially shared with us intentions for those "event venue" plans for Midway. Only when mandated by the rezoning process were the plans officially shared at a pre-development meeting. The Sponsored Ads and the Facebook page advertised "the Backyard at Midway" as a great place to host wedding receptions, birthday parties, and other types of private parties. In the Q&A portion of the ads, someone asked how many the venue could hold, and the response was "75-150 people". Another question asked where guests would park, and the response said, "on the streets in the neighborhood, or behind Firestone" (which is a parking area about 2 blocks away).

I am concerned that the applicant receives his rezoning request, he has no intention of limiting the growth of the "Backyard at Midway". His prior comments over the years of him wanting to enhance the neighborhood and be part of the neighborhood are negated by this requested intrusion into our quiet, historic RESIDENTIAL neighborhood. Many neighbors expressing protest have owned and lived in their home for 20 years – some many more than that. When most of us purchased property in this campus area, we did so knowing that the quaint Midway MARKET was there, but it was **not** with the knowledge that we would be living next to an outdoor concert and entertainment venue. That is not neighborly, nor considerate of the neighborhood in general.

There is no positive upside to our neighborhood being forced to contend with private parties and private events, drawing in up to 150 guests, who would be parking in front of our homes, possibly every single night of the week. **This planned use request is NOT enhancing our lives in our residential neighborhood. It is an attempt to grow a for-profit business beyond what is reasonable and fair to our neighborhood.** For this reason, I am protesting the applicant's request for re-zoning of Midway Grocery.

Humbly,



Dana Anderson, Trustee

Revocable Trusts of 306 Chautauqua and 207 Chautauqua

Charles 'Chuck' Anderson
 207 Chautauqua Ave
 306 Chautauqua Ave
 Norman, OK 73069

October 10, 2022

TO: Norman Planning commission

FROM: Charles Anderson, Resident, Trustee, and Owner of 306 Chautauqua and 207 Chautauqua Ave.

RE: Midway Deli Proposed SPUD

Unfortunately, I have to protest this SPUD. There is nothing in here that would be good for a neighborhood. We would love to have events in the backyard of Midway, but it needs to be done the correct way. The main question for the planning commission, would you want a concert venue next to your house's backyard? Or even two doors down? Midway over the summer had five concerts in 11 days! That's almost every other day with a stage and amplified speakers that pointed directly at my house. It was very loud in the house. He could have pointed the stage and speakers at the house he owns, but he refused. This stretch of concerts had one on Thursday night and a Sunday night. (Both a school and a work night) He only stopped when the police were called. After the first call, mediation was set up and he scheduled and held 3 more concerts. He only stopped when the city informed him that he didn't have zoning for outdoor concerts.

He has never met with the neighborhood to ask for input and support for this change in zoning or placement of his stage, etc.

When we moved into the neighborhood 18 years ago, we could send our kids to buy milk. Now Midway sells alcohol and has had concerts until 9:30 pm on school nights.

I have many suggestions as to what would be appropriate and then have my support, but that is not my responsibility, it is Midway's.

You may not have as many protests as you would think and that is because my house absorbs most of the sound. But it is still very loud in the neighborhood.

I have offered the backyard triangle of my house to him so he could put his stage there and face the other direction, but he refused.

Sincerely,



Charles D. Anderson

P.S. Here is our backyard and the stage

FILED IN THE OFFICE
 OF THE CITY CLERK
 ON 4/10/23



03-27-2023

Norman Planning Commission

201-A West Gray St

Norman, OK 73069

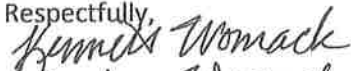
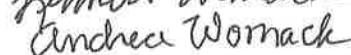
I am the owner occupant of 511 W Eufaula Norman, OK 73069. I have lived here for 27 years. In the strongest language possible, I adamantly oppose the proposal submitted by Bob Thompson for the Midway and the property next door to the east. This proposal would have a significantly negative impact on our property values as well as quality of life.

We already tolerate vehicle traffic and congestion, as well as parking issues created by the lunch crowd daily. Live music concerts have been held for the past 3-4 years without proper zoning. Frequently on the following morning we find our yard littered with trash such as beer cans and bottles. The way to make these concerts profitable is by selling alcohol which creates an enhanced risk for vandalism.

I ask each of you...would you approve a concert stage in your neighborhood? Do you think Bob Thompson would approve this proposal in his neighborhood? I do not want Bob Thompson in control of the ordinances in my neighborhood.

You have an obligation to the citizens of this iconic neighborhood to deny this proposal. There is simply no upside for the residents.

Respectfully,

Kenneth Womack and Andrea Womack, owners/occupants

511 W. Eufaula

Norman, OK 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/29/23

Christopher Shane Smith
501 W. Eufaula St.
Norman, OK 73069

Hello,

My name is Christopher Shane Smith, and I'm the homeowner at 501 W Eufaula St. I'm writing this letter to protest the rezoning request of Bob Thompson for Midway Grocery Inc., located at 601 W Eufaula. Midway Deli is located in a residential neighborhood, and a rezoning of the property into a SPUD would negatively and permanently alter the character of the neighborhood. Homeowners who live in close proximity would bear the brunt of the increase in noise and traffic if the SPUD were granted. A SPUD such as the one requested is more appropriate for a business district, not a residential area. Thank you.

Sincerely,
Shane Smith



FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/29/23

MIDWAY REZONING PROTEST LETTER

RE: 502/504 W. Comanche Street
Norman, OK 73069

Date: March 27, 2023

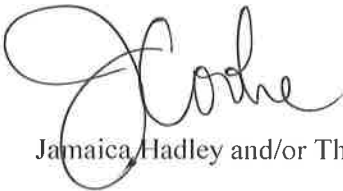
Jamaica Hadley & Thomas M. Cooke
503 Miller Avenue
Norman, OK 73069-5929

City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members,

I own 502/504 W. Comanche Street in Norman, OK, and I object to the current Midway Rezoning proposal.

Sincerely,



Jamaica Hadley and/or Thomas M. Cooke

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/30/23 RW

MIDWAY REZONING PROTEST LETTER

RE: 705 W. Eufaula Street
Norman, OK 73069

Date: 3/25/23

Christi Kerr
CNK Properties
13159 S. 116th East Avenue
Broken Arrow, OK 74011-5222

City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members,

I am the owner of 705 W. Eufaula Street in Norman, OK, and I object to the current Midway Rezoning proposal.

Sincerely,



Christi Kerr, owner

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/3/23-LW

2 April 2023

To: City of Norman Planning Commission
Planning & Community Development
225 N. Webster Ave.
Norman, OK 73069

From: Gerilyn & Michael Soreghan
302 Park Dr.
Norman OK 73069

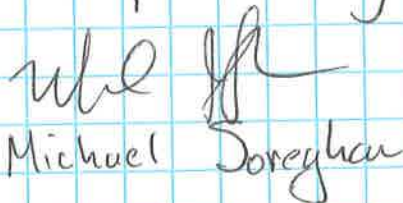
Dear Planning Commission & City Council:

I own & occupy the property @ 302 Park Dr, in the affected area of the proposed Midway SPUD, and I object to the current Midway Rezoning proposal.

Sincerely,



Gerilyn S. Soreghan



Michael Soreghan

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/5/23

2 April 2023

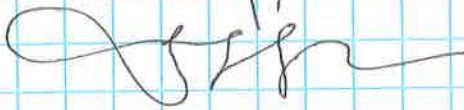
TO: City of Norman Planning Commission
225 N. Webster Ave
Norman OK 73069

From: Gerilyn & Michael Soreghan
304 Park Dr. } rental prop
Norman OK 73069
302 Park Dr. } occupied prop
Norman, OK 73069

Dear Planning Commission & City Council -

I own the property @ 304 Park Dr., in the affected area of the proposed SPUD, & I object to the current Midway rezoning proposal.

Sincerely,




FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/5/23

Planning Commission,

April 4, 2023

This is a letter to formally protest the rezoning request for Midway Grocery, Inc. I am the owner of 316 Chautauqua, just down from Midway. I have lived in my house since 2000. When I moved in, I was thrilled to have Midway there, as it was a charming little grocery store. Now, it is more of a busy, loud restaurant/events center, and I am no longer thrilled. I am against this rezoning because of the additional traffic, parking issues, noise, and trash that it will bring to what should be a historic, quiet family neighborhood.

Thank you,



Jeffrey M. Wilhite
316 Chautauqua
Norman, OK 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/5/23

April 4, 2023

City of Norman Planning and Community Development
201 West Gray A
Norman, OK 73069

RE: Midway SPUD – Case No PD22-26

I, Amanda Roberts, residing at 208 Park Drive, Norman, OK 73069, have reservations regarding the revised and current language in the Simple Planned Unit Development request, draft dated March 1, 2023, for the Midway Backyard project.

Due to the business being in a residential neighborhood, the terms should be more restrictive regarding event size, calendar, hours and include language from the City of Norman Noise Ordinance.

Thank you,



Amanda Roberts

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/4/23

Margaret Ruth Walker
524 West Comanche Street
Norman, OK 73069

April 3, 2023

City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

RE: **Protest** of Simple Planned Unit Development for Midway Grocery, Inc.,
601 W. Eufaula Street, Norman, OK 73069

Planning Commission and City Council Members,

I **oppose** the Midway SPUD application for the following reasons:

I bought my home in 2010 around the corner from a neighborhood grocery store that had been operated as a grocery store for 84 years, since 1926. In the past few years it has changed into a sandwich shop, and during the lunch hour Eufaula Street and Chautauqua Avenue have become congested with parking and at times impassable for two-way traffic. The Applicant now wants to use his property for an outdoor "live entertainment and music" venue.

My property is across the alley from the Applicant's property, just 100 feet from his intended "Temporary Stage". I would not have invested in my home at this location if there was an outdoor event venue across the alley from me, and I can't imagine anyone will want to pay me what my home is currently worth if this application is approved.

This is a residential neighborhood, zoned R-1. My neighbors and I have collectively poured millions of dollars into our homes, paying down decades-long mortgages, renovating and preserving irreplaceable 100 year old housing stock. We did this with the expectation that we would continue to enjoy the benefits of living in a residential neighborhood, and that we would not be subjected to activities that constitute a public nuisance.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/3/23

The Applicant is currently having indoor concerts in the grocery store and the garage on his property and I can hear the music in my backyard. If this application is approved I will hear the music in my house, my guests will have nowhere to park when they come to visit me, my quality of life will be greatly diminished and my property value will plummet.

I have the right to the peaceful enjoyment of my property, to the expectation that my property values will not be negatively impacted by someone else's activity, and to the continuation of my property rights.

Do not take away my property rights and give them to the Applicant.

I wholeheartedly protest.

Deny this application.

Thank you,

A handwritten signature in cursive script that reads "Margaret Ruth Walker". The signature is written in dark ink and is positioned above the printed name.

Margaret Ruth Walker

MIDWAY REZONING PROTEST LETTER

4/April/23

TO: City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

FROM: Kim Zahller
304 Chautauqua Ave
Norman Ok, 73069

Dear Planning Commission and City Council Members,

I own and reside at 304 Chautauqua Ave Norman Ok 73069, which is one of the properties in the area which will be affected by the Midway rezoning effort. I have lived in this house since 1993. When I moved in, Midway was a lovely and convenient neighborhood grocery store. Once a year, there was a neighborhood jam which brought many of the neighbors together. Since then, the grocery store has transformed into a hopping lunch spot and music venue. During lunch hours, cars park up and down Chautauqua, Eufaula and College. While I miss the quaint neighborhood grocery and ability to park in front of my own house between 11-2 pm, I understand Midway's owner's desire to make such changes. The hours are shorter and the format is more lucrative. I have viewed the afternoon parking issues as a minor nuisance that supports a local business. Sometimes there were evening concerts. I enjoyed watching and supporting local music there, including many of my musician friends and my musician husband.

Several changes came with the acquisition of the property adjacent to Midway, including an outdoor stage and outdoor speakers. While the sound does not blast my house, the speakers are pointed directly towards neighbors to the west of Midway. When I attended a concert there, I could not help but notice how loud it was and how close the stage was to neighbors.

Lately, there have been several evening concerts held at Midway. I didn't notice most of them because they were held indoors. I say most, because I did notice one of the concerts. The bass and drums were so loud, I could hear them inside my house with all of the windows and doors closed. That's an *indoor* concert. If I can hear that inside my house, several houses away, the neighboring houses can certainly hear it. Now imagine this is outdoors, 15-20 feet from your bedroom window. That's what my neighbors will once again face if outdoor concerts are revived.

On Sunday, March 26th, just over a week ago, there was a gathering at the property in question. As I attempted to drive east on Eufaula I was met with a completely blocked road. Cars were parked on both the north and south sides of the street directly beneath No Parking signs. I met a truck traveling west. The truck was forced to turn south to allow me through. On a quiet Sunday

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/6/23

there was game day traffic in my neighborhood. The difference being, because there was no game, there were no tow trucks nor parking enforcement to prevent traffic jams.

The latest SPUD allows for additional outdoor "live entertainment" which could mean any number of large gatherings. There is no mention of how our neighborhood will absorb the parking imposed on us for such gatherings. There is no mention of noise abatement. There is no plan to mitigate the impact of such large gatherings at all.

While I support local businesses and local music, I do not support them at the expense of the peace and enjoyment of my home and my neighborhood. I don't believe even the most ardent music-lover would enjoy having a large entertainment venue in their backyard. Further, if this SPUD passes, the proposed zoning change will be passed on to all future owners of the property on which Midway sits. I love having Midway in my neighborhood, and while the lunch rush can occasionally be a hassle, I feel that the deli has generally been a positive addition. However, this neighborhood is not equipped to handle the parking, traffic, and noise of an event center. Large crowds attending wedding receptions and frat parties will ruin what has been a wonderful and vibrant neighborhood.

Sincerely,
Kim Zahller, owner of 304 Chautauqua Ave

MIDWAY REZONING PROTEST LETTER

RE: 523 W. Comanche Street & 0 W. Comanche Street (2 properties)
Norman, OK 73069

Date: 4/2/23

Jed Beeson
523 W. Comanche Street
Norman, OK 73069

City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members,

I own the properties at 523 W. Comanche Street and 0 W. Comanche Street, and I object to the current Midway Rezoning proposal.

Sincerely,

Jed Beeson

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/10/23

Katrin Stamatis & Jonathan Ruck
711 West Eufaula Street
Norman, OK. 73069

Ms. Rone Tromble
City of Norman
Planning & Community Development Department
225 W. Webster Ave.
Norman, OK 73069

March 31, 2023

Dear Ms. Tromble,

We are residents of 711 West Eufaula Street in Norman, OK and we are writing in regard to the property described below:

Lot 2A, Block 23 or T.R. WAGGONER'S FIRST ADDITION to Norman, Cleveland County, Oklahoma.

We strongly oppose the proposed Midway Grocery, Inc. SPUD. Midway Deli is in a quiet residential neighborhood, and therefore this SPUD should not be approved.

Sincerely,

Handwritten signatures of Katrin Stamatis and Jonathan Ruck. The signature of Katrin Stamatis is on the left, and the signature of Jonathan Ruck is on the right, preceded by an ampersand (&).

Katrin Stamatis & Jonathan Ruck

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-10-23

MIDWAY REZONING PROTEST LETTER

RE: 525 W. Symmes Street
Norman, OK 73069

Date: April 2, 2023

Cara & Shawn M. McDaniel
6510 Atlanta Drive
Colleyville, TX 76034-5674

City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members,

I own 525 W. Symmes Street in Norman, OK, and I object to the current Midway Rezoning proposal.

Sincerely,



Cara and/or Shawn McDaniel

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-10-23

MIDWAY REZONING PROTEST LETTER

RE: 622 W. Comanche Street
Norman, OK 73069

Date: 4/3/2023


Bar Fly, LLC
6622 Redberry Glen Lane
Houston, TX 77041-7287

City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members,

I am the owner of 622 W. Comanche Street in Norman, OK, and I object to the current Midway Rezoning proposal.

Sincerely,


Owner / Managing Member

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4.10.23

MIDWAY REZONING PROTEST LETTER

RE: 514 W. Eufaula Street
Norman, OK 73069

Date: 4/3/23

Mr. Daniel Schwartz
712 NW Laird Avenue
Lawton, OK 73507-5215

City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members,

I own 514 W. Eufaula Street in Norman, OK, and I object to the current Midway Rezoning proposal.

Sincerely,



Daniel Schwartz

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4.10.23

MIDWAY REZONING PROTEST LETTER

RE: 205 Chautauqua Ave.
Norman, OK 73069

Date: 4/5/23

Brian & Tara Myers
6605 Riverhill Drive
Plano, TX 75024-7437

City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members,

I own the property at 205 Chautauqua Ave. in the affected area, and I object to the current Midway Rezoning proposal.

Sincerely,



Brian and/or Tara Myers

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4.10.23

PROTEST LETTERS – From Non-Owners and Outside Radius
As of 4/12/2023

Ordinance No. O-2223-33
Midway Grocery, Inc.
601 W. Eufaula

MIDWAY REZONING PROTEST LETTER

RE: 308 College Ave.
Norman, OK 73069

Date: 3-26-2023

Jon Minks
308 College Ave.
Norman, OK 73069

City of Norman Planning Commission
Planning and Community Development
225 N. Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members,

I reside at 308 College Ave., and I object to the current Midway Rezoning proposal dated March 1, 2023.

Sincerely,



Jon Minks

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/28/23

MIDWAY RE-ZONING PROTEST LETTER

DATE: March 29, 2023

TO: City of Norman Planning Commission
Planning and Community Development
225 N. Webster Avenue
Norman, OK 73069

FROM: Ginger Dossey, Renter of 207 Chautauqua Avenue
Chuck and Dana Anderson, owners

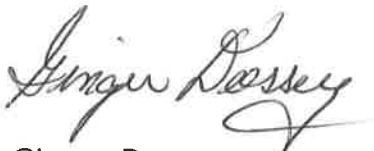
SUBJECT: MIDWAY RE-ZONING PROTEST LETTER

Dear Planning Commission and City Council Members,

I rent the property at 207 Chautauqua Avenue in the affected area, and I object to the current Midway Re-zoning proposal. This rental property, owned by Chuck and Dana Anderson, sits directly beside Midway – it's the closest residence to the Midway, I've been the occupant/renter since 2016, almost seven years.

As I understand it, homeowners are simply wanting to protect their surroundings and not allow their neighborhood to turn into an entertainment center inappropriate for family units consisting of individuals of all ages, including small children, career folks, and retirees. The proposal to host up to three events a week offering a variety of activities, including outdoor music with up to 75 people in attendance and parking on the neighborhood streets, does not seem a reasonable proposal to many folks residing near the Midway. I would find it hard to believe that those in attendance of these events would want to return to their own residences and find similar conditions to contend with.

Sincerely,



Ginger Dossey

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/29/23

April 10, 2023

TO: Norman Planning Commission and Norman City Council

RE: Ordinance #0-2223-33 Rezoning from C-1 Local Commercial District to SPUD, 601 W Eufaula, Midway Market

Oppose approval

The application proposes NO changes to the existing traffic access and circulation to the property. The current configuration of the streets surrounding this location already creates safety concerns. There is no onstreet parking allowed on the adjacent streets of Chautauqua or Eufaula. There is a fire hydrant located on the Southeast corner within the boundaries of the Midway Deli property. Additionally, College Avenue dead ends at Eufaula and a left turn off of College provides less than 50' of road to access the subject property. Also parking is allowed on both sides of the 300 block of College Avenue so the narrow width of the street allows for only one car at a time to squeeze through. Traffic going South on the short block of College intersects with Symmes creating a difficult angle to see the cross traffic. There are only 7 parking spaces on the property which is already insufficient thereby creating a hazard an impediment to emergency vehicles ingress or egress.

The surrounding area is zoned R-1 single family. A SPUD is to protect existing and future surrounding areas health and safety, promote infill development that is compatible and harmonious with adjacent areas and to contribute to revitalization and or development where decline has occurred. In my opinion, I don't see that these guidelines or criteria are being met with this application for rezoning. The applicant would like to host events for up to 75 participants which is not conducive to the surrounding single family homes, parking is inadequate with no foreseeable solutions, restroom facilities are inadequate, and noise is a issue but not anything new for this neighborhood, i.e. OU football stadium, Norman High Football, Lions Park, and Main Street and campus corner events.

The applicant, Bob Thompson also owns the two story red house directly adjacent to the East and does not state how he intends to utilize the property in his overall plan. Will the applicant be submitting another SPUD for this property? If so what precedent might the approval be establishing for this densely populated area of Norman?

I have been a resident in this area for over 20 years and have always supported the Midway's services and the venue for music, fundraisers, etc. and of course the best sandwiches in town, so I am apprehensive about submitting my opposition for approval for this ordinance change but feel that any changes to the Midway are not conducive to the existing neighbors. Thank you for your time.

Marsha McDaris

448 College Ave.

Norman, OK 73069

Marsha McDaris
405-326-2309

FILED IN THE OFFICE
OF THE CITY CLERK
NO 4/10/23

452 College Ave

Norman, OK 73069

4 April 2023

Midway Market Protest Letter
Planning and Community Development
225 N Webster
Norman, OK 73069

Dear Planning Commission,

The question of allowing Midway Market (Bob Thompson) to have larger gatherings for music and entertainment is coming before the Planning Commission soon. As a member of the neighborhood surrounding The Midway, I am concerned about the negative effect that larger gatherings would have.

Though our home is not immediately adjacent to Midway, we are just a block away. We have lived here since 1992 and enjoyed The Midway for many years as a small grocery, then sandwich shop, and small music venue, with occasional larger outdoor music gatherings. I used to shop for small grocery needs there, even though it was more expensive, because I loved that a small grocery still existed. It was truly part of the community at that time. The kids in the neighborhood even marked their height on the door jamb. It was a nice place to run into neighbors and visit.

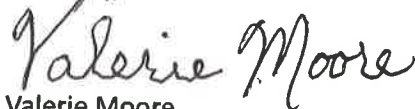
The outdoor gatherings worked because they were rare, and true neighborhood events. I understand that Bob would still be able to have 7 outdoor events/yr. This new request for larger, more regular outdoor gatherings is more problematic. Currently, the new Midway request offers no info about the number of people, number of days per week, or length of time for events. Apparently, that info will be provided AFTER the time that letters of protest must be submitted.

In my opinion, no additional number of days, people or length of events would be acceptable. There are already crowded streets at lunch for people eating at the sandwich shop. The parking for residents would be obliterated with larger outdoor music and entertainment. In other words, we would be subsidizing Midway with no return investment. What happens to our parking on days or nights that Midway has events? Where will our friends and guests park? I think even College Ave in our block could be used for parking.

There is also the issue of noise. While indoor and occasional small outdoor concerts on a weekend might not be too intrusive, large regular evening events would. Bob bought Midway in a neighborhood, not a commercial area. There is no room for a larger commercial venture.

I ask you to please deny this request for the sake of the people living in the neighborhood around the Midway. This would be a very negative development for us.

Sincerely,


Valerie Moore

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/6/23-LW

City of Norman
 Planning Commission Meeting 4/13/23
 Item #8, Midway Grocery, Inc. Rezoning Request

Dear Commissioners,

We are opposed to the Rezoning Request for a SPUD by Midway Grocery, Inc. for an outdoor entertainment venue. We are just outside the official 350 foot notice area and about two blocks from Midway itself. Concerns expressed below will potentially effect us as well as those in the official notification area.

The City staff report shows Surrounding Land Use as Residential on the North, East, South and West. Under Zoning Ordinance Citation: Simple Planned Unit Developments, 2. Statement of Purpose, "to promote infill development that is compatible and harmonious with adjacent uses". The applicant has not proposed any maximum capacity constraints nor any adjustment of the use of Amplified sound hours of no earlier than 12:00 P. M. and no later than 10:00 P. M. Under Parking the applicant proposes no changes to the existing parking on site which is 7 spaces. That means any parking for the venues will force parking into the residential area surrounding Midway. The Staff Report states that "invitees shall not park in such a way as to create a hazard or impediment to emergency vehicle ingress or egress". The applicant's request uses the same language. Realistically how likely are attendees to follow the parking restrictions in our residential area. Norman Police Department is understaffed and the Parking Enforcement unit only works 8-5 Monday-Friday. Police response will be prioritized based on the type of calls received so certainly calls for burglary, theft, impaired driving, assaults etc. will be a priority over parking violations. Believe us, expecting attendees to abide by parking restrictions is totally unrealistic based on our experience with game day parking on Elm even when parking enforcement is on duty.

In the applicant's SPUD request for the Backyard at Midway it is stated that "The intent of the Applicant is to develop and use the property in an innovative and progressive manner that substantially improves the cultural and living experience of the surrounding neighborhood". How does an outside entertainment venue with amplified sound operating seven days a week from 12:00 P. M.-10:00 P. M. accomplish this?

There was no reference in the Staff Report or the applicants document regarding Rest Room facilities. Does the City have an ordinance requiring a proper number of facilities based on the number of attendees?

In making your decision, we respectfully ask if this was in your backyard how would you vote?

Thank you for your consideration in our request for denial.

Mark & Jayne Crumpley 
 423 Elm Ave.
 Norman, Ok. 73069

FILED IN THE OFFICE
 OF THE CITY CLERK
 ON 4.10.23

SUPPORT LETTERS – From Property Owners within Radius
As of 4/12/2023

Ordinance No. O-2223-33
Midway Grocery, Inc.
601 W. Eufaula

530 W Eufaula St.
Norman, OK 73069
(773) 354-8044

March 23, 2023

To whom it may concern:

I'm writing in support of the SPUD application from Midway Deli. I live directly across from the "Red House" and we also own a second lot in the affected area (a rental home at 305 College). I would like to note a few points as the committee reviews this application. I would argue that Midway makes this neighborhood unique and charming in Norman and we would like to support its continued success.

- 1) I view from a lens of supporting small, local businesses. What makes a business sustainable evolves over time. It used to be more grocery, but now events are important. Please give a longtime local business the opportunity to adapt.
- 2) Noise has never been an issue for us. I can't speak to the sound on Chautauqua but on Eufaula, it's never been more than a gentle level from Midway. The NHS football games and track meets, Lions Park music events and the students on Symmes with their twice a semester late nighters, are all significantly louder. But we cheerfully accept all of them because we like NHS, Summer Breeze and living near OU. They, like Midway, are entities that add to this community.
- 3) Parking is fine. We live in a busy area. OU students and employees park along College during the school year because it's free street parking close to campus. Midway customers park along Eufaula for lunch. LOTS of people park here during football games... It is not onerous to share a public street. I don't expect any difference with Midway events.

We have a marvelous neighborhood and many wonderful neighbors, including Midway.

Sincerely,


Sue Ringus

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/3/23 - LW

Brenda Hall

From: Austin Brewer <austin.brewer@gmail.com>
Sent: Thursday, March 23, 2023 11:04 PM
To: Rone Tromble; Brenda Hall
Subject: EXTERNAL EMAIL : Letter in Support of Rezoning Midway Grocery, Inc. to a SPUD - Austin Brewer, 204 Chautauqua Ave

Rone & Brenda -

I am writing to you, again, with a letter of support in favor of the rezoning request by Midway Deli from C-1 to a SPUD to allow for outdoor entertainment and live music. As a next door neighbor (literally) - located at 204 Chautauqua Ave - I can speak directly to the impact, or lack thereof, this rezoning request will have.

We moved back to Norman 2.5 years ago and have enjoyed Midway as both a neighbor and gathering place for the entire neighborhood. Moreover, we consider Bob Thompson - owner of Midway and the adjacent red house/barn part of the rezoning request - a close friend and partner in all things Norman, and more specifically, our Chautauqua/Eufaula neighborhood intersection. Bob has the best interest of all neighbors in mind and would never do anything to adversely impact the overall feel and inclusiveness of our lovely neighborhood community. His intentions with this rezoning request are to allow for live music at a property he owns, in line with the original (historical) zoning of the subject property, and with the input of his neighbors close by.

On more than one occasion while Bob experimented with live music at his venue before submitting the formal rezoning request herein, the music emanating from Midway was no louder (and many times less loud) than the summer breeze concerts at Lions multiple blocks away. Additionally, he sought our input multiple times for the overall timing of music (never past 9pm) and decibel levels. We've never had an issue and enjoy the live music and gathering that was taking place finally again, post covid, which we have all have yearned again for so long. I must add that we have a 5 year old at home, and no, our child (nor us) have ever had a problem sleeping or with the music traffic that gathers for an evening show.

Prior to moving back to Norman and after graduating most recently from OU Law, we lived away from Oklahoma approximately 9 years, having spent 3 years in Austin and 6 years in Denver before that. Both amazing places to live no doubt, however, we were excited and have remained enthused about moving back to Norman to raise our small and growing family. In both Austin and Denver, we lived in communities that had neighborhood gathering spots eerily similar to Midway, complete with great food, live music, and neighborly love. We miss those places, however, we feel lucky to have moved next door to Midway which strives to be the same type of one-stop neighborhood gathering spot.

I wish nothing more than for Bob & Midway Deli to continue their positive momentum towards creating this neighborhood gathering place where food, live music, and neighbors can gather. It is such a unique, positive, and unifying force that so many neighborhoods across America can only hope and dream about. As a planning commission, I hope you feel the same.

Respectfully,
 Austin Brewer

FILED IN THE OFFICE
 OF THE CITY CLERK
 ON 3/31/23

March 27, 2023

Ms. Rone Tromble

Re: Midway SPUD application

City of Norman – Planning & Community Development

225 West Webster Ave.

Norman, OK 73069

I'm writing to support the application for the SPUD for The Backyard at Midway Market. As a long-time resident of the community, I support the requested change to allow live music on a limited basis. It's in the best interest of our neighborhood to establish this as the only allowed use of the property going forward.

Signed,

A handwritten signature in black ink that reads "Chris Suit". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Chris Suit (Suit-Benfield Trust)

715 West Symmes

Norman, OK 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/30/23 FW

MIDWAY REZONING SUPPORT LETTER

RE: 302 College Ave
Norman, OK 73069

March 31, 2023

Fred and Patricia Stuart
302 College Ave.
Norman, Ok 73069

City of Norman Planning Commission
Planning and Community Development
225 N Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members,

We own 302 College Ave. in Norman and we support Bob Thompson and the current Midway Rezoning proposal. We have lived South of Midway for 35 years and have never had any complaints about the venue.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Stuart". Above the main signature, there is a smaller, less legible signature that appears to be "F. M. Stuart".

Fred and Patricia Stuart

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/5/23

MIDWAY REZONING SUPPORT LETTER

RE: 308 College Ave
Norman, OK 73069

March 31, 2023

Fred and Patricia Stuart
302 College Ave.
Norman, Ok 73069

City of Norman Planning Commission
Planning and Community Development
225 N Webster Ave.
Norman, OK 73069

Dear Planning Commission and City Council Members,

We own 308 College Ave. in Norman and we support Bob Thompson and the current Midway Rezoning proposal.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Stuart". The signature is written in dark ink and is positioned above the printed name.

Fred and Patricia Stuart

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/5/23

Andy Darks

Item 8.

305 Chautauqua

-Waggoner N 77ft. 2in. LOTS 26-27-28 BLK 22

307 Chautauqua

-Waggoner S 62ft. 10in. LOTS 26-27-28 BLK 22

I support the Midway Deli SPUD for the following reasons:

1. There has been a considerable amount of misinformation spread regarding Midway and the neighborhood
2. I have owned property next to Midway for over 3 decades and have always found Midway to be a good and considerate neighbor.
3. One neighbor recently told me that they heard that Midway was going to play OU football games on the radio and that they did not want that! This particular neighbor has lived on Chautauqua, next to Midway for over 30 years. We live near the university campus. Everyone in the neighborhood is going to hear OU football.
4. The main protestors that have contacted me have only done so because I own 2 properties directly across the street within the SPUD boundary. Otherwise I am just a "nasty old landlord." Midway has not tried to contact me at all but the protestors with an agenda have. They have also contacted and spread untruths to my tenants.
5. Midway Deli is good for the neighborhood. The best thing that I have seen come out of this is that it has gotten people to start talking. They are not all agreeing necessarily but at least they are talking. I believe that alone puts the Midway neighborhood far ahead of the rest of Norman. I believe that open communication is key to any relationship, whether good or bad.

The protestors have said that Midway and the advancement of the SPUD will devalue nearby properties. I have owned and managed residential property in the neighborhood for 42 years. I receive an average of three calls, texts or letters daily from people wanting to rent or purchase property within the neighborhood. In my vast experience, the Midway Deli has not ever had a negative effect on the neighborhood nor any nearby property values.

Thank you for the opportunity to address City of Norman Planning and Community Development.

Sincerely,



Andy Darks

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/7/23

City Of Norman

Planning & Development

Item 8.

Regarding my property at 527 W EUFAULA ST

I fully support the application for the SPUD for The Backyard at Midway. It's in the best interest of our neighborhood to establish this as the only allowed use of the property going forward.

Signed



BOB THOMPSON
MARICHA THOMPSON

Ms. Rone Tromble Re: Midway SPUD application

City of Norman

Planning & Community Development

225 W Webster Avenue

Norman OK 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4.10.23

Dear City of Norman,

On behalf of the property located at ~~309~~ S. Lahoma Avenue, we are writing this letter in support of the backyard at Midway SPUD. As long-time property owners in the neighborhood, we have seen our property values increase due to Midway's success. We believe it is in the best interest of the neighborhood for the SPUD to pass, and we look forward to the growth and entertainment it will continue to bring.

Sincerely,

 POA

The Inbody Family

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/12/23