

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 Blackmon
Walter Blackmon

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,

A handwritten signature in cursive script, appearing to read "Conrad Draper", written in dark ink.

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,

Handwritten signatures of Claudia Buckmaster and Don Mayhew in blue ink.

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

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OF THE CITY CLERK
ON 3/28/23

Property owners,
208 Chautauqua Avenue

25 March 2023

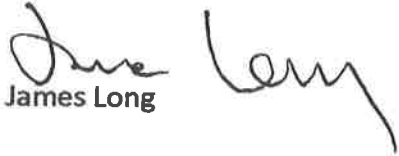
Norman Planning Commission

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

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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,

A handwritten signature in black ink, appearing to read 'Aja Walker', with a long horizontal flourish extending to the right.

Aja Walker

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OF THE CITY CLERK
ON 3/28/23

MIDWAY REZONING PROTEST LETTER

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.

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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.

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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.

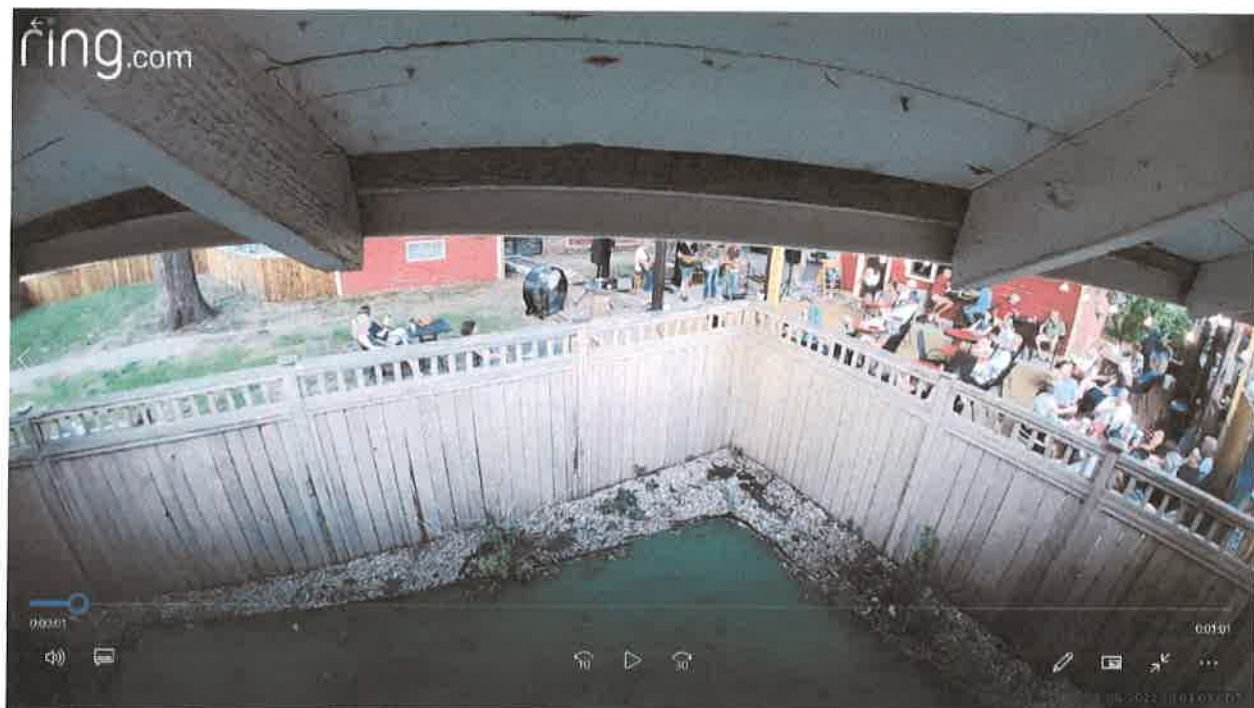
Sincerely,



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
Andrea Womack

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

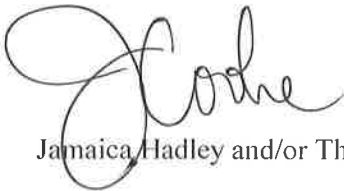
Jamaica Hadley & Thomas M. Cooke
503 Miller Avenue
Norman, OK 73069-5929

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 RLW

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

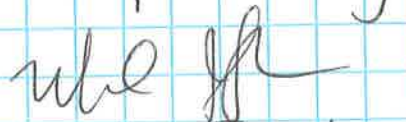
Dear Planning Commission & City Council:

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

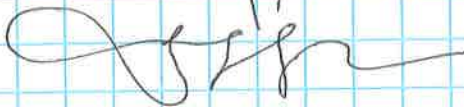
TO: City of Norman Planning Commission
225 N. Webster Ave
Norman OK 73069

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,



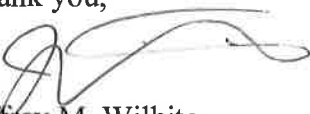
FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/5/23

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

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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.

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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

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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,

A handwritten signature in black ink, appearing to read "Shawn McDaniel", written over a horizontal line.

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,

A handwritten signature in black ink, appearing to read "Daniel Schwartz", with a stylized flourish at the end.

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