

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:

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136 Thompson Drive

Norman, Oklahoma 73069

TABLE OF CONTENTS

I. INTRODUCTION

- A. Background and Intent
- B. Development Team

II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

- A. Location
- B. Existing Land Use and Zoning
- C. Elevation and Topography
- D. Drainage
- E. Utility Services
- F. Fire Protection Services
- G. Traffic Circulation and Access

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

- A. Permissible Uses
- B. Development Criteria
- C. CCPUD Variances

EXHIBITS

- A. Legal Description of the Property
- B. Site Development Plan
- C. Allowable Uses
- D. Elevations
- E. Scaffolding Rooftop Sign

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

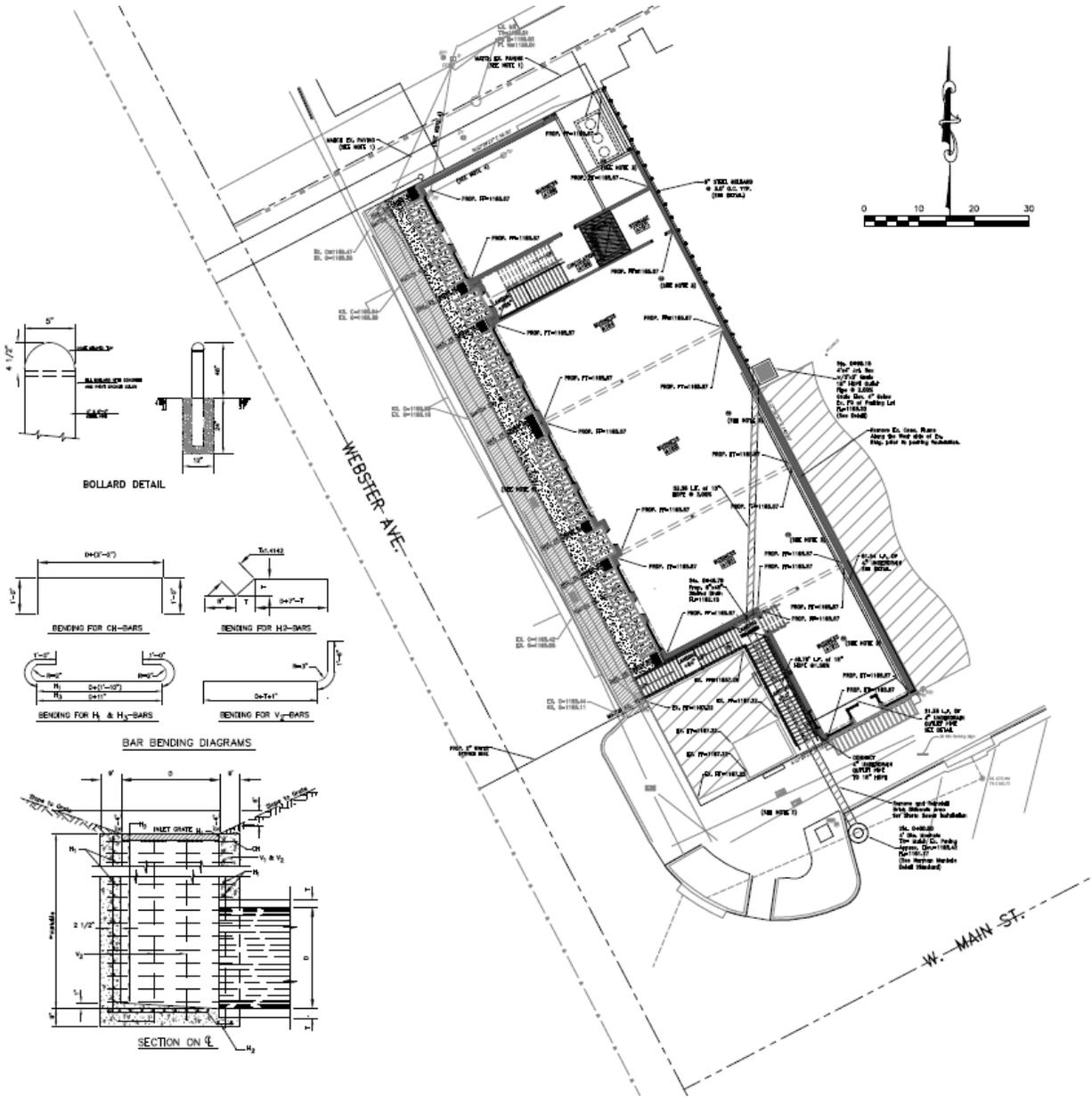


EXHIBIT C

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

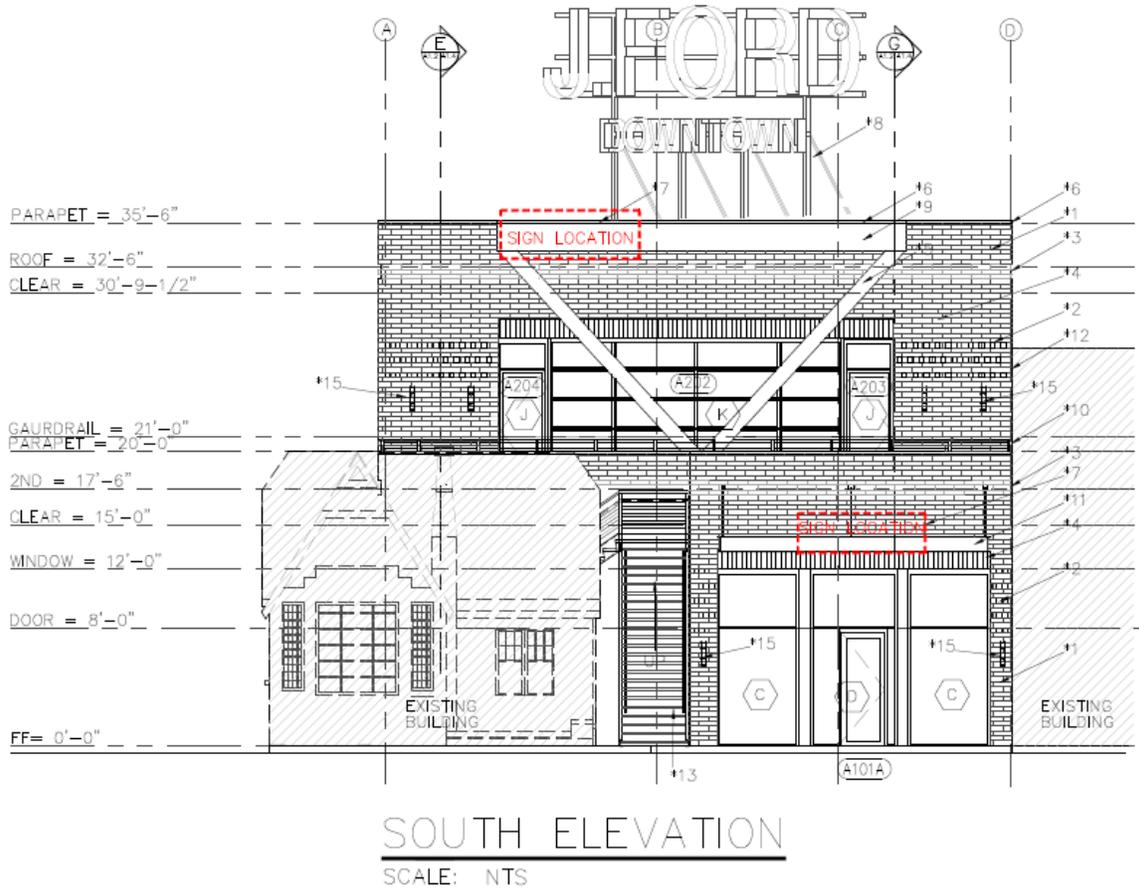
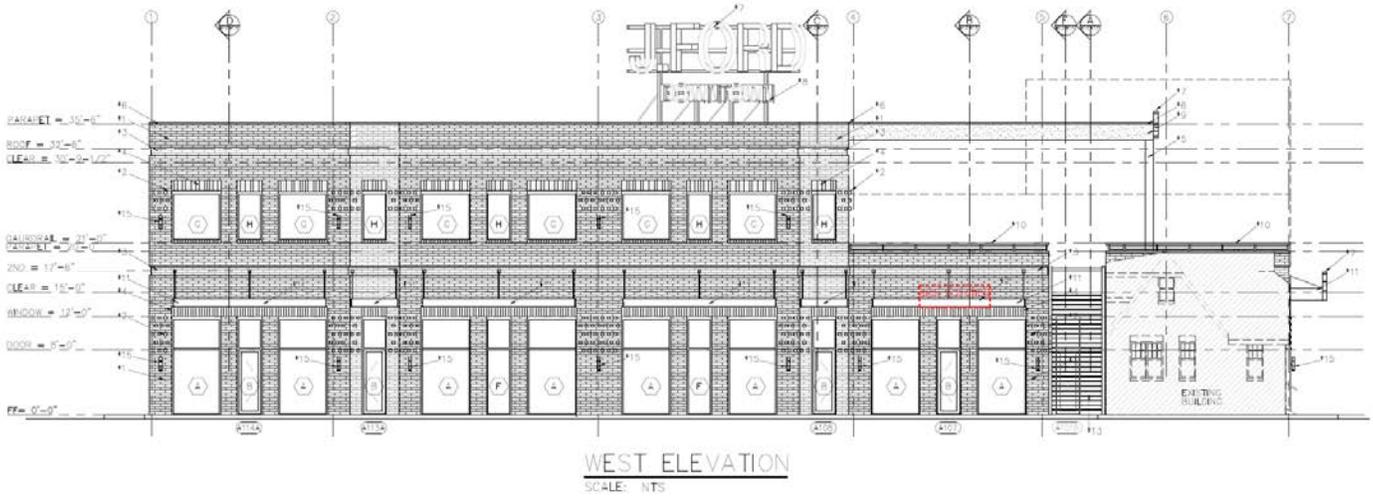


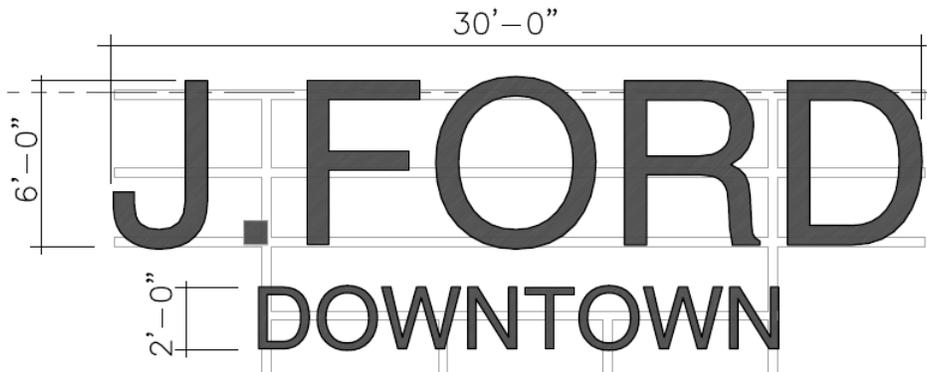
EXHIBIT E

SIGN DEPICTION & PROPOSED RENDERINGS

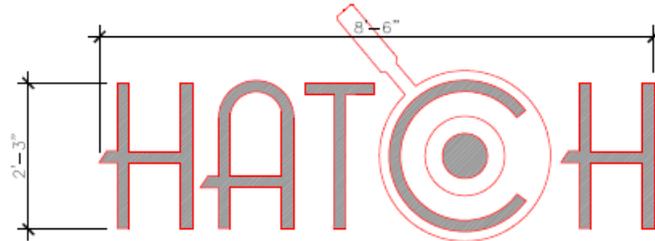
SCAFFOLDING ROOFTOP SIGN

222 SF (LETTERS ONLY)

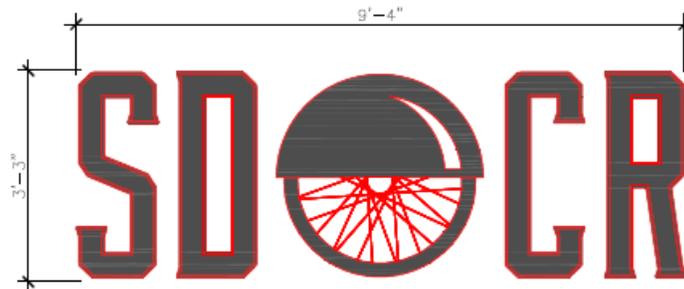
357 SF (FULL VOLUME)



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

