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ORDINANCE NO. O-2223-33

ITEM NO. 8

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**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, Simple 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 the 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.