

THE BACKYARD AT MIDWAY

NORMAN, OKLAHOMA

SIMPLE PLANNED UNIT DEVELOPMENT
SECOND AMENDED SPUD NARRATIVE
SPUD SITE DEVELOPMENT PLAN MAP

OWNER:
MIDWAY GROCERY, INC.

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Prepared by:

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I. INTRODUCTION

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

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

The Applicant has filed and seeks this Simple Planned Unit Development (SPUD) pursuant to Sec. 420.05 – Simple Planned Unit Developments in the City of Norman Zoning Ordinance in an effort to work with other property owners in the area and formalize the permissible hours and uses of and on the Property. It is the intent of the Applicant to develop and use the property in an innovative and progressive manner that substantially improves the cultural and living experience of the surrounding neighborhood.

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

II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

A. Location

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

B. Existing Land Use and Zoning

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

C. Elevation and Topography

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

D. Drainage

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

E. Utility Services

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

F. Fire Protection Services

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

G. Traffic Circulation and Access

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

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

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

A. Permitted Commercial Uses

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

1. Permitted Uses

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

- a. General Commercial Uses: The general commercial uses permitted are uses based on already issued permits and uses on the Property without any additional improvements:
 - i. Restaurant;
 - ii. Catering establishment;
 - iii. Delicatessen store;
 - iv. Office
 - v. Live entertainment venue (indoor).

For a comprehensive listing of permitted uses of the Property pursuant to this SPUD please refer to Exhibit B.

- b. Outdoor Entertainment and Event Venue: The following uses will be permitted in the outdoor area reflected on the site development plan, subject to the restrictions set forth in b. iv below.
- i. Gathering and event space for receptions, weddings, fundraisers, reunions, birthdays, graduations, seasonal and holiday celebrations, annual neighborhood block party, and recreational outdoor games/tournaments (corn hole, bean bags, ping pong, horse shoes)
 - ii. Showing live or recorded sporting events or movies on outdoor television screens.
 - iii. Food truck parking.
 - iv. Restrictions: all outdoor events will be subject to a maximum capacity restriction of 150 people and will be restricted to the following hours of operation: Restaurant Seating– 7:00 A.M. to 9:00 P.M. seven (7) days a week; Outdoor Events other than normal restaurant operations 4:00 P.M. to 10:00 P.M. Sunday through Thursday and 3:00 P.M. -11:00 P.M. Friday and Saturday. Limiting outdoor events to no more than 150 people assures that the neighborhood will not be affected any more than it is currently impacted by the existing uses. The Midway typically serves an average of 180 people for lunch between the hours of 11-2 each day.
- c. Live Outdoor Music Venue: The following provisions will apply to live music events held outdoors on the Property on such occasions when exterior amplification of sound is utilized:
- i. Live outdoor exterior amplified music events held on the Property shall be restricted to not exceed the maximum permissible sound limits under the City of Norman noise ordinances, and applicable exemptions, if any, as may be amended from time to time and enforced by the Norman Police Department.
 - ii. All outdoor music events will be subject to a maximum capacity restriction of 150 people and will be restricted to the following hours of operation: Outdoor live Music Events 4:00 P.M. to 10:00 P.M. Sunday through Thursday and 3:00 P.M. -11:00 P.M. Friday and Saturday. Limiting outdoor music events to no more than 150 people assures that the neighborhood will not be affected any more than it is currently impacted by the existing uses. Midway will typically serve 180 people between the hours of 11-2 each day.

2. **Parking.** No changes are proposed to the existing parking on the property.

3. **Dumpster and Trash Enclosures.** No change will be made to the already approved and used dumpster locations serving the Property.

B. Miscellaneous Development Criteria

1. Site Plan

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

2. Open Space.

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

3. Signage

The existing signage as constructed and where constructed on the property as of the date of this SPUD filing on September 1, 2022 is approved within this SPUD. All future signage shall be in conformance with the City of Norman's Sign Codes, as amended from time to time, and comply with applicable district regulations.

4. Fencing; buffering

No changes are proposed to the existing site plan or plat of the Property. Existing fencing shall remain unchanged.

5. Traffic access/circulation/parking and sidewalks

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

6. Lighting

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

7. Landscaping

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

EXHIBIT A

PROPOSED SPUD SITE DEVELOPMENT PLAN

EXHIBIT A

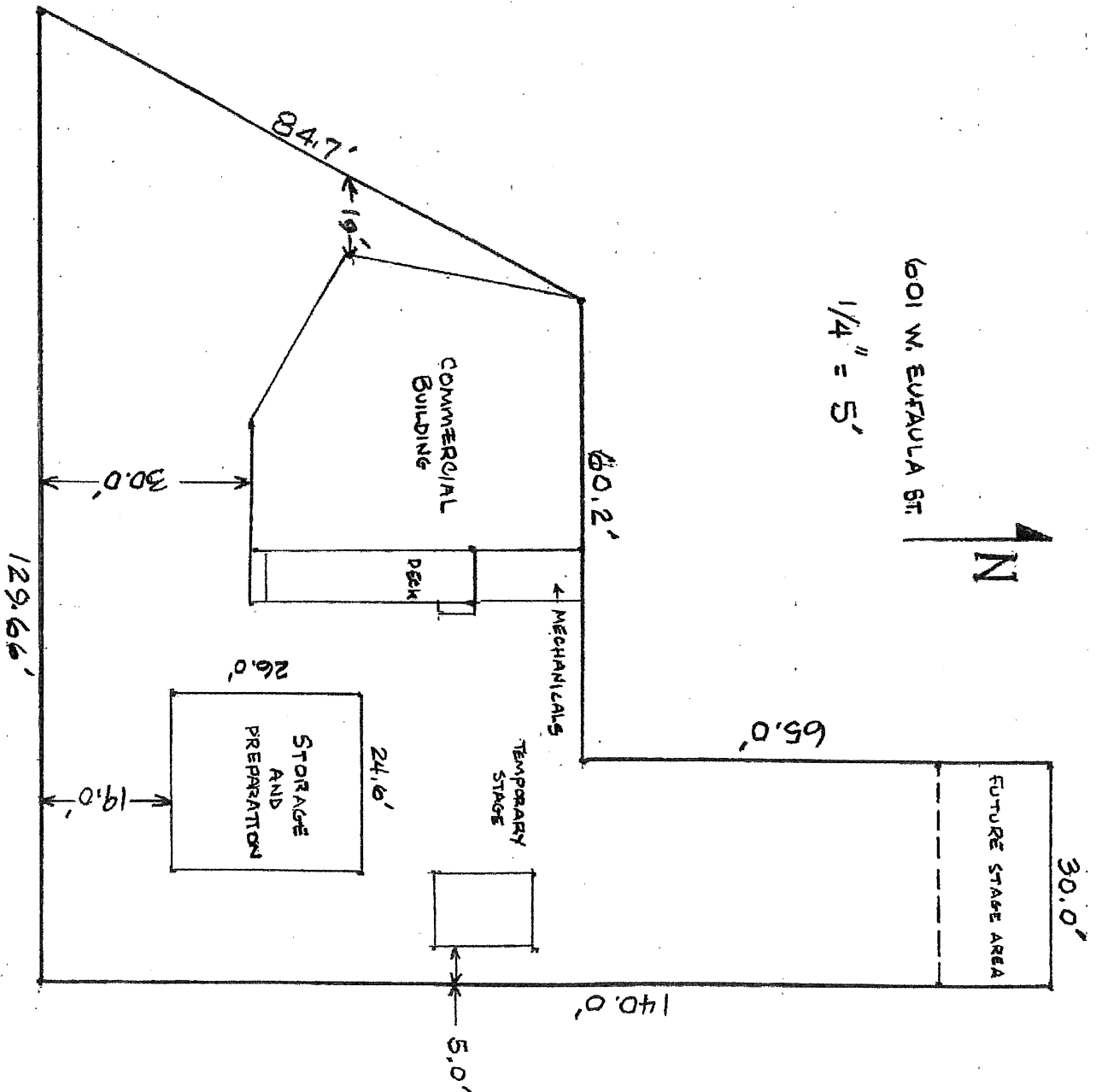


EXHIBIT B
PERMITTED USES

EXHIBIT B

SPECIFIC PERMITTED USES

The following commercial uses will be permitted on the Property by virtue of the SPUD:

1. Restaurant
2. Catering establishment
3. Delicatessen store
4. Office
5. Live entertainment and music venue (indoor)
6. Live entertainment and music venue (outdoor)
7. Gathering and event space for receptions, weddings, fundraisers, reunions, birthdays graduations, seasonal and holiday celebrations, annual neighborhood block party
8. Outdoor hosting of recreational games and tournaments (i.e. corn hole, ping pong, horse shoes).
9. Food truck parking
10. Showing live or recorded sporting events or movies on outdoor television screens