

# THE BACKYARD AT MIDWAY

NORMAN, OKLAHOMA

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

OWNER:  
MIDWAY GROCERY, INC.

March 1, 2023

ANNOTATED

Prepared by:

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## TABLE OF CONTENTS

- I. INTRODUCTION
  - Background and Intent
- 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. Permitted Commercial Uses
    - 1. Permitted Uses
    - 2. Parking
    - 3. Dumpster and Trash Enclosures
  - B. Miscellaneous Development Criteria

### EXHIBITS

- A. Proposed SPUD Site Development plan

## **I. INTRODUCTION**

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

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

The Applicant has filed and seeks this Simple Planned Unit Development (SPUD) pursuant to 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**

This SPUD will not preclude the granting of permits, issued by the City of Norman, to accommodate larger gatherings, such as an annual block party.<sup>i</sup> The purpose for the SPUD is to allow for new outdoor entertainment uses in conjunction with catered events and continued commercial uses under the following development and zoning regulations:

- a. General Commercial Uses: The general commercial uses permitted are uses based on already issued permits and uses on the Property without any additional improvements:
  - i. Restaurant;
  - ii. Catering establishment;
  - iii. Delicatessen store;
  - iv. Food Truck parking;
  - v. Office;
- b. Catered Events: Catered events, indoor or outdoor, with or without amplified sound. All events shall comply with the City of Norman Noise Ordinance regulations as amended from time to time and enforced by the Norman Police Department.

Amplified sound shall be used no earlier than 12:00 P.M. and no later than 9:00 P.M.<sup>ii</sup> only on Friday, Saturday or Sunday. Invitees shall not park in such a way as to create a hazard or impediment to emergency vehicle ingress or egress. Private catered events shall be supervised by the business owner's staff and owner's supervising staff shall be present at all private catered events. Private catered events shall not exceed 100 people in attendance, including owner's staff and employees. Owner will make arrangements to provide off-street parking for any event with more than 75 people in attendance.<sup>iii</sup>

## **B. Miscellaneous Development Criteria**

### **1. 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. Permanent structures indicated on the SPUD Site Plan may not be altered or modified more than five (5%) percent without an Amendment to the SPUD by the City Council. This requirement excludes ordinary repairs and maintenance of the property.<sup>iv</sup>

### **2. Open Space.**

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

### **3. Signage**

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

### **4. Fencing and Buffering.**

Screening in the form of trees, bushes or fencing will be provided along the north alley property line. The existing six (6) foot fence adjacent to the property to the north of the store and west of the backyard will be replaced with an eight (8) foot privacy fence.<sup>v</sup>

### **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.<sup>vi</sup>

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<sup>i</sup> Clarifying language was added to provision III.A.1 to clarify that the SPUD will not preclude the granting of permits, issued by the City of Norman, to accommodate larger gatherings, such as an annual block party.

<sup>ii</sup> Provision III.A.1.b. was modified to reduce the hours from 12:00 P.M. to 10:00 P.M. to 12:00 P.M. to 9:00 P.M. and to reduce the days events can be held from seven days a week to only on Friday, Saturday or Sundays.

<sup>iii</sup> Provision III.A.1.b. of the SPUD Narrative was also modified to add the restriction that all catered events must be supervised by owner's staff and the staff must be present at the event, as well as limiting events to no more than 100 people, including owner's staff/employees. The requirement to provide off-street parking was also added for any events with more than 75 people in attendance.

<sup>iv</sup> Provision III.B.1. was modified to add the restriction that permanent structures indicated on the SPUD Site Plan may not be altered or modified, excluding ordinary repairs and maintenance, more than five (5%) percent without an Amendment to the SPUD by the City Council.

<sup>v</sup> Provision III.B.4. was added to provide for screening in the form of trees, bushes or fencing will be provided along the north alley property line. The existing six (6) foot fence adjacent to the property to the north of the store and west of the backyard will be replaced with an eight (8) foot privacy fence.

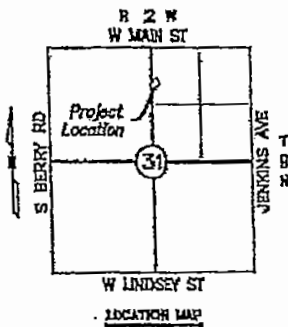
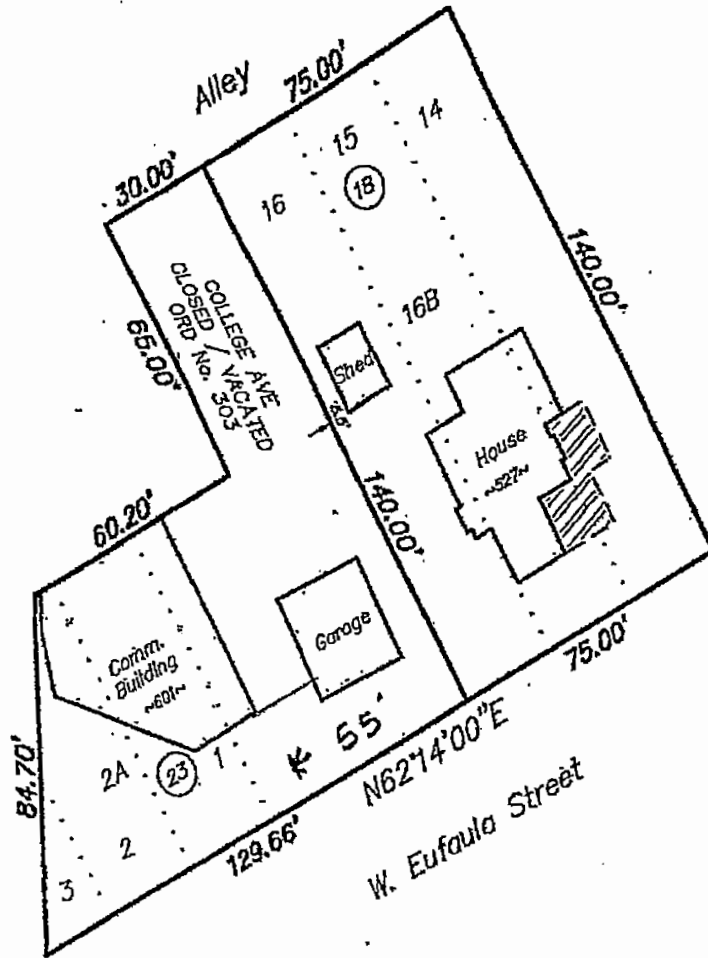
<sup>vi</sup> Exhibit A was modified to delete any reference to a future stage area.

## **EXHIBIT A**

### **PROPOSED SPUD SITE DEVELOPMENT PLAN**

# EXHIBIT A-1

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



<b>LEMKE LAND SURVEYING, LLC</b> 3225 WART CORNER DRIVE, NORMAN, OK 73062 PH (405) 502-2241 FAX (405) 502-2240 CA # 0678 <a href="http://www.lemke-llc.com">http://www.lemke-llc.com</a>		Surveyed By: _____ Drawn By: BW/SA Approved By: BW Date: 12/7/2021 Scale: 1" = 40' Project No: 01818921	Project: Project Location: LOT 16B, BLOCK 18 & LOT 2A, BLOCK 23 of T.R. WAGGONER'S FIRST ADDN, NORMAN, OK Client: BOB THOMPSON MIDWAY DELI	Sheet Number: <b>2</b> Sheet 2 of 3
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HA01818921.00 627 W Eufaula Fire\DS\_01818921-Lot Line Adjustment\_CSD2019.dwg 12/10/2021 11:46:17 AM



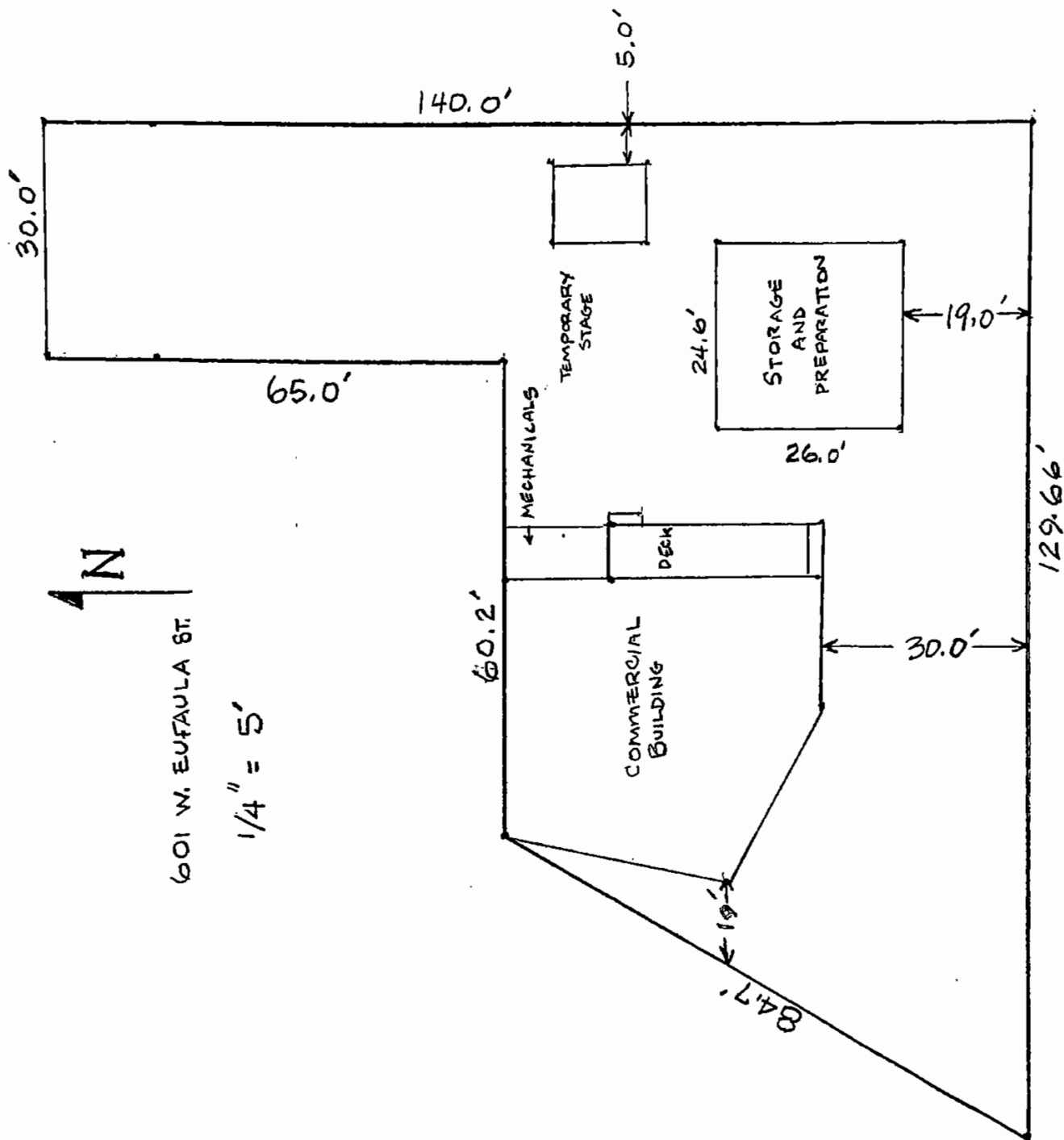


EXHIBIT A-2  
PROPOSED SITE DEVELOPMENT  
PLAN - ENLARGED

N

(NO CHANGE)

207  
CHAUTAUQUA

LAWN

527  
W EUPAULA

601 WEST  
EUPAULA  
STORE  
BUILDING

SEATING  
AREA

STAGE  
AREA

GARAGE  
& OFFICE