

BATTISON ADDITION

NORMAN, OKLAHOMA

A PROJECT BY BATTISON PROPERTIES, LLC

PLANNED UNIT DEVELOPMENT
APPLICATION FOR:
PUD REZONING,
2025 PLAN CHANGE, AND
PRELIMINARY PLAT

2 March 2020
Revised May 29, 2020

PREPARED BY:

THE RIEGER LAW GROUP PLLC
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136 Thompson Drive
Norman, Oklahoma 73069-5245

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I. INTRODUCTION

This BATTISON ADDITION project (the “**Addition**”) is proposed as a Planned Unit Development of roughly 5.504 acres, in Ward 8 of the City of Norman (see attached **EXHIBIT A**). The Addition lies on the west side of North Interstate Drive, generally at the Northwest corner of the intersection of North Interstate Drive and West Franklin Road.

This Application is intended to put forth the parameters for which commercial uses may be developed on the Property. Through the use of this PUD, the Addition may be developed in a more tailored manner than the property would develop under general commercial zoning districts.

II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

A. Location

The Addition lies on the west side of North Interstate Drive, generally at the Northwest corner of the intersection of North Interstate Drive and West Franklin Road

B. Existing Land Use and Zoning

The property is currently zoned A-2, Rural Agricultural District, although the land fronts Interstate 35 and is 2025 Planned for the far more intense Medium Density Residential. The property is located within Special Planning Area 5 of Norman’s 2025 Plan, which seeks to (i) assure appropriate ingress and egress to mitigate potential traffic impacts on 36th and Franklin; (ii) address potential impacts on adjoining residential areas, especially along the north boundary; and (iii) reflect the importance of the site relative to the planned Community Park. The Applicant satisfies these conditions through the development criteria contained in this PUD.

The east side of the tract fronts on the frontage road of Interstate 35, N. Interstate Dr., and the site is just a short distance south of the Indian Hills Rd. and I-35 interchange, which is anticipated to be updated in coming years. To the north of the site are large ponds that buffer the site from the Community Christian School athletic facilities farther north. A substantial part of the southern area of the site is completely covered by floodplain and what will become Water Quality Protection Zone (“WQPZ”) upon final platting of the property. Further to the south, across Franklin Road, is the Ruby Grant Park. To the west is unimproved land between the site and another large area of floodplain and stream planning corridor.

C. Elevation and Topography

The site consists generally of unimproved vacant land. The site is uniquely surrounded by flood plain and stream planning corridor zones. The site lies uniquely in a pocket in between these natural features, which cannot be developed, and therefore is well buffered from neighbors farther to northwest and the park farther to the south.

D. Drainage

A Drainage Impact Analysis has been prepared to illustrate the detention requirements and the solutions planned for the site. The Developer proposes storm water management in compliance with all City ordinances and regulations.

E. Utility Services

Many of the required utility systems for the project (including water, sewer, gas, telecommunications, and electric) are currently located in relatively near proximity to the site and will be extended as necessary to the site.

F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by Owner provided building fire protection where required by building and fire protection codes in the structures.

G. Traffic Circulation and Access

The only vehicular access to the site would be provided by way of North Interstate Drive along the east side of the property. No other access points will be provided to the site.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Addition shall be developed as depicted on the site plans and development plans as submitted with this application. The intent of this submittal is that the development shall be required to develop the site in substantial conformance to the preliminary site development plan submitted herewith. Therefore, the Exhibits attached hereto are incorporated herein by reference and further generally depict the development criteria for the Addition in conjunction with the written narrative herein.

A. Commercial District

Uses Permitted:

It is the intent of this PUD to allow the Property to contain any allowable use under the City of Norman's current C-1, Local Commercial District, without the allowance for a marijuana dispensary, marijuana grow facility, marijuana

researcher, marijuana education facility, or marijuana processor on the Property. In addition, this PUD allows for one additional permitted use (beyond the above C-1 uses) of: New automobile sales and services, used automobile sales, automobile and machinery repairing if conducted wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junk yards. An exhaustive list of the allowable uses for the Property is attached hereto as **Exhibit D**.

Area Regulations:

- (a) Front yard: All buildings shall be set back from any abutting street right-of-way at least ten (10) feet. Across the entire front, a minimum ten (10) foot landscape strip shall be installed, which may not be encroached upon by parking.
- (b) Side Yard: not less than five (5) feet.
- (c) Rear yard: not less than twenty (20) feet.
- (d) Parking Canopies and similar covered parking structures to protect vehicles shall be allowed to be constructed within the setbacks listed above.

Height Regulations:

No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.

B. Miscellaneous Development Criteria

1. Sanitation

All dumpsters shall be located to the extent approved by City sanitation services, and will be constructed in accordance with all applicable City solid waste container enclosure standards.

2. Signage

All signage shall be in conformance with the City of Norman's commercial zone sign standards, and as such standards are amended from time to time by the City.

3. Traffic access/circulation and sidewalks

The only proposed access drive for this PUD will be from North Interstate Drive. No access to the site may occur on any other right of way. Landscape treatments will accommodate all City of Norman traffic sight triangle requirements.

All public sidewalks will be at least five feet (5') wide, constructed to City of Norman Standards.

4. Lighting

All exterior lighting shall comply with the City of Norman Commercial Outdoor Lighting Standards.

5. Open Space

The site plan submitted offers 1.12 Acres of green space, within the roughly 5.504 Acre property. Therefore, the amount of green space on the property computes to roughly 20.3%.

6. Landscaping

Landscaping shall be provided in conformity to City of Norman ordinances, as amended from time to time. Additionally, a tree line shall be planted along a portion of the north boundary of the Property, roughly depicted on **Exhibit E**. Trees shall be planted at a maximum of thirty (30) feet apart along the tree line. All trees to be planted on the Property shall be of a minimum of 2-inch caliper and shall be of the type listed on the tree species list attached hereto as **Exhibit E**.

7. Parking

Parking will meet or exceed the requirements of Norman's ordinances.

8. Exterior Materials

The exterior materials of the building to be constructed on the property may be brick, stone, synthetic stone, stucco, EIFS, masonry, metal accents, and any combination thereof.

EXHIBIT A

Proposed Preliminary Plat

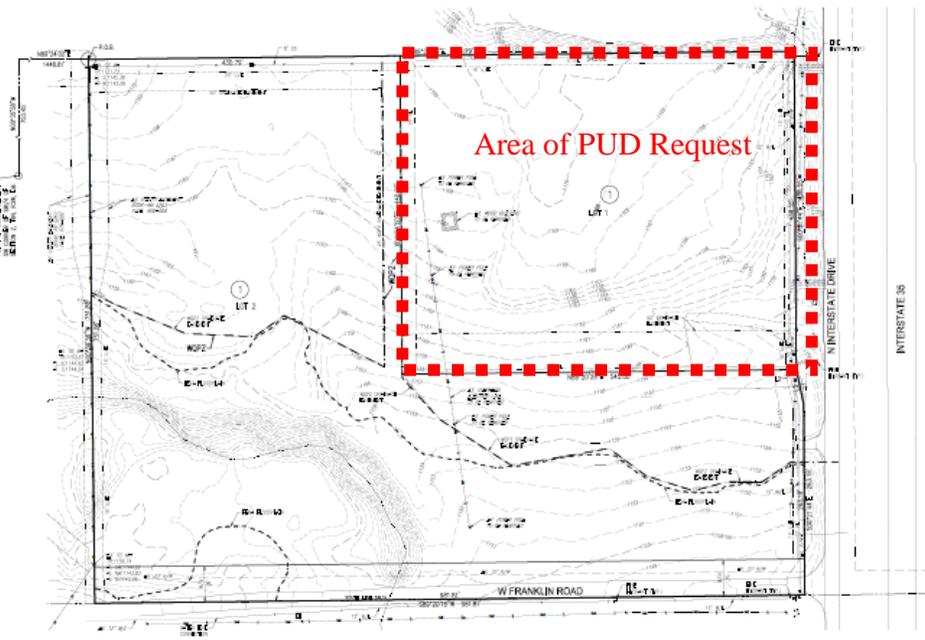
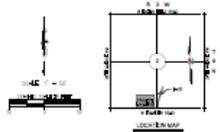
Full Sized Documents Provided to City Staff

(Note that the Preliminary Plat extends beyond the boundaries of the PUD zoning being put forth herein. This PUD zoning does NOT change the zoning of the areas within the Preliminary Plat that are beyond the area of the PUD zoning herein).

L I E T H E		
OR	BY	REV
L	1	01/15/2014
L	2	02/10/2014
L	3	03/10/2014

ZONING	
USE	RESIDENTIAL
TYPE	LOT
TYPE	LOT
TYPE	LOT

PRELIMINARY PLAT
OF
BATTISON AUTOMOTIVE
A PLANNED UNIT DEVELOPMENT
A PART OF THE SW/4 OF SECTION 2, T9N, R3W, 1M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



LOT COVERAGES	
LOT 1	100%
LOT 2	100%

- NOTES**
1. All areas shown on this plat are subject to the provisions of the Oklahoma Uniform Planned Development Act, 101 O.S. § 10-1-1 through 101 O.S. § 10-1-10.
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 10. All areas shown on this plat are subject to the provisions of the Oklahoma Uniform Planned Development Act, 101 O.S. § 10-1-1 through 101 O.S. § 10-1-10.

LEGAL DESCRIPTION

That certain portion of the SW/4 of Section 2, Township 9 North, Range 3 West, Meridian 1, containing approximately 100.00 acres, more or less, as shown on the attached plat, and as more fully described in the accompanying plat.

BATTISON AUTOMOTIVE

Crafton Tull

1 of 2
06/07/20
20600200

EXHIBIT C

Legal Description and graphic of the PUD District

A tract of land situate within a portion of the Southwest Quarter (SW/4) of Section Two (2), Township Nine North (T9N), Range Three West (R3W) of the Indian Meridian (I.M.) in Norman, Cleveland County, Oklahoma, being more particularly described as follows: COMMENCING at the Southwest corner of said SW/4, marked by a 1/2" Iron Pin found in place; thence

N 00° 35' 58" W along the West line of said SW/4 (being the basis of bearing for this description) a distance of 313.89 feet; thence

N 89° 24' 02" E a distance of 1878.07 feet to the POINT OF BEGINNING; thence

N 00° 24' 00" W a distance of 440.00 feet to a point on the South line of Tracts One (1) and Two (2) as described in the certain special warranty deed filed in the Office of the Cleveland County Clerk in Record Book 5981 on Page 356, being a line monumented Westerly by a 3/8" Iron Pin with cap stamped "DTM CA6391" found in place and Easterly by a 3/8" Iron Pin with cap stamped "CA974" found in place; thence

N 89° 20' 29" E a distance of 545.00 feet to point on the Westerly Right of Way line (R/W) of Interstate Thirty-Five (I-35) same being monumented by said 3/8" Iron Pin "CA974"; thence along said R/W line the following Two (2) courses:

1. S 00° 21' 44" E a distance of 438.55 feet; thence
2. S 11° 40' 44" E a distance of 1.48 feet; thence

S 89° 20' 29" W a distance of 545.00 feet to the POINT OF BEGINNING.

Said tract contains 239,736 Sq Ft or 5.504 Acres, more or less.

This Legal Description was written by Denver Winchester, PLS 1952 on January 16, 2020.

City of Norman WebMap

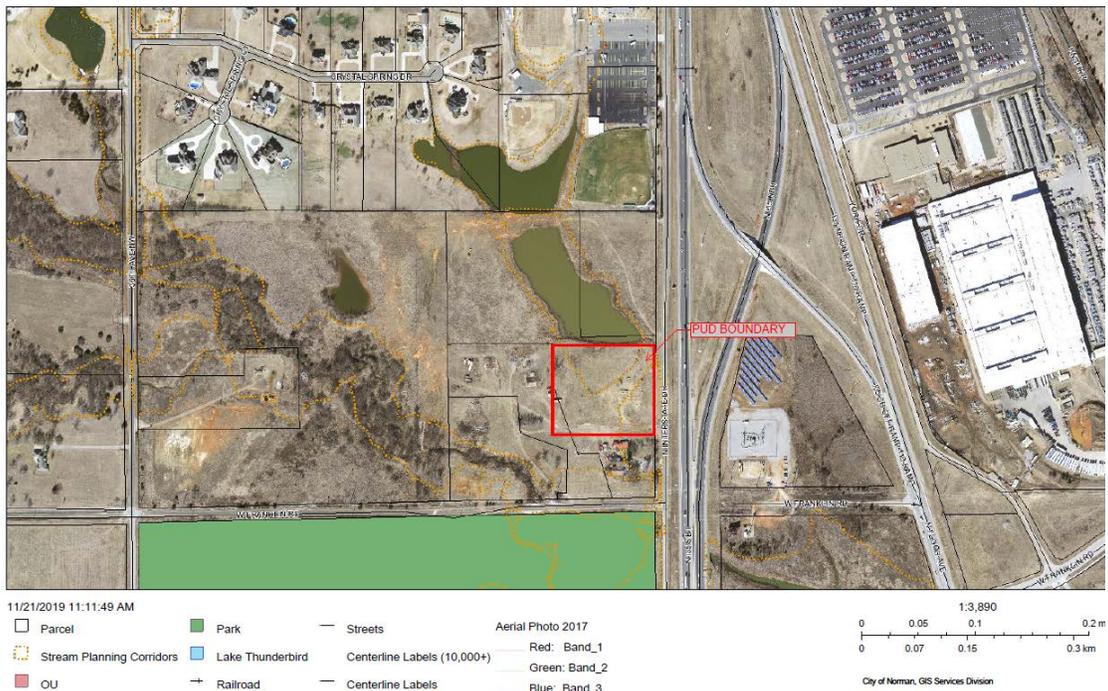


EXHIBIT D
Allowable Uses

Commercial Uses:

(for purposes of familiarity, this list is based on the City of Norman's C-1, Local Commercial District. In the event of any ambiguity or conflict between the City of Norman's C-1, Local Commercial District Ordinance and this list, this list shall control)

(a) Any use permitted in CO.

(b) New automobile sales and services, used automobile sales, automobile and machinery repairing if conducted wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junk yards. Together with incidental services, sales, office, and other uses accessory to such automobile sales.

(c) The following uses shall be permitted provided that no individual use shall exceed a Gross Floor Area of 35,000 square feet and that no outdoor storage or display of materials or goods is permitted:

Antique shop.

Appliance Store.

Artist materials supply, or studio.

Automobile parking lots.

Automobile supply store.

Baby shop.

Bakery goods store.

Bank.

Barber shop, or beauty parlor.

Book or stationery store.

Camera shop.

Candy store.

Catering establishment.

Child care establishment.

Clothing or apparel store.

Dairy products or ice cream store.

Delicatessen store.

Dress shop.

Drug store or fountain.

Dry Cleaning and Laundry Plant with no more than three (3) dry cleaning machines and/or Laundry Pick-up Station

Dry goods store.

Fabric or notion store.

Florist.

Furniture Store

Gift Shop.

Grocery or supermarket.

Hardware store.

Hotel or motel.

Interior decorating store.

Jewelry shop

Key shop.
Leathergoods shop.
Messenger or telegraph service.
Office business.
Outdoor or indoor courts for handball, racquet ball, tennis, or sports activity of a similar nature (lighted outdoor courts shall not to be operated later in the evening than 10:00 p.m. and lighting must be arranged to direct light away from any adjoining property in a residential district).
Painting and decorating shop.
Pet shop.
Pharmacy.
Photographer's studio.
Radio and television sales and service.
Restaurant. A restaurant may include 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 spirits store.
Self service laundry.
Sewing machine sales.
Sporting goods sales.
Shoe store or repair shop.
Tailor shop.
Theater (excluding drive-in theaters), including one that sells alcoholic beverages in compliance with state law.
Toy store.
(d) Any other retail store, shop or establishment serving the neighborhood in the manner stated above which in the opinion of the Planning Commission is similar in character to those above enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property.
(e) Name plate and sign relating only to the use of the store and premises or products sold on the premises.
(f) Accessory buildings used primarily for any of the above enumerated purposes may not have more than forty (40) percent of the floor area devoted to purposes incidental to such primary use.
NOTE: The following uses are specifically prohibited: Laundry and dry cleaning establishments where cleaning or laundering is done on premises, major auto repairs, and manufacturing.
(g) The following uses may be requested as a Special Use, pursuant to the City of Norman's process for Special Use Allowances:
 (a) Emergency Medical Transportation Services.
 (b) Funeral parlor, mortuary, and crematorium so long as the crematorium is attached to the funeral parlor or mortuary and complies with the following conditions and requirements:
 (1) Any building which incorporates a crematorium use shall meet the setback requirements of the underlying zoning district.
 (2) Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.
 (3) All storage shall be inside.
 (4) Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.

(c) Mixed building in which one or more dwelling units may be located on the second floor provided that:

- (1) First floor use is a permitted use in the district;
- (2) Only two-story structures are involved;
- (3) The minimum area of a lot shall be 6,000 square feet;
- (4) The ratio of floor area to lot area shall not exceed six tenths (0.6).

(d) Automobile Service Station.

(e) Liquified Petroleum Gas sales and storage, when such use is clearly subordinate and accessory to the primary usage of the property.

(f) Municipal use, public buildings and public utility.

DECIDUOUS TREES	HEIGHT	SPACE	CHARACTERISTICS
<u>Acer ginnala</u> Amur Maple	15-25'	15-20'	Drought tolerant
<u>Acer rubrum</u> Red Maple	50'	30'	Drought tolerant
<u>Acer saccharum</u> Caddo Sugar Maple	50-75'	30-50'	Drought tolerant *OP
<u>Betula nigra</u> River Birch	60-70'	40'	Drought tolerant
<u>Cercis Canadensis</u> 'Oklahoma' Oklahoma Redbud	15-30'	10-15'	Drought tolerant *OP
<u>Chilopsis linearis</u> Desert Willow	15-20'	10-15'	Drought tolerant
<u>Eleagnus angustifolia</u> Russian Olive	25'	15'	Drought tolerant, very tough
<u>Fraxinus pennsylvanica lanceolata</u> Urbanite Ash	40-70'	20-30'	Drought tolerant
<u>Ginkgo biloba</u> Chinese Maidenhair	20-40'	15-25'	Drought tolerant
<u>Gleditsia triacanthos</u> Thornless Honeylocust	40-60'	30'	Drought tolerant
<u>Gymnocladus dioica</u> Kentucky Coffee Tree	60'	30'	Drought tolerant *OP
<u>Koelreuteria paniculata</u> Goldenrain Tree	40-60'	30-40'	Drought tolerant
<u>Malus spp. 'Prairifire'</u> Crabapple	20'	15'	Drought tolerant *OP
<u>Nyssa sylvatica</u> Black Gum	80'	40'	Drought tolerant *OP
<u>Pistache chinensis</u> Chinese Pistache	30-50'	15-25'	Drought tolerant *OP
<u>Platanus acerifolia</u> London Planetree	65-90'	25-50'	Drought tolerant
<u>Quercus macrocarpa</u> Bur Oak	70'	50'	Drought tolerant *OP
<u>Quercus nigrea</u> Water Oak	40-90'	20-40'	Drought tolerant

DECIDUOUS TREES	HEIGHT	SPACE	CHARACTERISTICS
<u>Quercus rubra</u> Northern Red Oak	60-80'	25-30'	Drought tolerant
<u>Quercus shumardii</u> Shumard Oak	40-90'	20-40'	Drought tolerant *OP
<u>Sapindus drummondii</u> Western Soapberry	25-40'	15-25'	Drought tolerant
<u>Taxodium distichum</u> Bald Cypress	70'	35'	Drought tolerant *OP
<u>Ulmus Americana</u> var. American Elm-Dutch Elm resist	60'	40'	Drought tolerant
<u>Ulmus crassifolia</u> Cedar Elm	60'	30'	Drought tolerant *OP
<u>Ulmus parvifolia</u> Lacebark Elm	40-60'	30-40'	Drought tolerant

EVERGREEN TREES	HEIGHT	SPACE	CHARACTERISTICS
<u>Cedrus atlantica</u> Atlas Cedar	15-25'	12-15'	Drought tolerant
<u>Cupressus arizonica</u> Arizona Cypress	20-40'	6-8'	Drought tolerant *OP
<u>Euonymus kiautschovicus</u> Spreading Euonymus	4-7'	3-4'	Drought tolerant
<u>Ilex cornuta</u> Chinese Holly	6-8'	4-5'	Drought tolerant
<u>Ilex opaca</u> American Holly	12-25'	6-8'	Semi-Drought tolerant
<u>Ligustrum lucidum</u> Wax Leaf Privet	5-6'	3-4'	Drought tolerant
<u>Pinus ponderosa</u> Ponderosa Pine	20-25'	6-10'	Drought tolerant
<u>Pinus taeda</u> Loblolly Pine	60-80'	30-50'	Drought tolerant