

## Amended and Restated

### University North Park PUD Development Plan

November 2015

Background: In 2002, the Board of Regents of the University of Oklahoma ("Owner/Applicant") submitted a Development Plan for approximately 585 acres owned by the Applicant, together with off-site detention easements, as a Planned Unit Development ("PUD"), located East of I-35 and West of existing airport runways, running North from Robinson Street to Tecumseh Avenue LESS AND EXCEPT the North 1,226.5 feet lying West of 24<sup>th</sup> Avenue NW, (hereinafter referred to as "the Property"). A PUD Application and Preliminary Plat were submitted concurrently with that Development Plan. The PUD, the Development Plan, and Preliminary Plat were duly approved by the City Council of Norman, Oklahoma, on August 27, 2002. On October 11, 2005, the Norman City Council approved the First Amendment to the PUD Narrative by Ordinance O-0506-9 which permits the Owner/Applicant to sell or lease unplatted portion of forty (40) acres or more. Subsequently, the Owner/Applicant sold a portion of the 585 acres. Development has begun on the areas originally designated as "SDA #3, SDA #4, and SDA #5" on the original Preliminary Plat, part of which is now designated and recorded as the Final Plat of UNIVERSITY NORTH PARK ADDITION, Section One. In addition, a Master Plan has been developed for the South Half of the Property. As to the North Half of the Property, it is still impossible, at this juncture, to realistically outline building footprints. As specific users come forward, final plats and site plans will be submitted for City review and approval.

The Amended and Restated Narrative in Ordinance No. O-0607-13 replaced, in their entirety, the original 2002 PUD Narrative and its 2005 First Amendment.

It is still appropriate to impose significant standards, restrictions and requirements on the development of the Property.

The City of Norman has long owned forty acres of land which abut the subject PUD tract. This forty acre tract lies at the south ends of the existing airport runways. Years ago, the City leased said forty acres to the University of Oklahoma ("The University"), with the stipulation that the University would operate and maintain the land as a municipal airport. The University has satisfied, and continues to satisfy, that obligation to operate a municipal airport. The University is still under an obligation to the FAA to include the following reservations and restrictions in all deeds conveying any part of the Property:

1. Reserving air space above the Property for aircraft, with attendant noise, operating from Westheimer Airpark;
2. Restricting height of structures, vegetation and obstructions; and
3. Restricting use of land that would interfere with landings and takeoffs at Westheimer Airpark, or that would otherwise constitute an airport hazard.

The following Exhibits, submitted by the firm of SMC Consulting Engineers, P.C., are made a part of this Planned Unit Development:

Exhibit A-Revised Preliminary Plat dated 8/14/06 and subsequently revised as presented to Council on 12/12/06;

Exhibit B-Revised Traffic Impact Analysis dated 8/14/06;

Exhibit C-Revised Preliminary Development Plan Map dated 8/14/06 as revised for Council on 12/12/06;

Exhibit D-Revised Streetscape/Landscape/Greenway Plan dated 8/14/06;

Exhibit E-Revised Drainage/Detention Plan dated 8/14/06 and revised 9/22/06;

Exhibit F-University North Park (South Half) Master Signage Plan dated 8/14/06 (prepared by architect);

Exhibit G-Legal Description, University North Park (SDA-1) Purchase Tract;

Exhibit G-1-Location Map, UNP Business Center;

Exhibit H- Amended uses to a portion of the south half of UNP to allow a bar, lounge or tavern; live entertainment venue; and mixed buildings as permitted uses.

**Exhibit I – Amended use to a portion of the south half of UNP to allow for seasonal use of a stage for outdoor live entertainment located in the area as shown on Exhibit I.**

USE: In the accompanying revised Preliminary Plat and Revised Preliminary Plan Map Exhibits, the South Half of the Property is divided into Ready Building Areas (“RBA”) 1A, 1B, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, along with Legacy Park, RBA-LP. The North Half of the Property is not divided into lots and blocks. At this juncture, the Applicant has no way of knowing what configuration for a lot, or what specific use, any particular Buyer/Tenant might want for all or any part of said North Half. Accordingly, as to said North Half, the Revised Preliminary Plat simply divides the Property and designates separate Sub-Development Areas (“SDA”). The RBAs and the SDAs are expected to be developed successively, each over a period of three (3) years. However, this does not preclude two or more RBAs and/or SDAs being developed within the same time frame. While the entire Property could take twenty-one (21) years to develop, it is contemplated that full development will be accomplished in a lesser time. Approval of a Final Plat for any part of an RBA or SDA will contemplate that Final Plat(s) for all of that particular RBA or SDA will be submitted within three (3) years thereafter. However, water and sewer improvements for an entire RBA or SDA will be installed, for that particular RBA or SDA, at the time the first part of that particular SDA is developed. [NOTE: Tracts X1 and X2, as shown on Exhibit A (Revised Preliminary Plat) and Exhibit C (Revised Development Map), are not RBAs or SDAs. Tracts X1 and X2 (which were referred to as 3A and 4A on the original Preliminary Plat) will accommodate street,

utility, parking, detention, and airport purposes. Tract X1 and X2 will be landscaped, and any parking thereon will be subject to a fifty (50) foot setback line, and there will be no curbcuts, driveways or other access from either X1 or X2 directly onto Robinson Street.] Owner/Applicant proposes the following-described uses for all 585 acres of the Property, relating to the total developed land area, less rights-of way, as follows:

INDUSTRIAL-not more than fifty percent (50%) of total;

COMMERCIAL-not more than fifty percent (50%) of total;

OFFICE-not more than fifty percent (50%) of total;

RESIDENTIAL-not more than thirty percent (30%) of total.

The terms used, immediately above, are defined to mean:

“Residential”-Any uses currently permitted as a matter of right in the RM-6 zoning district of the City of Norman;

“Commercial”- Any uses currently permitted as a matter of right in the C-2 zoning district of the City of Norman; **except the land included on ‘Exhibit I’ also allows the following use:**

- **Seasonal use of a stage for outdoor live entertainment located in the area as shown on Exhibit I and defined as follows:**

*Outdoor Live Entertainment: Allowing outdoor live entertainment within the area designated on the site plan (Exhibit I). The outdoor live entertainment will occur seasonally, weather permitting, and during business hours, so long as said outdoor live entertainment does not interfere with any permitted or City organized activities at the adjacent parkland.*

“Industrial”-Any uses currently permitted as a matter of right in the I-1 and M-1 zoning districts of the City of Norman; and

“Office”-Any uses currently permitted as a matter of right in the O-1 and C-O zoning districts of the City of Norman.

With respect to SDA #1, Owner/Applicant specifically states that it is limited to industrial, office and/or residential uses, only, and that no commercial uses will be developed on SDAs #1, #2, #6 or #7. Further, 72 acres of the net 88 acres in SDA #6 will be solely devoted to multi-family residential at a density of 18 units per acre. (It should be noted that, since no actual end-users for the North Half of the Property are known at this time, the land-use limitations in the preceding two sentences are subject to revision, contingent on an acceptable TIA for any such revisions.) Further, the maximum Floor Area Ratio (“FAR”) for each land use category, for the entire PUD, shall be as follows: .40 Residential; .20 Commercial; and .15 Industrial.

**SALES, FINAL PLAT AND TAXES:** The terms “Owner”, “Applicant” and “Owner/Applicant” should each be, and are, deemed to include the University of Oklahoma Foundation, Inc., (“Foundation”) an Oklahoma not-for-profit corporation having the University as its exclusive beneficiary (including a wholly-owned subsidiary of the Foundation), as well as the University of Oklahoma. Owner/Applicant may sell or lease unplatted portions of forty (40) acres or more of the Property to a Buyer/Tenant. Such Buyer/Tenant must first submit a Final Plat and a Site Plan to the Owner/Applicant for review and approval. No building permit can be issued prior to the approval of a Final Plat by the City of Norman. Subject to the preceding four sentences, Owner/Applicant will not sell or lease unplatted portions of the Property to any Buyer/Tenant. All Final Plats and building permits will be subject to then-applicable ordinances and regulations of the City of Norman and to fees connected therewith. In the event that Owner/Applicant or any other tax-exempt entity leases any part of the Property to any entity, or uses any part of the Property for any purpose, that is not entitled by law to be exempt from paying ad valorem taxes, then and in all such events, the owner(s) of such tract(s) will be required to pay to the County Treasurer of Cleveland County an in-lieu tax in an amount of the ad valorem tax that would otherwise be payable. Such in-lieu taxes will be due and payable at the time or times such ad valorem taxes would otherwise be due and payable.

**WATER WELLS:** There are existing water wells in the PUD tract, currently capable of producing non-potable water. Owner/Applicant reserves the right to use such non-potable water for irrigation and/or manufacturing purposes only.

**QUALIFICATION OF BUYER/TENANT:** Whenever the Owner/Applicant (meaning the University, the Foundation or the Foundation’s wholly-owned subsidiary) receives a written offer to buy or lease any party of the Property, such offer will be referred to and examined by a committee appointed by the President of the University or the President of the Foundation, as the case may be. The President of the University of Oklahoma (or his/her designee) shall serve as a member of any such Committee which is appointed by the President of the Foundation. If a contract is then executed by Owner/Applicant and the Buyer/Tenant, a Final Plat and required accompanying documents will be prepared. Upon approval of such Final Plat and related documents, the development of the Buyer/Tenant’s lot may be started.

**ACCESS:** Primary access to the Property will be from existing 24<sup>th</sup> Avenue NW. The submitted Revised Preliminary Plat contains easements sufficient to accommodate a new frontage road along the westerly boundary of the Property, with connections to I-35.

With respect to such I-35 connections, ingress and egress points for North-bound traffic on Interstate Highway 35 may be constructed. The construction of an interchange over I-35, at Rock Creek Road, will be dependent on funding by the Oklahoma Department of Transportation (“ODOT”). It is hoped that such interchange will be constructed in connection with widening of I-35. The point currently shown, where the easement for the south end of a new frontage road ties into Robinson Street, is subject to adjustment, depending on final decision from highway officials having jurisdiction. The precise points where the easement for such frontage road ties back into Tecumseh Road,

Robinson Street, Rock Creek Road or 24<sup>th</sup> Avenue NW may be relocated by the requirements of the buyer/tenant(s) of the lot(s) in such area(s), if highway officials having jurisdiction approve any such relocation.

The Revised Traffic Impact Analysis ("TIA") Exhibit B reflects total current buildout limitations, based on the realization that no portion of the I-35 Interchange at Rock Creek Road is either in existence or authorized. As Final Plats are submitted, if the Interchange at Rock Creek Road is not under contract or has not been built, each such Final Plat must adequately accommodate traffic, without the Interchange. A detailed TIA, to be submitted with each Final Plat, must embrace traffic considerations for the entire RBA or SDA within which any Final Plat is located. If any such Final Plat, along with any proposed improvements, will generate traffic in excess of "Level Service D" during peak hours for any intersections identified in the TIA, Owner/Applicant understands and agrees that such Final Plats will not be considered by the City of Norman. Owner/Applicant hopes to gain approval of the construction of the I-35 Interchange at Rock Creek Road. It is important to note that the estimated maximum Floor Area Ratio ("FAR") percentages, shown in Revised TIA Exhibit B, apply to the entire PUD land area, and not to any particular RBAs or SDAs. A Final Plat may be submitted for all or any part of an RBA or SDA, with the FAR percentage for any particular land use exceeding the maximum percentage estimated in the Revised TIA Exhibit B for the entire PUD, for that particular land use. The maximum square footage of each use category for the entire PUD is stated in Revised TIA Exhibit B.

Because no alleyways have been proposed on the Preliminary Plat, all lots smaller than three (3) acres in size, or which share access to public streets, will provided internal connections with cross-access easements to adjacent lots to facilitate deliveries, traffic flow and sanitation service. In SDA#1, there will be no more than three (3) curb cuts onto 24<sup>th</sup> Avenue NW, to be used as shared driveways by a maximum of six (6) platted lots in SDA#1. Throughout the PUD, driveway/curb cuts will: (A) be at least one hundred fifty feet (150') from a street intersection; and (B) be at least one hundred fifty feet (150') apart; and (C) not be permitted within "stacking" lanes for turning movements on streets. The sharing of common driveways, by adjoining lots, along with cross-access easements, will be utilized to the maximum extent practical. Median cuts in the South Half of the Property will be limited to those shown on the approved Revised Development Plans Map (Exhibit C).

**LANDSCAPING/STREETSCAPING/GREENWAY:** At least fifteen percent (15%) of the net area of the Property will be designated as open space. The project will fully comply with all Norman ordinances and regulations relating to landscaping and drainage detention. On-site landscaping (including "streetscaping", as hereinafter defined) will be installed when a Building Permit is issued for an approved Final Plat. Definitions of terms used herein are:

"arterial streets"-24<sup>th</sup> Ave. NW and I-35 Service Road and Rock Creek Road;

"interior streets"-All other public streets, other than arterial streets, within the development;

“streetscaping”-On individual lots, trees bordering interior streets and arterial streets; In common areas, all trees and all other vegetation; and

“landscaping”-Trees, other than streetscaping, plus all other vegetation on any given lot.

For the property described on Exhibits “G” and “G-1” the required streetscape buffer strip along the east side of 24<sup>th</sup> Avenue will be maintained at five (5) feet.

Streetscaping, as well as landscaping, must be shown on a Final Plat, including irrigation. Actual construction of streetscaping and landscaping on any Final Plat can be deferred to the time a building permit is issued for an approved Final Plat.

The owner of any given lot will always be responsible for the installation and maintenance of landscaping, plus the installation of streetscaping on each such lot, plus the installation and maintenance of any detention area which is wholly or partially contained within such lot.

The installation and maintenance of any and all streetscaping in medians and common areas (along with the operation and maintenance of all common drainage/detention areas and any other commons areas) will always be the responsibility of a mandatory Property Owners Association (“POA”), which has been formed by Owner/Applicant, pursuant to the First Amended and Restated Declaration of Covenants and Restrictions executed by the Owner/Applicant and others and filed on March 13, 2006, in Book 4145, Pages 213-257, Cleveland County Clerk’s Office (“the Restrictive Covenants”). Installation, or bonding for installation, shall occur in adjacent medians, prior to the issuance of a Certificate of Occupancy. Notwithstanding the provisions of the Restrictive Covenants (or any other covenant between adjoining landowners), the City of Norman can discharge its legal obligation to notify responsible parties by notifying only the POA of the need for maintenance and the possibility of a lien if the City has such maintenance performed.

Current Norman ordinances would require two five foot (5') wide sidewalks, one on each side of 24<sup>th</sup> Avenue NW, each running the entire north-south length of the Property. Instead, Applicant proposes to provide appropriate easements and will cause to be built, and have the POA maintain, a ten-foot (10') wide “multi-purpose trail” along the entire east side of 24<sup>th</sup> Avenue NW, as it runs through the PUD. The remaining sidewalks will be on both sides of Rock Creek Road, between 24<sup>th</sup> Avenue NW and the I-35 Service Road easement. Such trail and sidewalks will provide connections to existing City “greenway” trails. In any residential areas, additional sidewalks may be required, pursuant to Norman Ordinances.

**PARKING AND OFF-STREET LOADING:** All uses within the PUD shall comply with the off-street parking and loading requirements, and related landscaping provisions, provided by applicable Norman ordinances, subject to the following: Owner/Applicant has confirmed that the various use to be made of the Property will not, in all cases, require as much parking space as is prescribed by current Norman ordinances. Accordingly, owners may submit revised Site Development Plans and

Preliminary Plats showing less than the amounts required by Norman ordinances for parking for any specific lot(s), for the consideration of the City of Norman.

**BUILDING LIMITATIONS:** The building heights on each individual lot shall be governed by applicable FAA Regulations and by restrictions identified within the PUD. Setbacks and coverages on each individual lot shall be governed by applicable FAA Regulations and City of Norman ordinances, subject to the provisions of this PUD Narrative. All buildings must observe a fifty foot (50') front building setback line. Provided, however, on a Commercial lot which provides parking at the rear and/or side of a store, (where no parking is provided in front of the building, a twenty foot (20') front building setback line is permissible.

For the property described on Exhibits "G" and "G-1" the required front building setback line shall be twenty-five (25) feet.

**DRAINAGE/DETENTION:** A regional drainage solution, embracing the entire area within the PUD, is submitted as Revised Exhibit E. It exceeds City of Norman requirements. Detention plans for the PUD are discussed, in general, in Revised Exhibit E. Specific detention plans will be submitted with each Final Plat, as required by Norman ordinances. All off-site drainage detention areas will be conveyed as non-exclusive easements to the POA, for the use and benefit of the PUD, by separate instruments.

**PROPERTY OWNERS ASSOCIATION:** A mandatory POA (University North Park Association, LLC, 100 Timberdell Road, Norman, OK 73019) has been created, to operate and maintain the detention/drainage and other common areas and the streetscaping areas within the entire PUD, all as shown on attached Revised Exhibits. Installation and maintenance of landscaping is the responsibility of the individual lot owner.

**BUILDING DESIGN AND MATERIAL:** Pursuant to Section 11 of the Restrictive Covenants, Owner/Applicant has appointed an Architectural Review Board ("ARB"). The ARB is to review and approve building design and material. Buildings throughout the PUD are to be compatible in design and in color. Buildings with metal exterior walls are prohibited in the PUD, except as specifically authorized, in writing, by the ARB. As to any such authorized metal building, any exterior wall which is exposed to a public street (including said I-35 Service Road) must be glass, concrete and/or masonry. If any masonry wall, on any building anywhere in the PUD, is built from concrete or concrete blocks, it must be covered with stucco or other comparable finish, and painted in colors compatible with surrounding buildings. No colors shall be utilized on exterior walls and/or exterior fixtures without the prior approval of the ARB. In addition to control over design and materials, the ARB will have final authority regarding exterior colors, if any disputes arise. Building design and materials must be made a part of any Site Plan submitted to the City of Norman, along with a Final Plat.

**SCREENING:** Items stored outside any enclosed building must be screened by a masonry fence which is tall enough to completely screen the stored items from the view of passing motorists and pedestrians. In no event shall such masonry fence be less

than six feet (6') tall. Such storage must be behind any applicable building setback lines. Automobiles, trucks, recreational vehicles, boats and similar fully finished products, which are part of inventories being offered for sale at retail, are expressly excluded from the screening requirement in this paragraph. At the time any Final Plat is submitted, it must specify any outdoor storage and/or sales area.

**SIGNS:** Each and every sign must comply fully with the Norman sign ordinance, except as specifically modified by Exhibit F University North Park Master Signage Plan, and by the following:

1. The setback for ground signs may be a minimum of ten feet (10'), which includes signs that can have an increased size under existing Norman ordinances, if set back an additional distance.
2. "Entry Signage" may be placed on opposite sides of the following streets: 24<sup>th</sup> Avenue NW, at Robinson; 24<sup>th</sup> Avenue NW, at the North end of SDA#6; and Rock Creek Road, at I-35 Service Road.

Any such "Entry Signage" sign cannot exceed one hundred (100) square feet and can bear only the name of this PUD Development.

3. Owner/Applicant will cause no more than one (1) "off-premises" billboard to be erected on the East side of I-35, on land embraced within this Application, on a site to be designated by Owner/Applicant which will be separated from any other existing billboards by at least one thousand feet (1,000'). Owner/Applicant expects to promptly convey title, by metes and bounds descriptions, to such billboard site to the Foundation. The Foundation is not a "school or public or quasi-public institution" within the context of the Norman sign ordinance. This one billboard within the PUD may be electronic and will be restricted to advertising only the University of Oklahoma, its programs, its activities and its people.

## TRANSPORTATION IMPROVEMENTS

- A. **TRAFFIC LIGHTS:** At a future date, there will be a need for traffic signals within the Property. To the extent that such traffic signals are not constructed and financed through the recently-approved TIF District for the Property, the Owner/Applicant requests the City of Norman to ask the Oklahoma Department of Transportation ("ODOT") to place each such traffic signal on the State system, to fund its construction. In such event(s), Owner/Applicant will contribute twenty percent (20%) of the cost of the construction of each such traffic signal, within sixty (60) days after the City of Norman delivers written certification to the Owner/Applicant that any such traffic signal is ready to be put out for bid. Owner/Applicant will furnish the engineering for each such light within ninety (90) days after the City of Norman delivers written request to the Owner/Applicant that such engineering be furnished.

In the event that the City has not received approval of State, Federal or other outside funding for any such traffic signal, at the time any Final Plat is



submitted, then as to each such “unfunded” signal, the engineer’s total estimate of the construction cost must be escrowed with the City by Owner/Applicant.

- B. OTHER IMPROVEMENTS: A Final Plat’s share of the cost of such other transportation improvements, as identified in the current or successive TIAs (including, but not limited to, widening, intersection improvements, right-of-way, utility relocation costs, etc.), must be assessed at the time of Final Plat approval and escrowed with the City of Norman at the time of obtaining a building permit.

RESTRICTIVE COVENANTS: Applicant prepared and filed the Restrictive Covenants, as more fully described, above. Such covenants cover, at a minimum, common maintenance, detention requirement and building design.