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**AGENDA FOR THE REGULAR MEETING OF THE
MIDWEST CITY PLANNING COMMISSION
April 2, 2024 – 5:00 p.m.
City Council Chambers
City Hall
100 North Midwest Boulevard**

For purposes of all meetings of the Midwest City elected and/or appointed officials, the term “possible action” shall mean possible adoption, rejection, amendments, and/or postponements, and/or recommendation to the City Council and/or Authorities.

A. CALL TO ORDER

B. MINUTES

1. Discussion and consideration of adoption, including any possible amendments of the minutes of the March 5, 2024 Planning Commission Meeting.
2. Discussion and consideration of adoption, including any possible amendments of the minutes of the March 11, 2024 Special Planning Commission Meeting.

C. ANNOUNCEMENTS

D. DISCUSSION

1. (PC-2166) Public hearing, discussion, consideration, and possible action for a Special Use Permit (SUP) to allow *Eating Establishments: Sit-Down, Alcoholic Beverages Permitted* in the (C-3) Community Commercial District for the property described as a part of the Northeast Quarter (NE/4) of Section Four (4), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 6620 E. Reno Ave.
2. (PC-2169) Public hearing, discussion, consideration, and possible action for a Special Use Permit (SUP) to allow *Eating Establishments: Sit-Down, Alcoholic Beverages not Permitted* in the (O-2) General Office District for the property described as a part of the Southeast Quarter (SE/4) of Section Thirty-Four (34), Township Twelve (12) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 2801 Parklawn Dr., Ste 102.
3. (PC-2170) Public hearing, discussion, consideration, and possible action of a resolution to amend the Comprehensive Plan from Low Density Residential Land Use to Commercial Land Use; and an ordinance to redistrict from Single-Family Detached Residential District (“R-6”) to Restricted Commercial District (“C-1”), for the property described as a part of the Northwest Quarter (NW/4) of Section Ten (10), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 105 E. Myrtle Dr., Midwest City.
4. (PC-2168) Public hearing, discussion, consideration, and possible action of a resolution to amend the Comprehensive Plan to maintain Office/Retail Land Use and to add High Density Residential Land Use; and

an ordinance to redistrict from Community Commercial District (“C-3”) to Planned Unit Development (“PUD”), for the property described as:

Parcel 1- Blocks five (5), six (6), seven (7), and eight (8) in Heritage Park Mall, a re-subdivision of Blocks 3, 4, and 5 of Miracle Mile Addition, an addition to Midwest City, Oklahoma County, Oklahoma, as shown by the recorded plat thereof, also addressed as 6707 E. Reno Ave., Midwest City, OK and;

Parcel 2- Lot three (3) in Heritage Park Mall, a re-subdivision of Blocks 3, 4, and 5 Miracle Mile Addition to Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof, also addressed as 6707 E. Reno Ave., Midwest City, OK.

5. (PC-2171) Discussion, consideration, and possible action on an ordinance amending Midwest City Code, Appendix A, Zoning Regulations, Section 5, Supplemental Regulations, Sub-Section 5.2.3, Fencing and Screening; and providing for repealer and severability.

E. COMMISSION DISCUSSION

F. PUBLIC DISCUSSION

G. FURTHER INFORMATION

H. ADJOURN

MINUTES OF MIDWEST CITY PLANNING COMMISSION MEETING

March 5, 2024 - 5:00 p.m.

This regular meeting of the Midwest City Planning Commission was held in the City Council Chambers, 100 North Midwest Boulevard, Midwest City, Oklahoma County, Oklahoma, March 5, 2024, at 5:00 p.m., with the following members present:

Commissioners present: Russell Smith
 Jess Huskey
 Dee Collins
 Rick Rice

Commissioners absent: Jim Smith,
 Dean Hinton

Staff present: Matthew Summers, Planning and Zoning Director
 Don Maisch, City Attorney
 Emily Richey, Current Planning Manager
 Tami Anderson, Administrative Assistant
 Cameron Veal, Associate Current Planner
 Patrick Menefee, City Engineer

A. CALL TO ORDER

The meeting was called to order by Chairperson R. Smith at 5:00 p.m.

B. MINUTES

1. A motion was made by Jess Huskey seconded by Dee Collins, to approve the minutes of the February 6, 2024. Planning Commission meeting as presented. Voting aye: R. Smith, Huskey, Rice, and Collins. Nay: None. Motion carried.

C. NEW MATTERS

1. (MP-00017) Public hearing, discussion, consideration, and possible action to consider Approval of the Minor Plat of Douglas Development Corporation Douglas Boulevard described as a tract of land being a part of the Southeast Quarter (SE/4) of Section Two (2), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma City, Oklahoma County, Oklahoma.

Emily Richey presented the staff report and recommended approval of the application. There was general discussion amongst the Commission.

The applicant, Cy Valanejad - 9260 Elaine Dr. was present and addressed the council.

A motion was made by Rick Rice, seconded by Jess Huskey to recommend approval of this item.

Voting Aye: R. Smith, Huskey, Rice, and Collins.

Nay: None.

Motion Carried.

2. (PC-2163) Public hearing, discussion, consideration, and possible action of an ordinance to redistrict from Planned Unit Development (“PUD”) to amended Planned Unit Development (PUD), for the property described as McCorkle Park ADD E 35 ft of Lot 27 & all of Lots 28 & 29, addressed as 227 & 231 W. MacArthur Dr., Midwest City.)

The Commission continued this item until later in the meeting to give the applicant time to arrive.

3. (PC-2164) Discussion, consideration, and possible action on an ordinance amending Midwest City code, Appendix A, Zoning Regulations, Section 5, Supplemental Regulations, Sub-Section 5.12.1, Exterior Construction and Design Requirements; and providing for repealer and severability.

Matt Summers, Planning and Zoning Director, presented the proposed text amendment to the Planning Commission.

A motion was made by Jess Huskey, seconded by Rick Rice to recommend approval of this item.

Voting aye R. Smith, Huskey, Collins, and R. Rice.

Nay: None.

Motion Carried.

4. (PC-2165) Discussion, consideration, and possible action on an ordinance amending Midwest City code, Appendix A, Zoning Regulations, Section 7, Development Review Procedures, Sub-Section 7.1.3, Public Notice Requirements for Public Hearings; and providing for repealer and severability.

Matt Summers, Planning and Zoning Director, presented the proposed text amendment to the Planning Commission.

Commissioner Rice asked about the statutory requirements for calendar and business days.

A motion was made by Jess Huskey seconded by Rick Rice to recommend approval of this item.

Voting aye R. Smith, Huskey, Collins, and R. Rice.

Nay: None.

Motion Carried

2. (PC-2163) Public hearing, discussion, consideration, and possible action of an ordinance to redistrict from Planned Unit Development (“PUD”) to amended Planned Unit Development (PUD), for the property described as McCorkle Park ADD E 35 ft of Lot 27 & all of Lots 28 & 29, addressed as 227 & 231 W. MacArthur Dr., Midwest City.)

The applicant, Jeff Johnson, NE 7th Street, was present and addressed the Commission.

A motion was made by Dee Collins, seconded by Jess Huskey to recommend approval of this application.

Voting aye: R. Smith, Huskey, Collins, and R. Rice.

Nay: None.

Motion Carried.

D. COMMISSION DISCUSSION:

E. PUBLIC DISCUSSION:

F. FURTHER INFORMATION:

G. ADJOURNMENT:

A motion to adjourn was made by Jess Huskey, Seconded by Rick Rice.

Voting aye: R. Smith, Huskey, Collins, and R. Rice.

Nay: None.

Motion Carried.

The meeting was adjourned at 5:21 p.m.

Chairman Russell Smith

(ta)

MINUTES OF MIDWEST CITY PLANNING COMMISSION MEETING

March 11, 2024 - 5:00 p.m.

This special meeting of the Midwest City Planning Commission was held in the City Council Chambers, 100 North Midwest Boulevard, Midwest City, Oklahoma County, Oklahoma, on March 11, 2024 at 5:00 p.m., with the following members present:

Commissioners present: Russell Smith
 Jess Huskey
 Dean Hinton
 Jim Smith
 Dee Collins
 Rick Rice

Commissioners absent: None

Staff present: Brandon Bundy, Engineering & Construction Director
 Don Maisch, City Attorney
 Matthew Summers, Planning and Zoning Director
 Emily Richey, Current Planning Manager
 Tami Anderson, Administrative Assistant
 Cameron Veal, Associate Current Planner
 Patrick Menefee, City Engineer

A. CALL TO ORDER

The meeting was called to order by Chairperson R. Smith at 5:00 p.m.

B. DISCUSSION

1. Public hearing, discussion, consideration, and possible action of an ordinance amending Midwest City Municipal Code, Chapter 43 Water, Sewer, Sewage Disposal and Stormwater Quality; Article III, Sewers and Sewage Disposal; Division 5, Other Provisions Relating to Taps and Connections; Section 43-184, Reserved; providing for repealer and severability.

Brandon Bundy presented his presentation (Power Point) – explaining issues and situations. During the presentation the Planning Commissioners and a few questions that they were concerned about the cost.

The Commissioners asked questions on the rates and the proposed Development Fee, and discussed the balance between these topics.

Chairman Russell Smith expressed he felt the proposed Development Fees were too high, and he is concerned that growth would be hindered if fees are too high.

Jess Husky asked if the Development Fees be changed and updated in 2 years?

Mr. Bundy stated the fee is established by ordinance and can be updated in the future.

Jeff Moore – (516 Cedar Dr.) was present and addressed the council.

Mr. Moore asked about future requirements for lots planned for on-site sewage treatment to be connected to public sewer.

Don Maisch stated the City does not intend to require lots in the moratorium area served by on-site sewage systems to connect to public sewer until the on-site systems fail.

Joel Bryant – (10607 SE 10th St.) was present and addressed the council.

Mr. Bryant encouraged the Planning Commission to look at the Freese and Nichols report again. He expressed that the proposed Development Fee would be too high and might lead to development moving to other communities.

The Commissioners discussed the proposed development fees and expressed a desire to balance the needs of residents on fixed/low incomes and the needs of developers.

A motion was made by Rick Rice, seconded by Jess Huskey to recommend approval of the ordinance to City Council with the caveat that the Planning Commission would like the balance between the Development Fee and the sewer rate increase to be reevaluated.

Voting aye: R. Smith, Huskey, Hinton, J. Smith, Collins, and R. Rice.

Nay: None.

Motion Carried.

C. COMMISSION DISCUSSION:

D. PUBLIC DISCUSSION:

E. FURTHER INFORMATION:

F. ADJOURNMENT:

A motion to adjourn was made by Jess Huskey, Seconded by Rick Rice.

Voting aye: R. Smith, Huskey, Hinton, J. Smith, Collins, and R. Rice.

Nay: None.

Motion Carried.

The meeting was adjourned at 6:12 p.m.

Chairman Russell Smith

To: Chairman and Planning Commission
From: Cameron Veal, Associate Current Planner
Date: April 2, 2024

Subject: (PC-2166) Public hearing, discussion, consideration, and possible action for a Special Use Permit (SUP) to allow Eating Establishments: Sit-Down, Alcoholic Beverages Permitted in the (C-3) Community Commercial District for the property described as a part of the Northeast Quarter (NE/4) of Section Four (4), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 6620 E. Reno Ave.

Executive Summary: The applicant, Cesar Manuel Banvelos, is requesting a Special Use Permit for the subject property to allow for the uses in 4.4.28. *Eating Establishments: Sit-Down, Alcoholic Beverages Permitted.*

The applicant owns The Taste of Baja and would like to serve alcohol as part of the operation of the restaurant. Approving the Special Use Permit would allow for the sale of alcohol as part of the restaurant as long as alcohol sales do not exceed 25% of the gross sales of the eating establishment.

Both state and local public notice requirements were fulfilled, and staff received no comments regarding this case.

Staff recommends approval of this application on the condition that the Special Use Permit expires with the occupancy of Taste of Baja. If and when a new tenant applies for occupancy and wants to serve alcohol, staff recommends they apply for their own Special Use Permit.

If approved, the applicant will be required to obtain a Letter of Compliance from the Planning Department to submit to the ABLE Commission so they can serve alcohol. The applicant will also be required to apply for an alcohol license through the City’s Customer Service Department.

Action is at the discretion of the Planning Commission.

Dates of Hearings:
Planning Commission- April 2, 2024
City Council- April 23, 2024

Council Ward: Ward 4 - M. Sean Reed

Proposed Use: Taste of Baja



Zoning Districts:

- Area of Request- Community Commercial District (“C-3”)
- North- Community Commercial District (“C-3”)
- South- Single-Family Detached Residential District (“R-6”)
- East- Community Commercial District (“C-3”)
- West- Single-Family Detached Residential District (“R-6”) Community Commercial District (“C-3”)

Land Use:

- Area of Request- Commercial
- North- Commercial
- South- Single Family Detached Residential
- East- Commercial
- West- Commercial & Residential

Municipal Code Citation:

7.6. – Special Use Permit

7.6.1. *General Description and Authorization.* The uses listed under the various districts as special use permits are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district.

- (A) *Consideration for compatibility.* With consideration given to setting, physical features, compatibility with surrounding land uses, traffic, and aesthetics, certain uses may locate in an area where they will be compatible with existing or planned land uses.
- (B) *Review and approval.* The Planning Commission shall review each case on its own merit, apply the criteria established herein, and recommend either approval or denial of the special use permit to the City Council. Following the Planning Commission's recommendation, the City Council shall review each case on its own merit, apply the criteria established herein, and, if appropriate, authorize said use by granting a special use permit.
- (C) *Use identified by individual zoning district.* If a special use permit is granted it shall be for all the uses permitted in the specified district plus the special use permit requested.

7.6.2. *Application.* Application and public hearing procedures for a special permit shall be completed in the same manner as an application for rezoning. A site plan shall be included with the application as outlined in 7.5 Site Plan (Page 183).

7.6.3. *Criteria for Special Permit Approval.*

- (A) *Special use permit criteria.* The City Council shall use the following criteria to evaluate a special use permit:
 - (1) Whether the proposed use shall be in harmony with the policies of the comprehensive plan.
 - (2) Whether the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
 - (3) Whether the proposed use shall not adversely affect the use of neighboring properties.
 - (4) Whether the proposed use shall not generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood.
 - (5) Whether utility, drainage, parking, loading, signs, lighting access and other necessary public facilities to serve the proposed use shall meet the adopted codes of the city.
- (B) *Specific conditions.* The City Council may impose specific conditions regarding:
 - (1) the duration of the permit,
 - (2) the location, design, operation, and screening to assure safety,

- (3) to prevent a nuisance, and
- (4) to control the noxious effects of excessive sound, light, odor, dust or similar conditions.

7.6.4. *Status of Special Use Permits.* Once a special use permit has been granted for a lot, said special use permit may not be expanded to another lot without application for a new special use permit.

Provided, however, churches may expand if the property on which said church will be located is owned, as reflected by official records kept by the Registrar of Deeds for Oklahoma County, Oklahoma, on or prior to June 22, 1982.

7.6.5. *Expiration of Special Use Permits.* All special use permits shall expire by default:

- (A) *Non-establishment.*
 - (1) If the use is not established within twelve (12) months and no extension is approved.
 - (2) When a building permit has not been issued for construction within twelve (12) months of City Council approval the applicant or owner may request a hearing for an extension of the initial special use permit approval.
 - (3) Good cause for an extension shall mean that the owner shows evidence that he has contractors or applications for continual development within the next year following the original approval.
- (B) *Discontinuance.* If the use once established has been discontinued for a period of twelve (12) months or abandoned.
- (C) *Lack of substantial compliance.* Whenever the Community Development Director finds that any proposed construction or occupancy will not, in his opinion, substantially comply with the special use permit, he shall refer the question to the City Council for its review.
- (D) *Amendment.* When the holder of a special use permit determines that an extension of time or modification of the use is necessary, he may apply for amendment in the same manner as the original application. The amendment shall be processed in the same manner as an original application.

The following use is permitted in General Commercial District with a Special Use Permit:

4.4.28. *Eating Establishments: Sit-Down, Alcoholic Beverages Permitted.* Establishments or places of business where customers are seated and served, and are engaged in the sale, mixing or dispensing of beverages containing alcohol by weight, or wine capable of being consumed as a beverage or any kind of on-premises consumption as accessory to a restaurant operation.

History:

- 1. The Taste of Baja passed all City occupancy inspections February 2024 and received Health Department approval/license.

Next Steps:

If approved, the applicant will need to get a Letter of Compliance from Ms. Richey to submit to the ABLE Commission so they can serve alcohol. Applicant will also be required to apply for an alcohol license through the City's Customer Service Department.

Staff Comments-

There are numerous requirement references made in the Engineering portion of this report. The intent of the Municipal Code is to directly involve the applicant in continued community development such as extending public sewer and water and making street improvements, for examples. This is a special use permit application

and the references are provided to make the applicant and subsequent developers of this property aware of the applicability of various codes as they relate to the future development or redevelopment of this property.

Engineering Staff Comments:

Note: No engineering improvements are required with this application.

Water Supply and Distribution

There is a public water main bordering the proposed parcel, a twelve (12) inch line running along the north side of East Reno Avenue. Any new building permit will require tying to the public water system as outlined in Municipal Code 43-32.

Sanitary Sewerage Collection and Disposal

There is a public sewer main servicing the proposed parcel, an eight (8) inch line running along the south side of the parcel. Any new building permit will require tying into the public sewer system as outlined in Municipal Code 43-109.

Streets and Sidewalks

Access to the parcel is available from East Reno Avenue, respectively. East Reno Avenue is classified as a secondary arterial in the 2008 Comprehensive Plan. Public road and sidewalk improvements are not required as part of this application.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is shown to be in an Area of Minimal Flood Hazard on Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 18th, 2009. Public drainage and detention improvements are not required as part of this application.

Easements and Right-of-Way

No further easements or right of way would be required with this application.

Fire Department's Comments

The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.

Line Maintenance Comments

Water

Water infrastructure is available and active to the property.

Sanitary Sewer

Sanitary sewers are available and active to the property, the applicant shall be responsible for communicating the anticipated daily sewer discharge for capacity calculations. Sewer waste from food service, vehicle maintenance shop, car wash, etc. shall continue to conform with MWC Ordinance Chapter 43 Division 6. The installation of an interceptor, separator, and/or grit chamber shall be required.

Planning Division:

The subject property has changed occupancy, and the new tenant (The Taste of Baja) would like to serve alcohol at their restaurant. The property's current governing zone, Community Commercial District (C-3), does not permit the serving/sale of alcohol without a Special Use Permit.

Approving the Special Use Permit would allow for the sale of alcohol as part of the restaurant as long as alcohol sales do not exceed 25% of the gross sales of the eating establishment.

It satisfies the criteria described in Section 7.6.3 (A) of the Zoning Regulations, and Staff finds that the application is in harmony with both the Comprehensive Plan and the intent of the zoning district. The proposed use would not adversely impact adjoining properties and will not generate pedestrian or vehicular traffic that is hazardous or in conflict with surrounding uses.

Staff recommends approval of this application on the condition that the Special Use Permit expires with the occupancy of Taste of Baja. If and when a new tenant applies for occupancy and wants to serve alcohol, staff recommends they apply for their own Special Use Permit.

If approved, the applicant will be required to obtain a Letter of Compliance from the Planning Department to submit to the ABLE Commission so they can serve alcohol. The applicant will also be required to apply for an alcohol license through the City's Customer Service Department. Action is at the discretion of the Planning Commission.

Action Required:

Approve or reject a Special Use Permit (SUP) to allow the use of Eating Establishments: Sit-Down, Alcoholic Beverages Permitted in the (C-3) Community Commercial District for the property noted herein, subject to staff comments as found in the April 2, 2024 Planning Commission agenda packet and made part of the PC-2166 file.

Suggested Motion:

"To approve the Special Use Permit for 6620 E. Reno Ave to allow the use of Eating Establishments: Sit-Down, Alcoholic Beverages Permitted in the C-3, Community Commercial District subject to Staff Comments found in the January 2, 2024 Planning Commission agenda packet and made part of the PC-2166 file."

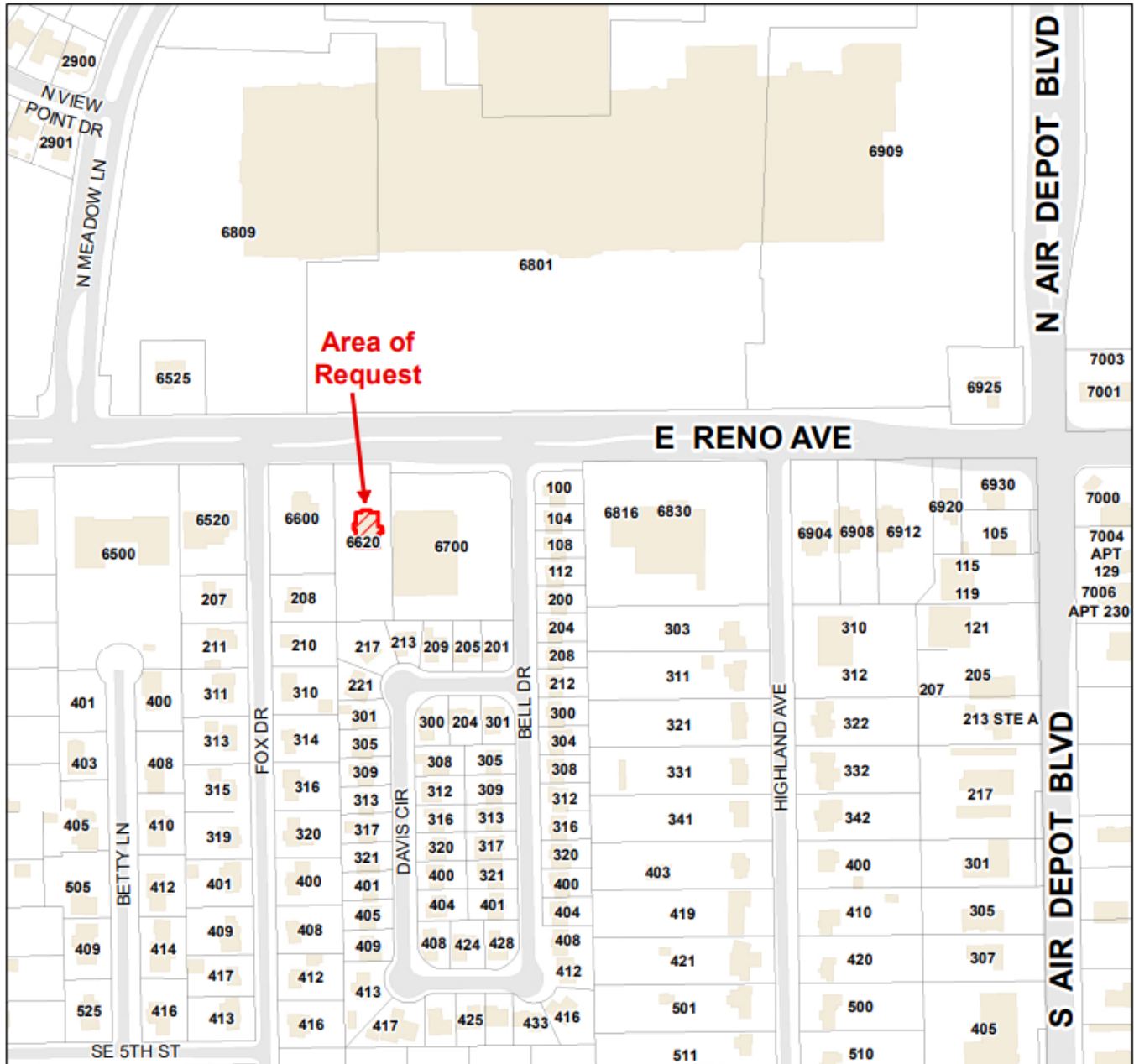
Please feel free to contact my office at (405) 739-1265 with any questions.



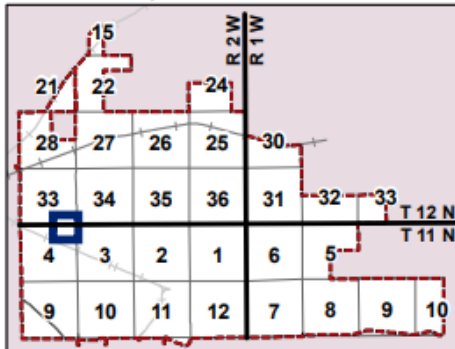
Cameron Veal
Associate Current Planner







GIS- Information Technology / Community Development



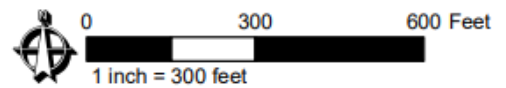
Locator Map



General Map Legend

-  Area of Request
-  Parcels with Addresses
-  Buildings
-  Edge of Pavement
-  MWC City Limits
- Railroads**
-  Active
-  Inactive / Closed

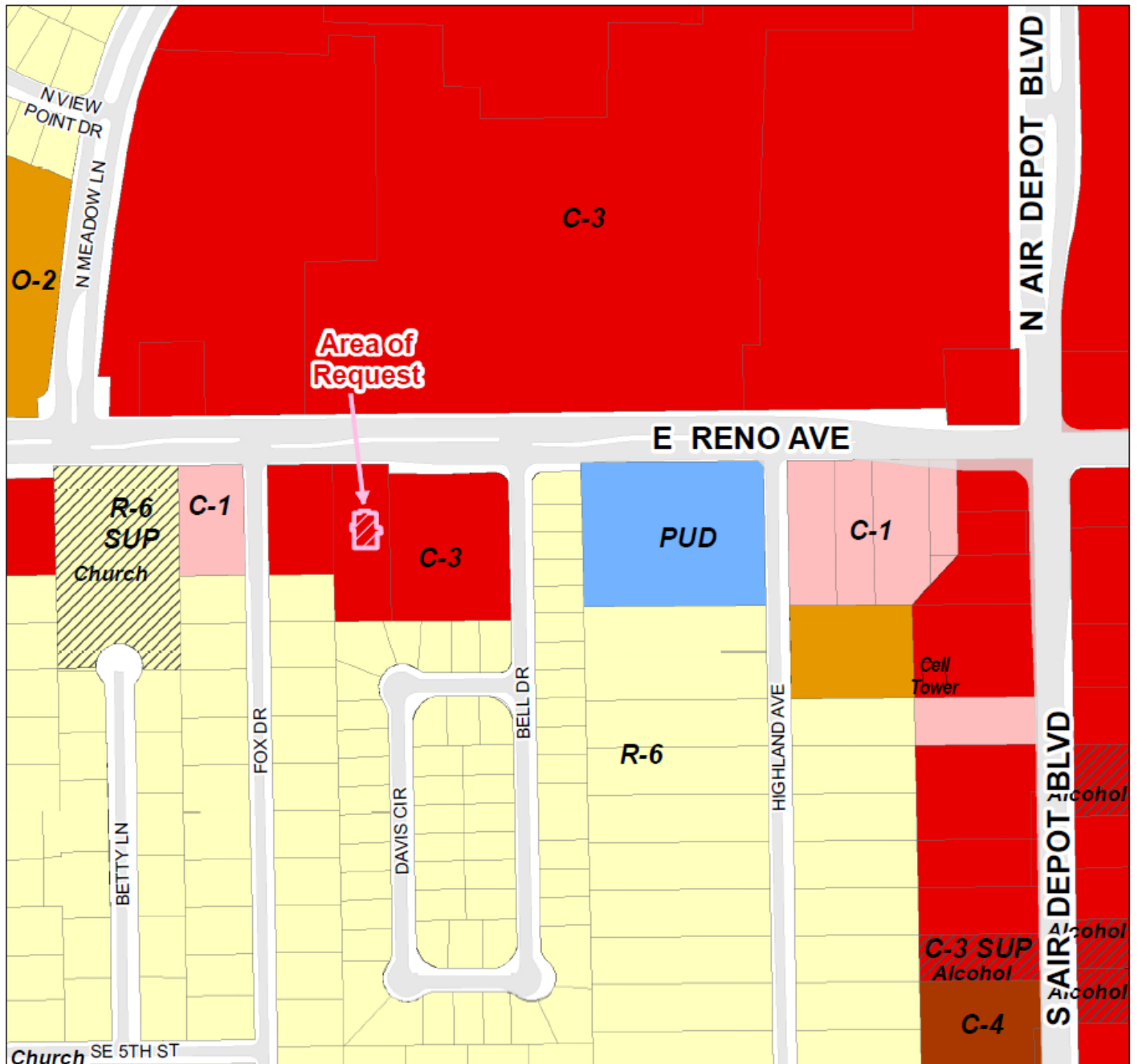
**GENERAL MAP FOR
PC-2166
(NE/4, Sec 4, T11N, R2W)**



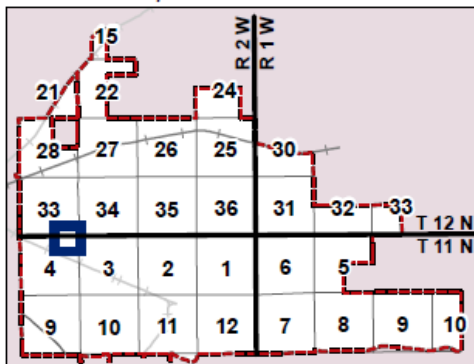
THIS MAP IS A GENERAL INFORMATION PUBLIC RESOURCE. THE CITY OF MIDWEST CITY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE INFORMATION PROVIDED ON THIS MAP. ANY PARTY'S USE OR RELIANCE ON THIS MAP OR ANY INFORMATION ON IT IS AT THAT PARTY'S OWN RISK AND WITHOUT LIABILITY TO THE CITY OF MIDWEST CITY, ITS OFFICIALS OR ITS EMPLOYEES FOR ANY DISCREPANCIES, ERRORS OR VARIANCES THAT MAY EXIST.



GIS- Information Technology / Community Development



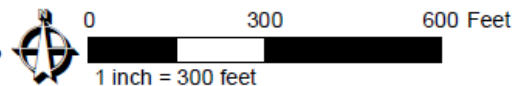
Locator Map



Current Zoning Legend

A-1	I-2 SUP	R-35
A-1 SUP	I-3	R-2F
C-1	O-1	R-MD
C-1 SUP	O-1 SUP	R-MD SUP
C-2	O-2	R-HD
C-3	O-2 SUP	R-HD SUP
C-3 SUP	R-6	R-MH-1
C-4	R-6 SUP	R-MH-2
C-4 SUP	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
		HOS SUP

ZONING MAP FOR PC-2166 (NE/4, Sec 4, T11N, R2W)



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To: Chairman and Planning Commission
From: Cameron Veal, Associate Current Planner
Date: April 2, 2024

Subject: (PC-2169) Special Use Permit (SUP) to allow *Eating Establishments: Sit-Down, Alcoholic Beverages not Permitted* in the (O-2) General Office District for the property described as a part of the Southeast Quarter (SE/4) of Section Thirty-Four (34), Township Twelve (12) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 2801 Parklawn Dr., Ste 102.

Executive Summary: Mr. Daryl Ljunghammar, the applicant, is requesting a Special Use Permit for the following use: 4.4.26. *Eating Establishments: Sit-Down, Alcoholic Beverages not Permitted*.

The applicant owns and is looking to operate a new location for Open Flame Coffee and Roastery on Air Depot Blvd. and is looking to expand to the subject property as a secondary location. Mr. William Bernhardt, the managing partner for Parklawn office, has consented to this use by the applicant. Approving the Special Use Permit would allow for the outlined operation of a coffee shop with a drive through on the subject property.

Both state and local public notice requirements were fulfilled, and staff received no comments regarding this case.



Staff recommends approval of this request with the condition that the Special Use Permit expires with the occupancy of Open Flame Coffee and Roastery:

Dates of Hearings:

Planning Commission- April 2, 2024
City Council- April 23, 2024

Dates of Pre-Development Meetings:

February 12, 2024

Council Ward: Ward 4, M. Sean Reed

Proposed Use: Open Flame Coffee and Roastery

Zoning Districts:

Area of Request- General Office District (“O-2”) SUP
North- Restricted Commercial District (“C-1”)

South- Single-Family Detached Residential District (“R-6”) SUP
East- Single-Family Detached Residential District (“R-6”) SUP
West- Single-Family Detached Residential District (“R-6”)

Land Use:

Area of Request- Parklawn Office Park
North- Commercial
South- School
East- Church
West- Residential

Comprehensive Plan Citation:

The future zoning land use for the subject lot is Public/Semi-Public Land use. The proposed use does not require an amendment to the Comprehensive Plan.

Public/Semi-Public (PSP) Land Use

This land use designation is representative of uses that are educational, governmental or institutional in nature. Public/semi-public uses are generally permitted within any area; therefore, the areas shown on the Future Land Use Plan Map include the related uses that are currently in existence. It is, however, anticipated that there will be a need for additional public uses with future population growth. The City should remain aware of necessary increases in police and fire protection based on population growth and of potential needed increases in space and personnel for City administration.

Municipal Code Citation:

7.6. – Special Use Permit

7.6.1. *General Description and Authorization.* The uses listed under the various districts as special use permits are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district.

- (A) *Consideration for compatibility.* With consideration given to setting, physical features, compatibility with surrounding land uses, traffic, and aesthetics, certain uses may locate in an area where they will be compatible with existing or planned land uses.
- (B) *Review and approval.* The Planning Commission shall review each case on its own merit, apply the criteria established herein, and recommend either approval or denial of the special use permit to the City Council. Following the Planning Commission's recommendation, the City Council shall review each case on its own merit, apply the criteria established herein, and, if appropriate, authorize said use by granting a special use permit.
- (C) *Use identified by individual zoning district.* If a special use permit is granted it shall be for all the uses permitted in the specified district plus the special use permit requested.

7.6.2. *Application.* Application and public hearing procedures for a special permit shall be completed in the same manner as an application for rezoning. A site plan shall be included with the application as outlined in 7.5 Site Plan (Page 183).

7.6.3. *Criteria for Special Permit Approval.*

- (A) *Special use permit criteria.* The City Council shall use the following criteria to evaluate a special use permit:

- (1) Whether the proposed use shall be in harmony with the policies of the comprehensive plan.
 - (2) Whether the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
 - (3) Whether the proposed use shall not adversely affect the use of neighboring properties.
 - (4) Whether the proposed use shall not generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood.
 - (5) Whether utility, drainage, parking, loading, signs, lighting access and other necessary public facilities to serve the proposed use shall meet the adopted codes of the city.
- (B) *Specific conditions.* The City Council may impose specific conditions regarding:
- (1) the duration of the permit,
 - (2) the location, design, operation, and screening to assure safety,
 - (3) to prevent a nuisance, and
 - (4) to control the noxious effects of excessive sound, light, odor, dust or similar conditions.

7.6.4. *Status of Special Use Permits.* Once a special use permit has been granted for a lot, said special use permit may not be expanded to another lot without application for a new special use permit.

Provided, however, churches may expand if the property on which said church will be located is owned, as reflected by official records kept by the Registrar of Deeds for Oklahoma County, Oklahoma, on or prior to June 22, 1982.

7.6.5. *Expiration of Special Use Permits.* All special use permits shall expire by default:

- (A) *Non-establishment.*
- (1) If the use is not established within twelve (12) months and no extension is approved.
 - (2) When a building permit has not been issued for construction within twelve (12) months of City Council approval the applicant or owner may request a hearing for an extension of the initial special use permit approval.
 - (3) Good cause for an extension shall mean that the owner shows evidence that he has contractors or applications for continual development within the next year following the original approval.
- (B) *Discontinuance.* If the use once established has been discontinued for a period of twelve (12) months or abandoned.
- (C) *Lack of substantial compliance.* Whenever the Community Development Director finds that any proposed construction or occupancy will not, in his opinion, substantially comply with the special use permit, he shall refer the question to the City Council for its review.
- (D) *Amendment.* When the holder of a special use permit determines that an extension of time or modification of the use is necessary, he may apply for amendment in the same manner as the original application. The amendment shall be processed in the same manner as an original application.

History:

1. This property is part of the Parklawn Addition, approved in 1964.

Next Steps:

1. If Council approves this Special Use Permit, the applicant will then proceed with receiving all other applicable permits, including permits for remodel, trade, and signage.

Staff Comments-

There are numerous requirement references made in the Engineering, Fire Marshal, and Public Works portions of this report. The intent of the Municipal Code is to directly involve the applicant in continued community development. This is a Special Use Permit application and the references are provided to make the applicant for this request aware of the applicability of various codes as they relate to the request and further requirements after the Special Use Permit is approved.

ENGINEERING STAFF CODE CITATIONS AND COMMENTS - PC-2169:

Note: No engineering improvements are required with this application.

Water Supply and Distribution

There are public water mains bordering the proposed parcel, a six (6) inch line running along the north side and an eight (8) inch line running along the south side of East Reno Avenue. There is also an eight (8) inch line running along the west side of Parklawn Drive. Any new building permit will require tying to the public water system as outlined in Municipal Code 43-32.

Sanitary Sewerage Collection and Disposal

There is a public sewer main servicing the proposed parcel, an eight (8) inch line running along the north side of the parcel. Any new building permit will require tying into the public sewer system as outlined in Municipal Code 43-109.

Streets and Sidewalks

Access to the parcel is available from East Reno Avenue and Parklawn Drive, respectively. East Reno Avenue is classified as a secondary arterial in the 2008 Comprehensive Plan. Parklawn Drive is classified as a local road in the 2008 Comprehensive Plan. Public road and sidewalk improvements are not required as part of this application.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is shown to be in an Area of Minimal Flood Hazard on Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 18th, 2009. Public drainage and detention improvements are not required as part of this application.

Easements and Right-of-Way

No further easements or right of way would be required with this application.

Fire Department's Comments

The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15. Occupancy separation requirements between A-2 and B occupancies apply. (2-HR Fire Separation in horizontal and vertical assemblies (walls and ceiling)) . 2018 IBC Section 508.4

Line Maintenance's Comments

Water

Water infrastructure is available and active to the property.

Sanitary Sewer

Sanitary sewer is available and active to the property.

Sewer waste from food service, vehicle maintenance shop, car wash, etc. shall conform with MWC Ordinance Chapter 43 Division 6. The installation of an interceptor, separator, and/or grit chamber shall be required.

Planning Division:

Staff met with the applicant February 12, 2024 for a pre-development meeting.

The applicant's proposal falls under the zoning use unit classification 4.4.26. Eating Establishments: Sit-Down, Alcoholic Beverages not Permitted. This use is permitted within the zoning district with Council approval of a Special Use Permit.

The future land use for the above property is designated as Public-Semi Public and is part of a Special Planning Area. The Special Planning Area was established to provide design flexibility benefiting the public from approved revitalization efforts. This area is in support of recent redevelopment works in the face of the ongoing Hospital Revitalization Project. The design establishes mix-use development, walkability, bike-ability, inclusion, and diversity of services to a variety of group populations. One of the project goals is to offer different food and drink venues to spur the area and attract not just medical visitors but recreational as well. The proposed eating establishment will be in support of the redevelopment of the area. The revitalization efforts in this area will benefit the surrounding neighborhoods and will enhance the city's image of a vibrant and socially active community.

Staff recommends approval of this application due to its satisfaction of the criteria described in Section 7.6.3 (A) of the Zoning Regulations. Staff finds the application is in harmony with both the Comprehensive Plan and the intent of the zoning district. The proposed use would not adversely impact adjoining properties and will not generate pedestrian or vehicular traffic that is hazardous or in conflict with surrounding uses.

Action is at the discretion of the Planning Commission.

Action Required:

Approve or reject a Special Use Permit (SUP) to allow for the use of an Eating Establishments: Sit-Down, Alcoholic Beverages not Permitted in the (O-2) General Office District for the property noted herein, subject to staff comments and contingencies outlined in Staff Comments as found in as found in the April 2, 2024 agenda packet and made part of PC-2169 file.

Suggested Motion:

“To approve the resolution for a Special Use Permit to allow for the use of Eating Establishments: Sit-Down, Alcoholic Beverages not Permitted in the (O-2) General Office District at 2801 Parklawn Dr., Ste 102, subject to staff comments found in the April 2, 2024 Planning Commission agenda packet and made a part of the PC-2169 file.”

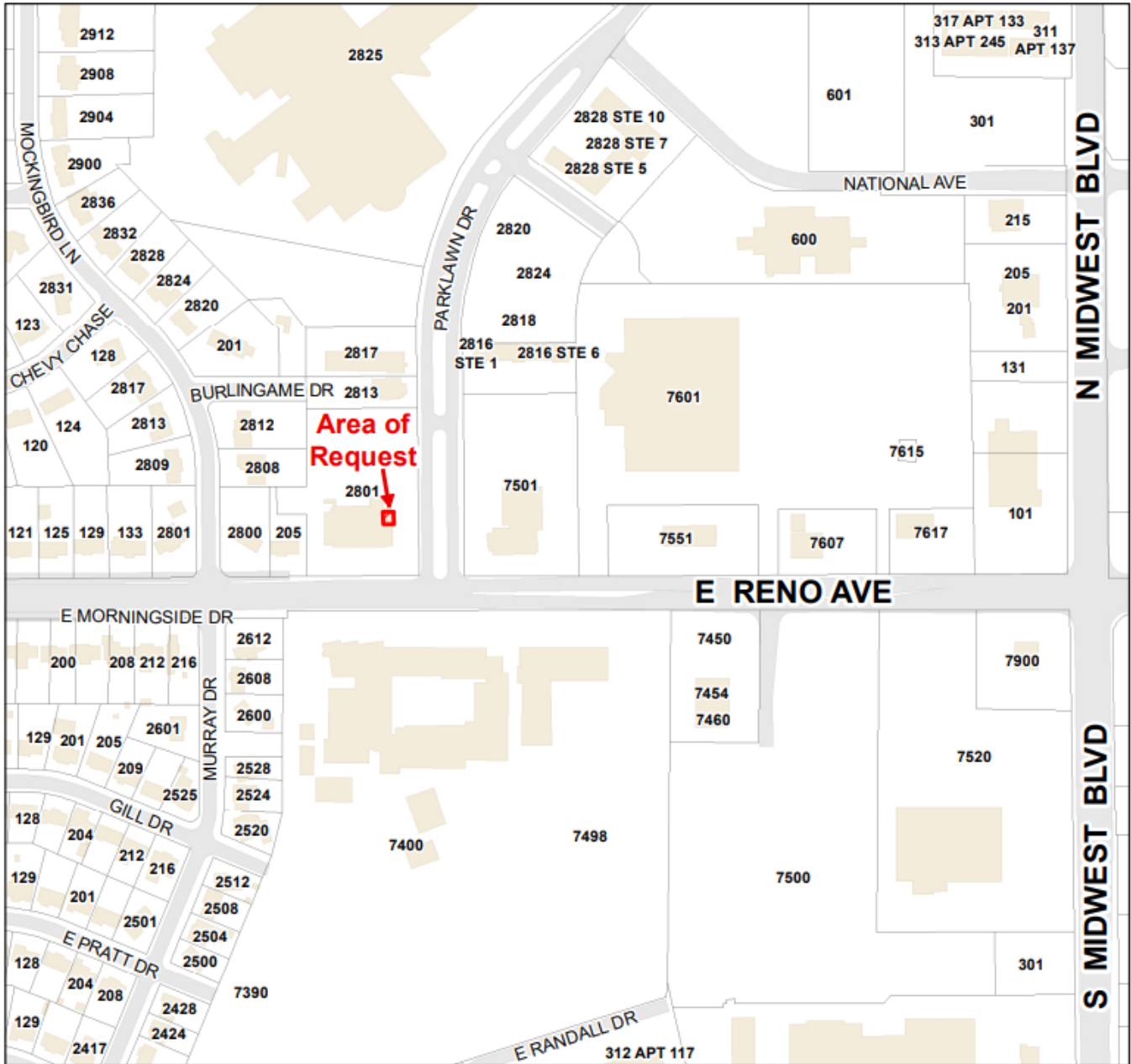
Please feel free to contact my office at (405) 739-1265 with any questions.

Cameron Veal

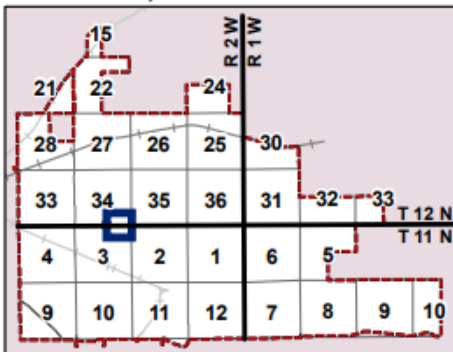
Cameron Veal
Associate Current Planner










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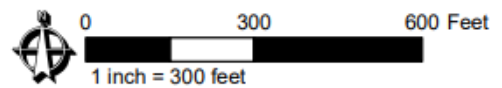
Locator Map



General Map Legend

-  Area of Request
-  Parcels with Addresses
-  Buildings
-  Edge of Pavement
-  MWC City Limits
- Railroads**
-  Active
-  Inactive / Closed

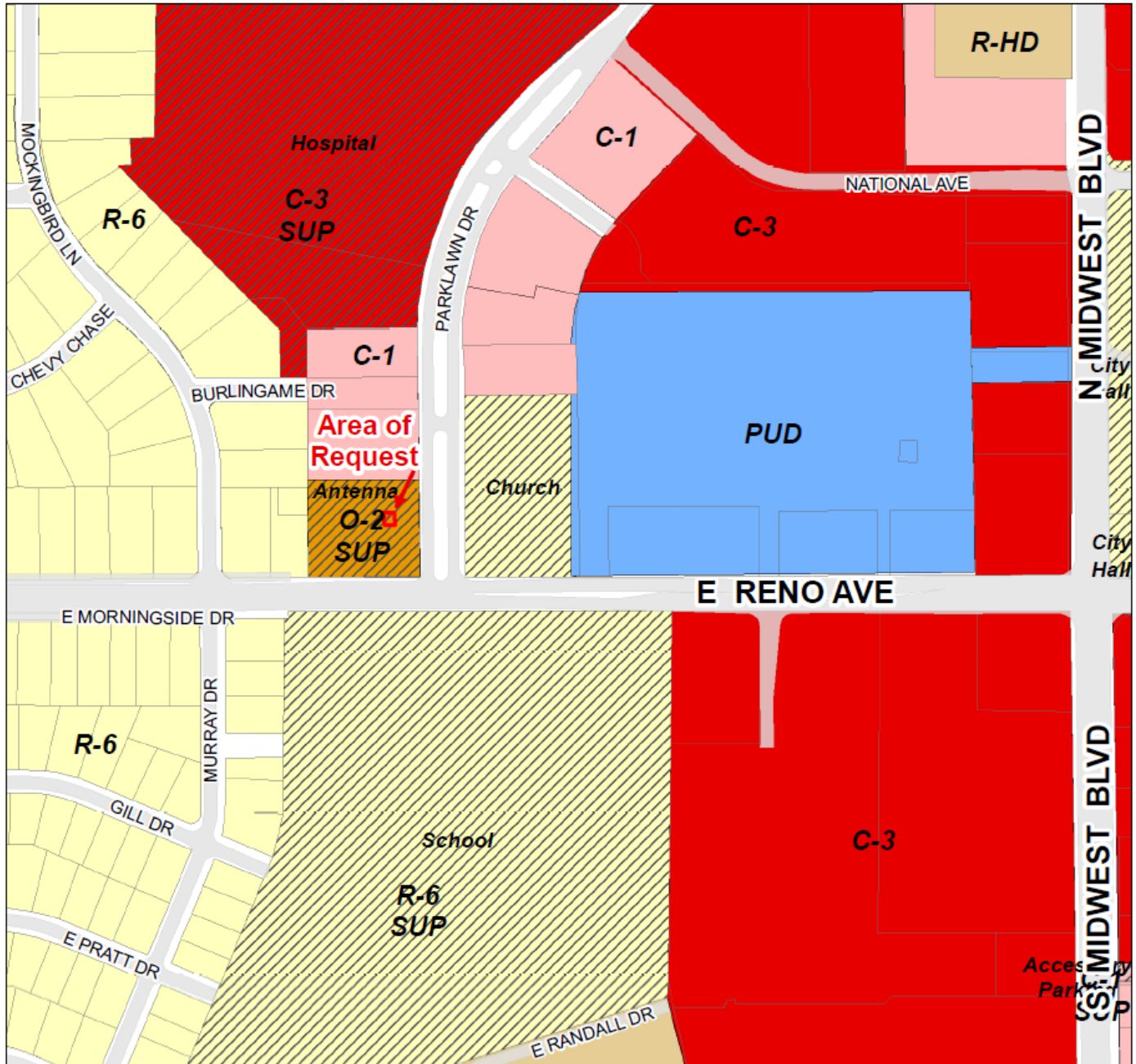
**GENERAL MAP FOR
PC-2169
(SE/4, Sec 34, T12N, R2W)**



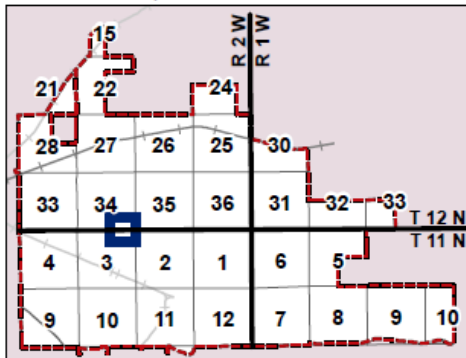
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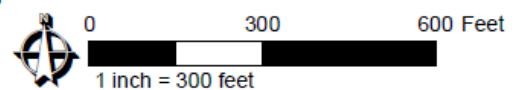
Locator Map



Current Zoning Legend

A-1	I-2 SUP	R-35
A-1 SUP	I-3	R-2F
C-1	O-1	R-MD
C-1 SUP	O-1 SUP	R-MD SUP
C-2	O-2	R-HD
C-3	O-2 SUP	R-HD SUP
C-3 SUP	R-6	R-MH-1
C-4	R-6 SUP	R-MH-2
C-4 SUP	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
		HOS SUP

ZONING MAP FOR PC-2169 (SE/4, Sec 34, T12N, R2W)



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To: Chairman and Planning Commission
From: Emily Richey, Current Planning Manager
Date: April 2, 2024

Subject: (PC-2170) Public hearing, discussion, consideration, and possible action for a Resolution amending the Comprehensive Plan from Single-Family Detached Residential Land Use to Commercial Land Use and; an Ordinance to redistrict from Single-Family Detached Residential District (“R-6”) to Restricted Commercial District (“C-1”), for the property described as a part of the Northwest Quarter (NW/4) of Section Ten (10), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 105 E. Myrtle Dr., Midwest City.

Executive Summary: The Applicant, Mr. Louis Almaraz of Almaraz Investments, is requesting to amend the Comprehensive Plan to Commercial Land Use and rezone the property to Restricted Commercial District

The Applicant would like to expand Pet Vet Supply’s operations. The current location (1215 E. Lockheed) will be used as their main retail store, the veterinary offices will be moved to southern portion of Lockheed Shopping Center that abuts 105 E. Myrtle Dr., and the boarding portion of business will operate at 105 E. Myrtle.

The lot currently has a single-family home. The Applicant plans to demolish the structure and erect a new building to allow for animal boarding.



If the Applicant chooses to utilize the existing structure in the interim, staff recommends the Applicant schedule a General Walk-Through Inspection with Building, Fire, Planning & Zoning, and Utilities for general requirements overview prior to applying for Certificate of Occupancy.

If the rezone is approved, the applicant will then apply for an amending plat to consolidate the existing lots. After recording the amending plat, the applicant can proceed with pulling all necessary building permits through the Engineering and Construction Services Department. All applicable code requirements shall be observed. Applicant is required to provide all required State licensing to the Chief Building Official prior to issuance of Certificate of Occupancy.

If approved, all development regulations for the C-1 district shall be observed.

Sight-proof screening shall be required. When a property zoned commercial, industrial, or office, lies adjacent to property zoned residential, the property owner or occupant must erect sight-proof screening along the side and rear property lines of the property prior to any commercial, industrial, or office use of the property.

Staff recommends Applicant provide a sound mitigation plan to alleviate any noise that is not compatible with surrounding residential area.

Both state and local requirements were met.

At the time of this writing, staff has received one phone call from surrounding property owner who is in favor of the proposal and believes it would benefit the area.

Staff recommends approval of the rezone and recommends approval of the Comprehensive Plan to Office/Retail.

Action is at the discretion of the Planning Commission.

Dates of Hearing:

Planning Commission- April 2, 2024

City Council- April 23, 2024

Date of Pre-Development Meeting:

February 16, 2024

Council Ward: Ward 1, Susan Eads

Owner: Louis Almaraz

Applicant: Katrina Allen (Almaraz Investments)

Proposed Use: Animal boarding and exercise yard for the veterinary clinic.

Size: The subject property has a frontage of 50 feet off E. Myrtle Drive, a depth of 137 feet, and contains an area of 6,850 square feet, more or less.

Development Proposed by Comprehensive Plan:

Area of Request- Low Density Residential

North- Office/Retail

South- Low Density Residential

East- Low Density Residential

West- Commercial

Zoning Districts:

Area of Request- R-6, Single-Family Detached Residential District

North- C-3, Community Commercial District

South- R-6, Single-Family Detached Residential District

East- R-6, Single-Family Detached Residential District

West- C-3, Community Commercial District

Land Use:

Area of Request- Single-family residence

North- Lockheed Shopping Center

South- Single-family residence

East- Single-family residence

West- Lockheed Shopping Center parking lot

Comprehensive Plan Citation:

The future land use designation for the property is Single-Family Detached Residential. The proposed use does not fall within the parameters of the current future land use designation, therefore, an amendment to the Comprehensive Plan is required if the rezoning is approved.

The Applicant has requested the future land use designation be changed to Commercial, however staff feels a designation of Office/Retail would be more appropriate and fit better in the surrounding area.

Commercial Land Use

Areas designated for commercial land use are intended for a variety of commercial uses and establishments with outside storage, display and sales. Examples of such uses include automobile-related services, manufactured home sales, self-storage units, welding shops, and pawnshops. Commercial uses often locate along major thoroughfares not because they need visibility, as retail uses generally do, but because they need the accessibility. The challenge lies in the fact that commercial uses often have a greater need for outside storage areas and these areas tend to lessen the visual quality of major thoroughfares... It should be noted that within recommended commercial areas, office uses and retail uses should be permitted as well; however, most commercial uses should not be permitted within office/retail areas.

Office/Retail Land Use

Retail land uses areas are intended to provide for a variety of retail trade, personal, and business services and establishments. Retail establishments generally require greater visibility than do other types of non-residential land uses (e.g., office, commercial).

Office uses include professional offices for lawyers, doctors, realtors, and other professionals. Office land uses are generally appropriate in all other non-residential areas of the City. Office development should be compatible with any adjacent residential area.

In instances where a development proposal does not directly reflect the land use pattern for a site shown on the Future Land Use Map, the Comprehensive Plan directs us to consider the following (staff comments in bold):

1. Will the proposed change enhance the site and the surrounding area? **The proposed change would allow for a redevelopment of a single lot and allow the office/retail uses on the east side of E. Lockheed Drive to closer match those on the west side.**
2. Is the proposed change a better land use than that recommended by the *Future Land Use Plan*? **The proposed change is an improvement over what is recommended by the Future Land Use Plan. It allows the office/retail area along E. Lockheed Drive to have a little more depth, while not encroaching too far into the neighborhood.**
3. Will the proposed use impact adjacent residential areas in a negative manner? Or will the proposed use be compatible with and/or enhance, adjacent residential areas? **There is always the potential for expanded office/retail uses to adversely impact adjoining residential areas, however with appropriate zoning, screening, and buffering adverse impacts can be mitigated.**
4. Are uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility? **The project site represents a slight expansion of the office/retail area adjoining the site to the north. It is anticipated to have similar hours of operation to this development.**
5. Does the proposed use present a significant benefit to the public health, safety, and welfare of the community? Would it contribute to the City's long-term economic well-being? **The proposed use of**

the site would be a benefit to a local business, and expand the services they are able to provide to the surrounding community.

Municipal Code Citation:

2.18. – C-1, Restricted Commercial District

2.18.1. *General Description.* This district is intended to provide a location for a limited number of retail commercial goods and personal services which serve the day-to-day needs of the residents of surrounding neighborhoods.

Because these shops and offices are lower intensity uses, they may be designed to be located along arterial streets in close proximity to housing areas or as limited service facilities in larger planned high density housing areas.

This district is limited to the types of uses that will not cause an adverse impact (i.e. noise, lighting, traffic) upon the surrounding area. Outdoor storage and display is not permitted.

The SPUD may be used for particular tracts or parcels of land that are to be developed as one unit according to a master development plan map.

The SPUD is subject to special review procedures within 7.4 SPUD Application and Review and once approved by the City Council it becomes a special zoning classification for the property it represents.

2.18.2. *District Use Regulations.* Property and buildings in the C-1, Restricted Commercial District shall be used only for the purposes listed within Table 4.9-1: Use Chart.

2.18.3. *Development Regulations.* Property and buildings shall conform to the related standards listed within Table 3.3-1: Mixed Use and Nonresidential Area Regulations and Standards Chart and Section 5 Supplemental Regulations.

(A) *Screening and landscaping requirement.* Property abutting a residential district shall be screened and landscaped in accordance with all the provisions of 5.2 Screening and Landscaping (Page 81). In addition, property not adjacent to a residential district shall be landscaped in accordance with the provisions in 5.2.5. General Landscaping Requirements and 5.2.6. Landscape Maintenance and Enforcement.

(B) *Off-street parking, loading and access.* All uses shall contain adequate space on private property to provide for parking, loading, and maneuvering of vehicles in accordance with regulations established in 5.3 Parking and Loading of which Table 5.3-2: Specific Parking Requirements is included.

(C) *Site plan.* A site plan shall be developed in accordance with the provisions contained in 7.5 Site Plan. The landscaping required above in 2.18.3.(A) Screening and landscaping requirement, shall be shown on the site plan.

Use Unit Classification- 4.4.8. *Animal Sales and Services: Kennels and Veterinary, Restricted.* Kennel and veterinary services for small domestic animals, such as dogs, cats, or other household pets, with all operations and storage conducted within an enclosed building.

History:

1. This property is part of the Speckman Heights Addition that was platted in the 1940s.
2. Property has been zoned single-family detached residential.

Next Steps:

If Council approves this rezone, the applicant can proceed with applying for an amending plat and appropriate building permits through Engineering and Construction Services (demo permit, commercial new construction, etc.)

Staff Comments-

There are numerous construction requirement references made in the Engineering, Fire Marshal, and Public Works portions of this report. The intent of the Municipal Code is to directly involve the applicant in continued community development activities such as extending public sewer and water and making street improvements, for examples. This is a rezoning application and the construction references are provided to make the applicant and subsequent developers of this property aware of their applicability as they relate to the future development or redevelopment of this property.

Engineering Staff Comments:

Note: No engineering improvements are required with this application.

Water Supply and Distribution

There is a public water main bordering the proposed parcel, a six (6) inch line running along the south side of East Myrtle Drive. Any new building permit will require tying to the public water system as outlined in Municipal Code 43-32.

Sanitary Sewerage Collection and Disposal

There is a public sewer main bordering the proposed parcel, an eight (8) inch line running along the north side of the proposed parcel. Any new building permit will require tying into the public sewer system as outlined in Municipal Code 43-109.

Streets and Sidewalks

Access to the parcel is from East Myrtle Drive using an existing drive. East Myrtle Drive is classified as a local road in the 2008 Comprehensive Plan. Public road and sidewalk improvements are not required as part of this application.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is shown to be in an Area of Minimal Flood Hazard on Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 18th, 2009. Public drainage and detention improvements are not required as part of this application.

Easements and Right-of-Way

No further easements or right of way would be required with this application.

Fire Marshal's Comments:

Property's intended uses include (based on information provided in application): small dog play yard, large dog play yard, special needs play yard, and boarding structure.

- The property is required to meet and maintain the requirements of Midwest City Municipal Code Section 15.
- Occupancy will be required to comply with the Business Occupancy requirements set forth in the adopted ICC codes.

Public Works' Comments:

Line Maintenance

Water

- Water infrastructure is available to the property. The applicant shall be responsible for evaluating the available flow on the water system for fire protection and/or domestic use.
- Water meter(s) shall be installed in "green belt" per Midwest City Municipal Code Section 43-54.
*Two-foot horizontal green belt buffer zone and vertical clearance zone of five feet.

Sewer

- Sanitary sewer is available to the property. The applicant shall be responsible for communicating the anticipated daily sewer discharge for capacity calculations.
- Sewer waste from food service, vehicle maintenance shop, car wash, etc. shall conform with Midwest City Ordinance Chapter 43, Division 6. The installation of an interceptor, separator, and/or grit chamber shall be required.
- A City provided Sewer Use Survey will be required to be submitted by applicant to address types of wastewater produced and method(s) of wastewater disposal for any commercial remodel permit, commercial new construction permit, and/or Certificate of Occupancy applied for.

Sanitation

- All new commercial buildings shall follow Ordinance No. 3427 of Midwest City Municipal Code regarding trash dumpster(s) and enclosure and dumpster site location.

Stormwater

- No comments.

Planning Division:

Staff met with the applicant February 16, 2024 for a pre-development meeting.

The subject lot currently contains a single-family detached residential home. The Applicant plans to demolish the home and erect a new structure for animal boarding.

If the Applicant wants to use the existing structure in the interim, staff recommends the Applicant schedule a General Walk-Through Inspection with Building, Fire, Planning & Zoning, and Utilities for general requirements overview prior to applying for Certificate of Occupancy.

Due to the nature of the business, it is also recommended Applicant provide some type of sound mitigation plan.

Development is subject to formal site plan review if/when plans are submitted with the permit application.

If the rezone is approved, the applicant will then apply for an amending plat to combine the existing lots. After acceptance of amending plat, the applicant can proceed with pulling all necessary building permits through the Engineering and Construction Services Department. All applicable code requirements shall be observed.

If approved, all development regulations for the C-1 district shall be observed.

Sight-proof screening shall be required. When a property zoned commercial, industrial, or office, lies adjacent to property zoned residential, the property owner or occupant must erect sight-proof screening along the side and rear property lines of the property prior to any commercial, industrial, or office use of the property.

Staff recommends approval of a resolution to amending the Comprehensive Plan to Office/Retail, and the ordinance to redistrict the subject property to Restricted Commercial District (C-1) based on the analysis and comments above.

Action is at the discretion of the Planning Commission.

Action Required:

Approve or reject the resolution amending the Comprehensive Plan from Low Density Residential Land Use to Commercial Land Use; and to approve or reject the ordinance to redistrict from Single-Family Detached Residential District (“R-6”) to Restricted Commercial District (“C-1”) for the property noted herein, subject to staff comments as found in the April 2, 2024 Planning Commission agenda packet and made part of the PC-2170 file.

Suggested Motions:

“To deny the resolution amending the Comprehensive Plan to Commercial Land Use and approve amending to Office/Retail Land Use subject to staff comments found in the April 2, 2024 Planning Commission agenda packet and made part of the PC-2170 file.”

“To approve the ordinance redistricting 105 E. Myrtle Drive to the Restricted Commercial District subject to staff comments found in the April 2, 2024 Planning Commission agenda packet and made part of the PC-2170 file.”

Please feel free to contact my office at (405) 739-1223 with any questions.



Emily Richey

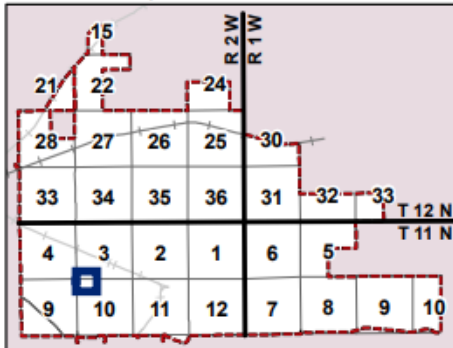
Current Planning Manager



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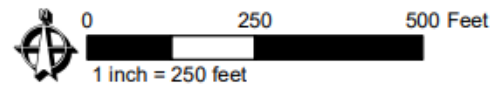
Locator Map



General Map Legend

- Area of Request
- Parcels with Addresses
- Buildings
- Edge of Pavement
- MWC City Limits
- Railroads**
- Active
- Inactive / Closed

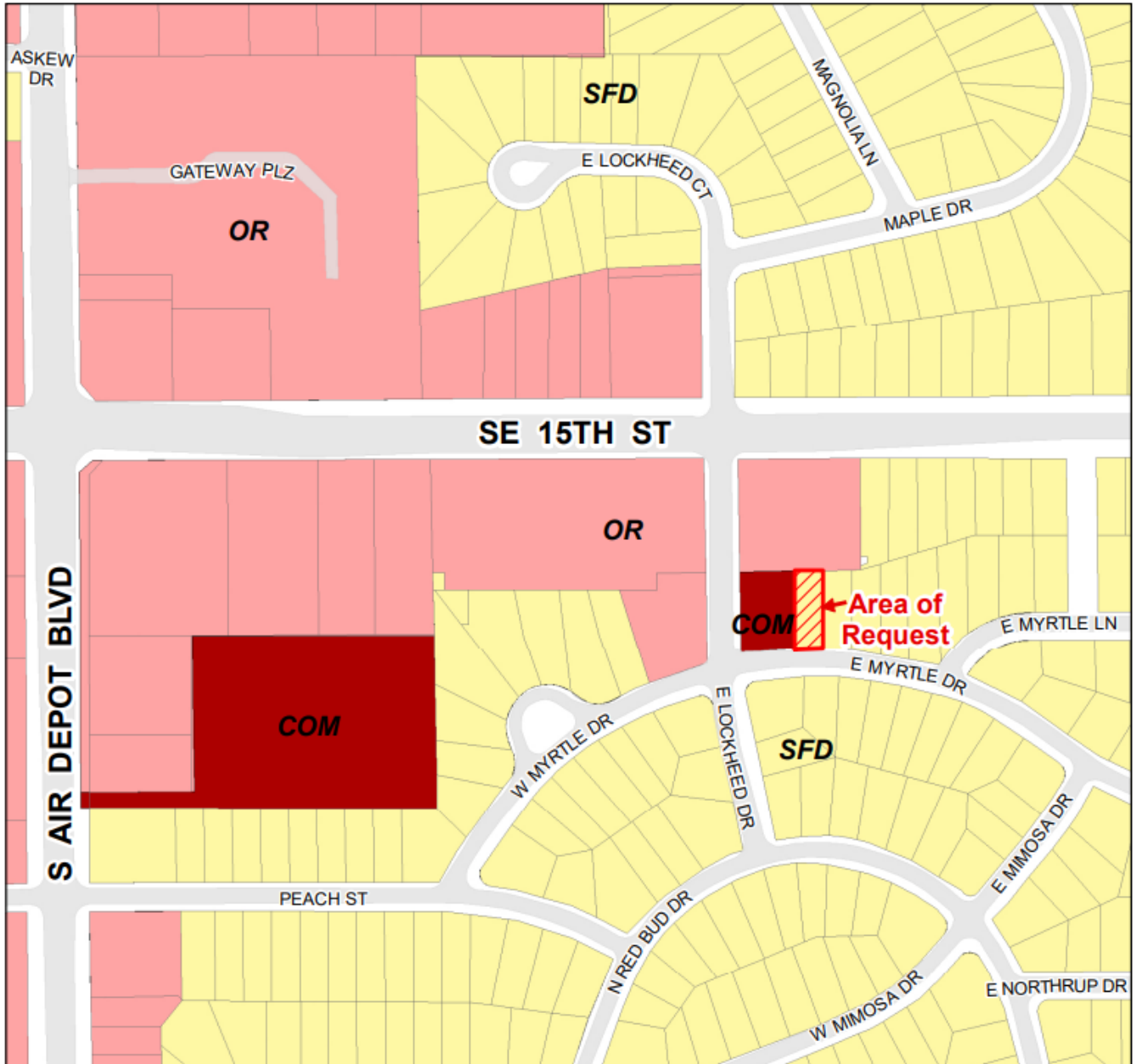
**GENERAL MAP FOR
PC-2170
(NW/4, Sec 10, T11N, R2W)**



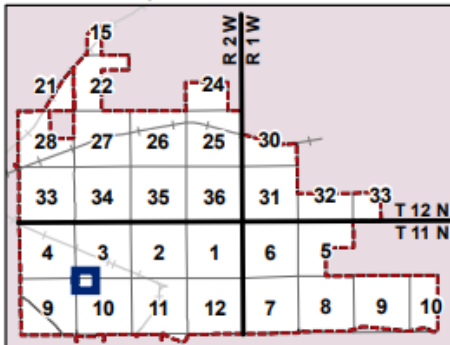
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Locator Map

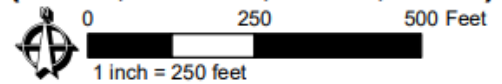


Future Land Use Legend

- Single-Family Detached Residential
- Medium Density Residential
- High Density Residential
- Manufactured Home
- Public/Semi-Public
- Parks/Open Space
- Office/Retail
- Commercial
- Industrial
- Town Center

FUTURE LAND USE MAP FOR PC-2170

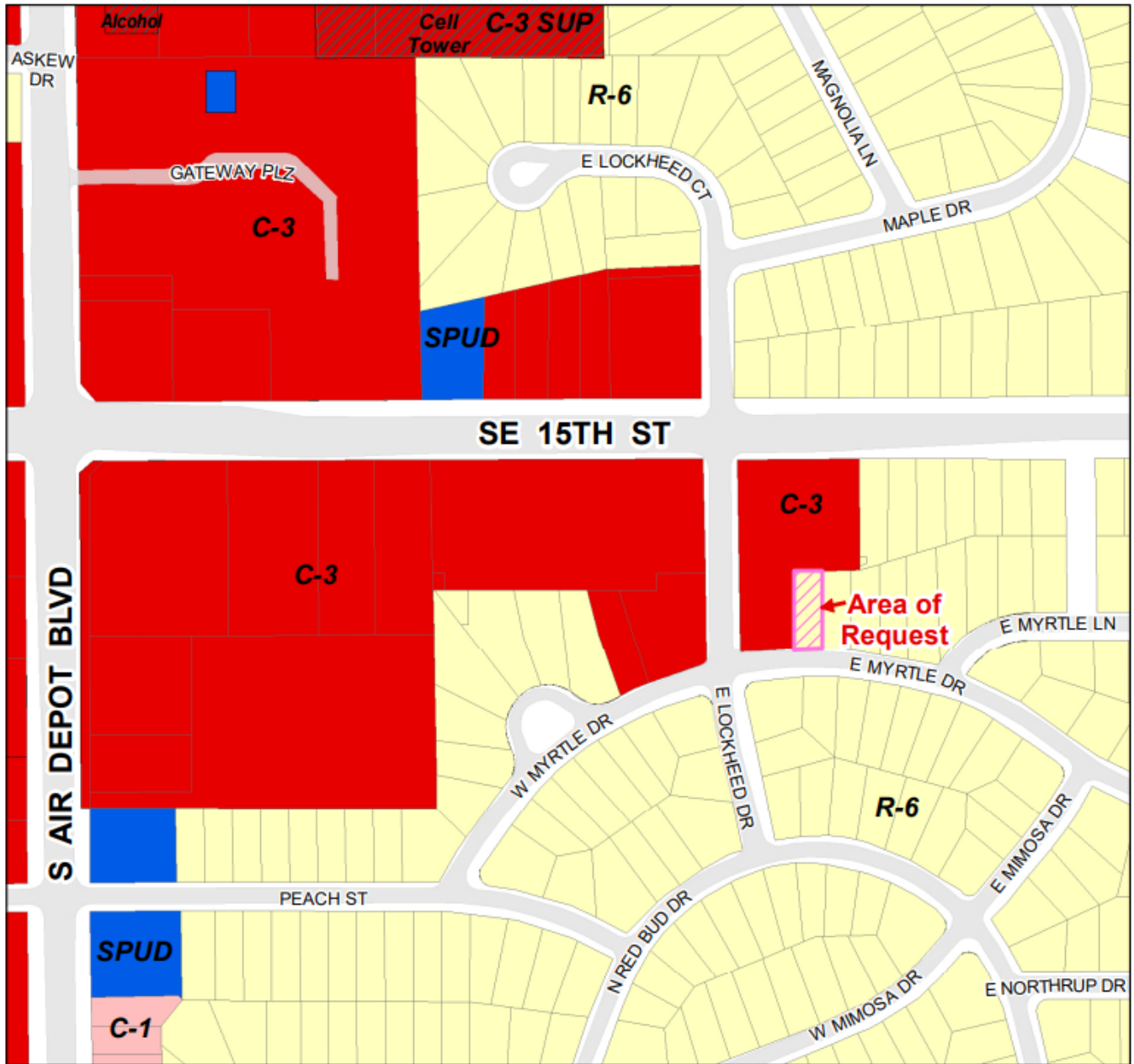
(NW/4, Sec 10, T11N, R2W)



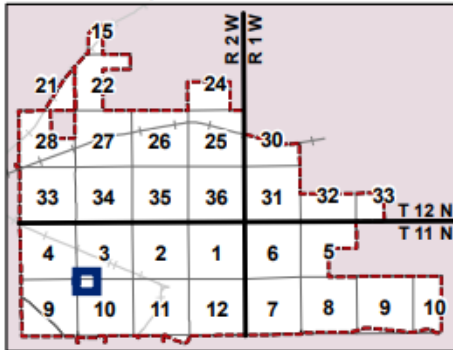
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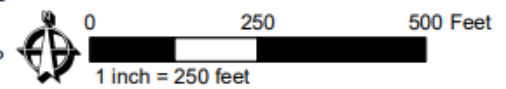
Locator Map



Current Zoning Legend

A-1	I-2 SUP	R-35
A-1 SUP	I-3	R-2F
C-1	O-1	R-MD
C-1 SUP	O-1 SUP	R-MD SUP
C-2	O-2	R-HD
C-3	O-2 SUP	R-HD SUP
C-3 SUP	R-6	R-MH-1
C-4	R-6 SUP	R-MH-2
C-4 SUP	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
		HOS SUP

ZONING MAP FOR PC-2170 (NW/4, Sec 10, T11N, R2W)



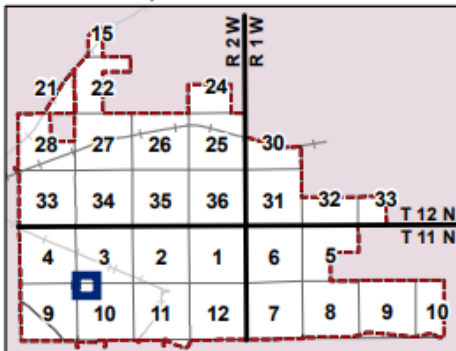
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GIS- Information Technology/ Community Development



Locator Map

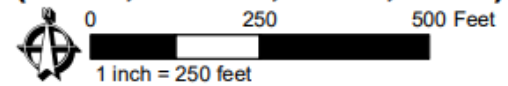


- Drainage Legend**
- Curb Inlets
 - Inlets
 - Junction Box
 - Culverts
 - Flumes
 - Developed Channels
 - Trickle Channels
 - Undeveloped Channels
 - Storm Lines
 - Creeks
- ELEVATION**
- 1166-1204 ft
 - 1204-1228 ft
 - 1228-1250 ft
 - 1250-1278 ft
 - 1278-1324 ft

2009 FEMA Floodplains

- 500-yr floodplain
- 100-yr floodplain
- 2009 FEMA Floodway
- FLOODWAY

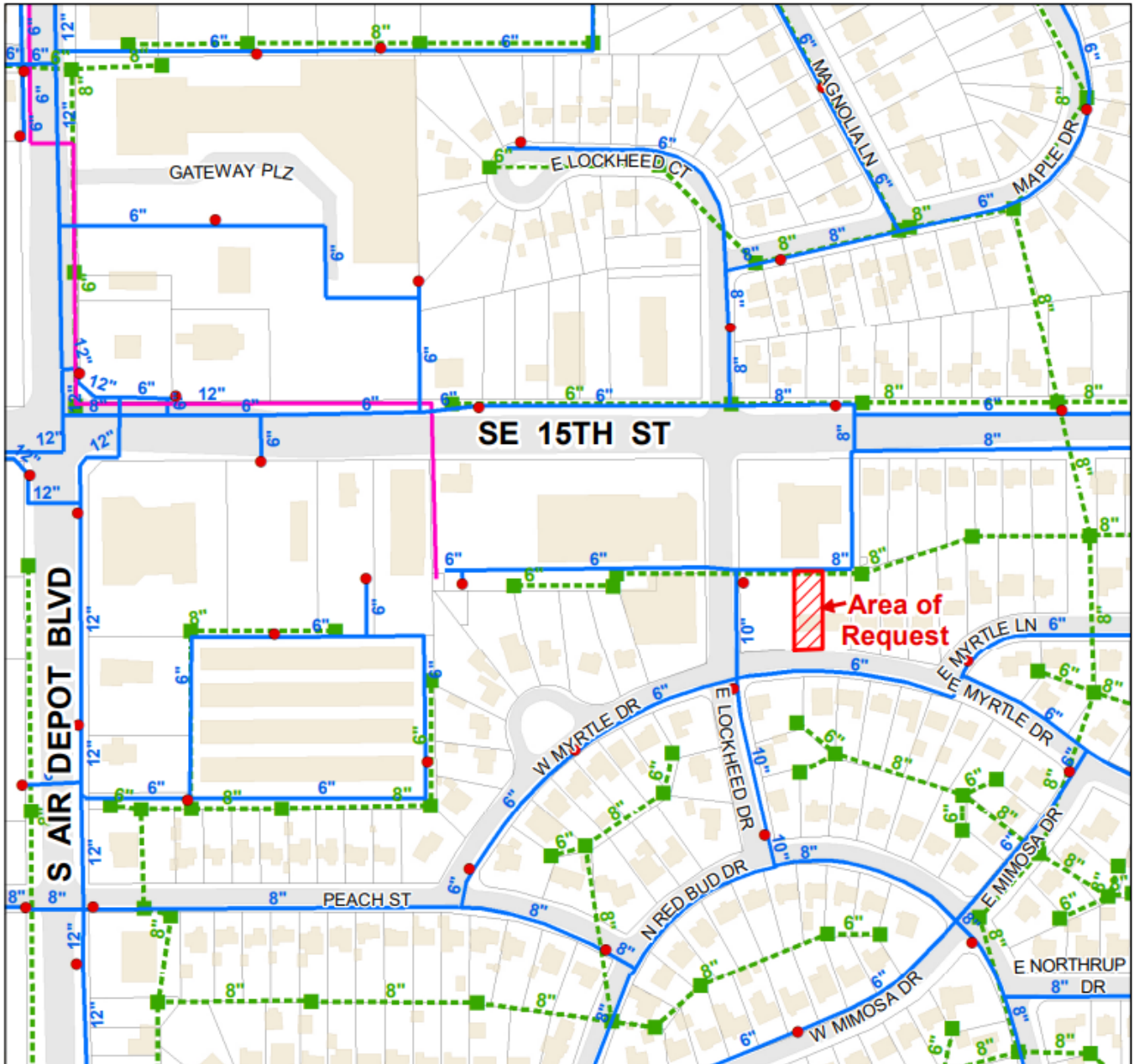
DRAINAGE LOCATION MAP FOR PC-2170 (NW/4, Sec 10, T11N, R2W)



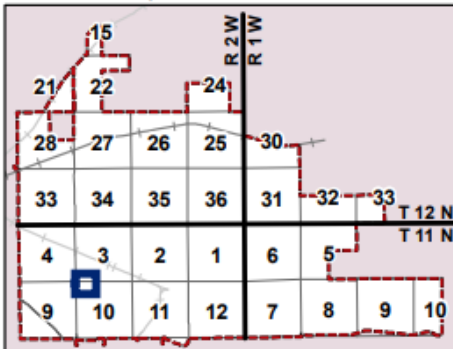
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GIS- Information Technology/ Community Development



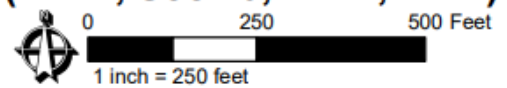
Locator Map



Water/Sewer Legend

- Fire Hydrants
- Water Lines
 - Distribution
 - Well
 - OKC Cross Country
 - Sooner Utilities
 - Thunderbird
 - Unknown
- Sewer Manholes
- Sewer Lines

**WATER/SEWER LINE
LOCATION MAP FOR
PC-2170
(NW/4, Sec 10, T11N, R2W)**



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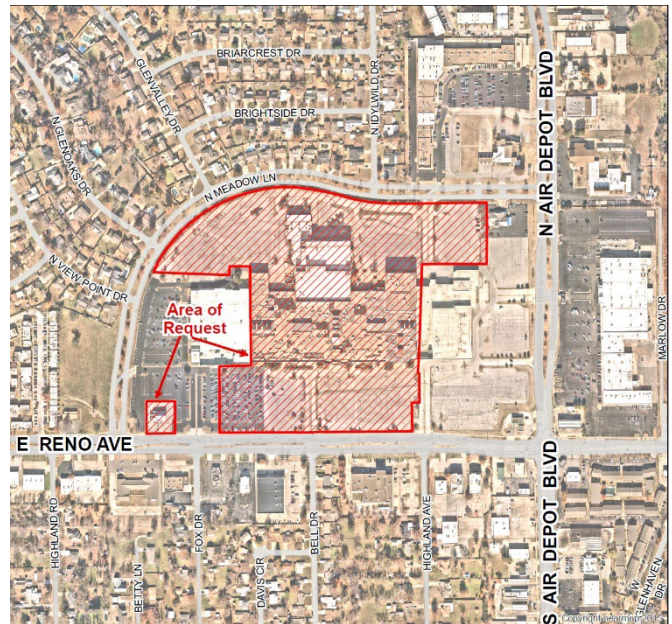


To: Chairman and Planning Commission
From: Matt Summers, Director of Planning & Zoning
Date: April 2, 2024

Subject: (PC-2168) Public hearing, discussion, consideration, and possible action of an ordinance to redistrict from Community Commercial District (“C-3”) to Planned Unit Development (“PUD”) with C-3 as a base zoning district, for the property described as Lot Three (3), Blocks Five (5), Six (6), Seven (7) and Eight (8) in Heritage Park Mall, A Re-Subdivision of Blocks 3, 4 and 5 of Miracle Mile Addition, An Addition to Midwest City, Oklahoma County, Oklahoma, As Shown By the Recorded Plat Thereof.

Executive Summary: The Applicant is requesting to rezone the subject property from Community Commercial (C-3) to a Planned Unit Development with an underlying C-3 zoning.

The subject property was developed as part of Heritage Park Mall in the 1970s. The site has not been used as a mall in several years, and in 2022 the City declared an area, which includes the subject property, to be a blighted area, consistent with and pursuant to the Oklahoma Urban Redevelopment Law, 11 O.S. §38-101, et seq. In 2023, the City adopted the Heritage Park Mall Area Urban Renewal Plan (“Urban Renewal Plan”), which includes the subject property, and amended the Comprehensive Plan to include the Urban Renewal Plan.



The applicant submitted a master plan consisting of both a master development plan map and a design statement. This application proposes to allow high-density residential uses in certain areas of the existing structure. The master development plan map indicates the site will largely remain the same, with no new buildings or changes to the parking lots proposed.

No amenities are proposed with this PUD application.

Staff has noted in this report issues with the accuracy, lack of information, and consistency between the elements of the master plan for the PUD in detail in the analysis below. Additionally, the design statement contains language that staff does not recommend the city adopt as part of a PUD. This language includes attempts to amend private agreements and statements about city regulations regarding platting.

Approval of this rezoning application would not be consistent with the Urban Renewal Plan or the Comprehensive Plan. The Comprehensive Plan generally supports mixed use developments on the project site, but there is not sufficient information provided for the Comprehensive Plan to support this application. Neither the Master Development Plan nor the request for a PUD includes a proposed amendment to the Comprehensive Plan concerning the impact of the Urban Renewal Plan. The Urban Renewal Plan specifies that the subject

property is to be acquired by the Midwest City Urban Renewal Authority, which is currently undertaking actions to do so, consistent with the Urban Renewal Plan.

If this application is approved, all necessary permits through the Engineering and Construction Services Department shall be pulled prior to any construction/redevelopment. All applicable code requirements shall be observed.

Both state and local notification requirements were met.

At the time of this writing, staff had been contacted by two (2) property owners who were curious about the nature of the application.

Based on the findings in this report, staff recommends denial of this application.

Action is at the discretion of the Planning Commission.

Dates of Hearing:

Planning Commission- April 2, 2024

City Council- April 23, 2024

Dates of Pre-Development Meeting:

January 15, 2024

Council Ward: Ward 4, Sean Reed

Owner: Parcel 1 – ABAB Inc.

Parcel 2 – Ahmad Bahreini & Nasser Shakiba

Applicant: Ahmad Bahreini

Proposed Use: Multi-family residential and commercial uses

Size: Total: 27.35 Acres (Parcel 1: 18.59 Acres; Parcel 2: 8.76 Acres)

Development Proposed by Comprehensive Plan:

Area of Request-	Office / Retail
North-	Low Density Residential & Office / Retail
South-	Low Density Residential & Office / Retail
East-	Office / Retail
West-	Office / Retail

Zoning Districts:

Area of Request-	C-3, Community Commercial District
North-	R-6, Single-Family Detached Residential District; C-3, Community Commercial District
South-	R-6, Single-Family Detached Residential District; C-3, Community Commercial District; & PUD
East-	C-3, Community Commercial District
West-	C-3, Community Commercial District

Land Use:

Area of Request- Vacant Structure

North-	Single-family residence & Retail
South-	Single-family residence & Retail
East-	Vacant Structure
West-	Church

Comprehensive Plan Citation:

The Future Land Use map in Chapter 4 of the Comprehensive Plan shows the project site to be planned for Office/Retail uses. It also shows the site to be designated as a Special Planning Area. The Urban Renewal Plan, which amends the Comprehensive Plan, identifies that specific land uses will be controlled by applicable zoning approved by the City.

Office/Retail Land Use

Retail land uses areas are intended to provide for a variety of retail trade, personal, and business services and establishments. Retail establishments generally require greater visibility than do other types of non-residential land uses (e.g., office, commercial). Office uses include professional offices for lawyers, doctors, realtors, and other professionals. Office land uses are generally appropriate in all other non-residential areas of the City. Office development should be compatible with any adjacent residential area.

Special Planning Areas (SPAs)

Special Planning Areas (SPAs) indicate areas where special planning considerations should be given due to an area's unique characteristics or circumstances. The primary reason for establishing SPAs is to promote quality redevelopment and support existing development. These areas have a substantial chance of experiencing redevelopment or have experienced redevelopment in recent years. As a general guide, future land uses have been indicated within the SPAs on the Future Land Use Plan Map. SPAs are shown on the Future Land Use Plan Map as an overlay, which has underlying land uses. The City should consider incentives to encourage quality redevelopment within these areas. SPAs are focal points of the community. The image they portray is important to the overall image of the City. If redevelopment occurs, it should be compatible with the surrounding areas. Issues to consider would be how redevelopment influences existing single family housing. Also, how can redevelopment be designed to improve these areas?

As part of this application, the applicant is requesting to amend the Comprehensive Plan to add High-Density Residential to the planned uses for this site.

High Density Residential Land Use

Traditional apartment-type units in attached living complexes characterize high density residential land use. There are currently several high density residential areas within Midwest City. It should be noted that medium density uses should also be permitted in any area designated for high density use.

Municipal Code Citation:

2.25. – PUD, Planned Unit Development

2.26.1. *General Provisions.* The planned unit development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls to produce unique, creative, progressive, or quality land developments.

The PUD may be used for particular tracts or parcels of land that are to be developed as one unit according to a master development plan map.

The PUD is subject to special review procedures within 7.3 PUD Application and Review and once approved by the City Council it becomes a special zoning classification for the property it represents.

2.25.2. *Intent and Purpose.* The intent and purpose of the planned unit development provisions are as follows:

- (A) *Innovative land development.* Encourage innovative development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.
- (B) *Flexibility within developments.* Permit flexibility within the development to maximize the unique physical features of the particular site.
- (C) *Efficient use of land.* Encourage efficient use of land, facilitate economic arrangement of buildings and circulation systems, and encourage diversified living environments and land uses.
- (D) *Function, design, and diversity.* Achieve a continuity of function and design within the development and encourage diversified living environments and land uses.
- (E) *Modifications to development requirements.* Provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

2.25.3. *Planned Unit Development Authorized.* A PUD may be authorized by an amendment to the official Zoning District Map after public hearings by the Planning Commission and City Council, provided it complies with the following requirements:

- (A) *Locations and uses.* A PUD shall be considered a special zoning district; and it may be authorized for any use or combination of uses permitted in this Zoning Ordinance.
- (B) *Planned unit development master plan required.*
 - (1) The basis for review and approval of a PUD application shall be the PUD master plan, which shall be adopted as a part of the ordinance of rezoning in conformance with the requirements described in these regulations.
 - (2) The PUD master plan shall consist of two (2) following elements:
 - a. The design statement; and
 - b. The master development plan map.
 - (3) The PUD master plan establishes residential densities, as well as amount, type, and general location of all land uses.
 - (4) The PUD master plan shall serve as the basis for review and approval of all subdivision plats and building permits within the PUD.
- (C) *Effect of planned unit development approval.*
 - (1) Approval of a zoning change to a PUD adopts the master plan prepared by the applicant and reviewed as a part of the application.
 - a. The master plan establishes new and specific requirements for the amount and type of land use, residential densities, development regulations and location of specific elements of the development, such as open space and screening.
 - (2) The PUD classification replaces any previous zoning district classification of a parcel.
 - (3) All PUDs shall establish a conventional or base zoning district to identify all applicable uses and development regulations not specified within the PUD master plan.
 - a. The conventional or base zoning district's use and development regulations standards shall be interpreted to be the most recently adopted version of the Zoning Ordinance.

- b. Uses and development regulations may either be adopted into or deleted from a base zoning district and said uses and development regulations shall be applicable to PUD.

2.25.4. *Criteria for Planned Unit Development (PUD) Review and Approval.* Because the PUD provides the opportunity for higher densities, greater design flexibility, mixed land uses, and improved marketability, the applicant should be prepared to provide amenities and services that may not be required or possible in a conventional development.

Review and approval of a PUD is, therefore, a process of negotiation between the city government and the applicant to achieve the intents and purposes of these regulations and the comprehensive plan.

The following factors should be specifically included as review criteria for the evaluation of a PUD application. Other factors not listed herein may also be considered in the review process in order to respond to specific design and land use proposals:

- (A) *Design standards.*
 - (1) The proposed PUD shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the comprehensive plan and the land uses and zoning districts adjacent to it.
 - (2) Design of the PUD may provide for modification of conventional Zoning Ordinance requirements for such elements as setback areas, densities, setbacks, and height on individual lots in accordance with the PUD master plan.
 - (3) Density, land use, and intensity shall be based on the PUD master plan and shall be in conformance with the comprehensive plan.
 - (4) Building code requirements shall not be reduced in the design of a PUD.
 - (5) The maximum number of dwelling units within a SPUD shall be based on calculation of gross density.
 - a. Gross density shall be established in the PUD master plan and shall be calculated by dividing the total land area to be developed for residential uses (exclusive of arterial streets) by the number of dwelling units.
 - (6) Location and type of housing shall be established in a general pattern and shown on the master development plan map.
- (B) *Minimum design and construction standards for streets and alleys.* Streets and alleys for PUDs shall be designed and constructed in accordance with city standards and specifications for right-of-way width and paving cross sections; provided that modifications may be requested and approved as part of the master plan if the following criteria are met:
 - (1) *Public streets and alleys.* Proposed public street and alleys shall satisfy the following criteria:
 - a. Street right-of-way and paving shall be adequate to provide a traffic carrying and utility installation capacity related to the design of the overall street system, the function of the individual street, and the land uses served.
 - b. Paving cross sections shall be designed to be adequate to provide drainage in conformity with the drainage plan for the PUD; to receive loading commensurate with anticipated traffic based on the design of the overall street system; and to

have a maintenance level commensurate with that of facilities constructed to regular standards.

- (2) *Private streets and alleys.* Proposed private streets and alleys shall satisfy the criteria for public facility modifications listed above and the following:
 - a. Private streets shall not be connected to an adjacent parcel which is not a part of the PUD in a manner that will circulate traffic into and through the private street system.
 - b. The owner/applicant shall clearly demonstrate the existence and capabilities of a property owners' association to provide the ongoing and long-term maintenance of the private street and alley facilities that will not be provided by the city.
- (C) *General design and development guidelines.*
 - (1) *Intensities.* Proposed developments shall conform to the general level of intensity outlined within the comprehensive plan and should be developed in a manner and at a scale that will be compatible with adjacent developed neighborhoods.
 - (2) *Amenities.* Amenities should be considered as an important justification for development and city approval of a PUD.
 - a. Where gross or net densities are to be increased to promote economy of development, or where other methods of land use intensification are proposed, usable open space should be furnished along with provision for its permanent retention and continued maintenance. Sidewalks and pedestrian ways should be planned where it is necessary to provide for amenities and public safety.
 - (3) *Minimum land area and frontage.* The minimum areas and frontage for a PUD request involving office, commercial, or industrial land uses should generally be at least the minimum required by the conventional zoning associated with the proposal.
 - (4) *Streets.*
 - a. Street design should be innovative and should restrict through traffic from residential areas as much as possible.
 - b. Encouragement should be given to design of short local streets serving limited areas, such as the residential cul-de-sac.
 - c. Local street right-of-way widths may be reduced to thirty (30) feet. However, a ten (10) foot easement shall be provided where utilities or sidewalks are proposed. These easements may be omitted when a letter can be provided from each utility company stating that they have no present or future need for a utility easement in the area which abuts the street.
 - d. Development of a private street system should be considered appropriate under certain conditions where there is no through traffic. However a private street system should not serve as a reason for reduction of minimum design and paving standards.
 - e. On-street parking bays or other similar areas where vehicles must be backed into the traffic flow shall not be approved on arterial or collector streets or any local street; provided, however that certain cul-de-sac or small loop street designs may be considered as appropriate.

- (5) *Parking.* If the front building line in residential areas is less than twenty (20) feet, the Planning Commission and City Council may require additional guest parking at the suggested rate of one additional space per 7.5 units.
- (6) *Mixed land use developments.* Where a PUD proposes a mix of uses which would generally be incompatible with a conventional development, the PUD master plan should specifically establish appropriate guidelines to assure a harmonious development.
- (7) *Common access.* In commercial or industrial developments, the PUD master plan should establish specific standards and locations for common access driveways both within the development and abutting arterial streets. Approval of the bonus provisions in 5.3.2 Off-Street Parking Standards of this Ordinance for shared parking facilities should only be authorized in a PUD where this access commitment is provided in the PUD master plan.

History:

1. This property is part of the Miracle Mile Addition platted in 1966.
2. Was re-subdivided in 1977 as Heritage Park Mall A Re-Subdivision of Blocks 3, 4 and 5 of Miracle Mile Addition.
3. The subject property was declared blighted by City Resolution 2022-23 on August 23, 2022.
4. An Urban Renewal Plan, as defined by and in accordance with the provisions of the Oklahoma Urban Redevelopment Law, 11 O.S. §38-101, *et seq.* was adopted by City Resolution 2023-09 on April 25, 2023. The subject property is within the established boundaries of the Urban Renewal Plan and is specifically authorized for acquisition.

Next Steps:

If Council approves this rezone, the applicant will need to request an amendment to the Comprehensive Plan concerning the Urban Renewal Plan and the Plan's objective of the City acquiring the property. The applicant would also need to apply for the appropriate building permits from the Engineering and Construction Services Department, and to verify the safety and security of the electrical and water systems within the building prior to those utilities becoming available.

Staff Comments-

There are numerous construction requirement references made in the Engineering, Fire Marshal, and Public Works portions of this report. The intent of the Municipal Code is to directly involve the applicant in continued community development activities such as extending public sewer and water and making street improvements, for examples. This is a rezoning application and the construction references are provided to make the applicant and subsequent developers of this property aware of their applicability as they relate to the future development or redevelopment of this property.

Engineering Staff Comments:

Note: Any necessary Engineering improvements have yet to be determined as part of this application.

Water Supply and Distribution

There are public water mains throughout the proposed parcel, a ten (10) inch line encircles the entire building. Any new building permit will require tying to the public water system as outlined in Municipal Code 43-32.

Sanitary Sewerage Collection and Disposal

There are public sewer mains throughout the proposed parcel, eight (8) inch lines running along the north and south side of the parcel. Any new building permit will require tying into the public sewer system as outlined in Municipal Code 43-109.

Streets and Sidewalks

Access to the parcel is available from North Air Depot Boulevard, East Reno Avenue, and Meadow Lane. North Air Depot Boulevard and East Reno Avenue are classified as secondary arterials in the 2008 Comprehensive Plan. Meadow Lane is classified as a local road in the 2008 Comprehensive Plan. Public road and sidewalk improvements are not required as part of this application.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is shown to be in an Area of Minimal Flood Hazard on Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 18th, 2009. Public drainage and detention improvements are not required as part of this application.

Easements and Right-of-Way

No further easements or right of way would be required with this application.

Fire Marshal's Comments:

- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.

Public Works' Comments:

Line Maintenance

Water

- Water infrastructure is available to the property. The applicant shall be responsible for evaluating the available flow on the water system for fire protection and/or domestic use.
- Water meter(s) shall be installed in "green belt" per Midwest City Municipal Code Section 43-54.

Sewer

- Sanitary sewer is available to the property. The applicant shall be responsible for communicating the anticipated daily sewer discharge for capacity calculations.
- Sewer waste from food services, vehicle maintenance shops, car washes, etc. shall conform with Midwest City Ordinance Chapter 43, Division 6. The installation of an interceptor, separator, and/or grit chamber shall be required.
- A City provided Sewer Use Survey will be required to be submitted by the applicant to address types of wastewater produced and method(s) of wastewater disposal for any commercial remodel permit, commercial new construction permit, and/or Certificate of Occupancy applied for

Planning Division:

Staff met with the applicant January 15, 2024 for a pre-application meeting.

Notifications were sent in compliance with state and local requirements.

At the time of this writing, staff had been contacted by two (2) property owners who were curious about the nature of the application.

PUD Master Plan

The PUD master plan is required by Section 2.25.3 (B) and consists of two elements. The first is a Master development plan map, and the second is a PUD design statement. The following are staff's comments on these elements.

Master Development Plan Map

The master development plan map submitted as part of this application indicates the applicant intends to repurpose the existing structures on site and use the existing parking areas. The bulk of the existing building is intended to retain those uses allowed under the C-3 zoning district, while two (2) areas within the existing building are intended to be redeveloped for high-density residential uses. The map does not indicate any planned improvements to the transportation network, parks/open space, or landscaping/buffering. It is unclear whether any of the parking areas will be reserved for residential occupants. The map also does not indicate the provision for public amenities as part of the proposed redevelopment of the site.

Design Statement (The section headers below refer to the sections labeled in the design statement. References to Midwest City Municipal Code are specifically labeled as such.)

Title Page: The address listed for the Developer, ABAB, Inc, matches the billing address listed on the County Assessor's page, but does not match the address listed for the business on the Secretary of State's records. The assessor lists a billing address in Oklahoma City, while the Secretary of State lists an address in Edmond.

Section 1.0: This section of the design statement appears to attempt to unilaterally modify a private agreement between the applicant and other owners of property in the former Heritage Park Mall complex. Staff feels it is important to note that application for a PUD or any subsequent decisions by City Council on the application do not constitute the official amendment of a separate recorded legal agreement.

Any plats submitted to subdivide the subject property will need to follow all procedures and requirements for platting described in Chapter 38 of the Municipal Code.

Section 2.0: Staff does not have any comments on the legal descriptions of the two parcels that constitute the subject property. However, staff notes that the legal descriptions are somewhat odd in that one description references "LOT THREE (3)" and the other references "BLOCKS FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8)" for the same level of subdivided property on the same plat.

Section 3.0: As noted on the title page, between the County Assessor's records and the Secretary of State's records, there seems to be some inconsistency about whether the developer is operating out of Oklahoma City or Edmond.

Section 4.0 The site is mostly flat, with a gentle slope falling from east to west. The elevation of the eastern side of the property is at about 1,230 feet and the western side of the project site is at about 1,218 feet.

The description of the surrounding properties does not take into account the church immediately to the west of the project site.

Section 5.0 The concept statement does not adequately describe how the developer envisions the uses to be integrated on the site. Will the uses be as segregated as shown on the map? What is the proposed density of the multi-family, and how many units are proposed? To staff's knowledge, the project site has no tenants or businesses occupying the site, so it is unclear what "existing commercial services" the concept statement is referring to.

Section 6.0 The service availability statement implies the site is located within Oklahoma City. Some of the streets are incorrectly named in the statement. They should read as, "East Reno Ave., N. Air Depot Blvd., and N. Meadow Ln."

While there are utilities in the area from when the site was developed as a mall in the 1970s, staff does not have adequate information to support the applicant's statements that the subject property, and the existing building, are adequately served by the listed utilities. In fact, the City has issued notifications of the termination and disconnect of all service utilities due to the unsafe condition of the facilities. Further, converting former retail spaces into multi-family dwellings would increase the demands on the utility networks, and it has not been determined what, if any, improvements might be needed if the PUD were approved.

Section 7.0 The design statement once again seems to attempt to alter a private agreement. As staff noted previously, this is not an appropriate method to attempt to alter private agreements. The statement also again references "existing commercial services" which are not present on the subject property.

The design statement references the R-HD and C-3 districts as allowable for both parcels, and goes on to state that all uses allowed in those districts are allowed under the PUD. It also states that other uses would still follow typical procedures for approval.

It is unclear why there is a list of all of the zoning districts from the Zoning Regulations in this section. Staff believes the application is only to allow the uses in the R-HD and C-3 districts on the subject property. Staff recommends against allowing the uses from all the zoning districts on the subject property and feels the table listing all possible districts should be eliminated from the design statement.

Section 7.2 of the design statement states, "The development regulations of each parcel and/or tenant space shall conform with the zoning district established by an approved preliminary plat..." Staff strongly objects to including this language in the design statement. The preliminary plat process cannot be used to establish the development regulations for a parcel when developed as a PUD. These development regulations must be a part of the PUD so the Planning Commission and City Council can appropriately evaluate the application against the criteria (Appendix A: Section 2.25.4) and Intent and Purpose (Appendix A: Section 2.25.2).

The design statement makes reference to zoning districts that do not exist in Midwest City including: R-4 and R-1ZL. The statement mentions up to 100 single-family homes, residential lot sizes, and setbacks. Residential lots and single-family homes are inconsistent with what is shown on the master development plan map. The map did not indicate there were to be any new buildings constructed or new residential lots created as part of this application. If this application

were approved, it would be inappropriate to include these statements as an exhibit to an ordinance adopted by City Council.

Section 7.2.8 of the design statement states that “The total amount of commercially developed area will be no more [than] 20 acres in addition to existing development square footages.” Between parcels 1 & 2 the project site is about 27.35 acres. Staff wants to clarify, that the site would still be subject to the maximum building coverage standards from the underlying C-3 zoning district.

- Section 8.0 Determination of the need for road improvements and design approval will be made by the Engineering & Construction Services Department, and not by Public Works.
- Section 9.0 The requirements for screening and landscaping are established in Appendix A of the Municipal Code, and will be reviewed by the Planning & Zoning Department and not Public Works.
- Section 10.0 Sign regulations for Midwest City are in Chapter 9 of the Municipal Code, and not in the zoning regulations. Also permits for signs are issued by the Engineering & Construction Services Department and not by Public Works.
- Section 11.0 This section makes reference to “private street right-of-way”. Staff is unaware of any private streets on the project site, and none are indicated as proposed on the master development plan map.
- Section 12.0 In addition to the items stated in this section, the applicant is responsible for verifying the safety of all existing lighting on the site.
- Section 13.0 The architecture section is inadequate. If the applicant does not intend to follow the building exterior regulations in Section 5.12 of the Zoning Regulations, then specific materials should be listed as being allowable and in what percentages on the exterior. The Planning Commission and City Council need this information to be able to have confidence in knowing what will be built if the application is approved.
- Section 14.0 Staff has no comment on the ownership and maintenance section.
- Section 15.0 The design statement refers to the “natural beauty of the area” and that drainageways will be left natural. There are no natural drainageways on the site that staff is aware of.

Section 15.3 of the design statement states that the areas designated for C-3 uses will also be allowed “accessory residential occupancy”. Staff does not recommend adopting language this vague for a mixed use development. Because the C-3 zone typically does not allow residential uses, adopting language like this for a mixed-use would leave too many unknowns about the time, place, and manner of such “accessory residential occupancy”. Important elements such as the location, size, density, and more are left too open to interpretation in this design statement.

Section 15.4 does not seem like it applies to this project. The master development plan map does not indicate any internal tract boundaries. Staff would not recommend approving language stating “tract boundary lines may fluctuate...” with this PUD. The purpose of a PUD is for the

city to grant flexibility on some regulations, in return for innovative design and provision of additional amenities. This tradeoff only works when both parties have confidence in what the overall plan is for the site, and how it may be altered if necessary. The language quoted above about boundaries fluctuating on this project would seem to give one party the ability to unilaterally amend the proposed tradeoff. Additionally, there are no proposed amenities.

Section 15.5 is not needed, and somewhat inaccurate. The PUD does not need to, and does not have the authority to, dictate to the City which departments will handle site plan reviews.

Section 15.6 attempts to circumvent platting requirements for the City of Midwest City. Staff recommends not approving any PUDs with this language. The platting requirements adopted by the city are in place for the benefit of property owners and the city.

Overall Master Plan Comments

The notes above include staff's comments on specific elements of the materials provided by the applicant. This section addresses the Master Plan's conformance with the Municipal Code. The criteria for reviewing PUDs is described in Sections 2.25 and 7.3 of Appendix A of the Municipal Code. To reduce duplication, the analysis below only references Section 2.25.

Section 2.25.3 (B)(3) of Appendix A states, "The PUD master plan establishes the residential densities, as well as amount, type, and general location of all land uses." Some of these same standards of information that are to be provided by the master plan are also spelled out in Section 2.25.3 (C). This plan does not meet this standard, because:

1. The master plan does not mention the density of the residential uses,
2. It does not mention the number of units proposed,
3. It contains conflicting information about uses on the site. As an example, the master development plan shows only areas for commercial and high-density residential uses, but the design statement mentions single-family residences and lots.

Section 2.25.4 of Appendix A describes the criteria for reviewing and approving Planned Unit Developments. This section opens by stating how important it is for PUDs to provide amenities and services that would not be required of conventional developments. Section 2.25.4 (C) (2) goes on to state, "Amenities should be considered as an important justification for development and city approval of a PUD." This application, including the master plan, make no mention of amenities that are proposed as part of this PUD. Staff concludes therefore, that the proposed PUD will not include public amenities or services.

Based on the analysis above, the application for a PUD should not be approved. The master plan lacks the information required under Appendix A Sections 2.25 and 7.3. Some of the information that was supplied as part of the design statement was inaccurate, referred to zoning districts not in the Municipal Code, attempts to modify private agreements, and generally contains language that would not be in the city's best interests to adopt as part of an ordinance rezoning the subject property to a PUD.

Long-Range Plans

The subject property was developed as part of the Heritage Park Mall in the late 1970s. The property has not operated as a mall in several years, and in 2022 was declared blighted. Since then, City Council, the Urban Renewal Authority, and the Planning Commission have reviewed, and the City has adopted the Urban Renewal Plan, which includes the subject property and authorizes its acquisition. The Urban Renewal Plan, the

Comprehensive Plan, and the Air Depot Corridor study are all critical planning documents to consider when examining this PUD application. Staff has included notes below regarding whether or not this application is supported by each of these plans.

Urban Renewal Plan

The Urban Renewal Plan was adopted in April 2023, and the subject property is within the boundaries established by the plan. The plan states, “The principal activities consist of acquisition, disposition, and redevelopment to remedy blighting conditions in the Urban Renewal Area.”¹ The plan calls for the Urban Renewal Authority to acquire the blighted subject property in order to facilitate redevelopment. Approval of this PUD would not be consistent with the objectives or the actionable items identified on pages 2 and 3 of the Urban Renewal Plan. None of the application materials for this proposed PUD address the Urban Renewal Plan.

2008 Comprehensive Plan

The subject property is shown on the Future Land Use Map to have a future land use designation of Office/Retail. This application proposes to alter the site’s future land use designation to also include High Density Residential. The subject property is also located within a Special Planning Area (SPA). “Special Planning Areas indicate areas where special planning considerations should be given due to an area’s unique characteristics or circumstances.”² Special Planning Areas are also discussed in Chapter 6 (Housing & Neighborhood Plans). The plan encourages quality developments and mixed-uses in these SPAs. The area around the hospital is an example of a SPA from the Comprehensive Plan that is on track to provide a quality mixed-use development.

Chapter 4 of the Comprehensive Plan also discusses High Density Residential Land Uses on page 4-28 stating that multi-family developments should be adjacent to arterial roads, have at least 90 percent masonry on the exterior of the first story, have buffer areas from single-family residential areas, and provide an appropriate amount of useable open space. The proposed PUD has not indicated any provision of open space will be a part of the plan for the site. The PUD also does not state definitively what the building exterior materials will be.

Air Depot Corridor Study

The Air Depot Corridor Study from 2022 does not go into specifics regarding proposed uses for the subject property. It states, “...the former Heritage Park Mall which was declared as “blighted” by the City on August 23, 2022 which will begin the Urban Renewal process to redevelop the property.”³ This plan does not support or oppose the PUD application; however, it does specifically identify the Urban Renewal Plan, which does not support the PUD application.

Midwest City Trails Master Plan

The trails master plan for Midwest City identifies the Reno Trail as a trail connecting Bomber Run, to the subject property, the hospital, and the Municipal Complex. The trail is proposed to follow the south side of N. Meadow Ln. along the subject property.

Staff Findings

¹ (City of Midwest City , 2023)

² (Midwest City, Sefko Planning Group, & Freese and Nichols, Inc., 2008)

³ (Midwest City & Catalyst, Air Depot Corridor Plan, 2022)

1. The master plan submitted as part of this application has been found to lack accurate information related to the subject property, the regulations, and the plan review procedures of Midwest City.
2. The master plan does not contain adequate information about specific topics outlined in Sections 2.25 and 7.3 of Appendix A of the Municipal Code for the city to have clarity about what is being requested for approval.
3. The master plan is not specific enough in certain areas, such as exterior design considerations, for staff to understand if the PUD intends to alter the development requirements for the subject property.
4. The master plan contains language that seemingly attempts to alter a private agreement.
5. The master plan attempts to dictate the review process of certain procedures, such as platting, to the City, which is not appropriate as part of this application.
6. The subject property was declared blighted in 2022, was included in the Urban Renewal Area, and is subject to the Urban Renewal Plan adopted in April 2023.
7. This application is not supported by the Heritage Park Mall Area Urban Renewal Plan.
8. The Comprehensive Plan generally supports quality mixed-use developments in Midwest City.
9. The Comprehensive Plan supports the provision of open space and masonry materials as part of projects involving high-density residential development.

Based on the analysis in this staff report and the findings, staff does not recommend approval of the application.

Action Required:

Approve or reject to amend the ordinance to redistrict from Community Commercial District (“C-3”) to Planned Unit Development (“PUD”) with underlying C-3 zoning for the property noted herein, subject to staff comments as found in the April 2, 2024 agenda packet and made part of PC-2168 file.

Suggested Motion:

“To deny application PC-2168 to rezone the subject property to a Planned Unit Development with underlying C-3 zoning district subject to Staff Comments found in the April 2, 2024 Planning Commission agenda packet and made part of the PC-2168 file.”

Please feel free to contact my office, at (405) 739-1228 with any questions.

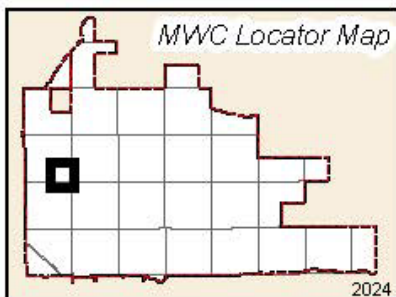
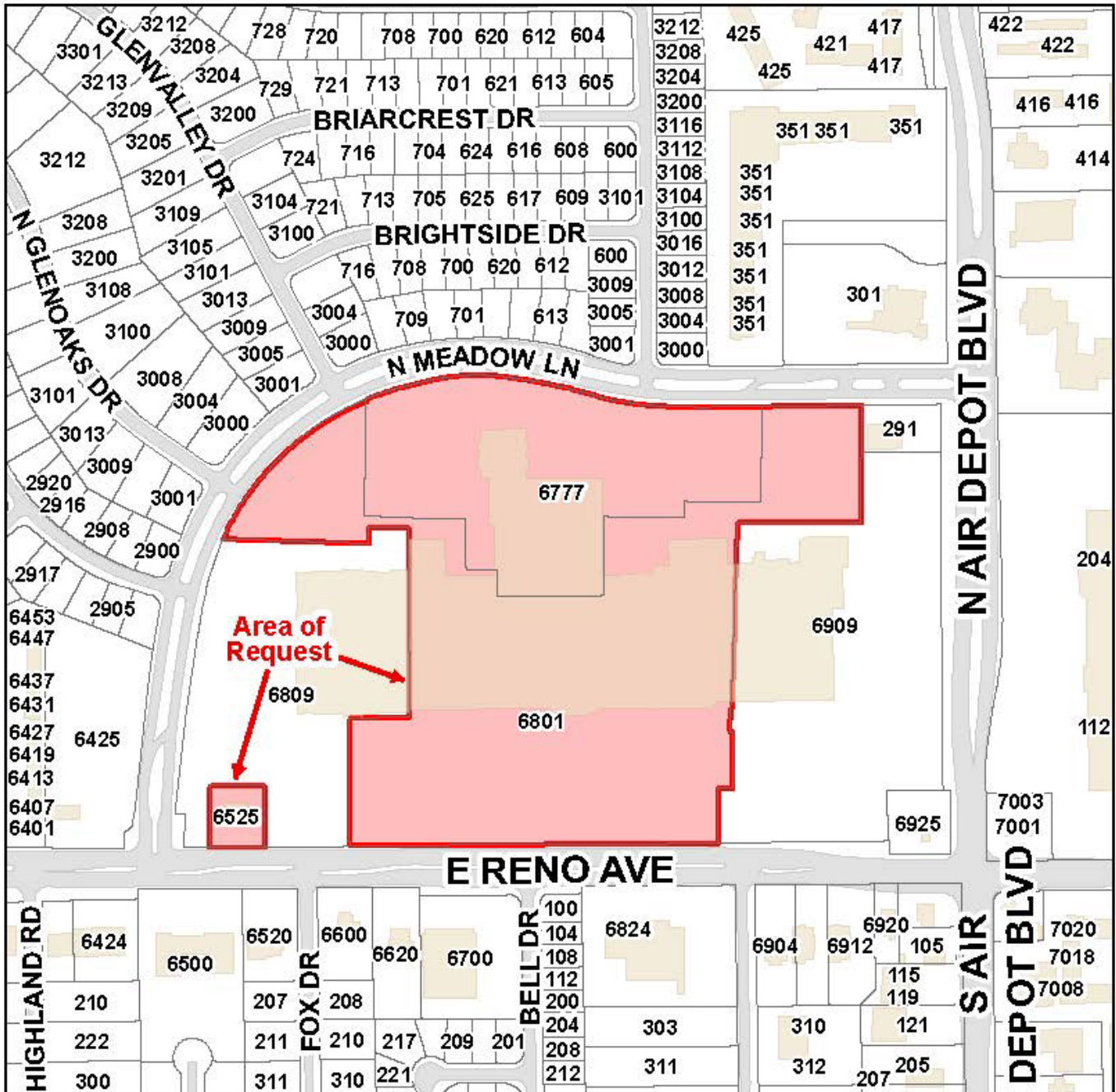


Matt Summers

Director of Planning & Zoning



GIS - Information Technology
& Community Development
Departments

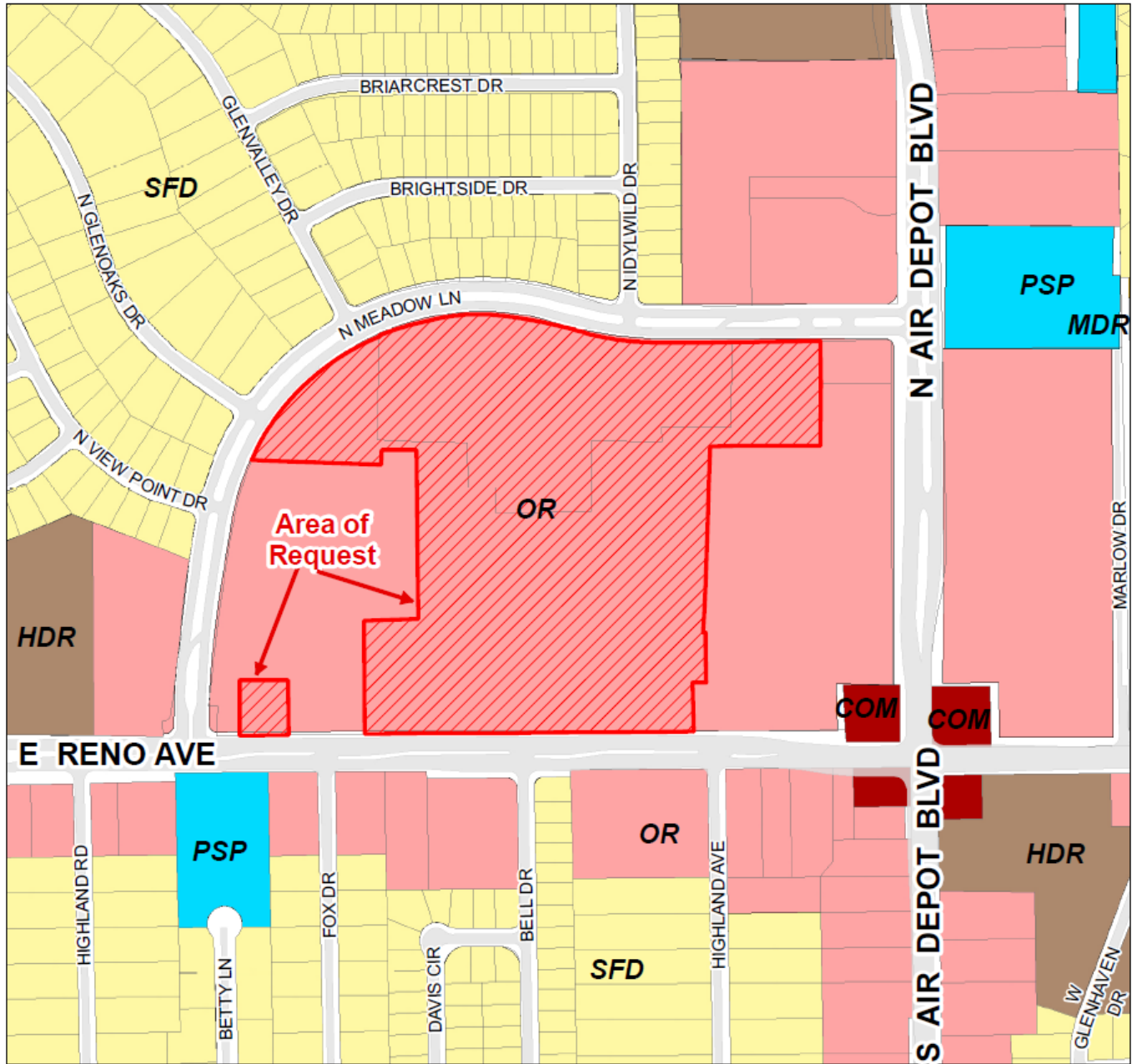


NOTIFICATION MAP FOR PC-2168

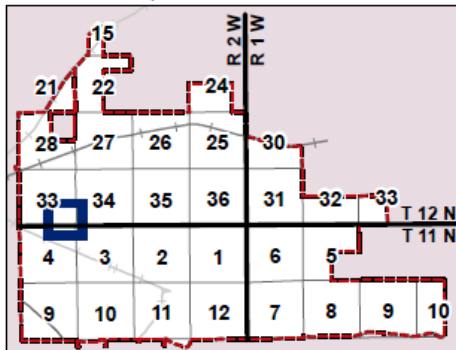
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GIS- Information Technology/ Community Development



Locator Map



Future Land Use Legend

- Single-Family Detached Residential
- Medium Density Residential
- High Density Residential
- Manufactured Home
- Public/Semi-Public
- Parks/Open Space
- Office/Retail
- Commercial
- Industrial
- Town Center

**FUTURE LAND USE
MAP FOR
PC-2168
(SE/4, Sec 33, T12N, R2W)**

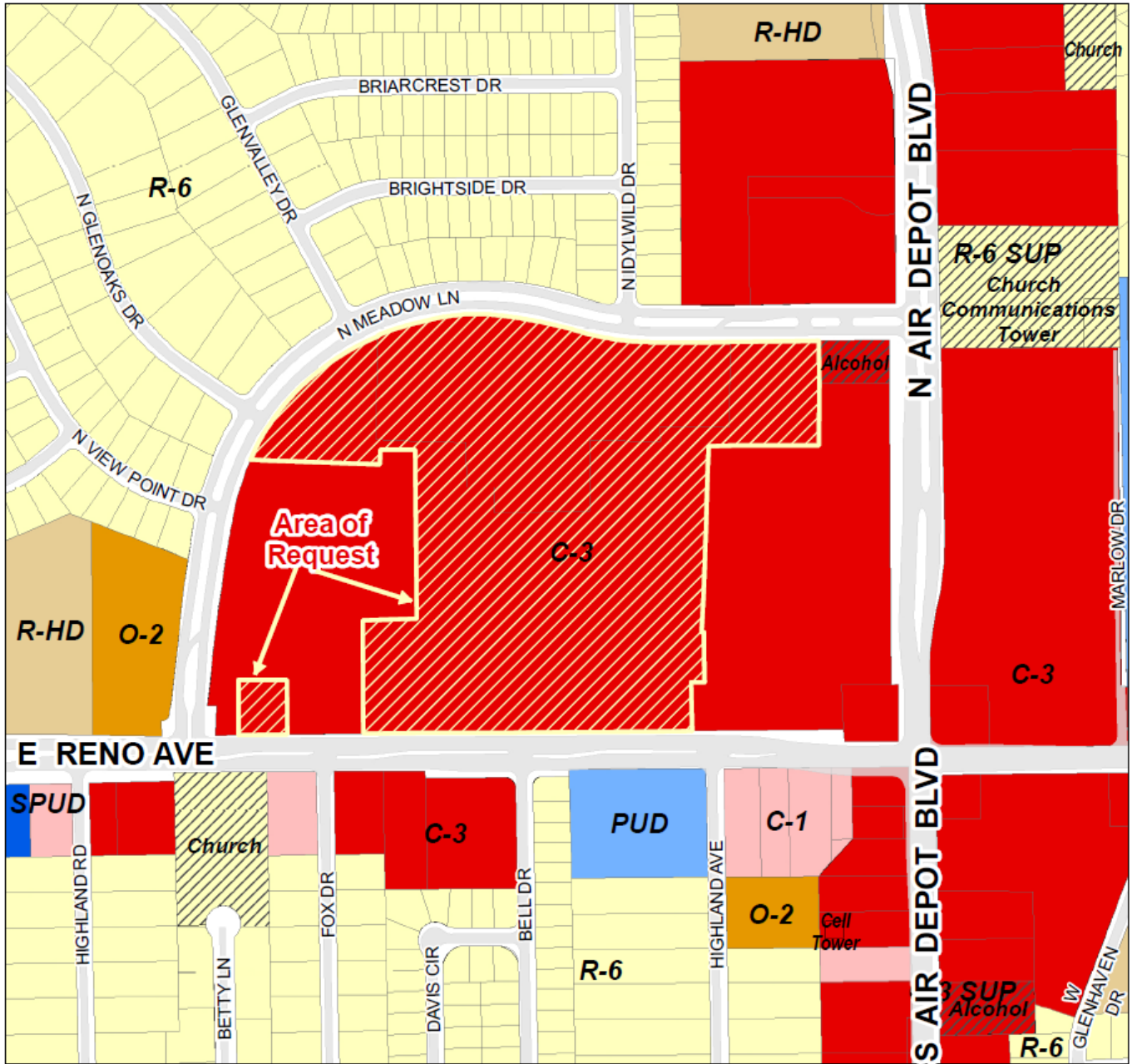
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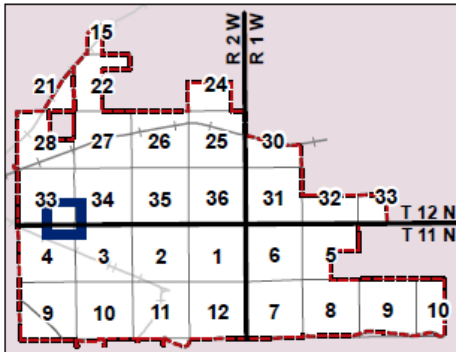
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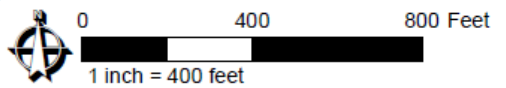
Locator Map



Current Zoning Legend

A-1	I-2 SUP	R-35
A-1 SUP	I-3	R-2F
C-1	O-1	R-MD
C-1 SUP	O-1 SUP	R-MD SUP
C-2	O-2	R-HD
C-3	O-2 SUP	R-HD SUP
C-4	R-6	R-MH-1
C-4 SUP	R-6 SUP	R-MH-2
I-1	R-8	PUD
I-2	R-10	SPUD
	R-22	HOS
		HOS SUP

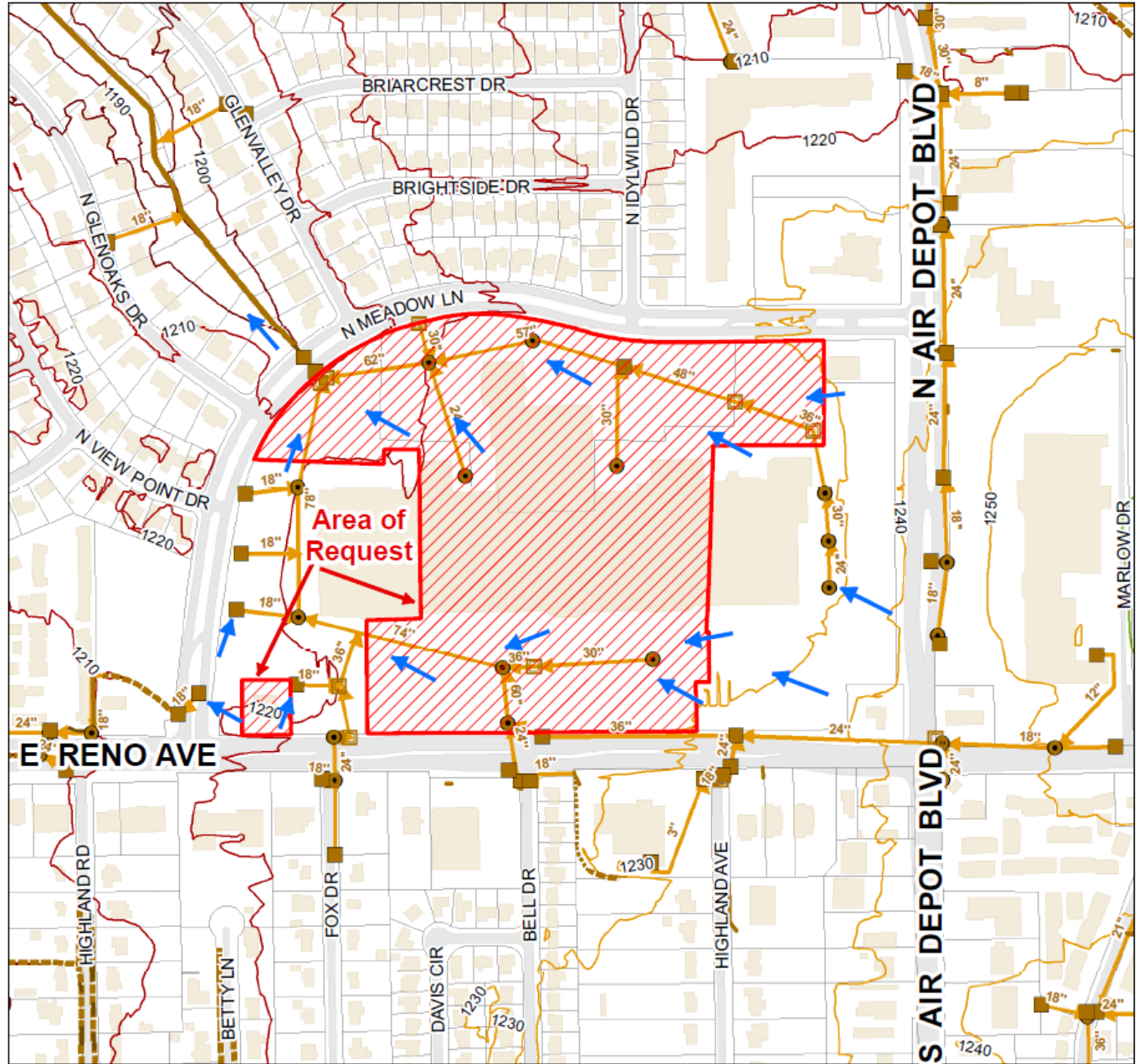
ZONING MAP FOR PC-2168 (SE/4, Sec 33, T12N, R2W)



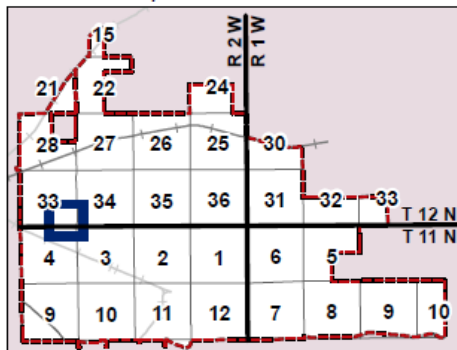
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GIS- Information Technology/ Community Development



Locator Map



- Drainage Legend**
- Curb Inlets
 - Inlets
 - Junction Box
 - Culverts
 - Flumes
 - Developed Channels
 - Trickle Channels
 - Undeveloped Channels
 - Storm Lines
 - Creeks
- ELEVATION**
- 1166-1204 ft
 - 1204-1228 ft
 - 1228-1250 ft
 - 1250-1278 ft
 - 1278-1324 ft

2009 FEMA Floodplains

- 500-yr floodplain
- 100-yr floodplain
- 2009 FEMA Floodway
- FLOODWAY

DRAINAGE LOCATION MAP FOR PC-2168 (SE/4, Sec 33, T12N, R2W)

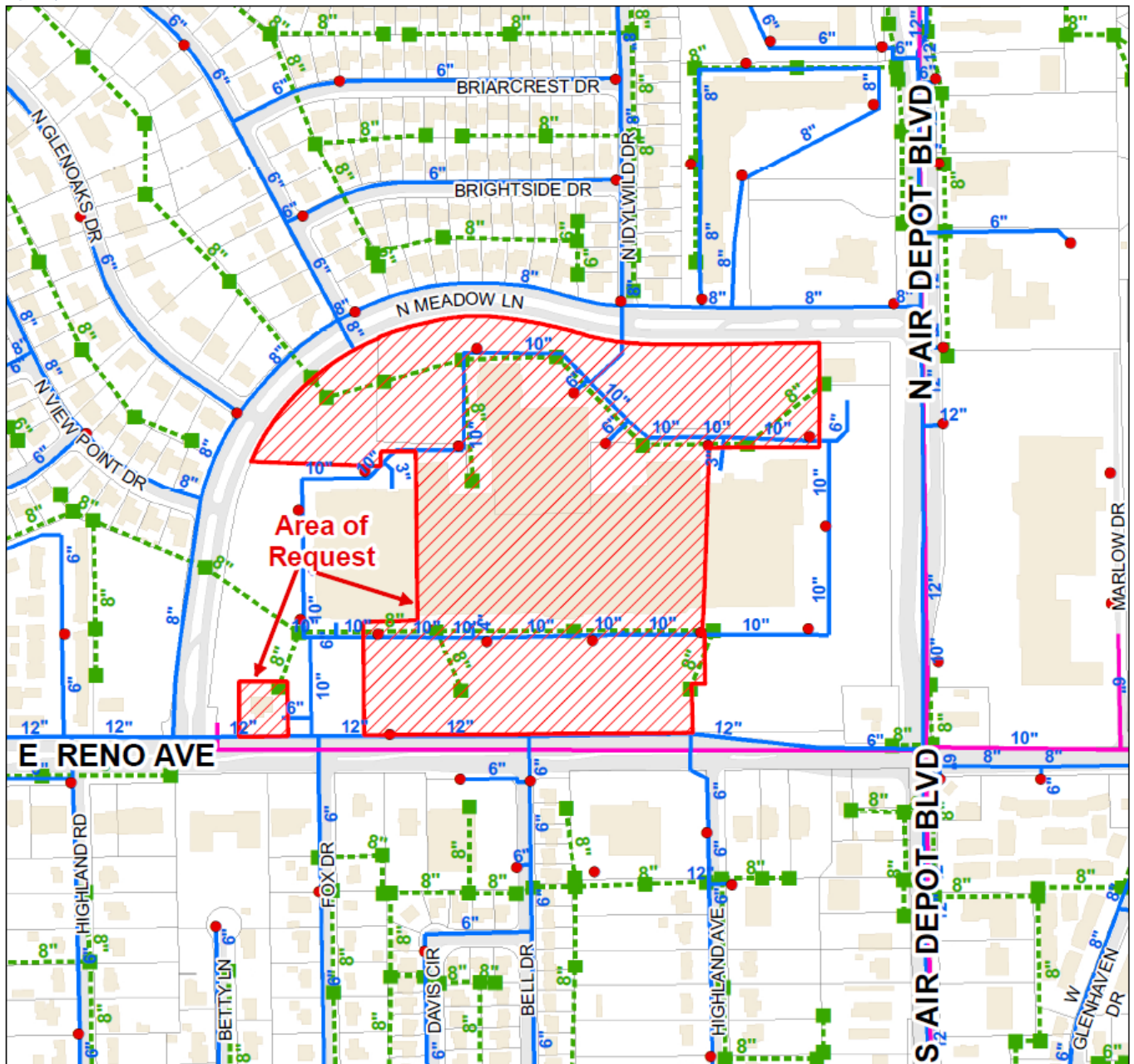
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1 inch = 400 feet

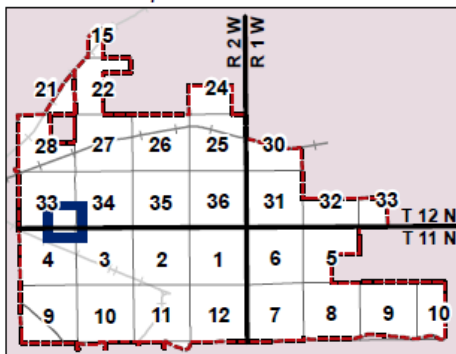
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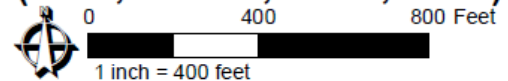
Locator Map



Water/Sewer Legend

- Fire Hydrants
- Water Lines
 - Distribution
 - Well
 - OKC Cross Country
 - Sooner Utilities
 - Thunderbird
 - Unknown
- Sewer Manholes
- Sewer Lines

**WATER/SEWER LINE
LOCATION MAP FOR
PC-2168
(SE/4, Sec 33, T12N, R2W)**



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Design Statement of the PLANNED UNIT DEVELOPMENT OF
**HERITAGE PARK MALL – DIGITAL
DYNASTY PLAZA**

Midwest City, Oklahoma

Monday, January 29, 2024

Developer:

ABAB, INC
7008 NW 16th Street, Apt. 1105
Oklahoma City Oklahoma

Prepared by:

VFE Consulting
34001 Thunderbird Ridge
Norman, OK. 73026
Attn: Greg Vance

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- Section 16.0 Exhibits**

1.0 Introduction

THIS PLANNED UNIT DEVELOPMENT is made this 29th day of 2024, and is incorporated into and shall be deemed to supplement the "Construction, Operation and Reciprocal Easement Agreement," dated July 15, 1977, by and between Heritage Mall Company ("Heritage"), Incorporated ("Condev") and Dillard Department Stores, Inc. (DDSI), and recorded on August 1, 1977 in Book 4388, Page 784, in the Office of the Clerk of Oklahoma County, Oklahoma, as amended by that certain Amendment, Ratification and Adoption of Construction, Operation and Reciprocal Easement Agreement, dated as of October 25, 1977, by and between Heritage, Sears, Condev, DDSI, Montgomery Ward Development Corporation and Montgomery Ward & Co., Incorporated, and recorded on November 14, 1977 in Book 4415, Page 935, in the Office of the Clerk of Oklahoma County, Oklahoma, as amended.

This Planned Unit Development contemplates a mixed development with residential and commercial areas. It will be divided into tracts as deemed by the Owner/Developer.

The developer is requesting a rezoning of this property to a PUD and is submitting an application for rezoning. Upon approval, the application will prepare a preliminary and final plat for this property.

2.0 Legal Description

PARCEL 1

BLOCKS FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8) IN HERITAGE PARK MALL, A RE-SUBDIVISION OF BLOCKS 3, 4 AND 5 OF MIRACLE MILE ADDITION, AN ADDITION TO MIDWEST CITY, OKLAHOMA COUNTY, OKLAHOMA, AS SHOWN BY THE RECORDED PLAT THEREOF.

PARCEL 2

LOT THREE (3) IN HERITAGE PARK MALL, A RE-SUBDIVISION OF BLOCKS 3, 4 AND 5 MIRACLE MILE ADDITION TO MIDWEST CITY, OKLAHOMA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

3.0 The Developer

The developer of the Planned Unit Development of Heritage Park Mall – Digital Dynasty Plaza is ABAB, Inc. of Oklahoma City, Oklahoma.

4.0 Site and Surrounding Development

4.1 Site Topography

The site varies and is relatively flat with gentle slope starting on the western portion of the site and sloping towards easterly boundary. This site is developed and is covered with asphalt paving with minimal tree cover contained within existing landscape islands.

4.2 Soil Condition

The soils is of the Renfrow-vernon-bethany association; shallow, nearly level to sloping, loamy and clayey soils.

4.3 Surrounding Site

The site is presently zoned C-3, Community Commercial Development District. Surrounding properties are zoned or developed as follows:

West: N. Meadow Lane forms the western boundary of the site. This area contains Residential and Multi-Family housing.

North: N. Meadow Lane forms the northern boundary of the site. This area contains Residential and Commercial, with Restaurants.

East: N. Air depot Blvd. Commercial C-3, Community Commercial Development District.

South: Reno Ave., Commercial C-3, Business and Mercantile businesses with portions of residential development entrances.

5.0 Concept

The concept for this Planned Unit Development is to provide a cohesive mixed use development containing both multi-family residential uses with existing commercial services located along Reno Avenue.

6.0 Service Availability

Due to the location and age of the existing Mall Facility and Planned Unit Development within the area of Oklahoma City, all services are presently available to serve this site. The services are as follows:

6.1 Streets

Adjacent to Reno Avenue, N. Air Depot and N. Meadow Lane, all roads are existing and paved.

6.2 Sanitary Sewer

Sanitary sewer facilities exist and currently extend off-site to public sewer system.

6.3 Water

Multiple City water mains connect to the existing mall and tenant locations.

6.4 Fire Protection

Fire protection is present to all existing building facilities within the mall, modifications and fire protection systems will be required per code.

6.5 Gas, Electricity, and Telephone

Adequate utility lines are available on site, this Planned Unit Development site.

7.0 Special Development Regulations

The following Special Development Regulations and/or limitations is incorporated into and shall be deemed to supplement the “Construction, Operation and Reciprocal Easement Agreement,” dated July 15, 1977, by and between Heritage Mall Company (“Heritage”), Incorporated (“Condev”) and Dillard Department Stores, Inc. (DDSI), and recorded on August 1, 1977 in Book 4388, Page 784, in the Office of the Clerk of Oklahoma County, Oklahoma, as amended by that certain Amendment, Ratification and Adoption of Construction, Operation and Reciprocal Easement Agreement, dated as of October 25, 1977, by and between Heritage, Sears, Condev, DDSI, Montgomery Ward Development Corporation and Montgomery Ward & Co., Incorporated, and recorded on November 14, 1977 in Book 4415, Page 935, in the Office of the Clerk of Oklahoma County, Oklahoma, as amended.

This Planned Unit Development contemplates a mixed development with residential and commercial areas. It will be divided into tracts as deemed by the Owner/Developer.

7.1 Use and Development Regulations

The concept for this Planned Unit Development is to provide a cohesive mixed use development containing both multi-family residential uses with existing commercial services located along Reno Avenue.

R-HD Multi-family residential development will be permitted in existing Tenant spaces identified

Parcel 1: R-HD Multi-family
C-3 Community Commercial

Parcel 2: R-HD Multi-family
C-3 Community Commercial

Section	District Abbreviation - District Name
2.2	A-1, Agricultural District
2.3	R-35, Single-Family Detached Residential District
2.4	R-22, Single-Family Detached Residential District
2.5	R-10, Single-Family Detached Residential District
2.6	R-8, Single-Family Detached Residential District
2.7	R-6, Single-Family Detached Residential District
2.8	R-2F, Two-Family Attached Residential District
2.9	R-MD, Medium Density Residential District
2.10	R-HD, High Density Residential District
2.13	MIX, Mixed Use Overlay District
2.15	HOS, Hospitality District
2.16	O-1, Restricted Office District
2.17	O-2, General Office District
2.18	C-1, Restricted Commercial District

2.19	C-2, Planned Shopping Center District
2.20	C-3, Community Commercial District
2.21	C-4, General Commercial District
2.22	I-1, Light Industrial District
2.23	I-2, Moderate Industrial District
2.24	I-3, Heavy Industrial District
2.25	PUD, Planned Unit Development

All uses permitted in the specified Parcels including conditional, special permit, special exception and/or accessory uses subject to their appropriate conditions and review procedures for public hearings where applicable, are allowed, unless otherwise noted herein.

The use and development regulations for each parcel/tenant space shall govern development of all uses in the PUD, except as herein modified within this Design Statement.

7.2 Additional Use and Development Regulations

The development regulations of each parcel and/or tenant space shall conform with the zoning district established by an approved preliminary plat and shall also include the following additional regulations:

- 7.2.1 Building height in commercially developed tracts will be as per the C-3 requirements, however, maximum height will not exceed 45 feet.
- 7.2.2 Maximum building height in multi-family residential development will be three stories and 45 feet; however the setback height restrictions established in the R-4 zoning districts shall apply
- 7.2.3 Maximum single family residential development will be 100 homes.
- 7.2.4 Minimum residential lot size will be 6,000 square feet.
- 7.2.5 All R-1ZL development shall have a minimum front building limit line of fifteen feet.
- 7.2.6 In R-1ZL development, a lot developed with a setback of less than five feet on one side yard shall maintain a minimum ten foot setback on the opposite side yard.
- 7.2.7 Fireplaces, bay windows, entryways, patios, patio covers and other similar appurtenances may encroach up to two feet into the side yard setback and up to five feet into the rear yard setback. However, said appurtenances shall not extend into a utility easement or right-of-way.
- 7.2.8 The total amount of commercially developed area will be no more 20 acres in addition to existing development square footages.

8.0 Access

8.1 Street improvements, including half street paving ,maybe required as development occurs. Determination of The need for and the subsequent design of the improvement would be subject to the requirements and approval of the Public Works department.

9.0 Screening and Landscaping

9.1 Sight-proof screening shall be required on any portion of the PUD per the requirements and approval of the Public Works department.

10.0 Signs

All free-standing and attached signs shall conform with the zoning district and shall be installed to the requirements and approval of the Public Works department.

11.0 Parking

11.1 Parking is existing, all parking requirements for new development(s) shall meet current parking requirements.

11.2 Parking and maneuvering within private street right-of-way shall be permitted.

12.0 Lighting

All outdoor lighting in all areas are existing, all new lighting shall not be directed or reflected toward adjacent residential properties.

13.0 Architecture

All existing exterior building materials shall be acceptable.

14.0 Ownership and Maintenance of Common Area/Open Space

The property owner shall be responsible for maintenance of all common/open space areas.

15.0 Other

15.1 in an effort to be environmentally conscious and preserve the natural beauty of the area, drainageways will be left natural where possible.

15.2 Private drainageways are specifically allowed as a part of this development. Such private drainageways must be designed to handle adequate flows, be submitted for review and made subject to the approval of the Public Words department.

15.3 Areas designated for C-3 uses shall be permitted to contain buildings designed for commercial/office use and accessory residential occupancy.

15.4 Boundaries of the site and the tract boundaries are depicted on the Conceptual Development Plan map. Tract boundary lines may fluctuate as noted in Section 7.0 of this PUD document.

15.5 Administrative site plan review for all institutional, commercial, office, or homes development shall be made by the Planning Department.

15.6 Platting shall not be required for any commercial development within this PUD.

16.0 Exhibits

The following exhibits are hereby attached and incorporated into this PUD.

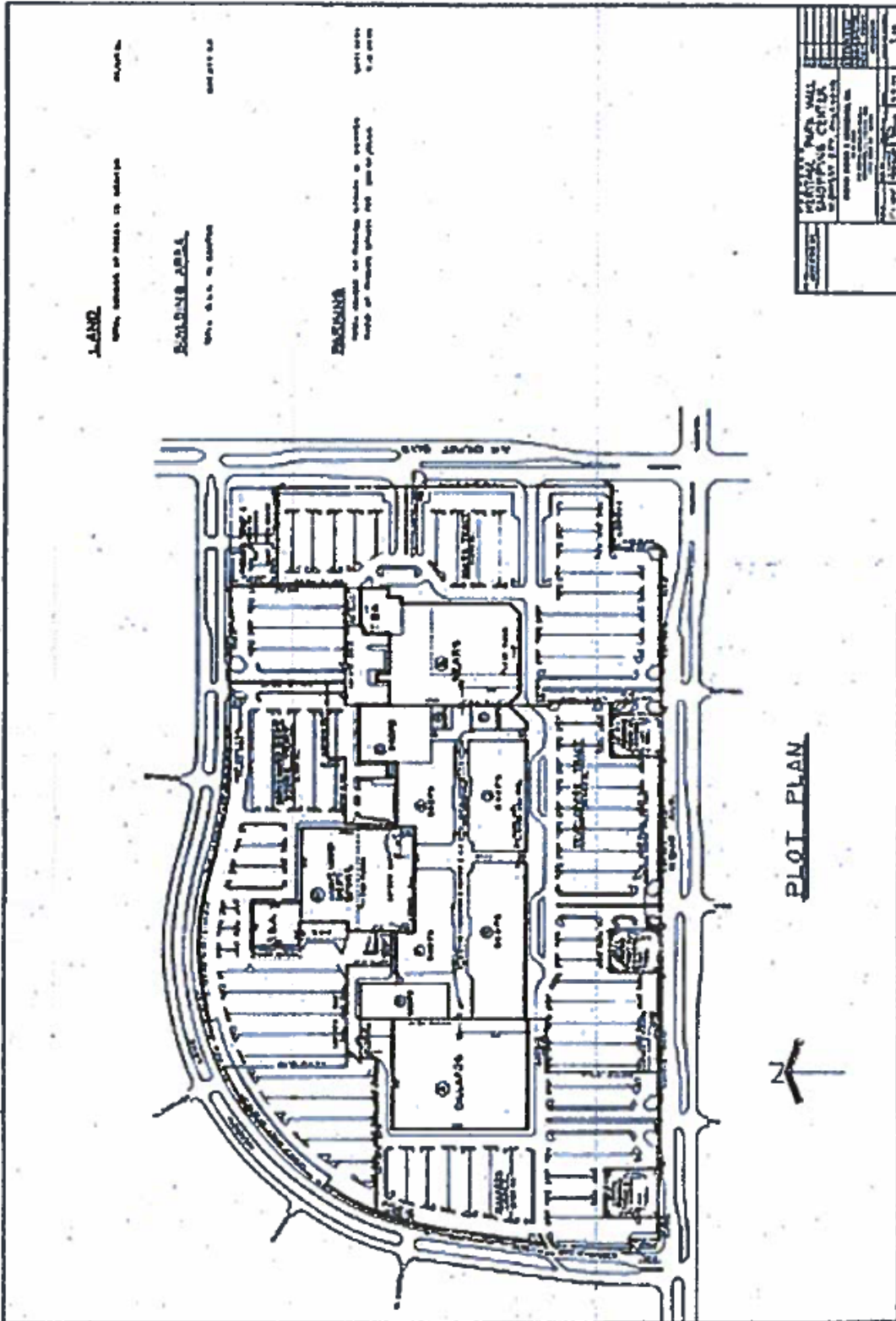
These are:

Exhibit A: Existing Master Development Plan

Exhibit B: New Master Development Plan

Exhibit C: Property Description/Legal Description

Exhibit A:



SHOPPING CENTER TRACT
LEGAL DESCRIPTION
FOR HERITAGE PARK MALL

A part of Blocks 3, 4, and 5 in MIRACLE MILE ADDITION to Midwest City, Oklahoma County, Oklahoma, according to the plat thereof recorded in Book 41, Page 42, Oklahoma County Records, Oklahoma;

said land is more particularly described by notes and bounds as follows,
to-wit:

COMMENCING at the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of Section 33, Township 12 North, Range 2 West of the I.M.; thence North $0^{\circ}22'30''$ West on the East line of said Southeast Quarter (SE $\frac{1}{4}$) for a distance of 210 feet; thence South $89^{\circ}53'$ West a distance of 50 feet to the point or place of beginning; said point being on the West right-of-way line of Air Depot Blvd.; thence North $0^{\circ}22'30''$ West on the West line of said Air Depot Blvd. and parallel to the East line of said Southeast Quarter (SE $\frac{1}{4}$) for a distance of 858.03 feet; thence South $89^{\circ}53'$ West and parallel to the South line of said Southeast Quarter (SE $\frac{1}{4}$) a distance of 253.33 feet; thence North $0^{\circ}07'$ West a distance of 120.00 feet to a point on the South right-of-way line of North Meadow Lane; thence due West on the South right-of-way line of North Meadow Lane for a distance of 377.81 feet to a point of tangency of a curve; thence Westerly on the arc of a curve to the right having a radius of 1212.55 feet and a central angle of $16^{\circ}23'42''$ and a chord of 345.79 feet bearing North $81^{\circ}48'09''$ West, and on said Southerly right-of-way line of North Meadow Lane for a distance of 346.97 feet to a point of tangency with a reverse curve; thence Westerly and Southwesterly on the arc of a curve to the left having a radius of 727 feet; a central angle of $97^{\circ}23'42''$ and a chord of 1092.30 feet bearing South $57^{\circ}41'51''$ West and on the Southerly and Easterly right-of-way line of North Meadow Lane for a distance of 1235.80 feet to a point of

SHOPPING CENTER TRACT

thence South $9^{\circ}00'$ West on the Easterly right-of-way line of said North Meadow Lane for a distance of 171.59 feet to a point of tangency of a curve; thence Southerly on the arc of a curve to the left having a radius of 2,445.47 feet and a central angle of $7^{\circ}56'48''$ and a chord of 338.91 feet bearing South $5^{\circ}01'36''$ West, and on the Easterly right-of-way line of said North Meadow Lane for a distance of 339.18 feet; thence North $89^{\circ}53'$ East for a distance of 24.50 feet; thence South $0^{\circ}07'$ East for a distance of 70 feet to a point 80 feet North of the South line of said Southeast Quarter (SE $\frac{1}{4}$) said point being on the North right-of-way line of East Reno Avenue; thence North $89^{\circ}53'$ East on the North right-of-way line of East Reno Avenue and parallel to the South line of said Southeast Quarter (SE $\frac{1}{4}$) for a distance of 57.50 feet; thence North $0^{\circ}07'$ West a distance of 140 feet; thence North $89^{\circ}53'$ East a distance of 125 feet; thence South $0^{\circ}07'$ East a distance of 140 feet to a point on the North right-of-way line of East Reno Avenue; thence North $89^{\circ}53'$ East on the North right-of-way line of East Reno Avenue for a distance of 507.78 feet; thence North $0^{\circ}07'$ West for a distance of 130 feet; thence North $89^{\circ}53'$ East for a distance of 108 feet; thence South $0^{\circ}07'$ East for a distance of 130 feet to a point on the North right-of-way line of East Reno Avenue; thence North $89^{\circ}53'$ East on the North right-of-way line of East Reno Avenue for a distance of 464 feet; thence North $0^{\circ}07'$ West for a distance of 130 feet; thence North $89^{\circ}53'$ East for a distance of 108 feet; thence South $0^{\circ}07'$ East for a distance of 130 feet to a point on the North right-of-way line of East Reno Avenue; thence North $89^{\circ}53'$ East on the North right-of-way line of East Reno Avenue for a distance of 425 feet to a point 210 feet West of the East line of said Southeast Quarter (SE $\frac{1}{4}$); thence North $0^{\circ}22'30''$ West and parallel to the East line of said Southeast Quarter (SE $\frac{1}{4}$) for a distance of 130 feet; thence North $89^{\circ}53'00''$ East and parallel to the South line of said Southeast Quarter (SE $\frac{1}{4}$) for a distance of 160 feet to the point or place of beginning.

Containing 45.907 acres more or less.

Exhibit B:

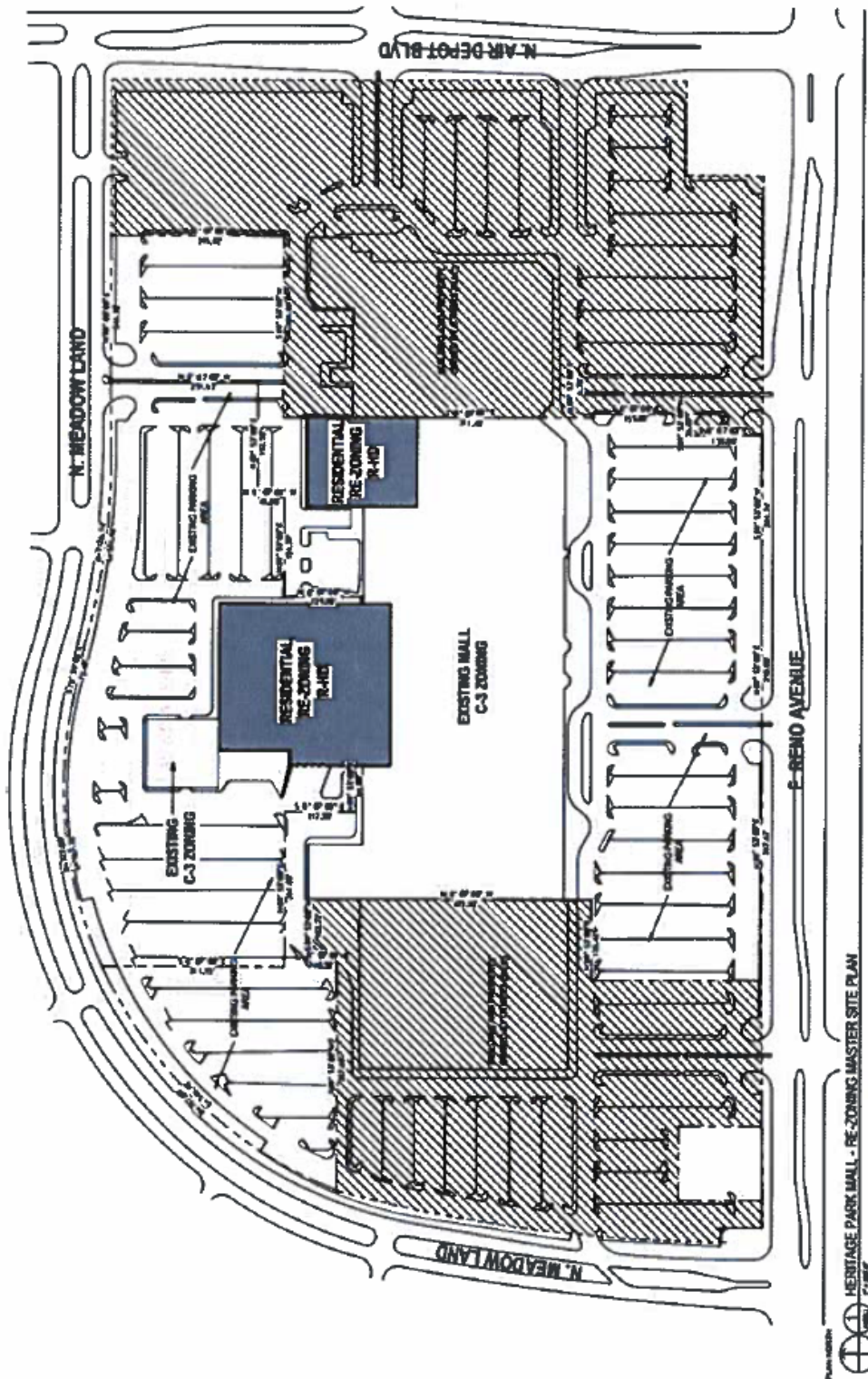
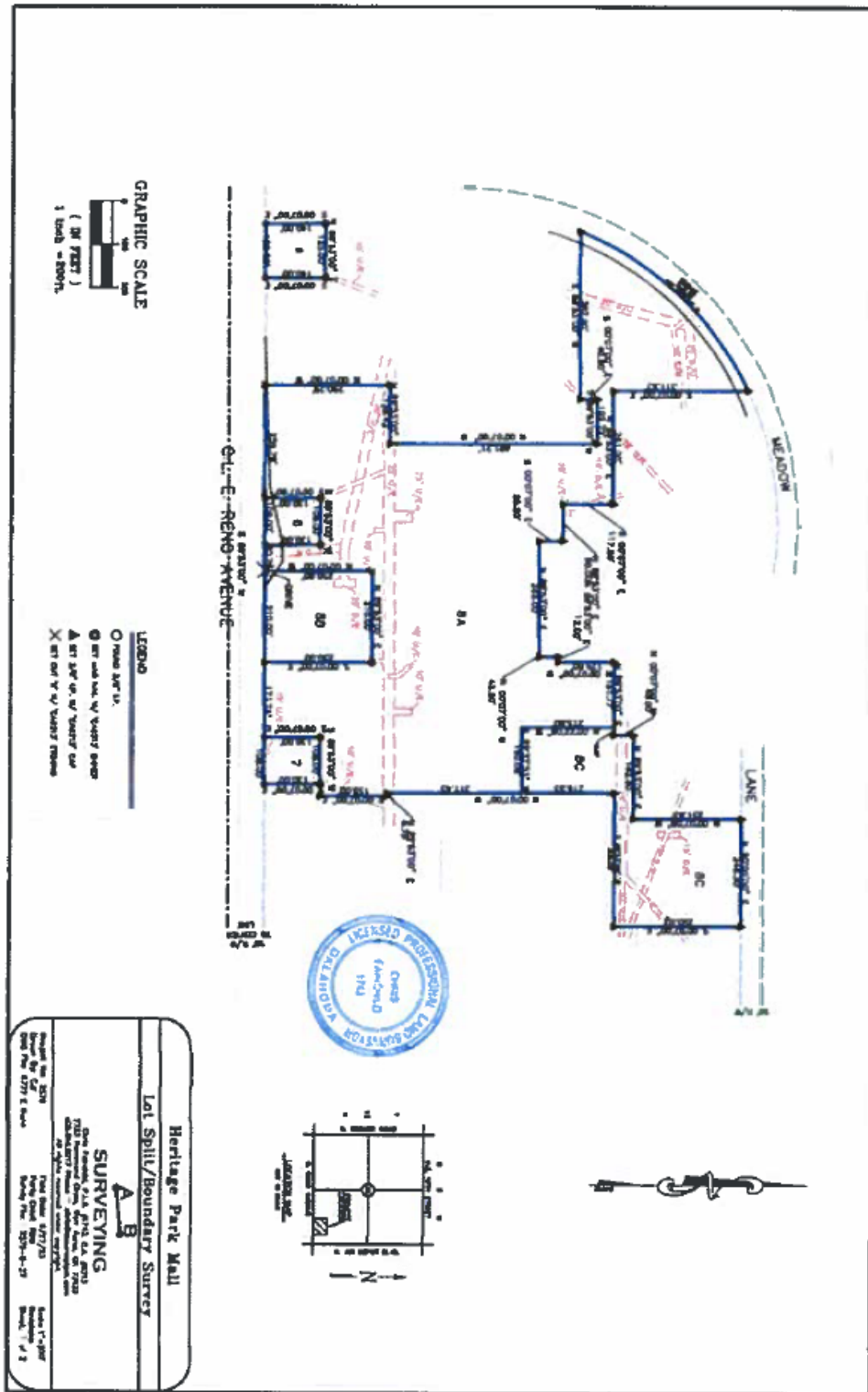


Exhibit C:



Certificate of Survey

I, Chris Fairchild, a Licensed Professional Land Surveyor, do hereby certify, as of the date set forth above, that I or others under my direct supervision, have made a careful survey of a tract of land described as follows:

Original Legal as described in the Special Warranty Deed filed in Book 11815, Page 118, of the Office of the Oklahoma County Clerk

Blocks Five (5), Six (6), Seven (7) and Eight (8) in HERITAGE PARK MALL, a re-Subdivision of Blocks Three (3), Four (4) and Five (5), MIRACLE MILE ADDITION, an addition to Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof.

Block Eight (8) as proposed

Block 8A

A tract of land being a part of Block Eight (8) in HERITAGE PARK MALL, a re-Subdivision of Blocks Three (3), Four (4) and Five (5), MIRACLE MILE ADDITION, an addition to Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof, more particularly described as follows:

BEGINNING at the Southwest corner of said Block Eight (8),

THENCE North 00°07'00" West a distance of 290.29 feet,

THENCE North 89°53'00" East a distance of 135.42 feet,

THENCE North 00°07'00" West a distance of 481.21 feet,

THENCE South 89°53'00" West a distance of 102.72 feet,

THENCE South 00°07'00" East a distance of 40.50 feet,

THENCE South 89°53'00" West a distance of 387.60 feet,

THENCE along a curve to the right, have a radius of 727.00 feet, an arc distance of 549.42 feet, a chord distance of 536.44 feet, and a chord bearing of North 43°12'45" East,

THENCE South 00°07'00" East a distance of 311.93 feet,

THENCE North 89°53'00" East a distance of 281.00 feet,

THENCE South 00°07'00" East a distance of 117.50 feet,

THENCE North 89°53'00" East a distance of 85.00 feet,

THENCE South 00°07'00" East a distance of 55.50 feet,

THENCE North 89°53'00" East a distance of a distance of 266.00 feet,

THENCE North 00°07'00" West a distance of 45.50 feet,

THENCE North 89°53'00" East a distance of 12.00 feet,

THENCE North 00°07'00" West a distance of 129.80 feet,

THENCE North 89°53'00" East a distance of 151.77 feet,

THENCE South 00°22'09" East a distance of 215.80 feet,

THENCE North 89°37'53" East a distance of 150.08 feet,

THENCE South 00°07'00" East a distance of 311.45 feet,

THENCE North 89°53'00" East a distance of 6.78 feet,

THENCE South 00°07'00" East a distance of 155.00 feet,

THENCE South 89°53'00" West a distance of 108.00 feet,

THENCE South 00°07'00" East a distance of 130.00 feet,

THENCE South 89°53'00" West a distance of 173.74 feet,

THENCE North 00°07'00" West a distance of 250.00 feet,

THENCE South 89°53'00" West a distance of 210.00 feet,

THENCE South 00°07'00" East a distance of 250.00 feet,

THENCE South 89°53'00" West a distance of 60.26 feet,

THENCE North 00°07'00" West a distance of 130.00 feet,

THENCE South 89°53'00" West a distance of 108.00 feet,

THENCE South 00°07'00" East a distance of 130.00 feet,

THENCE South 89°53'00" West a distance of 259.78 feet to the POINT OF BEGINNING

Block 8B

A tract of land being a part of Block Eight (8) in HERITAGE PARK MALL, a re-Subdivision of Blocks Three (3), Four (4), and Five (5), MIRACLE MILE ADDITION, an addition to Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof, more particularly described as follows:

COMMENCING at the Southwest corner of said Block Eight (8);
THENCE North 89°53'00" East a distance of 426.04 feet to the POINT OF BEGINNING;
THENCE North 00°07'00" East a distance of 250.00 feet;
THENCE North 89°53'00" East a distance of 108.00 feet;
THENCE South 00°07'00" East a distance of 130.00 feet;
THENCE South 89°53'00" West a distance of 108.00 feet to the POINT OF BEGINNING.

Block 8C

A tract of land being a part of Block Eight (8) in HERITAGE PARK MALL, a re-Subdivision of Blocks Three (3), Four (4) and Five (5), MIRACLE MILE ADDITION, an addition to Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof, more particularly described as follows:

BEGINNING at the Northeast corner of said Block Eight (8),
THENCE South 00°07'00" East a distance of 295.02 feet;
THENCE South 89°53'00" East a distance of 308.00 feet;
THENCE South 00°07'00" East a distance of 216.55 feet;
THENCE South 89°37'53" West a distance of 150.68 feet;
THENCE North 00°22'09" West a distance of 215.80 feet;
THENCE North 89°53'00" East a distance of 18.23 feet;
THENCE North 00°07'00" West a distance of 45.00 feet;
THENCE North 89°53'00" East a distance of 192.50 feet;
THENCE North 00°07'00" West a distance of 251.93 feet;
THENCE North 90°00'00" East a distance of 248.30 feet to the POINT OF BEGINNING.

I further certify that this survey complies with the Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.


Chris Fairchild P.L.S. 1743
9/27/23
Date
Notes



- 1. The bearing of South 89°53'00" East (as shown on the plat of record for the South line of said HERITAGE PARK MALL subdivision) was used as the basis of bearing for this survey.
- 2. A title commitment indicating applicable easements, has not been provided to us, therefore, all easements may not be shown hereon.



PINNACLE DESIGN GROUP, LLC
300 PARKWAY, SUITE 200
OKLAHOMA CITY, OK 73102

VILLAS AT HERITAGE PARK MALL

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT NAME
VILLAS AT HERITAGE PARK MALL

PROJ. NO.
2024-001

DATE
03/22/24

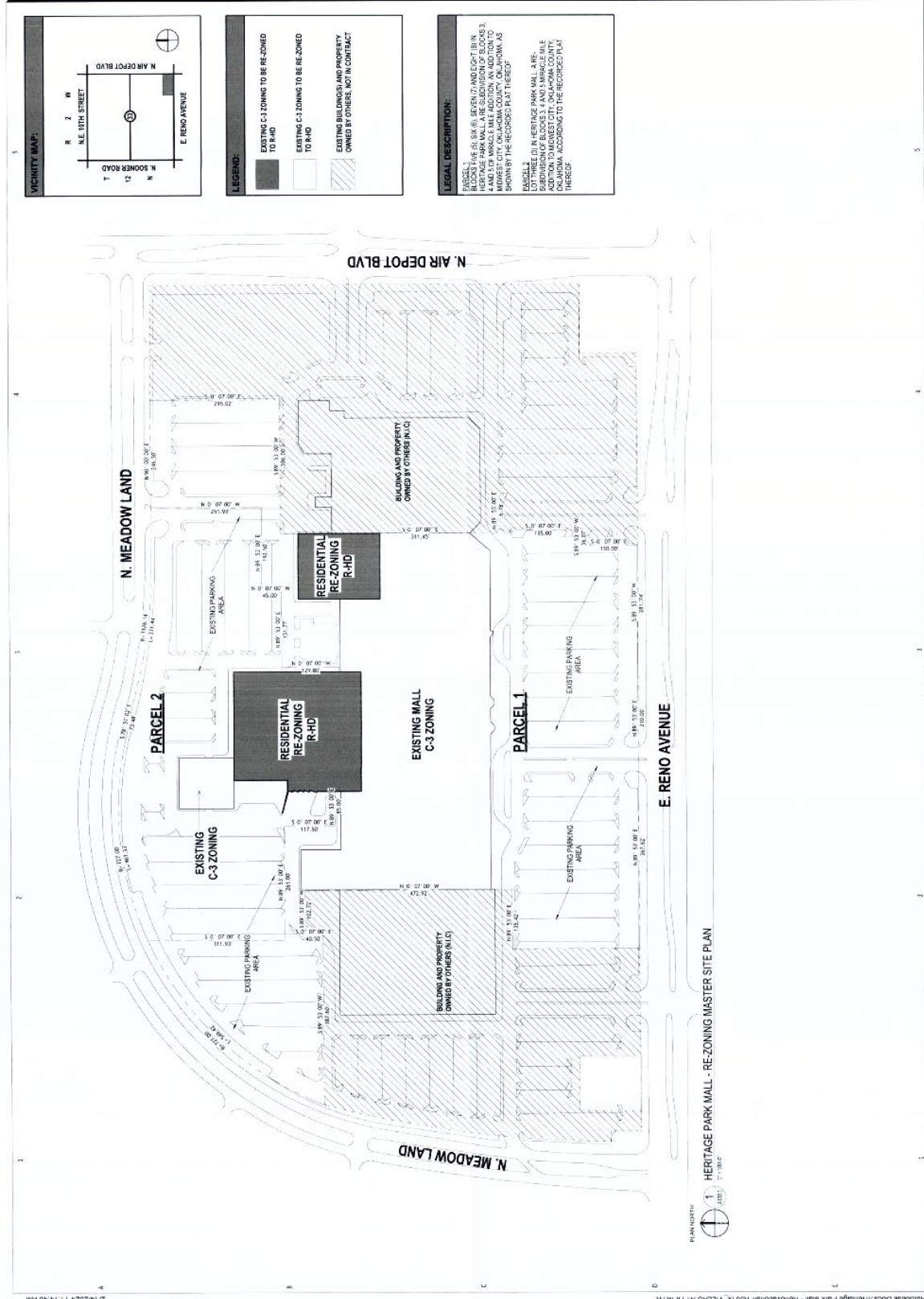
DESIGNED BY
COURTNEY D. MCFARLAND

CHECKED BY
COURTNEY D. MCFARLAND

SCALE
AS SHOWN

SHEET NO.
A100.1

1 OF 1





Planning & Zoning Department

Matt Summers, Director of Planning and Zoning
Emily Richey, Current Planning Manager
Petya Stefanoff, Comprehensive Planner
Cameron Veal, Associate Current Planner
Tami Anderson, Administrative Secretary

TO: Chairman and Planning Commission

FROM: Matt Summers, Director of Planning & Zoning

DATE: April 2, 2024

SUBJECT: Discussion, consideration, and possible action on recommending an ordinance amending Midwest City code, Appendix A, Zoning Regulations, Section 5, Supplemental Regulations, Sub-Section 5.2.3, Fencing and Screening; and providing for repealer and severability.

Section 5.2.3 (B) (3) of the Zoning Regulations lists which fence materials are approved and prohibited for two-family and single-family residential zoning districts. The current list of approved materials includes: wood, vinyl, wrought iron, brick/stone, and chain-link. The current list of prohibited materials includes: sheet metal, plastic, or plywood. Additionally, wood posts are prohibited.

In 2016, Ordinance 3260 was adopted amending Section 5.23 of the Zoning Regulations. This ordinance added the lists of allowed and prohibited fence materials listed above. Staff was recently asked to research allowing other types of metal fence materials in addition to the wrought iron currently allowed.

In general, sheet metal fence materials, whether corrugated or ribbed, evoke a character more commonly associated with industrially developed and used properties. If we were to allow fences made of these materials in our residential areas without carefully crafted restrictions, it could have damaging effects upon the character and perceived value of our residential developments.

Attached to this memo is a summary, compiled by staff, regarding how some of our peer Oklahoma communities may or may not regulate residential fence materials. Of the ten cities we looked at, only six regulate fence residential materials, and one of those only regulates the materials used in the front yard.

Staff does not recommend adoption of language along the lines of “to harmonize with the main building” as part of any fencing regulations as seen in the requirements for Lawton and Enid. These are open to interpretation and may produce different results based on the staff person reviewing an application. Oklahoma City allows use of ribbed steel panels of a similar type to the steel panels we allow in industrial and heavy commercial districts.

The drafted text amendment accompanying this memo is intended to reorganize the allowable materials text to make it easier to read and to allow certain types of metal fencing that would have the least impact on the character of surrounding neighborhoods. The first type proposed is

metal fencing constructed with individual metal slats. These types of fences mimic slatted fences made of wood or vinyl and have less of an industrial look than corrugated or ribbed sheet metal fences. Staff has recommended a minimum depth to these slats to allow for distinction from sheet or corrugated metal and to better match allowed wood and vinyl fencing. Staff recommends amending the ordinance to allow this type of metal fencing in our residential areas.

The second type of fence in the drafted text amendment would allow ribbed sheet metal fences similar to those allowed by our industrial and heavy commercial districts. Staff does not recommend amending the ordinance to allow this type of fencing, because it tends to create an industrial character, the panels are very difficult for property owner to replace when damaged, and replaced panels will never match the fading on older panels.

The third type of metal fence proposed to be added to the list of allowed materials are wrought iron-like aluminum fences. These fences are already permitted in practice but adding them to the list would codify current policy.

Staff recommends requiring all metal fencing to be powder coated, coated with Polyvinylidene fluoride (PVDF), properly primed and coated with a factory thermal set silicone polyester base finish, or similar protection. Coatings of this type are necessary because they protect the materials from unsightly deterioration (such as rust or corrosion) and soften the aesthetic by reducing the potential for light reflection or glare to be a nuisance.

Action is at the discretion of the Planning Commission.



Matt Summers, AICP
Director of Planning & Zoning

Residential Fencing Materials Outline

Peer Communities Summary

Edmond

1. Are fence materials regulated: No
2. If yes, what materials are allowed:
3. If yes, what materials are prohibited:
4. Notes: Material standards for residential fencing could not be found in their code of ordinances.

Moore

1. Are fence materials regulated: Only front yard fences have regulated materials.
2. If yes, what materials are allowed: Chain link, wrought-iron metal, picket, and split rail fencing.
3. If yes, what materials are prohibited: All other materials prohibited.
4. Notes: There are no material requirements for non-front yard residential fences.

Norman

1. Are fence materials regulated: Yes
2. If yes, what materials are allowed: Not listed
3. If yes, what materials are prohibited: Corrugated fiberglass, corrugated metal, or unpainted sheet metal.
4. Notes:

Stillwater

1. Are fence materials regulated: No
2. If yes, what materials are allowed:
3. If yes, what materials are prohibited:
4. Notes: Material standards for fencing could not be found in their code of ordinances.

Broken Arrow

1. Are fence materials regulated: No
2. If yes, what materials are allowed:
3. If yes, what materials are prohibited:
4. Notes: Material standards for fencing could not be found in their code of ordinances.

Lawton

1. Are fence materials regulated: Yes
2. If yes, what materials are allowed: Materials in harmony with the main building.
3. If yes, what materials are prohibited:
4. Notes: If a proposed material is deemed to not meet the architectural standards, there is an appeals process to a “building materials review committee” and/or the Planning Commission.

Enid

1. Are fence materials regulated: Yes
2. If yes, what materials are allowed: Picket, vinyl, split rail, chainlink, decorative wrought iron (or galvanized steel, aluminum or similar material having the appearance of), ribbed or corrugated metal panels, stone, brick, stucco or specialty concrete block. Materials used shall harmonize with the main building.
3. If yes, what materials are prohibited: Metal pieces, garage or other door panels, plywood sheets, or other material not commonly used for fencing.
4. Notes:

Del City

1. Are fence materials regulated: Yes, but only in certain areas.
2. If yes, what materials are allowed: Wooden stockade fencing stained or preserved in a transparent natural color.
3. If yes, what materials are prohibited: Metal paneling, chain link, painted wood, and vinyl fencing.
4. Notes: These standards only apply to the “Single Family Large Home Residential District”. The residential fencing standards for all other districts do not specify allowed or prohibited materials. The exception is the prohibition of electrified fences, barbed wire, or other materials calculated to do bodily harm.

Choctaw

1. Are fence materials regulated: No
2. If yes, what materials are allowed:
3. If yes, what materials are prohibited:
4. Notes: Material standards for residential fencing could not be found in their code of ordinances.

Oklahoma City

1. Are fence materials regulated: Yes
2. If yes, what materials are allowed: Not listed, except to specify that ribbed steel panel fencing if it meets certain standards.
3. If yes, what materials are prohibited: Metal, plastic or plywood sheets
4. Notes: Material standards for residential fencing could not be found in their code of ordinances.

1 **ORDINANCE NO. _____**

2
3 AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, APPENDIX A,
4 ZONING REGULATIONS, SECTION 5, SUPPLEMENTAL REGULATIONS, SUB-SECTION
5 5.2.3, FENCING AND SCREENING; AND PROVIDING FOR REPEALER AND
6 SEVERABILITY.

7
8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

9
10 **ORDINANCE**

11
12 **Section 1.** That the Midwest City Municipal Code, Appendix A, Zoning Regulations, Section 5,
13 Supplemental Regulations, Sub-Section 5.2.3, Fencing and Screening; is hereby amended to read
14 as follows:

15
16 5.2.3 *Fencing and Screening.* Residential fences and walls may be erected in residential districts under
17 the following provisions and regulations. A permit must first be obtained from the city before any
18 residential fence is constructed.

19
20 (A) *Fencing and screening requirements for medium and high density residential districts with*
21 *multifamily uses.* Only properties zoned 2.9 R-MD, Medium Density Residential District
22 and 2.10 R-HD, High Density Residential District are permitted to have fences and walls
23 beyond or in front of the front building line. The properties must be developed with 4.2.4.,
24 Multifamily Residential. A fence may then be constructed to the front property line.

25
26 (1) All fencing extending beyond or in front of a building line or extending to a side
27 building line abutting a dedicated public street shall be wrought iron or wrought
28 iron-like to allow visibility into the complex by a person standing on a ground
29 level or sitting in a vehicle.

30
31 a. Wrought iron or wrought iron-like fences shall be constructed so as to
32 eliminate the possibility of a child becoming trapped between the
33 wrought iron rails and shall not have any sharp points on top of or on any
34 other portion of the fences that may cause bodily harm.

35
36 b. Wrought iron or wrought iron-like fences may be installed with or
without masonry pillars.

37
38 c. If security gates are installed, provisions shall be made for emergency
39 vehicle access such as: (1) security gate guard manning the gate
40 whenever the gate is closed; or (2) an emergency system designed to
41 allow entrance by emergency vehicles. Security gates must be approved
42 by the city prior to installation. Provision shall be made for sanitation
43 pick-up and water meter reading by the city if gates are to be installed
that would not be manned by a twenty-four hour security gate guard.

1 d. If a gate is installed, the gate shall be located a distance of no less than
2 fifty (5) feet from the back of the curb of the public street to the front of
3 the gate so as to allow a minimum of three (3) automobiles to be located
4 completely off the public street.

5 (B) *Fencing and screening requirements for two-family and single-family residential*
6 *districts.*

7 (1) Fencing ~~and screening fencing~~ and screening, including hedges, are prohibited
8 from extending into the street right-of-way.

9 (2) Fences extending past front or side building lines including ornamental fences.
10 Except as authorized in 5.2.3.(A), fencing and screening requirements for
11 medium and high density residential districts with multifamily uses, properties
12 are permitted to have ornamental fences up to four (4) feet in height located,
13 placed, or erected to the front and side property lines of the residence. Such
14 fences shall meet the following provisions and regulations:

15 a. Maximum of four (4) feet in height as measured from the ground level;

16 b. A minimum of fifty (50) percent of the total fence area must be open to
17 allow visibility into the front or side yard (i.e. chain-link or picket fence);

18 c. Any fence in front of the front or side building line in excess of four (4)
19 feet must be approved, prior to its installation, by the Board of
20 Adjustment pursuant to 7.8.2.(G), Provide for fencing in front of front
21 and side setback building lines.

22 (3) *Fence Material.* Fencing material must be kept in an attractive state, **void of**
23 **rust,** in good repair, and in safe and sanitary condition at all times by the
24 property owner. **The owner shall provide material and dimension**
25 **information as part of the permit application.**

26 a. Approved fence materials in two-family and single-family districts
27 include: ~~wood, vinyl, wrought iron, brick/stone and chain-link.~~

28 **1. Wood, vinyl, and metal slats with a depth of at least five-**
29 **eighths (5/8) of an inch;**

30 **2. Wrought iron or aluminum wrought iron-like fences;**

31 **3. Brick/stone;**

32 **4. Chain-link;**

33 **5. Ribbed steel panel fencing that meets the following**
34 **standards;**

35 a) **Ribbed sheet panels shall have the following**
36 **dimensions: Rib depth of one (1) to one and one-half**
37 **(1 ½) inches by a width of two and one-half (2 ½) to**
38 **three and one-half (3 ½) inches with six (6) to twelve**
39 **(12) inches between rib centers.**

- b) Ribbed steel panels must be 22 or 24 gauge steel.
- c) Ribbed steel panels must be properly primed and coated with a powder coating, Polyvinylidene fluoride (PVDF), factory thermal set silicone polyester base finish, or other factory applied coating as approved by staff.
- d) The tops of ribbed steel panels must be capped and level following the lay of the land.
- e) Poles must not extend past the top of the ribbed sheet panels.
- f) The requirements for ribbed steel panel fencing must be presented with a fence permit application.

6. All metal fencing must have a factory applied coating. Acceptable coatings include: powder coated, Polyvinylidene fluoride (PVDF) coating, thermal set silicone polyester base finish, or other factory applied coating as approved by staff.

b. Prohibited fence materials in two-family and single-family districts include sheet metal, plastic, **corrugated metal panels**, or plywood. Stockade (i.e. wood) posts are prohibited. Only the caps of posts or poles may extend past the top of the fence line.

- (4) *Rear yard height limitation.* In rear yards the height limitation shall be eight (8) feet from ground level.
- (5) *Sight triangle.* No fence, wall, or hedge or any portion thereof shall be located in the sight triangle in accordance with 5.6.3., Sight Lines at Intersection.
- (6) *Surface drainage.* No fence or wall shall be constructed in such a manner as to impede the normal flow of surface drainage.
- (7) *Safety.* On lots smaller than one (1) acre, no electrified fence or wall or any fence containing barbed wire or other substances reasonably capable of causing bodily harm shall be permitted.
- (8) *Permit fee.* Refer to the adopted Zoning Ordinance Fee Schedule for fees.
- (9) *Construction prior to occupancy.* Where a fence is constructed on a property within any zoning district prior to occupancy, no use or conversion of use shall be made of the property until the owner or occupant has met the requirements of this code.

(C) *Fencing and screening requirements for all Commercial and Industrial districts.*

- (1) Fencing and screening are prohibited from extending into the street right-of-way.
- (2) *Surface drainage.* No fence or wall shall be constructed in such a manner as to impede the normal flow of surface drainage.

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- (3) *Fence material.* Fencing material must be kept in an attractive state, **void of rust**, in good repair, and in safe and sanitary condition at all times by the property owner.
- a. Approved fencing and screening materials for the O-1, O-2, C-1, C-2, and C-3 zoning districts ~~include: wood, wrought iron, vinyl, and brick/stone.~~ **shall be the same as those listed as approved under Section 5.2.3 (B)(3)(a) of Appendix A.**
- b. Prohibited fencing and screening materials for the O-1, O-2, C-1, C-2, and C-3 zoning districts include: sheet metal, plastic, **corrugated metal panels**, or plywood sheets. Stockade (i.e. wood) posts are prohibited. Only the caps of posts or poles may extend past the top of the fence line.
- c. Approved fencing and screening materials for the C-4, I-1, I-2, and I-3 zoning districts include wood, wrought iron, vinyl, brick/stone and ribbed steel panel fencing that meets the following standards:
1. Ribbed sheet panels shall have the following dimensions: Rib depth of one (1) to one and one-half (1 ½) inches by a width of two and one-half (2 ½) to three and one-half (3 ½) inches with six (6) to twelve (12) inches between rib centers.
 2. ~~Ribbed steel panels must be properly primed and coated with a factory thermal set silicone polyester base finish.~~ **Ribbed steel panels must be properly primed and coated with a powder coating, Polyvinylidene fluoride (PVDF), factory thermal set silicone polyester base finish, or other factory applied coating as approved by staff.**
 3. The tops of ribbed steel panels must be capped and level following the lay of the land.
 4. Poles must not extend past the top of the ribbed sheet panels.
 5. The requirements for ribbed steel panel fencing must be presented with a fence permit application.
- (4) *Permit Fee.* The fee for a fence permit in all office, commercial, and industrial zoning districts shall be thirty-five dollars (\$35.00).
- (5) *Construction prior to occupancy.* Where a fence is constructed on a property within any zoning district prior to occupancy, no use or conversion of use shall be made of the property until the owner or occupant has met the requirements of this code.
- (6) *Sight triangle.* No fence, wall or hedge or any portion thereof shall be located in the sight triangle in accordance with 5.6.3, Sight Lines at Intersections.
- (7) *Rear yard height limitation.* In rear yards, the height limitation shall be eight (8) feet from ground level.

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Section 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance.

PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this _____ day of _____, 2024.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

Approved as to form and legality this _____ day of _____, 2024.

DONALD D. MAISCH, City Attorney