ANY PERSON REQUIRING SPECIAL ASSISTANCE OR OTHER REASONABLE ACCOMMODATION TO ATTEND AND/OR FULLY PARTICIPATE IN ANY MEETING MUST CONTACT BRANDON BUNDY VIA EMAIL AT BBUNDY@MIDWESTCITYOK.ORG OR PHONE AT 739-1220 AT LEAST TWENTY-FOUR (24) HOURS IN ADVANCE OF THE MEETING. DURING A PUBLIC MEETING, CALL 739-1388 FOR ASSISTANCE.

AGENDA FOR THE REGULAR MEETING OF THE MIDWEST CITY PLANNING COMMISSION
February 2, 2021 – 6:00 p.m.
City Council Chambers
City Hall
100 North Midwest Boulevard

A. CALL TO ORDER

B. MINUTES
   1. Discussion and consideration of the minutes of the January 5, 2021 Planning Commission meeting.

C. DISCUSSION
   1. (PC-2069) Public hearing with discussion and consideration of an ordinance redistricting from R-2, Single Family Detached Residential, PUD, Planned Unit Development, O-2, General Office District to PUD, Planned Unit Development, governed by the R-HD, High Density Residential and a resolution to amend the Comprehensive Plan from LDR, Low Density Residential to MDR, Medium Density Residential for the property described as a part of the SW/4 of Section 6, T11N, R1W, addressed as 10100 S.E. 10th Street and 1120 S. Post Road.
   2. (PC-2072) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit to allow the use of Eating Establishment: Sit-Down, Alcoholic Beverages Permitted in the C-3, Community Commercial district, for the property described as a part of the SW/4 of Section 3 T11N, R2W, located at 1100 S. Air Depot Boulevard, Suite 5.

D. COMMISSION DISCUSSION

E. PUBLIC DISCUSSION

F. FURTHER INFORMATION

G. ADJOURN
Notice of regular Midwest City Planning Commission meetings in 2021 was filed for the calendar year with the Midwest City Clerk prior to December 15, 2020 and copies of the agenda for this meeting were posted at City Hall at least 24 hours in advance of the meeting.

MINUTES OF MIDWEST CITY PLANNING COMMISSION MEETING

January 5, 2021 - 7:00 p.m.

This regular meeting of the Midwest City Planning Commission was held in the Council Chambers, 100 North Midwest Boulevard, Midwest City, Oklahoma County, Oklahoma, on January 5, 2021 at 6:00 p.m., with the following members present:

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

Commissioner absent: Rick Dawkins

Staff present: Billy Harless, Community Development Director  
Kellie Gilles, Current Planning Manager  
Brandon Bundy, City Engineer  
Sarah Steward, Associate Current Planner

A. CALL TO ORDER  
The meeting was called to order by Chairperson R. Smith at 6:00 p.m.

B. MINUTES  
1. A motion was made by Huskey, seconded by J. Smith, to approve the minutes of the December 1, 2020 Planning Commission meeting as presented. Voting aye: Huskey, R. Smith, Collins, Campbell, J. Smith and Hinton. Nay: none. Motion carried.

C. NEW MATTERS  
1. (PC-2065) Discussion and consideration of approval of the Final Plat of Ryans Ridge, described as a part of the SW/4 of Section 6, T11N, R1W and addressed as 10332 SE 10th Street.

Staff presented a brief description of the request. The Community Development Director referenced an email with regard to the sidewalk requirement for item number 6 on the Planning Commission agenda and that the applicant for item number 1 had requested that he also be included. An alternative to requiring the developer to install sidewalks prior to final platting or providing a surety bond, the developer may submit a sidewalk plan and add a clear statement on the plat, the covenants and the sidewalk plan clarifying who is responsible for sidewalk construction. The applicant, Kevin Ergenbright, 11524 Surrey Ln., was present. There was
general discussion. A motion was made by Huskey, seconded by Collins to recommend approval of this item subject to staff comments and the requirement that a sidewalk plan be submitted and a statement regarding the construction of sidewalks is added to the covenants and plat. Voting aye: Huskey, Collins, Campbell, R. Smith, J. Smith and Hinton. Nay: none. Motion carried.

2. (PC-2066) Public hearing with discussion and consideration of an ordinance to redistrict from R-6, Single Family Residential to C-1, Restricted Commercial District and a resolution amend the Comprehensive Plan from LDR, Low Density Residential to OR, Office/Retail, for the property described as a part of the SE/4 of Section 6, T-11-N, R-1-W, located at 10601 SE 15th Street.

Staff presented a brief overview of this item. The applicant, David Box of 522 Colcord Drive, OKC, was present. There was general discussion about the item. The following people spoke:
- Pete Ewart, 10600 Quail Run
- Jerry Gulbranson, 10525 Songbird Ln.
- Van Wiley, 1404 Riverwind

A motion was made by Campbell, seconded by Collins, to recommend approval of this item subject to staff comments. Voting aye: Collins, R. Smith, Huskey, J. Smith, Campbell and Hinton. Voting nay: none. Motion carried.

3. (PC-2067) Public hearing with discussion and consideration of an ordinance to redistrict from R-6, Single Family Detached Residential with a Special Use Permit for a Church to C-3, Community Commercial, and a resolution to amend the Comprehensive Plan from PSP, Public/Semi-Public to COMM, Commercial, for the property described as part the NW/4 of Section 1, T-11-N, R-2-W, addressed as 208 S. Douglas Blvd.

Staff presented a brief overview of this item. The applicant, Rod Baker of 2800 NW 36th St., OKC, OK, was present. There was general discussion. A motion was made by Huskey, seconded by J. Smith, to recommend approval of this item subject to staff comments. Voting aye: Campbell, J. Smith, R. Smith, Collins, Huskey and Hinton. Nay: none. Motion carried.

4. (PC-2068) Public hearing with discussion and consideration of an ordinance redistricting from PUD, Planned Unit Development to Amended PUD, Amended Planned Unit Development, for the property described as Lot 1 of the Red Oak Development addressed as 2113 S Douglas Boulevard.

Staff presented a brief overview of this item. The applicant, Rick Rice of 1401 S. Douglas Blvd., Suite A, Midwest City, was present. There was general discussion. A motion was made by Collins, seconded by Campbell to recommend approval of this item subject to staff comments.

5. (PC-2069) Public hearing with discussion and consideration of an ordinance redistricting from R-2, Single Family Detached Residential, PUD, Planned Unit Development, O-2, General Office District to PUD, Planned Unit Development, governed by the R-HD, High Density Residential and a resolution to amend the Comprehensive Plan from LDR, Low Density Residential to MDR, Medium Density Residential for the property described as a part of the SW/4 of Section 6, T11N, R1W, addressed as 10100 S.E. 10th St. and 1120 S. Post Road.

Staff presented a brief overview of this item. A motion to take no action on this item was made by Huskey, seconded by Collins, Voting aye: R. Smith, Collins, Campbell, J. Smith, Huskey and Hinton. Nay: none. Motion carried.

6. (PC-2070) Discussion and consideration of approval of the Primrose Addition Preliminary Plat, described as a part of the SW/4 of Section 31, T12N, R1W and addressed as 316 N. Post Road.

Staff presented a brief overview of this item including the discussion about sidewalks from item number 1. The applicant, David Box of 522 Colcord Drive, OKC, was present. There was general discussion about the item. The applicant presented a plan showing a traffic circle on proposed Primrose Lane. The following people addressed the Commission:
- Roger Sanders, 400 N. Post
- Renee Phillips, 418 N. Post
- Richard Belicek, 312 N. Lawson

A motion was made by Huskey, seconded by Campbell to recommend approval of this item subject to staff comments, including the waivers and the requirement that a sidewalk plan be submitted and a statement regarding the construction of sidewalks is added to the covenants and plat. Voting aye: R. Smith, Collins, Campbell, J. Smith, Huskey and Hinton. Nay: none. Motion carried.

7. (PC-2071) Discussion and consideration of approval of the Replat of Lot 3, Block 2 of the Harper Addition, described as a part of the NW/4 of Section 31, T12N, R1W and addressed as 910 N. Poplar Lane.

Staff presented a brief overview of this item. The applicant, Rodney Tyra of 11001 SE 29th St., was present. There was general discussion. The following people addressed the Commission:
- Wendy McIntyre, 508 W. Poplar
- Roy Belez, 1010 N. Poplar
A motion was made by Huskey, seconded by Campbell to recommend approval of this item subject to staff comments. Voting aye: R. Smith, Collins, Campbell, J. Smith, Huskey and Hinton. Nay: none. Motion carried.

D. COMMISSION DISCUSSION: The Community Development Director notified the Commission that the Council approved a contract with Johnson & Associates to work with staff to make amendments to the Subdivision Regulations.

E. PUBLIC DISCUSSION: None.

F. FURTHER INFORMATION: None.

G. ADJOURNMENT

Collins made a motion to adjourn the meeting, seconded by Campbell Chairperson R. Smith adjourned the meeting. Nay: none. Motion carried.

The meeting ended at 7:19 p.m.

(KG)
To: Chairman and Planning Commission

From: Billy Harless, Community Development Director

Date: February 2, 2021

Subject: (PC-2069) Public hearing with discussion and consideration of an ordinance to redistrict from R-6, Single Family Detached Residential, PUD, Planned Unit Development and O-2 General Office to a PUD, governed by the R-MD, Medium Density Residential and a resolution to amend the Comprehensive Plan from LDR, Low Density Residential to MDR, Medium Density Residential, for the property described as a part of the SW/4 of Section 6, T11N, R1W, addressed as 10100 S.E. 10th St. and 1120 S. Post Rd.

Executive Summary: This requested Planned Unit Development, PUD, is located on the southeast corner of SE 10th and S. Post Road and encompasses two (2) existing lots along SE 10th St. and S. Post Road. This proposed PUD is to be governed by the R-MD, Medium Density Residential district and lists a maximum density of 95 dwelling units. Renderings were submitted with the application that show duplex and townhome units. The PUD includes special development regulations for front and side setbacks and lot depth. All other requirements of the Zoning Ordinance under R-MD zoning must be met. A limits of no access is shown along S. Post Rd. and SE 10th St., meaning that individual lots will not have drives onto these streets. The development is served by one (1) access point from S. Post Rd. and one (1) access point from SE 10th St. If this PUD is approved, the applicant will proceed with a preliminary plat application to begin the subdivision process. All required infrastructure must be installed prior to application for a final plat. This item was continued from the January Planning Commission and City Council meetings as the Journal Record did not publish the notice as required by the Zoning Ordinance. Action is at the discretion of the Planning Commission and City Council.

City Council – January 26, 2021 – February 23, 2021

Council Ward: Ward 6, Rick Favors

Owner: Jeffrey L. Moore and Lex, LLC

Representation: David Box on behalf of Applicant, Cypress Real Estate, LLC

Proposed Use: Medium Density Residential Development – Maximum of 95 dwelling units

Size:
The area of request has frontage of approximately 600 feet along S. Post Rd. and 575 feet along SE 10th and contains an area of approximately 8.44 acres.
Development Proposed by Comprehensive Plan:
Area of Request – LDR, Low Density Residential
North and East – LDR, Low Density Residential
South – OR, Office Retail
West – OR, Office Retail and PSP, Public/Semi-Public

Zoning Districts:
Area of Request – R-6, Single Family Residential, PUD, Planned Unit Development and O-2, General Office
North and East – R-6, Single Family Residential
South – PUD, Planned Unit Development
West – R-6, Single Family Residential with a SUP and C-3, Community Commercial

Land Use:
Area of Request – vacant lots
North and East – single family homes
South – vacant
West – church and office
2008 Comprehensive Plan Citation:
Chapter 4: Future Land Use Plan

*HDR – High Density Residential Land Use*
This use is representative of two-family, attached dwelling units, such as duplex units and townhomes. Medium density land uses often provide areas for “empty nesters” who may not want the maintenance of a large-lot single-family home and for young families who may find a townhome or duplex more affordable than a single-family home. It is anticipated that new areas for medium density land use will be developed in the future.

Municipal Code Citation:
2.25 *PUD, Planned Unit Development*
2.25.1 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 under common ownership and are to be developed as one unit according to a master development plan.

The PUD is subject to special review procedures within the 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 PUD provisions are as follows:
(A) Innovative land development
Encourage innovative land 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 arrangements 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.

History:
1. This area was platted as a part of the Leavitt’s SE 15th Street Acres, approved in Feb. of 1949.
2. June 2004 – (PC-1536) A PUD was approved for the property to the south of the area of request and included a portion of the southeast corner of the area of request. The current owner of that property submitted a letter to staff abandoning that PUD as he does not plan to develop the property in accordance with the PUD.
3. July 5, 2011 – (PC-1743) A PUD was approved allowing for R-6, Single Family Detached Residential and C-3, Community Commercial
4. August 23, 2011 – (PC-1746) A preliminary plat including the area of request was approved.
5. January 10, 2012 – (PC-1757) A final plat including the area of request was approved.
6. January 10, 2013 – The approved final plat approval became void as the plat was not filed within one (1) year of approval as required by the Subdivision Regulations.
7. July 2014 (PC-1743) The governing PUD expired due to inaction within the three year required timeline in accordance with 7.3.2 (b) (3) of the 2010 Zoning Ordinance.
8. This item was continued from the 1/5/21 Planning Commission meeting and 1/26/21 City Council meeting as the Journal Record did not publish the notice on time for those meetings.

Staff Comments:

Engineer’s report:

Note: This application is for rezoning of 1120 S Post Road and 10100 S.E. 10th Street from Single Family Residential (R-6) to a PUD governed by R-MD, Medium Density Residential.

Water Improvements

There are two public waterlines bordering this parcel. A six (6) inch public water main runs along the south side of S.E. 10th Street. A thirty six (36) inch public water main running along the east side of Post Road. Of note is that the thirty six (36) inch line is largely under the pavement of Post Road which would require additional work if tapping for commercial purposes.

There is a section of six (6) inch waterline with hydrant on the 10100 S.E. 10th Street parcel. This line was installed per a now expired preliminary plat and was never accepted by the City but built under approved plans; therefore it is considered privately owned but unable to operate. If the applicant wishes to have the waterline accepted by the City; it will need to be pressure tested, disinfected, bonded, and as-builts provided.

Connection to the public water supply system for domestic service is a building permit requirement per Municipal Code 43-32 for all new building permits.

Sanitary Sewerage Collection and Disposal

There are three public sanitary sewer lines bordering this parcel. An eight (8) inch line runs along the north side of S.E. 10th Street. An eight (8) inch line runs along the east side of Post Road. A twelve (12) inch line runs along the south side of the proposed parcels.

There is a section of eight (8) inch waterline with manholes on the 10100 S.E. 10th Street parcel. This line was installed per a now expired preliminary plat and was never accepted by the City but built under approved plans; therefore it is considered privately owned but unable to operate. If the applicant wishes to have the sewer line accepted by the City; it will need to be visually inspected, mandrel run, bonded, and as-builts provided.

Connection to the public sanitary sewer system for domestic service is a building permit requirement per Municipal Code Chapter 43-109.

Streets and Sidewalks

Access to the area of request is available off S.E. 10th Street which is classified as an existing collector in the 2008 Comprehensive Plan. A collector street requires a total right of way of 60 feet, 30 feet on each side of the centerline. Post Road is classified as a Secondary Arterial in the 2008 Comprehensive Plan. A secondary street requires a total right of way of 100 feet, 50 feet on each side of the centerline.
S.E. 10th Street is a two lane, 20 foot wide, uncurbed, asphalt roadway. If the applicant plats this property in the future; half street improvements along S.E. 10th Street will be required per 38-45.

Post Road has been constructed as a divided secondary arterial with appropriate lane widths and curbing. No median cuts will be allowed for future development unless for a public thoroughfare. Sidewalks do not exist on the east side of Post Road or along either side of S.E. 10th Street. Sidewalk improvements along S.E. 10th Street and Post Road will be required with a building permit submittal as outlined in Municipal Code 37-67.

A signaled pedestrian crossing exists immediately to the northwest at S.E. 10th Street and Post Road. At the crossing, a sidewalk runs from the south along the west side of Post Road; the sidewalk crosses and then runs along the east side of Post Road to the north. The portion of the east side of Post Road from S.E. 10th Street to SE 15th Street has been identified by the Sidewalk Committee as a priority area.

**Drainage and Flood Control, Wetlands, and Sediment Control**

The proposed development falls to the south and southeast to a tributary flowing west under Post Road. A developed storm system runs along Post Road and there is a 24 inch cross drain crossing S.E. 10th at the northeast corner of the property.

All the drainage eventually flows into Soldier Creek. Currently, the proposed development tract is undeveloped with no improvements or structures.

Detention plans and construction will be required during the platting phase.

The area of request does not have regulated floodway or flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0330H, dated December 18th, 2009.

The National Wetlands Inventory, [www.fws.gov/wetlands/data/Mapper.html](http://www.fws.gov/wetlands/data/Mapper.html) prepared by the United States Department of the Interior Fish and Wildlife Service, accessed December 11th 2020, shows that the blue line tributary on the south boundary is a Freshwater Forested/Shrub Wetland, PF01A. Any development of the parcel will need appropriate permitting and/or documentation from the Army Corps of Engineers.

All future development on the proposed tracts must conform to the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

Resolution 84-20 requires that developers install and maintain sediment and/or erosion controls in conjunction with their construction activities. Any proposed development must conform to the applicable requirements of Municipal Code Chapter 43, "Erosion Control." Sediment control plans must be submitted to and approved by the city before any land disturbance is done on-site. The developer is responsible for the cleanup of sediment and other debris from drainage pipes, ditches, streets and abutting properties as a result of his activities.
Easements and Right-of-Way
As outlined in Municipal Code 38-45, S.E. 10th Street is a collector road and shall have a total right-of-way of sixty (60) feet, thirty (30) feet each side of center line. The area of request currently shows to have fifty five (55) feet which is less than required per subdivision regulations. If future platting, the additional right of way will be required. Post Road is a secondary divided arterial and shall have a total right-of-way of one hundred (100) feet, fifty (50) feet each side of center line.

Westbound S.E. 10th Street
Drainage inlet on north side of S.E. 10th Street which drains to the south

Eastbound S.E. 10th Street
Outfall ditch from inlet. Looking south, ditch roughly bisects property.

Eastern portion of proposed development, showing waterline which is not yet accepted by City

S.E. 10th Street, note the top layer of asphalt separated from underlying road.
Fire Marshal’s report:
The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.

Plan Review Comments:
This PUD application proposes a medium density residential development with a maximum of 95 duplex and townhome dwelling units. If this PUD application is approved, the applicant will submit a preliminary plat application to subdivide the property.

The PUD application will meet the following R-MD zoning regulations:
Maximum density for R-MD: 10-20 dwelling units per acre
Density requested: Maximum of 95 dwelling units and 8.44 acres = 11 dwelling units per acre

Lot width for two-family attached units: 30’ per dwelling unit, 20’ per dwelling unit abutting the street
Lot with for townhomes: 22’ per dwelling unit, 18’ per dwelling unit abutting the street

Lot size for two-family: 3,500 sq. ft. per dwelling unit
Lot size for townhomes: 2,200 sq. ft. per dwelling unit

Minimum building height for two-family and townhomes: 45’

Minimum rear setback for two-family: 20’ or 20% of lot depth, whichever is smaller
Minimum rear setback for townhomes: 15’

Maximum building coverage for two-family: 50% lot area
Maximum building coverage for townhomes: 60% lot area

Maximum impervious surface coverage for two-family and townhomes: 90% of lot area

Exterior materials: 85% masonry materials total, 100% masonry for the side(s) of dwelling units facing the street
Landscaping: 2 per dwelling unit in each front yard. A Tree Canopy Management Plan will also be required if the zoning is approved and at the time of the preliminary plat application.

Screening: Site proof screening is required where this development abuts single family residential zoning. Thoroughfare screening will also be required along S. Post with the preliminary plat application.

Parking: 2 spaces per dwelling unit

**Special Development Regulations are requested for the following:**
Minimum lot depth required for the R-MD district: 100’
Minimum lot depth requested: At least 65% of lots shall have a minimum lot depth of 90’ and the remaining lots, not to exceed 35% of total lots, shall have a minimum lot depth of 70’.

Minimum front setback required for the R-MD district: 25’
Minimum front setback requested: Minimum front setback of 15’ except that lots with less than 90’ of depth, not to exceed 35% of total lots, shall be permitted to have a 0’ front setback.
- **NOTE** – if the 0’ front setback is permitted; all structures would still be required to observe the right-of-way.

Minimum side setback required: 7’
Minimum side setback requested: 5’

**Access**
This subdivision is to be accessed by one access point on S. Post and one access point on SE 10th Street. A “Limits of No Access” will be required for the residential lots along S. Post Road and SE 10th at the time of platting.

**Signage**
The PUD states that free-standing accessory signs and attached signs will be in accordance with the R-MD zoning district.
The Sign Ordinance does not state regulations for signage in the R-MD zoning district, however, Section 9-384(h) states that the following signs do not require a permit but shall comply with all other provisions of the code:
(12) “One (1) subdivision construction sign per frontage of the subdivision so long as the sign advertises the entire subdivision and its display surface area is no more than fifty (50) square feet.
(13) One (1) subdivision identification sign per immediate entrance to the subdivision so long as it contains only the subdivision’s name, is indirectly illuminated and is not more than thirty-two (32) square feet in display surface area.

The PUD also states that non-accessory and electronic message signs shall be prohibited.
Amenities
The PUD lists the following amenities:

Access to detention area for walking/recreation
Fenced area for dog run/park
Play area for residents

At the time of platting, an HOA will be required for care and maintenance of any common areas, detention and amenities.

Notification
This item was originally scheduled for the January 5, 2021 Planning Commission meeting and January 26, 2021 City Council meeting. Staff mailed notices to the surrounding property owners and sent the notice to the Journal Record for publication as required by the Zoning Ordinance. Staff received publication verification for the other January PC cases and noticed that the publication for this item was not included. Staff verified that it was sent to the Journal Record, however, staff with the Journal Record stated that it did not get published. The Zoning Ordinance requires that notices be mailed and published 15 business days prior to public hearings. When this error was realized, there was not enough time to have the notice published again 15 business days prior to the January 5, 2021 Planning Commission meeting. Staff mailed and published notices advertising the hearing dates of February 2, 2021 for Planning Commission and February 23, 2021 for Council and verified that the published notice was published on time.

Action is at the discretion of the Planning Commission and City Council.

Action Required:
Approve or deny and ordinance to redistrict to PUD for the property as noted herein, and approve or deny the resolution to amend the Comprehensive Plan from LDR to MDR for the property as noted herein, subject to staff’s comments as found in the February 2, 2021 agenda packet and made a part of PC-2069 file.

Billy Harless,
Community Development Director

KG
The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT - ENGINEERING DIVISION

William Harless, Community Development Director
Brandon Bundy, P.E., C.F.M., City Engineer

To: Kellie Gilles, Plans Review Manager
From: Brandon Bundy, City Engineer
Date: December 18th, 2020
Subject: Engineering staff comments for pc-2069 rezoning application

ENGINEERING STAFF CODE CITATIONS AND COMMENTS - PC-2069:

Note: This application is for rezoning of 1120 S Post Road and 10100 S.E. 10th Street from Single Family Residential (R-6) to a PUD governed by R-MD, Medium Density Residential.

Water Improvements
There are two public waterlines bordering this parcel. A six (6) inch public water main runs along the south side of S.E. 10th Street. A thirty six (36) inch public water main running along the east side of Post Road. Of note is that the thirty six (36) inch line is largely under the pavement of Post Road which would require additional work if tapping for commercial purposes.

There is a section of six (6) inch waterline with hydrant on the 10100 S.E. 10th Street parcel. This line was installed per a now expired preliminary plat and was never accepted by the City but built under approved plans; therefore it is considered privately owned but unable to operate. If the applicant wishes to have the waterline accepted by the City; it will need to be pressure tested, disinfected, bonded, and as-builds provided.

Connection to the public water supply system for domestic service is a building permit requirement per Municipal Code 43-32 for all new building permits.

Sanitary Sewerage Collection and Disposal
There are three public sanitary sewer lines bordering this parcel. An eight (8) inch line runs along the north side of S.E. 10th Street. An eight (8) inch line runs along the east side of Post Road. A twelve (12) inch line runs along the south side of the proposed parcels.

There is a section of eight (8) inch waterline with manholes on the 10100 S.E. 10th Street parcel. This line was installed per a now expired preliminary plat and was never accepted by the City but built under approved plans; therefore it is considered privately owned but unable to operate. If the applicant wishes to have the sewer line accepted by the City; it will need to be visually inspected, mandrel run, bonded, and as-builds provided.

100 N. Midwest Boulevard, Midwest City, Oklahoma 73110
Engineering Division (405) 739-1220 X FAX (405)739-1399
An Equal Opportunity Employer
Connection to the public sanitary sewer system for domestic service is a building permit requirement per Municipal Code Chapter 43-109.

**Streets and Sidewalks**

Access to the area of request is available off S.E. 10th Street which is classified as an existing collector in the 2008 Comprehensive Plan. A collector street requires a total right of way of 60 feet, 30 feet on each side of the centerline. Post Road is classified as a Secondary Arterial in the 2008 Comprehensive Plan. A secondary street requires a total right of way of 100 feet, 50 feet on each side of the centerline.

S.E. 10th Street is a two lane, 20 foot wide, uncurbed, asphalt roadway. If the applicant plats this property in the future; half street improvements along S.E. 10th Street will be required per 38-45.

Post Road has been constructed as a divided secondary arterial with appropriate lane widths and curbing. No median cuts will be allowed for future development unless for a public thoroughfare.

Sidewalks do not exist on the east side of Post Road or along either side of S.E. 10th Street. Sidewalk improvements along S.E. 10th Street and Post Road will be required with a building permit submittal as outlined in Municipal Code 37-67.

A signalized pedestrian crossing exists immediately to the northwest at S.E. 10th Street and Post Road. At the crossing, a sidewalk runs from the south along the west side of Post Road; the sidewalk crosses and then runs along the east side of Post Road to the north. The portion of the east side of Post Road from S.E. 10th Street to SE 15th Street has been identified by the Sidewalk Committee as a priority area.

**Drainage and Flood Control, Wetlands, and Sediment Control**

The proposed development falls to the south and southeast to a tributary flowing west under Post Road. A developed storm system runs along Post Road and there is a 24 inch cross drain crossing S.E. 10th at the northeast corner of the property.

All the drainage eventually flows into Soldier Creek. Currently, the proposed development tract is undeveloped with no improvements or structures.

Detention plans and construction will be required during the platting phase.

The area of request does not have regulated floodway or flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0330H, dated December 18th, 2009.

The National Wetlands Inventory, [www.fws.gov/wetlands/data/ Mapper.html](http://www.fws.gov/wetlands/data/ Mapper.html) prepared by the United States Department of the Interior Fish and Wildlife Service, accessed December 11th 2020, shows that the blue line tributary on the south boundary is a Freshwater Forested/Shrub Wetland, PF01A. Any development of the parcel will need appropriate permitting and/or documentation from the Army Corps of Engineers.

All future development on the proposed tracts must conform to the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

Resolution 84-20 requires that developers install and maintain sediment and/or erosion controls in conjunction with their construction activities. Any proposed development must conform to the applicable requirements of Municipal Code Chapter 43, "Erosion Control." Sediment control plans must be submitted to and approved by the city before any land disturbance is done on-site. The developer is responsible for the cleanup of sediment and other debris from drainage pipes, ditches, streets and abutting properties as a result of his activities.
Easements and Right-of-Way

As outlined in Municipal Code 38-45, S.E. 10th Street is a collector road and shall have a total right-of-way of sixty (60) feet, thirty (30) feet each side of center line. The area of request currently shows to have fifty five (55) feet which is less than required per subdivision regulations. If future platting, the additional right of way will be required. Post Road is a secondary divided arterial and shall have a total right-of-way of one hundred (100) feet, fifty (50) feet each side of center line.

Westbound S.E. 10th Street

Eastbound S.E. 10th Street

Drainage inlet on north side of S.E. 10th Street which drains to the south

Outfall ditch from inlet. Looking south, ditch roughly bisects property.

Eastern portion of proposed development, showing waterline which is not yet accepted by City

S.E. 10th Street, note the top layer of asphalt separated from underlying road.
Looking south along Post Road from S.E. 10th Street intersection

Looking north along Post Road from S.E. 10th Street intersection
Re: PC - 2069

Date: 09 December 2020

PC 2069 is a request to rezone the parcels addressed as 1120 S. Post and 10100 SE 10th to a PUD governed by the R-MD, Medium Density Residential district. The applicant is proposing quad/fourplexes. If this PUD is approved, they will plat the property in accordance with the PUD.

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

Respectfully,

[Signature]

Duane Helimberger
Fire Marshal
Midwest City Fire Department
THE CITY OF MIDWEST CITY
PLANNED UNIT DEVELOPMENT

MASTER DESIGN STATEMENT FOR
10100 SE 10th St. & 1120 S. Post Rd.

November 30, 2020
December 14, 2020

PREPARED BY:
Williams, Box, Forshee & Bullard PC
522 Colcord Drive
Oklahoma City, OK 73102
405-232-0080 Phone
405-236-5814 Fax
dmbox@wbfblaw.com
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1.0 INTRODUCTION

The Planned Unit Development is located within the Southwest Quarter (SW/4) of Section Six (6), Township Eleven North (T11N), Range One West (R1W) of the Indian Meridian (I.M.), Oklahoma County, Oklahoma, consisting of 8.44 acres.

2.0 LEGAL DESCRIPTION

The legal description of the property is described in attached Exhibit “A”, which is made a part of this design statement.

3.0 OWNER/DEVELOPER

The owners of the property described in Section 2.0 are Jeffrey L. Moore, individually (1120 S Post Rd), and Lex, LLC (10100 SE 10th St). Both properties are currently under contract to be acquired by Cypress Real Estate, LLC.

The developer of the property described in Section 2.0 is Cypress Real Estate, LLC.

4.0 SITE AND SURROUNDING AREA

4.1 ZONING

The subject property at 10100 SE 10th St. is currently zoned as R-6, with the south quarter zoned as C-3. The subject property at 1120 S. Post Rd. is currently zoned as PC-2052 / O-2. Surrounding properties are zoned and used for:

North: R-6
East: R-6
South: PC-1536 / C-3
West: S. Post Rd.

The relationship between the proposed use of this parcel and the above adjoining land uses is compatible. The proposed use of this property is in harmony with the surrounding zoning.

5.0 PHYSICAL CHARACTERISTICS

The property is undeveloped.

6.0 CONCEPT

The concept for this PUD is to develop an upscale residential development consistent with the R-MD zoning district.

7.0 SERVICE AVAILABILITY
7.1 STREETS

This site is located on SE 10th St. and South Post Rd. in Midwest City.

7.2 SANITARY SEWER

Public sanitary sewer facilities for this property are available and will be extended to serve the site.

7.3 WATER

Public water facilities for this property are available and will be extended to serve the site.

7.4 FIRE PROTECTION

Police and Fire protection are available from Midwest City.

7.5 GAS, ELECTRICAL AND TELEPHONE SERVICES

Gas, electrical, and telephone services serve several developments in the area of this Planned Unit Development and have lines adjacent to the subject property. Proper coordination with the various utility companies will be made in conjunction with this Development.

7.6 PUBLIC TRANSPORTATION

Public Transportation is currently unavailable adjacent to this site.

7.7 DRAINAGE

Development of this parcel will comply with the requirements of the Midwest City Municipal Code, 2020, as amended.

7.8 COMPREHENSIVE PLAN

The uses proposed in this Planned Unit Development are consistent and compatible with the surrounding zoning and the Midwest City Comprehensive Plan. The Comprehensive Plan states that residential land use will continue to be the largest land use category in Midwest City, and that “it is anticipated that new areas for medium density land use will be developed in the future.” The Comprehensive Plan also mentions that land uses can be buffered with “medium and high-density residential land uses.” Therefore, the proposed land use would achieve multiple purposes in accordance with the growing population and the Comprehensive Plan.
8.0 SPECIAL DEVELOPMENT REGULATIONS

The following Zoning Regulations and/or limitations are placed upon the development of the PUD. Planning and zoning regulations will be those, which are in effect at the time of development of this planned unit development. Development is when a permit is issued for any construction or addition to any structure on a development tract. Certain zoning districts are referred to as a part of the Zoning Regulations of this PUD. For purposes of interpretation of these Zoning Regulations, the operative and controlling language and regulations of such zoning districts shall be the language and regulations applicable to the referenced zoning districts as contained in the Midwest City Municipal Code as such exists at the time of development of this PUD. In the event of conflict between provisions of this PUD and any of the provisions of the Midwest City Municipal Code, as amended (Code), in effect at the time a permit is applied for with respect to any lot, block, tract and/or parcel of land subject to this PUD, the provisions of the code shall prevail and be controlling; provided however, that in the event of a conflict between the Zoning Regulations specifically negotiated as a part of this PUD and the provisions of the Code in effect at the time a permit is applied for with respect to any lot, block, tract and/or parcel of land subject to this planned unit development, such Zoning Regulations of this PUD shall prevail and be controlling.

8.1 USE AND DEVELOPMENT REGULATIONS

This planned unit development shall consist of the subject property in its entirety. The use and development regulations of R-MD Medium Density Residential District shall govern the property in its entirety of this PUD, except as herein modified.

The maximum number of dwelling units in this PUD shall be 95.

At least 65% of lots shall have a minimum lot depth of 90 feet and the remaining lots, not to exceed 35% of total lots, shall have a minimum lot depth of 70 feet.

9.0 SPECIAL CONDITIONS

The following special conditions shall be made a part of this PUD:

9.1 FAÇADE REGULATIONS

Pursuant to the base zoning district.

9.2 LANDSCAPING REGULATIONS

The subject parcel shall meet all requirements of Midwest City’s Landscaping Ordinance in place at the time of development, except as modified herein.

9.3 SCREENING REGULATIONS

The base zoning district shall regulate the screening requirements.
9.4 PLATTING REGULATIONS

Platting shall be required within this PUD.

9.5 DUMPSTER REGULATIONS

The base zoning district shall regulate the dumpster requirements.

9.6 ACCESS REGULATIONS

There shall be one access point each from SE 10th St. and S. Post Rd. for a total of two points of access to the PUD. The plat shall include “Limits of no Access” for residential lots along Post Rd. and SE 10th St.

9.7 SIGNAGE REGULATIONS

9.7.1 FREESTANDING ACCESSORY SIGNS

Freestanding Accessory signs will be in accordance with the base zoning district regulations.

9.7.2 ATTACHED SIGNS

Attached signs will be in accordance with the base zoning district regulations.

9.7.3 NON-ACCESSORY SIGNS

Non-Accessory signs shall be prohibited within this PUD.

9.7.4 ELECTRONIC MESSAGE DISPLAY SIGNS

Electronic Message Display signs shall be prohibited within this PUD.

9.8 LIGHTING REGULATIONS

The site lighting in this PUD shall be in accordance with Appendix A, Section 5.11, of the Midwest City Municipal Code, 2020, as amended.

9.9 ROOFING REGULATIONS

All structures within this PUD shall adhere to all municipal regulations as it relates to roofing materials.
9.10 SETBACK REGULATIONS

The front yard setback within this PUD shall be 15’, except that lots with less than 90 feet of depth, not to exceed 35% of total lots, shall be permitted to have a 0’ front yard setback.

For all lots, the minimum side setback adjacent to another lot shall be 5’.

Except as provided herein, the base zoning district regulations shall regulate setbacks of structures in this PUD.

9.10 HEIGHT REGULATIONS

The base zoning district of each respective tract shall regulate the height requirements.

9.11 PARKING REGULATIONS

The design and number of all parking facilities in this PUD shall be in accordance with Appendix A, Section 5.3 of the Midwest City Municipal Code, 2020, as amended.

9.12 SIDEWALK REGULATIONS

This PUD shall adhere to all municipal sidewalk requirements.

9.13 COMMON AREAS

Maintenance of all common areas in the development and maintenance of all amenities located within the common areas shall be the responsibility of the Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage casements shown.

9.14 AMENITIES

- Access to detention area for walking/recreation
- Fenced area for dog run/park
- Play area for residents

10.0 EXHIBITS

Exhibit A: Legal Description
Exhibit B: Master Development Plan – Conceptual
TO: Chairman and Planning Commission
FROM: Billy Harless, Community Development Director
DATE: February 2, 2021

SUBJECT: (PC –2072) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit to allow the use of Eating Establishment: Sit-Down, Alcoholic Beverages Permitted in the C-3, Community Commercial district, for the property described as a part of the SW/4 of Section 3 T11N, R2W, located at 1100 S. Air Depot Boulevard, Suite 5.

Executive Summary: The parcel is currently zoned C-3, Community Commercial. A single structure with multiple retail and restaurant spaces is located at the area of request. The space addressed as 1100 S Air Depot Blvd, Suite 5, is the site of Fusion Kitchen. The applicant is proposing to sell alcoholic beverages within the restaurant which is the reason for this Special Use Permit application. A Site Plan was not required with this application as the building is existing. Notice was sent to all property owners within 300 feet of the area of request. Staff has not received any calls or letters of protest at the time of this writing. Action is at the discretion of the Planning Commission and City Council.

DATES OF HEARINGS:
Planning Commission – February 2, 2021
City Council – February 23, 2021

COUNCIL WARD:
Ward 2, Pat Byrne

OWNER:
Hilltop Village, LLC

APPLICANT:
Navatha Mekala
PROPOSED USE:
Eating Establishment: Sit-Down, Alcoholic Beverages Permitted

DEVELOPMENT PROPOSED BY COMPREHENSIVE PLAN:
Area of Request – OR, Office Retail
North, South, East and West – OR, Office Retail
East –

ZONING DISTRICTS:
Area of Request – C-3, Community Commercial
North, South, East and West – C-3, Community Commercial

LAND USE:
Area of Request – various restaurant and retail spaces
North – Advance Auto Parts
South – various restaurant and retail spaces
East – Mid-Del Technology Center
West – Q-Mart

COMPREHENSIVE PLAN CITATION:
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.

MUNICIPAL CODE CITATION:
2.20 Community Commercial
2.20.1 General Description
This commercial district is intended for the conduct of business activity which is located at the edge of residential areas but which serves a larger trade area than the immediately surrounding residential neighborhoods.

Business uses will most often be found in a wide variety of commercial structures, normally on individual sites with separate ingress, egress, and parking. Because of the varied uses permitted, it is important to be separated as much as possible visually and physically from any nearby residential areas and to limit the harmful effects of increased traffic, noise, and general nonresidential activity which will be generated.

Traffic generated by the uses permitted shall be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

7.6. Special Use Permit
7.6.1 Special Use Permit
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 the 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.

7.6.3 Criteria for Special Use 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.

NOTIFICATION:
1. Written notice was mailed to owners of real property within 300 feet of the exterior boundaries of the subject property.

HISTORY:
1. This area was zoned C-3, with the adoption of the 1985 Zoning Map and remains so designated on the 2010 Zoning Map.

STAFF COMMENTS:
Planning Division:
As noted in the Executive Summary, this Special Use Permit is required as the applicant is proposing to sell alcoholic beverages within the existing restaurant.

As of this writing, staff has not received any calls or letters of protest regarding this rezoning request.

The proposed use is classified within the Midwest City Zoning Ordinance as Eating Establishments: Sit-Down, Alcoholic Beverages Permitted. This category states that on-premise consumption of alcohol is accessory to the restaurant operation.
As mentioned above, criteria for special use permit approval is outlined in 7.6.3. of the Midwest City Zoning Ordinance. Below are staff’s opinions as to how this application meets or does not meet the required criteria:

1. The Comprehensive Plan states that one of the three basic targets of economic development programming retaining and increasing the viability of existing local businesses. Allowing this Special Use Permit will allow this existing business to offer a wider variety of products and is consistent with the targets of the Comprehensive Plan.

2. The proposed use is in harmony with the general purpose and intent of the C-3 zoning district regulations as it is located in a commercial area and surrounded by commercial uses.

3. The proposed use is not likely to adversely affect the neighboring properties. The applicant will be required to adhere to all laws regarding serving alcoholic beverages to patrons.

4. The use is not expected to generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood. The area of request is already zoned C-3 and the traffic generated from this use would likely not change much from the existing daily traffic.

5. Utility, drainage, parking, loading, signs, lighting access and other necessary public facilities are all existing and will not be affected by this proposed use.

Action is at the discretion of the Planning Commission and City Council.

**Action Required:** Approve or reject the resolution for a Special Use Permit for the property as noted herein, subject to the staff comments as found in the February 2, 2021 agenda packet and made a part of PC-2072 file.

Billy Harless, AICP
Community Development Director
SS:KG
RESOLUTION NO. __________

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW EATING ESTABLISHMENT: SIT-DOWN, ALCOHOLIC BEVERAGES PERMITTED AND DIRECTING AMENDMENT OF THE OFFICIAL ZONING DISTRICT MAP TO REFLECT THE RECLASSIFICATION OF THE PROPERTY'S ZONING DISTRICT; AND PROVIDING FOR REPEALER AND SEVERABILITY

WHEREAS, the Zoning Map of Midwest City, Oklahoma, 2010, shows the following described property with a classification of C-3, Community Commercial:

A part of the SW/4 of Section 3, T-11-N, R-2-W, located at 1100 S. Air Depot Blvd. Suite 5, Midwest City, OK.

WHEREAS, it is the desire of the Midwest City Council to grant a Special Use Permit for said property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF MIDWEST CITY, OKLAHOMA COUNTY, STATE OF OKLAHOMA:

That the above described property located in Midwest City, Oklahoma be and is hereby granted a Special Use Permit to allow the use of Eating Establishment: Sit-Down, Alcoholic Beverages Permitted.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the _______ day of ________________________, 2021.

THE CITY OF MIDWEST CITY,
OKLAHOMA

__________________________________________
MATTHEW D. DUKES III, Mayor

ATTEST:

__________________________________________
SARA HANCOCK, City Clerk

APPROVED as to form and legality this _______ day of ________________________, 2021.

__________________________________________
Heather Poole, City Attorney