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**AGENDA FOR THE REGULAR MEETING OF THE
MIDWEST CITY PLANNING COMMISSION
May 7, 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 April 2, 2024 Planning Commission Meeting.

C. ANNOUNCEMENTS

1. Rick Dawkins was reappointed at the April 23, 2024 Council Meeting to continue serving the remainder of his three-year term.

D. DISCUSSION

1. (PC-2172) Public hearing, discussion, consideration, and possible action of a resolution to amend the Comprehensive Plan from Single-Family Detached Residential Land Use to Medium Density Residential Land Use; and an ordinance to redistrict from Single-Family Detached Residential District (“R-6”) to Medium Density Residential District (“R-MD”), for the property described as a part of the Northwest Quarter (NW/4) of Section One (1), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 500 Davidson Rd., Midwest City.
2. (PC-2174) Public hearing, discussion, consideration, and possible action for approval of the Preliminary Plat of Dentistry by Design for the property described as a part of the North Half (N/2) of the Southwest Quarter (SW/4) of Section Twelve (12), Township Eleven (11) North, Range Two (2) West of the Indian Meridian also addressed as 2500 S. Douglas Blvd., Midwest City, OK 73130.
3. (PC-2175) Public hearing, discussion, consideration, and possible action of a resolution to amend the Comprehensive Plan from Medium Density Residential Land Use to Office/Retail Land Use; and an ordinance to redistrict from Single-Family Detached Residential District (“R-6”) to General Office District (“O-2”), for the property described as a part of the Northwest Quarter (NW/4) of Section One (1), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 9220 E. Reno Ave., Midwest City.
4. (PC-2176) Public hearing, discussion, consideration, and possible action for a Special Use Permit (SUP) to allow “*Low Impact Institutional: Neighborhood Related*” in the (R-6) Single-Family Detached Residential District for the property described as a part of the Northwest Quarter (NW/4) of Section Twenty-Six (26),

Township Twelve (12) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 8100 NE 23rd St.

5. (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.

E. COMMISSION DISCUSSION

F. PUBLIC DISCUSSION

G. FURTHER INFORMATION

H. ADJOURN

MINUTES OF MIDWEST CITY PLANNING COMMISSION MEETING

April 2, 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, on April 2, 2024 - 5:00 p.m. with the following members present:

Commissioners present: Russell Smith
Jess Huskey
Dee Collins
Rick Rice

Commissioners absent: Dean Hinton
Jim Smith

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

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 Rick Rice, to approve the minutes of the March 5th, 2024 Planning Commission meeting as presented. Voting aye: R. Smith, Huskey, Collins, and R. Rice. Nay: none. Motion carried.
2. A motion was made by Dee Collins seconded by Rick Rice, to approve the minutes of the March 11th, 2024 Special Planning Commission meeting as presented. Voting aye: R. Smith, Huskey, Collins, and R. Rice. Nay: none. Motion carried.

C. NEW MATTERS

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.

There was general discussion amongst the Commission.

The applicant, (Cesar Manuel Banvelos - 10008 Wimbledon Ct. was present and addressed the council.

A motion was made by Jess Huskey, seconded by Dee Collins to recommend approval of this item. Voting aye R. Smith, Huskey, Collins, and R. Rice. Nay: None. Motion Carried.

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.

There was general discussion amongst the Commission.

The applicant, Daryl Ljunghammer – 8720 NE 17th St 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, Collins, and R. Rice.

Nay: None. Motion Carried.

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.

There was general discussion amongst the Commission.

Matt Summers – Planning and Zoning Director, informed Planning Commission that Office/Retail would be included in the amended Comprehensive Plan instead of Commercial.

The applicant, Louis Almaraz, Almaraz Investments - 1711 W. Wilshire Blvd was present and addressed the council.

A motion was made by Jess Huskey, seconded by Dee Collins to recommend approval of this item.
Voting aye R. Smith, Huskey, Collins, and R. Rice.

Nay: None. Motion Carried.

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;

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The Planning Commission decided to postpone discussion on this issue, and to take no action at this time. The applicant was not present and informed staff that they would not be due to their lawyer having

a schedule conflict.

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.

There was general discussion amongst the Commission.

Matt Summers – Planning and Zoning Director was present and addressed the council. Informed the council that he had been directed by City Council to re-evaluate fencing and screening ordinances. After comparing current standards to cities similar in character to Midwest City, Summers suggested that language be added to zoning ordinances to allow for more flexibility in fencing type, while adding material thickness requirements to ensure that fences are constructed in a way that promotes durability and maintains the character of the neighborhood.

Russell Smith suggested including language that prohibits sharp objects being on top of fences.

A motion was made by Jess Huskey, seconded by Dee Collins to recommend approval of this item. Voting aye R. Smith, Huskey, Collins, and R. Rice.
Nay: None. Motion Carried.

D. COMMISSION DISCUSSION: None

E. PUBLIC DISCUSSION: None

F. FURTHER INFORMATION:

City Council Meeting: April 23, 2024

G. ADJOURNMENT:

A motion to adjourn was made by Jess Huskey, Seconded by Dee Collins.
Voting aye: R. Smith, Huskey, Collins, and R. Rice.
Nay: None. Motion Carried.
The meeting adjourned at 5:23 p.m.

Chairman Russel Smith

(cv)

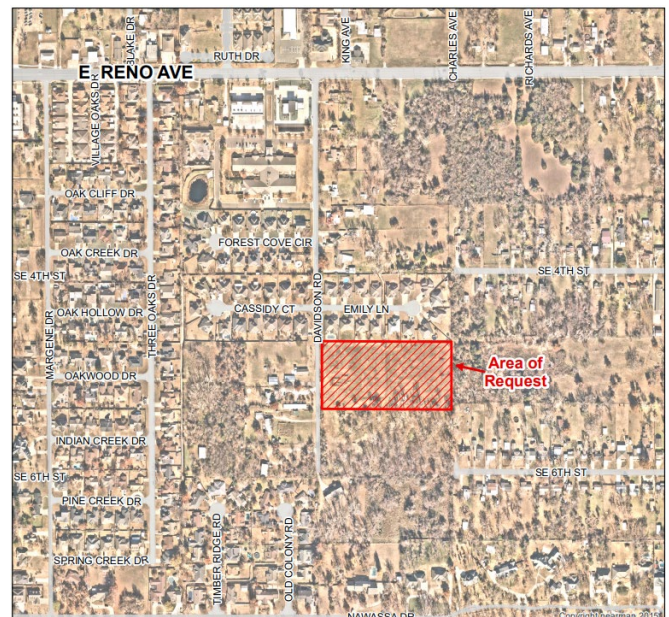
To: Chairman and Planning Commission
From: Emily Richey, Current Planning Manager
Date: May 7, 2024

Subject: (PC-2172) Public hearing, discussion, consideration, and possible action approving a Resolution amending the Comprehensive Plan from Single-Family Detached Land Use to Medium Density Land Use and; an Ordinance to redistrict from Single-Family Detached Residential District (“R-6”) to Medium Density Residential Land use (“R-MD”), for the property described as a part of the Northwest Quarter (NW/4) of Section One (1), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 500 Davidson Rd., Midwest City.

Executive Summary: The Applicants, Ms. Alyssa McDowell and Mr. Ryan Zerbe, are requesting to amend the Comprehensive Plan to Medium Density Land Use and rezone the property to Medium Density Residential District (“R-MD”).

The Applicants are proposing to subdivide the currently vacant property into twelve (12) lots, each containing one (1) quadplex for a total of forty-eight (48) dwelling units, but first they must obtain the proper zoning.

Though this request is for a rezone, the applicants engaged a design engineer to aid with ensuring their proposal can abide with the zoning regulations. If approved, all development regulations for the R-MD district shall be observed.



Parking requirements will be dependent upon the amount of bedrooms per dwelling unit- 1.5 spaces per dwelling unit, or 2 spaces per dwelling unit.

If the rezone is approved, the applicant will then apply for a preliminary plat. A pre-application meeting shall be required, and at that time Engineering and Planning & Zoning will address the required improvements to public infrastructure and ongoing drainage issues.

Both state and local notification requirements were met.

At the time of this writing, staff has had one in-person meeting and received two phone calls from surrounding property owners who are in opposition of the proposal expressing concerns of density.

Action is at the discretion of the Planning Commission.

Dates of Hearing:

Planning Commission- May 7, 2024

City Council- May 28, 2024

Date of Pre-Development Meeting:

December 13, 2023

January 4, 2024

Council Ward: Ward 2, Pat Byrne

Owner: Alyssa McDowell & Ryan Zerbe

Applicant: Alyssa McDowell & Ryan Zerbe

Proposed Use: Quadplexes

Size: The subject property has a frontage of 329.93 feet on Davidson Rd., a depth of 631.83 feet, and contains an area of 208,460 square feet, more or less.

Development Proposed by Comprehensive Plan:

Area of Request- Single-Family Detached Residential

North- Single-Family Detached Residential

South- Single-Family Detached Residential

East- Single-Family Detached Residential

West- Single-Family Detached Residential

Zoning Districts:

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

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

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

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

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

Land Use:

Area of Request- Vacant lot

North- Cassidy Cove Section II

South- Vacant lot (but permit for single-family home has been pulled)

East- Single-family residences

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 prior to rezoning being approved.

If approved, the proposed rezoning of the property at 500 S Davidson Rd in Midwest City from Single-Family Detached Residential to Medium Density Residential would increase the housing diversity within the city limits.

The applicant is proposing 12 quadplexes with parking spots in front of each structure. Quadplex housing is limited within the city since most of the land in Midwest City is zoned for single-family detached residential. Approval of the zone change would give residents more options to select from to satisfy different preferences

and lifestyles. Increased density can provide more economic opportunities and tax revenue for the city by increasing the number of households per acre.

However, if the proposed structures are taller than surrounding homes, neighbors may experience some potential loss of privacy. The Comprehensive Plan encourages higher densities and mixed uses along major thoroughfares where multimodal travel is available providing alternative options for non-drivers. The subject property is situated on a dead-end local street in the center of a square mile section. The rising concern is that higher-density development on this site may cause traffic congestion on the local street. It is important to ensure a harmonious transition from the busy E. Reno Ave. toward the heart of surrounding neighborhoods. Medium Density Residential uses on the subject property would not enhance the site and surrounding area, it might adversely impact surrounding neighborhoods, and would not present a significant benefit to the public health, safety, and welfare of the community. The proposed development is not supported by the Comprehensive Plan, and staff finds that the potential adverse impacts of changing the future land use from Single-Family Detached Residential to Medium Density Residential outweigh the benefits the proposed development would provide in terms of diversified housing options.

Municipal Code Citation:

2.9. – R-MD, Medium Density Residential District

2.9.1. *General Description.* This is a residential district to provide for medium density housing ranging from ten (10) to twenty (20) dwelling units per gross acre. The principal use of land is for townhouses and low-rise multifamily dwellings.

Related recreational, religious, and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced, and attractive living areas.

2.9.2. *District Use Regulations.* Property and buildings in the R-MD, Medium Density Residential District shall be used only for the purposes listed within Table 4.9-1: Use Chart (Page 75).

2.9.3. *Development Regulations.* Property and buildings shall conform to the related standards listed within Table 3.2-1: Residential Area Regulations and Standards Chart (Page 47) and Section 5 Supplemental Regulations (Page 81).

(A) *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 (Page 91) of which Table 5.3-2: Specific Parking Requirements (Page 98) is included.

(B) *Site plan.* A site plan shall be prepared in accordance with 7.5 Site Plan (Page 183) for any 4.2.3. Townhouse (Single-Family Attached) (Page 50), 4.2.4. Multifamily Residential (Page 50), or 4.2.8. Group Residential (Page 51) type use.

History:

1. This property has been zoned Single-Family Detached Residential since the adoption of the 1985 zoning code.

2. A preliminary plat for the parcels addressed off of Saint Paul was submitted but withdrawn by the applicant in September of 2018 (PC-1960).
3. A request to rezone the parcels addressed off of Saint Paul to a PUD was denied in January 2019 (PC-1983).
4. A preliminary plat (Cassidy Cove Section III) for the parcels addressed off Davidson was approved in April of 2019, however, no public improvements have been installed and a final plat application was not received (PC-1990).
5. The City Council approved the Madison Addition preliminary plat for this area (that included through to Saint Paul Ave.) in May of 2020 (PC-2042).
6. The applicant made changes to the proposed density and circulation, which required a new preliminary plat application. This was approved by City Council September of 2021 (PC-2089).

Next Steps:

If Council approves this rezone, the applicant can proceed with the preliminary plat process. A pre-development meeting shall be required.

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 terminating at the northwest corner of the proposed parcel, an eight (8) inch line running along the west side of Davidson Road. Before the acceptance of a future final plat, an extension of the public water main will be required to loop to a dead-end line close to the northeast corner of the site. The public water main must also be extended across the full frontage of Davidson Road. 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 bisecting the property. The existing sewer main has manholes located in the proposed future roadway. Before the acceptance of a future final plat, the manholes must be relocated so they will not be located in the future pavement. 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 Davidson Road. Davidson Road is classified as a local road in the 2008 Comprehensive Plan and has no curb or sidewalk. Public road and sidewalk improvements are not required as part of this application but will be constructed prior to a future final plat 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 40109C0330H, dated December 18th, 2009. Public drainage and detention improvements are not required as part of this application. Public drainage and detention improvements adjacent to and located on this parcel service the neighborhoods north of this property. These existing facilities will be incorporated into future drainage and detention improvements that will be constructed prior to a future final plat application.

Easements and Right-of-Way

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

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ENGINEERING PHOTOS - PC-2172:



East from the south corner of the property.



North along Davidson Road.



East from the north corner of the property.



South along Davidson Road.

Fire Marshal's Comments:

PC-2172 is proposing an amendment to the Comprehensive Plan to Medium Density Residential Land Use and an ordinance rezoning the property to Medium Density Residential ("R-MD").

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

- Fire hydrants shall be located and so spaced that no hose lay from a fire apparatus exceeds five hundred (500) feet within areas containing one and two-family detached dwellings.
- In all areas except those containing only one and two-family detached dwellings, fire hydrants shall be located in such a manner that no hose line will exceed four hundred (400) feet in length to reach any accessible portion of the exterior of any building and is dependent on the ability to place an apparatus in such a manner necessary to utilize said hydrant. Distance shall be measured by the lay of the hose, not by line of sight.
- Fire suppression system requirements to be determined upon plan submittal/pre-application meeting (floor plan/design drawings are needed for review).

Public Works' Comments:

Line Maintenance

Water

- Any required water main extension shall be a designed looped system to eliminate dead ends. Future development dead ends shall be installed per Midwest City Municipal Code Section 15-22 with a water hammer/surge arrestor installed.
- Fire hydrant locations shall be installed per Midwest City Municipal Code Section 15-22. Clearance around fire hydrants shall be installed per Midwest City Municipal Code Sections 15-20 and 43-54 (b).
- Need to verify clearance between light pole(s) and fire hydrant, valves, etc.
- Water main extension plans shall be approved by Oklahoma Department of Environmental Quality and the City of Midwest City prior to Line Maintenance approval of building permit(s).
- 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.

Planning Division:

Staff met with the applicant December 13, 2023 and January 4, 2024 for pre-development meetings.

The subject lot is currently vacant. The Applicants plan to subdivide the property into twelve (12) lots, each containing one (1) quadplex for a total of forty-eight (48) dwelling units. This would represent a density of approximately ten (10) units per acre. Under the R-MD zoning district, the applicant would be allowed by right to develop at a density up to twenty (20) units per acre, meaning that if this application is approved the site could have up to ninety-five (95) dwelling units. The current zoning (R-6) is intended for single-family lots of at least 6,000 square feet in size, with an estimated maximum density of 5.1 units per acre. Under the current zoning, the subject property could be developed into a maximum of about 36 single-family lots.

Many of the allowable uses, outside of density and housing type, are similar between the R-6 and R-MD zoning districts. Therefore, in analyzing whether or not to approve this application, we should consider the potential impacts of allowing increased density at this location. One of the primary reasons medium- and high-density

residential developments are planned to be located along arterial roads, is to mitigate potential impacts to the transportation network. Arterial roads are better equipped to handle the increased traffic volumes generated by more dense sites, and they are more likely to provide multi-modal (public transportation, bicycle, and pedestrian) access to commercial and public use sites people travel to on a regular basis. The subject property is not located along an arterial road, but is served by Davidson Road. Davidson Rd. is a local dead-end street, so the existing neighborhoods and this proposed development rely on this street and its intersection with East Reno Avenue.

The Trip Generation Manual published by the Institute of Transportation Engineers offers insight regarding the amount of traffic Davidson Road could expect if the site is developed under the current and proposed zoning districts. Table 1, below, shows the difference in the expected daily trips at maximum buildout of the subject property between single-family residences and townhouses/condominiums to be around 200 daily trips.

Table 1: Expected Daily (weekday) Trips

Zoning District	Trips per Dwelling Unit	Total Trips Generated
R-6	9.52 ¹	343
R-MD	5.81 ²	552

If approved, all development regulations for the R-MD district shall be observed.

The first step is to obtain proper zoning, then subdivision regulations will be discussed in depth with staff and Applicants to ensure a compatible development and alleviate concerns that have been voiced.

Action is at the discretion of the Planning Commission.

Action Required:

Approve or reject the resolution amending the Comprehensive Plan from Single-Family Detached Residential Land Use to Medium Density Land Use; and to approve or reject the ordinance to redistrict from Single-Family Detached Residential District (“R-6”) to Medium Density Residential District (“R-MD”) for the property noted herein, subject to staff comments as found in the May 7, 2024 Planning Commission agenda packet and made part of the PC-2172 file.

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

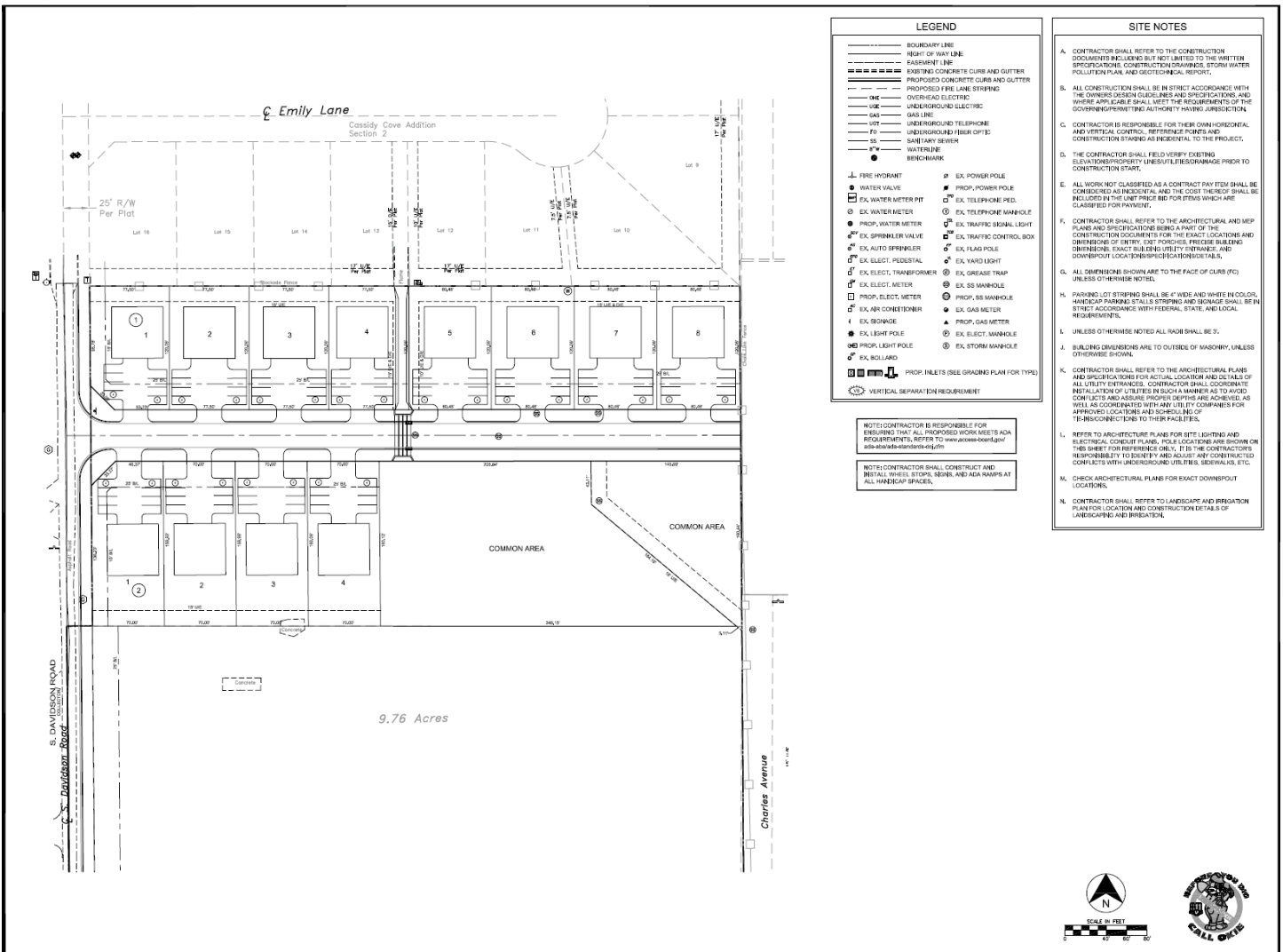


Emily Richey

Current Planning Manager

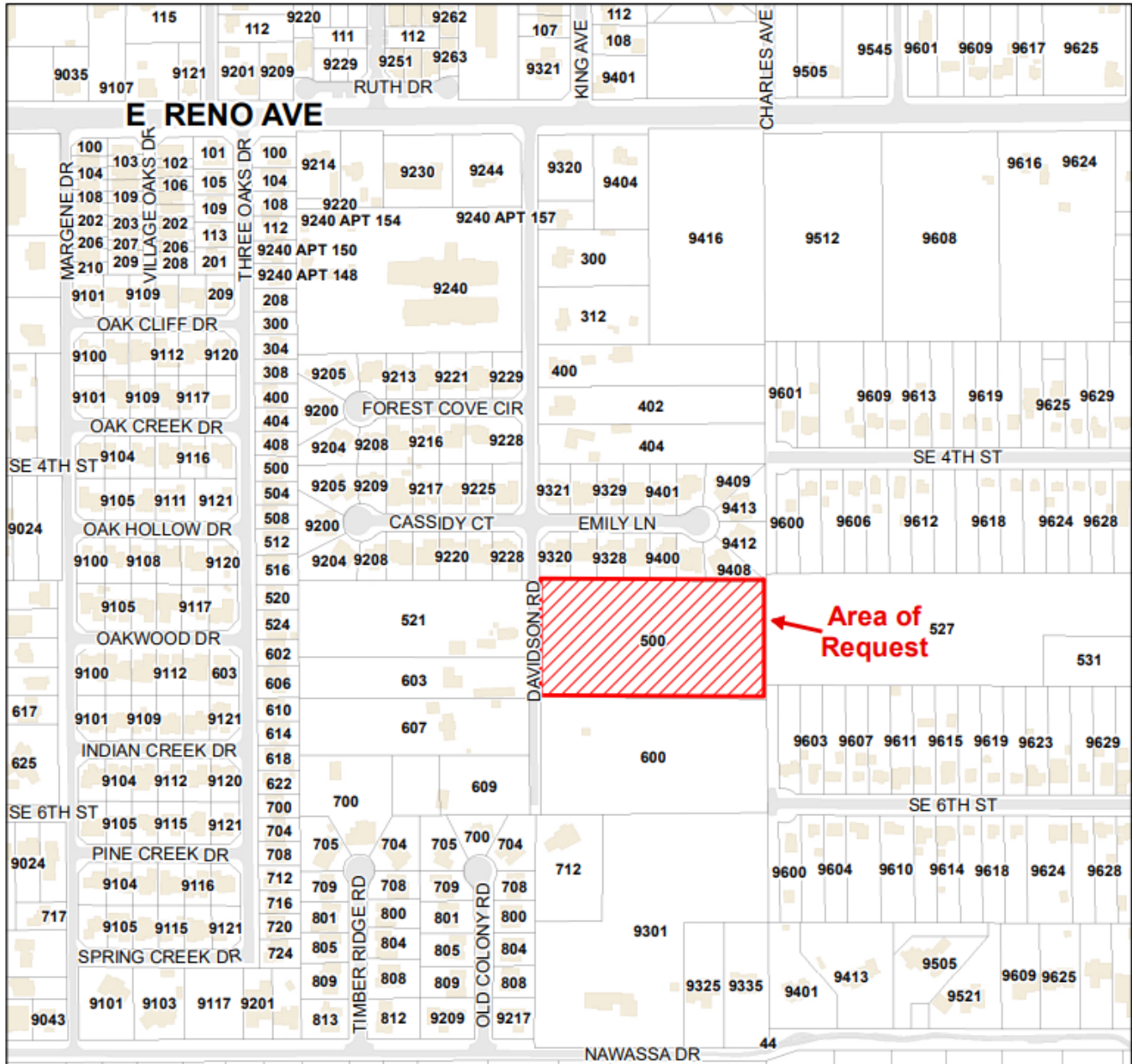
¹ (Institute of Transportation Engineers (ITE), 2012)

² (Institute of Transportation Engineers (ITE), 2012)

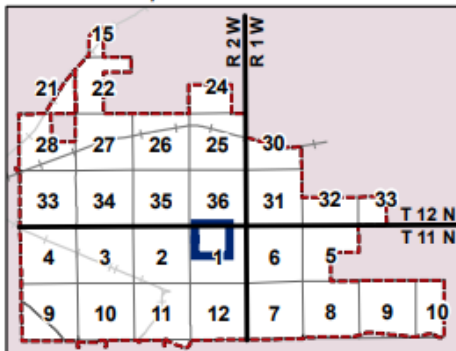




GIS- Information Technology/ Community Development



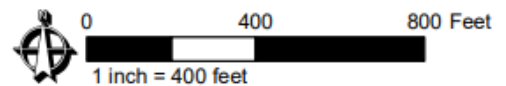
Locator Map



General Map Legend

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

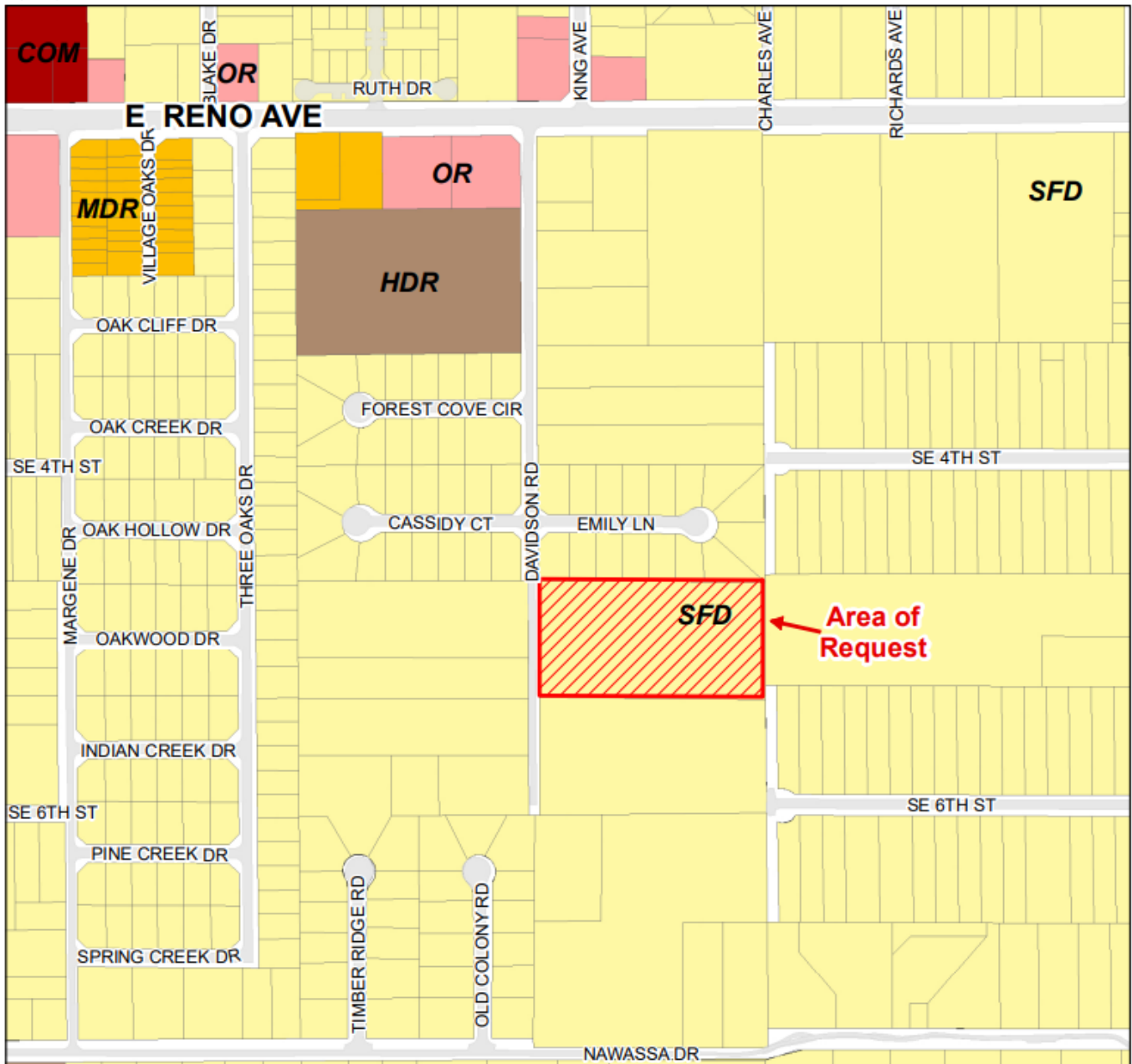
**GENERAL MAP FOR
PC-2172
(NW/4, Sec 1, T11N, R2W)**



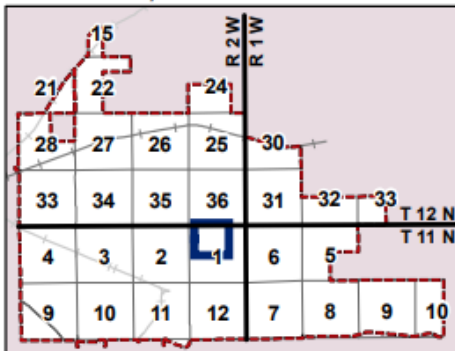
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GIS- Information Technology/ Community Development



Locator Map

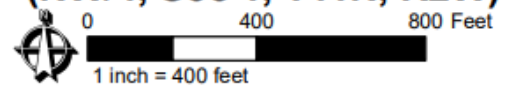


Future Land Use Legend

- 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-2172

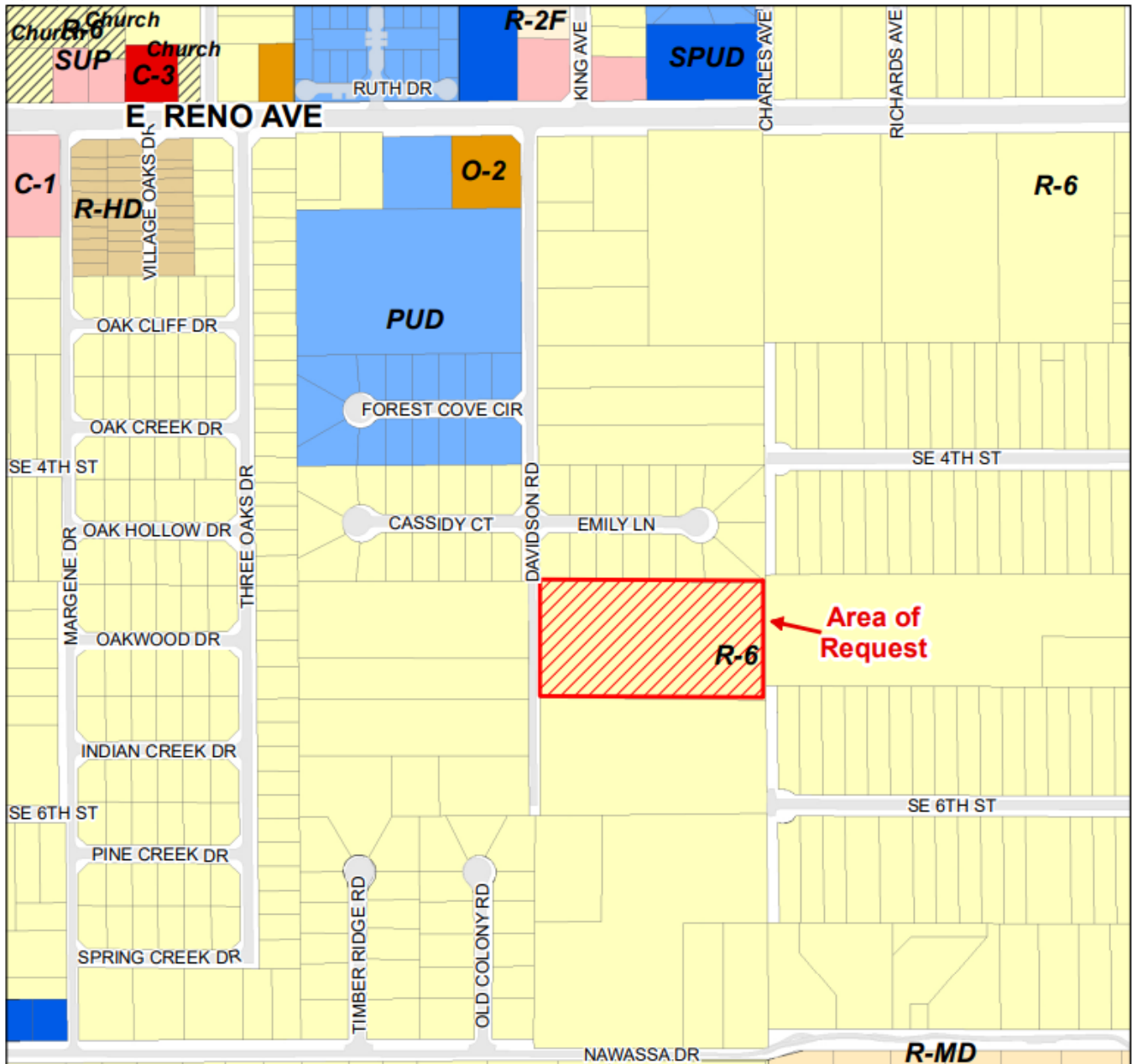
(NW/4, Sec 1, T11N, R2W)



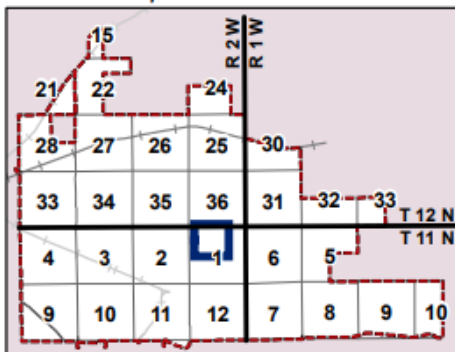
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GIS- Information Technology/ Community Development



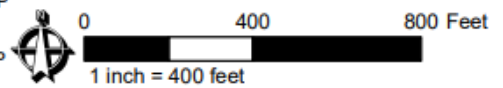
Locator Map



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

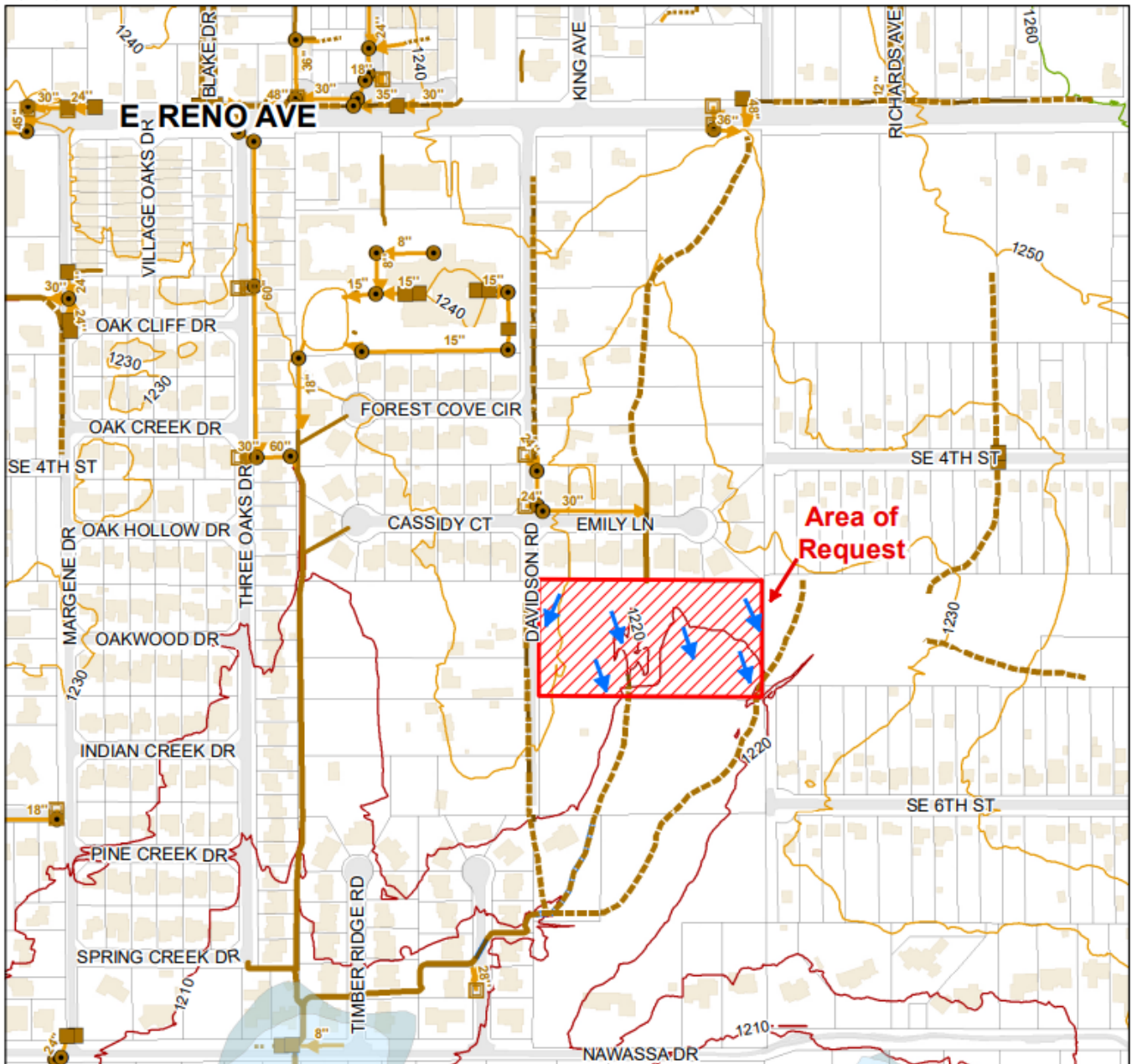
ZONING MAP FOR PC-2172 (NW/4, Sec 1, T11N, R2W)



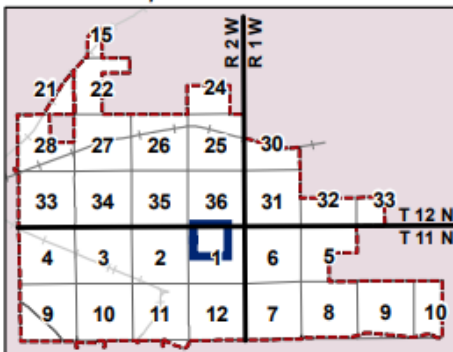
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GIS- Information Technology/ Community Development



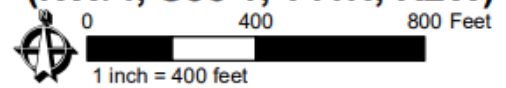
Locator Map



- 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
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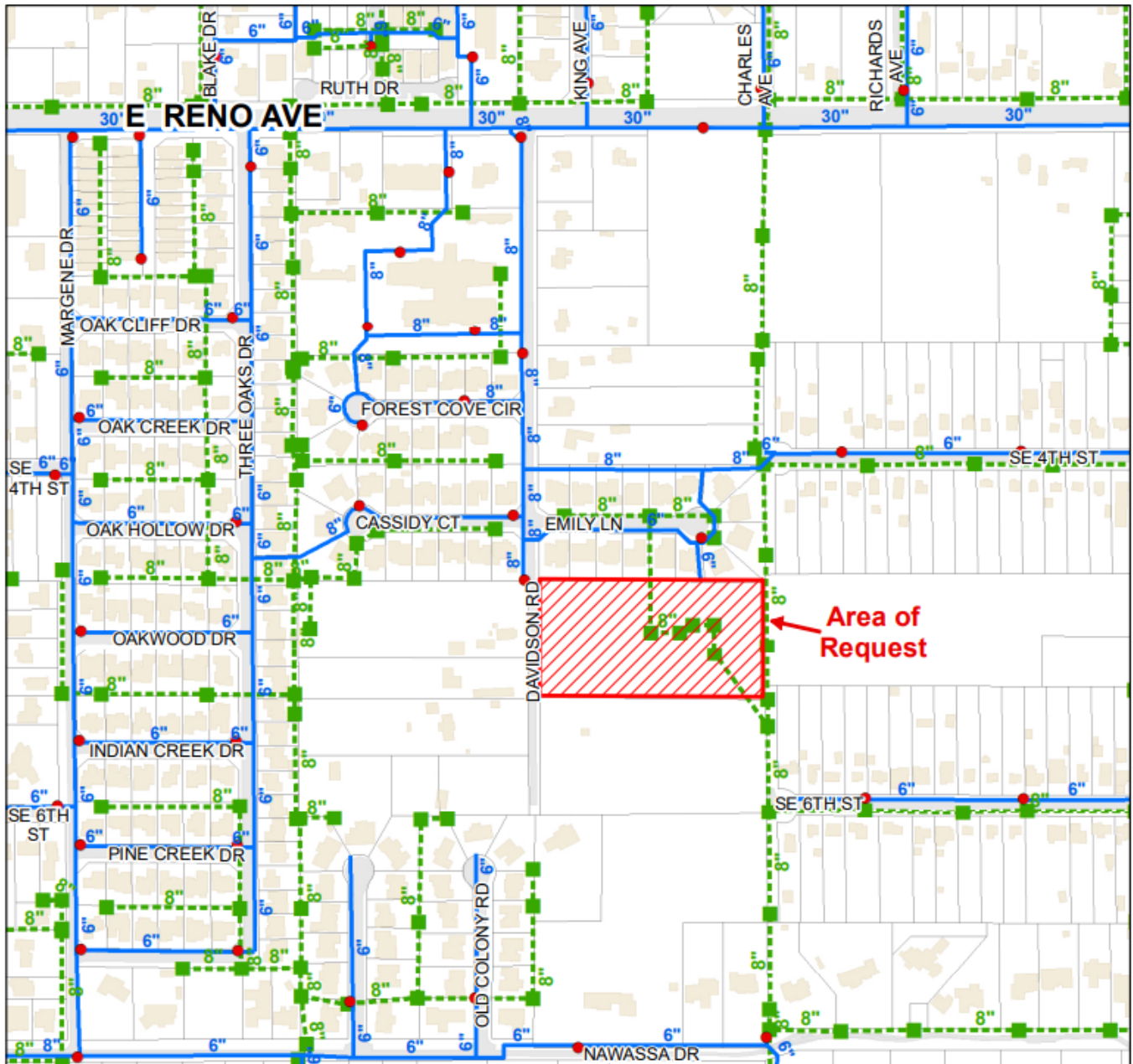
**DRAINAGE
LOCATION MAP FOR
PC-2172
(NW/4, Sec 1, T11N, R2W)**



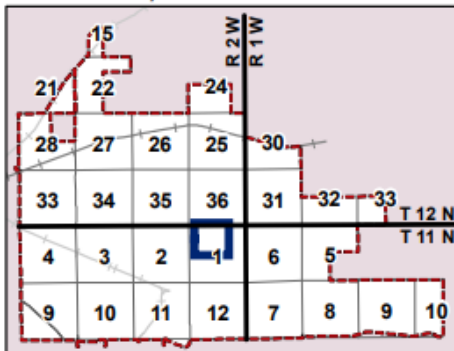
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GIS- Information Technology/ Community Development



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-2172
(NW/4, Sec 1, T11N, R2W)**

0 400 800 Feet
1 inch = 400 feet

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Community Development 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 Assistant

To: Chairman and Planning Commission

From: Emily Richey, Current Planning Manager

Date: May 7, 2024

Subject: (PC-2174) Public hearing, discussion, consideration, and possible action of approval of the Preliminary Plat of Dentistry by Design for the property described as a part of the North Half (N/2) of the Southwest Quarter (SW/4) of Section Twelve (12), Township Eleven (11) North, Range Two (2) West of the Indian Meridian also addressed as 2500 S. Douglas Blvd., Midwest City, OK 73130.

Chairman and Planning Commission,

Mark Zitzow with Johnson & Associates (on behalf of 2500 Douglas Development, LLC), formally requested a continuance of their application to June 4, 2024 on April 26, 2024 via email.

A copy of the email can be found in the PC-2174 case file.

Suggested action: Vote to table item.

Respectfully,

Emily Richey
Current Planning Manager

To: Chairman and Planning Commission
From: Cameron Veal, Associate Current Planner
Date: May 7, 2024

Subject: (PC-2175) Public hearing, discussion, consideration, and possible action of a resolution amending the comprehensive plan from Medium Density Residential Land Use to Office/Retail Land Use and; an ordinance to redistrict from Single-Family Detached Residential District (“R-6”) to General Office District (“O-2”) for the property described as a part of the Northwest Quarter (NW/4) of Section One (1), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 9220 E. Reno Ave., Midwest City.

Executive Summary: Mr. Cyrus Valanejad, the applicant, is requesting to rezone the subject property from Single-Family Detached Residential District to General Office District.

Mr. Valanejad owns the property and plans on demolishing the existing structure. He would like to offer services that are beyond the scope of what is permissible under its current zoning and land use designations.

Amending the comprehensive plan and rezoning this area would allow for new commercial use and development on the subject property.

Both state and local public notice requirements were fulfilled, and staff did receive a certified letter of protest from a property owner in the area.

Staff recommends approval of this request.

Dates of Hearings:

Planning Commission- May 7, 2024
City Council- May 28, 2024

Dates of Pre-Development Meetings:

February 12, 2024

Council Ward: Ward 2, Pat Byrne

Proposed Use: Office/Retail

Zoning Districts:

Area of Request- Single-Family Detached Residential District (“R-6”)
North- Medium Density Residential District (“R-MD”) PUD



South- General Office District (“O-2”) PUD
East- Single-Family Detached Residential District (“R-6”)
West- General Office District (“O-2”) PUD

Land Use:

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

Comprehensive Plan Citation:

The future land use for the subject lot is Medium Density Residential. The proposed use requires an amendment to the Comprehensive Plan.

Medium 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.

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:

2.17. - O-2, General Office District

2.17.1. *General Description.* This commercial district is intended to provide a location for offices at a higher density than that allowed in the restricted office district.

This district places an emphasis on building location and design in conjunction with landscaping.

This district should be located and designed so that it can be used as a buffer between residential areas and more intense land use activities.

7.2. - Zoning Amendments

7.2.1. *Amendments.* The City Council may from time to time, on its own motion, or on petition from the property owner, or on petition from the property owner's designated representative either by written authority from the property owner, or by order of a court, or on recommendation of the Planning Commission, amend the regulations and districts herein established in accordance with the procedures set forth in this section.

Applications shall only be submitted for contiguous lots or parcels and said lots or parcels shall not be separated by a dedicated street or right-of-way.

A separate application as described in 7.2.1.(A) Applications (below) of this Ordinance is required for each lot or parcel which is not contiguous to any other lot or parcel being considered or said lots or parcels are separated by a dedicated street or right-of-way as set in the legal description of the lot or parcel proposed to be rezoned.

(A) *Applications*. The following is a list of necessary requirements to be complied with in order to submit an application to amend the regulations and districts:

- (1) Application form completed.
- (2) Warranty deed establishing current ownership of area of request.
- (3) Site plan when required by 7.5.1. Site Plan Requirements (Page 183) of this Ordinance.
 - a. Exceptions: See 7.2.1. (C) Exceptions to site plan requirements (below).
 - b. Elimination of site plans: See 7.5.7. Applicant Initiated Elimination of Existing Site Plans (Page 186) and 7.5.8. Expiration of Site Plans (Page 186).
- (4) Signature of applicant.

(B) *Minimum area and frontage*. The minimum area and frontage requirements for rezoning as required in the applicable zoning districts will be met by taking the total contiguous area and frontage of the property being developed as the area and frontage to be listed in the application.

(C) *Exceptions to site plan requirements*.

- (1) Properties zoned in conjunction with a site plan as defined in 7.5 Site Plan (Page 183) of this Ordinance shall not require a site plan for rezoning applications where existing structures and improvements are proposed to remain in their present location and no new structures or improvements are proposed.
- (2) A plan showing only the existing structures, parking, curb cuts and drainage will be submitted with the application.
- (3) This will be considered a final site plan as defined in 7.5 Site Plan (Page 183) of this Ordinance.

History:

1. This property is currently Single-Family Residential Use.

Next Steps:

1. If Council approves this Comprehensive Plan amendment and rezoning application, the applicant will then proceed with receiving all other applicable permits required for future development.

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 rezoning 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 rezone is approved.

ENGINEERING STAFF CODE CITATIONS AND COMMENTS - PC-2175:

Note: No engineering improvements are required with this application.

Water Supply and Distribution

There is a public water main bordering the proposed parcel, a thirty (30) inch line running along the south 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's a public sewer main bordering the proposed parcel, an eight (8) inch line running along the south side of the proposed parcel and the north side of East Reno Avenue. 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 Reno Avenue using an existing drive. East Reno Avenue is classified as a secondary arterial 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 40109C0330H, 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's Comments

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 per Chapter 43.

Sanitary Sewer

Sanitary sewer is available to the property, the applicant shall be responsible for communicating the anticipated daily sewer discharge for capacity calculations.

Planning Division:

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

The proposed rezoning of the property at 9220 E. Reno Avenue in Midwest City from Medium Density Residential to General Office holds significant implications for the local community and economic landscape. The property is located on a major thoroughfare in the city, East Reno Ave. The arterial is one of the main travel and business corridors in the city and cuts the territory almost in half north and south. East Reno Ave. offers multimodal connectivity via automobile, public transportation, biking, and walking, making this location ideal for future development with the goal of increasing economic activity and opportunities in the area.

While land use that is recommended by the Future Land Use Plan is consistent with adjacent residential uses, its ability to contribute to the area is limited compared to what an office/retail use has the potential to offer. The proposed rezoning will strengthen the commercial vitality of E. Reno Avenue business corridor expansion. The adjacent properties are:

- East- Office/ Retail
- South- High-density Residential/Office within PUD
- West- Single-family Detached
- North- Medium Density within PUD

The proposed rezoning enhances the economic potential of the area, benefiting surrounding commercial, office, and retail spaces. Furthermore, with its proximity to high and medium-density residential properties, it offers residents closer proximity to commercial areas, providing convenience as well as opportunities to reduce drive times and/or use alternative methods of travel (biking, walking, etc.).

The surrounding properties align in a fashion that supports economic growth, community services, and job opportunities. Despite there being other available office/retail space throughout the city available for potential use, the rezoning of the property provides benefits to this specific area, promoting an ongoing trend moving towards developing an attractive, vital, and economically feasible business corridor on E. Reno Ave.

Staff recommends approval of the proposed rezoning due to its potential to enhance economic activity, create jobs, and contribute to a thriving community.

Action is at the discretion of the Planning Commission.

Action Required:

- 1) Approve or reject a resolution amending the Comprehensive Plan from Medium Density Residential Land Use to Office/Retail Land Use for the property herein noted, subject to staff comments found in the May 7, 2024 Planning Commission agenda packet and made a part of the PC-2175 file.”
- 2) Approve or reject an ordinance to redistrict from Single-Family Detached Residential District (“R-6”) to General Office District (“O-2”) the property herein noted, subject to staff comments found in the May 7, 2024 Planning Commission agenda packet and made a part of the PC-2175 file.”

Suggested Motion:

“To approve the resolution amending the Comprehensive Plan from Medium Density Residential Land Use to Office/Retail Land Use at 9220 E. Reno Ave., subject to staff comments found in the May 7, 2024 Planning Commission agenda packet and made a part of the PC-2175 file.”

“To approve the ordinance redistricting 9220 E. Reno Ave. from Single-Family Detached Residential District (“R-6”) to General Office District (“O-2”), subject to staff comments found in the May 7, 2024 Planning Commission agenda packet and made a part of the PC-2175 file.”

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

Cameron Veal

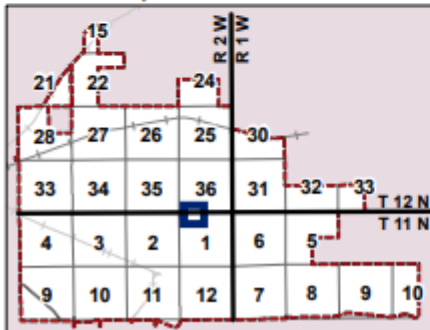
Cameron Veal
Associate Current Planner



GIS- Information Technology/ Community Development



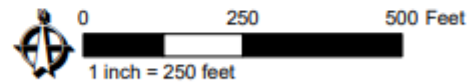
Locator Map



General Map Legend

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

**GENERAL MAP FOR
PC-2175
(NW/4, Sec 1, T11N, R2W)**



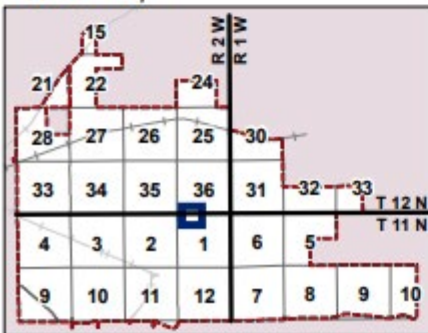
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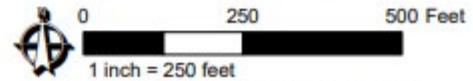
GIS- Information Technology/ Community Development



Locator Map



**12/2023 NEARMAP AERIAL VIEW FOR
PC-2175
(NW/4, Sec 1, T11N, R2W)**



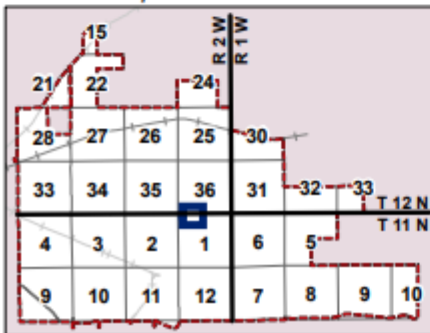
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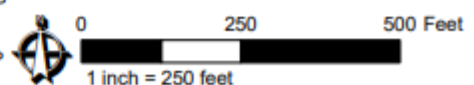
Locator Map



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

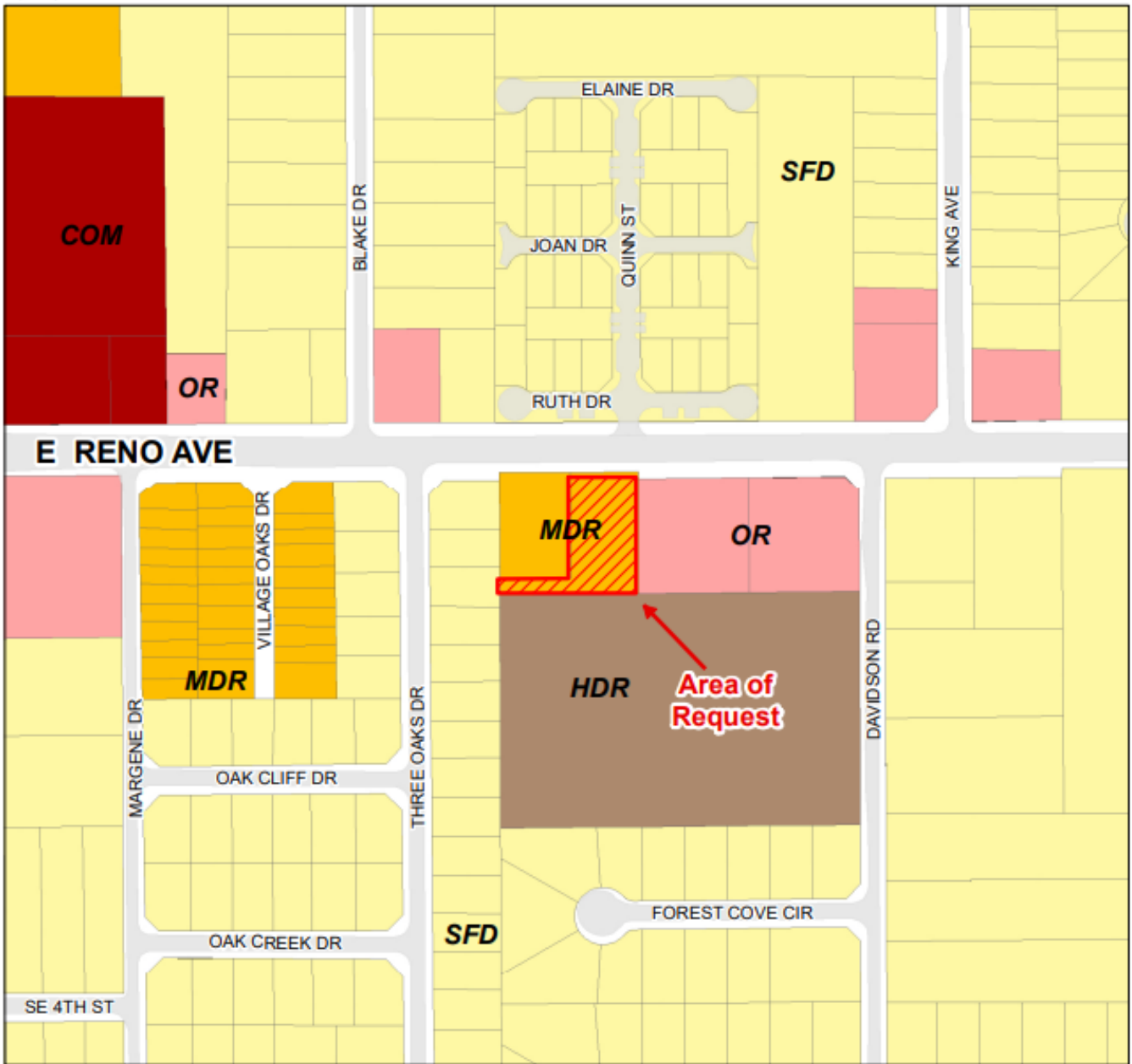
**ZONING MAP FOR
PC-2175
(NW/4, Sec 1, T11N, R2W)**



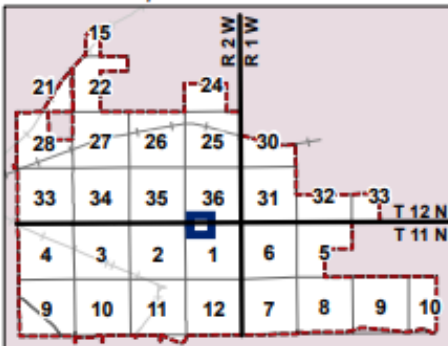
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Locator Map



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-2175
(NW/4, Sec 1, T11N, R2W)**



0 250 500 Feet

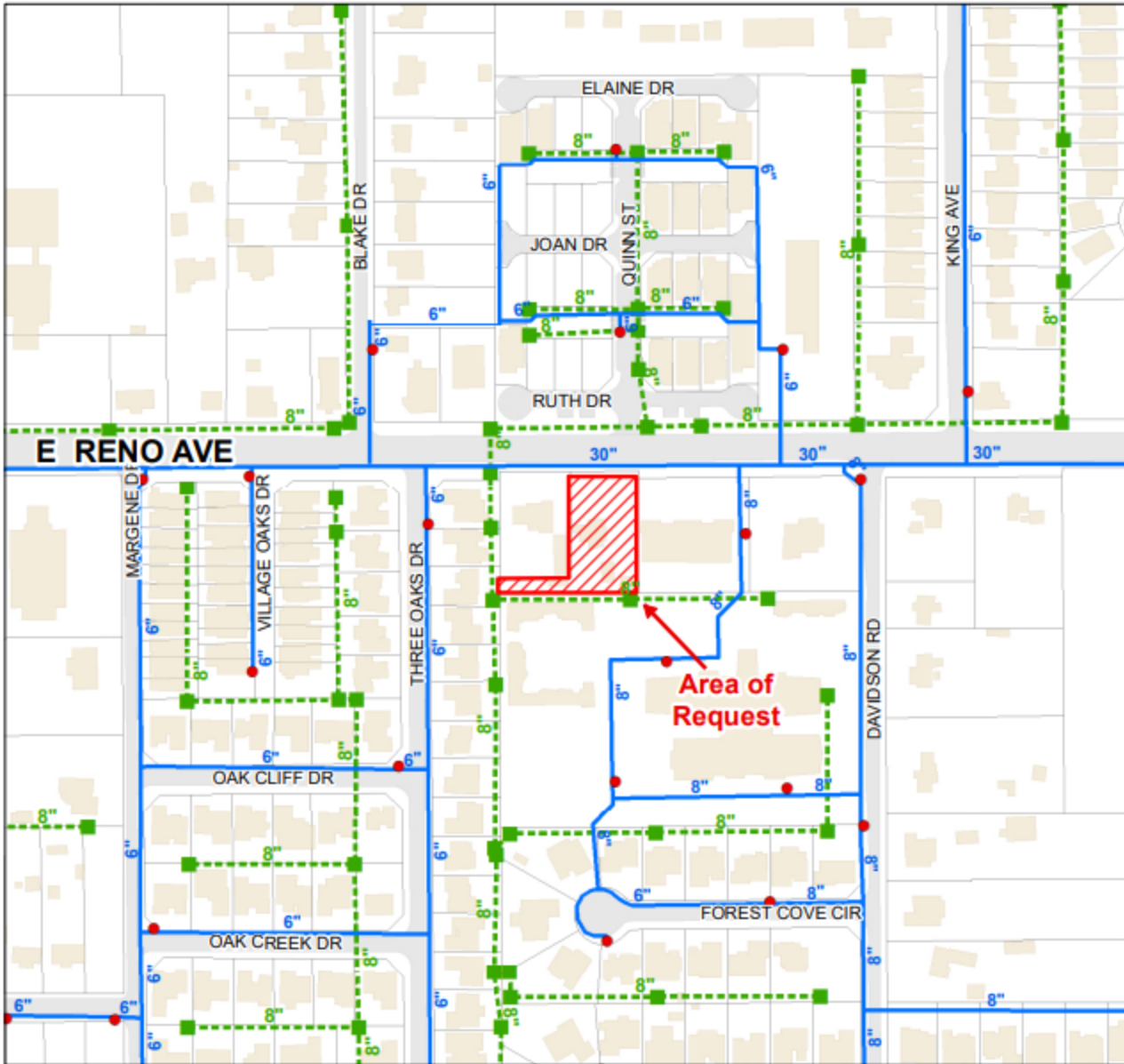


1 inch = 250 feet

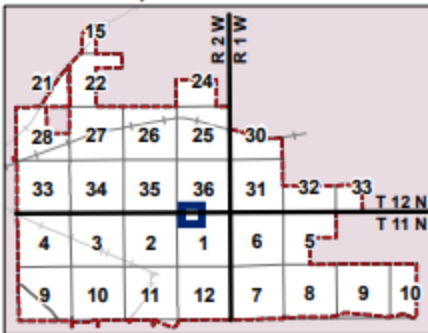
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Locator Map



Water/Sewer Legend

- Fire Hydrants
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 - - - Sooner Utilities
 - - - Thunderbird
 - - - Unknown
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**WATER/SEWER LINE
LOCATION MAP FOR
PC-2175
(NW/4, Sec 1, T11N, R2W)**



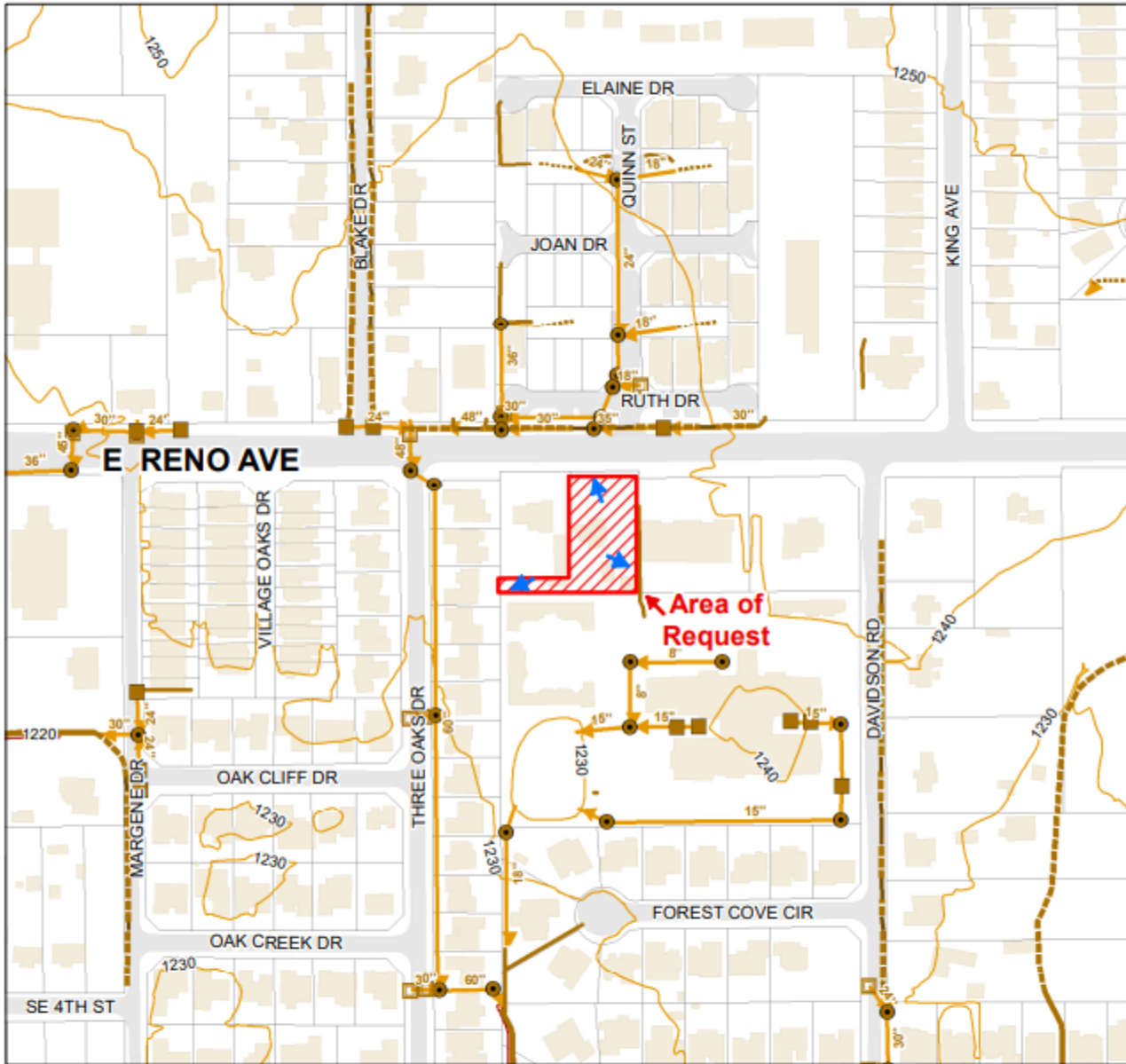
0 250 500 Feet

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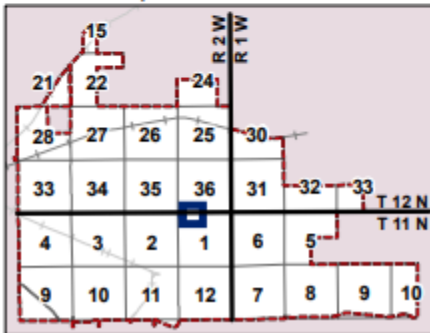
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GIS- Information Technology/ Community Development



Locator Map



- Drainage Legend**
- Curb Inlets
 - Inlets
 - Junction Box
 - Culverts
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 - Developed Channels
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 - Storm Lines
 - Creeks
- ELEVATION**
- 1166-1204 ft
 - 1204-1228 ft
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2009 FEMA Floodplains

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

DRAINAGE LOCATION MAP FOR PC-2175 (NW/4, Sec 1, T11N, R2W)



0 250 500 Feet

1 inch = 250 feet

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Kenneth and Yvonne Olivier
9209 E. Reno Avenue
Midwest City, OK 73130
(405) 737-4915

April 10, 2024

City of Midwest City
Community Development Department
100 N. Midwest Boulevard
Midwest City, OK 73110

Attn: Emily Richey, Current Planning Manager

Dear Ms. Richey,

I am writing this letter to express my strong opposition to the re-zoning of the property at 9220 E. Reno Avenue from Medium Density Residential Land Use to Office/Retail Land Use/O-2. General Office District.

Legal Description, to-wit:

A part of the Northwest Quarter (NW/4) of Section One (1), Township Eleven (11) North Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma.

First and foremost, there is not a substantial reason to validate the need to re-zone this property. As it is Midwest City has too many vacant office/retail areas for rent or lease. For years there have been numerous vacant spaces just within a one-mile radius of this location at Boulevard Marketplace, Cherry Center, Park East Place and Rose Rock.

I would also want to see a proposed development plan for this property.

Unfortunately, we will not be able to attend the Public Hearing on May 7th due to a previous engagement. Please consider this our formal protest in opposition to the re-zoning of the above-described property.

Sincerely,



Kenneth M. Olivier, DVM
Yvonne Olivier

To: Chairman and Planning Commission
From: Emily Richey, Current Planning Manager
Date: May 7, 2024

Subject: (PC-2176) Public hearing, discussion, consideration, and possible action for a Special Use Permit (SUP) to allow “*Low Impact Institutional: Neighborhood Related*” in the (R-6) Single-Family Detached Residential District for the property described as a part of the Northwest Quarter (NW/4) of Section Twenty-Six (26), Township Twelve (12) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 8100 NE 23rd St.

Executive Summary: The applicant, Howard Walker, is requesting a Special Use Permit for the subject property to allow for the uses allowable in 4.3.6. *Low Impact Institutional: Neighborhood Related*.

The Church has been operating without a Certificate of Occupancy for a few years. Mr. Howard owns the property and is the pastor. Approving the Special Use Permit would allow for the outlined intents of the business to be in zoning compliance with the City.

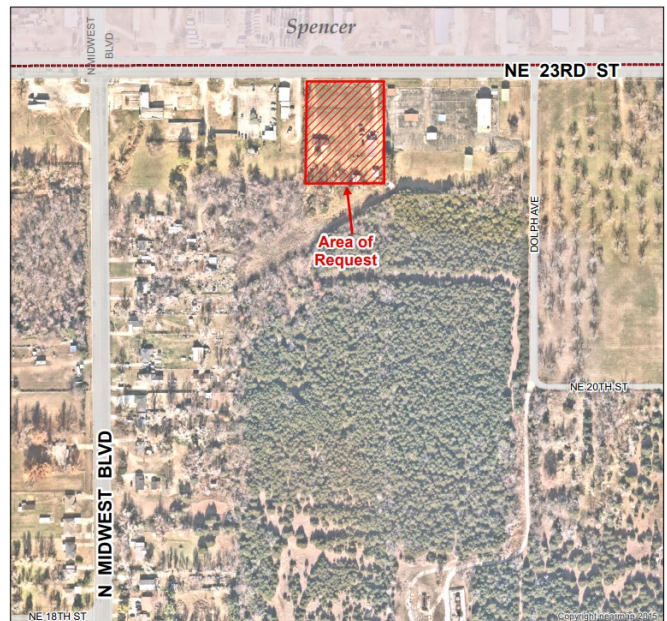
Both state and local public notice requirements were fulfilled and staff received no comments regarding this case.

Staff recommends approval of this application with the following conditions:

1. Paved parking to be installed to fulfill the requirements outlined in Section 5.3 -Parking and Loading. *1 space per 3 seats in the major place of assembly + required number of handicapped space*, as well as adequate turn-around space to mitigate traffic backing onto NE 23rd Street.
2. Dumpster and dumpster enclosure required contingent upon parking requirements (Due to change of use from residential to commercial¹).
3. Special Use Permit expires with the occupancy of the Christ Apostolic Church. If and when a new tenant applies for new occupancy, staff recommends they apply for their own Special Use Permit (if applicable).

If approved, the applicant shall apply for Certificate of Occupancy through the Engineering and Construction Services Department as well as any other applicable building permits.

Action is at the discretion of the Planning Commission.



¹ As determined by the Sanitation/Recycling regulations.

Dates of Hearings:

Planning Commission- May 7, 2024

City Council- May 28, 2024

Council Ward: Ward 5, Sara Bana

Proposed Use: Christ Apostolic Church

Zoning Districts:

Area of Request- Single-Family Detached Residential District (“R-6”)

North- Spencer city limits

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

East- General Commercial District (“C-4”)

West- General Commercial District (“C-4”)

Land Use:

Area of Request- Single-family residence and existing structure for proposed church

North- Spencer city limits

South- Single-family lot

East- Vacant (previously Charles West Auto Sales)

West- James Detail Shop

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 the Single-Family Detached Residential District with a Special Use Permit:

4.3.6. *Low Impact Institutional: Neighborhood Related.* Quasi-public or private activities which may have minor impact on surrounding uses, and are occupied on an intermittent basis. Such uses are necessary to serve common functions within a residential area, and are not designed to provide lodging.

History:

1. March 29, 2024 it was discovered the utility account was still under a builder account (service established 2020), and all other applicable services were added to the account by Customer Service since it was determined by Chief Building Official the space was being occupied.

Next Steps:

- If approved, the applicant shall apply for Certificate of Occupancy through the Engineering and Construction Services Department as well as any other applicable building permits.

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 south side of Northeast 23rd Street. Any new building permit will require tying to the public water system as outlined in Municipal Code 43-32.

Sanitary Sewerage Collection and Disposal

The parcel is currently being served by an individual septic treatment system. Any new building permit will require extending the public sewer system to the parcel tying into the public sewer system as outlined in Municipal Code 43-109.

Streets and Sidewalks

Access to the parcel is available from Northeast 23rd Street, respectively. Northeast 23rd Street is classified as a primary 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 Marshal's Comments:

The property will be required to pass a Fire inspection prior to the Certificate of Occupancy being issued if approved. There are currently no fire inspections documented in the Fire Department inspection software.

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

- New and existing construction shall comply with all Midwest City Fire Codes and Ordinances, the 2018 International Fire Code (IFC), the 2018 International Building Code (IBC) and National Fire Codes.
- Fire extinguishers are required to be installed in accordance with Section 906 of the International Fire Code, as well as NFPA 10.
- Address shall be identified on the front side of the facility. Rear exterior doors shall be labeled with the numerical address for the suite. This shall be in accordance with Section 505.
- Knox Box 3200 series lock box keyed for Midwest City Fire Department is required to be installed adjacent to the main entrance to the facility.

Public Works' Comments:

Line Maintenance

Water

- 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 of five feet.

Sewer

- Sanitary sewer is not available for this site.
- If the business ties into City sewer in the future, the following shall be observed: *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.*

Sanitation

- If paved parking with a turn-around shall be required, dumpster and dumpster enclosure to be required as well due to change of use from residential to commercial.
- Dumpster enclosure shall meet zoning requirements outlines in Midwest City Municipal Code Section 5.7.2. Trash Dumpster(s) and Enclosure:

(A) Dumpster Requirements

- (1) All new commercial buildings shall be served by a minimum of one (1) eight-yard capacity dumpster provided by the City, unless other arrangements are approved by the City's Environmental Services Director in compliance with code.
- (2) All dumpsters shall be screened/enclosed on three (3) sides by a minimum of eight (8) foot tall masonry walls.
- (3) Such enclosures shall have inside dimensions of no less than twelve (12) feet in width and fourteen (14) feet in length.
- (4) Gates shall be incorporated into the design of the enclosure and shall provide a twelve (12) foot wide clear space when open.
- (5) A locking device shall be installed on the gates.
- (6) Keeper latches shall be installed to allow gates to remain open during the servicing of the refuse container.

(B) Dumpster Site Location

- (1) At the time of preparing plans for new commercial buildings, land area on the site shall be designated as a location for the required dumpster(s) and enclosure, which shall be indicated on those plans.
 - a. Such location shall not occupy any designated parking space, dedicated right-of-way, easement and/or create any traffic sight hazard.

- (2) An unobstructed approach shall be provided to allow refuse collection trucks to maneuver on the property without backing onto a public street.

Planning Division:

The subject property has been operating a church without a Certificate of Occupancy and is not in compliance with Midwest City's zoning regulations. The property's current governing zone, Single-Family Detached Residential District (R-6), does not permit quasi-public or private activities without a Special Use Permit.

Approving the Special Use Permit would allow for the outlined intents of the operation to be in zoning compliance with the City.

A sign permit was pulled for the location April 3, 2024 but will not be reviewed until Certificate of Occupancy has been applied for.

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's responses to the criteria are bolded below:

- (1) Whether the proposed use shall be in harmony with the policies of the comprehensive plan.
The proposed use is in harmony with the policies of the Comprehensive Plan. The Future Land Use designation of the property is Commercial. Churches align with the Public/Semi-Public Land Use category, and that designation is generally permitted within any area.
- (2) Whether the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
The proposed use is 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.
Due to their limited operating hours, being generally quiet in nature, and not known for noxious odors, churches are typically deemed compatible within any area. The subject property is adjacent to a vacant business to the east, and an auto detail shop to the west. Proposed use seemingly would not adversely affect 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.
Though the proposed use will add to the traffic, church hours are often limited to Sunday mornings, evenings, and Wednesday evenings and would not conflict with anticipated traffic. However, for safety reasons, staff recommends paved parking that also allows for turn-around so traffic is not backing onto NE 23rd Street.
- (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.
The structure is served by City water and is on septic system. Approving the condition of parking requirements would ensure the proposed use meets the adopted codes pertaining to parking. Please note, the paved parking requirement may result in relocation of water meter to meet green belt requirements.

Staff also recommends the following conditions be approved with the Special Use Permit:

1. Paved parking to be installed to fulfill the requirements outlined in Section 5.3 -Parking and Loading.

1 space per 3 seats in the major place of assembly + required number of handicapped space, as well as adequate turn-around space to mitigate traffic backing onto 23rd Street.

2. Dumpster and dumpster enclosure required contingent upon parking requirements.
3. Special Use Permit expires with the occupancy of the Christ Apostolic Church. If and when a new tenant applies for new occupancy, staff recommends they apply for their own Special Use Permit (if applicable).

Action is at the discretion of the Planning Commission.

Action Required:

Approve or reject a Special Use Permit (SUP) to allow the use of “Low Impact Institutional: Neighborhood Related” in the (R-6) Single-Family Detached Residential District for the property noted herein, subject to staff comments as found in the June 4, 2024 Planning Commission agenda packet and made part of the PC-2176 file.

Suggested Motion:

“To approve the Special Use Permit for 8100 NE 23rd Street to allow the use of Low Impact Institutional: Neighborhood Related in the R-6, Single-Family Detached Residential District subject to Staff Comments found in the June 4, 2024 Planning Commission agenda packet and made part of the PC-2176 file.”

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



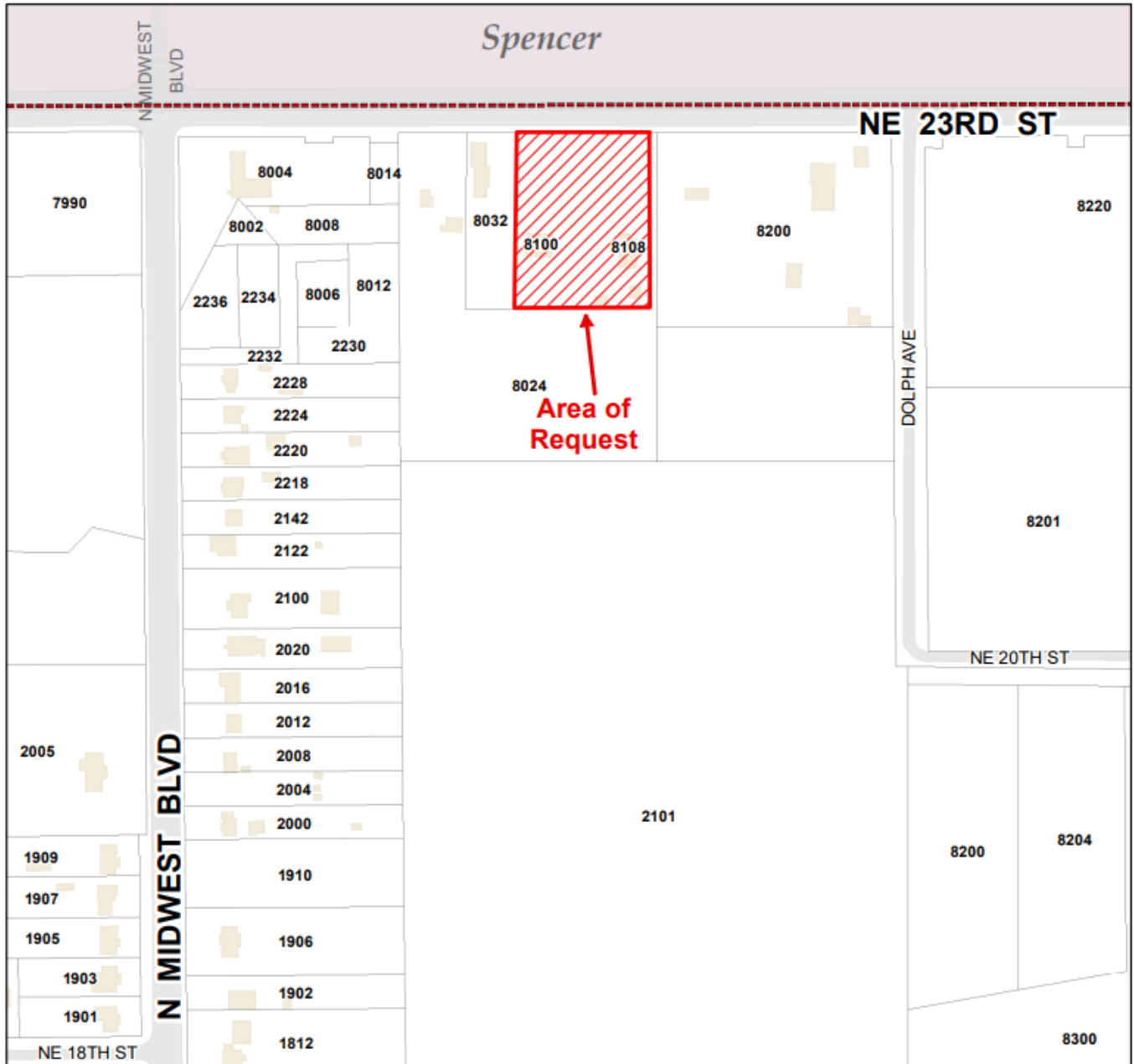
Emily Richey
Current Planning Manager



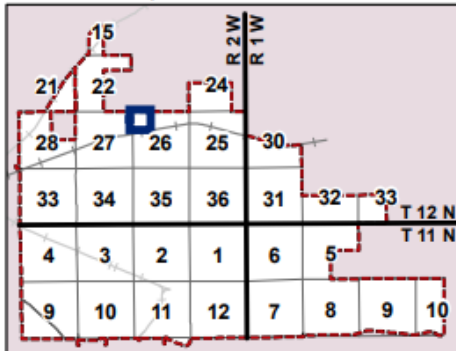
Google Earth Image of 8100 NE 23rd Street










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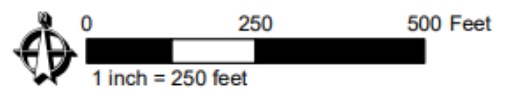
Locator Map



General Map Legend

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

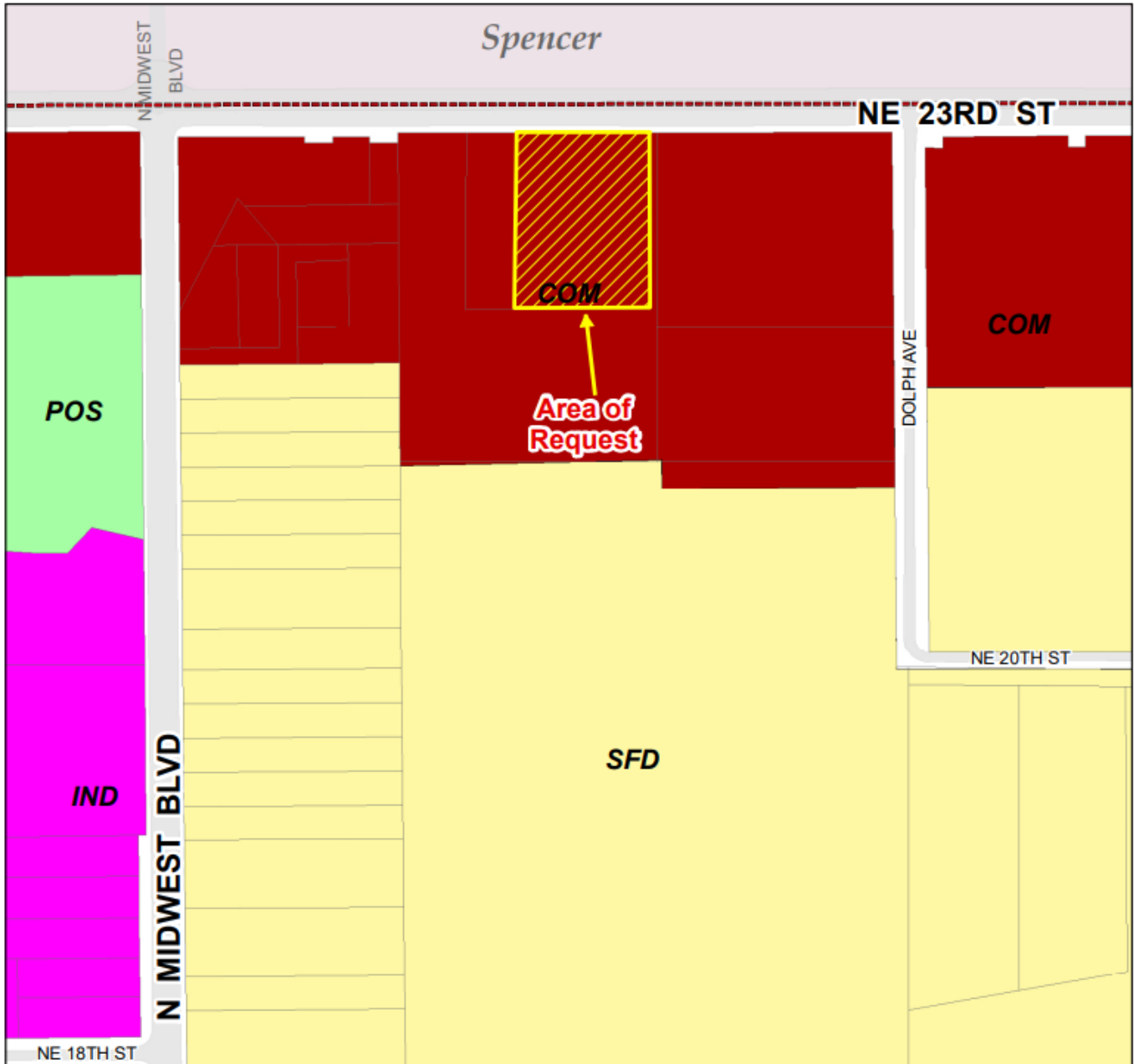
**GENERAL MAP FOR
PC-2176
(NW/4, Sec 26, T12N, R2W)**



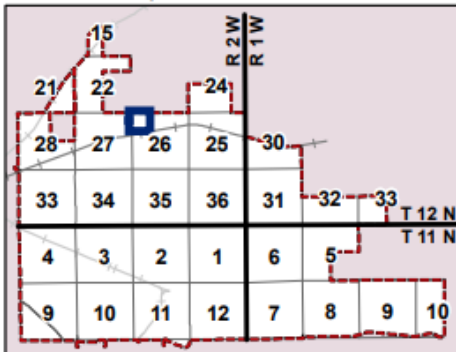
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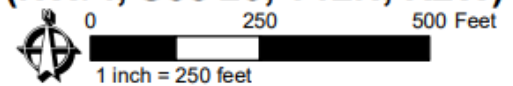
Locator Map



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

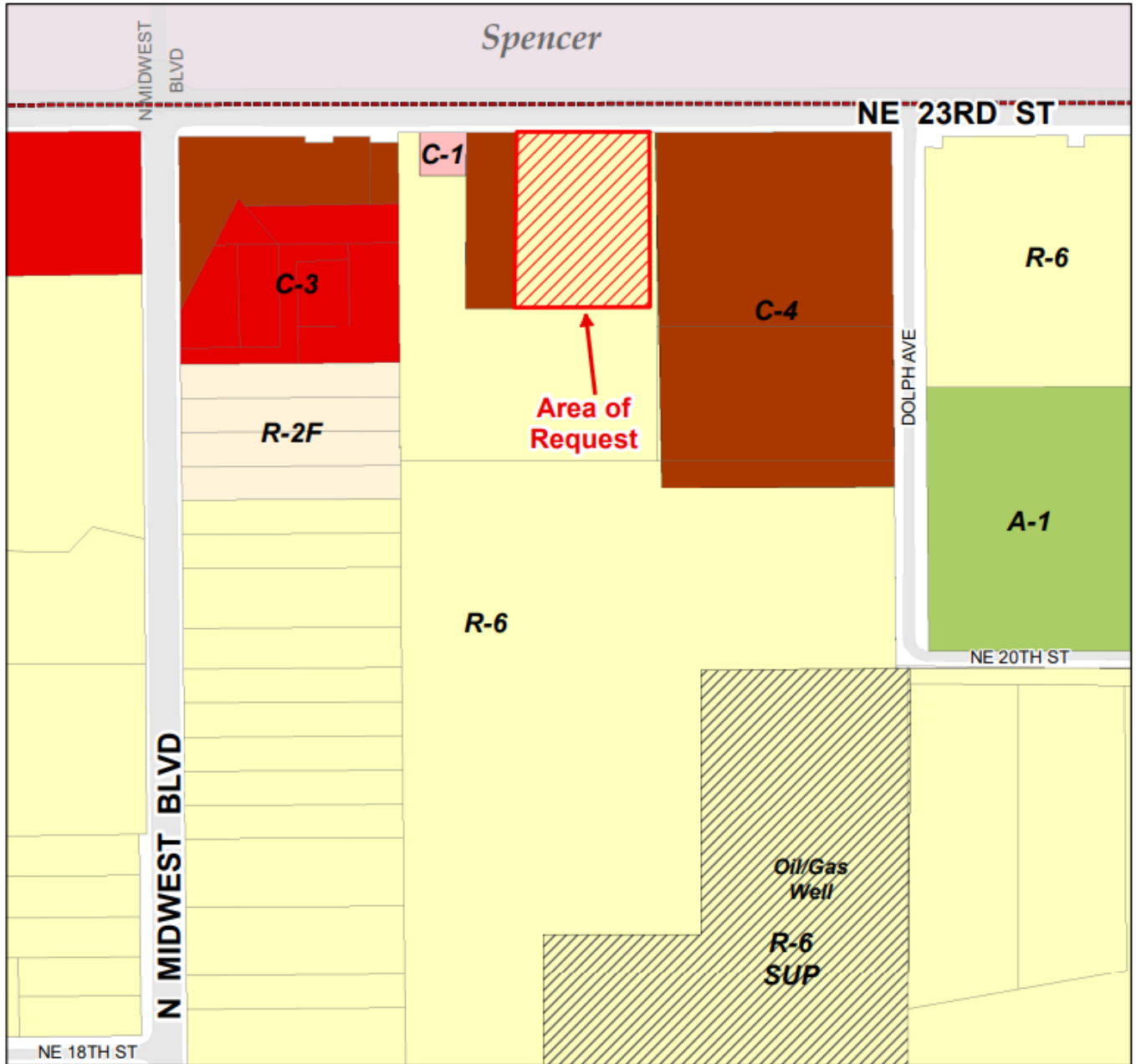
**FUTURE LAND USE
MAP FOR
PC-2176
(NW/4, Sec 26, T12N, R2W)**



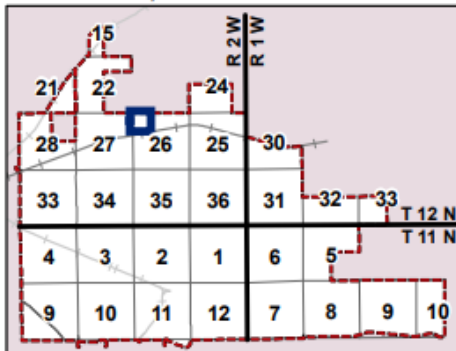
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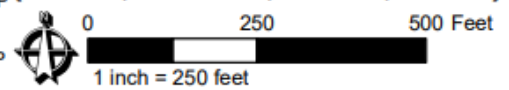
Locator Map



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

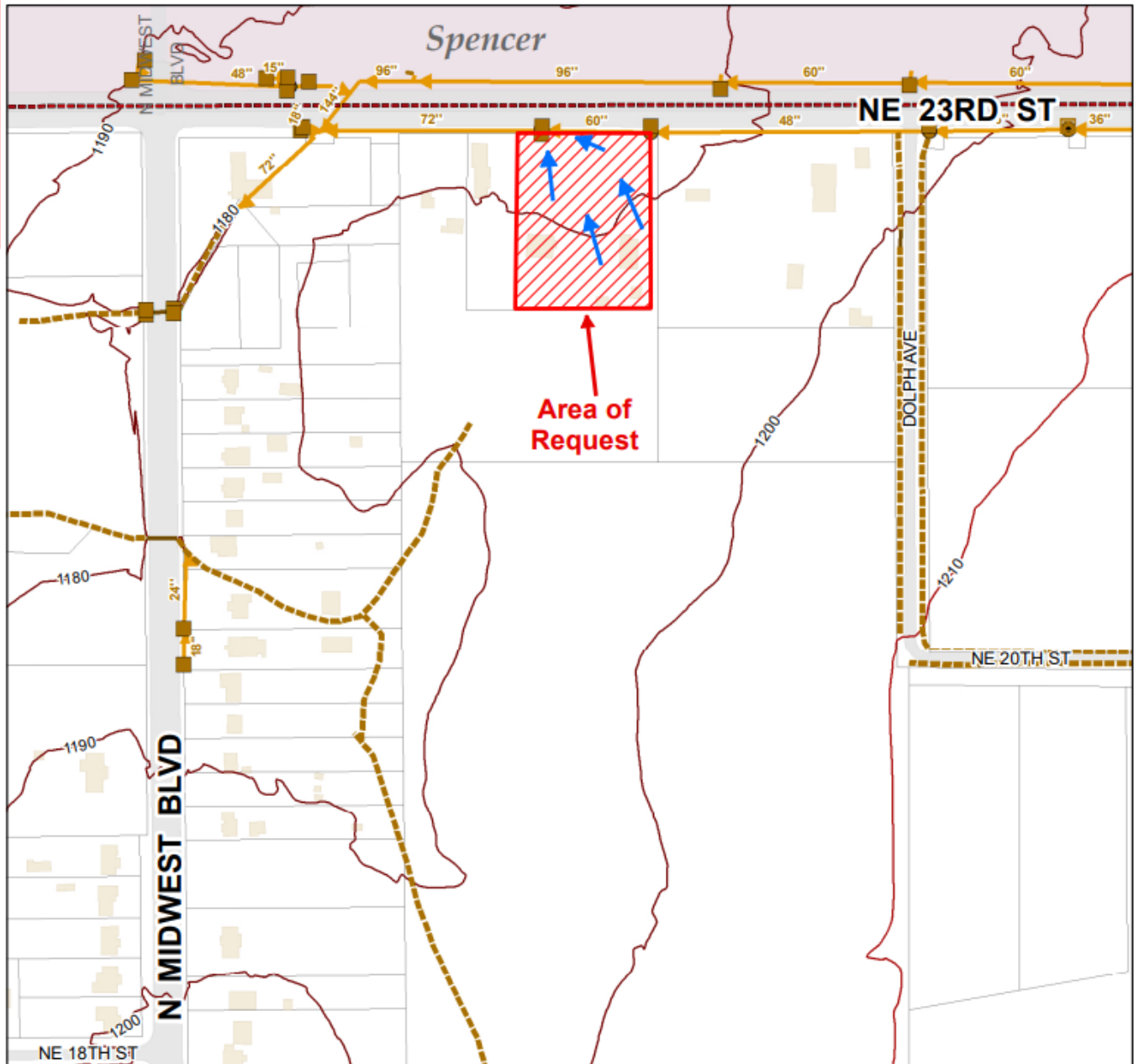
ZONING MAP FOR PC-2176 (NW/4, Sec 26, T12N, R2W)



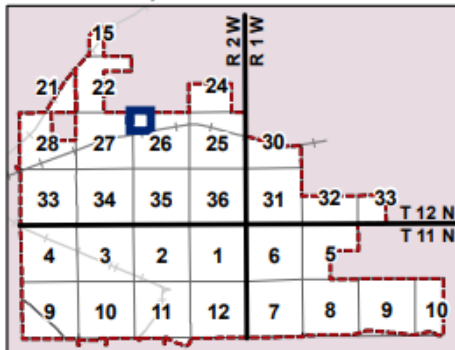
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Locator Map

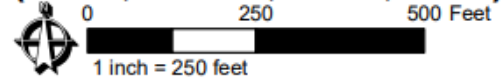


- Drainage Legend**
- Curb Inlets
 - Inlets
 - Junction Box
 - Culverts
 - Flumes
 - Developed Channels
 - Trickle Channels
 - Undeveloped Channels
 - Storm Lines
 - Creeks
- ELEVATION**
- 1166-1204 ft
 - 1204-1228 ft
 - 1228-1250 ft
 - 1250-1278 ft
 - 1278-1324 ft

2009 FEMA Floodplains

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

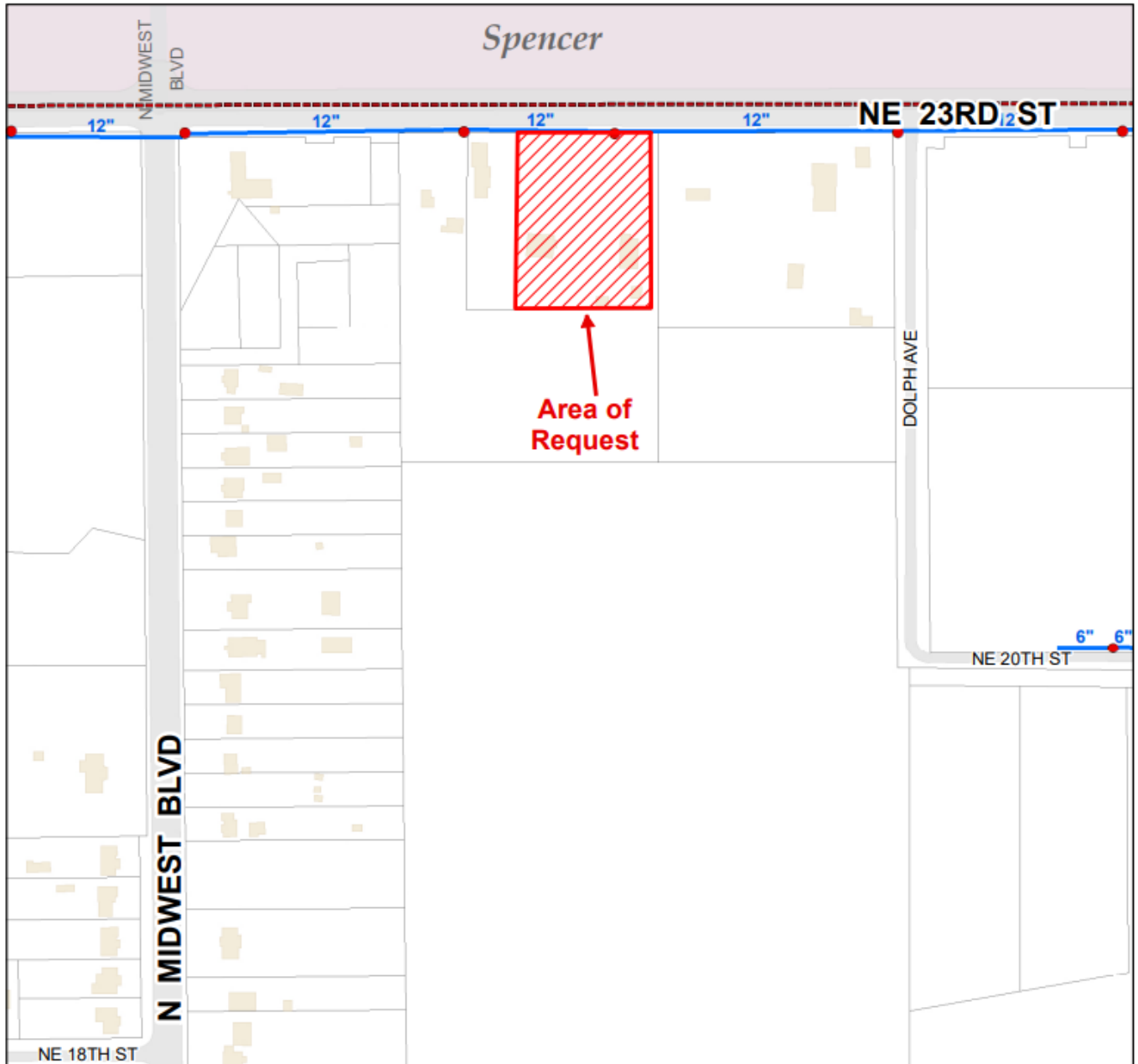
DRAINAGE LOCATION MAP FOR PC-2176 (NW/4, Sec 26, T12N, R2W)



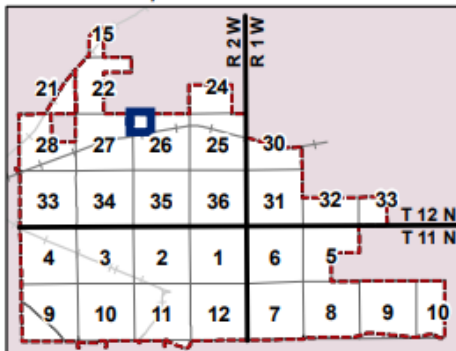
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Locator Map



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-2176
(NW/4, Sec 26, T12N, R2W)**

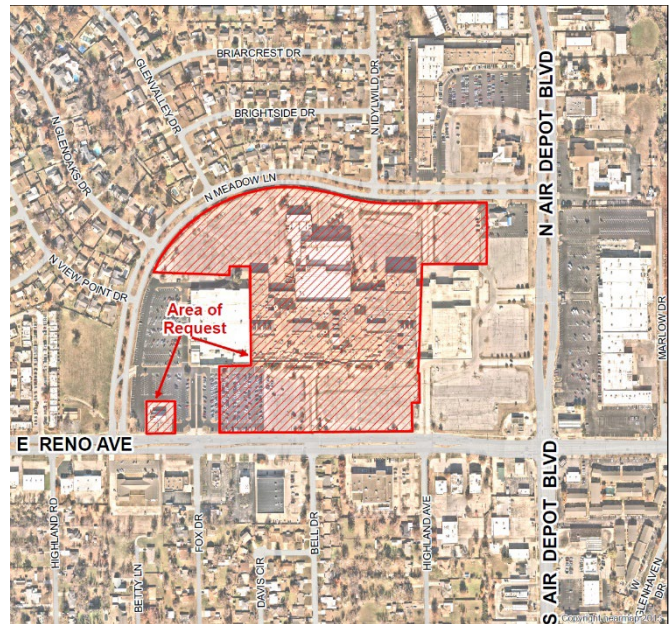
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To: Chairman and Planning Commission
From: Matt Summers, Director of Planning & Zoning
Date: May 7, 2024

Subject: (PC-2168) Public hearing, discussion, consideration, and possible action approving 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- May 7, 2024

City Council- May 28, 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.

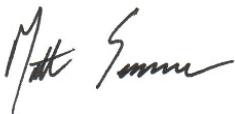
Action Required:

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 May 7, 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 May 7, 2024 Planning Commission agenda packet and made part of the PC-2168 file.”

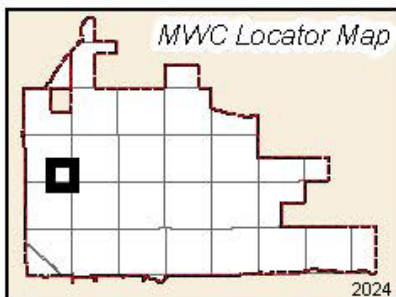
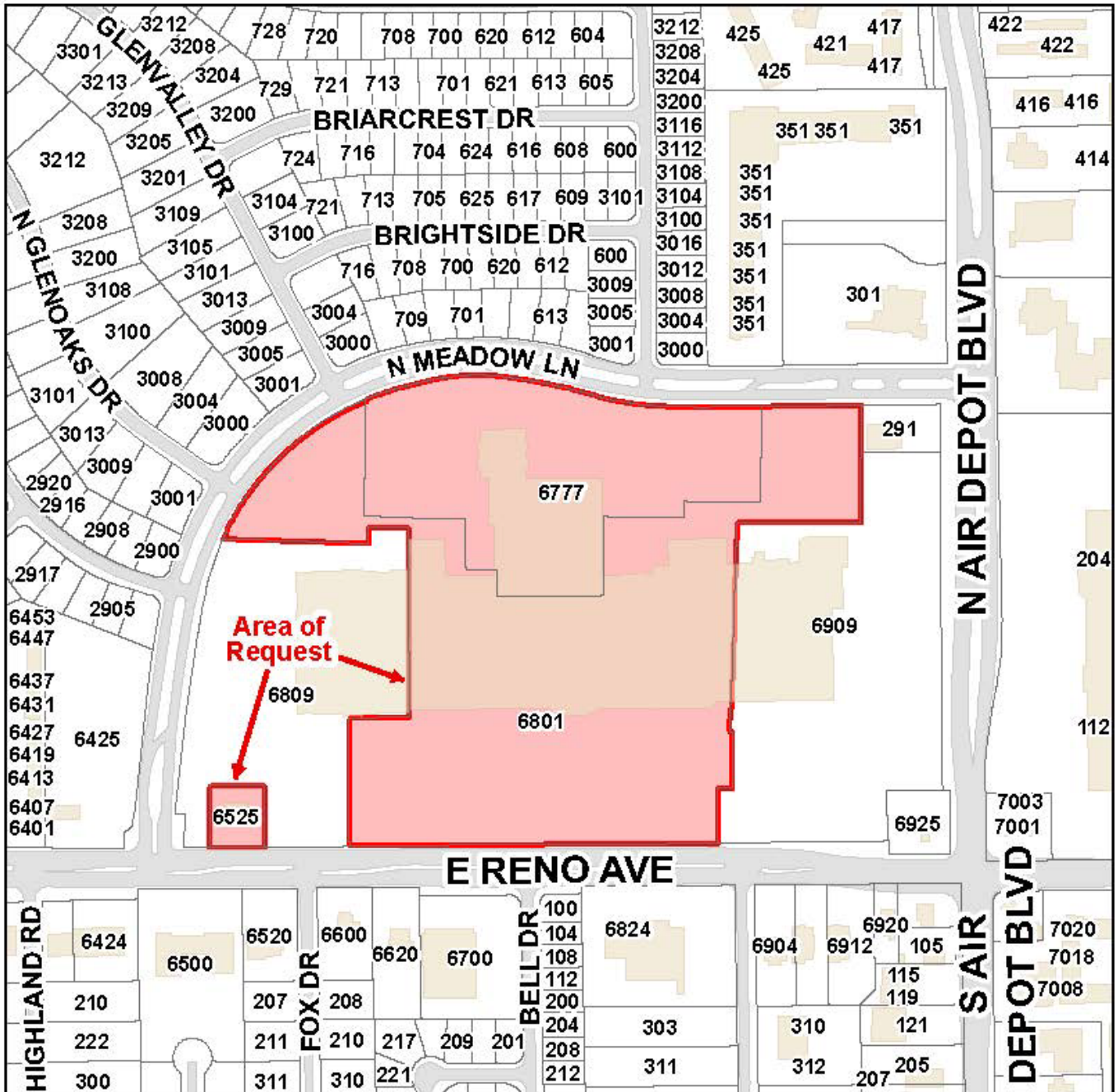
Please feel free to contact my office, at (405) 739-1228 with any questions.



Matt Summers
Director of Planning & Zoning



GIS - Information Technology
& Community Development
Departments

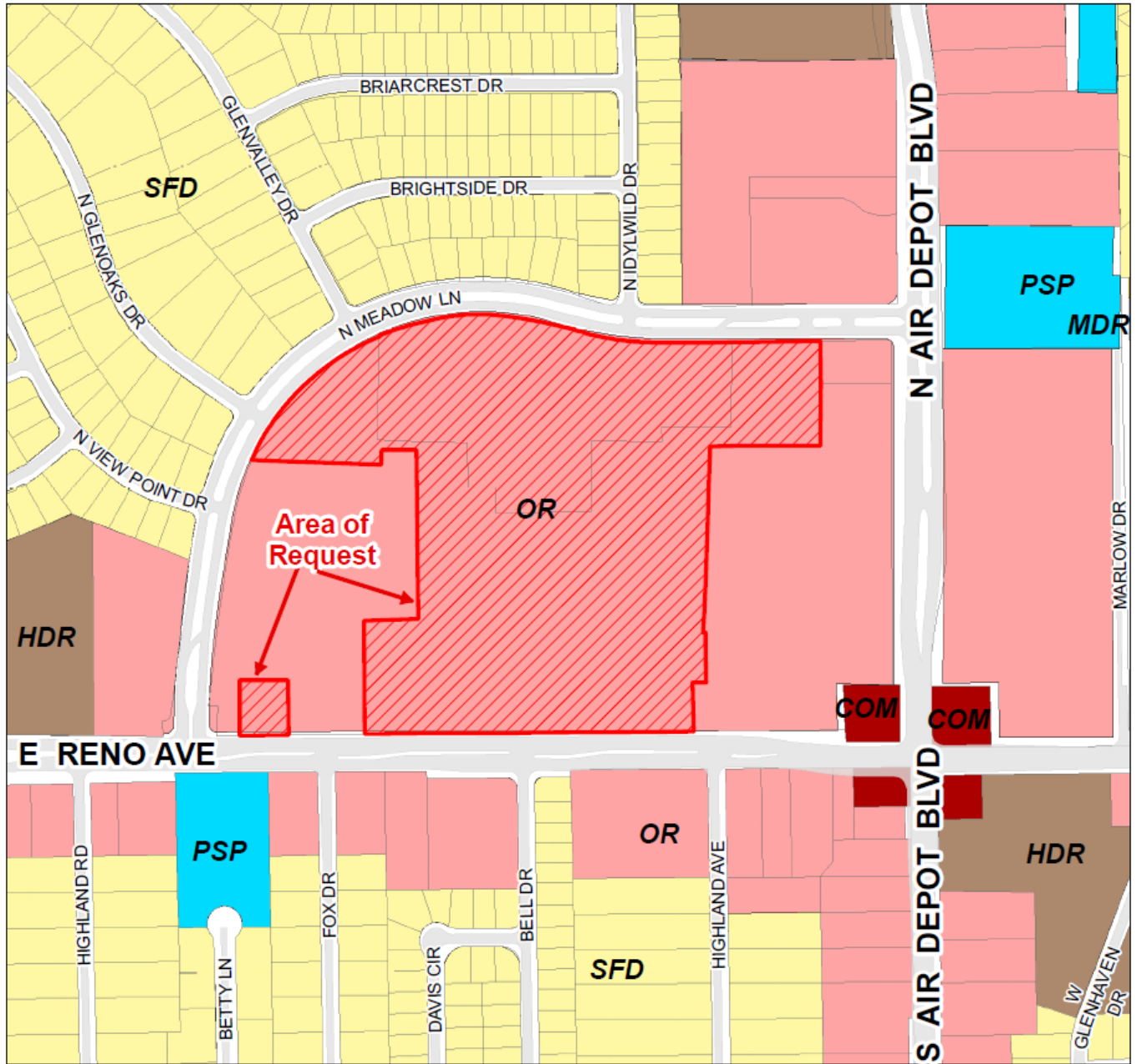


NOTIFICATION MAP FOR PC-2168

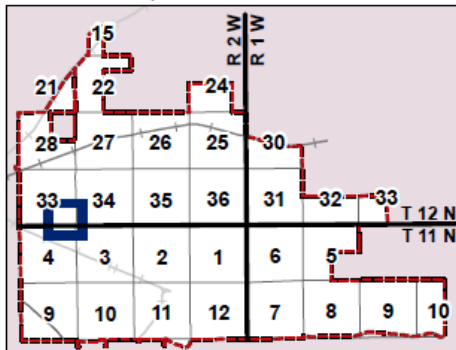
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GIS- Information Technology/ Community Development



Locator Map

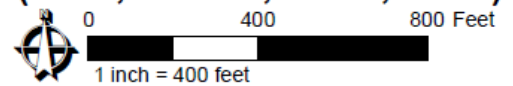


Future Land Use Legend

- 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

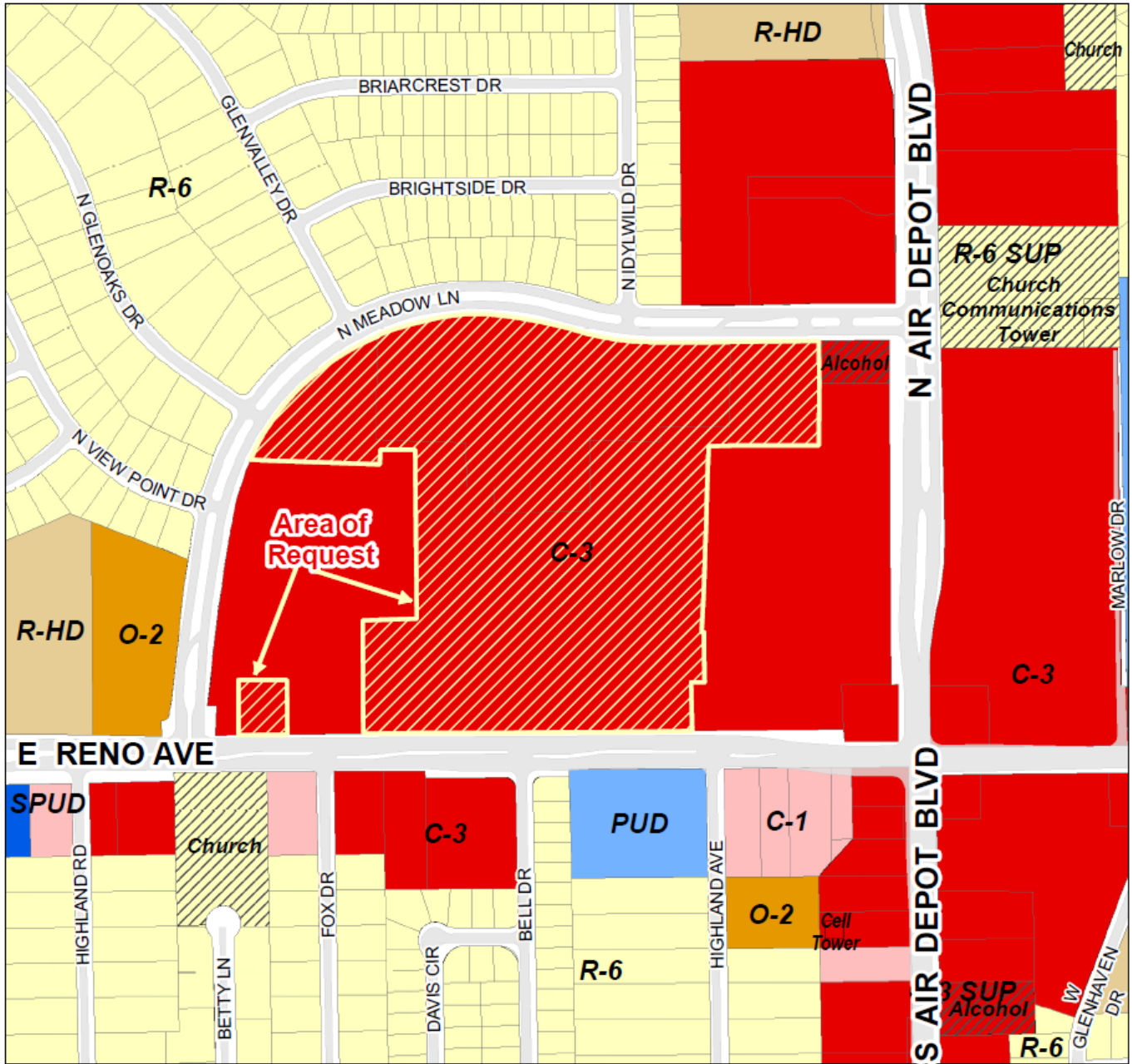
**MAP FOR
PC-2168
(SE/4, Sec 33, T12N, R2W)**



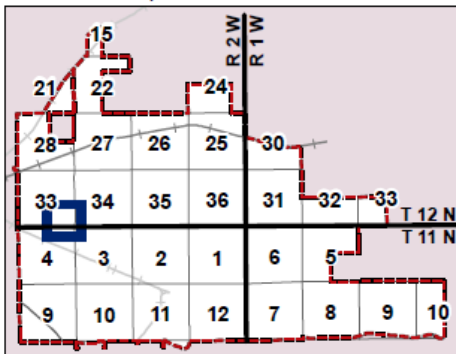
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GIS- Information Technology/ Community Development



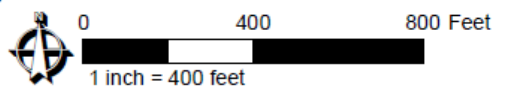
Locator Map



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

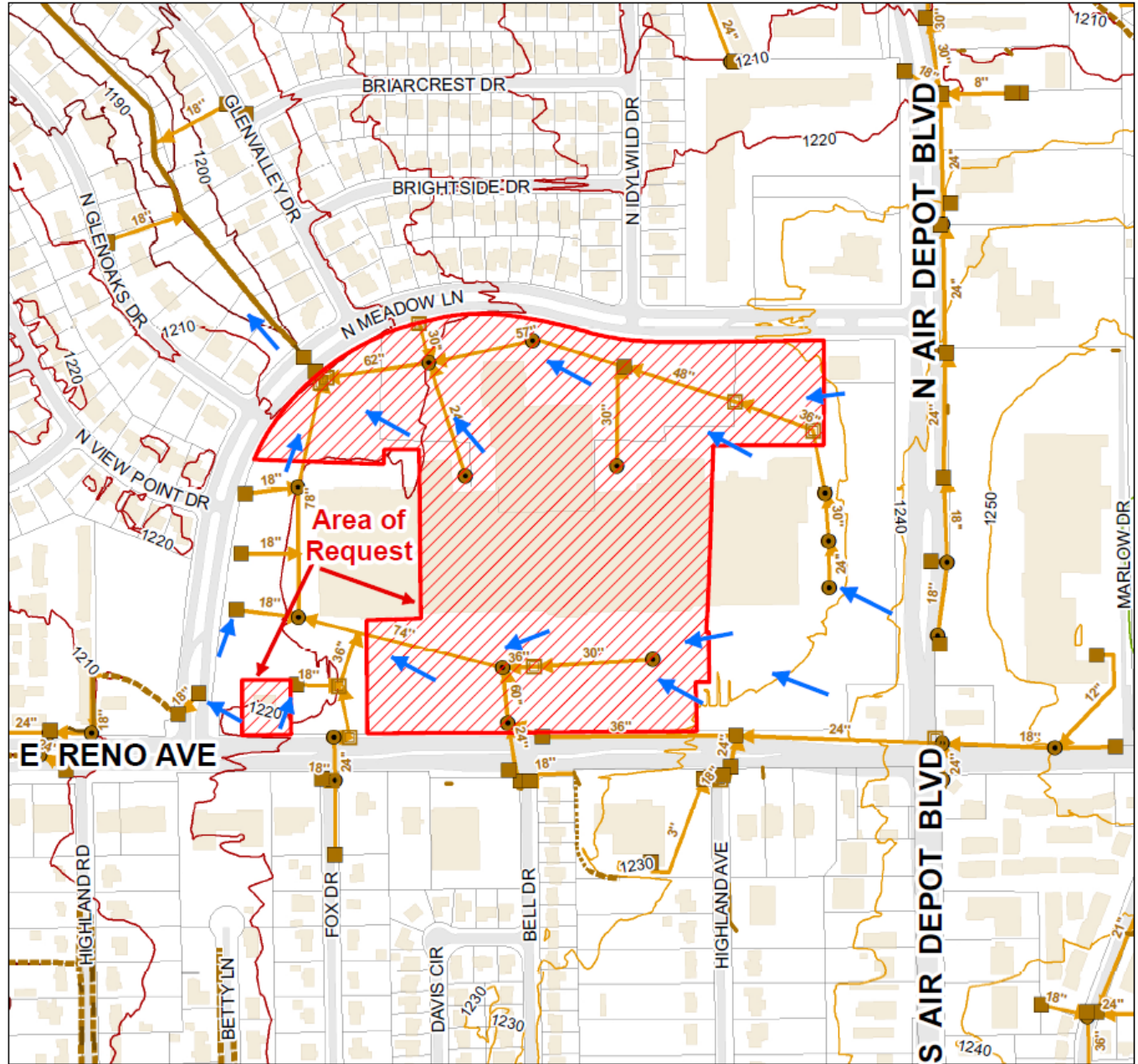
ZONING MAP FOR PC-2168 (SE/4, Sec 33, T12N, R2W)



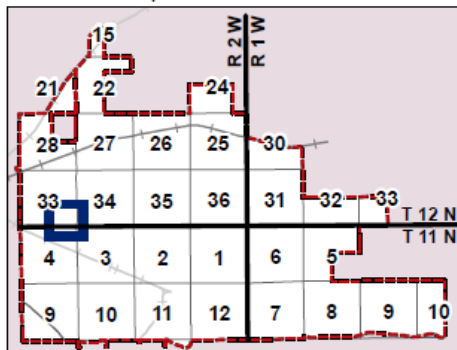
THIS MAP IS A GENERAL INFORMATION PUBLIC RESOURCE. THE CITY OF MIDWEST CITY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE INFORMATION PROVIDED ON THIS MAP. ANY PARTY'S USE OR RELIANCE ON THIS MAP OR ANY INFORMATION ON IT IS AT THAT 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



- 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)

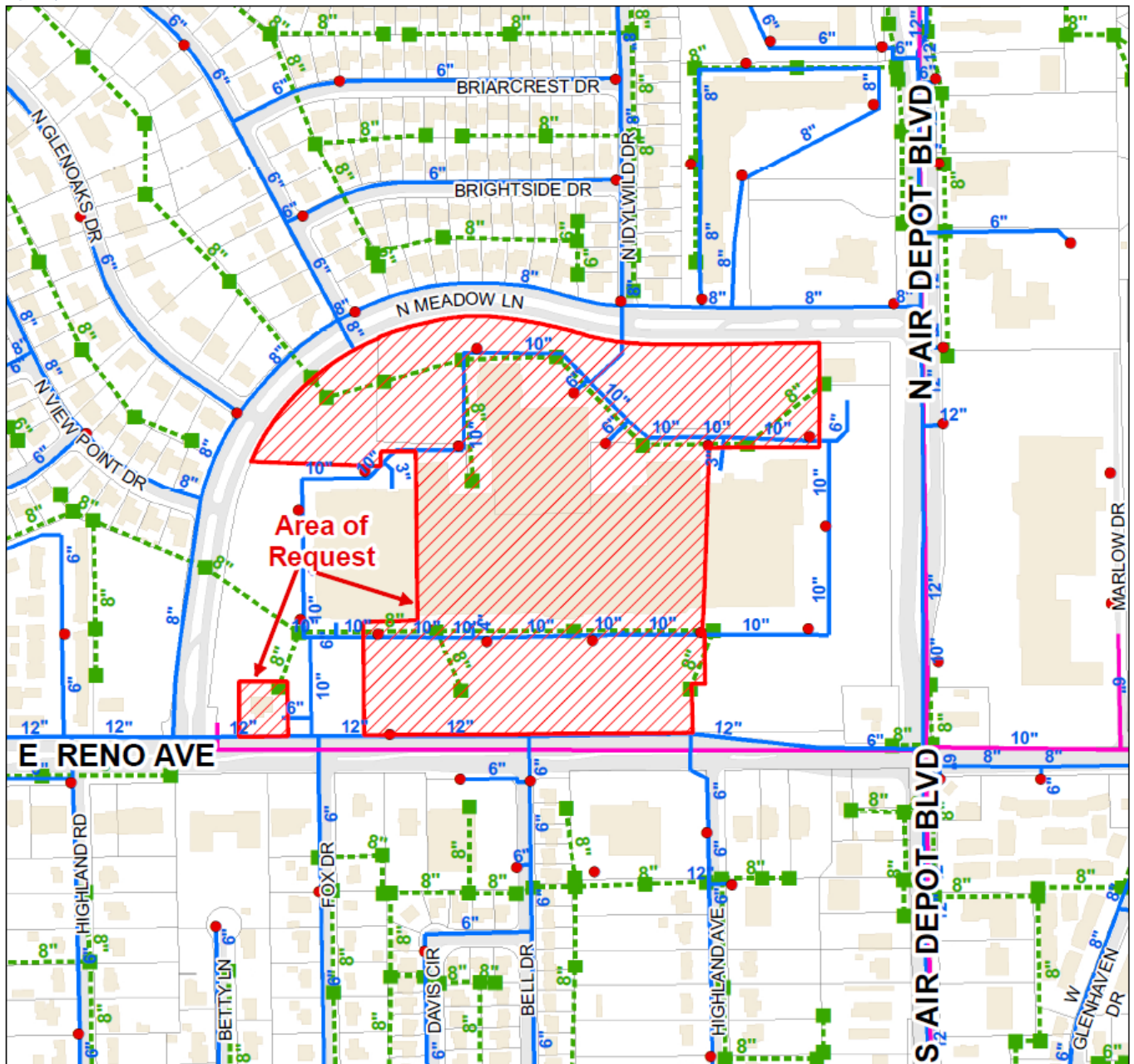
0 400 800 Feet

1 inch = 400 feet

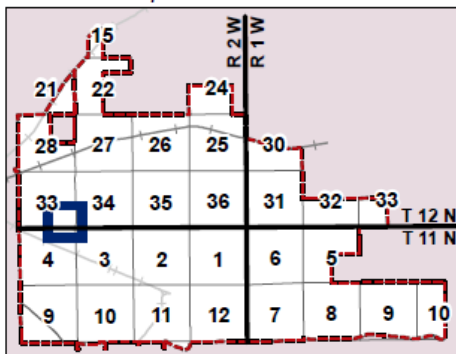
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GIS- Information Technology/ Community Development



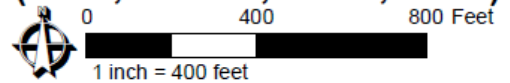
Locator Map



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-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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 - 4.3 Surrounding Site**
- Section 5.0 Concept**
- Section 6.0 Service Availability**
 - 6.1 Streets**
 - 6.2 Sanitary Sewer**
 - 6.3 Water**
 - 6.4 Fire Protection**
 - 6.5 Gas, Electricity, and Telephone**
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- Section 12.0 Lighting**
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- Section 15.0 Other**
- 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.

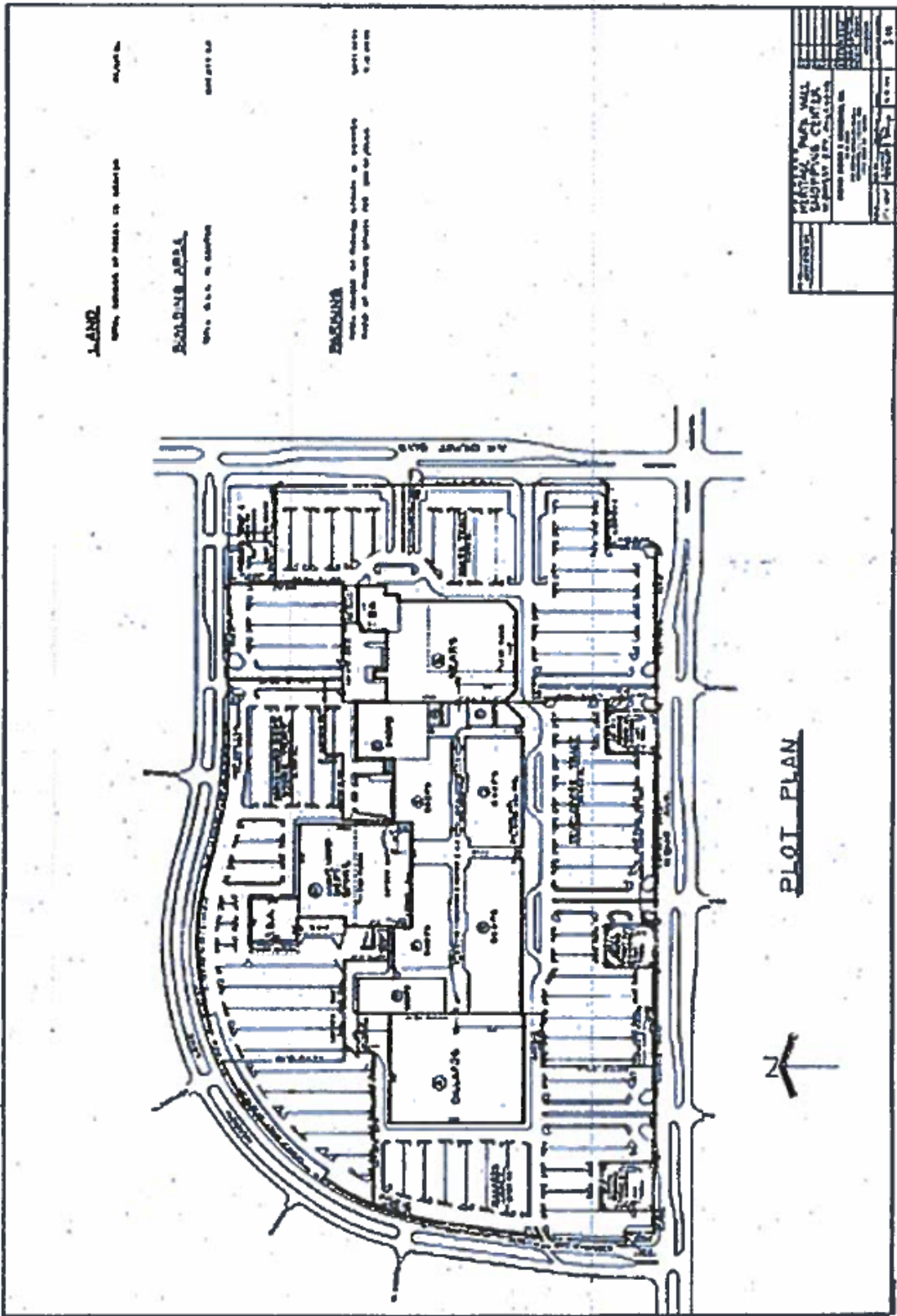
These are:

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°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°56'48" and a chord of 338.91 feet bearing South 5°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°53' East for a distance of 24.50 feet; thence South 0°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°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°07' West a distance of 140 feet; thence North 89°53' East a distance of 125 feet; thence South 0°07' East a distance of 140 feet to a point on the North right-of-way line of East Reno Avenue; thence North 89°53' East on the North right-of-way line of East Reno Avenue for a distance of 507.78 feet; thence North 0°07' West for a distance of 130 feet; thence North 89°53' East for a distance of 108 feet; thence South 0°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°53' East on the North right-of-way line of East Reno Avenue for a distance of 464 feet; thence North 0°07' West for a distance of 130 feet; thence North 89°53' East for a distance of 108 feet; thence South 0°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°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°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°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:

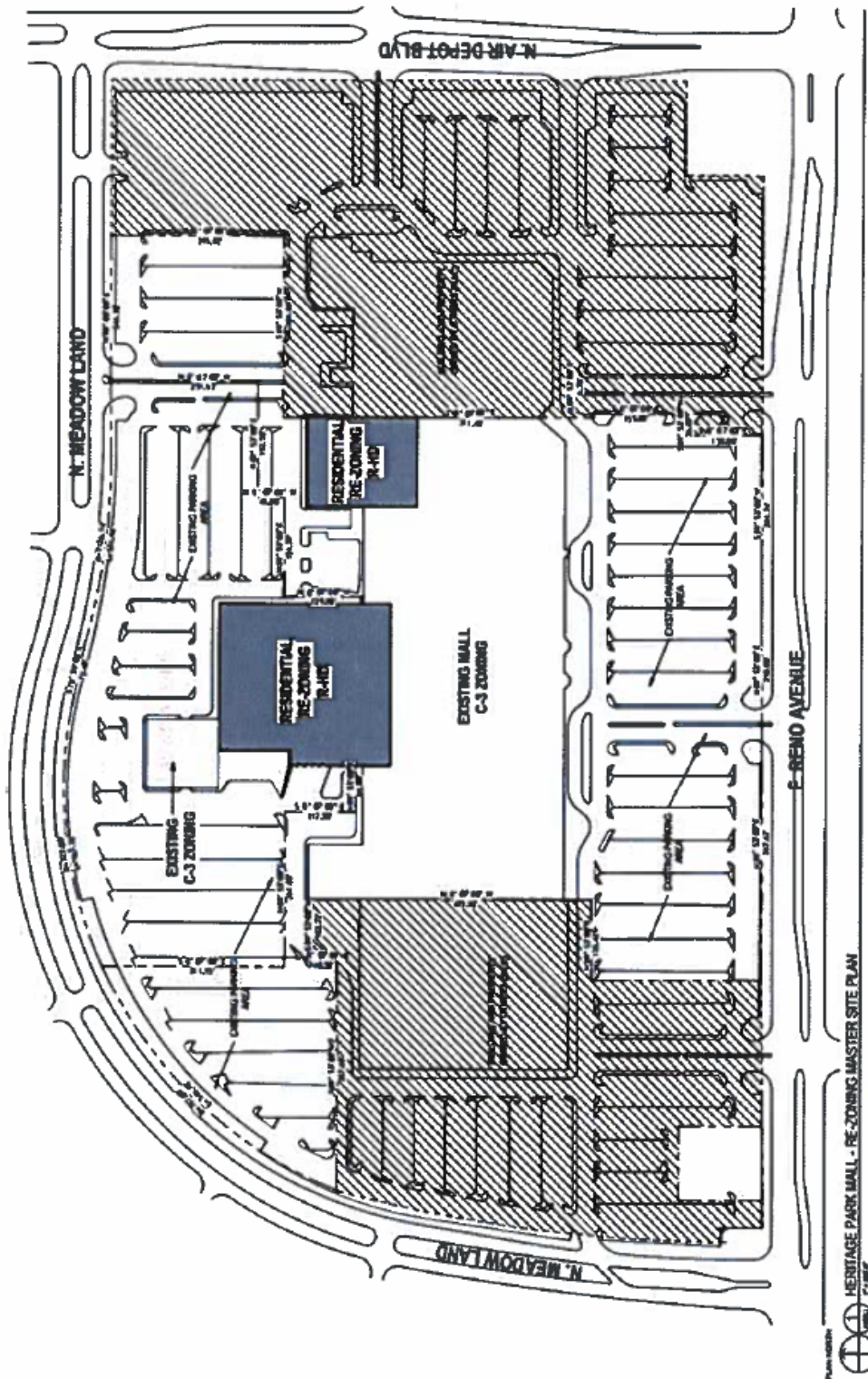
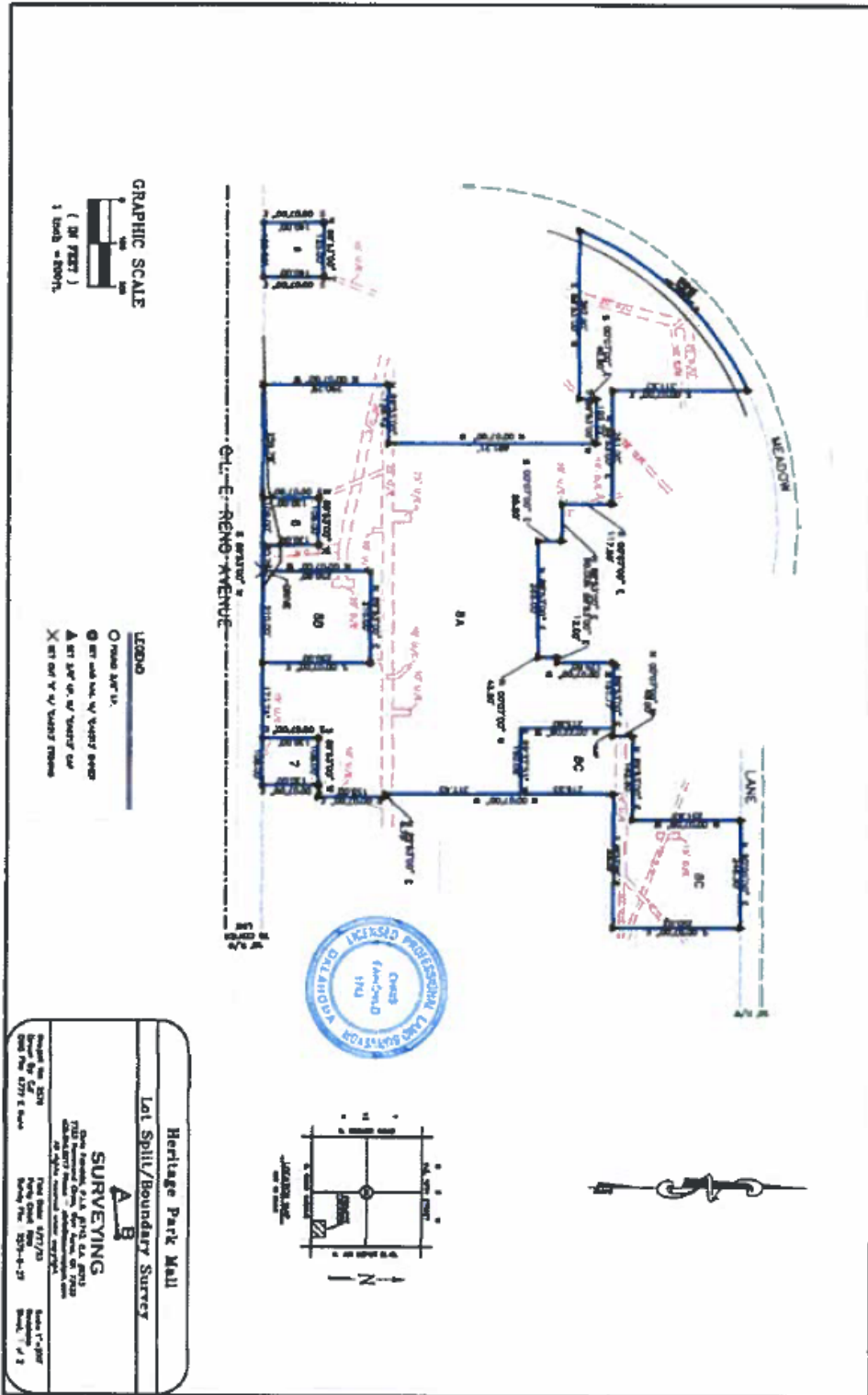


Exhibit C:



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, in 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 268.00 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.

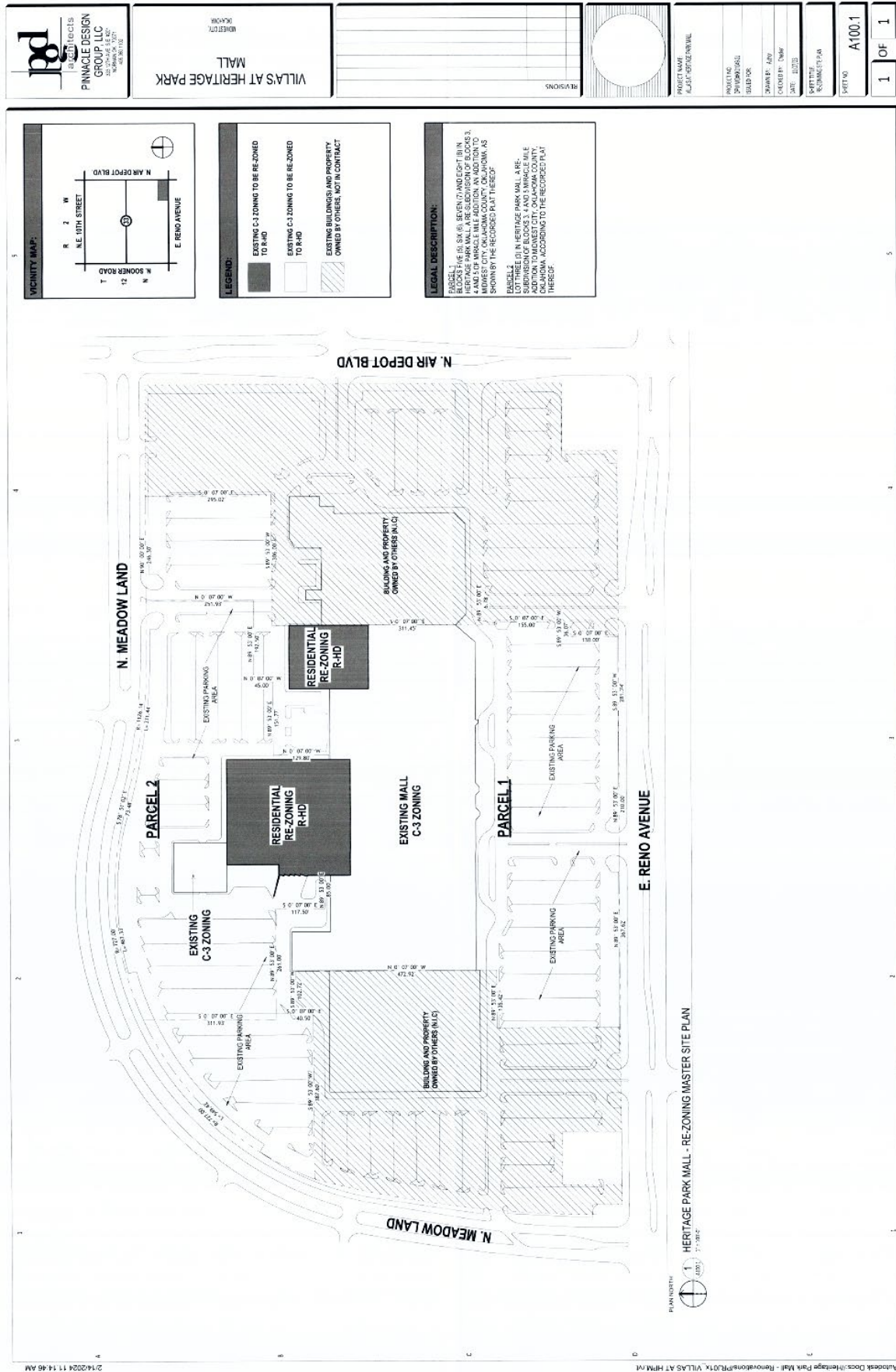
I further certify that this survey complies with the Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.


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



Notes

- 1. The bearing of South 89°53'00" East used 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.



2/14/2024 11:14:46 AM

AutoDesk Docs\Heritage Park Mall - Renovation\PC\01\X_VILLAS AT HERITAGE PARK MALL - REZONING MASTER SITE PLAN

pd
Pinnacle Design Group, LLC
300 PARKWAY, SUITE 400
DALLAS, TEXAS 75201
469.981.1122

VILLAS AT HERITAGE PARK MALL
REVISIONS

NO.	DATE	DESCRIPTION



PROJECT NAME
VILLAS AT HERITAGE PARK MALL

PROJECT NO.
1001

DATE
02/23/24

SCALE
AS SHOWN

DATE
02/23/24

SCALE
AS SHOWN

SHEET NO.
A100.1

1 OF 1