

Planning Commission Minutes
April 24, 2025

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:59 a.m. on April 21, 2025)

6. (CE-1140) Application by Midtown Renaissance, on behalf of property owners, to close the public right-of-way for West Park Place between North Harvey and North Robinson Avenues; portions of the public rights-of-way along NW 9th Street and NW 10th Street, east of North Walker Avenue; and a portion of the public right-of-way along North Hudson Avenue between NW 9th and NW 10th Streets. Ward 6.

Technical Evaluation:

1. Prior to City Council consideration, applicant must provide a topographic survey showing the location of all utilities and other improvements, with dimensions, within the proposed closure area.
2. A pedestrian easement is required for West Park Place and any existing public sidewalks to allow for continued use by the general public.

The applicant was present. There were no protesters present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION.

MOVED BY NOBLE, SECONDED BY PENNINGTON

AYES: CLAIR, POWERS, PRIVETT, NEWMAN, PENNINGTON, NOBLE,
LAFORGE; NAY: MEEK

ABSENT: GOVIN



STAFF REPORT
The City of Oklahoma City
Planning Commission
April 24, 2025

Item No. IV. 6.

(CE-1140) Application by Midtown Renaissance, on behalf of property owners, to close the public right-of-way for West Park Place between North Harvey and North Robinson Avenues; portions of the public rights-of-way along NW 9th Street and NW 10th Street, east of North Walker Avenue; and a portion of the public right-of-way along North Hudson Avenue between NW 9th and NW 10th Streets. Ward 6.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

Mark Zitzow
Johnson & Associates
405-235-8075
mzitzow@jaokc.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to close rights-of-way to resolve existing building encroachments and accommodate development.

D. Existing Conditions

1. Zoning

The subject sites are generally located between Walker Avenue and North Robinson Avenue, and Park Place and North Hudson Avenue, within the DBD and DTD-1 Districts.

2. Comprehensive Plan Land Use Typology Area: Downtown (DT)

DT applies to the city center, Oklahoma City's most intense development area, envisioned as a regional center for commerce and tourism. Urban experience, interaction, creativity and knowledge exchange, and economic dynamism are guiding objectives that necessitate high intensity and extremely close proximity among businesses, residents, destinations, and amenities.

II. REVIEW COMMENTS

This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk * indicates that the agency, department, and/or division responded with no adverse comments.

A. Outside Agencies

- 1. Oklahoma City-County Health Department (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Water Resources Board (OWRB)**
- 5. School District: Oklahoma City**
- 6. Oklahoma Department of Transportation (ODOT)**
- 7. Oklahoma Natural Gas (ONG)**
- 8. Oklahoma Electric Cooperative (OEC)**

B. City Departments

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire (OCFD) ***
- 4. Information Technology/Geographic Support (IT/GIS)**
- 5. Parks and Recreation**
- 6. Police (OCPD)**
- 7. Public Works**
 - a. Engineering**

A perpetual easement for water and wastewater, drainage, storm water, sidewalks, and traffic controls systems (collectively “City systems”) are hereby expressly reserved until such time as plans have been approved by the Public Works and Utilities departments, respectively, which plans must include new executed and recorded easements, as necessary, before each individual easement may be released.

Storm Sewer Availability *

8. Streets, Traffic and Drainage Maintenance

9. Stormwater Quality Management

10. Traffic Services *

11. Utilities

a. Wastewater Comments

1. An existing 8-inch wastewater main(s) is located within the proposed closure.

b. Water Comments

1. Existing water main(s) are located adjacent to the subject site(s).

c. Solid Waste Management

No Solid Waste Management services needed.

12. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design and Building Form

- Utilize Best Management Practices (BMP) for stormwater.
- Provide parking in structured garages or decks.
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape.
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.

Automobile Connectivity

- Protect existing traditional street grid and reconnect it where possible.

Pedestrian Connectivity

- Preserve and expand the pedestrian and bicycle networks.
- Provide sidewalk connections between all uses.
- Provide public connectivity through blocks via alley or internal access for large-scale, block sized developments.

b. Plan Conformance Considerations

This easement closure application includes several locations within the downtown/midtown area, all zoned DBD Downtown Business District, with the exception of one subject site partially located within DTD-1. The application seeks to close the east-west West Park Place right-of-way between North Harvey Avenue and North Robinson Avenue (platted as NW 10th Street and including 66' of statutory right-of-way.) The right-of-way requested to be closed varies between 40 to 60 feet and is currently open to the public and used for access to parking (west) and outdoor restaurant seating (east – The Garage). The eastern three-quarters of this right-of-way was closed in 2011 (CE-807).

The application also seeks to close portions of the rights-of-way along the following streets to resolve building/parking encroachments and/or future building designs:

- Along the north and south sides NW 10th Street between North Walker Avenue and North Hudson Avenue,
- Along the north side of NW 9th Street between North Walker Avenue and North Hudson Avenue.
- Along the west side of North Hudson Avenue between NW 9th Street and NW 10th Street, and

Within the Downtown LUTA, the comprehensive plan calls for public connectivity through blocks, protecting existing traditional street grid and reconnecting it where possible, and providing sidewalk connections between all uses. The easement closure application is subject to review and recommendation by the Downtown Design Committee (DDC). On April 17, 2025, the DDC recommended approval of the application, with the condition that the owner/developer provides to the City of Oklahoma City easements for any existing public sidewalks to allow for continued use by the general public.

IV. STAFF RECOMMENDATION

Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Planning Commission decisions require a vote of five members to approve or deny an item. The Planning Commission may consider in its decision-making process any additional relevant information presented at the public hearing by the public, applicant, and/or City departments.

Approval of the application subject to the following Technical Evaluation:

1. Prior to City Council consideration, applicant must provide a topographic survey showing the location of all utilities and other improvements, with dimensions, within the proposed closure area.
2. A pedestrian easement is required for West Park Place and any existing public sidewalks to allow for continued use by the general public.

taj



STAFF REPORT

Downtown Design Commission

04/17/2025

Agenda Item VII. A.
Case No. CE-01140
Property Address 400 NW 10th St et. al.
Applicant Name Mark W Zitzow, Johnson & Associates
for Chris Fleming, Midtown 10th & Robinson Investments LLC,
Midtown 9th Street Parking LLC, CF 910 LLC, Midtown 1117
Robinson LLC, Midtown 10th & Park Place LLC, Midtown 215 NW
10th LLC, Midtown 424 NW 10th LLC, Midtown 231 NW 10th LLC,
Midtown Harvey Parking LLC, and Brenda Martindale, Browns
Bakery Inc.
1 E Sheridan Ave, Suite 200
Oklahoma City, OK 73104
District DBD & DTD-1

A. ITEMS FOR CONSIDERATION

To provide a recommendation to the Planning Commission for a request to close W Park Pl between N Harvey Ave and N Robinson Ave, and close a portion of the right-of-way of NW 10th St between N Walker Ave and N Hudson Ave, N Hudson Ave between NW 10th St and NW 9th St, and NW 9th St between N Walker Ave and N Hudson Ave.

B. BACKGROUND

1. Location

These rights-of-way are located between Walker Ave and N Robinson Ave, and Park Pl and NW 9th St.

2. Site History/Existing Conditions/Intended Use

Northside of NW 10th St: This includes the Brown's Bakery building, the TG&Y building, and Fassler Hall. Portions of existing parking lots and buildings are actually located within and/or overhang into the right-of-way of NW 10th St. This request would eliminate the encroachments.

Southside of NW 10th St: During the development and construction of the Phillips Murrah building, a retaining wall and steps were necessary due to grade changes on the site. The retaining wall was needed adjacent to the sidewalk in the right-of-way. The Oklahoma City Public Works Department requested that instead of addressing this encroachment with a Revocable Permit, the right-of-way be vacated.

Northside of NW 9th St and west side of N Hudson Ave: To address design/grade issues with future buildings this closing and vacation is being requested.

Park Pl between N Harvey Ave and N Robinson Ave: In 2011, CE-00807 was submitted to close the eastern 75% of this right-of-way. The western portion provides for vehicular access to parking areas. This closure was approved by City Council on 10/04/2011. This area has been closed to thru vehicular traffic since that

time. The eastern half has outdoor seating and dining, and the western half provides access to two reserved parking areas. There were issues with the original legal description and a desire to close and vacate this right-of-way westward to Harvey, resulting in this new application.

3. Surrounding Environment

The surrounding area contains office uses, restaurants, apartments, Churches and vacant land.

4. Previous Actions/Other

According to Section 59-3250.2.C., the Downtown Design Commission shall have the power to “comment upon and provide recommendations on actions proposed to other City boards, committees, and commissions with respect to the effect of such actions upon the District.”

C. ITEMS IN COMPLIANCE

1. Unless noted below in Section D. Issues and Considerations, all other case items of this proposal comply with the Development Regulations and Guidelines of the Downtown Design District zoning ordinance as referenced below:

None

Note: All other Regulations and Guidelines of the Downtown Design District zoning ordinance not listed above are either not applicable to this case or apply to elements of this project to be considered as a separate case at a later date.

D. ISSUES AND CONSIDERATIONS

1. Development Guidelines

This proposal may not comply with the Development Guidelines of the Downtown Design District zoning ordinance as follows:

a. **RE: Request to close street right-of-way and alleyways, Case Item A.**

- 1) **Description:** The applicant proposes to close all or portions of street rights-of-way in 5 locations described above.
- 2) **Reference:** §7200.1.G.(4) Development Pattern
“(a) *New development should incorporate the approximate scale and proportions of the traditional block pattern, concentrating mass and height at key intersections and along major pedestrian corridors.*”

Reference: §7200.1.A. Purpose and Intent.

“This commercial district is intended to support diverse forms of business and residential activity, including mixed-uses in a single building, within the central area of the City. Development regulations and guidelines in this district are intended to:

- (1) *Promote the development and redevelopment of the downtown area in a manner consistent with the unique and diverse design elements and urban character of the downtown districts;*

- (2) *Ensure that a proposed use is compatible with the commercial, cultural, historic, and governmental significance of the downtown districts;*
- (3) *Promote the downtown area as a vital mixed-use area;*
- (4) *Create a network of pleasant, safe, and connected public spaces and pedestrian amenities in the downtown area;*
- (5) *Enhance existing structures and circulation patterns; ... ”*

Reference: §7200.2. Downtown Business District (DBD).

A. *Purpose and Intent.*

“The DBD District is intended to support diverse forms of business and residential activity, including mixed-uses in a single building, within the central area of the City. Development regulations and guidelines in this district are intended to promote the development and redevelopment of the downtown area in a manner consistent with the unique and diverse design elements and urban character of the downtown district; ensure that uses are compatible with the commercial, cultural, historical and governmental significance of downtown; promote the downtown as a vital mixed-use area; create a network of pleasant, safe, and connected public spaces and pedestrian amenities; enhance existing structures and circulation patterns; and encourage preservation and restoration historic features.”

- 3) **Considerations:** As discussed above, there are several reasons the applicant has provided for this CE application: existing parking lots and buildings are located within and/or overhang into the right-of-way; the Public Works Department requested a portion of the right-of-way be vacated because a retaining wall and steps had to be constructed due to change of grade; design/grade issues with future buildings could more easily be addressed; and to clean up a previous closure from 2011.

In some areas, the sidewalk will end up being on private property because it is located within the area to be closed and subsequently vacated. Staff is recommending easements be required for any existing public sidewalks to allow for continued use by the general public.

Staff has no issues with closing portions of street rights-of-way because the functionality of the street itself will not be impacted. Additionally, the closure and subsequent vacation of Park Pl between Harvey and Robinson will have no impact on current traffic since that right-of-way has been closed to thru traffic since 2011.

E. STAFF RECOMMENDATION

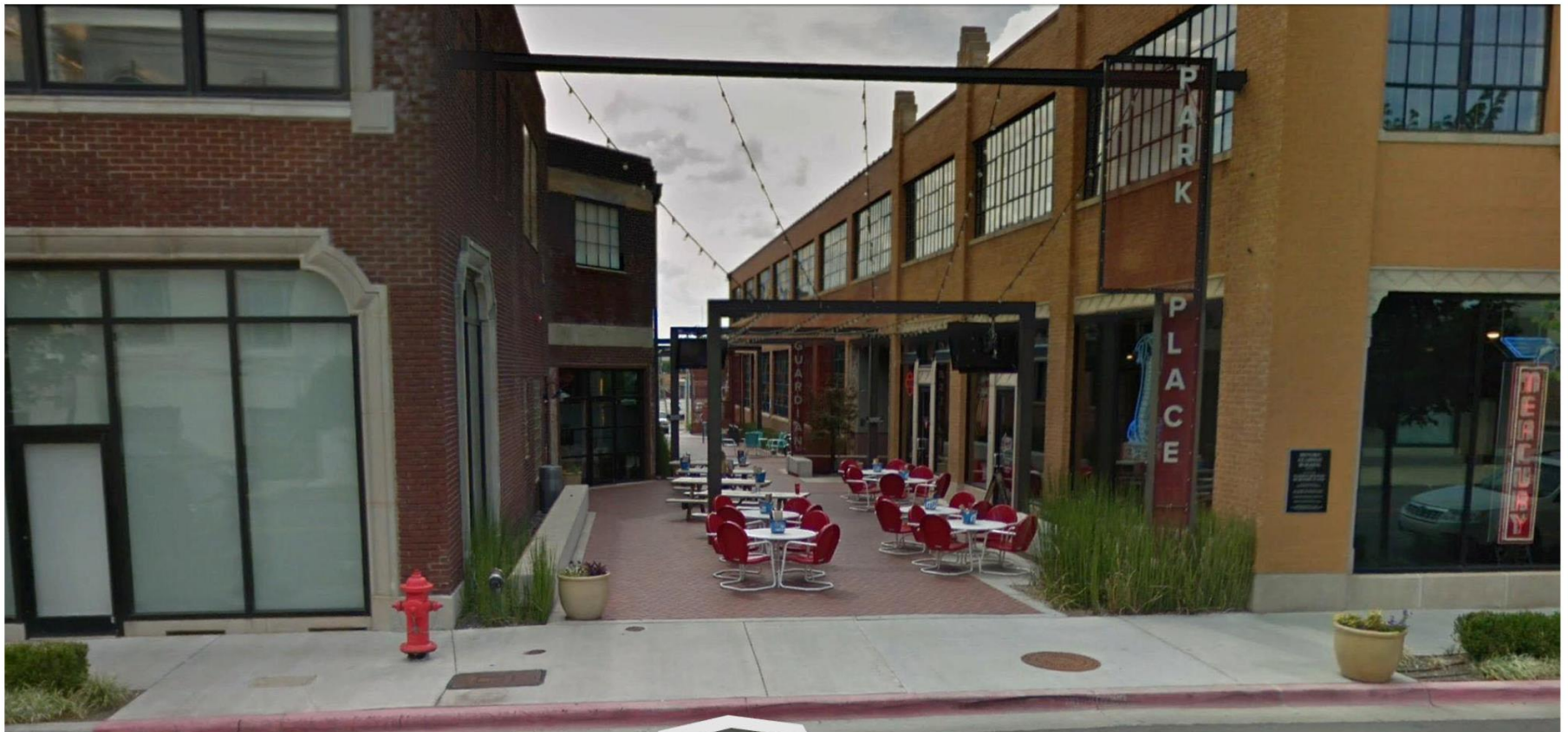
1. Provide a recommendation of **approval** to the Planning Commission for the request to close the platted right-of-way for W Park Pl between N Harvey Ave and N Robinson Ave, and close a portion of the right-of-way of NW 10th St between N Walker Ave and N Hudson Ave, N Hudson Ave between NW 10th St and NW 9th St, and NW 9th St between N Walker Ave and N Hudson Ave, with the **condition** that:
 - a. the owner/developer provides to the City of Oklahoma City easements for any existing public sidewalks to allow for continued use by the general public.

Note: Staff recommendations do not constitute Committee decisions.

Attachments: Zoning Map, CE Application, Drawings, Photos.

CE-01140

400 NW 10th St et al



Subject Site

Looking west down Park Pl from
Robinson. GoogleEarth photo.



CE-01140

400 NW 10th St et al



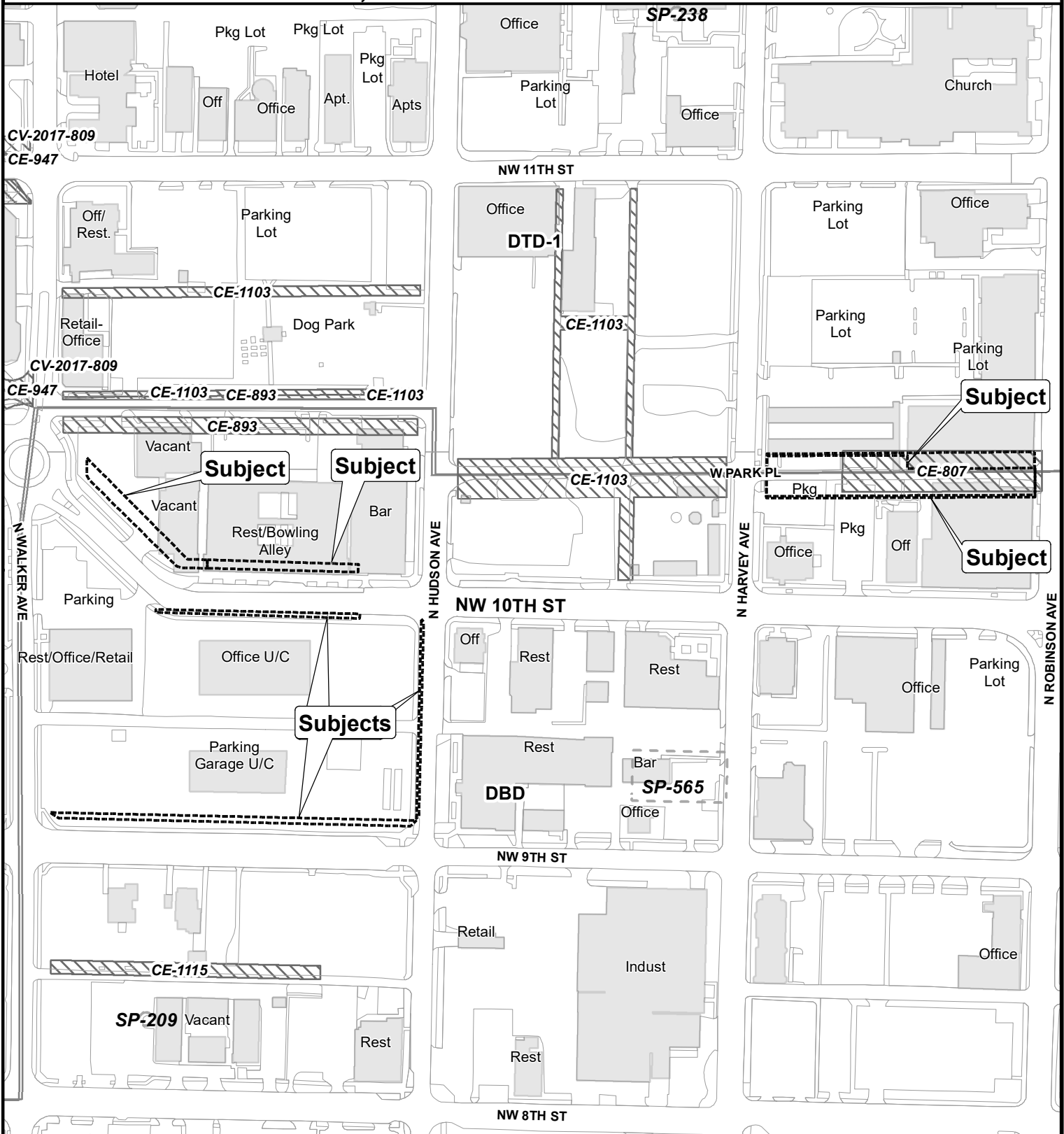
Subject Site

**Looking east up Park Pl from Harvey.
GoogleEarth photo.**



Case No: CE-1140

Applicant: Brown's Bakery, Inc., Midtown HC, LLC, Midtown - 424 NW 10th, LLC, CF 910, LLC, Midtown - 9th Street Parking, LLC, Midtown - Harvey Parking, LLC, and Midtown - 231 NW 10th, LLC.

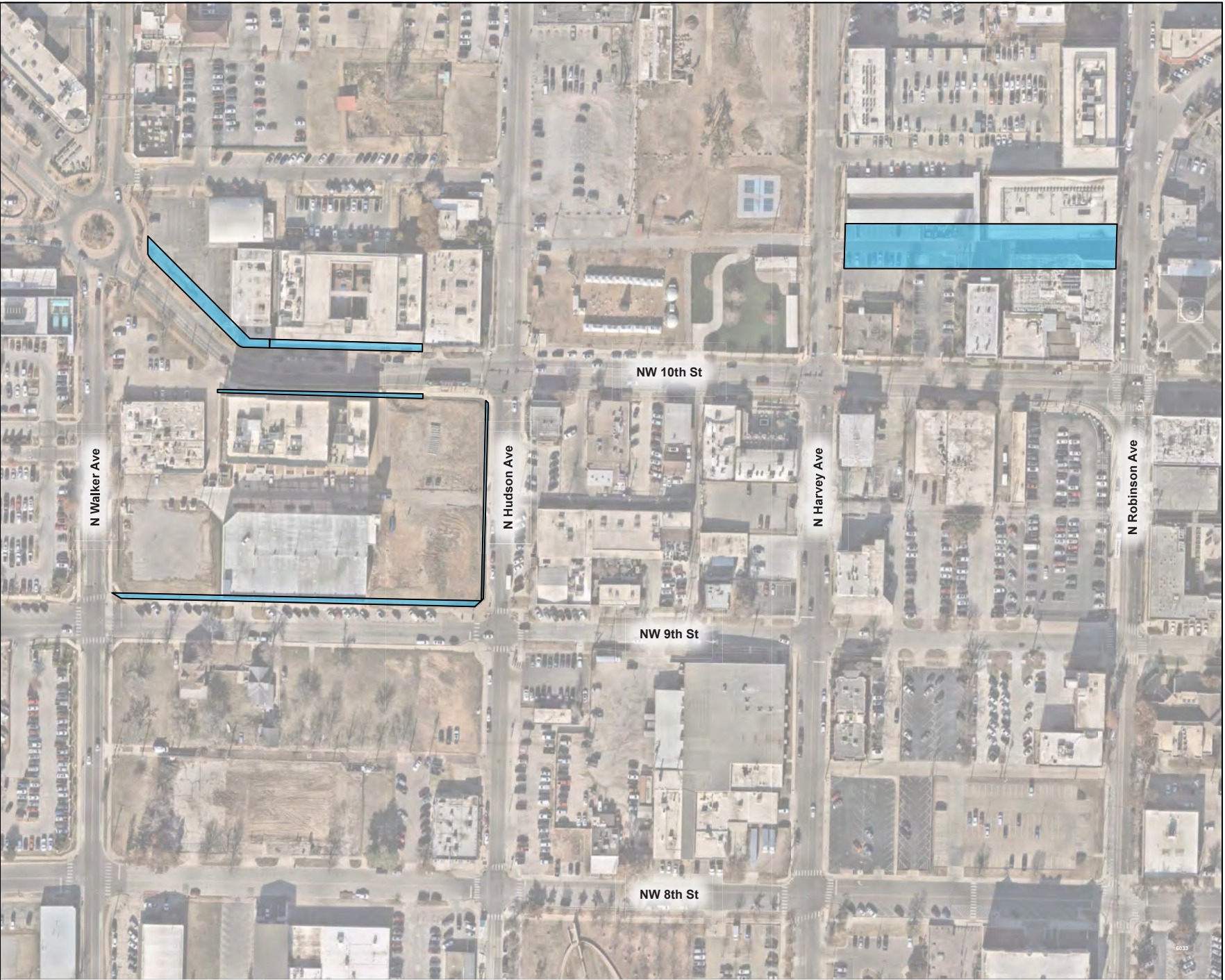


The City of
OKLAHOMA CITY

Application for Closing Public Way or Easement



0 100 200
Feet



Midtown Closures

Right-Of-Way and Alley
Closure Exhibit

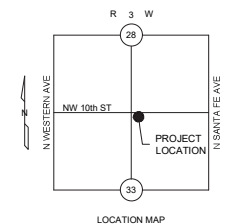
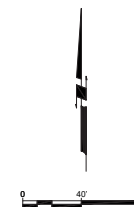
Legend

	Proposed Closures
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Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
405.235.0975 FAX 405.235.0975

ENGINEERS SURVEYORS PLANNERS
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Midtown Closures

Exhibit

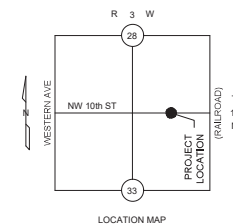
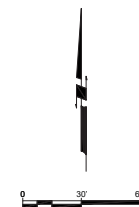
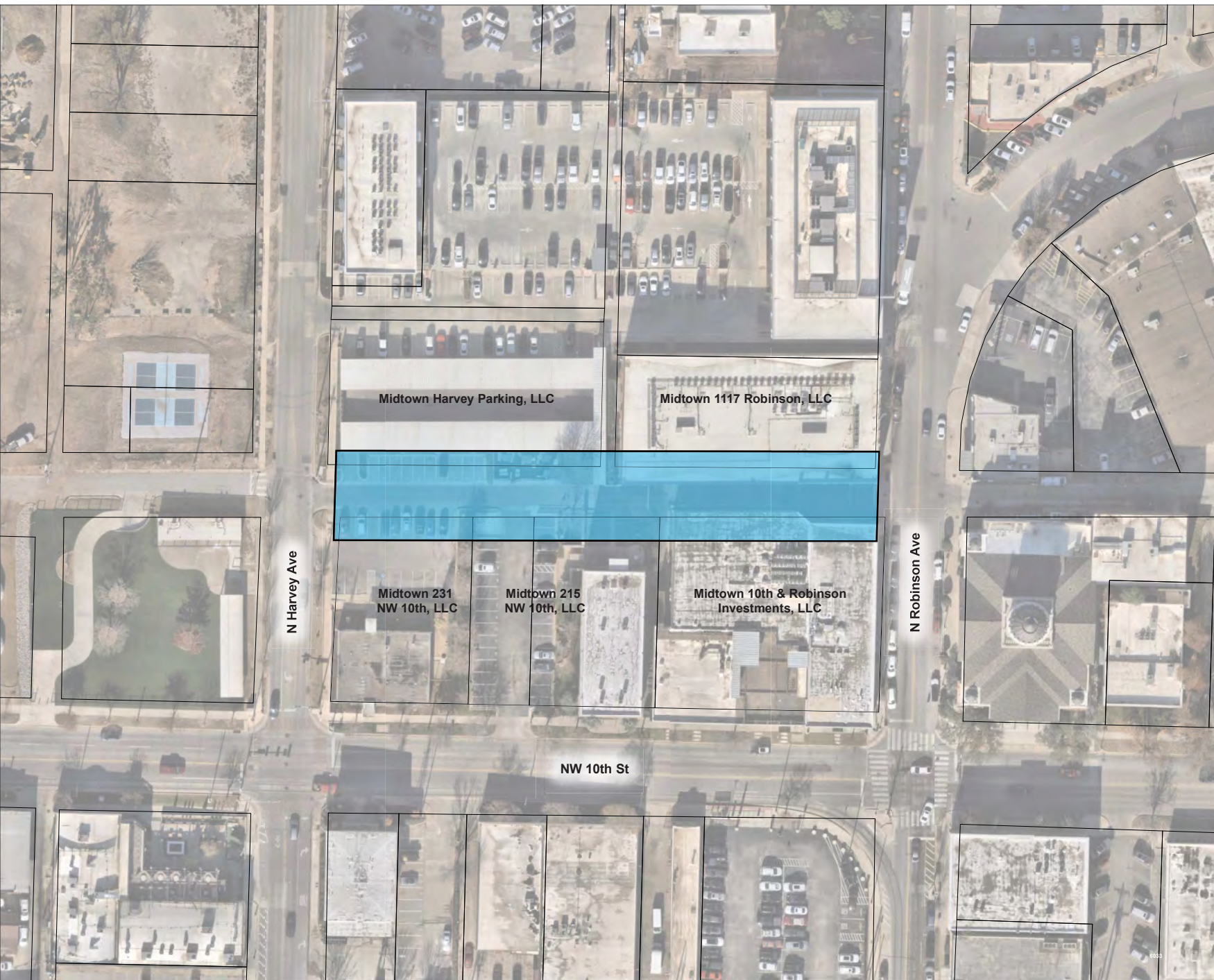
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Proposed Closures



Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 232-8875 FAX (405) 232-8875

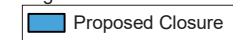
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Midtown Alley Closure

Statutory Right of Way
Closure Exhibit

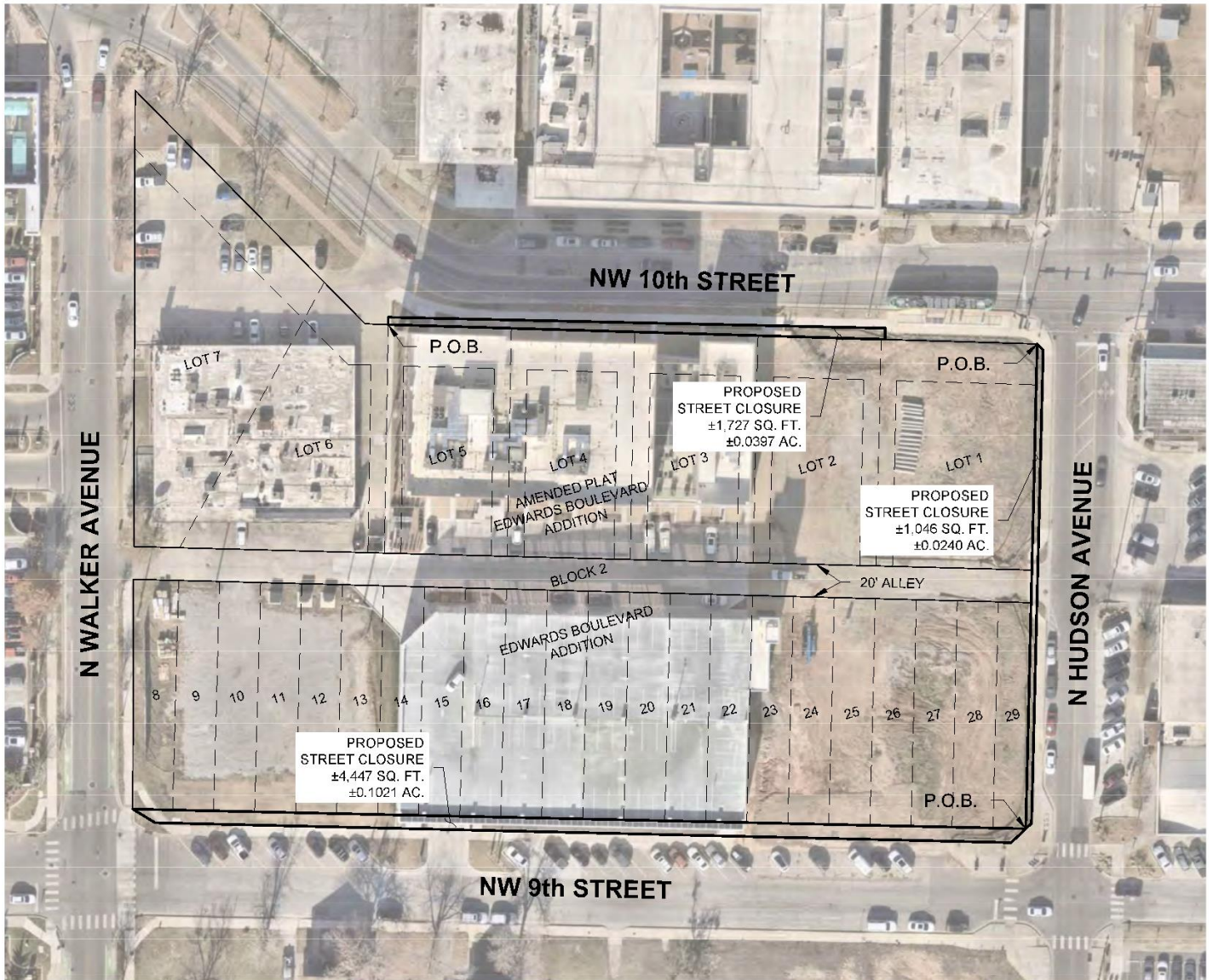
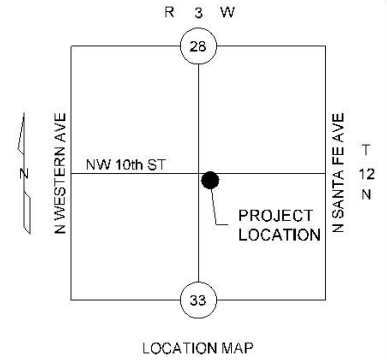
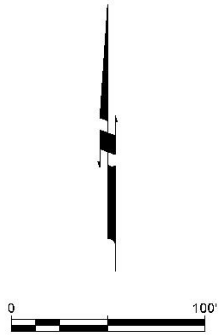
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Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104

(405) 235-8075 FAX (405) 235-8078
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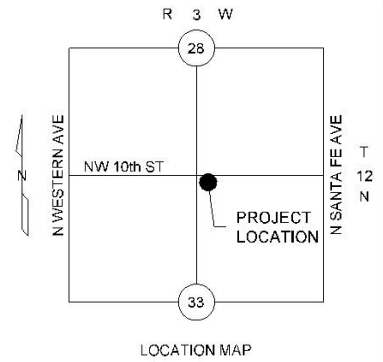
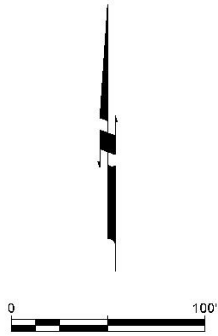
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PROPOSED STREET CLOSURE
BLOCK 2, EDWARDS BOULEVARD ADDITION
OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA
OVERALL EXHIBIT



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1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 235-8075 FAX (405) 235-8078 www.jaokc.com
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ATTACHMENT "A-2"



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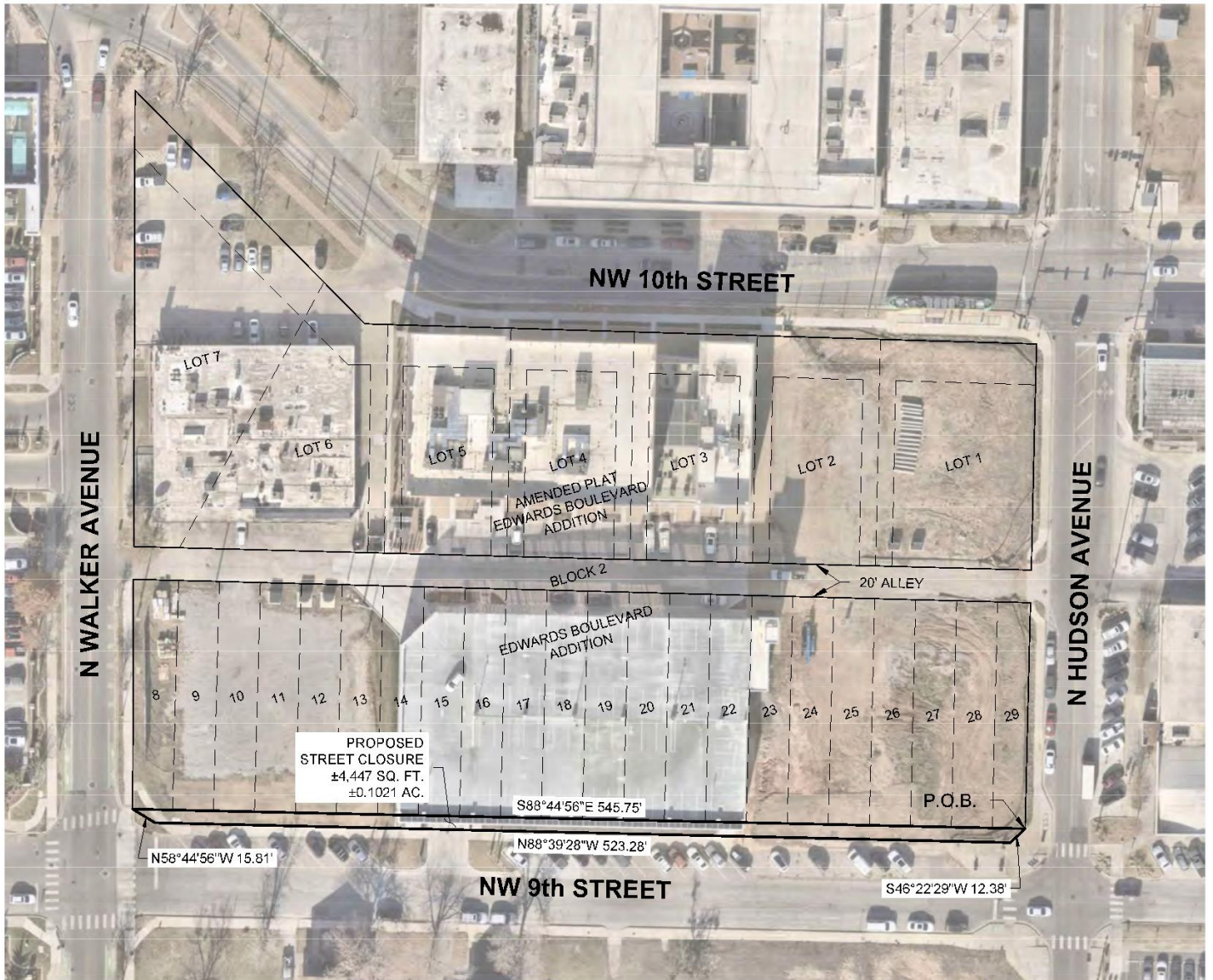
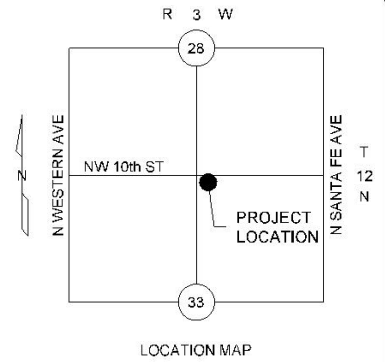
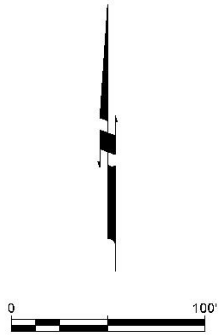
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9th STREET CLOSURE BLOCK 2, EDWARDS BOULEVARD ADDITION OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA EXHIBIT



Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 235-8075 FAX (405) 235-8078 www.jaok.com
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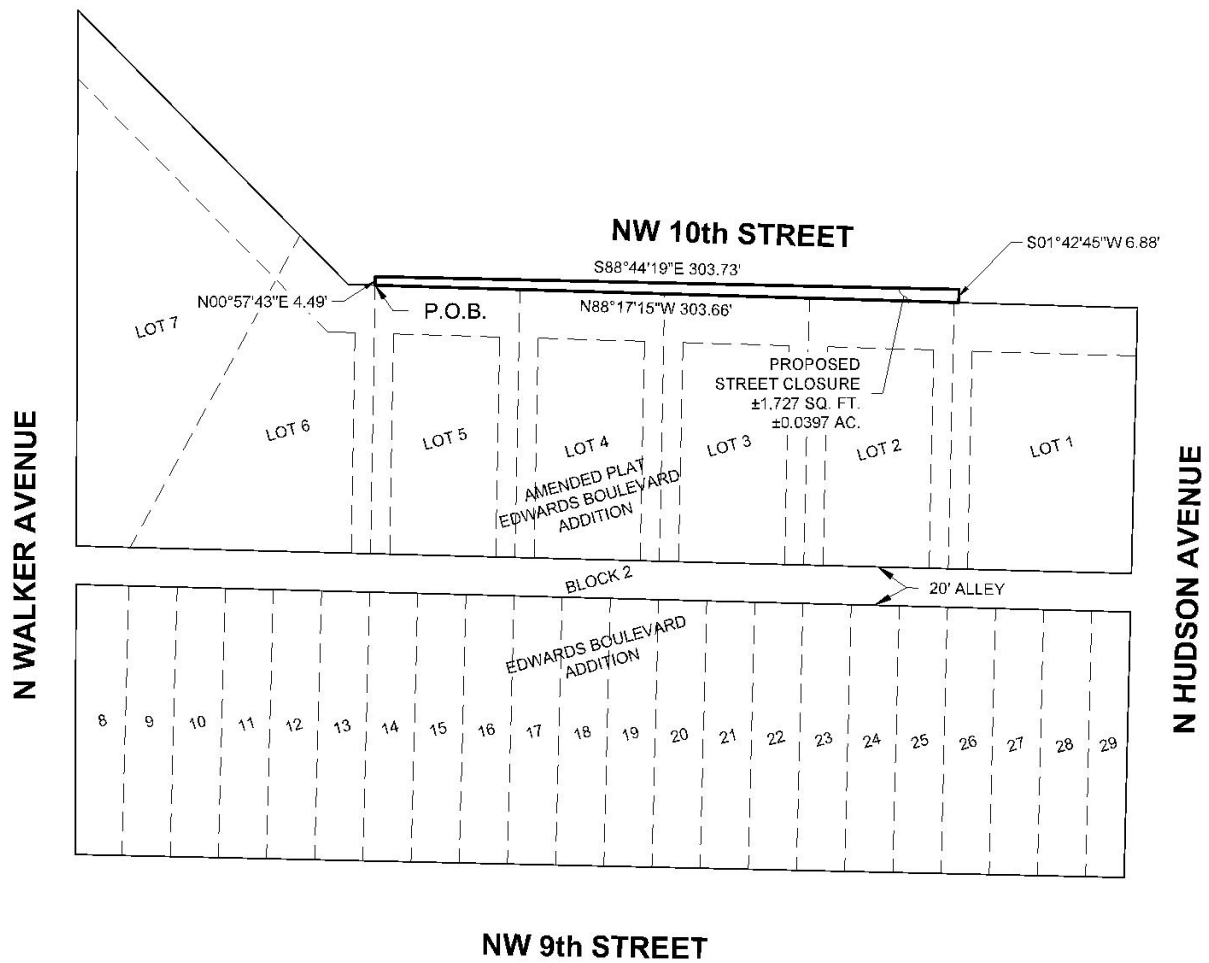
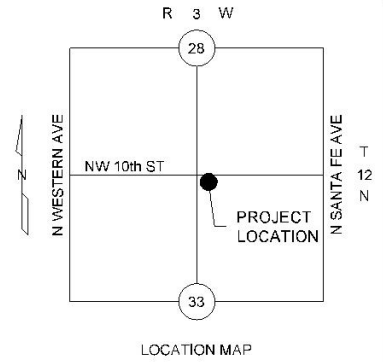
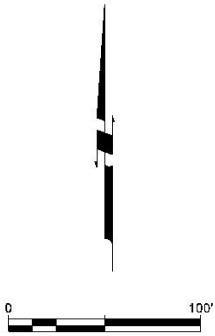
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10th STREET CLOSURE

BLOCK 2, EDWARDS BOULEVARD ADDITION

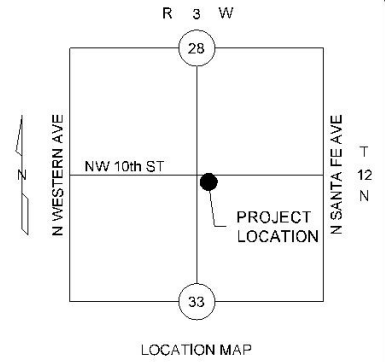
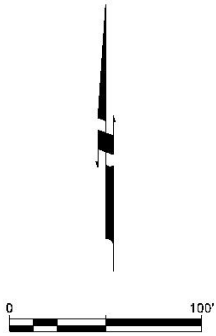
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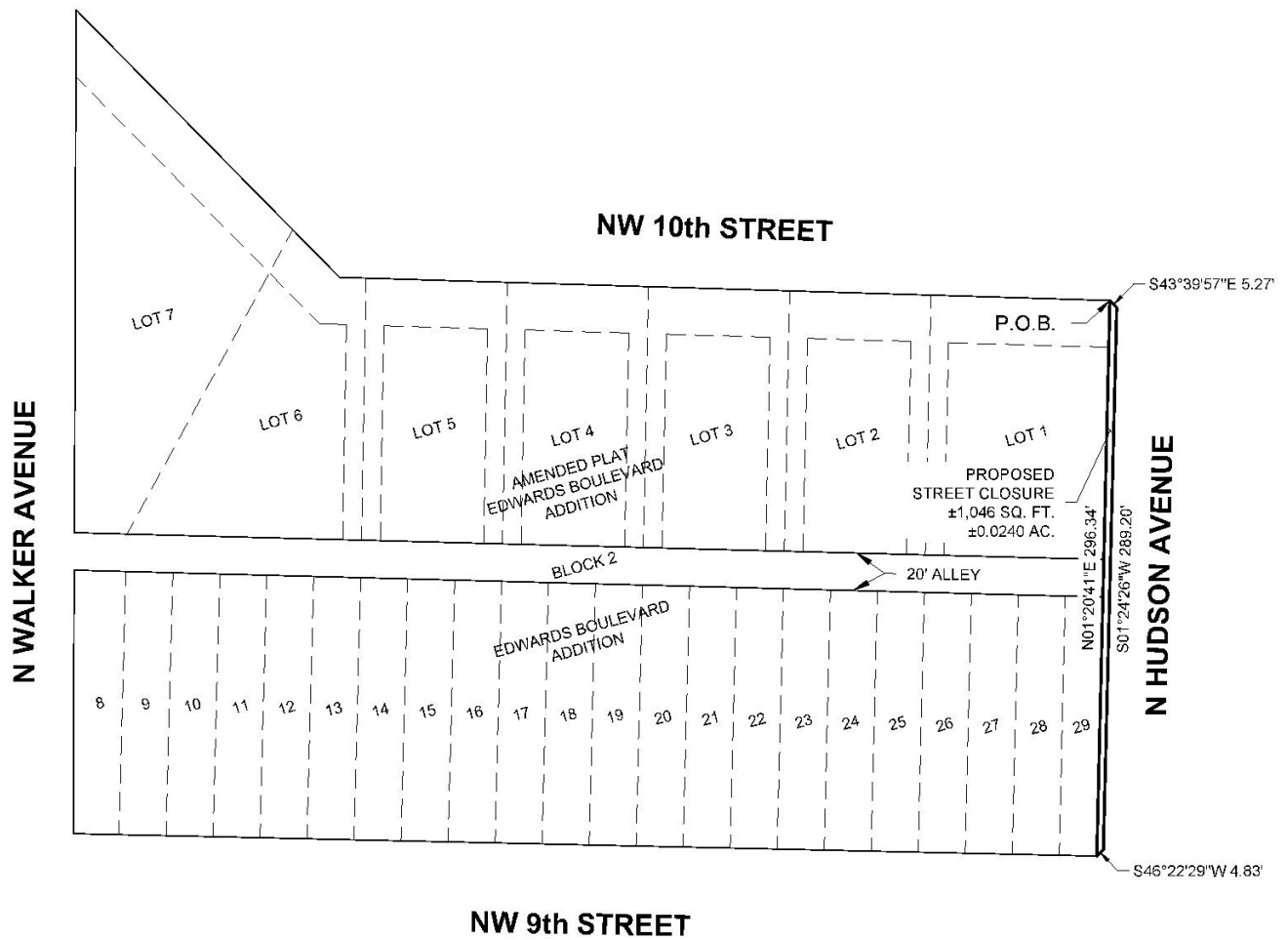
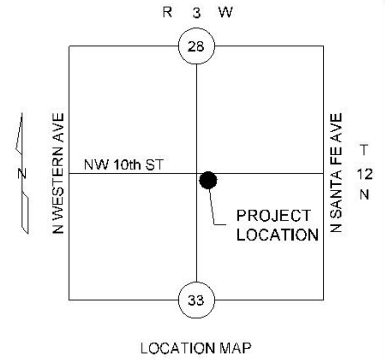
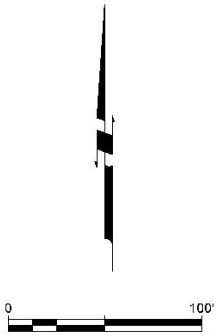
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10th STREET CLOSURE BLOCK 2, EDWARDS BOULEVARD ADDITION OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA EXHIBIT



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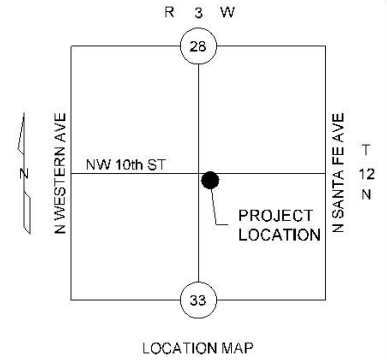
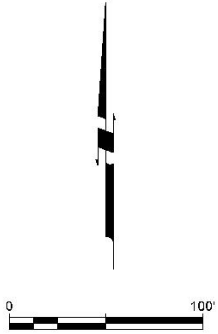
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HUDSON AVENUE CLOSURE BLOCK 2, EDWARDS BOULEVARD ADDITION OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA EXHIBIT



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Oklahoma City, OK 73104
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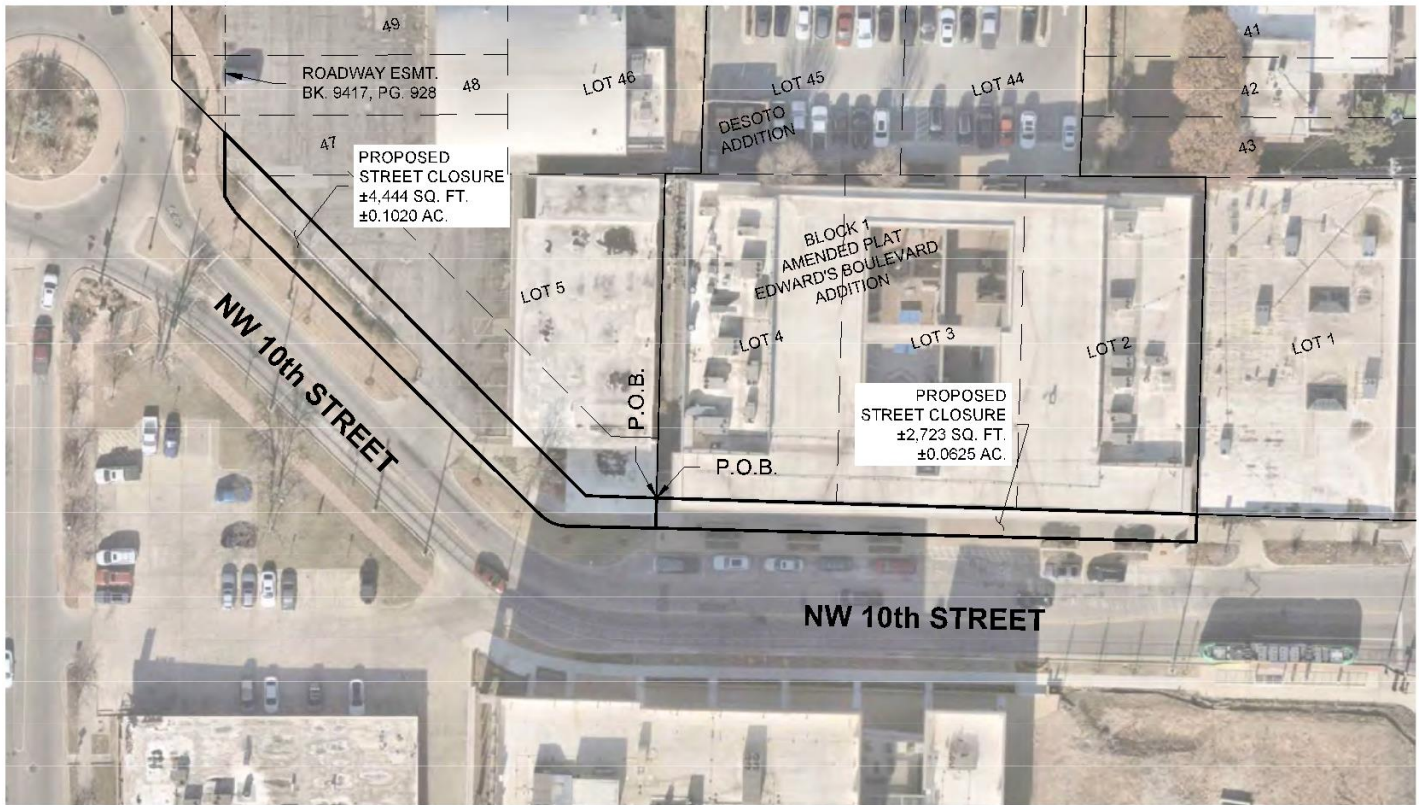
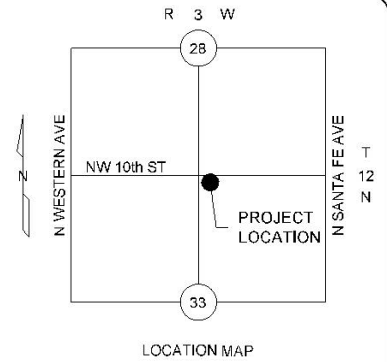
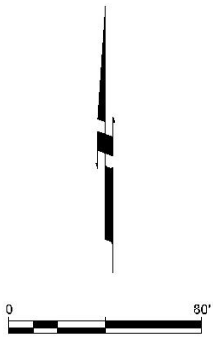
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HUDSON AVENUE CLOSURE BLOCK 2, EDWARDS BOULEVARD ADDITION OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA EXHIBIT



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1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
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 XREFS LOADED: 250128 - Boaz Survey_Model Overlay - ACAD-231408 1100 N Walker, 431 NW 10th_OKG, OK_ALTA—with water added.dwg

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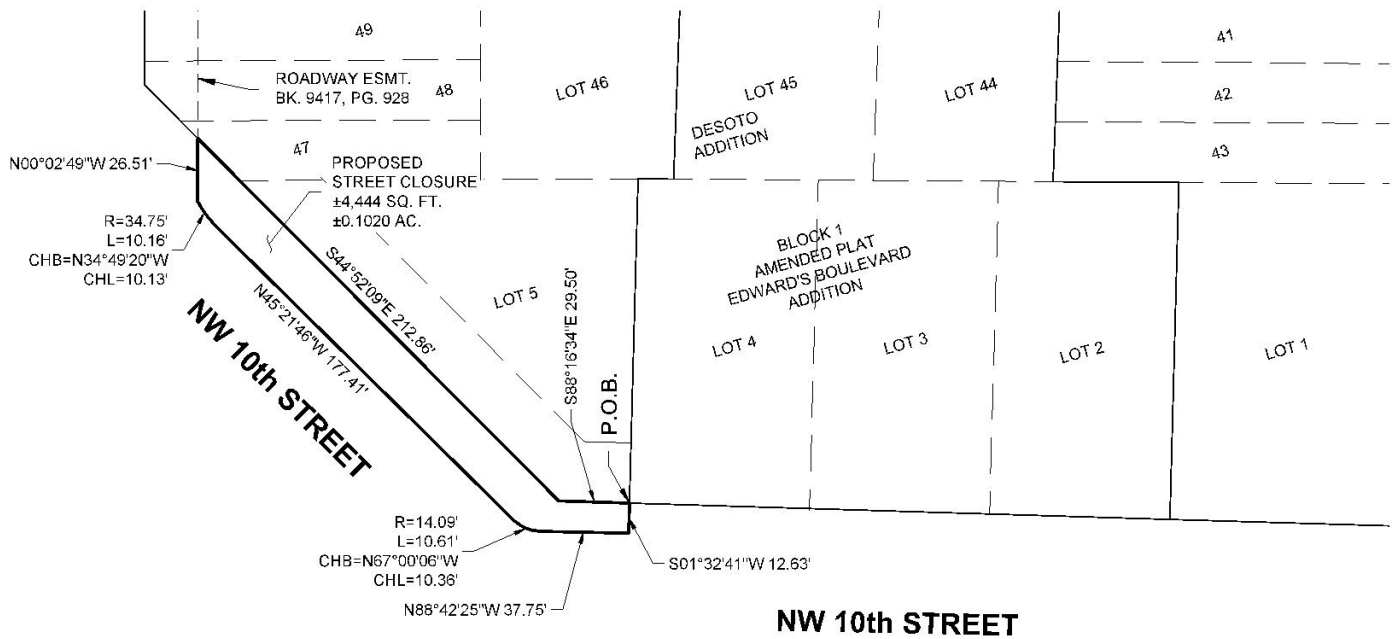
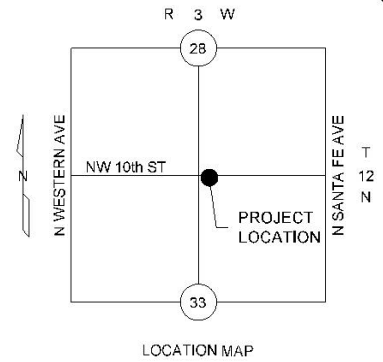
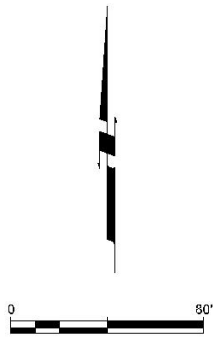
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 Date: 2-6-2025
 Scale: 1" = 80'

PROPOSED STREET CLOSURE **AMENDED PLAT OF EDWARDS BOULEVARD** **OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA** **OVERALL EXHIBIT**



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 1 E. Sheridan Ave., Suite 200
 Oklahoma City, OK 73104
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ATTACHMENT "A-2"



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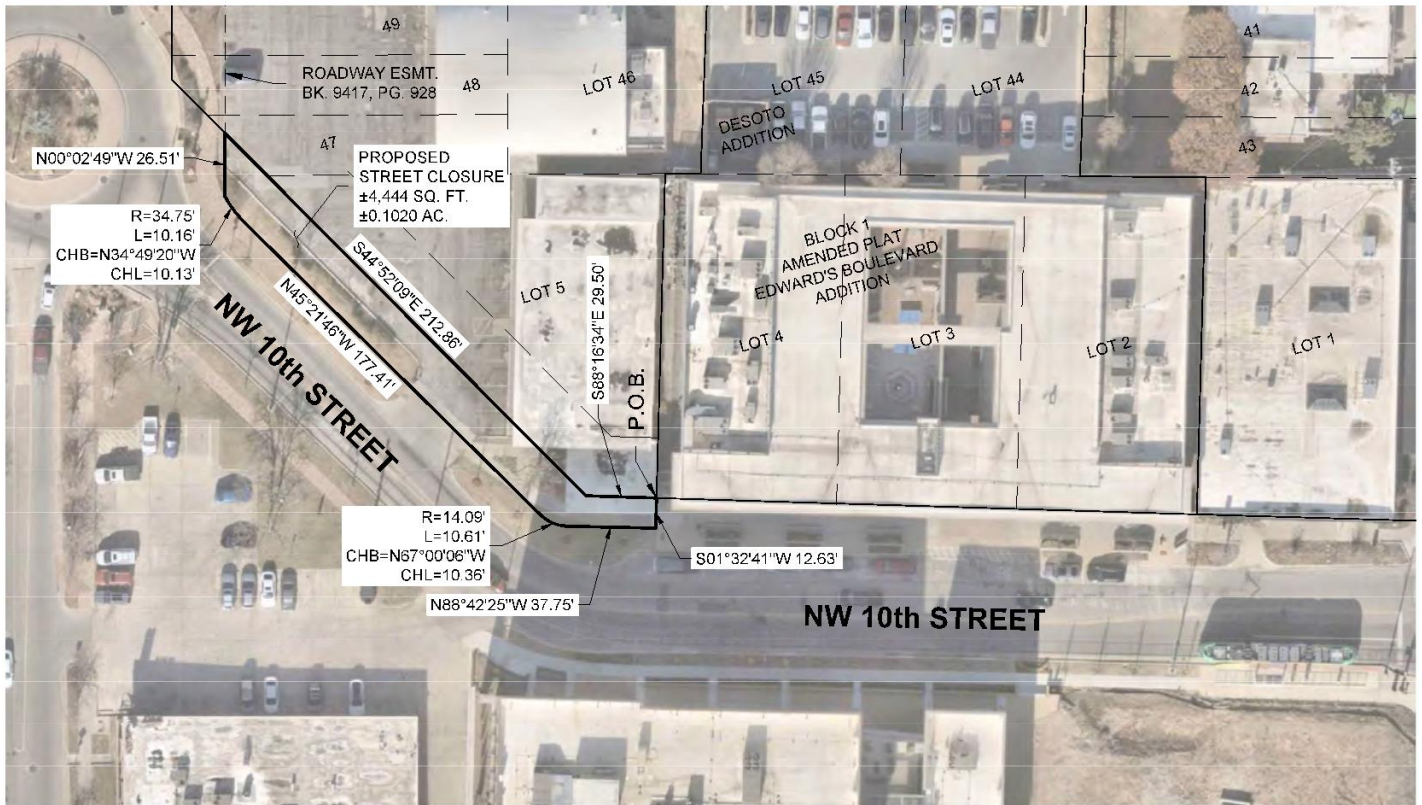
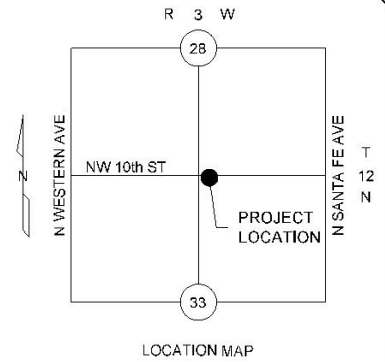
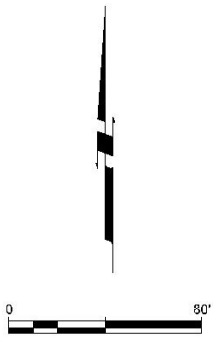
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Date: 2-6-2025
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10th STREET CLOSURE DESOTO ADDITION & AMENDED PLAT OF EDWARDS BOULEVARD OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA EXHIBIT



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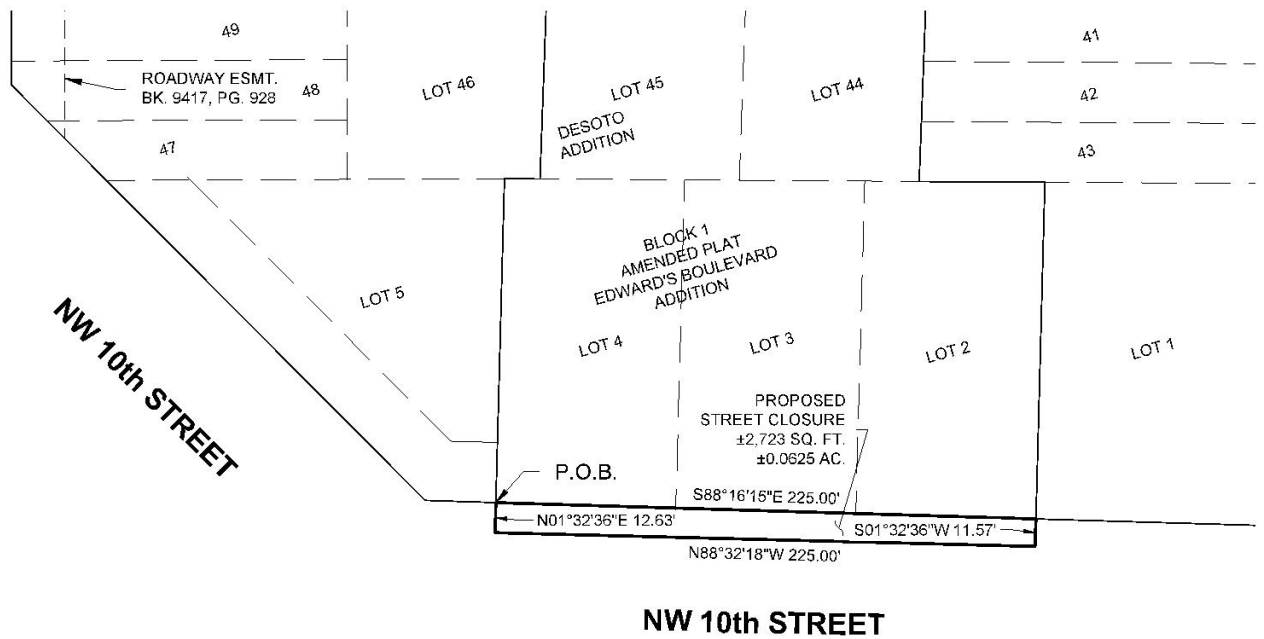
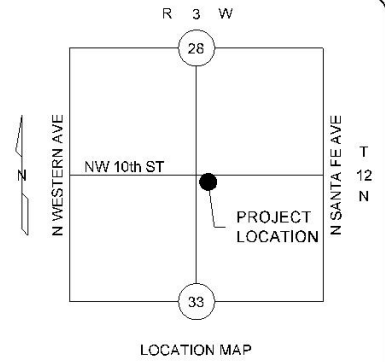
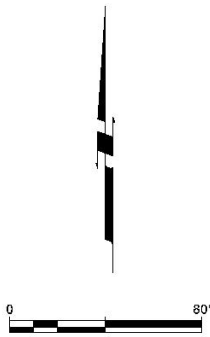
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10th STREET CLOSURE DESOTO ADDITION & AMENDED PLAT OF EDWARDS BOULEVARD OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA EXHIBIT



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10th STREET CLOSURE

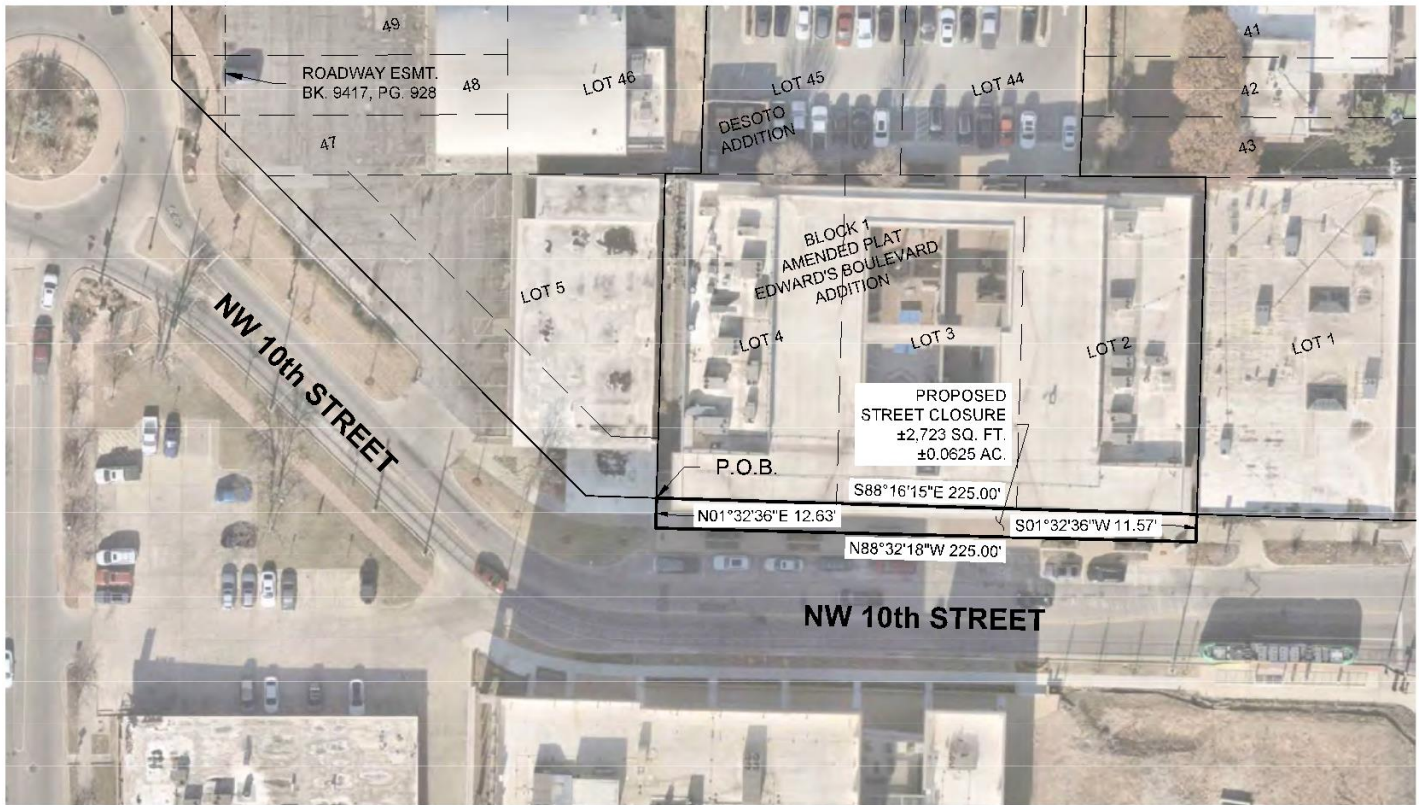
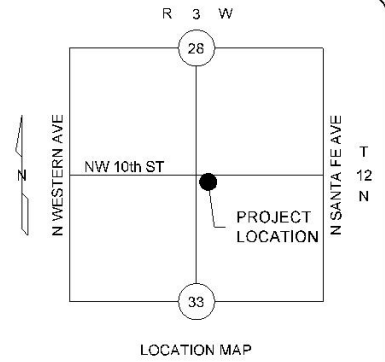
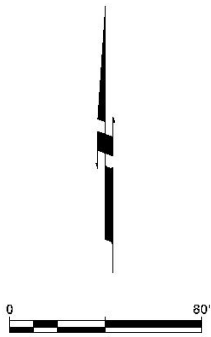
AMENDED PLAT OF EDWARDS BOULEVARD
OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA

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10th STREET CLOSURE

AMENDED PLAT OF EDWARDS BOULEVARD

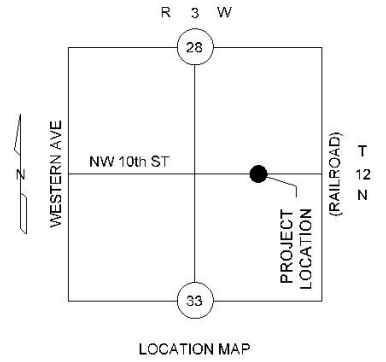
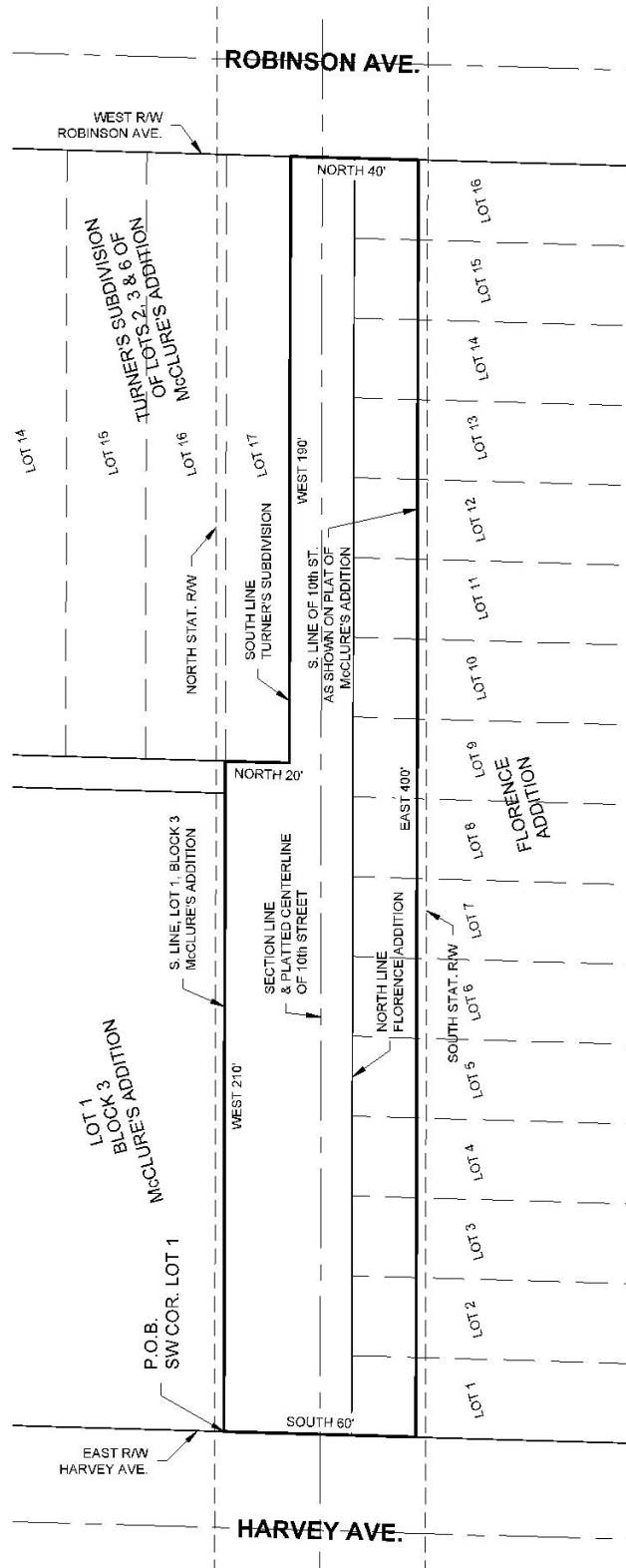
OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA

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Oklahoma City, OK 73104
(405) 235-8075 FAX (405) 235-8078 www.jaokc.com
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ATTACHMENT "A-2"



ACAD FILE: S:\Civil 3D proj\6033\Working Folder\6033-Alley Exhibit.dwg, 3/4/2025 1:51 PM, Jeff Murphy
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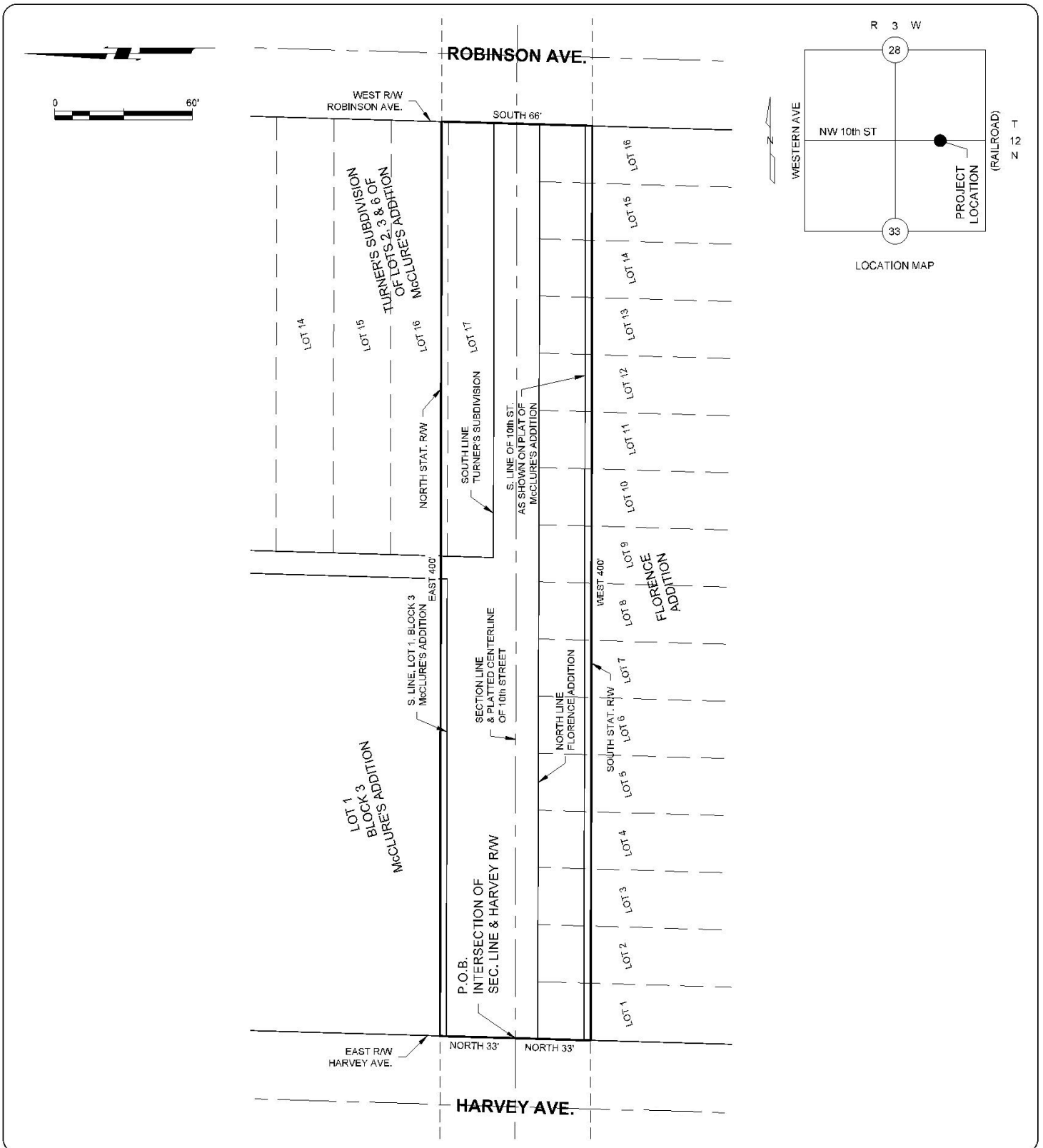
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 Date: 3-4-2025
 Scale: 1" = 60'

PLATTED RIGHT OF WAY BETWEEN HARVEY AVE. & ROBINSON AVE. OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA CLOSURE EXHIBIT



Johnson & Associates
 1 E. Sheridan Ave., Suite 200
 Oklahoma City, OK 73104
 (405) 236-8075 FAX (405) 235-8078 www.janko.com
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ATTACHMENT "A-3"



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Proj. No.:	6033
Date:	3-4-2025
Scale:	1" = 60'

STATUTORY RIGHT OF WAY
BETWEEN HARVEY AVE. & ROBINSON AVE.
OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA
CLOSURE EXHIBIT



Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 236-8975 FAX (405) 235-8078 www.jaenok.com
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Case No: CE-1140

Applicant: Brown's Bakery, Inc., Midtown HC, LLC, Midtown - 424 NW 10th, LLC, CF 910, LLC, Midtown - 9th Street Parking, LLC, Midtown - Harvey Parking, LLC, and Midtown - 231 NW 10th, LLC.



Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Application for Closing Public Way or Easement



0 100 200
Feet