ANYONE REQUIRING REASONABLE ACCOMMODATIONS TO ATTEND AND/OR FULLY PARTICIPATE IN THIS MEETING MUST CONTACT SARAH STEWARD AT 739-1265 OR BBUNDY@MIDWESTCITYOK.ORG AT LEAST 24 HOURS PRIOR TO THE SCHEDULED STARTING TIME OF THE MEETING.

AGENDA FOR THE SPECIAL MEETING OF THE MIDWEST CITY BOARD OF ADJUSTMENT February 2, 2021 – 5:30 p.m. City Council Chambers City Hall 100 North Midwest Boulevard

A. CALL TO ORDER

B. MINUTES:
   1. Discussion and consideration of approving the Minutes of the regular meeting of December 1, 2020.

C. NEW MATTERS:
   1. (BA- 405) Discussion and consideration of an application for a variance to the terms, standards and criteria to the Airport Zoning Ordinance for office use in the APZ I for the property described as a part of the SW/4 of Section 2, T11N, R2W, addressed as 8709 SE 15th Street. This item was continued from the December Board of Adjustment Meeting. NOTE: If this request is approved, an application to rezone the property from R-6, Single Family Detached Residential to O-2, General Office must be heard by the Planning Commission and approved by the City Council before any office use is allowed on this property.

D. BOARD DISCUSSION

E. PUBLIC DISCUSSION

F. FURTHER INFORMATION

G. ADJOURN
MINUTES OF MIDWEST CITY BOARD OF ADJUSTMENT MEETING  
December 1, 2020 -- 6:00 P.M.

This meeting of the Midwest City Board of Adjustment was held in the City Council Chambers, 100 North Midwest Boulevard, Midwest City, Oklahoma County, Oklahoma, on December 1, 2020, with the following members present:

Present:  
Jess Huskey  
Cy Valanejad  
Frank Young  
Charles McDade

Absent:  
Tammy Cook

Staff present:  
Kellie Gilles, Planning Manager  
Sarah Steward, Associate Current Planner

The meeting was called to order by Huskey at 6:00 P.M.

A. MINUTES:

McDade noted that under item B1, he was listed as voting twice. This error was corrected on those minutes.

A motion was made by Young, seconded by Valanejad, to approve the minutes of the meeting of November 5, 2019 as presented. Voting aye: Young, McDade, Valanejad and Huskey. Nay: none. Motion carried.

B. NEW MATTERS:

1. (BA-404) Discussion and consideration of an application for a variance to Section 3.3, Area Regulations and Standards for Mixed Use and Nonresidential Districts, required minimum front setback and Section 5.8.5, Nonconforming Buildings and Structures that have Conforming Uses, for the property described as a part of the NW/4 of Section 3, T11N, R2W, addressed as 720 S. Air Depot.

Staff made a brief presentation regarding this item. The applicant, Fred Quinn of 9012 N. Timberview, Midwest City, was present. There was general discussion about the application. The Board members addressed the following criteria for the variance as listed in Section 7.7.2 of the Zoning Ordinance:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship. Is there a motion to make a finding of such an unnecessary hardship? Young made a motion that the application of the ordinance creates an unnecessary hardship. McDade seconded the motion. Voting aye: McDade, Young, Valanejad and Huskey. Voting nay: None.
2. Such conditions are peculiar to the particular piece of property. Is there a motion to make a finding of such peculiar condition? A motion was made by Young of such peculiar conditions. McDade seconded the motion. Voting aye: Young, Valanejad, Huskey and McDade. Voting nay: None.

3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan. Is there a motion to make such a finding? A motion was made by McDade, seconded by Young, to make such a finding of no substantial detriment. Voting aye: Young, Huskey, Valanejad and McDade. Voting nay: None.

4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship. Is there a motion to make such a finding? A motion was made by McDade, seconded by Young. Voting aye: Huskey, Young, Valanejad and McDade. Voting nay: None.

A motion was made by Young, seconded by Valanejad, approve the variance to allow the expansion of a non-conforming building, including the 30" masonry wall. Voting aye: Young, Valanejad, Huskey and McDade. Voting nay: None. Motion carried.

2. (BA-405) Discussion and consideration of an application for a variance to the terms, standards and criteria to the Airport Zoning Ordinance for office use in the APZ I for the property described as a part of the SW/4 of Section 2, T11N, R2W, addressed as 8709 SE 15th Street. NOTE: If this request is approved, an application to rezone the property from R-6, Single Family Detached Residential to O-2, General Office must be heard by the Planning Commission and approved by the City Council before any office use is allowed on this property.

Staff made a brief presentation regarding this item. The applicant, Dave Ballew of 700 Timber Ridge Rd., Midwest City, was present. There was general discussion regarding the application. The applicant stated that he would observe the density maximum of 25 persons per acre. The applicant questioned the measurement of the APZ boundaries and if the area of request should be in APZ I or APZ II. A motion was made by McDade, seconded by Young continue the item to a later date to allow staff to research the APZ boundaries. Voting aye: Young, Valanejad, Huskey and McDade. Voting nay: None. Motion carried.

C. BOARD DISCUSSION: None

D. PUBLIC DISCUSSION: None.

There being no further business, a motion was made by Young, seconded by McDade, to adjourn the meeting. Voting aye: Young, McDade, Valanejad and Huskey. Nay: none. Motion carried.

The meeting adjourned at 6:42 P.M.
JESS HUSKEY, Chairman

KG
To: Chairman and Board of Adjustment

From: Billy Harless, Community Development Director

Date: February 2, 2021

Subject: (BA-405) Discussion and consideration of an application for a variance to the terms, standards and criteria to the Airport Zoning Ordinance for office use in the APZ I for the property described as a part of the SW/4 of Section 2, T11N, R2W, addressed as 8709 SE 15th Street. NOTE: If this request is approved, an application to rezone the property from R-6, Single Family Detached Residential to O-2, General Office must be heard by the Planning Commission and approved by the City Council before any office use is allowed on this property. This item was continued from the December 1, 2020 Board of Adjustment meeting.

Executive Summary: The applicant has met with staff about applying to rezone the property addressed as 8709 SE 15th from R-6, Single Family Residential to O-2, General Office. During review of the property, staff found that this property falls within the APZ (Accident Potential Zone) I as defined in the 2010 Airport Zoning Ordinance. The Airport Zoning Ordinance lists office uses as being prohibited within the APZ I overlay. This is a request for a variance to allow the applicant to apply to rezone the property for office use. If this variance is approved by the Board of Adjustment, the applicant must still go before the Planning Commission and City Council with an application to rezone the property from R-6 to O-2 before office use would be permitted on the area of request. Staff has consulted with Tinker planning staff. Their email is included with the agenda item. At the December 1, 2020 Board of Adjustment meeting, the applicant brought forth concerns about where the boundary for APZ I began. Following that meeting, staff and the applicant discussed the boundaries and that immediately adjacent to the runway, lies the Clear Zone as identified in the Airport Zoning Ordinance. The boundary of APZ I begins where the Clear Zone ends. The Clear Zone begins at the northern edge of the runway and is 3,000 feet long by 3,000 feet wide. Action is at the discretion of the Board of Adjustment.

Council Ward: Ward 2, Councilmember Pat Byrne

Applicant: Dave Ballew

Owner: Mid Del Group Homes Inc.

Size: The area of request has frontage along SE 15th of approximately 175 feet and contains an area of approximately 1.50 acres.
Land use:
Area of Request – vacant
North – vacant
South – vacant
East – John Conrad Golf Course
West – FOP Lodge

Airport Zoning Ordinance Citation:
1.4.3 Accident Potential Zone -- One (APZ I)
An area measuring 5,000 feet long by 3,000 feet wide where ten (10) percent of military aircraft crash landings have occurred nationally between 1968 and 1995, according to the U.S. Air Force and reported within the 2008 Joint Land Use Study (JLUS).

Section 6. Administration
6.1.1 Powers of the Board of Adjustment
All airport zoning regulations adopted under this Airport Zoning Ordinance shall provide for a Board of Adjustment to have and exercise the following powers:

(A) Appeals – To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations.
(B) Special Exceptions – To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such Board may be required to pass under such regulations.
(C) Specific Variances – To hear and decide specific variances.

6.2.3 Variances
Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this Airport Zoning Ordinance, may apply to the Board of Adjustment for a variance from such regulations.

Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Airport Zoning Ordinance.

In granting a variance, the Board of Adjustment shall consider if the variance increases encroachment into development-restricted areas or violates the intent of the recommendations in the 2008 JLUS (Joint Land Use Study).

Midwest City Zoning Ordinance 7.7.2 Variance Criteria
A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance may be granted, in whole, in part, or upon reasonable conditions, only upon a finding by the Board of Adjustment that:

Unnecessary hardship
The application of the ordinance to the particular piece of property would create an unnecessary hardship;
Unique property conditions
Such conditions are peculiar to the particular piece of property involved;

No substantial detriment to the public good
Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and

Minimum necessary to alleviate the unnecessary hardship
The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Staff Comments:
In 2010, the City of Midwest City adopted the Airport Zoning Ordinance. The ordinance was created with careful input from leaders at Tinker Air Force Base. A major contributor to the creation of the ordinance was the Joint Land Use Study (JLUS). This study was completed in 2008 as a joint effort among Midwest City, Del City, OKC, Spencer, Nicoma Park, Choctaw, Oklahoma County, Cleveland County, the Oklahoma Strategic Military Planning Commission and Tinker Air Force Base.

The ordinance creates three zone classifications with respect to the distance from both the primary and secondary runways. The zones include the clear zone, Accident Potential Zone (APZ) I and APZ II. The ordinance places limitations on the uses, height and densities allowed in each zone. The allowable uses increase the further out from the runways. A use chart contained within the ordinance shows the uses allowed and prohibited in each zone.

The parcel in question is located at the northwest corner of SE 15th and Century Blvd. A review of City records has found that there have been no previous structures on this lot.

The map to the side shows the parcel at 8709 SE 15th with an overlay showing the boundary of APZ I in relation to the parcel. The entire parcel is located within the APZ I overlay.
The applicant has met with staff about applying to rezone this property from R-6, Single Family Detached Residential to O-2, General Office, however, future building permit applications would require a variance from the Board of Adjustment to the Airport Zoning Ordinance.
As mentioned previously, this parcel is located in APZ I. According to the Prohibited Use Types chart as found in the Airport Zoning Ordinance, office uses such as administrative and professional offices, medical services restricted and general, personal services restricted and general and business support services are prohibited uses in APZ I.

The table below is from the Airport Zoning Ordinance and shows the prohibited uses in the clear zone, APZ I and APZ II.

<table>
<thead>
<tr>
<th>Use #</th>
<th>Use Type</th>
<th>CZ</th>
<th>APZ-I</th>
<th>APZ-II</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3.1</td>
<td>Public Service or Utility: Light</td>
<td>Prohibited</td>
<td>AZ-SUP</td>
<td>AZ-SUP</td>
</tr>
<tr>
<td>4.3.2</td>
<td>Public Service or Utility: Moderate</td>
<td>Prohibited</td>
<td>AZ-SUP</td>
<td>AZ-SUP</td>
</tr>
<tr>
<td>4.3.3</td>
<td>Public Service or Utility: Heavy</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.3.4</td>
<td>Sanitary Landfill</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.3.6</td>
<td>Low Impact Institutional: Neighborhood Related</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.3.7</td>
<td>Moderate Impact Institutional</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>AZ-SUP</td>
</tr>
<tr>
<td>4.3.8</td>
<td>High Impact Institutional</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>AZ-SUP</td>
</tr>
<tr>
<td>4.3.9</td>
<td>Cultural Exhibits</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
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<tr>
<td>4.3.10</td>
<td>Library Services and Community Centers</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.3.14</td>
<td>Group Care Facility</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.3.15</td>
<td>Community-Based Care Facility</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.1</td>
<td>Administrative and Professional Office</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Allowed</td>
</tr>
<tr>
<td>4.4.2</td>
<td>Adult Entertainment Enterprise</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.16</td>
<td>Business Support Services</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Allowed</td>
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<tr>
<td>4.4.17</td>
<td>Child Care Center and Adult Day Care Center</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.21</td>
<td>Convenience Sales and Personal Services</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Allowed</td>
</tr>
<tr>
<td>4.4.22</td>
<td>Drinking Establishments: Sit-Down, Alcoholic Beverages and Low-Point Beer Permitted</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
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<tr>
<td>4.4.23</td>
<td>Eating Establishments: Drive-In</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.24</td>
<td>Eating Establishments: Fast Foods</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.25</td>
<td>Eating Establishments: Fast Foods, Low-Point Beer Permitted</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.26</td>
<td>Eating Establishments: Sit-Down, Alcoholic Beverages not Permitted</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.27</td>
<td>Eating Establishments: Sit-Down, Low-Point Beer Permitted</td>
<td>Prohibited</td>
<td>Prohibited</td>
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<tr>
<td>4.4.28</td>
<td>Eating Establishments: Sit-Down, Alcoholic Beverages and Low-Point Beer Permitted</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
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<tr>
<td>4.4.34</td>
<td>Gasoline Sales: Restricted</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Allowed</td>
</tr>
<tr>
<td>4.4.35</td>
<td>Gasoline Sales: General</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.36</td>
<td>Health Clubs</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.37</td>
<td>Laundry Services</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
</tbody>
</table>
Prohibited Use Types from the Zoning Ordinance (Appendix A)

<table>
<thead>
<tr>
<th>Use #</th>
<th>Use Type</th>
<th>CZ</th>
<th>APZ-I</th>
<th>APZ-II</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.4.39.</td>
<td>Medical Services: Restricted</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Allowed</td>
</tr>
<tr>
<td>4.4.40.</td>
<td>Medical Services: General</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.41.</td>
<td>Participant Recreation and Entertainment: Indoor, Low-Point Beer Permitted</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
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<tr>
<td>4.4.42.</td>
<td>Participant Recreation and Entertainment: Indoor, Alcoholic Beverages and Low-Point Beer Permitted</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.43.</td>
<td>Participant Recreation and Entertainment: Outdoor</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>AZ-SUP</td>
</tr>
<tr>
<td>4.4.44.</td>
<td>Personal Services: Restricted</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>AZ-SUP</td>
</tr>
<tr>
<td>4.4.45.</td>
<td>Personal Services: General</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
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<tr>
<td>4.4.49.</td>
<td>Retail Sales and Services: General</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
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<tr>
<td>4.4.50.</td>
<td>Retail Sales and Services: Outdoor Swap Meets</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.52.</td>
<td>Spectator Sports and Entertainment: Restricted</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.53.</td>
<td>Spectator Sports and Entertainment: General</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.54.</td>
<td>Spectator Sports and Entertainment: High impact</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.55.</td>
<td>Tourist Accommodations: Campground</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.4.56.</td>
<td>Tourist Accommodations: Lodging</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.5.6.</td>
<td>Hazardous Industrial</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>4.8.2.</td>
<td>Mining and Processing: Oil and Gas</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
</tbody>
</table>

Note: The above use number and use types may be updated within the Zoning Ordinance, Appendix A and any updates shall be interpreted by the Director.

As mentioned previously, the JLUS document was an integral part of the creation of the Airport Zoning Ordinance. When making recommendations for appropriate uses near military installations, the JLUS referenced information included in the Air Installation Compatible Use Zone (AICUZ) study completed in 2006 by the DoD. The JLUS states that “the purpose of an AICUZ to promote public health and safety through the local adoption of compatible land use controls and to protect the operational capability of the air installation.” The AICUZ aimed to ensure that land uses near airfields are compatible with base operations, noise levels generated by aircraft, accident potential zones and flight clearances.

Included in the agenda packet is the application which includes the applicant’s responses to the four questions that the Board of Adjustment must consider. The applicant has also provided a memorandum of record with additional information. The memorandum references the surrounding industrial area. It should be noted that most of the industrial development is located within APZ II which is further from the runway. The Airport Zoning Ordinance allows for more uses within the APZ II area than APZ I.

Staff did consult with Tinker Air Force Base planning staff. Their response is included in this agenda.

Action is at the discretion of the Board of Adjustment.
Action Required:  
Approve or reject a variance to the terms, standards and criteria to the Airport Zoning Ordinance to allow office use in the APZ I Overlay District for the property described, for the property as noted in BA-405.

Billy D. Harless, AICP  
Community Development Director

KG
From: "Walter David Ballew" <daveballew1@att.net>
To: "Kellie Gilles" <KGilles@MidwestCityOK.org>
CC: "Walter David Ballew" <daveballew1@att.net>
Date: 1/7/2021 1:52 PM
Subject: BA-405

Kellie,

On December 1, 2020, BA-405 was tabled to give the applicant an opportunity to validate boundaries and measurements for the APZ 1 zoning. Those activities have been completed and I would like for you to use this communication as authority to reschedule the Board of Adjustment to hear the balance of any arguments necessary to complete this process.

David Ballew

Applicant
The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION

BOARD OF ADJUSTMENT APPLICATION

Property Information

<table>
<thead>
<tr>
<th>Location/Address of Property:</th>
<th>8709 S. E. 15TH ST.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Description:</td>
<td>PART OF SECTION 2, 11 N., 2 WEST 000 000 PART SW4 OF S22, 11 NORTH, 2 WEST BEGGINING SE/C SW4 TH N 176.25 FT. N 310.19 FT. NE 212.48 FT. S 43.5 FT. TO BEGINING, CONTAINING 1.5 A M.L.</td>
</tr>
</tbody>
</table>

Applicant Information

<table>
<thead>
<tr>
<th>Name:</th>
<th>W. DAVID BALLEW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company:</td>
<td>BALLEW WEALTH LEGAL TRUST</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>700 TIMBER RIDGE RD.</td>
</tr>
<tr>
<td>City:</td>
<td>MIDWEST CITY</td>
</tr>
<tr>
<td>State:</td>
<td>OKLAHOMA</td>
</tr>
<tr>
<td>Zip:</td>
<td>73130</td>
</tr>
<tr>
<td>Phone:</td>
<td>405 737-0707</td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:dane.dallew1@att.net">dane.dallew1@att.net</a></td>
</tr>
</tbody>
</table>

Owner Information

<table>
<thead>
<tr>
<th>Name:</th>
<th>MID DEL GROUP HOMES, INC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>1540 REVENUE CIR.</td>
</tr>
<tr>
<td>City:</td>
<td>MIDWEST CITY</td>
</tr>
<tr>
<td>State:</td>
<td>OKLAHOMA</td>
</tr>
<tr>
<td>Zip:</td>
<td>73130</td>
</tr>
<tr>
<td>Phone:</td>
<td>405 752 8568</td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
<tr>
<td>Email:</td>
<td></td>
</tr>
</tbody>
</table>

Please check the type of appeal:
☒ Appeal of an administrative or interpretation decision by a City official
☐ Variance
☐ Special Exception
☐ Oil and gas well applications

Please describe how a variance from the terms, standards and criteria pertaining to an allowed use category within a zoning district would meet the criteria required for a variance:

A. Unnecessary hardship – The application of the ordinance to the particular piece of property would create an unnecessary hardship: **THE MOST REASONABLE APPLICATION OF ANY GUIDELINES WOULD DISCOURAGE DEVELOPMENT OF THIS PROPERTY IN AN AREA WHERE PRECEDENCE TO THE CONTRARY HAS LONG BEEN ESTABLISHED THAT REASONABLE USE OF PROPERTY IS ALLOWED.**
B. Unique property conditions – Such conditions are peculiar to the particular piece of property involved: **This property is on the eastern boundary of the ARZ, approximately 765 ft. from the back part of a 4000 ft. wide corridor, clearly several hundred feet closer to the boundary than Lots #1890 or Lot #6.**

C. No Substantial detriment to the public good – Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan: **None**

D. Minimum necessary to alleviate the unnecessary hardship – The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship: **The proposed roadway is a less intense usage of the property than the zoning category currently approved.**

Please describe the purpose of this appeal: **To allow the rezoning application from R6/W/SUP to O-2 to be submitted to the Planning Commission and City Council for approval.**

Signature: [Signature]

Date: 10/13/20
Note: The lot dimensions are shown.

There are no existing structures.

Any new structures will meet guidelines for front and side offsets.

W. D. Foul
10/3/9
Memorandum of Record

To: Midwest City Board of Adjustment
From: Ballew Wealth Legacy Trust
Date: October 13, 2020
Subject: Rezoning Application for 8709 S.E. 15th St.

Facts related to the Rezoning Application for 8709 S.E. 15th St. from R-6/SUP to O-2 dated 2/17/20.

1. Present owner is Mid Del Group Homes, Inc.
2. Developer/Applicant is Ballew Wealth Legacy Trust
3. Gross acreage is 1.5 acres
4. No plans to combine this property with 1500 or 1544 Republic (Also owned by the Trust) located immediately to the north and west of this requested rezoning.
5. This property is located at the N.E. corner of the APZ I.
6. The Developer stated with the submission of the Rezoning Application that he will comply with density regulations of no more than 25 persons per acre.
7. The Developer is aware that the parcel is located in a 75 decibel noise zone.
8. The Developer is aware that the maximum height limitation is 149 feet AGL.
9. The Developer is aware that Air Force guidance states that density needs to be kept to a minimum in the requested area.
10. The proposed rezoning is a less intense usage of the property than the current approved category.

HISTORY

The Developer has owned and developed parcels in the Midwest City Industrial Park on Republic Ave. and Republic Circle since 1981. All of the parcels in this Industrial park were purchased from the Midwest City Chamber of Commerce and were proposed to new owners for such light industrial and office space usage that would be necessary in an industrial setting. In fact, all of the area surrounding the property in request has been developed following those guidelines. That Includes Weese Properties, LLC., Mid Del Group Homes, Inc., Matherly Mechanical etc. Some exceptions in the immediate area that are not part of the industrial park include the Midwest City Lodge # 1890 and the FOP Lodge immediately to the west of the requested property. While the APZ zoning has changed over the last forty years, the surrounding properties have developed and are consistent with the requested change asked for in the rezoning of 8709 S.E. 15th St.

The Developer is reminded of Mr. Turnbull’s statement in his response to Kellie Gilles “An office structure is not one of the recommended land uses for APZ I.” Following these guidelines, the Midwest City Industrial Park would not have been developed. It would be hard to imagine what the highest and best use might be for that area.

The Developer would like to thank the Board for their consideration and studied opinion as it relates to this request.
From: Kellie Gilles
To: TURNBULL HEARTSONG GS-11 USAF AFMC 72 ABW/CENPD;
    steven.rhodes.15@us.af.mil
CC: daveballew1@att.net
Date: 3/3/2020 10:26 AM
Subject: RE: [Ncn-DoD Source] Midwest City Rezoning Application_APZ I

Heartsong,

Thank you for sending a response so quickly. I'll get with the applicant and see how/if he would like to proceed and if he does, we'll include this response in all Board of Adjustment/Planning Commission and Council reports. I'll also keep you and Steve informed.

Thank you,

Kellie Gilles, AICP
Current Planning Commission
City of Midwest City
405-739-1223

>>> "TURNBULL, HEARTSONG GS-11 USAF AFMC 72 ABW/CENPD" <heartsong.turnbull@us.af.mil>
3/2/2020 3:56 PM >>>
Kellie-

We have reviewed the property in question. An office structure is not one of the recommended land uses for APZ1. Air force guidance and policies state that density needs to be kept to a minimum in this area. The identified parcel is also in a noise zone of approximately 75 decibels. This would require noise attenuation. Although I do not believe that height would be an issue in this area, the property is located in the approach/departure surface and there is a recommended maximum height limitation of 149' at this location. Please let me know if you have further questions.

Thank you,

Heartsong Turnbull
Community Planner, 72 ABW/CENPL
405-734-2074

-----Original Message-----
From: Kellie Gilles <KGilles@MidwestCityOK.org>
Sent: Friday, February 28, 2020 12:07 PM
To: TURNBULL, HEARTSONG GS-11 USAF AFMC 72 ABW/CENPD <heartsong.turnbull@us.af.mil>
    RHODES, STEVEN B NH-03 USAF AFMC 72 ABW/CENPD <steven.rhodes.15@us.af.mil>
CC: daveballew1@att.net
Subject: [Non-DoD Source] Midwest City Rezoning Application_APZ I

Steven and Heartsong,

It was good to see and meet with you both earlier this week.

During our meeting, we mentioned that we had an application to rezone property at 8709 SE 15th (NW corner of SE 15th and Century Blvd) from R-6 single family residential with a special use permit to O-2, general office. The land is currently vacant. The applicant, Dave Ballew, who I've copied on this email, is wanting to rezone the property and build a structure for office use.
This property is on the north end of APZ I. Our Airport Zoning Ordinance does not allow the uses of administrative and professional offices or medical services in APZ I so in order to proceed with the rezoning, he will first have to obtain a variance from our Board of Adjustment. I talked with Mr. Ballew this morning and he wanted to get an opinion from Tinker before proceeding with a Board of Adjustment application and the rezoning request.

In going over the Airport Zoning Ordinance, Mr. Ballew stated that he is willing to comply with the density regulations of no more than 25 persons per acre.

Would you please take a look at the request and provide a letter with an opinion as to whether or not Tinker would support this request? I've attached a map showing the location within APZ I.

Please let me know if you have any questions or would like to discuss.

Thank you,

Kellie Gilles, AICP
Planning Manager
City of Midwest City
405-739-1223