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AGENDA FOR THE REGULAR MEETING OF THE MIDWEST CITY PLANNING COMMISSION December 5, 2023 – 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.

A. CALL TO ORDER

B. MINUTES

1. Discussion and consideration of adoption, including any possible amendments of the minutes of the November 7, 2023 Planning Commission Meeting.

C. ANNOUNCEMENTS

D. <u>DISCUSSION</u>

- (PC-2156) Public hearing, discussion, consideration, and possible action for a Special Use Permit (SUP) to allow Automotive Sales and Rentals: Light in the (C-3) Community Commercial District for the property described as Lot Two (2) and the North Ninety-Five (95) feet of the West Fifteen (15) feet of Lot Three (3), McCorkle Park Addition to Oklahoma County, Oklahoma located at 2224 S. Air Depot Blvd., Midwest City.
- (PC-2157) Public hearing, discussion, consideration, and possible action of a resolution to amend the Comprehensive Plan from Medium Density Residential Land Use to High Density Residential Land Use; and an ordinance to redistrict from Simplified Planned Unit Development ("SPUD") to High Density Residential District, for the property described as a part of the Northwest Quarter (NW/4) of Section Nine (9), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 1721 N. Hudiburg Dr., Midwest City.
- 3. (PC-2158) Public hearing, discussion, consideration, and possible action for the approval of the Final Plat of Parkway Expansion for the property described as a tract of land being a part of the Southwest Quarter (SW/4) of Section Seven (7), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma City, Oklahoma County, Oklahoma located at 10301 SE 29th St.

E. COMMISSION DISCUSSION

F. PUBLIC DISCUSSION

G. FURTHER INFORMATION

H. ADJOURN

MINUTES OF MIDWEST CITY PLANNING COMMISSION MEETING

November 7, 2023 - 6:00 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 November 7, 2023 at 6:00 p.m., with the following members present:

Commissioners present:	Russell Smith Jim Smith Dee Collins Dean Hinton Rick Rice
Commissioner absent:	Jess Huskey
Staff present:	Matthew Summers, Planning and Zoning Director Emily Richey, Current Planning Manager Tami Anderson, Administrative Assistant Patrick Menefee, City Engineer

A. CALL TO ORDER

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

B. MINUTES

 A motion was made by Rick Rice seconded by Dee Collins, to <u>approve the minutes of the Sept. 5</u>, <u>2023</u> Planning Commission meeting as presented. Voting aye: R. Smith, Collins, J. Smith, Hinton, and R. Rice. Nay: none. Motion carried.

C. <u>NEW MATTERS</u>

 (PC-2153) Public hearing, discussion, consideration, and possible action of approval of the Preliminary Plat of Eagle Landing for the property described as the Southeast Quarter (SE/4) of Section Six (6), Township Eleven (11) North, Range One (1) West of the Indian Meridian also addressed as 10601-10603-10607 SE 15th Street, Midwest City, OK 73130.

There was general discussion amongst the Commission.

The applicant, Mark Grubbs of 1800 S. Sara, was present and addressed the council. Mark understood the staff report requirements and has no issues with it.

A motion was made by D. Hinton, seconded by J. Smith to recommend <u>approval</u> of this item. Voting aye R. Smith, Collins, J. Smith, Hinton, and R. Rice. Nay: None. Motion Carried.

 (PC-2154) Public hearing, discussion, consideration, and possible action for a Resolution amending the Comprehensive Plan from Office/ Retail Land Use to Commercial Land Use and; an Ordinance to Redistrict from C-3, Community Commercial District to C-4, General Commercial District for the property described as a part of the Southwest Quarter (SW/4) of Section Thirty-Four (34), Township Twelve (12) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 422 N. Air Depot Blvd., Midwest City, OK.

There was general discussion amongst the Commission.

The applicant, Scott Bryan of 629 Harold Dr. of Piedmont, was present and addressed the council. He was discussing the challenge of trying to get a legitimate company without it being zoned for the correct business. He is asking for it to be rezoned.

Linda Glaylock – has a business next door and is opposed to this being rezoned as it could hurt her business and the loud noises.

A motion was made by D. Collins, seconded by R. Rice to recommend <u>denial</u> of this item. Voting in favor of denial -- R. Smith, Collins, J. Smith, Hinton, and R. Rice. Voting to approve - None. Motion Carried.

 (PC-2155) Public hearing, discussion, consideration, and possible action for a Special Use Permit (SUP) to allow Automotive Equipment: Heavy in the (C-4) General Commercial District for the property described as a part of the Southwest Quarter (SW/4) of Section Thirty-Four (34), Township Twelve (12) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 422 N. Air Depot Blvd., Midwest City.

There was general discussion amongst the Commission.

This item coincides with the previous case PC 2154, since that case was denied just a motion needs to be made.

A motion was made by R. Rice, seconded by D. Hinton to recommend <u>denial</u> of this item. Voting in favor of denial -- R. Smith, Collins, J. Smith, Hinton, and R. Rice. Voting to approve - None. Motion Carried.

4. Public hearing, discussion, consideration, and possible action including any possible amendments, of a resolution to the Comprehensive Plan for the property at 9809 SE 15th Street to Office/Retail Land Use.

There was general discussion amongst the Commission.

Emily has stated that a resolution to the Comprehensive Plan was not included in the PC-2122 case file. This is just a little house cleaning.

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

5. Public hearing, discussion, consideration, and possible action including any possible amendments, of a resolution to the Comprehensive Plan for the property at 7210 NE 36th Street to Industrial Land Use.

There was general discussion amongst the Commission.

Emily has stated that a resolution to the Comprehensive Plan was not included in the PC-2123 case file. This is just a little house cleaning.

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

D. COMMISSION DISCUSSION:

- Review calendar of 2024 Planning Commission dates.
- Change of meeting time to 5pm. Everyone was informed that the meetings will start on Dec. 5th 2023

E. PUBLIC DISCUSSION:

• There was a brief discussion on the Sewer Moratorium between the Planning Commission Members and staff.

F. FURTHER INFORMATION:

G. ADJOURNMENT:

A motion to adjourn was made by R. Smith, Seconded by D. Collins. Voting aye: R. Smith, Collins, J. Smith, Hinton, and R. Rice. Nay: None. Motion Carried. The meeting adjourned at 6:27pm.

Chairman Russel Smith

(ta)



To: Chairman and Planning Commission

From: Emily Richey, Current Planning Manager

Date: December 5, 2023

Subject: (PC-2156) Public hearing, discussion, consideration, and possible action for a Special Use Permit (SUP) to allow Automotive Sales and Rentals: Light in the (C-3) Community Commercial District for the property described as Lot Two (2) and the North Ninety-Five (95) feet of the West Fifteen (15) feet of Lot Three (3), McCorkle Park Addition to Oklahoma County, Oklahoma located at 2224 S. Air Depot Blvd., Midwest City.

Executive Summary: The applicant, Paul Crossfield is requesting a Special Use Permit for the subject property to allow for the uses allowable in 4.4.12. *Automotive Sales and Rentals: Light.*

The subject property currently has a Special Use Permit for the allowance of *Automotive Sales and Rentals: Light*, that expires December 28, 2023. The applicant is requesting a new Special Use Permit to extend the existing use another 12 months.

June 28, 2022, when the existing Special Use Permit was approved, the applicant requested 13 months to conclude the sales portion of the business (the amount of time needed for all his customers pay off). Council granted the Special Use Permit for 18 months.



At the June 28, 2022 Council meeting, the applicant stated all vehicles for sale would be stored in the rear of property, and his five (5) parking spaces in the front of the business would be for customer parking. Mr. Crossfield said he has approximately 300 financing customer, with 90% of them paying with debit card, so in-office customers are minimal. There have been cars with signs for sale in the front spaces that are intended for customer parking. It was also stated that there were a total of ten (10) cars remaining- seven (7) repossessions in the back and three (3) in front. There are still several cars parked in the front, side, and rear of the property.

Concerns voiced by members of the Council and Mayor Dukes included:

- The property being part of a revitalization plan of the Original Mile and the 2016 Sense of Place for the Original Mile. This plan includes the addition and promotion of walkability areas.
- A newly approved PUD for a pub-house restaurant south 100 feet.
- Narrow frontage, which is a safety concern for the Adair bicycle lane.
- Fire truck being able to park in back of building.
- City working to improve the appearance of Air Depot; it being the "entrance" to Tinker Air Force Base.

Staff does not feel any of the above concerns can be alleviated by granting applicant another 12 months.

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Both state and local public notice requirements were fulfilled and staff received one opposition to the proposal at the time of this report. The opposition was from an adjacent tenant who voiced parking and access issues resulting from the on-site automobile sales portion of the subject location.

If approved by Council, the Special Use Permit would expire January 9, 2024 (or a different day set by Council), and staff would recommend adding a condition that the Special Use Permit becomes null and void upon the sale or transfer of ownership of the subject property.

Staff recommends denial of this application due to its incompatibility regarding parking, access, limited outdoor storage regulations, and the guidance the Comprehensive Plan provides for mid-block areas.

Action is at the discretion of the Planning Commission.

Dates of Hearings:

Planning Commission- December 5, 2023 City Council- January 9, 2024

Date of Pre-Development Meeting:

October 19, 2023

Council Ward: Ward 1, Susan Eads

Proposed Use: AutoHaus Sports Cars, Inc.

Size: The subject property has a frontage of 95 feet along South Air Depot Blvd., and a depth of 145 feet, and contains an area of 13,775 square feet, more or less.

Development Proposed by Comprehensive Plan:

Area of Request- Commercial Land Use North- Office/Retail Land Use South- Commercial Land Use East- Commercial Land Use West- Office/Retail Land Use

Zoning Districts:

Area of Request- Community Commercial District ("C-3") North- Single-Family Detached Residential District ("R-6") South- Community Commercial District ("C-3") East- High Density Residential District ("R-HD") West- Community Commercial District ("C-3")

Land Use:

Area of Request- Midwest Pit Stop North- Single-Family Detached Residential Home South- Multi Tenant (5 Star Kush, True Tech Electric, Reality Tattoo, Air Depot Radiator, Mr. Clean's Auto Detail Shop) East- Ron's Rebuild Shop West- Adair Boulevard

Comprehensive Plan Citation:

Commercial Land Uses

"Areas designated for commercial land use are intended for a variety of commercial uses and establishments with outside storage, display and sales. Examples of such uses include automobilerelated services, manufactured home sales, self-storage units, welding shops, and pawnshops. Commercial uses often located along major thoroughfares not because they need the visibility, as retail uses generally do, but because they need the accessibility. The challenge lies in the fact that commercial uses often have a greater need for outside storage areas and these areas tend to lessen the visual quality of major thoroughfares."¹

The future land use designation for the subject lot is Commercial. The Future Land Use Map is one aspect of planning guidance within the Comprehensive Plan. The Future Land Use chapter also states about mid-block areas along arterials, "Uses in mid-block areas between arterial roadways should be limited to residential, light retail, or office uses." ² Staff must assume the site was given a Future Land Use designation of Commercial based upon current uses of the site at the time the plan was written (2008), while the broader statement regarding mid-block areas reflects a best practice in land use planning. Since the last Comprehensive Plan update, the City has undertaken a study of the Original Mile (2011) and the McCorkle Addition ("Carburetor Alley" 2022). Results from the more recent McCorkle Addition study show this area to be redeveloped into a more retail oriented development with improved pedestrian connectivity internally and to the surrounding area. This plan reflects the sentiment of the 2008 Comprehensive Plan's recommendation to have the mid-block areas focused more on retail and office space than on more intensive commercial uses.

Use of the subject property for automobile sales and rental does not fit with the character of the retail and residential uses planned for this area. Additionally, the Comprehensive Plan calls for mid-block sites to have retail, office, or residential uses. Automobile sales and rental uses do not fall into this category, so staff concludes the Comprehensive Plan and other long-range plans for this area do not support this Special Use Permit application.

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.

¹ (Midwest City, Sefko Planning Group, & Freese and Nichols, Inc., 2008)

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

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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 location, design, operation, and screening to assure safety, to prevent a nuisance, and 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 Community Commercial District with a Special Use Permit:

4.4.12. *Automotive Sales and Rentals: Light.* Sale or rental from the premises of automobiles and light panel trucks, boats, trailers, or delivery vehicles, together or independently together, with incidental maintenance, including paint and body repair facilities which are a part of the agency.

History:

- 1. This property was designated as C-3, Community Commercial District with the adoption of the 2010 Zoning Map.
- 2. A Certificate of Occupancy for the finance office was issued December 20, 2021.
- 3. A request for a Special Use Permit to allow the use of Automotive Sales & Rentals: Light was approved by City Council June 28, 2022 (PC-2114).

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 such as extending public sewer and water and making street improvements, for examples. This is a rezoning 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 subject parcel, a twelve (12) inch line running along the east side of Air Depot Boulevard. Any new building permit will require tying to the public water system as outlined in Municipal Code 43-32.

Sanitary Sewerage Collection and Disposal

There is a public sewer main bordering the subject parcel, an eight (8) inch line running along the along the north side of the property. 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 South Air Depot Boulevard using an existing drive. South Air Depot Boulevard is classified as a secondary arterial in the 2008 Comprehensive Plan. Public road and sidewalk improvements are not required as part of this application.

Drainage and Flood Control, Wetlands, and Sediment Control

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

Easements and Right-of-Way

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

Fire Marshal's Comments:

- No additional comments with this case.

Public Works' Comments:

Line Maintenance

- No additional comments with this case.

<u>Sanitation</u>

- No additional comments with this case.

<u>Stormwater</u>

- No additional comments with this case.

Planning Division:

On September 13, 2023, staff sent the Applicant a letter reminding them the Special Use Permit from 2022 would expire in late December 2023. Staff met with the applicant October 19, 2023 for a pre-application meeting.

The subject property has a Special Use Permit for the allowance of *Automotive Sales and Rentals: Light*, that expires December 28, 2023. The applicant is requesting a new Special Use Permit to extend the existing use another 12 months.

June 28, 2022, when the existing Special Use Permit was approved, the applicant requested 13 months to conclude the sales portion of the business (the amount of time all his customers would be paid off). Council granted the Special Use Permit for 18 months.

At the June 28, 2022 Council meeting, applicant stated all vehicles for sale would be stored in the rear of property, and his five (5) parking spaces in the front of the business would be for customer parking. Mr. Crossfield said he has approximately 300 financing customer, with 90% of them paying with debit card, so in-office customers are minimal. There have been cars with signs for sale in the spaces that are intended for customer parking. It was also stated that there were a total of ten (10) cars remaining- seven (7) repossessions in the back and three (3) in front. There are still several cars parked in the front, side, and rear of the property.

Concerns voiced by members of the Council and Mayor Dukes included:

- The property being part of a revitalization plan of the Original Mile and the 2016 Sense of Place for the Original Mile. This plan includes the addition and promotion of walkability areas.
- A newly approved PUD for a pub-house restaurant south 100 feet.
- Narrow frontage, which is a safety concern for the Adair bicycle lane.
- Fire truck being able to park in back of building.
- City working to improve the appearance of Air Depot; it being the "entrance" to Tinker Air Force Base.

Staff does not feel any of the above concerns can be alleviated by granting applicant another 12 months.

Limited outdoor storage is permitted in the C-3, Community Commercial District with the following Development Regulations:

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

(C) Limited outdoor storage. Limited outdoor storage shall be permitted under the following conditions:
 (1) Area must abut on the side or rear of a building being used by the person or firm desiring use of the outdoor storage area unless a fire lane must be maintained next to the building; if so, outdoor storage should be directly adjacent to the fire lane.

(2) Area cannot exceed ten (10) percent of the gross floor area of the space occupied by the person or firm immediately adjacent thereto.

(3) Storage must be on an improved surface and shall not be in the designated parking lot area for the business or location.

(4) Area must be screened by a sight-proof fence conforming to 5.2.2. (B) Sight-proof fence (Page 81) of this Ordinance, except that the fence shall be eight (8) feet in height. Screening requirements shall not apply to vehicles or trailers maintaining a current certificate of registration and safety inspection certificate. Such current registration and certificate of safety inspection shall be shown on the vehicle or trailer.

(5) Storage must be incidental to the abutting business.

(6) All other requirements of the ordinances of Midwest City shall apply.

If approved by Council, the Special Use Permit would expire January 9, 2024 (or a different day set by Council), and staff would recommend adding a condition that the Special Use Permit becomes null and void upon the sale or transfer of ownership of the subject property.

Staff recommends denial of this application due to its incompatibility regarding parking, access, limited outdoor storage regulations, and the guidance the Comprehensive Plan provides for mid-block areas.

Action is at the discretion of the Planning Commission.

Action Required:

Approve or reject a Special Use Permit (SUP) to allow the use Automotive Sales and Rentals: Light in the (C-3) Community Commercial District for the property noted herein, subject to staff comments as found in the December 5, 2023 agenda packet and made part of PC-2156 file.

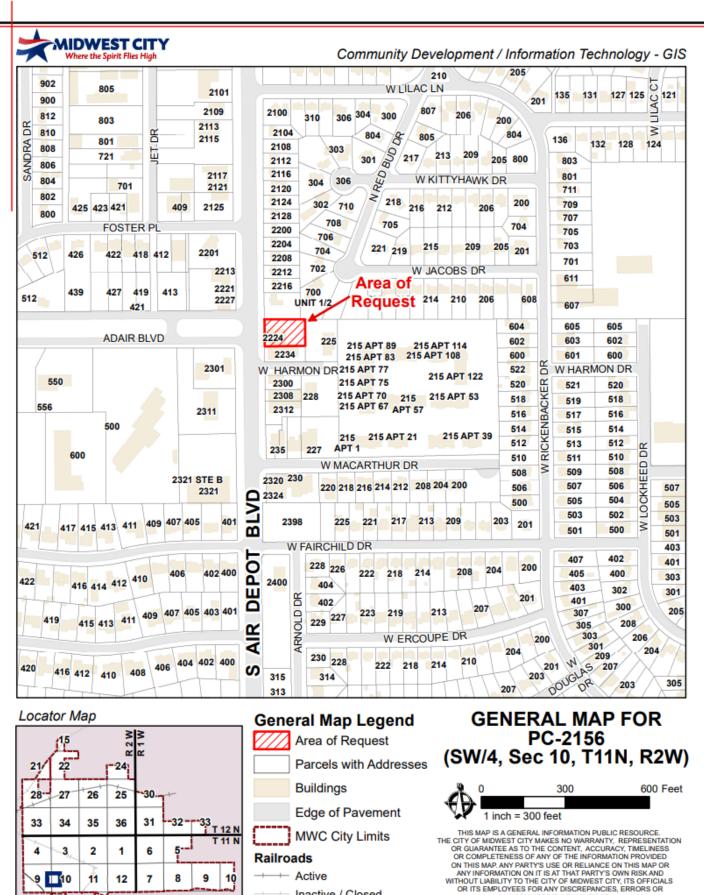
Suggested Motion:

"To deny the Special Use Permit for 422 N. Air Depot Boulevard to allow the use Automotive Sales and Rentals: Light in the C-3, Community Commercial District subject to Staff Comments found in the December 5, 2023 Planning Commission agenda packet and made part of the PC-2156 file.

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

Emilykichy

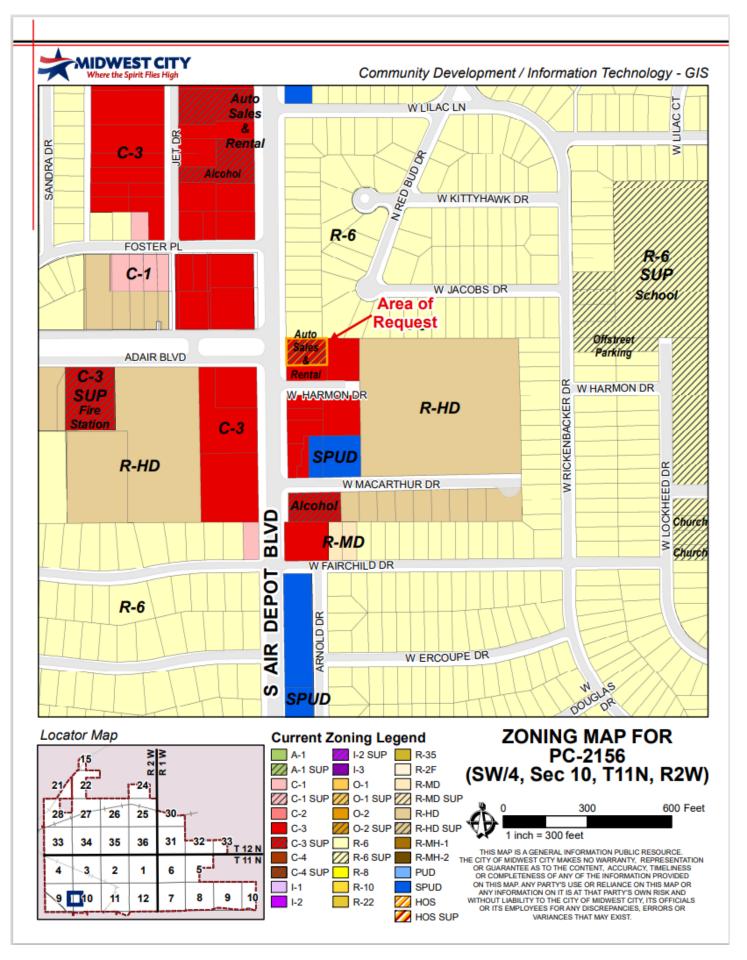
Emily Richey Current Planning Manager

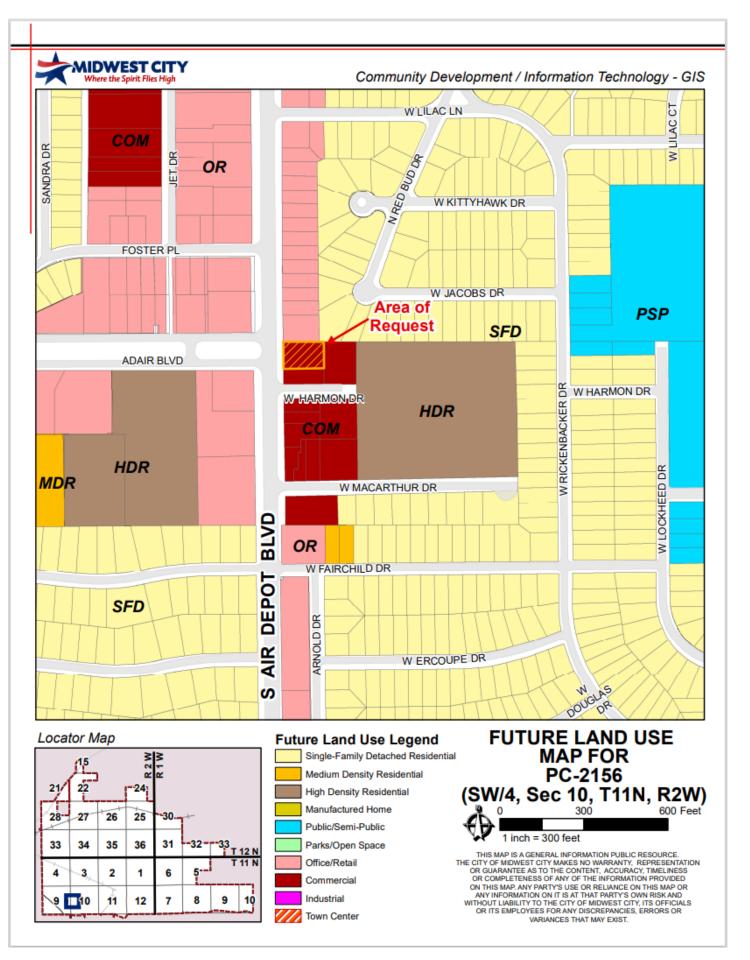


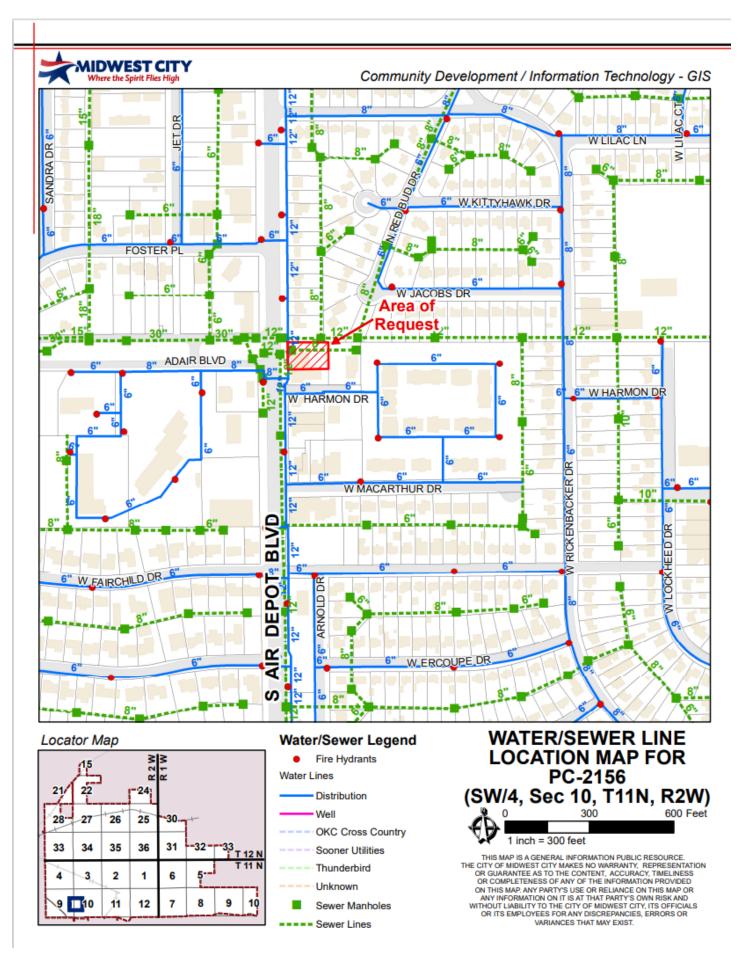
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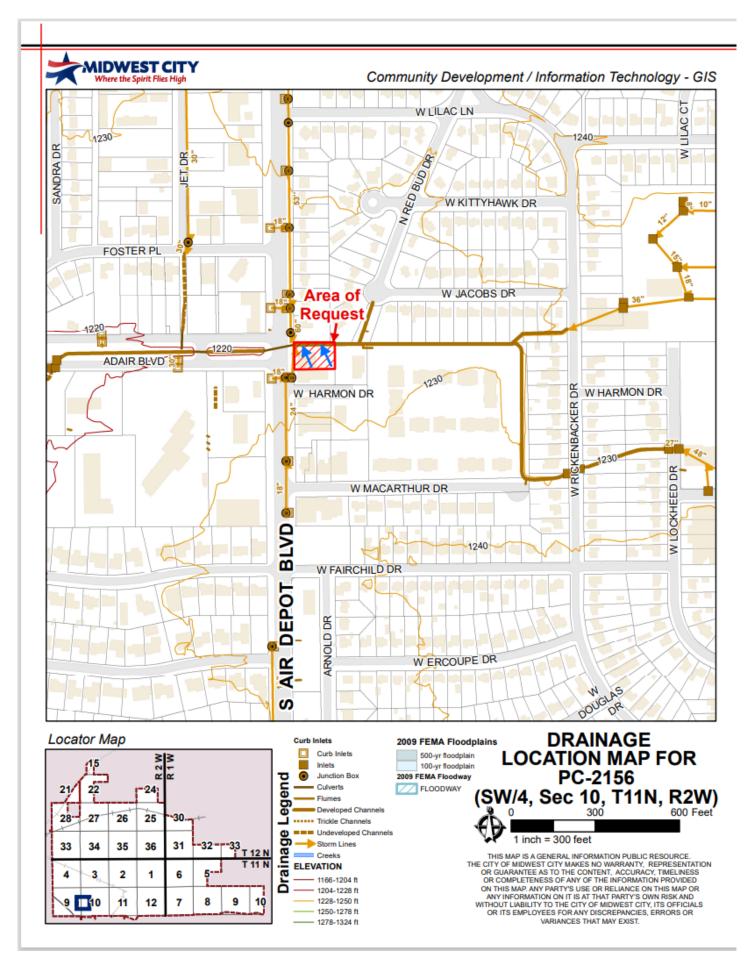
VARIANCES THAT MAY EXIST

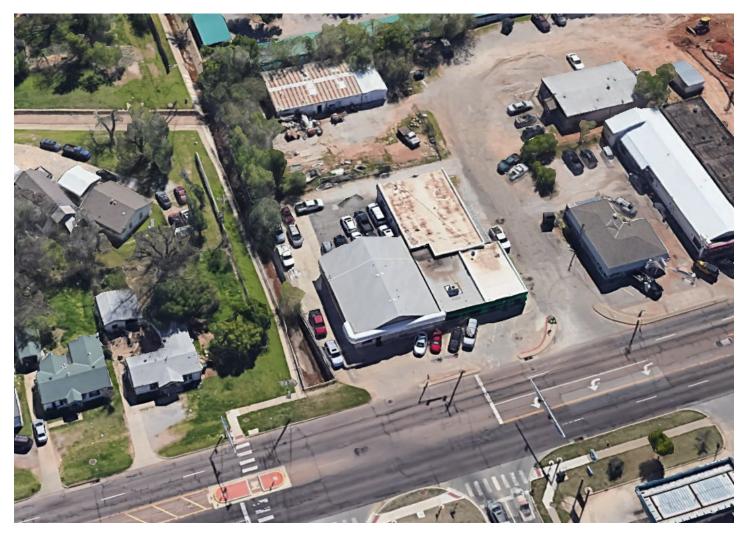












Google Earth Image of 2224 S. Air Depot Boulevard



Го:	Chairman	and Planning	Commission
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From: Emily Richey, Current Planning Manager

Date: December 5, 2023

Subject: (PC-2157) Public hearing, discussion, consideration, and possible action of a resolution to amend the Comprehensive Plan from Medium Density Residential Land Use to High Density Residential Land Use; and an ordinance to redistrict from Simplified Planned Unit Development ("SPUD") to High Density Residential District, for the property described as a part of the Northwest Quarter (NW/4) of Section Nine (9), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, located at 1721 N. Hudiburg Dr., Midwest City.

Executive Summary: Commonwealth Development Corporation out of Middleton, Wisconsin, is proposing constructing affordable apartments on the subject lot. In order to do so, first, the Comprehensive Plan must be amended to High Density Residential Land Use, then the property must be redistricted to High Density Residential District.

The subject property was previously zoned as part of the Hospitality District, which is intended to provide a dynamic environment centered on tourist activities such as conferences, events, and meetings. It was rezoned as a mixed use SPUD in 2018, but its Master Plan has since expired.

The Comprehensive Plan calls for this site to have a medium density residential use. This application does



not provide the mixed use, innovative design, or other community amenity benefits to justify approving a zoning map amendment to a district other than that recommended by the Comprehensive Plan. Additionally, the Comprehensive Plan recommends high-density residential be adjacent to an arterial roadway.

The preliminary site plan depicts thirty four (34) units in two (2) three-story apartment buildings. In total the site plan shows twenty three (23) two-bedroom units and eleven (11) three-bedroom units. The preliminary proposal will require two (2) regular parking spaces per dwelling unit, and required number of handicap accessible spaces is calculated based on the total parking required.

Sight-proof screening will be required prior to the multi-family use of the property.

Landscaping is required and property must adhere to the requirements as outlined in Section 5.2.5. *General Landscaping Requirements* in Midwest City Municipal Code.

High density residential developments should be located in areas with multiple, high-capacity, transportation options (such as arterial roadways, trails, and public transportation) and located in close proximity to retail and public services such that many of the needs of the residents can be met within a walkable distance. This provides a high-quality of life to the residents of the high density areas while minimizing the impact of the increased density on surrounding land uses and the transportation network. The increased high density is not supported by the road network that serves the subject property, and the use is not supported by surrounding uses of immediate area (i.e., Rose State College and the Hospitality District); therefore, staff recommends denial of this application.

Action is at the discretion of the Planning Commission.

Dates of Hearings:

Planning Commission- December 5, 2023 City Council- January 9, 2024

Date of Pre-Development Meeting:

October 2, 2023

Council Ward: Ward 1, Susan Eads

Proposed Use: Apartments

Size: The subject property has a frontage of 200.16 feet along Short St., and a depth of 349.95 feet, and contains an area of 70,000 square feet, more or less.

Development Proposed by Comprehensive Plan:

Area of Request- Medium Density Residential Land Use North- Medium Density Residential Land Use South- Medium Density Residential Land Use East- Public/Semi-Public Land Use; High Density Residential Land Use West- High Density Residential Land Use

Zoning Districts:

Area of Request- Simplified Planned Unit Development ("SPUD") governed by Community Commercial District ("C-3") North- Hospitality District ("HOS") South- Hospitality District ("HOS") East- Community Commercial District ("C-3") with a Special Use Permit ("SUP") to allow High Impact Institutional West- Hospitality District ("HOS")

Land Use:

Area of Request- Vacant North- Chestnut Square Apartments South- Single-Family Detached Residential Home East- Rose State College West- Chestnut Square Apartments Page 3 PC-2157

Comprehensive Plan Citation¹:

The future land use map depicts the subject lot as Medium Density Residential.

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 that a single-family home. It is anticipated that new areas for medium density residential land use will be developed in the future."

The subject's proposal of apartments does not fall under Medium Density Residential Land Use, therefore, an amendment to the Comprehensive Plan would be required before taking action to approve the proposed rezone.

Due to the density of the proposal, they are categorized as "High Density Residential" zoning district, and the same for Future Land Use.

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."

When reviewing proposals not reflecting the intent and purpose of the Comprehensive Plan, the plan directs us to consider the following questions. (**staff comments in bold**) The City should be open to the idea that a developer may propose something contrary to the Comprehensive Plan that may still be an improvement over what the Plan anticipated.

- 1. Will the proposed change enhance the site and the surrounding area?
 - a. The site is currently a flat greenfield site with trees. The surrounding area has older apartment complexes and Rose State's Housing and Aerospace & Cybersecurity Center. Adding high-density residential to the area would not be an enhancement to the site or to the surrounding area.
- 2. Is the proposed change a better land use than that recommended by the Future Land Use Plan?
 - a. The proposed change is not a better land use than the Medium Density Residential recommended by the Comprehensive Plan. The site is not well served by the transportation network needed for high-density residential.
- 3. Will the proposed use impact adjacent residential areas in a negative manner? Or will the proposed use be compatible with, and/or enhance, adjacent residential areas?
 - a. The proposed land use would adversely impact the adjacent residential uses by overly increasing the demands on the transportation network without providing additional amenities. This is an area with several high density residential uses nearby that do not have direct arterial road access. Adding more high-density residential to this area would not enhance the adjacent residential uses.
- 4. Are uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?

¹ (Midwest City, Sefko Planning Group, & Freese and Nichols, Inc., 2008)

- a. The adjoining properties are similar in terms of how they are used. The adverse impacts anticipated by developing this site as high-density residential stem more from concerns about clustering this type of use in an unsuitable area than they do from concerns about nuisance.
- 5. Does the proposed use present a significant benefit to the public health, safety and welfare of the community? Would it contribute to the City's long-term economic well-being?
 - a. The proposed use would not significantly benefit the public health, safety, and welfare of the community. It would not significantly impact the City's long-term economic well-being.

Based on the analysis above, it does not appear the Comprehensive Plan supports the proposed zone change, and the application does not provide the types of benefits to the community and surrounding area that would warrant approval despite the lack of support from the Comprehensive Plan.

Municipal Code Citation:

2.10. - R-HD, High Density Residential District

2.10.1. *General Description*. This residential district is intended to provide for a density of more than twenty (20) units per gross acre. The principal use of land is for a wide variety of dwelling types.

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

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

2.10.3. *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. Property has been platted since the 1940s and has been replatted/amended since initial plat.
- 2. City Council voted to approve the redistricting of the property from Hospitality (HOS) to Simplified Planned Unit Development (SPUD) April 24, 2018 (PC-1943). SPUD Master Plans are valid for a period of three (3) years, so the Master Plan for this SPUD has expired.

Next Steps:

If the application to rezone is approved, the applicant will need to schedule a pre-construction meeting with Engineering and Construction Services prior to pulling any permits.

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 such as extending public sewer and water and making street improvements, for examples. This is a rezoning 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 are public water mains bordering the proposed parcel, a twelve (12) inch line running along the west side of Hudiburg Drive and a six (6) main along the north side of Short 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

There is a public sewer main bordering the proposed parcel, an eight (8) main along the south side of Short Street. 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 Hudiburg Drive and Short Street. Hudiburg Drive parallels the east side of the property and is classified as a collector road in the 2008 Comprehensive Plan. Short Street parallels the south side of the property and is classified as a local road in the 2008 Comprehensive Plan. Short Street is substandard with no curbing and any new building permit will require half street improvements as outlined in Municipal Code 37-65.

Any new building permit will require the construction of sidewalks as outlined in Municipal Code 38-47.

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. Detention will be required as part of a building permit.

Easements and Right-of-Way

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

ENGINEERING PHOTOS - PC-2157:



West along Short Street



East along Short Street



North along Hudiburg



Northwest across the property

Fire Marshal's Comments:

PC-02157 is requesting a rezoning for high-density residential (apartments) (Group R-2) facility located at 1721 Hudiburg Drive.

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

- Fire separation between floors, ceilings, and adjoining spaces must be maintained OR constructed in accordance with IBC Section 508.4
- KnoxBox is required on all publically accessible primary entryways and locking gates.

International Fire Code 2018 Section 903.2.8

An automatic fire sprinkler system in accordance with section 903.3 shall be provided throughout buildings with a Group R fire area.

International Fire Code 2018 Section 907.2.10.2

Single or multiple station smoke alarms shall be installed and maintained in Group R-2 occupancies, regardless of occupant load.... (See IFC for further guidance).

MWC Ordinance Section 15-15 Fire Lanes

(b) A fire lane shall mean any thoroughfare twenty (20) feet or more in width and approved and accepted by the appropriate fire official as a fire lane. Fire lanes shall be interchangeable with the term "street" for the purpose of this Code, provided, the entire width of a fire lane on the same site may be used to determine horizontal separation between two (2) or more structures.

(c) Fire lanes shall be designed, adequately marked and maintained by the property owner or its occupant to ensure proper utility and drainage at all times. Fire lanes shall be kept clear at all times of vehicles or obstructions and marked with signs, measuring at least twelve inches by eighteen inches (12" × 18"), reading "FIRE LANE—DO NOT BLOCK" or "FIRE LANE—NO PARKING." The signs shall have a reflective background and shall contain red lettering at least two (2) inches in height. The signs shall be spaced at intervals not to exceed sixty (60) feet in distance. Where authorized by the appropriate fire official, in lieu of the required signs, curbs may be painted red with the words "FIRE LANE—DO NOT BLOCK" or "FIRE LANE— NO PARKING" lettered in white four (4) inch letters and spaced at intervals not to exceed sixty (60) feet.

MWC Ordinance Section 15-22 – Location of Hydrants

(a) The placement of all new fire hydrants shall be made only with the approval of the appropriate fire official.

(b) 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. Such dwellings located in areas not served by city water may qualify for the following exceptions:

(1) Those having installed an approved residential sprinkler system per NFPA 13D;

(2) Those having installed an approved fire detection and alarm system per NFPA 72 that is continuously monitored by a central station.

(c) 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.

Public Works' Comments:

Line Maintenance

Water

- Any required water main extension shall be a designed looped system to eliminate dead ends. Fire hydrant locations shall be installed per Midwest City Municipal Code Section 15-22.

- Water main extension plans shall be approved by the Oklahoma Department of Environmental Quality 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.
- Recommended to install separate building meters.

Sanitary Sewer

- Sewer main extension/relocation plans shall be approved by the Oklahoma Department of Environmental Quality and/or the City of Midwest City prior to Line Maintenance approval of building permit(s).

<u>Sanitation</u>

- Section 5.7.2. of the Supplemental Regulations of the City of Midwest City's Zoning Regulations are to be observed and approved prior to approval of Certificate of Occupancy.

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-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-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 the backing onto a public street.

<u>Stormwater</u>

- No additional comments with this case.

Planning Division:

Staff met with the applicant October 2, 2023 for a pre-development meeting.

Applicant is proposing affordable apartments. The preliminary site plan depicts two (2) buildings. Building #1:

- 3 story apartment (40'0" +/- height).
- Eleven (11) two-bedroom units.
- Five (5) three-bedroom units.

Building #2:

- 3 story apartment (40'0" +/- height).
- Twelve (12) two-bedroom units.
- Six (6) three-bedroom units.

The preliminary proposal will require two (2) regular parking spaces per dwelling unit, and required number of handicapped spaces is calculated from the regular parking required.

Sight-proof screening will be required prior to the multi-family use of the property.

Landscaping is required and property must adhere to the requirements as outlined in Section 5.2.5. *General Landscaping Requirements* in Midwest City Municipal Code.

The increased high density is not supported by the road network that serves the lot, and the use is not supported by surrounding uses of immediate area (i.e., Rose State College and the Hospitality District); therefore, based on these concerns and the lack of support for the application in the Comprehensive Plan, staff recommends denial of this application.

Action is at the discretion of the Planning Commission.

Action Required:

Approve or reject to amend the Comprehensive Plan from Medium Density Residential Land Use to High Density Residential Land Use; and to approve or reject the ordinance to redistrict from Medium Density Residential District ("R-MD") to High Density Residential District ("R-HD") for the property noted herein, subject to staff comments as found in the December 5, 2023 agenda packet and made part of PC-2157 file.

Suggested Motions:

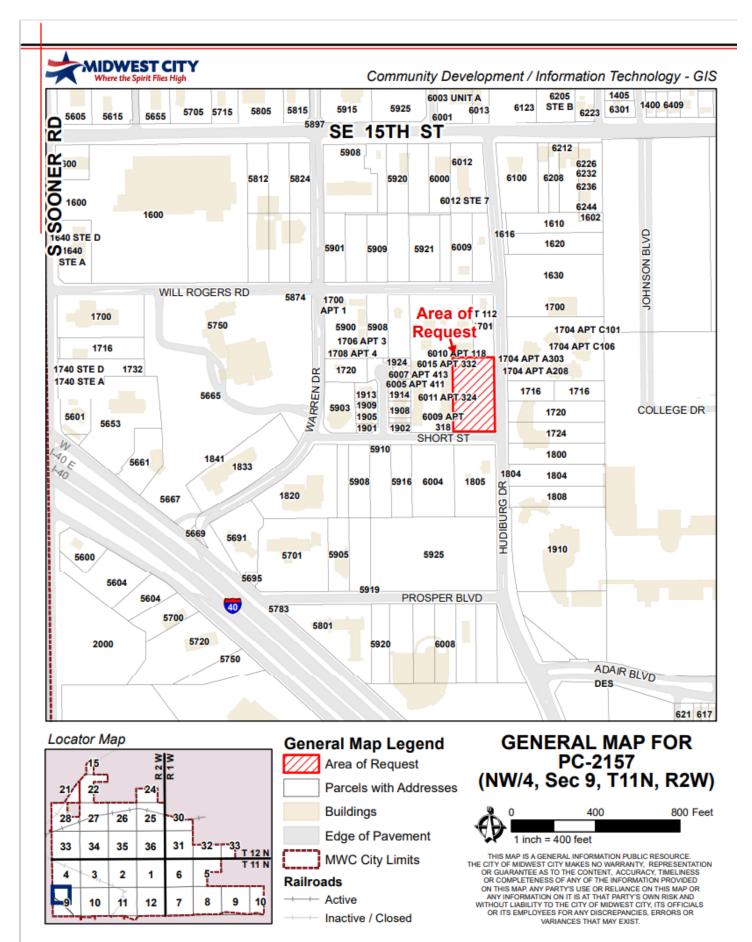
"To deny the resolution amending the Comprehensive Plan to High Density Residential Land Use subject to Staff Comments found in the December 5, 2023 Planning Commission agenda packet and made a part of the PC-2157 file."

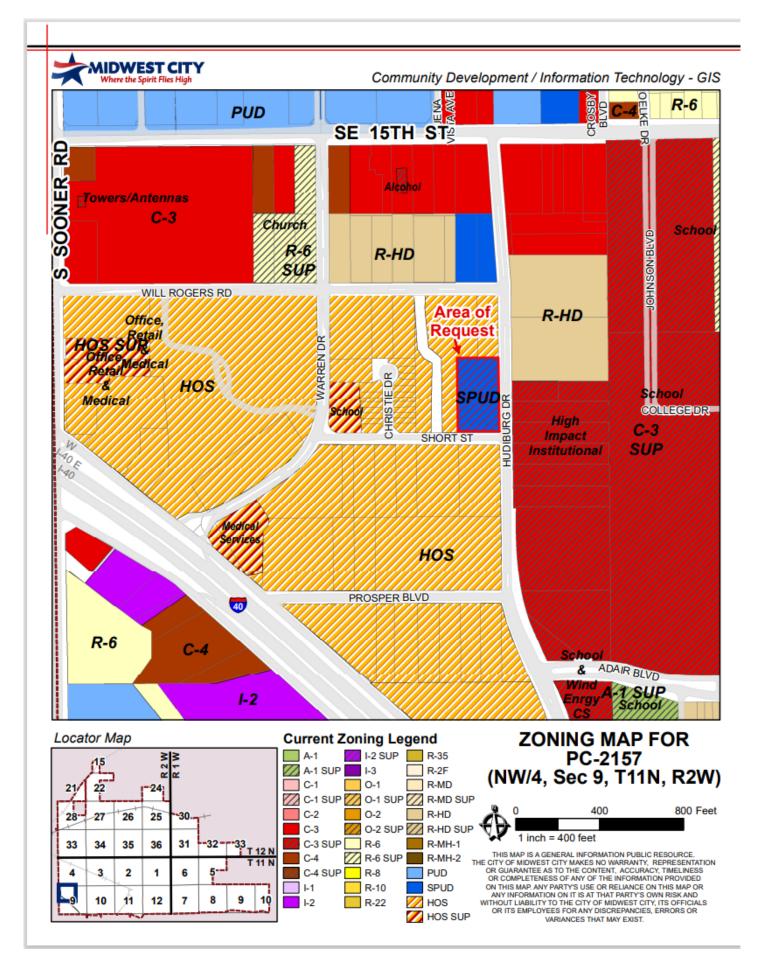
"To deny the ordinance redistricting 1721 Hudiburg Drive to the High Density Residential zoning district subject to Staff Comments found in the December 5, 2023 Planning Commission agenda packet and made a part of the PC-2157 file."

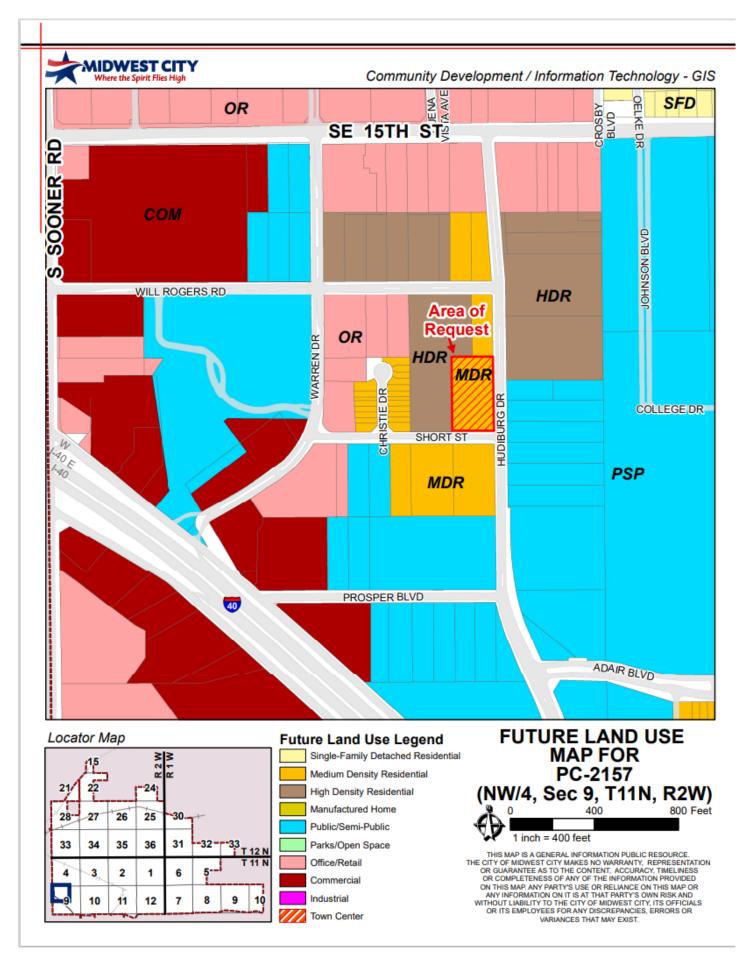
Please feel free to contact my office at (405) 739-1223 with any questions.

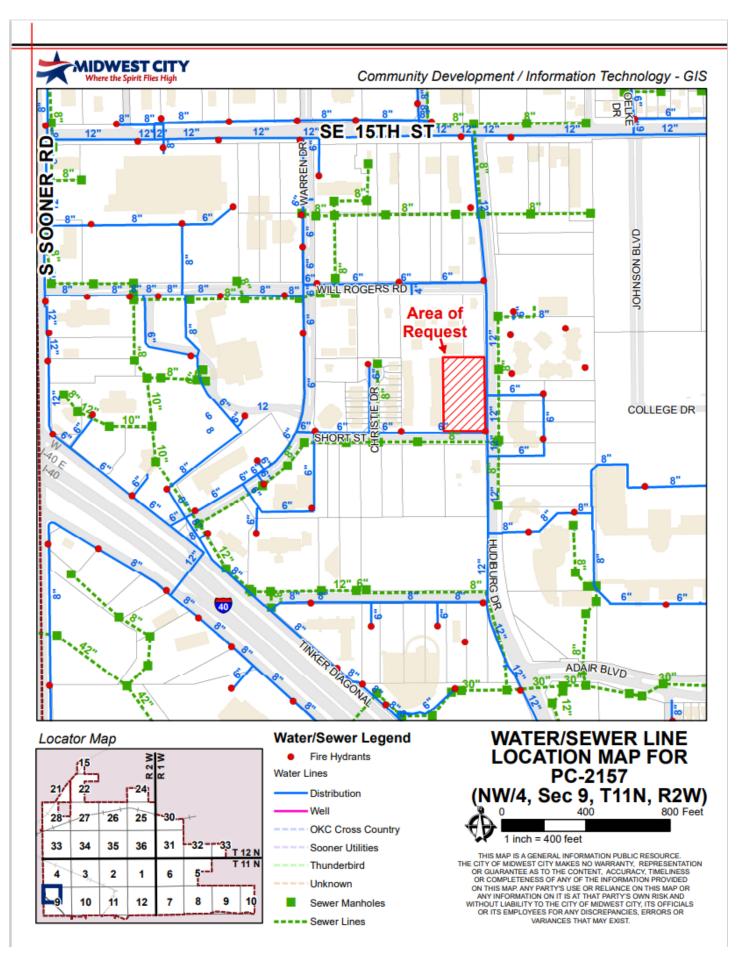
Emilykichy

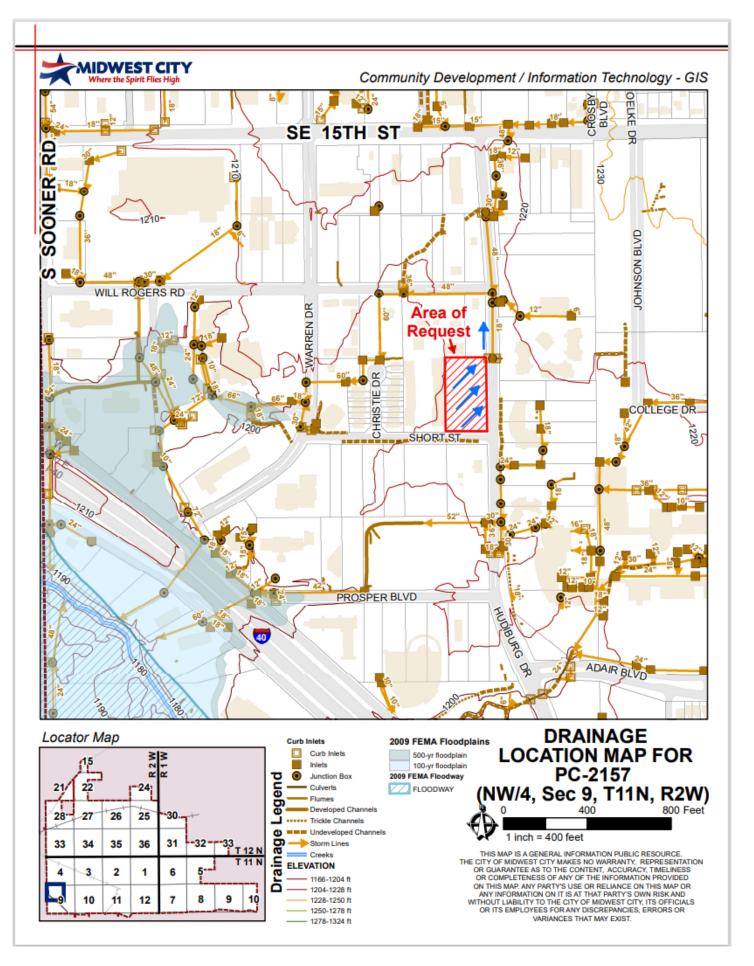
Emily Richey Current Planning Manager

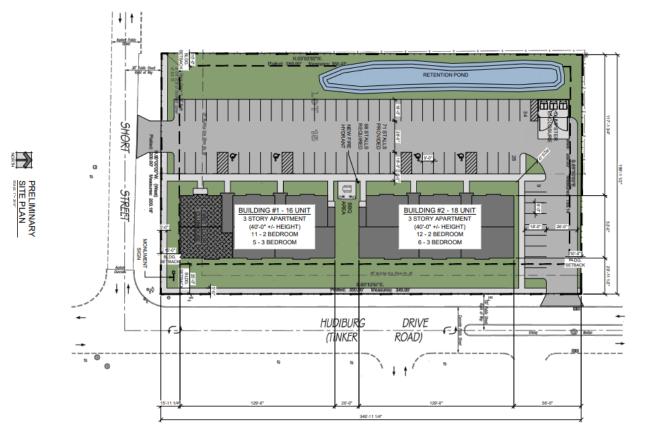














To: Chairman and Planning Commission

From: Emily Richey, Current Planning Manager

Date: December 5, 2023

Subject: (PC-2158) Public hearing, discussion, consideration, and possible action for the approval of the Final Plat of Parkway Expansion for the property described as a tract of land being a part of the Southwest Quarter (SW/4) of Section Seven (7), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma City, Oklahoma County, Oklahoma located at 10301 SE 29th St.

Executive Summary: This case is for the approval of the final plat of Parkway Expansion.

During the preliminary plat process, the owner agreed to amend the legal description to exclude the former railroad right-of-way along the northern part of the parcel to serve as a buffer between the manufactured home community and the single-family homes.

The final plat has that area noted as a "conservation easement and a trail easement."

Both state and local public notice requirements were fulfilled and staff received two oppositions to the proposal at the time of this report. The oppositions was from two surrounding property owners regarding drainage and proximity of new mobile homes to their



rear property line. Johnson & Associates alleviated the concerns had by residents.

Staff recommends approval of this application conditioned upon the completion of sidewalk installation and drainage grading prior to acceptance of the final plat.

Action is at the discretion of the Planning Commission.

Dates of Hearings:

Planning Commission- December 5, 2023 City Council- January 9, 2024

Date of Pre-Development Meeting: October 16, 2023

Council Ward: Ward 6, Rick Favors

Proposed Use: Manufactured Home Park

Page 2 PC-2158

Size: The subject property contains an area of 34.3260 acres, more or less.

Development Proposed by Comprehensive Plan:

Area of Request- Manufactured Home Park North- Low Density Residential Land Use South- Oklahoma City East- Low Density Residential Land Use; Commercial Land Use West- Low Density Residential Land Use; Office/Retail Land Use

Zoning Districts:

Area of Request- Manufactured Home Park ("R-MH-2") North- Single-Family Detached Residential ("R-6") South- Oklahoma City Boundary Line East- Single-Family Detached Residential ("R-6") West- Single-Family Detached Residential ("R-6")

Land Use:

Area of Request- Manufactured Homes North- Single-Family Homes South- Light Commercial East- One Single-Family Home West- Church and Offices

Municipal Code Citation:

Sec. 38-19. – Final plat.

Sec. 38-19.1. Purpose.

The purpose of a final plat is to ensure:

(a) *Consistency with standards*. That the proposed subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities;
(b) *Provide for public improvements*. That public improvements to serve the subdivision or development have been installed and accepted by the city or that provision for such installation has been made; and
(c) *Other requirements and conditions*. That all other requirements and conditions have been satisfied or provided for to allow the final plat to be recorded.

History:

- 1. April 27, 2021 Council approved the redistricting of the property to R-MH-2, Manufactured Home Park (PC-2063).
- 2. January 25, 2022 Council approved the Preliminary Plat of Parkway Expansion (PC-2102).

Next Steps:

If Council approves this final plat, the appropriate permits can be pulled.

Please note, Section 23-93 of Midwest City Municipal code states "Wrecked, damaged or dilapidated manufactured homes and travel trailers shall not be kept or stored in a manufactured home park or travel trailer park." The manufactured homes must be in "move-in ready" condition to bring them into the City.

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 such as extending public sewer and water and making street improvements, for examples. This is a rezoning 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: This application is for a final plat of the Parkway Expansion subdivision located at 10301 S.E. 29th Street.

Public Improvements

The requirements of the public improvements can be found in the subdivision regulations under:

Sec. 38-30.1. Completion prior to final plat approval and recordation.

(a) Construction required prior to final plat approval and recordation. Completion of all required public improvements, in accordance with the approved preliminary plat and the approved construction plans, shall occur prior to final plat approval and recordation.

(b) Final plat shall not be accepted. A final plat shall not be accepted for filing, nor shall it be considered for approval, prior to completion of all required public improvements.

Upon application of final plat, this office reviewed all the public improvements for compliance with the subdivision regulations.

Water

Water line improvements were permitted through this office and Oklahoma Department of Environmental Quality (ODEQ). Construction of the improvements were inspected by the Construction Inspector and completed.

Sanitary Sewer

Sanitary Sewer improvements were permitted through this office. The onsite system is a private system that did not go through Oklahoma Department of Environmental Quality (ODEQ) review and will be maintained by the property owner, not the City. Construction of the improvements were inspected by the Construction Inspector and completed.

<u>Stormwater</u>

Stormwater improvements were permitted through this office. Grade work along the northern part of the subject property is required as part of this application, but at the time of this summary it has not been completed. Construction of the other improvements were inspected by the Construction Inspector and completed.

<u>Street</u>

The new roadway is a private road that will be maintained by the property owner, not the City. The improvements were inspected by the Construction Inspector and completed.

<u>Sidewalk</u>

The sidewalk has been approved but the developer is still in the process installing it. Construction of the sidewalk is being scheduled but at the time of this summary it has not been completed.

Easements

Subdivision Regulations requires that all existing, dedicated, and proposed rights-of-way and easements are depicted on the final plat. The subject property is part of the Trail Master plan and a trail easement is being dedicated along the north part of the plat as required. These dedications are reflected on the final plat.

<u>Signage</u>

Public signage is not required as part of this application as the new streets inside the development are private. The developer will be responsible for installing private street signage in the development.

Record Drawings, Lien Release, and Bonding

Record drawings have been submitted to the city and filed accordingly. Bonds were provided for all the public infrastructure and a lien release has been received.

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ENGINEERING PHOTOS - PC-2158:



North from the southwest corner.



Detention outflow



East from the southwest corner.



Detention Inflow



Northwest from the southeast corner



West from the southeast corner



North from the southeast corner



New southern area



Fire Marshal's Comments:

PC-02158 is submitting a final plat request for The Parkway Expansion located at 10301 SE 29th. The applicant seeks to plat the property as 1 lot to expand the manufactured home community.

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

Public Works' Comments:

Line Maintenance

Water

- Water meter(s) shall be installed in "green belt" per Midwest City Municipal Code Section 43-54.

Sanitary Sewer

- No additional comments with this case.

<u>Sanitation</u>

- No additional comments with this case.

<u>Stormwater</u>

- No additional comments with this case.

Planning Division:

Staff met with the applicant October 16, 2023 for a pre-development meeting.

Based on its conformity with the Zoning Regulations, Subdivision Regulations, and the approved Preliminary Plat, Staff recommends approval of this item conditioned upon:

1. The construction of a sidewalk along SE 29th Street in accordance with City requirements.

Page 8 PC-2158

2. Completion of the grade work along the northern part of the subject property to the satisfaction of the City Engineer.

Action is at the discretion of the Planning Commission.

Action Required:

Approve or reject the final plat of the Parkway Expansion for the property noted herein, subject to staff comments as found in the December 5, 2023 agenda packet and made part of the PC-2158 file.

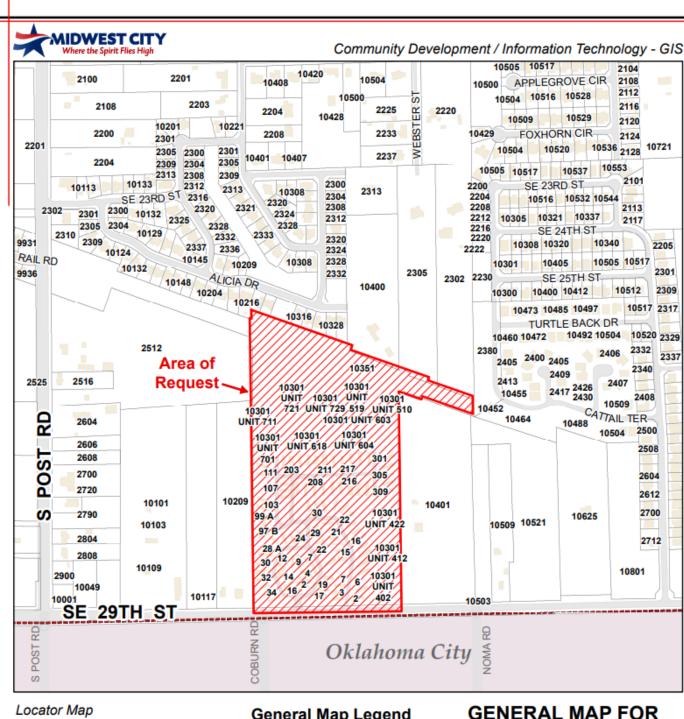
Suggested Motions:

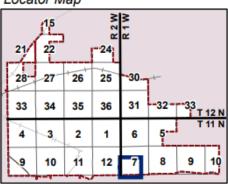
"To approve the final plat of the Parkway Expansion for the property noted herein, subject to Staff Comments found in the December 5, 2023 Planning Commission agenda packet and made a part of the PC-2158 file conditioned upon the installation of sidewalk and completion of drainage grading prior to acceptance of final plat."

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

Emilykichy

Emily Richey Current Planning Manager





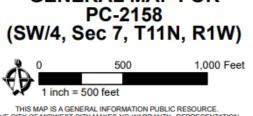


Parcels with Addresses

- Buildings
- Edge of Pavement
- MWC City Limits

Railroads

- --- Active
 - Inactive / Closed



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