
To make a special assistance request, call 739-1220 or email tanderson@midwestcityok.org no less than 24 hours prior to the start of a meeting.

**AGENDA FOR THE REGULAR MEETING OF THE
MIDWEST CITY PLANNING COMMISSION
September 5, 2023 – 6:00 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 August 1, 2023 Planning Commission Meeting.

C. ANNOUNCEMENTS

Introduction of new Director of Planning and Zoning, Matt Summers.

D. DISCUSSION

1. Discussion, consideration, and possible action of a resolution to the Comprehensive Plan for the property at 9809 SE 15th Street to Commercial Land Use.
2. Discussion, consideration, and possible action of a resolution to the Comprehensive Plan for the property at 7210 NE 36th Street to Industrial Land Use.
3. (PC-2152) Public hearing, discussion, consideration, and possible action of a resolution for a Special Use Permit (SUP) to allow the use of a Group Care Facility in the (R-6) Single-Family Detached Residential District for the property described as a part of the Southeast Quarter (SE/4) of Section Thirty-Six (36), Township Twelve (12) North, Range Two (2) West, located at 9737 Oak Tree Terrace, Midwest City, Oklahoma.

E. COMMISSION DISCUSSION

F. PUBLIC DISCUSSION

G. FURTHER INFORMATION

H. ADJOURN

MINUTES OF MIDWEST CITY PLANNING COMMISSION MEETING

August 1, 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 August 1, 2023 at 6:00 p.m., with the following members present:

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

Commissioner absent: Rick Dawkins

Staff present: Emily Richey, Current Planning Manager
 Tami Anderson, Administrative Assistant
 Patrick Menefee, City Engineer
 Robert Coleman, Economic Development Director

A. CALL TO ORDER

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

B. MINUTES

1. A motion was made by Jeff Huskey seconded by Rick Rice, to approve the minutes of the July 5, 2023 Planning Commission meeting as presented. Voting aye: R. Smith, Huskey, Collins, J. Smith, Hinton, and R. Rice.
Nay: none. Motion carried.

C. NEW MATTERS

1. Discussion. Consideration and Possible Action, Including Any Possible Amendment, of a Resolution Adopting the Recommendations and Findings of the City of Midwest City Increment District #3 (North Side Increment District).

There was general discussion amongst the Commission.

The applicant, Robert Colman of City of Midwest City was present and addressed the council.
He explained in a little more detailed regarding the North Side Increment District was about.

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

2. (PC-2144) Public hearing, discussion, consideration, and possible action of an ordinance to redistrict from Single-Family Detached Residential District (“R-6”) to Manufactured Home Park District (“R-MH-2”); and consideration of a resolution to amend the Comprehensive Plan from Single-Family Detached Residential (“SFD”) to Manufactured Home (“MH”) for the property described as a part of the Northwest Quarter (NW ¼) of Section Twenty-Five (25), Township Twelve (12) North, Range Two (2) West of the Indian Meridian in Oklahoma County, Oklahoma, also known as 2117 Randolph Ave., Midwest City, Oklahoma 73110.
Tabled from the July 5, 2023 Planning Commission Meeting.

There was general discussion amongst the Commission.

There was discussion on this item with staff and the Planning Commission regarding the # of units, Randolph Street would have to be widened to handle the traffic and the overcrowding of the RV Park. Also the sewer issue was brought up.

The applicant, Kaitlyn Turner of Williams, Box, Forshee & Bullard Law Firm, was present and addressed the council.

She had explained that the applicant is out of town due to a family emergency and they understand if this was to be tabled and they would like to work on the issues that were brought forth to them.

A motion was made by Rick Rice, seconded by Dean Hinton to recommend denial of this item.

Voting aye to deny - R. Smith, Huskey, Collins, J. Smith, Hinton, and R. Rice.

Nay: J. Huskey voting to Nay on Denial. Motion : Deny the Redistrict

3. (PC-2151) Public hearing, discussion, consideration, and possible action of a resolution to amend the Comprehensive Plan from Office/Retail (“OR”) to Medium Density Residential Land Use (“RMD”); and an ordinance to redistrict from Restricted Commercial District (“C-1”) to Medium Density Residential (“R-MD”), for the property described as a part of the Southeast Quarter (SE ¼) of Section Thirty-Five (35), Township Twelve (12) North, Range Two (2) West of the Indian Meridian in Oklahoma County, Oklahoma, also known as Kanaly 2nd Douglas BL Addition; Block 2; Lots 5, 6, 7, and 8.

There was general discussion amongst the Commission.

There was concern on which way they were facing and the back yard fencing.

These units will be rental properties only not for sale and under 1 legal description.

The applicant, Anders Goodman of 601 Crest hill, was present and addressed the council.

Ryan Rushing of The City Managers would like to know if there would be any access through the fence to the back yards.

A motion was made by Rick Rice, seconded by Jeff Huskey to recommend Approval under the condition that there would be Access to the common /fenced patio area of this item.

Voting aye R. Smith, Huskey, Collins, J. Smith, Hinton, and R. Rice.

Nay: None. Motion Carried.

- D. COMMISSION DISCUSSION:** Rick Rice brought up the discussion to change the time of the Planning Commission meeting to earlier in the afternoon, 3pm/4pm etc. They suggested that the staff talk about what the best time would be and let them know. FYI – we would have to remember about the Board of Adjustment meeting time also.

E. PUBLIC DISCUSSION:

F. FURTHER INFORMATION: Emily had mentioned the New Planning Director Matt Summers will be starting on Monday August 7th, 2023.

G. ADJOURNMENT:

A motion to adjourn was made by Dee Collins, Seconded by Jim Smith.

Voting aye: R. Smith, Huskey, Collins, J. Smith, Hinton, and R. Rice.

Nay: None. Motion Carried.

The meeting adjourned at 6:44 p.m.

Chairman Russel Smith

(ta)



Community Development Department

Matt Summers, Director of Planning & Zoning
Emily Richey, Current Planning Manager
Tami Anderson, Executive Assistant

To: Chairman and Planning Commission
From: Emily Richey, Current Planning Manager
Date: September 5, 2023
Subject: 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.

Chairman and Planning Commission,

Following the approval of an ordinance to redistrict the property addressed as 9809 SE 15th Street at the September 27, 2022 City Council meeting for PC-2122, staff discovered a resolution to the Comprehensive Plan was not included.

This is a request to amend the Comprehensive Plan for the subject property to Office/Retail Land Use.

Action Required:

Approve or reject the suggested resolution.

Respectfully,

Emily Richey
Current Planning Manager

2 **RESOLUTION NO. _____**

3 **A RESOLUTION AMENDING THE COMPREHENSIVE PLAN MAP**
4 **CLASSIFICATION FROM SINGLE-FAMILY DETACHED LAND USE TO**
5 **OFFICE/RETAIL LAND USE FOR THE PROPERTY DESCRIBED IN THE**
6 **RESOLUTION WITHIN THE CITY OF MIDWEST CITY, OKLAHOMA.**

7 **WHEREAS**, currently the Comprehensive Plan Map of Midwest City, Oklahoma shows the
8 following described property identified, for future planning purposes, as Single-Family Detached
9 Residential Land Use:

10 For the property described as the South Half (S/2) of the East Half (E/2) of the
11 Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) of the Southeast Quarter
12 (SE/4) of Section One (1), Township Eleven (11) North, Range Two (2) West of the
13 Indian Meridian also addressed as 9809 SE 15th Street, Midwest City, OK.

14 **WHEREAS**, it is the desire of the applicant to amend the future planning classification of the
15 above referenced property from Single-Family Detached Residential Land Use to Office/Retail
16 Land Use.

17 **WHEREAS**, with the applicant’s request the change in future planning classification complies
18 with the City’s Comprehensive Plan.

19 **WHEREAS**, the applicant has met both state and local notification requirements.

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

22 That the classification of above described property located in Midwest City, Oklahoma is hereby
23 changed from Single-Family Detached Residential to Office/Retail on the Comprehensive Plan
24 Map.

25 **PASSED AND APPROVED** by the Mayor and Council of the City of Midwest City,
26 Oklahoma, on the _____ day of _____, 2023.

27 **THE CITY OF MIDWEST CITY, OKLAHOMA**

28 _____
29 **MATTHEW D. DUKES II, Mayor**

30 **ATTEST:**

31 _____
32 **SARA HANCOCK, City Clerk**

33 **APPROVED** as to form and legality this _____ day of _____, 2023.

34 _____
35 **DONALD MAISCH, City Attorney**



Community Development Department

Matt Summers, Director of Planning & Zoning
Emily Richey, Current Planning Manager
Tami Anderson, Executive Assistant

To: Chairman and Planning Commission
From: Emily Richey, Current Planning Manager
Date: September 5, 2023
Subject: 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.

Chairman and Planning Commission,

Following the approval of an ordinance to redistrict the property addressed as 7210 NE 36th Street at the September 27, 2022 City Council meeting for PC-2123, staff discovered a resolution to the Comprehensive Plan was not included.

This is a request to amend the Comprehensive Plan for the subject property to Industrial Land Use.

Action Required:

Approve or reject the suggested resolution.

Respectfully,

Emily Richey
Current Planning Manager

2 RESOLUTION NO. _____

3 A RESOLUTION AMENDING THE COMPREHENSIVE PLAN MAP
4 CLASSIFICATION FROM PUBLIC/SEMI-PUBLIC LAND USE TO INDUSTRIAL
5 LAND USE FOR THE PROPERTY DESCRIBED IN THE RESOLUTION WITHIN THE
6 CITY OF MIDWEST CITY, OKLAHOMA.

7 WHEREAS, currently the Comprehensive Plan Map of Midwest City, Oklahoma shows the
8 following described property identified, for future planning purposes, as Public/Semi-Public:

9 A part of the Northwest Quarter of Section Twenty-Two (22), Township Twelve (12)
10 North, Range Two (2) West of the Indian Meridian, also addressed as 7210 NE 36th
11 Street, Midwest City, OK, being more particularly described as follows:

12 Commencing at the Northeast Corner of the Northwest Quarter of said Section 22,
13 thence S.89°36'11"W., along the North Line of the Northwest Quarter of Said Section
14 22 and the basis for the bearings in the following description, a distance of 904.87 feet
15 to THE POINT OR PLACE OF BEGINNING; thence S.14°25'07"W., a distance of
16 1420.55 feet; thence N.79°28'01"W., a distance of 753.87 feet; thence N.00°30'02"W.,
17 and parallel with the West Line of the Northwest Quarter of said Section 222, a
18 distance of 614.17 feet to the Easterly Right of Way Line of The Burlington-Northern
19 Railroad; thence N.40°59'32"E., along the Easterly Right of Way Line of the
20 Burlington-Northern Railroad, a distance of 821.35 feet to the North Line of the
21 Northwest Quarter of said Section 22; thence N.89°36'11"E., along the North Line of
22 the Northwest Quarter of said Section 22, a distance of 561.49 feet to the point or place
23 of beginning.

24 WHEREAS, it is the desire of the applicant to amend the future planning classification of the
25 above referenced property from Public/Semi-Public Land Use to Industrial Land Use.

26 WHEREAS, with the applicant's request the change in future planning classification complies
27 with the City's Comprehensive Plan.

28 WHEREAS, the applicant has met both state and local notification requirements.

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

31 That the classification of above described property located in Midwest City, Oklahoma is hereby
32 changed from Public/Semi-Public to Industrial on the Comprehensive Plan Map.

33 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City,
34 Oklahoma, on the _____ day of _____, 2023.

35 THE CITY OF MIDWEST CITY, OKLAHOMA

36 _____
MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2023.

DONALD MAISCH, City Attorney

To: Chairman and Planning Commission
From: Emily Richey, Current Planning Manager
Date: September 5, 2023

Subject: (PC-2152) Public hearing, discussion, consideration, and possible action for Special Use Permit (SUP) to allow the use of a Group Care Facility in the (R-6) Single-Family Detached Residential District for the property described as a part of the Southeast Quarter (SE/4) of Section Thirty-Six (36), Township Twelve (12) North, Range Two (2) West, located at 9737 Oak Tree Terrace, Midwest City, Oklahoma.

Executive Summary: Ms. Tyrica Jones, the applicant, is requesting a Special Use Permit for the subject property to operate an in-home private care facility.

Applicant's intent is to operate a small private care facility with ten (10) or fewer geriatric residents. The provided services would include: personal care, assistance with daily living activities, meal preparation, medication administration, with potential nursing and medical care provided on site by a Registered Nurse.

Ms. Jones provided a parking mitigation plan that includes time slotted visits with two (2) visitors at a time. Family is to provide transportation to and from appointments, but for any reason they are unable to provide transportation, other options will be considered such as home visits from the service providers.

In regards to medical waste disposal, Ms. Jones indicated in her Development Intent Statement that *Steer Cycle* will be providing sharps containers. If the SUP is approved, Line Maintenance will require a Sewer Use Survey to address types of wastewater produced and method(s) of wastewater disposal.

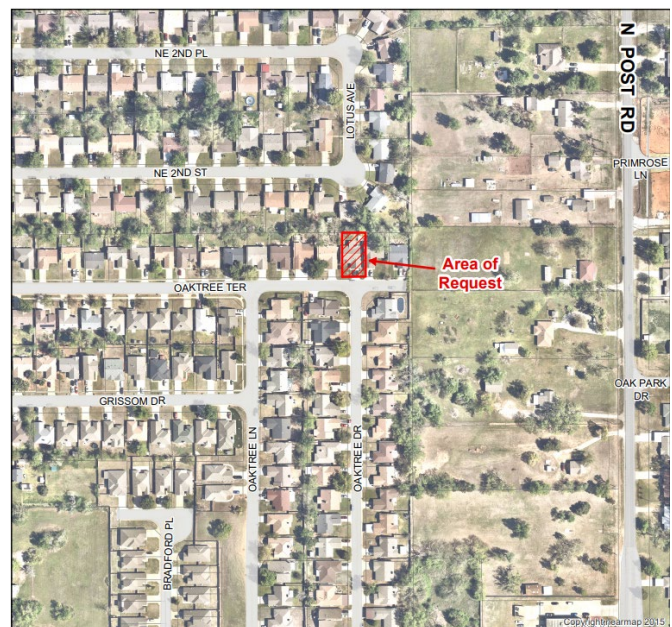
The applicant's proposal falls under the zoning use unit classification 4.3.14. *Group Care Facility*. This use is permitted within the R-6 zoning district with Council approval of a Special Use Permit.

Staff from the Engineering and Construction Services, Fire Marshal's Office, Planning & Zoning, and Line Maintenance performed a General Walk-Through Inspection per request of the Applicant on July 13, 2023. Staff gave preliminary notes, but advised a floor plan would be needed as well as formal review if request is approved.

Per Chief Building Official's calculation of the floor plan of the home, there is enough square footage for eight (8) people.

Public notice requirements were fulfilled but no comments have been received from anyone for or against the proposal at the time of this report.

If approved, staff recommends Council imposing certain conditions with issuance of the Special Use Permit to ensure harmony and compatibility with the surrounding area.



Staff recommends approval of this request with the following conditions:

- Commercial utility rates are established (water, trash, & sewer).
- Parking mitigation plan.
- Property subject to periodic inspections as deemed necessary by City staff.
- The Applicant shall provide staff with a copy of any certification(s) and/or licenses from the State of Oklahoma regarding the operation of a group care facility at this site prior to the site being used as a group care facility.
- The property be required to meet and maintain the requirements of Midwest City Ordinances as noted in the Staff Report, as well as others deemed necessary by pertinent City staff.

Action is at the discretion of the Planning Commission.

Dates of Hearings:

Planning Commission- September 5, 2023

City Council- September 26, 2023

Dates of Pre-Development Meetings:

February 22, 2023

April 17, 2023

General Walk-Through Inspection:

July 13, 2023

Council Ward: Ward 3, Rick Dawkins

Proposed Use: In-home nursing care facility

Size: The subject property has a frontage of 56 feet along Oak Tree Terrace, and a depth of 1,100 feet, and contains an area of 6,142 square feet, more or less.

Development Proposed by Comprehensive Plan:

Subject Site: SFD, Single-Family Detached Residential Land Use

North: SFD East: SFD

South: SFD West: SFD

Zoning Districts:

Subject Site: R-6 Single-Family Detached Residential District

North: R-6 East: R-6

South: R-6 West: R-6

Land Use:

Subject Site: Single-Family Detached Residential

North: Single-Family Detached Residential East: Single-Family Detached Residential

South: Single-Family Detached Residential West: Single-Family Detached Residential

Comprehensive Plan Citation:

The future zoning land use for the subject lot is Single-Family Detached Land use. The proposed use does not require an amendment to the Comprehensive Plan.

Single-Family Detached (SFD) Land Use

This use is representative of traditional single-family detached dwelling units. Of the residential categories, it is recommended that single-family detached land use continue to count for the largest percentage. The areas designated for single-family detached land use are generally not adjacent to incompatible land uses, and are in proximity to existing single-family residential use. The City should strive for a range of lot sizes to develop, and should reinforce this by providing a choice of several single-family zoning districts with various lot sizes in the Zoning Ordinance.

Municipal Code Citation:

4.3.14. *Group Care Facility*. Public, quasi-public or private care facilities that because of the nature and scale of their programs are compatible in a residential setting.

Individual residents may occupy the facility on a permanent or temporary basis. Residents may be handicapped, aged, disabled, or undergoing rehabilitation or medical treatment, excluding medical or nonmedical detoxification as these terms are defined pursuant to 43A O.S. § 3-403. Residents may be assigned to facilities by a court, but not as a result of being adjudged criminal, delinquent, or mentally ill.

Typical uses include nursing homes, assisted living centers, group homes for mentally or physically handicapped, convalescent homes, homes for the elderly, and homes for dependent and neglected children, orphanages.

5.9. – Application for Establishment of Private or Quasi-Private Facility

5.9.1. Group Residential and Group Care Facilities. Prior to the establishment of a new private or quasi-public facility as defined by § 4.2.8. Group Residential or § 4.3.14. Group Care Facility or when operations have ceased at existing private or quasi-public or group care facilities for more than twelve (12) consecutive months, in any residential district an application shall be filed with the City.

(A) Application requirements. Such application shall include:

- (1) Legal description of the property and the street address or approximate location of the facility;
- (2) Names and addresses of all those persons or organizations intending to sponsor or operate such facility;
- (3) The maximum number of staff and residents at the facility;
- (4) The location of any other group care facility operated by the applicant; and
- (5) Copy of approved license by the State Department of Health, if applicable.

(B) Notice requirements. Notice and hearing requirements shall conform to the procedure in Section 2.2 of this Zoning Code and, upon submission of the proper permit application, shall be conducted as follows. The City shall send written notice to all real property owners within three hundred (300) feet of the exterior boundary of the property on which the facility is to be located. The notice shall contain:

- (1) Legal description of the property and the street address or approximate location of the facility;
- (2) The date and time when the matter will be presented to the Planning Commission and City Council for hearing.

(C) The City Council determination shall take into consideration the recommendations of the Planning Commission. The City Council shall consider the Special Use Permit based upon the following criteria:

- (1) The recommendation of the Planning Commission and matters presented before the Planning Commission at the hearing on the application;
- (2) Whether the facility is physically suitable for the residential area;

- (3) Whether the facility will meet the zoning ordinances of the area;
- (4) Whether the establishment of such facility in the residential area would be within good zoning practices.

(D) Separation requirement. Except as allowed in 2.9 R-MD, Medium Density Residential District and 2.10 R-HD, High Density Residential District, no private or quasi-public facility shall be located nearer than one thousand two hundred (1,200) feet to another facility or similar community residential facilities serving persons in drug, alcohol, juvenile, child, parole, and other programs of treatment, care, supervision or rehabilitation in a community setting.

(E) Notification fee. Refer to the adopted Zoning Ordinance Fee Schedule for fees.

History:

- 1. This property is part of the Oaktree North Addition Plat, approved in 1981.
- 2. The property is served by a 5/8" water meter.

Next Steps:

If Council approves this Special Use Permit, the applicant will then proceed with the application process for establishment of private or quasi-private facility.



Google Earth Image of Property

Staff Comments-

There are numerous requirement references made in the Engineering, Fire Marshal, and Public Works portions of this report. The intent of the Municipal Code is to directly involve the applicant in continued community development. This is a Special Use Permit application and the references are provided to make the applicant for this request aware of the applicability of various codes as they relate to the request and further requirements after the Special Use Permit is approved.

Engineering Staff Comments:

Note: No engineering improvements are required with this application.

Water Supply and Distribution

There is a public water main bordering the proposed parcel, a six (6) inch line running along the north side of Oak Tree Terrace. 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) inch line running along the north side boundary. 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 Oak Tree Terrace using an existing drive. Oak Tree Terrace is classified as a local road in the 2008 Comprehensive Plan. Public road and sidewalk improvements are not required as part of this application.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is shown to be in an Area of Minimal Flood Hazard on Flood Insurance Rate Map (FIRM) number 40109C0330H, dated December 18th, 2009. Public drainage and detention improvements are not required as part of this application.

Easements and Right-of-Way

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

Fire Marshal's Comments:

- This occupancy must adhere to the requirements of International Fire Code (2018).
- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.

Occupancy Classification: I-2 Condition 1

- **Institutional Group I-2:** Institutional Group I-2 occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are not capable of self-preservation. This group shall include, but not limited to, the following: foster care facilities, detoxification facilities, hospitals, nursing homes, psychiatric hospitals.
- **Condition 1:** This occupancy condition shall include facilities that provide nursing and medical care but do not provide emergency care, surgery, obstetrics, or in-patient stabilization units for psychiatric or detoxification, including, but not limited to, nursing homes and foster care facilities.

Automatic Sprinkler System Requirements:

- **Section 903.2.6 Group I:** An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

Fire Alarm Detection System Requirements:

- **Section 907.2.6 Group I:** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group I occupancies. An automatic smoke detection

system that activates the occupant notification system in accordance with Section 907.5 shall be provided in accordance with Sections 907.2.6.1, 907.2.6.2 and 907.2.6.3.3.

o Exceptions

1. Manual fire alarm boxes in sleeping units of Group I-1 and I-2 occupancies shall not be required at exits if located at all care providers' control stations or other constantly attended staff locations, provided that such manual fire alarm system boxes are visible and provided with ready access, and the distances of travel required in Section 907.4.2.1 are not exceeded.
2. Occupant notification systems are not required to be activated where private mode signaling installed in accordance with NFPA 72 is approved by the fire code official and staff evacuation responsibilities are included in the fire safety and evacuation plan required by Section 404.

- Section 907.2.6.2 Group I-2: An Automatic smoke detection systems shall be installed in corridors in Group I-2, Condition 1 facilities and spaces permitted to be open to the corridors by Section 407.2 of the International Building Code. The system shall be activated in accordance with Section 907.4. Group I-2, Condition 2 occupancies shall be equipped with an automatic smoke detection system as required in Section 407 of the International Building Code.

o Exceptions

1. Corridor smoke detection is not required in smoke compartments that contain sleeping units where such units are provided with smoke detectors that comply with UL 268. Such detectors shall provide a visual display on the corridor side of each sleeping unit and shall provide an audible and casual alarm at the care providers' station attending each unit.
2. Corridor smoke detection is not required in smoke compartments that contain sleeping units where sleeping unit doors are equipped with automatic door closing devices with integral smoke detectors on the unit sides installed in accordance with their listing, provided that the integral detectors perform the required alerting function.

Alternative Automatic Fire-Extinguishing System Requirements:

- Section 904.13 Domestic Cooking Systems: Cooktops and ranges installed in the following occupancies shall be protected in accordance with Section 904.13.1:
 1. In Group I-2, Condition 1 occupancies where domestic cooking facilities are installed in accordance with Section 407.2.6 of the International Building Code.
- Section 904.13.1 Protection from Fire: Cooktops and ranges shall be protected in accordance with Section 904.13.1.1 or 904.13.1.2.

Public Works' Comments:

Line Maintenance

- If approved, the property may be subject to regulations outlined in Midwest City Municipal Code Chapter 43, Division 6.
- If approved, a City provided Sewer Use Survey will be required to be submitted by applicant to address types of wastewater produced and method(s) of wastewater disposal.

Sanitation

- Sharps containers will be provided by Steer Cycle as indicated in the Applicant's Development Intent Statement.

Stormwater

- No comments.

Planning Division:

Staff met with the applicant February 7, 2023 and again on April 17, 2023 for a pre-development meeting. A General Walk-Through Inspection was conducted July 13, 2023.

The applicant's proposal falls under the zoning use unit classification 4.3.14. *Group Care Facility*. This use is permitted within the R-6 zoning district with Council approval of a Special Use Permit. Ms. Richey recommended the applicant speak with neighbors and surrounding property owners prior to case hearing, a parking mitigation plan, and to be able to justify the criteria outlined in Midwest City Municipal Code Section 7.6.3.

Though it can be allowed, if approved, staff recommends Council imposing certain conditions with issuance of the Special Use Permit to ensure harmony and compatibility with the surrounding area.

Staff recommends approval of this request with the following conditions:

- Commercial utility rates are established (water, trash, & sewer).
- Parking mitigation plan.
- Property subject to periodic inspections as deemed necessary by City staff.
- The Applicant shall provide staff with a copy of any certification(s) and/or licenses from the State of Oklahoma regarding the operation of a group care facility at this site prior to the site being used as a group care facility.
- The property be required to meet and maintain the requirements of Midwest City Ordinances as noted in the Staff Report, as well as others deemed necessary by pertinent City staff.

Action is at the discretion of the Planning Commission.

Action Required:

Approve or reject a Special Use Permit (SUP) to allow the use of a Group Care Facility in the (R-6) Single-Family Detached Residential District for the property noted herein, subject to staff comments as found in the September 5, 2023 agenda packet and made part of PC-2152 file.

Suggested Motion:

“To approve the resolution for a Special Use Permit for 9737 Oak Tree Terrace contingent upon above mentioned conditions being met and all applicable licenses and inspections are obtained and approved, including, but not limited to, the State Department of Health, Engineering & Construction Services, Fire Marshal’s Office, Planning & Zoning, and Utilities as outlined in Staff Comments found in the September 5, 2023 Planning Commission agenda packet and made a part of the PC-2152 file.”

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

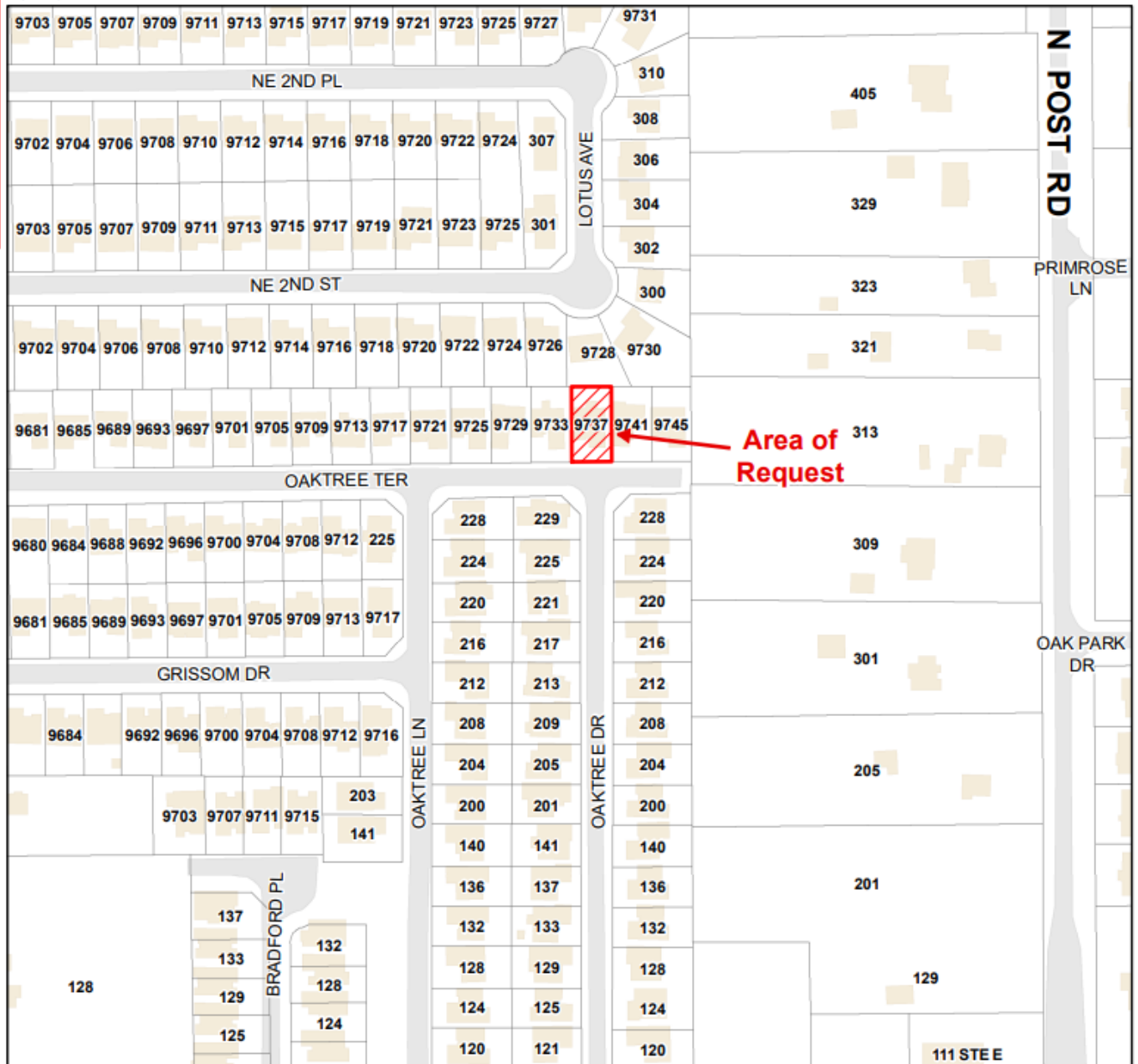


Emily Richey

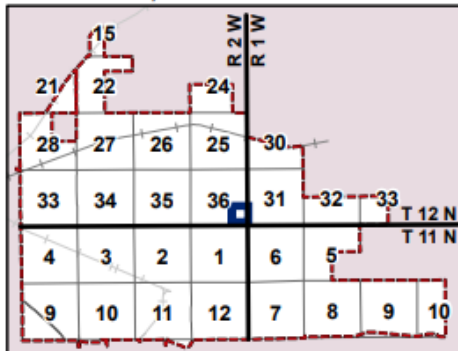
Current Planning Manager



Community Development / Information Technology - GIS



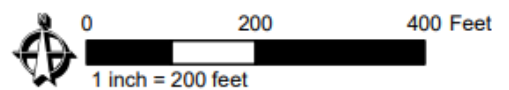
Locator Map



General Map Legend

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

**GENERAL MAP FOR
PC-2152
(SE/4, Sec 36, T12N, R2W)**



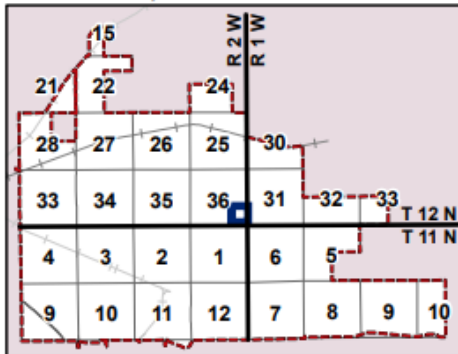
THIS MAP IS A GENERAL INFORMATION PUBLIC RESOURCE. THE CITY OF MIDWEST CITY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE INFORMATION PROVIDED ON THIS MAP. ANY PARTY'S USE OR RELIANCE ON THIS MAP OR ANY INFORMATION ON IT IS AT THAT PARTY'S OWN RISK AND WITHOUT LIABILITY TO THE CITY OF MIDWEST CITY, ITS OFFICIALS OR ITS EMPLOYEES FOR ANY DISCREPANCIES, ERRORS OR VARIANCES THAT MAY EXIST.



Community Development / Information Technology - GIS



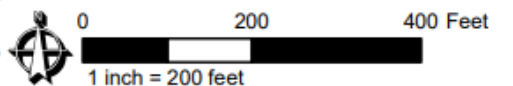
Locator Map



Current Zoning Legend

A-1	I-2 SUP	R-35
A-1 SUP	I-3	R-2F
C-1	O-1	R-MD
C-1 SUP	O-1 SUP	R-MD SUP
C-2	O-2	R-HD
C-3	O-2 SUP	R-HD SUP
C-3 SUP	R-6	R-MH-1
C-4	R-6 SUP	R-MH-2
C-4 SUP	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
		HOS SUP

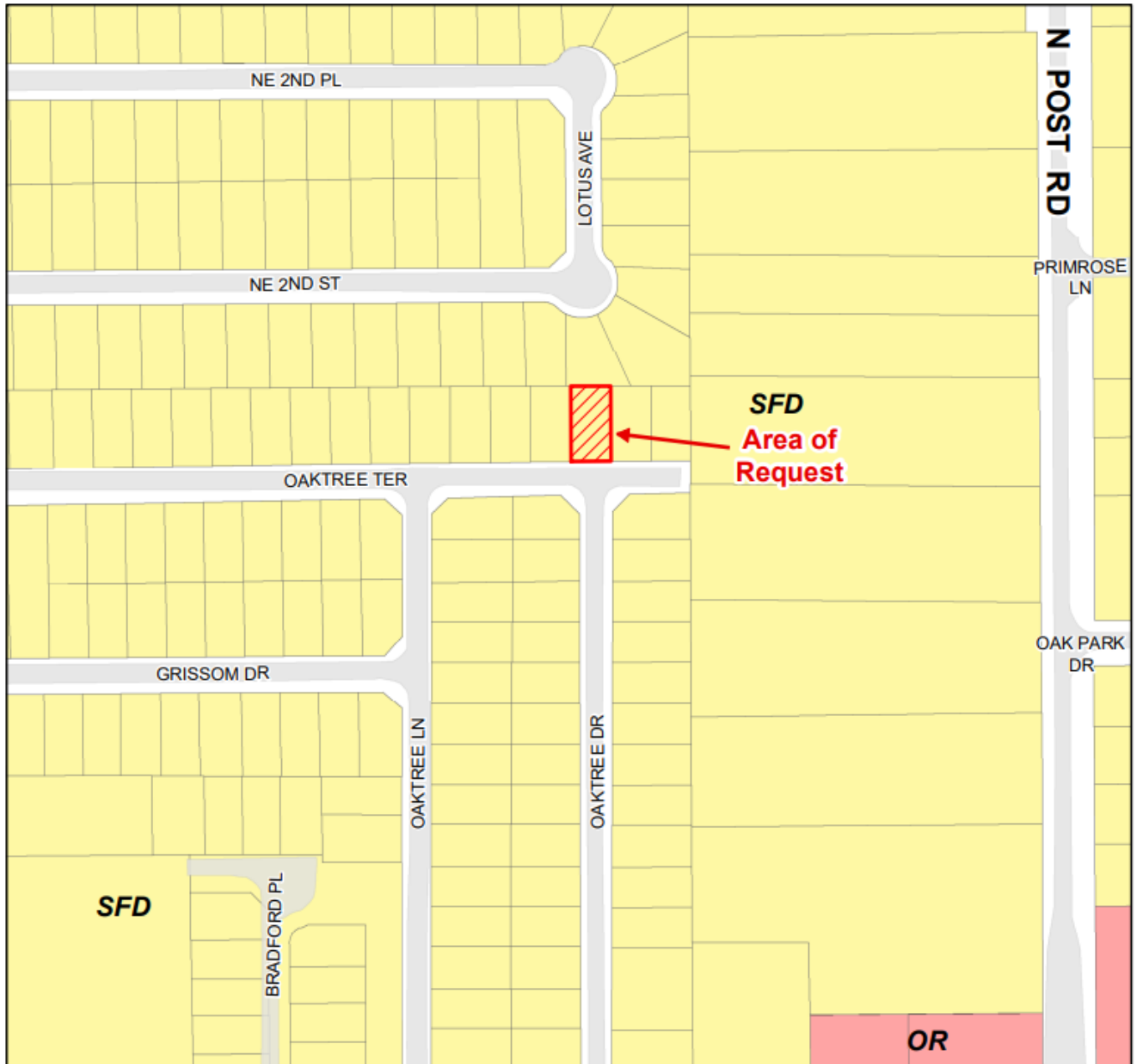
**ZONING MAP FOR
PC-2152
(SE/4, Sec 36, T12N, R2W)**



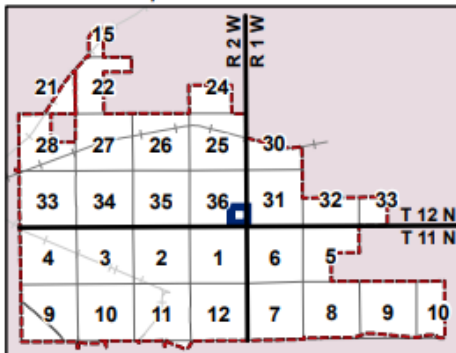
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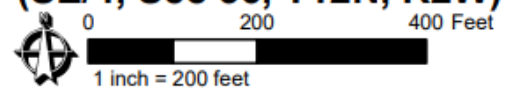
Locator Map



Future Land Use Legend

- Single-Family Detached Residential
- Medium Density Residential
- High Density Residential
- Manufactured Home
- Public/Semi-Public
- Parks/Open Space
- Office/Retail
- Commercial
- Industrial
- Town Center

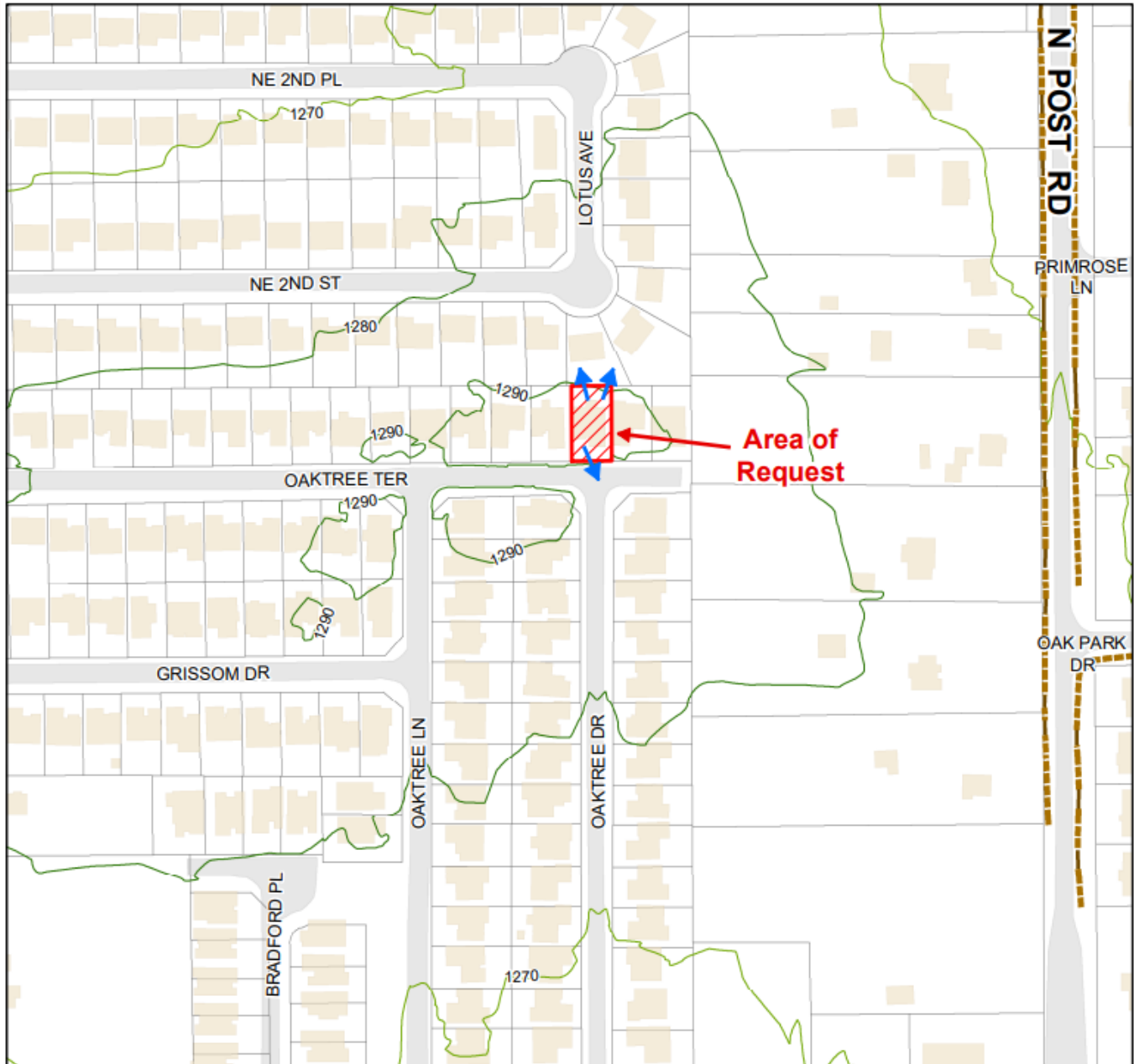
**FUTURE LAND USE
MAP FOR
PC-2152
(SE/4, Sec 36, T12N, R2W)**



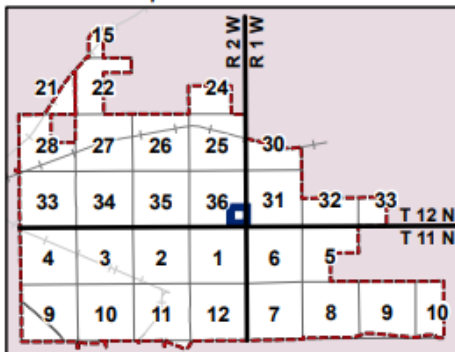
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Locator Map

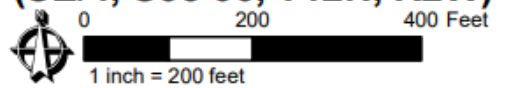


- Drainage Legend**
- Curb Inlets
 - Inlets
 - Junction Box
 - Culverts
 - Flumes
 - Developed Channels
 - Trickle Channels
 - Undeveloped Channels
 - Storm Lines
 - Creeks
- ELEVATION**
- 1166-1204 ft
 - 1204-1228 ft
 - 1228-1250 ft
 - 1250-1278 ft
 - 1278-1324 ft

2009 FEMA Floodplains

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

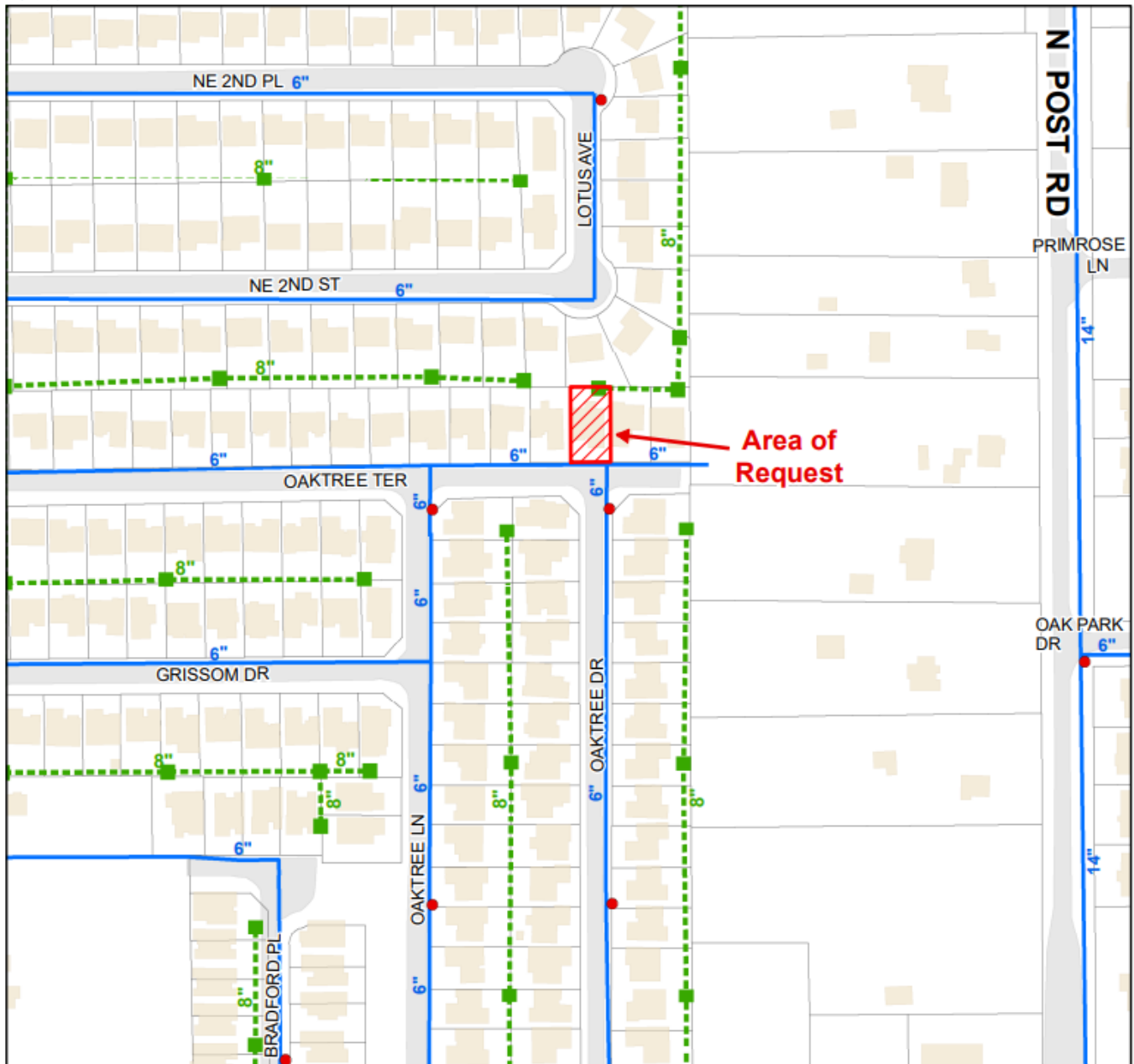
DRAINAGE LOCATION MAP FOR PC-2152 (SE/4, Sec 36, T12N, R2W)



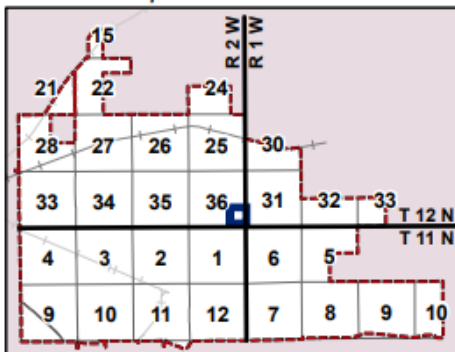
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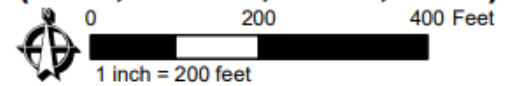
Locator Map



Water/Sewer Legend

- Fire Hydrants
- Water Lines
 - Distribution
 - Well
 - - - OKC Cross Country
 - - - Sooner Utilities
 - - - Thunderbird
 - - - Unknown
- Sewer Manholes
- - - Sewer Lines

**WATER/SEWER LINE
LOCATION MAP FOR
PC-2152
(SE/4, Sec 36, T12N, R2W)**



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Emily Richey, Current Planning Manager

To: Ms. Tyrica Jones
From: Emily Richey, Current Planning Manager
Date: July 13, 2023
Subject: General Walk-Through Inspection for 9737 Oaktree Terrace.

Ms. Jones,

Provided are notes from the Current Planning Division's portion of the General Walk-Through Inspection conducted at the subject property.

Current zoning: Single-Family Detached Residential ("R-6"). The current zoning does not allow for the proposed intended use which qualifies as zoning use classification 4.1.14. *Group Care Facility*, therefore, a Special Use Permit (SUP) is required.

4.3. – Public and Quasi-Public Use Unit Classifications and Regulations

4.3.14. *Group Care Facility*. Public, quasi-public or private care facilities that because of the nature and scale of their programs are compatible in a residential setting.

Individual residents may occupy the facility on a permanent or temporary basis. Residents may be handicapped, aged, disabled, or undergoing rehabilitation or medical treatment, excluding medical or nonmedical detoxification as these terms are defined pursuant to 43A O.S. § 3-403. Residents may be assigned to facilities by a court, but not as a result of being adjudged criminal, delinquent, or mentally ill.

Typical uses include nursing homes, assisted living centers, group homes for mentally or physically handicapped, convalescent homes, homes for the elderly, and homes for dependent and neglected children, orphanages.

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 be located 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.

Page 2

June 13, 2023

7.6.2. *Application.* Application and public hearing procedures for a special use 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.

Please be advised that the other departments involved have different use classifications and that your proposed operation will require to abide by their governing codes. The underlying governing zone for the property would

Page 3

June 13, 2023

still be considered residential for zoning ordinance, but considered some level of commercial use type for others.

Recommendations:

- Talk to neighbors/surrounding property owners prior to case being heard at Planning Commission/Council.
- Some type of parking mitigation plan (picking up visitors, limiting visiting hours, maximum number of visitors at a time).
- Be able to justify the criteria outlined in 7.6.3.

This property must be your primary residence.

** Please be advised the application deadline to be heard at September Planning Commission (9/5/23) and Council (9/26/23), is July 27th.*

These notes are intended to provide a written assessment of a proposed Special Use Permit for a particular location. This non-binding document is not a formal review or approval of any Special Use Permit proposal. The information is provided to inform the applicant of occupancy requirements for the City of Midwest City.

Respectfully,



Emily Richey
Current Planning Manager

July 13, 2023

To The City of Midwest City
Community Development Department
ATTN: Current Planning Division

RE: Louis C. Burden III ,9737 Oak Tree Terrace

Dear Permit Division,

I Louis Burden III, hereby consent to the Use of a Special Permit for a Group Care Facility, Living Gardens of Eden, at the address listed above to Owner, Tyrica Jones, as of July 13, 2023.

If you have any questions regarding this correspondence, please feel free to contact me at:

Louis Burden III
9737n Oak Tree Terrace
Midwest City, Ok, 73130
(405)-998-1509
Lburden88@gmail.com

Sincerely,

Louis Burden III



This foregoing instrument was acknowledged before me this 25 day of July 2023
By Louis Burden III
My Commission Expires 08/05/2026
Notary Public Jessica Whitmus
Oklahoma County, Okla.



Development Intent Statement

Tyrica Jones

405-473-6821 and livinggardensofeden@gmail.com

9737 Oak Tree Terrace
MWC, Ok 73130

Residential care facility or group home will be a small private care facility, usually with 10 or fewer residents, geriatrics. Residents will have the option to age in place.

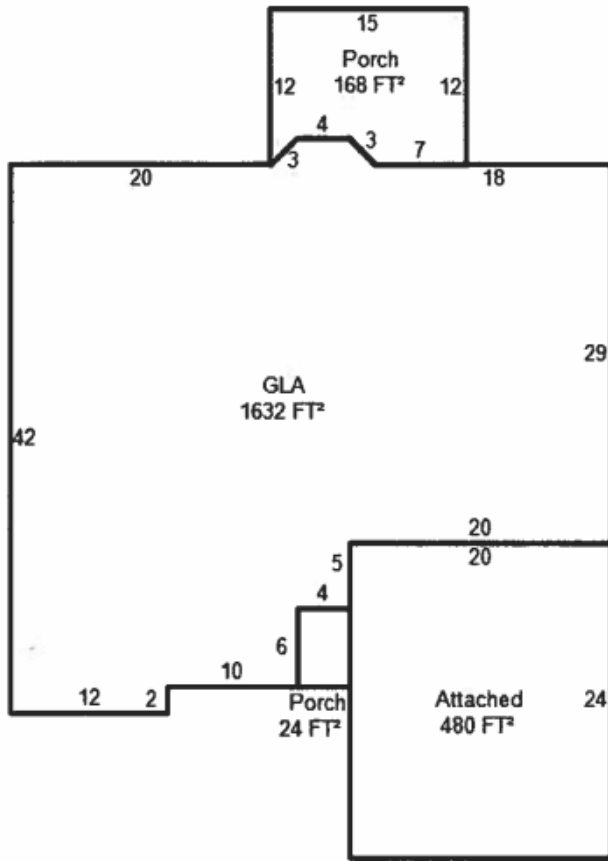
Rooms may be private or semi-private. The home will meet ADA requirements.

Services Provided: Residents will receive personal care, assistance with Activities of Daily Living, activities, meal preparation, medication administration, and 24/7 trained staff. Nursing and medical care maybe provided on site, with an RN employed. Sharps containers will be provided by Steer Cycle. Bothe the sharps container and medication will be in a locked area.

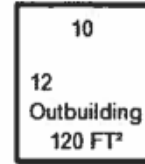
A Registered Nurse, dietitian, pharmacist and administrator will be consulted monthly and or quarterly throughout the operation of the group home.

Parking (Includes Holiday Parking): The home has a 2 car garage, with 2 car parking space in front of the garage as well as in front of the home (Include Pictures) . The goal is to have visitors sign up for visit slots in 2 hour increments, 2 visitors at a time.

Transportation: Family will provide transportation to and from appointments. At any time family can no longer provide transportation, other options will be discussed at that time, such as home visits from the physician, podiatrist, or beautician.



YEAR BUILT 2017



1. Kitchen: 84 ft
2. Dinning Room: 100
3. Pantry: 5ft
4. Front Door: 44 ft
5. Living Room: 336
6. Living Room Hallway: 24 ft
7. Hallway: 24 ft
8. Master Room: 280 ft
9. Master Closet: 60
10. Master Bathroom: 20 ft
11. Laundry Room: 42 ft
12. Room 2: 130 ft
13. Closet: 14 ft
14. Guest Bathroom: 21 ft
15. Room 3: 110 ft
16. Room 3 Closet: 10 ft
17. Garage: 414 ft