



The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT

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To: Chairman and Planning Commission
From: Billy Harless, Community Development Director
Date: April 18, 2012

Subject: (PC – 1766) Public hearing with discussion and consideration of approval of an ordinance redistricting from A-1, General Agriculture, C-4, General Commercial and A-1, General Agriculture with a Special Use Permit to a Planned Unit Development (PUD) governed by the I-2 Moderate Industrial and C-4 districts, for the property described as a part of the North half of Section 27, T-12-N, R-2-W, located in the 7500 block of NE 23 Street.

Dates of Hearing: Planning Commission – May 1, 2012
City Council – May 22, 2012

Owner / Developer: Midwest City Utilities Authority Public Trust

Engineer:

Proposed Use: commercial and industrial complex

Size:

The area of request has a frontage along NE 23 Street of approximately 2910 ft and a varying depth, containing an area of 166 acres, more or less.

Development Proposed by Comprehensive Plan:

Area of Request – Commercial and Industrial
North – Public / Semi-Public and the City of Spencer
South – Single Family Detached Residential
East – Park / Open Space and Industrial
West – Commercial and Industrial

Zoning Districts:

Area of Request – A-1, General Agriculture, C-4, General Commercial and A-1, General Agriculture with Special Use Permits (for oil / gas wells)
North – General Agriculture and the City of Spencer
South – I-2, Moderate Industrial; A-1, General Agriculture and R-6, Single Family Detached Residential
East – A-1, General Agriculture and R-6, Single Family Detached Residential
West – I-1, Light Industrial and A-1, General Agriculture

B-2-1

Land Use:

Area of Request – one residence with accessory buildings and 4 oil/gas wells
North – County facilities, vacant properties and single family residences
South – Vacant properties Railroad right-of-way
East – Single family homes on large tracts and vacant properties
West – vacant

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 automobile-related services, manufactured home sales, self-storage units, welding shops and pawn shops. Commercial uses often locate 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 the outside storage areas and these areas tend to lessen the visual quality of major thoroughfares.

Industrial Land Uses

The industrial land use designation is applied to areas intended for a range of heavy commercial, assembly, warehousing and manufacturing uses. Given the beneficial relations that Midwest City and Tinker AFB have shared, industries and businesses that support and supply Tinker AFB are highly appropriate within this land use category.

Municipal Code Citation:

2.25 PUD, Planned Unit Development

2.25.1 General Provisions

The planned unit development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls to produce unique, creative, progressive, or quality land developments.

The PUD may be used for particular tracts or parcels of land that are under common ownership and are to be developed as one unit according to a master development plan.

The PUD is subject to special review procedures within the PUD application and review and once approved by the City Council it becomes a special zoning classification for the property it represents.

2.25.2 Intent and Purpose

The intent and purpose of the PUD provisions are as follows:

(A) Innovative land development

Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.

B-2-2

- (B) Flexibility within developments
Permit flexibility within the development to maximize the unique physical features of the particular site.
- (C) Efficient use of land
Encourage efficient use of land, facilitate economic arrangements of buildings and circulation systems, and encourage diversified living environments and land uses.
- (D) Function, design and diversity
Achieve a continuity of function and design within the development and encourage diversified living environments and land uses.
- (E) Modifications to development requirements
Provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

History:

1. With the adoption of the Zoning Map in 1965, this area became zoned A-1, Agricultural District.
2. Nov. 1969 – (PC-71) – A portion of this property was zoned C-4, Open Display Commercial
3. July 1982 – (PC-593 and 595) – Two sites received a Special Use Permit for the operation of oil / gas wells.
4. June 1983 – (PC-656 and 657)- An additional two sites received a Special Use permit for the operation of oil / gas wells.

Staff Comments:

Engineer's Report:

ENGINEERING STAFF CODE CITATIONS AND COMMENTS:

Water Supply and Distribution

A twelve (12) inch public water main is located on the south side of N.E. 23rd Street in the street right-of-way extending partially along the north side of the area of request. Public water is available to the area of request.

The twelve (12) inch public water main does not extend across the full frontage of the area of request. The applicant proposes to extend this water main east until it does extend across the full frontage of the area of request. All necessary right of way dedications for this extension must be granted to the city prior to the issuance of any building permits.

Water line extension plans to serve the proposed development must be prepared by a registered professional engineer licensed in the state of Oklahoma and must be submitted to the city engineer for city and subsequent Oklahoma Department of Environmental Quality (ODEQ) approval. A check made payable to the ODEQ must be submitted with the final water plans for the amount of the state's plan review fee. A one (1) year ten percent (10%) maintenance bond and two percent (2%) inspection fee are required prior to the city authorizing construction. "Record" plans of the actual completed construction are required prior to final acceptance. Acceptance of the record drawings is subject to staff review.

B-2-3

Sanitary Sewer Collection and Disposal

Eighteen (18) inch, twenty-four (24) inch, and thirty-six (36) inch public sanitary sewer mains, located in a public utility easement, are bisecting the area of request from the south to the north in the western part of the area of request. Public sanitary sewer is available to the area of request.

The applicant proposes a ten (10) sanitary sewer extension to provide additional service to the area of request. All necessary utility easements must be dedicated to the city prior to the issuance of any building permits.

Sanitary sewer line extension plans must be prepared by a registered professional engineer licensed in the State of Oklahoma and must be submitted to the city engineer for city and subsequent Oklahoma Department of Environmental Quality (ODEQ) approval. A check payable to the ODEQ must be furnished with the final sewer plans for the amount of the state's plan review fee. A one (1) year maintenance bond in the amount of ten percent (10%) of the contract price and inspection fees in the amount of two percent (2%) of the contract price are required prior to the city authorizing construction. "Record" plans of the actual completed construction are required prior to final acceptance. Acceptance of the record drawings is subject to staff review.

Streets and Sidewalks

Access to the area of request is available from N.E. 23rd Street. N.E. 23rd Street is classified as a primary arterial street in the 2008 Comprehensive Plan. N.E. 23rd Street is a four (4) lane, 60-foot wide, uncurbed, asphalt concrete roadway. Current code requires a total street right-of-way width of one hundred and twenty (120) feet for a primary arterial street and presently, N.E. 23rd Street has one hundred and twenty (120) feet of right-of-way adjacent to and parallel to the north side of the area of request.

The applicant proposes to construct two new concrete roadway entrances that will connect to a new gravel road. The gravel road will service both the area of request and oil pumps located behind and adjacent to the area of request. The gravel road will become a new public paved roadway as future phases develop.

Street improvement plans must be prepared by a registered professional engineer and submitted to the city engineer for city review and approval. A five-year, 10% maintenance bond is required and a 2% inspection fee is required prior to construction. "RECORD" plans are required prior to final acceptance. Acceptance of the record drawings is subject to staff review.

Drainage and Flood Control, Wetlands, and Sediment Control

Drainage across the area of request is via overland flow from the east to the west. Currently, the area of request is undeveloped. The area of request is affected by flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 12, 2009. All future development in the area of request must conform with the applicable requirements of the Floodplain Development Regulations of Municipal Code Chapter 13, "Drainage and Flood Control."

The applicant proposes to extend underground drainage improvements that are located under N.E. 23rd Street west to Soldier Creek.

B-2-4

Drainage improvement plans must be prepared by a registered professional engineer and submitted to the city engineer for city review and approval. A five-year, 10% maintenance bond is required and a 2% inspection fee is required prior to construction. "RECORD" plans are required prior to final acceptance. Acceptance of the record drawings is subject to staff review.

Identified wetlands are located on the area of request as shown on the Choctaw quadrangle of the 1989 National Wetlands Inventory map as prepared by the United States Department of the Interior Fish and Wildlife Service. All future development in the area of request must conform with the applicable requirements of the Wetlands Development Regulations of Municipal Code Chapter 13, "Drainage and Flood Control."

All future development on the proposed tracts must conform with the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

Resolution 84-20 requires that developers install and maintain sediment and/or erosion controls in conjunction with their construction activities. Any proposed development must conform with the applicable requirements of Municipal Code Chapter 43, "Erosion Control." Sediment control plans must be submitted to and approved by the city before any land disturbance is done on-site. The developer is responsible for the cleanup of sediment and other debris from drainage pipes, ditches, streets and abutting properties as a result of his activities.

Easements and Right-of-Way.

The right-of-way and easement adjustments for any public improvements will be illustrated on the final plat. All easements and right of way are to comply with Code Section 38-41 and 38-44.

Fire Marshall's Report:

The fire department has reviewed this proposed re-zoning of the property located in the 7500 block of NE 23rd Street under chapter 15 of the municipal code. Final improvements regarding fire protection will be required as development occurs. Recommend Approval.

Plan Review Comments:

This proposed Planned Unit Development is entitled the Soldier Creek Industrial Park. A portion for the funding to hire the engineers and planners to develop the design and concept of the PUD was from a grant promoting the economic growth of the area. That grant requires that any development funded by its monies increase the opportunities for the growth of small businesses and the blue collar labor force in the area.

Phase 1 of this proposal targets the future commercial and light industrial growth of business along the frontage of NE 23rd Street in this area. It encompasses approximately 37.29 acres, more or less.

Each building developed in this area will be free-standing and situated in a campus – like setting with parking and landscaping to serve each building, however common and shared parking / access will be encouraged to aid in reducing the number of curb cuts along NE 23rd Street. When curb cuts along NE 23rd Street are needed, a separation of 150 ft between each shall be required.

B-2-5

The building architecture shall require that building housing commercial uses shall have an exterior of at least 80% masonry and buildings housing industrial uses shall have an exterior of at least 60% masonry.

All utilities will be provided to provide services to all structures.

Access into the site will be provided by two curb cuts from NE 23rd Street, a 5 lane arterial, for a new looped public street. Individual curb cuts into the properties may be permitted but, as noted earlier, a separation of 150 ft is required.

A total of four (4) separate properties are proposed in phase 1 of the PUD. There may be instances where more than one building will be located on an individual lot, based on the proposed use and size of the building(s). The required parking for each use must be provided at each phase of construction. Also, as developed in phases, once a parking area is begun to meet the requirements of a building permit, that entire parking area must be completed in order to avoid the creation of "dead end" drives and provide for proper vehicular circulation.

The PUD Design Statement establishes requirements for the proposed signage throughout the development. All sign and sign structures will comply with MWC Codes and those noted within the Design Statement. No off-premise signs will be permitted and the one existing on the site will be removed once development begins.

Provisions are made in the Design Statement for protection of the nearby residence located near the south east portion of this site. Items include use of landscape screening, distance requirements for any outdoor storage of materials, low level lighting, etc.

Along the area paralleling Soldier Creek, a walking trail in compliance with the adopted Trails Master Plan will be provided. This area can provide a park-like setting for employees to utilize.

As noted within the Design Statement, several uses within the C-4 and I-2 districts have been excluded from development in the area. It is staffs vision to have the frontage along NE 23rd Street develop in more of a commercial nature while the moderate industrial uses and more unsightly and intense commercial uses be located behind the commercial development.

As to requested variances for this development, all the drainage improvements are proposed to occur with the use of grass lined channels; the improvements to Soldier Creek will be made to keep the creek in a natural state as much as possible, and the newly developed dedicated streets are to be gravel – not paved – in the interim.

As noted, the site is identified as Commercial and Industrial in the 2008 Comprehensive Plan and a large portion of the funding for this development is through a grant to promote the economic growth of the area. It is believed that because of the relative isolation of the area from large concentrations of residential developments, the proposed development would be beneficial to the area.

B-26

April 18, 2012

For these reasons, staff is recommending approval of this requested Planned Unit Development.

Action Required: Approve or reject the ordinance to redistrict to Planned Unit Development for the property as noted herein, subject to the staff comments and recommendations as found in the May 1, 2012 agenda packet and made a part of PC-1766 file.



Billy Harless, AICP
Community Development Director

B-2-7

Design Statement for:

**The Soldier Creek Industrial Park
(SCIP)**

Located in 7900 Block of NE 23rd Street

Midwest City, Oklahoma

April 26, 2012

Prepared by:

MWC Community Development Dept.

Contact: J. Guy Henson, City Manager

1

B-7-15

Section 1. This development shall be titled as the NE 23rd Soldier Creek Industrial Park – SCIP.

Section 2. The owner of the property is the Midwest City Utilities Authority, whose mailing address is 100 N. Midwest Blvd., Midwest City Oklahoma 73110.

Section 3. This site, being 166.7 acres, is located in the 7500 block of NE 23rd Street, roughly in the middle of the mile. It is ideal for the development as an industrial park facility as it is served by a 5 lane arterial street (NE 23rd) and abuts an existing / active rail way right-of-way that can be easily extended into and throughout the development area. City water and sewer services are located within the site and will be extended as needed for domestic and fire protection purposes.

The entire area will be governed by the C-4, General Commercial and the I-2, Moderate Industrial districts as they exist in the MWC Zoning Codes, with the additions and exclusions as noted herein..

The site is impacted by the floodplain and floodway of Soldier Creek, thus creating a natural buffer along the western side of Phases 1 and 2 of the proposed development.

The present land use of the site is open pasture land with one single family residence (manufactured home) located along NE 23rd Street. Also, there are presently 5 active oil / gas wells located throughout the 166.7 acres, 4 of which will remain in operation. An OG&E transmission line crosses the southern portion of the site from the west to the east.

To the north of the site is the location of Oklahoma County facilities and a few residences; to the east, open area and few residences; to the south, the existing railroad right-of-way and then single family homes of the Quail View Addition; and to the west, open area and one residence on a large tract.

This site and the surrounding properties have sat undeveloped for years; no future / proposed use of the surrounding properties are known.

Section 4. The concept of this development is to provide large lot areas ready for commercial and industrial users.

Phase 1

Phase 1 as proposed, is comprised of 4 lots, three of which front along NE 23rd Street and encompasses an area of approximately 37.29 acre, more or less. These parcels are to be developed by both General Commercial and Light Industrial district uses as noted in Section 6 of this statement. This phase will also consist of the installation of the looped access street as shown on the Master Plan Map as well as a looped water line providing service and fire protection to the future tenants. All required utilities will be extended at the time of development of each phase unless otherwise noted. If needed, the rail line can be extended to serve the tenants of this site. Initially, a base grade for the rail service and switch mechanism will be constructed with this phase.

Within Phase 1, as per the Zoning Code, 60% of the exterior of all industrial buildings shall be masonry. Buildings will be designed to have a focal point and, for those buildings proposed to be greater than 15,000 sq ft in area, wall facades shall have a minimum of a 3 ft articulation every 25 ft of surface length.

Commercial buildings within Phase 1 shall consist of 80% masonry exteriors and observe the same wall articulation requirements and noted above.

All buildings within Phase 1 shall meet the present building, fire and safety codes as adopted by the City of Midwest City. Each building will be a free-standing structure, situated in a campus-like setting with ample landscaping to serve each structure. Common / shared parking and access among the structures will be provided to limit the number of curb cuts onto the arterial street. Where curb cuts are proposed, care will be taken regarding their placement as the rolling elevations along NE 23rd Street could cause some sight distance concerns for traffic. To accomplish this, we are asking that the curb cuts be shown on the preliminary plat and the time of platting. When curb cuts are needed, there shall be a minimum separation

of 150 ft between such and placement of cuts on common property lines will be encouraged.

It is proposed that the uses within Phase 1 be those of a more commercial nature, as this area is along NE 23rd Street frontage. Please note the uses listed in Section 6 of this report that have been identified as being approved for this phase.

Phase 2

Phase 2 as proposed, is comprised of one lot, being lot 5 and contains an area of approximately 122 acres, more or less.

The parcel within this phase shall be developed by uses permitted in the Commercial and Moderate Industrial district as noted in Section 6 of this statement. This area is the site of 4 active oil / gas wells and is the site of an electrical transmission line. Access to this site will be from the new street serving the development. The construction of two long cul-de-sacs will also be completed with phase 2, providing access to all building sites. Utilities will be installed to serve the future tenants. A railway line or lines may be extended into Phase 2 to serve the future tenants.

As noted herein, the building exteriors shall meet the architectural requirements of the MWC Zoning Codes. Also as noted, each building will be a free-stand structure however, shared and cross access parking areas shall be designed. Where proposed uses are to abut residential uses there shall be a 50 ft setback from any developed residential properties and evergreen landscaping, low level exterior lighting not exceeding 20 ft in height and, where practical, earth berming shall be used to further buffer the development impact. Also, no trucks docks and / or open storage of materials shall be permitted within 100 ft of any residentially zoned property.

The southeastern portion of phase 2 does abut the existing sub-standard street of NE 18th. No truck access will be permitted from the industrial park area onto NE 18th Street. However, that street will remain open and could be used as a point of emergency access if needed.

The southwestern portion of Phase 2 abuts a presently un-named and un-improved but dedicated street right-of-way running east from the 1900 block of N. Air Depot. Development of this phase will include construction of a new street crossing Soldier Creek connecting to the new street from Phase 1. All utilities will be extended to serve the proposed structures as required by code.

A green space area along Soldier Creek will be designed to provide for walking trails along Soldier Creek and other means of pedestrian access, as noted within the adopted Trails Master Plan, providing sidewalks and space for the tenants to establish tables for employees to lunch. This is also the site of a proposed overflow channel for Soldier Creek. This construction will be developed as an earthen and grass lined channel, however, care will be taken to maintain the creek channel in a natural state as much as possible but still addressing the floodplain issues.

It is proposed that the uses within Phase 2 be those of a heavier commercial and moderate industrial nature. Please note the uses in Section 6 of this report that have been identified as being approved for this phase.

Section 5. There is not an existing PUD zoning districts within or abutting this site.

Section 6. Except as noted within this section, the development of this site will be governed by the C-4, General Commercial codes and the I-2, Moderate Industrial codes that are in effect within the Midwest City Zoning Ordinance at the time of approval of this request.

Permitted uses:

Property and buildings in the proposed PUD shall be used for the purposes as listed below. These uses are taken from the C-4 and I-2 district use including some of the special use permits.

- Public service or utility: Light - Phase 1 and 2
- Public service or utility: Moderate - Phase 1 and 2
- Community recreation: General - Phase 1 and 2
- Administrative and professional office - Phase 1
- Agricultural supplies and services - Phase 2

Alcoholic beverage retail sales - Phase 1 and 2
Animals: Grooming and sales – Phase 1 and 2
Animal sales and services: Kennels and veterinary, restricted – Phase 1 and 2
Automotive and equipment: Light – Phase 2
Automotive sales and rentals: Light – Phase 1 and 2
Automotive and equipment: Storage – Phase 2
Building maintenance services – Phase 1 and 2
Business support services – Phase 1 and 2
Communication services: Limited - Phase 1 and 2
Construction sales and services - Phase 2
Convenience sales and personal services – Phase 1 and 2
Eating establishments: Drive-in – Phase 1 and 2
Eating establishments: Fast foods – Phase 1 and 2
Eating establishments: Sit down, alcoholic beverages not permitted - Phase 1 and 2
Food and beverage retail sales – Phase 1
Gasoline sales: General - Phase 1
Laundry services – Phase 2
Medical services: General - Phase 1 and 2
Participant recreation and entertainment: Indoor, low-point beer permitted - Phase 2
Personal services: General Phase 1 and 2
Repair services: Consumer – Phase 1 and 2
Research services – Phase 2
Retail sales and services: General – Phase 1 and 2
Tourist accommodations: Lodging – Phases 1 and 2
Custom manufacturing – Phase 2
Light industrial: Restricted – Phase 2
Wholesaling, storage and distribution: Restricted – Phase 2
Horticulture – Phase 2
Eating establishments: Sit down, alcoholic beverages and low-point beer permitted –
Phase 1 and 2
Participant recreation and entertainment: Indoor, alcoholic beverages and low-point beer
permitted - phase 1 and 2
Accessory parking – Phase 1 and 2
Automotive and equipment: Heavy – Phase 2
Automotive and equipment sales and rentals: Heavy – Phase 2
Communication services: Towers _ Phase 2
Drinking establishments: Sit down, alcoholic beverages and low-point beer permitted
(2.4.21) – Phase 1 and 2
Participant recreation and entertainment: Outdoor – Phase 1 and 2
Light industrial - Phase 2
Moderate industrial – Phase 2
Transportation facilities: Freight, restricted – Phase 2
Agricultural processing: General – Phase 2
Wholesaling, storage, and distribution: General – Phase 2
Reserved.

Those additional uses listed in the Zoning Code as Moderate, Heavy or Hazardous Industrial may be permitted within this development but only upon review and approval of a Special Use Permit and defined in the Zoning Code.

Outdoor storage of hazardous materials will be prohibited throughout the development. No loose materials that the wind may disturb will be permitted to be stored in an open – air enclosure.

Free-standing signs as allowed per code will be permitted to be erected on each property for the tenant(s) occupying that parcel. At each side of the two dedicated streets into this site from NE 23rd Street, there shall be created a common signage area for the placement of a main I. D. multiple tenant sign. Such sign(s) shall comply with MWC Codes as to height and area but permit the advertising of the tenants occupying spaces not along the street right-of-way of NE 23rd Street.

Off premise (billboards) advertising structures will not be permitted. The one existing billboard on the western portion of the site will be removed.

All new signs permitted will comply with MWC Codes regarding height, area, location and design, except as noted herein. Signs attached to the exterior walls of the buildings will also be permitted. These wall signs will be limited to 250 sq ft in area and meet the MWC codes regarding their placement. No commercial sign, whether free-standing or wall signs, will be permitted within 150 ft of any developed residential property.

Section 7. All proposed streets within the PUD are to be developed with the phases of construction will meet Midwest City standards regarding right-of-way widths. Proper widths for large truck turning movements will be designed and developed where needed. All streets will be dedicated to the public.

As to construction of the proposed streets, the approaches from NE 23rd will meet MWC Codes; as to the internal streets, it is requested to use gravel on an interim basis.

Section 8. The site, as it exists today, has been maintained as pasture land for numerous years. The tree growth that does exist is that along the natural drainage channels and along Soldier Creek. The elevation varies but

generally slopes from a high on the east to the west. See the submitted exhibits detailing the drainage and topographic characteristics.

Section 9. See attached exhibit.

Section 10. All future buildings will be served by the necessary utilities needed to operate properly. City water and sewer lines will be extended through out the development as needed at the time of the various phases. Storm water drains will also be installed to properly route run-off water to Soldier Creek.

Section 11. As noted, the buildings are proposed to be free-standing meeting the exterior architectural requirements as noted in the MWC Zoning Codes. The sq ft of the proposed buildings is not known at this time as they will be built for the market specific tenant. However, all landscaping codes, parking codes and other open space requirements will be met at each phase of construction.

Section 12. The sequence of development is proposed to occur in 2 phases as shown on the Master Development Plan.

