

NOTICE: Agenda posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36<sup>th</sup> St., Bethany, OK 73008 on Thursday, April 25, 2024, at 11:00 a.m.

The City of Bethany encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The city may waive the 48-hour rule if signing is not the necessary accommodation.

**THE PLANNING AND ZONING COMMISSION MEETING WILL BE HELD IN THE CITY COUNCIL CHAMBER AT BETHANY CITY HALL - 6700 NW 36<sup>TH</sup> ST., BETHANY, OK 73008**

**AGENDA**  
**CITY OF BETHANY**  
**PLANNING AND ZONING COMMISSION**  
**May 2, 2024**  
**7:00 P.M.**

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES OF APRIL 18, 2024**

**EXPLANATION OF PROCEDURE TO AUDIENCE**

**PLANNING AND ZONING COMMISSION BUSINESS**

**ITEM 1: PC 24-06**

Consider a request by Council Road Baptist Church, applicant & property owner, to rezone the Southwest corner of NW 30th Street & N Council Road from Single-Family Residential (R-1) to Commercial General (C-G). *Item to be heard by the Bethany City Council on the 21st of May 2024 at 6:30 p.m. in City Hall.*

**LEGAL DESCRIPTION:**

A part of the North Half (N/2) of the SE Quarter of Sec. 19 T12N-R4W, I.M., Oklahoma County, Oklahoma, more particularly described as follows:  
Beginning at the Northeast corner of the Southeast Quarter (SE/4) of said Section 19, Township Twelve (12) North, Range Four (4) West; Thence along the North line of said Se/4 389.00 feet; Thence South and parallel with the East line of said SE/4 330.00 feet; Thence East and parallel to the North line of said SE/4 389.00 feet to a point on the East line of said SE/4; Thence North 330.00 feet to the Point of Beginning. Less and except the North 35.00 feet and the East 33.00 feet thereof set aside for roadway easements.

**ITEM 2: PC 24-08**

Discussion of shipping containers as they relate to the accessory structure ordinance.

**NEW BUSINESS**

**ADJOURNMENT UNTIL MAY 16, 2024**

**MINUTES**  
**CITY OF BETHANY**  
**PLANNING AND ZONING COMMISSION**  
**APRIL 18, 2024**

MEMBERS PRESENT: Charles Snyder, Chair  
Justin Peck, Vice-Chair  
Kent Lynn  
Robert Helton  
Steve Marx  
Ron Crouch  
Trent Reid

MEMBERS ABSENT: James Clemmer

STAFF PRESENT: Ray Jones, City Attorney  
Amanda McCellon, Comm. Dev. Director  
Brendan Summerville, Comm. Dev. Associate  
Linda Hlinicky, Adm. Assistant

NOTICE: Agenda posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36<sup>th</sup> St., Bethany, OK 73008 on Thursday, April 11, 2024 at 11:00 a.m.

Charles Snyder, Chair called the meeting to order and gave the invocation. Motion was made by Trent Reid, seconded by Justin Peck to approve the March 7, 2024 Planning and Zoning Commission minutes as mailed. The votes are as follows: AYE- Charles Snyder, Justin Peck, Kent Lynn, Robert Helton, Steve Marx, Ron Crouch, Trent Reid. NAY- None. ABSTAIN- None. The motion carried unanimously 7 - 0.

**ITEM 1:**     **PC 24-04**  
Consider a request by Cristal Escobar, applicant, and Wish Homes LLC., property owner, to rezone 3409 N Rockwell Avenue from Industrial Light (I-L) to Commercial General (C-G).

**Legal Description:** Unpltd PT NE/4 SEC 20-T12N-R4W Beg 660FT S of NE/C NE4 TH W  
164FT S80.15FT E164FT N80.15FT to BEG.  
**(ITEM TO BE HEARD BY CITY COUNCIL ON MAY 7, 2024.)**

**ACTION:**     Brendan Summerville, Comm. Dev. Associate presented the staff report to consider rezoning 3409 N. Rockwell Ave. from I-L, Industrial Light to C-G, Commercial General. Summerville reviewed the zoning of the surrounding properties; and zoning characteristics for I-L, Industrial Light and C-G, Commercial General. The applicant plans to operate a real estate brokerage at this location.

Cristal Escobar, Applicant said she grew up in Bethany, and would like to have her business in Bethany as well.

Guy Kargl w/ SSS Fence at 3407 N. Rockwell Ave. was concerned with the legal description in the notice sent to surrounding property owners but understands the legal description has been corrected.

Motion was made by Trent Reid, seconded by Justin Peck to approve rezoning 3409 N. Rockwell Avenue from Industrial Light (I-L) to Commercial General (C-G). The votes are as follows: AYE- Charles Snyder, Justin Peck, Kent Lynn, Robert Helton, Steve Marx, Ron Crouch, Trent Reid. NAY- None. ABSTAIN- None. The motion carried unanimously 7 - 0.

**ITEM 2:      PC 24-05**

Discussion of Missing Middle Housing as it pertains to the Bethany 2030 Comprehensive Plan.

**ACTION:**      Brendan Summerville, Comm. Dev. Associate explained this item has come before the Planning and Zoning Commission at the request of Commissioner Robert Helton. He explained missing middle housing is the block of housing types within the urban transect which has all but disappeared since the 1940's. The 2030 Comprehensive Plan described it as middle scale housing like duplexes, townhomes, garden apartments, and condominiums. The density ratings are 16 to 50 dwelling units per acre which promotes a livelier connected walkable neighborhood environment.

Brendan Summerville, Comm. Dev. Associate says you ask why missing middle housing? Bethany has a scarcity of one major resource and that is land. Bethany is completely landlocked. Missing middle housing allows population to grow in an efficient use of the land.

After some discussion, Charles Snyder, Chair suggested if what we have is working for staff, then we should leave the 2030 Comprehensive Plan alone.

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**NEW BUSINESS**

Brendan Summerville, Comm. Dev. Associate stated there will be seven subdivision applications coming before the Planning and Zoning Commission within the next few months. On May 2, 2024 there will be a rezoning case for NW 30<sup>th</sup> & N. Council Rd.; and May 16, 2024 we will have a duplex request.

Amanda, McCellon, Comm. Dev. Director informed the Planning and Zoning Commission that Councilmember Plank has asked the Planning Commission to discuss the possibility of using shipping containers as accessory structures.

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Motion was made by Trent Reid, seconded by Justin Peck to adjourn. The motion carried unanimously 7 - 0.



City of Bethany

Planning & Zoning Staff Report

May 2, 2024

CASE NO: PC 24-06

**Request:** Consider a request by Council Road Baptist Church, applicant & property owner, to rezone the southwest corner of NW 30<sup>th</sup> St and N Council Road from R-1 (Single-Family Residential) to C-G (Commercial-General).

**Legal Description:** See page 3

**Current Zoning:** R-1 (Single-Family Residential)

**Proposed Zoning:** C-G (Commercial General)

**Surrounding Zoning:**

Direction	Zoning
North	R-1 (Single-Family Residential)
South	PRD (Planned Residential Development)
East	R-1 (Single-Family Residential)
West	R-1 (Single-Family Residential)

Table 1

**Zoning Characteristics:**

	C-G	R-1
Use	Commercial	Single-Family Dwelling
Minimum Lot Area (ft <sup>2</sup> )	N/A	6,000
Width x Depth (ft)	N/A	60 x 100
Front Setback (ft)	25	25
Rear Setback (ft)	20	20
Side Setback (ft)	25 Street/Corner Lots N/A Interior Lots	10 & 5 (Interior) 25 (Corner)

Table 2

\*The Commercial General zoning category has a maximum lot coverage of 35%

**Background:**

The applicant is seeking to rezone the SW corner of NW 30<sup>th</sup> Street and N Council Road from Single-Family Residential to Commercial General. The C-G zoning category allows for a broad spectrum of commercial activities that include, but are not limited to, retail stores, restaurants, medical offices, etc.

**Analysis:**

The surrounding zoning on three sides of the property is R-1; however, part of this space is occupied by Council Road Baptist Church, which is allowed to operate within R-1 districts by ordinance. The sole exception to this zoning is that of the PRD to the south, which functions as a single-family residence. This site has been operating as a parking lot for Council Road Baptist Church for several years, although staff research has not determined an exact period.

This site occupies a total area of 109,952 ft<sup>2</sup>, which allows for a theoretical maximum building footprint of 38,483 ft<sup>2</sup> at 35% lot coverage. Staff states this as theoretical as it is the maximum allowable by ordinance, but does not account for potential parking, drainage, and possible utility & service requirements which will be reviewed during the site plan phase of any proposed project.

Water service is provided by a 14" inch line under N Council Road, and an 8" line along NW 30<sup>th</sup> Street. Sanitary sewer access is granted by way of an 8" line to the west of the property, and 15" lines running under N Council Road and NW 30<sup>th</sup> Street.

This site is within the Council Road corridor of the Comprehensive Plan, which calls for mixed use, or an increased frequency of commercial activity. This is in reference to calls within the comprehensive plan for a greater array of commercial ventures, particularly along arterial roads, to foster a more resilient local economy.

The applicant has not submitted building plans or potential businesses to staff and has only requested a change of zoning to pursue commercial developments.

**Required Action:** Hold a public hearing to provide a recommendation to either approve or deny the applicant's zoning change request. This recommendation will be heard by the Bethany City Council on the 14<sup>th</sup> of May 2024, and a decision whether to approve or deny this change will be made.

**Attachments:**

- Aerial Photograph
- Zoning Map
- Water & Sewer Atlases
- Public Notification
- Application & Certified Owners List

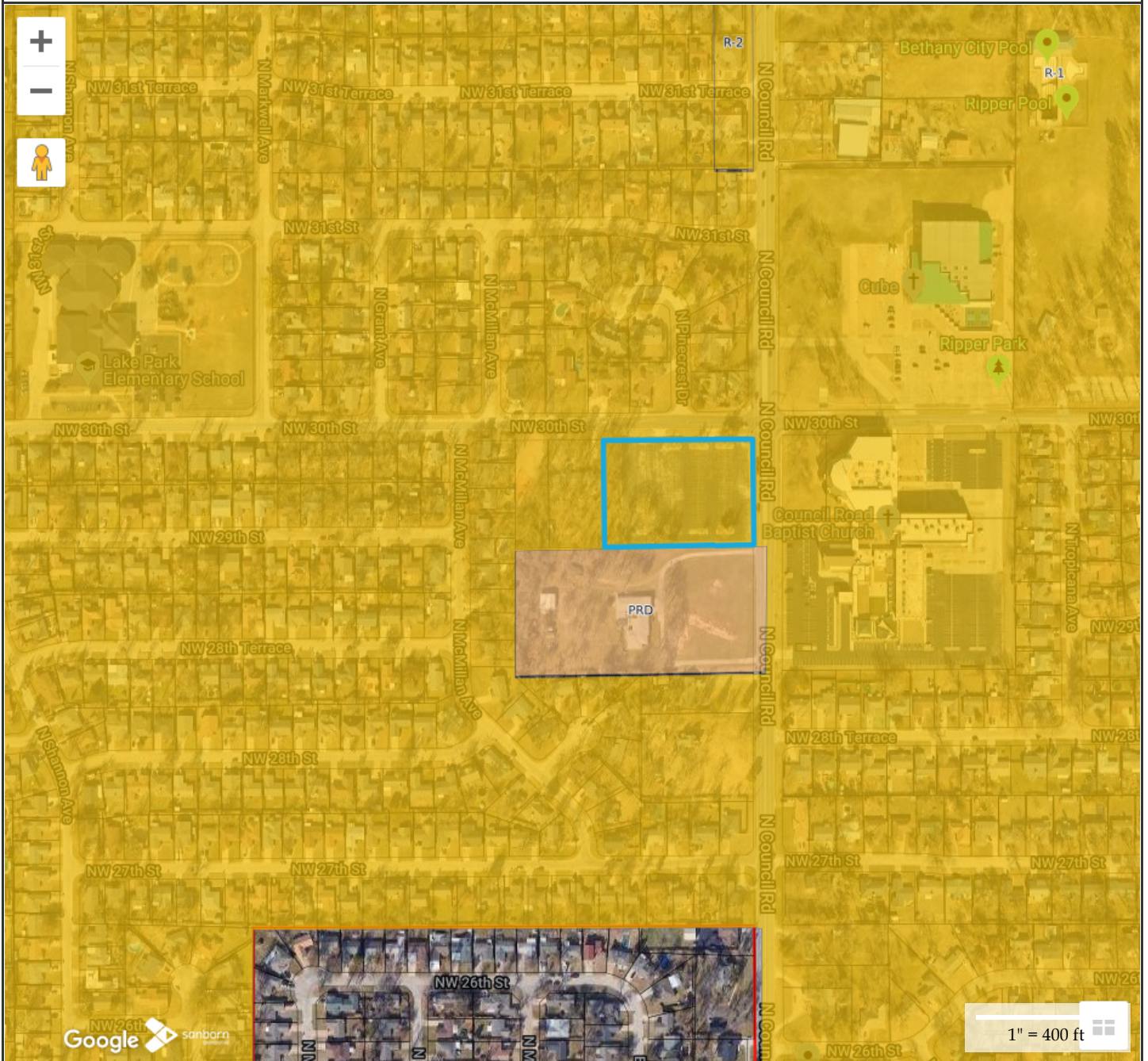
**Legal Description:**

A part of the North Half (N/2) of the SE Quarter of Sec. 19 T12N-R4W, I.M., Oklahoma County, Oklahoma, more particularly described as follows:

Beginning at the Northeast corner of the Southeast Quarter (SE/4) of said Section 19, Township Twelve (12) North, Range Four (4) West; Thence along the North line of said Se/4 389.00 feet; Thence South and parallel with the East line of said SE/4 330.00 feet; Thence East and parallel to the North line of said SE/4 389.00 feet to a point on the East line of said SE/4; Thence North 330.00 feet to the Point of Beginning. Less and except the North 35.00 feet and the East 33.00 feet thereof set aside for roadway easements.



# PC 24-02 Zoning Map



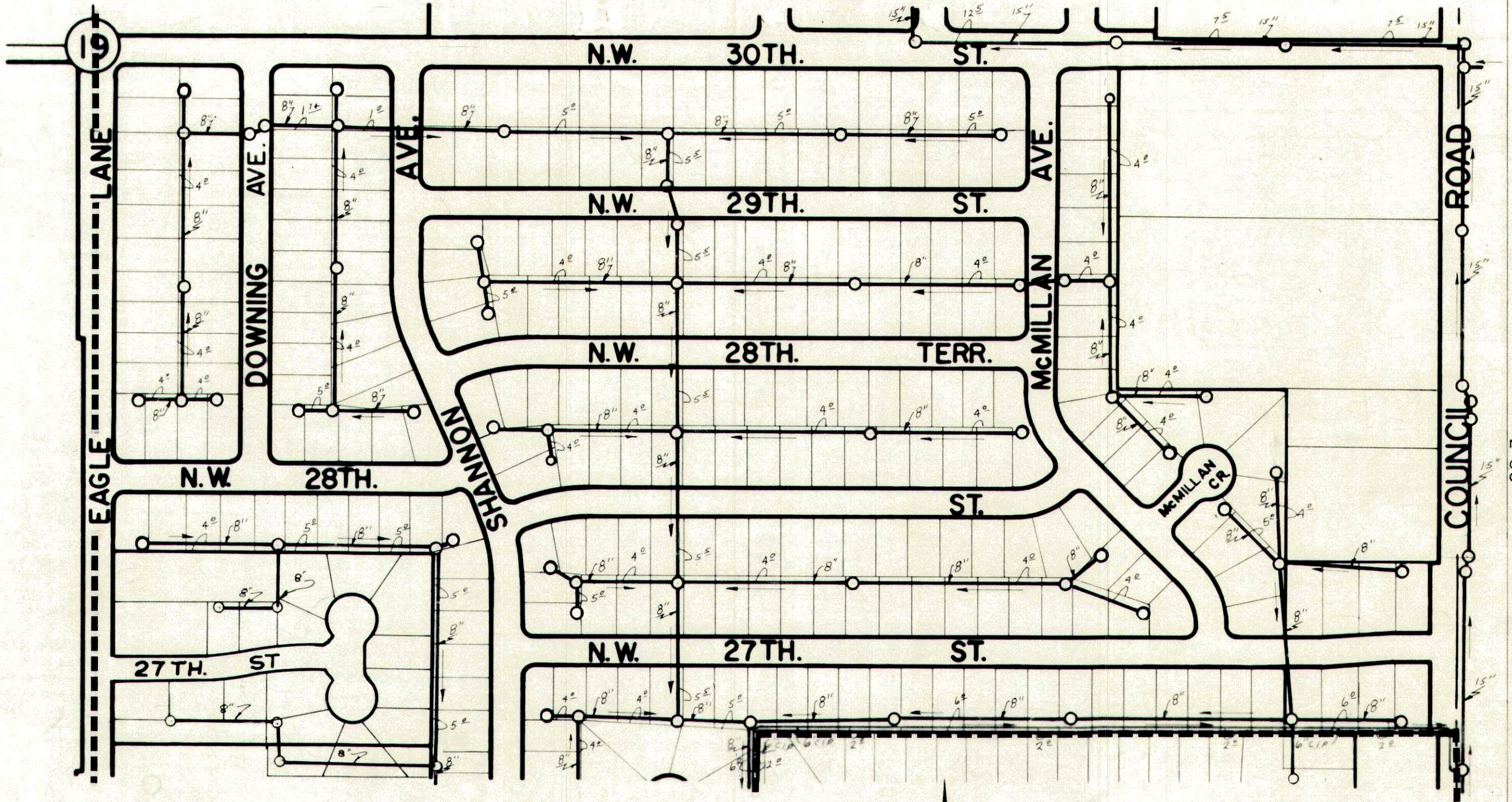
### ZONING CODE LEGEND

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<span style="display:inline-block; width:15px; height:15px; background-color: #FFD700; border: 1px solid black;"></span> CBD	<span style="display:inline-block; width:15px; height:15px; background-color: #800080; border: 1px solid black;"></span> I-R
<span style="display:inline-block; width:15px; height:15px; background-color: #FF0000; border: 1px solid black;"></span> C-G	<span style="display:inline-block; width:15px; height:15px; background-color: #FF4500; border: 1px solid black;"></span> PUD
<span style="display:inline-block; width:15px; height:15px; background-color: #808080; border: 1px solid black;"></span> C-H	<span style="display:inline-block; width:15px; height:15px; background-color: #FFD700; border: 1px solid black;"></span> PRD
<span style="display:inline-block; width:15px; height:15px; background-color: #8B0000; border: 1px solid black;"></span> C-S	<span style="display:inline-block; width:15px; height:15px; background-color: #FFD700; border: 1px solid black;"></span> R-1
<span style="display:inline-block; width:15px; height:15px; background-color: #FF4500; border: 1px solid black;"></span> C-N	<span style="display:inline-block; width:15px; height:15px; background-color: #FFD700; border: 1px solid black;"></span> R-2
<span style="display:inline-block; width:15px; height:15px; background-color: #8B0000; border: 1px solid black;"></span> C-O	<span style="display:inline-block; width:15px; height:15px; background-color: #FFD700; border: 1px solid black;"></span> R-M
<span style="display:inline-block; width:15px; height:15px; background-color: #000080; border: 1px solid black;"></span> C-R	<span style="display:inline-block; width:15px; height:15px; background-color: #FF8C00; border: 1px solid black;"></span> RMO
<span style="display:inline-block; width:15px; height:15px; background-color: #6495ED; border: 1px solid black;"></span> E-I	<span style="display:inline-block; width:15px; height:15px; background-color: #800080; border: 1px solid black;"></span> RHP

### MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

Bethany, Oklahoma makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

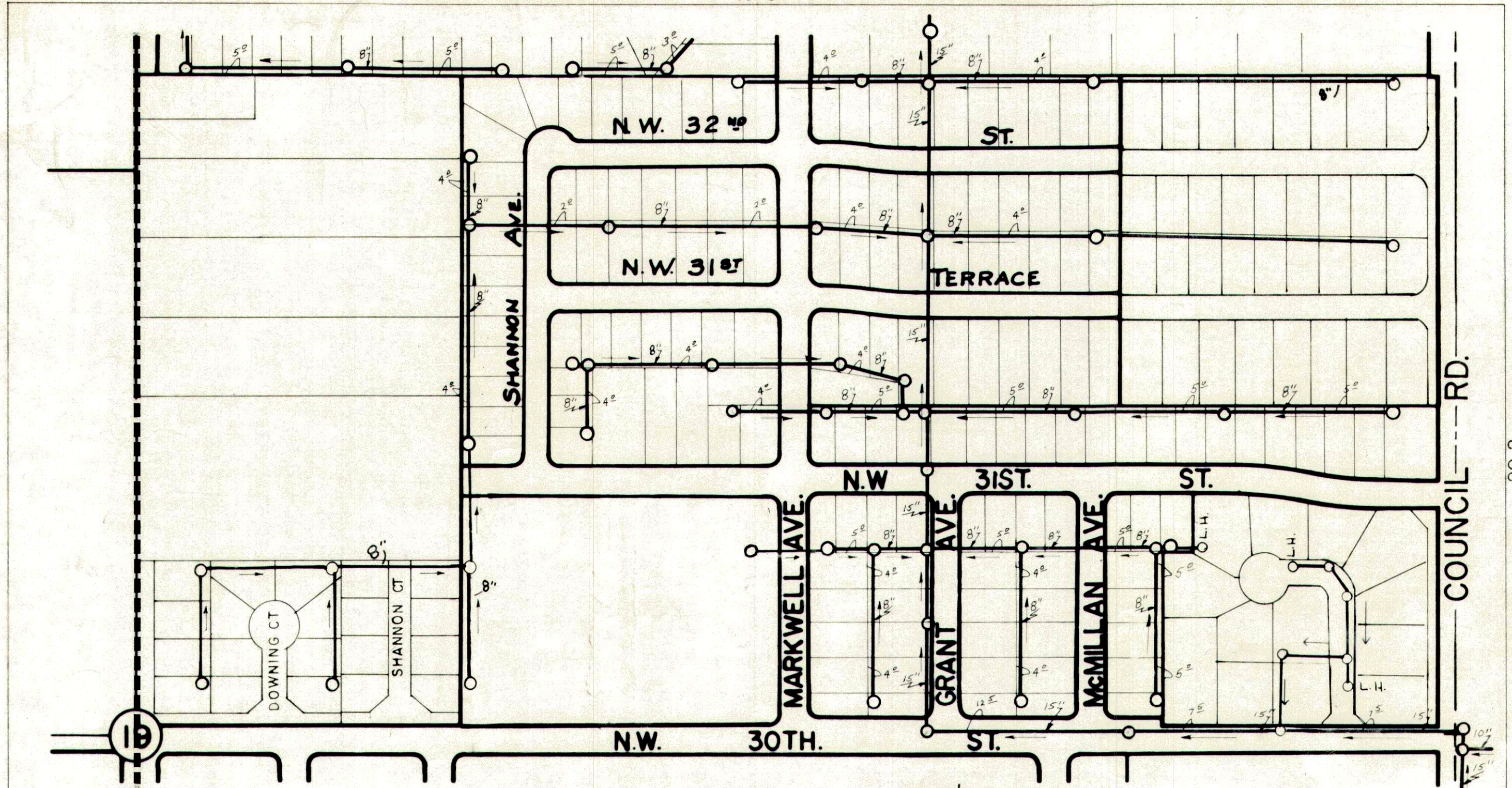
Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



THIS MAP WAS PREPARED FOR THE OKLAHOMA INDUSTRIAL DEVELOPMENT AND PARK DEPARTMENT, STATE PLANNING AGENCY, AND WAS FINANCED IN PART THROUGH AN URBAN PLANNING GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNDER THE PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1954, AS AMENDED.

Rev. 2-11-88

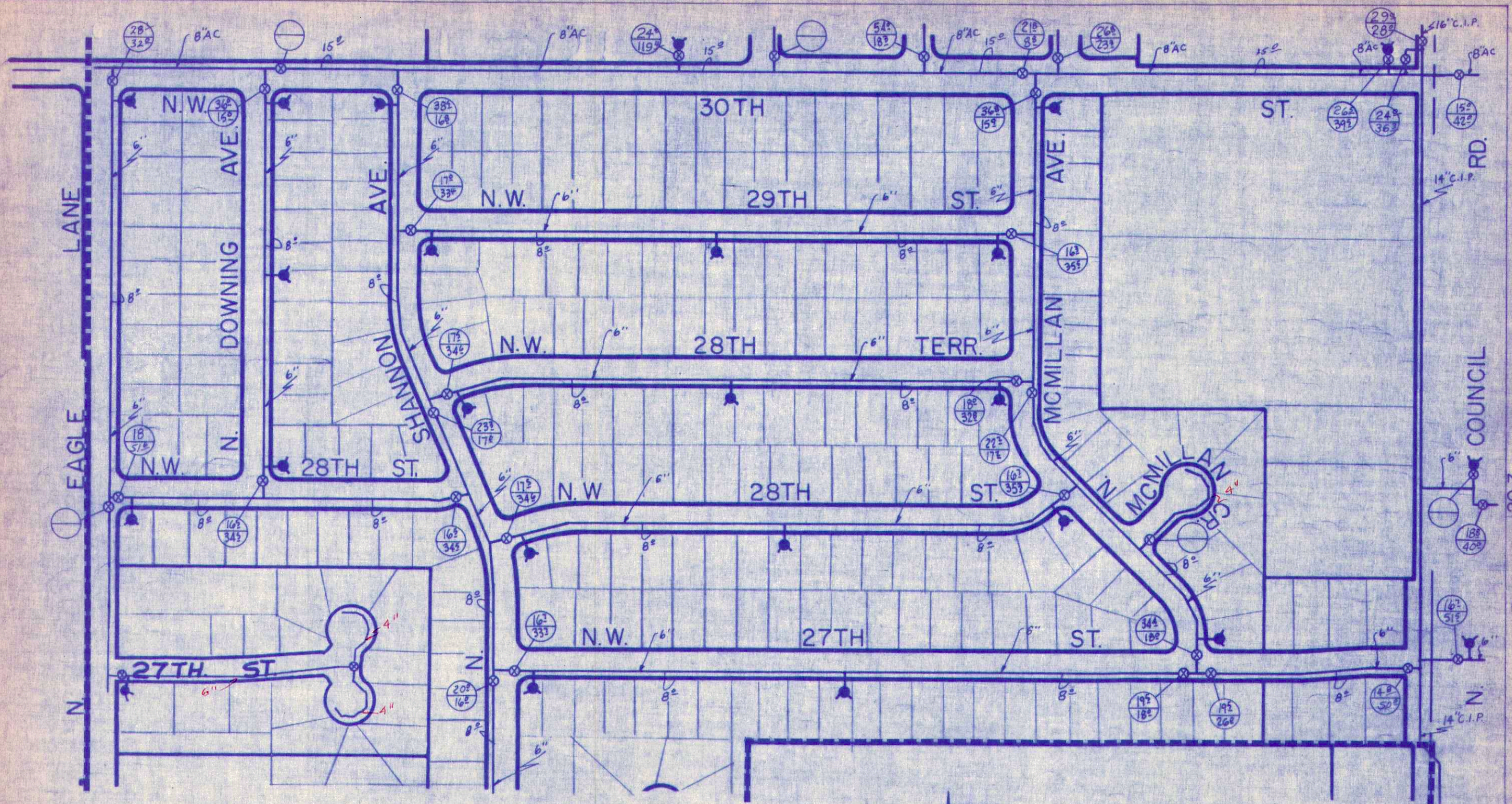
SCALE 1" = 200'



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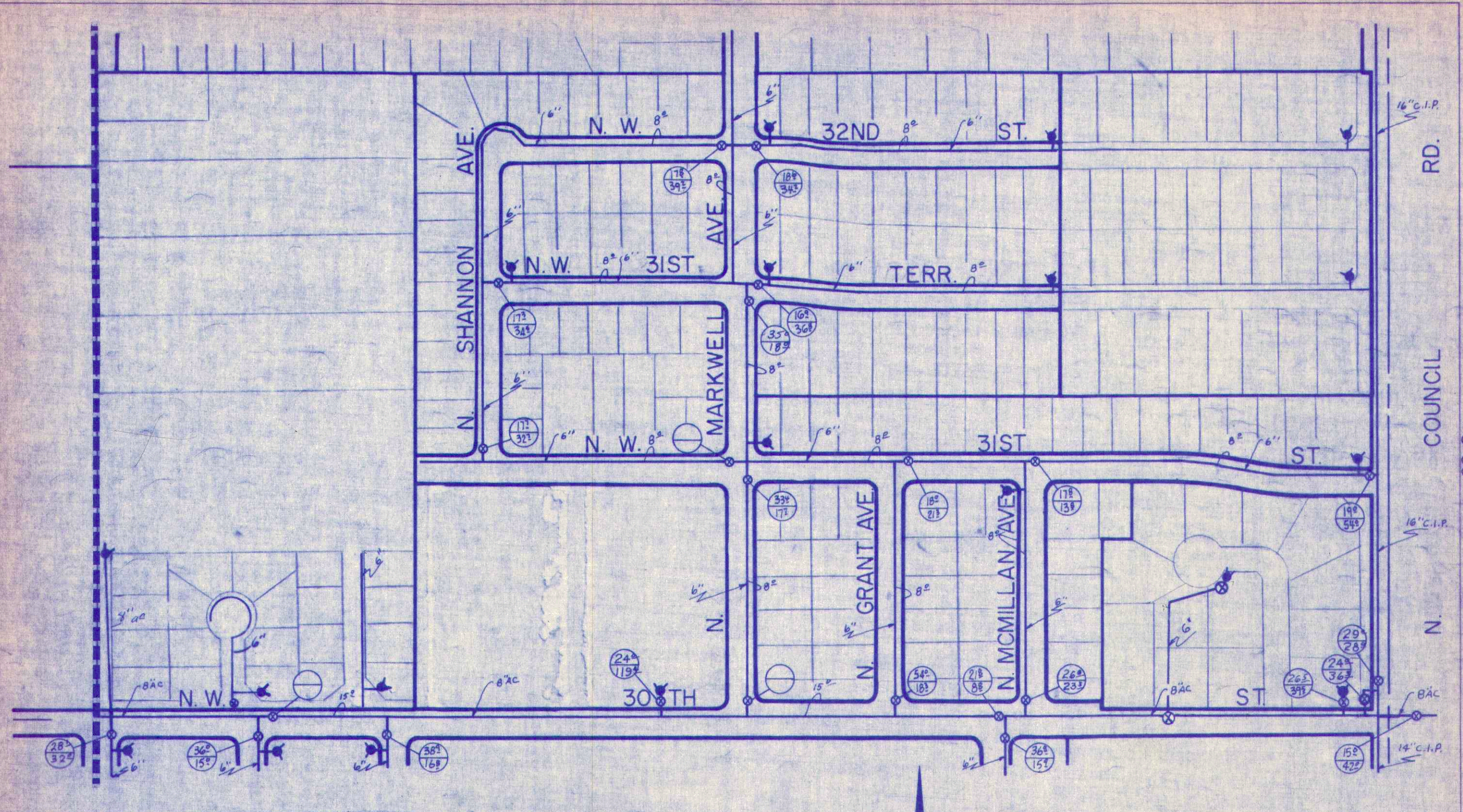
SCALE 1"=200'



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SCALE 1" = 200'

19-6



20-2

THIS MAP WAS PREPARED FOR THE OKLAHOMA INDUSTRIAL DEVELOPMENT AND PARK DEPARTMENT, STATE PLANNING AGENCY, AND WAS FINANCED IN PART THROUGH AN URBAN PLANNING GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNDER THE PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1954, AS AMENDED.

SCALE 1" = 200'



***Department of Planning & Community Development***

April 8, 2024

**NOTICE OF HEARING**

**PLANNING & ZONING COMMISSION  
AND CITY COUNCIL**

Dear Property Owner:

This notice is to inform you that a neighboring property owner has filed an application with the Bethany Planning Department to rezone their property. All rezoning applications within city limits are reviewed by the Planning and Zoning Commission at a public hearing to determine whether the proposal is in conformity with the Comprehensive Plan for the City of Bethany.

We would like to emphasize that the Planning and Zoning Commission does not make the final decision on whether or not to approve the application; it simply makes a recommendation to the City Council. The final decision is made by the City Council in a second hearing.

Attached to this notice is information on the hearing dates, the location of the property, and the zoning of the property. During the public hearings, the applicant for the zoning change presents his case, and all interested property owners in the surrounding area are invited to appear and state whether they are for or against the proposal.

Your participation in these proceedings can affect the outcome.

If you have any questions regarding this notice, please contact the Community Development Director. Call (405) 789-6005.

**SECRETARY,  
PLANNING AND ZONING COMMISSION**

## ZONING CASE INFORMATION

### A. Rezoning Proposal

1. Case Number: PC 24-06.
2. Location of Property: SW Corner of NW 30th ST. and N Council Rd.,  
Bethany, OK.
3. Legal Description: Please see next page, item A 3.
4. Present Zoning: R-1 (Single-Family Residential).
5. Requested Zoning: C-G (Commercial General).

**Commercial General allows for only commercial developments to be built.**

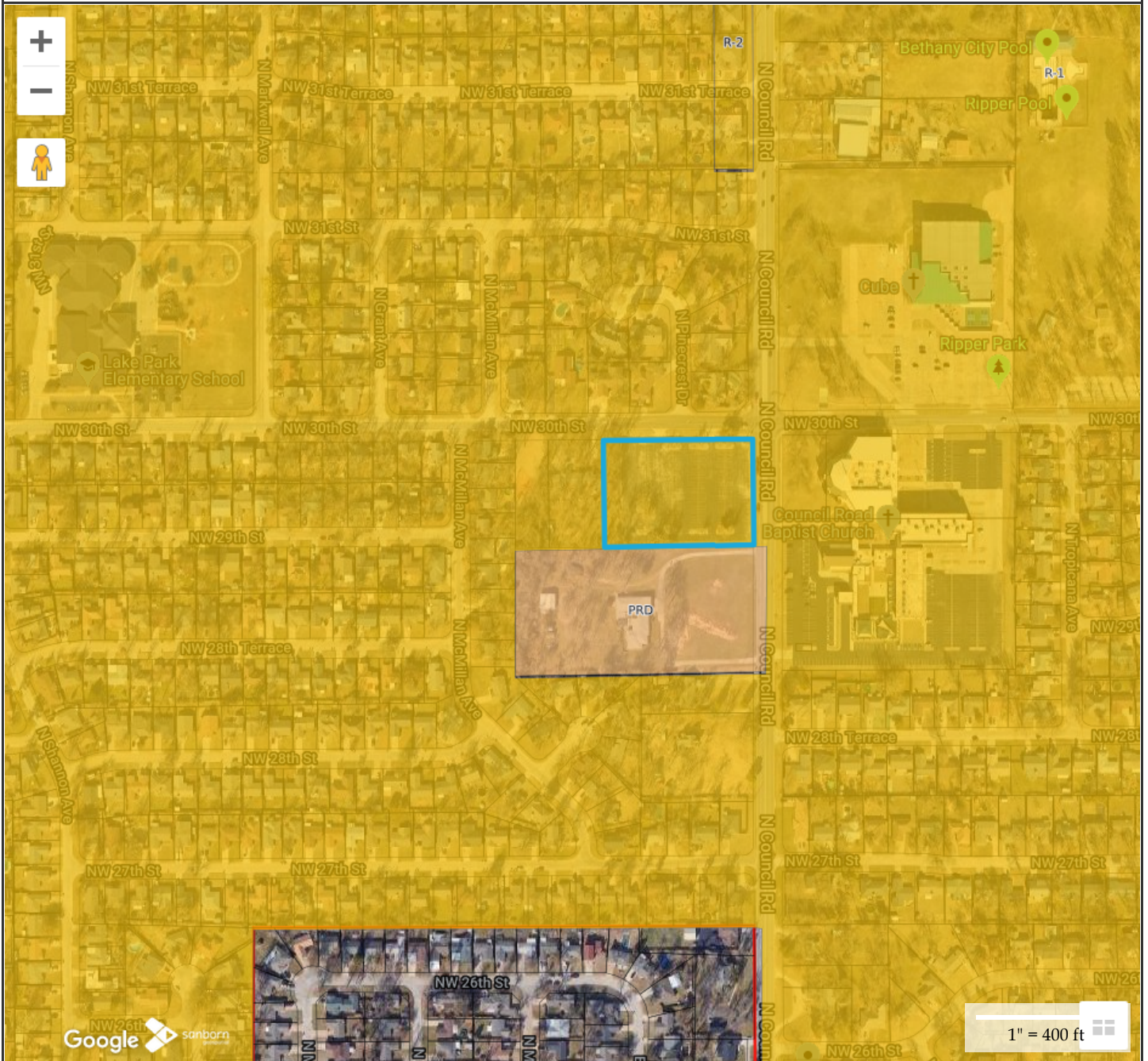
### B. Hearing Schedule

1. The Planning and Zoning Commission hearing on the proposed rezoning will be held on **May 2, 2024** at **7:00 P.M.** At this hearing, any interested citizen will have the opportunity to speak to the Commission concerning the proposed zoning change. The Commission will vote on whether to recommend approval or disapproval of the proposed rezoning. **IF YOU HAVE AN OPINION ON THE APPLICATION, YOU SHOULD ATTEND THIS HEARING.**
2. The City Council Hearing will be held on **May 21, 2024** at **6:30 P.M.** At this hearing, any interested citizens will have the opportunity to speak to the City Council concerning the request. The City Council will vote either to adopt or reject the proposed rezoning ordinance. **IF YOU HAVE AN OPINION ON THE APPLICATION, YOU SHOULD ATTEND THIS MEETING.**

### C. Location of Hearings

Both the Planning and Zoning Commission and City Council hearings will be held in the Bethany City Hall Council Chamber located at 6700 NW 36th St.

# PC 24-06 Zoning Map



### ZONING CODE LEGEND

<span style="display:inline-block; width:15px; height:15px; background-color:blue; border:1px solid black;"></span> A	<span style="display:inline-block; width:15px; height:15px; background-color:purple; border:1px solid black;"></span> I-L
<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> CBD	<span style="display:inline-block; width:15px; height:15px; background-color:purple; border:1px solid black;"></span> I-R
<span style="display:inline-block; width:15px; height:15px; background-color:red; border:1px solid black;"></span> C-G	<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> PUD
<span style="display:inline-block; width:15px; height:15px; background-color:gray; border:1px solid black;"></span> C-H	<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> PRD
<span style="display:inline-block; width:15px; height:15px; background-color:darkred; border:1px solid black;"></span> C-S	<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> R-1
<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> C-N	<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> R-2
<span style="display:inline-block; width:15px; height:15px; background-color:darkred; border:1px solid black;"></span> C-O	<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> R-M
<span style="display:inline-block; width:15px; height:15px; background-color:blue; border:1px solid black;"></span> C-R	<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> RMO
<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> E-I	<span style="display:inline-block; width:15px; height:15px; background-color:purple; border:1px solid black;"></span> RHP

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Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

A 3.) Legal Description

Tract 3: A part of the SE/4 Sec. 20-T12N-R4W I.M., Oklahoma County, Oklahoma, more particularly described as follows:

COMMENCING at the Southeast corner of said Southeast Quarter (SE/4);

THENCE North 00°03'20" East along the East line of said SE/4 a distance of 620/00 feet;

THENCE South 89°29'48" West a distance of 345.00 feet to the POINT OF BEGINNING;

THENCE continuing South 89°29'48" West a distance of 565.20 feet;

THENCE North 00°06'31" West a distance of 702.90 feet;

THENCE North 89°27'47" East a distance of 462.22 feet;

THENCE South 00°03'20" East a distance of 250.00 feet;

THENCE North 89°27'48" East (North 89°14'40" measured) a distance of 105.00 feet;

THENCE South 00°03'20" West a distance of 454.00 feet (453.65 feet measured) to the POINT OF BEGINNING

Said tract of land has an area of 371,845 square feet or 8.5364 acres, more or less.

## NOTICE OF PUBLIC HEARING

On May 2, 2024, at 7:00 p.m. the Bethany Planning and Zoning Commission will during its regular session hold a public hearing at Bethany City Hall at 6700 NW 36<sup>th</sup> St., Bethany, OK 73008 for the following: Consider a request by Council Road Baptist Church, applicant & property owner, to rezone the SW corner of NW 30<sup>th</sup> Street and N Council Road from R-1 (Single-Family Residential) to C-G (Commercial General).

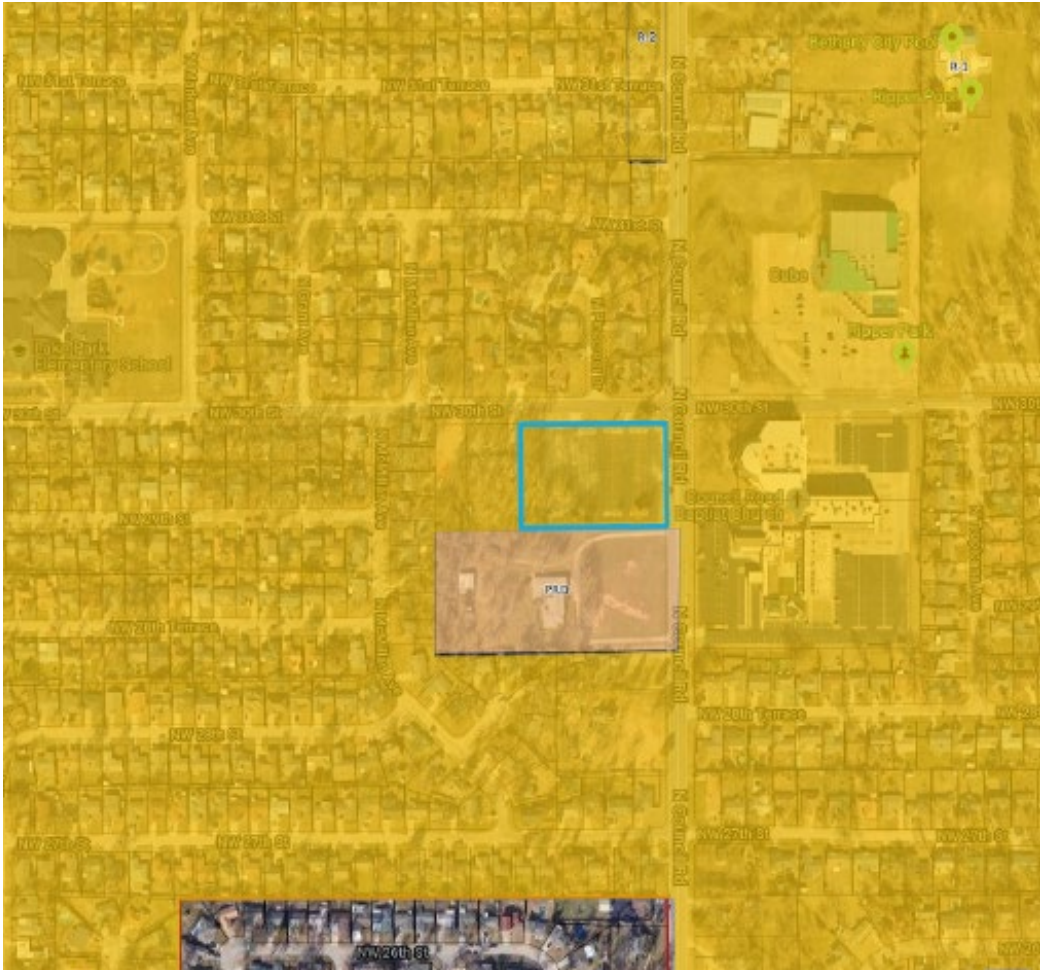
Following the public hearing the Bethany Planning & Zoning Commission will vote on the request and forward a recommendation to the Bethany City Council, which in turn will hear this case on May 21, 2024, at 6:30 p.m. and a vote to approve or deny the request will be held.

The City of Bethany encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48-hour rule if signing is not the necessary accommodation.

### **LEGAL DESCRIPTION:**

A part of the North Half (N/2) of the SE Quarter of Sec. 19 T12N-R4W, I.M., Oklahoma County, Oklahoma, more particularly described as follows:

Beginning at the Northeast corner of the Southeast Quarter (SE/4) of said Section 19, Township Twelve (12) North, Range Four (4) West; Thence along the North line of said Se/4 389.00 feet; Thence South and parallel with the East line of said SE/4 330.00 feet; Thence East and parallel to the North line of said SE/4 389.00 feet to a point on the East line of said SE/4; Thence North 330.00 feet to the Point of Beginning. Less and except the North 35.00 feet and the East 33.00 feet thereof set aside for roadway easements.



# BETHANY Oklahoma

Department of Planning & Community Development

Date Received:

Processed by:



## Rezoning Application

Application must be completed in INK.

Email to [brendan.summerville@bethanyok.org](mailto:brendan.summerville@bethanyok.org) or submit in person at 6700 NW 36<sup>th</sup> St., Bethany OK 73008. Contact Community Development at (405)789-6005.

General Information			
Applicant Name: <i>Council Road Baptist Church</i>			
Address: <i>2900 N. Council Rd</i>		City: <i>Bethany</i>	State: <i>OK</i>   ZIP Code: <i>73008</i>
Phone: <i>405-789-3175</i>		Email: <i>Arnold@councilroad.org</i>	
Property Owner Name: <i>Same</i>			
Address:		City:	State:   ZIP Code:
Phone:		Email:	
Property Information			
Present Zoning: <i>R-1</i>		Requested Zoning: <i>C-6 General Commercial</i>	
Legal Description: <i>see attached:</i>			
Area of Property (sq ft): <i>128,370</i>		Number of Structures:	
Present Use: <i>Parking Lot</i>		Requested Use: <i>Retail development</i>	
Requirements & Supplemental Documents			
<input type="checkbox"/> Certified list of named and address of all property owners of record within three hundred (300) feet of the exterior boundaries of the subject property. Certified lists may be acquired through the Oklahoma County Assessor's Office. <input checked="" type="checkbox"/> The filing fee for the meeting must be paid upon submission of this application. This is a non-refundable fee that is independent of the hearing's outcome. The fee is dependent on the zoning category, the total area is comprises, and a filing & publishing fee for public notice. <input type="checkbox"/> For a Planned Unit Development (PUD) please attach or email renderings of the project in addition to any specific standards and/or requirements that would require a PUD zoning change. <input type="checkbox"/> (If applicable) A completed application for the amendment of the Comprehensive Plan.			
<p>Please expect 4 weeks between the filing deadline and the first hearing date; the City Council hearing will take place within two weeks of the first hearing. It is highly recommended that applicants attend both hearings, as the Planning &amp; Zoning Commission and City Council may ask questions regarding specific details of the zoning change.</p>			
I hereby certify that all of the above statements are true to the best of my knowledge and belief. I have thoroughly read the application and understand its qualification and requirements.			
Signature of Applicant:			Date: <i>3/19/2024</i>



**SCHEDULE C**

The Land is described as follows:

A part of the North Half (N/2) of the Southeast Quarter (SE/4) of Section Nineteen (19), Township Twelve (12) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows: Beginning at the Northeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19), Township Twelve (12) North, Range Four (4) West; Thence along the North line of said SE/4 389.00 feet; Thence South and parallel with the East line of said SE/4 330.00 feet; Thence East and parallel to the North line of said SE/4 389.00 feet to a point on the East line of said SE/4; Thence North 330.00 feet to the Point of Beginning. LESS AND EXCEPT the North 35.00 feet and the East 33.00 feet thereof set aside for Roadway easements.



**CERTIFICATE OF BONDED ABTRACTOR**  
**(300 FEET RADIUS REPORT)**

STATE OF OKLAHOMA                     )  
  ) §:  
COUNTY OF OKLAHOMA                 )

The undersigned bonded abstractor in and for Oklahoma County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Oklahoma County, Oklahoma, as updated by the records of the County Clerk of Oklahoma County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

A part of the North Half (N/2) of the Southeast Quarter (SE/4) of Section Nineteen (19), Township Twelve (12) North, Range Four (4) West of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows: Beginning at the Northeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19), Township Twelve (12) North, Range Four (4) West; Thence along the North line of said SE/4 389.00 feet; Thence South and parallel with the East line of said SE/4 330.00 feet; Thence East and parallel to the North line of said SE/4 389.00 feet to a point on the East line of said SE/4; Thence North 330.00 feet to the Point of Beginning. LESS AND EXCEPT the North 35.00 feet and the East 33.00 feet thereof set aside for Roadway easements

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (3 ), both inclusive.

*NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.*

Dated: January 19, 2024 at 7:30 AM

**First American Title Insurance Company**

*Rochelle Duke*

By:

Shelly Duke

Abstractor License No. 4792

OAB Certificate of Authority # 0049

File No. 2853455-OK99

2874	R172391035	WAINSCOTT JERRY JOE	3000 N MCMILLAN AVE	BETHANY	OK	73008	LAKE PARK	001	004	LAKE PARK 001 004	3000 N MCMILLAN AVE BETHANY
2874	R172391045	CAREY ROY D	2928 N MCMILLAN AVE	BETHANY	OK	73008-4845	LAKE PARK	001	005	LAKE PARK 001 005	2928 N MCMILLAN AVE BETHANY
2874	R172391055	NGUYEN PHUONG MY, NGUYEN NGHIA	10408 GLENDOWER AVE	OKLAHOMA CITY	OK	73162	LAKE PARK	001	006	LAKE PARK 001 006	2924 N MCMILLAN AVE BETHANY
2874	R172391065	NEWELL LANCE & CRISTY	2393 SILVER CROSSINGS CIR	PIEDMONT	OK	73078	LAKE PARK	001	007	LAKE PARK 001 007	2920 N MCMILLAN AVE BETHANY
2874	R173774210	SOROCHYNSKYI VITALII	2911 N COUNCIL RD	BETHANY	OK	73008	UNPLTD PT SEC 19 12N 4W	000	000	UNPLTD PT SEC 19 12N 4W 000 000 PT N 1/2 OF SE4 OF SEC 19 12N 4W BEG 330FT S OF NE/C OF SD SEC S330FT W660FT N330FT E660FT TO BEG	2911 N COUNCIL RD BETHANY
2874	R173774830	THEPHACHANH JOHN D	3640 N ROCKWELL AVE	BETHANY	OK	73008	UNPLTD PT SEC 19 12N 4W	000	000	UNPLTD PT SEC 19 12N 4W BEG 389FT W OF NE/C OF SE4 TH W271FT S330FT E271FT N330FT TO BEG EX N35FT & EX W85FT	0 UNKNOWN BETHANY
2874	R173774810	HINDMAN MARK & KAYLA	8024 NW 30TH ST	BETHANY	OK	73008	UNPLTD PT SEC 19 12N 4W	000	000	UNPLTD PT SEC 20 12N 4W 000 000 PT SW4 SEC 20 12N 4W A REGULATOR SITE DESC AS FOLLOWS BEG 601FT S & 75FT E OF NW/C OF SW4 TH N20FT E40FT S20FT W40FT TO END PUBLIC SERVICE	8024 NW 30TH ST BETHANY
2879	R173786805	OKLAHOMA NATURAL GAS CO	401 N HARVEY	OKLAHOMA CITY	OK	73102	UNPLTD PT SEC 20 12N 4W	000	000	UNPLTD PT SEC 20 12N 4W 000 000 PT SW4 SEC 20 12N 4W BEG 260FT S OF NW/C SW4 TH E660FT S396FT W660FT N396FT TO BEG EX A TR 40FT E&W BY 20FT N&S BEG 601FT S & 75FT E OF NW/C SW4 EXEMPT	0 UNKNOWN BETHANY
2879	R173786810	COUNCIL ROAD BAPTIST CHURCH	2900 N COUNCIL RD	BETHANY	OK	73008-4404	UNPLTD PT SEC 20 12N 4W	000	000	0 UNKNOWN BETHANY	0 UNKNOWN BETHANY



City of Bethany

Planning & Zoning Staff Report

April 18, 2024

## Shipping Containers as Accessory Structures Discussion

### Discussion:

Staff were directed to research and present findings to the Bethany Planning & Zoning Commission as to whether shipping containers can be used as accessory structures.

Discussion question: *Are shipping containers viable accessory structures within the Bethany Municipal Code of Ordinances?*

### Background & Analysis:

Shipping containers are of a steel construction, with insulation being dependent on the designed use of the container. The use of shipping containers as architectural elements has been on the rise, as the containers offer a strong and inexpensive building component. While some architects have utilized shipping containers as standalone elements, others have used them for the basis of buildings themselves. However, these modifications are vital to the durability of shipping containers, as their original purpose is not to be static structures.

Shipping containers are not structural to the same degree that engineered buildings are. Almost any container used as an architectural element or the primary building block must be heavily modified to meet building code standards, including structural and weather loading. While this is limited to containers used as a component of another building, it does raise concerns about whether a container may be considered a standalone structure.

Their steel construction does provide significant strength, however, through their original use in shipping there is likely to be significant wear on these containers. With proper maintenance, shipping containers have a twenty-five-year lifespan; however, this includes the ten to twelve years of use that many containers have within their designed use. As these structures are susceptible to rust, and may have been used to transport harmful materials, there is a high likelihood of groundwater and surface runoff contamination.

### Comprehensive Plan & Ordinance:

Accessory structures, defined in §158.002 of the Bethany Municipal Code of Ordinances, may not exceed 240ft<sup>2</sup> unless a special use permit has been granted by the Bethany Planning & Zoning Commission and the Bethany City Council. Issuance of a special use permit is dependent on the proposed structure being equal to or less than either 50% of the area of the primary structure or 10% of the property. In addition to the area requirements, the ordinance suggests that the roof pitch, height, and material/color also match that of the primary structure. While it is not expressly required, the ordinance states that these items “should” match that of the primary structure.

When analyzing the size, material, and shape of shipping containers, it becomes apparent that conflicts do arise when the ordinances are applied. First, the common sizes of shipping containers are 20’ and 40’ which have areas of 160 ft<sup>2</sup> and 400 ft<sup>2</sup> respectively. In which case, only 20’ containers would be legally sized, whereas 40’ containers would require a special use permit. Thus, any applicant would need to specify the size of container utilized. Second, the façade of shipping containers is steel, and would go against the spirit of the ordinance, unless heavily modified. While steel structures have been permitted, there are differences between the appearance of structural and architectural steel. Third, it is implied that the roof pitch of the accessory structure must match that of the primary structure. The roofs of shipping containers are flat, thus they cannot match any roof pitch, unless the roof of the primary structure is also flat.

Fourth, shipping containers are not intended to function as structures or buildings of any kind. In projects such as the Boxyard in Tulsa, Oklahoma, where shipping containers are used as the core of the building, it must be made clear that immense architectural supports had to be installed to keep these structures upright. As these would function as buildings, all accessory structures must either be pre-approved and stamped by an engineer or built to the standards in the building code. Shipping containers, while engineered, are not designed for use as structures, and would require additional structural and engineering review for approval.

**Conclusion:** Shipping containers can physically function as a means of storage; however, they meet neither the letter nor the spirit of the ordinance.