



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**January 9, 2025**

**Item No. IV. 18.**

**(SPUD-1697) Application by May Rodriguez and Juan Rodriguez to rezone 5800 SE 61<sup>st</sup> Street from I-2 Moderate Industrial District to SPUD-1697 Simplified Planned Unit Development District. Ward 4.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant Representative**

Name David M. Box  
Company Box Law Group, PLLC  
Phone (405) 652-1699  
Email David@boxlawgroup.com

**B. Case History**

This is a new application. This application was converted from PC-10945, a request to rezone to the I-3 District. That application has been withdrawn in favor of this SPUD.

**C. Reason for Request**

The purpose of this application is to allow industrial development, specifically a concrete batch plant.

**D. Existing Conditions**

**1. Size of Site:** 3.54 Acres

**2. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	I-2	I-2	PUD-758	I-2	I-2
<b>Land Use</b>	Undeveloped	Undeveloped	Residential	Undeveloped	Undeveloped

**3. Comprehensive Plan Land Use Typology Area:** Urban - Low (UL)

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

## II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the use and development regulations of the **I-2 Moderate Industrial District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

In addition to I-2 uses, the following shall also be permitted:

8350.6 Industrial, Heavy (further limited to a Concrete Batch Plant)

2. **Maximum Building Height:**  
Shall be in accordance with the base zoning district regulations.
3. **Maximum Building Size:**  
The maximum building size shall be in accordance with the base zoning district regulations.
4. **Maximum Number of Buildings:**  
The maximum number of buildings shall be in accordance with the base zoning district regulations.
5. **Building Setback Lines**  
Building setback lines shall be in accordance with the base zoning district regulations.
6. **Sight-Proof Screening:**  
Screening shall be in accordance with the base zoning district regulations.
7. **Landscaping:**  
The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.
8. **Signs:**
  - 8.1 **Freestanding On-Premise Signs**  
Freestanding signs will be in accordance with the base zoning district regulations.
  - 8.2 **Attached Signs**  
Attached signs will be in accordance with the base zoning district regulations.
  - 8.3 **Off-Premise Signs**  
Non-accessory signs will be prohibited.
  - 8.4 **Electronic Message Display Signs**  
Electronic Message Display signs will be prohibited.

**9. Access:**

Access shall be taken from S. Sooner Rd. for vehicles accessory to the Concrete Batch Plant. Driveway separation to conform to Public Works policy, procedures, and regulations at the time of development. Access may be taken from SE 61<sup>st</sup> St. for standard vehicular traffic.

**10. Sidewalks**

Sidewalks shall not be required within this SPUD.

**II. Other Development Regulations:**

**1. Architecture:**

Exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock or stone masonry, stucco, architectural metal and cementitious siding (including, but not limited to, the brand commonly known as James Hardie). No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

**2. Open Space:**

Shall be per the base zoning district regulations.

**3. Street Improvements:**

SE 61<sup>st</sup> Street shall be improved from the eastern most SPUD boundary to South Sooner Road in accordance with Public Works policy, procedures, and regulations at the time of development.

**4. Site Lighting:**

The site lighting in this SPUD shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

**5. Dumpsters:**

Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and shall be placed no closer than 50 feet from all property lines adjacent to residential zoning district or use.

Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

**6. Parking:**

The design and number of all parking facilities in this SPUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended.

**7. Maintenance:**

Maintenance of the common areas, private drainage easements, and islands / medians in the development shall be the responsibility of the property owner or Property Owners

Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

**8. Drainage:**

Development of this parcel will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

**9. Other:**

The hours of operation shall be as follows:

Monday thru Saturday from 6:00 a.m. to 5:00 p.m.

**III. Supporting Documents**

Exhibit A: Legal Description

Exhibit B: Conceptual Site Plan

**IV. REVIEW COMMENTS**

This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk \* indicates that the agency, department, and/or division responded with no adverse comments.

**A. Outside Agencies**

- 1. Oklahoma City-County Health Department (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas (ONG)**
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District(s) Mid-Del City**
- 7. Oklahoma Department of Transportation (ODOT)**

**B. City Departments**

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire \***

**4. Information Technology/Geographic Support**

**5. Parks and Recreation**

**6. Police**

**7. Public Works**

**a. Engineering**

**Storm Sewer Availability**

- 1) The Public Works Drainage Division staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to chapter 16 of the Oklahoma City Municipal Code.
- 2) Storm sewers in accordance with the City's Drainage Ordinance will be required. Development abutting section line roads with drainage flows that exceed the capacity of OKC standard ditch detail (D-100) will necessitate the installation of enclosed storm sewer and/or concrete channel. These improvements shall be placed to provide a minimum of 35' clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way.
- 3) A flood and/or drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.
- 4) Flood Study will be required to show no rise in FEMA Q 100 and the City of Oklahoma City Q 100 water surface elevation, compared pre-and post-development.
- 5) A portion of subject property is situated within a F.E.M.A. Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year) frequency plus 1'. The Public Works Department Engineering staff shall approve these elevations prior to the filing of the final plat.
- 6) A floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.
- 7) A Corps of Engineers 404 permit must be submitted with plans for any work contemplated within the floodplain, creek, or channel (waters of the United States) included in the case limits.
- 8) Plans for drainage improvements within the private drainage reserves and/or common areas must be submitted for review, and payment of inspection fees shall be made prior to construction. Building permits will not be issued until construction is complete. If a subdivision abuts a stream, the private drainage easements and/or common area along stream shall extend to flow line of stream at a minimum.
- 9) Place the following note on the plat and construction plans: Maintenance of the Common Areas and/or Private Drainage Easements shall be the responsibility of the property owner. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the common areas and/or drainage easements shown.

- 10) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 11) Construction within the limits of this SPUD will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be required prior to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.
- 12) Sidewalk shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 13) All private roads /streets will have private storm sewer systems.
- 14) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 15) Section I.9 states that access shall be taken from S. Sooner Road. However, the limits of this SPUD do not extend to S. Sooner Road, and the property owner to the west, fronting S. Sooner Road, is different from the owner listed in this SPUD. A private access easement will be required from the adjacent property owner. The proposed private access drive must be constructed in accordance with the City of Oklahoma City Standards and Specifications for Heavy Industrial Roadways.

If access from S. Sooner Road is not obtained and SE 61st Street is utilized instead, the owner must improve the streets in accordance with the Industrial Roadway Paving Standard. These improvements must include:

- S. Voorhees Drive, from SE 59th Street to SE 61st Street.
- SE 61st Street, from S. Voorhees Drive extending west to the subject property.

These improvements are necessary because the neighborhood streets are not built to the standards required for heavy industrial use. This requirement is particularly pertinent as the SPUD involves a concrete batch plant, which is defined as Heavy Industrial Activity under Chapter 59 of the Oklahoma City Municipal Code.

- 16) The proposed access drive to S. Sooner Road will need to cross FEMA mapped floodway. According to the City's drainage ordinance, no structure, building, improvement, or development—whether temporary or permanent—may be constructed in the floodway. Additionally, no obstruction, fill, or storage of goods, materials, or equipment is permitted within the floodway.
- 17) The batch plant is not in compliance with Chapter 16 of the Oklahoma City Municipal Code as it was constructed within a FEMA-mapped floodway and 1% chance floodplain without the required flood study. In addition, a No-Rise Certification must confirm that the development does not cause any increase in the effective water surface elevation during a 100-year flood event.

If the flood study identifies any rise in elevation, a Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) must be obtained from both the City and FEMA before the Council can grant final acceptance of the SPUD.

**b. Stormwater Quality Management**

**c. Traffic Services \***

**8. Utilities**

**a. Engineering**

**b. Solid Waste Management**

- 1) The City cannot provide service, contact private hauler.

**c. Water/Wastewater Quality**

**Water Availability**

- 1) Site is not currently adjacent to a watermain, but within the required distance for an industrial site for waterline extension. 12-inch waterline is along Sooner Rd that can be extended to site.
- 2) Minimum ten (10) feet horizontal separation required from wastewater mains and five (5) feet for other utilities. Minimum two (2) foot vertical separation required for all utility crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 3) Proposed and/or existing water mains must be located centrally within a twenty (20) feet wide or larger utility easement or right-of-way. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 4) Dead-end water mains must be avoided when possible. All existing unused water services must be capped and abandoned at the water main in accordance with the City Standard Specifications.
- 5) In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi. The developer is responsible for designing and construction of all fixtures to provide adequate domestic and fire protection under minimum pressure conditions. The developer will be responsible for any failure of domestic or fire protection systems which require water pressure in excess of 25 psi. The developer is responsible for installing pressure reducers if necessary for protection of developer's service lines, plumbing, and fixtures.
- 6) All existing and/or proposed water meters must be located in the right-of-way and/or utility easement within grassy areas outside of sidewalks, driveways, streets, and paving.

- 7) All domestic and fire suppression services must have a separate water service connection. Fire hydrant spacing shall not exceed 500 feet and must be located within ten (10) of a hard surface (i.e. sidewalk, street, paving).
- 8) Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.
- 9) Plat may be revised after review and approval of utility plans.

**Wastewater Availability**

- 1) An existing 27-inch wastewater main(s) is located adjacent to the subject site(s).
- 2) Line capacity is not guaranteed and must be checked by the Engineer of Record and reviewed by the City.
- 3) The developer will be required to extend the City wastewater collection system to and across each lot or site within the subdivision in accordance with the City Standard Specifications and Private Development Design Manual.
- 4) Minimum ten (10) feet horizontal separation is required from water mains and five (5) feet for other utilities. Minimum two (2) feet vertical separation required for all crossings. All wastewater mains must have a minimum cover of four (4) feet and depth no greater than eighteen (18) feet. Developer is responsible for remediating any failure to maintain the minimum four (4) feet of cover.
- 5) Wastewater main(s) must be centrally located in a twenty (20) feet wide easement or larger if necessary. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 6) All existing unused private wastewater service connections must be abandoned and capped at the main in accordance with City Standard Specifications and Private Development Design Manual.
- 7) The plat may be revised after review and approval of utility plans.

**9. Planning**

**a. Comprehensive Plan Considerations**

**1) LUTA Development Policies:**

Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways.
- Where possible, provide a continuous system of open space along stream corridors or other appropriate areas that link neighborhoods and park lands.
- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

*Floodway and 100-year floodplain for Crutch Creek almost completely cover the subject site. The development is required to comply with all City, State, and Federal*



*requirements within the floodplain. The SPUD Master Design Statement does not address floodway or floodplain on the site. Plan conformance could be strengthened by providing requirement of a continuous system of open space along the creek corridor. Public water and sewer are available.*

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The base I-2 District regulations, including reduced building height and increased setbacks due to proximity to residential uses, could provide a floor to area ratio within the Urban Low Intensity LUTA.*

Automobile Connectivity:

- Maintain, create, and enhance a street network that is highly connected to increase number of viable commercial locations and the effectiveness of the transportation system.
- Limit number of dead-end streets and cul-de-sacs.
- Protect existing traditional street grid and reconnect it where possible.

*The subject site is located along an unimproved portion of the right-of-way for SE 61st Street, between S Sooner Rd and S Vorhees Dr. The portion of the street from S Voorhees Drives terminates near the northeast corner of the property. The SPUD states that batch plant trucks will only take access from S Sooner Road. See Public Works discussion above regarding requirements.*

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Within parking lots, provide pedestrian access ways separated from vehicle aisles.

*Sidewalks are not currently available on the subject site and not required by the SPUD regulations.*

- 2) Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating the proposed use adjacent to existing Low Intensity Residential, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if residential lot sizes in UL are less than 60% of directly adjacent residential lots, the setbacks are significantly deeper or more shallow than the predominant character of adjacent development; the building’s orientation to the street differs from the predominant character of adjacent development; building size or street frontage dramatically differs from that of adjacent uses, the lot coverage (including buildings and paved areas) dramatically exceeds that of adjacent uses, or if buildings within 40 ft. of a single-family residential structure exceed a 3:1 ratio in height. *The proposed SPUD regulations are generally consistent with the bulk regulations for the I-2 zoning located to the north, south, and west of the site. However, the request triggers potential compatibility issues on the east abutting single-family residential development. The base I-2 District requires reduced building height and increased setbacks and landscaping adjacent to residential uses.*

Traffic: Mitigation measures should be used if the development is inconsistent with the Street Typology, or would substantially exceed the average daily traffic of existing, adjacent uses. *The subject site is located along the south side of right-of-way for SE 61st Street and is not improved. The street currently serves residential uses on the east and would not typically expect to incorporate heavy truck traffic.*

Operational Impact: The comprehensive plan calls for mitigation measures if new projects propose uses that generate noise levels above those found in typical residential settings, have detectable odors, spill light above that found in typical residential settings, or operate after 10 p.m. within proximity to residential uses. When located near residential uses, the comprehensive plan calls for containing operating effects (including noise and odor) within building walls, using vertical screening to block any mechanical equipment and service areas, and directing light away from adjacent residential areas. *The proposed batch plant could create operational impacts related to noise, vibrations, smoke, odor, light or dust near residential uses. The SPUD incorporates the base I-2 District regulations, which require reduced building height and increased setbacks and landscaping adjacent to residential zoning. In this case, many of the existing homes to the east are zoned I-2. Screening, buffers, height step-downs, etc. would not be required between the I-2 zones. Plan conformance would be strengthened by requiring the base I-2 District regulations adjacent to residential uses, regardless of zoning district.*

**3) Service Efficiency:**

- Water: *Close to Service or Served*
- Sewer: *Fully Served*
- Fire Service: *Urban Response*

**4) Environmentally Sensitive Areas:** The following apply to the proposed development site:

- Riparian Areas: Riparian areas are vegetated areas adjacent to streams, lakes, ponds, and wetlands that are composed of a mixture of trees, shrubs, and grasses. These areas may also contain floodplain. The comprehensive plan recommends a 100-foot buffer from stream banks. *Riparian area is present on the western two-thirds of the subject site in the form of floodway and 100-year floodplain for Crutch Creek. The development is required to comply with all City, State, and Federal requirements within the floodplain. The SPUD Master Design Statement does not address floodway or floodplain on the site. Plan conformance could be strengthened by providing requirement of a continuous system of open space along the creek corridor.*
- Upland Forests: N/A
- Vulnerable Aquifers: The aquifer in this area is considered moderately vulnerable to depletion. The comprehensive plan recommends preserving natural open spaces and utilizing low impact development techniques whenever possible in new developments in order to maintain water quality and allow for the infiltration of stormwater onsite. Low impact development techniques include, but are not limited to, using pervious surface materials wherever

possible for the construction of driveways, parking areas, sidewalks, patios, etc., to promote increased water percolation and infiltration.

**5) Transportation System:** This site is located along the south side of SE 61st Street, a Neighborhood Street in the Urban Low LUTA. Transit (bus) service is not available nearby.

**6) Other Development Related Policies**

- Avoid placing heavy industrial uses on borders of industrial areas to avoid conflicts with adjacent development. (SU-35)
- Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
- Improve the functionality and efficiency of the street network by:
  - Providing direct connections from residential developments to nearby places and to each other.
  - Providing street and sidewalk stubs to adjacent vacant land in anticipation of future development.
  - Connecting new development to existing street and sidewalk stubs, and to existing trail, open space, and bicycle networks.
  - Reducing block sizes and use of dead-end streets.
  - Maintaining the existing street grid to preserve connectivity and mobility options. (C-11)
- Avoid under-grounding streams to the greatest extent possible. Where feasible, encourage the re-surfacing of buried streams. Limit the use of culverts or other structures that alter natural streams and require designs that minimize impacts to stream health and function. (G-11)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizeable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)

**b. Plan Conformance Considerations**

The subject site is located along the south side of right-of-way for SE 61st Street, in an area generally located south of SE 59th Street and east of South Sooner Road. Southeast 61st Street terminates near the northeast corner of the property. The site is zoned I-2 and undeveloped. Approximately the western 80 percent of the subject site is within floodplain or floodway, and a sewer line runs through the eastern portion. Land to the north, south, and west is undeveloped and zoned I-2. Abutting the property on the east is a single-family residence zoned as part of PUD-758, which was approved in July 2000 for residential uses and specifically bed and breakfast. In addition to the PUD, the area to the east is a mix of R-1 and I-2 zoning. However, many of the I-2 zoned lots are developed with homes.

This application was originally presented to the Planning Commission as a request to rezone from I-2 to the I-3 District, which allows the use needed for the intended and

existing batch plant (Heavy Industrial). Staff recommended denial of the application due to compatibility concerns near residences. The Planning Commission suggested a SPUD. One of the concerns raised was traffic. While right-of-way exists for SE 61<sup>st</sup> Street, it is not improved, and traffic for the site uses the neighborhood streets to the east.

The new SPUD proposes to maintain the base zoning district of I-2 and adds the Heavy Industrial Use, further limited to a batch plant. The SPUD states that “Access shall be taken from S. Sooner Rd. for vehicles accessory to the Concrete Batch Plant. Driveway separation to conform to Public Works policy, procedures, and regulations at the time of development. Access may be taken from SE 61<sup>st</sup> St. for standard vehicular traffic.”

Concerns from the Public Works Department, summarized below, should be addressed in the Master Design Statement.

*The limits of this SPUD do not extend to S. Sooner Road. A private access easement will be required from the adjacent property owner. The proposed private access drive must be constructed in accordance with the City of Oklahoma City Standards and Specifications for Heavy Industrial Roadways. If access from S. Sooner Road is not obtained and SE 61st Street is utilized instead, the owner must improve the streets in accordance with the Industrial Roadway Paving Standard. (see above for location details).*

*The proposed access drive to S. Sooner Road will need to cross FEMA mapped floodway. According to the City's drainage ordinance, no structure, building, improvement, or development—whether temporary or permanent—may be constructed in the floodway. Additionally, no obstruction, fill, or storage of goods, materials, or equipment is permitted within the floodway. The batch plant is not in compliance with Chapter 16 of the Oklahoma City Municipal Code as it was constructed within a FEMA-mapped floodway and 1% chance floodplain without the required flood study. In addition, a No-Rise Certification must confirm that the development does not cause any increase in the effective water surface elevation during a 100-year flood event. If the flood study identifies any rise in elevation, a Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) must be obtained from both the City and FEMA before the Council can grant final acceptance of the SPUD.*

#### **IV. STAFF RECOMMENDATION**

*Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning Commission. Planning Commission decisions require a vote of five members to approve or deny an item. The Planning Commission may consider in its decision-making process any additional relevant information presented at the public hearing by the public, applicant, and/or City departments.*

**Denial of the application.**

**If approved, subject to the following Technical Evaluations:**

1. Residential buffers shall apply where adjacent to a residential use or zoning district.
2. Modify Master Design Statement to address road paving standards as required by Public Works Department.
3. A No-Rise Certification, or CLOMR/LOMR if applicable, must be obtained prior to the SPUD application being considered by City Council.

All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the SPUD may be required during either Divisions review of construction plans and prior to City Council approval.

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