

Planning Commission Minutes
May 9, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:56 p.m. on May 3, 2024)

8. (SPUD-1607) Application by Barline, LLC to rezone 11765 North Morgan Road from PUD-1872 Planned Unit Development District to SPUD-1607 Simplified Planned Unit Development District. Ward 1.

Amended Technical Evaluation:

1. The concrete batch plant shall be limited to one (1) acre in total land area.
2. Evergreen trees shall be planted on 25-foot centers along the southern boundary line of the SPUD.
3. The corporate office shall be located between the concrete batch plant and the entry road to the development.

The applicant was present. There was a protestor present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY CLAIR, SECONDED BY POWERS

AYES: CLAIR, POWERS, MEEK, GOVIN, PENNINGTON, NOBLE

NAYS: PRIVETT, NEWMAN, LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
May 9, 2024

Item No. IV. 8.

(SPUD-1607) Application by Barline, LLC to rezone ~~44769~~ 11765 North Morgan Road from PUD-1872 Planned Unit Development District to SPUD-1607 Simplified Planned Unit Development District. Ward 1.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name	Mark Zitzow
Company	Johnson & Associates
Phone	405-235-8075
Email	mzitzow@jaokc.com

B. Case History

This application was deferred at the March 28, 2024 Planning Commission meeting and continued at the April 25, 2024 Planning Commission meeting.

C. Reason for Request

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

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Urban – Low Intensity (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.

Comprehensive Plan Land Use Typology Layer: Urban Future (UF)

The UF layer maintains agricultural land and large acreage estates until the area is ready for urbanization. The purpose of the UF designation is to retain land in a condition that provides the most flexibility for developing at urban densities in the future and ensures the most efficient, sustainable delivery of services. Land assembly is one of the most difficult tasks associated with effective land development. To the extent parcels become fragmented, the potential to efficiently urbanize UF areas is compromised due to the challenges of land assembly. Urban Future areas may have access to the City's public water supply or sanitary sewer systems but not both, and typically don't have urban levels

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of fire service. These areas present opportunities to increase service levels over time and responsibly manage the public costs of growth. Urban services, including City water and sewer, are not intended to be provided to UF areas until the designation is removed through an amendment to planokc. Commercial and light industrial uses may be appropriate provided they do not negatively impact agricultural operations and character or the potential to eventually urbanize.

2. **Size of Site:** 2.66 acres

3. **Zoning and Land Use**

	Subject Site	North	East	South	West
Zoning	PUD-1872	AA	PUD-1872	AA	PUD-337
Land Use	Undeveloped	Undeveloped	Undeveloped	Residential	Undeveloped

II. SUMMARY OF SPUD APPLICATION

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

The following use(s) will be the only use(s) permitted on this site:

- Administrative and Professional Office (8300.1)
- Agricultural Processing: Limited (8150.2)
- Animal Sales and Services: Grooming (8300.8)
- Animal Sales and Services: Kennel and Veterinary, Restricted (8300.11)
- Automotive and Equipment: Cleaning and Repairs, Light Equipment (8300.14)
- Building Maintenance Services (8300.23)
- Business Support Services (8300.24)
- Communications Services: Limited (8300.29)
- Construction Sales and Services (8300.31)
- Convenience Sales and Personal Services (8300.32)
- Custom Manufacturing (8350.3)
- Dwelling Units and Mixed Uses (8200.2)
- Funeral and Interment Services: Undertaking (8300.44)
- Industrial, Light (8350.8)
- Industrial, Heavy (8350.6), further restricted to permit a temporary and mobile Concrete Batch Plant
- Light Public Protection and Utility: General (8250.12)

- Light Public Protection and Utility: Restricted (8250.13)
- Participant Recreation and Entertainment: Indoor (8300.55)
- Personal Services: General (8300.58)
- Personal Services: Restricted (8300.59)
- Personal Storage (8300.60)
- Repair Services: Consumer (8300.61)
- Research Services: Restricted (8300.62)
- Retail Sales and Services: General (8300.63)
- Wholesaling, Storage and Distribution: Restricted (8350.16)

2. Maximum Building Height:

The maximum height of any building shall be 35 feet.

3. Maximum Building Size:

There shall be no maximum building size within this SPUD.

4. Maximum Number of Buildings:

The maximum number of buildings within this SPUD shall be per the base zoning district. Accessory structures shall not be included within the maximum building limit.

5. Building Setback Lines:

North Boundary:	15 feet
South Boundary:	15 feet
East Boundary:	None
West Boundary:	75 feet

There shall be no interior setbacks within this SPUD except as required by building and fire codes.

6. Sight-proof Screening:

No less than a six-foot and no greater than an eight-foot-high sight proof screen shall be required along the north and south SPUD boundaries. Said sight-proof screen may be constructed of stucco, brick, stone, wood, steel/iron and/or any combination thereof and shall be solid and opaque.

7. Landscaping:

The subject site shall meet all requirements of Oklahoma City's Landscaping

Ordinance in place at the time of development.

8. Signs:

8.1 Freestanding Accessory Signs

Freestanding accessory signs shall be per the I-2 Moderate Industrial District regulations.

No pole signs will be allowed.

8.2 Attached Signs

Attached signs shall be in accordance with the I-2 Moderate Industrial District regulations.

8.3 Non-accessory Signs

Non-accessory signs shall not be permitted in this SPUD.

8.4 Electronic Message Display Signs

Electronic Message Display signs shall not be permitted in this SPUD.

9. Access:

Access shall be taken from the private drive abutting this SPUD. Said private drive is accessed from N Morgan Road and is within PUD-1872, the parent PUD to this SPUD.

Lots within this SPUD will not be required to have frontage on an approved street. Access to individual lots within the SPUD may be permitted to be from a private drive. The private drive shall be placed within a common area or easement designated for access purposes. A Property Owners Association, through the use of recorded Covenants and Restrictions, shall govern maintenance of the private drive. Access to the individual buildings shall be provided by private shared access drives that will provide internal circulation. Private shared access drives shall have a minimum pavement width of 20 feet for one-way drives and 24 feet for two-way drives. All zoning district building setbacks shall be eliminated for lots so developed. Platted building setbacks shall be enforced.

Lots may be platted/subdivided and there shall be no minimum lot size. A platted lot may be split administratively but is not permitted to include an adjacent common area/private driveway. The resulting lot is permitted to take access from the platted

common area/private drive and to conform to the regulations within this SPUD. A split lot is not required to have frontage on an approved street.

10. Sidewalks:

Sidewalks shall not be required within this SPUD. Internal pedestrian pathways that connect to the abutting PUD-1872 to the east may be permitted.

II. OTHER DEVELOPMENT REGULATIONS:

1. Architecture:

Buildings within this SPUD shall be permitted to utilize the following building materials:

Brick, brick veneer, architectural metal, stucco, rock, stone masonry or other masonry products such as architectural concrete such as tilt-up concrete panels and split face concrete block, exterior grade, decay-resistant, solid wood or cement-board may also be permitted.

2. Open Space: This SPUD shall provide 10% open space.

3. Street Improvements: N/A

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: Dumpster(s) shall be consolidated where practical and located within an area screened by a fence or masonry wall of sufficient height to screen the dumpster from view. Said dumpster shall not be permitted within 25 feet from all property lines adjacent to residential uses.

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

7. Maintenance: N/A

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

9. Platting: Platting shall not be required within this SPUD.

10. Other: N/A

III. SUPPORTING DOCUMENTS

Exhibit A: Legal Description
Exhibit B: Conceptual Site Plan

III. 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**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas:** Please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior to excavation for the exact location of our facilities.
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District: Piedmont**
- 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 (Anu or Barry)**
 - b. Streets, Traffic and Drainage Maintenance**

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) 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.
- 8) 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.
- 9) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 10) 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.

- 11) 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.
- 12) All private roads /streets will have private storm sewer systems.
- 13) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 14) Add following wording to the end of Section I.10 Sidewalks: All existing and reconstructed sidewalks, if required, shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction of this SPUD.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Wastewater Availability

- 1) No public wastewater service is available for the development. A private on-site wastewater disposal system is required in accordance with ODEQ rules and regulations. Applicant is responsible for obtaining all required City and ODEQ Permits. On-site wastewater disposal system must be installed by an ODEQ certified installer and inspected by ODEQ.

Water Availability

- 1) An existing 6" water main is located adjacent to the subject 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

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pressure conditions. The developer will be responsible for any failure of domestic or fire protection systems which require water pressure more than 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.

b. Solid Waste Management

- 1) The City can provide solid waste collection services to commercial customers providing refuse is not excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise, the customer will have to utilize a private hauler for dumpster service.

9. Planning

a. Comprehensive Plan Considerations

The site is within the Urban Low LUTA and in an area the comprehensive plan designates as Urban Future. When the Urban Future layer is removed for new development, the Urban Low policies will apply.

1) LUTA Development Policies:

Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

National, state, and local permitting require basic best management practices for stormwater management. Public water is available on the subject site; however, connection to the public sewer is not available.

Location:

- Locate uses that generate high traffic volumes along arterial streets, frontage roads, and interstates.

The subject site takes access from North Morgan Road, an arterial street in the Urban Low Intensity LUTA.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The SPUD regulations could provide a FAR within the Urban Low LUTA range.*

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.
- Provide vehicular connectivity between adjacent developments.

The SPUD proposes retaining the one previously approved access from North Morgan Road (PUD-1783 in 2022). Connectivity westward would be difficult due to topographic restraints of the large riparian area and floodplain found west of the subject site. The previous SPUD specified an opportunity for connectivity at the half section line (the SPUD's western boundary) north to NW 122nd Street or south to Northwest Expressway by introducing a western setback of 75 feet, which the proposed SPUD upholds.

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. PUD-1783, to the east, requires sidewalks along North Morgan Road.

- 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 uses adjacent to existing agricultural or commercial uses, “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 SPUD proposes adding the Heavy Industrial use, restricted to a temporary and mobile concrete batch plant. No new compatibility issues relating to building scale or site design requiring mitigation measures were identified.*

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 SPUD will take access from a previously approved private drive that accesses North Morgan Road. The road serves primarily agricultural uses and a few residences. No new compatibility issues relating to traffic requiring mitigation measures were identified.*

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 SPUD proposes adding the Heavy Industrial use, restricted to a temporary and mobile concrete batch plant. The nearest residence to the subject site is 1,000 ft to the southeast. The SPUD regulations require sight-proof screening on the north and south boundaries, where adjacent to agriculturally zoned property and maintain the landscape requirements of the I-2 District, which would require a landscape buffer of at least 5 feet and additional landscaping points or trees spaced on 25-foot centers.*

3) Service Efficiency:

- Water: *Served – Close to Service*
- Sewer: *Not Served – Within Open Shed*
- Fire Service: *Urban Service Level*

4) Environmentally Sensitive Areas: No ESAs were identified on the subject site.

5) Transportation System: This site is located along the west side of North Morgan Road, a Minor Arterial Street in the Urban Low LUTA. Transit (bus) service is not available.

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)
- Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
- Share parking between contiguous developments. (C-31)
- Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)

- Encourage unified planning for all adjoining land owned or controlled by a project's developer to ensure proper circulation and land use relationships (SU-47)

b. Plan Conformance Considerations

The subject site is located west of North Morgan Road, between NW 122nd Street and Northwest Expressway, in an area generally west of the John Kilpatrick Turnpike. The site, and land to the east, were rezoned from AA and PUD-754, which allowed a construction sales office, to PUD-1783 (2021) for limited industrial uses. The site was then rezoned to PUD-1872 in 2022 with nearly the exact regulations, only adding the allowance of metal buildings. The property has since been platted as Barline Industrial Park Phase 2 (2023). Portions of PUD-754, PUD-1783, while including O-1 zoning and SPUD-456, remain adjacent to the site on the north along North Morgan Road. The rest of the northern boundary abuts AA land that is primarily used as agricultural with a few residences. Across North Morgan Road, to the east, is undeveloped AA land that abuts the John Kilpatrick Turnpike. South of the site is a single-family residence on a 25-acre AA parcel. Abutting the subject site to the west is undeveloped land zoned for commercial uses in PUD-337 in 1988.

The SPUD is requested to allow a temporary and mobile concrete batch plant with a modified I-2 Moderate Industrial District base zoning. The subject site is within the Urban Future LUTA. The purpose of this designation is to maintain land in a condition that is flexible for future urban development. Commercial and industrial uses may be appropriate if they do not negatively impact agricultural operations or the potential for the area to eventually urbanize.

IV. STAFF RECOMMENDATION

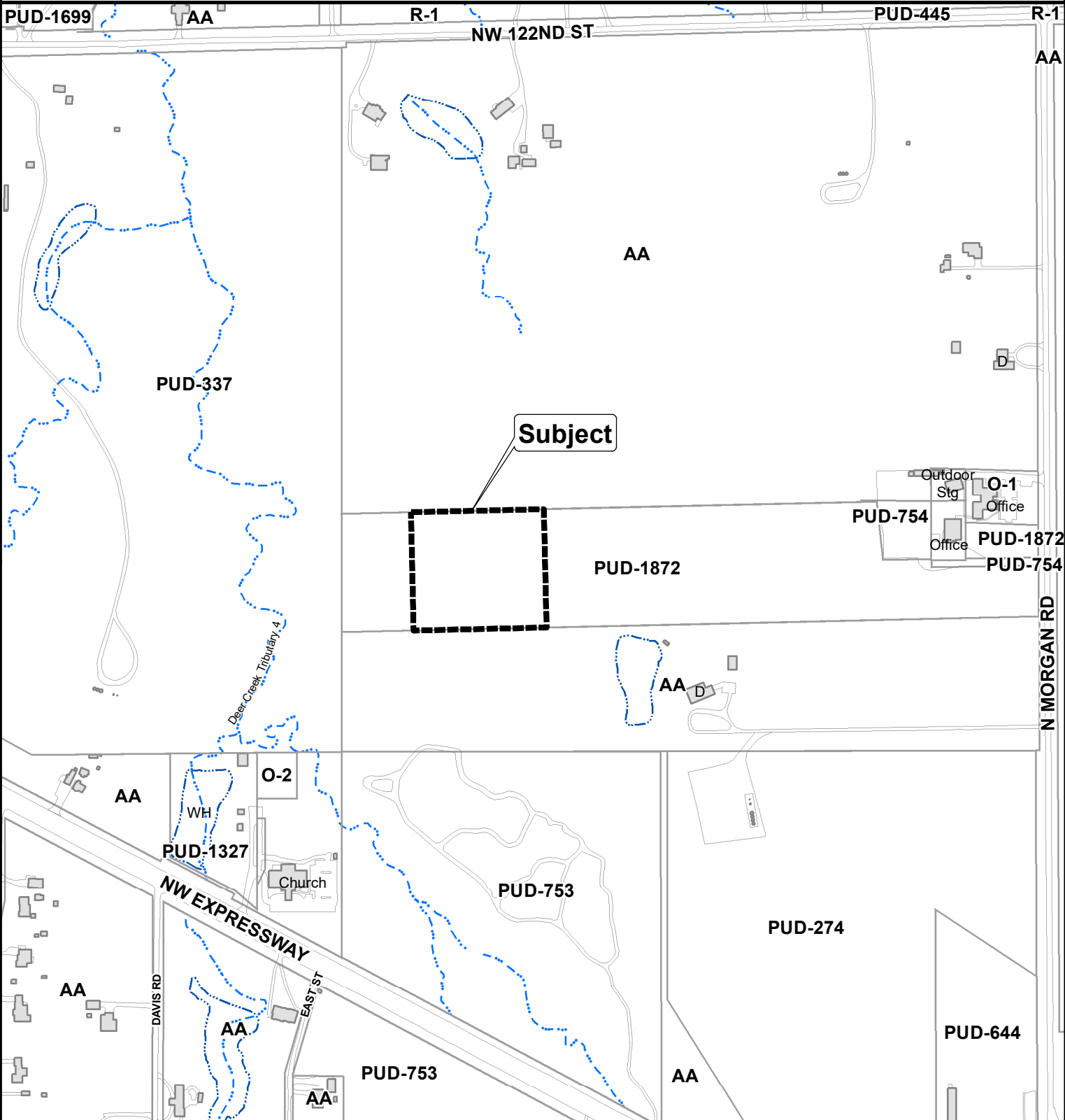
Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning 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.

Approval of the application.

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

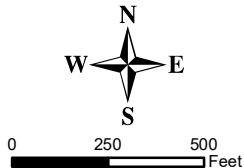
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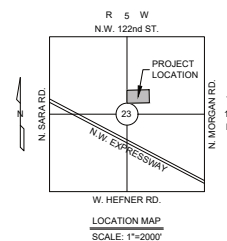
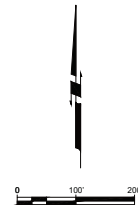
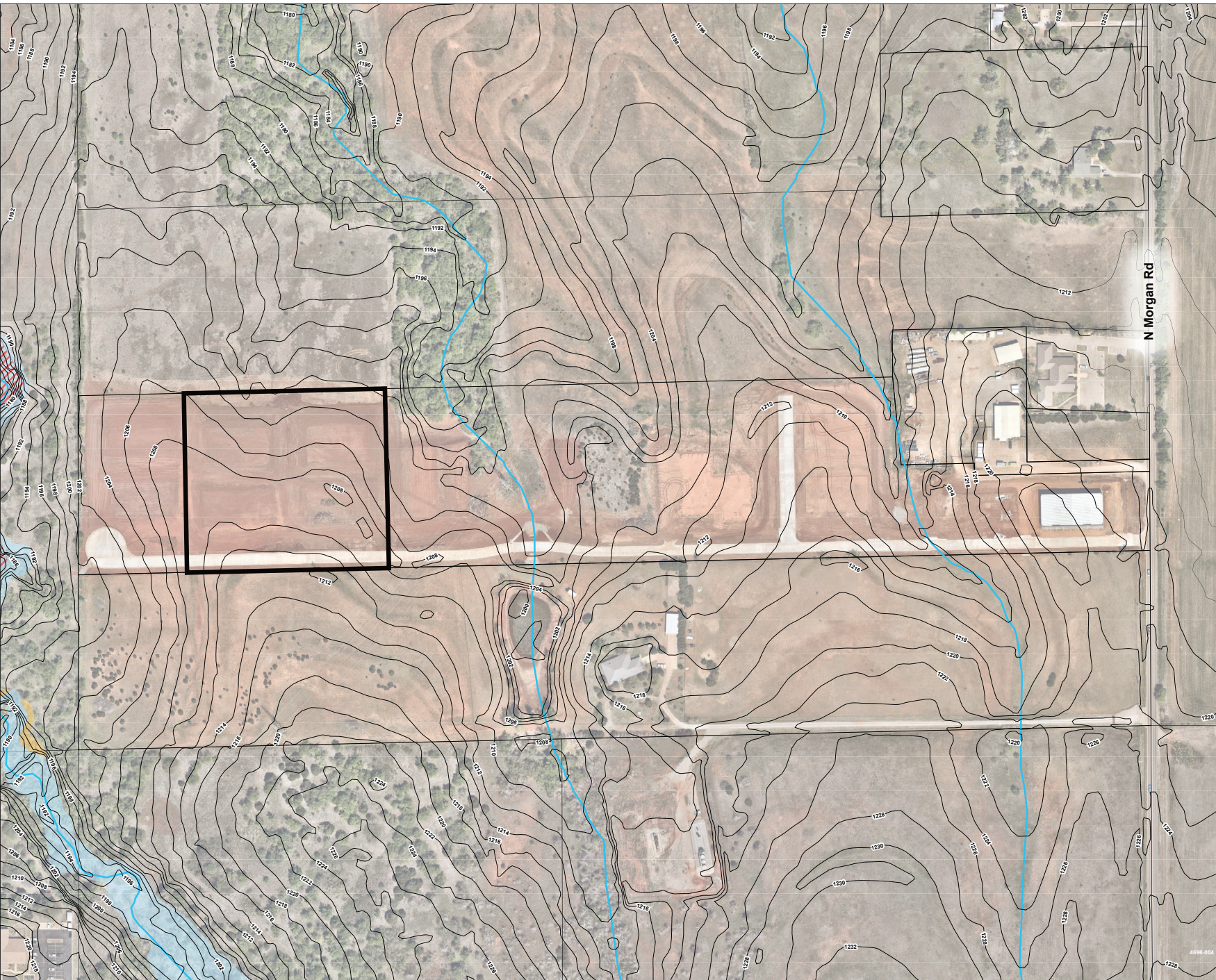
Case No: SPUD-1607 Applicant: Barline, LLC
Existing Zoning: PUD-1872
Location: 11765 N. Morgan Rd.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development





SPUD-1607 Barline

Exhibit B
Boundary Exhibit

+/-5.0 Acres



Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104

ENGINEERS SURVEYORS PLANNERS
4/10/24

4695-004

Case No: SPUD-1607 Applicant: Barline, LLC
Existing Zoning: PUD-1872
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Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Simplified Planned Unit Development

