



STAFF REPORT
The City of Oklahoma City
Planning Commission
June 13, 2024

Item No. IV. 18.

(SPUD-1632) Application by LTK Properties, Inc. to rezone 13541 North Indiana Avenue from SPUD-127 Simplified Planned Unit Development District to SPUD-1632 Simplified Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Company	Williams, Box, Forshee & Bullard PC
Phone	405-232-0080
Email	dmbox@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow office, commercial and light industrial uses and development.

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: Regional District (RD)

The RD layer designates areas that strategically prioritize the location and concentration of regionally serving retail and entertainment uses. This includes major national retailers that have a regional draw, as well as concentrations of retail that draw visitors from outside of the city. Uses that generate sales-tax are a priority within RD areas. Complementary uses such as office, entertainment, high density housing, and services may be appropriate as limited secondary uses, provided they are inter-connected to create mixed use urban centers.

2. Size of Site: .96 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	SPUD-127	C-3	C-3	C-3	C-3
Land Use	Warehouse	Auto Sales	Religious Institution	Self-Storage	Retail

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **I-1 Light 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:

8300.1	Administrative and Professional Offices
8300.13	Automotive: Parking as a Principal Use
8300.23	Building Maintenance Services
8300.24	Business Support Services
8300.29	Communications Services: Limited
8300.32	Convenience Sales and Personal Services
8350.3	Custom Manufacturing
8350.8	Industrial, Light
8250.12	Light Public Protection and Utility: General
8250.13	Light Public Protection and Utility: Restricted
8300.52	Medical Services: General
8300.53	Medical Services: Restricted
8300.55	Participant Recreation and Entertainment: Indoor
8300.58	Personal Services: General
8300.59	Personal Services: Restricted
8300.60	Personal Storage
8300.61	Repair Services: Consumer
8350.10	Research and Development
8300.62	Research Services: Restricted
8300.63	Retail Sales and Services: General
8300.69	Spectator Sports and Entertainment: Restricted
8350.16	Wholesaling, Storage, and Distribution: Restricted

2. **Maximum Building Height:**

The existing building shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the maximum building height shall be in accordance with the base zoning district.

3. Maximum Building Size:

The existing building shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the maximum building size shall be per the base zoning district.

4. Maximum Number of Buildings:

There shall be a maximum of two (2) buildings.

5. Building Setback Lines:

The existing building shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply:

North: 0 feet
South: 10 feet
East: 25 feet
West: 15 feet

6. Sight-Proof Screening:

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development. Sight-proof screening shall be required where adjacent to residential uses.

7. Landscaping:

The subject site shall meet the requirements of Oklahoma City's Landscaping Ordinance in place at the time of development.

8. Signs:

8.1 Freestanding Accessory 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 Non-Accessory Signs

Non-accessory signs shall not be permitted.

8.4 Electronic Message Display Signs

Electronic Message Display signs shall not be permitted.

9. Access:

Access may be taken from two (2) access points off of N. Indiana Ave. The radius for the access drives shall be in accordance with Exhibit B.

10. Sidewalks:

Sidewalks shall not be required within this SPUD.

II. Other Development Regulations:

1. Architecture:

The existing building shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, architectural metal, masonry, stucco, 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 buildings shall not be permitted.

2. Open Space:

N/A.

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:

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 existing parking shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, 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 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.

III. Supporting Documents

Exhibit A: Legal Description

Exhibit B: Conceptual Site Plan

Exhibit B-1: Aerial Conceptual Site Plan

Exhibit C: Topography Map

Exhibit D: Elevations

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:** Edmond
- 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

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) 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.
- 5) 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.
- 6) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 7) 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.
- 8) Sidewalks 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.
- 9) All private roads /streets will have private storm sewer systems.

- 10) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Wastewater Availability

- 1) An existing 8-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) Plat may be revised after review and approval of utility plans.

Water Availability

- 1) An existing 8-inch/12-inch water main(s) is located adjacent to the subject site(s).
- 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 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.
- 9) Plat may be revised after review and approval of utility plans.

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 subject site is within the Urban - Low Intensity (UL) Area and within an area where the Regional District (RD) Layer applies. Policies for both are listed below.

1) LUTA Development Policies:

Site Design (UL & RD):

- Utilize Best Management Practices (BMP) for stormwater whenever possible. (UL)
- Developments should be served by urban water and sewer utility systems. (UL)
- Provide heavy landscaping along all frontages. (RD)
- Allow customer-oriented development to exceed the traffic compatibility range, provided mitigation strategies contained in the compatibility matrix are employed. (RD)

- All signage should be designed to provide visual coherency, which includes a consistent and cohesive pattern of materials, lighting, and height. (RD)

National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available. The SPUD proposes to adhere to the base regulations of the City's Landscaping Ordinance at the time of development and the base I-1 District regulations for freestanding accessory and attached signs while prohibiting non-accessory and EMD signs. The SPUD proposes uses that could produce truck traffic on the site. It was unknown at the time of review what type or frequency of truck traffic would occur on the site.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments and the Regional District Layer specifies that the FAR range matches the base LUTA. *The current FAR of the site is listed by the Oklahoma County Assessor as 0.28. If new development were to occur, the SPUD regulations could provide a FAR within the UL LUTA range. The FAR, if calculated based on illustrations in the conceptual plan, would be roughly 0.4.*

Automobile Connectivity (UL & RD):

- 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. (UL)
- Provide vehicular connectivity between adjacent developments. (UL)
- Development should take access off of streets intersecting arterials. Mid-block development should use shared access points. (RD)

The subject site is currently served by two drives along North Indiana Avenue. The SPUD Master Design Statement calls for the retention of two access points and the conceptual plan illustrates that they would remain in a similar configuration as currently constructed.

Pedestrian Connectivity (UL & RD):

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

Sidewalks are not currently available on the subject site, or along nearby stretches of North Indiana Avenue. The SPUD regulations do not require sidewalks on the site.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating the proposes uses adjacent to existing retail uses, "Building Scale and Site Design" 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. *Potential impacts are identified when locating the proposed uses adjacent to agricultural, church, or school uses. The SPUD proposes to alter the maximum building size allowed in the current SPUD to allow expansion of the existing building on site. No new compatibility issues requiring mitigation measures identified to building scale and site design 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 uses that could create operational impacts adjacent to nearby uses; however, maintaining the base I-1 District regulations for landscaping and screening, along with not including uses such as outdoor storage and moderate industrial will limit the operational impact on adjacent properties.*

3) Service Efficiency:

- Water: *Served*
- Sewer: *Fully Served*
- Fire Service: *Urban Response*

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 Indiana Avenue, a Neighborhood Street in the Urban Low LUTA. The nearest transit (bus) service is located within a half-mile to the west, along North Pennsylvania Avenue.

6) Other Development Related Policies

- Encourage the integration and mixing of land uses in urban areas. (SU-1)
- Favor commercial development clustered in nodes at arterial or collector intersections or along brief “main street” style corridors over commercial development extending in a linear pattern for long distances along highway, arterial, or collector corridors. (SU-25)
- Regional-, community-, and neighborhood-scale retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores that draws on the following principles:
 - Concentrate access for new retail development at shared primary entrance points. Primary entrance points should be aligned with access points immediately across intersecting roads. Limit curb cuts on primary highways and arterials.

- Provide pedestrian circulation, including sidewalks and median breaks along interior and exterior fronting roads and within parking lots.
- Encourage coordinated development of retail centers in order to facilitate internal pedestrian and vehicle circulation and optimal center performance (SU-27)
- Commercial buildings should be built at the street rather than behind a parking lot in order to promote pedestrian circulation, multipurpose shopping trips, and walkable and attractive streetscapes. (SU-28)
- 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)
- Share parking between contiguous developments. (C-31)
- Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)

a. Plan Conformance Considerations

The subject site is located along the west side of North Indiana Avenue, south of West Memorial Road and West Interstate 344 (John Kilpatrick Turnpike). The site is currently zoned as part of SPUD-127, which was approved in 1994 for only the Wholesaling, Storage & Distribution use within an I-1 base zoning. The site is developed with an office/warehouse building at the northwest corner of the property. All surrounding land is zoned C-3. Abutting the site on the north is a Carvana location. Across North Indiana Avenue, to the east, is a church. Adjacent to the site on the south is a personal storage facility. West of the site is Sam's Club. The subject site is within the Urban - Low Intensity (UL) Area and within an area where the Regional District (RD) Layer applies.

The SPUD is requested to allow office, commercial and light industrial uses and development with I-1 base zoning on .96 acres. The SPUD proposes to allow the maximum building size per base zoning, eliminating the 12,000 square foot building size limitation in the current site zoning, SPUD-127. The proposed SPUD prohibits

non-accessory and electronic message display (EMD) signage. No conformance issues were identified.

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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