

Planning Commission Minutes
June 22, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:36 a.m. on June 20, 2023)

11. (SPUD-1524) Application by Darren and Gail Rice to rezone 9102 Northwest Expressway from R-1 Single-Family Residential District to SPUD-1524 Simplified Planned Unit Development District. Ward 1.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL

MOVED BY CLAIR, SECONDED BY PRIVETT

AYES: CLAIR, PRIVETT, GOVIN, PENNINGTON, LAFORGE, NOBLE, NEWMAN

ABSENT: POWERS



STAFF REPORT
The City of Oklahoma City
Planning Commission
June 22, 2023

Item No. IV. 11.

(SPUD-1524) Application by Darren and Gail Rice to rezone 9102 Northwest Expressway from R-1 Single-Family Residential Districts to SPUD-1524 Simplified Planned Unit Development District. Ward 1.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name J. Kelly Work
Company J Kelly Work Attorney at Law
Phone 405-232-2790
Email jkwork225@gmail.com

B. Case History

This application was continued from the May 11, and May 25, 2023 meetings.

C. Reason for Request

The purpose of this application is to allow 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.

2. Size of Site: 2.1 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	PUD-1122	SPUD-1202	R-1	PUD-116
Land Use	Vehicle storage	Vehicle storage	Industrial	Residential	Boat/Rv Storage

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **C-3 Community Commercial 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:

Light Public Protection and Utility: General (8250.12)
Light Public Protection and Utility: Restricted (8250.13)
Low Impact Institutional: Neighborhood Related (8250.14)
Administration and Professional Office (8300.1)
Animals Sales and Services: Grooming (8300.8)
Automotive Parking Lots, as a principal use (8300.13)
Automotive and Equipment: Automobile Dealerships and Malls (8300.18)
Building Maintenance Services (8300.23)
Business Support Services (8300.24)
Communication Services: Limited (8300.29)
Convenience Sales and Personal Services (8300.32)
Laundry Services (8300.48)
Medical Services: General (8300.52)
Medical Services: Restricted (8300.53)
Participant Recreation and Entertainment: Indoor (8300.55)
Personal Services: General (8300.58)
Personal Services: Restricted (8300.59)
Repair Services: Consumer (8300.61)
Research Services: Restricted (8300.62)
Retail Sales and Services: General (8300.63)
Custom Manufacturing (8350.3)
Industrial Light (8350.5)
Wholesaling Storage & Distribution: Restricted (8350.16)

2. **Maximum Building Height:** 30 feet
3. **Maximum Building Size:** The base zoning district shall regulate the size of buildings in the SPUD.
4. **Maximum Number of Buildings:** The base zoning district shall regulate the number of buildings in the SPUD.
5. **Building Setback Lines**
 - Front Yard: 20 feet
 - Rear Yard: 20 feet
 - Sides: 10 feet

The following uses will not be located within 150 feet of the south boundary:

Convenience Sales and Personal Services (8300.32)

- 6. Sight-proof Screening:** An eight-foot (8') tall screening fence shall be provided along the entire length of the southern boundary. Said fence shall be constructed of stucco, brick, stone, wood, metal, or iron and/or any combination thereof and shall be solid and opaque.
- 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. A 10-foot landscaped buffer shall be required along the southern boundary of the SPUD. Within the landscape buffer, shade trees a minimum 2.5" caliper in size shall be planted 20' on center for the length of the southern boundary. The trees to be planted shall be upright, narrow in growth habit, such as Bald Cypress or similar.

8. Signs:

8.1 Free standing accessory signs

All freestanding signs within the SPUD shall be ground (monument) signs with the maximum size being eight feet (8') high and one hundred square feet (100 sq. ft.) in area and shall have no less than twenty-five square feet (25 sq. ft.) of landscaping at the base. No pole signs will be allowed.

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

8.2 Attached signs

Attached signs will be in accordance with the base zoning district regulations.

8.3 Non-Accessory Signs

Non-accessory signs are specifically prohibited in this SPUD.

- 9. Access:** There shall be one access point from the Northwest Expressway. Shared access shall be permitted with the properties to the north, east and west.

II. Other Development Regulations:

- 1. Architecture:** Brick veneer, rock or stone masonry, EIFS, stucco, wood, concrete-board or exposed metal finish shall be permitted.

2. **Lighting:** The site lighting in this SPUD shall be in accordance with Chapter 59 of the Oklahoma City Municipal Code, 2010, as amended.
3. **Dumpsters:** Dumpsters shall be consolidated and located within an area screened by a masonry wall of sufficient height that screens the dumpster from public view and shall be placed no closer than fifty feet (50') from all property lines adjacent to residential zoning/use.
4. **Parking:** Parking shall be in accordance with Chapter 59 of the Oklahoma City Municipal Code, as amended. Pervious paving may be used for parking areas, driveways, pathways and plazas, in accordance with the Oklahoma City Planning Department's Pervious Paving Guidelines and subject to Public Works Department review and approval. However, gravel paving shall not be allowed for parking areas, driveways, pathways and/or plazas. Where connected to public-rights-of-ways, the access drive aprons shall be constructed of hard surface paving meeting Oklahoma City Code requirements for driveway construction. Maintenance of the pervious paving shall be required and shall be the responsibility of the property owners.
5. **Common areas:** Maintenance of all common areas in the development and maintenance of all amenities located within the common areas shall be the responsibility of the owner(s) of said property. 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.

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 be advised ONG has an underground or aboveground facility in the area. If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate. Prior to excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior for exact location of our facilities.

5. Oklahoma Water Resources Board (OWRB)

6. School District(s) 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

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.
- 11) Add Section II.6. The proposed development will comply with the current City of Oklahoma City Drainage ordinance as amended.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) An existing 8” 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.

b. Solid Waste Management

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

a. Water/Wastewater Quality

Water Availability

- 1) An existing 8" & 16" 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 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. Planning

a. Comprehensive Plan Considerations

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 and sewer are available.

Location:

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

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 curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Provide vehicular connectivity between adjacent developments.
- Horizontally mixed-use developments should have connectivity between land uses.

Access to this site will be from the property under common ownership to the north.

- 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 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 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. *Lot coverage could differ dramatically from the adjacent residential zoning districts. Building height is limited to 30 feet. Landscaping buffers and screening would be required next to residential uses on the south.*

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. *No triggers requiring mitigation 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 allows some uses, such as warehousing/distribution and light industrial, that could have operational impacts near residential uses on the south. The conceptual plan shows no buildings on the SPUD site. Screening and a 10-foot landscape buffer would be provided where adjacent to residential uses.*

3) Service Efficiency:

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

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

5) Transportation System: **This site does not have frontage on an** approved street. Access will be taken through the property to the north which provides access to Northwest Expressway.

b. Plan Conformance Considerations

The subject site is located south of NW Expressway and west of N County Line Rd. The site is zoned R-1 and appears to be partially used for the storage of automobiles related to PUD-1122 on the north, which is under common ownership. The site will take access to Northwest Expressway through the site to the north. Freestanding signs may not be needed within a SPUD without street frontage. Abutting the site on the south are three homes within an R-1 zoned subdivision. Abutting on the east is SPUD-1202, which was approved in 2020 with similar uses and regulations as the proposed SPUD, except that a 20-foot landscape buffer was required along the south boundary instead of the 10-foot buffer in the proposed SPUD. Abutting on the west is PUD-116 (1983) which is developed with boat and RV Storage.

The proposed uses are consistent with surrounding zoning and uses to the north, east and west; however, potential compatibility issues are identified where adjacent to homes on the south. for parking. Mitigation measures provided in the SPUD include a 10-foot landscape buffer and sight-proof screening along the south boundary of the SPUD where adjacent to residences.

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 Divisions review of construction plans and prior to City Council approval.

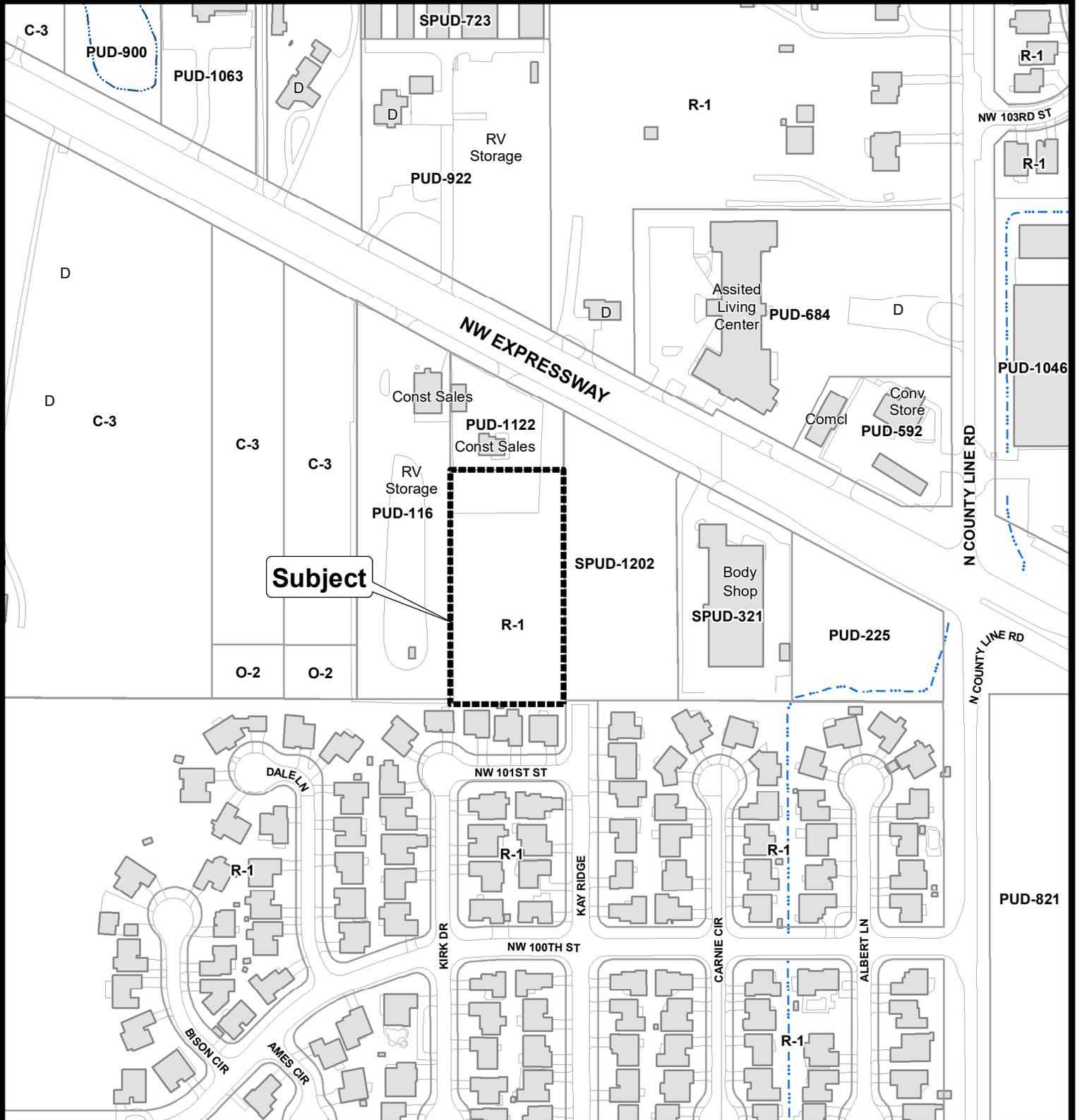
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Case No: SPUD-1524

Applicant: Darren and Gail Rice

Existing Zoning: R-1

Location: 9102 NW Expressway



Subject

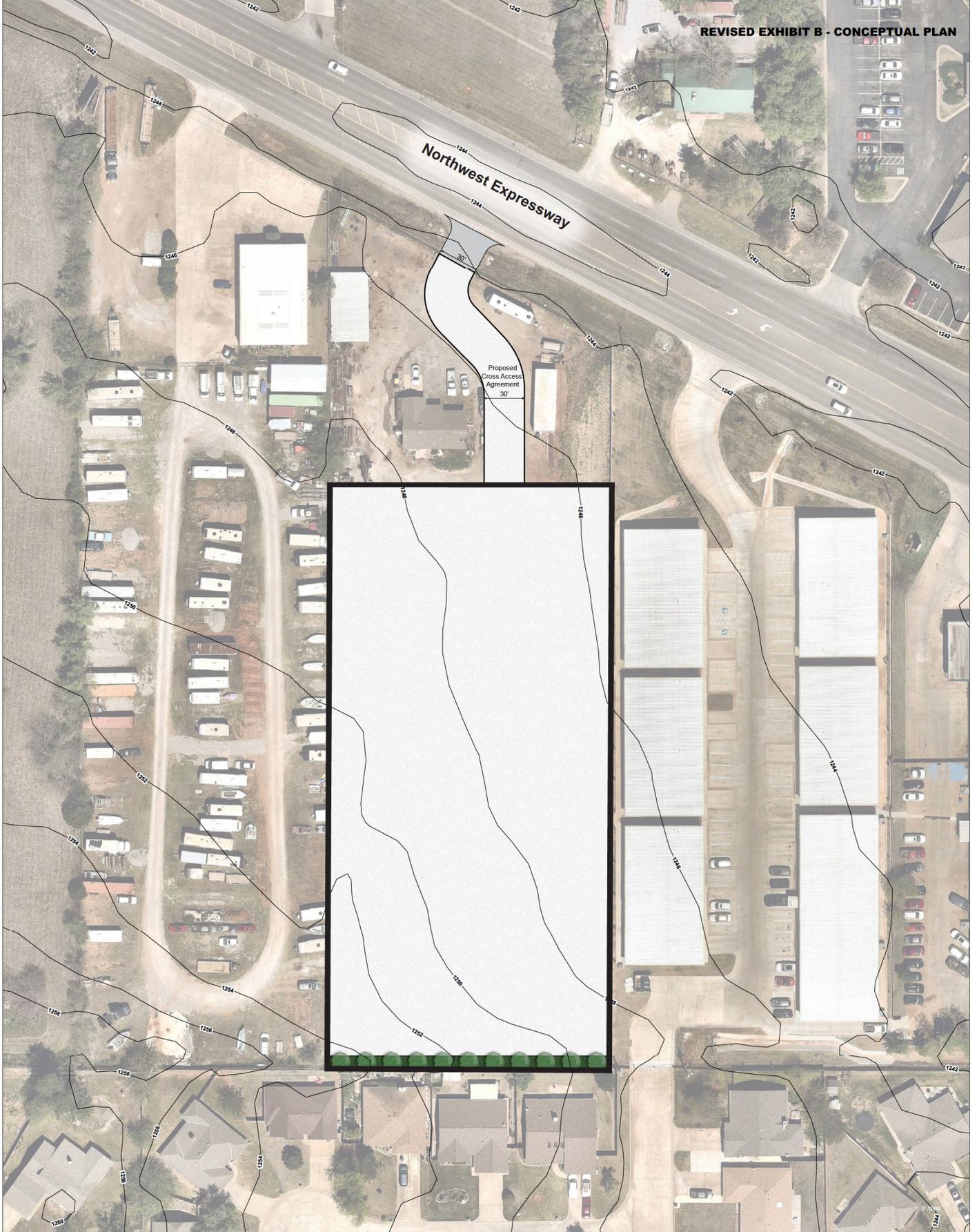
Simplified Planned Unit Development



The City of OKLAHOMA CITY



0 125 250 Feet



**NW Expressway and County Line
SPUD - 1524**

Conceptual Site Plan
+/-2.1 Acres



Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 252-8873 FAX (405) 252-8878

ENGINEERS SURVEYORS PLANNERS
Revised 5/30/23

Conceptual site plan showing feasible option
permitted under proposed rezoning



Case No: SPUD-1524

Applicant: Darren and Gail Rice

Existing Zoning: R-1

Location: 9102 NW Expressway



Aerial Photo from 2/2022

Simplified Planned Unit Development



The City of
OKLAHOMA CITY



0 125 250
Feet