

Planning Commission Minutes  
April 27, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:37 a.m. on April 24, 2023)

5. (PC-10883) Application by CABA Investments, LLC, to rezone 3745 NW 37th Place from PUD-417 Planned Unit Development District to I-2 Moderate Industrial District. Ward 2.

The applicant was present. There were no protestors present.

**RECOMMENDED APPROVAL.**

MOVED BY CLAIR, SECONDED BY POWERS

AYES: CLAIR, POWERS, FRALEY, HINKLE, GOVIN, PENNINGTON, NOBLE;

ABSENT: PRIVETT, LAFORGE



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**April 27, 2023**

**Item No. IV. 5.**

(PC-10883) Application by CABA Investments, LLC, to rezone 3745 NW 37<sup>th</sup> Place from PUD-417 Planned Unit Development District to I-2 Moderate Industrial District. Ward 2.

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant's Representative**

Purvi Patel, Wallace Design  
(405) 536-2032  
Purvi.patel@wallace.design

**B. Case History**

This is a new application.

**C. Reason for Request**

The purpose of this request is to allow industrial use and development, including a warehouse and ghost kitchen.

**D. Existing Conditions**

**1. Size of Site (0.15 Acre)**

**2. Zoning and Land Use**

|                 | <b>Subject Site</b> | <b>North</b> | <b>East</b>   | <b>South</b> | <b>West</b> |
|-----------------|---------------------|--------------|---------------|--------------|-------------|
| <b>Zoning</b>   | PUD-417             | I-2          | I-2           | I-2          | I-2         |
| <b>Land Use</b> | Warehouse           | Warehouse    | Manufacturing | Warehouse    | Warehouse   |

**3. 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.

**II. 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 Water Resources Board (OWRB)**
- 5. School District (Putnam City)**
- 6. Oklahoma Department of Transportation (ODOT)**
- 7. Oklahoma Natural Gas (ONG)**
- 8. Oklahoma Electric Cooperative (OEC)**

**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) 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 PC 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.

**8. Streets, Traffic and Drainage Maintenance**

**9. Stormwater Quality Management**

**10. Traffic Management \***

**11. Utilities**

**a. Wastewater Comments**

1. An existing 8" wastewater main(s) is within the required distance to the subject site and will be required to be extended to the furthest property line for any proposed development.
2. Line capacity is not guarantee 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. Site is not directly adjacent to 8" public wastewater main project ##16E104. A public main extension would be required.

**b. Water Comments**

1. An existing 8" water main(s) is within the required distance to the subject site and the developer will be required to extend a 12-inch or larger water main along street frontage and will be required to extend the water system to each lot or site within the development in accordance with City Standard Specifications and Private Development Design Manual.
2. A 12-inch water main is required to be loop through the development to provide adequate water supply and fire flow protection. Connection to two (2) separate active water mains is required to prevent partial or total shut-off of water supply when a pipeline failure occurs.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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).
9. Supply capacity for development is not guarantee and will be reviewed at time of review of construction documents.
10. Site is not directly adjacent to 8" public water main project #1108. A public main extension would be required.

**c. Solid Waste Management**

No Solid Waste Management services needed.

**12. 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.*

Automobile Connectivity:

- Provide vehicular connectivity between adjacent developments.

*The subject site does not have frontage on a street. Access has previously been from the development to the south. The site has now been combined with the property to the north/west.*

- 2) Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. No potential compatibility issues are identified with the request.

**3) Service Efficiency:**

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

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

- Riparian Areas: N/A
- Upland Forests: N/A
- Vulnerable Aquifers: The aquifer in this area is considered highly 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.

- 5) **Transportation System:** The rezoning site does not have frontage on a street, and has previously taken access from NW 37<sup>th</sup> Place, an Industrial Street in the Urban Low LUTA. The nearest transit (bus) service is located to the south along NW 36<sup>th</sup> Street and to the east along N Portland Avenue.

**b. Plan Conformance Considerations**

The subject site is generally located northwest of NW 36<sup>th</sup> Street and N Portland Ave. The site is part of PUD-417, which was approved in 1992 and allows all I-2 uses plus a school. All other surrounding land is zoned I-2. The subject site is the rear/north portion of the existing PUD but has been combined with the property to the north/west. The rezoning would bring all land under common ownership into the same zoning district. The request is consistent with the surrounding area and no compatibility 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**

**taj**



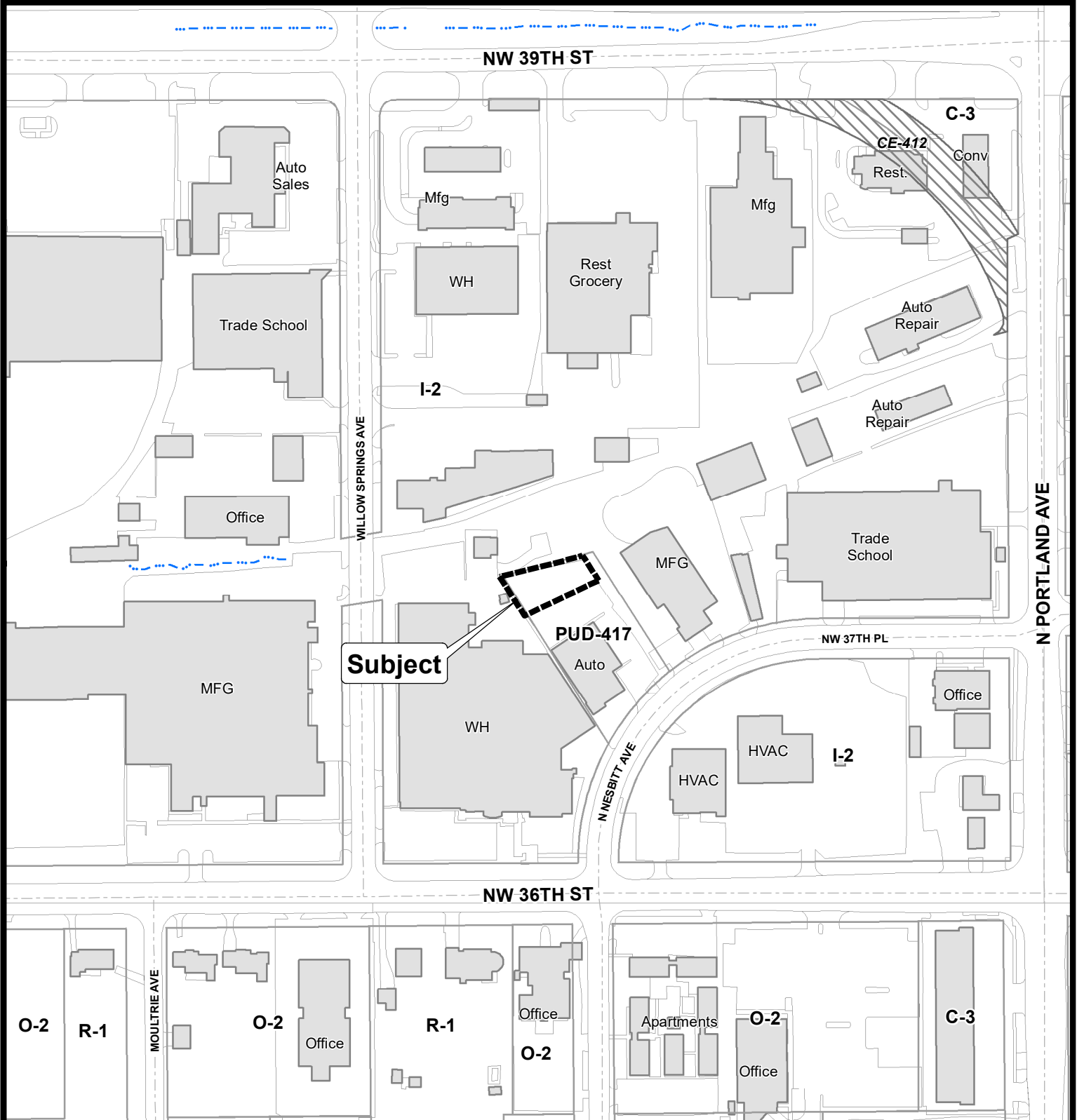
Case No: PC-10883

Applicant: CABA Investments, LLC

Existing Zoning: PUD-417

Proposed zoning: I-2

Location: 3745 NW 37th Pl.



The City of  
OKLAHOMA CITY

## Rezoning Application



0 100 200  
Feet



Case No: PC-10883      Applicant: CABA Investments, LLC  
Existing Zoning: PUD-417      Proposed zoning: I-2  
Location: 3745 NW 37th Pl.



Aerial Photo from 2/2022



The City of  
OKLAHOMA CITY

## Rezoning Application



0 100 200  
Feet