

Planning Commission Minutes
July 25, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 3:47 p.m. on July 19, 2024)

15. (SPUD-1644) Application by UM CHAHAL LLC to rezone 17001 North Western Avenue from R-1 Single-Family Residential District to SPUD-1644 Simplified Planned Unit Development District. Ward 8.

Amended Technical Evaluation:

~~1. Delete the following uses:~~

- ~~● 8300.32 Convenience Sales and Personal Services~~
 - ~~● 8300.36 Eating Establishments: Fast Food, With Drive-Thru Order Window~~
 - ~~● 8300.37 Eating Establishments: Sitdown~~
 - ~~● 8300.55 Participant Recreation and Entertainment: Indoor~~
 - ~~● 8300.58 Personal Services: General~~
2. There shall be a maximum of one (1) driveway from North Western Avenue. New driveways shall be separated a minimum of 200 feet from other drives.
3. Drive-thru call boxes shall be located at least 150 feet from a residential district.
4. The following Use Unit Classifications shall be removed: 8150.6.3 Greenhouse and 8150.6.5 Hoop House.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY NOBLE, SECONDED BY PENNINGTON

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

NAY: GOVIN

ABSENT: MEEK



STAFF REPORT
The City of Oklahoma City
Planning Commission
July 25, 2024

Item No. IV. 15.

(SPUD-1644) Application by UM CHAHAL LLC to rezone 17001 North Western Avenue from R-1 Single-Family Residential District to SPUD-1644 Simplified Planned Unit Development District. Ward 8.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

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

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow office and commercial 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: 2.15 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	R-1	PUD-27A	R-1	R-1
Land Use	Undeveloped	Church	Residential	Residential	Residential

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **O-2 General Office 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
8300.2	Adult Day Care Facilities
8300.8	Animal Sales and Services: Grooming
8300.11	Animal Sales and Services: Kennel and Veterinary, Restricted
8300.24	Business Support Services
8300.25	Child Care Centers
8250.2	Community Recreation: General
8250.4	Community Recreation: Restricted
8300.32	Convenience Sales and Personal Services
8250.5	Cultural Exhibits
8300.36	Eating Establishments: Fast Food, With Drive-Thru Order Window
8300.37	Eating Establishments: Sitdown
8150.6.3	Greenhouse
8150.6.5	Hoop House
8250.11	Library Services and Community Centers
8250.13	Light Public Protection and Utility: Restricted
8250.14	Low Impact Institutional: Neighborhood-Related
8300.53	Medical Services: Restricted
8300.55	Participant Recreation and Entertainment: Indoor
8300.58	Personal Services: General
8300.59	Personal Services: Restricted
8300.62	Research Services: Restricted
8200.13	Senior Independent Living

2. **Maximum Building Height:**

The maximum building height shall be two (2) stories. Requirements for setbacks on maximum height shall be per base zoning.

3. **Maximum Building Size:**

The maximum building size shall be in accordance with the base zoning district.

4. **Maximum Number of Buildings:**

The maximum number of buildings shall be in accordance with the base zoning district.

5. **Building Setback Lines**

Building setback lines shall be in accordance with the base zoning district.

6. Sight-Proof Screening:

Sight-proof screening shall be in accordance with the base zoning district.

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 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 be prohibited.

8.4 Electronic Message Display Signs

Electronic Message Display signs shall be prohibited.

9. Access:

Access shall be taken off of North Western Avenue from a maximum of two (2) driveways.

10. Sidewalks:

The existing sidewalk shall be permitted to remain and deemed to conform to applicable regulations. Any new sidewalks or repair/replacement of existing sidewalks shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction of 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, 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: 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 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

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) 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.

- 5) 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.
- 6) 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.
- 7) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 8) 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.
- 9) 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.
- 10) All private roads /streets will have private storm sewer systems.
- 11) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 12) Add to Section I.10 Sidewalks: Any new sidewalks, if required, or repair/replacement of existing sidewalks shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction of this SPUD.
- 13) Amend Section II.7 Maintenance: Maintenance of the common areas, private drainage easements, and islands/medians in the development shall be the responsibility of the property owners and/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 that meets the requirements specified above.

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 36-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

1) LUTA Development Policies:

Site Design:

- 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.

A small stream is located along the western boundary of the subject site. Riparian area is located within the boundary; however, floodway and floodplain are not present on the site. 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.

The subject site is located along the west side of North Western Avenue, an arterial street.

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 floor to area ratio within the Urban Low Intensity LUTA.*

Automobile Connectivity:

- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.

The subject site currently does not have improved access. The SPUD proposes a maximum of two drives from North Western Avenue within approximately 262 feet of frontage.

Pedestrian Connectivity:

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

Sidewalks are currently available on the subject site. If the existing sidewalks are repaired, or new sidewalks installed, the SPUD regulations specify Code and ADA requirements will be met.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating proposed uses adjacent to existing Low Intensity Residential uses or zoning, “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. *The subject site abuts single-family residential uses and/or zoning on the north, south, and west. When adjacent to R-1, the base O-2 District utilized by the SPUD requires step backs in building height, increased setbacks, and landscape buffers.*

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 North Western Avenue, an arterial street. No triggers requiring mitigation related to traffic 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 some uses that could have operational impacts adjacent to residential development. Plan conformance would be achieved by removing higher-intensity commercial uses that could increase vehicular traffic and cause adverse impacts to adjacent residences.*

3) Service Efficiency:

- Water: *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 minimally present on the western boundary of the subject site. Floodplain is not present. Plan conformance would be strengthened by maintaining stream buffers in a natural or enhanced state and keeping all structures and impervious paving at least 100 feet from the stream bank.*
- Upland Forests: N/A
- Vulnerable Aquifers: N/A

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

6) Other Development Related Policies

- 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)
- 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)

- 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 west side of North Western Avenue, north of NW 164th Street. A small stream runs along the western boundary of the site. The site and all surrounding property are zoned R-1. The subject site is undeveloped. North of the site is a church. Across North Western Avenue, to the east, and abutting the site on the south and west are single-family residential subdivisions.

The SPUD is requested with an O-2 base zoning district and requests to add several commercial uses not permitted within the O-2 District. The SPUD proposes a maximum building height of two stories with height setbacks in proximity to residential uses, and other bulk standards regulated by the base zoning. The SPUD proposes prohibiting non-accessory and electronic message display signage, limits certain exterior architectural materials and distances dumpsters at least 50 feet from residential uses. The SPUD proposes a maximum of two driveways from North Western Avenue. ~~plan~~ ~~ok~~ recommends limiting curb cuts on arterial streets. Driveways should be at least 200 feet apart. The subject site has enough frontage for two driveways for this separation; however, it is unlikely two new drives could be added and meet the separation from the church drive to the north.

The SPUD site is in an area that is extensively developed with residential neighborhoods and religious institutions, with commercial development limited to arterial intersections to the north and south of the site on North Western Avenue. Plan conformance would be strengthened by limiting driveways to one, and removing higher-intensity commercial uses that could increase vehicular traffic and cause adverse impacts to adjacent residences and institutions. No other 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 subject to the following Technical Evaluations:

1. Delete the following uses:
 - 8300.32 Convenience Sales and Personal Services
 - 8300.36 Eating Establishments: Fast Food, With Drive-Thru Order Window
 - 8300.37 Eating Establishments: Sitdown
 - 8300.55 Participant Recreation and Entertainment: Indoor
 - 8300.58 Personal Services: General

2. There shall be a maximum of one (1) driveway from North Western Avenue. New driveways shall be separated a minimum of 200 feet from other drives.

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.

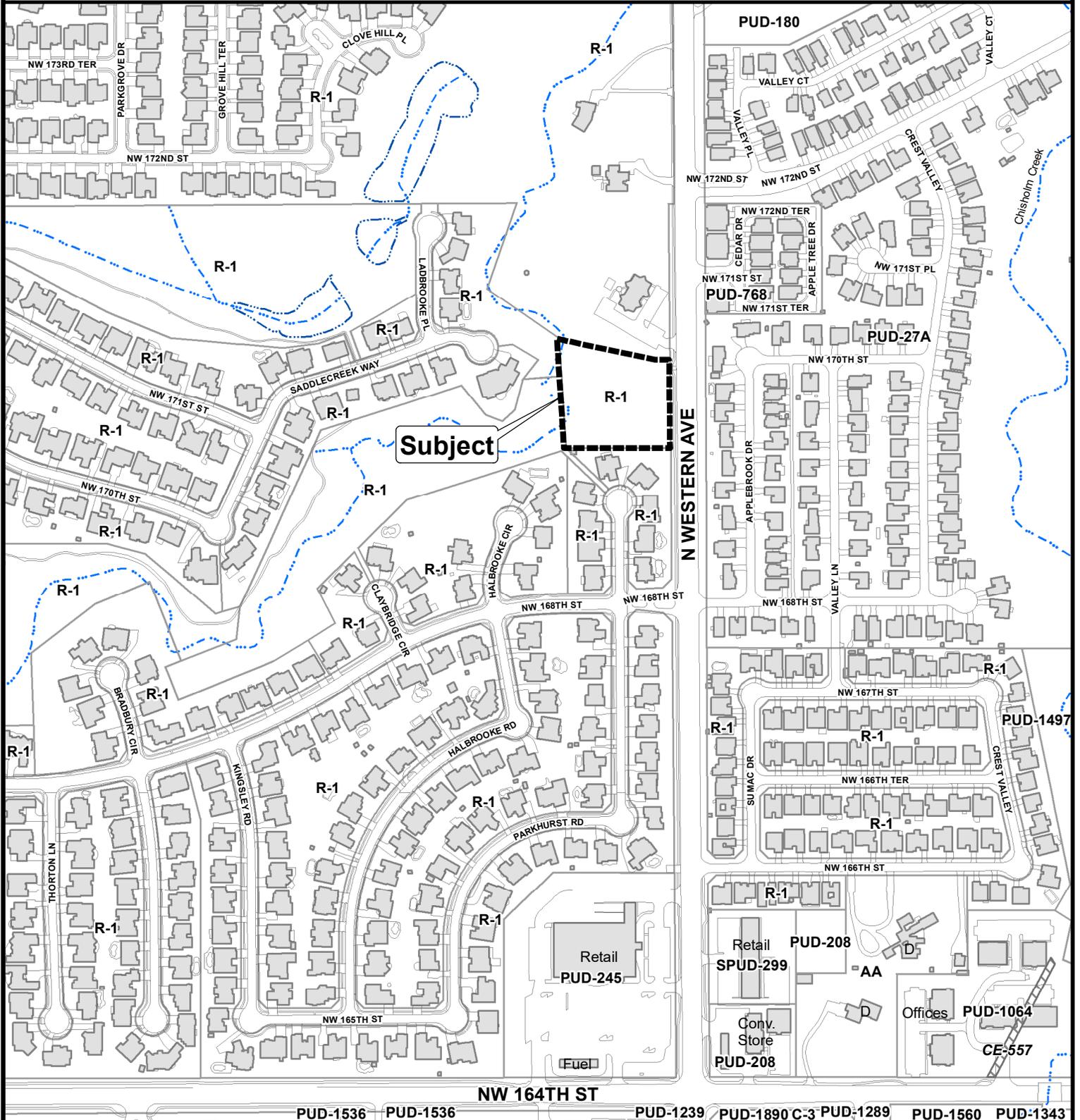
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Case No: SPUD-1644

Applicant: UM CHAHAL, LLC

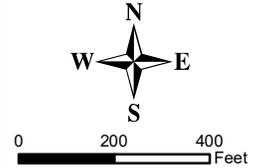
Existing Zoning: R-1

Location: 17001 N. Western Ave.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development

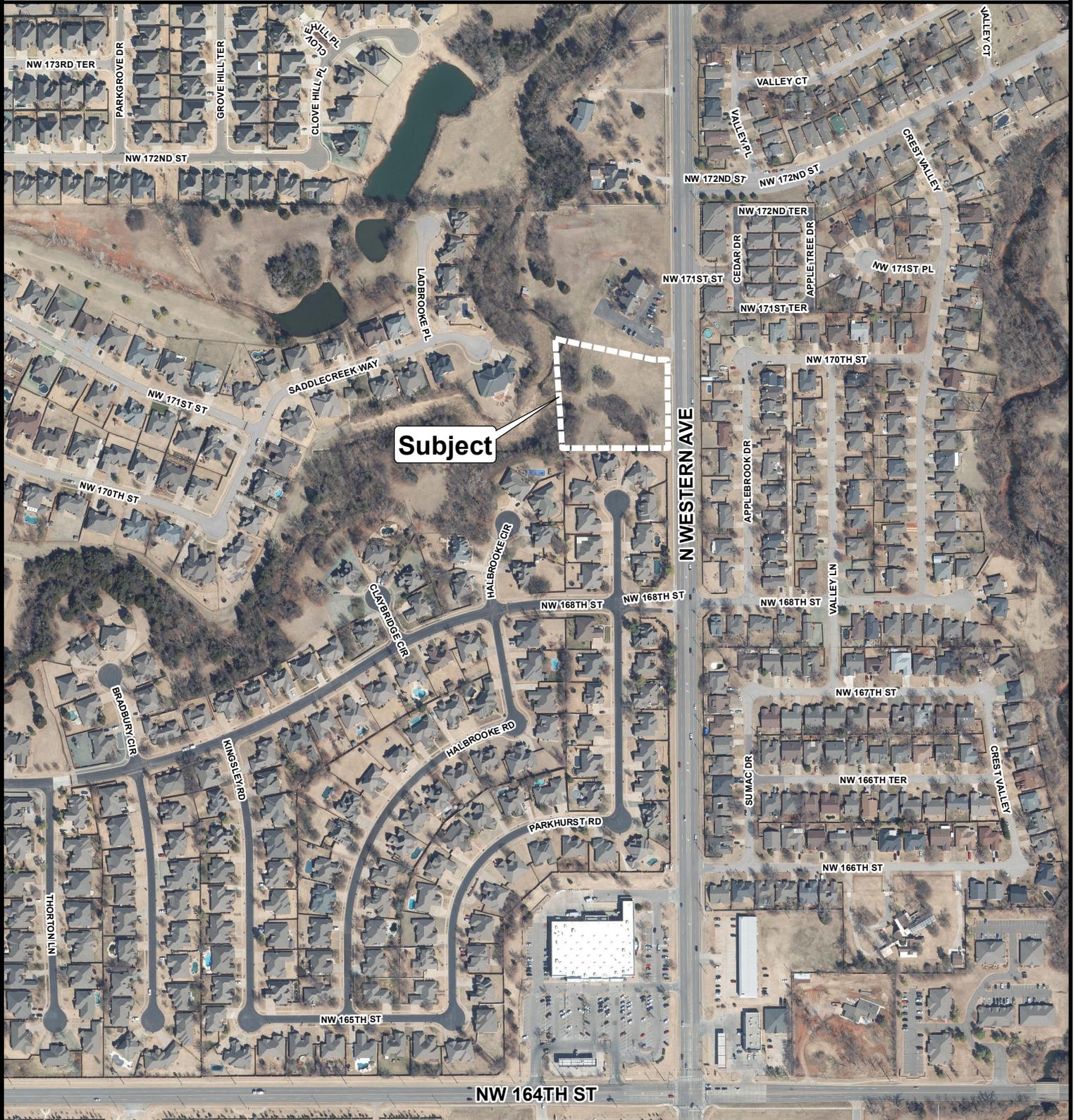


Case No: SPUD-1644

Applicant: UM CHAHAL, LLC

Existing Zoning: R-1

Location: 17001 N. Western Ave.



Subject

Aerial Photo from 2/2022



The City of OKLAHOMA CITY

Simplified Planned Unit Development



0 200 400 Feet