

Planning Commission Minutes
May 25, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:30 a.m. on May 22, 2023)

9. (SPUD-1527) Application by Sagiruddin and Salma Ahmed to rezone 2041 SE 44th Street from I-1 Light Industrial Districts to SPUD-1527 Simplified Planned Unit Development District. Ward 4.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL.

MOVED BY PRIVETT, SECONDED BY GOVIN

AYES: CLAIR, PRIVETT, GOVIN, LAFORGE, NOBLE

ABSENT: POWERS, PENNINGTON



STAFF REPORT
The City of Oklahoma City
Planning Commission
May 25, 2023

Item No. IV. 9.

(SPUD-1527) Application by Sagiruddin and Salma Ahmed to rezone 2041 SE 44th Street from I-1 Light Industrial District to SPUD-1527 Simplified Planned Unit Development District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name	Jorge Mendros
Company	JHM Architecture and Design, LLC
Phone	405-203-6842
Email	Jmendros1@aol.com

B. Case History

This application was continued from the May 11, 2023 meeting.

C. Reason for Request

The purpose of this application is to allow automobile repair, sales, rentals, storage, and/or parking.

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: Heavy Industrial (HI)

The HI layer is intended to accommodate industrial uses that are difficult to integrate with less intense uses due to negative impacts from heavy traffic, noise, or odors. This designation simultaneously concentrates heavy industrial users away from existing or future neighborhoods while preserving prime land that has attributes crucial to industrial businesses, such as proximity to highway and rail access. Small-scale industrial, office, or commercial development may be appropriate provided that it supports or buffers industrial uses and does not restrict future industrial development by fragmenting parcels.

2. **Size of Site:** 0.894 acres

3. **Zoning and Land Use**

	Subject Site	North	East	South	West
Zoning	I-1	C-3	O-2	I-2	PUD-1715
Land Use	Residential	Commercial	Industrial/Office	Undeveloped	Residential

II. SUMMARY OF SPUD APPLICATION

1. 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:

8300.14 Automotive and Equipment Cleaning and Repairs, Light Equipment

8300.19 Automotive and Equipment Sales and Rentals, Trucks, Manufactured (Mobile) Homes and Recreational Vehicles

8300.21 Automotive and Equipment Storage

8300.16 Automotive Auction

8300.12 Automotive Parking Garages

8300.13 Automotive Parking Lots, as a Principal Use

2. **Maximum Building Height:** Per the Base Zoning Regulations
3. **Maximum Building Size:** Per the Base Zoning Regulations
4. **Maximum Number of Buildings:** Per the Base Zoning Regulations
5. **Building Setback Lines**

Front Yard: 25 feet

Rear Yard: N/A

Side Yard: N/A

Corner Side Yard: N/A

- 6. Sight-proof Screening:** Sight-proof Screen Fence is required where the property is adjacent to residentially zoned property or use. No less than a six-foot and no greater than a eight-foot high fence or wall shall be required along the boundary of this parcel where it is adjacent to any residential zoning or use. Said fence or wall shall be constructed entirely of stucco, brick, stone, wood or any combination thereof and shall be solid and opaque.
- 7. Landscaping:** Landscaping shall meet all requirements of the City of Oklahoma city's Landscaping Ordinance in place at the time of development.
- 8. Signs:**
 - 8.1 Free standing accessory signs:** One monument sign shall be permitted, a maximum of 8 feet high with 100 square feet of display area.
 - 8.2 Attached signs:** Per the Base Zoning Regulations
 - 8.3 Non-Accessory Signs:** Shall be prohibited.
 - 8.4 Electronic Message Display signs:** Shall be prohibited.
- 9. Access:** A maximum of one (1) drive from SE 44th St shall be allowed.
- 10. Sidewalks:** Five-foot sidewalks shall be constructed on the arterial street or a 6-foot sidewalk shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, rock, stone, stucco, or wood, or other similar type finish. A maximum of 30% EIFS (Exterior Insulation Finish System) material shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

2. Open Space: Per the Base Zoning Regulations

3. Street Improvements: NA

4. Site Lighting: The site lighting in this SPUD for the office development and the high density residential shall be in accordance with Chapter 59, Article XII, section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

5. Dumpsters: Dumpster shall be a minimum of 50 feet from any residential zone or use and/or on the west side of the proposed SPUD. Roll-off dumpsters shall be permitted during construction.

- 6. Parking:** All off-street parking provided shall meet all requirements of the City of Oklahoma City's Parking Ordinance in place at the time of development. The site shall have provision for bicycle parking.
- 7. Maintenance:** All property maintenance is the responsibility of the property owner or their designated representative.
- 8. Drainage:** Drainage improvements, if required, will be in accordance to applicable sections of the Oklahoma City Code of Ordinances
- 9. Other:** All vehicles for storage shall be screened from view from SE 44th St.

III. Supporting Documents

Exhibit A: Legal Description
Exhibit B: 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) Oklahoma City**
- 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) 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.
- 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

Paving

Wastewater Availability

- 1) No Structure requiring Service.

b. Solid Waste Management

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

a. Water/Wastewater Quality

Water Availability

- 1) No Structure requiring Service.

9. Planning

The subject site is within the Urban Low Land Use Typology Area (UL) and within the Heavy Industrial (HI) Land Use Typology Layer. Policies for each are listed below.

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible. (UL & HI)
- Developments should be served by urban water and sewer utility systems. (UL)
- Major and Minor Arterial frontages should be heavily landscaped. (HI)
- Buildings along Major and Minor Arterials should be held to a higher design standard. (HI)

National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available. The site is located along SE 44th Street, an arterial street.

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. (UL)
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points. (UL and HI)
- Primary entrance points should be aligned with access points immediately across the street. (UL)
- Provide vehicular connectivity between adjacent developments. (UL)

Access is limited to one existing drive.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development. (UL & HI)

Sidewalks are not present or planned on the north side of SE 44th Street. They are available on the south side.

- 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 industrial uses or zoning, no compatibility issues are identified by the comprehensive plan. The proposed I-2 base district is consistent with the Heavy Industrial Land Use Typology Layer.

- 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 moderately 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:** This site is located off SE 44th Street, a Major Arterial Street in the Urban Low LUTA. The nearest transit (bus) service is available on SE 44th Street with a stop located just east of the subject site.
- 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)
 - Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
 - Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)

b. Plan Conformance Considerations

The subject site is located along the north side of SE 44th Street, east of S Eastern Avenue. The site is zoned I-1 and appears to have been used as outdoor storage for vehicles. Land abutting the site on the north and east is zoned I-1 and developed with self-storage. South of the site, across SE 44th Street, is undeveloped land zoned I-1. West of the subject site is a trucking company zoned I-2. The application seeks to allow the existing auto yard to remain by adding the Automotive and Equipment Storage and similar auto uses under an I-2 base zone. The subject site is located within an area where the comprehensive plan applies the Heavy Industrial Land Use Typology Layer (HI). The proposal is consistent with the HI Layer.

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-1527

Applicant: Sagiruddin and Salma Ahmed

Existing Zoning: I-1

Location: 2041 SE 44th St.

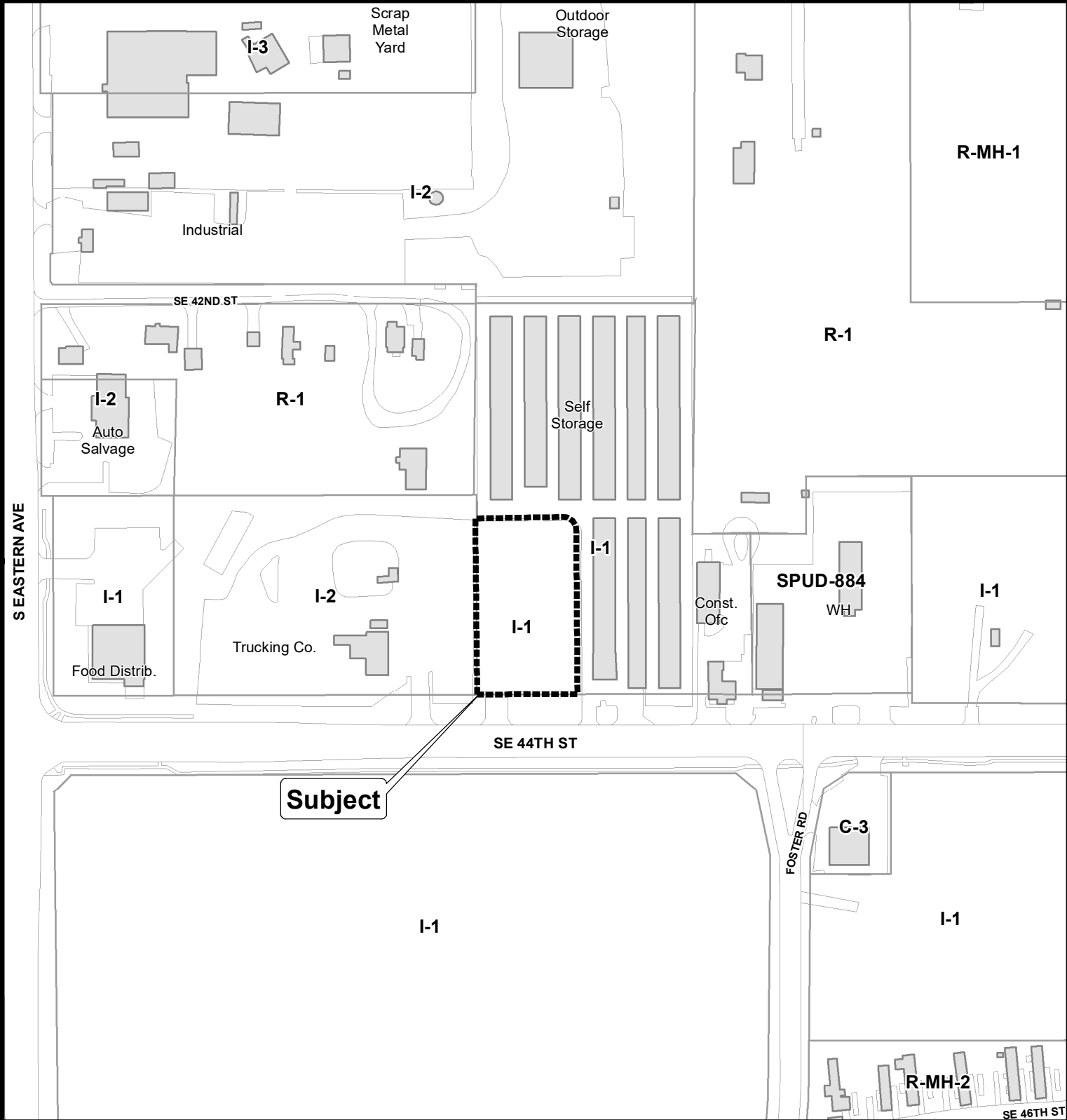
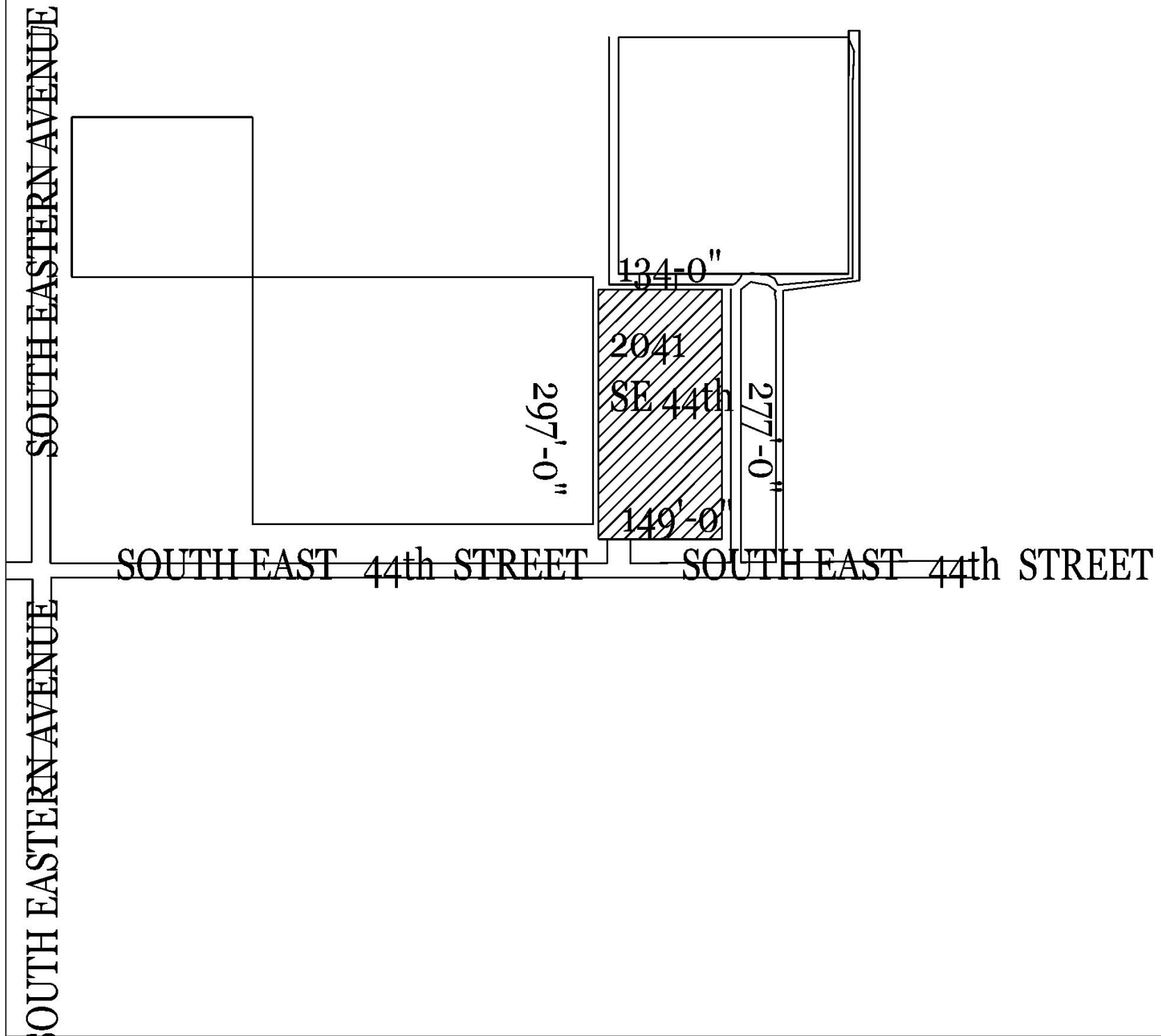


EXHIBIT B:



Case No: SPUD-1527

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Existing Zoning: I-1

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