



STAFF REPORT
The City of Oklahoma City
Planning Commission
January 9, 2025

Item No. IV. 4.

(SPUD-1669) Application by Red Partners, LLC to rezone 1 NW 102nd Street from O-2 General Office District to SPUD-1669 Simplified Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant Representative

Name David M. Box
Company Box Law Group, PLLC
Phone (405) 652-1699
Email David@boxlawgroup.com

B. Case History

This application was deferred from the September 26, 2024, Planning Commission hearing date.

C. Reason for Request

The purpose of this application is to allow office development.

D. Existing Conditions

1. Size of Site: 2.01 Acres

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	O-2	PUD-219	AA	O-2	PUD-219
Land Use	Undeveloped	Undeveloped	Residential	Hospital	Undeveloped

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. 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:

All uses in the O-2 District shall be permitted within this SPUD.

- 2. Maximum Building Height:**

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

- 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:**

The building setback lines shall be as follows:

North: 25 feet

South: 10 feet

East: 10 feet

West: 25 feet

- 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 are prohibited.

- 8.4 Electronic Message Display Signs**

Electronic Message Display signs are prohibited.

9. Access:

Access may be taken from NW 102nd St. per Code and Subdivision regulations.

10. Sidewalks

Sidewalks shall not be required.

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, architectural metal, galvanized steel, 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.

2. Open Space:

N/A.

3. Street Improvements:

Northwest 102nd Street shall be improved in accordance with the City of Oklahoma City Standards and Specifications for the entire SPUD frontage.

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, private drainage easements, and islands / medians 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 (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas (ONG)**
- 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**

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) Flood Study will be required to show no rise in FEMA Q 100 and the City of Oklahoma City Q 100 water surface elevation, compared pre-and post-development.
- 5) A portion of subject property is situated within a F.E.M.A. Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year) frequency plus 1'. The Public Works Department Engineering staff shall approve these elevations prior to the filing of the final plat.
- 6) A floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 11) 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.

- 12) 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.
- 13) All private roads /streets will have private storm sewer systems.
- 14) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 15) Amend Section I.11 Sidewalks: Any new sidewalks, if required, shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction of this SPUD.

b. Stormwater Quality Management

c. Traffic Services *

8. Utilities

a. Engineering

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability

- 1) An existing 12-inch 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) 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) Plat may be revised after review and approval of utility plans.
- 10) Each unit must have a separate water meter and connection to the main.
- 11) WA-2024-00020 plans have been submitted for review and approval.

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.
- 8) Each unit must have a separate wastewater connection to the main.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways.
- 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.

Floodway and 100-year floodplain associated with Harrison Creek are present on the northwest portion of the subject site. The conceptual plan for the development illustrates one building located at the southeast corner of the site with parking to its west. The development is illustrated away from all floodway / floodplain areas. The development is required to comply with all City, State, and Federal requirements within the floodplain. Public water and sewer are available on or near 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. *The SPUD regulations could provide for a FAR within the Urban Low Intensity LUTA range.*

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.
- Retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores.
- Provide vehicular connectivity between adjacent developments.
- Horizontally mixed-use developments should have connectivity between land uses.

The subject site currently has one unimproved access along NW 102nd Street, serving the existing structure. The SPUD Master Design Statement states that access will remain from NW 102nd Street but does not specify a quantity or location of drives. The conceptual plan for the development illustrates one access point along NW 102nd Street, serving a surface parking lot for the development.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.

- Within parking lots, provide pedestrian access ways separated from vehicle aisles.
- Horizontally mixed-use developments should have public sidewalk connectivity between land uses.

Sidewalks are not currently available on the subject site and are not required by the SPUD regulations.

- 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 agricultural or residential uses or zoning, “Building Scale and Site Design” and “Traffic” 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 SPUD proposes altering the front (south) setback from 25 feet to 10 feet, altering the side (east) setback from a landscaped buffer strip of 5 feet and building line setback of 15 feet to 10 feet. The side (west) setback is proposed at 25 feet, compared to the base O-2 District requirement of 5 feet and the rear (north) setback is proposed at 25 feet, increased from the base O-2 District requirement of 15 feet. The SPUD proposes maintaining the base O-2 regulations for maximum building height, building size, and number of buildings.*

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 the north side of NW 102nd Street, a Neighborhood Street in the Urban Low Intensity LUTA. Access to the Broadway Extension Service Road is available approximately 320 feet to the west. The SPUD commits to continuing improving NW 102nd along the SPUD property, as the development to the south did from the Service Road to their driveway.*

- 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 present on the subject site in the form of floodway and 100-year floodplain associated with Harrison Creek.*

The SPUD regulations do not address floodway or floodplain areas. The conceptual plan for the development illustrates one building located at the southeast corner of the site with parking to its west. The development is illustrated away from all floodway / floodplain areas. The development is required to comply with all City, State, and Federal requirements within the floodplain.

- Upland Forests: N/A
- Vulnerable Aquifers: N/A

5) Transportation System: This site is located along the north side of NW 102nd Street, a Neighborhood Street in the Urban Low LUTA. The nearest transit (bus) service is located roughly one mile south, along East Britton Road.

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)
- 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)
- 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 north side of NW 102nd Street, in an area generally located south of East Hefner Road and east of the Broadway Extension. The street changes from Northwest 102nd Street to Northeast 102nd Street at the subject site's east boundary. The site is zoned O-2 and developed with one structure. Land to the east is zoned AA and developed with a single-family residence and an associated outbuilding. Abutting land to the north and west is undeveloped and zoned as part of PUD-219, which allows commercial and office uses. Across NW 102nd Street, to the south, is zoned O-2, with the northern half approved for a rehabilitation hospital by SP-538, which is now constructed.

Floodway and 100-year floodplain associated with Harrison Creek are present on the northwest portion of the subject site. The SPUD Master Design Statement does not address floodway or floodplain areas. The conceptual plan for the development illustrates one building located at the southeast corner of the site with parking to its west. The development is illustrated away from all floodway / floodplain areas. The development is required to comply with all City, State, and Federal requirements within the floodplain.

The SPUD was originally requested for office, commercial and light industrial uses. The Master Design Statement has been modified since first submitted to allow only office uses. The site is located on a neighborhood street. The SPUD commits to continuing improving NW 102nd along the SPUD property, as the development to the south did from Broadway Service Road to their easternmost driveway. No new compatibility issues were identified with the proposed use. Plan conformance would be strengthened by increasing the eastern setback where adjacent to a home, and preserving trees within the setback.

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 Evaluation:

1. Setbacks shall be in accordance with the base zoning district, except that the setback from the east SPUD boundary shall be 25 feet if adjacent to a residential use. Parking is not allowed within the setback.

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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