



STAFF REPORT
The City of Oklahoma City
Planning Commission
January 11, 2024

Item No. IV. 23.

(PUD-1983) Application by Mustang Creek Crossing, LLC to rezone 810 South John Kilpatrick Turnpike from AA Agricultural and PUD-1628 Planned Unit Development Districts to PUD-1983 Planned Unit Development District. Ward 3.

I. GENERAL INFORMATION

A. Contacts

1. Applicant Representative

Name David M. Box
 Company Williams, Box, Forshee & Bullard P.C.
 Phone 405-232-0080
 Email dmbbox@wbfbllaw.com

B. Case History

This application was continued from the December 14, 2023 Planning Commission meeting.

C. Reason for Request

The purpose of this request is to allow commercial development, specifically an outdoor amphitheater concert venue.

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: 52.83 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA/ PUD-1628	I-2	PUD-1628	PUD-1628	ROW / PUD-1628
Land Use	Undeveloped	Undeveloped	Undeveloped	Elem & Middle Schools	Undeveloped/ Turnpike

II. SUMMARY OF PUD APPLICATION

8.1.....USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the **C-3 Community Commercial District** shall govern this PUD, except as herein modified.

In addition to all uses within the C-3 district, the following shall be permitted by right:

- 8300.33 Drinking Establishments: Sitdown, Alcohol Permitted, accessory to an amphitheater/concert venue, otherwise a Special Permit is required.
- 8300.38 Eating Establishments: Sitdown, Alcohol Permitted
- 8300.54 Outdoor Sales and Display, and Outdoor Storage, accessory to an amphitheater/concert venue.
- 8300.55 Participant Recreation and Entertainment: Indoor
- 8300.56 Participant Recreation and Entertainment: Outdoor
- 8300.67 Spectator Sports and Entertainment: General
- 8300.68 Spectator Sports and Entertainment: High Impact
- 8300.69 Spectator Sports and Entertainment: Restricted

All uses shall be permitted to allow for a concert venue and its accessory uses, including but not limited to food trucks, bars, box offices, security posts, etc.

9.0.....SPECIAL CONDITIONS

The following special conditions shall be made a part of this PUD:

9.1.....FAÇADE REGULATIONS

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, rock, architectural metal, stone, stucco, or wood, or other similar type finish. No more than 30% EIFS or wood shall be permitted.

9.2 LANDSCAPING REGULATIONS

The required number of landscape points shall be in accordance with the Landscaping Ordinance in place at the time of development, except that the location of said points shall be in accordance with Exhibit “F”. Planting islands within the parking lot shall not be required. Required parking lot points shall be located around the perimeter of the parking lot in lieu of planting islands. All buffer yards including highway frontage shall be 10’ in width and shall contain medium trees at 40’ on center.

9.3 LIGHTING REGULATIONS

The site lighting in this PUD shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

9.4 SCREENING REGULATIONS

No less than a six-foot and no greater than an eight-foot-high wall or steel picket fence shall be required along the boundary of this parcel where it is adjacent to any residential use. Said wall or fence shall be constructed entirely of stucco, brick, steel, aluminum, or stone on a continuous footing.

9.5 PLATTING REGULATIONS

Platting requirements shall be per the Subdivision Regulations.

9.6 DRAINAGE REGULATIONS

Development of this parcel will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

9.7 DUMPSTER REGULATIONS

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 PUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

9.8 ACCESS REGULATIONS

Access shall be taken through shared access agreement from the tunnel under the John Kilpatrick Turnpike, S. Sara Rd., and SW 15th St. Street frontage shall not be required on a public street within this PUD.

9.9 PARKING REGULATIONS

The design and number of all parking facilities in this PUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended, except that there shall be a maximum of 3,600 parking spaces if the site is developed for an amphitheater.

9.10 SIGNAGE REGULATIONS

9.10.1 FREESTANDING ACCESSORY SIGNS

Freestanding accessory signs within the PUD shall be permitted. Each freestanding accessory sign shall be a maximum of eight-foot (8') tall, except for one (1) freestanding pole with a maximum of fifty feet (50') in height and a maximum of 200 square feet sign to be seen from the John Kilpatrick Turnpike. Street frontage for freestanding accessory signs shall not be required.

9.10.2 ATTACHED SIGNS

Attached signs will be in accordance with the attached Exhibit "D".

9.10.3 NON-ACCESSORY SIGNS

Non-Accessory signs shall be prohibited.

9.10.4 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

There shall be one (1) Electronic Message Display Level sign permitted with a maximum of 200 square feet within this PUD. This is limited to the one (1) freestanding pole sign referenced in Section 9.10.1.

9.11 ROOFING REGULATIONS

Each structure in this PUD shall have Class C roofing or better.

9.12 SIDEWALK REGULATIONS

Five (5) foot sidewalks shall be constructed on the arterial street with each development parcel, or six (6) foot sidewalks shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department. Four (4) foot sidewalks shall be constructed on the interior streets and drives prior to any occupancy certificates being issued. An internal pedestrian access way shall be located within 350' of each parking space.

9.13 HEIGHT REGULATIONS

There shall be a maximum height of 100' for structures within this PUD.

9.14 SETBACK REGULATIONS

Yard requirements in this PUD shall be the same as the base-zoning district, except that there shall be a 600-foot setback to the east for an outdoor amphitheater/concert venue.

9.15 PUBLIC IMPROVEMENTS

Public improvements shall be made by the property owner throughout the PUD as required by the City of Oklahoma City Public Works Department or other City, County, or State Department or agency. All Local, State, and Federal ordinances as they shall apply to the site will be adhered to fully.

9.16 COMMON AREAS

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.

9.17 SPECIFIC PLAN

No building permits shall be issued in this PUD until a Specific Plan, including all items listed in Section 59-14150.D. of the Oklahoma City Municipal Code, 2020, as amended shall have been approved by the Planning Commission.

9.18 OTHER

Live music shall be prohibited after the following times:

Sunday through Wednesday after 10:30 p.m.

Thursday through Saturday after 11:00 p.m.

*Sound checks are not permitted prior to 2:00 p.m. on days in which school is in session

The amphitheater is expected to establish operational maximum sound levels for performances in accordance with Exhibit "E" and if performances exceed these levels, active steps shall be taken to reduce noise levels.

- Noise monitoring shall be conducted during performances at the eastern boundary of this PUD and northwest at the residential boundary across John Kilpatrick. Sound detection devices will be installed as noted in the attached Exhibit "G" to provide for operational intervention in the event the limits were being exceeded.
- The limits at the above-referenced boundary lines are expected as follows:
 - An L10 exceeding 70dB(A) in any 30-minute period.
 - An L90 exceeding 60dB(A) in any 30-minute period.
- Should noise levels exceed those documented above, the venue operator would promptly inform the event production team and instruct the event production team to reduce noise levels to a level appropriate to maintain the requirements.

- Event production teams shall be obligated by their contracts to comply with the venue operator’s directions and shall be subject to prematurely terminating events if the performance remains out of compliance.
- Noise permits shall not be required for concerts within this PUD.

10.0 DEVELOPMENT SEQUENCE

Developmental phasing shall be allowed as a part of the development of this PUD.

11.0 EXHIBITS

The following exhibits are hereby attached and incorporated into this PUD. These exhibits are:

- Exhibit A1-A-3: Legal Descriptions
- Exhibit B: Conceptual Master Development Plan
- Exhibit C: Topography Plan
- Exhibit D: Attached Sign Exhibit
- Exhibit E: Noise Study
- Exhibit F: Landscape Plan
- Exhibit G: Placement of Sound Detection Devices

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:** 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) Mustang**
- 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 PUD 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

Wastewater Availability

- 1) SD-2023-00054 has been submitted for review and approval.
- 2) System internal to property will be considered private.

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability

- 1) WA-2023-00050 has been submitted for review and approval.
- 2) Will be master metered and considered private internal to the property.

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 stream and associated riparian area are identified near the central portion of the site, however due to the installation of the John Kilpatrick Turnpike, further study would be required to determine the current path of the stream and associated riparian area. National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available.

Location:

- Focus regionally serving retail development within commercial nodes and corridors identified in the Retail Nodes & Corridors map.
- Locate uses that generate high traffic volumes along arterial streets, frontage roads, and interstates.

This PUD allows commercial development, but is specifically requested for an amphitheater/outdoor concert venue, a regional attractor that will generate special event traffic. The proposed development site is not within a retail node or corridor identified in the comprehensive plan. The PUD has frontage along the Kilpatrick Turnpike and plans for a vehicular connection under the turnpike to the internal street network on the other side, which provides access to Mustang Rd and SW 15th Street. Access is also proposed through adjacent development to the east via three driveways that connect to S Sara Rd, an arterial street. Additionally, a request to dedicate right-of-way to the public (ED-239), if constructed and accepted, would create Sunset Parkway, a street connection that would connect the PUD area to SW 15th Street, also 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 PUD regulations would allow a FAR within this range, but the primary purpose of this PUD for an outdoor amphitheater with surface parking, which would be below the FAR.*

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 number of dead-end streets and cul-de-sacs.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Development fronting arterials should take access from intersecting streets where possible.
- 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.

As noted above, the PUD site has frontage along the Kilpatrick Turnpike, with access proposed through a tunnel underneath it, as well as through adjacent property to the east, and via a new proposed street to the south, providing multiple vehicular connections to three arterial streets. The commercial development to the west of the turnpike is not included with this application, but includes an internal vehicular network with connections to SW 15th Street and S Mustang Rd/Hwy 4.

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.

The PUD requires sidewalks along all streets, but the development may not have streets. The PUD has been modified since first submitted to require sidewalks along private drives and provide internal pedestrian access ways within 350 feet of any parking space.

2. **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. The subject site is already zoned for commercial uses, and no new compatibility issues are identified adjacent to the existing PUD. The proposal triggers potential operational impacts near the elementary school and middle school to the south. Operational impacts are also identified with the proposed use of an outdoor concert venue/amphitheater near schools and neighborhoods, specifically related to noise and traffic.

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 traffic generated by the proposed amphitheater is expected to be special event traffic. As mitigation, a connected vehicular plan is proposed that provides multiple entrance/exits, although it was not clear at the time of review how traffic would be managed entering and exiting the site during events, as the driveways used are not within the PUD property. If Sunset Blvd is constructed and accepted as a public street, the PUD will have a public street connection to SW 15th Street.*

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. *Potential operational impacts, specifically light and noise, are triggered with the outdoor amphitheater use. The PUD commits to meeting all code requirements for lighting. The applicant has submitted a noise study, attached to this report. The PUD also sets hours of operations. The application has been modified since first submitted to provide Exhibit G, Sound Detection Device Placement.*

3. **Service Efficiency:**

- Water: *Served – Close to Service or Served*
- Sewer: *Served – Open Sewer Sheds or Served*

- Fire Service: *Urban Service Level*
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 map be present on the subject site. The conceptual plan indicates drainage for the site would be incorporated into green space, but the Master Design Statement does not specify.*
 - 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:** This site has frontage on the Kilpatrick Turnpike, and proposes but does not have frontage on S Sara Road and SW 15th Street, both Major Arterial Streets in the Urban Low LUTA. Transit (bus) service is not available.
6. **Other Development Related Policies**
- Prioritize maintaining the strength of existing commercial nodes and corridors over providing new areas for commercial development. (SU-23)
 - 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)
 - Regional-, community-, and neighborhood-scale retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores that draws on the following principles:
 - Concentrate access for new retail development at shared primary entrance points. Primary entrance points should be aligned with access points immediately across intersecting roads. Limit curb cuts on primary highways and arterials.
 - Provide pedestrian circulation, including sidewalks and median breaks along interior and exterior fronting roads and within parking lots.
 - Encourage coordinated development of retail centers in order to facilitate internal pedestrian and vehicle circulation and optimal center performance (SU-27)
 - Commercial buildings should be built at the street rather than behind a parking lot in order to promote pedestrian circulation, multipurpose shopping trips, and walkable and attractive streetscapes. Large-scale

commercial buildings with parking in front should screen parking lots with coordinated development of out-parcels (pad sites) and with landscaping. (SU-28)

- New neighborhood-scale retail should be located within new residential growth areas to serve daily shopping needs and limit trip distances. In newly developing areas, this retail format is preferred to the existing linear development patterns along arterials. (SU-30)
- Neighborhood-scale retail should be developed at the median breaks or intersections of major or minor connectors. (SU-31)
- Wayfinding mechanisms and other place-making features should be strongly encouraged in new and existing commercial districts. (SU-32)
- 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)
- 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)
- Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)
- Encourage unified planning for all adjoining land owned or controlled by a project's developer to ensure proper circulation and land use relationships (SU-47)

b. Plan Conformance Considerations

The subject site is located along the east side of the S John Kilpatrick Turnpike, north of SW 15th Street. South Sara Road is to the east, and Mustang Rd/Hwy 4 is west of the Turnpike. The site is undeveloped and zoned AA and PUD-1628. PUD-1628 spans both sides of the turnpike and was approved in 2017 to allow a combination of retail, medical, office, restaurants, and hotel developments with a C-3 base district. North of the subject site is undeveloped land zoned I-2. Land to the east and south of the subject site would remain zoned under PUD-1628. Mustang Creek Elementary School and Mustang North Middle School are located south of the site and accessed from SW 15th Street.

This PUD (Notes Live) is requested for an outdoor amphitheater concert venue and accessory uses. The PUD allows C-3 uses which are consistent with the existing and adjacent zoning. However, potential compatibility issues are identified with the proposed use of an outdoor concert venue/amphitheater near schools and neighborhoods, specifically related to noise and traffic. As mitigation for traffic concerns, a connected vehicular plan is proposed that provides multiple entrance/exits to three arterial street, including a connection under the turnpike. However, it was not clear at the time of review how traffic would be managed entering and exiting the site during events, as the driveways used are not within the PUD property. If Sunset Blvd is constructed and accepted, the PUD will have a public street connection to SW 15th Street.

Potential operational impacts, specifically light and noise, are also identified with the proposed outdoor use. The PUD commits to meeting all code requirements for lighting. The applicant has submitted a noise study as an exhibit. The PUD also sets hours of operation for live music.

The application has been amended since first submitted to address Technical Evaluations recommended by staff.

The changes include:

- Specifying that Outdoor Storage and Drinking Establishments uses are accessory uses to the amphitheater unless a Special Permit when eligible.
- Clarifying façade regulations.
- Removing the exemption on the landscape code, and proposing modified landscape regulations as shown in (new) Exhibit F.
- Specifying platting requirements shall be per the Subdivision Regulations.
- Clarifying that access to the PUD site is allowed via shared access agreements.
- Modifying parking regulations to require the compliance with Chapter 59, Article X, with the exception of a maximum of 3,600 parking spaces required for the amphitheater.

- Limiting freestanding signs to ground/monument signs a maximum of 8 feet tall and 100 square feet in area, except that one freestanding pole sign will be allowed along the Kilpatrick Turnpike frontage, maximum 200 square feet in area.
- Prohibiting non-accessory signs/billboards.
- Allowing one EMD sign allowed (*level not listed*)
- Requiring sidewalks along private drives and within 350 feet of any parking space.
- Requiring a Specific Plan for all new development.
- Adding information to Section 9.18, specifying that the hours of operation apply to live music, specifying sound levels, and where they are measured from.
- Adding Exhibit F (Landscape Plan); Exhibit G (Sound Detection Device Placement); and Exhibit F (Traffic Study).

Outstanding issues include the proposed landscape plan, which will meet the point requirement for the site, but proposes to place landscaping as shown in Exhibit F which does not include the Code requirement for trees within parking lots, and noise.

Plan conformance would be strengthened by meeting the landscape code to provide trees/shade in parking lots. The addition of shade structures could be one alternate solution if the proposed landscape plan is accepted. Pedestrian paths within parking lots should be within 150 feet of each parking space instead of 350 feet, per the existing Code. It remains unclear if noise can or will be mitigated with the measures proposed.

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.

Denial of the Application; or

Approval of the application subject to the following Technical Evaluation:

- The subject site shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development. Shade structures may be substituted for parking lot planting islands or peninsulas.
- Specify the EMD sign allowed will be EMD-2.

- Modify Section 9.12 to require an internal pedestrian access way shall be located within *150 feet* of each parking space.
- Modify Section 9.18 to specify noise levels apply to amplified sound, not only live music; change the days when music can occur until 11:00 pm to Friday and Saturday only; and set a maximum number of days events can occur. (*Example: Events with amplified sound shall not occur more than three days in a row or more than 12 times in any given 30-day period*).

All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the PUD may be required during either Divisions review of construction plans and prior to City Council approval.