

Planning Commission Minutes  
April 27, 2023

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

14. (PUD-1945) Application by Caliber Development Company, LLC, to rezone 3622 NW 192nd Street from PUD-1111 Planned Unit Development District to PUD-1945 Planned Unit Development District. Ward 8.

Amended Technical Evaluation:

1. A Specific Plan shall be required for development within Tract 2 and all signage within Tract 2 shall be reviewed and approved by the Planning Commission during the Specific Plan process.
2. ~~Freestanding signs in Tract 2 shall be limited to 8 feet in height and 100 square feet in area.~~
3. A 20-foot landscape buffer shall be provided along the south boundary of the PUD.
4. Sidewalks shall not be required along State Highway 74 (North Portland Ave) but a fee in lieu of shall be required.
5. Remove the language about metal storage buildings from Section 9.1.
6. Remove drivet from Section 9.1 Façade Regulations.

The applicant was present. There were no protestors present.

**RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.**

MOVED BY NOBLE, SECONDED BY GOVIN

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

ABSENT: PRIVETT, LAFORGE



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

**Item No. IV. 14.**

**(PUD-1945) Application by Caliber Development Company, LLC, to rezone 3622 NW 192<sup>nd</sup> Street from PUD-1111 Planned Unit Development District to PUD-1945 Planned Unit Development District. Ward 8.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant/Developer Representative**

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

**B. Case History**

This is a new application.

**C. Reason for Request**

This application is to permit use and development of gasoline sales and retail sales.

**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: 7.31 acres**

**3. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	PUD-1111	AA/PUD-1668	AA	AA	AA
<b>Land Use</b>	Undeveloped	Farm	School	Undeveloped	PUD-1535

## **II. SUMMARY OF PUD APPLICATION**

### **8.1 USE AND DEVELOPMENT REGULATIONS**

There shall be two (2) tracts within this PUD. The use and development regulations of the C-3 Community Commercial District shall govern both tracts, except as herein modified.

**The following uses shall be permitted:**

8300.1	Administrative & Professional Offices
8300.5	Alcoholic Beverage Retail Sales
8300.14	Automotive and Equipment: Cleaning and Repairs, Light Equipment
8300.23	Building Maintenance Services
8300.24	Business Support Services
8250.3	Community Recreation: Property Owners Association
8300.32	Convenience Sales and Personal Services
8300.54	Outdoor Sales and Display and Outdoor Storage [shall only be permitted as an accessory use]
8300.35	Eating Establishments: Fast Food [shall include seasonal snow cone stands and food trucks]
8300.36	Eating Establishments: Fast Food, With Drive-Thru Order Window
8300.38	Eating Establishments: Sitdown, Alcohol Permitted
8300.41	Food & Beverage Retail Sales
8300.45	Gasoline Sales: Large
8300.47	Gasoline Sales: Truck Stop
8300.58	Personal Services: General
8300.63	Retail Sales and Services: General

### **9.0 SPECIAL CONDITIONS**

The following special conditions shall be made a part of this PUD and nothing contained within this PUD shall in anyway limit any allowable development within PUD-1111:

#### **9.1 FAÇADE REGULATIONS**

Exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% structural brick veneer, split or smooth face integral color concrete masonry block unit veneer, rock or stone masonry, drivet, rock, stone, stucco, or wood, or other similar type finish. No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted. However, the use of steel canopies/covers to provide coverage of parking and service areas shall be permitted in this PUD. This section shall not preclude metal storage buildings that are ancillary to the dominant use on site.

## **9.2 LANDSCAPING REGULATIONS**

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

## **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**

Existing screening shall be permitted to remain and deemed to conform to applicable regulations.

## **9.5 PLATTING REGULATIONS**

Platting shall not be required.

## **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**

There shall be three (3) access points from NW 192<sup>nd</sup> St. and one (1) access point from N. Portland Ave. in this PUD. Each drive shall be permitted to maintain a width of 35 feet.

## **9.9 PARKING REGULATIONS**

The number of all parking facilities in this PUD shall be in accordance with Chapter 59, Article X, Table 10600.2 – Parking Requirements for Retail Use Categories, of the Oklahoma City Municipal Code, 2020, as amended.

#### **9.10 SIGNAGE REGULATIONS**

Signage regulations shall be in accordance with Exhibit “C”.

#### **9.11 ROOFING REGULATIONS**

Every 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.

#### **9.13 HEIGHT REGULATIONS**

The base zoning district regulations shall regulate heights of structures in this PUD.

#### **9.14 SETBACK REGULATIONS**

Unless modified herein, setback requirements in this PUD shall be the same as the base-zoning district.

#### **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**

A specific plan shall not be required.

**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 A – Legal Description
- Exhibit B – Site Plan
- Exhibit C – Signage
- Exhibit D – Topography Map

**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) Deer Creek**
- 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**

- 1) Sight triangles are required at all intersections and minimum right of way standard widths must be granted.
- 2) Sidewalk shall be installed for all new construction on lots/ parcel having frontage on public streets. Additional easements must be granted if they are place beyond the current right of way.



- 3) (Section 9.9) Concrete approaches are required in the right of way vehicular access point. Paving and striping may be required for any working within the right of way.
- 4) (Section 9.10.5) Any placement of arches or other private structure placed in public easements must be subject to Revocable Permit approval.

**Wastewater Availability**

- 1) An existing 8" wastewater main(s) is located adjacent to the subject site(s).
- 2) An existing 8" wastewater main(s) is within the required distance to the subject site and will be required to be extended to the furthest property line for any proposed development.
- 3) Line capacity is not guaranteed and must be checked by the Engineer of Record and reviewed by the City.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) Adjacent to existing 8" public wastewater main project #SD-3503 along south side of site. Will be required to extend 8" wastewater main parallel with Portland Ave to the north property line (setting manhole 10' south of 12" water main) to allow for continued extension & development north.

**b. Solid Waste Management**

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

**c. Water/Wastewater Quality**

**Water Availability**

- 1) An existing 12" water main(s) is located adjacent to the subject site(s).
- 2) A 12-inch water main is required to be looped through the development to provide adequate water supply and fire flow protection. Connection to two (2) separate active water mains is required to prevent partial or total shut-off of water supply when a pipeline failure occurs.
- 3) Minimum ten (10) feet horizontal separation required from wastewater mains and five (5) feet for other utilities. Minimum two (2) foot vertical separation required for all utility crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 4) Proposed and/or existing water mains must be located centrally within a twenty (20) feet wide or larger utility easement or right-of-way. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 5) Dead-end water mains must be avoided when possible. All existing unused water services must be capped and abandoned at the water main in accordance with the City Standard Specifications.
- 6) In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi. The developer is responsible for designing and construction of all fixtures to provide adequate domestic and fire protection under minimum pressure conditions. The developer will be responsible for any failure of domestic or fire protection systems which require water pressure in excess of 25 psi. The developer is responsible for installing pressure reducers if necessary for protection of developer's service lines, plumbing, and fixtures.
- 7) All existing and/or proposed water meters must be located in the right-of-way and/or utility easement within grassy areas outside of sidewalks, driveways, streets, and paving.
- 8) All domestic and fire suppression services must have a separate water service connection. Fire hydrant spacing shall not exceed 500 feet and must be located within ten (10) of a hard surface (i.e. sidewalk, street, paving).

9) Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.

10) Adjacent to existing 12" public water main project #WA-1779

## 9. Planning

### a. Comprehensive Plan Considerations

#### 1) LUTA Development Policies:

##### Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

*National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available.*

##### Location:

- Locate uses that generate high traffic volumes along arterial streets, frontage roads, and interstates.

*The proposed development is located along N Portland Ave and NW 192<sup>nd</sup> Street, both major arterial streets.*

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 could provide a FAR within the LUTA range.*

##### Automobile Connectivity:

- 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.
- Primary entrance points should be aligned with access points immediately across the street.
- 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 PUD proposes three drives on NW 192<sup>nd</sup> Street and one from N Portland Ave.*

##### 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 required along arterial streets.*

- 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 low intensity residential, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan. *The subject site is already zoned for commercial uses but does not allow large gas sales or truck stops. The proposed gas station uses trigger potential operational impacts where adjacent to residential uses. Screening and landscaping will be required per Code. Additional mitigation measures could include larger setbacks and wider landscape buffers.*
- 3) **Service Efficiency:**
  - Water: *Served*
  - Sewer: *Open Sewer Sheds or Served*
  - Fire Service: *Rural Service Level*
- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the site.
- 5) **Transportation System:** This site is located at the southeast corner of NW 192<sup>nd</sup> Street and N Portland Avenue, both Major Arterials in the Urban Low LUTA. Transit (bus) service is not available.
- 6) **Other Development Related Policies**
  - 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 pints 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. (SU-28)
- 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)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- 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 at the southeast corner of NW 192<sup>nd</sup> Street and N Portland Avenue. The site is undeveloped and zoned as part of Tract 6 in PUD-1111, which allows residential and commercial uses on 24.98 acres. South of the subject site, the remainder of Tract 6 has been developed with a single-family residential subdivision (The Grove). Exhibit B shows a 40-foot buffer from the residential zoning labeled as “landscape buffer for future paving.” North of the subject site, across NW 192<sup>nd</sup> Street is PUD-1686, which allows commercial uses and specific tracts that allow congregate care and recreational uses in the northern portion of the PUD, and agricultural uses zoned AA. East of the site is Tract 1 of PUD-1111, which is developed with Grove Valley Elementary School.

The PUD is requested in two tracts. Tract 1 (7.3 acres) is located at the corner and would allow large gas sales (OnCue). It was unclear at the time of review what would be developed on Tract 2 (2.3 acres). The PUD proposes signs per Exhibit C. No signs are shown on Tract 2. The Master Design Statement should require a Specific Plan for development on Tract 2, specify sign standards per O-2 in Tract 2 due to proximity to schools and residential, and require a 20-foot landscape buffer along the south boundary of the PUD.

#### **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.*

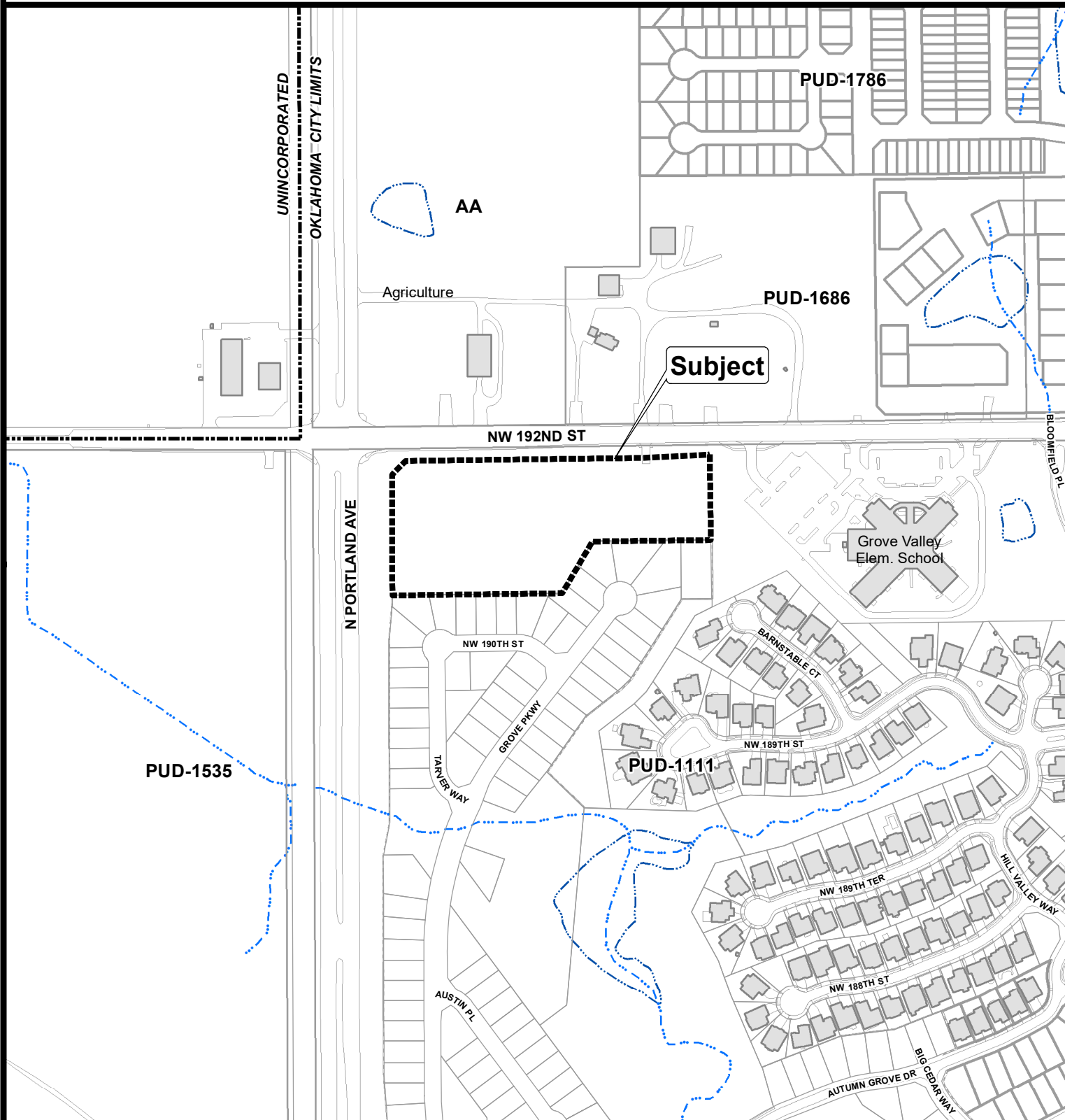
**Approval of the application subject to the following Technical Evaluations:**

1. A Specific Plan shall be required for development within Tract 2.
2. Freestanding signs in Tract 2 shall be limited to 8 feet in height and 100 square feet in area.
3. A 20-foot landscape buffer shall be provided along the south boundary of the PUD.

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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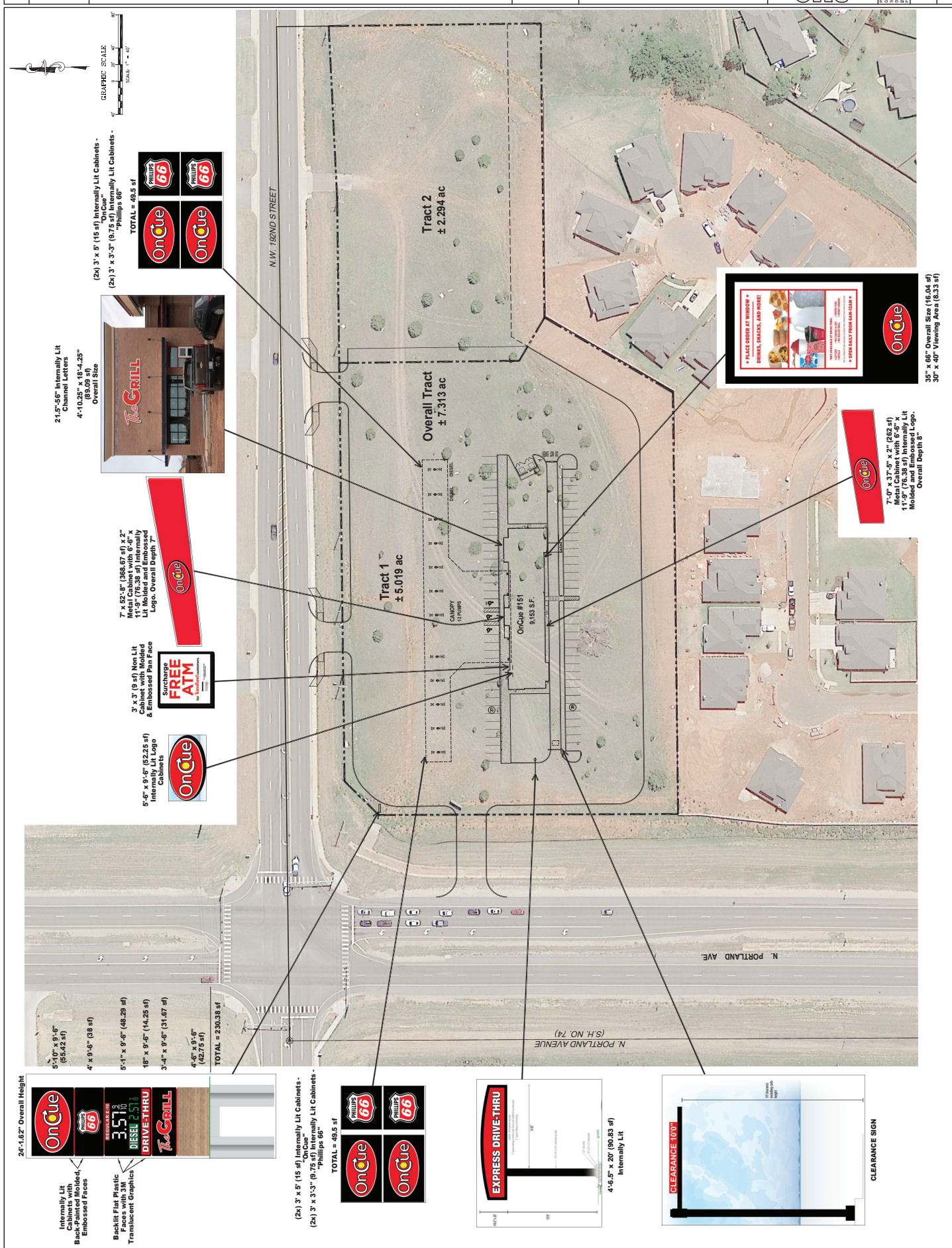
**Location: 3622 NW 192nd St.**





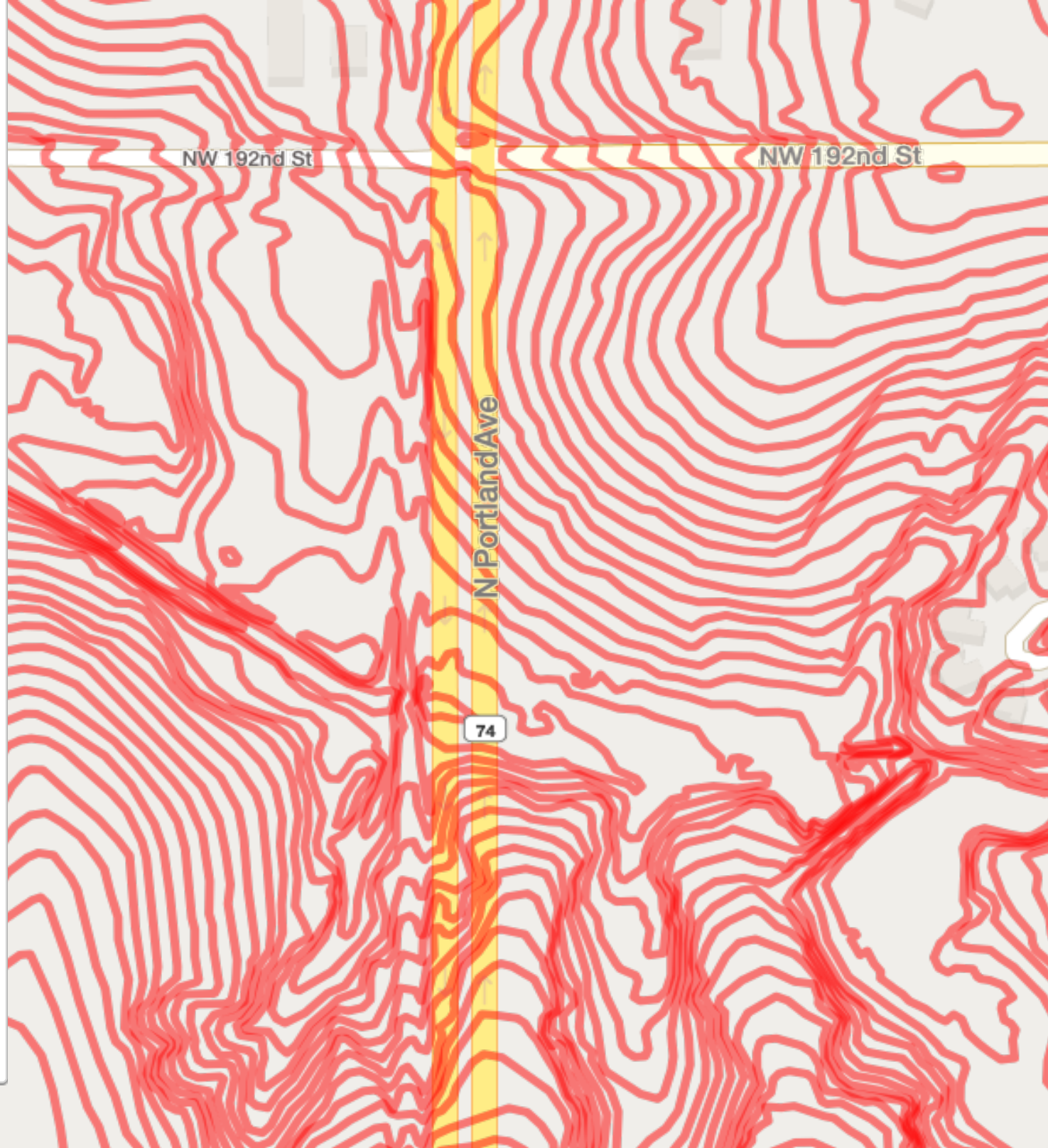








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**Location: 3622 NW192nd St.**



*Aerial Photo from 2/2022*



The City of  
OKLAHOMA CITY

## Planned Unit Development



0 200 400 Feet