

Planning Commission Minutes
August 22, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:05 a.m. on August 19, 2024)

11. (SPUD-1660) Application by ASM Enterprises, LLC to rezone 17516 North Western Avenue from SPUD-1333 Simplified Planned Unit Development District to SPUD-1660 Simplified Planned Unit Development District. Ward 8.

Amended Technical Evaluation:

1. Remove the following as permitted uses: *8300.5 Alcoholic Beverage Retail Sales; 8350.3 Custom Manufacturing; and 8300.48 Laundry Services.*
2. Revise the screening regulations to allow a fence height up to 10 feet.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY NOBLE, SECONDED BY MEEK

AYES: CLAIR, POWERS, MEEK, PRIVETT, NEWMAN, GOVIN, PENNINGTON, NOBLE, LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
August 22, 2024

Item No. IV. 11.

(SPUD-1660) Application by ASM Enterprises, LLC to rezone 17516 North Western Avenue from SPUD-1333 Simplified Planned Unit Development District to SPUD-1660 Simplified Planned Unit Development District. Ward 8.

I. GENERAL INFORMATION

A. Contacts

1. Applicant Representative

Name David M. Box
Company Williams, Box, Forshee, and Bullard P.C.
Phone (405) 232-0080
Email dmbox@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow commercial development.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Urban - Low (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: (1.28 Acres)

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	SPUD-1333	PUD-132	PUD-132	PUD-180	R-1
Land Use	Indoor Golf Center	Church	Church	Child Care	Residential

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **C-3 Community Commercial District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

The following use(s) will be the only use(s) permitted on this site:

8300.1	Administrative and Professional Offices
8300.2	Adult Day Care Facilities
8300.5	Alcoholic Beverage Retail Sales
8300.8	Animal Sales and Services: Grooming
8300.10	Animal Sales and Services: Kennel and Veterinary, General
8300.11	Animal Sales and Services: Kennel and Veterinary, Restricted
8300.13	Automotive: Parking Lots, as a Principal Use
8300.23	Building Maintenance Services
8300.24	Business Support Services
8300.25	Child Care Centers
8300.29	Communications Services: Limited
8250.2	Community Recreation: General
8250.3	Community Recreation: Property Owners Association
8250.4	Community Recreation: Restricted
8300.32	Convenience Sales and Personal Services
8350.3	Custom Manufacturing
8200.2	Dwelling Units and Mixed Uses
8300.35	Eating Establishments: Fast Food
8300.37	Eating Establishments: Sitdown
8300.39	Eating Establishments: Sitdown, Limited Alcohol Permitted
8300.41	Food and Beverage Retail Sales
8300.48	Laundry Services
8250.11	Library Services and Community Centers
8250.12	Light Public Protection and Utility: General
8250.13	Light Public Protection and Utility: Restricted
8250.14	Low Impact Institutional: Neighborhood-Related
8300.52	Medical Services: General
8300.53	Medical Services: Restricted
8300.55	Participant Recreation and Entertainment: Indoor
8300.56	Participant Recreation and Entertainment: Outdoor [limited to a golf training facility]
8300.58	Personal Services: General
8300.59	Personal Services: Restricted
8300.61	Repair Services: Consumer
8300.62	Research Services: Restricted
8300.63	Retail Sales and Services: General
8200.13	Senior Independent Living

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

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

6. Sight-Proof Screening:

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

7. Landscaping:

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

8. Signs:

8.1 Freestanding Accessory Signs

Freestanding signs will be in accordance with the base zoning district regulations, except that any freestanding sign shall be limited to a ground/monument sign with a maximum height of eight (8) feet.

8.2 Attached Signs

Attached signs will be in accordance with the base zoning district regulations.

8.3 Non-Accessory Signs

Non-accessory signs will be prohibited.

8.4 Electronic Message Display Signs

Electronic Message Display signs will be prohibited.

9. Access:

Access shall be taken from a maximum of one drive on N. Western Ave.

10. Sidewalks

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 prior to any occupancy certificates being issued.

1. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock or stone masonry, architectural metal, stucco, and cementitious siding (including, but not limited to, the brand commonly known as James Hardie). No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted. Exposed concrete block buildings shall not be permitted.

2. Open Space:

N/A.

3. Street Improvements:

N/A.

4. Site Lighting:

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

5. Dumpsters:

Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and shall be placed no closer than 50 feet from all property lines adjacent to residential zoning district or use.

Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

6. Parking:

The design and number of all parking facilities in this SPUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended, except that there shall be a minimum of 20 parking spaces, inclusive of the required ADA space(s).

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.

2. 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: Edmond**
- 7. Oklahoma Department of Transportation (ODOT)**

B. City Departments

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire ***
- 4. Information Technology/Geographic Support**
- 5. Parks and Recreation**
- 6. Police**
- 7. Public Works**

a. Engineering

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) 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.
- 8) 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.
- 9) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 10) 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.
- 11) 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.
- 12) All private roads /streets will have private storm sewer systems.
- 13) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

- 14) Amend Section II.7 Maintenance: Maintenance of the common areas, private drainage easements, and islands/medians in the development shall be the responsibility of the property owners or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner that meets the requirements specified above.

b. Streets, Traffic and Drainage Maintenance

c. Stormwater Quality Management

d. Traffic Management *

8. Utilities

a. Engineering

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability*

Wastewater Availability*

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 subject site is located along the east side of North Western Avenue, an arterial street in the Urban Low LUTA.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The current FAR of the site is within*

or below the Urban Low LUTA range. The SPUD regulations could allow continued development within this 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.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Horizontally mixed-use developments should have connectivity between land uses.

The subject site is currently accessed via one drive along North Western Avenue, which also serves oil and gas operations east of the site. The SPUD regulations seek to maintain the current access.

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 currently available on the subject site and 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 institutional uses, no potential compatibility issues identified by the comprehensive plan.
- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Response*
- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the subject site.
- 5) **Transportation System:** This site is located along the east side of North Western Avenue, a Major Arterial Street in the Urban Low LUTA. Transit (bus) service is not available nearby.
- 6) **Other Development Related Policies**
 - Encourage the integration and mixing of land uses in urban areas. (SU-1)
 - 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)
- 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)
- 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)
- 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 east side of North Western Avenue, south of NW 178th Street. The site, along with the land to the north, was originally zoned for O-1 as part of PUD-132. The subject site was rezoned from PUD-132 to SPUD-1333 in 2021 for an indoor and outdoor recreational use (golf) and was limited to only the participant recreation uses needed for the golf business and uses ancillary to the primary use. The site has now been developed with the indoor and outdoor golf practice and performance center. Land to the north remains zoned PUD-132 and is developed with a church. East of the property is an oil and gas facility accessed via a drive from the subject site. Abutting the site on the south is a daycare facility zoned as part of PUD-180. Across North Western Avenue, to the west, is the Durbin Hills subdivision.

The SPUD would retain the recreational uses currently permitted and is requested to increase the number of uses allowed within the existing building and on the site. Requested uses include, but are not limited to, child care, office, sit down restaurants, fast food (no drive-thru), community recreation, vet, grooming, doggie daycare, personal services, retail, custom manufacturing, laundry services, and liquor stores. The site is adjacent to a daycare facility. Some of the uses may not be permitted for reasons other than zoning. The site is developed with one drive and the SPUD limits the number of driveways on the arterial to one. EMD and non-accessory/off-premise signs are not permitted, and freestanding signs are limited to a maximum 8 feet high and 100 square feet in area.

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.

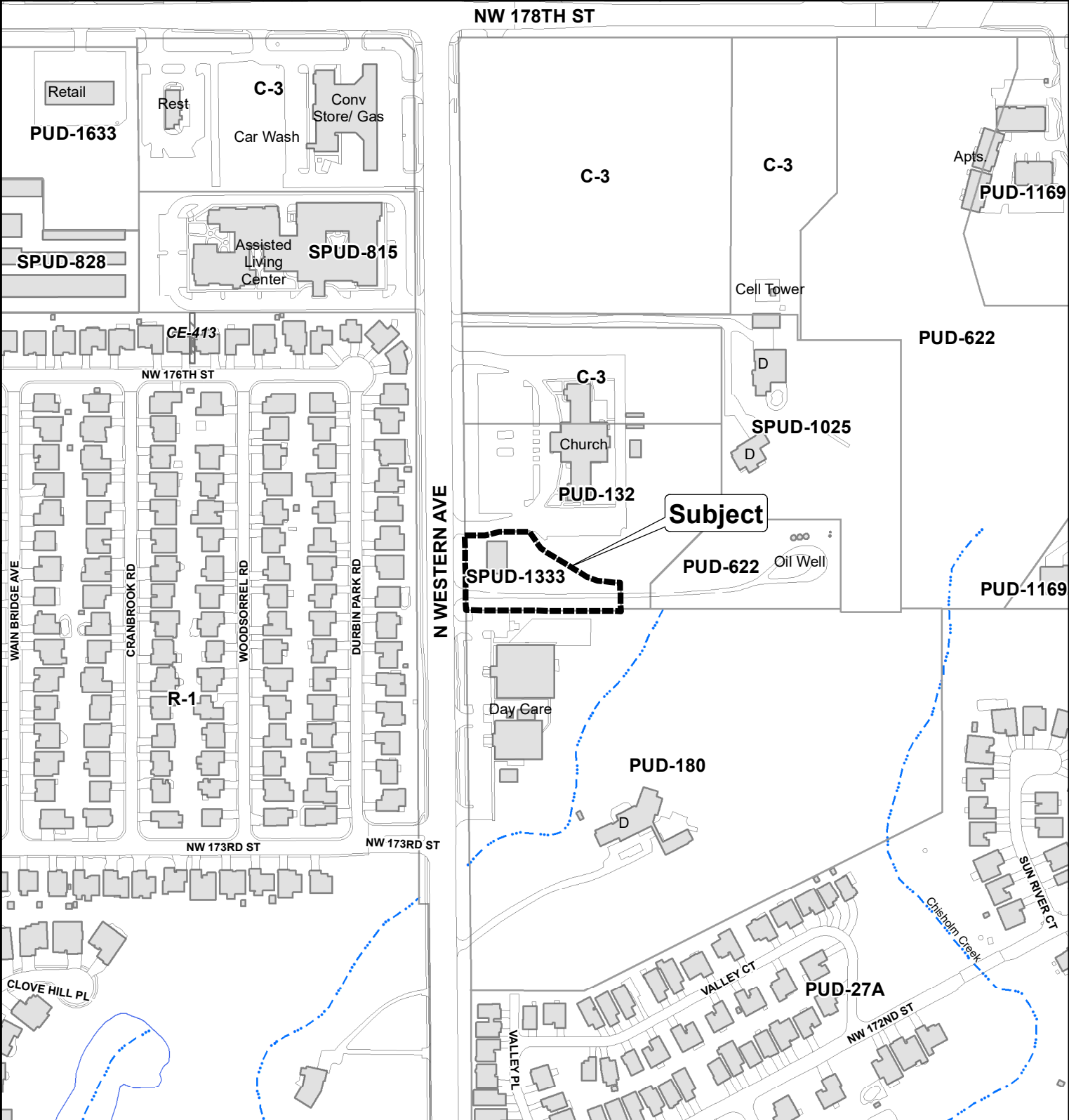
Approval of the application subject to the following Technical Evaluation:

1. Remove the following as permitted uses: 8300.5 *Alcoholic Beverage Retail Sales*; 8350.3 *Custom Manufacturing*; and 8300.48 *Laundry Services*

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.

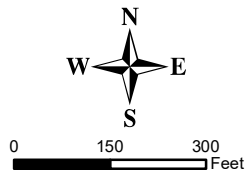
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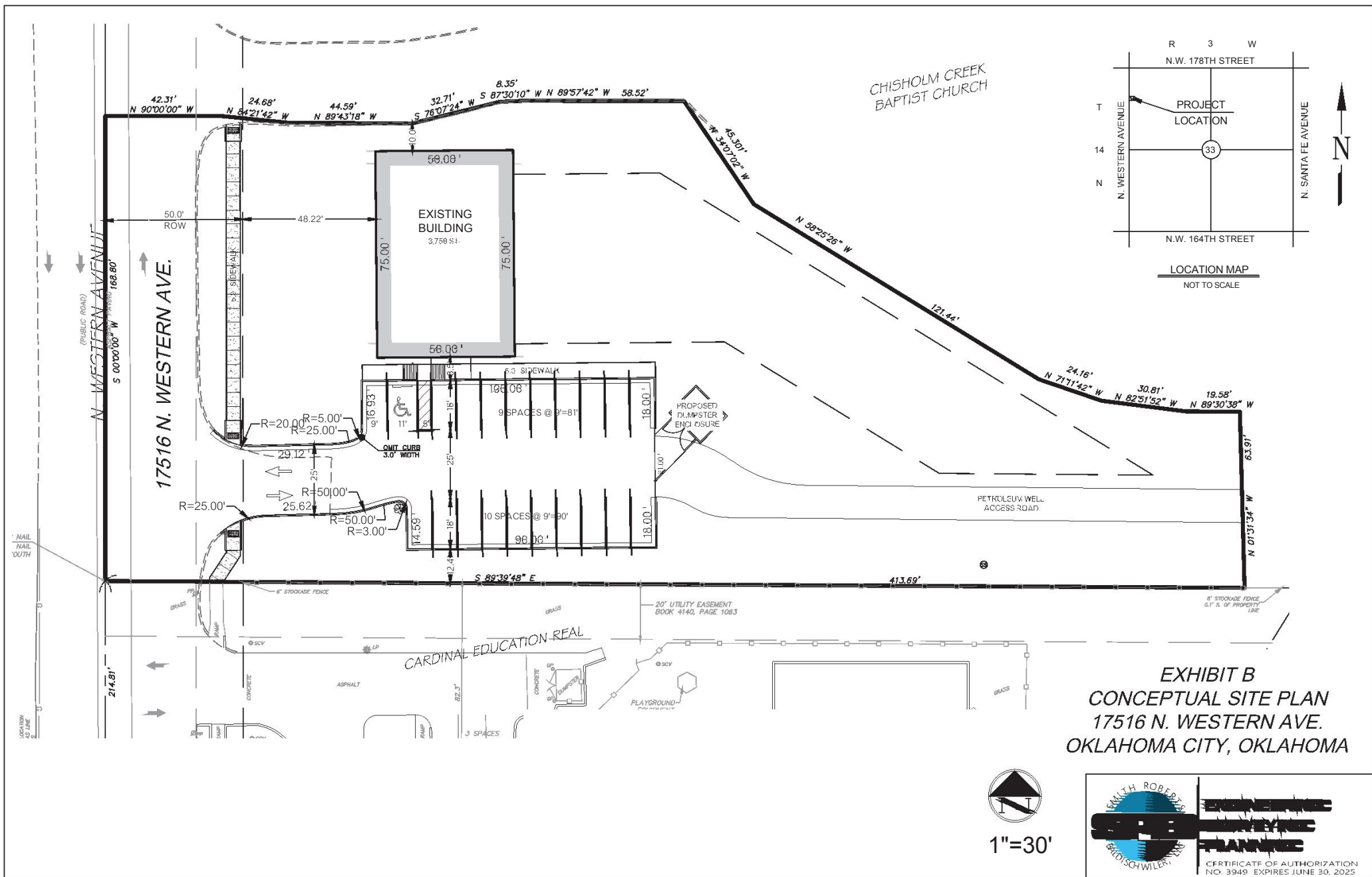
Case No: SPUD-1660 Applicant: ASM Enterprises, LLC
Existing Zoning: SPUD-1333
Location: 17516 N. Western Ave.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development





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Aerial Photo from 2/2022



The City of
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Simplified Planned Unit Development

