



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

Item No. IV. 20.

(PUD-1988) Application by Steve and Angela Thurmond to rezone 11836 SE 29th Street from AA Agricultural District to PUD-1988 Planned Unit Development. Ward 4.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

Mark Grubbs
Grubbs Consulting, LLC
405-265-0641
Mark.grubbs@gc-okc.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow rural commercial development, specifically Construction Sales and Services with related outdoor parking and storage of related company vehicles.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Rural – Medium Intensity (RM)

Rural – Medium is similar to the Rural-Low Typology Area except that it allows higher housing densities. These areas are usually near a fire station. Rural-Medium areas are often located adjacent to Urban-Low and Urban Reserve typologies, which are areas intended to urbanize in the future. While there is no expectation for urban services, RM areas have limited potential to connect to City water or sewer service, and may become more integrated into the urbanized area in the distant future. Commercial and light industrial uses may be appropriate provided they do not negatively impact the rural residential character.

2. Size of Site: 4.72 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	AA	C-3	AA	AA
Land Use	Residential	Undeveloped	Undeveloped	Residential	Residential

II. SUMMARY OF PUD APPLICATION

The PUD permits development in accordance with the use and development regulations of the C-3 Community Commercial District, except as otherwise amended herein.

8.1 USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the **RC Rural Commercial District** shall govern the property except as herein modified.

- a. The following use unit shall be an additional use permitted on the property:
 - 1. Construction Sales and Services (8300.31) with related outdoor parking and storage of related company vehicles and products.

8.2 LANDSCAPE & SCREENING REGULATIONS

All requirements of the City of Oklahoma City's Landscaping and Screening Ordinance in place at the time of development shall apply, except as otherwise noted herein.

- a. In lieu of a sight proof fence along the west and south property lines, the existing trees and vegetation shall be retained within a greenbelt, minimum 10 feet wide.
- b. Security fencing in the form of barbed wire, razor wire or similar type fencing shall be permitted around the perimeter of the property, but not extending beyond the front wall of a primary building.
- c. In lieu of the commercial landscaping requirements stipulated in Section 59-11250 of the Oklahoma City Municipal Code for the development site area and parking areas, landscaping on the property shall consist of the retention of the existing trees and vegetation along the west and south boundaries of the site, within the ten feet wide greenbelt. The west greenbelt shall extend along the entire west boundary, north to south, screening and landscaping parking areas until such time as the adjacent property is developed commercially.

8.3 ACCESS REGULATIONS

- a. There shall be no more than two driveways permitted from SE 29th Street.
- b. Minimum driveway separation shall be 150 feet, measuring centerline to centerline.

8.4 SIGN REGULATIONS

- a. Signs shall comply with the OKC Municipal Code, except as otherwise noted herein.

1. FREESTANDING ACCESSORY SIGNS

- i. There shall be one free-standing monument type sign permitted. Said sign shall have a maximum height of eight feet with a maximum display area of 100 square feet. Pole signs are prohibited.

2. ATTACHED SIGNS

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

3. NON-ACCESSORY SIGNS

- i. Non-Accessory signs are prohibited.

4. ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

- i. Electronic Message Display signs are prohibited.

8.5 PARKING REGULATIONS

- a. Parking shall comply with Chapter 59 of the OKC Municipal Code, except as otherwise noted herein.
- b. For the use Construction Sales and Services, no more than ten parking spaces shall be required for a building 8500 square feet or smaller. One additional parking space shall be provided for every 1000 square feet of office/warehouse space above 8500 square feet. Parking for outdoor storage lot shall not be required.
- c. Outdoor parking and storage of company vehicles and related company products shall be permitted on a gravel surface. Approaches to overhead doors shall be permitted to be a gravel surface.

8.6 COMMON AREA REGULATIONS

- a. Maintenance of private drives, common areas and private drainage easements is the responsibility of the property owner's association and/or property owners within the PUD, and as depicted within covenants and restrictions filed as separate documents. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent, shall be placed within drainage related common areas or drainage easements.

8.7 PLATTING & SPECIFIC PLAN REGULATIONS

- a. A Specific Plan shall not be required.
- b. Platting is not required for the division of three parcels or less.

8.8 FAÇADE/ARCHITECTURAL REGULATONS

- a. Façade/Architectural regulations shall comply with Chapter 59 of the Oklahoma City Municipal Code, 2020, as amended.

8.9 LIGHTING REGULATIONS

- a. 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.

8.10 DRAINAGE REGULATIONS

- a. Drainage improvements, if required, will be in accordance with applicable sections of the Oklahoma City Code of Ordinances. Drainageways may be permitted and constructed in accordance with Chapter 16 of the Oklahoma City Municipal Code, which includes certain allowances in construction standards for PUDS, provided the PUD is developed with drainage areas confined to common areas or private drainage easements. Such drainageways must be designed to handle adequate flows and cannot be built without specific approval of the City Engineer. The maintenance will be the responsibility of the property owners.

8.11 DUMPSTER REGULATIONS

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

8.12 ROOFING REGULATIONS

- a. Every primary structure in this PUD shall have Class C roofing or better.

8.13 SIDEWALK REGULATIONS

- a. A sidewalk shall not be required along SE 29th Street.

8.14 HEIGHT REGULATIONS

- a. The base zoning district regulations shall regulate heights of structures unless otherwise noted herein.

8.15 PUBLIC IMPROVEMENTS

- a. 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.

8.16 GENERAL DESIGN AND DEVELOPMENT GUIDELINES

- a. Specific information and plans for General Design and Development Guidelines as contained in Chapter 59 Section 14200.4 for density, amenities, relationship to abutting uses, site design, safety, and circulation systems shall be required at the building permit stage.

SECTION 9.0 DEVELOPMENT SEQUENCE

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

SECTION 10.0 EXHIBITS

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

EXHIBIT A: LEGAL DESCRIPTION

EXHIBIT B: MASTER DEVELOPMENT PLAN 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 (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): Choctaw/Nicoma Park**
- 7. Oklahoma Department of Transportation (ODOT):**

B. City Departments

- 1. Airports:**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA):**
- 3. Fire (OCFD):**

4. Information Technology/Geographic Support (IT/GIS):

5. Parks and Recreation:

6. Police (OCPD):

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. 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.
11. Amend Section 8.10 to read: Drainage improvements, if required, will be in accordance with the applicable requirements of the Oklahoma City Code of Ordinances. The maintenance will be the responsibility of the property owners.

b. Streets, Traffic and Drainage Maintenance

c. Stormwater Quality Management

d. Traffic Management *

8. Utilities

a. Engineering

Paving

b. Solid Waste Management

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

c. Water/Wastewater Quality

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Design buildings and sites to complement the character of surrounding areas and not detract from the open character of the landscape.
- Utilize Best Management Practices (BMP) for stormwater.

Location:

- Support limited amounts of commercial in rural areas appropriate to the needs of rural residents and passersby. Commercial uses in rural areas should be located in small clusters either on uninterrupted arterials or at freeway interchanges.

National, state, and local permitting require basic best management practices for stormwater management. The subject site is located along SE 29th Street, an arterial street.

- 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”, “Traffic”, and “Operational Impact” 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 the 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. *No triggers are identified on the east where adjacent to C-3 zoned property. The subject site abuts a rural residence on the west and south. In lieu of screening, the PUD proposes a 10-foot greenbelt along these boundaries with trees preserved within the buffer. The buffer should be increased, and trees preserved on the entire property to the extent possible. Additionally, screening should be provided per Code if the trees are removed and adjacent property is developed as residential.*

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 SE 29th Street, a minor arterial. The site is located near the intersection with S Anderson Road. No triggers requiring mitigation were identified.*

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. *The SPUD requests a Rural Commercial base district, which offers limited uses and does not include large gas sales, fast food restaurants, or automotive and equipment uses. The SPUD adds the use Construction Sales and Services (8300.31) with related outdoor parking and storage of related company vehicles and products. A greenbelt is proposed adjacent to residences.*

3) Service Efficiency:

- Water: *Not Served – Potential Connectivity*
- Sewer: *Not Served – Need for Major Investment*
- Fire Service: *Rural Service Level*

4) Environmentally Sensitive Areas: The following apply to the proposed development site:

- Riparian Areas: N/A
- Upland Forests: The subject area is within the upland forest ESA. The comprehensive plan directs to preserve the Cross Timbers and upland forests, including native understory, to the maximum extent practical. When new-growth or re-growth upland forest trees are removed during construction, trees and other native plants should be replanted on-site. New trees should be planted in clusters that mimic the original tree canopy. The comprehensive plan defines mitigation hierarchy in the following priority: 1) Avoidance and minimization, 2) Restoration, 3) Offset. *The subject site is*

forested, with the western portion identified in planokc as upland forest. When less than 60 percent covered in upland forest, the comprehensive plan has a preservation goal of 100 percent. Plan conformance could be strengthened by maintaining healthy, existing trees within the Upland Forest area; however, this is not proposed in the PUD Master Design Statement except within 10 feet of the west and south boundaries.

- **Vulnerable Aquifers:** The aquifer in this area is considered moderately vulnerable to depletion. The comprehensive plan recommends preserving natural open spaces and utilizing low impact development techniques whenever possible in new developments in order to maintain water quality and allow for the infiltration of stormwater onsite.

5) Transportation System: This site is located off SE 29th Street, a Minor Arterial Street in the Rural Medium LUTA. Transit (bus) service is not available.

6) Other Development Related Policies

- Support limited amounts of commercial (one to two acres per use) in rural areas appropriate to the needs of rural residents. Commercial uses in rural areas should be located on major, uninterrupted arterials or at freeway interchanges. (SU-46)
- Preserve overall landscape character and natural landforms (rolling hills, native vegetation, etc.) to the greatest extent possible. (G-4)
- Ensure that development in rural areas is consistent with local design and scale and does not detract from the open character of the landscape. (SU-45)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizable 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 on the south side of SE 29th Street, west of S Anderson Road. The site abuts an undeveloped C-3 zoned parcel on the corner, and rural residences zoned AA on the west and south. Across SE 29th Street to the north is undeveloped AA land and the City of Midwest City. The rural arterial intersection is zoned and/or developed with non-residential uses.

The PUD proposes rural commercial development within the Rural Medium Land Use Typology Area, and is specifically requested to allow Construction Sales and Services (8300.31) with related outdoor parking and storage of related company vehicles and products. It was unclear at the time of review how the site would be developed. A Specific Plan should be required. Potential compatibility issues are identified on the west and south where adjacent to residences. In lieu of a sight-proof fence along the west and south property lines, the PUD proposes that the existing trees and vegetation shall be retained within a greenbelt, minimum 10 feet wide. This should be increased to at least 20 feet, and screening should be provided if trees are removed and the adjacent property is developed as residential. Additionally, the PUD proposes that the

landscaping requirements be eliminated except for the greenbelt on the west and south. Landscaping should be provided, and outdoor storage areas should be screened.

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. Specify in the Summary of PUD Application that the base zone will be the RC Rural Commercial District.
2. Modify Section 8.2 Landscape & Screening Regulations to increase the required greenbelt to 20 feet. Should the trees be removed, screening shall be provided per Code.
3. Modify Section 8.2 Landscaping and Screening to delete 8.2.c. and specify that “the subject site shall meet all requirements of the City of Oklahoma City’s Landscaping Ordinance in place at the time of development. Outdoor storage areas shall be screened per Code.”
4. A Specific Plan shall be required.
5. Platting requirements are per the Subdivision Regulations.

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.