

Planning Commission Minutes  
June 23, 2022

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:26 a.m. on June 21, 2022.)

9. (PC-10822) Application by Legacy Bank, to rezone 17800 North Western Avenue from the PUD-1072 Planned Unit Development District to the C-3 Community Commercial District. Ward 8.

The applicant was present. There were no protestors present.

**RECOMMENDED APPROVAL.**

MOVED BY PENNINGTON, SECONDED BY HINKLE

AYES: CRAVENS, POWERS, FRALEY, HINKLE, GOVIN,  
PENNINGTON;

ABSENT: CLAIR, PRIVETT, LAFORGE



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**June 23, 2022**

**Item No. IV. 9.**

**(PC-10822)** Application by Legacy Bank, to rezone 17800 North Western Avenue from the PUD-1072 Planned Unit Development District to the C-3 Community Commercial District. Ward 8.

**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 request is to permit office and commercial development.

**D. Existing Conditions**

**1. Size of Site (10 Acres)**

**2. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	PUD-1072	R-1 (DCD / C-3)	C-3	C-3	C-3 / SPUD-815
<b>Land Use</b>	Vacant	Retail	Vacant	Church	C-Store / Asst. Lvg.

**3. Comprehensive Plan Land Use Typology Area: Urban – Low Intensity (UL)**

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

- 4. Development Context:** The subject site is located at the southeast corner of N Western Avenue and NW 178<sup>th</sup> Street. The site is undeveloped and was zoned C-3 prior to being rezoned to Tract 2 of PUD-1072 in 2005. The existing PUD allows a modified C-3 base.

Land abutting on the east and south is zoned C-3 and developed with a telecommunications tower on the far southern end of the eastern property, and a church to the south. To the southeast is SPUD-1025 (2018) which has a modified R-1 base and is developed with two single-family residences accessed from a private drive that extends N Western Avenue, south of the subject site. To the west across N Western Avenue is an assisted living facility (SPUD-815), and a gas station. The application seeks to rezone the subject site to the C-3 District. The other three corners of the intersection are zoned for commercial uses with the southwest corner zoned C-3, the northwest corner zoned PUD-1319 (C-3), and the northeast corner zoned R-1 but developed with a retail center per the C-3 District due to a District Court Decision (DCD-28).

## **II. 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 Water Resources Board (OWRB)**
- 5. School District (Edmond)**
- 6. Oklahoma Department of Transportation (ODOT)**
- 7. Oklahoma Natural Gas (ONG)**
- 8. Oklahoma Electric Cooperative (OEC)**

### **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) 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 PC 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) Sidewalks 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.

## **8. Streets, Traffic and Drainage Maintenance**

## **9. Stormwater Quality Management**

## **10. Traffic Management**

## **11. Utilities**

### **a. Engineering**

#### **Wastewater Availability**

- 1) An existing 10" wastewater main(s) is adjacent to the subject site(s) and a service connection will be permitted in accordance with City Standard Specifications. A separate service line connection is required for each building/structure.
- 2) All wastewater mains must flow within the existing drainage basin. Proposed wastewater mains that will flow to another drainage basin across a ridgeline will not be allowed.

- 3) Minimum ten (10) foot horizontal separation required for water mains and five (5) foot for other crossings. Minimum two (2) foot vertical separation required for all crossings. All wastewater mains must have a minimum cover of six (6) feet and a depth no greater than eighteen (18) feet.
- 4) The developer will be required to extend the wastewater collection system to each lot or site within the subdivision or land improvements in accordance with City Standard Specifications and the current Subdivision Regulations.
- 5) Proposed wastewater main(s) must be located in a twenty (20) foot wide easement. No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement. All existing unused wastewater services must be abandoned at the wastewater main.

**b. Solid Waste Management**

No Solid Waste Management services needed.

**c. Water/Wastewater Quality**

**Water Availability**

- 1) An existing 12" and 36" water main(s) is adjacent to the subject site(s) and a service connection will be permitted in accordance with City Standard Specifications. A separate service connection and meter is required for each building / structure.
- 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 within the proposed development.
- 3) Minimum ten (10) foot horizontal separation required for water mains and five (5) foot for other crossings. Minimum two (2) foot vertical separation required for all crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 4) Dead-end water mains must be avoided where applicable. All existing unnecessary water services must be abandoned at the water main(s).
- 5) In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi.

The developer is responsible for designing and construction of all fixtures to provide adequate domestic and fire protection under minimum pressure conditions. The developer will be responsible for any failure of domestic and fire protection systems which require water pressure in excess of 25 psi.

- 6) Proposed water main(s) must be located within a utility easement and/or right-of-way. No trees, signs, dumpsters, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 7) All existing and proposed meters must meet current specifications and standard details and be located in the right of-way or utility easement within grassy areas outside of sidewalks, driveways, streets and/or paving.
- 8) All domestic and fire suppression services must have separate water service connections. Fire hydrants maximum spacing is 500 foot and must be located within 10 foot of a hard surface (i.e. sidewalk, street, and/or paving).
- 9) No water service is available for proposed improvements, private on-site water systems is required. The developer will provide an internal (on-site) private water distribution system capable of supply water to each lot or tract within the proposed subdivision or land development in accordance with City Standard Specifications and the current Subdivision Regulations.
- 10) Can only connect to the 12". Not the 36" waterline.

## **12. 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 at the southeast corner of N Western Avenue and NW 178<sup>th</sup> Street, both 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 C-3 District allows for development within the Urban Low LUTA range.*

Automobile Connectivity:

- Maintain, create, and enhance a street network that is highly connected to increase number of viable commercial locations and the effectiveness of the transportation system.
- 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 existing PUD-1072 regulations state that the subject site would access the arterials via one drive per frontage. The site has two paved access points, one along each arterial street near the intersection. Any additional access to the site was uncertain at the time of review but would be in accordance with City regulations.*

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 available near the intersection along N Western Avenue but not installed on the remainder of the site. Sidewalks will be required with new development.*

- 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 commercial uses adjacent to existing residential uses, “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 setbacks are significantly deeper or more shallow than the predominant character of adjacent development; the building's orientation to the street differs from the predominant character of adjacent development; building size or street frontage dramatically differs from that of adjacent uses, the lot coverage (including buildings and paved areas) dramatically exceeds that of adjacent uses, or if buildings within 40 ft. of a single-family residential structure exceed a 3:1 ratio in height. *The southeast corner of the site abuts SPUD-1025 which has a modified R-1 base and is developed with two single-family homes. New development would be subject to step-downs in height, increased setbacks, screening, and a landscape buffer adjacent to residential uses. The proposed C-3 District is consistent with the zoning to the east and south.*

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. *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 C-3 District allows some uses, particularly gasoline sales, drive-thru facilities, and auto repair, that may create spill light, noise, or detectable odors above those found in typical residential settings. Mitigation measures beyond what code requires cannot be stipulated in a base zoning request.*

**3) Service Efficiency:**

- Water: *Served*
- Sewer: *Fully Served*
- Fire Service: *Urban Service Level*

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

- Riparian Areas: *N/A*
- Upland Forests: *N/A*

- **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 at the southeast corner of N Western Avenue and NW 178<sup>th</sup> Street, both Major Arterial Streets in the Urban Low LUTA. Transit (bus) service is not available. A multi-use trail is planned to the east of the subject site, near Chisholm Creek, with a route to be determined at a later date.
- 6) **Other Development Related Policies**
- 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 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. 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)

- 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)
- 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 10-acre subject site is located at the southeast corner of N Western Avenue and NW 178th Street. The site is undeveloped and zoned PUD-1072 (Tract Two). The site was zoned C-3 prior to rezoning to the existing PUD. The PUD in place has a modified C-3 base with limits on uses and the number of drives (one per frontage). The proposed C-3 District is consistent with the abutting zoning on the east, south, and at the other three corners of the intersection.

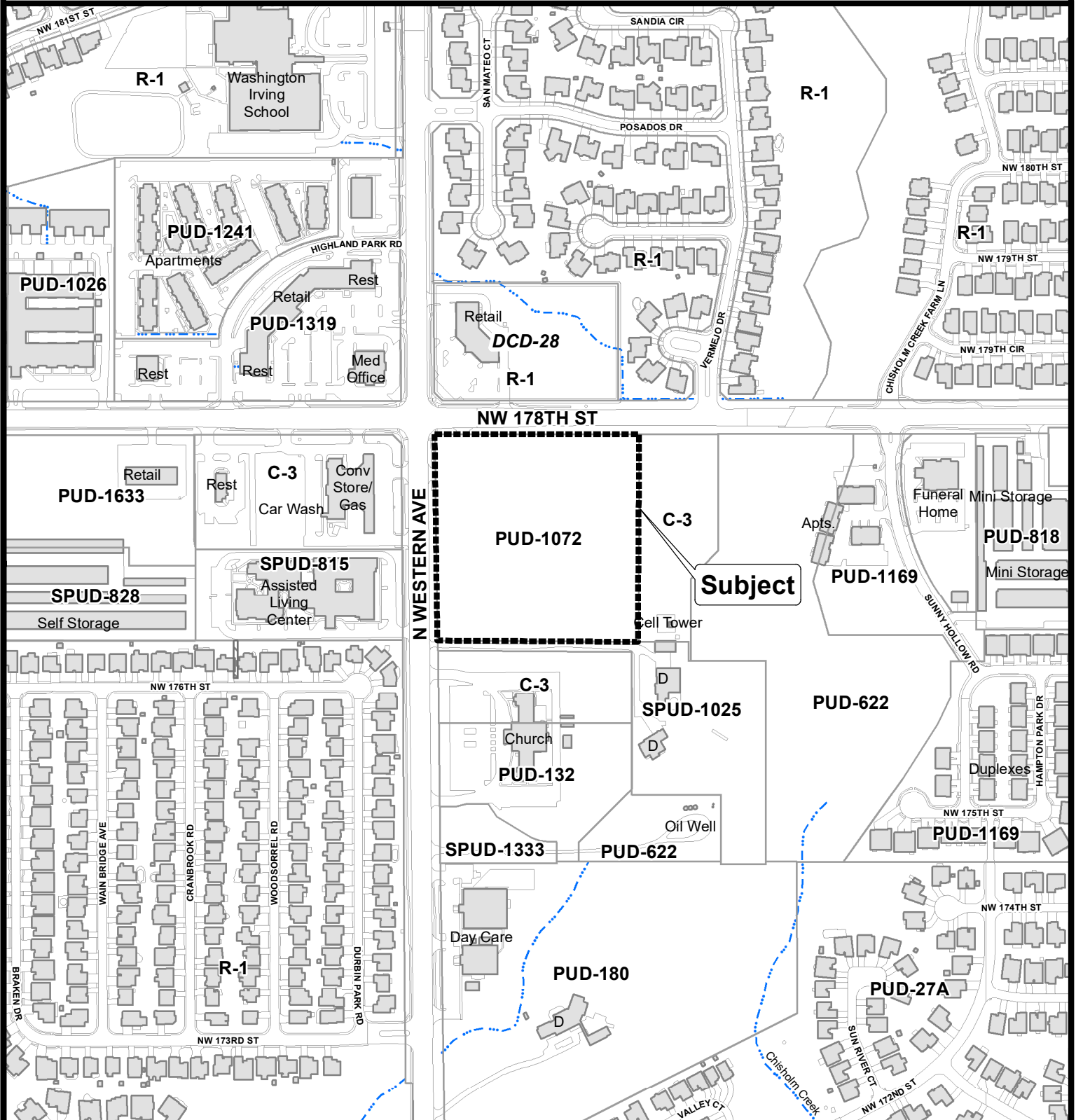
**IV. STAFF RECOMMENDATION**

*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.**

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**Case No: PC-10822      Applicant: Legacy Bank**  
**Existing Zoning: PUD-1072      Proposed zoning: C-3**  
**Location: 17800 N. Western Ave.**



The City of  
OKLAHOMA CITY

# Rezoning Application



0 200 400 Feet



Case No: PC-10822      Applicant: Legacy Bank  
Existing Zoning: PUD-1072      Proposed zoning: C-3  
Location: 17800 N. Western Ave.



Aerial Photo from 2/2020



The City of  
OKLAHOMA CITY

# Rezoning Application



0 200 400  
Feet