

Planning Commission Minutes
December 14, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:35 a.m. on December 11, 2023)

27. (SPUD-1578) Application by YKOK, LLC to rezone 13128 NW 10th Street from AA Agricultural District to SPUD-1578 Simplified Planned Unit Development District. Ward 3.

Technical Evaluation:

1. Freestanding signs shall be limited to 8 feet tall and a maximum 100 square feet in area.
2. Delete the following uses: Gasoline Sales, Eating Establishments with Drive-In or Drive-through uses, and Laundry Services.
3. The maximum building height shall be 35 feet.
4. On the south and west SPUD boundaries, provide landscaped buffers no less than twenty feet in width, planted with a series of evergreen plantings, and trees and shrubs that will grow to a height of at least 10 feet and spaced in a manner to provide an impervious visual barrier.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION.

MOVED BY MEEK, SECONDED BY LAFORGE

AYES: CLAIR, MEEK, GOVIN, PENNINGTON, NOBLE, LAFORGE

ABSENT: POWERS, PRIVETT, NEWMAN



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(SPUD-1578) Application by YKOK, LLC to rezone 13128 NW 10th Street from AA Agricultural District to SPUD-1578 Simplified Planned Unit Development District. Ward 3.

I. GENERAL INFORMATION

A. Contacts

1. Applicant 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

The purpose of this application is to allow commercial development.

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: 4.68 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	Yukon	AA	AA	AA
Land Use	Residential	Commercial	Undeveloped	Residential	Residential

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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
8300.5	Alcoholic Beverage Retail Sales
8300.8	Animal Sales and Services: Grooming
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	Childcare 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
8250.2	Cultural Exhibits
8350.3	Custom Manufacturing
8200.2	Dwelling Units and Mixed Uses
8300.34	Eating Establishments: Drive-In
8300.35	Eating Establishments: Fast Food
8300.36	Eating Establishments: Fast Food, With Drive-Thru Order Window
8300.37	Eating Establishments: Sitdown
8300.38	Eating Establishments: Sitdown, Alcohol Permitted
8300.39	Eating Establishments: Sitdown, Limited Alcohol Permitted
8300.41	Food and Beverage Retail Sales
8300.45	Gasoline Sales, Large
8300.46	Gasoline Sales, Small: Restricted
8150.6.3	Greenhouse
8150.6.5	Hoop House
8300.48	Laundry Services
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
8300.58	Personal Services: General
8300.59	Personal Services: Restricted

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8300.61	Repair Services: Consumer
8300.62	Research Services: Restricted
8300.63	Retail Sales and Services: General
8200.13	Senior Independent Living
8300.69	Spectator Sports and Entertainment: Restricted

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 15,000 square feet.

4. Maximum Number of Buildings:

There shall be a maximum of six (6) buildings within this SPUD.

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.

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.

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9. Access:

Access shall be taken from one (1) access point off of NW 10th St.

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.

II. 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, 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 metal or exposed concrete block buildings shall not be permitted.

2. Open Space:

Open space shall be in accordance with the base zoning district.

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.

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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.

7. Maintenance:

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.

8. Drainage:

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

III. Supporting Documents

Exhibit A: Legal Description

Exhibit B: Conceptual Site Plan

IV. 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: Yukon**

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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.

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- 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

Wastewater Availability

- 1) An existing 8" wastewater main(s) is located adjacent to the subject site(s).
- 2) Line capacity is not guaranteed and must be checked by the Engineer of Record and reviewed by the City.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.

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- 7) A private lift station may be required for service. Wastewater gravity extension may not work.

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) 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.
- 3) 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.
- 4) 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.
- 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 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.
- 6) 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.
- 7) 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).
- 8) Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.
- 9) Internal system will be considered private and will be master metered.

9. Planning

a. Comprehensive Plan Considerations

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1. LUTA Development Policies:

Site Design:

- Avoid development within or modification of 100-year floodplains or floodways.
- 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.

The development proposes 100% lot coverage, inconsistent with the rural character south and west of the site, but in alignment with development north of NW 10th Street in the City of Yukon, and east of the proposed site at the intersection of N Cemetery Road and NW 10th Street.

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.

The proposed site is not at a corner where commercial uses already exist.

Automobile and Pedestrian Connectivity: *The SPUD proposes to place sidewalks on NW 10th Street and limits curb cuts on the arterial to one for the 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 Agricultural/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 SPUD proposes setbacks, building heights, building sizes, and lot coverage that dramatically differ from the surrounding developed rural residential/AA zoned property. The SPUD would allow up to six buildings, each 15,000 square feet. The base C-3 district will limit building height to 20 feet and one story within 35 feet of an AA District, to 35 feet and two stories between 35 and 150 feet. Thereafter, the building height allowed is 6 stories. No mitigation measures beyond code requirements are proposed.*

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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 proposed development is located on a Major Arterial, consistent with the Street Typology for this type of commercial development.*

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 proposes many uses that may have operational impacts adjacent to residential and agricultural uses, such as gas stations and drive-through restaurants. Such uses should be removed. No mitigation measures beyond code requirements are proposed.*

3. Service Efficiency:

- Water: *Served*
- Sewer: *Within open sewer shed*
- Fire Service: *Outside of rural response times*

4. Environmentally Sensitive Areas: No ESAs are found on the site.

5. Transportation System: This site is located off NW 10th Street, a Major 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)

b. Plan Conformance Considerations

The subject site is located on the south side of NW 10th Street, west of N Cemetery Rd. Land on the south side of NW 10th Street is within Oklahoma City limits, and the far west part of the city. The site is within the Rural Medium LUTA due to the rural residential character and water/sewer service availability and fire response

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time. The subject site abuts a rural residence zoned AA on the west. To the east at the arterial intersection are retail uses. Land across NW 10th Street is within Yukon city limits and developed with a large commercial center and big box retail stores.

The SPUD is requested to rezone 5 acres of AA land for commercial development of the site. The request is consistent with development to the north in Yukon and farther east in OKC, but creates potential compatibility issues where adjacent to residential and agricultural uses. The SPUD proposes many C-3 uses without modification to code requirements for screening, landscaping, parking, signs or lot coverage. Plan conformance would be strengthened by providing extensive landscape buffers that provide visual barriers to the south, west and potentially east boundaries of the SPUD, removing uses that may have operational impacts next to these uses including Gasoline Sales, Laundry Services, and Eating Establishments with drive-through or drive-in uses that employ call boxes. Sign size and height should be limited. Other mitigation measures could include, but are not limited to, limiting lot coverage, reducing building heights.

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. Freestanding signs shall be limited to 8 feet tall and a maximum 100 square feet in area.
2. Delete the following uses: Gasoline Sales, Eating Establishments with Drive-In or Drive-through uses, and Laundry Services.
3. The maximum building height shall be 35 feet.
4. On the south and west SPUD boundaries, provide landscaped buffers no less than twenty feet in width, planted with a series of evergreen plantings, and trees and shrubs that will grow to a height of at least 10 feet and spaced in a manner to provide an impervious visual barrier.

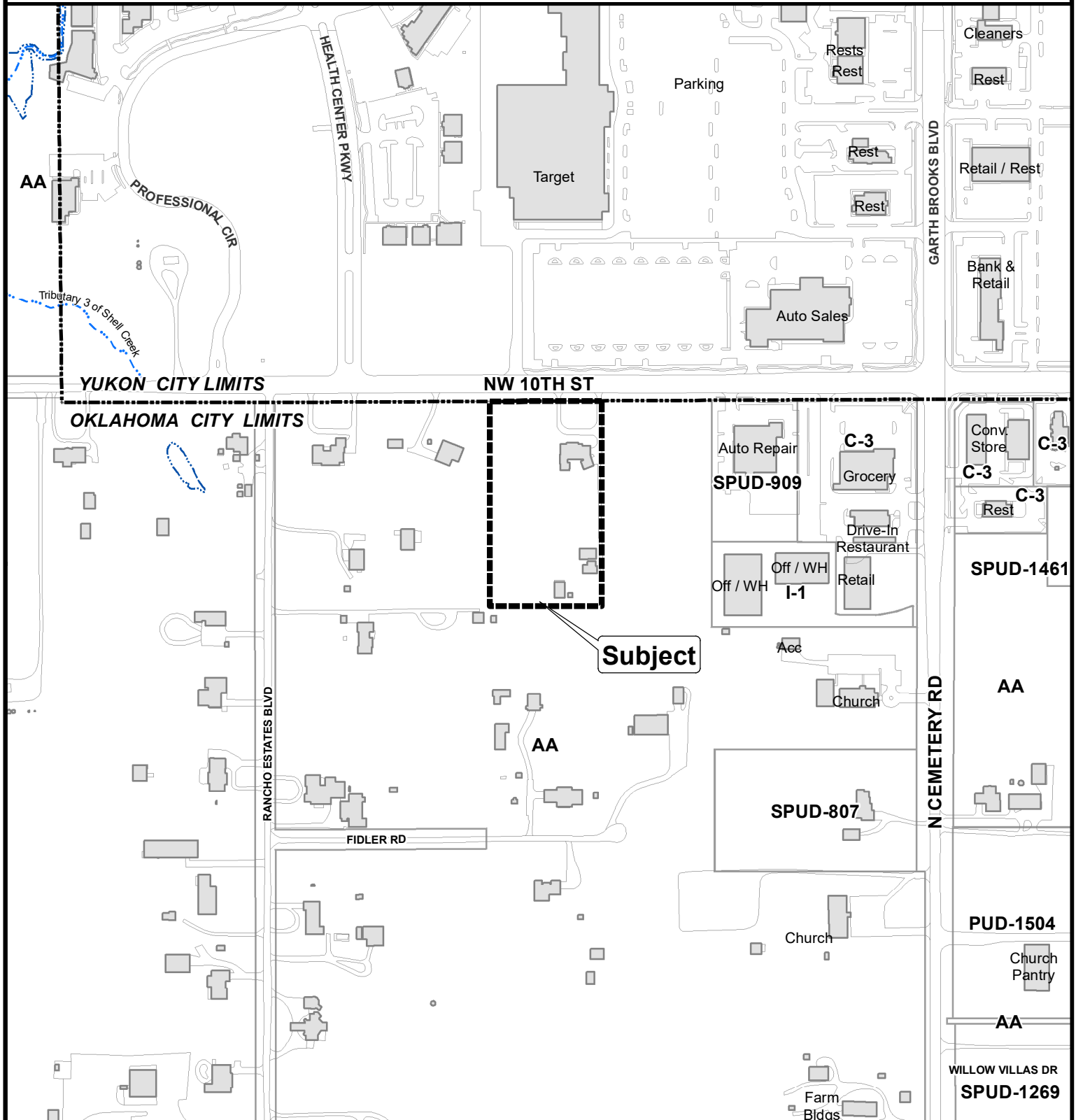
All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the SPUD may be required during either Divisions review of construction plans and prior to City Council approval.

Case No: SPUD-1578

Applicant: YKOK, LLC

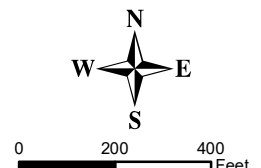
Existing Zoning: AA

Location: 13128 NW 10th St.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development





	SHEET:
DATE: 10-24-23	A-O.O
SCALE: AS NOTED	

Case No: SPUD-1578 Applicant: YKOK, LLC
Existing Zoning: AA
Location: 13128 NW 10th St.



Aerial Photo from 2/2022



Simplified Planned Unit Development

