



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**June 13, 2024**

**Item No. IV. 15.**

**(PUD-2019) Application by Fudge Family Ranch, LLC to rezone 501 East I-44 Service Road from R-1 Single-Family Residential, PUD-1842 Planned Unit Development, PUD-1228 Planned Unit Development, and O-2 General Office Districts to PUD-2019 Planned Unit Development District. Ward 7.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant/Developer Representative**

Name	Mark Zitzow
Company	Johnson and Associates
Phone	405-235-8075
Email	mzitzow@jaokc.com

**B. Case History**

This is a new application.

**C. Reason for Request**

The purpose of this application is to allow commercial development, specifically a wedding and event venue.

**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: 9.5 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-1842/ PUD-1228/ R-1/ O-2	PUD-1842	O-2	ROW	PUD-1842
<b>Land Use</b>	Residence	Undeveloped	Undeveloped	I-44	Undeveloped

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

The use and development regulations of the **C-3, “Community Commercial”** District shall govern this PUD, except as herein modified, including conditional, special permit, special exception, alcohol beverage consumption requirements and/or accessory uses subject to their appropriate conditions and review procedures for public hearings where applicable, unless otherwise noted herein.

### **9.0 SPECIAL CONDITIONS:**

The following special conditions shall be made a part of this PUD:

#### Permitted Use(s):

- Child Care Centers (8300.25)
- Community Recreation: General (8250.2)
- Community Recreation: Property Owners Association (8250.3)
- Cultural Exhibits (8250.5)
- Dwelling Units and Mixed Uses (8200.2)
- Greenhouse (8150.6.3)
- Hoop House (8150.6.5)
- Library Services and Community Centers (8250.11)
- Lodging Accommodations: Bed and Breakfast (8300.49)
- Lodging Accommodations: Home Sharing (8300.51)
- Low Impact Institutional: Neighborhood-Related (8250.14)
- Participant Recreation and Entertainment: Indoor (8300.55) further restricted to an event/wedding venue
- Participant Recreation and Entertainment: Outdoor (8300.56), further restricted to an event/wedding venue
- Personal Services: General (8300.58)
- Personal Services: Restricted (8300.59)
- Single-Family Residential (8200.14)

### **9.1 ARCHITECTURAL REGULATIONS**

Exterior building wall finish on all structures, exclusive of windows and doors, shall consist of a minimum 70% brick, brick veneer, masonry, rock, concrete, stone, stucco, stone masonry, concrete-board, architectural metal or wood, or other similar long-lasting materials not listed. A maximum of 30% EIFS (Exterior Insulation Finish System) material shall be permitted.

Exposed/untreated metal or exposed concrete block buildings shall not be permitted.

The existing structures shall be deemed in conformance with this PUD.

**9.2 LANDSCAPING REGULATIONS**

The subject site shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development, except as otherwise noted.

**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.

To minimize light spillover on residential uses, outdoor lights within any office or commercial or industrial tracts will be directed away from any adjacent residential properties. To accomplish this, lights shall utilize shields, shades, or other appropriate methods of directing light beams.

**9.4 SCREENING REGULATIONS**

Where trees exist along a boundary line sight-proof screening shall not be required. Where trees do not exist no less than a six-foot and no greater than an eight-foot-high sight proof screen shall be required along boundaries adjacent to residential uses. Said sight-proof screen may be constructed of stucco, brick, stone, wood, steel/iron and/or any combination thereof and shall be solid and opaque.

**9.5 PLATTING REGULATIONS**

Platting shall be per the City of Oklahoma City Subdivision Regulations.

**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 use.

**9.8 VEHICULAR ACCESS REGULATIONS**

There shall be a maximum of two (2) access points from E I-44 Service Road permitted via private drives. All driveways shall maintain a 200-foot separation.

Lots within this PUD will not be required to have frontage on an approved public street. Access to individual lots within the PUD may be permitted to be from a private drive. The private drive shall be placed within a common area designated for access purposes. A Property Owners Association through the use of recorded Covenants and Restrictions shall govern maintenance of the private drive. Access to the individual buildings shall be provided by private shared access drives that will provide internal circulation. Private shared access drives shall have a minimum pavement width of twenty (20) feet for one-way drives and twenty-four (24) feet for two-way drives.

### **9.9 PARKING REGULATIONS**

The design of all parking facilities in this PUD shall be in accordance with Section 59, Article X of the Oklahoma City Municipal Code, 2020, as amended.

A minimum of 100 parking spaces shall be required for any change of use or permit for the event venue use and shall satisfy the parking requirements.

Pervious paving may be used for parking areas, driveways, pathways, and plazas subject to Public Works review and approval. Where connected to public rights-of-way the access drive apron will be constructed of hard surface paving meeting City code for driveway construction. A hard surface border is required around the perimeter of pervious paving areas.

Maintenance of the pervious paving is required, and a maintenance plan must be provided when construction documents are submitted for permitting.

### **9.10 SIGNAGE REGULATIONS**

Signage shall be per the City of Oklahoma City sign ordinance.

### **9.11 ROOFING REGULATIONS**

All structures in this PUD shall have Class C roofing or better.

### **9.12 PEDESTRIAN ACCESS/SIDEWALK REGULATIONS**

Internal pedestrian pathways may be constructed within this PUD. Any new sidewalks or repair/replacement of existing sidewalks shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction of this PUD.

**9.13 HEIGHT REGULATIONS**

The maximum building height for structures within this PUD shall be 35 feet.

**9.14 SETBACK REGULATIONS**

North Boundary: 15 feet with a 5-foot landscaped buffer strip  
East Boundary: 5 feet  
South Boundary: 50 feet  
West Boundary: 10 feet which includes a 5-foot landscaped buffer strip

The existing structures shall be deemed in conformance with this PUD.

**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 GENERAL DESIGN AND DEVELOPMENT GUIDELINES**

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 apply but shall not supersede any regulation set forth in this Design Statement.

**9.18 SPECIFIC PLAN**

A specific plan shall not be required for this PUD.

**10.0 DEVELOPMENT SEQUENCE:**

Developmental phasing shall be allowed as a part of the development of this PUD. Required traffic improvements shall be permitted to be constructed in conjunction with the phased development of this PUD, as approved by the City's Traffic Division.

**11.0 EXHIBITS:**

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

- A: Legal Description
- 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**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas:** Please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior to excavation for the exact location of our facilities.
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District:** Oklahoma City/Millwood
- 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 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) 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.

**c. Stormwater Quality Management**

**d. Traffic Management\***

**8. Utilities**

**a. Engineering**

**Wastewater Availability**

- 1) No public wastewater service is available for the development. A private on-site wastewater disposal system is required in accordance with ODEQ rules and regulations. Applicants is responsible for obtaining all required City and ODEQ Permits. On-site wastewater disposal system must be installed by an ODEQ certified installer and inspected by ODEQ.

**Water Availability**

- 1) No water service is available for proposed development, private on-site water system is required. The developer must provide a water distribution system that is capable of supplying water to each lot or tract within the development in accordance with ODEQ and OWRB. Well permits must be obtained from OWRB and a copy of the permit must be filed with the Utilities Department. No private water source or groundwater source may be connected to any service or system connected to the City water system.

**b. Solid Waste Management**

- 1) The City can provide solid waste collection services to commercial customers providing refuse is not excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise, the customer will have to utilize a private hauler for dumpster service.

**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 near the site and will be utilized.*

Location:

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

*The subject site is located along the I-44 Service Road.*

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. UL LUTA outlines a density range of 4 to 8 dwelling units per acre for single family. *The current FAR of the*

*development on site is below or within the UL LUTA range. The PUD proposes allowing the retention of the single-family residence on the site while adding a wedding and event venue, alongside parking for those uses, on the north side of the property. If new development were to occur the PUD regulations, including a maximum building height of 35 feet and provided setbacks, could allow for a FAR within the LUTA range.*

**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 not currently available on the subject site, or along the service road nearby. The PUD regulations do not call for sidewalks along the East I-44 Service Road but do allow them internal to the site. Any new sidewalks will be required to meet Code and ADA 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 Low Intensity 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 residential lot sizes in UL are less than 60% of directly adjacent residential lots, 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. *The proposed Master Design Statement modifies the base C-3 regulations for setbacks, altering the west boundary from the required 15-foot building line setback and 5-foot landscaped buffer strip to 10-foot and retaining the 5-foot landscaped buffer strip. The southern boundary setback is expanded from the required 25 feet to 50 feet. The PUD proposes mitigation for building height compatibility adjacent to residential uses by allowing a maximum building height of 35 feet.*

**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 the East Interstate 44 Service Road, a connector street. No new compatibility issues requiring mitigation measures related to traffic were identified on the site.*

**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 Participant Recreation and Entertainment: Indoor and Outdoor uses are included in the PUD but are restricted to an event / wedding venue. It was unknown at the time of review how, or if, the proposed uses would create operational impacts adjacent to residential uses or zoning. Some mitigation is offered by the PUD regulations by requiring screening along boundaries adjacent to residential uses, where there are not already trees in place. Considerations for light spillover are also included in the Master Design Statement by utilizing shields, shades, or other appropriate methods of directing light beams.*

**3) Service Efficiency:**

- Water: *Served – Close to Service or Served*
- Sewer: *Served – Open Sewer Sheds or Served*
- Fire Service: *Urban Response*

**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. *planokc identifies upland forest on most of the east and south portions of the subject site; however, some of that area is no longer forested. When less than 60% covered, the comprehensive plan has a preservation goal of 100%. The Master Design Statement states that existing trees and vegetation on the south side of the property will be maintained to the greatest extent possible. Plan conformance would be strengthened by maintaining health, mature trees on the entirety of the site as possible.*
- Vulnerable Aquifers: N/A

**5) Transportation System:** This site is located along the north side of the I-44 Service Road, a Connector Street in the Urban Low LUTA. The nearest transit (bus) service is located within a mile to the northwest, along NE 63rd Street.

**6) Other Development Related Policies**

- 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)
- 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)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizeable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)
- 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 north side of the East I-44 Service Road, between the Broadway Extension and North Kelley Avenue. West of the subject site the service road connects north to the Wildewood Hills / Heights Neighborhood along Braniff Drive. If traveling east from the site, the service road connects to NE 63rd Street. The site is made up of zoning from PUD-1228, which allows residential and limited office uses, PUD-1842, which was approved in 2021 for a mixed-use development featuring residential, office, and limited commercial uses, and the R-1 and O-2 Districts. The site is developed with a single-family residence and multiple outbuildings. Land to the north and west would remain zoned as part of PUD-1842 and abutting land on the east would remain in the O-2 District.

The PUD is requested to allow commercial development, specifically a wedding and event venue, with C-3 base zoning on 9.5 acres. The PUD indicates retaining the existing structures and proposes setbacks, screening and landscape buffers along the north and west boundaries when adjacent to residential uses, and a 50-foot setback on the south boundary. No conformance issues were identified.

**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.**

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

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