

Planning Commission Minutes
June 27, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:53 p.m. on June 21, 2024)

17. (PUD-2018) Application by Eagle Crest Center, LLC to rezone 3016 East Memorial Road from C-3 Community Commercial and O-2 General Office Districts to PUD-2018 Planned Unit Development District. Ward 7.

Amended Technical Evaluation:

1. Add to Section 9.13 Height Regulations that the addition of architectural elements does not constitute a new structure within the PUD.
2. Exterior amplified sound shall not be permitted.
3. Modify Section 9.4 to require a new opaque, eight-foot fence along the south property line of the PUD where adjacent to residential zoning, east of the existing six-foot fence, as presented to the Planning Commission and to be shown on an amended exhibit to be submitted prior to City Council.

The applicant was present. There were protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY CLAIR, SECONDED BY MEEK

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

ABSENT: LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
June 27, 2024

Item No. IV. 17.

(PUD-2018) Application by Eagle Crest Center, LLC to rezone 3016 East Memorial Road from C-3 Community Commercial and O-2 General Office Districts to PUD-2018 Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Company	Williams, Box, Forshee & 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 uses with outdoor sales display and storage.

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: 9.14 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	C-3/O-2	C-3/PUD-539 /PUD-246	O-2/R-1	R-1	C-3
Land Use	Commercial Center	Gas Station/ Commercial	Bank	Residential	Gas Station/ Vet Clinic

II. SUMMARY OF PUD APPLICATION

The use and development regulations of the **C-3 Community Commercial District**, Oklahoma City Municipal Code, 2020, as amended, shall govern this PUD, except as herein modified.

In addition to all C-3 uses, the following uses shall also be permitted by right:

8300.54 Outdoor Sales and Display, and Outdoor Storage [Outdoor sales and display, and outdoor storage may be permitted within the front yard setback]

9.0.....SPECIAL CONDITIONS

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

9.1.....FAÇADE REGULATIONS

The existing structure shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, architectural metal, galvanized sheeting, masonry, rock, stone, stucco, or wood, or other similar type finish. No more than 30% EIFS shall be permitted. Exposed concrete block buildings shall not be permitted.

9.2 LANDSCAPING REGULATIONS

The existing landscaping shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the subject parcel shall meet all requirements of the City of Oklahoma City’s Landscaping Ordinance in place at the time of development.

9.3 LIGHTING REGULATIONS

The existing lighting shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, 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.

9.4 SCREENING REGULATIONS

The existing screening shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, no less than a six-foot and no greater than an eight-foot-high wall shall be required along the boundary of this parcel where it is adjacent to any residential use. Said wall shall be constructed entirely of stucco, brick, or stone on a continuous footing, or may be constructed of wood. Chain link fencing shall be permitted around accessory storage.

9.5 PLATTING REGULATIONS

Platting shall not be required within this PUD.

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 zoning district or use.

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

9.8 ACCESS REGULATIONS

The existing access drives shall be permitted to remain and deemed to conform to applicable regulations. There may be two (2) access points from North Bryant Ave. New driveways shall be separated a minimum of 200 feet from other drives.

9.9 PARKING REGULATIONS

The existing parking shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the design and number of all parking facilities in this PUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended, except that there may be a reduction in parking to allow for Outdoor Sales and Display, and Outdoor Storage to a maximum of 150 parking spaces.

9.10 SIGNAGE REGULATIONS

The existing signage shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure the following shall apply:

9.10.1 FREESTANDING ACCESSORY SIGNS

Freestanding accessory signs will be in accordance with the base zoning district regulations. Freestanding signs shall be limited to a height of eight (8) feet and a maximum sign area of 100 square feet. No pole signs shall be permitted.

9.10.2 ATTACHED SIGNS

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

9.10.3 NON-ACCESSORY SIGNS

Non-Accessory signs shall not be permitted.

9.10.4 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display signs shall not be permitted.

9.11 ROOFING REGULATIONS

Each structure in this PUD shall have Class C roofing or better.

9.12 SIDEWALK REGULATIONS

The existing sidewalk shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, five (5) foot sidewalks shall be constructed on East Memorial Road 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 and ADA requirements.

9.13 HEIGHT REGULATIONS

The existing structure shall be permitted to remain and deemed to conform to applicable regulations. The maximum height of architectural elements, including parapets, shall be forty feet (40'). In the event of a new structure, requirements for maximum height setbacks adjacent to residential districts and uses shall be per base zoning.

9.14 SETBACK REGULATIONS

The existing setbacks shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, yard requirements in this PUD shall be the same as the base-zoning district.

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 SPECIFIC PLAN

A specific plan shall not be required.

10.0 DEVELOPMENT SEQUENCE/DENSITY

Developmental phasing shall be allowed as a part of the development of this PUD. There may be four (4) structures within this PUD.

11.0 EXHIBITS

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

- Exhibit A - Legal Description
- Exhibit B - Conceptual Master Development Plan
- Exhibit C - Topography Plan
- Exhibit D - Elevation Rendering

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: 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

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*

Water Availability*

b. Solid Waste Management

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

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 has frontage along both East Memorial Road and North Bryant Avenue, both arterial streets in the Urban Low Intensity 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 floor to area ratio (FAR) of the site is within or below the Urban Low Intensity LUTA. The conceptual plan*

illustrates new sales and display areas surrounding the existing building and a portion of the site utilized as an outdoor fenced area. The PUD regulations could allow for 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.
- 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 subject site currently has one existing drive, and shared access with the office development to the east, along East Memorial Road. The site has two drives along North Bryant Avenue. The PUD Master Design Statement calls for the existing access drives to be permitted to remain. The access regulations for the PUD specify two access points from North Bryant Avenue, but do not contemplate any changes to access from East Memorial Road or shared access between adjacent properties.

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 along North Bryant Avenue. If new development were to occur the PUD regulations call for installation of sidewalks along East Memorial Road.

- 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, “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 PUD regulations propose the allowance of utilizing the existing setback, screening, and landscaping while also increasing the maximum building height for architectural elements, including parapets, to 40 feet. In the event of a new structure, requirements for these parameters would be per the base C-3 District. The C-3 District calls for step-downs in height, increased setbacks, screening and landscaping where adjacent to residential uses or zoning.*

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 has frontage along both East Memorial Road and North Bryant Avenue, both arterial streets in the Urban Low Intensity LUTA. No new compatibility issues requiring mitigation measures 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 site is primarily zoned C-3. The PUD is requested to allow outdoor sales and display in front of the front building line, and to increase building height for architectural elements, specifically a parapet, to 40 feet. Screening is required adjacent to residential, a landscape buffer is required per code, dumpsters are required to be at least 50 feet from abutting residential, and freestanding signs are limited to 8 feet.*

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 has frontage along both East Memorial Road, a Major Arterial Street, and North Bryant Avenue, a Minor Arterial Street, both in the Urban Low LUTA. Transit (bus) service is not available nearby.

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 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)
- 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)
- 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 subject site is located along the south side of East Memorial Road, with frontage on East Memorial Road and North Bryant Avenue. The site surrounds 0.46- and 0.14-acre C-3 parcels at the intersection which are developed with a gas station and a quick-change oil business. The subject site is zoned C-3, with O-2 zoning on the far eastern portion of the site, and is developed with a commercial center. Across East Memorial Avenue to the north are a mixture of office and retail uses zoned as C-3 or varying PUD/SPUDs. Adjacent to the subject site on the east, fronting East Memorial Road, is a vacant office building zoned O-2. Southeast and south of the site is developed with a single-family residential neighborhood zoned R-1. The southwest and northwest

corners of the arterial intersection are zoned C-3 and developed with a mixture of retail, restaurant, and veterinary hospital uses.

The PUD is requested to allow outdoor sales and display in front of the front building line, and to increase building height for architectural elements, specifically a parapet, to 40 feet. The PUD would allow a maximum height of 40 feet for architectural elements, which would specifically allow a mid-façade parapet on the west side of the existing building to meet façade branding requirements for a specific user. This would allow the architectural element to exceed height step-down regulations by five feet approximately 25 feet closer to the R-1 district to the south than what would be allowed under the height step-down provisions in the C-3 district base zoning. Screening is required adjacent to residential district, a landscape buffer is required per Code, and dumpsters are required to be at least 50 feet from abutting residential. The PUD limits freestanding sign height to 8 feet, and prohibits pole, non-accessory and electronic message display (EMD) signage. For any new structure development, the PUD limits certain architectural materials and requires sidewalks, screening and landscaping per regulations.

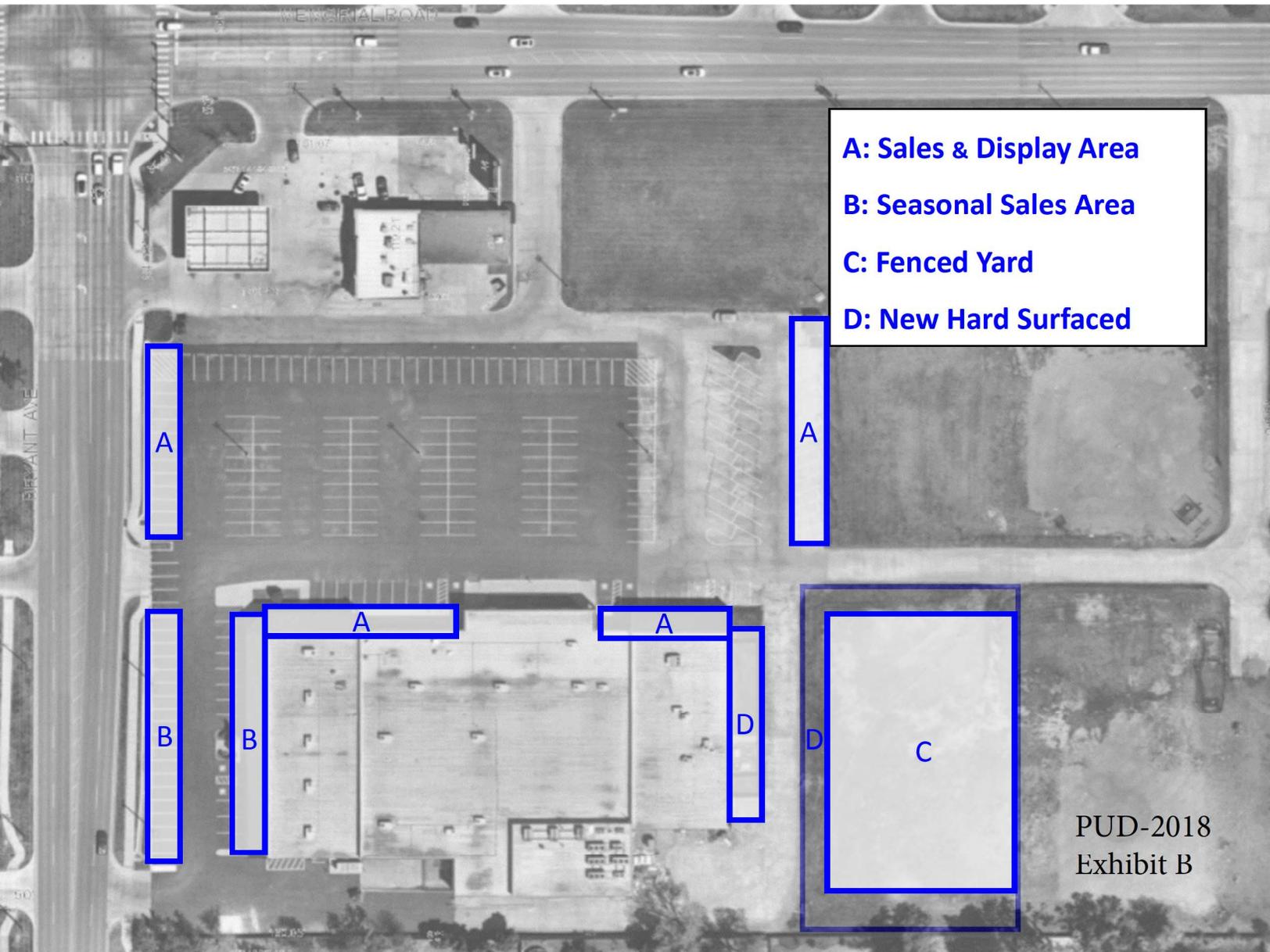
IV. STAFF RECOMMENDATION

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.

bd



- A: Sales & Display Area**
- B: Seasonal Sales Area**
- C: Fenced Yard**
- D: New Hard Surfaced**

PUD-2018
Exhibit B

100 feet 25 m

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E Memorial Rd

E Memorial Rd

E Memorial Rd

N Bryant Ave

N Bryant Ave

Silver Eagle Trail

Silver Eagle Trail

Talon Rd

Talon Rd

Golden Eagle Dr

3016 E MEMORIAL RD
(Click for more information)



Edmon

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REVISIONS
PROJECT NO. 100
DATE: 11-15-18

A1
SHEET 1 OF 2



1 FRONT
SCALE: 1/8" = 1'-0"

Case No: PUD-2018

Applicant: Eagle Crest Center, LLC

Existing Zoning: C-3 / O-2

Location: 3016 E. Memorial Rd.



Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Planned Unit Development



0 200 400
Feet