



STAFF REPORT
The City of Oklahoma City
Planning Commission
January 09, 2025

Item No. IV. 6.

(SPUD-1698) Application by I-44, LLC to rezone 3331 SW 104th Street from SPUD-1652 Simplified Planned Unit Development and AE-1 Airport Environs Zone 1 Overlay Districts to SPUD-1698 Simplified Planned Unit Development and AE-1 Airport Environs Zone 1 Overlay Districts. Ward 5.

I. GENERAL INFORMATION

A. Contacts

1. Applicant Representative

Name	David M. Box
Company	Box Law Group, PLLC
Phone	(405) 652-1699
Email	David@boxlawgroup.com

B. Case History

This is a new application.

This application is associated with VP-00005, a request to vacate the platted Limits of No Access along the arterial street.

C. Reason for Request

The purpose of this application is to allow commercial development.

D. Existing Conditions

1. Size of Site: 1.42 Acres

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	SPUD-1652	PUD-1567	SPUD-1684	PUD-1719	PUD-1567
Land Use	Undeveloped	Commercial	Undeveloped	Golf Course	Gas Station

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.

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **C-3 Community Commercial and AE-1 Airport Environs Zone One Districts** (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
8300.14	Automotive and Equipment: Cleaning and Repairs, Light Equipment
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	Child Care 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
8350.3	Custom Manufacturing
8300.4	Eating Establishments: Drive-In
8300.35	Eating Establishments: Fast Food
8300.37	Eating Establishments: Sitdown
8300.38	Eating Establishments: Alcohol Permitted
8300.41	Food and Beverage Retail Sales
8300.46	Gasoline Sales, Small: Restricted
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
8300.61	Repair Services: Consumer
8300.62	Research Services: Restricted
8300.63	Retail Sales and Services: General

2. **Minimum Lot Size/Width:**

The minimum lot size within this SPUD shall be 40,000 square feet and the minimum lot width shall be 50 feet.

3. Maximum Building Height:

The maximum building height shall be in accordance with the base zoning district.

4. Maximum Building Size:

The maximum building size shall be in accordance with the base zoning district.

5. Maximum Number of Buildings:

The maximum number of buildings shall be in accordance with the base zoning district.

6. Building Setback Lines

Front Yard:	50 feet
Rear Yard:	10 feet
Side Yard:	10 feet (West) None (East)
Corner Side Yard:	None

7. Sight-Proof Screening:

Sight-proof screening shall be in accordance with the base zoning district.

8. Landscaping:

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

9. Signs:

9.1 Freestanding On-Premise Signs

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

9.2 Attached Signs

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

9.3 Off-Premise Signs / Billboards

Off-Premise signs / Billboards will be prohibited.

9.4 Electronic Message Display Signs

Electronic Message Display signs will be prohibited.

10. Access:

Access may be taken from SW 104th St. Driveway separation shall conform to Public Works policy, procedures, and regulations.

11. 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, architectural metal, 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:

Shall conform to the base zoning district regulations.

3. Street Improvements:

If required, shall be in accordance with Public Works policy, procedures, and regulations.

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.

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, private drainage easements, and islands / medians 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

III. REVIEW COMMENTS

This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk * indicates that the agency, department, and/or division responded with no adverse comments.

A. Outside Agencies

- 1. Oklahoma City-County Health Department (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas (ONG)**
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District(s) Moore**
- 7. Oklahoma Department of Transportation (ODOT)**

B. City Departments

1. Airports

An Avigation Easement right shall be granted to the Oklahoma City Airport Trust prior to obtaining a building permit.

Any lights placed on the property should be downward shielded to avoid the potential hazard of upward reflections towards aircraft.

- 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) Flood Study will be required to show no rise in FEMA Q 100 and the City of Oklahoma City Q 100 water surface elevation, compared pre-and post-development.
- 5) A portion of subject property is situated within a F.E.M.A. Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year) frequency plus 1'. The Public Works Department Engineering staff shall approve these elevations prior to the filing of the final plat.
- 6) A floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.
- 7) 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.
- 8) 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.
- 9) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 10) 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.

- 11) 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.
- 12) All private roads /streets will have private storm sewer systems.
- 13) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

b. Stormwater Quality Management

c. Traffic Services *

8. Utilities

a. Engineering

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability

- 1) An existing 12-inch 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.

Wastewater Availability

- 1) An existing 8-inch/12-inch 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.

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 is located along the north side of SW 104th Street, an arterial street.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The SPUD regulations could provide a floor to area ratio within the Urban Low Intensity LUTA.*

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.
- 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 does not currently have improved access. The existing SPUD proposed utilizing only the private drive on the east, and prohibited driveways along SW 104th Street, which was consistent with the platted Limits of No Access (LNA). The property was unable to secure a cross access agreement, so this SPUD is intended to allow access to the arterial street, and is associated with a partial plat vacation application to remove the LNA.

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 but are installed east and west of the site along SW 104th Street. The SPUD regulations require sidewalks along SW 104th Street and interior streets.

- 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 similar uses no potential compatibility issues are identified by the comprehensive plan.
- 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 is located along the north side of SW 104th Street, a Major Arterial Street in the Urban Low LUTA. Transit (bus) service is not available.

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)
- Share parking between contiguous developments. (C-31)
- Encourage unified planning for all adjoining land owned or controlled by a project's developer to ensure proper circulation and land use relationships (SU-47)

b. Plan Conformance Considerations

The subject site is located along the north side of SW 104th Street, between South Interstate 44 and South May Avenue. The site is currently undeveloped and was rezoned from PUD-831 to SPUD-1652 in September 2024 for a single use, *8300.14 Automotive and Equipment: Cleaning and Repairs, Light Equipment*, with the intended user Brakes Plus. The site is also located within the Airport Environs Zone One (AE-1). Land to the north and west was zoned to PUD-1567 in 2015. Wal-Mart is to the north, and the gas station abuts the subject site on the west. Other nearby uses include retail, restaurants, a bank, and a car wash. Land to the east was approved for rezoning from PUD-831 to SPUD-1684 in December 2024 to allow commercial uses, and specifically a restaurant. Across SW 104th Street to the south is a golf course (Earlywine).

This SPUD is still anticipated for a Brakes Plus, but is specifically requested to allow access onto SW 104th Street. The existing SPUD anticipated access from the private drive on the east and prohibited access to SW 104th Street, which was consistent with the site's platted Limits of No Access (LNA). However, the property was unable to secure access to the private drive, so this new SPUD is intended to allow access to the arterial street, and is associated with a partial plat vacation application to remove the restriction (VP-00005). The new SPUD also increases the potential types of commercial development that would be allowed on the site, consistent with staff's recommendation when the site was originally zoned. No new compatibility issues were

identified with the proposed uses. Driveway placement, if allowed through approval of both this SPUD and VP application, will be per Public Works. An avigation easement will be required at the time of building permit. Any lights placed on the property should be downward shielded to avoid the potential hazard of upward reflections towards aircraft.

IV. STAFF RECOMMENDATION

Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning Commission. Planning Commission decisions require a vote of five members to approve or deny an item. The Planning Commission may consider in its decision-making process any additional relevant information presented at the public hearing by the public, applicant, and/or City departments.

Approval of the application subject to the following Technical Evaluation:

1. Access to SW 104th Street shall be limited to one driveway.

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.

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