



STAFF REPORT
The City of Oklahoma City
Planning Commission
May 22, 2025

Item No. IV. 13.

(SPUD-1685) Application by Arturo De Lara Escalera to rezone 3104 NE 82nd Street from PUD-771 Planned Unit Development, C-4 General Commercial and AA Agricultural Districts to SPUD-1685 Simplified Planned Unit Development. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant Representative

Name Mark W. Zitzow
Company Johnson & Associates, Inc.
Phone 405-235-8075
Email mzitzow@jaokc.com

B. Case History

This application was deferred from the November 14, December 12, 2024, and the January 9, 23, February 13, 27, and May 08, 2025, Planning Commission hearing dates.

C. Reason for Request

The purpose of this application is to allow industrial development, specifically the sales, storage and handling of construction materials, sand, and gravel.

D. Existing Conditions

1. Size of Site: 2.76 Acres

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA/C-4/ PUD-771	PUD-771	C-4	C-3	AA / R=1
Land Use	Residential	Industrial	Personal Storage	Personal Storage	Residential

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.

Comprehensive Plan Land Use Typology Layer: Employment (EM)

The Employment layer reserves priority areas within the city for large industrial and business development essential for Oklahoma City’s economic stability and future growth. The EM designation provides a competitive advantage for attracting new companies and retaining existing companies that need to expand. This designation maintains large acreages (typically 25 acres or above) to maximize clustering for specialization, synergy, transportation efficiency, and knowledge exchange. Appropriate uses within EM include those that generate employment, such as manufacturing, office parks, and office/industrial flex space uses as well as industrial uses such as warehousing or distribution.

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **I-2 Moderate Industrial 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:

- 8200.14 Single-Family Residential
- 8300.31 Construction Sales and Services
- 8300.21 Automotive and Equipment Storage, any building shall require doors to face east.
- 8300.14 Automotive and Equipment: Cleaning and Repairs, Light Equipment
- 8300.54 Outdoor Sales and Display, and Outdoor Storage
- 8300.00 Administrative and Professional Offices
- 8350.8 Industrial, Light
- 8350.7 Industrial, Moderate
- 8300.23 Building Maintenance Services
- 8350.3 Custom Manufacturing
- 8150.6.3 Greenhouse
- 8150.6.5 Hoop House
- 8150.7 Horticulture
- 8350.8 Industrial, Light (Limited to indoor manufacturing, assembly, fabrication, packaging, etc.)
- 8300.58 Personal Services: General
- 8300.59 Personal Services: Restricted
- 8300.60 Personal Storage
- 8300.61 Repair Services: Consumer
- 8300.63 Retail Sales and Services: General
- 8350.16 Wholesaling, Storage and Distribution: Restricted

2. **Minimum Lot Size:**

Per the base zoning district regulations.

3. Minimum Lot Width:

Per the base zoning district regulations.

4. Maximum Building Height:

Per the base zoning district regulations.

5. Maximum Building Size:

Per the base zoning district regulations.

6. Maximum Number of Buildings:

The maximum number of buildings shall be per the base zoning district. The existing dwelling shall be permitted and deemed in conformance. Accessory buildings shall be permitted.

7. Building Setback Lines

North SPUD Boundary:	25 Feet
East SPUD Boundary:	0-feet
West SPUD Boundary:	30 feet
South SPUD Boundary:	10 feet

There shall be no internal setbacks except as required by building and fire code.

8. Sight-proof Screening:

The existing tree greenbelt shall be deemed sufficient for sight-proof screening. No living and/or healthy trees shall be removed from the existing greenbelt.

Should the trees be removed from the greenbelt, sight proof screening shall be required. In this instance, no less than a six-foot and no greater than an eight-foot-high sight proof screen shall be required along the western property boundary. 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. Landscaping:

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development. In addition, the existing greenbelt on the west side of the property, from south to north, shall remain in its natural state as presently exists.

10. Signs:

10.1 Free standing accessory signs

No freestanding signs shall be permitted

10.2 Attached signs

Attached signs shall be per the base zone.

10.3 Non-Accessory Signs

Non-Accessory signs shall be prohibited.

10.4 Electronic Message Display signs

Electronic Message Display signs shall be prohibited.

11. Access:

Two access points via NE 82nd shall be permitted within this SPUD.

NE 82nd Street is a private road and maintained by the property owners that abut the road. The owner and developer of this SPUD shall be responsible for the maintenance of said road should the road need repairs due to the heavy truck traffic anticipated with this development. Maintenance shall occur a minimum of twice per year and as needed to ensure the road is kept in a functional state.

All traffic, including heavy trucks and equipment, shall be restricted to one access point on NE 82nd Street, consisting of the eastern driveway on the property and shall be required to enter/exit going east to the I-35 frontage road. No traffic, including heavy trucks and equipment shall use NE 82nd Street west from the eastern driveway to N. Bryant Ave. Light vehicles may use both existing driveways.

12. Sidewalks:

None.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all new structures shall consist of a minimum 70% brick veneer, masonry, rock, stone, stucco, metal, wood, or other similar type finish. A maximum of 30% EIFS (Exterior Insulation Finish System) material shall be permitted.

2. Open Space:

A minimum of 25% open space, defined as no buildings or paving, shall be provided.

3. Street Improvements:

Street improvements shall not be required, however, the owner and developer of this SPUD shall be responsible for the maintenance of said road should the road need repairs due to the heavy truck traffic anticipated with this development. Maintenance shall occur a minimum of twice per year and as needed to ensure the road is kept in a functional state.

4. Site Lighting:

The new structure and any modifications thereto shall conform to applicable regulations. In the event of a new structure, 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:

Not needed, but trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020.

6. Parking:

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

Pervious paving, including gravel, 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.

7. Maintenance:

Maintenance of the common areas in the development shall be the responsibility of the property owner. 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.

9. Other:

Hours of operation of any business shall be limited to the hours of 6:30am to 6pm.

No outdoor storage of loose materials shall be permitted.

Vehicles and equipment shall be permitted to be parked, placed or stored outside.

Overhead building doors shall be located on the North or East sides of buildings only.

III. Supporting Documents

Exhibit A: Legal Description
Exhibit B: 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) 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

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 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.
- 11) Replace Section II.7 Maintenance: Maintenance of the common areas, private drainage easements, and islands/medians in the development shall be the responsibility of the property owner. 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 that meets the requirements specified above.

b. Stormwater Quality Management

c. Traffic Services *

8. Utilities

a. Solid Waste Management

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

b. Water Availability

- 1) An existing 6" 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.

c. 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.

9. Planning

a. Comprehensive Plan Considerations

The site is within the Urban - Low (UL) Intensity LUTA, and in an area where the Employment (AP) Layer applies. Policies for each are listed below.

1) LUTA Development Policies:

Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible. (UL)
- Developments should be served by urban water and sewer utility systems. (UL)
- Small-scale industrial, office, or retail development is appropriate provided that it supports / strengthens major employment uses and does not restrict future large-scale development by fragmenting parcels or impeding internal circulation. (EM)
- Ensure development adjacent to Employment Reserve areas is compatible and will not compromise viability of employment lands. (EM)

National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available. The SPUD is requested for commercial and industrial uses, including the storage and handling of construction materials, and retain the existing single-family residence.

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 FAR of the site is 0.02. The*

SPUD regulations could continue to produce a FAR within or below the Urban Low Intensity LUTA range.

Automobile Connectivity:

- Maintain, create, and enhance a street network that is highly connected to increase number of viable commercial locations and the effectiveness of the transportation system. (UL)
- Protect existing traditional street grid and reconnect it where possible. (UL)

The subject site is located along the south side of NE 82nd Street, a private Neighborhood Street in the Urban Low LUTA. The SPUD Master Design Statement proposes two access points along NE 82nd Street. However, heavy trucks and equipment shall be restricted to the eastern driveway and are required to enter / exit to the east at the I-35 Service Road. Light vehicles may use both driveways.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development. (UL & EM)

Sidewalks are not currently available on the subject site or required by the SPUD 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 agricultural or 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 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 maintaining the 25-foot front yard setback and increasing the west side yard setback from 25 feet, where adjacent to the AA District, to 30 feet. The SPUD proposes no setback on the east and 10 feet on the south. The SPUD allows the existing tree greenbelt to suffice for sight-proof screening on the west. In the event that trees are removed, the SPUD requires an 8-foot-tall fence along the western boundary.*

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 south side of NE 82nd Street, a private Neighborhood Street in the Urban Low LUTA. The road is primarily constructed of gravel. The street currently serves residential uses and would not typically expect to incorporate heavy truck traffic.*

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 proposed use could create operational impacts related to noise, vibrations, smoke, odor, light or dust near residential uses. The SPUD allows the existing tree greenbelt to suffice for sight-proof screening on the west. In the event that trees are removed, the SPUD requires an 8-foot-tall fence along the western boundary.*

3) Service Efficiency:

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

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

- Riparian Areas: N/A
- Upland Forests: N/A
- Vulnerable Aquifers: The aquifer in this area is considered moderately vulnerable to depletion. The comprehensive plan recommends preserving natural open spaces and utilizing low impact development techniques whenever possible in new developments in order to maintain water quality and allow for the infiltration of stormwater onsite. Low impact development techniques include, but are not limited to, using pervious surface materials wherever possible for the construction of driveways, parking areas, sidewalks, patios, etc., to promote increased water percolation and infiltration.

5) Transportation System: This site is located along the south side of NE 82nd Street, a Private Neighborhood Street in the Urban Low LUTA. Transit (bus) service is not available nearby.

6) Other Development Related Policies

- Avoid placing heavy industrial uses on borders of industrial areas to avoid conflicts with adjacent development. (SU-35)
- 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)

- 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)

b. Plan Conformance Considerations

The subject site is located along the south side of NE 82nd Street, a private street. The site is generally located north of East Wilshire Boulevard, between North Bryant Avenue and Interstate 35. The subject site is developed with a single-family residence and zoned AA, with partial segments of C-4 and PUD-771 zoning. PUD-771 is primarily located north of NE 82nd Street and is developed with multiple large warehouse / manufacturing buildings. The site abuts C-4 and C-3 zoning to the east and south which are developed with personal storage uses. West of the site are AA and R-1 zoned single-family residences along the south side of NE 82nd Street. The subject site is located on a private gravel street.

The subject site is within an area the comprehensive plan identifies as ‘Employment’ that supports uses that generate employment, such as manufacturing, office parks, and office/industrial flex space uses, as well as industrial uses such as warehousing or distribution.

The SPUD was originally requested for industrial uses, specifically the sales and storage of construction materials, but has been modified multiple times since first submitted to address street maintenance, modify access including directing trucks east to the Service Road, and to modify use unit classifications, building height, building size, open space, parking, and adding hours of operation.

The current Master Design Statement (MDS) would allow construction sales and services, outdoor automotive and equipment storage, outdoor sales and display / outdoor storage, light and moderate industrial, office, custom manufacturing, retail sales, personal storage, and wholesaling, storage and distribution. The non-residential uses proposed are consistent with the comprehensive plan’s ‘Employment’ Land Use Typology Layer, as well as with the adjacent C-4 District to the east and new industrial uses to the north, but potential compatibility issues are identified near residences to the west. While the SPUD has been modified multiple times to address concerns, most recently to require garage doors to face north or east, and increasing the setback on the west to 30 feet, other mitigation measures could include removing or increasing the setbacks for some uses. The SPUD specifies the existing home may remain. The Master Design Statement should specify that the single-family residential use unit classification is limited to one dwelling to allow the existing use while being more consistent with the ‘Employment’ layer.

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. Use Unit Classification 8200.14 Single-Family Residential shall be limited to one (1) dwelling unit.
2. Use Unit Classification 8300.54 Outdoor Sales and Display, and Outdoor Storage shall be permitted only as accessory to another use within the SPUD.
3. Outdoor storage areas shall be limited to the eastern third of the subject property, as shown on Exhibit B.

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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