

Planning Commission Minutes

March 10, 2022

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:24 a.m. on March 7, 2022.)

17. (SPUD-1362) Application by RMK Investments, LLC., to rezone 6401 North Kelley Avenue from the SPUD-1151 District to the SPUD-1362 Simplified Planned Unit Development District. Ward 7.

The applicant was present. There were protestors present.

RECOMMENDED APPROVAL.

MOVED BY PENNINGTON, SECONDED BY HIGHSMITH

AYES: CRAVENS, CLAIR, POWERS, PRIVETT, HINKLE,

HIGHSMITH, PENNINGTON

ABSENT: LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
March 10, 2022

Item No. IV. 17.

(SPUD-1362) Application by RMK Investments, LLC., to rezone 6401 North Kelley Avenue from the SPUD-1151 District to the SPUD-1362 Simplified Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant/Developer Representative

Name Gunner Joyce
Company Rieger Law Group
Phone 405-310-5274
Email gjoyce@riegerlawgroup.com

B. Case History

This application was approved at the December 9, 2021 meeting but remanded back to Planning Commission with a request for renote.

C. Reason for Request

This application is to permit commercial development.

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: 0.7124 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	SPUD-1151	R-1/SPUD-553	R-4	C-3	C-3
Land Use	Undev/Off	Res/Auto Rep	Undeveloped	ANG	Residential

II. SUMMARY OF PUD APPLICATION

This site consists of two tracts, as more particularly described on Exhibit A. The westernmost undeveloped tract is referred to herein as “**Tract One**” and the developed tract to the East is referred to herein as “**Tract Two**”. The site will be developed in accordance with the regulations of **C-3 Community Commercial District** (OKC Zoning Ordinance, 2020), except as modified herein.

All current buildings and improvements on this site shall be deemed permissible under this SPUD and permitted to remain as currently constructed. Any new buildings or improvements developed pursuant to this SPUD shall be in accordance with the Regulations set forth herein.

1. The following uses shall be the only uses permitted on this site:

- 8300.1 Administrative and Professional Offices
- 8300.24 Business Support Services
- 8250.2 Community Recreation: General
- 8250.3 Community Recreation: Property Owners’ Associations.
- 8250.4 Community Recreation: Restricted
- 8300.32 Convenience Sales and Personal Services
- 8200.2 Dwelling Units and Mixed Use
- 8300.41 Food & Beverage Retail Sales
- 8300.52 Medical Services: General
- 8300.53 Medical Services: Restricted
- 8300.56 Participant Recreation and Entertainment
- 8300.58 Personal Services: General
- 8300.59 Personal Services: Restricted
- 8300.62 Research Services: Restricted
- 8300.63 Retail Sales and Services General
- 8300.25 Child Care Centers
- 8300.29 Communications Services: Limited
- 8350.3 Custom Manufacturing
- 8300.34 Eating Establishments: Drive-In
- 8300.36 Eating Establishments: Fast Food, With Drive-Thru Order Window (Provided that no Drive-Thru Order Windows shall be permitted along the North side of the building(s) to be constructed on Tract One)
- 8300.37 Eating Establishments: Sitdown
- 8300.39 Eating Establishments: Sitdown, Limited Alcohol Permitted
- 8300.46 Gasoline Sales. Small: Restricted
- 8300.49 Lodging Accommodations: Bed and Breakfast

8250.14	Low Impact Institutional: Neighborhood-Related
8300.48	Laundry Services
8200.13	Senior Independent Living
8300.61	Repair Services: Consumer
8300.57	Payday or Title Loan Agencies
8300.19	Automotive and Equipment: Sales and Rentals, such as Moving Trucks, Tractor Trailers, and Storage Trucks – SOLELY ALLOWABLE ON TRACT TWO
8300.21	Automotive and Equipment: Storage - SOLELY ALLOWABLE ON TRACT TWO

NOTWITHSTANDING THE FOREGOING, NO BAR, TAVERN, OR MARIJUANA DISPENSARY SHALL BE PERMITTED ON THE SITE.

2. Maximum Building Height:

The current buildings on site shall remain. In the event that any new structure is built, said structure shall be required to meet the regulations of the C-3 Community Commercial District.

3. Maximum Building Size:

The current buildings on site shall remain. In the event that any new structure is built, said structure shall be required to meet the regulations of the C-3 Community Commercial District.

4. Building Setback Lines:

The current buildings on site shall remain. In the event that any new structure is built, said structure shall be required to meet the regulations of the base zoning district. Provided that nothing in this SPUD shall be read to invalidate the conformance of the existing building.

5. Sight-proof Screening:

Site proof screening within this SPUD shall be in accordance with the C-3 Community Commercial District.

6. Landscaping:

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

7. Signs:

7.1 Freestanding Accessory Signs:

There shall be two (2) freestanding ground (monument) sign permitted within this SPUD with the maximum size being 10 feet high and 100 square feet in area. The sign shall have no less than 25 square feet of landscaping at the base. No pole signs will be allowed.

7.2 Attached Signs:

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

7.3 Non-Accessory Signs:

Non-Accessory signs shall be prohibited within this SPUD.

7.4 Electronic Message Display Signs:

Electronic Message Display signs shall be prohibited within this SPUD.

8. Access:

The existing access to the site shall remain as is from NE 63rd St. and N. Kelley Ave. Should the existing structure be demolished, and the site redeveloped, access will conform with all applicable code requirements.

9. Parking Regulations:

The existing parking shall be deemed to conform to all parking regulations for the existing development on the site. Parking shall be provided in accordance with the current parking regulations for any new construction.

10. Sidewalk Regulations:

Sidewalks shall be provided in accordance with Code.

II. Other Development Regulations:

1. Architecture:

All buildings currently constructed on site shall remain and shall be deemed to conform to all architecture regulations contained herein. In the event that a new building is constructed, the following regulations shall apply:

Exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock or stone masonry, stucco, or wood, or other similar type finish. 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:

The square footage on the property containing the existing drainage channel and its surrounding trees shall be preserved as a minimum amount of open space for the development.

3. Street Improvements:

N/A

4. Other:

4.1 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.

4.2 Dumpsters:

Dumpster(s) shall be consolidated where practical and located within an area a minimum of 25 feet from any residential district and shall be screened by a fence or masonry wall of sufficient height that screens the dumpster(s) from view.

4.3 Common Areas:

Maintenance of all common areas in the development and maintenance of all amenities located within the common areas shall be the responsibility of all owner(s) of said property. 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.

III. Supporting Documents:

- Exhibit A:** Legal Description of Tract One and Tract Two
- Exhibit B:** Conceptual Site Plan of Tract One
- Exhibit C:** Aerial of Tract One and Tract Two

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 be advised ONG has an underground or aboveground facility in the area. If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate. Prior to excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior for exact location of our facilities.
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District(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

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 SPUD will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be required prior to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.
- 8) Sidewalk shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 9) All private roads /streets will have private storm sewer systems.
- 10) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

c. Stormwater Quality Management

d. Traffic Management*

Paving

8. Utilities

Wastewater Availability

- 1) An existing 8” wastewater main(s) is adjacent to the subject site(s) and a service connection will be permitted in accordance with City Standard Specifications. A separate service line connection is required for each building/structure.
- 2) All existing unused wastewater services must be abandoned at the wastewater main(s).
- 3) No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 4) All wastewater mains must have a minimum cover of six (6) feet and a depth no greater than eighteen (18) feet.
- 5) A separate wastewater service line is required for each living unit and/or structure(s).

a. Solid Waste Management

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

b. Water/Wastewater Quality

Water Availability

- 1) An existing 16 & 24” water main(s) is adjacent to the subject site(s) and a service connection will be permitted in accordance with City Standard Specifications.
- 2) Dead-end water mains must be avoided where applicable.
- 3) All existing unnecessary water services must be abandoned at the water main(s).
- 4) 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 and fire protection systems which require water pressure in excess of 25 psi.

- 5) All existing and proposed meters must meet current specifications and standard details and be located in the right of-way or utility easement within grassy areas outside of sidewalks, driveways, streets and/or paving.
- 6) All domestic and fire suppression services must have separate water service connections.
- 7) Fire hydrants maximum spacing is 500 foot and must be located within 10 foot of a hard surface (i.e. sidewalk, street, and/or paving).
- 8) No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 9) All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 10) A separate service connection and meter is required for each building unit and/or structure(s).

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.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *Due to the proximity of residential nearby most of the building sites would be limited to 35-foot high buildings, allowing a FAR of about .5 across the application site.*

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.
- Keep existing alleys open and functional.

*Access between tracts is limited by an alley/drainage way. The SPUD allows access per existing drives. No changes are proposed to the platted unconstructed alley. Existing driveways align with those across NE 63rd Street, in conformance with plan **okc**.*

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 existing on both streets and required per Code by the SPUD.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating low intensity retail and office 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 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. *Residential uses exist to the north of the western tract. Building size and lot coverage may differ dramatically from the residential uses north of the application site. The C-3 District limits the height of buildings to 35 feet within 75 feet of residential*

property and requires a 15-foot building setback with a 5-foot landscaped buffer.

Increasing landscaping along the rear (north) boundary of the western tract and preserving healthy, mature trees along the alley/drainage way could assist with mitigation. The SPUD commits to preserving trees along the alley/drainageway.

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.

No triggers requiring mitigation were identified for development along the major arterial streets of NE 63rd Street and Kelly Avenue.

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 SPUD mirrors the existing SPUD except that it increases the number of uses permitted. Some uses may create noise or light near residential uses. Code will require a 15-foot setback and a landscape buffer adjacent to the residential on the north.*

- 3) **Service Efficiency:**
 - Water: *Fully served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Service Level*

- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the site.

- 5) **Transportation System:** The subject site is located along NE 63rd Street and N Kelley Avenue, both Major Arterial Streets in the Urban Low LUTA. Bus transit is located on N Kelley Avenue just south of the site. Sidewalks are intermittent in the area.

- 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)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- 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)

b. Plan Conformance Considerations

The subject site is located at the northwest corner of N Kelly Avenue and NE 63rd Street. The proposed development site includes the building at the corner and the approximately half-acre undeveloped parcel to its west. The two tracts are divided by an alley/drainageway. West of the application site is an office. North of the western parcel is single-family residential. Across NE 63rd Street to the south are convenience store gas stations and the I-44 Service Road. Across N Kelley to the east is a regional training facility for the National Guard zoned R-4. The subject site is located just west of the Northeast Gateway Urban Conservation District.

The subject site was zoned to SPUD-1151 in November 2019. The eastern tract is within the Healthy Neighborhoods Overlay. The new SPUD is requested to add additional commercial uses to the nine uses currently allowed on the site. No other changes to the previously approved regulations are requested.

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

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Planning Commission
March 10, 2022
SPUD-1362

Item No. IV. 17.

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 SPUD may be required during either Divisions review of construction plans and prior to City Council approval.

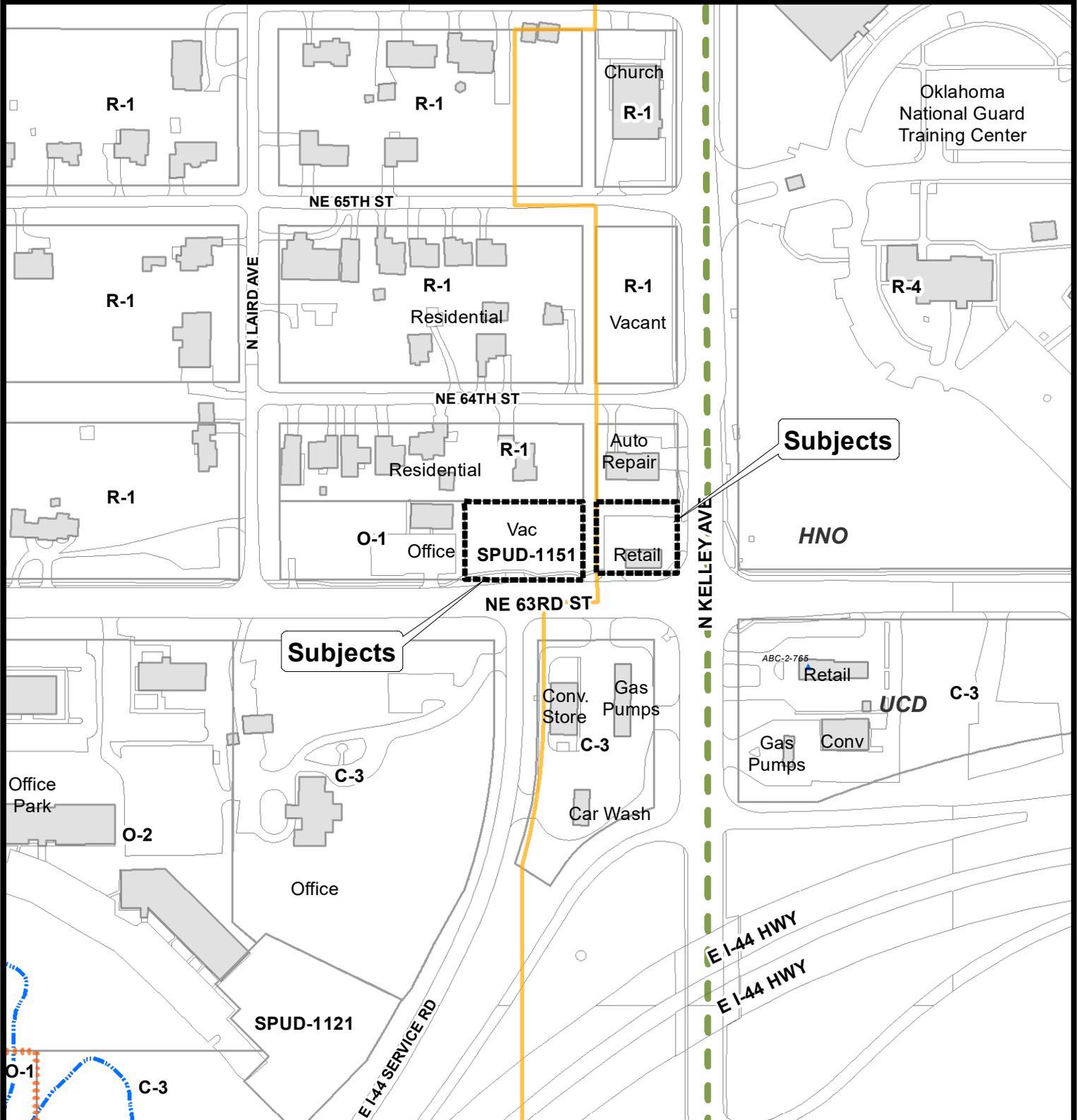
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Case No: SPUD-1362

Applicant: Gunner Joyce

Existing Zoning: SPUD-1151 / HNO

Location: 6401 N. Kelley Ave. & Vacant Lot to the West



The City of OKLAHOMA CITY

Simplified Planned Unit Development

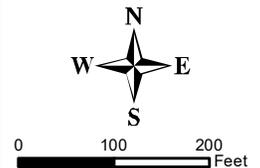


Exhibit B Site Plan of Tract One

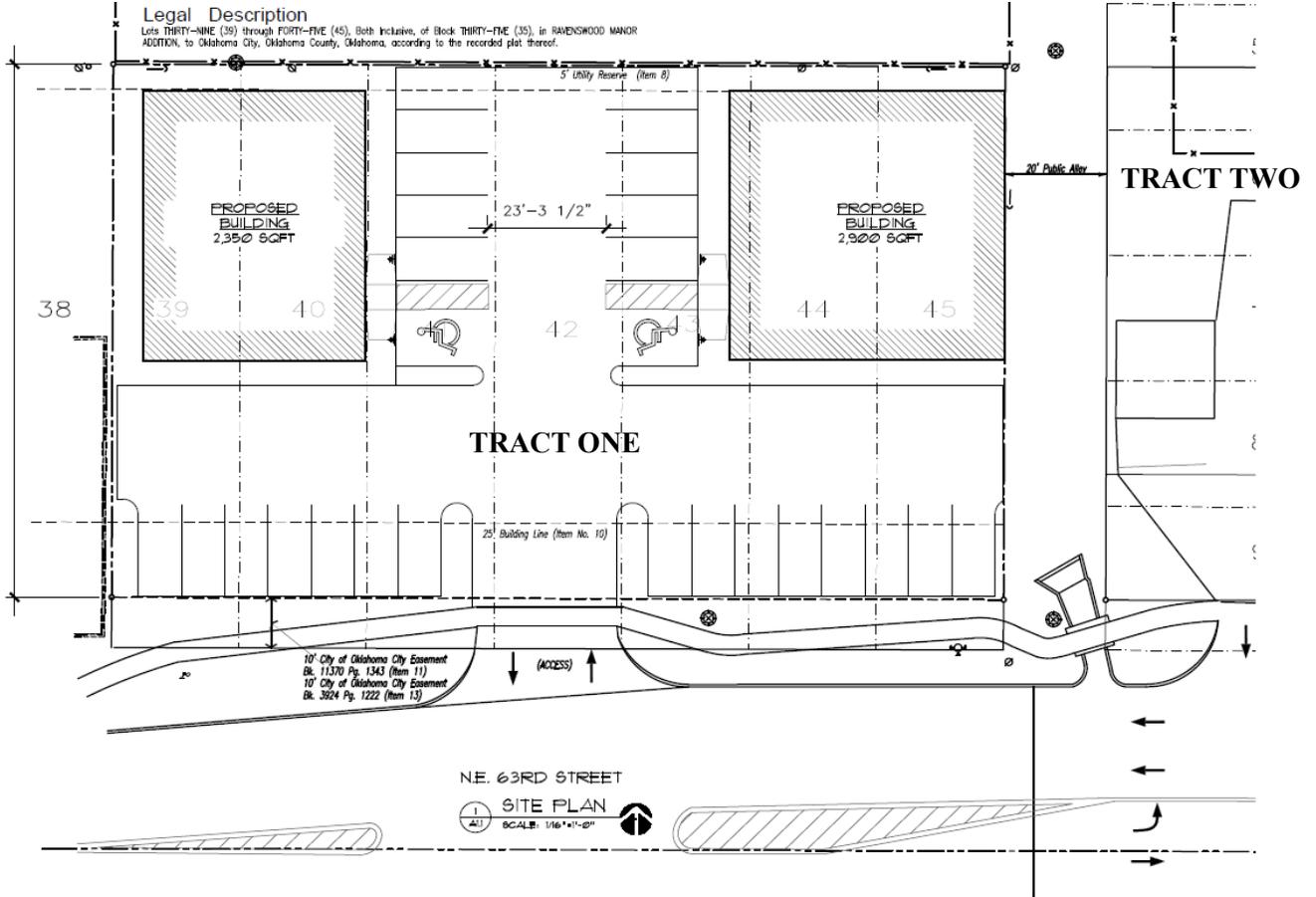


Exhibit C
Existing Aerial of Tracts One and Two



Case No: SPUD-1362
Applicant: Gunner Joyce
Existing Zoning: SPUD-1151 / HNO
Location: 6401 N. Kelley Ave. & Vacant Lot to the West



Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Simplified Planned Unit Development

