

Planning Commission Minutes
February 24, 2022

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:29 p.m. on February 18, 2022.)

21. (SPUD-1381) Application by Oklahoma Land Company, LLC., to rezone 10800 North Western Avenue from the C-3 Community Commercial District to the SPUD-1381 Simplified Planned Unit Development District. Ward 7.

The applicant was present. There were no protestors present.

Amended Technical Evaluation:

1. Delete Use Unit 8300.69. Spectator Sports and Entertainment: Restricted.

**RECOMMENDED APPROVAL SUBJECT TO THE
TECHNICAL EVALUATION, AS AMENDED.**

MOVED BY PENNINGTON, SECONDED BY CLAIR

AYES: CRAVENS, CLAIR, PRIVETT, PENNINGTON, LAFORGE;

RECUSED: HINKLE

ABSENT: POWERS, COFFEY, HIGHSMITH



STAFF REPORT
The City of Oklahoma City
Planning Commission
February 24, 2022

Item No. IV. 21.

(SPUD-1381) Application by Oklahoma Land Company, LLC., to rezone 10800 North Western Avenue from the C-3 Community Commercial District to the SPUD-1381 Simplified Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name David Box
Company Williams, Box, Forshee & Bullard PC
Phone 405-232-0080
Email dmbox@wbfbllaw.com

B. Case History

This application was continued from the February 10, 2022 meeting.

C. Reason for Request

This application is to permit an existing billboard to remain with new 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: 0.35 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	C-3	C-3	C-3	C-3	C-3
Land Use	Billboard	Gas/Conv	Commercial	Res/Com	Commercial

4. Development Context: Development Context: The 15,670-square-foot subject site is located at the southeast corner of N Western Avenue and W Hefner Road. The subject site is zoned C-3 and developed with a three-sided, 384-square-foot EMD billboard.

The land to the east and south, as well as the other corners of the arterial intersection, are also zoned C-3. Approximately 175 feet to the southwest is the R-4 District, with the nearest apartment building approximately 250 feet away. The SPUD is requested to remove the condition that the existing billboard would have to be removed if the site is developed.

II. SUMMARY OF PUD APPLICATION

Any existing improvement shall be permitted to remain and shall be deemed to be in compliance with any regulation contained herein.

This SPUD shall be developed in accordance with the regulations of the **C-3 Community Commercial District** (OKC Zoning Ordinance, 2020), except as modified herein.

1. The following uses shall be permitted by right within this SPUD:

8300.1 Administrative and Professional Offices
8300.2 Adult Day Care Facilities
8300.5 Alcoholic Beverage Retail Sales
8300.8 Animal Sales & Services: Grooming
8300.11 Animal Sales & Services: Kennel & 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
8250.4 Community Recreation: Restricted
8300.32 Convenience Sales & Personal Services
8250.5 Cultural Exhibits
8350.3 Custom Manufacturing
8200.2 Dwelling Units and Mixed Uses
8300.34 Eating Establishments: Drive-In
8300.35 Eating Establishments: Fast Food
8300.36 Eating Establishments: Fast Food, With Drive-Thru Order Window
8300.37 Eating Establishments: Sitdown
8300.39 Eating Establishments: Sitdown, Limited Alcohol Permitted
8300.41 Food and Beverage Retail Sales
8300.44 Funeral and Interment Services: Undertaking
8300.45 Gasoline Sales, Large
8150.6.3 Greenhouse
8150.6.5 Hoop House
8300.48 Laundry Services

8250.11 Library Services and Community Centers
8250.12 Light Public Protection & Utility: General
8250.13 Light Public Protection & Utility: Restricted
8250.14 Low Impact Institutional: Neighborhood-Related
8300.52 Medical Services: General
8300.53 Medical Services: Restricted
8300.55 Participant Recreation & Entertainment: Indoor
8300.57 Payday or Title Loan Agencies
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
8300.65 Retail Sales and Services: Pawn Shops
8300.66 Signs: Non-Accessory
8200.13 Senior Independent Living
8300.69 Spectator Sports and Entertainment: Restricted

2. Maximum Building Height:

Pursuant to the base zoning district.

3. Maximum Building Size:

Pursuant to the base zoning district.

4. Maximum Number of Buildings:

Pursuant to the base zoning district.

5. Building Setback Lines:

Pursuant to base zoning district.

6.

7. Sight-proof Screening:

Screening shall be required to meet the regulations of 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:

The base zoning district shall govern the regulations for signage within the subject SPUD, except that a non-accessory sign shall not be required to be removed upon the development of the property.

10. Access:

Access to the site shall be taken from N. Western Ave. and W. Hefner Rd.

11. Sidewalks:

Sidewalks shall be required, subject to the policies and procedures of the Public Works Department.

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, drivet, stone, stucco, architectural metal or other similar type finish.

2. Open Space:

N/A.

3. Street Improvements:

N/A.

4. 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. To minimize light spillover on single-family residential uses, outdoor lights within the development will be directed away from any adjacent single-family residential properties.

5. Drainage:

Development of this parcel will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

6. Dumpsters:

Dumpsters shall be consolidated, where practical, and shall be screened by a masonry wall of sufficient height to screen said dumpster from view.

7. Parking Regulations:

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.

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

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) Oklahoma City

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) 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.
- 4) 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.

- 5) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 6) 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.
- 7) 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.
- 8) All private roads /streets will have private storm sewer systems.
- 9) 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

Paving

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 connection is required for each building/structure.
- 2) All wastewater mains must flow within the existing drainage basin. Proposed wastewater mains that will flow to another drainage basin across a ridgeline will not be allowed.

- 3) Minimum ten (10) foot horizontal separation required for water mains and five (5) foot for other crossings. Minimum two (2) foot vertical separation required for all crossings.
- 4) The developer will be required to extend the wastewater collection system to each lot or site within the subdivision or land improvements in accordance with City Standard Specifications and the current Subdivision Regulations.
- 5) All existing unused wastewater services must be abandoned at the wastewater main.
- 6) Proposed wastewater main(s) must be located in a twenty (20) foot wide easement.
- 7) No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 8) All wastewater mains must have a minimum cover of six (6) feet and a depth no greater than eighteen (18) feet.

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability

- 1) An existing 6" water 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 connection and meter is required for each building/structure.
- 2) Minimum ten (10) foot horizontal separation required for wastewater mains and five (5) foot for other mains. Minimum two (2) foot vertical separation required for all crossings.
- 3) Dead-end water mains must be avoided where applicable.
- 4) All existing unnecessary water services must be abandoned at the water main.

- 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 and fire protection systems which require water pressure in excess of 25 psi.
- 6) Proposed water main(s) must be located within a utility easement or right-of-way. No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 7) All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 8) 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.
- 9) All domestic and fire suppression services must have separate water service connections.
- 10) 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).

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. The subject site has access to public water and sewer.

Location:

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

The subject site is located along two arterial streets.

Automobile Connectivity:

- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- 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 Master Design Statement allows access from both arterial streets but does not specify how many. The site dimensions may allow up to one driveway per frontage. While the intent of the SPUD is to allow the site to be developed without removing the existing sign, no details about what or how it would be developed other than the sign were provided.

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 available along both street frontages.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. *The subject site is already zoned C-3. When locating the proposed commercial uses next to other commercially zoned or developed properties, no compatibility issues are identified by the comprehensive plan.*
- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Response Time*
- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the proposed development site.
- 5) **Transportation System:** The subject site is located off N Western Ave and W Hefner Road, both Major Arterial Streets within the Urban Low LUTA. Transit (bus) service is available on N Western Ave with a stop to the south, and west of Hefner Road.

6) Other Development Related Policies

- Encourage the integration and mixing of land uses in urban areas. (SU-1)
- 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)
- 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)
- 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)
- 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 at the southeast corner of N Western Ave and W Hefner Road. The site is zoned C-3 and developed with a three-sided, 384-square-foot non-accessory sign (billboard) with Electronic Message Display (EMD). A billboard is a conditional use in the C-3 District. The SPUD is requested to vary the condition that requires the billboard to be removed if the site is developed.

The conditions that apply to a non-accessory sign in the C-3 District (59-9350.59) are:

- (a) The lot size is a minimum of 5,000 square feet and is not developed or used for residential, commercial, institutional or industrial purposes.
- (b) After erection of a Non-Accessory Sign, if a lot is subsequently developed or used for residential, commercial, institutional or industrial purposes, the sign shall be removed prior to occupancy or brought into conformance with the regulations for accessory signs in terms of permitted size and spacing.
- (c) The sign shall comply with all the applicable standards listed in Chapter 3 for non-accessory signs.

Chapter 3 of the Municipal Code limits the display surface of a non-accessory sign/billboard in the C-3 District to 300 square feet, the maximum width of the sign to 60 feet, the maximum height of the sign to 35 feet, and requires a 50-foot setback from the nearest residentially zoned property.

The comprehensive plan calls for initiating new efforts to reduce sign clutter and improve the aesthetics of signs while allowing for adequate and visible business identification. At the time of this application, an effort was underway to update Oklahoma City's sign regulations, including the regulations and conditions for billboards.

According to City code, A PUD or SPUD is intended to "maximize flexibility and innovation in development by utilizing area-sensitive site planning and design to achieve a desirable mixture of compatible land use patterns that include elements such as efficient pedestrian and vehicular circulation systems, enhanced residential amenities, and allowances for the provision of usable open space."

Further, the Oklahoma City Municipal Code, 2020, Chapter 59-14100.3 states that:

- A. The PUD and SPUD are appropriately used when flexibility is required that is not allowed under the zoning code in return for a coordinated development that provides greater public benefits, as outlined in the Purpose and Intent, that are not otherwise part of the development process.
- B. The PUD and SPUD are design and planning tools that are not to be used to circumvent policies or used in lieu of seeking variances to regulations.

The proposal does not meet the intent and purpose of a SPUD and is attempting to circumvent conditions (regulations). The application is not in conformance with the comprehensive plan that calls for and is currently being used to guide changes to citywide sign regulations. A denial of the application would not affect the ability of the sign to remain, but would maintain the current requirement that the sign be removed or come into conformance with existing sign regulations should the site be developed, which are the same rules that apply to other billboards within the C-3 District across Oklahoma City.

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.

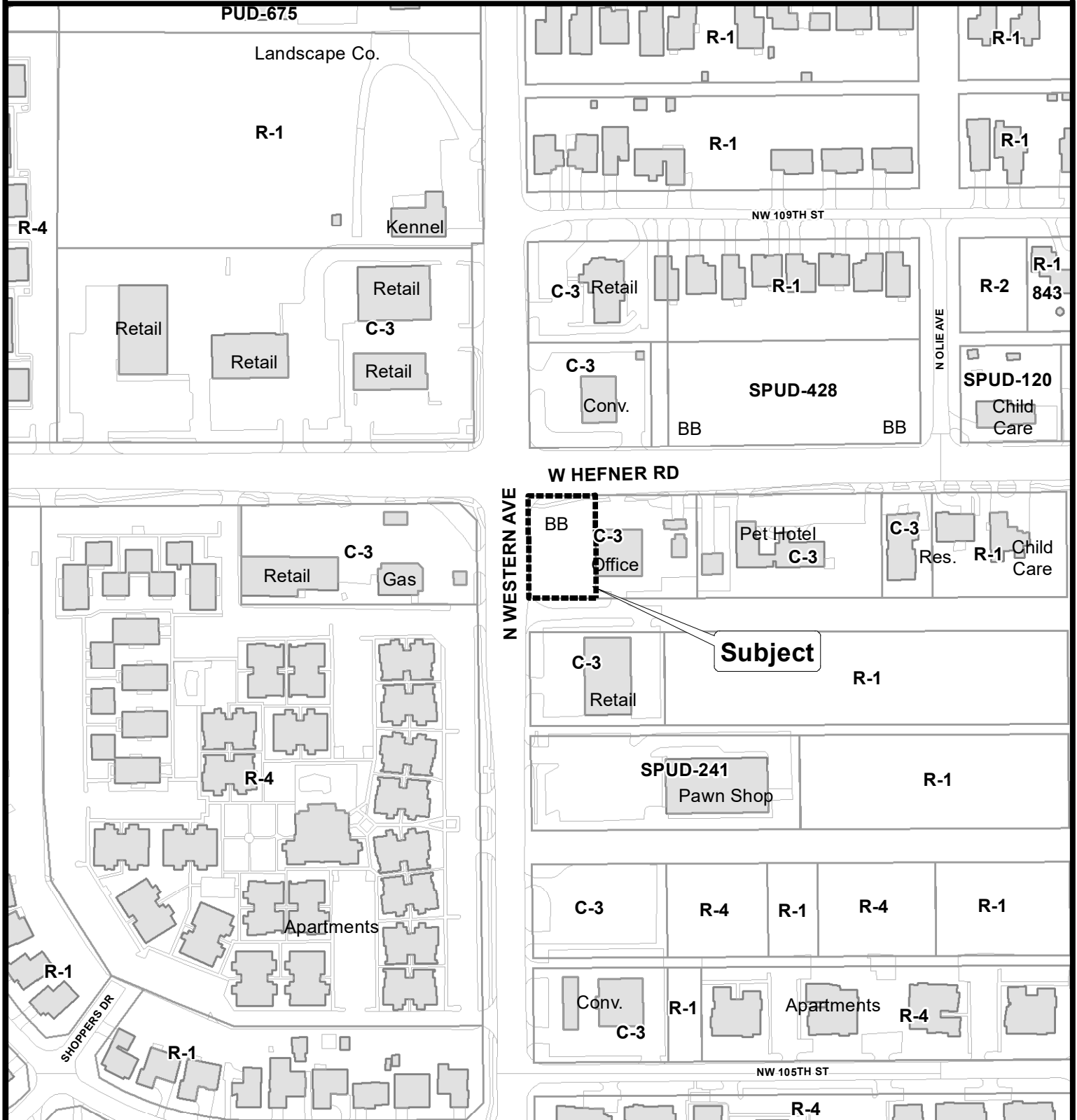
Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning Commission. Planning Commission decisions require a vote of five members to approve or deny an item. The Planning Commission may consider in its decision-making process any additional relevant information presented at the public hearing by the public, applicant, and/or City departments.

Denial 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.

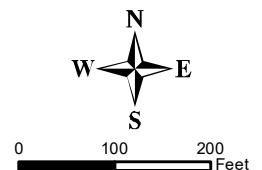
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Case No: SPUD-1381
Applicant: Oklahoma Land Company, LLC
Existing Zoning: C-3
Location: 10800 N. Western Ave.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



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Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



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Feet