

Planning Commission Minutes
May 26, 2022

(The agenda was filed with the City Clerk of The City of Oklahoma City at 1:59 p.m. on May 23, 2022.)

19. (PUD-1893) Application by Jeff and Kay Kreft, Bradley and Belle Daverde, to rezone 14901 SE 149th Street from the AA Agricultural District to the PUD-1893 Planned Unit Development District. Ward 4.

The applicant was present. There were no protestors present.

Amended Technical Evaluation:

1. A ~~100~~50-foot setback shall be provided along the northern boundary of the PUD and satisfy the screening requirement.
2. Healthy, mature trees shall be preserved in the northern and western setbacks.
3. The number of driveways on SE 149th Street shall be limited to one.
4. No order speaker shall face the north.

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

MOVED BY PRIVETT, SECONDED BY POWERS

AYES: CRAVENS, CLAIR, POWERS, PRIVETT, HINKLE, GOVIN,
LAFORGE;

ABSENT: FRALEY, PENNINGTON



STAFF REPORT
The City of Oklahoma City
Planning Commission
May 26, 2022

Item No. IV. 19.

(PUD-1893) Application by Jeff and Kay Kreft, Bradley and Belle Daverde, to rezone 14901 SE 149th Street from the AA Agricultural District to the PUD-1893 Planned Unit Development District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

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

B. Case History

This is a new application.

C. Reason for Request

This application is to permit a mixed office, commercial and storage development.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Rural – Low Intensity (RL)

Rural – Low Intensity applies to areas where large-lot neighborhoods and residential acreages/estates may remain with no expectation of urbanization or provision of urban infrastructure such as water or sewer. RL areas are predominantly composed of residential and agricultural uses but may support commercial and light industrial uses provided they do not negatively impact the rural residential character.

2. Size of Site: 5.80 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	AA	AA	Norman	AA
Land Use	Undeveloped	Residential	Undeveloped	Res/SubSta	Undeveloped

4. Development Context: The subject site is located at the northwest corner of SE 149th Street and S Choctaw Road. The site is zoned AA and undeveloped.

STAFF REPORT

The City of Oklahoma City

Planning Commission

May 26, 2022

PUD-1893

Item No. 19.

Land north of SE 149th Street is within Oklahoma City, zoned AA, and primarily 5-acre residential and agricultural parcels. Land south of SE 149th Street is outside OKC limits and developed with a substation, home, church, and a convenience store. The PUD is requested for a light retail, food service, office, and storage development.

II. SUMMARY OF PUD APPLICATION

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

The following uses shall be the only uses permitted within this PUD:

8300.1	Administrative and Professional Offices
8300.2	Adult Day Care Facilities
8300.5	Alcoholic Beverage Retail Sales
8300.8	Animal Sales and Services: Grooming
8300.11	Animal Sales and Services: Kennel and Veterinary, Restricted
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
8200.2	Dwelling Units and Mixed Uses
8300.33	Eating Establishments: Drive-In
8300.34	Eating Establishments: Fast Food
8300.36	Eating Establishments: Fast Food, With Drive-Thru Order Window [drive thru speakers shall be located no closer than 150 feet away from residential uses]
8300.37	Eating Establishments: Sitdown
8300.39	Eating Establishments: Sitdown, Limited Alcohol Permitted
8300.41	Food and Beverage Retail Sales
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
8300.59	Personal Services: General
8300.59	Personal Services: Restricted
8300.60	Personal Storage

8300.61	Repair Services: Consumer
8300.62	Research Services: Restricted
8300.63	Retail Sales and Services: General
8350.16	Wholesaling, Storage and Distribution: Restricted

9.0 SPECIAL CONDITIONS

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

9.1 FAÇADE REGULATIONS

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, drivet, rock, stone, stucco, or wood, or other similar type finish. Buildings finished with EIFS (Exterior Insulation Finish System) material shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

9.2 LANDSCAPING REGULATIONS

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

9.3 LIGHTING REGULATIONS

The site lighting in this PUD shall be in accordance with Chapter 59, Article XII, Section m59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

9.4 SCREENING REGULATIONS

No less than a six-foot and no greater than an eight-foot-high wall shall be required along the boundary of this parcel where it is adjacent to any residential use. Said sight-proof screen may be constructed of stucco, brick, stone, wood, steel/iron and/or any combination thereof and shall be solid and opaque.

9.5 PLATTING REGULATIONS

Platting shall not be required.

9.6 DRAINAGE REGULATIONS

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

9.7 DUMPSTER REGULATIONS

Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and adjacent residences' view and shall be placed no closer than 50 feet from all property lines adjacent to residential zoning district or use.

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

9.8 ACCESS REGULATIONS

Access within this PUD shall be taken from SW 149th St. and Choctaw Rd. There shall be a maximum of two (2) drives from SW 149th St. and a maximum of one (1) drive from Choctaw Rd.

9.9 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.

9.10 SIGNAGE REGULATIONS

9.10.1 . FREESTANDING ACCESSORY SIGNS

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

9.10.2 . ATTACHED SIGNS

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

9.10.3 . NON-ACCESSORY SIGNS

Non-Accessory signs shall be prohibited within this PUD.

9.10.4 . ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display shall be prohibited within this PUD.

9.11 ROOFING REGULATIONS

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

9.12 SIDEWALK REGULATIONS

Five-foot sidewalks shall be constructed, or six-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.

9.13 HEIGHT REGULATIONS

The base zoning district regulations shall regulate heights of structures in this PUD.

9.14 SETBACK REGULATIONS

Unless modified herein, yard requirements in this PUD shall be the same as the base-zoning district.

9.15 PERMIT REQUIREMENTS

Applications for building permits in the commercial or industrial part(s) of this PUD must include an overall PUD site plan that depicts the location of the proposed building permit and the size and address of all existing buildings as well as all existing parking and landscaping in the commercial/industrial part(s) of this PUD and including parking and landscaping proposed for the building for which a building permit is requested.

9.16 PUBLIC IMPROVEMENTS

Public improvements shall be made by the property owner throughout the PUD as required by the City of Oklahoma City Public Works Department or other City, County, or State Department or agency. All Local, State, and Federal ordinances as they shall apply to the site will be adhered to fully.

9.17 COMMON AREAS

Maintenance of the common areas in the development shall be the responsibility of the property owner or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

9.18 GENERAL DESIGN AND DEVELOPMENT GUIDELINES

Specific information and plans for General Design and Development Guidelines as contained in Chapter 59 Section 14200.4 for density, amenities, relationship to abutting uses, site design, safety, and circulation systems shall be required at the building permit stage.

9.19 ARCHITECTURAL REGULATIONS

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, 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.

9.20 SPECIFIC PLAN

A Specific Plan shall not be required.

10.0 DEVELOPMENT SEQUENCE

Developmental phasing shall be allowed as a part of the development of this PUD.

12.0 EXHIBITS

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

- Exhibit A - Legal Description
- Exhibit B – Conceptual Site Plan
- Exhibit C - Topography Plan
- Exhibit D – Survey

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) Moore

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*

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) No wastewater service is available for proposed improvements, private on-site sewage disposal systems are required in accordance to ODEQ rules and regulations. On-site sewage disposal system must be installed by an ODEQ certified installer and inspected by ODEQ.

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability

- 1) No water service is available for proposed improvements, private on-site water systems are required. The developer will provide an inter (on-site) water distribution system capable of supply water to each lot or tract within the proposed subdivision or land development in accordance with City Standard Specifications and the current Subdivision Regulations.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Design new buildings to compliment the character of surrounding areas and not detract from the open character of the landscape.
- Utilize Best Management Practices (BMP) for stormwater whenever possible.

National, state, and local permitting require basic best management practices for stormwater management.

Location: Support limited amounts of commercial in rural areas appropriate to the needs of rural residents and passersby. Commercial uses in rural areas should be located in small clusters either on uninterrupted arterials or at freeway interchanges. *The proposed commercial uses are located at the intersection of major and minor arterial 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 retail/commercial uses adjacent to existing agricultural or low intensity residential development, “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. *C-3 setbacks and lot coverage differ from the surrounding AA Districts but are consistent with development that has occurred outside OKC limits to the south.*

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.*

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 PUD proposes commercial uses and Wholesaling Storage and Distribution at a rural arterial intersection. The PUD allows drive-through uses provided they are 150 feet from residences.*

- 3) **Service Efficiency:**
 - Water: *Not Served*
 - Sewer: *Need for Major Investment*
 - Fire Service: *Longer than Rural Response*
- 4) **Environmentally Sensitive Areas:** The following apply to the proposed development site:
 - Riparian areas: *N/A*
 - Upland Forests: The subject area is within the upland forest ESA. The comprehensive plan directs to preserve the Cross Timbers and upland forests, including native understory, to the maximum extent practical. When new-growth or re-growth upland forest trees are removed during construction, trees and other native plants should be replanted on-site. New trees should be planted in clusters that mimic the original tree canopy. The comprehensive plan defines mitigation hierarchy in the following priority: 1) Avoidance and minimization, 2) Restoration, 3) Offset. *Upland forest is present on the subject site. When 90-100 covered, the comprehensive plan has a preservation goal of 60 percent. The PUD is silent on tree preservation. Plan conformance would be strengthened by designing the site to clear as few trees as possible. The site plan indicates a 100-foot buffer would be provided along the north boundary of the site, although the MDS does not require it. Increasing the setbacks and preserving swaths of forest would also assist with separation from residential and should satisfy screening requirements.*
 - 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.
- 5) **Transportation System:** This site is located at the northwest corner of SE 149th Street, a Minor Arterial, and S Choctaw Road, a Major Arterial Street in the Rural Low LUTA. Transit (bus) service is not available.
- 6) **Other Development Related Policies**
 - Ensure that development in rural areas is consistent with local design and scale and does not detract from the open character of the landscape. (SU-45)
 - Support limited amounts of commercial (one to two acres per use) in rural areas appropriate to the needs of rural residents. Commercial uses in rural areas should be located in small clusters either on uninterrupted arterials or at freeway interchanges. (SU-46)

- Preserve overall landscape character and natural landforms (rolling hills, native vegetation, etc.) to the greatest extent possible. (G-4)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)

b. Plan Conformance Considerations

The proposal would allow commercial development at the northwest corner of SE 149th and S Choctaw Road. The comprehensive plan supports limited amounts of commercial in rural areas on uninterrupted arterial streets appropriate to the needs of rural residents and passersby. Plan conformance would be strengthened by specifying the Master Design Statement that a 100-foot setback from the north boundary of the PUD as indicated in the site plan, and that trees will be provided and trees will be preserved within the setback.

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. A 100-foot setback shall be provided along the northern boundary of the PUD and satisfy the screening requirement.
2. Healthy, mature trees shall be preserved in the northern and western setbacks.
3. The number of driveways on SE 149th Street shall be limited to one.

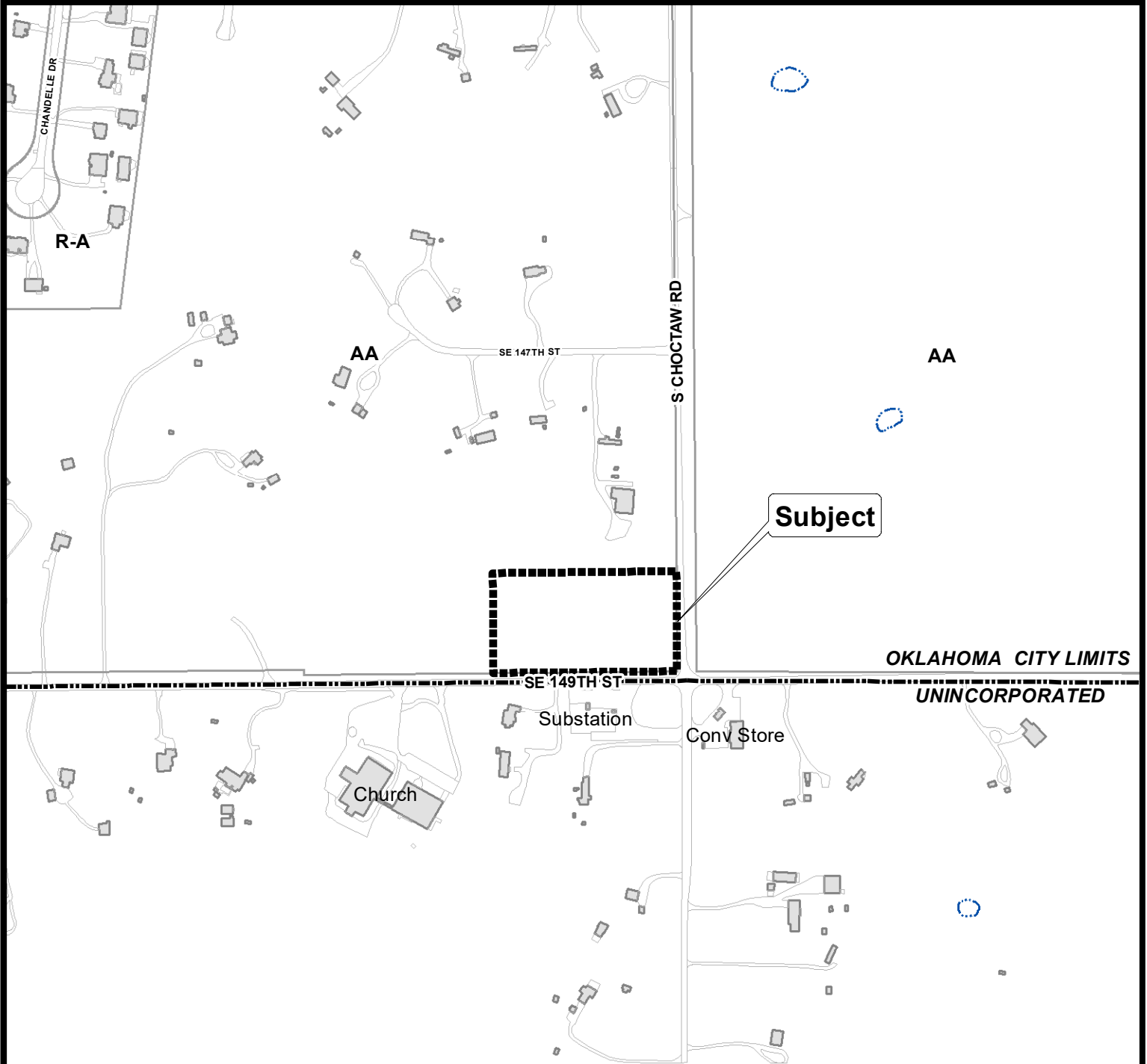
STAFF REPORT
The City of Oklahoma City
Planning Commission
May 26, 2022
PUD-1893

Item No. 19.

Should this application be approved, an additional 25-foot sight-triangle right-of-way should be requested at the NW corner of SE 149th St and S Choctaw Rd along with a 17-foot of additional easement along said section line roads to bring the right-of-way width to the standard set by the subdivision regulations.

cl

Case No: PUD-1893 Applicant: Jay and Katy Kreft and
Existing Zoning: AA Bradley and Belle Daverde
Location: 14901 SE 149th St.



The City of
OKLAHOMA CITY

Planned Unit Development



0 250 500
Feet

Chocław Rd

149th Street

BASIS OF BEARING
S89°22'41"W
SOUTH LINE
OF SE/4
LAST SITE VISIT:
5/17/21

ATTACHMENT 'A'



LEGEND

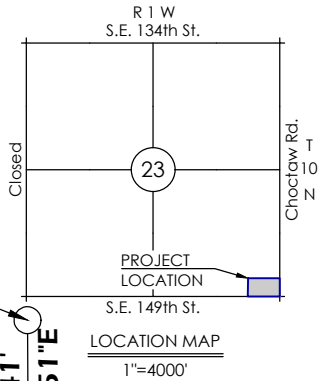
- SET MONUMENT
- FOUND MONUMENT (AS NOTED)

RIGHT-OF-WAY LINE

PROPERTY LINE

NOTE: ALL SET MONUMENTS EITHER 3/8" IRON PINS W/ CAPS STAMPED "CA973" OR MAG NAILS WITH ALUMINUM SHINERS STAMPED "CA973" UNLESS OTHERWISE NOTED

NORTHEAST CORNER
SE/4, SEC. 23, T10N, R1W, I.M.
FOUND 3/8" IRON PIN



PILOT'S HAVEN THIRD ADDITION

LOT 26 LOT 27

FOUND 3/8" IRON PIN
"DESIGN CA1020"
N89°22'41"E 664.60'

SUBJECT TRACT
252,697 SQ FT
5.80 ACRES

N00°14'37"W 380.00'

33' STATUTORY R/W

33' STATUTORY R/W

2226.41' N00°21'51"E
SECTION LINE CHOCTAW RD.

1998.90'
S89°22'41"W
SOUTHWEST CORNER
SE/4, SEC. 23, T10N, R1W, I.M.
FOUND 3/8" IRON PIN

S89°22'41"W 665.40'
S.E. 149th ST. SECTION LINE
POINT OF BEGINNING
SOUTHEAST CORNER
SE/4, SEC. 23, T10N, R1W, I.M.
FOUND 3/8" IRON PIN

FOUND 1/2" IRON PIN
4.90' - S20°49'07"W

Legal Description

A tract of land situate within the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section Twenty-three (23), Township Ten North (T10N), Range One West (R1W) of the Indian Meridian (I.M.), Cleveland County, Oklahoma, being more particularly described by metes and bounds as follows:

BEGINNING at Southeast corner of said SE/4; thence
S 89° 22' 41" W along the South line of said SE/4 (being the basis of bearing for this description)
a distance of 665.40 feet; thence
N 00° 14' 37" W a distance of 380.00 feet; thence
N 89° 22' 41" E a distance of 664.60 feet to a point on the East line of said SE/4; thence
S 00° 21' 51" E along said line a distance of 380.00 feet to the POINT OF BEGINNING.

Said tract contains 252,697 Sq. Ft. or 5.80 Acres, more or less.

The foregoing legal descriptions were prepared by Denver Winchester, PLS 1952 on October 7, 2020.
This plat of survey meets or exceeds the minimum standards for the practice of land surveying as adopted by
the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors



BOUNDARY SURVEY



Crafton Tull

SURVEYING
300 Pointe Parkway Blvd
Yukon, OK 73099

405.787.6270 f 405.787.6276 f
www.craftontull.com
CA 973 (PE/LS) Expires 6/30/2022

A PART OF THE SE/4 SE/4 OF
SECTION 23, T10N, R1W, I.M.
CLEVELAND COUNTY, OK

REVISIONS

DRAWN BY: PL

FIELD QA/QC: PL

PROJECT #21608300

SCALE: 1" = 150'

CREW CHIEF: RW

DWG QA/QC: DW

DATE: 6/24/2021

SHEET 1 OF 1

Case No: PUD-1893 Applicant: David M. Box on behalf of applicant
Existing Zoning: AA
Location: 14901 SE 149th St.



Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Planned Unit Development



0 250 500
Feet