

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.)

5. (SPUD-1410) Application by Britton 80 LLC., to rezone 8401 North I-35 Service Road from the PUD-499 District to the SPUD-1410 Simplified Planned Unit Development District. Ward 7.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL.

MOVED BY CLAIR, SECONDED BY GOVIN

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. 5.

(SPUD-1410) Application by Britton 80 LLC., to rezone 8401 North I-35 Service Road from the PUD-499 District to the SPUD-1410 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 is a new application.

C. Reason for Request

This application is to permit industrial 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.

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.

Multifamily is also appropriate when integrated as part of a holistic development that incorporates the aforementioned uses. Land uses such as single-family residential, service-related retail, K-12 schools or other civic uses, unless proven to support the primary activity or use, are not appropriate within this area.

2. Size of Site: 4.7 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	PUD-771	PUD-771	C-HC	PUD-771	PUD-771
Land Use	Billboard	Undeveloped	Commercial	Industrial	Commercial

4. Development Context: The subject site is located on the west side of the N Interstate 35 Service Road, between E Britton Road and E Wilshire Boulevard. The site is currently vacant after previously serving as a patio and fireside sales location under PUD-499. The subject site is surrounded on the north, south, and west by PUD-771 which allows for a manufacturing/warehousing/distribution complex and ancillary uses. North and southwest of the site are developed with warehouses. To the west of the subject site is undeveloped. The SPUD proposes an I-1 light industrial base with the added uses to allow wholesaling, storage and distribution, and outdoor storage and display.

II. SUMMARY OF PUD APPLICATION

1. This site will be developed in accordance with the regulation of the **I-1 Light Industrial District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

In addition to the uses permitted by the I-1 district, the following uses shall also be permitted:

Outdoor Sales and Display, and Outdoor Storage (8300.54)

Wholesaling, Storage and Distribution: General (8350.16)

2. **Maximum Building Height:**

The base zoning district regulations shall regulate heights of structures within this SPUD.

3. **Maximum Building Size:**

The base zoning district regulations shall regulate the size of structures within this SPUD.

4. **Maximum Number of Buildings:**

There will be a maximum of one (1) building within this SPUD.

5. Building Setback Lines

The base zoning district regulations shall regulate the building setback line within this SPUD.

6. Sight-proof Screening:

The base zoning district regulations shall regulate the screening requirements within this SPUD.

All outdoor storage areas shall be located behind the building and screened.

All truck bays/loading docks and service areas shall be located on the rear (west) side of site.

7. Landscaping:

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

8. Signs:

8.1 Free standing accessory signs

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

8.2 Attached signs

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

8.3 Non-Accessory Signs

Non-Accessory signs / billboards shall be prohibited.

8.4 Electronic Message Display signs

Electronic Message Display signs will be in accordance with the base zoning district regulations.

9. Access:

There are two (2) access points from the I-35 service road.

I. Other Development Regulations:

1. Architecture:

Architectural regulations shall be in accordance with the base zoning district.

2. Open Space:

N/A

3. Street Improvements:

N/A

4. Site Lighting:

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

5. Dumpsters:

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

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

6. Parking:

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

7. Maintenance:

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

8. Drainage:

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

II. 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) 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

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. All wastewater mains must have a minimum cover of six (6) feet and a depth no greater than eighteen (18) feet.
- 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) Proposed wastewater main(s) must be located in a twenty (20) foot wide easement. All existing unused wastewater services must be abandoned at the wastewater main.

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability

- 1) An existing 12” 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) The developer will be required to extend a minimum 16-inch water main (or larger as recommended by the approved current water master plan) along section line streets and will be required to extend the water system to each lot or site within the subdivision or land improvements in accordance with City Standard Specifications and the current Subdivision Regulations.
- 3) 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.
- 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) 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.
- 6) All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 7) 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.
- 8) All domestic and fire suppression services must have separate water service connections.
- 9) A 12” extension is required along Service Rd and connection to existing system.

9. Planning

a. Comprehensive Plan Considerations

The subject site is within the Urban Low Intensity LUTA (UL) and within an area where the 'Employment' layer applies. Policies for both 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)

National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available.

Location:

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

The subject site is located along the N I-35 Service Road.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The SPUD regulations could allow for a FAR within this 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)
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points. (UL)
- Provide vehicular connectivity between adjacent developments. (UL)
- Development is encouraged to be designed to accommodate future development's access needs, including partial connector construction, where appropriate. (EM)

The SPUD proposes two access points from the I-35 Service Road. The site is located near similar uses that have shared access and a circulation system designed for large trucks.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development. (UL & EM)
- Within parking lots, provide pedestrian access ways separated from vehicle aisles. (UL)

The SPUD is silent on sidewalks and would not be required per Code.

- 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 other similar industrial uses, no potential compatibility issues are identified by the comprehensive plan.
- 3) **Service Efficiency:**
 - Water: *Close to Service or Served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Service Level*
- 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. *planokc originally identified upland forest on the subject site. At the time of review, it appeared the site had been cleared.*
 - 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 off the N I-35 Service Rd, a Minor Arterial Street in the Urban Low LUTA. The nearest transit (bus) service is located to the southwest along NE 63rd St.
- 6) **Other Development Related Policies**
 - 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)
 - 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 is located along the I-35 Corridor between E Britton Road and E Wilshire Boulevard (previously Statuary World). The site is zoned PUD-771 which allows light industrial uses. SPUD proposes an I-1 light industrial base with the added uses to allow wholesaling, storage and distribution, and outdoor storage and display. All outdoor storage areas would be located behind a buildings and garage bays will not face east toward the highway. The SPUD is consistent with the comprehensive plan's Employment Layer and the surrounding development.

IV. STAFF RECOMMENDATION

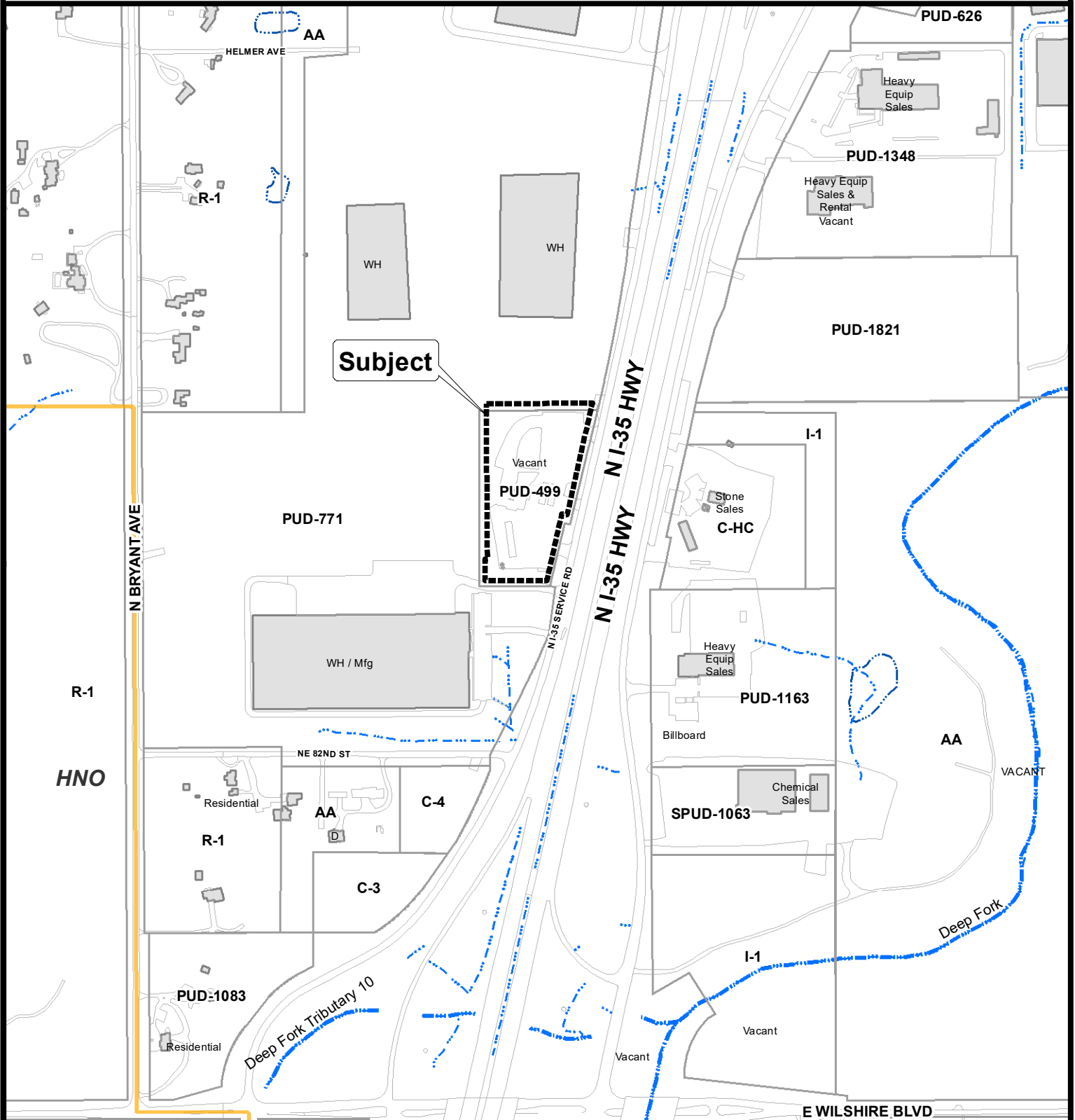
Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning 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.

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.

cl

Case No: SPUD-1410
Applicant: Britton 80, LLC
Existing Zoning: PUD-499
Location: 8401 N I-35 Service Rd.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



0 250 500 Feet



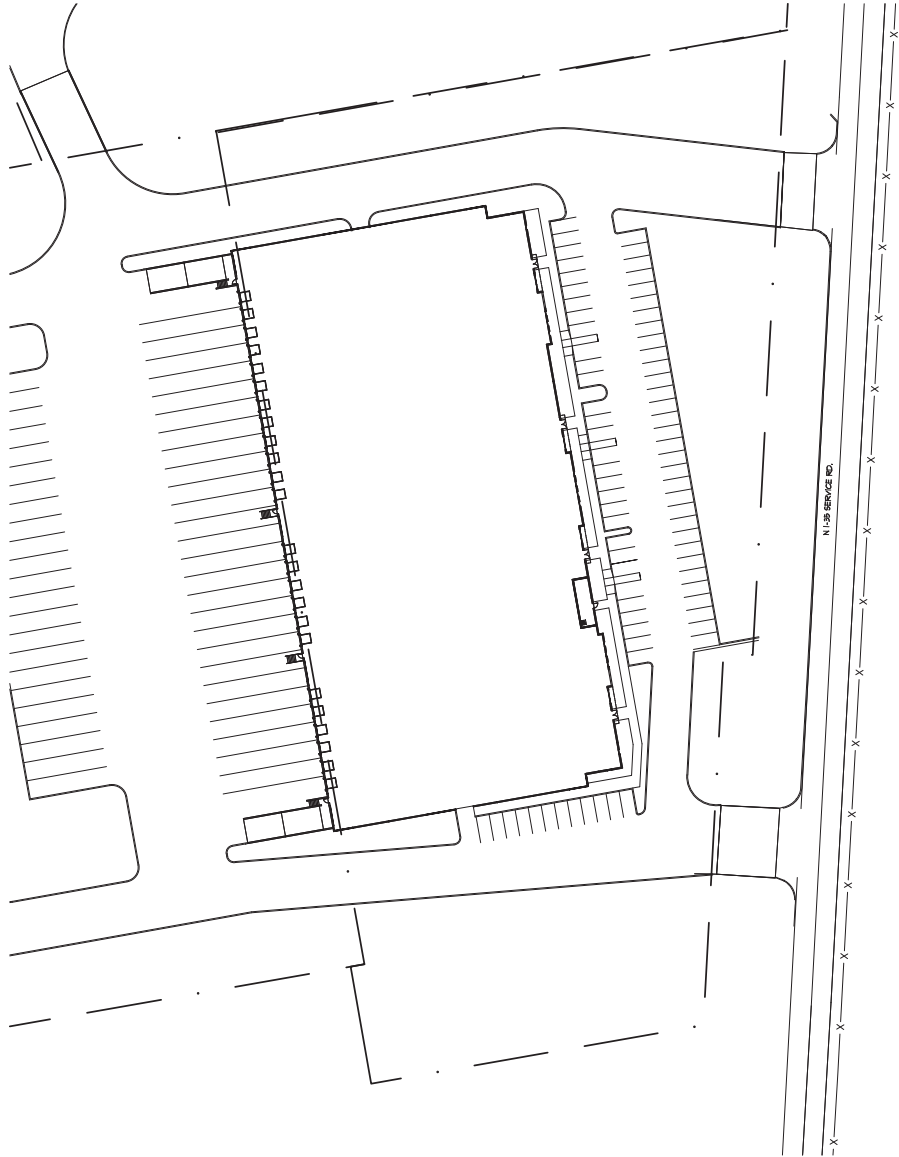
Pascal Aughtry & Associates, PC
405.463.1349
Fax 405.463.3401
101 East Lincoln
Oklahoma City, OK 73104
pascal@pa.com



GARDNER - TANENBAUM HOLDINGS
1-35 & BRITTON RD.
DISTRIBUTION CENTER
OKLAHOMA CITY, OK

Revisions:	
No.	Date

Project No.	
Date	
Sheet No.	SP-2



PROPOSED SITE PLAN
SCALE 1" = 40'-0"
4-5-22
PROJECT NORTH

Case No: SPUD-1410

Applicant: David M. Box on behalf of applicant

Existing Zoning: PUD-499

Location: 8401 N I-35 Service Rd.



Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



0 250 500
Feet