

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.)

1. (PC-10817) Application by South Prospect, LLC, to rezone 1513 SE 39th Street from the C-3 Community Commercial District to the I-2 Moderate Industrial District. Ward 4.

RECOMMENDED APPROVAL.

MOVED BY PRIVETT, SECONDED BY HINKLE

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

ABSENT: FRALEY, PENNINGTON, LAFORGE



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

Item No. IV. 1.

(PC-10817) Application by South Prospect, LLC, to rezone 1513 SE 39th Street from the C-3 Community Commercial District to the I-2 Moderate Industrial District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

Paul Lefebvre
Williams, Box, Forshee and Bullard, P.C.
(405) 516-6934
lefevre@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to change the existing commercial based zoning to a industrial based zoning that will permit industrial development.

D. Existing Conditions

1. Size of Site (0.49 acre)

2. Zoning and Land Use

| | Subject Site | North | East | South | West |
|-----------------|---------------------|--------------|--------------------|--------------------|--------------------|
| Zoning | C-3 | C-3 | I-2 | I-2 | I-2 |
| Land Use | Outdoor Storage | Motel | Office / Warehouse | Office / Warehouse | Office / Warehouse |

3. Comprehensive Plan Land Use Typology Area: Urban – Low Intensity (UL)

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

Comprehensive Plan Land Use Typology Layer: Heavy Industrial (HI)

The HI layer is intended to accommodate industrial uses that are difficult to integrate with less intense uses due to negative impacts from heavy traffic, noise, or odors.

This designation simultaneously concentrates heavy industrial users away from existing or future neighborhoods while preserving prime land that has attributes crucial to industrial businesses, such as proximity to highway and rail access. Small-scale industrial, office, or commercial development may be appropriate provided that it supports or buffers industrial uses and does not restrict future industrial development by fragmenting parcels.

- 4. Development Context:** The subject site is located on the north side of SE 39th Street, east of the South I-35 Service Road (S Prospect Ave) within an area where the comprehensive plan applies the Heavy Industrial Land Use Typology Layer (HI). The site is zoned C-3 and is used for outdoor storage. Land to the east, south, and west is developed with office and heavy industrial uses under the I-2 District. Adjacent on the north is a hotel within the C-3 District. The application seeks to rezone the subject site from C-3 to the I-2 District.

II. REVIEW COMMENTS

This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk indicates that the agency, department, and/or division responded with no adverse comments.

A. Outside Agencies

- 1. Oklahoma City-County Health Department (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Water Resources Board (OWRB)**
- 5. School District (Oklahoma City)**
- 6. Oklahoma Department of Transportation (ODOT)**
- 7. Oklahoma Natural Gas (ONG)**
- 8. Oklahoma Electric Cooperative (OEC)**

B. City Departments

- 1. Airports**

- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire**
- 4. Information Technology/Geographic Support**
- 5. Parks and Recreation**
- 6. Police**
- 7. Public Works**

a. Engineering

Storm Sewer Availability

- 1) The Public Works Drainage Division staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to chapter 16 of the Oklahoma City Municipal Code.
- 2) Storm sewers in accordance with the City's Drainage Ordinance will be required. Development abutting section line roads with drainage flows that exceed the capacity of OKC standard ditch detail (D-100) will necessitate the installation of enclosed storm sewer and/or concrete channel. These improvements shall be placed to provide a minimum of 35' clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way.
- 3) A flood and/or drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.
- 4) Flood Study will be required to show no rise in FEMA Q 100 and the City of Oklahoma City Q 100 water surface elevation, compared pre-and post-development.
- 5) 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.

- 6) 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.
- 7) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 8) Construction within the limits of this PC 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.
- 9) Sidewalks 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.
- 10) All private roads /streets will have private storm sewer systems.
- 11) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

8. Streets, Traffic and Drainage Maintenance

9. Stormwater Quality Management

10. Traffic Management

11. Utilities

a. Engineering

Wastewater Availability

- 1) An existing 12" 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 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) Proposed wastewater main(s) must be located in a twenty (20) foot wide easement. No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement. All existing unused wastewater services must be abandoned at the wastewater main.

b. Solid Waste Management

c. Water/Wastewater Quality

Water Availability

- 1) An existing 8" 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 water mains and five (5) foot for other crossings. Minimum two (2) foot vertical separation required for all crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 3) Dead-end water mains must be avoided where applicable. All existing unnecessary water services must be abandoned at the water main.
- 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 and/or right-of-way. No trees, signs, dumpsters, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 6) 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 sidewalk, street, and/or paving).
- 7) All domestic and fire suppression services must have separate water service connections. Fire hydrants maximum spacing is 500 foot and must be located within 10 foot of a hard surface (i.e. sidewalks, driveways, streets, and/or paving).

12. 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. Public water and sewer are available.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The proposed I-2 District regulations could allow development within this range.*

Automobile Connectivity:

- Primary entrance points should be aligned with access points immediately across the street.
- Provide vehicular connectivity between adjacent developments.
- Horizontally mixed-use developments should have connectivity between land uses.

The site currently has one unimproved access point along SE 39th St. At this location SE 39th Street is designated as an industrial street and serves industrial uses.

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 not present on the subject site. Sidewalk requirements would be per Code and cannot be stipulated in a base zoning request.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating the I-2 District adjacent to an existing hotel, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if setbacks are significantly deeper or more shallow than the predominant character of adjacent development; the building’s orientation to the street differs from the predominant character of adjacent development; building size or street frontage dramatically differs from that of adjacent uses, the lot coverage (including buildings and paved areas) dramatically exceeds that of adjacent uses, or if buildings within 40 ft. of a single-family residential structure exceed a 3:1 ratio in height. *No triggers requiring mitigation were identified.*

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 I-2 District would allow manufacturing and other uses that permit outdoor work and outdoor storage and could have operational impacts near a hotel. Mitigation measures beyond code requirements cannot be stipulated in a base zoning request. The proposed I-2 District is consistent with other surrounding uses and the Heavy Industrial Land Use Typology Layer.*

- 3) **Service Efficiency:**
- Water: *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: N/A
 - Vulnerable aquifers: The aquifer in this area is considered moderately vulnerable to depletion. The comprehensive plan recommends preserving natural open spaces and utilizing low impact development techniques whenever possible in new developments in order to maintain water quality and allow for the infiltration of stormwater onsite.
- 5) **Transportation System:** This site is located off SE 39th Street, an Industrial Street within the Urban Low and Heavy Industrial LUTAs. The nearest transit (bus) service is located to the south along SE 44th Street. Access to the trail system is available to the north along the S Grand Blvd Trail.
- 6) **Other Development Related Policies**
- Encourage the integration and mixing of land uses in urban areas. (SU-1)
 - Encourage the integration of different land uses in urban areas [by preventing] large areas of concentration of any particular land use such as multi-family or commercial. (SU-2)
 - Avoid placing heavy industrial uses on borders of industrial areas to avoid conflicts with adjacent development. (SU-35)
 - 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)
 - 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)

b. Plan Conformance Considerations

The subject site is located on the north side of SE 39th Street, east of the South I-35 Service Road (S Prospect Ave). The site is zoned C-3 and used for outdoor storage. The comprehensive plan designates the subject site and the area east of I-35 between S Grand Blvd and SE 44th Street as “Heavy Industrial”. The proposed I-2 District is consistent with this designation and the zoning along SE 39th Street.

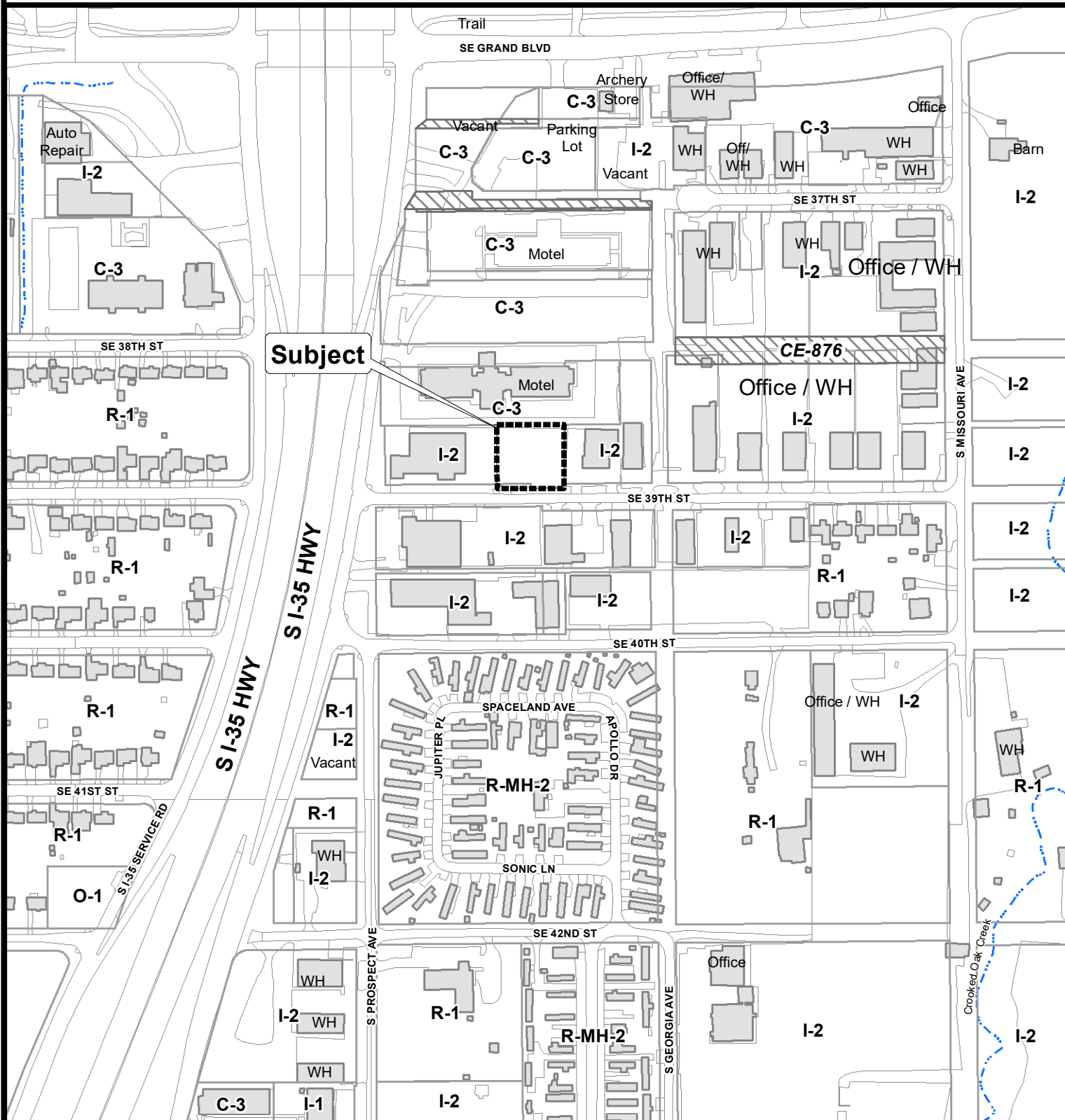
IV. STAFF RECOMMENDATION

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.

taj

Case No: PC-10817 Applicant: South Prospect, LLC
Existing Zoning: C-3 Proposed zoning: I-2
Location: 1513 SE 39th St.



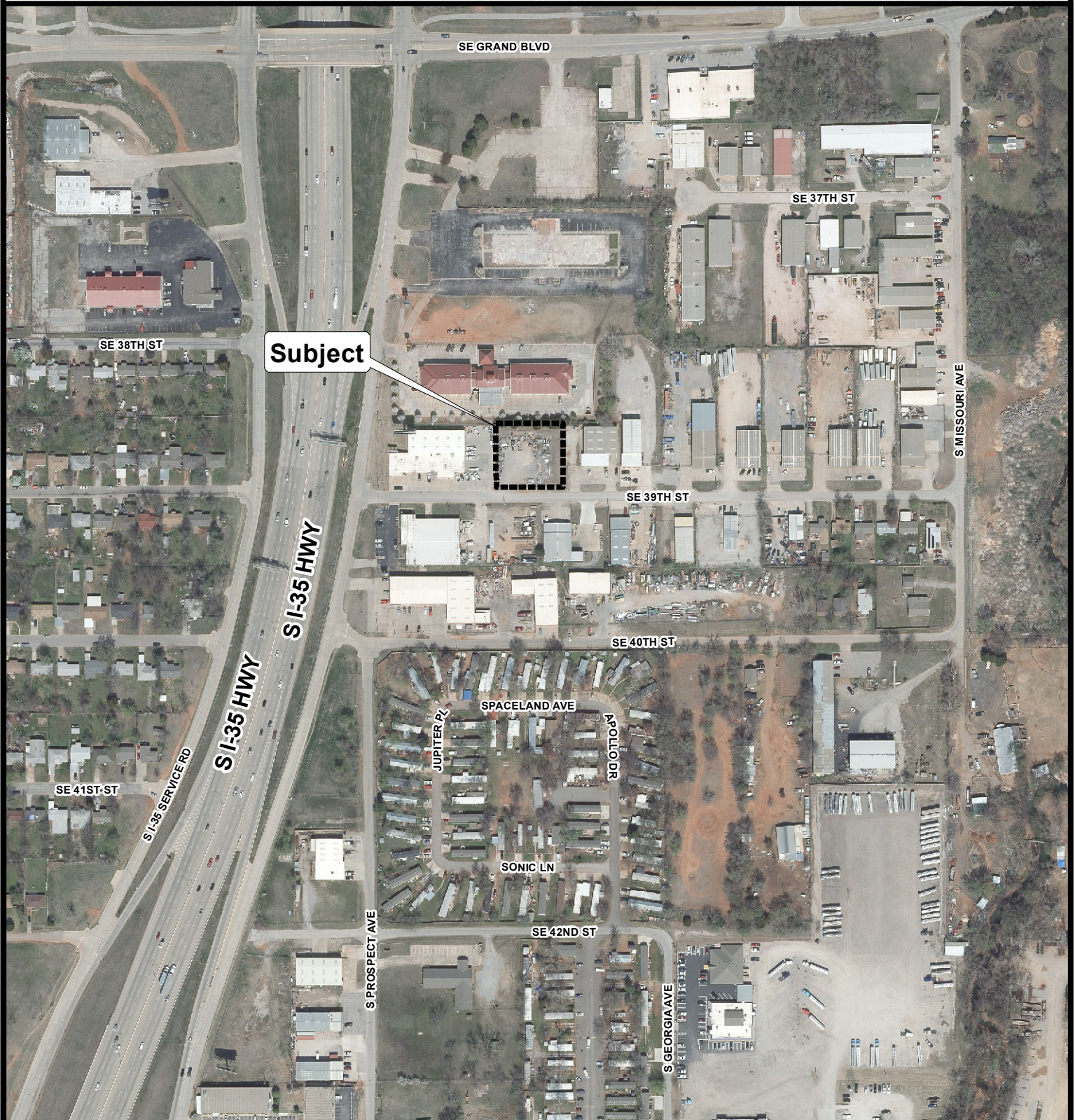
The City of
OKLAHOMA CITY

Rezoning Application



0 150 300 Feet

Case No: PC-10817 Applicant: Paul Lefebvre and John Michael Williams on behalf of the applicant
Existing Zoning: C-3 Proposed zoning: I-2
Location: 1513 SE 39th St.



Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Rezoning Application



0 150 300 Feet