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PLANNING DEPARTMENT

STAFF REPORT

The City of Oklahoma City

Planning Commission Item No. IV. 12. September 8, 2022

(SPUD-1440) Application by Court of Owls, LLC., to rezone 1140 SW 149th Street from the AA Agricultural District to the SPUD-1440 Simplified Planned Unit Development District. Ward 5.

I. GENERAL INFORMATION A. Contacts

1. Applicant/Developer Representative

Name Phone Email

B. Case History

Jonathan Vanover 405-662-9776 juhop@yahoo.com

This is a new application.

C. Reason for Request

This application is to permit a fitness center.

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: 5 acres

3. Zoning and Land Use

4. Development Context: The subject site is located along the south side of SW 149th Street between S Pennsylvania Avenue and S Western Avenue. A tributary of the Canadian River runs just inside the eastern/southern boundary of the site, and the floodway and 100-year floodplain cover a significant portion of the site.

Subject Site

North

East

South

West

Zoning

AA

AA/R-A

AA

AA

AA

Land Use

Undeveloped

Residential

Oil Tanks

Undeveloped

Residential

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Adjacent on the west is a residence, and across SW 149th Street to the north and oriented toward the subject site are single-family residences. To the east are oil storage tanks. Across the creek to the south and southeast are the Featherstone/ Wildflower neighborhoods. The SPUD proposes a fitness center development with a C-1 base.

CONCERNS: No where mentioned here are the houses directly across the street located north and west surrounding houses that are not a part of the Featherstone/ Wildflower neighborhoods that will be gravely affected and literally be out of the some of the neighbors home windows and will affect ALL of our day to day lives with increased traffic in an already highly traveled area as mentioned later in this report by the Staff.

II. SUMMARY OF PUD APPLICATION

This site will be developed in accordance with the regulation of the C-1 Neighborhood Commercial District (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

- 1. In addition to the allowed base zoning use(s) the following additional use(s) will be permitted on this site:**
8300.55 Participant Recreation and Entertainment: Indoor

CONCERNS: As stated on the staff report quoted, "It was unclear at the time of review if the site could be developed as indicated in the conceptual plan due to sewer line running through the center of the site (north of the creek)."

QUESTIONS: Is this really the BEST location for a participant recreation and entertainment facility? That's a pretty BIG if in our city's own words above in the staff report and a couple other places listed as well, specifically dealing with one of the few let aquifers in the area as mentioned in our cities' own staff report that is considered highly vulnerable to depletion, traffic, signage, adjacent filled oil tanks (that need to be looked more into prior to wanting to build a facility such as this and safety proposing that many people being that close to them) and more listed throughout this report. Much less, even if it "could," is it the safest and best possible location for a facility like this and something our city management is willing to bet on take responsibility for allowing and recommending for this area?

When reading over this Staff Report there are multiple and very serious concerns. More than just a couple of basic issues.

Does the Comittee realize in the Staff Report it uses words such as, "dramatically exceeds or differs" and is conflict between major land use categories and identifies at least 3 areas the proposed use adjacent to what is existing?

2. Maximum Building Height: 35FT

QUESTIONS: IF you can even re-route the flood plains and have to build up the area, how tall does it actually make the finalized height with the building and land? How does that affect surrounding and nearby homes with new flood plains, lighting, traffic, and design being this is a neighborhood area that is suggesting to be developed, not close to S. Western, where it would make sense? This is almost in the middle of SW 149th Street.

3. Maximum Building Size: 41,000 S.F.

CONCERNS: That is a VERY large facility. Is there even enough room on this suspect site to develop this type of facility with major concerns like: the 100 year and 25 year flood zones, multiple surrounding homes, tree conservation concerns listed in this staff report, multiple traffic, signage and emergency safety issues, plus the adjacent tanks (filled with what; creating possibly even more multiple hazardous issues not even listed or known about on here that could be of real concern when trying to excavate

the land to prep for building like moving flood plains, during the actual building process itself and upon completion, and not to mention the additional 17 feet of right-of-way needed from this property, just to name a few.

4. Maximum Number of Buildings: 1

CONCERN: Being this has to deal with two owners of this project owning adjacent land, at no point can they increase the SPUD and/or live on the property being proposed to build on.

5. Building Setback Lines

Front Yard: 25 Rear Yard: 15 Side Yard: 15 Corner Side 15 Yard:

QUESTION: Does this take into account the additional 17 feet of right-of-way needed from this property requested along SW 149th Street to bring the right-of-way width to the standard set by the Subdivision Regulations?

6. Sight-proof Screening: Not required (There is 2.9 Acres of open space flood zone that separates from abutting residential property)

QUESTION: What happens if the intentions stated on their proposed plans, as stated multiple times in this staff report, don't line up with the comprehensive report?

In addition, as stated in the Staff Report, "If non-residential uses are approved at this location, plan conformance would be strengthened by establishing a 100-foot setback from the stream bank and placing parking behind the building, which may assist with developing the site around the sewer line."

Is this even possible and how would it effect this recommendation from the city with the additional 17 feet of right-of-way requested along SW 149th Street to bring the right-of-way width to the standard set by the Subdivision Regulations?

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

QUESTION: What does this look like and how does it blend with the City's Staff Report recommendation of, "...preserving mature and healthy trees and incorporating them into the design of new development or redevelopment projects to the greatest extent?"

As well as it listed in this report, "Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or size-able individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features?

What constitutes mature trees, what constitutes a sizable individual tree, who is going to oversee this project in the city to make sure they follow these guidelines rather them just going and bulldozing right over all the land?

8. Signs:

8.1 Free standing accessory signs- MONUMENT SIGN

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

CONCERNS: More signs and various kinds than this will be needed in order to properly regulate, prepare, and protect the already highly populated trafficked in this area due to just the SW 149th community traffic and already commuting daily traffic to homes and nearby facilities in this surrounding area.

QUESTION: Does the city have the needed warning, yield, upcoming egress and regress signs in order to give our neighborhood community and the already commuting traffic in the area the proper notification of what is coming up on them in their budget in order to keep our community safe?

And is the city willing to make sure the proper signage is in place prior to this project and/or its completion being the location of it around a nearby hill with faster speed limits in this area and the amount of traffic traveled on it daily?

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8.3 Non-Accessory Signs - Non-Accessory signs shall be prohibited.

8.4 Electronic Message Display signs- Electronic Message Display signs shall be prohibited.

9. Access: Access may be taken from up to two drives from SW 149 Street.

QUESTION: How does this take into account the additional 17 feet of right-of-way needed from this property requested along SW 149th Street to bring the right-of-way width to the standard set by the Subdivision Regulations?

Do they or will the effect the other or have any influence on the other happening and if so, how does that go back to #6 above

10. Sidewalks: Sidewalks shall be required along the arterial street Ave., pursuant to Public Works requirements. Said sidewalk shall be a minimum of 5 feet wide or 6 feet wide if placed abutting the street curb.

QUESTION: Where are these “required” sidewalks going to attach to being the properties to the north, south, and west all around are homes and private properties and WILL NOT be commercial any time in the near future if at all? And huge oil tanks reside to the east?

Are there any lines for those oil tanks running underneath the property that could affect the placement of these required sidewalks?

IF this street is to be widened to a four-lane road, will you require them to place these back now to prepare for the expansion so the city does not have to reimburse them later to do this now?

And how does that affect their proposed placement of the project, the flood plain, the parking, the egress and regress, and will the additional 17-feet of right-of-way needed stated in this report need to be taken into this measurement and placement of such said sidewalks?

Then, how is this requirement affected in contingency with where the parking is located, the building is located, flood plains moved, sewer line moved if need or even possible at all, electrical moved if needed and even possible, and the additional 17-feet of right-of-way needed stated in this report?

And is there enough room with all of these updates to an expanded road and a moved flood plain, parking lot, and all of the proposed project's details with the proposed plans, site intentions and usage of this property and project?

Thus concluding, is all of this even possible or does this raise many other concerns to the City?

CONCERNS & OBJECTIONS: We want it noted that we don't want loitering encouraged on our personal properties with this "random" sidewalk as this is NOT a commercial area and will not be any time in the near future if ever! The adjacent lands are private properties and again, oil tanks that people shouldn't be "loitering around" if hanging out near at all.

III. Other Development Regulations:

- 1. Architecture:** Exterior building wall finish on all main structures (excluding the accessory structures), exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock, concrete board, stucco or stone masonry. No more than 30% EIFs, wood or architectural metal shall be permitted. Architectural regulations do not apply to accessory structures

QUESTION: Who is going to make sure this is enforced, followed through, checked off, and actually done throughout the project and upon completion and if not done, what are the consequences or plans if it's not done correctly or they run out of money due to all of these other MAJOR issues of the flood plain, sewer, electric lines running on the property and more, according to your development regulations?

CONCERNS: As 75% of the "known" owners/investors/directors on this project have given their word to many of us neighbors on other builds, this build, or their "intentions" and have NOT followed through on any of them. And the ONLY time they have done anything to their own, personal property is the day or two after this last meeting here and the day or two after our neighbor meeting about it in case any of you were to drive by like I suggested in our last meeting here. But NEVER any other time have they put forth such effort to "clean up" their place or follow through on their own given words. ONLY after multiple concerns were stated to them, multiple times about how their own property was lacking being kept up and what they promised to build as their "own" house to the neighbors with statements given to them that have not lined up with their actual follow through and have been thus far full "empty promises" or "said they would

this or that prior to..." have they done anything to even try to make things "look" better and take care of their "current" projects.

FOLLOW-UP QUESTIONS: IF they can't follow through and take care of their "own" personal land/homes as mentioned above and complete them as stated and shown pictures to our neighbors in the past of what they were going to do, then HOW in the world are they going to take on and actually COMPLETE a project of this magnitude with MULTIPLE concerns, difficulties, and unknowns to this project and incongruencies?

CONCERNS: They have not shown they can even follow through with their own given word. Mr. Jonathan Vanover told a group of us they would spend the money to get an architect work on images and graphics to show us what it will look like prior to any vote.

It's even stated MULTIPLE times in this report how their "intentions" DO NOT line up with the comprehensive plan and the City's requirements. Bringing us to question, how is the City going to handle this and take care of it when it happens? Do you have the time, manpower to afford to this project with so much attention to detail being needed and they prospected project owners have shown no initiation they will do what they say.

QUESTION: So, how are ALL of the City Requirements with ALL of these red flags and MAJOR issues when it's highly detoured to not build on a flood plain going to be handled appropriately, effectively and efficiently?

CONCERNS: In addition, last time Mr. Vanover telling you, as a committee, that it wasn't "his" property that already brought neighbors grave concern, insinuating and even saying the two aren't connected, BUT the truth is, they are. The owner of that property is 25% owner of this proposed project that we KNOW of from what Mr. Vanover told us, with another 25% owner not doing anything he said he was going to build yet (he hasn't even started a "proposed" build he showed the neighbors years ago now for his own personal property, and with Mr. Jonathon Vanover, a third 25% owner, making his own deceiving statement to all of you, the committee, wanting you to think that property we were talking about last time has NOTHING to

do with this project in any way when it does, because the owner of that property is his twin brother and has 25% ownership in this one from what we were told by Mr. Vanover at our neighbor meeting discussing only some of these issues. It was over shortly after Mr. Vanover lied and said he would never committed to spending the thousands of dollars to hire an architect to show us, as his neighbors their plans and what it will look like. Prior to any vote, they need to spend the money and the city, as well as us, the neighbors need a chance to be able to look over the details of the proposed project and be able to ask questions and address concerns. Currently, there are WAY too many to be able to know where to start. This project is no where close to being able to go before a vote with the City's confidence behind them that they even do what they are proposing.,

OVERALL PROBLEM: Multiple inconsistencies with their intentions and plans they have submitted and lack of plans submitted.

2. Open Space: 2.3 ACRES INSIDE FLOODPLAIN

MAJOR CONCERNS: It's inside a floodplain!

3. Street Improvements: NA

QUESTIONS: How is this NA when it is noted in Staff Report that, "...an additional 17 feet of right-of-way should be requested along SW 149th Street to bring the right-of-way width to the standard set by the Subdivision Regulations"?

It is mentioned here that road improvements are not applicable, but what about if the flood plain is manipulated, which is ONLY one way of MANY major concerns this project can even be considered, how is that going to effect the overall street safety and overall wear and tear of the already, current, highly traveled street?

Has the City done a traffic count of how many cars already travel SW 149th between S. Western and S. Pennsylvania Avenues and are they aware of how it already gets really backed up multiple times a day taking long periods of time just to pass this one mile of road?

What is the City's recommendation to help with this already busy area and what is it going to do about it?

Is this property going to give this right of way up?

And if not, what is the City's plan or proposal to fix this or remedy this situation?

We would like to see the transportation plan for the improvements needed for this street to host the proposed project and building process.

When are these transportation plans, such as, but not limited to a 4-lane road, going to be made?

Are they on the construction schedule? If so, please detail what is and when?

What traffic improvements are going to be made to protect the citizens in this area and at the new, unexpected intersections, signage to reflect, caution lights coming up over and down a hill, going to have with what signage, signalization, yield signs, caution signals and new notifications to the residents who travel this street all the time to signal them in enough time that are not expecting all of this or even a regress/egress coming up on traffic safety devices to keep us safe?

And then how does that affect neighboring private properties?

What is the City's plan for emergency vehicles to get up and down it when the street is so backed up we can't even already pull out of our own driveways because it's back to front cars without this proposed project cluttering the already high-trafficked area up even more?

CONCERNS: Thus, all of this above, creating major concerns for emergency vehicles being able to get up and down the street, especially it being a proposed "gym facility" with emergency vehicles being of HIGH importance to get to and from the proposed project efficiently and effectively, which could mean life or death in a situation like this! Plus, there are multiple safety concerns for the citizens of the location of this project in regards to the traffic and signage of the road with proper improvements needing done in order to support a project like this.

- 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.

CONCERNS: This is where we live. This is not a commercialized area or site to be developed as such nor will it be at this location. As stated in the Staff Report there is a disconnect as to what they want to build to what is already there. So the lighting output, direction of lighting, color of lighting and timing on lights would matter greatly, even more so than what Casey's up at the corner being that's almost third to half way down the street. These lights would be in front, behind, next to and around our homes and would interfere with our daily lives in a manner that should not be permitted.

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. 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.

QUESTION: How many is that and is it even possible with all of these other factors listed in this report at the suggested back of the property with the 100 year and 25 year flood plain and floodway and our questions, concerns and objections taken into account all throughout this report?

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.

CONCERNS: Multiple upkeep and maintenance concerns.

OBJECTION: As per our previous concerns above about how one or more invested members/owners of this project care for adjacent properties they own, they show no consistency that they will be able to follow these rules long-term or upkeep the proposed project as stated above. Nor do they care until the City might come look at their property because it could affect and should carry weight on this decision as per their continual and past actions.

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

9. Other: None

III. Supporting Documents

- Exhibit A: Legal Description

CONCERN: With so many errors on the exact location of this proposed project, what is the exact location?

Last time, the Committee mentioned we should prepare for commercial because Western will be commercial, but is the Committee aware where the last address was given, was due east of the oil tanks, but the exact location is actually west a couple of acreages over, in the middle of our residential area off of SW 149th St between S. Western and S. Pennsylvania, not a commercialized area nor is it going to be anytime soon IF ever per even the indications from the Staff Report below?

There has been a HUGE discrepancy as to where this proposed project will take place at. Before I believe it was relayed closer to S. Western than the Committee actually realized. As noted in this report multiple times, it is not, it is closer to the middle of SW 149th in a residential and agriculture area, NOT commercial area at all, creating a conflict when suggesting if this is the right location for a project with conflicting issues like Building Scale and Site Design, Traffic and Operational Impact in addition to SERIOUS concerns with the floodway and flood plain, the riparian, the aquifer, the sewer line underneath running right through the middle of the proposed location and how all of this adds up to the exact location of this matters and what it affects.

And the proposed size of this project, being promoted is VASTLY different as to what is in this area and will be, as noted and pointed out in the Staff Report below as well.

- 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.**

QUESTION: Along with all of the other recommendations and multiple issues with the floodway and floodplain are the applicant's prepared, financially, to make and complete, as required by the City, this project because part of the owner's attached to this project, haven't been able to start or complete their own, personal homes even adjacent to the property as planned and have not been able to upkeep what they have already, thus creating grave concerns if they are able to take on a project from start to finish of this magnitude with this many variables from floodways, floodplains, sewer lines, associated water safety measures, to the surrounding areas when you start messing with things like this, riparians, tree conservation issues, traffic safety issues and more. As concerned residents, we, as well as this Staff Report have major concerns for this project, its impact in multiple areas and even questions if this is the right location for this project.

CONCERN: Dealing with a floodway and floodplain are serious business within themselves, not to mention the sewer line running right through the middle of the property, and gas lines as well running on the property with the proposed location next to HUGE oil wells, thus the Staff Report noting this project may not even be possible and the engineer's intended plans on the project not lining up with the comprehensive plan already, as stated multiple times in this Staff Report, and this project is **DRASTICALLY** different from the surrounding area of homes, not commercialized sites.

CONCERN: When dealing with

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)

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3. Fire

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1) Hydrants and access will be required at the building permit stage.

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 3' 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) A portion of subject property is situated within a F.E.M.A. Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year) frequency plus 1'.**

CONCERN: Those are MAJOR undertakings and concerns above with HUGE requirements... Is the City sure this is a good idea and one they want to back and be responsible for supporting at this time?

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The Public Works Department Engineering staff shall approve these elevations prior to the filing of the final plat.

- **6) A floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.**
- **7) A Corps of Engineers 404 permit must be submitted with plans for any work contemplated within the floodplain, creek, or channel (waters of the United States) included in the case limits.**
- **8) 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.

- . 9) 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.

10) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.

11) 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.

- . 12) 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.
- . 13) All private roads /streets will have private storm sewer systems.
- . 14) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

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15) Section II.8. Add the statement: All drainage design for this development shall be in accordance with the applicable requirements of chapter 16 of the Oklahoma City Municipal Code that are in effect at the time the plans are submitted for review.

c. Stormwater Quality Management

d. Traffic Management

1) Proposed street/driveways must meet the driveway separation requirements of the City of Oklahoma City Subdivision Regulations.

8. Utilities

QUESTION: Where is this sewer line in regards to the current plan?

What about in regards to the proposed modification and are there other public utilities on said property that could be affected if they have to move the site plan around to accomodate for that?

Is there room for those types of movement of these HUGE obstacles?

OG&E said they could move the lines for a cost, but what is that cost and are the proposed project holders prepared to incur that cost? And if not and they need to be moved to move ahead with comprehensive plan, what modifications are in place for them to move forward and still meet all other requirements listed in detail in this Staff Report and accommodate surrounding neighbors, neighborhoods and homes being, as this Staff Report, points out an area filled with homes, not commercial sites? Commercial sites would be appropriate and found closer to Western, on the east side of the oil tanks, not the west.

Engineering

Paving

Wastewater Availability

- 1) An existing 15" 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. No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 6) System will be considered private until connected to City Main.

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b.

c.

Solid Waste Management

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

QUESTION: How is this going to be enforced or made sure it's taken care of properly?

CONCERN: As stated before, more than one proposed/part owners, investors, and/or developers, have shown they have a problem with the up-keep of their own property and word on what they say they will do, especially with no accountability.

What systems will be set in place to make sure they are continuing to follow through and dispose of waste properly throughout this process?

Water/Wastewater Quality

Where are they going to tap into the city water line to provide service to this facility?

Could this cause any potential hazards or possibly contaminate our drinking, watering or showering water? These are VERY important safety issues.

Will the oil in these tanks next to the site of this build cause any potential harm or dangers, such as short-term or long-term?

Do any of these oil tanks have any possible buried, unseen or unaware pipes or lines that are hidden that the city could possibly be not aware of that could become nicked, cut or damaged during any part of this proposed project from moving floodways and floodplains to excavators, potentially causing possible

explosions or hitting a pipe somehow or causing a potential unnecessary danger to the surrounding home owners, subcontractors, worker or commuters?

Overall, are there any other potential safety issues to the workers, surrounding neighbors and homes and commuters with moving the flood plain and floodways, potential gas lines with OG&E if needed, building around the main sewer line running throughout the entire property, messing with the riparian, conservation of trees' process, and anything else not mentioned that could potentially cause a safety issue?

Would it be an issue if they accidentally hit one or something underground that could be detrimental to us as neighbors?

Is it a fire hazard and possibly bringing people on this site and doing demolition during building phases and sitting them right next to these tanks?

IF they were to hit one of these major lines and they leave and no one knows and the surrounding neighbors are the ones dealing with the hazard? What happens? What does the city suggest we do?

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) 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. 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.

QUESTION: What are the City's Engineer's recommendations on how to accomplish this and what are the Staff's recommendations?

- . 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 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.
- . 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. sidewalk, street, and/or paving).
- . 8) System will be considered private and will be master metered.

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9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

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Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways.

CONCERNS: It is not in line with the flood zone plan and that is a *critical issue* that needs to be *carefully* evaluated and addressed and what impact it is going to have on the area, surrounding areas and homes?

If you are modifying any flood zone there needs to be a city engineering report. So, has the city engineer reviewed the modifications to this flood zone? If so, what are his/her recommendations; what are staff recommendations to this flood zone?

How is that going to affect people getting insurance in the area and also within this area? Will it affect houses and neighbors or neighborhoods adjacent to the property?

OBJECTION: We would like an Engineering analysis of the impact for us to read, review and be able to ask questions about prior to any vote.

- Where possible, provide a continuous system of open space along stream corridors or other appropriate areas that link neighborhoods and park lands.

QUESTION: What are the City's Engineer's recommendations for this and what are the Staff's recommendations to the proposed project for this?

- Utilize Best Management Practices (BMP) for stormwater whenever possible.

What are the City's Engineer's recommendations for this and what are the Staff's recommendations to the proposed project for this?

- Developments should be served by urban water and sewer utility systems.

The eastern/southern boundary of the site is adjacent to a tributary of the Canadian River. Floodway and 100-year floodplain are present on the subject site. The conceptual plan indicates an intent to modify the floodplain and develop adjacent to the floodway, which is not consistent with the comprehensive plan. The development is required to comply with all City, State, and Federal requirements within the floodplain. Public water and sewer are available, and a sewer line runs through the center of the site, north of the creek.

Location:

CONCERNS: "The conceptual plan indicates an intent to modify the flood plain and develop adjacent to the floodway, which is not consistent with the comprehensive plan... a sewer line runs through the center of the site."

TWO MAJOR problems with that statement are of **GREAT CONCERN**, modifying a floodplain and should be taken **VERY SERIOUSLY** and a sewer line runs through the site which is stated later on in the report that the Staff is unsure if this proposed project is even possible. I do not believe we should be going on a guess-estimate and trial and error. All of this needs **GREAT-ATTENTION-TO-DETAIL** and time and research put in prior to **ANY** decision being made and or voted on with the City Engineer and appropriate party/ies being involved to give their recommendations and to hold the project accountable.

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

The subject site is located along SW 149th Street, an arterial street.

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 proposes a building up to 41,000 square feet for a FAR of 0.18.*

Automobile Connectivity:

- Limit number of dead-end streets and cul-de-sacs.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Primary entrance points should be aligned with access points immediately across the street.

The SPUD requests up to two drives from SW 149th Street. Drives should be at least 200 feet apart. The site abuts a single-family residence on the west, and stubs east and south are not possible due to the tributary of the Canadian River.

CONCERNS: “The site abuts a single-family residence on the west, and stubs east and south are not possible due to the tributary of the Canadian River...” Along with many other issues listed in this report, this limitation of where stubs can even be placed to mention the least, just adds to the multiple concerns and limitations of this proposed project.

OBJECTION: The Proposed Project Engineer, Mr. Morris, told us at our neighbor meeting, he would make the egress/regress one stub farthest from all of our homes on the far east side, only requesting one drive from SW 149th St.

Again, we are not against gyms or fitness facilities, but we do not believe this is the “right” location for this project with this issue in addition to MUCH greater issues with this proposed project?

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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 use adjacent to existing agricultural or residential uses, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan.

CONCERNS: “The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating the proposed use adjacent to existing agricultural or residential uses, ‘Building Scale and Site Design’, ‘Traffic’, and ‘Operational Impact’ are potential compatibility issues identified by the comprehensive plan.”

OBJECTIONS: Again, we are not against gyms or fitness facilities, but we do not believe this is the “right” location for this project due to obvious conflicts stated above between major land use categories such as, but not limited to: building scale and site design, traffic, and operational impact in addition to all of the other major concerns listed throughout this report from the 25 and 100 year flood plain, the preservation of trees issue, the limited aquifers’ issue, the additional right-of-way needed, sewer line running throughout, and where the proposed project is located, by oil tanks and homes on limited agricultural land and we are to be stewards of the land.

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. *The SPUD would allow a fitness center along SW 149th Street. The street frontage and lot coverage will differ from the surrounding residential uses. The conceptual plan shows parking placed in front of the commercial building. If approved, the building should be placed in front of the parking area, which would also serve to increase the separation between the building and the floodway and the existing 15" sewer line that runs through the center of the property.*

MAJOR CONCERNS: As outlined in the City's own, staff report, which aligned with ours, the concerned citizens' of our area have **MULTIPLE MAJOR CONCERNS**, but not limited to, as outlined above: "from mitigation measures on the comprehensive plan (that are not outlined here), the building's orientation to the street differs from the **PREDOMINANT CHARACTER** of adjacent development..., building size and 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 RATION IN HEIGHT**..., the street frontage and lot coverage will differ from the surrounding residential uses... the intended plan not lining up to where the actual building diagram/plan would actually need to be placed as addressed per this committee last time in person and noted here in the Staff Report.

QUESTION: Is that 3:1 ration in height referring to with or without the raised, modified flood plain for the proposed modification of the floodplain? If this **DOES NOT** include the raised land from the modified flood plain, imagine the proposed height?

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. *The subject site is located on an arterial street.*

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. *It was unknown what, if any, operational impacts would occur from the proposed use of a fitness center.*

Pedestrian Connectivity:

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

The SPUD requires sidewalks along SW 149th Street.

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3) Service Efficiency:

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- Water: *Served*
- Sewer: *Fully Served*
- Fire Service: *Urban Service Level*

4) Environmentally Sensitive Areas: The following apply to the proposed development site:

- **Riparian Areas:** Riparian areas are vegetated areas adjacent to streams, lakes, ponds, and wetlands that are composed of a mixture of trees, shrubs, and grasses. These areas may also contain floodplain. The comprehensive plan recommends a 100-foot buffer from stream banks. *Riparian area including a flowing tributary of the Canadian River, 25-year floodway, and 100-year floodplain is present along the southern boundary of the site. Plan conformance would be strengthened if the riparian area were undisturbed and development occurred at least 100 feet from the stream bank.*

QUESTION: Is this even possible with all of the other factors discussed here, above, and below taken into account?

What are the proposed drainage plans on this site that about a 25 year floodway and a 100 year flood plain?

How are you going to handle the drainage on the exiting site?

That is why we need to know exactly WHERE it is going to be built and WHY this address at hand has been such a big deal.

What is going to happen to all of the reptiles, mammals, endangered species and other vegetation living in this area that is disheveled, moved or displaced?

How will it affect surrounding homes, land, and agriculture?

Is the recommendation of the comprehensive plan of the 100ft buffer from stream banks addressed in the proposed projects' intended plan? If not, how will all of these things be addressed and what plans does the committee recommend to make sure all of these things are addressed in a manner that will not affect the surrounding homes and life?

Does the City have a Park Ranger or Specialist that could give recommendations on this proposed site area to suggest the least disruptive suggestions on

how to preserve the trees, riparian, and associated wildlife? If so, what is his/her recommendations?

What are the Staffs' recommendations?

CONCERNS: There are multiple environmentally sensitive areas.

- Upland Forests: N/A
- Vulnerable Aquifers: The aquifer in this area is considered highly 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.

QUESTIONS: How are low impact development techniques going to be enforced, suggested, and researched as to how they should go about preserving natural open spaces and utilizing low impact techniques?

What and which specific techniques should be used?

Has the City Engineer or associated and appropriate Staff looked into the value of this vulnerable to depletion aquifer?

What are their recommendations to preserve the natural open spaces and to utilize low impact development techniques?

What are the staff's recommendations?

There are MULTIPLE issues with this proposed site being where a depleted aquifer already is, as pointed out in the Staff Report above. For example, but not limited to: aquifers are where unique species live on the brink of extinction, careful is necessary to balance the recharge of aquifers, along with special care of possible permeation of the rock or sand that collects water to flow through it. This needs to be HIGHLY considered if this is the best possible location of this

proposed project as aquifers along with MANY other things they do provide an important source of water for humans, supplying about 60% of the water we use, according to the texasaquaticscience.org.

What are the possible affects to this area if this aquifer becomes depleted? What are potential dangers to this aquifer for this proposed project in addition to the many other things listed above, but not limited to, modifying flood ways and flood plains and more and how would each individually affect this VALUABLE and IMPORTANT aquifer and what happens if multiple problems become layered on one another? What is the City Corp of Engineers' suggestions on this very important and critical matter and what does the Staff recommend?

MAJOR CONCERN: The aquifer in this area is considered highly vulnerable to depletion.

- **5) Transportation System:** This site is located off SW 149th Street, a Major Arterial Street in the Urban Low LUTA. Transit (bus) service is not available.
 - **6) Other Development Related Policies**
 - Concentrate access for new retail development at shared primary entrance points. Primary entrance points should be aligned with access points immediately across intersecting roads. Limit curb cuts on primary highways and arterials.
 - Provide pedestrian circulation, including sidewalks and median breaks along interior and exterior fronting roads and within parking lots.
 - 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)

- Regional-, community-, and neighborhood-scale retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores that draws on the following principles:

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Encourage coordinated development of retail centers in order to facilitate internal pedestrian and vehicle circulation and optimal center performance (SU-27)

- 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)
- New neighborhood-scale retail should be located within new residential growth areas to serve daily shopping needs and limit trip distances. In newly developing areas, this retail format is preferred to the existing linear development patterns along arterials. (SU-30)

QUESTIONS: Why is this needed at this location when there are already ten plus gym facilities, at least five plus parks within 2 miles or less of this area, not to mention 2 local high schools and multiple others schools and

neighboring playgrounds and open spaces that get used to host events at to be played at and used all the time, such as Briarwood Elementary and more?

- Neighborhood-scale retail should be developed at the median breaks or intersections of major or minor connectors. (SU-31)
- 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)

CONCERN: There are no connections between uses because this is a residential area as stated MULTIPLE times on here as a concern and problem.

- Share parking between contiguous developments. (C-31)

OBJECTION: This is not possible with the surrounding properties and areas being residential, private homes and oil tanks.

- Avoid under-grounding streams to the greatest extent possible. Where feasible, encourage the re-surfacing of buried streams. Limit the use of culverts or other structures that alter natural streams, and require designs that minimize impacts to stream health and function. (G-11)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)

QUESTION: What is considered "to the greatest extent possible"?

How do we know they won't just take a bull dozer to them?

Does the staff have any recommendations as to how many trees they should try to preserve so they disrupt as little, natural-life, living in those trees as possible?

Would the Staff consider making the trees be donated to a local park or tree area with fires burning many trees down this summer, rather than just bulldozed with proof of to where they went?

CONCERNS: If these trees are not preserved in some fashion, surrounding homes and traffic will be disrupted and could be in danger as to what lives out there if they just bulldoze down the trees and natural wildlife is pushed into backyards, neighboring parks, homes and communities.

According to the National Wildlife Federation, trees help improve air quality, water quality, and reduce flooding and erosion and if you get rid of them how is that going to affect the flood test? In addition, trees temper climate, help conserve energy, are good for the economy (economic analysis have found that the value

of homes near trees is 9-15% higher than homes without. Research suggests they are better for the shopper experience too compared to areas with an area barren of trees. Plus research exemplifies trees also improve health with data also showing they reduce crime in addition to reducing noise pollution and lighting pollution, and overall promote community.

- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or size-able individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)

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b. Plan Conformance Considerations

Item No. IV. 12.

- Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)

The subject site is located along the south side of SW 149th Street between S Pennsylvania Avenue and S Western Avenue. The 5-acre site is zoned AA. A tributary of the Canadian River runs just inside the eastern/southern boundary of the site. Surrounding uses are residential. The SPUD seeks to allow a fitness center. The site plan indicates a significant portion of the site within the floodway and floodplain. The proposal is not consistent with comprehensive plan policies that call for avoiding development within, or modification of, the 100-year floodplain. It was unclear at the time of review if the site could be developed as indicated in the conceptual plan due to sewer line running through the center of the site (north of the creek). If non-residential uses are approved at this location, plan conformance would be strengthened

by establishing a 100-foot setback from the stream bank and placing parking behind the building, which may assist with developing the site around the sewer line.

CONCERNS: As stated above, “surrounding uses are residential.” Plus, in this item above in the Staff Recommended Plan Conformance Considerations: “The site plan indicates a significant portion of the site within the floodway and floodplain.” Once more stated, “The proposal is not consistent with comprehensive plan policies that call for avoiding development within, or modification of, the 100-year floodplain.” And “It was unclear at the time of review if the site [even could be] could be developed as indicated in the conceptual plan due to sewer line running through the center of the site (north of the creek),” which are VERY considerable concerns... I gather a large uncertainty from the City and a deep dive into the unknown or experimenting IF this project can be done at all or if so, correctly on all fronts as it has MULTIPLE issues with the proposal subject site as stated throughout this Staff Report.

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.

QUESTIONS: Who has invested in this project? Who are the partners involved in it, financial and non financial partners and any affiliates? We request a list submitted with time to review prior to any vote.

Does anyone on this board, behind the scenes working for the city, or on the planning committee seek to benefit in any way from this project, a part of this project, financially or non-financially, and have anything personal or for their own gain, in any way, by owning adjacent or nearby property/ies, that this development could make an impact on? If so, we ask that you make it known verbally today and in writing, state how, and if so, we ask you recuse yourself from the vote.

We also request all of our questions be responded to by the appropriate party or parties mentioned above and throughout our questions, concerns, and objections as stated here today and written out here in this report.

As well, we ask, as a part of this community and constituents of this ward, we have ample opportunity as individuals and a whole to review and ask any questions in regards to the new information or questions that may arise with any new, forth coming information before any vote is taken.

As well, the proposed plans need more renderings to show us, the community their plans as well as the city because it has been made obvious they have issues with follow through and proper execution.

Should this application be approved, an additional 17 feet of right-of-way should be requested along SW 149th Street to bring the right-of-way width to the standard set by the Subdivision Regulations, are the Applicant(s), Developer(s), and/or Representative(s) willing to give this right-of-way up to develop the proposed project?

Who really is going to hold them accountable for this process: before, during or after?

We are not against fitness centers, we just ask is this REALLY the best possible location for their proposed use? As current residents of the area, there are numerous

concerns, some listed in this report and some we are outlining in this report.

OVERALL OBJECTIONS: Obviously not all concerns can be addressed here nor in the detail that is needed, but the multiple questions, comments, concerns, and objections partially outlined and mentioned above in this report along with what us, as concerned citizens, have mentioned here today, along with multiple pieces of missing information, such as suggested architectural renderings and a comprehensive plan that is actually aligned with what is required in order to consider voting and moving on this issue along so there is not a disconnect amongst their stated intentions to us in person or gathered from the above Staff Report above is requested be addressed and provided prior to any vote being taken.

Lastly, I, Rachelle Riede along with our neighbors here and ones that could not make it due to conflicting work schedules, hereby ask and request these questions, comments, concerns, as well as any other points any of us have addressed today in this meeting verbally be submitted and incorporated and their responses into the minutes of the City of Oklahoma City Planning Commission.