

Planning Commission Minutes
November 10, 2022

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:45 p.m. on November 04, 2022)

18. (PC-10852) Application by 164th & Western, LLC, to rezone 1000 NW 164th Street from the PUD-1289 Planned Unit Development District to the C-3 Community Commercial District. Ward 7.

Applicant was present. No protestors were present.

RECOMMENDED APPROVAL.

MOVED BY CLAIR, SECONDED BY POWERS

AYES: CLAIR, POWERS, FRALEY, PRIVETT, HINKLE, GOVIN, PENNINGTON,
NOBLE

ABSENT: LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
November 10, 2022

Item No. IV. 18.

(PC-10852) Application by 164th & Western, LLC, to rezone 1000 NW 164th Street from the PUD-1289 Planned Unit Development District to the C-3 Community Commercial District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

Justin Barnes, Club Carwash Operating, LLC
(573) 999-5178
jbarnes@clubcarwash.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to change the existing commercial and residential based zoning to a commercial based zoning that will permit a car wash facility.

D. Existing Conditions

1. Size of Site (1.15 Acres)

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	PUD-1289	AA	PUD-1289	PUD-1289	PUD-1890
Land Use	Undeveloped	Undeveloped	Undeveloped	Undeveloped	Undeveloped

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.

4. Development Context: The subject site is located along the south side of NW 164th Street, east of N Western Avenue. The rezoning site is bound by a private drive on the south and east. The site is undeveloped and part of larger PUD-1289 zoned in 2007 for a mixed-use development, which allows both residential and commercial development.

The subject site lies within Tract 1 (C-3) of PUD-1289 and is within Lot 2 of the Final Plat of Jackson Creek III (C-7432). The plat includes land to the west which was just rezoned to PUD-1890 in 2022 to allow a drive-thru restaurant with a C-3 base. The land east and south would remain under PUD-1289 and is also within the plat. Southwest of the subject site is an auto care facility zoned SPUD-643. The corners of the arterial intersection are zoned in commercial PUDs, with a gas station and retail at the northeast corner and grocery stores at the northwest and southwest corners. The application seeks to rezone the subject site to the C-3 District. Information provided with the application illustrates plans for a car wash, a use not permitted in the existing PUD.

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 (Edmond)**
- 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) 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 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.
- 8) 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.
- 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.

8. Streets, Traffic and Drainage Maintenance

9. Stormwater Quality Management

10. Traffic Management

11. Utilities

a. Wastewater Comments

- 1) An existing 8" and 18" 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) 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.
- 3) 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.

b. Water Comments

- 1) An existing 6” and 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 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) 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.
- 4) 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.
- 5) 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).

c. Solid Waste Management

No Solid Waste Management services needed.

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.

Location:

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

The subject site has frontage on an arterial street and along a private drive that provides a direct connection to both NW 164th Street and N Western Avenue.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The C-3 District regulations could provide 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.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Development fronting arterials should take access from intersecting streets where possible.
- Retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores.
- Provide vehicular connectivity between adjacent developments.
- Horizontally mixed-use developments should have connectivity between land uses.

Information available at the time of review indicate plans for a car wash that would share access with the drive-thru restaurant to the west and take access from a private drive that provides a direct connection to NW 164th Street and N Western Avenue.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Within parking lots, provide pedestrian access ways separated from vehicle aisles.
- Horizontally mixed-use developments should have public sidewalk connectivity between land uses.

Sidewalks are available along NW 164th Street.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. The site is zoned for commercial uses, but the existing PUD prohibits light auto repair (car wash) uses. No new potential compatibility issues are identified when placing the proposed C-3 District near other commercial uses.

- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served Area*
 - 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 at the southeast corner of N Western Avenue and NW 164th Street, both Major Arterial Streets in the Urban Low LUTA. The nearest transit (bus) service is located to the southwest along N Pennsylvania Avenue. A multi-use trail is planned to the east along Chisholm Creek, with construction timing to be determined at a later date.
- 6) **Other Development Related Policies**
 - 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:
 - Concentrate access for new retail development at shared primary entrance points. Primary entrance points should be aligned with access pints 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.
 - 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)
- 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)
- 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)
- Encourage unified planning for all adjoining land owned or controlled by a project's developer to ensure proper circulation and land use relationships (SU-47)

b. Plan Conformance Considerations

The subject site is located at the southeast corner of NW 164th Street and N Western Avenue. The site is within the Final Plat of Jackson Creek III (C-7432), a commercial plat that includes the planned drive-thru restaurant to the west and the land to the south and east. All commercial lots have access to both arterial streets via a private drive. The application seeks to rezone the subject site to the C-3 District. Information provided with the application illustrates plans for a car wash, a use that is prohibited in the existing PUD-1289. No new compatibility issues were identified with the request.

Access cannot be defined within a base zoning request, but as proposed in the conceptual plans, would be consistent with the comprehensive plan as the development takes access from a shared drive instead of from the arterial street, and shares access with the development to the west.

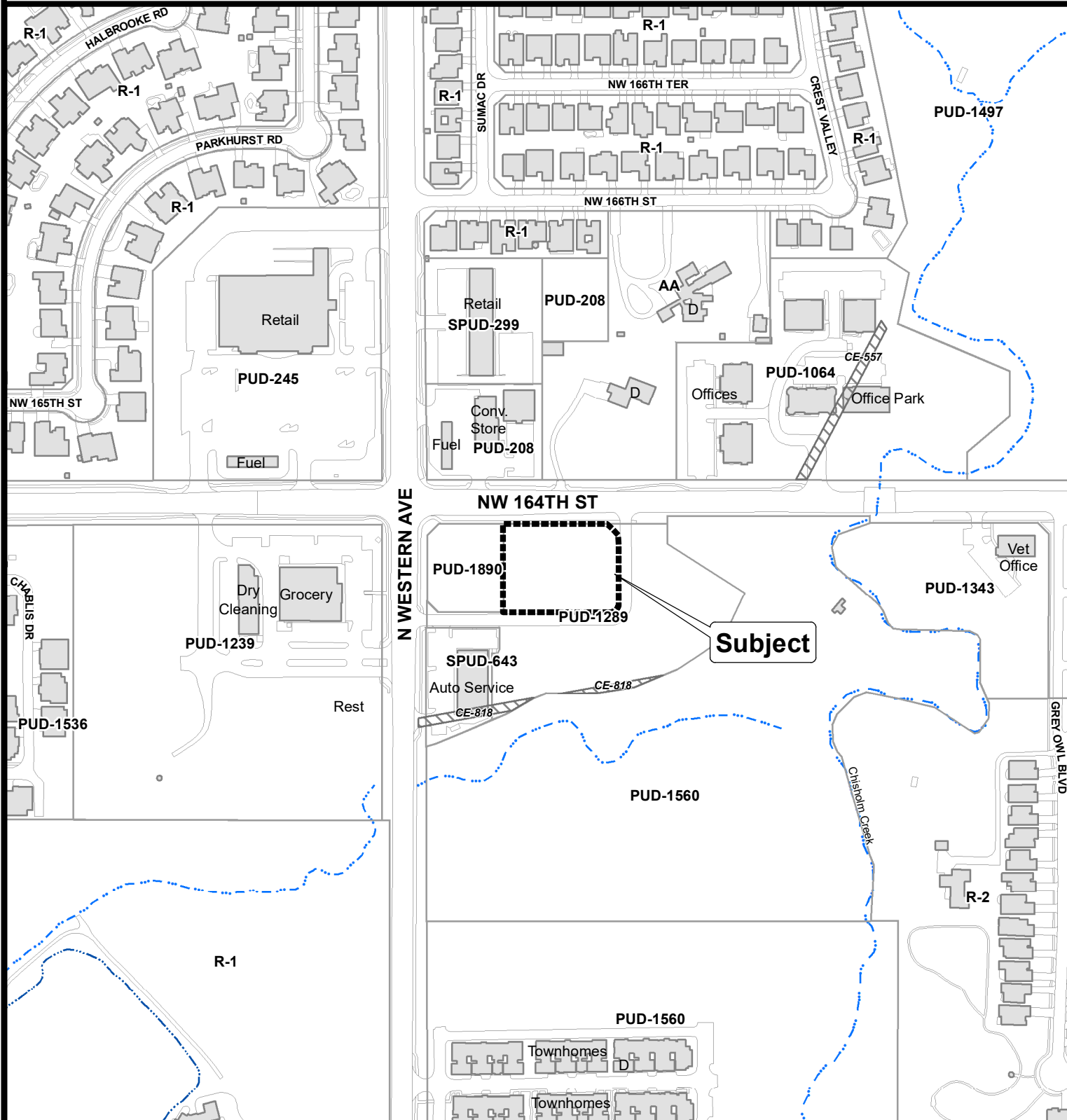
IV. STAFF RECOMMENDATION

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-10852 Applicant: 164th & Western, LLC
Existing Zoning: PUD-1289 Proposed zoning: C-3
Location: 1000 NW 164th St.

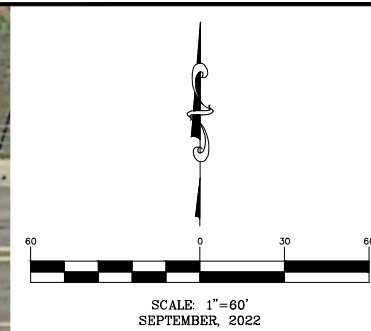
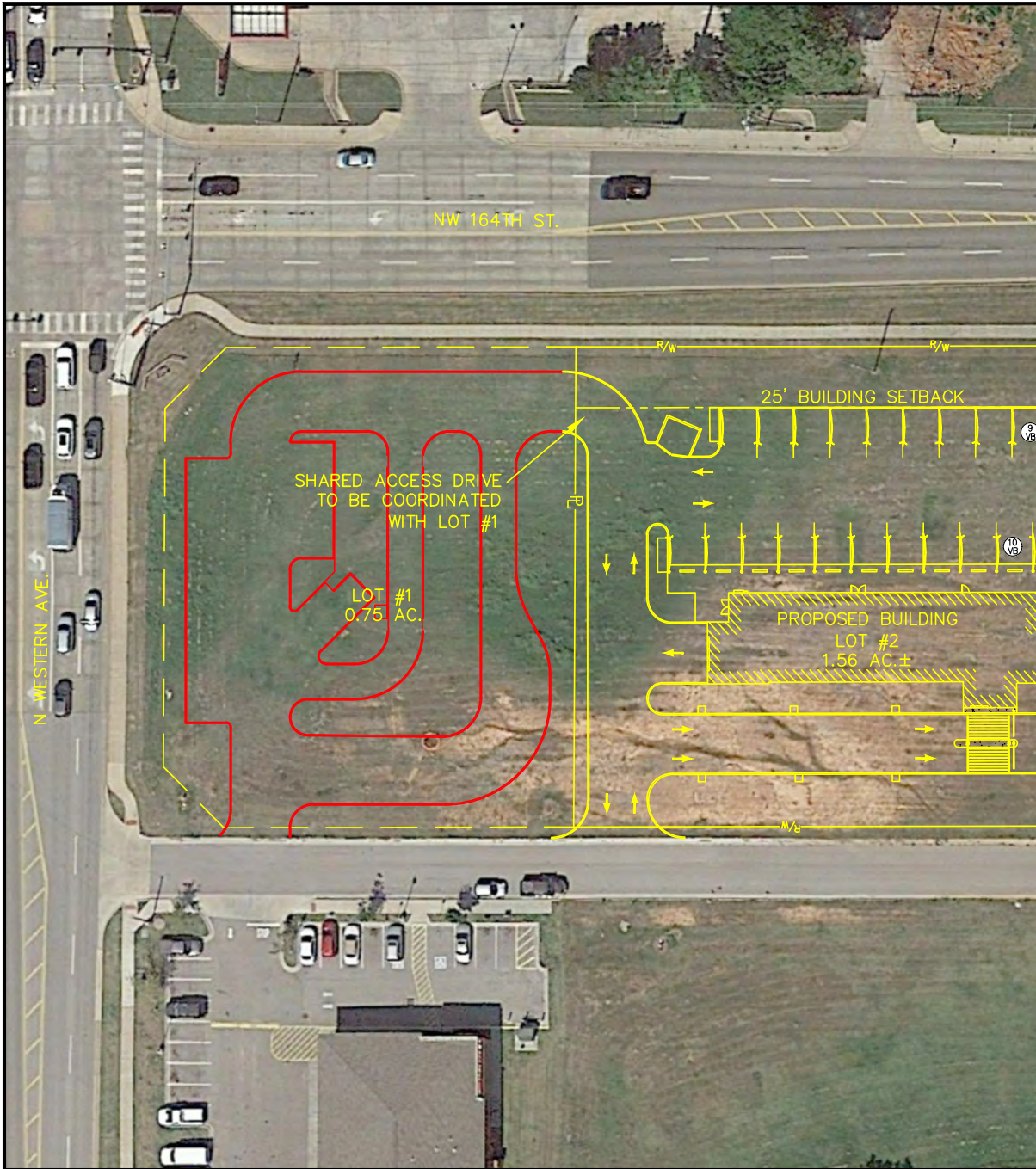


The City of
OKLAHOMA CITY

Rezoning Application



0 150 300
Feet



CONCEPT SITE PLAN

DATE	BY	APP'D BY
ERH	ESK	

DATE: SEPT. 20, 2022
SCALE: 1" = 60'
PROJECT NO: 22-9095
SHEET NO: 1 OF 1

CLUB CARWASH

N WESTERN & 164TH ST

OKLAHOMA CITY, OK

OCHRAAN

636-332-4574 (cell)
636-327-0762 (fax)
• Civil Engineering
• Surveying
• Architecture
• Site Development
• General Consulting
• Water Planning

North Office Street
Westlake, Missouri 63385
www.ochraan.com

Two working days prior to the start of any excavation or construction, the owner must call 1-800-368-5848 for utility location information.
 All OSHA rules & regulations established for the type of work shall be followed. Plans and specifications shall be strictly followed (i.e. trenching, boring, etc.)

Said tracts contain an area of 187,743.6 square feet or 4.31 acres, more or less.

LEGEND

FX = FOUND CUT "X"
SIP = SET IRON PIN
FIP = FOUND IRON PIN
SPK = SET PK NAIL
FPK = FOUND PK NAIL
BL = BUILDING LIMIT LINE
D/E = DRAINAGE EASEMENT
U/E = UTILITY EASEMENT
LONA = LIMITS OF NO ACCESS
CA = COMMON AREA

- (1) Deemans Acres C and D provide shared parking and access for all lots within this plot. These common areas serve as legal firepaths and access for said lots. Parking and maneuvering is permitted within these common areas.
- (2) Deemans Acres B-C and D shall be owned and maintained by the 'property owners' within this plot.
- (3) Common Area A within Jackson Creek I is an approved private drive and access easement maintained by the property owners within Jackson Creek I and Jackson Creek II as provided in the covenants and restrictions establishing Jackson Creek I and Jackson Creek II and filed in Oklahoma County Clerk's office as separate documents. The easement is not maintained by the City of Oklahoma City but must remain open or useable for emergency and public utility use. The City of Oklahoma City shall have the right to use and take access from the common area/private drive/access easement.

- (6) Right-of-Way in favor of Oklahoma Natural Gas Company, recorded in Book 2791, page 96 and shown hereon.
- (7) Easement in favor of Mustang Fuel Corp. recorded in Book 2909, page 288 and shown hereon.
- (8) Easement in favor of Oklahoma Natural Gas Company recorded in Book 3192, page 490 and shown hereon.
- (10) Report of Commissioners recorded in Book 4366, page 783 and shown hereon.
- (12) Report of Commissioners Case No. CJ-2002-5625-66 recorded in Book 8707, page 272 and correcting Order recorded in Book 8931, page 1582 (Parcel 1(PC0274) and Parcel 3(PC0236) shown hereon.
- (13) Existing Oklahoma City 5' Permanent Easement, recorded in Book 12041, page 1283.

20150407010431210
Filing Fee: \$32.00
04/07/2015 02:25:23 PM
PLAT

73-10 1 of 1

FINAL PLAT
JACKSON CREEK III
A REPLAT OF LOTS 1 and 2, BLOCK 2, LOTS 1, 2, 3, 4, and 5, BLOCK 3,
COMMON AREAS B, C, and D, JACKSON CREEK II
A PART OF THE N.W. QUARTER, SECTION 4, T. 13 N., R. 3 W., I.M.
CITY OF OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That 164th & Western, LLC, a Delaware limited liability company, hereby certifies it is the owner of, and the only person, firm, corporation, or entity having any ownership rights, title or interest in and to the land shown on the annexed plat of JACKSON CREEK III, an Addition to Oklahoma City, Oklahoma County, Oklahoma, and has caused the same to be platted into lots, blocks, streets, and easements as shown on said annexed plat.

164th & Western, LLC hereby dedicates all rights of way and easements as shown on said annexed plat to the public for streets, fire protection, utility and drainage easements, for itself, its successors and assigns forever and has caused the same to be released from all rights, easements and encumbrances except as noted on the Bonded Abstractor's Certificate.

Covenants, Conditions and Restrictions for the annexed plat may subsequently be filed under separate instrument.

In witness whereof the undersigned having caused this instrument to be executed this _____ day of _____, 2022.

164th & Western, LLC,
a Delaware limited liability company

By: NLD JV Holdco LLC,
a Delaware limited liability company,
its sole member

By: NL JV Manager LLC,
a Delaware limited liability company,
its manager

Berito J. Hidalgo, President

STATE OF _____ SS:
COUNTY OF _____

Before me, a Notary Public in and for said State, on the above stated date, personally appeared Berito J. Hidalgo, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for said corporation for the uses and purposes therein set forth.

Notary Public:

My Commission Expires: _____

My Commission Number: _____

CITY CLERK'S CERTIFICATE

I, _____, City Clerk of the City of Oklahoma City, hereby certify that I have examined the records of said City and find that all deferred payments on unratified installments upon special assessments have been paid in full and that there are no special assessment procedures now pending against the land shown on the annexed plat.

Signed by the City Clerk this _____ day of _____, 2022.

City Clerk

PLANNING COMMISSION'S CERTIFICATE

I, _____, Chairperson of the Oklahoma City Planning Commission, hereby certify that said Planning Commission duly approved the annexed plat at a Planning Commission meeting on the _____ day of _____, 2022.

Chairperson

COUNTY TREASURER'S CERTIFICATE

I, _____, hereby certify that I am the duly qualified and acting County Treasurer of Oklahoma County, Oklahoma, that the tax records of said county show that all taxes for the year _____ and prior years are paid on the property outline on the annexed plat and the required statutory security has been deposited in the offices of the Oklahoma County Treasurer guaranteeing the payment of the current year's taxes.

In witness whereof, said County Treasurer has caused this instrument to be executed this _____ day of _____, 2022.

County Treasurer

ACCEPTANCE OF DEDICATION BY CITY COUNCIL

Be it resolved by the City Council of the City of Oklahoma City, Oklahoma, the dedications shown on the annexed plat are hereby accepted.

Adopted by the Council of the City of Oklahoma city, this _____ day of _____, 2022.

City Clerk

Mayor

BONDED ABSTRACTOR'S CERTIFICATE

The undersigned, a duly qualified and lawfully bonded abstractor of titles in and for Oklahoma County and State of Oklahoma, hereby certifies the records of said county show that title to the land shown on the annexed plat is vested in 164th & Western, LLC on this _____ day of _____, 2022, and there are no actions pending or judgments of any nature in any court or on file with the clerk of any court in said county and state against said land or owners thereof, and the taxes are paid for the year _____ and prior years, and there are no outstanding tax sales certificates against said land and no tax deeds are issued to any person, and there are no liens, or other encumbrances of any kind against the land included in the annexed plat, except mortgages, rights of way, easements, and mineral conveyances of record.

In witness whereof, said Bonded Abstractor has caused this instrument to be executed this _____ day of _____, 2022.

Stewart Title of Oklahoma, Inc.

BY: _____

LICENSED PROFESSIONAL LAND SURVEYOR'S CERTIFICATE

I, Randall A. Mansfield, a Licensed Professional Land Surveyor in the State of Oklahoma, certify the annexed plat consisting of two (2) sheets, represents a survey made under my supervision on the _____ day of _____, 2022, and the monuments shown thereon exist and their positions are correctly shown, and this survey meets the Oklahoma Minimum Standards for the Practice of Land Surveyors as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors and the original media of said annexed plat complies with the requirements of Title 11 Section 41-108 of the Oklahoma State Statutes.

Randall A. Mansfield, PLS No. 1613

STATE OF OKLAHOMA
SS
COUNTY OF OKLAHOMA

This instrument was acknowledged before me on the _____ day of _____, 2022, by Randall A. Mansfield.

Notary Public:

My Commission Expires: _____

Commission Number: _____

LEGAL DESCRIPTION

All of Lots 1 and 2, Block 2, Lots 1, 2, 3, 4, and 5, Block 3, Common Areas B, C, and D, JACKSON CREEK II, an addition to the City of Oklahoma City, recorded in Book 73 of Plats, Page 1, also lying in the Northwest Quarter of Section 4, Township 13 North, Range 3 West of the Indian Meridian, Oklahoma County, Oklahoma.

Lots 1 and 2, Block 2 and Common Area D, when combined, contain an area of 83,046 square feet or 1.9055 acres more or less. This area is now Lots 1 and 2, Block 1 as shown hereon.
Lots 1, 2, 3, 4 and 5, Block 3 and Common Areas B and C, when combined, contain an area of 103,945 square feet or 2.3892 acres, more or less. This area is now Lots 1 and 2, Block 2 as shown hereon.

OWNERS NOTARY

CITY CLERK

COUNTY TREASURER

ABSTRACTOR

ABSTRACTOR'S NOTARY

PROFESSIONAL
LAND SURVEYOR

SURVEYOR'S NOTARY



DODSON - THOMPSON - MANSFIELD, PLLC

50 NE 38th Street Phone: 405-801-7450 email: randy@dtm-llc.com
Oklahoma City, OK 73105 Fax: 405-801-7450

Surveying - Engineering - Earthwork
CERTIFICATE OF AUTHORIZATION NO: 6391 EXPIRES JUNE 30, 2024

A REPLAT OF LOTS 1 and 2, BLOCK 2, LOTS 1, 2, 3, 4, and 5, BLOCK 3,
COMMON AREAS B, C, and D, JACKSON CREEK II
A PART OF THE N.W. QUARTER, SECTION 4, T. 13 N., R. 3 W., I.M.
CITY OF OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA



Case No: PC-10852 Applicant: 164th & Western, LLC
Existing Zoning: PUD-1289 Proposed zoning: C-3
Location: 1000 NW 164th St.



Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Rezoning Application



0 150 300
Feet