

Planning Commission Minutes  
July 13, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:37 a.m. on July 10, 2023)

17. (SPUD-1539) Application by Robert Haggard to rezone 234 SE 45th Street from R-1 Single Family Residential District to SPUD-1539 Simplified Planned Unit Development District. Ward 4.

Amended Technical Evaluation:

1. If the existing building is removed or demolished, new development will require screening and landscaping per Code.
2. All manufacturing activities shall take place indoors within a building.
3. No outdoor storage of materials or goods on the site.
4. Sight proof screening is required along the south and west property lines.

The applicant was present. There were no protestors present.

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

MOVED BY POWERS, SECONDED BY MEEK

AYES: CLAIR, POWERS, MEEK, GOVIN, NOBLE

ABSENT: PRIVETT, NEWMAN, PENNINGTON, LAFORGE



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**July 13, 2023**

**Item No. IV. 17.**

**(SPUD-1539) Application by Robert Haggard to rezone 234 SE 45th Street from R-1 Single Family Residential District to SPUD-1539 Simplified Planned Unit Development District. Ward 4.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant/Developer Representative**

Name        Robert Haggard  
Phone       405-818-9143  
Email        rwh37@cox.net

**B. Case History**

This is a new application.

**C. Reason for Request**

This application is to allow moderate industrial uses and development.

**D. Existing Conditions**

**1. Comprehensive Plan Land Use Typology Area: Urban – Medium (UM)**

UM applies to fully urbanized areas of the city, most of which were built prior to the 1960s. Developments are expected to be larger in scale and have greater intensity and mixture of uses than developments found in UL. Development within UM areas should support efficient transit usage and provide pedestrian and bicycle access to retail, services, parks, and other destinations. Priorities for the UM areas include “infill” developments on vacant lots, rehabilitation of underutilized property, and development that supports revitalization of distressed neighborhoods.

**2. Size of Site: 0.64 acres**

**3. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	R-1	R-1	R-1	I-2	R-1
<b>Land Use</b>	Residential	Residential	Duplex	Residential	Residential

## **II. SUMMARY OF SPUD APPLICATION**

This site will be developed in accordance with the regulations of the **I-2 Moderate Industrial District** (OKC Zoning Ordinance, 2020), except the following restrictions shall apply:

1. The following use will be the only use permitted on this site:

\*(8350.7) Industrial, Moderate

2. Maximum Building Height: 45 feet & 2 Story
3. Maximum Building Size: 8,000 Square Feet
4. Maximum Number of Buildings: 1 primary structure (Existing building)
5. Building Setback Lines
  - Front: 25 Feet
  - Rear: None
  - Side: None
6. Sight Proof Screening:
  - Sight-proof Screening will not be required.
7. Landscaping:
  - Landscaping will not be required.

8. Signs:

### **8.1 Freestanding Accessory Signs**

One Freestanding Accessory Sign shall be allowed within this SPUD. Such accessory sign shall be a ground mounted monument sign with the maximum size being eight (8) feet high and 100 square feet in area. No pole signs will be allowed.

### **8.2 Attached Signs**

In addition to the freestanding sign provided for in Section 8.1, a maximum of 200 square feet of attached signage shall be allowed to be placed on the face of the building.

### **8.3 Non-Accessory Signs**

Non-Accessory signs are specifically prohibited in this SPUD.

### **8.4 Electronic Message Display Signs**

Electronic message display signs are specifically prohibited in this SPUD.

9. Access:

The existing driveway will be used for this SPUD. One additional drive access onto SE 45th Street shall be allowed in the future.

10. Sidewalks:

No additional sidewalks shall be required.

**II. Other Development Regulations:**

1. Architecture:

The existing building will be the only primary structure in this SPUD.

2. Open Space:

N/A

3. Street Improvements:

N/A

4. Other:

Lighting: N/A

5. Dumpster:

Dumpsters shall be consolidated and located within an area screened from view.

6. Parking:

Parking facilities shall be provided in accordance with Chapter 59 Article X of the Oklahoma City Municipal Code. 2020, as amended.

Common Areas: N/A

**III Supporting Documents**

Exhibit A – Legal Description

Exhibit B – Site Plan

Exhibit C – Existing Building Photo

**III. REVIEW COMMENTS**

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

**A. Outside Agencies**

**1. Oklahoma City-County Health Department**

**2. Oklahoma City Urban Renewal Authority (OCURA)**

**3. Oklahoma Gas and Electric (OGE)**

- 4. Oklahoma Natural Gas:** Please be advised ONG has an underground or aboveground facility in the area. If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate. Prior to excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior for exact location of our facilities.

**5. Oklahoma Water Resources Board (OWRB)**

**6. School District(s) Oklahoma City**

**7. Oklahoma Department of Transportation (ODOT)**

**B. City Departments**

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

**a. Engineering**

**b. Streets, Traffic and Drainage Maintenance**

**Storm Sewer Availability**

- 1) The Public Works Drainage Division staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to chapter 16 of the Oklahoma City Municipal Code.

- 2) Storm sewers in accordance with the City's Drainage Ordinance will be required. Development abutting section line roads with drainage flows that exceed the capacity of OKC standard ditch detail (D-100) will necessitate the installation of enclosed storm sewer and/or concrete channel. These improvements shall be placed to provide a minimum of 35' clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way.
- 3) A flood and/or drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.
- 4) Plans for drainage improvements within the private drainage reserves and/or common areas must be submitted for review, and payment of inspection fees shall be made prior to construction. Building permits will not be issued until construction is complete. If a subdivision abuts a stream, the private drainage easements and/or common area along stream shall extend to flow line of stream at a minimum.
- 5) Place the following note on the plat and construction plans: Maintenance of the Common Areas and/or Private Drainage Easements shall be the responsibility of the property owner. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the common areas and/or drainage easements shown.
- 6) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 7) Construction within the limits of this SPUD will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be required prior to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.
- 8) Sidewalk shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 9) All private roads /streets will have private storm sewer systems.
- 10) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

- 11) Section II.7. Drainage “drainage will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.”
- 12) Add Section I.10: Sidewalks, if required, within this SPUD shall be in accordance with the City of Oklahoma City Municipal Code requirements as amended.
- 13) Amend Section I.9 Access: 8.13(c): One additional drive access onto SE 45th St. shall be allowed in the future, subject to the requirements of the applicable sections of the City of Oklahoma City Municipal Codes.

**c. Stormwater Quality Management**

**d. Traffic Management\***

**8. Utilities**

**a. Engineering**

**Paving**

**Wastewater Availability**

- 1) An existing wastewater main(s) is located adjacent to the subject site(s). No objections

**b. Solid Waste Management**

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

**a. Water/Wastewater Quality**

**Water Availability**

- 1) An existing water main(s) is located adjacent to the subject site(s). No objections.

**9. Planning**

**a. Comprehensive Plan Considerations**

**1) LUTA Development Policies:**

Site Design:

- Maintain historical lot and block sizes where possible and appropriate.

- Utilize Best Management Practices (BMP) for stormwater.
- Structured parking may be appropriate to achieve desired intensity levels.
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape.
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.

Location:

- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved.

Density: The non-residential Floor to Area Ratio (FAR) range for the UM LUTA is 0.4 to 1.2 with a typical FAR of 1.

*National, state, and local permitting require basic best management practices for stormwater management. The current FAR of the site is below or within the UL range. The SPUD limits the building number to the existing structure, but if redevelopment were to occur the SPUD regulations could provide for a FAR within the UL range.*

Automobile Connectivity:

- Keep alleys open and functional.
- Primary entrance points should be aligned with access points immediately across the street.

*The site currently has two paved curb cuts along SE 45<sup>th</sup> Street. The SPUD Master Design Statement deems these curb cuts as one access and allows an additional one in the future.*

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

*The site has paving along SE 45<sup>th</sup> Street, however defined sidewalks are not available. The SPUD does not require sidewalks.*

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

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if the setbacks are significantly deeper or more shallow than the predominant character of adjacent development; the building’s orientation to the street differs from the predominant character of adjacent development; building size or street frontage dramatically differs from that of adjacent uses, the lot coverage



(including buildings and paved areas) dramatically exceeds that of adjacent uses, or if buildings within 40 ft. of a single-family residential structure exceed a 3:1 ratio in height. *The site abuts I-2 zoned properties on the west, with R-1 zoned properties located to the north, east, and south. The SPUD regulations allow for 45 feet of maximum height and 2 stories. The I-2 District would limit height adjacent to residential to 35 feet and 2 stories. Landscaping buffers and screening are not required next to residential uses within the SPUD.*

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 SPUD allows the moderate industrial use which could have operational impacts near residential uses. Sight-proof screening and landscaping are not required by the SPUD.*

- 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 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.
- 5) **Transportation System:** This site is located at the southwest corner of SE 45<sup>th</sup> Street and S Stiles Avenue, both Neighborhood Streets in the Urban Medium LUTA. The nearest transit (bus) service is located to the north along SE 44<sup>th</sup> Street.

**6) Other Development Related Policies**

- Encourage redevelopment and infill development on vacant, underutilized, and brownfield sites in urbanized areas. (SU-19)
- 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)
- Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- 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 southwest corner of SE 45th Street and S Stiles Avenue. The site is zoned R-1 and developed with a warehouse. North, east, and south of the site are zoned R-1. North of the subject site, across SE 45th Street, are a church and single-family homes. East and south of the site are a mix of single-family residential and intermittent undeveloped lots. West, and southwest, of the site are zoned I-2 and undeveloped. The application was originally submitted as a request for the I-2 District, which allows most commercial uses, moderate industrial, manufacturing, and outdoor work and storage that triggered potential compatibility issues adjacent to the residential zoning to the north, east, and south. The Planning Commission requested a SPUD. The SPUD proposes one use (moderate industrial) on a site with an existing warehouse and outdoor

storage. The SPUD regulations do not require screening or landscaping adjacent to nearby residential uses.

#### **IV. STAFF RECOMMENDATION**

*Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning Commission. Planning Commission decisions require a vote of five members to approve or deny an item. The Planning Commission may consider in its decision-making process any additional relevant information presented at the public hearing by the public, applicant, and/or City departments.*

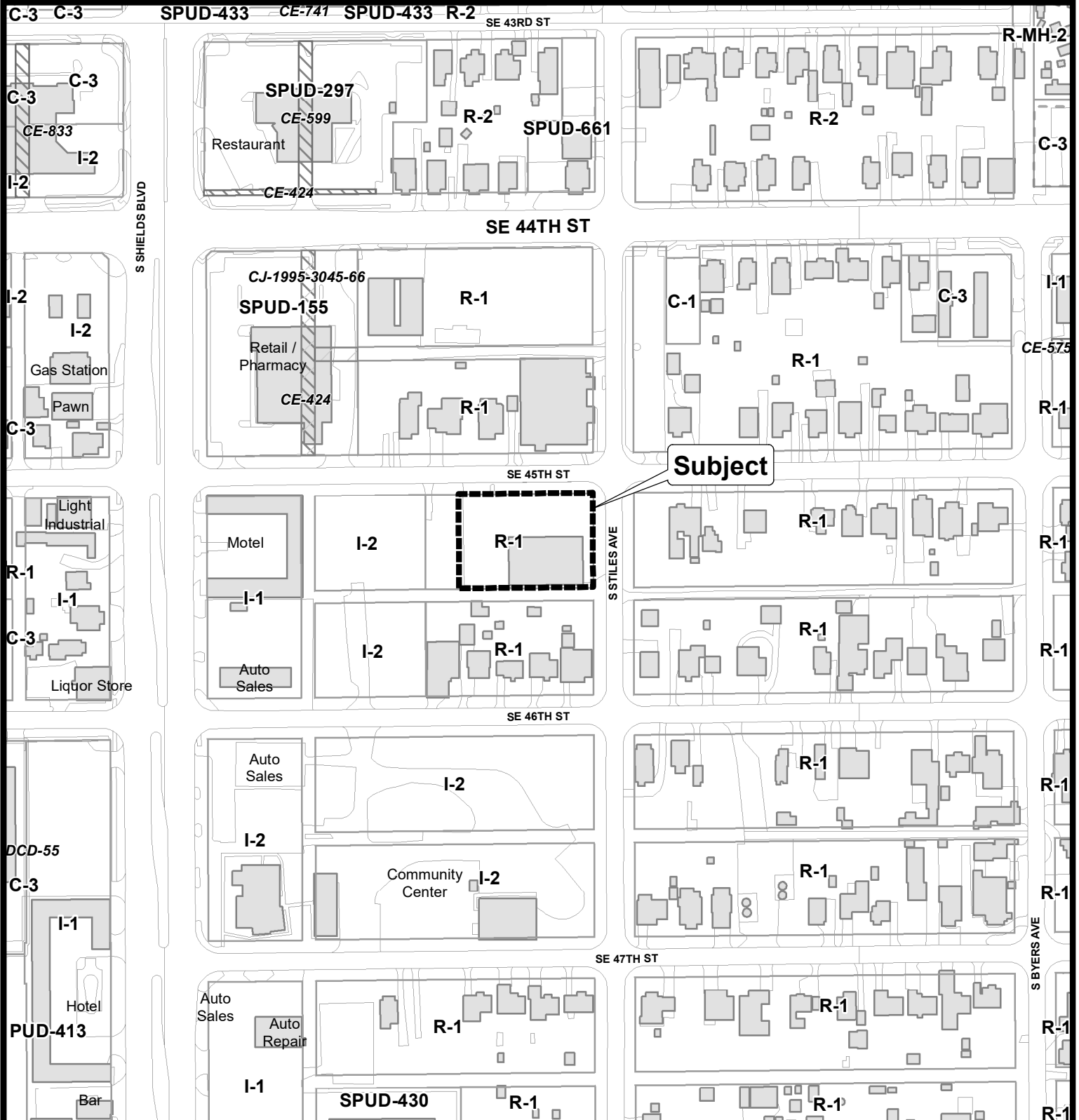
##### **Approval of the application subject to the following Technical Evaluation:**

1. If the existing building is removed or demolished, new development will require screening and landscaping per Code.

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.

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**Case No: SPUD-1539      Applicant: Robert Haggard**  
**Existing Zoning: R-1**  
**Location: 234 SE 45th St.**



The City of  
OKLAHOMA CITY

**Simplified Planned  
Unit Development**



0 100 200  
Feet

Exhibit "B"

SE 44th STREET

60' R/W

EXISTING PAVING

200'  
EXISTING  
ACCESS DRIVE

140'

112'

EXISTING  
BUILDING

70'

10'

10'

S STILES AVE

60' R/W



SCALE 1"=40'

SITE PLAN

234 SE 44th STREET  
CITY OF OKLAHOMA CITY

A PART OF THE NW ¼, SECTION 22, T11N, R3W, L.M.  
Oklahoma County, Oklahoma

ISCH & ASSOCIATES, INC.

1913 W 33RD STREET SUITE 110 - EDMOND - OKLAHOMA 73013  
PHONE: 405-286-5696 FAX: 405-920-6120  
Certificate of Authorization No. 1139 Exp. Date: 6-30-23



Case No: SPUD-1539      Applicant: Robert Haggard  
Existing Zoning: R-1  
Location: 234 SE 45th St.



Aerial Photo from 2/2020



The City of  
OKLAHOMA CITY

# Simplified Planned Unit Development

