

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)

18. (SPUD-1542) Application by Premier Waste, LLC, to rezone 7500 South Council Road from AA Agricultural District to SPUD-1542 Simplified Planned Unit Development District. Ward 3.

Technical Evaluation:

1. One freestanding sign shall be allowed per tract. Freestanding signs shall be ground/monument signs and shall be a maximum 8 feet high and 100 square feet in area.
2. A 10-foot landscape buffer of canopy trees on 25-foot centers shall be required along the south boundary of the SPUD where adjacent to a residential use.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION.

MOVED BY MEEK, SECONDED BY POWERS

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. 18.

(SPUD-1542) Application by Premier Waste, LLC, to rezone 7500 South Council Road from AA Agricultural District to SPUD-1542 Simplified Planned Unit Development District. Ward 3.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name	David M Box
Company	Williams, Box, Forshee & Bullard PC
Phone	405-232-0080
Email	dmbox@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to allow office, commercial and industrial uses on two tracts, including warehousing, heavy equipment and repair, construction sales and service, and overnight parking.

D. Existing Conditions

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

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

Comprehensive Plan Land Use Typology Layer: Urban Future (UF)

The UF layer maintains agricultural land and large acreage estates until the area is ready for urbanization. The purpose of the UF designation is to retain land in a condition that provides the most flexibility for developing at urban densities in the future and ensures the most efficient, sustainable delivery of services. Land assembly is one of the most difficult tasks associated with effective land development. To the extent parcels become fragmented, the potential to efficiently urbanize UF areas is compromised due to the challenges of land assembly. Urban Future areas may have access to the City's public water supply or sanitary sewer systems but not both, and typically don't have urban levels of fire service. These areas present opportunities to increase service levels over time and responsibly manage the public costs of growth.

Urban services, including City water and sewer, are not intended to be provided to UF areas until the designation is removed through an amendment to planokc. Commercial and light industrial uses may be appropriate provided they do not negatively impact agricultural operations and character or the potential to eventually urbanize.

2. Size of Site: 3.79 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	AA	AA	AA	I-2
Land Use	Undeveloped	Residential/ Ag	Undeveloped	Residential	Industrial

II. SUMMARY OF SPUD APPLICATION

1. There will be two (2) tracts within this SPUD. Both Tract 1 and Tract 2 will be developed in accordance with the regulations of the **I-1 Light Industrial District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

In addition to all I-1 uses, the following use(s) shall be permitted within Tract 1:

8300.15 Automotive and Equipment: Heavy Repairs, Heavy Equipment
8300.21 Automotive and Equipment: Storage
8300.31 Construction Sales and Services
8350.15 Wholesaling, Storage, and Distribution: General

All I-1 uses shall be permitted within Tract 2.

2. **Maximum Building Height:**

Maximum building height for Tract 1 and Tract 2 shall be in accordance with the base zoning district.

3. **Maximum Building Size:**

Maximum building size for Tract 1 and Tract 2 shall be in accordance with the base zoning district.

4. **Maximum Number of Buildings:**

The maximum number of buildings for Tract 1 and Tract 2 shall be in accordance with the base zoning district.

5. Lot Size:

The minimum lot size for Tract 1 and Tract 2 shall be two (2) acres.

6. Building Setback Lines

Building setback lines shall be as follows:

Front: 25 feet

Side: 5 feet

Rear: 10 feet

7. Sight-proof Screening:

There shall be a 6-foot chain link fence around the property boundary of Tract 1.

Sight-proof screening shall be in accordance with the base zoning district within Tract 2.

8. Landscaping:

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

9. Signs:

9.1 Free Standing Accessory Signs

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

9.2 Attached Signs

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

9.3 Non-Accessory Signs

Non-Accessory signs will be prohibited.

9.4 Electronic Message Display Signs

Electronic Message Display signs will be prohibited.

10. Access:

There shall be one (1) access drive off of S. Council Rd. for Tract 1. There shall be one (1) access drive off of S. Council Rd. and one (1) access drive off of SW 74th St. for Tract 2.

11. Sidewalks

Five (5) foot sidewalks shall be constructed on the arterial street with each development parcel, or six (6) foot sidewalks shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department. Four (4) foot sidewalks shall be constructed on the interior streets prior to any occupancy certificates being issued.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, architectural metal, rock or stone masonry, stucco, and cementitious siding (including, but not limited to, the brand commonly known as James Hardie). No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted.

2. Open Space:

Open space shall be in accordance with the base zoning regulations.

3. Street Improvements:

N/A.

4. Site Lighting:

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

5. Dumpsters:

Dumpsters shall be located and screened in accordance with the base zoning district.

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

6. Parking:

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

7. Maintenance:

Maintenance of the common areas in the development shall be the responsibility of the property owner or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that

shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

8. Drainage:

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

III. Supporting Documents

Exhibit A: Legal Description

Exhibit B: Conceptual Site Plan

III. REVIEW COMMENTS

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

A. Outside Agencies

1. Oklahoma City-County Health Department

2. Oklahoma City Urban Renewal Authority (OCURA)

3. Oklahoma Gas and Electric (OGE)

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

5. Oklahoma Water Resources Board (OWRB)

6. School District(s) Western Heights

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) 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.
- 4) 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.

- 5) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 6) 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.
- 7) 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.
- 8) All private roads /streets will have private storm sewer systems.
- 9) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 10) This project/development is within the City of Oklahoma City's "Detention-Required" boundary.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Wastewater Availability

Commercial development will require extension of the sanitary sewer along S. Council Rd the north end of the lot.

b. Solid Waste Management

The City cannot provide service, contact private hauler.

c. Water/Wastewater Quality

Water Availability

- 1) An existing 18" water main(s) is located adjacent to the subject site(s).
- 2) Minimum ten (10) feet horizontal separation required from wastewater mains and five (5) feet for other utilities. Minimum two (2) foot vertical separation required for all utility crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 3) Proposed and/or existing water mains must be located centrally within a twenty (20) feet wide or larger utility easement or right-of-way. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 4) Dead-end water mains must be avoided when possible. All existing unused water services must be capped and abandoned at the water main in accordance with the City Standard Specifications.
- 5) 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 or fire protection systems which require water pressure in excess of 25 psi. The developer is responsible for installing pressure reducers if necessary for protection of developer's service lines, plumbing, and fixtures.
- 6) All existing and/or proposed water meters must be located in the right-of-way and/or utility easement within grassy areas outside of sidewalks, driveways, streets, and paving.
- 7) All domestic and fire suppression services must have a separate water service connection. Fire hydrant spacing shall not exceed 500 feet and must be located within ten (10) of a hard surface (i.e. sidewalk, street, paving).
- 8) Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.

9. Planning

a. Comprehensive Plan Considerations

The site is within the Urban Low LUTA and in an area the comprehensive plan designates as Urban Future.

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 is located at the southeast corner of S Council Road and SW 74th Street, both arterial streets.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The SPUD regulations could provide a FAR within the UL 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.
- Primary entrance points should be aligned with access points immediately across the street.
- Provide vehicular connectivity between adjacent developments.

The SPUD proposes one access from S Council Road in Tract 1, and one access each from both S Council Road and SW 74th Street in Tract 2.

Pedestrian Connectivity:

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

Sidewalks are not available on the subject site but are required by the SPUD along both arterial streets.

- 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 Agricultural or Low Intensity Residential, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if setbacks are significantly deeper or more shallow than the predominant character of adjacent development; the building’s orientation to the street differs from the predominant character of adjacent development; building size or street frontage dramatically differs from that of adjacent uses, the lot coverage (including buildings and paved areas) dramatically exceeds that of adjacent uses, or if buildings within 40 ft. of a single-family residential structure exceed a 3:1 ratio in height. *The lot coverage of the proposed industrial development will be substantially different than the AA zoned properties to the east, south and north, and would be more similar to the industrial development to across S Council Road to the west. The SPUD proposes chain link fencing on the southern tract and screening per Code on the northern tract. Plan conformance would be strengthened with techniques that screen and soften the transition to non-residential uses on the south boundary of the PUD site.*

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 proposes all I-1 uses on the entire site, and seeks to add heavy auto and equipment and repair, auto storage, construction sales and service, and warehousing/distribution in Tract 1. Plan conformance would be strengthened with techniques that screen and soften the transition to non-residential uses on the south boundary of the PUD site. Freestanding signs should be limited in size and height, and to one per tract.*

- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Within an Open Sewer Shed*
 - Fire Service: *Rural or Urban Service Levels*
- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the site.
- 5) **Transportation System:** This site is located at the southeast corner of S Council Road and SW 74th Street, both Minor Arterials in the Urban Low LUTA. Transit (bus) service is not available.
- 6) **Other Development Related Policies**
 - 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)
 - 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)

b. Plan Conformance Considerations

The 3.8-acre subject site is located on the southeast corner of S Council Road and SW 74th Street. The site is within the Urban Low LUTA (UL) and in an area the comprehensive plan designates as Urban Future (UF). Commercial and light industrial uses may be appropriate in UF areas provided they do not negatively impact agricultural operations and character or the potential to eventually urbanize.

The site is zoned AA and was previously developed with a home, which has been demolished. Across SW 74th Street to the north is a 6.2-acre parcel zoned AA and developed with a home and agricultural uses; the barn faces the subject site. Abutting the site on the east and south are 4.5- and 4.7-acre

parcels zoned AA, with agricultural on the east and a single-family residence on the south. West of the site, across S Council Road, are a grouping of multiple I-2 zoned parcels that are developed with industrial uses and outdoor storage. The northwest corner of S Council Road and SW 74th Street is zoned I-2 and developed with a gas station.

The SPUD is requested to allow two industrial tracts. Tract 1 on the north would allow all I-1 uses plus *Automotive and Equipment: Heavy Repairs, Heavy Equipment, Automotive and Equipment: Storage, Construction Sales and Services, and Wholesaling, Storage, and Distribution General*. Tract 2 would allow all I-1 uses. The number of buildings, their height and size, would be in accordance with the I-1 base. The SPUD requires landscaping per Code and screening on Tract 1, with chain link fencing proposed on the southern tract. Access is limited to one per frontage, per tract (three total). Plan conformance would be strengthened with techniques that screen and soften the transition to on the south boundary of the PUD site. Freestanding signs should be limited in size and height, and to one per tract.

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 Evaluations:

1. One freestanding sign shall be allowed per tract. Freestanding signs shall be ground/monument signs and shall be a maximum 8 feet high and 100 square feet in area.
2. A 10-foot landscape buffer of canopy trees on 25-foot centers shall be required along the south boundary of the SPUD where adjacent to a residential use.

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.

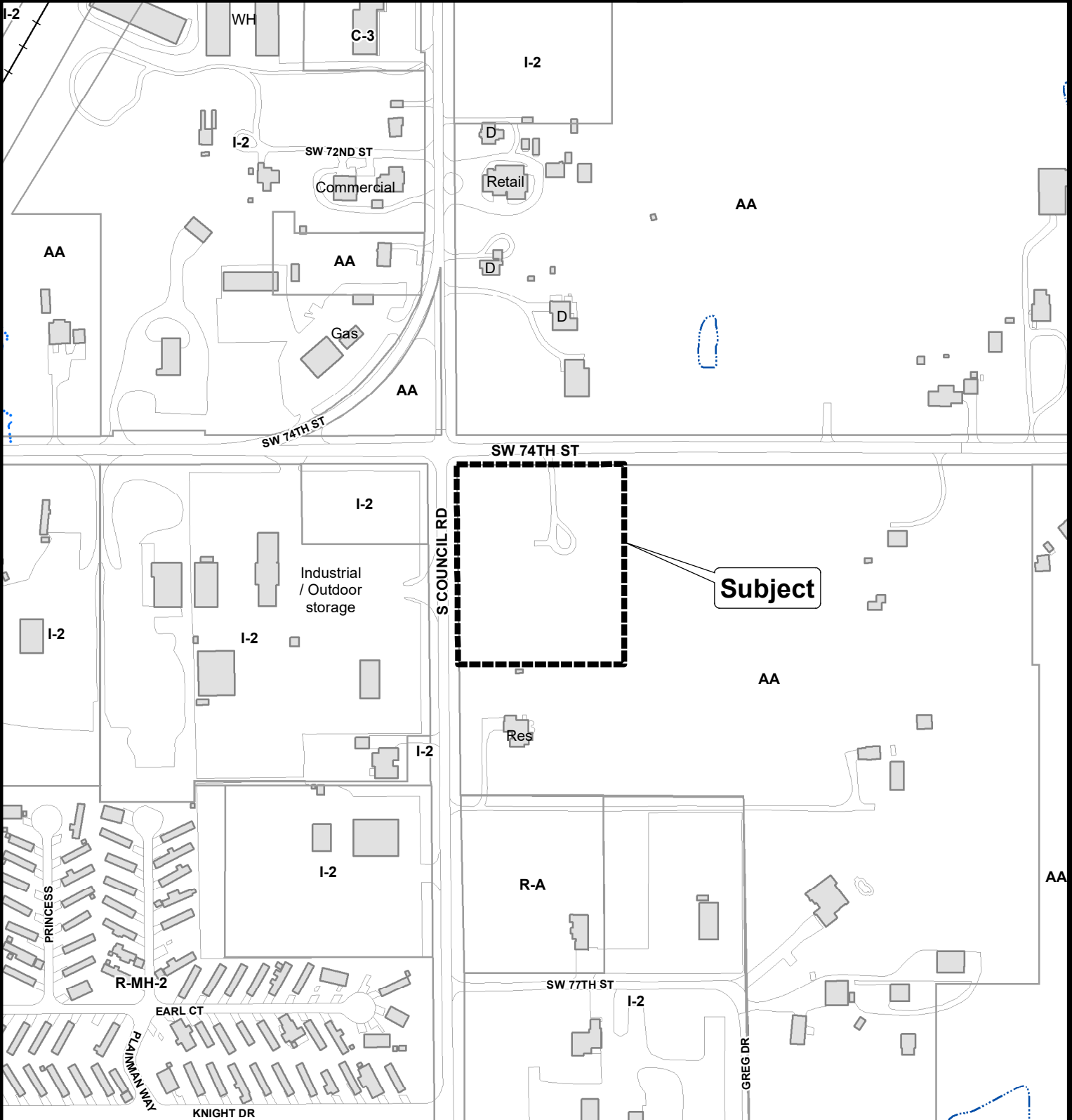
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Should this application be approved, an additional 25-foot sight-triangle right-of-way should be requested at the southeast corner of SW 74th Street and South Council Road, along with a 17-foot easement along SW 74th Street and South Council Road to bring the right-of-way width to the standard set by the Subdivision Regulations.

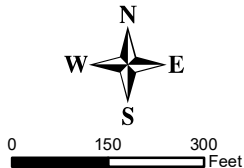
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Case No: SPUD-1542 Applicant: Premier Waste, LLC
Existing Zoning: AA
Location: 7500 S. Council Rd.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



Case No: SPUD-1542 Applicant: Premier Waste, LLC
Existing Zoning: AA
Location: 7500 S. Council Rd.



Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Simplified Planned Unit Development

