



STAFF REPORT
The City of Oklahoma City
Planning Commission
November 18, 2021

Item No. IV. 33.

(SPUD-1354) Application by BT Development, LLC., to rezone 316 NE 9th Street from the PUD-1531 and PUD-1050 District to the SPUD-1354 Simplified Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant/Developer Representative

Name Mark Zitzow
Company Johnson And Associates
Phone 405-235-8075
Email mzitzow@jaokc.com

B. Case History

This is a new application.

C. Reason for Request

This application is to permit a mixed office, commercial and medical use.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Urban – High (UH)

UH applies to densely built urban areas, including regional attractors with major employment concentrations, high density residential living, and related commercial and service uses. UH areas have the highest mixture and intensity of land uses and development activity outside of the Downtown core.

The development intensity of UH supports various types of mass transit, from bus to rail, and is an ideal setting for large and small office buildings due to close proximity to other businesses and transportation networks.

2. Size of Site: 4.2326 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	PUD-1531 DSHA CMZ	PUD-1531 DSHA	GMZ	PUD-541	PUD-668

Land Use	Undeveloped	Commercial	Office	Med Off	Com/Off
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4. Development Context: The 4.2-acre subject site is located north of NE 8th Street/Harrison Avenue and east of I-235. The subject site is mostly undeveloped and is surrounded by large medical, institutional, government, research, office and educational uses. Stiles Park and the Beacon of Hope are located to the east. The land east of N Stiles and north of NE 8th Street/Harrison is under the State’s Capitol Medical Zoning Area (CMZ). The site is currently zoned PUD-1531 (TP base) and PUD-1050 (R-1). The new SPUD proposes a modified TP base for a mixed-use development that includes office, commercial and medical uses within the Innovation District.

II. SUMMARY OF PUD APPLICATION

This site will be developed in accordance with the regulation of **TP, “Technology Park” District** (OKC Zoning Ordinance, 2020), except that the following restrictions will apply:

1. Uses Permitted

The Use and Development regulations of the TP, “Technology Park” District shall govern this SPUD, except as modified below.

The following uses shall be the only uses allowed within this SPUD:

- Administrative and Professional Office (8300.1)
- Automotive: Parking Garages (8300.12)
- Business Support Services (8300.24)
- Child Care Centers (8300.25)
- Communication Services: Antennas (8300.27) – Conditional
- Communication Services: Broadcast Towers (8300.28)
- Convenience Sales and Personal Services (8300.32)
- Cultural Exhibits (8250.5)
- Custom Manufacturing (8350.3)
- Dwelling Units Above the Ground Floor (8200.2)
- Eating Establishments: Sitdown, (8300.37)
- Eating Establishments: Sitdown, Alcohol Permitted (8300.38);
- Eating Establishments: Sitdown, Limited Alcohol Permitted (8300.39)
- Light Industrial (8350.8) Light Public Protection and Utility: Restricted (8250.13)
- Lodging Accommodations: Commercial Lodging (8300.51)

- Medical Services: General (8300.52)
- Medical Services: Restricted (8300.53)
- Murals (8250.16), Conditional
- Participant Recreation and Entertainment: Indoor (8300.55)
- Personal Services: General (8300.58)
- Personal Services: Restricted (8300.59)
- Repair Services: Consumer (8300.61)
- Retail Sales and Services: General (8300.63)
- Research and Development (8350.10)
- Research Services: Restricted (8300.62)
- Wholesaling, Storage and Distribution: Restricted (8350.16)
warehousing services accessory to a primary use

2. Maximum Building Height:

The maximum height of all structures shall be 135 feet (excluding mechanical/radio equipment placed on the roof). There shall be no restriction placed upon the setback requirement in this establishment of fences/walls within or along the boundary of this SPUD. Buildings (excluding architectural details such as awnings or canopies) that front NE 8th/Harrison (within 60 feet) shall be a minimum height of 30 feet.

3. Maximum Building Size:

There shall be no maximum building size within this SPUD.

4. Maximum Number of Buildings:

There shall be a no maximum number of buildings within this SPUD.

5. Building Setback Lines:

There shall be no setbacks within this SPUD except that a maximum setback of 15 feet shall be provided for any buildings where the primary entrance is orientated toward NE 8th Street/Harrison and within 60 feet of the property/right of way line. There shall be no restriction placed upon the height in the establishment of fences/walls within or along the boundary of this SPUD.

6. Sight-proof Screening:

Sight proof screening shall not be required along any boundary of this SPUD.

However, decorative walls may be used as sight proof screening and should be constructed of materials compatible with the primary structure. Decorative materials could include stone, masonry or a combination of wood and stone/masonry columns. A change in texture or masonry pattern is encouraged to break up long expanses of walls.

7. Landscaping:

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

8. Signs:

8.1 Freestanding Signs

There may be four (4) freestanding signs in the SPUD. One sign shall be permitted to be up to 30 feet in height and be permitted to be located facing Interstate 235; it shall have a maximum area of 200 square feet. The other three freestanding signs shall have a maximum height of eight (8) feet high and 100 square feet in area.

No pole signs or billboards shall be allowed.

Ground-mounted directional signs that are less than 20 square feet shall be considered incidental and allowed within this SPUD.

8.2 Attached Signs

Attached shall be in accordance with the TP, "Technology Park" District regulations. In addition to attached signage, this development shall specifically allow for two EMD signs attached to the structures with no square footage limitation.

8.4 Electronic Message Display Signs

Electronic Message Display signs level I, II and III shall be permitted within this SPUD.

9. Vehicular Access:

Access may be taken from Stiles Ave., NE 8th and 9th St.

10. Sidewalks:

Sidewalks shall be required within this SPUD. There are existing sidewalks along N Stiles Ave., NE 9th St. and NE 8th St. All existing sidewalks may be upgraded adjacent to or within this SPUD and shall meet or exceed minimum City standards.

II. OTHER DEVELOPMENT REGULATIONS:

1. Architecture:

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, EIFS, glass, rock, stone, stucco, architectural metal or wood, or other similar type finish. Exposed metal or exposed concrete block buildings shall not be permitted. Rooftop mechanical equipment shall not be required to be screened from view.

Structures situated along streets shall be designed such that indentions or openings in the façade eliminate the “blank wall” appearance and/or obscure the rear of a building. It will be a requirement of the architectural design to provide, utilizing materials such as glass, concrete, brick, etc., items to visually create a façade that suggests something other than the rear of a building along a street.

2. Street Improvements:

N/A

3. Site Lighting:

To minimize light spillover on adjacent travel ways, outdoor lights will be directed away from any adjacent travel ways. To accomplish this, lights shall utilize shields, shades, or other appropriate methods of directing light beams.

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.

4. Dumpsters:

Dumpsters shall be consolidated where practical and located within an area screened by a fence or masonry wall of sufficient height to screen the dumpster from view.

5. Parking:

The design and number of parking facilities in this SPUD shall be in accordance with Chapter 59 Article X of the Oklahoma City Municipal Code, 2020, as amended. Parking structures are permitted to be located along property lines with no further setback requirements.

Surface parking lots should not be permitted along the street frontage and shall be placed behind the primary structure it serves, excluding valet pickup/drop-off.

III. SUPPORTING DOCUMENTS

- Exhibit A: Legal Description
- Exhibit B: Master Development 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) 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 floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.
- 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.

c. Stormwater Quality Management

d. Traffic Management *

8. Utilities

a. Engineering

Paving

Sanitary Sewer Availability

- 1) An existing 8" sanitary sewer main(s) is adjacent to the subject site and a connection will be permitted in accordance with City Standard Specifications.
- 2) All sanitary sewer mains must flow within the existing drainage basin. Proposed sewer mains that will flow to another drainage basin across a ridgeline will not be allowed.

- 3) All sanitary sewer mains must have a minimum cover of 6 feet and a depth no greater than 18 feet.
- 4) The developer will be required to extend a gravity sanitary sewer collection system to each lot or site within the subdivision or land improvement in accordance with City Standard Specifications and the current Subdivision Regulations. No private or public lift stations will be allowed.
- 5) Proposed sanitary sewer main(s) must be in a dedicated easement. No other utilities will be allowed within the dedicated easement.
- 6) Proposed minimum lot size does not meet the current 30,000 square foot minimum lot size requirement for lots with on-site sewage disposal systems. Additionally, on-site aerobic sewage disposal systems require a minimum 25-foot setback from property line or public property.
- 7) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.
- 8) Additional Comments: Sanitary sewer extension required.

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability

- 1) The subject site is adjacent to a 6" water main in the street right-of-way of NE 9th St.
- 2) The developer will be required to extend a minimum 12-inch water main (or larger as recommended by the approved Current Water Master Plan) along the section line street, border or perimeter of the development and/or all interior water mains for domestic use and fire flow protection.
- 3) Dead-end water mains must be avoided. Connection to at least two active feeder or grid water mains will be necessary to prevent partial or total shut-off of water supply when a pipeline failure occurs within the proposed development.

- 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) All existing and proposed meters must meet current Meter Specifications. Meters must be in a grassed area. All domestic and fire suppression services must have separate water service connections. All existing unnecessary water services must be abandoned at the water main.
- 6) Additional Comments: Water main extension required.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Provide parking in structured garages, decks, or parking lots set to the side or rear of a property.
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape.
- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Design buildings to include façades, storefront windows, and attractive signage and lighting to create pedestrian-scale interest.

Parking is proposed in garages; parking lots are not permitted along street edges. The SPUD establishes a maximum setback and minimum building height along the arterial street. Renderings illustrate ground floor uses and a development that achieves the above site design policies.

Location: The comprehensive plan calls for locating higher intensity developments adjacent to major public amenities (parks, waterways, etc.) *The SPUD site is located adjacent to and incorporates Stiles Park into the site design.*

Density: The typical non-residential Floor to Area Ratio (FAR) range for the Urban High LUTA is 1.5, with a minimum of 0.80. *The SPUD allows for a FAR within this range.*

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Avoid dead end streets.
- Protect existing traditional street grid and reconnect it where possible.

- Limit curb cuts on arterial streets and where possible, concentrate access for retail development at shared entrance points.

All streets around the subject site except for NE 8th Street/Harrison have been closed. The SPUD allows access from any abutting public or private street.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Preserve and expand the pedestrian and bicycle networks.
- For large-scale, block sized development, provide public connectivity via alley or internal sidewalks and streets.

Sidewalks exist along all abutting streets. A previous application to close and vacate Stiles Circle and a portion of N Stiles Ave was approved in 2021 along with an easement that preserves pedestrian access to the north.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating high intensity uses adjacent to existing office, retail, commercial or institutional uses, no potential compatibility issues are identified by the comprehensive plan. Projects in higher intensity LUTAs (UH) may be more appropriate for significant transitions of density, scale and mass.
- 3) **Service Efficiency:**
 - Water: *Fully 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 off Harrison Ave/NE 8th Street, a Major Arterial Street within the Urban High LUTA. All other streets surrounding the subject site have been closed/vacated. Transit is available along Lincoln Blvd at NE 8th Street.
- 6) **Other Development Related Policies**
- Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
 - 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)
 - 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)
 - 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 SPUD proposes a mixed-use development within the Innovation District. The proposed uses and bulk regulations are consistent with the Urban High LUTA, and the information available at the time of review indicated the proposed project was in conformance with the comprehensive plan, except for signs. The SPUD would allow attached signs with no maximum size, and would unlimited EMD Levels 1, 2, or 3 on buildings. The attached sign size and EMD allowance should be reduced.

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. Delete the following from Section 8.2 Attached Signs: “In addition to attached signage, this development shall specifically allow for two EMD signs attached to the structures with no square footage limitation.”
2. EMD Level-3 Signs shall not be permitted.
3. EMD sign size shall be per Code.
4. The portion of the site located within the Capitol Medical Zoning District must be removed.

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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