



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

**Item No. IV. 32.**

**(SPUD-1351) Application by NWPF, LLC to rezone 5101 North Pennsylvania Avenue from the PUD-1751 District to the SPUD-1351 Simplified Planned Unit Development District. Ward 2.**

**I. GENERAL INFORMATION**

**A. Contacts**

**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**

This application is to permit commercial 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: 1.052 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	PUD-1715	PUD-1715	R-1
<b>Land Use</b>	Residential	Residential	Commercial	Office	Residential

- 4. Development Context:** The 1.05-acre subject site is located south of NW Expressway and west of N Pennsylvania Avenue. The subject site and land west is zoned R-1. The subject site is comprised of five residential lots where homes have been cleared. The SPUD is requested to incorporate the residential lots into The Oak, a planned mixed-use development that includes retail, hotel, office, restaurant, and multi-family residential uses. The SPUD requests the same uses and similar development standards as PUD-1715 to the east (Tract 2) and south (Tract 4). Separate applications to close streets and easements have been approved in order to reroute streets and specifically relocate NW 50<sup>th</sup> Street to the traffic signal on N Pennsylvania. A new street connection to Northwest Expressway is planned. Conceptual plans indicate a turnaround for vehicles will be provided on NW 52<sup>nd</sup> Street where it will terminate.

## **II. SUMMARY OF PUD APPLICATION**

This SPUD shall be developed in accordance with the regulations of the **C-3 Community Commercial District** (OKC Zoning Ordinance, 2020), except as modified herein.

### **1. The following uses shall be the only uses permitted within this SPUD:**

- 8300.1 Administrative and Professional Offices
- 8300.5 Alcoholic Beverage Retail Sales
- 8300.8 Animal Sales & Services: Grooming
- 8300.11 Animal Sales & Services: Kennel & Veterinary, Restricted
- 8300.12 Automotive: Parking Garages
- 8300.13 Automotive: Parking Lots, as a Principal Use
- 8300.23 Building Maintenance Services
- 8300.24 Business Support Services
- 8300.29 Communications Services: Limited
- 8250.2 Community Recreation: General
- 8250.3 Community Recreation: Property Owners Association
- 8250.4 Community Recreation: Restricted
- 8300.32 Convenience Sales & Personal Services
- 8250.5 Cultural Exhibits
- 8350.3 Custom Manufacturing
- 8300.25 Child Care Center
- 8300.33 Drinking Establishments: Sitdown, Alcohol Permitted
- 8200.2 Dwelling Units and Mixed Use
- 8300.35 Eating Establishments: Fast Food
- 8300.38 Eating Establishments: Sitdown, Alcohol Permitted
- 8300.36 Eating Establishments: Fast Food, With Drive-Thru Order Window: This use is further limited to a coffee shop.
- 8300.41 Food & Beverage Retail Sales
- 8150.7 Horticulture

- 8350.8 Industrial, Light (This use unit is limited to the use and operation of a brewery, distillery, winery, cidery and associated tap/ serving rooms)
- 8300.48 Laundry Services
- 8250.11 Library Services & Community Centers
- 8250.12 Light Public Protection & Utility: General
- 8250.13 Light Public Protection & Utility: Restricted
- 8300.51 Lodging Accommodations: Commercial Lodging
- 8250.14 Low Impact Institutional: Neighborhood-Related
- 8300.52 Medical Services: General
- 8300.53 Medical Services: Restricted
- 8250.16 Murals
- 8200.12 Multiple-Family Residential
- 8300.55 Participant Recreation & Entertainment: Indoor
- 8300.58 Personal Services: General
- 8300.59 Personal Services: Restricted
- 8300.61 Repair Services: Consumer
- 8300.62 Research Services: Restricted
- 8300.63 Retail Sales and Services: General\*\*
- 8300.69 Spectator Sports & Entertainment: Restricted
- 8300.67 Spectator Sports & Entertainment: General

\*\*The sale of both Medical Marijuana and Recreational Marijuana shall be prohibited within this SPUD.

**2. Maximum Building Height:**

The maximum building height within this SPUD shall be ninety feet (90').

**3. Maximum Building Size:**

There shall be no maximum building size within this SPUD.

**4. Building Setback Lines:**

Front: 0'  
Side: 0'  
Rear: 0'

**5. Sight-proof Screening:**

Sight-proof screening shall not be required.

**6. Landscaping:**

The developer shall be permitted to count landscaping contained within the public right of way towards the overall points required for the adjacent development and any portion of any building built within the footprint of this SPUD. This SPUD shall not require compliance with the Landscape Code as anything constructed within this SPUD will be only partially located within its boundaries. A residential buffer shall not be required.

**7. Signs:**

Signage within this SPUD shall be reviewed and approved at the Specific Plan stage. However, the following shall apply:

- Seasonal street light banners and other such temporary banners/signs shall be permitted in this SPUD.
- Sign area shall be that area in which actual letters are located; the remainder of the sign shall be considered background and not count towards the sign area calculation. Monument signs with a split base shall be permitted if all portions of the sign support structure are covered in a material consistent with the structures located in this SPUD or consistent with an established development “theme”. The support structure shall be considered background or ornamentation and shall not be included in the calculation for overall sign area. Ground-mounted directional signs that are less than 8 square feet shall be considered incidental and allowed within this SPUD.
- A sign that contains the name of any business and/or multi-family development located within this SPUD is deemed accessory, even if the sign is not placed on the parcel where the business and/or multifamily development is located, as long as the business and/or multi-family development and the sign are located within this SPUD
- Freestanding signs shall provide a Landscaped Area containing one (1) point per two (2) square feet of sign or fraction thereof located within 10 feet of the base of any freestanding accessory sign. This landscaping may be applied to fulfill Site or Parking Point requirements.

**8. Decorative artwork & Architectural Elements:**

Decorative artwork and architectural elements shall be permitted throughout the SPUD area. Artwork/architectural elements may include but is not limited to fountains, individual art pieces, decorative entry elements, etc. The decorative artwork/architectural elements shall not exceed 40 feet in height, must have a minimum 14 feet vehicular clearance in height (for archways) and be located a minimum of 15 feet from the curb of any adjacent street. Sight triangles shall be observed at all intersections.

**9. Access:**

Access to the site shall be taken from Oak Street. (Oak Street is the proposed name of the street lying immediately West of the subject SPUD).

**10. Parking Regulations:**

There shall be no parking requirements within this SPUD.

**11. Sidewalk Regulations:**

Sidewalks shall be required, subject to the policies and procedures of the Public Works Department.

**I. 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, rock or stone masonry, drivet, rock, stone, stucco, architectural metal or other similar type finish. No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted.

**2. Open Space:**

N/A.

**3. Street Improvements:**

N/A.

**4. Other:**

**4.1 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. To minimize light spillover on single-family residential uses, outdoor lights within the development will be directed away from any adjacent single-family residential properties. To accomplish this, lights shall utilize shields, shades, or other appropriate methods of directing light beams

**4.2 Drainage:**

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

**4.3 Dumpsters:**

Dumpsters shall be consolidated, where practical, and shall be screened by a masonry wall of sufficient height to screen said dumpster from view.

**II. Supporting Documents:**

**Exhibit A:** Legal Description

**Exhibit B:** Master Development Plan – Conceptual

**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 Corps of Engineers 404 permit must be submitted with plans for any work contemplated within the floodplain, creek, or channel (waters of the United States) included in the case limits.
- 4) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 5) 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.

- 6) 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.
- 7) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 8) 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.
- 9) 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.
- 10) All private roads /streets will have private storm sewer systems.
- 11) 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) Proposed sanitary sewer main(s) must be in a dedicated easement. No other utilities will be allowed within the dedicated easement.
- 3) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.
- 4) Additional Comments: Sanitary sewer relocation required in accordance with Okc Utilities standard specifications.

**b. Solid Waste Management**

- 1) The can provide solid waste collection services to commercial customers providing refuse is not excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise the customer will have to utilize a private hauler for dumpster service.

**c. Water/Wastewater Quality**

**Water Availability**

- 1) The subject site is adjacent to a 6” water main in the street right-of-way of NW 52<sup>nd</sup> 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) The developer will provide an internal (on-site) water distribution system capable of supplying water to each lot or tract within the proposed subdivision or land development in accordance with City Standard Specifications and the current Subdivision Regulations.
- 4) 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.

- 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 and fire protection systems which require water pressure in excess of 25 psi.
- 6) 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.
- 7) Additional Comments: Water main relocation required in accordance with Okc Utilities standards.

## **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.

*The proposed development would extend the regulations of PUD-1715 (Tract 4) to the west over five residential lots. The planned mixed-use center to the east will have structured parking and incorporate uses at street level with storefront windows, attractive signage, a central plaza and lighting to create pedestrian-scale visual interest. At the time of review, it was unclear what type of development would occur within the SPUD boundary, but it appears the subject site would be used for a new street that would intersect NW Expressway.*

##### Location:

- Locate large-scale commercial and office development on arterial streets.
- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved.

*The proposed commercial and office uses are located along a highway and new planned streets that will intersect an arterial street.*

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. The Urban Medium Intensity LUTA outlines a density range of 10 to 40 dwelling units per acre. *The PUD proposes a mixed-use development with development regulations that can achieve this FAR.*

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- 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.
- Development fronting arterials should take access from intersecting streets where possible.
- Primary entrance points should be aligned with access points immediately across the street.

*The conceptual plan indicates that the SPUD site would be used primarily for a new street that would intersect NW Expressway. A turnaround would be provided in the neighborhood to the west, and streets would be rerouted to provide new and enhanced connections to NW Expressway and N Pennsylvania Ave.*

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.
  - Discourage widening of neighborhood streets and increasing curb radii.
- Sidewalks exist on N Pennsylvania Ave and pedestrian paths are required throughout the development to the east. A pedestrian connection is shown from the neighborhood on the west to the new mixed-use development. The SPUD states sidewalks shall be installed per Public Works requirements and should be provided along NW Expressway, a future BRT route.*

**Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating the proposed retail, office and multifamily uses adjacent to existing low intensity residential “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass.

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 proposed development extends the regulations of the adjacent PUD-1715. At the time of review, it appeared the SPUD site would be used primarily for a new street and no buildings would be placed adjacent to the neighborhood. If buildings are proposed, building scale and site design issues are triggered by the proposed building heights, zero setback, and lot coverage that dramatically exceeds adjacent single-family residential uses. The comprehensive plan recommends mitigation measures such as stepping down in height, incorporating design and elevation features that complement adjacent lower-density development, breaking up massing of buildings, and increasing setbacks and landscaping to help transition from higher intensity to lower intensity areas.*

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 for the addition of one acre to the planned mixed-use development to the east and south.*

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 proposed PUD would allow uses abutting a neighborhood that could create operational impacts. At the time of review, the exhibits indicated the SPUD regulations would apply to newly acquired land and remain separated from the neighborhood to the west by a new street. If development is proposed with no setback from the residences to the west, uses that generate noise, light or odor should be removed.*

- 2) **Service Efficiency:**
  - Water: *Fully served*
  - Sewer: *Fully Served*
  - Fire Service: *Urban Service Level*
  
- 3) **Environmentally Sensitive Areas:** No ESAs are present on the subject site.

- 4) **Transportation System:** The proposed development has frontage along Northwest Expressway, a major arterial street. A new street is planned to intersect NW Expressway within or adjacent to the SPUD site. Transit (bus) service is available along N Pennsylvania Ave. Bus Rapid Transit is planned along NW Expressway.
- 5) **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)
  - 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)

**b. Plan Conformance Considerations**

The proposed SPUD would add one acre of land to the mixed-use development planned at the southwest corner of NW Expressway and Pennsylvania (The Oak). The proposed uses and scale are consistent with what was approved in PUD-1715 Tract 2 (to the east) and Tract 4 (to the south), and the SPUD would “shift” everything west, including a new street that will intersect Northwest Expressway and create an edge and separation from the neighborhood to the west. If new buildings are proposed abutting residences, plan conformance could be strengthened by providing mitigation measures that address differences in building height and setbacks near residential uses, eliminating uses that create operational impacts near residential uses, and providing landscape buffers along the west boundary of the SPUD.

**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. C-3 height regulations shall apply where abutting R-1
2. Landscape buffer shall be provided along the west line adjacent to R-1.

*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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