



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

**Item No. IV. 15.**

**(PUD-1847) Application by Silver Leaf Holdings, LLC., to rezone 12500 South Pennsylvania Avenue from the O-2 General Office District to the PUD-1847 Planned Unit Development District. Ward 5.**

**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 application was recommended for approval by the Planning Commission on September 23, 2021. The application has since been modified to add the personal storage use

**C. Reason for Request**

This application is to permit an office and commercial development: veterinary hospital.

**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.

**2. Size of Site: 7.0 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>	O-2	O-2	AA	R-1	R-1
<b>Land Use</b>	Undeveloped	Church/School	Residential	Residential	Residential

- 4. Development Context:** The 7-acre subject site is located on the east side of S Pennsylvania Ave halfway between SW 119<sup>th</sup> Street and SW 134<sup>th</sup> Street. The site is zoned O-2 and undeveloped. Adjacent on the north is a church zoned O-2. To the east is AA zoned land accessed by an easement along the southern boundary of the subject site. To the south is Meadow Ridge Estates subdivision. Across the street to the west is the residential subdivision Pennsylvania Place. The corridor is primarily zoned AA, R-1 and O-2 and developed with subdivisions and churches, with commercial uses and zoning at the arterial intersections. The PUD is requested for a limited commercial development.

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

### **8.1 USE AND DEVELOPMENT REGULATIONS**

The use and development regulations of the **C-3 Community Commercial District** shall govern this PUD, except as modified herein.

**The following uses shall be the only uses permitted within this PUD:**

8300.1	Administrative and Professional Offices
8300.2	Adult Day Care Facilities
8300.5	Alcoholic Beverage Retail Sales
8300.8	Animal Sales and Services: Grooming
8300.11	Animal Sales and Services: Kennel and Veterinary, Restricted
8300.23	Building Maintenance Services
8300.24	Business Support Services
8300.29	Communications Services: Limited
8300.32	Convenience Sales and Personal Services
8250.5	Cultural Exhibits
8350.3	Custom Manufacturing
8200.2	Dwelling Units and Mixed Uses
8300.35	Eating Establishments: Fast Food
8300.38	Eating Establishments: Sitdown, Alcohol Permitted
8300.41	Food and Beverage Retail Sales
8250.12	Light Public Protection and Utility: General
8250.13	Light Public Protection and Utility: Restricted
8250.14	Low Impact Institutional: Neighborhood-Related
8300.52	Medical Services: General
8300.53	Medical Services: Restricted
8300.55	Participant Recreation and 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

## **9.0      SPECIAL CONDITIONS**

The following special conditions shall be made a part of this PUD:

### **9.1      FAÇADE REGULATIONS**

Exterior building wall finish on all structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, 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. Exposed metal or exposed concrete block buildings shall not be permitted.

### **9.2      LANDSCAPING REGULATIONS**

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

### **9.3      SCREENING REGULATIONS**

Screening shall be required to meet the regulations of the base zoning district.

### **9.4      PLATTING REGULATIONS**

Platting within this PUD shall not be required.

### **9.5      ACCESS REGULATIONS**

Access to the site shall be taken from S. Pennsylvania Ave.

### **9.6.1      SIGNAGE REGULATIONS**

#### **9.6.1      Freestanding Accessory Signs:**

Freestanding accessory signs within this SPUD shall ground (monument) sign(s) with the maximum size being fifteen (15) feet in height and one hundred and fifty (150) square feet in area. No pole signs will be allowed.

#### **9.6.2      Attached Signs:**

Attached signs shall be in accordance with the base zoning district.

**9.6.3 Non-Accessory Signs:**

Non-Accessory signs shall be prohibited within this SPUD.

**9.6.4 Electronic Message Display Signs:**

Electronic Message Display signs shall be prohibited within this SPUD.

**9.7 LIGHTING REGULATIONS**

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

**9.8 SETBACK REGULATIONS**

Pursuant to the base zoning district.

**9.9 HEIGHT REGULATIONS**

Pursuant to the base zoning district.

**9.10 PARKING REGULATIONS**

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

**9.11 DUMPSTER REGULATIONS**

Dumpsters shall be consolidated and located within an area screened by a masonry wall that is of sufficient height to screen the dumpsters from view.

**9.12 SIDEWALK REGULATIONS**

Five-foot sidewalks shall be constructed along the arterial street or 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.

**10.0 EXHIBITS**

Exhibit A: Legal Description  
Exhibit B: Site 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) Moore**
- 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) Flood Study will be required to show no rise in FEMA Q 100 and the City of Oklahoma City Q 100 water surface elevation, compared pre-and post-development.
- 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**

- 1) Proposed driveway spacing does not appear to meet the requirements of the subdivision regulations.

**8. Utilities**

**a. Engineering**

**Paving**

**Sanitary Sewer Availability**

- 1) An existing 24" and 10" 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) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.
- 7) Additional Comments: 24" main along S Pennsylvania Ave and 10" main along the east side of the property boundary.

**b. Solid Waste Management**

- 1) The City 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 16" water main in the street right-of-way of S Pennsylvania Ave.
- 2) 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.
- 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) No trees, signs, dumpsters or fences within 10 feet of any existing or proposed water main.
- 6) Proposed water main(s) must be in a dedicated easement. No other utilities will be allowed within the dedicated easement.
- 7) 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.
- 8) Additional Comments: No connection will be allowed on the Mustang Well line along S Pennsylvania Ave.

## **9. Planning**

### **a. Comprehensive Plan Considerations**

#### **1) LUTA Development Policies:**

##### Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

*National, state, and local permitting require basic best management practices for stormwater management.*

##### Location:

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

*The subject site is located on an arterial street.*

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The PUD would allow for development within this range.*

##### Automobile Connectivity:

- Maintain, create, and enhance a street network that is highly connected to increase number of viable commercial locations and the effectiveness of the transportation system.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Development fronting arterials should take access from intersecting streets where possible.

- Primary entrance points should be aligned with access points immediately across the street.
- Retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores.
- Provide vehicular connectivity between adjacent developments.
- Horizontally mixed-use developments should have connectivity between land uses.

*The PUD requests two driveways in addition to the access easement on the south boundary of the site. Plan conformance would be strengthened if the total number of driveways were limited to two within the property's 466 feet of frontage and spaced at least 200 feet apart from each other and from adjacent drives.*

Pedestrian Connectivity:

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

*Sidewalks will be required along the arterial street. Subsequent Specific Plans are required to show pedestrian connections from the arterial sidewalks to and between new buildings.*

- 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 commercial 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.

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 PUD's C-3 base would limit building height to one story within 35 feet of adjacent R-1 and AA Districts, two stories within 150 feet, and up to 6 stories past 150 feet of these zones. The height regulations, open space, lot coverage and setbacks are the same in the C-3 District as the site's existing O-2 District allows.*

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 base C-3 District allows some uses that could create operational impacts near neighborhoods. The PUD offers mitigation by removing many uses, including drive-thru/drive-in restaurants, gas stations, and auto repair uses, from those that could be constructed on the site. The requested uses must be located inside a building. The PUD commits to meeting Code requirements for screening and landscaping.*

**3) Service Efficiency:**

- Water: *Served*
- Sewer: *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 along S Pennsylvania Ave, a Major Arterial Street in the Urban Low LUTA. Sidewalks are not available on the subject site but will be required with new development. Bus transit is available to the northeast at S Western Ave and SW 104<sup>th</sup> St. A multi-use trail is planned to the south of the subject site. The route is to be finalized at a later date.

**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)
- 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 points immediately across intersecting roads. Limit curb cuts on primary highways and arterials.
  - Provide pedestrian circulation, including sidewalks and median breaks along interior and exterior fronting roads and within parking lots.
  - Encourage coordinated development of retail centers in order to facilitate internal pedestrian and vehicle circulation and optimal center performance (SU-27)
- Commercial buildings should be built at the street rather than behind a parking lot in order to promote pedestrian circulation, multipurpose shopping trips, and walkable and attractive streetscapes. Large-scale commercial buildings with parking in front should screen parking lots with coordinated development of out-parcels (pad sites) and with landscaping. (SU-28)
- New neighborhood-scale retail should be located within new residential growth areas to serve daily shopping needs and limit trip distances. In newly developing areas, this retail format is preferred to the existing linear development patterns along arterials. (SU-30)
- 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 proposal would allow a new commercial development on the east side of S Pennsylvania Ave between SW 119<sup>th</sup> Street and SW 134<sup>th</sup> Street. The S Pennsylvania corridor is primarily zoned R-1, AA and O-2 and developed with residential subdivisions and churches near the subject site, with commercial uses located near the arterial intersections. The PUD proposes a C-3 base but eliminates uses such as drive-thru/drive-in restaurants, gas stations, and auto repair that trigger operational impacts adjacent to residential uses. The PUD allows monument signs up to 15 feet tall. EMD signs are prohibited. Sidewalks will be provided.

The PUD was previously recommended for approval by the Planning Commission and the agreed upon conditions have been incorporated into the Master Design Statement. The PUD has since been modified to add the personal storage use, necessitating a new recommendation from the Planning Commission.

#### **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.**

*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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