



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

Item No. IV. 16.

(PUD-1857) Application by Cooper Yukon Investment, LLC., to rezone 12800 NW 10th Street from the AA Agricultural District to the PUD-1857 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

This application is to permit a commercial development.

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: 5.3 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	PUD-1806	AA	AA	AA
Land Use	Undeveloped	Undeveloped	Undeveloped	Industrial	Industrial

4. Development Context: The subject 5.3-acre site zoned AA and located south of NW 10th Street and east of N Cemetery Road.

The subject site is located south of PUD-1806, which fronts NW 10th Street and was approved in 2021 with a C-3 base to specifically allow an Automobile Dealership. AA zoned agricultural property surrounds the site on the west, south, and east. To the north across NW 10th St are regional retail/commercial uses within the City of Yukon. To the northwest, within Oklahoma City, are commercial businesses (restaurants, gas station, grocery store, and auto repair) zoned C-3 and SPUD-909. Farther east at I-40 and Czech Hall is The Market at Czech Hall. Access to I-40 is available roughly one-half mile to the north and east. The PUD is requested to expand the uses approved in PUD-1806.

II. SUMMARY OF PUD APPLICATION

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

The following uses shall be the only uses permitted within this PUD and shall be permitted by right:

Administrative and Professional Offices (8300.1)
Alcoholic Beverage Retail Sales (8300.5)
Animal Sales and Services: Grooming (8300.8)
Animal Sales and Services: Kennel and Veterinary, Restricted (8300.11)
Automotive and Equipment: Automobile Dealerships and Malls (8300.18)
Building Maintenance Services (8300.23)
Business Support Services (8300.24)
Custom Manufacturing (8350.3)
Dwelling Units and Mixed Uses (8200.2)
Eating Establishments: Fast Food (8300.35)
Eating Establishments: Fast Food, With Drive-Thru Order Window (8300.36)
Eating Establishments: Sitdown, Alcohol Permitted (8300.38)
Food and Beverage Retail Sales (8300.41)
Gasoline Sales, Large (8300.45)
Light Public Protection and Utility: General (8250.12)
Light Public Protection and Utility: Restricted (8250.13)
Low Impact Institutional: Neighborhood-Related (8250.14)
Medical Services: General (8300.52)
Medical Services: Restricted (8300.53)
Personal Services: General (8300.58)
Personal Services: Restricted (8300.59)
Repair Services: Consumer (8300.61)

Research Services: Restricted (8300.62)
Retail Sales and Services: General (8300.63)

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, wood, ACM architectural metal panels 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, except as modified herein.

9.3 SCREENING REGULATIONS

Screening shall not be required within this PUD as it is not likely to be adjacent to residential.

9.4 PLATTING REGULATIONS

Platting shall not be required within this PUD.

9.5 DUMPSTER REGULATIONS

Dumpster(s) shall be consolidated where practical and located within an area a minimum of 50 feet from any residential district and shall be screened by a fence or masonry wall of sufficient height that screens the dumpster(s) from view.

9.6 ACCESS REGULATIONS

Access shall be permitted from NW 10th St and cross access between adjacent tracts.

9.7 SIGNAGE REGULATIONS

9.7.1 FREESTANDING ACCESSORY SIGNS

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

9.7.2 ATTACHED SIGNS

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

9.7.3 NON-ACCESSORY SIGNS

Non-Accessory signs shall be prohibited within this PUD.

9.7.4 ELECTRONIC MESSAGE DISPLAY SIGNS

Electronic Message Display signs shall be prohibited within this PUD.

9.8 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.

9.9 SETBACK REGULATIONS

The base zoning district shall govern the setbacks within this PUD.

9.10 HEIGHT REGULATIONS

The base zoning district shall govern the building height within this PUD.

9.11 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.

9.12 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.

9.13 SPECIFIC PLAN

A Specific Plan shall not be required within this PUD.

10.0 EXHIBITS

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

B. City Departments

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

b. Streets, Traffic and Drainage Maintenance

Storm Sewer Availability

- 1) The Public Works Drainage Division staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to chapter 16 of the Oklahoma City Municipal Code.
- 2) Storm sewers in accordance with the City's Drainage Ordinance will be required. Development abutting section line roads with drainage flows that exceed the capacity of OKC standard ditch detail (D-100) will necessitate the installation of enclosed storm sewer and/or concrete channel. These improvements shall be placed to provide a minimum of 35' clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way.
- 3) A flood and/or drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.
- 4) Plans for drainage improvements within the private drainage reserves and/or common areas must be submitted for review, and payment of inspection fees shall be made prior to construction. Building permits will not be issued until construction is complete. If a subdivision abuts a stream, the private drainage easements and/or common area along stream shall extend to flow line of stream at a minimum.
- 5) Place the following note on the plat and construction plans: Maintenance of the Common Areas and/or Private Drainage Easements shall be the responsibility of the property owner. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the common areas and/or drainage easements shown.
- 6) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 7) Construction within the limits of this SPUD will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992.

A copy of the EPA Notice of Intent (NOI) will be required prior to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.

- 8) Sidewalk shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 9) All private roads /streets will have private storm sewer systems.
- 10) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

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) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.

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" and 12" water main in the street right-of-way of N Cemetery Rd and NW 10th 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: 16" water main extension is required along N Cemetery Rd. to the furthest boundary of development.

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 site is located along NW 10th Street, a major arterial.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The C-3 base zone allows 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 number of dead-end streets and cul-de-sacs.
- 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.
- 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 proposed PUD would take access through the PUD to the north. It appears an internal circulation system is planned for the area but it has not been formalized in a PUD or plat.

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.

The PUD requires sidewalks, but no streets are planned within the subject site.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating retail and commercial uses next to similar uses, no potential compatibility issues are identified. When locating the proposed retail uses adjacent to agricultural uses, “Traffic” and “Operational Impact” are potential compatibility issues identified by the comprehensive plan. *No triggers requiring mitigation were identified.*
- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Within an Open Sewer Sheds or Served*
 - Fire Service: *Rural Service Level*
- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the subject site.
- 5) **Transportation System:** The PUD site does not have access on an improved street. Access will be through the property to the north that fronts NW 10th St, a Major Arterial Street in the Urban Low LUTA.
- 6) **Other Development Related Policies**
 - 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)
 - Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)
 - Encourage unified planning for all adjoining land owned or controlled by a project’s developer to ensure proper circulation and land use relationships (SU-47)

b. Plan Conformance Considerations

The PUD is requested to extend commercial/retail uses near NW 10th Street and Cemetery Road within the Urban Low LUTA. The site is adjacent/south of PUD-1806 which was approved in 2021 to allow an auto dealership across from big-box retail development in Yukon, and east of C-3 zoned properties within Oklahoma City. The new PUD would extend the uses to the south and would take access through the property to the north. Based on the information available at the time of review, it appears the proposed dealership will have access to an internal street/private drive circulation system outside the PUD boundaries. The surrounding C-3 parcels have been split off and zoned individually over the past several years. The comprehensive plan encourages unified planning for all adjoining land owned or controlled by a project's developer to ensure proper circulation and land use relationships. Conformance would be strengthened if a traffic circulation and pedestrian plan were provided for the area.

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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