



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**April 14, 2022**

**Item No. IV. 19.**

**(SPUD-1395) Application by Williams, Box, Forshee & Bullard, PC., to rezone 4020 South Walker Avenue from the R-1 Single-Family Residential District to the SPUD-1395 Simplified Planned Unit Development District. Ward 4.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant/Developer Representative**

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

**B. Case History**

This application was continued from the March 24, 2022, meeting.

**C. Reason for Request**

This application is to permit a mixed office/warehouse 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: 0.305 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	R-1	R-1	R-1
<b>Land Use</b>	Commercial	Residential	Residential	Residential	Wellness Center

- 4. Development Context:** The subject site is located at the northeast corner of S Walker Ave and SW 40<sup>th</sup> St. The site is zoned R-1 and developed with two buildings. The site is surrounded by R-1 zoning. To the north, east, and south are single-family residences. To the west, across S Walker Ave, is the MAPS 3 (Pete White) Health and Wellness Center, and Capitol Hill High School to its north. The SPUD is requested to allow the existing buildings to be used for non-residential uses.

## **II. SUMMARY OF SPUD APPLICATION**

This SPUD shall be developed in accordance with the regulations of the **C-1 Neighborhood 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  
8300.2 Adult Day Care Facilities  
8300.8 Animal Sales & Services: Grooming  
8300.11 Animal Sales & Services: Kennel & Veterinary, Restricted  
8300.14 Automotive and Equipment: Cleaning and Repairs, Light Equipment  
8300.23 Building Maintenance Services  
8300.24 Business Support Services  
8300.25 Child Care Centers  
8300.29 Communications Services: Limited  
8300.32 Convenience Sales & Personal Services  
8250.5 Cultural Exhibits  
8350.3 Custom Manufacturing  
8300.35 Eating Establishments: Fast Food  
8300.37 Eating Establishments: Sitdown  
8300.39 Eating Establishments: Sitdown, Limited Alcohol Permitted  
8150.6.3 Greenhouse  
8150.6.5 Hoop House  
8150.7 Horticulture  
8350.8 Industrial, Light [limited to office and warehouse storage space]  
8250.12 Light Public Protection & Utility: General  
8250.13 Light Public Protection & Utility: Restricted  
8200.4 Live/Work  
8300.52 Medical Services: General  
8300.53 Medical Services: Restricted  
8300.59 Personal Services: Restricted  
8300.60 Personal Storage  
8300.61 Repair Services: Consumer  
8300.62 Research Services: Restricted  
8300.63 Retail Sales and Services: General  
8300.69 Spectator Sports and Entertainment: Restricted

8350.16 Wholesaling, Storage and Distribution: Restricted [limited to office and warehouse storage space]

8200.14. Single-Family Residential

8200.16. Two-Family Residential

**2. Maximum Building Height:**

The current building on site shall remain, in the event that any new structure is built, said structure shall meet the height regulations of the base zoning district.

**3. Maximum Building Size:**

The current building on site shall remain. In the event that any new structure is built, said structure shall meet the development regulations contained herein.

**4. Maximum Number of Buildings:**

Pursuant to the base zoning district.

**5. Building Setback Lines:**

The current building on site shall remain. In the event that any new structure is built, said structure shall meet the regulations of the base zoning district.

**6. Sight-proof Screening:**

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

**7. Landscaping:**

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

**8. Signs:**

**7.1 Freestanding Accessory Signs:**

All current signage shall be permitted to remain and shall be deemed to conform to all relevant regulations. In the event of a new freestanding sign, the signs will be in accordance with the base zoning district regulations.

**7.2 Attached Signs:**

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

**7.3 Non-Accessory Signs:**

Non-Accessory signs / billboards shall be prohibited within this SPUD.

**7.4 Electronic Message Display Signs:**

Electronic Message Display signs shall be prohibited within this SPUD.

**9. Access:**

Access to the site shall be taken from the existing drive off of SW 40<sup>th</sup> St. and two drives off of S. Walker Ave. In the event the site is redeveloped, access regulations shall be in accordance with the Oklahoma City Municipal Code, 2020, as amended.

**10. Sidewalks:**

Sidewalks shall be required, subject to the policies and procedures of the Public Works Department. In the event new sidewalks are required, they shall be 5-foot-wide, 6 foot wide if constructed abutting the street curb and meet the City of Oklahoma City requirements.

**I. Other Development Regulations:**

**1. Architecture:**

All buildings currently constructed on site shall remain and shall be deemed to conform to all architecture regulations contained herein. In the event that a new building is constructed, the following regulations shall apply:

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, stone, stucco, architectural metal or other similar type finish.

**2. Open Space:**

N/A.

**3. Street Improvements:**

N/A.

**4. Lighting:**

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

**5. Drainage:**

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

**6. Dumpsters:**

Existing dumpsters shall be permitted to remain and conform with the Oklahoma City Municipal Code, 2020, as amended. Dumpster(s) shall be screened by a masonry wall of sufficient height to screen said dumpster(s) from view.

**7. Parking Regulations:**

All existing parking shall be deemed to conform to any applicable parking regulations. In the event that any new parking facilities are built, the design and number of all parking facilities shall be in accordance with Chapter 59 Article X of the Oklahoma City Municipal Code, 2020, as amended.

**II. Supporting Documents:**

**Exhibit A:** Legal Description

**Exhibit B:** Site Plan

**III. REVIEW COMMENTS**

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

**A. Outside Agencies**

**1. Oklahoma City-County Health Department**

**2. Oklahoma City Urban Renewal Authority (OCURA)**

**3. Oklahoma Gas and Electric (OGE)**

**4. Oklahoma Natural Gas:** Please be advised ONG has an underground or aboveground facility in the area. If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate. Prior to

excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior for exact location of our facilities.

- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District(s) 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 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**

**Wastewater Availability**

- 1) An existing 8" wastewater main(s) is adjacent to the subject site(s) and a service connection will be permitted in accordance with City Standard Specifications. A separate service connection is required for each building/structure.
- 2) All wastewater mains must flow within the existing drainage basin. Proposed wastewater mains that will flow to another drainage basin across a ridgeline will not be allowed.
- 3) Minimum ten (10) foot horizontal separation required for water mains and five (5) foot for other crossings. Minimum two (2) foot vertical separation required for all crossings.
- 4) The developer will be required to extend the wastewater collection system to each lot or site within the subdivision or land improvements in accordance with City Standard Specifications and the current Subdivision Regulations.
- 5) All existing unused wastewater services must be abandoned at the wastewater main.
- 6) No wastewater service is available for proposed improvements, private on-site sewage disposal systems are required in accordance to ODEQ rules and regulations. On-site sewage disposal system must be installed by an ODEQ certified installer and inspected by ODEQ.
- 7) Proposed wastewater main(s) must be located in a twenty (20) foot wide easement.
- 8) No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement.

**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) An existing 6" water main(s) is adjacent to the subject site(s) and a service connection will be permitted in accordance with City Standard Specifications. A separate service connection and meter is required for each building/structure.
- 2) Minimum ten (10) foot horizontal separation required for wastewater mains and five (5) foot for other mains. Minimum two (2) foot vertical separation required for all crossings.
- 3) Dead-end water mains must be avoided where applicable.
- 4) All existing unnecessary water services must be abandoned at the water main.
- 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) Proposed water main(s) must be located within a utility easement or right-of-way. No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 7) All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 8) A 12-inch water main is required to be looped through the development to provide adequate water supply and fire flow protection. Connection to two (2) separate active water mains is required to prevent partial or total shut-off of water supply when a pipeline failure occurs within the proposed development.
- 9) All existing and proposed meters must meet current specifications and standard details and be located in the right-of-way or utility easement within grassy areas outside of sidewalks, driveways, streets and/or paving.
- 10) All domestic and fire suppression services must have separate water service connections.

- 11) Fire hydrants maximum spacing is 500 foot and must be located within 10 foot of a hard surface (i.e. sidewalk, street, and/or paving).
- 12) A waterline extension along Walker Ave will be required if a new building is constructed on the north half of the lot.

## **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.
- 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.

##### Location:

- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved.

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.

*National, state, and local permitting require basic best management practices for stormwater management. The site is currently developed. The FAR of the site is 0.38.*

##### Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Keep alleys open and functional.
- 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 subject site currently has two drives off S Walker Ave and one drive off SW 40<sup>th</sup> St. The SPUD allows only one on S Walker Avenue.*

##### Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

*Sidewalks are available on a portion of S Walker Ave, stretching from SW 40<sup>th</sup> Street to the bus stop. The SPUD requires sidewalks per the Public Works Department.*

- 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 and industrial 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 site is already developed. No new compatibility issues regarding site design were identified.*

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. *The subject site is located on an arterial street. 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 subject site is zoned R-1 but has historically operated as a non-residential use. Rezoning to commercial and light industrial uses would be consistent with the history of the site, but it would create the only non-residential zoning in the area. The site is adjacent to residential uses and across from a new MAPS 3 wellness center. The SPUD should be sensitive to the area and enhance the corridor.*

- 3) **Service Efficiency:**
- Water: 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 at the northeast corner of S Walker Ave, a Major Arterial Street, and SW 40<sup>th</sup> St, a Neighborhood Street, both in the Urban Medium LUTA. The nearest transit (bus) service is located adjacent to the site along S Walker Ave. Access to the trail system is available to the north along the South Grand Boulevard Trail.
- 6) **Other Development Related Policies**
- Encourage the integration and mixing of land uses in urban areas. (SU-1)
  - Neighborhood-scale retail should be developed at the median breaks or intersections of major or minor connectors. (SU-31)
  - 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)
  - Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)
  - Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
  - Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)

**b. Plan Conformance Considerations**

The 0.3-acre subject site is located at the northeast corner of S Walker Ave and SW 40<sup>th</sup> Street within the Urban Low Intensity LUTA. The site is zoned R-1 and surrounded by R-1 zoning. To the north, east, and south are single-family residences. To the west, across S Walker Ave, is a MAPS 3 Health and Wellness Center. The subject site has historically operated as a non-residential use. The SPUD would allow the site to remain as-is and would allow new uses inside the existing buildings. Rezoning to commercial and light industrial uses is consistent with the history of the site, but creates the only non-residential zoning in the area.

The application has been modified since first submitted to address potential compatibility issues. Several uses have been removed and the SPUD base zoned has been changed from I-1 Light Industrial to C-1 Neighborhood Commercial.

#### **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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