



STAFF REPORT
The City of Oklahoma City
Planning Commission
October 13, 2022

Item No. IV. 27.

(SPUD-1440) Application by Court of Owls, LLC., to rezone 1228 SW 149th Street from the AA Agricultural District to the SPUD-1440 Simplified Planned Unit Development District. Ward 5.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Jonathan Vanover
Phone 405-662-9776
Email jvhop@yahoo.com

B. Case History

This application was continued from the September 8, and September 22, 2022 meetings.

C. Reason for Request

This application is to permit a fitness center.

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 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	AA/R-A	AA	AA	AA
Land Use	Undeveloped	Residential	Oil Tanks	Undeveloped	Residential

4. Development Context: The subject site is located along the south side of SW 149th Street between S Pennsylvania Avenue and S Western Avenue. A tributary of the Canadian River runs just inside the eastern/southern boundary of the site, and the floodway and 100-year floodplain cover a significant portion of the site.

Adjacent on the west is a residence, and across SW 149th Street to the north and oriented toward the subject site are single-family residences. To the east are oil storage tanks. Across the creek to the south and southeast are the Featherstone/Wildflower neighborhoods. The SPUD proposes a fitness center development with a C-1 base.

II. SUMMARY OF PUD APPLICATION

This site will be developed in accordance with the regulation of the **C-1 Neighborhood Commercial District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

1. In addition to the allowed base zoning use(s) the following additional use(s) will be permitted on this site:

8300.55 Participant Recreation and Entertainment: Indoor

2. **Maximum Building Height:** 35FT
3. **Maximum Building Size:** 41,000 S.F.
4. **Maximum Number of Buildings:** 1
5. **Building Setback Lines**

Front Yard: 25

Rear Yard: 15

Side Yard: 15

Corner Side 15
Yard:

6. **Sight-proof Screening:** Not required (There is 2.9 Acres of open space flood zone that separates from abutting residential property)
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:**
 - 8.1 **Free standing accessory signs-** MONUMENT SIGN
 - 8.2 **Attached signs-** Attached signs will be in accordance with the base zoning district regulations.

8.3 Non-Accessory Signs - Non-Accessory signs shall be prohibited.

8.4 Electronic Message Display signs- Electronic Message Display signs shall be prohibited.

9. Access: Access may be taken from upto two drives from SW 149 Street.

10. Sidewalks: Sidewalks shall be required along the arterial street Ave., pursuant to Public Works requirements. Said sidewalk shall be a minimum of 5 feet wide or 6 feet wide if placed abutting the street curb.

II. Other Development Regulations:

1. Architecture: Exterior building wall finish on all main structures (excluding the accessory structures), exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock, concrete board, stucco or stone masonry. No more than 30% EIFs, wood or architectural metal shall be permitted. Architectural regulations do not apply to accessory structures

2. Open Space: 2.3 ACRES INSIDE FLOODPLAIN

3. Street Improvements: NA

4. Site 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. Dumpsters: Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences.

Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

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

7. Maintenance: Maintenance of the common areas in the development shall be the responsibility of the property owner or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

- 8. Drainage:** Development of this parcel will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

- 9. Other:** None

III. 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) Moore**
- 7. Oklahoma Department of Transportation (ODOT)**

B. City Departments

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**

3. Fire

- 1) Hydrants and access will be required at the building permit stage.

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) A portion of subject property is situated within a F.E.M.A. Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year) frequency plus 1'.

The Public Works Department Engineering staff shall approve these elevations prior to the filing of the final plat.

- 6) A floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 11) 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.
- 12) 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.
- 13) All private roads /streets will have private storm sewer systems.
- 14) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

- 15) Section II.8. Add the statement: All drainage design for this development shall be in accordance with the applicable requirements of chapter 16 of the Oklahoma City Municipal Code that are in effect at the time the plans are submitted for review.

c. Stormwater Quality Management

d. Traffic Management

- 1) Proposed street/driveways must meet the driveway separation requirements of the City of Oklahoma City Subdivision Regulations.

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) An existing 15" 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. All wastewater mains must have a minimum cover of six (6) feet and a depth no greater than eighteen (18) feet.
- 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) Proposed wastewater main(s) must be located in a twenty (20) foot wide easement. No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 6) System will be considered private until connected to City Main.

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability

- 1) An existing 12" 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. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 3) Dead-end water mains must be avoided where applicable. All existing unnecessary water services must be abandoned at the water main.
- 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) 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.
- 6) 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.
- 7) All domestic and fire suppression services must have separate water service connections. 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).
- 8) System will be considered private and will be master metered.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways.
- Where possible, provide a continuous system of open space along stream corridors or other appropriate areas that link neighborhoods and park lands.
- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

The eastern/southern boundary of the site is adjacent to a tributary of the Canadian River. Floodway and 100-year floodplain are present on the subject site. The conceptual plan indicates an intent to modify the floodplain and develop adjacent to the floodway, which is not consistent with the comprehensive plan. The development is required to comply with all City, State, and Federal requirements within the floodplain. Public water and sewer are available, and a sewer line runs through the center of the site, north of the creek.

Location:

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

The subject site is located along SW 149th Street, 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 SPUD proposes a building up to 41,000 square feet for a FAR of 0.18.*

Automobile Connectivity:

- 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.
- Primary entrance points should be aligned with access points immediately across the street.

The SPUD requests up to two drives from SW 149th Street. Drives should be at least 200 feet apart. The site abuts a single-family residence on the west, and stubs east and south are not possible due to the tributary of the Canadian River.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Within parking lots, provide pedestrian access ways separated from vehicle aisles.

The SPUD requires sidewalks along SW 149th Street.

- 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 use adjacent to existing agricultural or residential uses, “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 SPUD would allow a fitness center along SW 149th Street. The street frontage and lot coverage will differ from the surrounding residential uses. The conceptual plan shows parking placed in front of the commercial building. If approved, the building should be placed in front of the parking area, which would also serve to increase the separation between the building and the floodway and the existing 15” sewer line that runs through the center of the property.*

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.*

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. *It was unknown what, if any, operational impacts would occur from the proposed use of a fitness center.*

- 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:** Riparian areas are vegetated areas adjacent to streams, lakes, ponds, and wetlands that are composed of a mixture of trees, shrubs, and grasses. These areas may also contain floodplain. The comprehensive plan recommends a 100-foot buffer from stream banks. *Riparian area including a flowing tributary of the Canadian River, 25-year floodway, and 100-year floodplain is present along the southern boundary of the site. Plan conformance would be strengthened if the riparian area were undisturbed and development occurred at least 100 feet from the stream bank.*
 - **Upland Forests:** N/A
 - **Vulnerable Aquifers:** The aquifer in this area is considered highly vulnerable to depletion. The comprehensive plan recommends preserving natural open spaces and utilizing low impact development techniques whenever possible in new developments in order to maintain water quality and allow for the infiltration of stormwater onsite.
- 5) **Transportation System:** This site is located off SW 149th Street, a Major Arterial Street in the Urban Low LUTA. Transit (bus) service is not available.
- 6) **Other Development Related Policies**
 - Favor commercial development clustered in nodes at arterial or collector intersections or along brief “main street” style corridors over commercial development extending in a linear pattern for long distances along highway, arterial, or collector corridors. (SU-25)
 - 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)
- 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)
- 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)
- Avoid under-grounding streams to the greatest extent possible. Where feasible, encourage the re-surfacing of buried streams. Limit the use of culverts or other structures that alter natural streams, and require designs that minimize impacts to stream health and function. (G-11)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizeable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)

- 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 subject site is located along the south side of SW 149th Street between S Pennsylvania Avenue and S Western Avenue. The 5-acre site is zoned AA. A tributary of the Canadian River runs just inside the eastern/southern boundary of the site. Surrounding uses are residential. The SPUD seeks to allow a fitness center. The site plan indicates a significant portion of the site within the floodway and floodplain. The proposal is not consistent with comprehensive plan policies that call for avoiding development within, or modification of, the 100-year floodplain. It was unclear at the time of review if the site could be developed as indicated in the conceptual plan due to sewer line running through the center of the site (north of the creek). If non-residential uses are approved at this location, plan conformance would be strengthened by establishing a 100-foot setback from the stream bank and placing parking behind the building, which may assist with developing the site around the sewer line.

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.

Should this application be approved, an additional 17 feet of right-of-way should be requested along SW 149th Street to bring the right-of-way width to the standard set by the Subdivision Regulations.

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