



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

Item No. IV. 14.

(SPUD-1453) Application by NWPF, LLC., to rezone 5101 North Pennsylvania Avenue from the R-1 Single Family Residential, PUD-1715 and SPUD-1351 Districts to the SPUD-1453 Simplified Planned Unit Development District. Ward 2.

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 mixed use 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: 0.1858 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	C-3	C-3	PUD-1715	PUD-1715
Land Use	Surplus R/W	Commercial	Commercial	Commercial	Residential

- 4. Development Context:** The subject site is located at the southwest corner of NW Expressway and N Pennsylvania Avenue. The site was previously right-of-way at the corner of the intersection and is adjacent to PUD-1715 which governs “The Oak” development, currently under construction. The City Council approved CE-979 on August 30, 2022, closing the right-of-way. Due to a private agreement, the right-of-way does not revert to the adjacent zoning as it normally would. The SPUD would apply the applicable zoning regulations of PUD-1715 to the subject site.

II. SUMMARY OF PUD APPLICATION

- 1.** This site will be developed in accordance with the regulation of the **C-3 Community Commercial District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

The following use(s) will be the only use(s) permitted on this site:

8300.1	Administrative and Professional Offices
8300.5	Alcoholic Beverage Retail Sales
8300.8	Animal Sales & Services: Grooming
8300.11	Animal Sales & Services: Kennel & Veterinary, Restricted
8300.12	Automotive: Parking Garages
8300.13	Automotive: Parking Lots, as a Principal Use
8300.23	Building Maintenance Services
8300.24	Business Support Services
8300.29	Communications Services: Limited
8250.2	Community Recreation: General
8250.3	Community Recreation: Property Owners Association
8250.4	Community Recreation: Restricted
8300.32	Convenience Sales & Personal Services
8250.5	Cultural Exhibits
8350.3	Custom Manufacturing
8300.25	Child Care Center
8300.33	Drinking Establishments: Sitdown, Alcohol Permitted
8200.2	Dwelling Units and Mixed
8300.35	Eating Establishments: Fast Food
8300.36	Eating Establishments: Fast Food, With Drive-Thru Order Window: This use is further limited to a coffee shop.**
8300.38	Eating Establishments: Sitdown, Alcohol Permitted
8300.41	Food & Beverage Retail Sales
8150.7	Horticulture
8350.8	Industrial, Light (This use unit is limited to the use and operation of a brewery, distillery, winery, cidery and associated tap/ serving rooms)
8300.48	Laundry Services
8250.11	Library Services & Community Centers

8250.12	Light Public Protection & Utility: General
8250.13	Light Public Protection & Utility: Restricted
8300.51	Lodging Accommodations: Commercial Lodging
8250.14	Low Impact Institutional: Neighborhood-Related
8300.52	Medical Services: General
8300.53	Medical Services: Restricted
8200.12	Multiple-Family Residential
8250.16	Murals
8300.55	Participant Recreation & Entertainment: Indoor
8300.58	Personal Services: General
8300.59	Personal Services: Restricted
8300.61	Repair Services: Consumer
8300.62	Research Services: Restricted
8300.63	Retail Sales and Services: General
8300.69	Spectator Sports & Entertainment: Restricted
8300.67	Spectator Sports & Entertainment: General

Uses utilizing Drive through Windows and Call Boxes shall locate them a minimum of 150 feet from any residential zone or use.

2. Maximum Building Height:

The maximum permitted building height shall be one hundred and twenty (120) feet.

3. Maximum Building Size:

The maximum building size shall be in accordance with the base zoning district.

4. Maximum Number of Buildings:

The maximum number of buildings shall be in accordance with the base zoning district.

5. Building Setback Lines

A zero (0) foot setback shall be permitted within this SPUD. Further, the bulk standards contained within Table 6200.2 shall not apply.

6. Sight-proof Screening:

Screening shall not be required in this SPUD.

7. Landscaping:

Landscaping shall not be required within this SPUD.

8. Signs:

Signage, both accessory and non-accessory, within this SPUD shall be reviewed and approved in accordance with the approved PUDSP-1715a. There shall be a zero (0) foot setback for signage within this SPUD.

However, the following shall apply:

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

9. Access:

No access points are contemplated within this SPUD.

10. Sidewalks

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

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock or stone masonry, drivet, rock, stone, stucco, architectural metal or other similar type finish.

No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted. Within Tract three (3) of this PUD, the façade of any building(s) located along the southern border of said tract shall include protective decorative opaque screening to deter an unimpeded line of sight from such building to the south.

2. Open Space:

Open space shall be in accordance with the base zoning district.

3. Site Lighting:

The site lighting in this PUD shall, at a minimum, meet the requirements of Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2010, as amended. A Lighting Plan in accordance with Section 59-14200.4E(2) shall be reviewed and approved as part of the subsequent Specific Plan.

4. Dumpsters:

Dumpsters shall not be permitted within this SPUD.

5. Parking:

There shall be no minimum parking requirements for this SPUD.

6. 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.

7. Drainage:

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

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) 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) Existing main will need to be relocated and easement vacated for proposed site plan.

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability

- 1) No Objections.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- 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.

National, state, and local permitting require basic best management practices for stormwater management. The subject site is part of The Oak development and was included in a previously approved PUD Specific Plan.

Location:

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

The subject site is located along NW Expressway and N Pennsylvania Avenue, both arterial streets.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- 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.

The SPUD does allow new access points for the subject site, as access would be through the adjacent PUD.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks are required.

- #### 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass. *The SPUD applies the applicable zoning regulations of the adjacent PUD-1715 to the subject site. No compatibility issues were identified.*

- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Service Level*
- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the site.
- 5) **Transportation System:** This site has frontage along NW Expressway and N Pennsylvania Avenue, both Major Arterial Streets in the Urban Medium LUTA. The nearest transit (bus) service is located to the south along N Pennsylvania Avenue.

b. Plan Conformance Considerations

The subject site is located at the southwest corner of NW Expressway and N Pennsylvania Avenue. The site is adjacent to PUD-1715 which governs “The Oak” development, currently under construction. The SPUD would apply the applicable zoning regulations of PUD-1715 to the subject site, which was previously right-of-way that has now been closed (CE-979). The proposal is consistent with the comprehensive plan and the abutting zoning.

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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