



STAFF REPORT
The City of Oklahoma City
Planning Commission
January 12, 2023

Item No. IV. 26.

(SPUD-1487) Application by Fenwest, LLC., to rezone 16502 N Pennsylvania Avenue from PUD-809 District to SPUD-1487 Simplified Planned Unit Development District. Ward 8.

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: 0.81 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	PUD-809	PUD-809	PUD-809	PUD-809	PUD-809
Land Use	Undeveloped	Commercial	Residential	Restaurant	Commercial

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
8300.14	Automotive and Equipment: Cleaning and Repairs, Light Equipment
8300.15	Automotive and Equipment: Heavy Repairs, Heavy Equipment
8300.18	Automotive and Equipment: Automobile Dealerships and Malls [limited to a maximum of six (6) cars being displayed at one time]
8300.21	Automotive and Equipment: Storage
8300.24	Business Support Services
8250.3	Community Recreation: Property Owners Association
8350.3	Custom Manufacturing
8250.13	Light Public Protection and Utility: Restricted
8250.14	Low Impact Institutional: Neighborhood-Related
8300.54	Outdoor Sales and Display, and Outdoor Storage [limited to a maximum of six (6) cars being displayed at one time]
8300.55	Participant Recreation and Entertainment: Indoor
8300.58	Personal Services: General
8300.59	Personal Services: Restricted
8300.61	Repair Services: Consumer
8300.63	Retail Sales and Services: General
8300.69	Spectator Sports and Entertainment: Restricted

2. Maximum Building Height:

All existing structures shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure, maximum building height shall be in accordance with the base zoning district.

3. Maximum Building Size:

All existing structures shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure, maximum building size shall be in accordance with the base zoning district.

4. Maximum Number of Buildings:

All existing structures shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure, there shall be no maximum number of buildings permitted within this SPUD.

5. Building Setback Lines

All existing setback lines shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure, setback lines shall be in accordance with the base zoning district.

6. Sight-proof Screening:

All existing screening shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure, screening regulations shall be in accordance with the base zoning district.

7. Landscaping:

All existing landscaping shall be permitted to remain and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure, 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

All existing signage shall be deemed to conform to applicable regulations and permitted to remain. In the event of a new freestanding sign, it shall be in accordance with the base zoning district regulations.

8.2 Attached signs

All existing signage shall be deemed to conform to applicable regulations and permitted to remain. In the event of a new attached sign, it shall 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 to this site shall be taken from N. Pennsylvania Ave. Street frontage shall not be required within this SPUD.

10. Sidewalks

All existing sidewalks shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new

structure, the sidewalk regulations shall be subject to the regulations in place at the time of development.

II. Other Development Regulations:

1. Architecture:

All existing structures shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure, 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, 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.

2. Open Space:

N/A.

3. Street Improvements:

N/A.

4. Site Lighting:

All existing lighting shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of a new structure, the site lighting shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

5. Dumpsters:

All existing dumpsters shall be permitted to remain on site and shall be deemed to conform to any requirements contained within this SPUD. In the event of additional dumpsters, they shall be placed no closer than 20 feet from all property lines adjacent to residential zoning district or use.

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 current twelve (12) parking spaces shall be deemed to satisfy the required parking for all uses within this SPUD.

There shall be a maximum of three (3) overhead garage doors permitted within this SPUD. The garage doors shall be eighteen feet by fourteen feet (18' x 14') and shall be oriented to the north.

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.

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) Edmond

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.

a. Stormwater Quality Management

b. 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) Line capacity is not guarantee and must be checked by the Engineer of Record and reviewed by the City.
- 3) The developer will be required to extend the City wastewater collection system to and across each lot or site within the subdivision in accordance with the City Standard Specifications and Private Development Design Manual.
- 4) 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.
- 5) Wastewater main(s) must be centrally located in a twenty (20) feet wide easement or larger if necessary. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 6) All existing unused private wastewater service connections must be abandoned and capped at the main in accordance with City Standard Specifications and Private Development Design Manual.

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 within the required distance to the subject site and the developer will be required to extend a 12-inch or larger water main along street frontage and will be required to extend the water system to each lot or site within the development in accordance with City Standard Specifications and Private Development Design Manual.
- 2) 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.

- 3) 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.
- 4) Proposed and/or existing water mains must be located centrally within a twenty (20) feet wide or larger utility easement or right-of-way. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 5) Dead-end water mains must be avoided when possible. All existing unused water services must be capped and abandoned at the water main in accordance with the City Standard Specifications.
- 6) 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 or fire protection systems which require water pressure in excess of 25 psi. The developer is responsible for installing pressure reducers if necessary for protection of developer's service lines, plumbing, and fixtures.
- 7) All existing and/or proposed water meters must be located in the right-of-way and/or utility easement within grassy areas outside of sidewalks, driveways, streets, and paving.
- 8) All domestic and fire suppression services must have a separate water service connection. Fire hydrant spacing shall not exceed 500 feet and must be located within ten (10) of a hard surface (i.e., sidewalk, street, paving).
- 9) Supply capacity for development is not guarantee and will be reviewed at time of review of construction documents.
- 10) Water main extension is required for service.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- 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 site is located adjacent to a small stream, but floodplain is not present in the area. National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available.

Location:

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

The subject site takes access from N Pennsylvania Avenue, an arterial street, through an existing commercial development.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The existing structure provides a FAR within the LUTA range.*

Automobile Connectivity:

- 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.

Access to the site is from an existing drive on the north.

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 site plan shows sidewalks adjacent to the structure on the site.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. The subject site is currently zoned for and developed with commercial uses. No new compatibility issues were identified with the addition of the auto sales use for six vehicles.
- 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. *The comprehensive plan shows riparian area on the subject site in the form of a stream. The location of the stream is primarily outside the boundary of the subject site. Floodplain is not present.*
 - Upland Forests: N/A
 - Vulnerable Aquifers: N/A
- 5) **Transportation System:** This site does not have frontage on a street but is located within a commercial development off N Pennsylvania Avenue, a Major Arterial Street in the Urban Low LUTA. Transit (bus) service is not available.

b. Plan Conformance Considerations

The subject site is located on the east side of N Pennsylvania Avenue, north of NW 164th Street and behind an existing shopping center. The subject site is currently developed with an auto repair business and zoned PUD-809, which was approved in 2001 for commercial uses. The new SPUD would rezone 0.81 acres out of the PUD to allow the sale and display of up to six vehicles. Land surrounding the site would remain in PUD-809. No new compatibility issues were identified with the request.

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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