



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

**Item No. IV. 29.**

**(SPUD-1491) Application by Pedro's Concrete, LLC., to rezone 329 SE 69th Street from R-1 Single Family Residential District to SPUD-1491 Simplified Planned Unit Development District. Ward 4.**

**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 commercial and residential use.

**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: 2.43 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>	Storage/Res	Residential	School	Residential	Residential

**II. SUMMARY OF SPUD APPLICATION**

1. There shall be two (2) tracts within this SPUD.

**Tract 1** will be developed in accordance with the regulations of the **R-2 Medium-Low Density Residential District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

The following uses will be permitted on this site:

- 8300.1 Administrative and Professional Offices
- 8250.3 Community Recreation: Property Owners Association
- 8200.14 Single-Family Residential [the existing structure shall be permitted to remain and deemed to conform to applicable regulations]
- 8200.16 Two-Family Residential [limited to a maximum of fourteen (14) dwelling units, seven (7) structures total]

**Tract 2** will be developed in accordance with the regulations of the **O-2 General Office District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

The following uses will be permitted on this site:

- 8200.14 Single-Family Residential
- 8300.1 Administrative and Professional Offices
- 8350.15 Wholesaling, Storage and Distribution: General

**2. Maximum Building Height:**

Existing structures shall be permitted to remain and deemed to conform to building height regulations. In the event of a new structure, the maximum building height shall be in accordance with the base zoning district.

**3. Maximum Building Size:**

Existing structures shall be permitted to remain and deemed to conform to building size regulations. In the event of a new structure, size regulations shall be in accordance with the base zoning.

**4. Maximum Number of Buildings:**

There shall be a maximum of ten (10) buildings within this SPUD.

**5. Building Setback Lines**

Existing structures shall be permitted to remain and deemed to conform to setback regulations. In the event of a new structure, setback regulations shall be in accordance with the base zoning.

**6. Sight-proof Screening:**

Existing screening shall be permitted to remain and deemed to conform to sight-proof screening regulations.

**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**

There shall be one (1) freestanding accessory sign permitted per tract within this SPUD, in accordance with base zoning district regulations.

**8.2 Attached signs**

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

**8.3 Non-Accessory Signs**

Non-Accessory signs will be prohibited.

**8.4 Electronic Message Display signs**

Electronic Message Display signs will be prohibited.

**9. Access:**

Access to Tract 1 shall be taken from one drive off of SE 69<sup>th</sup> St. for the existing single-family home only, and one drive off of S. Byers Ave for the remainder of Tract 1.

Access to Tract 2 shall be taken from one existing drive off of SE 69<sup>th</sup> St.

**10. Sidewalks:**

Five (5) foot sidewalks shall be constructed on the arterial street with each development parcel, or six (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. Four (4) foot sidewalks shall be constructed on the interior streets prior to any occupancy certificates being issued.

**II. Other Development Regulations:**

**1. Architecture:**

All existing structures shall be permitted to remain and deemed to conform to architecture regulations. In the event of a new structure, the following 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, 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. Metal buildings shall be permitted within Tract 2.

**2. Open Space:**

Per the base zoning district regulations.

**3. Street Improvements:**

N/A.

**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 and shall be placed no closer than 50 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 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.

**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.

**a. Stormwater Quality Management**

**b. Traffic Management\***

**8. Utilities**

**a. Engineering**

**Paving**

**Wastewater Availability**

- 1) An existing 24" wastewater main(s) is within the required distance to the subject site and will be required to be extended to the furthest property line for any proposed development.
- 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) feet horizontal separation is required from water mains and five (5) feet for other utilities. Minimum two (2) feet vertical separation required for all crossings. All wastewater mains must have a minimum cover of four (4) feet and depth no greater than eighteen (18) feet. Developer is

responsible for remediating any failure to maintain the minimum four (4) feet of cover.

- 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.
- 7) Main extension required through development.

**b. Solid Waste Management**

- 1) The City can provide service, providing there is sufficient space for the truck to maneuver to service the addition.
- 2) 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.
- 3) A Turn around must be provided at the end of the street, with enough space to maneuver, otherwise, must utilize a private hauler.

**c. Water/Wastewater Quality**

**Water Availability**

- 1) An existing 8" 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 loop through the development to provide adequate water supply and fireflow 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.

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- 3) Minimum ten (10) feet horizontal separation required from wastewater mains and five (5) feet for other utilities. Minimum two (2) foot vertical separation required for all utility 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) 8" main extension is required along 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.

Density: The Urban Low Intensity LUTA outlines a density range of 4 to 8 dwelling units per acre for single family, and 15 to 30 dwelling units per acre for multifamily.

*National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available. The SPUD is requested for the existing home and storage yard, and would allow new office and duplex development. The SPUD regulations could produce a density/FAR within the LUTA 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.
- Provide vehicular connectivity between adjacent developments.
- Horizontally mixed-use developments should have connectivity between land uses.

*The SPUD contemplates two tracts; duplex development served by a cul-de-sac on the north, and office/warehouse on the south. Access is limited to one drive on S Byers and two existing drives on SE 69<sup>th</sup> Street.*

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Horizontally mixed-use developments should have public sidewalk connectivity between land uses.

*Sidewalks are required on arterial streets.*

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. The site is already developed with a light industrial/storage yard and home. The SPUD would deem the existing fencing and screening compliant with zoning code. When locating new duplex or office uses adjacent to existing low intensity residential (north and west) “Building Scale and Site Design” and “Traffic” 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 residential lot sizes in UL are less than 60% of directly adjacent residential lots, 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. *No triggers requiring mitigation 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. *No triggers requiring mitigation 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 is located at the northwest corner of SE 69<sup>th</sup> Street and S Byers Avenue, both Neighborhood Streets in the Urban Low LUTA. Transit (bus) service is not available nearby.

**6) Other Development Related Policies**

- 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)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)

**b. Plan Conformance Considerations**

The subject site is located at the northwest corner of SE 69<sup>th</sup> Street and S Byers Ave. which is one block east of S Shields Avenue. The site is zoned R-1 and developed with a home and storage yard. Homes abut the site to the north and west. Across the street to the east is Hayes Elementary School. The surrounding area is zoned R-1. The SPUD is requested to allow the existing light industrial and residential use, and would allow office uses on the south half of the site, and

duplex development on the north side. No new compatibility issues were identified with the addition of uses.

#### **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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