



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

Item No. IV. 10.

(SPUD-1474) Application by Lloyd G. Turner Trust to rezone 2825 South Mustang Road from AA Agricultural District to SPUD-1474 Simplified Planned Unit Development District. Ward 3.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Mark Zitzow
Company Johnson And Associates
Phone 405-235-8075
Email mzitzow@jaokc.com

B. Case History

This application was continued from the December 8, 2022 Planning Commission meeting.

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: 4.22 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	R-1	AA	SPUD-1412	AA
Land Use	Undeveloped	Residential	Rural Residential	Office	Rural Residential

II. SUMMARY OF SPUD APPLICATION

This site will be developed in accordance with the regulations of the **C-3, “Community Commercial” District** (OKC Zoning Ordinance, 2020), except as modified herein.

1. The following uses shall be the only uses permitted within this SPUD:

- Administrative and Professional Offices (8300.1)
- Alcoholic Beverage Retail Sales (8330.5)
- Animal Sales and Services (8330.8)
- Business Support Services (8300.24)
- Child Care Centers (8300.25)
- Communication Services: Limited (8300.29)
- Convenience Sales and Personal Services (8300.32)
- Dwelling Units and Mixed Use (8200.2)
- Eating Establishments: Drive-In (8300.34)
- Eating Establishments: Fast Food (8300.35)
- Eating Establishments: Fast Food, with Drive-Thru Order Window (8300.36) any residential zoned property or use.
- Eating Establishments: Sitdown, Alcohol Not Permitted (8300.37)
- Eating Establishments: Sitdown, Limited Alcohol Permitted (8300.39)
- Food and Beverage Retail Sales (8300.41)
- Library Services and Community Centers (8250.11)
- Light Public Protection and Utility: General (8250.12)
- Light Public Protection and Utility: Restricted (8250.13)
- Low Impact Institutional: Residential Oriented (8200.5)
- Low Impact Institutional: Neighborhood Related (8250.14)
- Medical Services: General (8300.52)
- Medical Services: Restricted (8300.52)
- Participant Recreation and Entertainment: Indoor (8300.55)
- Personal Services: General (8300.58)
- Personal Services: Restricted (8300.59)
- Personal Storage (8300.60)
- Repair Services: Consumer (8300.61)
- Retail Sales and Services: General (8300.63)
- Research Services: Restricted (8300.62)

2. Maximum Building Height:

The maximum building height shall be 35 feet.

3. Maximum Building Size:

The maximum building size shall utilize C-3, “Community Commercial” District regulations.

4. Building Setback Lines:

North: 5 feet
East: 20 feet
West: 10 feet
South: 0 feet

There shall be no internal setbacks except for those required by Fire Code.

5. Sight-proof Screening:

No less than a six-foot and no greater than an eight-foot-high sight proof screen shall be required along SPUD boundaries adjacent to properties zoned for residential use. Said sight-proof screen may be constructed of stucco, brick, stone, wood, steel/iron and/or any combination thereof and shall be solid and opaque.

6. Landscaping:

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

Street trees within this SPUD along S Mustang Rd. may be within 30 feet of the property line.

7. Signs:

Signage shall be per the C-3, “Community Commercial” base zoning district.

8. Access:

Access shall be taken via S Mustang Rd. via a maximum of four (4) drives. Said drives may be a boulevard style entrance.

9. Sidewalk Regulations:

A five-foot sidewalk shall be constructed on S Mustang Rd. or a 6-foot sidewalk shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department.

II. OTHER DEVELOPMENT REGULATIONS:

1. Architecture:

All structures constructed within this SPUD shall comply with the following architectural standards:

Exterior building wall finish on all structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock, concrete board, architectural metal or stone masonry. No more than 30% EIFS, stucco or wood shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted. Buildings shall be oriented such that the backs of buildings are not facing towards any street.

2. Street Improvements: N/A

3. Site Lighting:

All site lighting utilized within this SPUD shall be directed away from any adjacent properties. To accomplish this, lights shall utilize shields, shades or other appropriate methods of directing light beams. 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.

4. Dumpsters:

Dumpsters shall be consolidated where practical and located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public view. Said dumpster shall not be permitted within 50 feet from all property lines adjacent to residential uses.

5. Drainage:

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

6. Parking Regulations:

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

III. Supporting Documents:

- Exhibit A:** Legal Description
Exhibit B: Conceptual 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) Mustang**
- 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.
- 11) Add Section II.7– Maintenance: “Maintenance of all common areas, private drainage easements, and islands/medians shall be the responsibility of the property owner. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that may 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. 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.”
- 12) Modify Section I.8. Access to add the following sentence: “All driveways must meet the separation requirements contained within the City of Oklahoma City Municipal Code, subdivision regulations, and The City of Oklahoma City Functional Classification Plan

a. Stormwater Quality Management

b. Traffic Management

- 1) The existing and proposed driveways must meet the driveway separation requirements of the Subdivision Regulations.

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. 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) Wastewater will need to be extended to site for service. No septic will be allowed.

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 16" 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) 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.
- 4) 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.
- 5) 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.

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.

Location:

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

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments.

National, state, and local permitting require basic best management practices for stormwater management. It is expected that water and sewer would be extended to the site. The subject site is located on an arterial street. The proposed SPUD regulations could produce a FAR within the UL 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.
- 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.
- Primary entrance points should be aligned with access points immediately across the street.
- 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.

The conceptual plan shows three driveways and a connection to the recently approved commercial SPUD on the south. However, the MDS would allow up to four driveways within 715 feet of frontage. Access should be limited to three driveways, provided they can meet a separation requirement of 200 feet as well as any offset requirement.

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.

Sidewalks are required along the arterial 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 retail uses adjacent to existing agricultural or residential uses/zoning, “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. *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. *The proposed development is located on Mustang Road, a Major Arterial Street / State Highway 4.*

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 SPUD proposes extending commercial uses along the Mustang Road corridor. The proposed uses include retail, restaurant (sit-down and drive-through), and indoor recreational uses. Similar uses were recently approved to the south, except that the new SPUD does not include the 150-foot separation requirement for outdoor speaker boxes, and would allow C-3 District signs instead of the 12-foot tall, 100 square foot monument signs allowed in the SPUD to the south.*

- 3) **Service Efficiency:**
 - Water: *Close to Served or Served*
 - Sewer: *Open Sewer Sheds or 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 off S Mustang Rd (Hwy 4), which is designated as 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)

- Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)
- Encourage unified planning for all adjoining land owned or controlled by a project's developer to ensure proper circulation and land use relationships (SU-47)

b. Plan Conformance Considerations

The subject site is located on the west side of S Mustang Road, north of SW 29th Street. The site is zoned AA and undeveloped. Abutting the subject site to the west is agricultural land zoned AA. To the north is the Canyon Creek subdivision, and east of the subject site, across S Mustang Road, are two residences zoned AA. Adjacent to the site on the south is SPUD-1412, which was approved in July 2022 for office and limited commercial uses. Beyond SPUD-1412 to the south, at the arterial intersection, is a recently zoned O-2 parcel (2021) that is under construction as a medical office.

The SPUD would allow similar retail, office, restaurant and commercial uses as the recently approved SPUD-1412 adjacent on the south. For consistency with SPUD-1412, the Master Design Statement should include the 150-foot separation requirement from residential for outdoor speaker boxes and limit sign sizes to 12-foot tall/100 square foot monument signs. Plan conformance would be strengthened by sharing access with the development to the south and limiting drives on the arterial street.

VI. 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 subject to the following Technical Evaluations:

1. The following shall apply to Drive-In and Drive-Through Restaurants: Outdoor speaker boxes shall be a minimum of 150 feet from the north SPUD boundary.
2. Existing and proposed driveways must meet the driveway separation requirements of the Subdivision Regulations.

3. Sign regulations shall be as follows:

7.1 Freestanding Accessory Signs

Freestanding signs shall be in accordance with the base zoning regulations, except that all freestanding signs shall be a ground (monument) sign with the maximum size being twelve (12) feet high and 100 square feet in area and shall have no less than 25 square feet of landscaping at the base.

7.2 Attached Signs

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

7.3 Non-accessory Signs

Non-accessory signs / billboards shall not be permitted in this SPUD.

7.4 Electronic Message Display Signs

Electronic Message Display signs shall not be permitted in this SPUD

4. Add Section II.7– Maintenance: “Maintenance of all common areas, private drainage easements, and islands/medians shall be the responsibility of the property owner. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that may 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. 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.”
5. Modify Section I.8. Access to add the following sentence: “All driveways must meet the separation requirements contained within the City of Oklahoma City Municipal Code, subdivision regulations, and The City of Oklahoma City Functional Classification Plan

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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