



STAFF REPORT
The City of Oklahoma City
Planning Commission
February 9, 2023

Item No. IV. 18.

(PUD-1927) Application by Green Pastures Studio, LLC., to rezone 4300 North Post Road from AA Agricultural District to PUD-1927 Planned Unit Development District. Ward 7.

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 is a new application.

C. Reason for Request

This application is requested for the development of a film and television academy and film studio.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Rural – Medium Intensity (RM)

Rural – Medium is similar to the Rural-Low Typology Area except that it allows higher housing densities. These areas are usually near a fire station. Rural-Medium areas are often located adjacent to Urban-Low and Urban Reserve typologies, which are areas intended to urbanize in the future. While there is no expectation for urban services, RM areas have limited potential to connect to City water or sewer service, and may become more integrated into the urbanized area in the distant future. Commercial and light industrial uses may be appropriate provided they do not negatively impact the rural residential character.

2. Size of Site: 12.0 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	AA	AA	R-1	Spencer, Ok
Land Use	School	Undeveloped	Undeveloped	Residential	Residential

II. SUMMARY OF PUD APPLICATION

8.1 USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the **O-2, “General Office” District** shall govern this PUD except as herein modified below:

The following uses shall be the only uses allowed within this PUD as stand alone uses:

- Agricultural Processing: General (8150.1) Administrative and Professional Offices (8300.1)
- Communications Services: Limited (8300.29)
- Community Recreation: General (8250.2)
- Community Recreation: Property Owners Association (8250.3)
- Community Recreation: Restricted (8250.4)
- Cultural Exhibits (8250.5)
- Greenhouse (8150.6.3)
- Hoop House (8150.6.5)
- 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: Neighborhood-Related (8250.14)
- Single-Family Residential (8200.14)

In addition to the uses listed above, the following uses shall also be permitted to support to the film and studio industry when ancillary to the main operation:

- Administrative and Professional Offices (8300.1)
- Automotive: Parking Garages (8300.12)
- Automotive: Parking Lots, as a Principal Use (8300.13)
- Building Maintenance Services (8300.23)
- Business Support Services (8300.24)
- Child Care Centers (8300.25)
- Communications Services: Limited (8300.29)
- Community Garden (8150.6.1)
- Community Recreation: General (8250.2)
- Community Recreation: Property Owners Association (8250.3)
- Community Recreation: Restricted (8250.4)
- Cultural Exhibits (8250.5)
- Custom Manufacturing (8350.3)
- Dwelling Units and Mixed Uses (8200.2)

- Eating Establishments: Fast Food (8300.35)
- Greenhouse (8150.6.3)
- Home Garden (8150.6.4)
- Hoop House (8150.6.5)
- Library Services and Community Centers (8250.11)
- Light Public Protection and Utility: General (8250.12)
- Light Public Protection and Utility: Restricted (8250.13)
- Live/Work Units (8200.4)
- Lodging Accommodations: Commercial Lodging (8300.51) ancillary to the film and studio industry
- Low Impact Institutional: Neighborhood-Related (8250.14)
- Manufactured (Mobile) Home Residential (8200.7) ancillary to the film and studio industry
- Medical Services: Restricted (8300.53)
- Moderate Impact Institutional (8250.15)
- Multiple-Family Residential (8200.12)
- Murals (8250.16)
- Outdoor Sales and Display, and Outdoor Storage (8300.54)
- Personal Services: General (8300.58)
- Personal Services: Restricted (8300.59)
- Personal Storage (8300.60)
- Research Services: Restricted (8300.62)
- Retail Sales and Services: General (8300.63)
- Roof Garden (8150.7.2)
- Single-Family Residential (8200.14)
- Three- and Four-Family Residential (8200.15)
- Two-Family Residential (8200.16)
- Wholesaling, Storage, and distribution: General (8350.15)
- Wholesaling, Storage and Distribution: Restricted (8350.16)

All other conditional, accessory, special or special exception uses not specifically prohibited shall be permitted subject to the review and approval processes specified in the Zoning Code.

9.0 SPECIAL CONDITIONS:

The following special conditions shall be made a part of this PUD:

9.1 ARCHITECTURAL REGULATIONS

Exterior building wall finish on all new structures, exclusive of windows and doors, shall consist of a minimum 70% brick, brick veneer, rock, concrete, stucco, concrete-board,

architectural metal or stone masonry. No more than 30% EIFS or wood shall be permitted.

Existing structures shall be permitted and deemed in conformance with these regulations. Any future sound stages or warehouse buildings may be exempt from architectural requirements.

Other materials, percentages or designs that are not compliant with the above language may be reviewed and approved by the Planning Commission during the specific plan stage when applicable.

9.2 LANDSCAPING REGULATIONS

The subject site shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development, except as otherwise noted.

9.3 LIGHTING REGULATIONS

The site lighting in this PUD shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

To minimize light spillover on residential uses, outdoor lights within the development will be directed away from any adjacent residential properties. To accomplish this, lights shall utilize shields, shades, or other appropriate methods of directing light beams.

9.4 SCREENING REGULATIONS

If required, no less than a six-foot and no greater than an eight-foot-high sight proof screen shall be required along boundaries adjacent to existing single-family residential developments/structures. 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.

The existing chain link fence shall be permitted and shall meet the screening requirements.

9.5 DUMPSTER REGULATIONS

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 the view of primary vehicle and pedestrian circulation systems.

9.6 DRAINAGE REGULATIONS

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

9.7 VEHICULAR ACCESS REGULATIONS

Vehicular access into this PUD shall be via the existing four (4) drives from N Post Rd.

9.8 PEDESTRIAN ACCESS/SIDEWALK REGULATIONS

Five-foot wide sidewalks shall be constructed along arterial streets. Said sidewalks shall be 6-foot wide if the sidewalk is constructed adjacent to the curb, subject to the policies/procedures of the Public Works Department. Said sidewalks shall be required prior to the certificate of occupancy for the final building constructed on site.

9.9 PARKING REGULATIONS

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

The existing parking on site shall be deemed sufficient for all future development.

Pervious paving may be used for parking areas, driveways, pathways, and plazas subject to Public Works review and approval. Where connected to public rights-of-way the access drive apron will be constructed of hard surface paving meeting City code for driveway construction. A hard surface border is required around the perimeter of pervious paving areas. Maintenance of the pervious paving is required, and a maintenance plan must be provided when construction documents are submitted for permitting.

Gravel parking shall be permitted for overflow parking. Said gravel parking shall be located behind the buildings and shall not be visible from N Post Road.

9.10 SIGNAGE REGULATIONS

9.10.1 *Freestanding Accessory Signs*

Freestanding signs shall be in accordance with the O-2 “General Office” district regulations.

9.10.2 *Attached Signage*

Attached signs may be up to 15% of wall area. Existing signage shall be permitted to remain and replaced as necessary.

9.10.3 *Non-Accessory Signs*

Non-accessory signage shall not be permitted within this development.

9.10.4 *Electronic Message Display Signs*

Electronic Message Display Signs shall be reviewed at the specific plan stage.

9.10.5 *Decorative Artwork, Architectural Elements and Temporary Signage*

Decorative artwork and/or architectural structures shall be permitted in this PUD, including, without limitation, upon or across public right-of-way with applications for review for such improvements submitted to the Arts Liaison in the Office of Arts & Cultural Affairs and subject to recommendation by the Oklahoma City Arts Commission and approval by the Public Works Department and require issuance of a permit. If located on upon or across public right-of-way shall also require approval by the Oklahoma City Council.

Decorative artwork, architectural structures may include but are not limited to fountains, individual art pieces, clock towers, decorative entry structures, etc.

Decorative artwork/architectural structures shall not exceed twenty-five (25) feet in height, must have a minimum fourteen (14) feet clearance in height (for archways), and be located a minimum of twenty-five (25) feet from the curb of an adjacent public street.

9.11 ROOFING REGULATIONS

All structures in this PUD shall have Class C roofing or better.

9.12 SETBACK REGULATIONS

Setbacks shall be per the O-2 “General Office” district regulations.

9.13 HEIGHT REGULATIONS

The maximum height of any structure on this property shall be 65 feet.

9.14 LOT COVERAGE

Maximum lot coverage shall be per O-2 “General Office” District regulations.

9.15 PUBLIC IMPROVEMENTS

The Developer shall make public improvements throughout the PUD as may be required by The City of Oklahoma City Public Works Department or other City, County, or State Department or agency. All Local, State, and Federal ordinances as they shall apply to the site will be adhered to fully.

9.16 COMMON AREAS

Maintenance of the common areas in the development 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 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.

9.17 SPECIFIC PLAN, PLATTING & PERMITTING REQUIREMENTS

A specific plan shall not be required within this PUD. However, a specific plan application may be sought for unique circumstances where conflicts within the PUD arise or if the developer seeks relief in regard to landscaping, architecture, signage or another section of this PUD when appropriate.

There shall be no platting requirements within this PUD.

9.18 GENERAL DESIGN AND DEVELOPMENT GUIDELINES

Specific information and plans for General Design and Development Guidelines are contained in Chapter 59, Section 14200.4, for density, amenities, relationship to abutting uses, site design, safety, and circulation systems.

10.0 DEVELOPMENT SEQUENCE:

Developmental phasing shall be allowed as a part of the development of this PUD. Required traffic improvements shall be permitted to be constructed in conjunction with the phased development of this PUD, as approved by the City's Traffic Division.

11.0 EXHIBITS:

The following exhibits are hereby attached and incorporated into this PUD. These exhibits are:

- Exhibit A: Legal Description
- Exhibit B: Boundary Exhibit
- Exhibit C: 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) 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 for any existing or proposed channel located within a common area or private drainage easement, which is adjacent to any lot or structure. 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) No public wastewater service is available for the development. A private on-site wastewater disposal system is required in accordance with ODEQ rules and regulations. Applicants is responsible for obtaining all required City and ODEQ Permits. On-site wastewater disposal system must be installed by an ODEQ certified installer and inspected by ODEQ.

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability

- 1) No water service is available for proposed development, private on-site water system is required. The developer must provide a water distribution system that is capable of supplying water to each lot or tract within the development in accordance with ODEQ and OWRB. Well permits must be obtained from OWRB and a copy of the permit must be filed with the Utilities Department. No

private water source or groundwater source may be connected to any service or system connected to the City water system.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Design buildings and sites to complement the character of surrounding areas and not detract from the open character of the landscape.
- Utilize Best Management Practices (BMP) for stormwater.

Location:

- Support limited amounts of commercial in rural areas appropriate to the needs of rural residents and passersby. Commercial uses in rural areas should be located in small clusters either on uninterrupted arterials or at freeway interchanges.

The PUD is requested to convert a school building and add new permanent and/or temporary structures for the purpose of a film studio and academy. The proposed commercial uses are ancillary to the primary use.

Automobile and Pedestrian Connectivity: The comprehensive plan recommends connectivity in the form of sidewalks or trails to existing public trails and parks that are adjacent to development. *Sidewalks are not currently available on the subject site, but would be required by the PUD along N Post Road prior to completion of development.*

- #### **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 uses adjacent to existing Low Intensity Residential, “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 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. *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. *Potential operational impacts are identified for some of the uses requested when located near residential uses. As mitigation, the PUD restricts most uses to be ancillary to the proposed film studio/academy. All uses will be indoors.*

3) Service Efficiency:

- Water: *Potential Connectivity*
- Sewer: *Not served*
- Fire Service: *Rural Service Level*

4) Environmentally Sensitive Areas: The following apply to the proposed development site:

- Riparian Areas: N/A
- Upland Forests: The subject area is within the upland forest ESA. The comprehensive plan directs to preserve the Cross Timbers and upland forests, including native understory, to the maximum extent practical. When new-growth or re-growth upland forest trees are removed during construction, trees and other native plants should be replanted on-site. New trees should be planted in clusters that mimic the original tree canopy. The comprehensive plan defines mitigation hierarchy in the following priority: 1) Avoidance and minimization, 2) Restoration, 3) Offset. *Upland forest is present on the proposed development site. When 60 percent or less of the site is covered in upland forest, the comprehensive plan has a preservation goal of 100 percent. Plan conformance would be strengthened by preserving existing trees.*
- 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 N Post Road, a Minor Arterial Street in the Rural Medium LUTA. The nearest transit (bus) service is located to the south along NE 36th Street.
- 6) **Other Development Related Policies**
 - Preserve overall landscape character and natural landforms (rolling hills, native vegetation, etc.) to the greatest extent possible. (G-4)
 - Ensure that development in rural areas is consistent with local design and scale and does not detract from the open character of the landscape. (SU-45)
 - Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)

b. Plan Conformance Considerations

The subject site is located on the east side of N Post Road between NE 39th Street and NE 50th Street, within the Rural Medium LUTA. The site is developed with a former elementary school and is zoned AA. An undeveloped 31-acre AA parcel wraps around the north and east sides of the subject site. South of the site, along NE 41st Street are one-half to 4-acre R-1 zoned parcels developed with single-family residential. West of the subject site, across N Post Road, are residential uses within the City of Spencer. The proposed PUD would allow the former elementary school to be converted into a film and television academy and film studio. The PUD allows office and institutional uses by right, and allows other uses ancillary to the film studio. Plan conformance could be strengthened by preserving existing trees to the maximum extent possible.

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 subject to the following Technical Evaluation:

1. Modify Section 9.17 to delete the following statement: There shall be no platting requirements within this PUD.

2. Add Section 9.2 Landscaping: “Healthy, mature trees shall be preserved to the greatest extent possible.”

Should this application be approved, 17-foot of additional easement should be requested along N Post Road to bring the right-of-way width to the standard set by the subdivision regulations.

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