



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

Item No. IV. 16.

(SPUD-1504) Application by Garrett and Company to rezone 333 NW 96th Street from R-1 Single Family Residential and SPUD-1429 Simplified Planned Unit Development Districts to SPUD-1504 Simplified Planned Unit Development District. Ward 7.

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. The application is associated with CE-1094, a request to close portion of east-west alley along north boundary of the subject site.

C. Reason for Request

This application is to permit an industrial use and 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: 0.65 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1 SPUD-1429	R-1	SPUD-1429	I-2	R-1
Land Use	Undeveloped	Residential	Undeveloped	Residential	Residential

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **I-1 Light Industrial 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
8300.8	Animal Sales and Services: Grooming
8300.13	Automotive: Parking Lots, as a Principal Use
8300.23	Building Maintenance Services
8300.24	Business Support Services
8300.25	Child Care Centers
8300.29	Communications Services: Limited
8250.5	Cultural Exhibits
8350.3	Custom Manufacturing
8200.2	Dwelling Units Above the Ground Floor
8150.6.3	Greenhouse
8150.6.5	Hoop House
8350.8	Industrial Light
8300.48	Laundry Services
8250.12	Light Public Protection and Utility: General
8250.13	Light Public Protection and Utility: Restricted
8300.52	Medical Services: General
8300.53	Medical Services: Restricted
8300.58	Personal Services: General
8300.59	Personal Services: Restricted
8300.60	Personal Storage
8300.61	Repair Services: Consumer
8350.10	Research and Development
8300.62	Research Services: Restricted
8350.16	Wholesaling, Storage and Distribution: General

*No medical marijuana sales, grow or distribution shall be permitted on the property.

2. **Maximum Building Height:**

Maximum building height shall be in accordance with the base zoning district.

3. **Maximum Building Size:**

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

4. Maximum Number of Buildings:

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

5. Building Setback Lines

Building setback lines shall require a 10-foot setback from the west and north SPUD boundaries.

6. Sight-proof Screening:

Screening requirements shall be in accordance with the base zoning district.

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

One (1) free standing accessory sign shall be permitted within this SPUD, a maximum of 8 feet and a maximum for 100 square feet in area.

8.2 Attached signs

Attached signs will 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. Sidewalks

5-foot sidewalks shall be required along NW 96th Street.

II. Other Development Regulations:

1. Architecture:

Building sides facing NW 96th St. shall consist of five (5) feet of brick veneer or stone wainscot. The remaining buildings will be in accordance with the architecture regulations per base zoning district. Garage bays and service areas will not face south or north.

2. Open Space:

N/A.

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. Dumpsters shall be a minimum of 25 feet away from a residential 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. Access:

Access shall be taken from one drive from NW 96th St. The maximum driveway width shall be 30 feet.

8. 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.

9. 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: 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, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.
- 4) Plans for drainage improvements within the private drainage reserves and/or common areas must be submitted for review, and payment of inspection fees

shall be made prior to construction. Building permits will not be issued until construction is complete. If a subdivision abuts a stream, the private drainage easements and/or common area along stream shall extend to flow line of stream at a minimum.

- 5) Place the following note on the plat and construction plans: Maintenance of the Common Areas and/or Private Drainage Easements shall be the responsibility of the property owner. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the common areas and/or drainage easements shown.
- 6) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 7) Construction within the limits of this SPUD will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be required prior to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.
- 8) Sidewalk shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 9) All private roads /streets will have private storm sewer systems.
- 10) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) An existing 8" wastewater main(s) is located adjacent to the subject site(s).

- 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.

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.

a. Water/Wastewater Quality

Water Availability

- 1) An existing 6" water main(s) is located adjacent to the subject site(s).
- 2) 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.

- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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).
- 7) Supply capacity for development is not guarantee and will be reviewed at time of review of construction documents.

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 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. Public water and sewer are available. The SPUD does not specify a maximum building size but would be subject to the setbacks and building heights of the I-1 District. The conceptual plan illustrates two new buildings incorporated with development allowed in the SPUD on the east.

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 number of dead-end streets and cul-de-sacs.
- Protect existing traditional street grid and reconnect it where possible.
- Primary entrance points should be aligned with access points immediately across the street.
- Discourage widening of neighborhood streets and increasing curb radii.
- Provide vehicular connectivity between adjacent developments.
- Keep existing alleys open and functional.
- Horizontally mixed-use developments should have connectivity between land uses.

The SPUD proposes access from one driveway on NW 96th Street, with a maximum width of 30 feet. This application is associated with a request to close the southern half of the alley abutting the north side of the site.

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 SPUD commits to sidewalks along NW 96th Street.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating office/warehouse and light industrial uses adjacent to existing residential uses, “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. *The SPUD proposes light industrial development adjacent to and across the street from residential uses and zoning. The Master Design Statement does not vary the I-1 regulations which will require*

screening, landscaping, and a step-down in building height adjacent to the R-1 District. Lot coverage and street frontage could differ dramatically as the I-1 allows 100 percent lot coverage compared to 50 percent in adjacent R-1 zones, and multiple buildings are proposed along the north side of NW 96th Street. The SPUD Master Design Statement specifies that buildings will be oriented so that garage bays and service areas do not face residences. The regulations proposed mirror those approved in the SPUD on the east.

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. *NW 96th Street serves both residential and industrial uses, with industrial uses primarily located east of Harvey to Broadway Extension, and residential uses primarily located west to N Classen Blvd. Three homes are located across the street to the south.*

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 with the extension of non-residential/industrial uses along NW 96th Street. The site is adjacent to homes on the north and west and will face homes on the south. The exhibit indicates warehouses with access from NW 96th Street.*

- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served Area*
 - Fire Service: *Urban Service Level*
- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the site.
- 5) **Transportation System:** This site is located off NW 96th Street, a Neighborhood Street in the Urban Low LUTA. The nearest transit (bus) service is located to the southeast at Britton Road and the Broadway Extension Service Road.
- 6) **Other Development Related Policies**
 - Encourage redevelopment and infill development on vacant, underutilized, and brownfield sites in urbanized areas. (SU-19)
 - Require sidewalks on both sides of all streets in urban LUTAs. (C-7)

- Maintain existing alleys or construct new alleys where feasible to provide trash collection service and parking behind primary buildings and minimize curb cuts along the primary street frontage. (C-8)
- 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)
- Share parking between contiguous developments. (C-31)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- 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 north side of NW 96th Street, east of N Hudson Avenue. The application is associated with CE-1094, a request to close the southern portion of the alley that runs along the north boundary of the SPUD. The site is surrounded by R-1 zoned single-family residences on the north, west and south. The subject site is zoned R-1 and abuts SPUD-1429 on the east, which was approved in 2022 with an I-1 base.

The SPUD proposes extending light industrial zoning westward along the north side of NW 96th Street. The new SPUD mirrors the regulations of SPUD-1429 to allow what appears from conceptual plans to be two new industrial/warehouse buildings. In this case, the new non-residential buildings will face three homes and abut a home on the west. The proposal is consistent with the zoning to the east and farther north (PUD-1374) but is not consistent with the residential zoning surrounding the site. As mitigation, the SPUD requires that "building sides facing NW 96th St. shall consist of five (5) feet of brick veneer or stone wainscot. The remaining buildings will be in accordance with the architecture regulations per base zoning district. Garage bays and service areas will not face south or north."

A 10-foot setback adjacent to residential on the north and west is proposed and landscape buffers will be required. One freestanding sign up to 8 feet tall would be permitted in the SPUD. EMD signs are prohibited. Sidewalks will be installed. Street trees will be required.

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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