



STAFF REPORT
The City of Oklahoma City
Planning Commission
July 27, 2023

Item No. IV. 14.

(PUD-1962) Application by Stiner Brothers, LLC, to rezone 6800 Miramar Boulevard from AA Agricultural and Healthy Neighborhoods Overlay Districts to PUD-1962 Planned Unit Development and Healthy Neighborhoods Overlay Districts. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Kaitlyn Turner
Company Williams, Box, Forshee & Bullard P.C.
Phone 405-232-0080
Email kturner@wbflaw.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow office, commercial, and light industrial uses 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: 18.84 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA/HNO	R-1/HNO	R-1/C-3/C-4/HNO	C-3/I-1/HNO	R-1/HNO
Land Use	Farm	Undeveloped	Tower	Com/Indus	Undeveloped

II. SUMMARY OF PUD APPLICATION

8.1.....USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the C-3 Community Commercial District shall govern this PUD, except as herein modified.

The following uses shall be permitted:

- 8300.1 Administrative and Professional Offices
- 8150.5 Animal Raising: Personal
- 8300.9 Animal Sales and Services: Horse Stables
- 8300.5 Alcoholic Beverage Retail Sales
- 8300.8 Animal Sales and Services: Grooming
- 8300.10 Animal Sales and Services: Kennel and Veterinary, General
- 8300.11 Animal Sales and Services: Kennel and Veterinary, Restricted
- 8300.13 Automotive: Parking Lots, as a Principal Use
- 8300.14 Automotive and Equipment: Cleaning and Repairs, Light Equipment
- 8300.15 Automotive and Equipment: Heavy Repairs, Heavy Equipment
- 8300.21 Automotive and Equipment: Storage
- 8300.23 Building Maintenance Services
- 8300.24 Business Support Services
- 8300.25 Child Care Centers
- 8300.29 Communications Services: Limited
- 8250.2 Community Recreation: General
- 8250.3 Community Recreation: Property Owners Association
- 8250.4 Community Recreation: Restricted
- 8300.31 Construction Sales and Services
- 8300.32 Convenience Sales and Personal Services
- 8350.3 Custom Manufacturing
- 8200.2 Dwelling Units and Mixed Uses
- 8300.34 Eating Establishments: Drive-In
- 8300.35 Eating Establishments: Fast Food
- 8300.36 Eating Establishments: Fast Food, With Drive-Thru Order Window
- 8300.37 Eating Establishments: Sitdown
- 8300.39 Eating Establishments: Sitdown, Limited Alcohol Permitted
- 8300.41 Food and Beverage Retail Sales
- 8300.45 Gasoline Sales, Large
- 8300.46 Gasoline Sales, Small: Restricted
- 8150.6.3 Greenhouse
- 8150.6.5 Hoop House
- 8350.8 Industrial, Light
- 8300.48 Laundry Services

8250.11	Library Services and Community Centers
8250.12	Light Public Protection and Utility: General
8250.13	Light Public Protection and Utility: Restricted
8250.14	Low Impact Institutional: Neighborhood-Related
8300.52	Medical Services: General
8300.53	Medical Services: Restricted
8300.55	Participant Recreation and Entertainment: Indoor
8300.58	Personal Services: General
8300.59	Personal Services: Restricted
8300.60	Personal Storage
8300.61	Repair Services: Consumer
8300.62	Research Services: Restricted
8300.63	Retail Sales and Services: General
8200.13	Senior Independent Living
8300.69	Spectator Sports and Entertainment: Restricted
8350.16	Wholesaling, Storage and Distribution: Restricted

9.0.....SPECIAL CONDITIONS

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

9.1.....FAÇADE REGULATIONS

The existing structures are permitted to remain and deemed to conform to applicable façade regulations. In the event of a new structure, exterior building wall finish on all 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.

9.2 LANDSCAPING REGULATIONS

The existing landscaping is permitted to remain and deemed to conform to applicable landscaping regulations. In the event of a new structure, the subject parcel shall meet all requirements of the City of Oklahoma City’s Landscaping Ordinance in place at the time of development.

9.3 LIGHTING REGULATIONS

The existing lighting is permitted to remain and deemed to conform to applicable lighting regulations. In the event of a new structure, 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.

9.4 SCREENING REGULATIONS

The existing screening shall be permitted to remain and deemed to conform to applicable screening regulations. In the event of a new structure, no less than a six-foot and no greater than an eight-foot-high wall shall be required along the boundary of this parcel where it is adjacent to any residential use. Said wall shall be constructed entirely of stucco, brick, or stone on a continuous footing, or may be constructed of wood.

9.5 PLATTING REGULATIONS

Platting shall not be required within this PUD.

9.6 DRAINAGE REGULATIONS

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

9.7 DUMPSTER REGULATIONS

The existing dumpsters/trash facilities shall be permitted to remain and deemed to conform to applicable dumpster regulations. In the event of a new structure, 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 PUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

9.8 ACCESS REGULATIONS

Access shall be taken from Miramar Blvd.

9.9 PARKING REGULATIONS

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

9.10 SIGNAGE REGULATIONS

9.10.1 FREESTANDING ACCESSORY SIGNS

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

9.10.2 ATTACHED SIGNS

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

9.10.3 NON-ACCESSORY SIGNS

Non-Accessory signs will be in accordance with the base zoning district.

9.10.4 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display signs will be in accordance with the base zoning district regulations.

9.11 ROOFING REGULATIONS

Existing roofing shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, every structure PUD shall have Class C roofing or better.

9.12 SIDEWALK REGULATIONS

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.

9.13 HEIGHT REGULATIONS

The base zoning district regulations shall regulate heights of structures in this PUD.

9.14 SETBACK REGULATIONS

Unless modified herein, yard requirements in this PUD shall be the same as the base-zoning district.

9.15 PUBLIC IMPROVEMENTS

Public improvements shall be made by the property owner throughout the PUD as 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 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.

9.17 SPECIFIC PLAN

A specific plan shall not be required.

10.0 DEVELOPMENT SEQUENCE

Developmental phasing shall be allowed as a part of the development of this PUD.

11.0 EXHIBITS

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

- Exhibit A - Legal Description
- Exhibit B - Conceptual Master Development Plan
- Exhibit C - Topography 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: Millwood**
- 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 guaranteed 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. The 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) A wastewater extension is required along Miramar Blvd.

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. No service will be provided for waste deemed uncollectable per ordinance § 49-21.(17).

c. Water/Wastewater Quality

Water Availability

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

- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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).
- 8) Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.
- 9) A water main extension is required along Miramar.

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.

National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The PUD regulations could provide a 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.
- Limit number of dead-end streets and cul-de-sacs.
- 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 site currently has one access from Miramar Boulevard. The conceptual plan shows the existing access, but the Master Design Statement does not specify the number of allowed access points. Miramar Boulevard is a public street along the site's frontage, and changes to private as it turns east.

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 PUD requires sidewalks on interior streets.

- 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 Agricultural or 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 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 base C-3 District limits building height to one story within 35 feet of the adjacent R-1 District, two stories within 150 feet, and allows up to 6 stories past 150 feet. It was unknown at the time of review what the final uses would be. Plan conformance would be strengthened by establishing a maximum building height and preserving the trees along the north, northeast, and west boundaries of the PUD site adjacent to existing residential zoning.*

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. *Miramar Boulevard is accessed from the E Interstate 44 service road. No triggers requiring mitigation were identified.*

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 on the north, northeast, and west sides of the subject site where abutting residential zoning. The nearest residence is over 1,000 feet away. Millwood School(s) are located approximately 650 feet to the west in the R-1 District. No compatibility issues were identified on the east and south where adjacent to C-3, C-4 and I-1 Districts.*

3) Service Efficiency:

- Water: *Close to Service 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: 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 northeast and west portions of the site. When less than 60% covered, the comprehensive plan has a preservation goal of 100 percent. Plan conformance would be strengthened with a design that preserved upland forest.*

- **Vulnerable Aquifers:** The aquifer in this area is considered moderately 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 on the west side of Miramar Boulevard, a Neighborhood Street in the Urban Low LUTA. The nearest transit (bus) service is located to the southwest along N Martin Luther King Avenue.
- 6) Other Development Related Policies**
- 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 pints 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. (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)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizeable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)
- Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)

b. Plan Conformance Considerations

The subject site is located along the west side of Miramar Boulevard, in an area generally located east of N Martin Luther King Avenue and north of E Interstate 44. The site is zoned AA and currently used as an equestrian farm. Northeast of the subject site is an undeveloped 80-acre parcel zoned R-1. East of the site, across Miramar Boulevard, is a C-3 zoned parcel developed with a telecommunications tower, and an abutting undeveloped C-4 parcel on its south. The area between the subject site and E Interstate 44 is developed with office and warehouse uses that are zoned C-3 and I-1. Abutting the site on the west is an undeveloped 19-acre parcel zoned R-1. North of the site is a 116-acre parcel that is developed with a two single-family homes and accessory buildings for the associated agricultural uses on the parcel. Millwood Public School land is located to the west along N Martin Luther King Avenue.

The PUD is requested for a mix of office, commercial, and light industrial uses with a C-3 base district. The existing Healthy Neighborhoods Overlay boundary would not be affected by the rezoning. The site layout was unknown at the time of review, and a Specific Plan should be required. Plan conformance would be strengthened with a design that preserved the Upland Forest in the northeast corner of the site. The Master Design Statement should be modified to remove uses such

as fast food and gas stations that may not be appropriate on Miramar Blvd, and to reduce the size, height and brightness of freestanding signs.

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 Evaluations:

1. Freestanding signs shall be ground/monument signs, a maximum of 8 feet tall and 100 square feet in area.
2. EMD and Non-Accessory Signs/billboards shall be prohibited.
3. A Specific Plan shall be required.
4. Platting requirements shall be per the Subdivision Regulations.
5. Remove the following from the list of permitted uses: Drive-In and Drive-Thru Restaurants (8300.34 and 8300.36), and Gasoline Sales (8300.45 and 8300.46); and specify that Retail Sales and Services: General (8300.63) is subject to the Healthy Neighborhoods Overlay District regulations.

All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the PUD may be required during either Divisions' review of construction plans and prior to City Council approval.

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