



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

Item No. IV. 16.

(SPUD-1536) Application by David M Box, Williams, Box, Forshee & Bullard P.C., on behalf of Sunnymeade Baptist Church, Inc., to rezone 1229 NW 122nd Street from SPUD-1058 Simplified Planned Unit Development District to SPUD-1536 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 P.C.
Phone 405-232-0080
Email dmbox@wbfbllaw.com

B. Case History

This application was continued from the June 22, and July 13, 2023 meetings.

C. Reason for Request

The purpose of this application is to allow office / warehouse 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: 3.82 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	SPUD-1058	PUD-1887	PUD-1496	R-1	R-1
Land Use	Undeveloped	Undeveloped	Senior Living	Residential	Residential, Sub Station

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **O-2 General Office 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
8150.7. Horticulture.
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.
8350.16 Wholesaling, Storage & Distribution: Restricted.

2. **Maximum Building Height:**

35 Feet.

3. **Building Setback Lines:**

Front Yard: 25 feet
Rear Yard: 25 feet
West Side Yard: 40 feet
East Side Yard: 5 feet

4. **Sight-proof Screening:**

No less than a six-foot and no greater than an eight-foot high fence or wall shall be required near the west property boundary where abutting a residential use. Said fence shall be constructed of stucco, stone, wood or iron and/or any combination thereof and shall be solid and opaque. Said fence shall not be required along the north one hundred fifty feet (150') of the west property boundary or where there is a natural, undisturbed wooded area at least twenty (20) feet in width. Sight-proof screening shall not be required along the north and east property boundaries.

5. Landscaping:

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development with the following exceptions. The eastern boundary of the tract shall not be required to provide landscape residential buffer and screening.

6. Signs:

6.1 Free standing accessory signs

Freestanding signs will be in accordance with the O-2 base zoning district regulations.

No pole signs will be allowed.

6.2 Attached Signs

Attached signs will be in accordance with the O-2 base zoning district regulations.

6.3 Non-Accessory Signs

Non-Accessory signs will be prohibited.

6.4 Electronic Message Display signs

Electronic Message Display signs shall be prohibited.

7. Access:

There shall be one access point from NW 122nd Street. Shared driveways will be permitted subject to agreement between the property owners.

8. Sidewalks:

Five-foot sidewalks shall be constructed on the arterial street, or 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.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock or stone masonry, stucco, EIFS (Exterior Insulation Finish System), and cementitious siding (including, but not limited to, the brand commonly known as James Hardie). Concrete block buildings shall not be permitted.

2. Open Space:

Yard requirements in this SPUD shall be the same as the building setback lines described herein.

3. Street Improvements:

N/A.

4. Site Lighting:

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

5. Dumpsters:

Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and shall be placed no closer than 50 feet from all property lines adjacent to residential zoning district or use. Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

6. Parking:

The design and number of all parking facilities in the SPUD shall be in accordance with Section 59 Article X of the Oklahoma City Municipal Code, 2020, as amended, except as noted herein. The number of parking spaces may be reduced by twenty-five percent (25%) of the minimum parking requirement.

7. Stream Bank Preservation:

The existing stream bank shall be maintained in a natural or enhanced state, and all structures and paving shall be setback a minimum 30 feet from the north 430 feet of the west property boundary and 130 feet from the north 223 feet of the west property boundary. Fee in lieu of on-site stormwater detention facilities shall be permitted. In the event that on-site detention is constructed, a pond outlet structure shall be permitted within the north 80 feet of the property.

III. Supporting Documents

- Exhibit A: Legal Description
- Exhibit B: Conceptual Site Plan
- Exhibit C: Conceptual Renderings

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) A Corps of Engineers 404 permit must be submitted with plans for any work contemplated within the floodplain, creek, or channel (waters of the United States) included in the case limits.
- 5) 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.

- 6) 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.
- 7) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 8) 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.
- 9) 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.
- 10) All private roads /streets will have private storm sewer systems.
- 11) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 12) Modify Section II.7 Stream Bank Prevention: The existing stream bank shall be maintained in a natural or enhanced state and all structures and paving shall be set back a minimum of 30 feet from the north 430 feet of the West property boundary and 130 feet from the north 223 feet of the West property boundary. Drainage and detention for this SPUD will comply with the current city of Oklahoma City drainage ordinance as amended.
- 13) Sidewalks within this PUD shall be in accordance with the City of Oklahoma City Municipal Code requirements as amended.
- 14) Add the statement: Development shall be in accordance with the applicable requirements of chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

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. 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 main extension along northwest 122nd street to the farthest West property line is required.

b. Solid Waste Management

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

c. Water Availability

- 1) An existing 12” 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. 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. Water and sewer are available.

Location:

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

The proposed uses are located along an arterial street.

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.
- Provide vehicular connectivity between adjacent developments.
- Horizontally mixed-use developments should have connectivity between land uses.

The proposed development is located along an arterial street. Access is limited to one driveway.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Within parking lots, provide pedestrian access ways separated from vehicle aisles.

Sidewalks will be required.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. The SPUD proposes office/warehouse development. The subject site is adjacent to a single-family residence on the west, a PUD that allows modified R-1 zoning to the north, and senior housing on the east. When locating light industrial uses near low intensity residential, “Building Scale and Site Design” and “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 buildings within 40 ft of a single-family residence exceed a ratio of 3:1 in height; 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; or if the lot coverage, including buildings and paved areas, dramatically exceeds that of adjacent uses. *The conceptual plan indicates light industrial buildings lining the sides of the site. Setbacks on the west next to the existing home would be 40 feet, and setbacks and stream protections in the rear provide a buffer from the north. The SPUD proposes no screening or landscaping along the east side of the property where it faces senior housing.*

Traffic: Mitigation measures should be used if the development is inconsistent with the Street Typology, or would substantially exceed the average daily traffic of existing, adjacent uses. *No triggers requiring mitigation were identified.*

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 is limited in uses, but would allow office/warehouse development surrounded by one home (west), zoning for a residential community (north), and a senior living community (east). The site also faces a home across NW 122nd Street. Mitigation offered on the west is a 40-foot setback. The SPUD proposes a 5-foot setback on the east and states, “No less than a six-foot and no greater than an eight-foot-high fence or wall shall be required near the west property boundary where abutting a residential use.” However, it also states that “Sight-proof screening shall not be required along the north and east property boundaries.” The development, at a minimum, should screen and provide landscaping per Code. Increased landscaping along the arterial street would help soften the view of sides of buildings facing the street if no doors and windows are provided. Driveway width should not exceed 32 feet and should be located so truck lights are not shining on the home to the south. Garage door bays should be interior to the site.*

- 3) **Service Efficiency:**
- Water: *Fully Served*
 - Sewer: *Open Sewer Shed*
 - Fire Service: *Urban Service Level*
- 4) **Environmentally Sensitive Areas:** The following apply to the proposed development site:
- Riparian Areas: Riparian areas are vegetated areas adjacent to streams, lakes, ponds, and wetlands that are composed of a mixture of trees, shrubs, and grasses. These areas may also contain floodplain. The comprehensive plan recommends a 100-foot buffer from stream banks. *A small tributary and its associated riparian area run along the western boundary of the SPUD. Floodplain is not present. The MDS states “The existing stream bank shall be maintained in a natural or enhanced state, and all structures and paving shall be setback a*

minimum 30 feet from the north 430 feet of the west property boundary and 130 feet from the north 223 feet of the west property boundary.”

- Upland Forests: N/A
- Vulnerable Aquifers: N/A

5) Transportation System: This site is located on the north side of NW 122nd Street, a Major Arterial within the Urban Low LUTA. The nearest transit (bus) service is available at NW 122nd and Pennsylvania, and at Hefner and Western.

6) Other Development Related Policies

- Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
- Improve the functionality and efficiency of the street network by:
 - Providing direct connections from residential developments to nearby places and to each other.
 - Providing street and sidewalk stubs to adjacent vacant land in anticipation of future development.
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)

b. Plan Conformance Considerations

The subject site is located on the north side of NW 122nd Street, west of N Western Avenue, within the Urban Low Intensity Land Use Typology Area (LUTA). The site is undeveloped and was rezoned from O-2 to SPUD-1058 in 2018 to allow congregate care uses. A small tributary and its associated riparian area run along the western boundary of the SPUD. Floodplain is not present. The master development plan map indicates that this area will be left in a natural state. The proposed development site abuts a senior housing community on the east, and a home and substation on the west. To the north is Tract 1 of PUD-1887 which was approved in 2022 and allows single-family through 4-plex development. A home zoned R-1 is located on the south side of NW 122nd and faces the site.

The application seeks to allow office/warehouse development. Access is limited to one driveway on NW 122nd Street and sidewalks will be required. The submitted master development plan illustrates most buildings oriented north-south on the sides of the site. Garage door bays should be interior to the site. The SPUD proposes eliminating screening and landscaping on the north and south sides of the property. The development should screen and provide landscaping per Code. Increased landscaping along the arterial street would help soften the view of sides of buildings facing the street. Driveway width should not exceed 32 feet and access should be located so truck lights are not shining on the home to the south.

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) Screening and landscaping shall be required per Code along the east boundary of the PUD.
- 2) Garage door bays and loading docks shall be interior to the site or may face the substation.
- 3) Driveway width shall not exceed 32 feet.
- 4) Replace the last two sentences in Section II.7 with: Drainage and detention for this SPUD will comply with the current City of Oklahoma City drainage ordinance as amended. Development shall be in accordance with the applicable requirements of Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

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

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