



**The City of Oklahoma City
Planning Commission
STAFF REPORT
April 8, 2021**

(SPUD-1299) Application by Sharper Image Homes, LLC to rezone 5901 NE 138th Street from the AA Agricultural District to the SPUD-1299 Simplified Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant and/or Developer

Name Mark Grubbs
Company Grubbs and Associates Inc.
Phone 405-265-0641
Email mark.grubbs@gc-okc.com

B. Case History

This application was continued from the March 11, and March 25, 2021 meetings.

C. Reason for Request

The purpose of this request is to permit a personal storage facility.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Rural – Low Intensity (RL)

Rural – Low Intensity applies to areas where large-lot neighborhoods and residential acreages/estates may remain with no expectation of urbanization or provision of urban infrastructure such as water or sewer. RL areas are predominantly composed of residential and agricultural uses but may support commercial and light industrial uses provided they do not negatively impact the rural residential character.

2. Size of Site: 5 acres.

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	AA	AA	AA	SPUD-746 SPUD-785
Land Use	Residential	Undeveloped	Residential	Outside Storage	Self-storage

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- 4. Development Context:** The subject 5-acre site is located along NE 138th Street, a neighborhood street located east of Interstate 35 and north of E Memorial Road. The property is developed with a home and is zoned AA. The property to the west is an RV and Boat Storage facility approved in 2014 under SPUDs 1746 and 1785. The property to the east, south and north is zoned AA. The property to the immediate east is a home. The property to the south is undeveloped. Along NE 138th Street there are a total of five homes prior to the street's dead end at Deep Fork Tributary/Lake Arcadia/Corps of Engineer land. Other uses include shop/warehouses and a cell tower.

The SPUD requests an I-1 base with following variations:

	<i>Code Standard</i>	<i>SPUD Proposed Standard</i>
Table 59-6200.2 Bulk Standards		
Building Height	20 feet high and one story within 35 feet of AA; 35 feet high within 35 feet to 75 feet of AA; 6 stories more than 75 feet from AA	25 feet
Table 59-6200.1 Uses		
Permitted uses	Variety of commercial and industrial uses, including Personal Storage but <u>not</u> Automobile and Equipment Storage	Selected uses related to Automobile and Equipment Storage and Construction Sales and Services, Business Services, and Wholesale Storage and Distribution, plus outdoor storage of vehicles
3-102 Accessory Signs		
Freestanding Sign	Max 40 feet high, 200 square feet	Max 12 feet high, 120 square feet
Landscaping and Screening		
	Landscape buffer adjacent to AA	No landscaping adjacent to AA

II. SUMMARY OF SPUD APPLICATION

This site will be developed in accordance with the regulations of the **I-1 Light Industrial** (OKC Zoning Ordinance, 2020), except that the following restrictions will apply:

1. The following uses will be the only uses permitted on this site:
 - a) Dwelling Units and Mixed Uses (8200.2)
 - b) Administrative and Professional Office (8300.1)

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- c) Automotive & Equipment: Storage *{further limited to covered/uncovered recreational vehicle, watercraft and vehicle storage}* (8300.21)
 - d) Building Maintenance Services (8300.23)
 - e) Business Support Services (8300.24)
 - f) Construction Sales & Services (8300.31)
 - g) Personal Storage (8300.60)
 - h) Retail Sales & Services: General (8300.63) *{further limited to an accessory/incidental use to watercraft and recreational vehicle storage}*
 - i) Repair Services: consumer (8300.61)
 - j) Industrial, Light (8350.8)
 - k) Wholesaling, Storage & Distribution: Restricted (8350.16)
2. Maximum Building Height:
- a) Structures shall have a maximum building height of one story and 25 feet.
3. Sight-proof Screening:
- a) Sight-proof screening shall not be required where abutting AA. A black coated chain link or wrought iron security fence, not exceeding eight (8) feet in height, shall be permitted along the property lines.
4. Landscaping:
- a) All landscaping shall be in accordance with Article XI, Landscaping and Screening Requirements.
 - b) No landscape buffer shall be required along the boundaries of the SPUD where abutting AA zoning.
5. Signs:
- a) The site shall be limited to one free-standing accessory sign. Said sign shall be limited to twelve feet in height and 120 square feet in display area. A minimum of 25 square feet of area around the base of said sign shall consist of landscaping.
 - b) Attached signs shall conform to the requirements of the base zoning district.
 - c) Non-accessory signs are specifically prohibited in this SPUD.
 - d) Electronic message display signs are specifically prohibited.
6. Access:
- a) Access is limited to two driveways onto NE 138th Street. Shared access to adjacent properties is permitted.

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- 7. Sidewalks:
 - a) Sidewalks shall not be required along NE 138th Street.

II. Other Development Regulations:

- 1. Architecture
 - a) Exposed metal buildings shall be permitted.
 - b) Uncovered outdoor storage shall be permitted within the interior of the development and not visible from NE 138th Street.
- 2. Development Phasing:

Development phasing will be allowed for the subject property.
- 3. Other:
 - a) 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.
 - b) The design and number of all parking facilities in this SPUD shall be limited to the number required for the office space only, in accordance with Chapter 59 Article X of the Oklahoma City Municipal Code, 2020, as amended.

III. Supporting Documents

Exhibit A: Legal Description
Exhibit B: Conceptual 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)**

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- 4. Oklahoma Water Resources Board (OWRB)**
- 5. School District(s) Edmond**
- 6. Oklahoma Department of Transportation (ODOT)**

B. City Departments

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire:** Extend waterline and hydrants as required and 30-foot building separations required.
- 4. Information Technology/Geographic Support**
- 5. Parks and Recreation**
 - 1) Under Ordinance 25,374 all residential development is subject to the Park Impact Fee. The development is located outside of the existing local park area and will be assessed the full fee. The development can qualify for the local park exemption by providing a developer-provided private local park, which complies with all of the standards and requirements established in Ordinance 25,374.
- 6. Police**
- 7. Public Works**
 - a. Engineering**
 - b. Streets, Traffic and Drainage Maintenance**

Paving*

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.

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- 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) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 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) 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) Sidewalks shall be installed for all new construction and/or at the time of conversion 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 road/street will have private storm sewer system.

10) Detention Determination

- A detention requirement determination will not be issued at the Preliminary Plat stage unless the development is located within the current “detention required area”.
- Prior to the preparation of a Final Plat and Construction Plans, the Engineer or Developer may contact the Public Works Engineering Department and receive a Detention Determination for that individual Final Plat
 - This Detention Determination will be specific to the single Final Plat under consideration
 - The Detention Determination will be valid for a period of six (6) months
 - If the Final Plat and Construction Plans have not been submitted, reviewed, and approved by the Public Works Engineering Department within that 6 month time frame, the Detention Determination will be void and a new Detention Determination must be requested.
 - If construction has not started on the development within six (6) months of the approval of the construction plans, the Detention Determination will be void and a new Detention Determination must be requested.
- For new commercial developments that do not require hearings before the PC or CC, the Engineer or Developer may contact the Public Works Engineering Department and receive a Detention Determination for that commercial development.

c. Stormwater Quality Management

d. Traffic Management

8. Utilities

a. Engineering

Sanitary Sewer Availability

- 1) Additional Comments: No objections

b. Solid Waste Management

- 1) The City can provide solid waste collection services to commercial customers providing refuse is not excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise the customer will have to utilize a private hauler for dumpster service.

c. Water/Wastewater Quality

Water Availability

- 1) Additional Comments: No objections

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

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

The site design does not complement the character of the surrounding AA wooded (Upland Forest) landscape. Exhibit B shows that 100 percent of the trees would be removed for new buildings or outdoor storage areas. Retaining Upland Forest would be a BMP for stormwater quality.

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 SPUD proposes 5 acres of indoor and outdoor RV and Boat Storage. Access is proposed from a rural residential street, not in conformance with the location guidelines above. A similar use was approved to the west with access limited to the I-35 frontage road.*

- 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 Residential Low Intensity, “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.

Building size, street frontage and lot coverage will dramatically differ from the residential AA adjacent uses. AA residences are limited to 5 percent lot coverage. The SPUD proposes an I-1 base district that allows 100 percent lot coverage. No mitigation is offered for compatibility to the surrounding residential properties.

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 SPUD is not specific on building size or number of buildings. Exhibit B shows 8 buildings totaling several thousand square feet. The SPUD requests two driveways on the rural residential street. The traffic generated by the requested uses would be RVs and trucks with trailers not suitable for the 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. *Outdoor storage of automobiles including boats and RVs is only permitted within the C-4, I-2 or I-3 District, and screening would be required adjacent to AA zones. The SPUD agrees to meet landscaping regulations but would allow chain link fencing or iron security fencing instead of sight-proof screening.*

3) **Service Efficiency:**

- Water: *Not served*
- Sewer: *Not available*
- Fire Service: *Longer than Rural Service*

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. *The development site is about 75 percent covered in Upland Forest. The comprehensive plan has a goal of preserving 80 percent of the coverage when the site is 70-80% covered in Upland Forest. The SPUD does not provide any mitigation for maintaining Upland Forest.*

- 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. *Maintaining large portions of the Upland Forest on site would assist with stormwater infiltration into the vulnerable aquifer.*

5) Transportation System: This site is located off NE 138th Street, a Neighborhood Street, east of the I-35 north bound frontage road in the Rural Low LUTA. No transit or sidewalks are available nearby.

6) Other Development Related Policies

- 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)
- Support limited amounts of commercial (one to two acres per use) in rural areas appropriate to the needs of rural residents. Commercial uses in rural areas should be located in small clusters either on uninterrupted arterials or at freeway interchanges. (SU-46)
- Preserve overall landscape character and natural landforms (rolling hills, native vegetation, etc.) to the greatest extent possible. (G-4)
- 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)
- 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 SPUD proposes to add five acres of indoor and outdoor auto storage along NE 138th Street, east of I-35. A similar use is adjacent to the site on the west with access limited to the I-35 Service Road. The proposed auto storage use is only allowed in C-4, I-2 and I-3 Districts. The SPUD proposes an I-1 base with the auto use added, and proposes varying the sight-proof screening requirement. Access for vehicles, which is expected to be RVs and boat trailers, is proposed from two driveways on the rural residential street. A sign up to 12 feet tall and 120 square feet in size is also requested. The development site is 50-75 percent covered in Upland Forest, but tree preservation is not addressed nor expected based on the provided conceptual site plan.

The SPUD is not in conformance with Rural Low LUTA policies for location of non-residential uses in rural areas, or policies that call for site design that complements the rural character of the area. The SPUD should be denied as it is not in conformance with the Comprehensive Plan.

If the SPUD were approved, the Master Design Statement should address screening, methods to preserve the open character of the landscape including tree preservation, limit access to one from NE 138th Street and potentially improve the road, and share access to the west if possible. In addition, the uses of Industrial Light and Wholesale Distribution should be removed due to the narrow width of NE 138th Street.

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.

Denial 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.