



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

**(SPUD-1304) Application by Noah Brown to rezone 2728 SW 2<sup>nd</sup> Street from the R-2 Medium Low Density Residential District to the SPUD-1304 Simplified Planned Unit Development District. Ward 6.**

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant/Developer Representative**

Name        David Box  
Company    Williams, Box, Forshee & Bullard, P.C.  
Phone       405-232-0080  
Email       dmbox@wbfbllaw.com

**B. Case History**

This is a new application.

**C. Reason for Request**

This application is to permit an office /warehouse.

**D. Existing Conditions**

**1. Comprehensive Plan Land Use Typology Area: Urban – Medium (UM)**

UM applies to fully urbanized areas of the city, most of which were built prior to the 1960s. Developments are expected to be larger in scale and have greater intensity and mixture of uses than developments found in UL. Development within UM areas should support efficient transit usage and provide pedestrian and bicycle access to retail, services, parks, and other destinations. Priorities for the UM areas include “infill” developments on vacant lots, rehabilitation of underutilized property, and development that supports revitalization of distressed neighborhoods.

**2. Size of Site: 0.12 acres**

**3. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	R-2	R-2/I-2	I-1/R-1	I-2/R-1	R-2
<b>Land Use</b>	Undeveloped	Ind/Undev	Undeveloped	Undeveloped	Undeveloped

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- 4. Development Context:** The 0.12-acre subject site is located along the south side of SW 2<sup>nd</sup> Street, east of S May Avenue. To the east, south and west of the site are vacant parcels zoned R-2. Also along SW 2<sup>nd</sup> Street at S May Avenue is a one-acre site zoned PUD-502 for I-1 and auto storage scrap metal uses. North of site is a construction sales and manufacturing business fronting W Reno Avenue. State Fair Park is located northwest of the May and Reno intersection. The Carver Transitional Center is located southwest of the site and provides transitional housing under SP-351 and SP-364.

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

	<i>I-1 Standard</i>	<i>SPUD Proposed Standard</i>
<b>Table 59-6200.2 Bulk Standards</b>		
Setbacks (adjacent to residential zones)	Front: 25 feet; Side: 15 feet; Rear: 15 feet	Front, Side and Rear: 5 feet:
<b>Table 59-6200.1 Uses</b>		
Permitted uses	Light industrial and most office/commercial uses	Light industrial and commercial uses <u>deleting</u> Eating Establishments, Food and Beverage and Alcoholic Beverage Sales, Lodging and Gas Sales
<b>3-102 Accessory Signs</b>		
Freestanding Sign	Max 20 feet high, 130 square feet	Max 8 feet high, 125 square feet monument sign  No attached signs allowed

## **II. SUMMARY OF PUD APPLICATION**

This SPUD shall be developed in accordance with the regulations of the **I-1 Light Industrial District** (OKC Zoning Ordinance, 2020), except as modified herein.

**1. The following uses shall also be permitted with this SPUD:**

Administrative and Professional Office (8300.1)  
Agricultural Processing: Limited (8150.2)  
Animal Sales and Services: Grooming (8300.8)

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Animal Sales and Services: Kennel and Veterinary, Restricted (8300.11)  
Automotive and Equipment: Cleaning and Repairs, Light Equipment (8300.14)  
Automotive and Equipment: Cleaning and Repairs, Light Equipment (8300.14)  
Building Maintenance Services (8300.23)  
Business Support Services (8300.24)  
Communications Services: Limited (8300.29)  
Construction Sales and Services (8300.31)  
Convenience Sales and Personal Services (8300.32)  
Custom Manufacturing (8350.3)  
Funeral and Interment Services: Undertaking (8300.44)  
Industrial, Light (8350.8)  
Laundry Services (8300.48)  
Light Public Protection and Utility: General (8250.12)  
Light Public Protection and Utility: Restricted (8250.13)  
Medical Services: General (8300.52)  
Medical Services: Restricted (8300.53)  
Participant Recreation and Entertainment: Indoor (8300.55)  
Personal Services: General (8300.58)  
Repair Services: Consumer (8300.61)  
Research Services: Restricted (8300.62)  
Retail Sales and Services: General (8300.63)  
Wholesaling, Storage and Distribution: Restricted (8350.16)

**2. Maximum Building Height:**

The maximum building height within this SPUD shall be governed by the base zoning district.

**3. Maximum Building Size:**

The maximum building size within this SPUD shall be governed by the base zoning district.

**4. Building Setback Lines:**

Front: 5'  
Side: 5'  
Rear: 5'

**5. Sight-proof Screening:**

Sight-proof screening shall be required to meet the regulations of the base zoning district.

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**6. Landscaping:**

Landscaping shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

**7. Signs:**

**7.1 Freestanding Accessory Signs:**

There shall be one (1) freestanding ground (monument) sign(s) permitted within this SPUD with the maximum size being Eight (8) feet high and one hundred and twenty-five (125) square feet in area. No pole signs will be allowed.

**7.2 Attached Signs:**

There shall be no attached signs within this SPUD.

**7.3 Non-Accessory Signs:**

Non-Accessory signs shall be prohibited within this SPUD.

**7.4 Electronic Message Display Signs:**

Electronic Message Display signs shall be prohibited within this SPUD.

**8. Access:**

Access to the site shall be taken from SW 2<sup>nd</sup> St.

**9. Parking Regulations:**

Parking regulations shall be in accordance with Section 59, Article X of the Oklahoma City Municipal Code, 2020, as amended.

**I. Other Development Regulations:**

**1. Architecture:**

The base zoning district shall govern the façade regulations within this SPUD.

**2. Open Space:**

Open space shall not be required within this SPUD.

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**3. Street Improvements:**

N/A.

**4. Other:**

**4.1 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.

**4.2 Drainage:**

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

**4.3 Dumpsters:**

Dumpsters shall be consolidated where practical and shall be placed no closer than 25 feet from all property lines adjacent to residential use.

**II. Supporting Documents:**

**Exhibit A:** Legal Description

**Exhibit B:** Site Plan – Conceptual

**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 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.

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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) 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) 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**

- 1) All right-of-way needed in order to bring this property into conformance with Municipal Code requirements should be donated in conjunction with this application.

**8. Utilities**

**a. Engineering**

**Paving**

- 1) SW 2nd St does not have any curb and gutter. The exhibit shows off street parking which requires maneuvering within the ROW.

**Sanitary Sewer Availability**

- 1) An existing 8” sanitary sewer main(s) is adjacent to the subject site and a connection will be permitted in accordance with City Standard Specifications.
- 2) No trees, signs, dumpsters, or fences within 10 feet of any existing or proposed sanitary sewer main.



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- 3) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.
- 4) Additional Comments: No objection.

**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) The subject site is adjacent to a 2" water main in the street right-of-way of SW 2<sup>nd</sup> St.
- 2) 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 and fire protection systems which require water pressure in excess of 25 psi.
- 3) No trees, signs, dumpsters or fences within 10 feet of any existing or proposed water main.
- 4) All existing and proposed meters must meet current Meter Specifications. Meters must be in a grassed area. All domestic and fire suppression services must have separate water service connections. All existing unnecessary water services must be abandoned at the water main.
- 5) Additional Comments: This site is on a 2" main.

**9. Planning**

**a. Comprehensive Plan Considerations**

1) **LUTA Development Policies:**

Site Design:

- Utilize Best Management Practices (BMP) for stormwater.
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.

*Exhibits indicate one building to be constructed with an office in front and a storage/garage area in the back. Metal buildings are allowed in the I-1 base zone. National, state, and local permitting require basic best management practices for stormwater management however, low impact development techniques that would increase protection for the vulnerable aquifer at this location are not required. At the time of review, the SPUD proposed to meet landscape requirements which would require a 5-foot landscape buffer on the east, west and south sides of the property adjacent to R-2.*

Density: The non-residential Floor to Area Ratio (FAR) range for the UM LUTA is 0.4 to 1.2 with a typical FAR of 1. *The building shown is within the LUTA range.*

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Protect existing traditional street grid and reconnect it where possible.
- Primary entrance points should be aligned with access points immediately across the street.

*The SPUD limits access to one driveway on SW 2<sup>nd</sup> Street.*

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.
- Sidewalks are present nor required by the SPUD.*

2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating Low Intensity Industrial adjacent to existing residential zones, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass.

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. *Allowable lot coverage in the I-1 District is 100 percent while it is 50 percent in the abutting R-2 District. The SPUD requests 5-foot setbacks on all sides including the front. It was unclear at the time of review how some uses such as undertaking and participant recreation could be accommodated on the 50' wide lot, or if the requested 5-foot front setback was reflected in the conceptual design. If the parking shown on the site plan backs into SW 2<sup>nd</sup> street, a variance is required to allow maneuvering in the right-of-way.*

Traffic: Mitigation measures should be used if the development is inconsistent with the Street Typology or would substantially exceed the average daily traffic of existing, adjacent uses. *The subject site is located on a neighborhood street that currently services industrial uses.*

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 base I-1 District requires the requested uses to be located inside a building.*

**3) Service Efficiency:**

- Water: *Fully served*
- Sewer: *Fully Served*
- Fire Service: *Urban Service Level*

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

- Riparian areas: N/A
- Upland Forests: N/A
- Vulnerable aquifers: The aquifer in this area is considered moderately/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.

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- 5) **Transportation System:** This site is located along SW 2<sup>nd</sup> Street, a Neighborhood Street in the Urban Medium LUTA. Transit is located within ¼-mile on W Reno Avenue. Sidewalks are not available on SW 2<sup>nd</sup> Street.
- 6) **Other Development Related Policies**
- Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
  - 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)

**b. Plan Conformance Considerations**

The SPUD is requested to allow light industrial uses on SW 2<sup>nd</sup> Street, east of S May Avenue and south of other industrial uses that front W Reno Avenue. The land surrounding the site is zoned R-2 but not developed. The proposed light industrial uses are consistent with other industrial zoning in the area, but it was unclear at the time of review how the 5,200 sf (mol) parcel could accommodate uses such as Laundry Services and Funeral Services. The SPUD also requests to reduce the required setbacks on all sides to 5 feet. If the reduced front setback is allowed and parking is permitted to back into SW 2<sup>nd</sup> Street, a variance to allow maneuvering in the right-of-way is required. The SPUD allows a freestanding sign but not attached signs. With a 5-foot setback, attached signs may be more feasible.

**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. If the proposed parking layout requires vehicles to back into the street, a variance to allow maneuvering in the right-of-way will be required.
2. Building Setback from the centerline of SW 2<sup>nd</sup> St. shall be a minimum off 60 feet.
3. One attached sign up to 100 square feet is permitted on the SW 2<sup>nd</sup> street frontage.

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*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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