



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

**(SPUD-1305) Application by Cox Communications, to rezone 9000 West Memorial Road from the AA Agricultural District to the SPUD-1305 Simplified Planned Unit Development District. Ward 8.**

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant/Developer Representative**

Name Chad A Albin  
Phone 316-305-9573  
Email Chad.albin@cox.com

**B. Case History**

This is a new application.

**C. Reason for Request**

This application is to permit expansion of an existing hub facility.

**D. Existing Conditions**

**1. Comprehensive Plan Land Use Typology Area: Urban - Low Intensity (UL)**

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

**2. Size of Site: 0.42 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>	AA	R-1	Turnpike	Turnpike	AA
<b>Land Use</b>	Cox Cable	Residential	Industrial	Industrial	Res/Farm

**4. Development Context:** The subject site is located along the south side of W Memorial Road, west of N County Line Road. To the west is a home on 3.6 acres. To the north is a residential subdivision. To the east and south is Kilpatrick Turnpike right-of-way. The site is developed with a Cox Communications hub. The SPUD is requested for a building expansion of the existing hub facility.

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The SPUD requests an I-2 base with the following variations:

	<i>Code Standard</i>	<i>SPUD Proposed Standard</i>
<b>Table 59-6200.2 Bulk Standards</b>		
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	35 feet
Setbacks	Front: 25 feet; Side: adjacent to AA, 25 feet; Rear: 0 feet	Front: 25 feet; Side: adjacent to AA, 0 feet; Rear: 0 feet
<b>Table 59-6200.1 Uses</b>		
Permitted uses	Variety of commercial and industrial uses	Limited to three uses: Communication Services Limited, antennas, and telecommunication towers
<b>3-102 Accessory Signs</b>		
Freestanding Sign	Max 20 feet high, 150 square feet	None
<b>Table 59-10600.2 Parking</b>		
	1 space/per 500 sf	None required

**II. SUMMARY OF PUD APPLICATION**

This SPUD will be developed in accordance with the regulation of the **I-2 Moderate Industrial District** (OKC Zoning Ordinance, 2020) except that the following exceptions and restrictions will apply:

**1. Permitted Uses:**

The following use(s) will be the only use(s) permitted on this site:

- Communications Services: Antennas (8300.27)
- Communications Services: Limited (8300.29)
- Communications Services: Telecommunication Towers (8300.30)

**2. Maximum Building Height:**

Maximum height - 35 feet

**3. Maximum Building Size:**

Per Base I-2 Zoning

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**4. Building Setback Lines:**

Front: 25 feet  
Rear: 0 feet  
Sides: 0 feet

**5. Sight-proof Screening:**

Facility shall be screened from abutting west property by no less than a six-foot and no greater than an eight-foot high fence or wall along the west property boundary. Said fence shall be constructed of stucco, stone, wood, chain link with fabric, or iron and/or any combination thereof. Barbed wire shall be permitted along the top of any perimeter wall or fencing. Barbed wire is not considered part of the fence or wall height.

No screen fence shall be required along the north, east or south boundary.

**6. 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 exception that landscape buffers and landscape screening shall not be required along the north, east or south property boundary nor along boundaries where screen fencing is provided.

Landscaping along W Memorial Rd will consist at a minimum of evergreen shrubs reaching a mature height of at least three feet and spaced a maximum of five feet on center.

**7. Signs:**

Not Applicable

**8. Access:**

There shall be a maximum of one access point from West Memorial Road in this SPUD.

**9. Sidewalks:**

A five-foot sidewalk currently exists on West Memorial Road. The sidewalk shall remain or be reconstructed as a condition of building permit in accordance with sidewalk ordinance in effect at time of construction.

**I. Other Development Regulations**

**1. Architecture:**

Not Applicable

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**2. Open Space:**

Per base Zoning regulations.

**3. Street Improvements:**

Not Applicable

**4. Lighting:**

Site lighting is not required for this SPUD. Should site lighting be installed it shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended with respect to effects to adjacent properties.

**5. Dumpsters:**

Not Applicable

**6. Parking:**

Parking shall not be required for this SPUD.

**7. Detention:**

Detention shall not be required for this SPUD.

**8. Paving**

Drives on this site shall be made of concrete or asphalt.

**II. Supporting Documents**

Exhibit A: Legal Description

Exhibit B: Site Plan

**III. REVIEW COMMENTS**

This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk indicates that the agency, department, and/or division responded with no adverse comments.

**A. Outside Agencies**

**1. Oklahoma City-County Health Department**

**2. Oklahoma City Urban Renewal Authority (OCURA)**

**3. Oklahoma Gas and Electric (OGE)**

- 4. Oklahoma Natural Gas:** Please be advised ONG has an underground or aboveground facility in the area. If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate. Prior to excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior for exact location of our facilities.

**5. Oklahoma Water Resources Board (OWRB)**

**6. School District(s) Piedmont**

**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.

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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) 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) Detention Determination

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- 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**

**Paving\***

**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) All sanitary sewer mains must flow within the existing drainage basin. Proposed sewer mains that will flow to another drainage basin across a ridgeline will not be allowed.
- 3) All sanitary sewer mains must have a minimum cover of 6 feet and a depth no greater than 18 feet.

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- 4) The developer will be required to extend a gravity sanitary sewer collection system to each lot or site within the subdivision or land improvement in accordance with City Standard Specifications and the current Subdivision Regulations. No private or public lift stations will be allowed.
- 5) No trees, signs, dumpsters, or fences within 10 feet of any existing or proposed sanitary sewer main.
- 6) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.
- 7) Additional Comments: Public sanitary sewer main extension required. Property is within the required public main extension distance according to the subdivision regulations.

**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 24” water main in the street right-of-way of W Memorial Rd.
- 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.

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- 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: No objections, no new direct connections can be made to the 24" public main.

## **9. Planning**

### **a. Comprehensive Plan Considerations**

#### **1) LUTA Development Policies:**

##### Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible.

*National, state, and local permitting require basic best management practices for stormwater management.*

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. The proposed antenna and telecommunication tower uses are Conditional uses within the existing AA District. The proposed communication services use is not permitted in AA but is allowed in most non-residential districts. When locating these uses adjacent to existing Residential Low Intensity, "Building Scale and Site Design" 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. *Setbacks of zero feet and lot coverage of 100 percent would dramatically differ from the residential parcel to the west. Mitigation is offered with plantings along W Memorial Road, but the SPUD seeks to eliminate landscaping along the perimeter of the site, including along the west side where adjacent to a residence. Compatibility would be strengthened if trees were planted on 20-foot centers on the western side of the SPUD.*

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*However, since the site is already developed, a fence has been installed along the west boundary of the subject site. Trees on the adjacent residential property assist within screening the hub from the home, which is approximately 80 feet away.*

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 requests the telecommunication tower use but does not indicate on the site plan where a tower may be located. All communication service uses should meet existing specific uses standards in the Code.*

- 3) **Service Efficiency:**
  - Water: *Fully served*
  - Sewer: *Fully Served*
  - Fire Service: *Rural Service Level*
  
- 4) **Environmentally Sensitive Areas:** No ESAs are identified on the site.
  
- 5) **Transportation System:** This site is located off W Memorial Road, a Minor Arterial Street in the Urban Low LUTA. A sidewalk exists in front of the application site, but no other sidewalks are available along W Memorial near the location. Transit service is not available to the area.
  
- 6) **Other Development Related Policies**
  - Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
  - Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
  - Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
  - Encourage unified planning for all adjoining land owned or controlled by a project's developer to ensure proper circulation and land use relationships (SU-47)

**b. Plan Conformance Considerations**

The SPUD is requested for an expansion of an existing Cox hub facility located along W Memorial Road, west of N County Line Road. The SPUD is limited to three uses: *Antennas*, which are a conditional use in the existing AA District; *Telecommunication Towers*, which are also conditional but require a Special Exception if conditions cannot be met; and *Communication Services: Limited*, which is not a permitted use in the existing zone. Conformance with the comprehensive plan could be strengthened by specifying that any new tower or antenna will meet the conditions for the use as required by Code.

**III. 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. Towers and antennas must meet all specific use standards (conditions) of 59-9350
2. Delete Section II.7. as detention determination is made by Public Works Department at the time of development.

*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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