



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

(PUD-1813) Application by Charles Taylor III, to rezone 10317 North Hassett Street from the R-1 Single Family Residential District to the PUD-1813 Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant/Developer Representative

Name John Coury
 Company HCA Legal Group
 Phone 405-478-1188
 Email johndcoury@yahoo.com

B. Case History

This is a new application.

C. Reason for Request

This application is to permit firewood sales.

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: 5.01 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	R-1	R-1	R-1	R-1
Land Use	Residential	Residential	Residential	Residential	Residential

4. Development Context: The subject 5-acre site is located in an unplatted area east of N Eastern Avenue and north of NE 100th Street on Hassett Street, a private street not maintained by the City.

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The site is zoned R-1 and developed with a metal building and at the time of review, no residence. To the west, north and east of the property are single-family homes on 5-acre parcels. To the south is an undeveloped 0.5-acre parcel.

The PUD is requested with an AA (Agriculture) base district and would add uses to operate a firewood business in a residential area, including *Outdoor Storage; Retail Sales; and Wholesaling, Storage and Distribution: General*, limited to firewood. No other variations to the AA District are requested.

II. SUMMARY OF PUD APPLICATION

The Use and Development Regulations of the **AA Agricultural District** shall govern this tract, except as modified below.

All existing structures and development shall be permitted to remain and shall be deemed to be in compliance with all regulations contained herein.

In addition to the uses permitted under the base zoning district, the following additional uses shall be permitted within this PUD:

Wholesaling, Storage and Distribution: General (8350.15), *limited to firewood*

Outdoor Sales and Display, and Outdoor Storage (8300.54) *[To specifically permit the splitting, storage and delivery of firewood on and from the subject site]*

Retail Sales and Services: General (8300.63) *[This is further limited to the sale of firewood]*

9.0 SPECIAL CONDITIONS

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

9.1 FAÇADE REGULATIONS

All existing structures shall be permitted to remain on site and shall be deemed to conform to any requirements contained within the SPUD.

In the event that any new structure is built, it shall conform to the AA Agricultural District regulations.

9.2 LANDSCAPING REGULATIONS

In the event that any new structure is built, said landscaping shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

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In addition, Applicant will plant cedar trees every 16 feet along the South and West Borders of his property.

9.3 SCREENING REGULATIONS

There is natural cedar and tree barriers on the West and North ends of the property as well as some on the South and East Sides. The Applicant is committed to planting cedar trees every 16 feet where there is no screening presently. Also, the Applicant will Build a gate at the present entrance to the property that will conceal the wood on the property.

9.4 PLATTING REGULATIONS

Platting shall not be required as part of this PUD.

9.5 DRAINAGE REGULATIONS

The subject parcel shall meet the requirements of Oklahoma City Municipal Code, 2020, as amended.

9.6 DUMPSTER REGULATIONS

Dumpster(s) shall be consolidated where practical and located within an area a minimum of 50 feet from any residential district and shall be screened by a fence, which may be constructed of metal panels, or masonry wall of sufficient height that screens the dumpster(s) from view.

9.7 ACCESS REGULATIONS

Access to the site is taken from N. Hassett Rd. but Applicant is willing to create access from any point the City deems appropriate.

9.8 SIGNAGE REGULATIONS

Signs shall be prohibited within this PUD.

9.9 LIGHTING REGULATIONS

All existing lighting shall be permitted to remain on site and shall be deemed to conform to any requirements contained within the SPUD. In the event that any new structure is built, it shall conform to the following:

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.

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9.10 SETBACK REGULATIONS

Per AA Regulations.

9.11 HEIGHT REGULATIONS

Per AA Regulations.

9.12 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.

9.13 SIDEWALK REGULATIONS

Sidewalks shall not be required withing this PUD.

9.14 SPECIFIC PLAN

A Specific Plan shall not be required within this PUD.

10.0 EXHIBITS

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) A floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.
- 5) 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.
- 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) 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.
- 8) 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.
- 9) 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.
- 10) 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.
- 11) All private roads /streets will have private storm sewer systems.

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12) 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.
- 2) Proposed street/driveways must be clearly marked at the site in order for Traffic Management to verify sight distance compliance.
- 3) On street angled parking is not subject to Planning Commission Consideration. Per OCMC 2012 State Statute 32-302 requires all on-street angled parking to be approved by the Traffic and Transportation Commission and designated by ordinance passed by the Oklahoma City Council.

8. Utilities

a. Engineering

Paving*

Sanitary Sewer Availability

- 1) Additional Comments: No objections

b. Solid Waste Management

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 6” water main in the street right-of-way of NE 100th St.
- 2) The developer will be required to extend a minimum 12-inch water main (or larger as recommended by the approved Current Water Master Plan) along the section line street, border or perimeter of the development and/or all interior water mains for domestic use and fire flow protection.
- 3) Dead-end water mains must be avoided. Connection to at least two active feeder or grid water mains will be necessary to prevent partial or total shut-off of water supply when a pipeline failure occurs within the proposed development.
- 4) 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.
- 5) No trees, signs, dumpsters or fences within 10 feet of any existing or proposed water main.
- 6) 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.

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- 7) Additional Comments: Public water main extension required. Property is within the required public main extension distance according to the subdivision regulations.

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. Non-residential uses in the AA zone are allowed 100 percent lot coverage, which would not be a best management practice for stormwater. The PUD should retain the existing zoning (R-1) district's 50% lot coverage restrictions as a BMP.

Location:

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

It is unclear what kind of traffic the requested firewood outdoor storage use would generate. However, the request is located on a privately maintained road, already in poor condition, that may not handle increased traffic.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. UL LUTA outlines a density range of 4 to 8 dwelling units per acre for single family residential. *The proposed AA District allows 100 percent lot coverage for non-residential uses and up to 45 feet in height. The zone permits one house per five acres.*

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.
- Discourage widening of neighborhood streets and increasing curb radii.

Hassett Road is a dead-end, private 20-foot street with access from NE 100th Street. The subject site appears to also have frontage but no existing access from Joshua Drive, a private street on the west.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating an AA zone near other districts, the comprehensive plan does not identify compatibility issues. However, when locating Industrial or Retail uses adjacent to existing low intensity residential uses, “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 PUD would allow a business on a 5-acre parcel without a residence. The requested AA base zone allows 100 percent lot coverage for non-residential uses, and buildings up to 45 feet in height. Neither the AA District nor the PUD require screening but if provided, the PUD would allow screening with metal panels out of character with adjacent large lot residential development.*

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 use may exceed the capacity of the 20-foot wide private road facility of N Hassett, which the site fronts.*

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 PUD proposes outdoor operations related to a firewood business. The uses requested may generate noise, odor and other operating effects adjacent to residential. Although restricted to firewood only by the PUD, the proposed warehousing/distribution and outdoor storage uses are industrial uses normally allowed in I-1 and I-2 Districts. The site plan indicates an incinerator and outdoor log splitting area. The Master Design Statement would deem current lighting as conforming with regulations, but does not specify what lighting exists.*

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At the time of review the PUD proposed mitigation with a 50-foot setback of dumpsters from residential (screened with metal panels), a gate, and planting cedar trees along the north and west boundaries.

- 3) **Service Efficiency:**
 - Water: *Close to service*
 - Sewer: *Within an open sewer shed*
 - Fire Service: *Urban Service Level*

- 4) **Environmentally Sensitive Areas:** The following apply to the proposed development site:
 - Riparian areas: *N/A*
 - Upland Forests: Most trees have been cleared from the subject site, but the comprehensive plan identifies Upland Forest north and east of the subject site. The plan calls for preserving 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. *Cedar trees are not recommended for planting on the perimeter of the site as proposed in the PUD.*
 - Vulnerable aquifers: *N/A*

- 5) **Transportation System:** This site is located along private street with access to NE 100th Street, a neighborhood street in the Urban Low LUTA.

- 6) **Other Development Related Policies**
 - Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
 - 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 PUD is requested for an existing operation on a private street in a residential area. The proposal triggers compatibility issues adjacent to single-family residential (R-1) related to site design, transportation, and operational impacts. It was unclear how approval of the PUD would result in an improvement to the existing condition. Mitigation may not be possible for the outdoor use and location. The proposal is not in conformance with the comprehensive plan or compatible with the surrounding area.

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V. 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.

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