



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

(SPUD-1292) Application by Teague Business Property, LLC., to rezone 112 SW 134th Street from the PUD-1771 Planned Unit Development District to the SPUD-1292 Simplified Planned Unit Development District. Ward 5.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

Name Mark Zitzow
Company Johnson and Associates
Phone 405-235-8075
Email mzitzow@jaokc.com

B. Case History

This item was continued from the February 11, February 25, March 11, and March 25, 2021 meeting.

C. Reason for Request

The purpose of this request is to permit a car wash.

D. Existing Conditions

1. **Size of Site:** 2.18 acres
2. **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.

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	PUD-1771	C-3	PUD-1564	R-1	PUD-1771
Land Use	Undeveloped	Undeveloped	Retail	Residential	Undeveloped (Commercial)

4. **Development Context:** The subject 2.2-acre site was zoned as part of a 5.8-acre PUD-1771 in September of 2020.

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The site is located along SW 134th Street just west of South Santa Fe Avenue. To the east of the site is a grocery store (Wal-Mart) built under PUD-1564. To the west is the remainder of PUD-1771 zoned for office and commercial uses. To the north is undeveloped land zoned C-3 at the corner of SW 134th and S Santa Fe Avenue. To the south is the single-family residential neighborhood of Santa Fe Sunset.

The SPUD mirrors the existing PUD-1771 with the only changes being the addition of the *Automotive and Equipment: Cleaning and Repairs, Light Equipment (8300.14)* use unit to allow a car wash on the northern half of the site. EMD-1 signage is also requested. A Specific Plan for a new office building on the southern half of the site was approved by the Planning Commission in October 2020. Based on the conceptual plan in the proposed SPUD, that building would not be constructed. The new site plan places parking to the south of the future building instead of greenspace. The existing 50-foot setback from residential on the south is retained.

II. SUMMARY OF SPUD APPLICATION

This site will be developed in accordance with the regulations the **C-3, “Community Commercial” District** (OKC Zoning Ordinance, 2020), except as modified herein.

1. The following uses shall be the only uses permitted within this SPUD:

The use and development regulations of the **C-3, “Community Commercial” District** shall govern this SPUD except as herein modified below:

The following uses shall be the only uses allowed within this SPUD:

- Dwelling Units and Mixed Use (8200.2)
- Live/Work Units (8200.4)
- Administrative and Professional Offices (8300.1)
- Animal Sales and Services: Kennels and Veterinary, Restricted (8300.11)
- Automotive: Parking Lots, as a Principal Use (8300.13) Use is permitted for the purpose of shared parking to allow for the phasing of landscaping and building construction.
- Automotive and Equipment: Cleaning and Repairs, Light Equipment (8300.14) Further limited to a car wash
- Building Maintenance Services (8300.23)
- Business Support Services (8300.24)
- Child Care Centers (8300.25)
- Convenience Sales and Personal Services (8300.32)
- Custom Manufacturing (8350.3)
- Eating Establishment: Fast Food (8300.35)

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- Eating Establishment: Fast Food, with Drive-Thru Order Window (8300.36) Not allowed within 150' of residential zoning districts.
- Eating Establishment: Sitdown (8300.37)
- Eating Establishment: Sitdown, Alcohol Permitted (8300.38)
- Eating Establishment: Sitdown, limited Alcohol Permitted (8300.39)
- Community Recreation: Restricted (8250.4)
- Food and Beverage Retail Sales (8300.41)
- Alcoholic Beverage Retail Sales (8300.5)
- Medical Services: General (830.52)
- Medical Services: Restricted (8300.53)
- Participant Recreation and Entertainment: Indoor (8300.55)
- Personal Services: General (8300.58)
- Personal Services: Restricted (8300.59)
- Retail Sales and Services: General (8300.63)
- Repair Services: Consumer (8300.61)
- Research and Development (8350.1)
- Research Services: Restricted (8300.62)

All conditional and special permit use regulations shall apply to this SPUD including the ability to apply for special event permits for outdoor events held within this SPUD.

2. Maximum Building Height:

The maximum height for structures within this SPUD shall be 2½ stories or 35 feet.

3. Maximum Building Size:

Building size shall conform to the base zoning district.

4. Building Setback Lines:

There shall be no internal setback regulations except for those required to meet The City of Oklahoma City Building and Fire Code. The following setbacks shall be for buildings along the property boundaries and exclude any recreational amenities, walking paths or outdoor patios.

North: 25 feet
South: 50 feet
East: None
West: None

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5. Sight-proof Screening:

Screening for this SPUD shall not be required because of the provided rear yard setback.

The furthest south buildings which back up to the existing residential development to the south shall be required to screen any mechanical equipment on the rear side of the building from view. This screening may be masonry or wood.

Dumpsters shall be consolidated where practical and located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from the view of primary vehicle and pedestrian circulation systems. Said enclosure shall be a minimum of 50 feet from any residential use.

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. However, street trees shall be permitted to be planted within or at the property line rather than in public right of way.

Landscaping for parking lot may be phased in with each building permit.

7. Signs:

7.1 Freestanding Accessory Signs

There shall be one (1) freestanding monument sign permitted in this SPUD. Said signs shall be a ground (monument) sign with the maximum size being eight (8) feet high and 100 square feet.

A sign that contains the name of any business located within this SPUD is deemed accessory, even if the sign is not placed on the parcel where the business is located, as long as the business and the sign are located within the SPUD. Pole signs shall not be permitted.

7.2 Attached Signage

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

7.3 Non-Accessory Signs

Non-accessory signage shall not be permitted within this development.

7.4 Electronic Message Display Signs

EMD I signage shall be permitted within this SPUD.

7.5 Decorative Artwork, Architectural Elements and Temporary Signage

Decorative artwork and architectural elements shall be permitted in this SPUD. Artwork/architectural elements may include but is not limited to fountains, individual art pieces, decorative entry elements, etc. The decorative artwork/architectural elements shall not exceed 40 feet in height, must have a minimum 14 feet clearance in height (for archways) and be located a minimum of 15 feet from the curb of any adjacent street.

7.6 Temporary Signage

Temporary signage within this SPUD shall be permitted. Temporary signage includes: promotional banners/ signage, directional wayfinding for events, sponsorship banners, specialized racing markers for onetime events, etc. Temporary signage shall not remain in place for more than 60 consecutive days.

8. Access:

Access into this SPUD shall be via one drive from SW 134th Street.

Lots within this SPUD will not be required to have frontage on an approved street.

Access to individual lots within the SPUD may be permitted to be from a private drive. The private drive may be placed within a common area or easement designated for access purposes. A Property Owners Association through the use of recorded Covenants and Restrictions shall govern maintenance of the private drive. Access to the individual buildings shall be provided by private shared access drives that will provide internal circulation. Private shared access drives shall have a minimum pavement width of 20 feet for one-way drives and 24 feet for two-way drives.

Lots may be platted/subdivided and there shall be no minimum lot size. A platted lot may be split administratively but is not permitted to include an adjacent common area/private driveway. The resulting lot is permitted to take access from the platted common area/private drive and to conform to the regulations within this SPUD. A split lot is not required to have frontage on an approved street.

9. Parking Regulations:

The number and design of all parking facilities in this SPUD shall be in accordance with Section 59, Article X of the Oklahoma City Municipal Code, 2010, as amended.

If development within this SPUD utilizes the “Commercial District” scheme of development where parking is screened behind or to the sides of structures, the parking requirement for said development shall be reduced by 15%. Parking can be met through shared parking agreements among adjacent office/retail uses.

10. Sidewalk Regulations:

Five-foot wide sidewalks shall be constructed along any public street where development occurs. Said sidewalks shall be 6-foot wide if the sidewalk is constructed adjacent to the curb, subject to the policies/ procedures of the Public Works Department. All sidewalks shall be in place prior to any occupancy certificates being issued.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all structures, exclusive of windows and doors, shall consist of a minimum 70% brick, brick veneer, rock, concrete, stucco, concrete-board, architectural metal or stone masonry. No more than 30% wood or other materials not listed shall be permitted. Buildings shall be oriented such that the backs of buildings are not facing toward any street.

2. Open Space: N/A.

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.

To minimize light spillover on residential uses, outdoor lights within the development will be directed away from any adjacent residential properties. To accomplish this, lights shall utilize shields, shades, or other appropriate methods of directing light beams.

4.2 Dumpsters:

Dumpsters shall be consolidated where practical and 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/use.

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4.3 Drainage:

Development of this parcel will comply with Chapter 16 of the Oklahoma City Municipal Code, 2, as amended.

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 Water Resources Board (OWRB)**
- 5. School District: Moore**
- 6. 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**

Paving *

Drainage

- 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) 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.

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- 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: Engineers/Developers will be contacting PW for a detention determination before they submit their Final Plat and Plans.

b. Stormwater Quality Management

c. Traffic Management *

8. Utilities

a. Engineering

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

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability

- 1) The subject site is adjacent to a 12” water main in the street right-of-way of SW 134th Street.
- 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) The developer will provide an internal (on-site) water distribution system capable of supplying water to each lot or tract within the proposed subdivision or land development in accordance with City Standard Specifications and the current Subdivision Regulations.
- 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.
- 7) Additional Comments: WF-2020-00014 public water main extension required.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Where possible, provide a continuous system of open space along stream corridors or other appropriate areas that link neighborhoods and park lands
- Utilize Best Management Practices (BMP) for stormwater whenever possible.

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

Location:

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

Southwest 134th Street is a major arterial suitable for high traffic uses.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The proposed development falls within the UL LUTA range.*

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.
- Development fronting arterials should take access from intersecting streets where possible.
- Primary entrance points should be aligned with access points immediately across the street.
- Retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores.
- Provide vehicular connectivity between adjacent developments.

The SPUD proposes one access from SW 134th Street. The existing PUD-1771 allows two accesses within its 450 feet of frontage. Carving out a new SPUD from the existing PUD could technically increase the number of driveways to three, but Exhibit B suggests a shared internal vehicle circulation system will be provided. Conformance would be strengthened by ensuring new driveways meet the 200-ft separation requirement.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Within parking lots, provide pedestrian access ways separated from vehicle aisles.
- Horizontally mixed-use developments should have public sidewalk connectivity between land uses.

The development will be required to provide a sidewalk on the arterial. The SPUD is silent on internal connectivity and Exhibit B does not show pedestrian connectivity between uses. PUD-1771 requires an internal pedestrian circulation system to be shown at Specific Plan for a coordinated site development.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories.

When locating Office or Retail adjacent to existing Low Intensity Residential, “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 and street frontage will dramatically exceed that of the single-family residential to the south. Mitigation is provided with a 50-foot building setback between the residential and the commercial development. Screening is already present along the single-family subdivision and will be required in the SPUD for dumpsters and any mechanical equipment serving the southernmost buildings adjacent to residential.*

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 traffic issues are triggered on a major arterial.*

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. *No triggers requiring mitigation were identified.*

3) Service Efficiency:

- Water: *Fully served*
- Sewer: *Fully Served*
- Fire Service: *Longer than Rural 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. *The SPUD is zoning out of a PUD that provided 20 percent open space to protect the adjacent detention/retention pond.*

Plan conformance would be increased if the SPUD required 20 percent open space (no buildings or paving). A 50-foot rear setback is retained.

- 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. *The proposed SPUD provides a 50-foot setback at the rear near the pond.*

5) **Transportation System:** This site is located off SW 134th Street, a Major Arterial Street in the Urban Low LUTA. No bus transit is available and sidewalks exist where development has occurred.

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.
 - Connecting new development to existing street and sidewalk stubs, and to existing trail, open space, and bicycle networks.
 - Reducing block sizes and use of dead-end streets.
 - Maintaining the existing street grid to preserve connectivity and mobility options. (C-11)
- Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
- Share parking between contiguous developments. (C-31)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizeable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)
- Regional-, community-, and neighborhood-scale retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores that draws on the following principles:

- Concentrate access for new retail development at shared primary entrance points. Primary entrance points should be aligned with access points immediately across intersecting roads. Limit curb cuts on primary highways and arterials.
- Provide pedestrian circulation, including sidewalks and median breaks along interior and exterior fronting roads and within parking lots.
- Encourage coordinated development of retail centers in order to facilitate internal pedestrian and vehicle circulation and optimal center performance (SU-27)
- Commercial buildings should be built at the street rather than behind a parking lot in order to promote pedestrian circulation, multipurpose shopping trips, and walkable and attractive streetscapes. Large-scale commercial buildings with parking in front should screen parking lots with coordinated development of out-parcels (pad sites) and with landscaping. (SU-28)

b. Plan Conformance Considerations

This request would carve out a portion of the recently approved PUD-1771 to add the use to allow a car wash. The SPUD mirrors the existing zoning except for allowing an EMD-1 sign and removing a 20% open space requirement. Rezoning out of a portion of a PUD technically leaves the previously approved provisions on the balance of the remaining PUD, meaning the remaining PUD would be allowed two signs and two driveways. In this case, the SPUD's exhibit indicates the entire site will share access and internal circulation will be provided throughout the entire site. Plan conformance could be improved by meeting a 200-foot separation for all driveways on SW 134th Street, and specifying the open space that will be provided. The SPUD maintains a 50-foot setback from the rear of the property. If this were left as greenspace, the SPUD would achieve at least 10 percent open space.

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.

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Approval of the application subject to the following Technical Evaluations:

1. Specify the amount of open space that will be provided.
2. Driveways shall be meet a minimum separation of 200 feet.

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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