



**The City of Oklahoma City**  
**Planning Commission**  
**STAFF REPORT**  
**May 27, 2021**

(PC-10736) Application by Vaquero Western Partners, to rezone 116 South Clegern Avenue from the R-3 Medium Density Residential District to the I-2 Moderate Industrial District. Ward 6.

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant**

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**B. Case History**

This is a new application.

**C. Reason for Request**

The purpose of this request is to change the existing residential based zoning to a industrial based zoning that will permit industrial use and development.

**D. Existing Conditions**

**1. Size of Site (0.48 Acre)**

**2. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	R-3	R.O.W.	I-2	I-2	R-3
<b>Land Use</b>	Undeveloped	OKC Blvd	Auto Repair	Retail	Storage

**3. 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.

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- 4. Development Context:** The 0.48-acre (20,895 sq ft) subject site is located along S Clegern Ave, west of S Western Ave and north of W Reno Ave. The north side of the subject site abuts the Oklahoma City Boulevard right-of-way. The site is zoned R-3 and undeveloped. The site is surrounded by industrial uses, with the subject site and parcel to the west having a base zoning of R-3 and the remainder of parcels having a base zoning of I-2. Land to the south across W Reno Avenue is within the Scenic River Overlay Design District. The application proposes rezoning the subject site from the R-3 to the I-2 Moderate Industrial District.

## **II. 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 (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Water Resources Board (OWRB)**
- 5. School District (Oklahoma City)**
- 6. Oklahoma Department of Transportation (ODOT)**
- 7. Oklahoma Natural Gas (ONG)**
- 8. Oklahoma Electric Cooperative (OEC)**

### **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**

**1) Storm Sewer**

- a) 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.
- b) 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. The improvements shall be placed to provide a minimum of 35 feet clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way. Sidewalks shall be constructed in compliance with the Oklahoma City Ordinance and meet all applicable ADA regulations.
- c) A flood/drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. The study must be reviewed and approved by the Public Works Department.
- d) 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 areas along the stream shall extend to the flow line of the stream at a minimum.
- e) 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's association. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the drainage-related common areas and/or drainage easements shown.

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- f) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- g) Construction within the limits of this PC 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 ½ acre or greater.
- h) 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 a public street classified as major or minor arterial.
- i) All private road/street will have private storm sewer system.
- j) 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.

**8. Streets, Traffic and Drainage Maintenance \***

- 1) Subject property is served by a public street.

**9. Stormwater Quality Management**

**10. Traffic Management \***

**11. Utilities**

**a. Engineering**

**Sanitary Sewer Availability**

- 1) An existing 6" 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.
- 3) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.

**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. No service will be provided for waste deemed uncollectable per ordinance § 49-21.(17).

**c. Water/Wastewater Quality**

**Water Availability**

- 1) The subject site is adjacent to a 6" water main in the street right-of-way of S Clegern Avenue.
- 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.

## **9. Planning**

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

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

##### Site Design:

- Maintain historical lot and block sizes where possible and appropriate.
- Utilize Best Management Practices (BMP) for stormwater.
- Structured parking may be appropriate to achieve desired intensity levels.
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape.
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.

*National, state, and local permitting require basic best management practices for stormwater management. It was unknown at the time of review what use or design was proposed for the site.*

##### Location:

- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved.

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 I-2 District allows for FAR within this range, but it also allows for uses that would not generate FAR, such as outdoor storage.*

##### Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Protect existing traditional street grid and reconnect it where possible.
- Limit curb cuts on arterial streets and where possible, concentrate access for retail development at shared entrance points.
- Primary entrance points should be aligned with access points immediately across the street.

*The subject site has one curb cut along S Clegern Ave.*

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.
- Discourage widening of neighborhood streets and increasing curb radii.

*Sidewalks are not available or required on the subject site.*

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating High Intensity Industrial adjacent to existing industrial uses, no compatibility issues are identified by the comprehensive plan. The R-3 zoned parcel to the west is used for outdoor storage. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale, and mass.
- 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 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.
- 5) **Transportation System:** This site is located off S Clegern Ave, a Neighborhood Street in the Urban Medium LUTA. Bus transit is available south of the subject site at W Reno Ave and to the east at S Western Ave.
- 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)

- Share parking between contiguous developments. (C-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)
- 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 proposal would rezone the subject site from R-3 to the I-2 District. While proposed industrial zoning is consistent with the nearby zoning, the subject site is located and visible from eastbound Oklahoma City Boulevard, and the I-2 District allows billboards and moderate industrial uses including outdoor storage that may not be screened from view. It was unknown at the time of review what use was proposed for the property, but now that the new boulevard has been completed as a gateway to Downtown, a zoning district that does not allow outdoor storage of materials would be more appropriate for the corridor.

**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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Amend application to the I-1 Light Industrial District and approve, or continue to July 8, 2021 to submit a SPUD.

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