



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

(PUD-1821) Application by Bob Hurley RV, to rezone 8606 North I-35 Service Road from the PUD-1348 District to the PUD-1821 Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant/Developer Representative

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

B. Case History

This is a new application.

C. Reason for Request

This application will add RV and ATV sales and auto storage to the uses allowed in the current PUD-1348.

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: 14.227 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	PUD-1348	PUD-1348	PUD-810	I-1/AA	PUD-771
Land Use	Undeveloped	Industrial	Undeveloped	Undeveloped	Undeveloped

4. Development Context: The subject 13.75-acre site is vacant and located along the Interstate 35 service road north of E Wilshire Boulevard. The site was zoned as PUD-1348 in 2007. East of the site is land zoned as PUD-810 for a printing plant corporate campus and associated employee recreation areas.

**The City of Oklahoma City
Planning Commission
STAFF REPORT
May 27, 2021
PUD-1821**

A natural portion of the recreation area is adjacent to the application site. Further east and wrapping around the southern edge of the property is the Deep Fork River and its floodplain. North of the site are other heavy equipment rental and sales businesses. South of the site is a stone yard business separated by a forested area 150 to 300 feet wide.

The exiting PUD-1348 was approved with an I-1 base and added heavier industrial uses to allow the sale, rental and outdoor display of autos, heavy equipment and construction materials. However, the existing PUD specifically prohibits the sales and storage of mobile homes, travel trailers, trucks, and lumberyards. Sales areas are limited to four and must be landscaped. Storage areas must be located 200 feet from the western boundary, screened, and gravel. Outdoor assembly is permitted for selected uses, but all major repair work must be located inside a building.

The new PUD is requested to add RV and ATV sales and auto storage to the uses allowed in PUD-1348. In addition to adding the proposed use, the PUD would also decrease the setback from I-35 for outdoor storage and assembly of equipment from 200 feet to 50 feet; reduce the amount of brick, stone, or masonry on a building facing I-35 from 70 percent to 25 percent; eliminate screening requirements; eliminate landscaping requirements for storage areas, and increase freestanding sign height from 15 feet to 50 feet. Non-accessory signs would remain a prohibited use.

II. SUMMARY OF PUD APPLICATION

The use and development regulations of the **I-1 Light Industrial District** shall govern this PUD, except as herein modified.

In addition to the uses allowed in I-1 Light Industrial District, the following uses are allowed by right within this PUD:

Automotive and Equipment: Cleaning and Repairs, Light Equipment (8300.14)
Automotive and Equipment: Heavy Repairs, Heavy Equipment (8300.15)
Automotive and Equipment: Sales and Rentals, Farm and Heavy Equipment (8300.19)
[This use unit shall also permit RV and ATV sales and service]
Automotive and Equipment: Storage (8300.21)
Construction Sales and Services (8300.31)
Outdoor Sales and Display, and Outdoor Storage (8300.54)

9.0 SPECIAL CONDITIONS

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

**The City of Oklahoma City
Planning Commission
STAFF REPORT
May 27, 2021
PUD-1821**

- Outdoor display and sales of equipment is permitted. Equipment for outdoor sales and display is permitted to be located anywhere within this PUD and is permitted to remain outside at all times.
- Outdoor storage of equipment and RVs is permitted. Storage areas shall be setback a minimum of 50 feet from the west property line.
- Outdoor assembly is permitted; however, all such activity must be setback a minimum of 50 feet from the west property line.

9.1 FAÇADE REGULATIONS

- 9.1.1** Exterior façade requirements shall be as follows: Building facade facing I-35 shall consist of a minimum 25% brick, stone, masonry, stucco or like materials. The remainder of the building is permitted to be architectural metal or tilt-up concrete.
- 9.1.2** Maximum building height shall be 40 feet.
- 9.1.3** Buildings shall be oriented such that the back of a building does not face toward Interstate 35.
- 9.1.4** Buildings within this planned unit development shall have Class C roofing or better.

9.2 LANDSCAPING REGULATIONS

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development, except as modified herein. All landscaping points shall be captured in the western 400' feet of the site. Additionally, landscaping shall not be required on a per RV display basis and shall not be required in the RV storage area.

9.3 SCREENING REGULATIONS

Screening shall not be required within this PUD.

9.4 PLATTING REGULATIONS

Platting shall not be required within this PUD.

9.5 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 or masonry wall of sufficient height that screens the dumpster(s) from view.

**The City of Oklahoma City
Planning Commission
STAFF REPORT
May 27, 2021
PUD-1821**

9.6 ACCESS REGULATIONS

Access shall be from the I-35 Service Road.

9.7 SIGNAGE REGULATIONS

9.7.1 Maximum height for a freestanding pole sign shall be 50 feet.

9.7.2 Maximum size for a freestanding pole sign shall be 200 square feet.

9.7.3 A flagpole shall be permitted on site. The maximum height of said flagpole shall be 100' in height.

9.7.4 Attached signs shall be per I-1 regulations.

9.7.5 Non-accessory signs shall be prohibited.

9.8 LIGHTING REGULATIONS

The site lighting in this PUD shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended, except as modified herein. The maximum height of any lighting shall be 35'.

9.9 PARKING REGULATIONS

The minimum number of customer parking spaces shall be 25. The rest of the site shall be permitted to have RV and ATV storage/ display and shall not count towards the minimum parking requirements.

9.10 SIDEWALK REGULATIONS

Sidewalks shall not be required and fee in lieu shall be permitted.

9.11 SPECIFIC PLAN AND FINAL PLAT

A Specific Plan and Plat shall not be required within this PUD.

9.12 DEVELOPMENT SEQUENCE

Development phasing shall be allowed as a part of the development of this PUD.

10.0 EXHIBITS

Exhibit A: Legal Description

Exhibit B: Master Development Plan – Conceptual

**The City of Oklahoma City
Planning Commission
STAFF REPORT
May 27, 2021
PUD-1821**

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) 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. 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) 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) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.

**The City of Oklahoma City
Planning Commission
STAFF REPORT
May 27, 2021
PUD-1821**

- 8) 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.
- 9) 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.
- 10) All private roads /streets will have private storm sewer systems.

11) 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

8. Utilities

a. Engineering

Paving*

Sanitary Sewer Availability

- 1) An existing 8” and 12” 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.
- 4) Additional Comments: No objections

b. Solid Waste Management

c. Water/Wastewater Quality

Water Availability

- 1) The subject site is adjacent to a 12” water main in the street right-of-way of N I-35 Service Rd.
- 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) Additional Comments: No objections.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways. *The southeastern corner of the site is in the 100-year floodplain of the Deep Fork River. Modification of the floodplain is not requested. However, the Exhibit B shows paving on most of the site, including the southeastern edge of the site where a slope runs off into the Deep Fork River. It is unclear how flattening the slope would affect the floodplain.*
- 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.
- Developments should be served by urban water and sewer utility systems.

National, state, and local permitting require basic best management practices for stormwater management however, low impact development techniques that would increase protection for the floodplain and floodway are not required. Plan conformance would be strengthened if the site employed low impact techniques such as setting building and paving development back from the southeastern corner of the site 100 feet. This is similar to what neighboring properties to the east and south have done.

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 FAR 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 number of dead end streets and cul-de-sacs.
 - Protect existing traditional street grid and reconnect it where possible.
- The site cannot provide automobile connections to other sites due to the terrain.*

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating Low to High Intensity Industrial adjacent to existing industrial uses, no potential compatibility issues identified by the comprehensive plan.
- 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: 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 bank and floodplain. *Riparian area is present on the southeast corner of the site where the Deep Fork floodplain is located. Plan conformance would be increased if the southeast corner of the site were not developed.*
 - Upland Forests: N/A
 - Vulnerable aquifers: The aquifer in this area is considered moderately 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. *Plan conformance would be increased with conditions that allowed for more stormwater infiltration into the aquifer, including leaving the southeast corner of the site in a natural state; retaining existing mature trees along the southern boundary; and using pervious paving where appropriate.*
- 5) **Transportation System:** This site is located off I-35 Service Road, a Minor Arterial Street in the Urban Low LUTA. Sidewalks and bus transit are not available. bikewalkokc envisions a multi-use trail along the riparian corridor to the south.
- 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)

**The City of Oklahoma City
Planning Commission
STAFF REPORT
May 27, 2021
PUD-1821**

- 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)
- Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)

b. Plan Conformance Considerations

The proposed PUD is located east of I-35 and north of E Wilshire Blvd. The PUD is requested to add RV and ATV sales and auto storage to the uses allowed in PUD-1348, which specifically prohibits the sales and storage of mobile homes and travel trailers. The proposed outdoor sales and display of heavy equipment is consistent with other uses along this portion of the I-35 Corridor, but the PUD also seeks to decrease the setback from I-35 for outdoor storage and assembly of equipment from 200 feet to 50 feet; lower the amount of brick, stone, or masonry on a building facing I-35 from 70 percent to 25 percent; eliminate screening requirements; and increase freestanding sign height from 15 feet to 50 feet.

The PUD does not address protections for environmentally sensitive areas on the southern and eastern edges of the site, and the exhibit provided indicates nearly the entire site would be paved. Plan conformance could be increased by requiring a 100-foot greenbelt along the southern edge of the PUD so paving and development further from the Deep Fork River and its floodplain, preserving the trees on the southern boundary, and using pervious paving where appropriate and possible.

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. A 100-foot greenbelt shall be provided along the southern edge of the PUD.
2. Healthy, mature trees within 100 feet of the southern property line shall be preserved.

The City of Oklahoma City
Planning Commission
STAFF REPORT
May 27, 2021
PUD-1821

3. Maximum sign height shall be 20 feet
4. Pervious paving may be used for parking areas, driveways, pathways, and plazas subject to Public Works review and approval. Where connected to public rights-of-way the access drive apron will be constructed of hard surface paving meeting City code for driveway construction. A hard surface border is required around the perimeter of pervious paving areas. Maintenance of the pervious paving is required, and a maintenance plan must be provided when construction documents are submitted for permitting.

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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