



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

(PUD-1819) Application by Chance Whitener to rezone 9820 West Wilshire Boulevard from the R-1 Single Family Residential District to the PUD-1819 Planned Unit Development District. Ward 1.

I. GENERAL INFORMATION

A. Contacts

Applicant/Developer Representative

Name David M Box
Company Williams, Box, Forshee & Bullard, P.C.
Phone (405) 232-0080
Email dmbox@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

This application is to permit commercial storage and manufacturing of fence panels.

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.

Comprehensive Plan Land Use Typology Layer: Urban Future (UF)

The UF layer maintains agricultural land and large acreage estates until the area is ready for urbanization. The purpose of the UF designation is to retain land in a condition that provides the most flexibility for developing at urban densities in the future and ensures the most efficient, sustainable delivery of services. Land assembly is one of the most difficult tasks associated with effective land development. To the extent parcels become fragmented, the potential to efficiently urbanize UF areas is compromised due to the challenges of land assembly. Urban Future areas may have access to the City's public water supply or sanitary sewer systems but not both, and typically don't have urban levels of fire service.

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These areas present opportunities to increase service levels over time and responsibly manage the public costs of growth. Urban services, including City water and sewer, are not intended to be provided to UF areas until the designation is removed through an amendment to planokc. Commercial and light industrial uses may be appropriate provided they do not negatively impact agricultural operations and character or the potential to eventually urbanize.

2. Size of Site: 16.28 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	PUD-902	R-1	R-1	R-1
Land Use	Residential	Undeveloped	Undeveloped	Residential	Oil Well

4. Development Context: The subject 16-acre site is located on the south side of W Wilshire Blvd, west of the John Kilpatrick Turnpike. It is currently zoned R-1 and developed with a single-family residence and accessory buildings, including a barn. South of the site is a 4-acre rural residential property, and beyond it, the Stinchcomb Wildlife Refuge Park and North Canadian River. West of the site are large-lot single family residences zoned R-1. To the north are Morgan Road and Turnpike access. In between the two is PUD-902 (Parcel 3) which allows C-3 or R-4 uses.

The PUD requests a C-3 base zone with the following variations:

	<i>Code Standard</i>	<i>PUD Proposed Standard</i>
Table 59-6200.1 Uses		
Permitted uses	Variety of commercial uses	Limited commercial uses, including Gasoline Sales Large and Eating Establishments with Drive-Through uses, deleting Auto Repair uses
3-102 Accessory Signs		
C-3 Freestanding Sign	Six signs, Max 40 feet high, 200 square feet	One sign, Max 8 feet high, 100 square feet
Architecture		
	No metal buildings	Metal buildings allowed
Setbacks		
	Front: 25 feet; Sides: 15 feet; Rear: 15 feet	Same as C-3 except setback on west has been increased to 200 feet with trees preserved in setback

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II. SUMMARY OF PUD APPLICATION

The use and development regulations of the **C-3 Community Commercial District** shall govern this PUD, except as herein modified.

Administrative and Professional Offices (8300.1)
Animal Sales and Services: Kennel and Veterinary, Restricted (8300.11)
Building Maintenance Services (8300.23)
Business Support Services (8300.24)
Community Recreation: General (8250.2)
Community Recreation: Property Owners Association (8250.3)
Community Recreation: Restricted (8250.4)
Construction Sales and Services (8300.31)
Convenience Sales and Personal Services (8300.32)
Custom Manufacturing (8350.3)
Eating Establishments: Drive-In (8300.34)*
Eating Establishments: Fast Food (8300.35)
Eating Establishments: Fast Food, With Drive-Thru Order Window (8300.36)*
Eating Establishments: Sitdown, Alcohol Permitted (8300.38)
Food and Beverage Retail Sales (8300.41)
Gasoline Sales, Large (8300.45)*
Library Services and Community Centers (8250.11)
Low Impact Institutional: Neighborhood-Related (8250.14)
Medical Services: General (8300.52)
Medical Services: Restricted (8300.53)
Participant Recreation and Entertainment: Indoor (8300.55)
Personal Services: General (8300.58)
Personal Services: Restricted (8300.59)
Repair Services: Consumer (8300.61)
Research Services: Restricted (8300.62)
Retail Sales and Services: General (8300.63)
Single Family Residential (8200.14)

* These uses shall not be located within 150 feet of a residential use or zoning district, except for residential uses located within the subject PUD.

9.0 SPECIAL CONDITIONS

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

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9.1 FAÇADE REGULATIONS

Exterior building wall finish on all structures, exclusive of windows and doors, shall consist of the following materials: brick veneer, rock or stone masonry, stucco, wood, metal and cementitious siding (including, but not limited to, the brand commonly known as James Hardie).

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. A 10-foot in width landscape buffer shall be provided within the southern 50 feet of the site. Existing trees in the southern 50 feet of the PUD, if maintained in a healthy condition, may count toward the buffer width requirement.

9.3 SCREENING REGULATIONS

Site proof screening within this PUD shall be in accordance with the base zoning regulations.

9.4 PLATTING REGULATIONS

Platting shall not be required within this PUD.

9.5 DUMPSTER REGULATIONS

Dumpsters shall be consolidated where practical and located within an area screened by a fence or masonry wall that is of sufficient height to screen the dumpsters from view. Dumpsters shall be placed no closer than 50 feet from all property lines adjacent to residential zoning/uses.

9.6 ACCESS REGULATIONS

Access to the site shall be taken from one existing driveway on W. Wilshire Blvd, as shown on Exhibit B. The driveway may be widened subject to permitting and Public Works approval. The approach must be paved per City standards, but the driveway is permitted to be gravel.

9.7 SIGNAGE REGULATIONS

9.7.1 FREESTANDING ACCESSORY SIGNS

There shall be one (1) freestanding ground (monument) sign permitted within this PUD with the maximum size being 8 feet high and 100 square feet in area. The sign shall have no less than 25 square feet of landscaping at the base. No pole signs will be allowed.

9.7.2 ATTACHED SIGNS

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

9.7.3 NON-ACCESSORY SIGNS

Non-Accessory signs shall be prohibited within this PUD.

9.7.4 ELECTRONIC MESSAGE DISPLAY SIGNS

Electronic Message Display signs shall be prohibited within this PUD.

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.

9.9 SETBACK REGULATIONS

The setback regulations in this PUD will be in accordance with the base zoning district regulations, except that there shall be a 200-foot setback and greenbelt on the western side where trees will be preserved.

9.10 HEIGHT REGULATIONS

The building height regulations in this PUD will be in accordance with the base zoning district regulations.

9.11 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, except that parking areas shall be permitted to be of a pervious material.

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9.12 SIDEWALK REGULATIONS

Five-foot sidewalks shall be constructed along the arterial street or 6-foot sidewalks shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department.

9.13 SPECIFIC PLAN

A Specific Plan shall be required for new development. It shall not be required for a change of use within existing structures or for new accessory structures.

11.0 EXHIBITS

Exhibit A: Legal Description
Exhibit B: Master Development 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)**
- 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) Yukon**
- 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.

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- 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) 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.
- 7) 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.
- 8) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 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.
- 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

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- 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) City wastewater system is not currently within the required distance for extension per the current Subdivision Regulations; therefore, extension of the City wastewater system is not required.
- 2) Additional Comments: No objections

b. Solid Waste Management

c. Water/Wastewater Quality

Water Availability

- 1) City water system is not currently within the required distance for extension per the current Subdivision Regulations; therefore, extension of the City water system is not required.
- 2) Additional Comments: No objections

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.
- Developments should be served by urban water and sewer utility systems.

National, state, and local permitting require basic best management practices for stormwater management. The PUD requires a 200-foot building setback and tree preservation from the western side of the PUD as a low impact development technique in conformance with site design goals.

Location:

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

The PUD proposes commercial development along the W Wilshire minor arterial and the Kilpatrick Turnpike.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The existing development is below the FAR range. The proposed C-3 District regulations allow development within the 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.
- 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.

The PUD allows one access in the current location, consistent with the comprehensive plan.

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.

Sidewalks shall be constructed on Wilshire.

- 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 uses adjacent to existing Residential Low Intensity, “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. *The application proposes building sizes, lot coverage, street frontage and building orientation dramatically different from the residential uses to the west and south. Mitigation is offered with a significant western setback where trees will be preserved, and increasing landscaping on the southern side of the PUD.*

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 triggers requiring mitigation were identified.*

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. *Some uses proposed may have operational impacts adjacent to residential including drive-through facilities and gasoline sales. Mitigation is provided by requiring those uses to be located at least 150 feet from a residential zone, and by providing a 200-foot buffer of existing trees and pond on the west.*

3) **Service Efficiency:**

- Water: *Close to service, new development will connect*
- Sewer: *Close to service, new development will connect*
- Fire Service: *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. *Riparian area is present on the western part of the subject site and the site drains to the Canadian River south of the site. Plan conformance is provided by requirements that will maintain the western side of the PUD in a natural state and maintaining existing trees on the southern side of the site to allow slower filtration and cleaning of stormwater prior to entering the Canadian River.*
- Upland Forests: The subject area is within the upland forest ESA. The comprehensive plan directs to preserve the 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. The comprehensive plan defines mitigation hierarchy in the following priority: 1) Avoidance and minimization, 2) Restoration, 3) Offset. *The western 200 feet of the site is within an area identified as Upland Forest. When 60 percent or less of a site is covered in Upland Forest, the comprehensive plan recommends preserving 100 percent of that coverage. Plan conformance is achieved by requiring a 200-foot buffer/building and paving setback on the western side of the PUD.*
- 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. *Maintaining existing trees on site and the riparian habitat is a low impact development technique that allows stormwater to flow into the aquifer instead of running off the site.*

5) **Transportation System:** This site is located along W Wilshire Boulevard, a Minor Arterial Street in the Urban Low LUTA. *Sidewalks and bus transit are not available near the site.*

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)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- 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.

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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)

- 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 PUD proposes commercial uses on the south side of W Wilshire Blvd, west of (and across from access to) the Kilpatrick Turnpike. The site is within the Urban Low LUTA and Urban Future Land Use Layer (UF). Commercial and light industrial uses may be appropriate in the UF provided they do not negatively impact agricultural operations and character or the potential to eventually urbanize.

The PUD commits to a 200-foot buffer on the west side of the PUD where the trees and pond will be protected, providing mitigation for any compatibility issues, and retaining the natural riparian habitat for environmental protection near the North Canadian River. Additionally, access is limited to the exiting driveway location, signs are limited to one, and a specific plan is required for new development. The proposal is consistent with the comprehensive plan.

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.

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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