



Oklahoma County Staff Report

Meeting Date — December 17, 2015

Case: Rezoning (Z-2015-10) - AA - Agricultural & Rural Residential to
CG - Urban General Commercial & Office

Board of County Commissioner District: Ray Vaughan — District 3

<u>Applicant</u>	<u>Owner/Proposed Location Address</u>
David White 6701 NW 178th St. Edmond, OK 73012	David White 6701 NW 178th St. Edmond, OK 73012

Request: Public hearing with discussion and consideration of approval/denial of rezoning for the purpose of developing a commercial warehouse storage facility.

Proposed Use: Commercial warehouse storage facility.

Site Location: NW 178th St. & Rockwell (.25 miles east on the north side of NW 178th St.)

Size: The area of request is comprised of approximately 6.717 acres.

Project Background & History

Mr. Charles Allen, Allen Engineering Services, contacted Planning and Engineering staff about rezoning the property from Agricultural and Rural Residential to Urban General Commercial and Office for use as a commercial warehouse storage facility. Staff informed him of the requirements to rezone the property. All requirements to have this case heard before the Planning Commission have been met.

Staff has included the requirements that must be met when developing in Urban General Commercial and Office.

Below are a list of requirements that will have to be met for Oklahoma County to issue a building permit for this type of activity:

Completed commercial/industrial building permit application, site plan, complete set of plans stamped by an Oklahoma State licensed architect or engineer, drainage study, erosion control plan, stormwater permit from Oklahoma County if disturbing 1 acre or greater, notice of intent filed with DEQ, meet hard surface paving requirements, parking space and ADA space requirements, lighting plans, landscaping plans, and a sign permit will also be required for accessory and non-accessory signs.

Traffic Information

Rockwell Ave. (North of NW 178th St.) — 1,695 ADT taken in 2014

Rockwell Ave. (South of NW 178th St.) — 2,370 ADT taken in 2012

NW 178th St./Edmond Rd. (East of Rockwell Ave.) — 3,289 ADT taken in 2009

NW 178th St./Edmond Rd. (West of Rockwell Ave.) — 2,033 ADT taken in 2013

Dates of Hearings

Planning Commission (Zoning — December 17, 2015)

Existing On-Site & Adjacent Zoning Districts

On-Site: AA — Agricultural & Rural Residential
North: AA — Agricultural & Rural Residential
South: AA — Agricultural & Rural Residential
West: AA — Agricultural & Rural Residential
East: AA — Agricultural & Rural Residential

Existing On-Site & Adjacent Land Uses

On-Site: Open agricultural land
North: Mostly open agricultural land with residence
South: Large lot subdivision (unrecorded plat)
West: Mostly open agricultural land with residence
East: Large lot residential.

Utilities & Services

Police: Oklahoma County Sheriff
Fire: Deer Creek Fire Department
Ambulance: EMSA
Public Schools: Deer Creek School District
Refuse: Private
Sanitary Sewer: Aerobic or Septic System
Water: Well

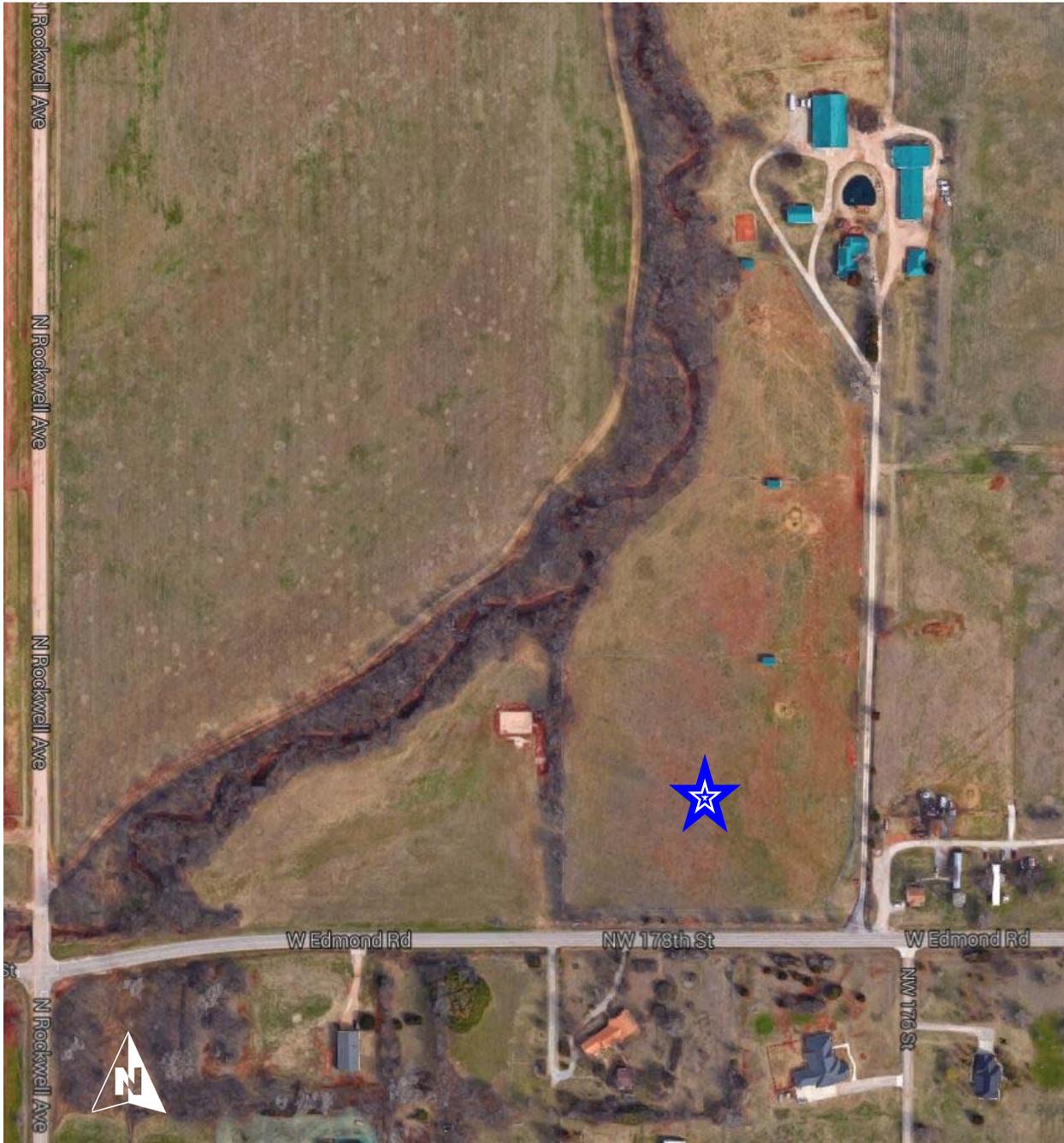
Flood Hazards

◆ No Flood Hazards exist on the subject property.

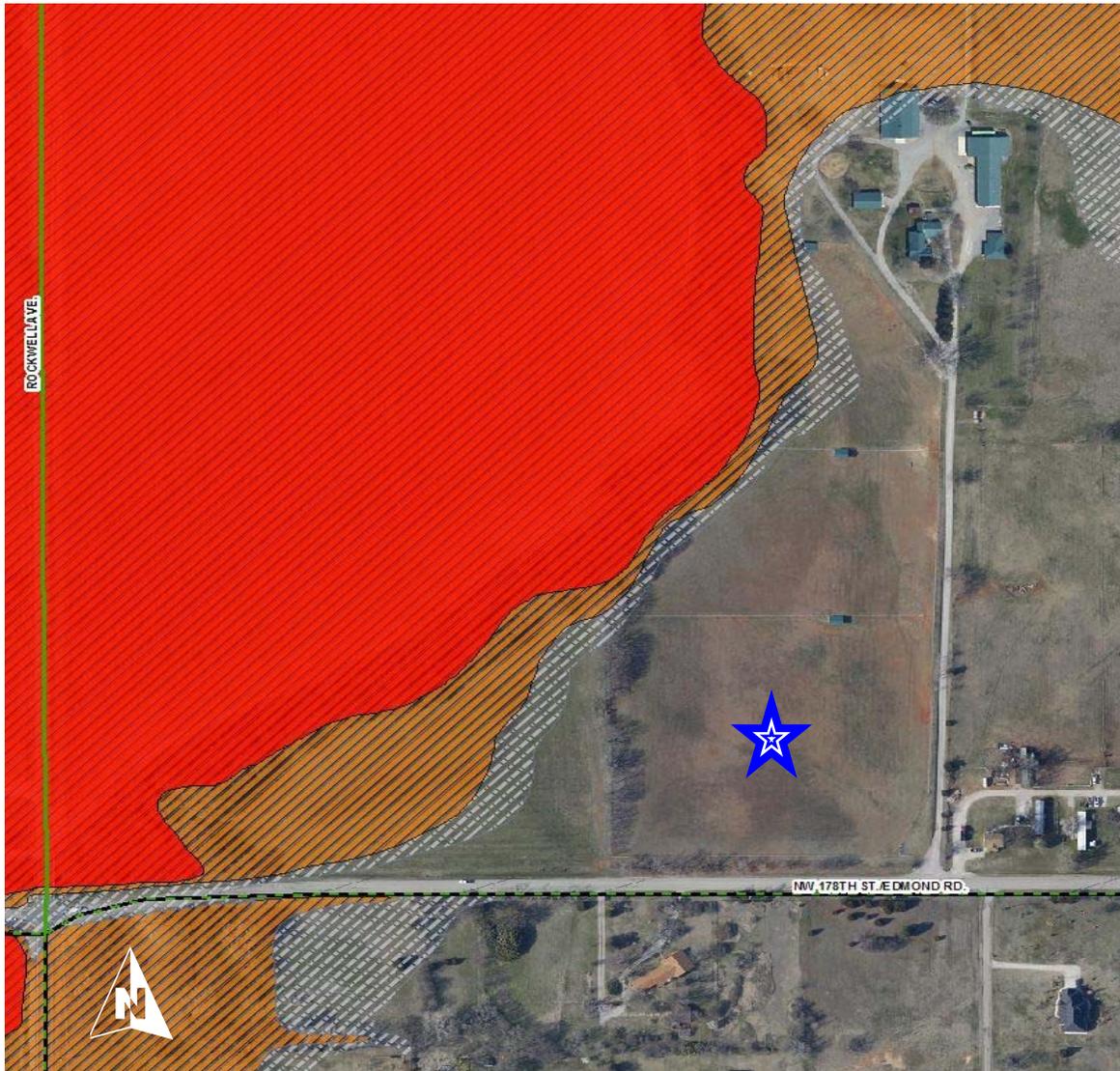
Vehicle Access

- ◆ The subject property has one driveway to access the property.

Picture of Subject Property



Picture of Subject Property with Floodplain



General Description of Urban General Commercial & Office District

This commercial district is intended for the conduct of business activity which is located at the edge of residential areas but which serves a larger trade area than the immediately surrounding residential neighborhoods. Business uses will most often be found in a wide variety of commercial structures, normally on individual sites with separate ingress, egress, and parking. Because of the varied uses permitted, it is important to be separated as much as possible visually and physically from any nearby residential areas and to limit the harmful affects of increased traffic, noise, and general non-residential activity which will be generated.

Permitted Uses (Outright) in Urban General Commercial & Office (51 Uses)

Light Public Protection and Utility: Restricted (301.1)
Light Public Protection and Utility: General (301.2)
Low Impact Institutional: Neighborhood Related (304.1) Cultural Exhibits (305.1)
Library Services and Community Centers (305.2) Community Recreation: Restricted (306.1)
Community Recreation: General (306.2)
Community Recreation: Property Owners Association (306.3)
Administrative and Professional Office (401) Agricultural Supplies and Services (402)
Alcoholic Beverage Retail Sales (402.5) Animal Sales and Services: Grooming (404)
Animal Sales and Services: Kennels and Veterinary Restricted (406)
Automotive: Parking Lot (408.1) Automotive: Parking Garage (408.2)
Automotive and Equipment: Storage (409)
Automotive and Equipment: Cleaning and Repairs, Light Equipment (410.1)
Automotive and Equipment: Repairs, Heavy Equipment (410.2)
Automotive Sales and Rentals (411)
Automotive and Equipment: Sales and Rentals, Light Equipment (412)
Automotive and Equipment: Sales and Rentals, Farm and Heavy Equipment (412.1)
Building Maintenance Services (414) Business Support Services (415)
Communications Services: Limited (416.1) Construction Sales and Services (417)
Convenience Sales and Personal Services (418)
Eating Establishments: Sit-down, Alcohol Not Permitted (419.1)
Eating Establishments: Fast Foods (419.3)
Eating Establishments: Fast Food with Drive-Through Order Windows (419.31)
Eating Establishments: Drive-In (419.4) Food and Beverage Retail Sales (421)
Gasoline Sales: Restricted (424.1) Gasoline Sales: Truck Stops (424.2)
Laundry Services (425) Medical Services: Restricted (426.1)
Medical Services: General (426.2)
Participant Recreation and Entertainment: Indoor (427.1)
Personal Services: Restricted (428.1) Personal Services: General (428.2)
Personal Storage (428.5) Repair Services: Consumer (429)
Research Services: Restricted (430) Retail Sales and Services: General (431)
Spectator Sports and Entertainment: Restricted (433.1)
Spectator Sports and Entertainment: General (433.2)
Transient Accommodations: Campground (434.1)
Transient Accommodations: Lodging (434.2)
Public Signs (435.1)
Custom Manufacturing (501)
Wholesaling, Storage, and Distribution: Restricted (502)
Horticulture (701)

Site Design Requirements

Height:

- When adjoining or within one-hundred (150) feet of an AA, RA, RS, RD, or RM district or areas designated for residential development within a PUD, building height shall be limited within a bulk plane determined as follows:
 - For the first seventy-five (75) feet of distance from said zoning district or PUD boundary, building height shall not exceed thirty five (35) feet.
 - From seventy-five (75) to one-hundred fifty (150) feet of distance from said zoning district or PUD boundary, building height may be increased above thirty-five (35) feet to a maximum height of six (6) stories within a diagonal line representing two (2) feet of additional building setback for every one foot of additional height.
 - For the balance of the parcel, building height may be increased above six (6) stories within a diagonal line representing one (1) foot of additional building setback for every two (2) feet of additional height.
- In all other cases there shall be no height limitation.

Setbacks:

Yard - Front: Twenty-five (25) feet minimum

There shall be a front yard having a depth of not less than twenty-five (25) feet measured from the front lot line; provided however, the following minimum front yard standards shall apply for all lots abutting the described streets:

- Section Line Road: Seventy-five (75) feet from the centerline
- Collector Street: Fifty-five (55) feet from the centerline
- Local Streets: Fifty (50) feet from the centerline

Yard-Side:

None, except where a platted building line exists or as provided below:

- Interior lot abutting a residential district or areas designated for residential development within a PUD: Fifteen (15) feet.
- Exterior lot abutting an arterial street: Twenty-five (25) feet or seventy five (75) feet from centerline, whichever is greater.
- All other exterior lots: Fifteen (15) feet.

Yard-Rear

None, except where a lot line abuts a residential district or areas designated for residential development within a PUD there shall be a fifteen (15) foot setback requirement.

Site Design Requirements

Screening and Landscaping Requirement

- Property abutting an AA, RA, RS, RD, or RM district or abutting areas designated for residential development within a PUD, shall be screened in accordance with the provisions of ARTICLE VII. Section 3 of the Zoning Regulations.
- All property shall be landscaped in accordance with the provisions of ARTICLE VII, of the Zoning Regulations.

Outdoor Sales and Display Restrictions

Outdoor sales and display of merchandise permitted subject to the following regulations:

- No parking area or spaces which are required to meet the parking standards contained in ARTICLE VIII of the Zoning Regulations shall be used as a display or sales area.
- No public sidewalk or street right-of-way shall be used for display, except for approved temporary special merchant promotion authorized by County regulations.
- No article not being actively offered for sale shall be stored on a temporary or permanent basis outside the confines of an enclosed building.
- Where vehicles or equipment are to be parked or stored outside while awaiting repairs at a use permitted in this district, said parking or storage areas shall be screened from view by a sight-proof fence or a building.

Off-Street Parking and Loading

All uses shall contain adequate space to provide for parking, loading, and maneuvering of vehicles in accordance with the provisions of ARTICLE VIII of the Zoning Regulations.

Location History

Oklahoma County has been in discussion with Mr. White about a 900 square foot structure that was constructed in the floodway on his property. Staff contacted Mr. White by mail correspondence about this violation on June 24, 2013 and again on December 15, 2014. Below is the letter from December 15, 2014 that explains the issue with the structure.

It has come to the attention of the Oklahoma County Planning & Engineering Department that there is a floodplain violation on the sixteen acres that you own. This letter is to inform you that the 900 square foot building that has been constructed has not been through the Floodplain Development process and therefore is in violation of Oklahoma County's Floodplain Regulation.

Oklahoma County is very concerned about the placement of the current 900 square foot structure since it has been built in the floodway according to FIRM Map Panel Number 40109C0020H.

According to Oklahoma County's Floodplain Regulations page six, Section C. under "General Standards and Provisions for Flood Hazard Reduction", letter f. it states: "All new construction, substantial improvements, or other development (including fill) **shall not be permitted** within the floodplain area, unless its demonstrated the effect of the proposed development will not increase the water surface elevation of the base flood by more than .05 feet on any adjacent property." The regulation also states on page 10 under "Prohibited Uses" letter b. that "any encroachments, including fill, new construction, substantial improvements, and other development within any floodway that would result in any increase in flood levels during the occurrence of the one percent (1%) chance flood are prohibited." Page eight of the Floodplain Regulations under "Floodways" also states "Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, encroachments are prohibited including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer is provided demonstrating the encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge."

When I spoke to you on June 19, 2013 you interpreted the "Exception" portion of the Floodplain Regulations to apply to you in this circumstance. The "Exception" part of the Floodplain Regulation states "These regulations shall not apply to the use of the usual farm buildings for agricultural purposes, the planting of agricultural crops or the construction of farm ponds."

Location History

Oklahoma County staff finds no evidence that the sixteen acres is being used as farmland.

You are not planting or harvesting any crops and you are not constructing any farm ponds. Therefore, how is the building for agricultural use?

Staff is aware that you went through the Floodplain Management Board for a building that was approximately 3,300 square feet in November of 2010 and was approved by that body. The location that was specified and was agreed upon by you and the Board was on the northwest corner of your sixteen acres. Staff is also aware that you applied for a building permit for the 3,300 square foot structure and was approved by Oklahoma County in May of 2011. We approved that permit because you provided a site plan that showed the agreed upon location of the structure. Since you did not begin construction within six months from the date of approval of the building permit it expired. If you did start construction within six months of approval you would then have two years to complete the structure or the permit would expire.

Since that time, Mr. White has obtained a building permit for a 2,000 square foot structure and the structure was completed in October 2014.

A building permit has never been obtained for the 900 square foot structure and a permit was not required because the building only had three sides. Oklahoma County only permits buildings that are fully enclosed.

August 23, 2014 you stated that you were going to move the 900 square foot structure from its current location to another location outside of the Special Flood Hazard Area. The building remains as of December 10, 2014. This issue to date is still not resolved.

Staff recommends that Mr. White's rezoning request be contingent upon compliance with all of Oklahoma County's regulations. In this case, we are asking Mr. White to be in compliance with Oklahoma County's Floodplain Regulations and remove the unpermitted 900 square foot structure from the special flood hazard area.

Location History Picture



Action Required

Approve or Deny application — Z-2015-10

Oklahoma County Planning Commission
Planning Commission Meeting Date — December 17, 2015

Planning Commission Staff Report — (Z-2015-10)



OKLAHOMA COUNTY PLANNING COMMISSION

Planning Commission Meeting

December 17, 2015

OKLAHOMA COUNTY PLANNING COMMISSION



REZONING FROM AA - AGRICULTURAL AND RURAL RESIDENTIAL DISTRICT TO CG - URBAN GENERAL COMMERCIAL AND OFFICE DISTRICT (Z-2015-10)
Applicant: DAVID WHITE / ALLEN ENGINEERING

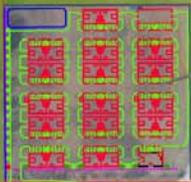
ROCKWELL AVENUE

AA - AGRICULTURAL AND RURAL RESIDENTIAL

DEER CREEK HILLS
RS - URBAN SINGLE FAMILY RESIDENTIAL

MACARTHUR BLVD

PROPOSED REZONING FROM AA - AGRICULTURAL AND RURAL RESIDENTIAL TO CG - URBAN GENERAL COMMERCIAL AND OFFICE DISTRICT



CG - URBAN GENERAL COMMERCIAL AND OFFICE

N.W. 178th STREET / EDMOND ROAD

Legend

- AA - AGRICULTURAL AND RURAL RESIDENTIAL
- RS - URBAN SINGLE FAMILY RESIDENTIAL
- IU - URBAN INDUSTRIAL
- CG - URBAN GENERAL COMMERCIAL AND OFFICE

AA - AGRICULTURAL AND RURAL RESIDENTIAL

PROPOSED PLAT - MEADOWS AT MACARTHUR PARK
RS - URBAN SINGLE FAMILY RESIDENTIAL

IU - URBAN INDUSTRIAL

CG - URBAN GENERAL COMMERCIAL AND OFFICE

OKLAHOMA COUNTY PLANNING COMMISSION



REZONING FROM AA - AGRICULTURAL AND RURAL RESIDENTIAL DISTRICT TO CG - URBAN GENERAL COMMERCIAL AND OFFICE DISTRICT (Z-2015-10)
Applicant: DAVID WHITE / ALLEN ENGINEERING

ROCKWELL AVENUE

AA - AGRICULTURAL AND RURAL RESIDENTIAL

PROPOSED REZONING FROM AA - AGRICULTURAL AND RURAL RESIDENTIAL TO CG - URBAN GENERAL COMMERCIAL AND OFFICE DISTRICT

N.W. 178th STREET / EDMOND ROAD

AA - AGRICULTURAL AND RURAL RESIDENTIAL

Legend

- FLOODWAY
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD - 500 YR
- ZONE A - 100 YR UNSTUDIED
- ZONE AE - 100 YR STUDIED

