



STAFF REPORT
The City of Oklahoma City
Planning Commission
April 11, 2024

Item No. IV. 11.

(SPUD-1613) Application by Bricktown Entertainment, LLC to rezone 4 East Reno Avenue from PUD-692 Planned Unit Development, SPUD-1326 Simplified Planned Unit Development and Downtown Parking Overlay Districts and Downtown Scenic Highway Area to SPUD-1613 Simplified Planned Unit Development and Downtown Parking Overlay Districts and Downtown Scenic Highway Area. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

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

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow a mixed-use development (“The Boardwalk at Bricktown”), including commercial, retail, hotel, restaurant and residential uses, with unlimited building heights and unlimited attached signage, including Electronic Message Display and off-premise messaging.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Downtown (DT)

DT applies to the city center, Oklahoma City’s most intense development area, envisioned as a regional center for commerce and tourism. Urban experience, interaction, creativity and knowledge exchange, and economic dynamism are guiding objectives that necessitate high intensity and extremely close proximity among businesses, residents, destinations, and amenities.

2. Size of Site: 3.9 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	SPUD-1326/ PUD-692	BC	SPUD- 483/DBD	DBD	DBD
Land Use	Parking Lot	Office/Parking	Mixed- Use/Self- Storage	Undeveloped	Elevated Rail Line/Parking

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **C-3, “Community Commercial” District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

The following use(s) will be the only use(s) permitted on this site:

- Community Garden (8150.6.1)
- Composting (8150.6.2)
- Home Garden (8150.6.4)
- Rainwater Harvesting (8150.7.1)
- Roof Garden (8150.7.2)
- Dwelling Units and Mixed Use (8200.2)
- Live/Work Units (8200.4)
- Multiple-Family Residential (8200.12)
- Senior Independent Living (8200.13)
- Three- and Four-Family Residential (8200.15)
- Artistic Graphics (8250.1)
- Community Recreation: General (8250.2)
- Community Recreation: Property Owners Association (8250.3)
- Community Recreation: Restricted (8250.4)
- Cultural Exhibits (8250.5)
- Library Services and Community Centers (8250.11)
- Murals (8250.16)
- Administrative and Professional Offices (8300.1)
- Animal Sales and Services: Grooming (8300.8)
- Animal Sales and Services: Kennels and Veterinary, Restricted (8300.11)
- Automotive: Parking Garages (8300.12)
- Automotive: Parking Lots, as a Principal Use (8300.13)
- Building Maintenance Services (8300.23)
- Business Support Services (8300.24)

- Child Care Centers (8300.25)
- Communications Services: Limited (8300.29)
- Group Residential (8200.3)
- Convenience Sales and Personal Services (8300.32)
- Eating Establishments: Fast Food (8300.35) (This use unit is further restricted to “fast casual” eateries with no drive thru. “Fast casual” is defined as a restaurant with a central ordering point rather than a waiter/ waitress.” Pickup windows for pedestrians are permitted.
- Eating Establishments: Sitdown (8300.37)
- Eating Establishments: Sitdown, Alcohol Permitted (8300.38)
- Eating Establishments: Sitdown, Limited Alcohol Permitted (8300.39)
- Food and Beverage Retail Sales (8300.41)
- Laundry Services (8300.48)
- Alcoholic Beverage Retail Sales (8300.5)
- Lodging Accommodations: Commercial Lodging (8300.51)
- Medical Services: General (8300.52)
- Medical Services: Restricted (8300.53)
- Participant Recreation and Entertainment: Indoor (8300.55)
- Participant Recreation and Entertainment: Outdoor (8300.56)
- 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)
- Spectator Sports and Entertainment: General (8300.67)
- Spectator Sports and Entertainment: Restricted (8300.69)
- Custom Manufacturing (8350.3) further restricted to an active artist/creator installation.
- Light Industrial (8350.8) further restricted to a small brewery, micro-brewery or artist in residence.

2. Maximum Building Height:

There shall be no maximum building height with the exception that height will be limited to 80 feet within 20 feet of the northern SPUD boundary.

3. Maximum Building Size:

The building size shall utilize the C-3, “Community Commercial” District regulations.

4. Maximum Number of Buildings:

There is no maximum on the number of buildings within this SPUD.

5. Building Setback Lines:

There shall be a maximum setback of 20 feet from E Reno Ave and S Oklahoma Ave/Compress St. Patios and outdoor plazas and seating areas at the street level may count toward the 20-foot maximum. There shall be no other setbacks required within this SPUD except as required by the building or fire code.

6. Sight-proof Screening:

Screening shall not be required within this SPUD.

7. Landscaping:

The subject site shall meet all requirements of Oklahoma City's Landscaping Ordinance in place at the time of development.

8. Signs:

Project signs that identify more than one proprietor on one sign shall be allowed as a part of this SPUD. A business does not need to be located on the tract in which the signage is proposed such that the business is located within the Bricktown or Lower Bricktown District.

8.1 Freestanding Accessory Signs

Free-standing signs: i.e. ground signs or monument signs and "Architectural Icons" shall be limited to five (5) total signs and not exceed eight (8) feet above grade or 100 square feet. The use of three-dimensional signage shall also be allowed within this SPUD.

8.2 Attached Signs

Attached signs shall be in the amount and styling of the attached exhibits. There shall be no limit on the amount of attached (static or EMD) signage.

8.3 Non-accessory Signs

The existing billboard shall be removed when development occurs for the lower section (residential tower) of this SPUD and shall not be relocated. Attached EMD signage shall be permitted to be used for off-site advertising. However, no signage

may be constructed prior to the construction or in conjunction with the construction of the proposed project.

8.4 Electronic Message Display Signs

Electronic Message Display signs shall be permitted in this SPUD.

9. Access:

Access from E Reno Ave: Access shall be taken from E Reno Ave. follows:

Option A) One two-way drive with a maximum width of 24 feet and two one-way drives with a maximum of 20 feet in width each, as indicated on Exhibit B.

—OR—

Option B) Up to two driveways with a maximum width of 24 feet each.

Access from S Oklahoma Ave/Compress St.: Access shall be taken from S Oklahoma Ave./Compress St as follows:

Option A) Four one-way drives with a maximum of 20 feet in width each, as indicated on Exhibit B.

—OR—

Option B) Up to two driveways with a maximum width of 24 feet each.

No vehicular access shall be permitted on to Oklahoma City Boulevard.

All one-way driveways shall be limited to a maximum of 20' wide openings at the street and must maintain sidewalk grade at pedestrian crossing to minimize the impact and prioritize the pedestrian. The sidewalk and driveways shall be either of different material or treatment to differentiate the two.

10. Sidewalks:

There are existing sidewalks along E Reno Ave, S Oklahoma Ave., and SE 2nd St. If any of the said sidewalks are damaged or removed during construction the developer shall be required to make the necessary repairs and/or replace if necessary. If the existing 10-foot-wide sidewalks along E Reno Ave are damaged or removed the developer shall maintain the 10-foot width when replacing or repairing.

Sidewalks shall be provided along Compress St/S Oklahoma Avenue where not already existing.

II. OTHER DEVELOPMENT REGULATIONS:

1. Architecture:

All structures constructed within this SPUD shall comply with the following architectural standards:

The intent of this section is for the buildings to be constructed conventionally and have architecturally finished exteriors. Most base materials that shall be utilized are envisioned to be tilt-up panels or architectural concrete panels clad on steel frames and will be textured in a precise finishing treatment that utilizes architectural reveals in order to refine the wall design. A creative use of distinctive roofscape shapes, such as the possibility of towers at store entries, will enhance the sense of a city scape that has evolved over time. The entry elements would also receive selective treatment of articulated ornamental relief that will enhance a sense of variety. Notwithstanding the above, individual materials could potentially be dictated by retailers' building prototypes and could include various materials such as brick, stone, rock, wood, and others including stucco, metal, and glass as approved materials. However, there shall be no buildings permitted to be constructed completely out of metal or EFIS.

The building frontages along Reno Avenue shall be designed such that indentions or openings in the facade eliminate the "blank wall" appearance from the mentioned frontages. It will be a requirement of the architectural design to provide, utilizing materials previously mentioned, such as glass, concrete, brick, etc., items to create a visual change in elevation from the vehicular or pedestrian passerby.

All parking garages shall be designed to screen views of parked vehicles at every level of the parking garage from all street level views. Such screening for parking garages shall be provided through the use of visually appealing architectural materials or through architectural methods. This shall not apply to garage frontages that abut the railroad unless the garage extends above the railroad track existing elevation.

All building parapets shall be required to protect and visually screen all rooftop mechanical equipment to a vertical distance of three hundred (300) feet.

Back of house operations and blank walls shall not face streets at ground level.

2. **Open Space:** N/A
3. **Street Improvements:** N/A
4. **Site Lighting:**

All site lighting utilized within this SPUD shall be directed away from any adjacent properties. To accomplish this, lights shall utilize shields, shades or other appropriate methods of directing light beams. 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.

5. **Dumpsters:**

Dumpsters and other commercial waste collection receptacles shall be sight-proof screened from view on all sides of the dumpsters or receptacles. A building, fence, wall, vegetation, or other form of screening shall be provided to satisfy this requirement.

6. **Parking:**

Given the proximity to downtown, existing transit, and passenger rail, minimum off-street parking shall not be required. The design of all parking facilities in this SPUD shall be in accordance with Section 59, Article X of the Oklahoma City Municipal Code, 2020, as amended. If developed as proposed, all parking shall be provided within structured parking garages. Phasing the project is permitted and the existing parking lot use shall exist until the project is completed.

7. **Maintenance:** N/A

8. **Drainage:**

Development of this parcel will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

9. **Platting:**

Platting shall be per the City of Oklahoma City Subdivision Regulations.

10. **Other:**

- 10.1 **Site Plan Review:**

The building and site design shall be reviewed for SPUD conformance by

the Planning Director at the building permit stage.

III. SUPPORTING DOCUMENTS

- Exhibit A: Legal Description
- Exhibit B: Boundary Exhibit
- Exhibit C: Master Development Plan Package

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 contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior to excavation for the exact location of our facilities.
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District: Oklahoma City**
- 7. Oklahoma Department of Transportation (ODOT)**
- 8. Tinker Air Force Base (Tinker AFB)**

The height of 1,907-foot tall tower proposed will exceed the Outer Horizontal Surface (500ft elevation) as defined in UFC 3-260-01. The proposed tower is approximately 10,400 feet southwest of the centerline of runway 13/31, but not in the Approach Departure Surface. The proposed tallest tower is 3,094 Mean Sea Level (MSL); the maximum height that would not negatively impact operations is 2,000 MSL.

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) 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.
- 5) 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.
- 6) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 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.
- 8) Sidewalks 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.

- 9) All private roads /streets will have private storm sewer systems.
- 10) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 11) Provide Exhibits showing the proposed driveway locations, with spacing and dimensions, for both Option A and Option B. Driveway spacing must comply with applicable City ordinances and policies.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Wastewater Availability

- 1) An existing 24-inch wastewater main(s) is located adjacent to the subject site(s).
- 2) Line capacity is not guaranteed and must be checked by the Engineer of Record and reviewed by the City.
- 3) The developer will be required to extend the City wastewater collection system to and across each lot or site within the subdivision in accordance with the City Standard Specifications and Private Development Design Manual.
- 4) Minimum ten (10) feet horizontal separation is required from water mains and five (5) feet for other utilities. Minimum two (2) feet vertical separation required for all crossings. All wastewater mains must have a minimum cover of four (4) feet and depth no greater than eighteen (18) feet. Developer is responsible for remediating any failure to maintain the minimum four (4) feet of cover.
- 5) Wastewater main(s) must be centrally located in a twenty (20) feet wide easement or larger if necessary. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 6) All existing unused private wastewater service connections must be abandoned and capped at the main in accordance with City Standard Specifications and Private Development Design Manual.
- 7) Plat may be revised after review and approval of utility plans.
- 8) Wastewater main relocation is required.
- 9) CE application is required for vacation of easement/ROW.

Water Availability

- 1) An existing 12-inch water main(s) is within the required distance to the subject site and the developer will be required to extend a 12-inch or larger water main along street frontage and will be required to extend the water system to each lot or site within the development in accordance with City Standard Specifications and Private Development Design Manual.

- 2) If a larger main than 12-inch is required, the developer may make an application under the Policy “A-1” program for OCWUT participation in construction costs if an oversized is required. Approval will be subject to funding availability but will not be granted for oversized mains that are necessary to provide additional capacity for the development or other developer owned property.
- 3) Minimum ten (10) feet horizontal separation required from wastewater mains and five (5) feet for other utilities. Minimum two (2) foot vertical separation required for all utility crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 4) Proposed and/or existing water mains must be located centrally within a twenty (20) feet wide or larger utility easement or right-of-way. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 5) Dead-end water mains must be avoided when possible. All existing unused water services must be capped and abandoned at the water main in accordance with the City Standard Specifications.
- 6) 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 or fire protection systems which require water pressure more than 25 psi. The developer is responsible for installing pressure reducers if necessary for protection of developer’s service lines, plumbing, and fixtures.
- 7) All existing and/or proposed water meters must be located in the right-of-way and/or utility easement within grassy areas outside of sidewalks, driveways, streets, and paving.
- 8) All domestic and fire suppression services must have a separate water service connection. Fire hydrant spacing shall not exceed 500 feet and must be located within ten (10) of a hard surface (i.e. sidewalk, street, paving).
- 9) Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.
- 10) Water main relocation is required.
- 11) CE application is required for vacation of easement/ROW.

b. Solid Waste Management

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

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design and Building Form

- Utilize Best Management Practices (BMP) for stormwater.
- Provide parking in structured garages or decks.
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape.
- Align walls of new construction with prevailing facades of adjacent buildings, unless doing so results in substandard sidewalks.
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.
- Avoid unbroken stretches of blank walls.

The subject site is situated between two design districts – Bricktown (north) and Downtown (south/southeast/west). The site was rezoned from PUD-692 to SPUD-1326 in 2021 to allow the same uses currently proposed. The application is proposed to eliminate maximum building height and alter sign requirements. No other changes are requested. Parking is not required, but if developed as shown in the conceptual plan would be provided within structured garages. Setbacks are consistent with the above policies. The current and proposed zoning requires approval for building and site design by the Planning Director.

Density: The typical non-residential Floor to Area Ratio (FAR) range for the Downtown LUTA is 1.0+ with a typical FAR in excess of 2.0. The Downtown LUTA also outlines a density range of 50 to 125+ dwelling units (du) per acre. *The SPUD requests no maximum building height for the mixed-use project. Exhibits illustrate and describe three proposed 345-foot tall buildings and one 1907-foot tall tower on the 3.9-acre site. The project contemplates 576 market rate units, 140 work force units, 48 affordable housing units, and 904 luxury residences.*

Automobile Connectivity

- Protect existing traditional street grid and reconnect it where possible.

The site currently has one access along South Oklahoma Avenue, and two access points along Compress Street (currently signed as South Oklahoma Avenue). No changes from the access options allowed in the existing SPUD are proposed in the new SPUD. Exhibit C shows one new access along East Reno Avenue and new public / hotel drop off locations along SE 2nd Street and Compress Street. The SPUD does not allow direct access south to Oklahoma City Boulevard, in conformance with limiting curb cuts on major streets. Exhibit C envisions access along South Oklahoma Avenue, SE 2nd Street, and the new access along East Reno Avenue for ingress and egress from parking garages.

Pedestrian Connectivity

- Preserve and expand the pedestrian and bicycle networks.
- Provide sidewalk connections between all uses.
- Provide public connectivity through blocks via alley or internal access for large-scale, block sized developments.

Sidewalks are available around most of the streets that surround the site and would be installed where not present. Limiting the number of curb cuts on those sidewalks will promote pedestrian use of the existing streets around the site used to provide pedestrian connectivity to Bricktown destinations, the Canal and a streetcar stop on the northern side of East Reno Avenue.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. Projects in higher intensity LUTAs (DT) may be more appropriate for significant transitions of density, scale and mass. In this case, the proposed SPUD mirrors the existing zoning approved in 2021, except for sign allowances (discussed below), and maximum building height (currently 300 feet; proposed with no maximum height). The proposed SPUD borders the Bricktown Core District on the north, and maintains the previously negotiated building height and setback along Reno Ave. The site is also adjacent to the DBD Downtown Business District on the west, south, and partially on the east. The DBD District currently has no height limit. The project will be subject to building height limitations based on other local and Federal regulations.
- 3) **Service Efficiency:**
 - Water: *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:** The comprehensive plan refers to the Downtown Development Framework for streets in and near downtown. The site has frontage along East Reno Avenue, a High-Intensity Street, South Oklahoma Avenue and Compress Street (which is currently signed as South Oklahoma Avenue), Storefront streets, and SE 2nd Street, a Storefront Street, all of which are within the Downtown LUTA. The Oklahoma City Streetcar has a transit stop on the north side of East Reno across from the subject site. Bus transit is located within a quarter mile to the west on South Robinson Avenue.
- 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)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- 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. (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)
- Increase land use diversity in Bricktown to attract and retain visitors and development momentum. Specifically, encourage more retail, office, and recreational uses rather than additional bars and restaurants, so that visitors of all ages and interests will be motivated to visit and stay longer. (ST-16)

b. Plan Conformance Considerations

The subject site is located in the lower Bricktown area bounded by the Oklahoma City Boulevard on the south, E Reno Avenue to the north and the railroad on the west. It is currently a parking lot for lower Bricktown restaurants and retail. It was zoned within PUD-692 in 1998 as part of a larger south canal development and rezoned to SPUD-1326 in 2021 to allow a hotel and residential development. East of the site, across South Oklahoma Avenue is a personal storage business zoned SPUD-483. Further east along Oklahoma Avenue are the Harkins movie theatre, restaurants, retail and condos. Across East Reno Avenue, to the north, is the Bricktown Core Development District (BC), which includes a streetcar transit stop, pedestrian amenities and a parking lot for restaurants, shops and industrial lofts that face north toward the Bricktown Canal.

Across Oklahoma City Boulevard to the south is the planned location of the MAPS 4 Multipurpose Stadium.

On January 25, 2024, the Planning Commission adopted a resolution amending the Comprehensive Plan, including changes to some Land Use Typology Area (LUTA) boundaries and street types to be more consistent with the Downtown Development Framework. The land use typology area of the subject site and environs was changed from Urban - High (UH) to the Downtown (DT) Land Use Typology Layer. City Council received the amendment at the February 27, 2024, City Council meeting.

The new SPUD is requested to allow unlimited building height and unlimited static or Electronic Message Display (EMD) attached signage, as depicted in the Master Design Statement's Exhibit C. The proposed SPUD would also allow for the usage of attached EMD signage for off-site advertising. The current SPUD allows a maximum building height of 300 feet, attached signage per the C-3 Community Commercial District base zoning and attached EMD signage. The Master Design Statement language of the existing SPUD matches the language of the proposed SPUD in all aspects other than building height and attached signage requirements.

Building Height: While not located in the DBD Downtown Business District, which allows unlimited building height, the southern portion of the subject site where the 1907' foot tall building is depicted in Exhibit C is bordered on the west, south and east sides by DBD zoning, which does not have a maximum building height (except in Automobile Alley). The northern portion of the site abuts the BC Bricktown Core Overlay District to the north, which limits building height to 140 feet. Directly north of the site and adjacent to East Reno Avenue are two surface parking lots and one five-story warehouse building. The proposed SPUD would limit building height within 20 feet of East Reno Avenue to 80 feet. Both the DBD and BC Districts require design review and approval, which does not apply to the subject site. The proposed SPUD requires building and site design review for SPUD conformance to be completed by the Planning Director at the building permit stage.

Signage: The Oklahoma City Sign Code, effective March 15, 2024, includes the following applicability regulation:

- Oklahoma City Ordinance, §59-16102 D. 1. prohibits the use of a SPUD to modify sign standards to make them less restrictive.

The proposed SPUD's application was submitted to the Planning Department prior to the effective date of the new sign code, allowing the application and proposed SPUD to be considered under the signage regulations valid at time of application.

In Section 8.1, Freestanding Accessory Signs, the proposed SPUD language matches the existing SPUD language: *No pole signs will be allowed. Free-standing signs: i.e. ground signs or monument signs "Architectural Icons" shall be limited to five (5) total*

signs and not exceed eight (8) feet above grade or 100 square feet. The use of three-dimensional signage shall also be allowed within this SPUD.

Section 8.2, Attached Signs, as proposed, would remove the existing SPUD requirement that attached signs meet C-3 Community Commercial District regulations and instead allow: *Attached signs shall be in the amount and styling of the attached exhibits. There shall be no limit on the amount of attached (static or EMD) signage.*

Section 8.3 Non-accessory Signs, as proposed, would require the removal of the existing billboard on the subject site without an option for relocation and would allow: *Attached EMD signage shall be permitted to be used for off-site advertising. However, no signage may be constructed prior to the construction or in conjunction with the construction of the proposed project.*

Section 8.4, Electronic Message Display Signs, matches the existing SPUD language: *Electronic Message Display signs shall be permitted in this SPUD.*

The newly effective Sign Code (§59-16107) allows one freestanding ground sign, plus one additional sign per 200 linear feet of frontage in excess of 200 linear feet, and limits sign area and height based on zoning and the street typology that the property fronts:

- East Reno Avenue (DT, High-Intensity), 425 linear feet of frontage would allow two freestanding signs with up to 75 square feet of sign area and up to 12 feet in height.
- South Oklahoma Avenue/ Compress Street (DT, Storefront), 531 linear feet of frontage would allow two freestanding signs with up to 75 square feet of sign area and up to 12 feet in height.
- Southeast 2nd Street (DT-Storefront), 197 linear feet of frontage would allow one freestanding sign with up to 75 square feet of sign area and up to 12 feet in height.
- East Oklahoma City Boulevard (DT-Boulevard), 216 linear feet of frontage would allow one freestanding sign with up to 75 square feet of sign area and up to 12 feet in height.
- Levels 1, 2 and 3 of EMD signage would be permitted.

§59-16108 allows a variety of attached signage based on zoning and wall area of the structure where the sign is attached. Levels 1 and 2 of EMD signage are permitted in the C-3 base zoning. Based on the information available at the time of review, each building would be allowed up to a maximum of 1,200 square feet of wall, projecting, awning, canopy, marquee, roof, and under/over-canopy signs. In addition, one skyline sign per elevation is permitted for buildings above 250 feet in height, with a maximum sign area between 350 and 750 square feet, depending on building height.

§59-16111 regulates off-premise signs and limits off-premise messages to billboards, supergraphics, and City-Designated District Signs on Public Right-of-Way. No other

sign category may display an off-premise message. The site and all nearby properties are within Downtown Scenic Highway Area (DSHA), which prohibits new billboards.

The proposed size, brightness and movement of signs is well beyond the amount allowed in the previous and new sign codes and is not consistent with the comprehensive plan's intent to reduce visual clutter. The introduction of unlimited EMD signs at any location, size or brightness would impact the traveling public, the railway, and/or the character of the district.

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. Revise Section I. Special Development Regulations, Subsections 8.2 through 8.4 of the Master Design Statement to read:

8.2 Attached Signs

Attached signs shall meet all requirements of Chapter 59, Article XVI of the Oklahoma City Municipal Code, 2020, as amended.

8.3 Non-accessory Signs

The existing billboard shall be removed when development occurs for the lower section (residential tower) of this SPUD and shall not be relocated. All non-accessory signs shall meet all requirements of Chapter 59, Article XVI of the Oklahoma City Municipal Code, 2020, as amended.

8.4 Electronic Message Display Signs

All electronic message display signs shall meet all requirements of Chapter 59, Article XVI of the Oklahoma City Municipal Code, 2020, as amended.

2. Revise the following paragraph within Section II. 1. Architecture, of the Master Design Statement to add:

The building frontages along ~~Reno Avenue~~ all public streets shall be designed such that indentions or openings in the facade eliminate the "blank wall" appearance from the mentioned frontages. It will be a requirement of the architectural design to provide, utilizing materials previously mentioned, such as glass, concrete, brick, etc., items to create a visual change in elevation from the vehicular or pedestrian passerby. Ground floor building façades shall create vertical breaks at regular intervals by spacing architectural features no less than every 20 feet and no greater than every 40 feet. A clear visual division between the second-floor line and upper level floors shall be established using cornice lines, windows, or similar architectural elements. Ground floor façades facing public streets shall have a minimum of 50% transparency and glazing, and vertical articulation to a height of at least 80 feet. Building facades at a height above 80 feet shall have a minimum transparency of 40% per façade.

All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the SPUD may be required during either Division's review of construction plans and prior to City Council approval.

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