

MEMORANDUM

To: Mayor and Members of Council

From: Robert Bell, City Planner

Date: April 10, 2017

RE: JZ-598 (SUP-110) (8236) Request by Jim Roberts for approval of Specific Use Permit No. 110 to construct and operate a mini storage facility on property described as:

A Tract of Land that is Part of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section 36, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, According to the U.S. Government Survey Thereof, Being More Particularly Described as Follows; Commencing at the Southwest Corner of the SE/4 of the SW/4 of Said Section 36; Thence North 00°02'27" East Along the West Line of the SE/4 SW/4 a Distance of 60.00 Feet to the Point of Beginning; Thence Continuing North 00°02'27" East 1261.94 Feet to the Northwest Corner of the SE/4 SW/4; Thence South 89°54'44" East Along the North Line Thereof 378.70 Feet; Thence South 00°04'10" West 1262.11 Feet; Thence North 89°53'09" West 378.07 Feet to the Point of Beginning. Said Tract of Land Contains 477,531.84 Square Feet or 10.96 Acres.

General Location: 1577 W. 121st Street South.

The Planning Commission is scheduled to conduct a public hearing on JZ-598/SUP 110 a request by Jim Roberts for granting a Specific Use Permit (SUP No. 110) to allow the construction and operation of a mini storage facility and associated accessory uses to as described and outlined in Specific Use Permit 110 on Thursday, April 13, 2017.

The subject property is designated Medium Intensity-Special District 3 by the Jenks Comprehensive Plan. The property is currently zoned AG (Agriculture). The 10.96 acre parcel is considered a lot of record being separated from the remaining 43 acres site by metes and bounds description. The subject property is greater than 5 acres in size and complies with all zoning requirements associated with the AG Zoning District and therefore does not require lot split process through the City of Jenks as allowed by State Statutes. The proposed Specific Use Permit will need to address and accommodate any requirements that would be associated with the lost split process.

The proposed mini-storage development consists of 12 buildings varying in width from 10 feet to 30 feet and varying in length in order to accommodate the layout of

the facility and to allow 30 feet drive isles around the structures. The development will be constructed in at least two phases. Phase 1 will consist of the office, the approach and parking area associated with the office, entrance and gate to the storage facility, 3 perimeter buildings, and 3 interior buildings and preparation of the phase two area to be utilized for open storage of boats, recreational vehicles or standard vehicles. Additional phases will convert open storage area to buildings as designed. The total square footage of the facility is 98,380. Phase 1 will consist of 57,280 square feet. When the facility exceeds 62,000 square feet of building space a second access will be required and is identified along the east property boundary. The buildings will serve as the perimeter fence to the development. The building wall on the south side of the development will be constructed in a southwest to northwest direction because of a high pressure gas line located on the property. This wall is recognized as the front or south fence/wall to the development but is less visible because of site constraints and will be developed with veneer columns. The office building and entry features at West 121st Street South will be finished in masonry veneer.

Prior to approval and adoption of the 1993 update of the Jenks Comprehensive Plan, mini-storage land uses were permitted “by right” in the IL Zoning District. Two important considerations were contemplated when the zoning code was changed to list a mini-storage to a use authorized by a Specific Use Permit. Under the Specific Use Permit a mini-storage could be authorized in any Zoning District, where appropriate, allowing for greater protection for the land uses in areas that were needed to meet the other needs of the community and that conditions of approval and development standards could be attached to Specific Use Permits as well as operational conditions to provide greater safeguards to adjacent properties and the community as a whole.

Jenks Comprehensive Plan designates the subject property to be included in the Medium Intensity Plan Category with an overlay of Special District 3 which is identified as the Industrial Special District of the Plan. The Industrial Special District consists of a total of 255 acres, on the north and south sides of 121st Street between Elwood and Elm. Fifty five of the acres are on the north side of the street with the balance (200 acres) located on the south. The property on the south of 121st Street is currently zoned for moderate industrial activities (IM). The property on the north side of the road is still zoned Agriculture. The reason that this property remained agriculturally zoned was to facilitate the review of proposals to modify the use of the property for other than petroleum storage. The Comprehensive Plan states, “Planned uses should be consistent with existing land uses and land use intensities of the current Comprehensive Plan”. The Comprehensive Plan further recognizes, “new land restoration and clean up practices of abandoned petroleum storage sites provides a potential for the conversion of the special district to recreational and limited commercial uses”. The Plan further identifies, “that proposals must include environmental considerations and review”. The environmental considerations that the plan is referring to is related to the impact of the existing conditions of the property on what is being proposed on the site. The current owner of the property has been engaged in the remediation of the past oil field operations and pumping that occurred on the premises. As a condition to obtaining final closure of the historic site

by the Oklahoma Corporation Commission, a restriction limiting the use of the premises to commercial/industrial uses and to prohibit all groundwater use of the area was required. A restrictive covenant was placed on the property by the owner, in conjunction with the order from the Oklahoma Corporation Commission, that does not allow the premises to be used for residential purposes which by the covenant includes single family dwellings, multi-family dwellings and apartments, children's homes, elderly housing, nursing homes, residential portions of government-owned lands (local, state, or federal), day care facilities, educational facilities, hospitals or other medical care facilities, churches and parks (local, state, or federal) and to prevent the withdrawal of groundwater and the digging of any holes and excavations deeper than 6 feet.

The subject property has been on the market for sale for several years. As identified in the declaration of restrictive covenants the current owner has been engaged in the remediation of the past oil field operations and recently has been able to remove easements and other restrictions that have caused this property to be deemed unusable in the past. It is apparent that the owner has made this property available for certain land uses and has actively pursued the sale of the property. Acknowledging that the property will be sold and that types of uses that would be authorized under the Comprehensive Plan and the private restrictions, the proposed use is considered to be an appropriate buffer for the residential neighborhood to the uses that may be considered on the remaining acreage.

The development plan submitted includes elevation views for the structures visible from West 121st Street and includes an upgrade of masonry veneer to the office structure and masonry columns along the south building wall along a high pressure gas line easement. The architectural drawings submitted show that the south wall of building "A" is metal and this wall shall be required to be finished in the masonry veneer to coincide with the office and the entrance improvements. Several trees located at the southwest corner of the property appear to be located within the planned 50 foot building line of the development and should be incorporated into the front streetscape of the facility.

The Agriculture Zoning District bulk and area requirements specify a 35 foot front setback on an arterial roadway, a 40 foot rear yard setback and 10 feet setback on the side yards. The proposed development is constrained by existing easements on the property. These easements include a 50 foot Explorer Pipeline, a 50 foot Magellan Pipeline, a 50 foot Sanitary Sewer Easement, a 150 foot overhead power line easement and 17.5 utility/drainage easement. The use of the land is also constrained by existing storm water channels and planned storm water improvements that are necessary for the development.

The proposed development will require dedication of right of way along West 121st Street South to equal fifty-feet (50') from the Centerline of the existing roadway to the property boundary. The applicant has increased the setback on the property frontage from 35 feet to 50 feet (building line) to accommodate for the proper vehicle stacking associated with the proposed use and West 121st Street South. The rear of the facility is setback from the north line approximately 300 feet at its closes

point because of the 150 foot overhead power line and the planned detention facility. The City standard to accommodate utility easements for future development in association with the existing 17.5 foot easement located on the Churchill Park development is an additional 11 feet. The west property line setback will need to be increased from 10 feet to 11 feet and this area shall be filed with a general utility easement. Recognizing that this area will be between the fences of the residential back yards of Churchill Park and the planned walls of the proposed facility this area shall be sodded and maintained by the mini-storage facility. The 11 foot area shall be secured at both ends of the facility to keep out unwanted trespassing. A gate shall also be established between buildings "A" and "B" to provide emergency access from the north and south end of the facility and from the center. A 17.5 foot utility easement will be required along the north property line to facilitate the connection of new sanitary sewer lines to the existing 12 inch sanitary sewer main.

The elevation of the subject property decreases 2 to 4 feet in the first 40 feet from the west boundary for a total elevation change around 14 feet lower to the east side of the property. The height of the west perimeter wall will be established at a maximum height of 12 feet. With a setback of 11 feet and a limitation of a 12 foot high wall that starts at an elevation that is 2-4 foot lower than the base of the fences associated with the residential properties, the planned perimeter wall will only be above the residential fences 2-4 feet but will still provide a visual block to the remainder of the proposed development. Increase to this setback will lower the perimeter wall to be lower than the residential fences and possibly create a negative effect in lessening the separation of the uses. The building layout is proposed in a diagonal orientation to the property because of the elevation changes on the property and in consideration of the surrounding easements and their arrangements. Changes to the site plan may have a negative effect upon the planned circulation and fire access requirements. The setback from the east property line is to be established at 5 feet, however, the applicant's purchase includes the parcel to the east. With the proposed development a 20 foot wide offsite overland drainage easement will be required to accommodate the modifications to the drainage from the south side of West 121st Street. This water course will go through the Fire Station property and be diverted along the property line on the adjacent parcel. This overland drainage easement will maintain the separation of uses to be equal or greater than a required setback. The remaining interior walls of the development will be allowed at a maximum height of 15 feet. The 12 foot and the 15 foot height limitation does not include the height of the roof structure for the facilities. Roofs in the development will be constructed with a ½ inch: 12 inch pitch. The office structure will be allowed at two stories and would not be subject to the roof pitch limitation but would be subject to the maximum height requirements for the zone.

The plan identifies that a 17.5 foot utility/drainage easement is located near the center of the property and extends from 121st Street into the property for approximately 300 feet. Staff's review of this easement showed that no improvements were located in the easement and no need for the easement could be identified. The location of the easement is consistent with the area of access that may have been used for the housing of employees that worked in the pump house to the east. Since this easement is identified as a utility easement it will require a formal

closure process in comply with the Jenks City Code. Approval of Specific Use Permit 110 is recognizing that that the closing of the described utility easement will not adversely affect the health, safety, or general welfare of the public. The formal process that includes notice to the utility companies and considerations toward their input must be considered.

Lighting for the mini-storage use shall be so arranged as not to emit light towards the residential properties to the west or north. Use of building mounted light fixtures that direct the light to the drive areas will aide in accomplishing this requirement. The site plan shows a location of a ground sign on 121st Street. This sign will be a monument style with a brick base to match the veneer of the office building. The sign will be back lighted and will represent the logo of the storage facility. A 3 foot by 4 foot back lighted vinyl logo sign is located on the southeast side of the office cupola as shown on the south elevation drawing.

A detailed drainage plan prepared by an Oklahoma Licensed Engineer in accordance with the City of Jenks Platting Requirements and subject to approval by the City Engineer shall be required. Development of the subject tract must result in that no greater amount of storm water be discharged from the property at any given time than what existed prior to the development. The subject property receives storm water from the residential subdivision to the east and from the lands south of West 121st Street South. The applicant has indicated the realignment of the water course from the east and from the south to be directed to a detention facility that will be designed to control the rate of storm water flow to the existing facilities. The detailed drainage plan shall document the existing flows and the additional flows from the development. An overland drainage easement shall be filed to accommodate future changes on the adjacent property to the east. The proposed detention facility cannot be constructed greater than 6 feet deep and encroachment into the PSO easement must receive prior authorization from the City Engineer.

The fire suppression standards on commercial developments for the City of Jenks that fire hydrants be within 150 feet of all development and no greater than 300 feet between hydrant locations. A 12 inch City water main is located along the frontage of West 121st Street. The subject development will be required to install a fire hydrant on the 12 inch main along 121st Street near the entrance to the facility. Two solutions are possible to provide the required fire suppression requirements to the development. A looped 8 inch water main can be connected to the 12 inch and continued through the development utilizing the 11 foot utility easement for connection back to 121st Street. This type design would require easements and presents potential operating problems related to the public line placed on private property that is gated. Another viable solution is to establish a dry fire line with connections established at each end of the buildings with a dry line connection located near the hydrant at the entrance to the facility all at the discretion and approval of the Jenks Fire Chief.

The City sanitary sewer main capable of providing gravity flow to the subject property is located at a manhole in Churchill Park and/or the 12 inch line that traverses the subject property to the north. The Jenks Fire Station utilizes a small

independent pump on a 6 inch force main to pump to the sanitary sewer associated with Churchill Park. The development will be allowed to provide a service line that utilizes a private grinder pump to connect to the 8 inch line located in the rear of the lots within Churchill Park along the properties west property line. An additional connection will be allowed at the north end of the project connecting to the 12 inch sewer main located on the north end of the lot. Sanitary sewer plans must be submitted to the City Engineer for review and approval to include the use of a private service line and the private grinder pump. Due to the development limitations associated with the subject property, only actual connections to the sanitary sewer would be subject to the any paybacks in force for the subject area associated with Special District 3. The sanitary sewer connection is subject to payback and excess capacity charges for the Glenwood South Sanitary Sewer; Southwest Lift Station No. 1; Southwest Lift Station No. 2, and the Coal Creek Interceptor. Each payback for the subject development is \$833.78 a connection.

Water connection shall be by service line for connection to the 12 inch main along 121st Street South. Parking spaces as provided are in compliance with the Jenks Zoning Code.

Since the applicant has a similar existing facility located at 121st and Elm, staff asked the applicant to provide operating information related to that site. The normal hours of operation will be established at the same times as the facility on Elm Street which is from 5:00 AM to 10 PM. The mini-storage provides application for special arrangements that can be made on a temporary basis to accommodate increased access hours on a case by case basis. Gate activity at the 121st and Elm location over the past year shows an average of 11 entries per day. Reports from the property owners in the adjoining neighborhood of "Sunnybrook" were positive and recognized that min-storage provided an extra level of security along their rear property boundary and that the storage was a good neighbor with no nighttime noise. No complaints have ever been registered on the facility at 121st and Elm.

Staff received concerns related to loss of trees located in the "greenbelt" from some of the owners of the residential houses in Churchill Park that back up to the subject property. The subject property is not in a designated reserve area and could not be considered an official greenbelt by the City of Jenks. The current owners, Koch Oil, have recently obtained final closure from the Oklahoma Corporation Commission allowing the use of the property to be developed for commercial or industrial. There are no restrictions related to this parcel that could have prohibited the owners from removing the trees from the property. The development of this parcel, as with any development in the City of Jenks, is encouraged to preserve the trees where possible. Preserving trees is problematic to development when considering that the development practices usually will destroy roots or remove cover soil areas that cause the existing trees to eventually die. This creates safety hazards for everyone on or near the property and after the property is developed it is costly to remove trees that have been left. Without a recognized benefit by the owners of the property such mandatory requirements for preservation of an area could be deemed a taking by the legal system. The application has stated that mature trees will be preserved where possible and incorporated into the site layout.

The property is not located in an area that commercial retail uses would be considered appropriate. The location may be conducive to a limited office use, such as office warehouse or contractor storage offices and many different light industrial uses would be plausible for the site. Considering the limitation of the land, especially the easements, and recognizing that the only location for an access, that doesn't put the high pressure gas lines in jeopardy by the movement of heavy vehicles, is the southwest corner of the property. Any proposed use on the property would require the removal of the trees. The other uses that are permitted outright in an industrial zone would create greater conflict, in traffic noise alone, with the residential neighbors than what is being proposed by Specific Use Permit 111.

Due to the Friday holiday the City Council report had to be submitted prior to the Planning Commission Hearing. Staff will provide the findings of the Planning Commission and their recommendation by email and at the City Council meeting. Staffs findings and recommendation is as follows:

The proposed use provides an appropriate buffer of the expected industrial tracts to the east from the residential properties to the west. A minimum of 300 foot by 380 foot greenbelt, that is actually over 3 acres in size and approximately 30% of the site, will be established from the residential properties to the north with the existing overhead power line easement and the creation of the detention facility. The design takes into account the numerous constraints associated with the property allowing the proposed use to help protect the area from the uses that would be allowed by the Special District 3 that could be considered injurious to the adjacent residential areas. The project greatly enhances the storm water characteristics of the site. The proposed use provides for a need to the Community without using land more suitable for higher and better uses. Considering the numerous constraints to the subject property from the existing easements, the past oil related activities, and the restrictive covenants required by the Oklahoma Corporation Commission, the proposed use is considered the highest and best use of the subject tract. Staff recommends approval of the JZ-598 Specific Use Permit 110 subject to the following conditions.

1. A restrictive covenant was place on the property by Koch Oil that was in conjunction with an order from the Oklahoma Corporation Commission, and is considered a condition of the Specific Use Permit which does not allow the premises to be used for residential purposes which includes, in accordance with the covenant, single family dwellings, multi-family dwellings and apartments, children's homes, elderly housing, nursing homes, residential portions of government-owned lands (local, state, or federal), day care facilities, educational facilities, hospitals or other medical care facilities, churches and parks (local, state, or federal) and to prevent the withdrawal of groundwater and to prevent the digging of any holes and excavations deeper than 6 feet.
2. The office structure is required to be finished in 100% masonry veneer.
3. Masonry columns shall be required at a minimum of every 75-100 feet along the south building wall along the high pressure gas line easement.

4. The south wall of building "A" shall be finished in the masonry veneer to coincide with the office and the entrance improvements.
5. Several trees located at the southwest corner of the property appear to be located within the planned 50 foot building line of the development and should be incorporated into the front streetscape of the facility.
6. The proposed development will require dedication of right of way along West 121st Street South to equal fifty-feet (50') from the Centerline of the existing roadway to the property boundary.
7. The applicant has increased the setback on the property frontage from 35 feet to 50 feet (building line) to accommodate for the proper vehicle stacking associated with the proposed use and West 121st Street South. The front building line shall be established at 50 feet.
8. The west property line setback will need to be increased from 10 feet to 11 feet and this area shall be filed with a general utility easement.
9. Recognizing that this area will be between the fences of the residential back yards of Churchill Park and the planned walls of the proposed facility this area shall be sodded and maintained by the mini-storage facility.
10. The 11 foot area shall be secured at both ends of the facility to keep out unwanted trespassing.
11. A gate shall also be established between buildings "A" and "B" to provide emergency access to the 11 foot easement area.
12. A 17.5 foot utility easement will be required along the north property line to facilitate the connection of new sanitary sewer lines to the existing 12 inch Sanitary Sewer main.
13. The height of the west perimeter wall will be established at a maximum height of 12 feet.
14. The setback from the east property line is to be established at 5 feet.
15. A minimum of a 20 foot wide offsite overland drainage easement will be required to accommodate the modifications to the drainage from the south side of West 121st Street through the Fire Station property and diverted along the east property line on the adjacent parcel. This overland drainage easement maintains the separation of uses to be equal or greater than a required setback.
16. The remaining interior walls of the development will be allowed at a maximum height of 15 feet.
17. The 12 foot and the 15 foot height limitation does not include the height of the roof structure for the facilities.
18. The roof pitch of the planned facility should be maintained at a 3 to 1 pitch.
19. The office structure will be allowed at two stories and therefore would be subject to the maximum height requirements for the zone.
20. Approval of Specific Use Permit 110 is recognizing that that the closing of the described 17.5 foot utility easement will not adversely affect the health, safety, or general welfare of the public however, the formal process that includes notice to the utility companies and considerations toward their input must be considered.
21. Lighting for the mini-storage use shall be so arrange as not to emit light towards the residential properties to the west or north. Use of building

mounted light fixtures that direct the light to the drive areas will aide in accomplishing this requirement.

22. A detailed drainage plan prepared by an Oklahoma Licensed Engineer in accordance with the City of Jenks Platting Requirements and subject to approval by the City Engineer shall be required.
23. Development of the subject tract will require that no greater amount of storm water be discharged from the property at any given time than what existed prior to the development.
24. The detailed drainage plan shall document the existing flows and the additional flows from the development.
25. An overland drainage easement shall be filed to accommodate future changes on the adjacent property to the east. The proposed detention facility cannot be constructed greater than 6 feet deep and encroachment into the PSO easement must receive prior authorization from the City Engineer.
26. The subject development will be required to place a fire hydrant from the 12 inch main along 121st Street near the entrance to the facility.
27. The development shall establish a dry fire line with connections established at each end of the buildings with a dry line connection located near the hydrant at the entrance to the facility all at the discretion and approval of the Jenks Fire Chief.
28. The subject development will only have one connection to the sanitary sewer for the planned office.
29. The development will be allowed to provide a service line that utilizes a private grinder pump to connect to the 8 inch line located in the rear of the lots within Churchill Park.
30. Sanitary sewer plans must be submitted to the City Engineer for review and approval to include the use of a private service line and the private grinder pump.
31. Sanitary sewer plans must be submitted to the City Engineer for review and approval to include the use of a private service line and the private grinder pump.
32. The sanitary sewer connection is subject to payback and excess capacity charges in force for the Glenwood South Sanitary Sewer; Southwest Lift Station No. 1; Southwest Lift Station No. 2, and the Coal Creek Interceptor. The total payback for the subject development is \$833.78 a connection.
33. Water connection shall be to the 12 inch main along 121st Street South.
34. Parking spaces as provided are in compliance with the Jenks Zoning Code.
35. Normal hours of operation will be established from 5:00 AM to 10 PM. Special arrangement can be made with the mini-storage management on a temporary basis to accommodate increased access hours on a case by case basis.
36. Mature trees will be preserved where possible and incorporated into the site layout.