

Planning Commission Minutes  
March 28, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:37 p.m. on March 22, 2024)

7. (SPUD-1610) Application by Dulaney's Inc to rezone 1140 SW 104th Street from SPUD-298 Simplified Planned Unit Development District to SPUD-1610 Simplified Planned Unit Development District. Ward 5.

The applicant was present. There were no protestors present.

**RECOMMENDED APPROVAL.**

MOVED BY NEWMAN, SECONDED BY GOVIN

AYES: CLAIR, POWERS, MEEK, PRIVETT, NEWMAN, GOVIN, PENNINGTON,  
NOBLE, LAFORGE



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**March 28, 2024**

**Item No. IV. 7.**

**(SPUD-1610) Application by Dulaney's Inc to rezone 1140 SW 104th Street from SPUD-298 Simplified Planned Unit Development District to SPUD-1610 Simplified Planned Unit Development District. Ward 5.**

**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 office, institutional and commercial uses, specifically a spa with ancillary wellness uses.

**D. Existing Conditions**

**1. Comprehensive Plan Land Use Typology Area: Urban – Low Intensity (UL)**

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

**2. Size of Site: .48 acres**

**3. Zoning and Land Use**

|                 | <b>Subject Site</b> | <b>North</b> | <b>East</b> | <b>South</b> | <b>West</b>   |
|-----------------|---------------------|--------------|-------------|--------------|---------------|
| <b>Zoning</b>   | SPUD-298            | R-1          | R-2         | R-1          | SPUD-253      |
| <b>Land Use</b> | Clinic              | Residential  | Church      | Residential  | Dental Office |

## **II. SUMMARY OF SPUD APPLICATION**

1. This site will be developed in accordance with the regulation of the **O-1 Limited Office 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:

- Administrative and Professional Offices (8300.1)
- Building Maintenance Services (8300.23)
- Business Support Services (8300.24)
- Child Care Centers (8300.25)
- Convenience Sales and Personal Services (8300.32), further limited to a spa and ancillary wellness uses.
- Library Services and Community Centers (8250.11)
- Low Impact Institutional: Neighborhood-Related (8250.14)
- Medical Services: Restricted (8300.53)
- Personal Services: Restricted (8300.59)
- Repair Services: Consumer (8300.61)
- Retail Sales and Services (8300.63), ancillary to spa and office uses. Medical Marijuana Sales and Alcoholic Beverage Retail Sales uses shall be prohibited.

### **2. Maximum Building Height:**

The maximum height of any building shall be per the O-1 Limited Office District regulations. The existing building shall be deemed in conformance.

### **3. Maximum Building Size:**

The maximum building size within this SPUD shall be 3,500 square feet. The existing building shall be deemed in conformance.

### **4. Maximum Number of Buildings:**

The maximum number of buildings within this SPUD shall be one (1). Accessory structures shall not be included within the maximum building limit.

### **5. Building Setback Lines:**

North (SW 104<sup>th</sup> St): 25 feet

East: 15 feet

South: 15 feet

West: 15 feet

The existing building shall be deemed in conformance with this SPUD.

**6. Sight-proof Screening:**

No less than an eight-foot-high sight proof screen shall be required along SPUD boundaries adjacent to properties zoned for residential use. Said sight-proof screen may be constructed of stucco, brick, stone, wood, steel/iron and/or any combination thereof and shall be solid and opaque.

**7. Landscaping:**

The subject site shall meet all requirements of Oklahoma City's Landscaping Ordinance in place at the time of redevelopment. The existing site shall be deemed in conformance.

**8. Signs:**

**8.1 Freestanding Accessory Signs**

Freestanding signage shall be in accordance with the O-1 Limited Office District regulations.

The existing monument sign along SW 104<sup>th</sup> St shall be permitted.

**8.2 Attached Signs**

Attached signs shall be in accordance with the O-1 Limited Office District regulations.

**8.3 Non-accessory Signs**

Non-accessory signs are not permitted in this SPUD.

**8.4 Electronic Message Display Signs**

Electronic Message Display signs shall not be permitted in this SPUD.

**9. Access:**

Access shall be taken from South Winston Way via a maximum of one (1) private drive. The existing drive shall be permitted and count towards this requirement.

**10. Sidewalks:**

If the site is redeveloped, five-foot sidewalks shall be constructed on SW 104<sup>th</sup> 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. All sidewalks shall be in place prior to any occupancy certificates being issued.

**II. OTHER DEVELOPMENT REGULATIONS:**

**1. Architecture:**

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

Exterior building wall finish on all structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock, concrete board or stone masonry. No more than 30% EIFS, stucco, wood, or architectural metal shall be permitted.

Exposed metal or exposed concrete block buildings shall not be permitted. Buildings shall be oriented such that the backs of buildings are not facing towards any street. The existing building shall be deemed in conformance.

**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.

The existing site lighting shall be deemed in conformance with this SPUD.

**5. Dumpsters:**

If the site is redeveloped, dumpsters shall be consolidated where practical and located within an area screened by a fence or masonry wall of sufficient height to screen the dumpster from view. Said dumpster shall not be permitted within 30 feet from the south boundary of the SPUD.

Dumpsters shall be screened.

**6. Parking:**

The design and number 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.

The existing twenty-six (26) parking spaces shall be deemed in conformance with this SPUD and shall meet the parking requirements for all uses within this SPUD.

**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 requirements shall be per the Oklahoma City Subdivision Regulations.

### **III. SUPPORTING DOCUMENTS**

Exhibit A: Legal Description

Exhibit B: Site Plan

### **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: Moore**
- 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) 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.

**c. Stormwater Quality Management**

**d. Traffic Management\***

**8. Utilities**

**a. Engineering**

**Wastewater Availability\***

**Water Availability\***

**b. Solid Waste Management**

- 1) The City can provide solid waste collection services to commercial customers providing refuse is not excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise the customer will have to utilize a private hauler for dumpster service.

**9. Planning**

**a. Comprehensive Plan Considerations**

**1) LUTA Development Policies:**

Site Design:

- 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. Public water and sewer are available.*

Location:

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

*The subject site is located along SW 104<sup>th</sup> Street, an arterial street.*

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The SPUD is requested to alter the allowed uses on the site, specifically allowing a spa and ancillary wellness uses. The current floor to area ratio (FAR) of the site is within or below the UL range. If new development were to occur the SPUD regulations allow for a building of up to 3,500 square feet which could produce a FAR of within the UL 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.
- Development fronting arterials should take access from intersecting streets where possible.
- Provide vehicular connectivity between adjacent developments.
- Horizontally mixed-use developments should have connectivity between land uses.



*The subject site currently has one drive along S Winston Way as the existing SPUD did not allow access onto the arterial street. The new SPUD regulations allow this to remain the only access point.*

**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 are not available on the subject but are required along SW 104th Street by the SPUD regulations if the site were to be redeveloped.*

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating the proposed uses adjacent to existing Low Intensity Residential, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan. In this situation, the proposed uses would take place in the existing building and are similar to the uses allowed within the current SPUD. No new compatibility issues requiring mitigation measures were identified.
- 3) **Service Efficiency:**
  - Water: *Served*
  - Sewer: *Fully Served*
  - Fire Service: *Urban Service Level*
- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the subject site.
- 5) **Transportation System:** This site is located at the southeast corner of SW 104<sup>th</sup> Street, a Major Arterial Street, and S Winston Way, a Neighborhood Street, both in the Urban Low LUTA. The nearest transit (bus) service is located east of the subject site, near the intersection of SW 104<sup>th</sup> Street and S Western 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)
  - Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)

- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- 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 subject site is located at the southeast corner of SW 104th Street and S Winston Way, generally located west of S Western Avenue. The site was rezoned from R-4 to SPUD-298 in 2002 to allow a medical office. North of the site, across SW 104th Street, is a single-family residential neighborhood zoned R-1. Abutting the subject site on the east is R-2 zoned land developed with a church. South of the site is a single-family residential neighborhood (Lakewood Terrace). Across S Winston Way to the west is a dental office zoned SPUD-253.

The SPUD is requested to allow office, institutional and commercial uses, specifically a spa with ancillary wellness uses, with O-1 Limited Office District base zoning. The existing layout, buildings and access to the SPUD will be retained. Due to the current location and orientation of the existing building, and the current location of the existing dumpster, the SPUD requires the dumpster to be at least 30 feet away from the south boundary of the SPUD. No new compatibility issues were identified with the proposed use.

**IV. STAFF RECOMMENDATION**

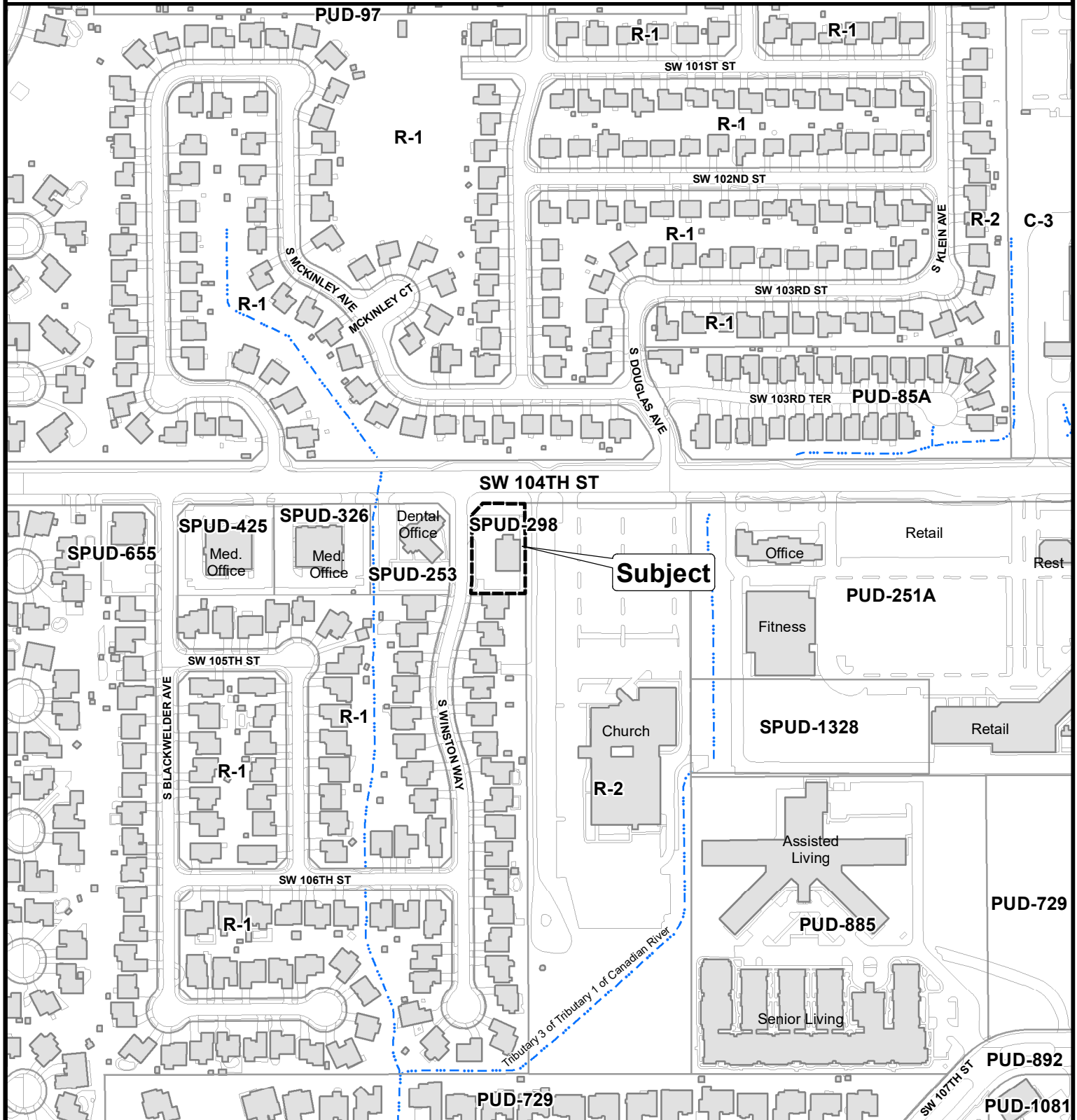
*Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the 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 Division's review of construction plans and prior to City Council approval.

bd

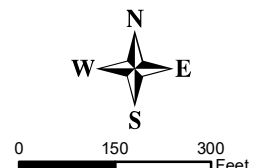
Case No: SPUD-1610      Applicant: Dulaney's, Inc.  
Existing Zoning: SPUD-298  
Location: 1140 SW 104th St.

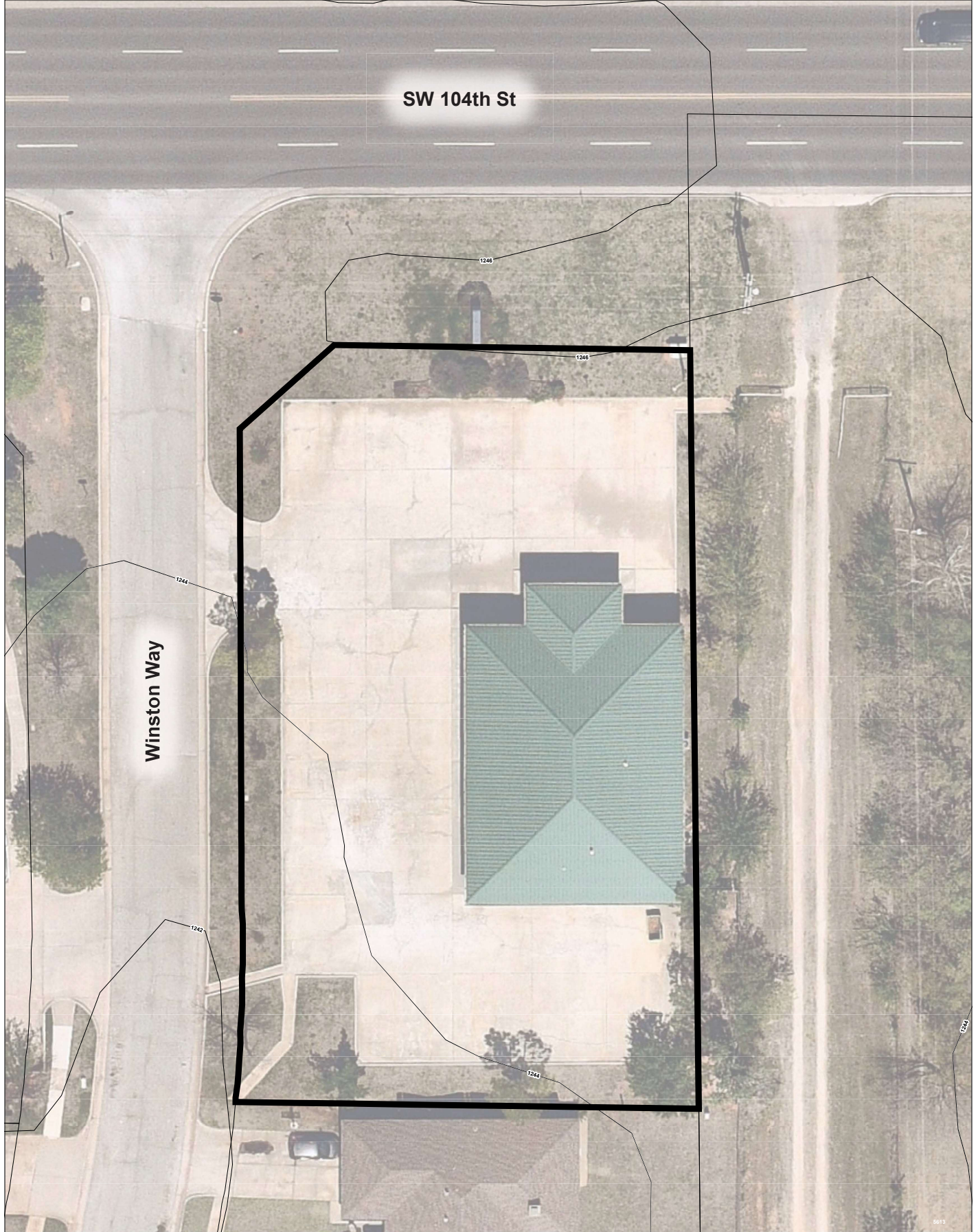


# Simplified Planned Unit Development



The City of  
OKLAHOMA CITY





**SPUD-1610**  
**1140 SW 104th Street**

Exhibit B  
Site Plan



Johnson & Associates  
1 E. Sheridan Ave., Suite 200  
Oklahoma City, OK 73104

ARE: 202-497-1171 FAX: 405-232-6078  
ENGINEERS SURVEYORS PLANNERS

8/30/23



**Case No: SPUD-1610      Applicant: Dulaney's, Inc.**  
**Existing Zoning: SPUD-298**  
**Location: 1140 SW 104th St.**



Aerial Photo from 2/2022

Note: "Subject" is located approximately 1,685' West of S. Western Ave.

## Simplified Planned Unit Development



The City of  
OKLAHOMA CITY

