

Planning Commission Minutes
April 24, 2025

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:59 a.m. on April 21, 2025)

12. (SPUD-1721) Application by Martin Perez to rezone 432 SE 44th Street from R-1 Single-Family Residential District to SPUD-1721 Simplified Planned Unit Development District. Ward 4.

Amended Technical Evaluation:

1. If used for access, the alley shall be improved in accordance with the applicable City of Oklahoma City Standards and Specifications.
2. Add to Site Lighting that lights shall be no higher than 16 feet tall and will be directed away from any residential lots.

The applicant was present. There were no protesters present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION.

MOVED BY PRIVETT, SECONDED BY MEEK

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

ABSENT: GOVIN



STAFF REPORT
The City of Oklahoma City
Planning Commission
April 24, 2025

Item No. IV. 12.

(SPUD-1721) Application by Martin Perez to rezone 432 SE 44th Street from R-1 Single-Family Residential District to SPUD-1721 Simplified Planned Unit Development District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

1. Applicant Representative

Name Victor Pozadas
Company ROCA Engineering
Phone 405-684-8920
Email vpozadas@rocaengineering.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow commercial development, specifically auto sales.

D. Existing Conditions

1. Size of Site: 0.3341 Acres

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	C-3	R-1	R-1	R-1 / I-1
Land Use	Undeveloped	Undeveloped	Church	Residential	Undeveloped / gas station

3. Comprehensive Plan Land Use Typology Area: Urban – Medium (UM)

UM applies to fully urbanized areas of the city, most of which were built prior to the 1960s. Developments are expected to be larger in scale and have greater intensity and mixture of uses than developments found in UL. Development within UM areas should support efficient transit usage and provide pedestrian and bicycle access to retail, services, parks, and other destinations. Priorities for the UM areas include “infill” developments on vacant lots, rehabilitation of underutilized property, and development that supports revitalization of distressed neighborhoods.

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **C-3 Community Commercial** zoning 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:

8300.1 Administrative and Professional Offices
8300.18 Automotive and Equipment: Automobile Dealerships and Malls

1.1 Minimum Lot Size: Per the base zoning district regulations.

1.2 Minimum Lot Width: Per the base zoning district regulations.

2. **Maximum Building Height:** Per the base zoning district regulations.

3. **Maximum Building Size:** Per the base zoning district regulations.

4. **Maximum Number of Buildings:**

There shall be a maximum of 1 building, excluding accessory structures, in this SPUD.

5. **Building Setback Lines**

Front Yard: 25 Feet

Rear Yard: Per base zoning regulations.

East Side Yard: Per base zoning regulations.

West Side Yard: Per base zoning regulations.

6. **Sight-proof Screening:**

Sight proof screening shall be per the base zoning district regulations.

7. **Landscaping:**

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

8. **Signs:**

Signage shall be in accordance with the base zoning district regulations except that Off-Premise and EMD signs shall be prohibited.

9. Access:

One access from SE 44th Street and south alley.

10. Sidewalks

Any new sidewalks or repair/replacement of existing sidewalks shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction of this SPUD.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, rock, stone, stucco, or wood, or other similar type finish. A maximum of 30% EIFS (Exterior Insulation Finish System) material shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

2. Open Space:

A minimum of 25% open space, defined as no buildings or paving, shall be provided.

3. Street Improvements:

Street improvements shall not be required.

4. Site Lighting:

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 shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and shall be placed no closer than 50 feet from all property lines adjacent to residential zoning district or use.

Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

6. Parking:

The design and number of all parking facilities in this SPUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended

7. Maintenance:

Maintenance of the common areas, private drainage easements, private driveways, and island / medians in the development shall be the responsibility of the property owner or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

8. Drainage:

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

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 (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas (ONG)**
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District(s) Oklahoma City**

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

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) Sidewalk shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 9) All private roads /streets will have private storm sewer systems.
- 10) Amend Section I.9 Access: One access from SE 44th Street and South Alley. The alleyway shall be improved to allow access, with all improvements constructed in accordance with the applicable City of Oklahoma City Standards and Specifications.

b. Stormwater Quality Management

c. Traffic Services *

8. Utilities

a. Solid Waste Management

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

b. Water Availability

1. An existing 12-inch water main(s) is located adjacent to the subject site(s).
2. 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.
3. 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.
4. 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.
5. 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.

6. 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.
7. 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).
8. Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.
9. Plat may be revised after review and approval of utility plans.

c. Wastewater Availability

1. An existing 10-inch wastewater main(s) is located adjacent to the subject site(s).
2. Line capacity is not guarantee 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.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Maintain historical lot and block sizes where possible and appropriate.
- Utilize Best Management Practices (BMP) for stormwater.
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape.

- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.

Location:

- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved.

Density: The non-residential Floor to Area Ratio (FAR) range for the UM LUTA is 0.4 to 1.2 with a typical FAR of 1.

National, state, and local permitting require basic best management practices for stormwater management. The subject site is currently undeveloped. The SPUD regulations could provide development within or below the Urban Medium FAR range.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Protect existing traditional street grid and reconnect it where possible.
- Keep alleys open and functional.
- Limit curb cuts on arterial streets and where possible, concentrate access for retail development at shared entrance points.

The subject site currently has one driveway cut along SE 44th Street. The SPUD proposes utilizing SE 44th Street and alley access for automobile connectivity. The platted alley is not currently improved.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks are currently available adjacent to SE 44th Street. The SPUD proposes utilizing Code requirements for pedestrian connectivity.

- 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 residential uses or zoning, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if the setbacks are significantly deeper or more shallow than the predominant character of adjacent development; the building’s orientation to the street differs from the predominant character of adjacent development; building size or street frontage dramatically differs from that of adjacent uses, the lot coverage (including buildings and paved areas) dramatically exceeds that of adjacent uses, or if buildings within 40 ft. of a single-family residential structure exceed a 3:1 ratio in height. *The SPUD maintains the front (north) yard setback of 25 feet and all other setbacks will also comply with base zoning. Within 35 feet of the R-1 District, the base C-3 District allows a maximum building height of 20 feet*

and 1 story, increasing to 35 feet and 2 stories within 35 – 150 feet of the R-1 District.

Traffic: Mitigation measures should be used if the development is inconsistent with the Street Typology or would substantially exceed the average daily traffic of existing, adjacent uses. *The subject site is located along the south side of SE 44th Street, an arterial street in the Urban Medium LUTA. No triggers requiring mitigation were identified on the site.*

Operational Impact: The comprehensive plan calls for mitigation measures if new projects propose uses that generate noise levels above those found in typical residential settings, have detectable odors, spill light above that found in typical residential settings, or operate after 10 p.m. within proximity to residential uses. When located near residential uses, the comprehensive plan calls for containing operating effects (including noise and odor) within building walls, using vertical screening to block any mechanical equipment and service areas, and directing light away from adjacent residential areas. *The SPUD utilizes the base C-3 District requirements for landscaping and screening and limits the SPUD to two uses (office and auto sales).*

3) Service Efficiency:

- Water: *Served*
- Sewer: *Fully Served*
- Fire Service: *Urban Response*

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. Low impact development techniques include, but are not limited to, using pervious surface materials wherever possible for the construction of driveways, parking areas, sidewalks, patios, etc., to promote increased water percolation and infiltration.

5) Transportation System: This site is located along the south side of SE 44th Street, a Major Arterial Street in the Urban Low LUTA. The nearest transit (bus) service is located just west of the site, along SE 44th Street.

6) Other Development Related Policies

- 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)
- Require sidewalks on both sides of all streets in urban LUTAs. (C-7)

- Improve the functionality and efficiency of the street network by:
 - Providing direct connections from residential developments to nearby places and to each other.
 - Providing street and sidewalk stubs to adjacent vacant land in anticipation of future development.
 - Connecting new development to existing street and sidewalk stubs, and to existing trail, open space, and bicycle networks.
 - Reducing block sizes and use of dead-end streets.
 - Maintaining the existing street grid to preserve connectivity and mobility options. (C-11)
- Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
- 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)

b. Plan Conformance Considerations

The subject site is located along the south side of SE 44th Street, generally located between South Shields Boulevard and Interstate 35. The site is zoned R-1 and undeveloped. Land to the east, south, and west is zoned R-1. Abutting to the east is a building that appears to be utilized as a church. The site abuts a platted, unimproved alley on the south, followed by a single-family residential neighborhood. Undeveloped land to the west is followed by an I-1 zoned convenience store and attached retail center. Across SE 44th Street, to the north, is undeveloped C-3 land.

The SPUD requests a modified C-3 District, with only *Administrative and Professional Offices (8300.1)* and *Automotive and Equipment: Automobile Dealerships and Malls (8300.18)* as the allowed uses. New development will comply with the C-3 regulations, including setbacks, building height, parking, lighting, landscaping, screening. The SPUD limits access to one drive on the arterial street, with potential access from the alley on the south. Dumpster location must be 50 feet from a residential 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 subject to the following Technical Evaluation:

1. If used for access, the alley shall be improved in accordance with the applicable City of Oklahoma City Standards and Specifications.

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

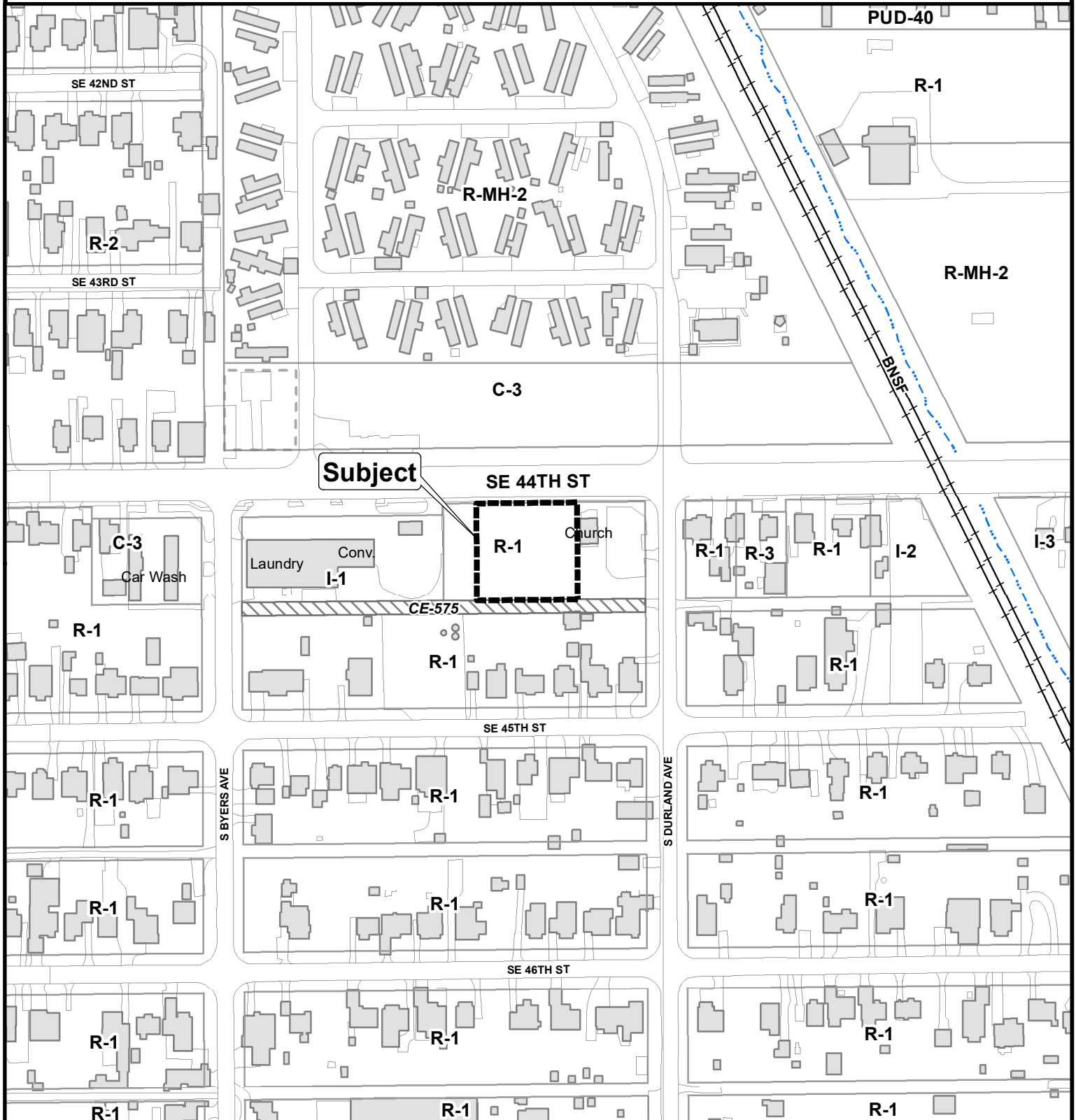
taj

Case No: SPUD-1721

Applicant: Martin Perez

Existing Zoning: R-1

Location: 432 SE 44th St.

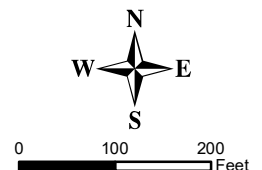


Note: "Subject" is located approximately 1,675' East of S. Shields Blvd.



The City of
OKLAHOMA CITY




Simplified Planned Unit Development

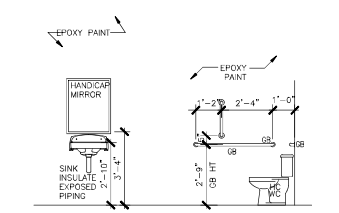


SE 44 TH ST

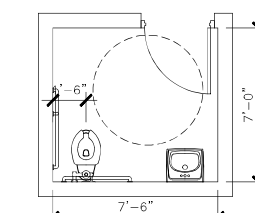
SE 44th st.

PARKING NOTE & LEGEND	
TOTAL BUILDING AREA	1,500 SF
REQUIRED PARKING SPACES	1 ADA + 7 = 8
1 SP/ 200 SF	
DISPLAY AREA	
CUSTOMER PARKING	

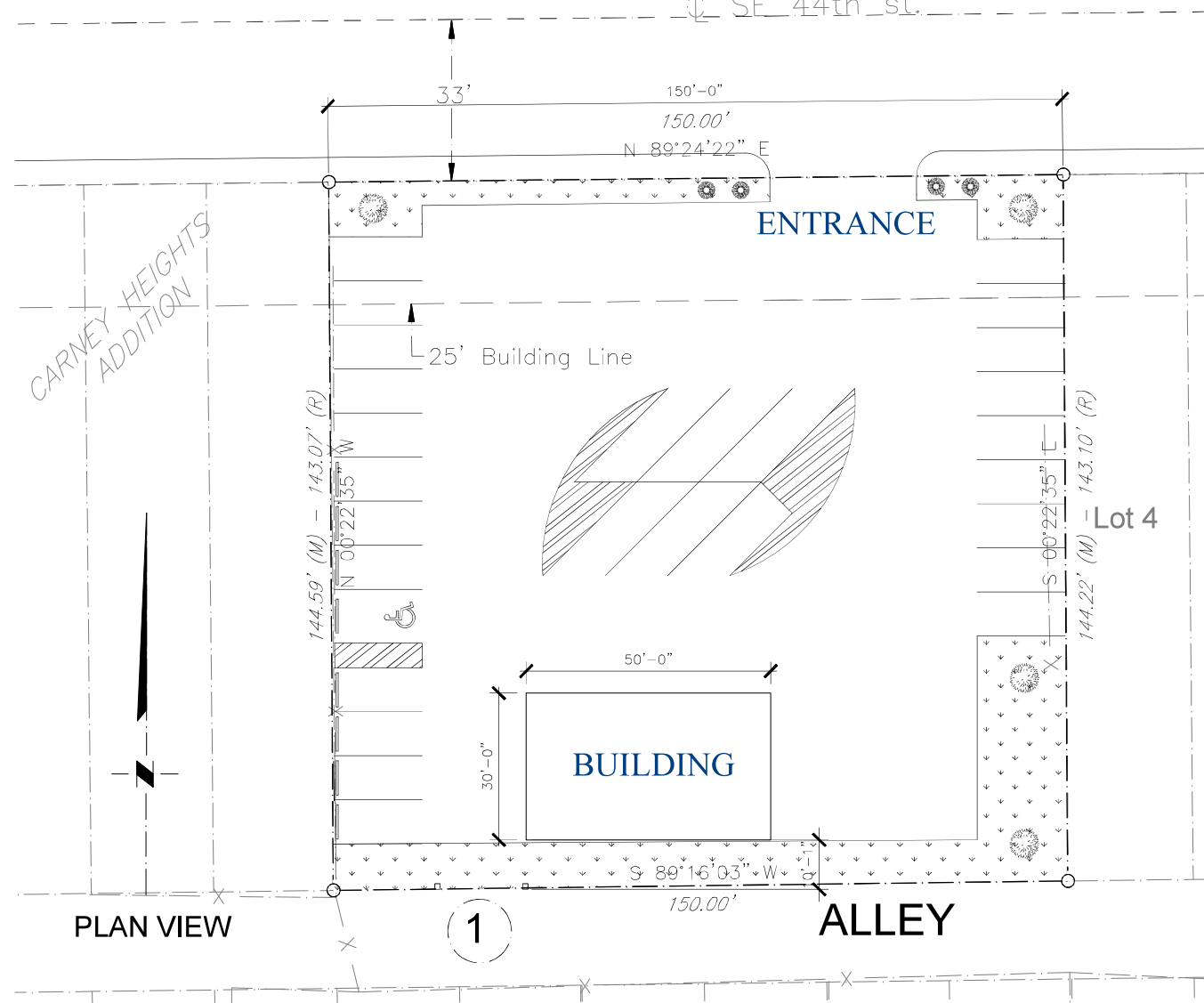
LANDSCAPING POINTS					
PARKING SPACES : 8 REQUIRED DEVELOPED AREA = 1,500 SF					
REQUIRED SITE POINTS = 1 POINT / 200 SF DEVELOPED AREA = 80 POINTS PER OKLAHOMA CITY					
REQUIRED PARKING POINTS = 2 POINTS / PARKING SPACE 2 X 8 = 16 POINTS = 1 POINTS / ADDITIONAL PARKING = 1 X 20 = 20 POINTS					
REQUIRED LANDSCAPING POINTS = 126 POINTS					
PLANT LIST					
POINTS	QUANTITY	SIZE	SYMBOL	COMMON NAME	REQ'D POINTS
12	4	2" CAL		PANICLED GOLDEN RAIN TREE	48 POINTS
3	4	5 GAL		FRASERS PHOTOPIA EVERGREEN	12 POINTS
1 PT/SY	330	N/A		BERMUDA SOD	82.5 POINTS
142.5 POINTS PROVIDED					
NOTE: THE IRRIGATION METHOD = HOSE BIB CONNECTION WITHIN 100' OF ALL LANDSCAPING					



3 RESTROOM ELEVATION
SCALE 3/8" = 1'-0"



2 RESTROOM PLAN
SCALE 1/4" = 1'-0"



1 SITE PLAN
SCALE 3/32" = 1'-0"

3300 NW 30TH ST.
OKLAHOMA CITY
OK 73112
Phone: (405) 684-6600
www.rocagreening.com

NORTH

432 SE 44th
OKLAHOMA CITY, OK 73129

DRAWING ISSUE	DATE	DESCRIPTION

LANDSCAPE

PROJECT #	Checked by	Drawn by
SCALE	DATE	02.11.25
REVISION	REV-A	

A-101

T 11 N - R 3 W

SF 44th st.

LEGEND

O Set 1/2" I.P. w/Cap

33'

150.00'

N 89°24'22" E

CARNEY HEIGHTS
ADDITION

25' Building Line

Lot 13

Lot 12

Lot 11

Lot 10

Lot 9

Lot 8

Lot 7

Lot 6

Lot 5

Lot 4

Lot 3

144.59' (M) - 143.07' (R)
N 00°22'35" W144.22' (M) - 143.10' (R)
S 00°22'35" E

S 89°16'03" W

150.00'

PLAN VIEW

SCALE: 1" = 40'

2

LEGAL DESCRIPTION:

Lots Five (5), Six (6), Seven (7), Eight (8), Nine (9), and Ten (10), in Block Two (2), of CARNEY HEIGHTS ADDITION to Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof.

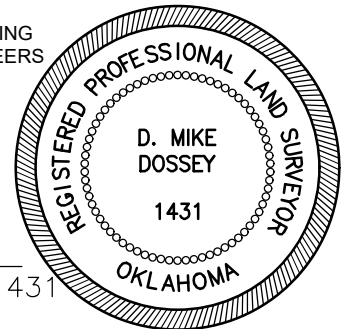
BASIS OF BEARINGS: Established bearing of N 89°24'22" E along the North line of the above described property by GPS observation.


THIS PLAT OF SURVEY MEETS THE MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

NOTE:

This drawing may not depict all utilities. Before digging or excavating please call: 811

D. MIKE DOSSEY R.P.L.S. # 1431
Date Signed: 07/24/2024



				<div>PLAT OF SURVEY</div> <div><div><div><div>CIMARRON.</div><div>SURVEYING & MAPPING CO.</div><div><small>C.A. No. 1780 Expires June 30, 2022</small></div></div><div><div>1570 SW 89th STREET, Bldg. C3</div><div>Oklahoma City, OK</div><div>(405) 692-7348</div><div>WWW.CIMSURVEY.COM</div></div></div></div> <div>SCALE: 1"=40'</div> <div>DATE: 07/24/24</div> <div>JOB NO.: 2414.133</div> <div>DWG. NO.: 2114.85</div> <div>AFE. NO:</div> <div>SHEET 1 OF 1</div>	
NO.	REVISION	DATE	BY		
SURVEYED BY: D.M.D.					
DRAWN BY: B.M.J.					
APPROVED BY: D.M.D.					

1530 SW 89th STREET, Bldg. C3
Oklahoma City, OK
(405) 692-7348
WWW.CIMSURVEY.COM

Case No: SPUD-1721

Applicant: Martin Perez

Existing Zoning: R-1

Location: 432 SE 44th St.



Aerial Photo from 2/2022

Note: "Subject" is located approximately 1,675' East of S. Shields Blvd.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



0 100 200
Feet