

Planning Commission Minutes
February 22, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:39 a.m. on February 19, 2024)

10. (SPUD-1600) Application by Starlow, LLC to rezone 4310 South Shields Boulevard from SPUD-39 Simplified Planned Unit Development, SPUD-433 Simplified Planned Unit Development, and R-2 Medium-Low Density Residential Districts to SPUD-1600 Simplified Planned Unit Development District. Ward 4.

Amended Technical Evaluation:

1. All drive-through call boxes shall be at least ~~400~~ 80 feet from a residential zoning district and be oriented toward SE 43rd Street.
2. The maximum sign height shall be 12 feet.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY CLAIR, SECONDED BY MEEK

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

ABSENT: POWERS, PRIVETT



STAFF REPORT
The City of Oklahoma City
Planning Commission
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Item No. IV. 10.

(SPUD-1600) Application by Starlow, LLC to rezone 4310 South Shields Boulevard from SPUD-39 Simplified Planned Unit Development, SPUD-433 Simplified Planned Unit Development, and R-2 Medium-Low Density Residential Districts to SPUD-1600 Simplified Planned Unit Development District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Misha Goli
Phone 405-203-1214
Email will@ponedllc.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow commercial uses, specifically a drive-through only restaurant.

D. Existing Conditions

1. 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.

2. Size of Site: 1.29 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	SPUD-433, SPUD-39, R- 2	R-2	R-2	SPUD-297	Shields Blvd
Land Use	Office, Residential	Residential	Residential	Drive-thru Restaurant	ROW

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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:

8200.14	Single-Family Residential
8300.1	Administrative and Professional Offices
8300.63	Retail Sales and Services: General
8300.53	Medical Services: Restricted
8300.52	Medical Services: General
8300.59	Personal Services: Restricted
8300.41	Food and Beverage Retail Sales
8300.36	Eating Establishments: Fast Food, with Drive-Thru Order Window

2. **Minimum Lot Size:**

The minimum lot size shall be in accordance with the base zoning district.

3. **Minimum Lot Width:**

The minimum lot width shall be in accordance with the base zoning district.

4. **Maximum Building Height:**

The maximum building height shall be in accordance with the base zoning district.

5. **Maximum Building Size:**

The maximum building size shall be in accordance with the base zoning district.

6. **Maximum Number of Buildings:**

The maximum number of buildings shall be in accordance with the base zoning district.

7. **Building Setback Lines**

Building setbacks shall be in accordance with the base zoning district.

8. **Sight-proof Screening:**

No less than a six-foot and no greater than an eight-foot-high fence or wall should be provided along the boundary of this parcel where it is adjacent to any residential use. Said wall should be constructed of stucco, brick, stone, wood, or iron and/or any combination thereof and should be solid and opaque.

9. **Landscaping:**

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

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10. Signs:

10.1 Freestanding Accessory Signs

All freestanding signs within this SPUD should be ground (monument) signs with the maximum size being twelve feet high and 100 square feet in area and shall have no less than 25 square feet of landscaping at the base.

10.2 Attached Signs

Attached signs will be in accordance with the base zoning district regulations.

10.3 Non-Accessory Signs

Non-accessory signs will be prohibited.

10.4 Electronic Message Display Signs

Electronic Message Display signs will be prohibited.

11. Access:

A maximum of one drive shall be permitted along S Shields Boulevard. A maximum of three drives shall be permitted along SE 42nd Street. A maximum of two drives shall be permitted along SE 43rd Street.

12. Sidewalks

Five (5) foot sidewalks shall be constructed on the arterial street with each development parcel, or six (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. Four (4) foot sidewalks shall be constructed on the interior streets prior to any occupancy certificates being issued.

II. Other Development Regulations:

1. Architecture:

All existing structures shall be permitted to remain and deemed to conform to applicable regulations. Exterior building wall finish on all new structures shall consist of a minimum 70% brick veneer, masonry, architectural metal, 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:

10% of the site will be required to be utilized as open space.

3. Street Improvements:

N/A

4. Site Lighting:

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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.

Additionally, To minimize light spillover on residential uses, outdoor lights within the SPUD should be directed away from any adjacent residential properties. To accomplish this, lights should utilize shields, shades, or other appropriate methods of directing light beams.

5. Dumpsters:

Dumpsters should be located within an area screened by a six- to eight-foot-high fence or masonry wall that screens the dumpster from public streets and residences. Dumpsters shall be located at least 25 feet from any residential uses.

6. Parking:

The design 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:

N/A

8. Drainage:

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

9. Other:

N/A

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)**

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- 4. Oklahoma Natural Gas:** Prior to excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior for exact location of our facilities.
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District: 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

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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.

b. Stormwater Quality Management

c. Traffic Management*

8. Utilities

a. Engineering

Wastewater Availability

- 1) An existing 12" 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

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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) Site plan does not show existing sanitary sewer relocation. Cannot build any permanent structures within easements.
- 8) Contact Wastewater Quality at 405-297-3810 regarding requirements for wastewater discharge permit and grease interceptor requirements.

Water Availability

- 1) An existing 8" 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.

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Solid Waste Management

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.
- Structured parking may be appropriate to achieve desired intensity levels.
- 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 existing FAR of the subject site is roughly 0.12. If new development were to occur the SPUD regulations could provide a FAR within the UM LUTA range.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Keep alleys open and functional.
- Limit curb cuts on arterial streets and where possible, concentrate access for retail development at shared entrance points.
- Development fronting arterials should take access from intersecting streets where possible.
- Primary entrance points should be aligned with access points immediately across the street.

A north-south alley running through the central portion of the site was closed in 2008 (CE-741). The alley terminates at the northern portion of the subject site and has been closed traveling south within the next two blocks (CE-599 and CE-424). The subject site has three existing access points along SE 42nd Street and one along S Shields Boulevard. There's an existing curb cut along SE 43rd Street where the alley is located, however the alley has not been improved throughout the site. The SPUD proposes a maximum of two drives along SE 43rd Street.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

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Sidewalks are not available on the subject site but are required along all streets by the SPUD.

- 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 office, residential, or retail uses, “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 proposes adding uses for Fast Food, with Drive-Thru and Food and Beverage Retail Sales (Conceptually Dunkin Drive-Thru). As per the base C-3 District regulations, new development would be subject to step down in height, and a landscape buffer adjacent to residential zoning. The SPUD also requires sight-proof screening where adjacent to residential zoning.*

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 S Shields, a major arterial street. New development would access SE 43rd Street which serves retail and residential uses. It was unknown at the time of review if the proposed development would substantially alter the average daily traffic on the street, beyond the access point for 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 proposes adding uses for Fast Food, with Drive-Thru and Food and Beverage Retail Sales. As per the base C-3 District regulations, new development would be subject to step down in height, and a landscape buffer adjacent to residential uses on the east. The SPUD also requires sight-proof screening where adjacent to residential uses. Plan conformance would be strengthened by providing a*

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setback of at least 50 feet for trash enclosures and at least 100 feet for drive-thru call boxes.

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: This site is located along the east side of S Shields Boulevard, a Major Arterial Street, between SE 42nd Street and SE 43rd Street, Neighborhood Streets, all in the Urban Medium LUTA. The nearest transit (bus) service is located both north and south of the subject site along S Shields Boulevard.

6) Other Development Related Policies

- Encourage redevelopment and infill development on vacant, underutilized, and brownfield sites in urbanized areas. (SU-19)
- Favor commercial development clustered in nodes at arterial or collector intersections or along brief “main street” style corridors over commercial development extending in a linear pattern for long distances along highway, arterial, or collector corridors. (SU-25)
- 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

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shopping trips, and walkable and attractive streetscapes. Large-scale commercial buildings with parking in front should screen parking lots with coordinated development of out-parcels (pad sites) and with landscaping. (SU-28)

- New neighborhood-scale retail should be located within new residential growth areas to serve daily shopping needs and limit trip distances. In newly developing areas, this retail format is preferred to the existing linear development patterns along arterials. (SU-30)
- Neighborhood-scale retail should be developed at the median breaks or intersections of major or minor connectors. (SU-31)
- 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)
- Share parking between contiguous developments. (C-31)
- Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)
- Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)
- Encourage unified planning for all adjoining land owned or controlled by a project's developer to ensure proper circulation and land use relationships (SU-47)

b. Plan Conformance Considerations

The subject site is located along the east side of S Shields Boulevard, between SE 42nd Street and SE 43rd Street. The site is developed with an office building at the southeast corner of S Shields Boulevard and SE 42nd Street, with a single-family residence located to its east. The office building is zoned SPUD-39, and the single-family residence is zoned R-2. The southern half of the subject site is undeveloped and zoned SPUD-433, which allows limited office and retail uses with a C-3 base. A north-south alley running through the central portion of the site was closed in 2008 (CE-741). The alley terminates at the northern portion of the subject site and has been closed traveling south within the next two blocks (CE-599 and CE-424). North and east of the site are

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zoned R-2 and developed with single-family residential. Across SE 43rd Street to the south is a fast-food restaurant.

The SPUD is requested to allow the existing residential, office, retail, medical, and personal services within SPUD-433, and add uses to allow a restaurant with drive-through/pick-up, but no indoor seating. As per the base C-3 District regulations, new development would be subject to step down in height, and a landscape buffer adjacent to residential uses on the north and east. The SPUD also requires sight-proof screening where adjacent to residential uses. Plan conformance would be strengthened by providing a setback of at least 50 feet for trash enclosures and establishing a larger setback for drive-thru call boxes from residential. The conceptual plan's placement of the dumpster indicates the design could meet the Code requirement of a 25-foot setback from the east boundary of the SPUD where abutting residential.

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. All drive-through call boxes shall be at least 100 feet from a residential zoning district.

Case No: SPUD-1600

Applicant: Starlow, LLC

Existing Zoning: SPUD-433 / SPUD-39 / R-2

Location: 4310 S. Shields Blvd.



The City of
OKLAHOMA CITY

**Simplified Planned
Unit Development**



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Feet



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AMERICAN INSTITUTE of
BUILDING DESIGN

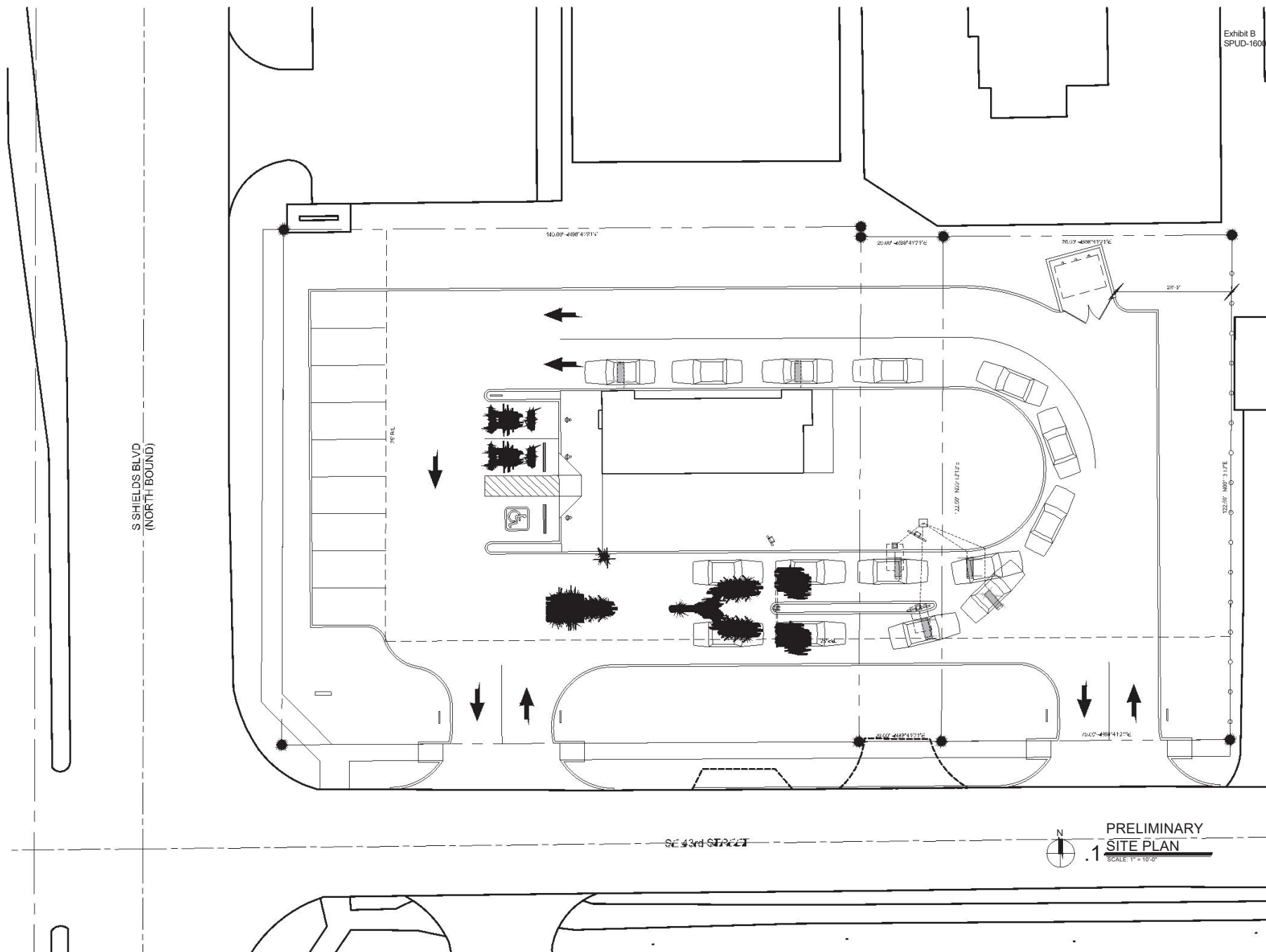
CURRENT SET DATE:
02/16/2024

MARK	DATE	DESCRIPTION

**PRELIMINARY
SITE PLAN**

JOB NUMBER: 23-0045

A101



Case No: SPUD-1600 Applicant: Starlow, LLC
Existing Zoning: SPUD-433 / SPUD-39 / R-2
Location: 4310 S. Shields Blvd.



Aerial Photo from 2/2022



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**Simplified Planned
Unit Development**



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Feet