

Planning Commission Minutes
May 25, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:30 a.m. on May 22, 2023)

4. (SPUD-1528) Application by Danny and Catherine Maxey to rezone 3514 North MacArthur Boulevard from C-3 Community Commercial District to SPUD-1528 Simplified Planned Unit Development District. Ward 2.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL.

MOVED BY GOVIN, SECONDED BY PRIVETT

AYES: CLAIR, PRIVETT, GOVIN, LAFORGE, NOBLE

ABSENT: POWERS, PENNINGTON



STAFF REPORT
The City of Oklahoma City
Planning Commission
May 25, 2023

Item No. IV. 4.

(SPUD-1528) Application by Danny and Catherine Maxey to rezone 3514 North MacArthur Boulevard from C-3 Community Commercial District to SPUD-1528 Simplified Planned Unit Development District. Ward 2.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Charles Allen
Company Allen Engineering, Inc.
Phone 405-840-9901
Email callen@aeswins.com

B. Case History

This is a new application.

C. Reason for Request

This application is to allow commercial use and development.

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: 0.96 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	C-3	C-3	R-4	C-3	Warr Acres
Land Use	Commercial	Commercial	Industrial/Office	Commercial	Commercial

II. SUMMARY OF SPUD APPLICATION

This site will be developed in accordance with the regulations of the **C-3, Community Commercial District** (OKC Zoning Ordinance, 2020, as amended), except that the

following restrictions will apply:

1. The following use(s) shall be the only use(s) permitted on this site and shall be allowed by right:

Permitted Use Units:

Administrative & Professional Office (8300.1)
Adult Day Care Facilities (8300.2)
Alcoholic Beverage Retail Sales (8300.5)
Animal Sales & Service (8300.8)
Animal Sales & Service: Kennel & Veterinary Restricted (8300.11)
Automotive: Parking Garage (8300.12)
Automotive: Parking Lot, as Principal Use (8300.13)
Building Maintenance Services (8300.23)
Business Support Services (8300.24)
Child Care Centers (8300.25)
Communications Services: Limited (8300.29)
Community Recreation: General (8250.2)
Community Recreation: Property Owners Association (8250.3)
Community Recreation: Restricted (8250.4)
Construction Sales & Services (8300.31)
Convenience Sales & Personal Services (8300.32)
Cultural Exhibits (8250.5)
Custom Manufacturing (8350.3)
Dwelling Units & Mix Use (8200.2)
Drinking Establishments: Sitdown, Alcohol Permitted (8300.33)
Eating Establishments: Drive-In (8300.34)
Eating Establishments: Fast Food (8300.35)
Eating Establishments: Fast Food, With Drive-Thru Order Window (8300.36)
Eating Establishments: Sitdown, Alcohol Not Permitted (8300.37)
Eating Establishments: Sitdown, Alcohol Permitted (8300.38)
Eating Establishments: Sitdown, Limited Alcohol Permitted (8300.39)
Food & Beverage Retail Sales (8300.41)
Greenhouse (8150.6.3)
Laundry Services (8300.48)
Library Services & Community Centers (8250.11)
Light Public Protection & Utility: General (8250.12)
Light Public Protection & Utility: Restricted (8250.13)
Low Impact Institutional: Neighborhood Related (8250.14)
Medical Services: General (8300.52)
Medical Services: Restricted (8300.53)
Murals (8250.16)
Participant Recreation and Entertainment: Indoor (8300.55)

Payday or Title Loan Agencies (8300.57)
Personal Services: General (8300.58)
Personal Services: Restricted (8300.59)
Repair Services: Consumer (8300.61)
Research Services: Restricted (8300.62)
Personal Storage (8300.60)
Retail Sales and Services: General (8300.63)
Retail Sales and Services: Pawn Shops (8300.65)
Spectator Sports & Entertainment: Restricted (8300.69)
Wholesaling, Storage & Distribution: Restricted (8350.16)

2. Maximum Building Height: Per base zoning district.
3. Maximum Building Size: Per base zoning district.
4. Maximum Number of Buildings: None.
5. Building Setback Lines: Per base zoning district
6. Sight-proof Screening: Per base zoning district.
7. Landscaping: Should the site be redeveloped; 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:

8.1 Freestanding Accessory Signs

The existing pole sign will be allowed. New freestanding signs shall be per the existing base zoning regulations, except pole signs shall not be allowed.

8.2 Attached Signs

Attached signs will be in accordance with C-3, Community Commercial District regulations.

8.3 Non-accessory Signs

Non-accessory signs are specifically prohibited in this SPUD.

8.4 Electronic Messaging Signs

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

9. Access: Existing access from N. MacArthur Boulevard shall remain. If the site is redeveloped, access shall be per the regulations in place at the time development.
10. Sidewalks: No existing sidewalks are located along N. MacArthur Boulevard. No sidewalks shall be required for a change of use. Should the site be redeveloped, sidewalk requirements shall be per the regulations in place at the time of development.

II. Other Development Regulations:

1. Architecture: Existing exterior building is glass windows and doors with metal canopy on West face. The remaining three sides are concrete block. Future buildings shall comply with the base zoning regulations.
2. Open Space: None.
3. Street Improvements: N/A
4. Other:

Lighting: The site lighting improvement in this SPUD, if required, shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

Dumpsters: Existing dumpster area located in the parking lot shall be enclosed.

Parking: This SPUD has existing parking located in front of the building. Twenty-five (25) parking spaces shall be deemed to satisfy the required parking for all uses within this SPUD, not including any required accessible parking spaces.

Common Areas: Maintenance of all common areas in the development and maintenance of all amenities located within the common areas shall be the responsibility of the owner(s) of said property. 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.

III. Supporting Documents

- Exhibit A: Legal Description
- Exhibit B: Master Development Plan
- Exhibit C: Zodiac Club Floor 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 be advised ONG has an underground or aboveground facility in the area. If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate. 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(s) Putnam 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

b. Streets, Traffic and Drainage Maintenance

Storm Sewer Availability

- 1) The Public Works Drainage Division staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to chapter 16 of the Oklahoma City Municipal Code.
- 2) Storm sewers in accordance with the City's Drainage Ordinance will be required. Development abutting section line roads with drainage flows that exceed the capacity of OKC standard ditch detail (D-100) will necessitate the installation of enclosed storm sewer and/or concrete channel. These improvements shall be placed to provide a minimum of 35' clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way.
- 3) A flood and/or drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.
- 4) Plans for drainage improvements within the private drainage reserves and/or common areas must be submitted for review, and payment of inspection fees shall be made prior to construction. Building permits will not be issued until construction is complete. If a subdivision abuts a stream, the private drainage easements and/or common area along stream shall extend to flow line of stream at a minimum.
- 5) Place the following note on the plat and construction plans: Maintenance of the Common Areas and/or Private Drainage Easements shall be the responsibility of the property owner. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the common areas and/or drainage easements shown.
- 6) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.

- 7) Construction within the limits of this SPUD will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be required prior to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.
- 8) Sidewalks shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 9) All private roads /streets will have private storm sewer systems.
- 10) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 11) Drainage: The proposed development will comply with the current City of Oklahoma City Drainage ordinance as amended.
- 12) Amend Section I.10: Upon issuance of a building permit for modification of any portion of a building located within this SPUD, Sidewalks within this SPUD shall be in accordance with the City of Oklahoma City Municipal Code requirements.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) An existing 8” wastewater main(s) is located adjacent to the subject site(s).
- 2) Line capacity is not guaranteed and must be checked by the Engineer of Record and reviewed by the City.
- 3) The developer will be required to extend the City wastewater collection system to and across each lot or site within the subdivision in accordance with the City Standard Specifications and Private Development Design Manual.

- 4) Minimum ten (10) feet horizontal separation is required from water mains and five (5) feet for other utilities. Minimum two (2) feet vertical separation required for all crossings. All wastewater mains must have a minimum cover of four (4) feet and depth no greater than eighteen (18) feet. Developer is responsible for remediating any failure to maintain the minimum four (4) feet of cover.
- 5) Wastewater main(s) must be centrally located in a twenty (20) feet wide easement or larger if necessary. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 6) All existing unused private wastewater service connections must be abandoned and capped at the main in accordance with City Standard Specifications and Private Development Design Manual.
- 7) Internal systems will be considered private, however due to the layout of the existing main, separate connections per suite may be allowed.

b. Solid Waste Management

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

a. Water/Wastewater Quality

Water Availability

- 1) An existing 6" 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 in excess of 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) System will be master metered.
- 10) If a restaurant is proposed a separate water meter will be required for correct wastewater billing.

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.

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.
- Provide vehicular connectivity between adjacent developments.
- Horizontally mixed-use developments should have connectivity between land uses.

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.

National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available. The site is already developed. Sidewalks are not available on N MacArthur Blvd. No changes to the existing access are proposed.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. The SPUD is requested to relocate a long-standing drinking establishment to a new location within the existing commercial center. No new potential compatibility issues are identified with the request.
- 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 off N MacArthur Boulevard, a Major Arterial Street in the Urban Low LUTA. The nearest transit (bus) service is to the south along NW 23rd Street.
- 6) **Other Development Related Policies**
 - Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
 - 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)

b. Plan Conformance Considerations

The subject site is located within an existing commercial strip center at the southeast corner of NW 36th Street and N MacArthur Boulevard. The entire corner is zoned C-3 and developed with retail, restaurant and office uses. Abutting the site on the east are apartments zoned R-4. Across NW 36th Street to the west and across N MacArthur to the north are a variety of commercial uses within Warr Acres. The SPUD is requested to relocate the Zodiac Club to a new location within the same commercial center. The SPUD also addresses the parking spaces required. No new compatibility issues were identified with the relocation.

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 Divisions review of construction plans and prior to City Council approval.

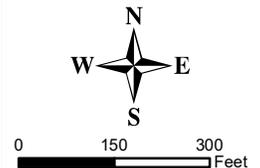
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Case No: SPUD-1528 Applicant: Danny and Catherine Maxey
Existing Zoning: C-3
Location: 3514 N. MacArthur Blvd.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



Case No: SPUD-1528 Applicant: Danny and Catherine Maxey
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Aerial Photo from 2/2022



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Simplified Planned Unit Development

