

Planning Commission Minutes
May 9, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:56 p.m. on May 3, 2024)

16. (SP-589) Application by Donetta Lee Sessions, for a Special Permit to operate Use Unit 8300.33 Drinking Establishments: Sitdown, Alcohol Permitted in the I-2 Moderate Industrial District, at 900 SE 59th Street. Ward 4.

Technical Evaluation:

1. The location designated for the sale and consumption of alcoholic beverages is limited to the area shown in Exhibit B.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION.

MOVED BY PRIVETT, SECONDED BY MEEK

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

ABSENT: NEWMAN



STAFF REPORT
The City of Oklahoma City
Planning Commission
May 09, 2024

Item No. IV. 16.

(SP-589) Application by Donetta Lee Sessions, for a Special Permit to operate Use Unit 8300.33 Drinking Establishments: Sitdown, Alcohol Permitted in the I-2 Moderate Industrial District, at 900 SE 59th Street. Ward 4.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

Natasha Baldeon
(405) 664-7755
marcelobaldeon@hotmail.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to permit a Drinking Establishment.

D. Existing Conditions

1. Size of Site (1.25 Acres)

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	I-2	I-2	I-2	R-1	R-4
Land Use	Vacant	Warehouse	Auto Repair	Residential	Apartments

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.

II. APPLICANT'S PROGRAM DESCRIPTION

Not Applicable

III. GENERAL STANDARDS

All special permit uses shall satisfy the following general standards:

- 1) The proposed use shall conform to the policies of the adopted Comprehensive Plan.
- 2) The proposed use shall not adversely affect the use of the neighboring properties.
- 3) Pedestrian and vehicle traffic generated will not be hazardous or in conflict with the existing and anticipated traffic in the neighborhood.
- 4) Adequate utility, drainage, parking, loading, signs, access, and other necessary public facilities to serve the proposed use shall meet the adopted codes of the City.
- 5) The site shall front or have direct access to a street having adequate right-of-way and improvements to support the traffic generated by the proposed use.
- 6) The City Council may impose specific conditions regarding location, design, and operation to assure safety, to prevent a nuisance, and to control the noxious effects of excessive sound, light, odor, dust, or similar conditions. Such conditions may include:
 - a. A requirement that all machinery and facilities be located within an enclosed building; or
 - b. A requirement that certain areas be screened from view of surrounding neighborhoods; or
 - c. A limitation on intensity of lights or hours of operation; or
 - d. Similar measures designed to protect the public interest.

IV. ADDITIONAL SPECIFIC STANDARDS

- A. Each use shall comply with all standards and provisions of the zoning district, unless specifically modified by this section.

Acknowledged

- B. Any Drinking Establishment: Sitdown Alcohol Permitted use within the O-2 General Office District must meet the specific use standards for an eating establishment set forth in 9350.26.

Not Applicable

C. *Location Requirements.*

- (1) No drinking establishment use shall be allowed to locate within 300 feet of any church property primarily and regularly used for worship services and religious activities, or any public or private school of the type which offers a compulsory education curriculum; however, a college or university located within an improvement district created pursuant to Section 39-103.1 of Title 11 of the Oklahoma Statutes may waive the 300-foot requirement pursuant to 37A O.S. § 2-139. Distances shall be measured from the nearest property line of the public or private school, or church to the nearest perimeter wall of any such drinking establishment.

Staff did not identify any Church or Educational use within 300 feet of the proposed site.

- (2) If food or beverages are consumed in an outdoor seating/activity area at any time between the hours of 11:00 p.m. and 8:00 a.m., the outdoor seating/activity area shall be separated by a distance of at least 100 feet from the nearest abutting property line of a residential use. Distances shall be measured from the closest edge of the outdoor seating/activity area to the nearest property line of the residential use.

No outdoor seating or activity areas are indicated on Exhibit B - Site Plan.

- D. *Site Plan Requirements.* In addition to the Special Permit site plan requirements as specified in 59-4250.2.D., the location and dimensions of the area(s) designated for the sales and consumption of alcoholic beverages shall be shown on the site plan.

Reference Exhibit B – Site Plan.

- E. *Notification Requirements.* Applications for a Special Permit allowing the Drinking Establishments: Sitdown, Alcohol Permitted (8300.33) use shall be accompanied by a list of all owners of property within 600 feet of the exterior boundary of the subject property upon which the special permit is

requested. In addition, the 600-foot radius shall be extended by increments of 100 lineal feet until the list contains a minimum of ten individual property owners of ten separate parcels.

Public Notice has been issued to all property owners of record within 600 feet of the proposed site.

V. 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 Water Resources Board (OWRB)**
- 5. School District (Oklahoma City)**
- 6. Oklahoma Department of Transportation (ODOT)**

B. City Departments

- 2. Airports**
- 3. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 4. Fire (OCFD)***
- 5. Information Technology/Geographic Support (IT/GIS)**
- 6. Parks and Recreation**
- 7. Police (OCPD)**
- 8. Public Works**
 - a. Engineering**

Storm Sewer Availability *

9. Streets, Traffic and Drainage Maintenance

10. Stormwater Quality Management

11. Traffic Management *

12. Utilities

a. Wastewater Comments *

b. Water Comments *

c. Solid Waste Management

The City cannot service. Contact private hauler.

13. 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.

Public water and sewer are available. The purpose of this Special Permit application is to allow a drinking establishment within an existing building.

Location:

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

The subject site is located along SE 59th Street, an arterial street in the Urban Low Intensity LUTA.

Automobile Connectivity:

- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.

The subject site currently has two access points along SE 59th Street. All access would be per Code regulations.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Within parking lots, provide pedestrian access ways separated from vehicle aisles.

Sidewalks are not currently available on the subject site. Any changes would be per Code.

- 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 bar use adjacent to existing residential uses (south and west), potential compatibility issues are identified by the comprehensive plan. *The site is zoned I-2 Moderate Industrial District. The purpose of the Special Permit application is to allow a drinking establishment within an existing building. Within the regulations for Special Permit uses, the Drinking Establishments: Sitdown, Alcohol Permitted use (59-8300.33) requires a 100-foot setback from any outdoor seating/activity areas to the nearest property line of a residential use if the area where food or beverages to be consumed will be between the hours of 11:00 p.m. and 8:00 a.m. No outside seating/activity is proposed.*
- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Response*
- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the site.
- 5) **Transportation System:** This site is located along the south side of SE 59th Street, a Major Arterial Street in the Urban Low LUTA. The nearest transit (bus) service is located within a quarter mile to the east, along South High Avenue.

b. Plan Conformance Considerations

The subject site is located along the south side of SE 59th Street, between South Lindsay Avenue and South High Avenue, in an area generally located west of South I-35. The site is currently developed with a vacant building, previously used for bar/tavern uses. The purpose of this Special Permit application is to allow a drinking establishment within an existing building. The proposed use, *Drinking Establishments: Sitdown, Alcohol Permitted*, requires a Special Permit within the I-2 District. The proposal can meet the Specific Use Standards for the proposed use.

Potential operational impacts are identified on the west and south where abutting an apartment complex and a single-family residential neighborhood. Within the

regulations for Special Permit uses, the *Drinking Establishments: Sitdown, Alcohol Permitted* use (59-8300.33) requires a 100-foot setback from any outdoor seating/activity areas to the nearest property line of a residential use, if the area where food or beverages to be consumed will be between the hours of 11:00 p.m. and 8:00 a.m. No outside seating/activity is proposed.

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. The location designated for the sale and consumption of alcoholic beverages is limited to the area shown in Exhibit B.

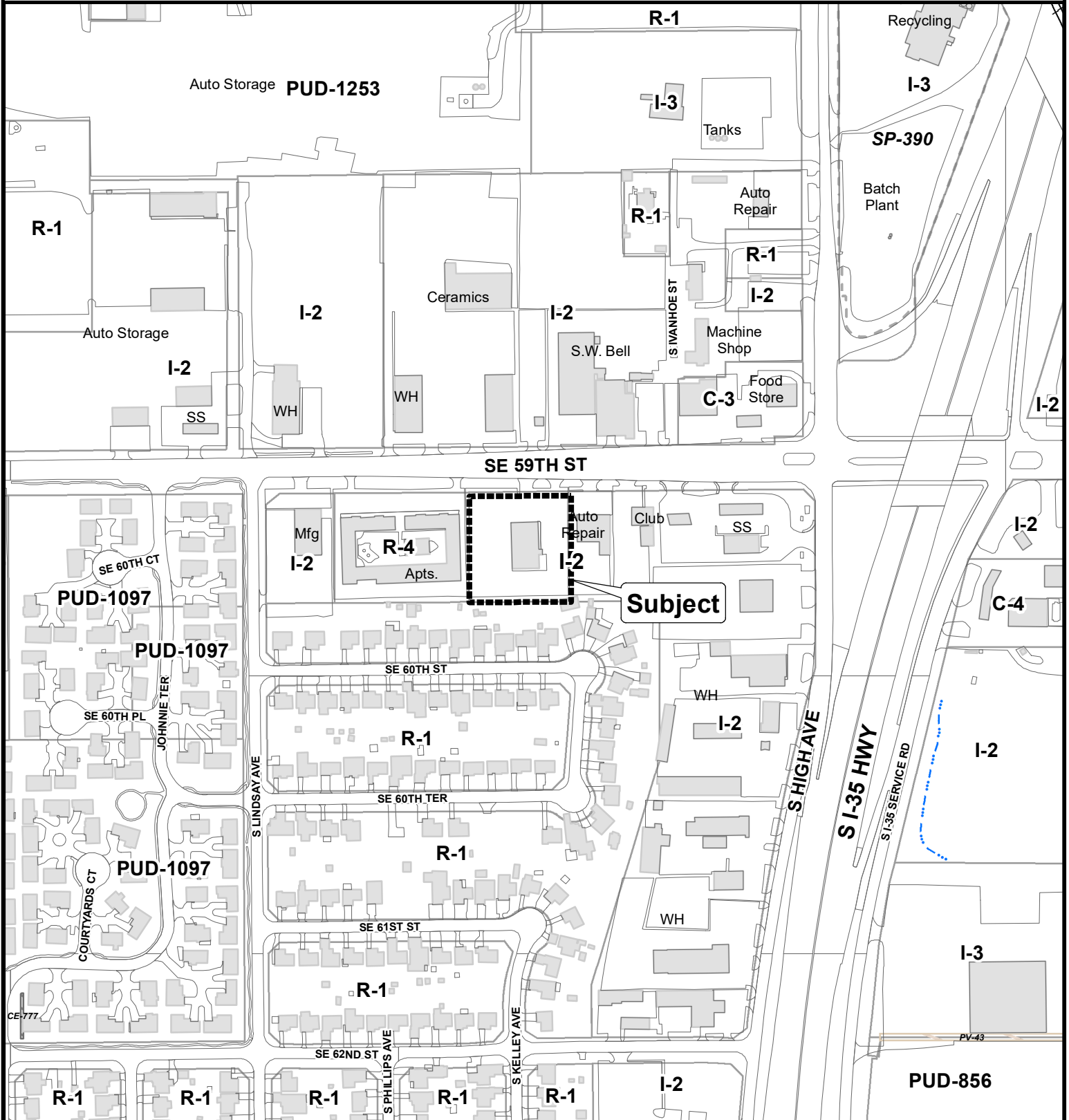
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Case No: SP-589

Applicant: Donetta Lee Sessions

Address: 900 SE 59th St. Present Zoning: I-2

Proposed Use: 8300.33 Drinking Establishments: Sit down, alcohol permitted.

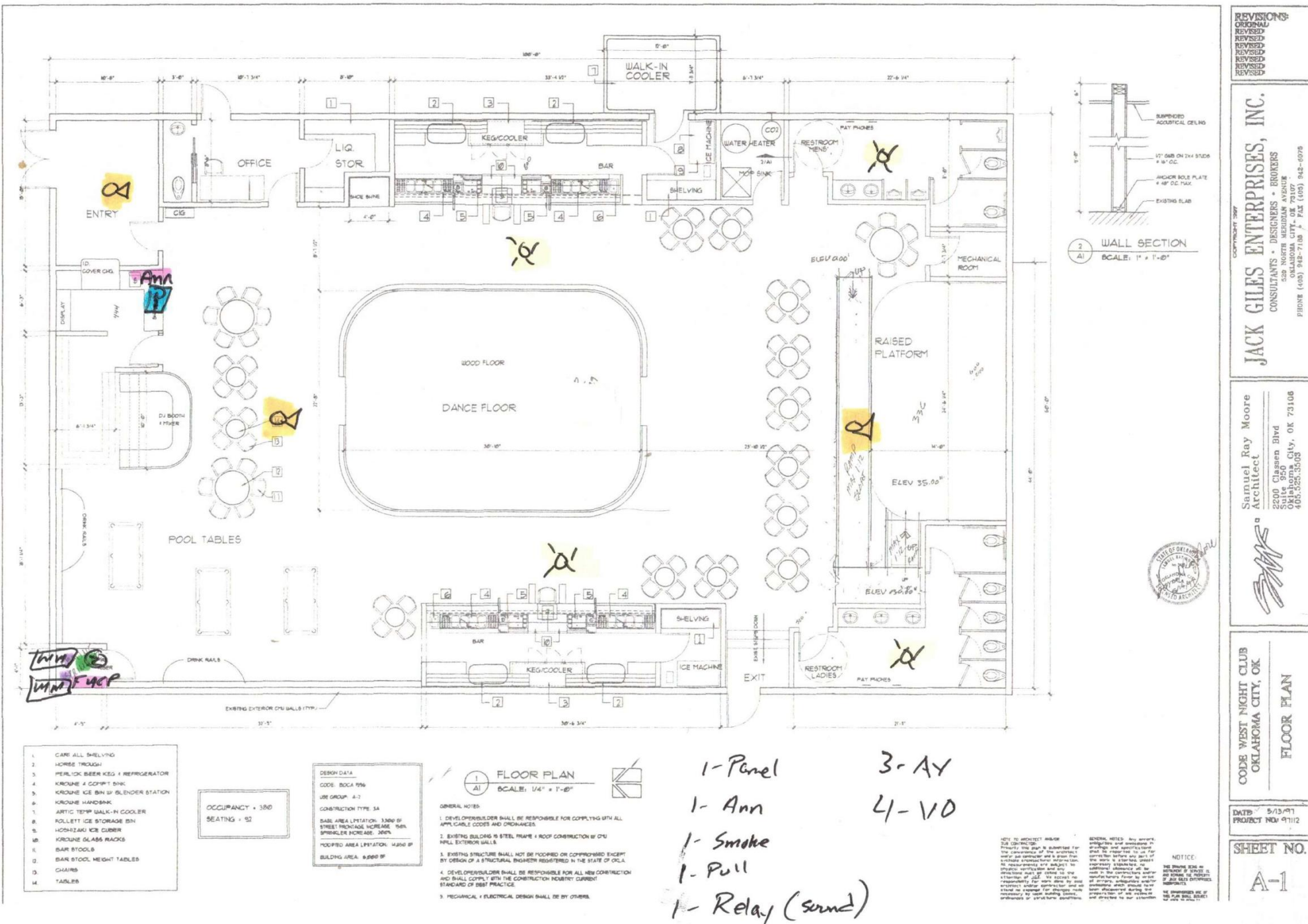


The City of
OKLAHOMA CITY

Special Permit Application



0 150 300
Feet



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Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Special Permit Application



0 150 300
Feet