

Planning Commission Minutes
August 10, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:00 a.m. on August 7, 2023)

9. (SPUD-1556) Application by Darrell W. Brewer Revocable Trust, to rezone 5424 SE 89th Street from C- 1 Neighborhood Commercial District to SPUD-1556 Simplified Planned Unit Development District. Ward 4.

Amended Technical Evaluation:

1. Dumpsters shall be located in the southeast corner of the property.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY PRIVETT, SECONDED BY POWERS

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



STAFF REPORT
The City of Oklahoma City
Planning Commission
August 10, 2023

Item No. IV. 9.

(SPUD-1556) Application by Darrell W. Brewer Revocable Trust, to rezone 5424 SE 89th Street from C-1 Neighborhood Commercial District to SPUD-1556 Simplified Planned Unit Development District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

1. Applicant

Name Nancy P. Brewer, Trustee
Phone 405-630-9022
Email npb1943nb@gmail.com

B. Case History

This application was originally submitted as a rezoning application for the C-3 District (PC-10886) and has been converted to a SPUD.

C. Reason for Request

The purpose of this application is to allow a restaurant with a pick-up window.

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: 0.57 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	C-1	R-1	C-3	AA	AA
Land Use	Undeveloped	Residential	Undeveloped	Undeveloped	Residential

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulations of the **C-1 Neighborhood Commercial District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

In addition to the uses allowed with the C-1 District, the following uses shall be permitted on this site:

8300.34 Eating Establishments: Drive-In*

8300.35 Eating Establishments: Fast Food*

8300.36 Eating Establishments: Fast Food, with Drive-Thru Order Window*

**Drive-thru call boxes and callbox speakers are not permitted for eating establishment uses. Pick up windows are permitted.*

2. **Maximum Building Height:** 35 feet and two stories.
3. **Maximum Building Size:** Per the base zoning district.
4. **Maximum Number of Buildings:** One
5. **Maximum Size of Buildings:** Per the base district.
6. **Building Setback Lines:** Per base zoning district.
7. **Sight-proof Screening:** Per base zoning district.
8. **Landscaping:** Per the landscape ordinance in place at the time of development, except that a 10-foot landscape buffer shall be required along the west boundary of the SPUD if adjacent to a residential use.
9. **Signs:**
 - 9.1 **Freestanding accessory signs:** Per base zoning district
 - 9.2 **Attached signs:** Per base zoning district.
 - 9.3 **Non-Accessory Signs:** Non-accessory signs/billboards are prohibited.
 - 9.4 **Electronic Message Display signs:** EMD signs are prohibited.
10. **Access:** Access shall be from a maximum of one driveway on SE 89th Street.

- 11. 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.

II. Other Development Regulations:

- 1. Architecture:** Exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, architectural metal, rock or stone masonry, stucco, and/or cementitious siding (including, but not limited to, the brand commonly known as James Hardie). No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted.
- 2. Open Space:** Per the base zoning district.
- 3. Street Improvements:** N/A
- 4. Site Lighting:** 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.
- 5. Dumpsters:** Dumpsters shall be located and screened in accordance with the base zoning district. 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 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: Conceptual 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**
- 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

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 site 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. Wastewater Comments

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. An offsite wastewater interceptor will be required to serve the development. The size, alignment and other design factors shall be in accordance with current City Standard Specifications and Private Development Design Manual. The developer may make an application under the Policy B-1 program for OCWUT participation in construction costs if an oversized wastewater main (greater than 8-inches) is required. Approval will be subject to funding availability but will not be granted for oversized mains that are

necessary to provide additional capacity for the development or other developer owned property.

8. Depending on development, a wastewater main extension may be required.

b. Water Comments

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. A waterline extension may be required depending on site development.

c. Solid Waste Management

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 SE 89th 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 regulations could provide a FAR within this 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.
- Primary entrance points should be aligned with access points immediately across the street.
- Retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores.
- Provide vehicular connectivity between adjacent developments.
- Horizontally mixed-use developments should have connectivity between land uses.

The site currently has no improved access. The SPUD proposes one driveway from SE 89th Street, which is supported by the comprehensive plan. The conceptual plan indicates a preference for two drives for the proposed restaurant (one 20-foot drive in and one 20-foot out). The MDS would need to allow this configuration.

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 site but are required along SE 89th Street by the SPUD regulations.

- 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 Agricultural or Low Intensity Residential, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if residential lot sizes in UL are less than 60% of directly adjacent residential lots, 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 site is currently zoned C-1. The SPUD maintains the existing zoning regulations except it adds uses to allow a restaurant with pick-up window and increases the landscape buffer requirement to 10 feet when adjacent to a residential use. No new compatibility issues are identified.*

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. *No triggers requiring mitigation were identified.*

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 original application for the C-3 District triggered potential operational impacts near residential and was converted to a SPUD. The new SPUD maintains the existing C-1 uses and adds the uses necessary for a restaurant with a pick-up window. Call boxes are not allowed. A 10-foot landscape buffer is required adjacent to a residential use. No new operational impacts 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 site.
- 5) **Transportation System:** This site is located off SE 89th Street, a Minor Arterial Street in the Urban Low LUTA. Transit (bus) service is not available.
- 6) **Other Development Related Policies**
 - Encourage redevelopment and infill development on vacant, underutilized, and brownfield sites in urbanized areas. (SU-19)
 - Prioritize maintaining the strength of existing commercial nodes and corridors over providing new areas for commercial development. (SU-23)
 - 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 pints 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 shopping trips, and walkable and attractive streetscapes. (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)
- 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 on the south side of SE 89th Street, west of S Sooner Road. The site is zoned C-1 and undeveloped. To the east is undeveloped land zoned C-3 at the arterial intersection. Abutting on the west is a home zoned AA, and beyond it, Sooner Elementary School. Land to the south is zoned AA and undeveloped. Across SE 89th Street to the north is Timberwood Lane, a cul-de-sac street serving 17 homes in the Windwood Plaza subdivision.

The rezoning application was originally submitted as a request for the C-3 District, which triggered potential operational impacts near residential. The Planning Commission recommended a SPUD. The new SPUD maintains the existing C-1 base district and adds the uses necessary for a restaurant with a pick-up window. Call boxes are not allowed. A 10-foot landscape buffer is required adjacent to a residential use. Staff recommended access be limited to one driveway, which as been incorporated into the Master Design Statement. Signs are per the C-1 District, which limits freestanding signs to 8 feet tall and 100 square feet in area. The conceptual plan shows two driveways (one in, one out) and a pole sign. The Master Design Statement would need to be amended to specify the drive configuration and allow for pole signs, if desired.

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.

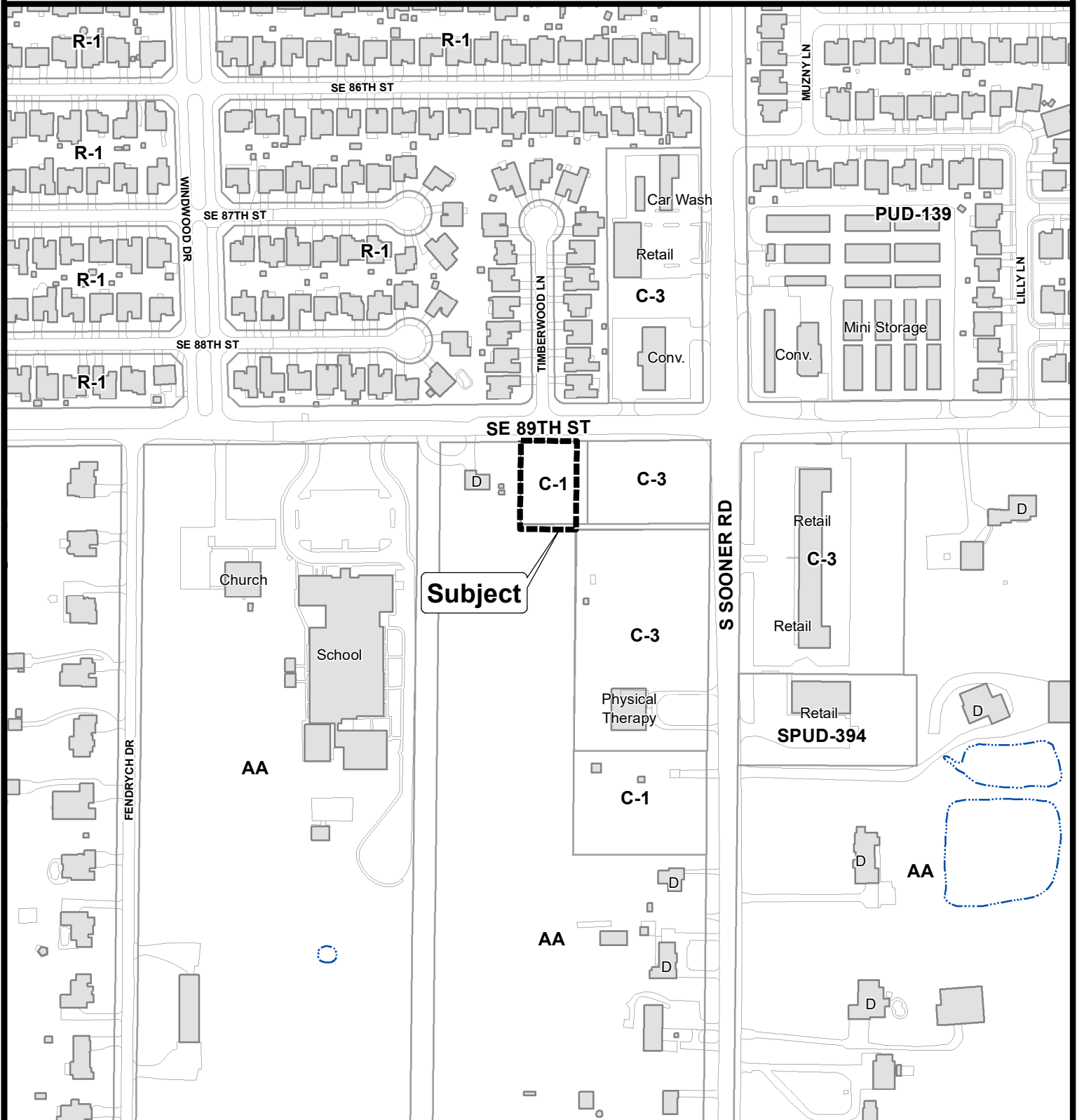
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Case No: SPUD-1556

Applicant: Darrell W. Brewer Revocable Trust

Existing Zoning: C-1

Location: 5424 SE 89th St.



Simplified Planned Unit Development



The City of
OKLAHOMA CITY

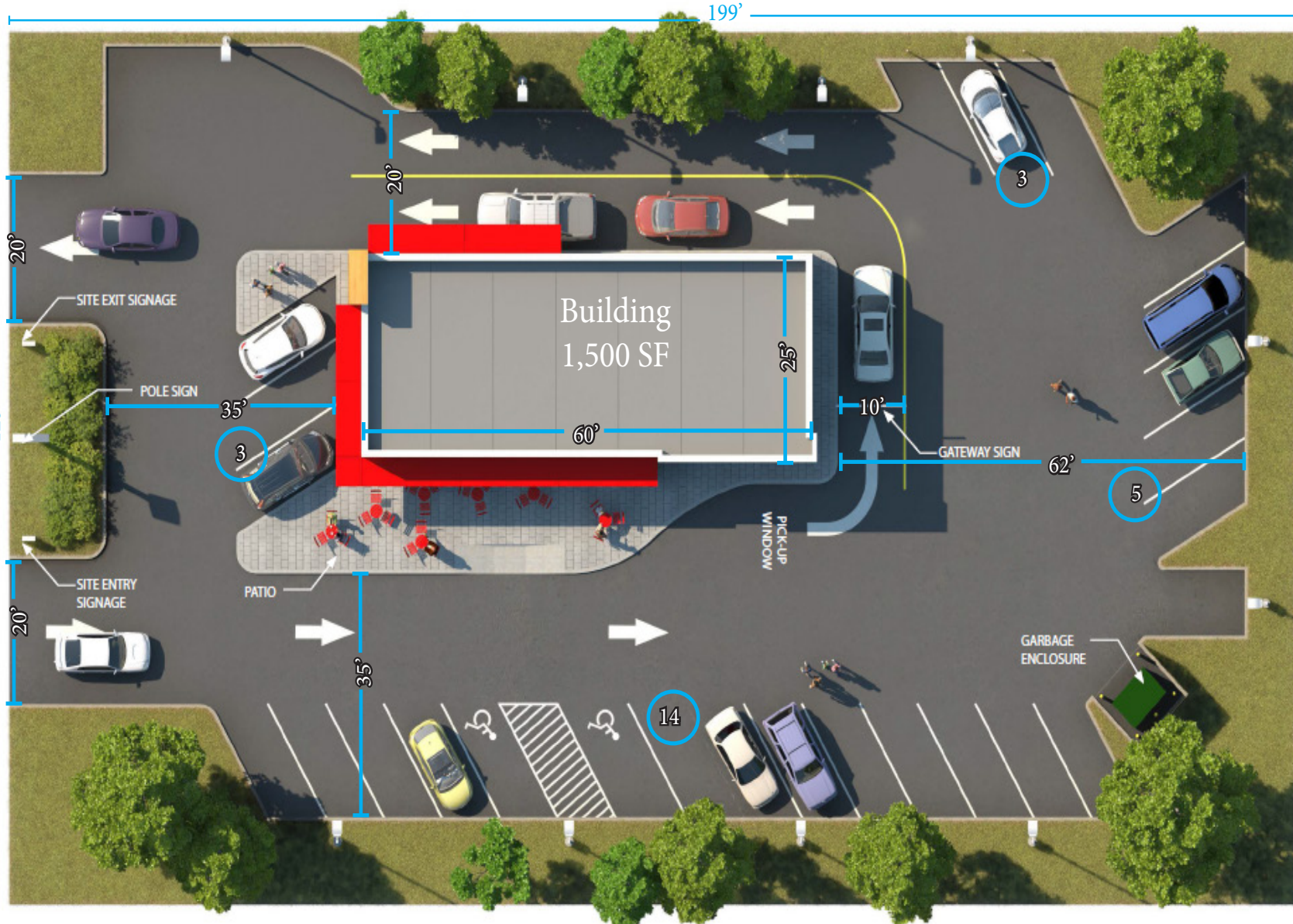


0 150 300
Feet

SE 89th Street

125'

199'



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Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Simplified Planned Unit Development

