

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)

14. (SPUD-1549) Application by Five Talents Properties, LLC to rezone 801 West Memorial Road from C- 3 Community Commercial Districts to SPUD-1549 Simplified Planned Unit Development District. Ward 7.

Amended Technical Evaluation:

1. Add Section II.4: When redeveloped, development of the parcel will be in compliance with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.”

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY CLAIR, 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. 14.

(SPUD-1549) Application by Five Talents Properties, LLC to rezone 801 West Memorial Road from C-3 Community Commercial Districts to SPUD-1549 Simplified Planned Unit Development District. Ward 7.

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

The purpose of this application is to allow commercial development and the expansion of an existing pool and spa retailer.

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.

Comprehensive Plan Land Use Typology Layer: Regional District (RD)

The RD layer designates areas that strategically prioritize the location and concentration of regionally serving retail and entertainment uses. This includes major national retailers that have a regional draw, as well as concentrations of retail that draw visitors from outside of the city. Uses that generate sales-tax are a priority within RD areas. Complementary uses such as office, entertainment, high density housing, and services may be appropriate as limited secondary uses, provided they are inter-connected to create mixed use urban centers.

2. Size of Site: 0.63 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	C-3	C-3	C-3	C-3	C-3
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) will be the only use(s) permitted on this site:

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)
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)
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)
Medical Services: General (8300.52)
Medical Services: Restricted (8300.53)

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)
Wholesaling, Storage & Distribution: Restricted (8350.16)

2. Maximum Building Height: In accordance with C-3 Zoning.
3. Minimum Lot Size: For this SPUD: 27,365 square feet.
4. Maximum Number of Buildings: One Primary Structure
5. Building Setback Lines: In accordance with C-3 Zoning and the Final Plat of Fair Hill Addition, except for accessory structures to include a water feature and gazebo, which shall be a minimum of 10 feet along the Fairhill Avenue right-of-way.
6. Sight-proof Screening: In accordance with C-3 Zoning.
7. Landscaping: In accordance with C-3 Zoning.
8. Signs:
 - 8.1 Freestanding Accessory Signs
The existing pole sign will be allowed. New freestanding signs will be One ground/monument sign shall be permitted. The maximum size shall be 8 feet high with 100 square feet of area.
 - 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 W. Memorial Road and Fairhill Avenue shall remain.
10. Sidewalks: Five-foot sidewalks shall be constructed on the arterial street or 6-foot

sidewalks shall be required if the sidewalk is constructed adjacent to the curb, subject the policies and procedures of the Public Works Department.

II. Other Development Regulations:

1. **Architecture:** The existing building shall be allowed to remain and be deemed I compliance. Any new buildings shall be in accordance with the following guidelines: Exterior building wall finish on all new structures shall consist of a minimum 70% brick veneer, masonry, rock, stone, stucco, or other similar type finish. A maximum of 30% EIFS (Exterior Insulation Finish System) and/or wood material shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.
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: Dumpsters shall be consolidated where practical and 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.

Parking: This SPUD has 14 striped parking spaces located in front of the building and shall be deemed to satisfy the required parking for all uses within this SPUD.

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: Existing Site Plan

Exhibit C: Water Feature Plan, Cross-section & Renderings

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) Edmond**
- 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) Flood Study will be required to show no rise in FEMA Q 100 and the City of Oklahoma City Q 100 water surface elevation, compared pre-and post-development.
- 5) A portion of subject property is situated within a F.E.M.A. Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year) frequency plus 1'. The Public Works Department Engineering staff shall approve these elevations prior to the filing of the final plat.
- 6) A floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.
- 7) A Corps of Engineers 404 permit must be submitted with plans for any work contemplated within the floodplain, creek, or channel (waters of the United States) included in the case limits.
- 8) 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.
- 9) 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.
- 10) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 11) 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.

- 12) 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.
- 13) All private roads /streets will have private storm sewer systems.
- 14) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 15) Add Section II.4.: "Development of the parcel will be in compliance with chapter 16 of the Oklahoma City Municipal Code, 2020, as amended."
- 16) Modify Section 1.10: Sidewalks shall be required along W Memorial Rd. in accordance with the City of Oklahoma City Municipal Code requirements that are in effect at the time of construction.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) An existing 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.

b. Solid Waste Management

- 1) The City can provide solid waste collection services to commercial customers providing refuse is not in excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise the customer will have to utilize a private hauler for dumpster service.

a. Water/Wastewater Quality

Water Availability

- 1) An existing 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. Planning

a. Comprehensive Plan Considerations

- 1) **LUTA Development Policies:**

Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways.
- Where possible, provide a continuous system of open space along stream corridors or other appropriate areas that link neighborhoods and park lands.
- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

Floodway and 100-year floodplain are present on the subject site. The development is required to comply with all City, State, and Federal requirements within the floodplain. 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 W Memorial Road, 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 the UL range.*

Automobile Connectivity:

- 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.
- 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.

The subject site currently has one access from W Memorial Road and a connection to Fairhill Avenue which intersects W Memorial Road. The SPUD regulations allow for continued access from these two locations.

Pedestrian Connectivity:

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

Sidewalks are not available on the subject site but are required by the SPUD regulations along W Memorial Road.

- 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 retail uses adjacent to existing retail uses there are no compatibility issues identified by the comprehensive plan.
- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served*
 - Fire Service: *Rural Service Level*
- 4) **Environmentally Sensitive Areas:** The following apply to the proposed development site:
 - Riparian areas: Riparian areas are vegetated areas adjacent to streams, lakes, ponds, and wetlands that are composed of a mixture of trees, shrubs, and grasses. These areas may also contain floodplain. The comprehensive plan recommends a 100-foot buffer from stream banks. *Riparian area is present on the subject site in the form of a stream. Floodway and floodplain plain are present. The existing building rests just east of the floodway area. The conceptual plan shows new development would occur outside of the floodway and floodplain areas.*
 - Upland Forests: N/A
 - Vulnerable Aquifers: N/A
- 5) **Transportation System:** This site is located off W Memorial Road, a Major Arterial Street in the Urban Low LUTA. Transit (bus) service is not available.
- 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)
 - Share parking between contiguous developments. (C-31)

- Avoid under-grounding streams to the greatest extent possible. Where feasible, encourage the re-surfacing of buried streams. Limit the use of culverts or other structures that alter natural streams and require designs that minimize impacts to stream health and function. (G-11)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizeable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-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 at the northwest corner of W Memorial Road and Fairhill Avenue. The site is zoned C-3 and developed with one building that serves as a pool and spa retailer. North of the subject site is zoned C-3 and developed as the Fairhill Shopping Center. East of the site, across Fairhill Avenue, is zoned C-3 and developed as self-storage. The south side of W Memorial Road is zoned as C-3 and developed with auto sales, retail, and restaurant uses. The property abutting the site on the west is zoned C-3 and undeveloped. The SPUD is requested for the existing pool and spa retailer to be able to put in a pool and gazebo in the front.

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.

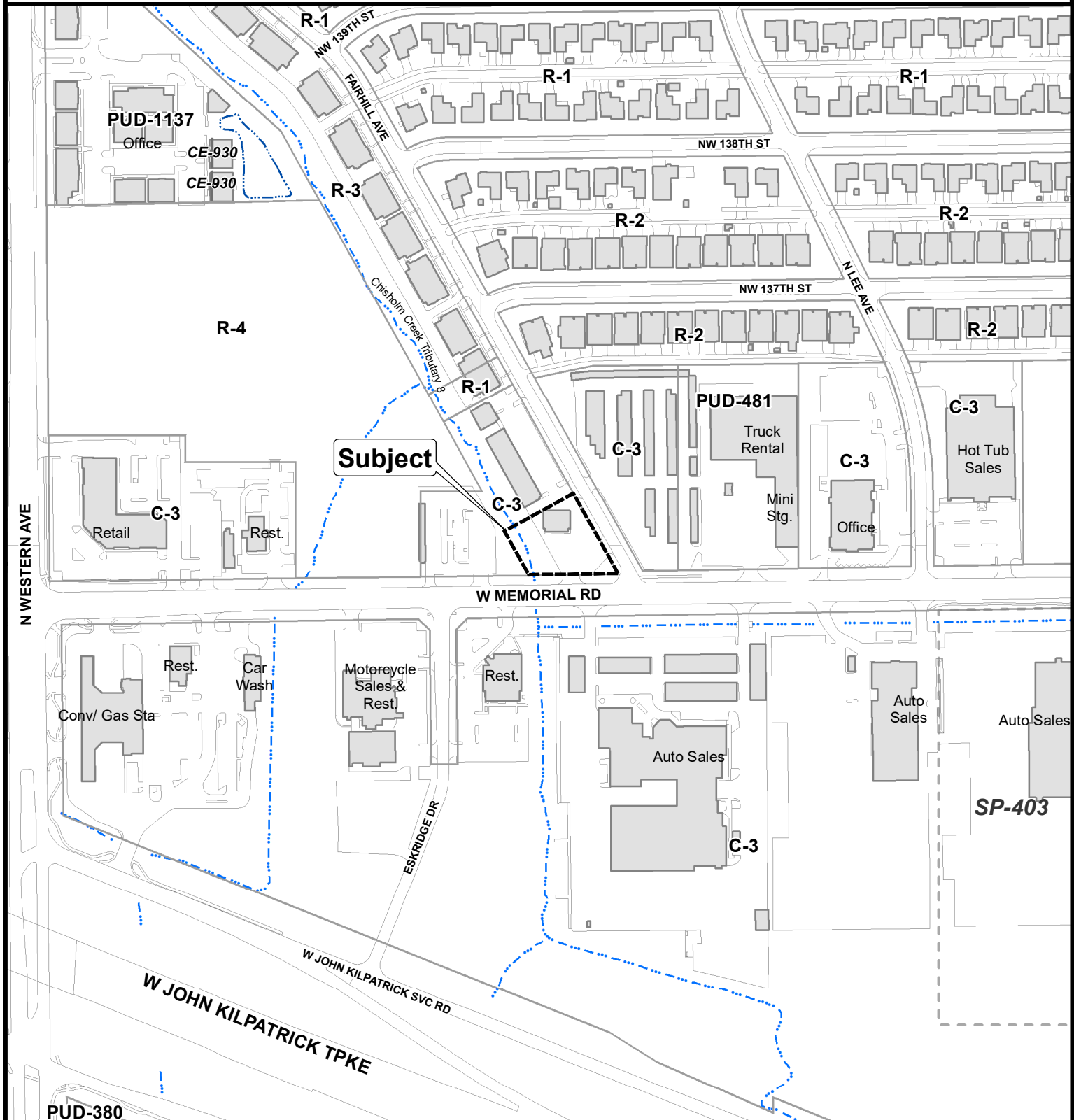
Approval of the application subject to the following Technical Evaluation:

1. Add Section II.4.: “Development of the parcel will be in compliance with chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.”

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.

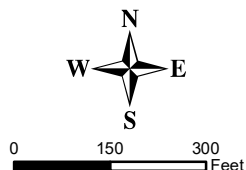
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Case No: SPUD-1549 Applicant: Five Talents Properties LLC
Existing Zoning: C-3
Location: 801 W. Memorial Rd.



The City of
OKLAHOMA CITY

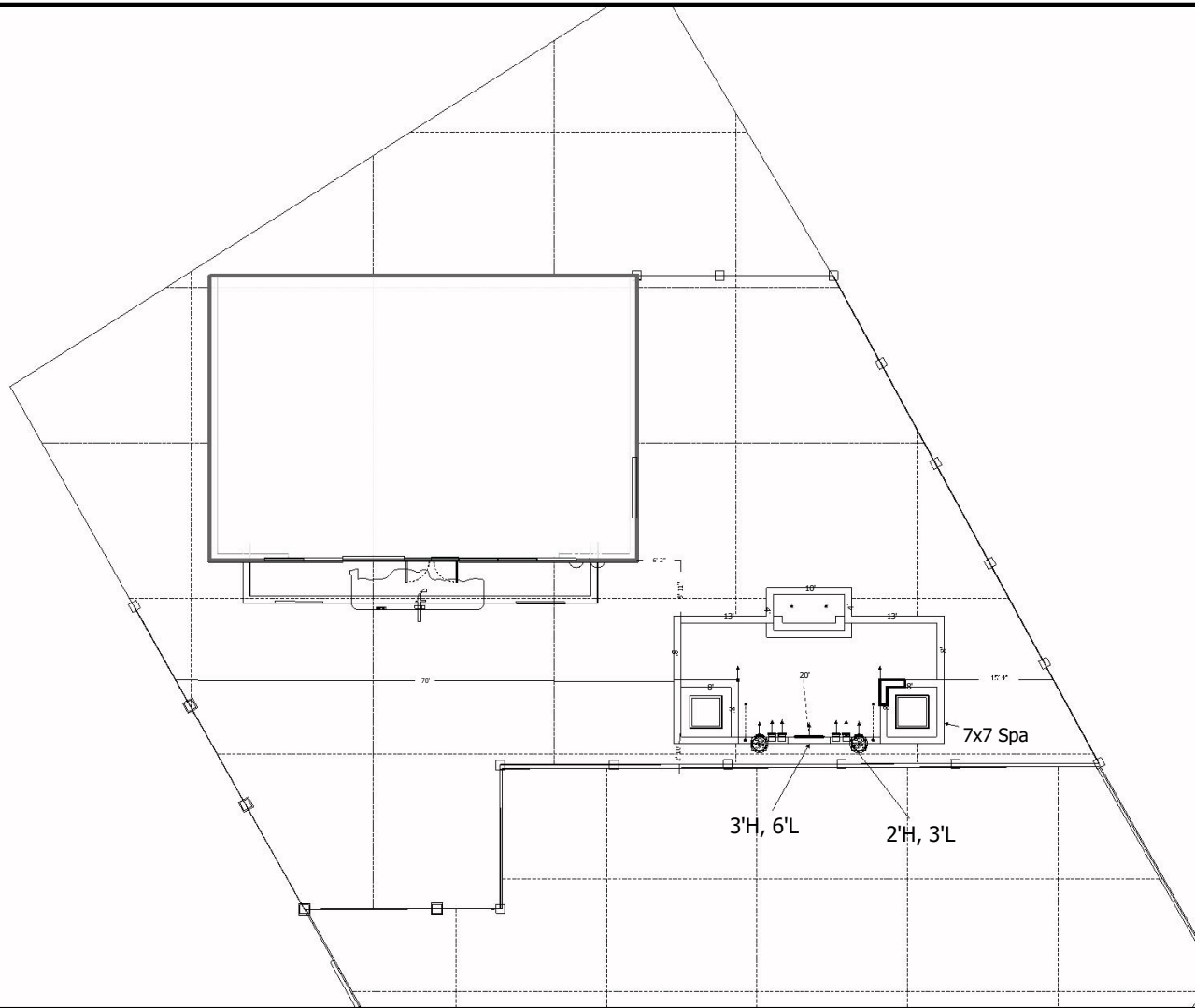
Simplified Planned Unit Development



[illegible]

1. This Site Plan was performed without the benefit of a Title Commitment. Surveyor not liable for Easements contained in abstract or by title search performed by the title company that may or may not cross the subject property.
2. Boundary, Monuments, Flood Zones and Easements shown hereon are based upon ALTA Survey provided by Jiridan and Company, P.L.L.C., dated October 7, 2014.
3. Date of Field Work: May 16, 2023

Exhibit C



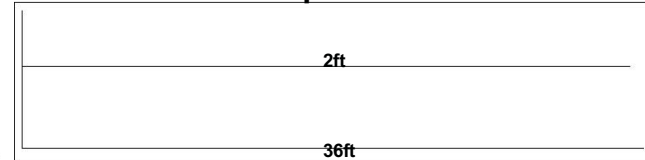
Scale: 3/50" = 1 ft



Project Name: Bullfrog's
Client Name: _____
Client Email: _____
Client Phone: _____
Address: 801 West Memorial Road
City: Oklahoma City
State/Province: OK
Zip/Postal Code: 73114
Designer Name: Derek Swann

Block: _____
Subdivision: _____
Lot #: _____ Gate Code: _____
PG: _____ PB: _____
Notes: _____

Pool Depth Profile



Pool Specs

Envelope: 36' x 20'
Perimeter: 112'
Area: 487.74 ft²
Depth: 1' 9" to 1' 9"
Volume: 4,979 gallons
Interior Finish: Pool Interiors, Blue Mix
Tile Material: Tile, Blue Gray; Stone, Cobblestone
Steps/Benches: 3

Spa Specs

Count: 2
Perimeter: 56'
Area: 97.93 ft²
Volume: 1,092 gallons
Spillover Length(s): 7', 16'
Spillover Mtrl: Tile, Steel Blue
Interior Finish: Pool Interiors, Blue Mix
Tile Material: Tile, Steel Blue; Stone, Cobblestone

Tile Specs

Raised Beams: _____

Pool Tile Material: Tile, Blue Gray; Stone, Cobblestone
Spa Tile Material: Tile, Steel Blue; Stone, Cobblestone
Notes: _____

Deck Specs

Perimeter: 915' Area: 15218.88 ft²
Coping Area: 0 ft²
Coping Material: _____
Surface Material: Concrete, Salt Finish
Turn Down: 0" 403' Riser: +1" 27' 4"
6"
+1" 437'

NOTES: _____

Equipment

Circ Pump: _____ Control Panel: _____
Pump #2: _____ Remote: _____
Pump #3: _____ Sanitizer: _____
Filter: _____ Blower: _____
Heater: _____ Fill Line: _____
Cleaner: _____ Other: _____
Pool Light: _____ Other: _____
Spa Light: _____ Other: _____
Other: _____ Other: _____
NOTES: _____

Approval

I/we (the undersigned) have reviewed this plan and approve it as correct within reasonable tolerance. I/we understand that any changes made to a shape or to a location may delay the project and/or result in additional cost.
X _____

Exhibit C

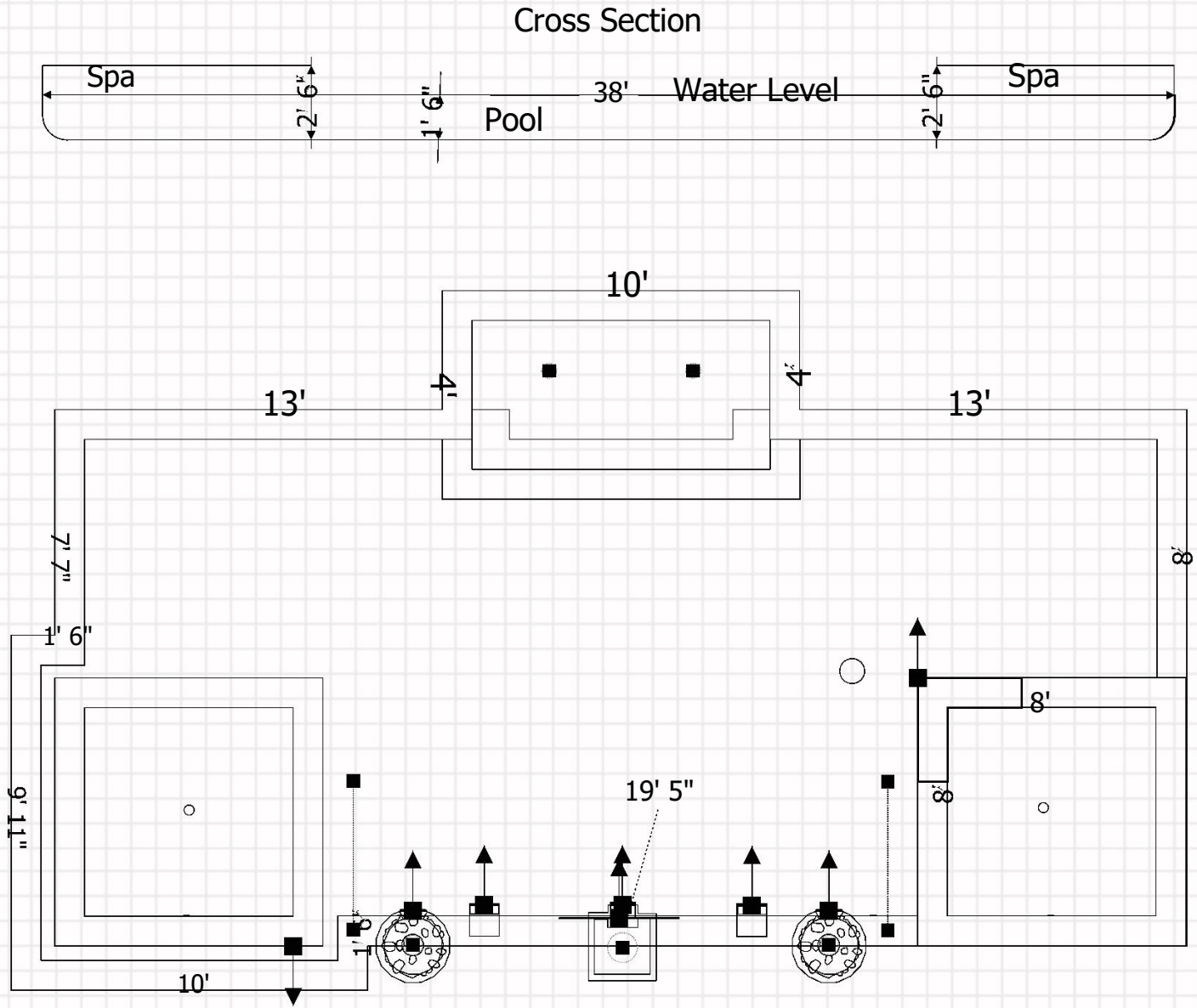


Exhibit C







ROSE HILL
POOLS

Exhibit C

Rose Hill Builders

Case No: SPUD-1549 Applicant: Five Talents Properties LLC
Existing Zoning: C-3
Location: 801 W. Memorial Rd.



Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Simplified Planned Unit Development

