



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**March 9, 2023**

**Item No. IV. 25.**

**(SPUD-1494) Application by Coconu Family Dentistry, PLLC to rezone 225 SW 59th Street from C-3 Community Commercial, R-4 General Residential, and R-1 Single-Family Residential Districts to SPUD-1494 Simplified Planned Unit Development District. Ward 4.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant/Developer Representative**

Name        Colin A. McCormick  
Company    Morgan Brown & McCormick, PLLC  
Phone       405-840-5151  
Email       cmccormick@mbm-legal.com

**B. Case History**

This application was continued from the February 23, 2023 Planning Commission meeting at the request of the Commission. No changes to the application have been received.

**C. Reason for Request**

This application would allow commercial uses including an automobile dealership.

**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: 4.72 acres**

**3. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	C-3/R-4/R-1	C-3 /R-1	O-2 /R-1	C-3	R-4/C-3
<b>Land Use</b>	Commercial	Residential	Commercial	Undeveloped	Com/Res

## 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:

Permitted Use Units:

1. All C-3 Community Commercial District Use(s): 8300.1 through 8300.69
2. 8300.14 Automotive and Equipment: Cleaning and Repairs, Light Equipment; and
3. 8300.18 Automotive and Equipment: Automobile Dealerships and Malls

2. **Maximum Building Height:** The base zoning district regulation shall govern the Maximum Height.
3. **Maximum Building Size:** The base zoning district regulation shall govern the Maximum Building Size.
4. **Maximum Number of Buildings:** The base zoning district regulation shall govern the Maximum Number of Buildings.
5. **Building Setback Lines:** The base zoning district regulation shall govern the Building Setback Lines.
6. **Sight-proof Screening:** A sight-proof fence shall be installed along the north, east and west sides of the property line of this parcel where it is adjacent to any residential use. Said fence shall be properly erected and maintained, capped and meet all the City of Oklahoma City's Fencing Ordinance in place at the time of development. The south line of the property may be left open or enclosed by the sight proof fence, but shall account for access off SW 59<sup>th</sup> Street. In addition, parking lot landscaping points as required in 59-11250 E shall apply to an auto dealership use on the northern side of the property for compatibility to the adjacent residential properties.
7. **Landscaping:** 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 **Free standing accessory signs:** Free Standing signs shall be in accordance with the base zoning requirements.

**8.2 Attached signs:** Attached signs shall be in accordance with the base zoning requirements.

**8.3 Non-Accessory Signs:** Non-Accessory signs shall be in accordance with the base zoning requirements.

**8.4 Electronic Message Display signs:** Electronic Message Display signs shall be in accordance with the base zoning requirements.

**9. Access:** There shall be one access point from SW 59th Street.

**10. Sidewalks:** N/A

**I. Other Development Regulations:**

**1. Architecture:**

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, 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:** Shall be governed by the base zoning district regulations.

**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, 2010, as amended. All outdoor lights shall be hooded and/or designed to direct glare away from the homes to the south. The maximum height of light poles shall be 14 feet.

**5. Dumpsters:** Dumpster in this SPUD shall be screened from view from the adjacent streets and shall be place a minimum of 25 feet from any residential use.

**6. Parking:** Shall be governed by the base zoning district regulations.

**7. Maintenance:** Shall be governed by the base zoning district regulations.

**8. Drainage:** N/A

**9. Other:** N/A

**II. 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)**
- 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) Oklahoma City**
- 7. Oklahoma Department of Transportation (ODOT)**

#### **B. City Departments**

- 1. Airports**
  - a. Central Oklahoma Transportation and Parking Authority (COTPA)**
  - b. Fire\***
  - c. Information Technology/Geographic Support**
  - d. Parks and Recreation**
- 2. Police**
- 3. 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) Modify Section II.8. to read. "The proposed development will comply with the current City of Oklahoma City Drainage Ordinance, as amended."

**c. Stormwater Quality Management**

**d. Traffic Management\***

**4. Utilities**

**a. Engineering**

**Wastewater Availability**

- 1) An existing wastewater main(s) is located adjacent to the subject site(s).
- 2) Line capacity is not guarantee 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) Proposed minimum lot size does not meet the required 3/4 acre lot size for private wastewater and private water systems.

**b. Solid Waste Management**

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

**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 guarantee and will be reviewed at time of review of construction documents.

## **5. Planning**

### **a. Comprehensive Plan Considerations**

#### **1) LUTA Development Policies:**

##### Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways.
- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.



Location:

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

*One-hundred-year floodplain is 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. The subject site is located on an arterial street.*

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.
- Provide vehicular connectivity between adjacent developments.

*Access is limited to one on SW 59<sup>th</sup> Street.*

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.

*Sidewalks have been recently installed in front of the subject site.*

2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. The site is already zoned along the arterial street for C-3 uses. No new compatibility issues are identified when adding the auto dealership use, although the SPUD will abut two residences on the north east, one zoned R-1 and one zoned C-3. Potential operational impacts are identified when locating C-3 uses next to residential zones and/or uses. The SPUD requires screening and landscaping next to residential.

3) **Service Efficiency:**

- Water: *Served*
- Sewer: *Fully Served Area*
- Fire Service: *Urban Response*

4) **Environmentally Sensitive Areas:** No ESAs were identified on the proposed development site.

- 5) **Transportation System:** This site has frontage along SW 59<sup>th</sup> Street, an Arterial Street, and S Robinson Ave, a Neighborhood Street, in the Urban Low LUTA. The nearest transit (bus) service is located to the west along S Walker Ave.

**b. Plan Conformance Considerations**

The subject site is located on the north side of SW 59<sup>th</sup> Street, west of S Robinson Ave. The site is zoned C-3 along the arterial corridor, and R-4 in the rear. The site is developed with a metal building, per provided exhibits. To the north is a school that appears to be used as a rehabilitation center. To the northeast along S Robinson Ave are homes. Abutting on the west are a daycare zoned C-3 and apartments zoned R-4. Land to the east is zoned O-2 and undeveloped. Land across SW 59<sup>th</sup> Street to the north is zoned C-3 and undeveloped.

The SPUD is requested for light auto repair, a conditional use in C-3, and auto sales, which normally requires a Special Permit in C-3, in addition to all other C-3 uses. The Master Design Statement should specify the specific use standards required by Code will apply to the developed use(s). Potential operational impacts are identified where abutting a residential use or district. The development will be required to screen and provide landscape buffers. Additionally, sign size should be reduced and the allowable uses could be limited. The architectural regulations need to be modified to allow the existing structure if it is to remain. The provided exhibits did not show if/how new development would occur.

**V. 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.*

**Continue the application to April 11, 2023.**

**If the application is approved, the following Technical Evaluations should apply:**

1. If the SPUD is intended to allow the existing metal structure, metal needs to be permitted in the Master Design Statement.

2. The following use unit classifications shall be subject to the Specific Use Standards in Chapter 59-9350:
  - *8300.14 Automotive and Equipment: Cleaning and Repairs, Light Equipment*
  - *8300.18 Automotive and Equipment: Automobile Dealerships and Malls*
3. Freestanding signs shall be limited to one 8-foot-tall monument/ground sign, a maximum of 100 square feet in area. EMD signs shall be prohibited.
4. Non-accessory signs/billboards shall be prohibited.

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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