



STAFF REPORT
The City of Oklahoma City
Planning Commission
July 27, 2023

Item No. IV. 15.

(SPUD-1523) Application by Tia Allen and Gabriel Broom to rezone 5501 North Martin Luther King Avenue from R-1 Single-Family Residential, HNO Healthy Neighborhood Overlay and Urban Conservation Districts to SPUD-1523 Simplified Planned Unit Development, Healthy Neighborhood Overlay and Urban Conservation Districts. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Tia Allen
Phone 405-816-2427
Email porkyallen_720@yahoo.com

B. Case History

This application was continued from the April 27, May 25, and July 13, 2023 meetings.

C. Reason for Request

The purpose of this application is to allow commercial uses and development.

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: 0.57 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	R-1	PUD-280	R-1	R-1
Land Use	Residential	Undeveloped	Remington Park	Residential	Residential

II. SUMMARY OF SPUD APPLICATION

This site will be developed in accordance with the regulations of the **C-3 Community Commercial, HNO Healthy Neighborhoods Overlay, and NE Gateway Urban Conservation District Overlay Districts** (OKC Zoning Ordinance, 2020), except as modified herein. except that the following restrictions will apply:

1. The following use(s) will be the only use(s) permitted on this site:

Administrative and Professional Office (8300.1)
Adult Day Care Facilities (8300.2)
Animal Sales and Services: Grooming (8300.8)
Building Maintenance Services (8300.23)
Business Support Services (8300.24)
Communications Services: Limited (8300.29)
Convenience Sales and Personal Services (8300.32)
Eating Establishments: Sitdown (8300.37)
Food and Beverage Retail Sales (8300.41)
Medical Services: General (8300.52)
Medical Services: Restricted (8300.53)
Participant Recreation and Entertainment: Indoor (8300.55)*
Personal Services: General: (8300.58)
Personal Services: Restricted (8300.59)
Repair Services: Consumer (8300.61)
Research Services: Restricted (8300.62)
Retail Sales and Services: General (8300.63)
Custom Manufacturing (8350.3)*
Industrial, Light. 8350.8*
Wholesaling, Storage and Distribution Restricted. 8350.16*
Eating Establishments: Sitdown, Alcohol Permitted 8300.38
Outdoor Sales & Display & Outdoor storage (8300.54) *
Custom Manufacturing (8350.3) *

Uses limited to accessory to eating establishment and catering

Hours of operations are limited to 7 am to 10:30 pm, 7 days a week.
Marijuana is prohibited.

2. Maximum Building Height: The base zoning district will regulate the maximum height of buildings in this SPUD.
4. Maximum Building Size: The base zoning district will regulate the maximum size of buildings in this SPUD.

5. Maximum Number of Buildings: The base zoning district will regulate the maximum number of buildings in this SPUD.
6. Building Setback Lines: Structures existing at the time of approval of this SPUD shall be deemed to be in compliance with all setback requirements. Should the structures be removed, any new development will confirm with the base zoning setback requirements.
7. Sight-proof Screening: Not required.
8. Landscaping: The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.
9. Signs: There shall be one freestanding sign permitted within this PUD. Said sign shall have a maximum height of 8 feet with a maximum display area of 100 square feet.

Electronic Message Display Signs: Electronic Message Display signs shall be prohibited.

Non-accessory Signs: Shall be prohibited.

10. Access: There shall be a maximum of one access drive from Martin Luther King Ave.
11. Sidewalks: Existing sidewalk along Martin Luther King Ave. shall be maintained and replaced if removed. 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 to the policies and procedures of the Public Works Department.

II. Other Development Regulations:

1. Architecture: The base zoning shall regulate the architectural requirements of this SPUD. Buildings shall be oriented such that the fronts of buildings are facing towards the street.
2. Open Space: Unless modified herein, yard requirements in this SPUD shall be the same as the base-zoning district.
3. Street Improvements: N/A

4. Other:

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.

The parking spaces existing at the time of approval of this SPUD 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: 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) Millwood

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) 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.
- 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) Add section II.4: The proposed development will comply with the current City of Oklahoma City Drainage ordinance as amended.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) No public wastewater service is available for the development. A private on-site wastewater disposal system is required in accordance with ODEQ rules and regulations. Applicant is responsible for obtaining all required City and ODEQ Permits. On-site wastewater disposal system must be installed by an ODEQ certified installer and inspected by ODEQ.
- 2) No public wastewater mains in 500 feet, with enough depth to be able to extend for service to this site.
- 3) Septic would be required, follow up with the Department of Environmental Quality.

b. Solid Waste Management

- 1) The City can provide solid waste collection services to commercial customers providing refuse is not 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.

c. Water/Wastewater Quality

Water Availability

- 1) An existing 8" water main(s) is located adjacent to the subject site(s).
- 2) A 12-inch water main is required to be loop through the development to provide adequate water supply and fire flow protection. Connection to two (2) separate active water mains is required to prevent partial or total shut-off of water supply when a pipeline failure occurs.
- 3) 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.
- 4) 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.

- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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).
- 9) Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.
- 10) Existing 8" Public water main project #1694 adjacent and running parallel along frontage of lot.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Utilize Best Management Practices (BMP) for stormwater.
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape.
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.

Location:

- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved.

Density: The non-residential Floor to Area Ratio (FAR) range for the UM LUTA is 0.4 to 1.2 with a typical FAR of 1.

National, state, and local permitting require basic best management practices for stormwater management. The SPUD would allow a FAR within this range.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Limit curb cuts on arterial streets and where possible, concentrate access for retail development at shared entrance points.
- Development fronting arterials should take access from intersecting streets where possible.

The subject site is located along a Major Arterial and has one paved curb cut leading to an unpaved drive. The SPUD limits access to one.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks are available on the subject site and across N Martin Luther King Ave to the east.

- 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 commercial uses adjacent to existing residential uses or zoning, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if 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 abuts R-1 zoning on the north, west, and south. The site plan indicates use of the existing home. No compatibility issues are identified. Should the site be redeveloped, the lot*

coverage would likely exceed that of adjacent uses. The base zone will require screening and landscaping adjacent to the R-1 District.

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 SPUD was originally submitted to allow only a sit down restaurant use. It has been modified to add several uses such as office, retail, vet, and personal services. The following uses also are proposed accessory to an eating establishment and catering: Custom Manufacturing (8350.3); Industrial, Light. 8350.8; Wholesaling, Storage and Distribution Restricted. 8350.16; Eating Establishments: Sitdown, Alcohol Permitted 8300.38; Outdoor Sales & Display & Outdoor storage (8300.54); Custom Manufacturing (8350.3). Screening should be required per Code.*

- 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 moderately 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 Martin Luther King Ave, a Major Arterial in the Urban Medium LUTA. Bus transit is

available to the east, along N Martin Luther King Ave. Access to the trail system is available to the south, along NE Grand Blvd. Sidewalks are available on the subject site and across N Martin Luther King Ave.

6) Other Development Related Policies

- 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)
- Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- 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 west side of N Martin Luther King Ave just north of NE Grand Blvd, in the Oklahoma City Adventure District. The site is zoned R-1 and is developed with a single-family residence. The subject site lies within the Northeast Gateway Urban Conservation District and Healthy Neighborhood Overlay which would remain unchanged with this rezoning request. To the north of the subject site is a 12,000-sf undeveloped parcel under the R-1 District and PUD-319 which allows commercial uses under C-3 base zoning. To the east is Remington Park which has a special permit for a horse racing facility under PUD-280. To the south and west of the subject site are single-family residences in the R-1 District. The Katy Trail, a multipurpose trail in OKC's trail system, runs along the west side of NE Grand Blvd.

The SPUD was originally submitted to allow only a sit-down restaurant use. It has since been modified to add several uses such as office, retail, vet, and personal services. The following uses are also proposed when accessory to an eating

establishment and catering use: Custom Manufacturing (8350.3); Industrial, Light (8350.8); Wholesaling, Storage and Distribution Restricted (8350.16); Eating Establishments: Sitdown, Alcohol Permitted (8300.38); and Outdoor Sales & Display & Outdoor storage (8300.54). The application was previously continued to provide new notice regarding the added uses. Plan conformance would be strengthened by requiring screening per Code should the site be redeveloped, and preserving healthy, mature trees.

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 Evaluations:

1. The setback on the west and south boundaries of the SPUD shall be 25 feet. Parking is not allowed within setbacks.
2. Healthy, mature trees shall be preserved to the maximum extent possible.
3. All outdoor storage areas shall be screened per Code.
4. If the site is redeveloped or if new buildings are added, site Screening shall be required per Code.
5. Modify Parking to clarify that if the site is redeveloped or new buildings added, the parking requirement will be per Code.

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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