



The City of Oklahoma City
Planning Commission
STAFF REPORT
May 27, 2021

(SP-551) Application by Le Lulu Lounge, to operate a Drinking Establishments: Sit-down Alcohol Permitted (Bar / Tavern) use in the C-4 General Commercial District located at 2215 NW 39th Street. Ward 2.

I. GENERAL INFORMATION

A. Contacts

Applicant

Mary C Luck-Newman
(505) 259-5916
newluck@msn.com

B. Case History

This is a new application.

C. Reason for Request

The purpose for this request is to permit development of a Bar / Tavern

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Urban-Medium Intensity (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” development on vacant lots, rehabilitation of underutilized property, and development that supports revitalization of distressed neighborhoods.

2. Size of Site (2500 sqft)

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	C-4	C-4	C-4	C-4	C-4
Land Use	Retail	Hotel	Warehouse	Bar / Club	Hotel

II. APPLICANT'S PROGRAM DESCRIPTION

This proposed facility is to be a family-owned, upscale, adult only, inclusive, non-smoking Bar/Lounge with elegant interior design, special lighting, and sound system. As a special venue, the bar/lounge will complement the existing thriving night-life establishments in the heart of 39th Street District, offering a unique environment for socialization and entertainment. The twenty-two hundred square foot lounge will house a twenty-three-foot bar with a specially designed bar back. Special seating will accommodate small parties. A small stage will feature local musicians. Nicely furnished lounge areas will offer an intimate space for guests who prefer a smaller venue. Open daily from 4 pm to 2 am. Other than pre-packaged bar snacks, no food will be served.

III. GENERAL STANDARDS

All special permit uses shall satisfy the following general standards:

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

- c. A limitation on intensity of lights or hours of operation; or
- d. Similar measures designed to protect the public interest.

IV. ADDITIONAL SPECIFIC STANDARDS

A. *Location Requirements.*

- (1) No drinking establishment use shall be allowed to locate within 300 feet of any church property primarily and regularly used for worship services and religious activities, or any public or private school of the type which offers a compulsory education curriculum; however, a college or university located within an improvement district created pursuant to Section 39-103.1 of Title 11 of the Oklahoma Statutes may waive the 300-foot requirement pursuant to 37A O.S. § 2-139. Distances shall be measured from the nearest property line of the public or private school, or church to the nearest perimeter wall of any such drinking establishment.
- (2) If food or beverages are consumed in an outdoor seating/activity area at any time between the hours of 11:00 p.m. and 8:00 a.m., the outdoor seating/activity area shall be separated by a distance of at least 100 feet from the nearest abutting property line of a residential use. Distances shall be measured from the closest edge of the outdoor seating/activity area to the nearest property line of the residential use.

B. *Site Plan Requirements.*

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

C. *Notification Requirements.*

Applications for a Special Permit allowing the Drinking Establishments: Sitdown, Alcohol Permitted (8300.33) use shall be accompanied by a list of all owners of property within 600 feet of the exterior boundary of the subject property upon which the special permit is requested. In addition, the 600-foot radius shall be extended by increments of 100 lineal feet until the list contains a minimum of ten individual property owners of ten separate parcels.

D. *Revocation of Special Permit for Drinking Establishments: Sitdown, Alcohol Permitted (8300.33).*

A Special Permit may be revoked as specified in 59-4250.2.F.

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E. Expiration of Special Permit for Drinking Establishments: Sitdown, Alcohol Permitted (8300.33).

In addition to the conditions for expiration of a Special Permit as specified in 59-4250.2.F., a Special Permit for the use Drinking Establishments: Sitdown, Alcohol Permitted (8300.33) will expire if:

(1) For a period of 12 months or more any of the following occurs:

(a) The City license for the sale of alcoholic beverages is not renewed when due.

(b) The occupation tax relating to the sale of alcoholic beverages is not paid when due.

(c) The sale or consumption of alcoholic beverages on the premises ceases.

(2) The State revokes or does not renew the operator's license.

V. REVIEW COMMENTS

A. Location Requirements.

(1) No church or school is located within 300 feet of property. A church is located approximately 500 feet west of the proposed facility on the same side of NW 39th Street. There are no schools located within the vicinity. A Childcare Center is located approximately 800 feet west of this facility on the opposite side of NW 39th Street.

(2) There are no outdoor seating areas indicated on the proposed plan. A Hotel is located immediately adjacent to the proposed location. There are no residential developments in the immediate vicinity.

B. Site Plan Requirements.

A Site Plan has been provided. The site is comprised of an existing, approximately 10,000 square foot, structure previously occupied as an Office / Warehouse. Applicant proposes to remodel and occupy an approximately 2500 square foot tenant space. A proposed remodel floor plan is provided. No exterior additions are indicated; however the exterior is proposed to be revitalized as part of the remodel.

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This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk indicates that the agency, department, and/or division responded with no adverse comments.

A. Outside Agencies

- 1. Oklahoma City-County Health Department (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Water Resources Board (OWRB)**
- 5. School District(s) Oklahoma City**
- 6. Oklahoma Department of Transportation (ODOT)**

B. City Departments

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

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- b) 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. The improvements shall be placed to provide a minimum of 35 feet clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way. Sidewalks shall be constructed in compliance with the Oklahoma City Ordinance and meet all applicable ADA regulations.
- c) A flood/drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. The study must be reviewed and approved by the Public Works Department.
- d) A portion of the subject property is situated within a FEMA Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year frequency plus one-foot). These elevations shall be approved by the Public Works Department Engineering staff prior to filing of the final plat.
- e) 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 areas along the stream shall extend to the flow line of the stream at a minimum.
- f) 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 owners association. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the drainage-related common areas and/or drainage easements shown.
- g) Construction within the limits of this PC 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 ½ acre or greater.

h) Detention Determination

- A detention requirement determination will not be issued at the Preliminary Plat stage unless the development is located within the current “detention required area”.
- Prior to the preparation of a Final Plat and Construction Plans, the Engineer or Developer may contact the Public Works Engineering Department and receive a Detention Determination for that individual Final Plat
 - This Detention Determination will be specific to the single Final Plat under consideration
 - The Detention Determination will be valid for a period of six (6) months
 - If the Final Plat and Construction Plans have not been submitted, reviewed, and approved by the Public Works Engineering Department within that 6 month time frame, the Detention Determination will be void and a new Detention Determination must be requested.
 - If construction has not started on the development within six (6) months of the approval of the construction plans, the Detention Determination will be void and a new Detention Determination must be requested.
- For new commercial developments that do not require hearings before the PC or CC, the Engineer or Developer may contact the Public Works Engineering Department and receive a Detention Determination for that commercial development.

9. Streets, Traffic and Drainage Maintenance

- 1) Subject property is served by a public street.
- 2) All City streets and drives on City right-of-way serving this site must be paved in accordance with City standards.

10. Stormwater Quality Management

11. Traffic Management *

12. Utilities

a. Engineering

Sanitary Sewer Availability *

b. Solid Waste Management

c. Water/Wastewater Quality

Water Availability

- 1) The subject site is adjacent to a 6" water main in the street right-of-way of NW 39th Street.
- 2) 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 and fire protection systems which require water pressure in excess of 25 psi.
- 3) No trees, signs, dumpsters or fences within 10 feet of any existing or proposed water main.
- 4) No structures within 20 feet of any existing or proposed water main or fire hydrant.
- 5) All existing and proposed meters must meet current Meter Specifications. Meters must be in a grassed area. All domestic and fire suppression services must have separate water service connections. All existing unnecessary water services must be abandoned at the water main.

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. 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.

Approve application.

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