



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

(SPUD-1301) Application by Cyntergy, to rezone 1045 NW 49th Street from the SPUD-662 and SPUD-971 Districts to the SPUD-1301 Simplified Planned Unit Development District. Ward 2.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

Name Linda Waytula
Phone 918-728-3737
Email lwaytula@cynergy.com

B. Case History

This item has been continued from the March 25, April 22, and May 13, 2021 meetings.

C. Reason for Request

This SPUD is requested for a credit union with drive through lanes.

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: Urban Commercial (UC)

The Urban Commercial encourages the concentration of small-scale retail, office and service businesses in locations that serve as hubs for neighborhood and city-wide consumer activity. The UC designation applies to development within one block of the designated corridor. UC designates strategic areas where the creation or revitalization of a commercial district will drive revitalization and an increase in property value in surrounding neighborhoods. Office and multi-family residential uses are highly desirable within UC areas, as they generate market demand for retail, incorporate walkable environments and create synergies that encourage full utilization of land.

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2. Size of Site: 0.64 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	SPUD-662 / SPUD-971	SPUD-662	R-1	C-4	C-3
Land Use	Undeveloped / Parking	Restaurant	Residential	CNG	Commercial

4. Development Context: The 0.64-acre subject site is located at the northeast corner of N Western Avenue and NW 49th Street. The east side of the subject site is developed with parking and the west side is vacant. To the north is a restaurant (Hideaway), and to the east is a residential neighborhood. To the south is a previous CNG fueling site zoned C-4, and to west across N Western Avenue is an office/commercial building. A portion of the site was zoned to SPUD-662 in 2012 along with the land to the north and extending along NW 50th Street. At that time, the land was developed a car wash that has since been demolished and the land has remained vacant. In 2017, the eastern 50 feet of the subject site was zoned from R-1 to SPUD-971 and limited to parking for a new retail building. The building was never constructed, but the parking was installed. The new SPUD seeks develop drive through facilities for a new credit union to be constructed at the corner. Due to limits on SPUD-971, rezoning is required.

II. SUMMARY OF PUD APPLICATION

The site will be developed in accordance with the regulations of the C-3 “Community Commercial” District (OKC Zoning Ordinance, 2020), except that the following restrictions will apply:

A. TRACT ONE

1. The following uses shall be the only uses permitted in Tract 1:

Administrative and Professional Office (8300.1)
Building Maintenance Services (8300.23)
Business Support Services (8300.24)
Convenience Sales and Personal Services (8300.32)
Murals (8250.16)
Personal Services: General (8300.58)
Personal Services: Restricted (8300.59)
Repair Services: Consumer (8300.61)
Retail Sales and Services: General (8300.63)

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- 2. Maximum Building Height:** Maximum building height shall be one story and 20 feet.
- 3. Maximum Building Size:** Maximum size shall be per Ordinance.
- 4. Building Setback lines:** Structures along Western Avenue shall be permitted to be located 3 feet from the front property line. Structures along N.W. 49th Street shall be permitted to be located 8 feet from the front property line regardless of platted setback. There shall be no setback between tracts. All other setbacks shall be per Ordinance.
- 5. Landscaping:** The subject parcel shall meet all requirements on the City of Oklahoma City's Landscaping Ordinance in place at the time of development. Landscaping to include planting of trees with a minimum height of 6 ft. along Western frontage for beautification of the building façade.
- 6. Signs:**
 - 6.1 Freestanding signs shall be limited in height to 6 feet above the finished grade elevation shall be permitted and shall be in keeping with the material and style of the building architecture. The freestanding signs shall meet the same setback requirements and shall not be located within the sight distance triangle per the base zoning regulations. Illumination shall be provided from an external lighting source and will be shielded from adjacent property lines.
 - 6.2 Attached signs shall be limited to one (1) per façade and shall be attached to the building walls at a height to not exceed the height of the structure. Each sign shall be limited to 25 SF per sign with a maximum of 100 SF total. Signs shall be individual channel letter style and be illuminated from an internal source. The building mounted sign facing East will not be illuminated.
 - 6.3 Unlighted, ground-mounted directional signs that are less than 4 square feet shall be considered incidental and allowed within this SPUD.
 - 6.4 Non-accessory signs (billboards) are prohibited within this SPUD
 - 6.5 Electronic Messaging Display (EMD) signs are prohibited in this SPUD.
- 7. Access:** Access to this tract shall be from one existing drive on N. Western Avenue and one existing drive on N.W. 49th Street. Cross access for the purpose of parking and maneuvering via cross access agreement shall be permitted through recorded covenants and restrictions attached in Exhibit G. The existing diverter on NW 49th Street will be retained. Boulders, bollards, or similar non-

permanent structures subject to sight height requirements shall be placed inside the diverter island right of way subject to approval of revocable permit.

8. **Architectural Regulations:** The Western Ave exterior wall finish, exclusive of windows, shall be a minimum 80% brick. The primary building materials shall consist of high-pressure laminate (HPL) panels, masonry, and glazing. All mechanical units shall be screened from public view with materials that complement the primary building construction. No more than 70% EIFS, stucco, wood, or cement-board shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.
9. **Dumpsters:** No new trash enclosures will be added to the site. Cross access to adjacent existing trash enclosure shall be permitted through recorded covenants and restrictions in attached Exhibit G.

B. TRACT TWO

1. **The following uses shall be the only uses permitted in Tract 2:**
Administrative and Professional Office (8300.1)
Automotive: Parking Lots, as Principal Use (8300.13)
Use of this tract shall be restricted to drive-up serving a financial institution within this SPUD. A maximum of three (3) drive-up lanes shall be permitted. One drive-up may operate 24 hours and shall be limited to the westernmost lane. Internal circulation shall occur from north to south such that drive-up screens and speakers will face west.
2. **Maximum Building Height:** This tract is limited to drive through structures/facilities. Maximum canopy height shall be 14 feet.
3. **Maximum Building Size:** N/A
4. **Sidewalks:** Sidewalks shall be installed to complete existing sidewalk network.
5. **Directional Signage:** Placement of “No Left Turn” or “Right Turn Only” sign on NW 49th right of way or painted driveway directional signage will be installed subject to approval of revocable permit.
6. **Building Setback lines:** Canopy structure(s) along N.W. 49th Street shall be permitted to be located 25 feet from the property line regardless of platted setback. Canopy shall be permitted to be located 18 feet from east property line

regardless of platted setback. There shall be no setback between Tracts. All other setbacks shall be per Ordinance.

- 7. Landscaping:** The subject parcel shall meet all requirements on the City of Oklahoma City's Landscaping Ordinance in place at the time of development, in conjunction with the development of the parcel directly adjacent to the west of this SPUD.

In addition to the required landscaping per City code, the Developer shall install a landscape buffer between the parking spaces located in this SPUD and the residence to the East. Said buffer shall be approximately 6 feet wide and planted with shade trees on 20-foot center subject to approval of revocable permit and covenants and restrictions attached in the Exhibit G. Additional evergreen landscaping a minimum of six feet (6') in height shall be planted extending ten feet (10') west beyond the wall along the NW 49th Street frontage, without encroachment into the sight triangle to provide visual screen for potential headlight spillover, subject to approval of revocable permit, if planted within the right of way.

- 8. Signs:**

8.1 Any ground mounted directional signs in this tract shall not be illuminated.

8.2 Unlighted, ground-mounted directional signs that are less than 4 square feet shall be considered incidental and allowed within this SPUD.

- 9. Vehicular Access/Parking:**

9.1 Access to this tract shall be solely from a cross access agreement in conjunction with the development of the parcel directly to the west. Said agreement shall be permitted through recorded covenants and restrictions in attached Exhibit G. No direct access to N.W. 49th Street shall be taken.

- 10. Dumpsters:** No new trash enclosures will be added to the site. Cross access to adjacent existing trash enclosure shall be permitted through recorded covenants and restrictions in attached Exhibit G.

II. Supporting Documents

Exhibit A: Legal Description

Exhibit B: Site Plan with Existing Zoning

Exhibit C: Site Plan

Exhibit D: Overall Site Plan with Aerial View

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Exhibit E: Overall Property Line Plan with Aerial
Exhibit F: Site Renderings
Exhibit G: Declaration of Covenants and Restrictions

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**
- 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.

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- 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) 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.

c. Stormwater Quality Management

d. Traffic Management

8. Utilities

a. Engineering

Paving

Right of way ("sight triangle") required.

Sanitary Sewer Availability

- 1) An existing 8" sanitary sewer main(s) is adjacent to the subject site and a connection will be permitted in accordance with City Standard Specifications.
- 2) No trees, signs, dumpsters, or fences within 10 feet of any existing or proposed sanitary sewer main.
- 3) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.
- 4) Additional Comments: No objections

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) The subject site is adjacent to a 6" and 12" water main in the street right-of-way of N Western Ave.
- 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) 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.
- 5) Additional Comments: No objections

9. Planning

a. Comprehensive Plan Considerations

The application site is located within the Urban Medium Land Use Typology Area (UM) and in an area where the Urban Commercial (UC) layer applies. Applicable policies are listed below.

1) LUTA Development Policies:

Site Design:

- Maintain historical lot and block sizes where possible and appropriate.
- 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.
- The priority consideration in street design for a Main Street should be pedestrians. The pedestrian zone should be generous containing safe and inviting sidewalks. (UC)
- Encourage all buildings fronting a designated corridor or node to have ground floor space for retail or service businesses. (UC)
- All signage should be designed to provide visual coherency, which includes a consistent and cohesive pattern of materials, lighting and height. (UC)

The proposed SPUD would allow construction of a one-story credit union along Western Avenue, with drive through lanes located on the east of the building. The SPUD proposes a 3-foot setback on N Western Avenue, a provision carried over from the existing SPUD. The new SPUD limits sign heights, placement and illumination; specifies the architectural materials; and places landscaping along the Western Avenue frontage between the existing sidewalk and new building.

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. *The proposal for a one-story building with parking and associated drive through facilities would have a FAR of about 0.1, below the UM LUTA range.*

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Keep alleys open and functional.
- Limit curb cuts and concentrate access for retail development at shared entrance points.
- Reduce the size of private parking lots through shared parking agreements. (UC)

The SPUD maintains the existing access, which is one shared drive from N Western Avenue and one from NW 49th Street. The SPUD continues to require the diverter on NW 49th Street, and specifies traffic circulation. Parking is shared with the development to the north.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.
- Provide safe and direct pedestrian and bicycle access from adjacent public streets.

Sidewalks are available along N Western Avenue and partially constructed along the subject site's NW 49th Street frontage. The sidewalk network will be completed as development occurs.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating Office or Low Intensity Retail adjacent to existing Low Intensity Residential uses, “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 subject site is already zoned for the proposed credit union use on the west and developed with a parking lot on the east. The SPUD would allow the parking area to be converted to a drive-through. Requirements of SPUD-971 (parking lot) included masonry screening and a six-foot buffer with trees planted on 30-foot centers where adjacent to residential. The fence was constructed and two trees were planted. The new SPUD increases the landscape buffer to 15*

feet on the east side and limits building height to 20 feet, while canopies are restricted to 14 feet.

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. *The SPUD limits the number of uses that could occur on the site, limits sign size and illumination, and prohibits dumpsters. Since originally submitted, the number of drive-through lanes has been reduced from four to three and the landscape buffer was increased on the east side. The rezoning is needed to allow drive-through facilities. To mitigate light and sound next to residences, the Master Design Statement specifies the after-hours lane will be the westernmost lane, and that traffic will circulate north to south so that lighted screens will face away from the neighborhood.*

- 3) **Service Efficiency:**
 - Water: *Fully served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Service Level*
- 4) **Environmentally Sensitive Areas:** No ESAs are identified on the site.
- 5) **Transportation System:** This site is located along N Western Avenue, a Main Street in the Urban Medium LUTA. Sidewalks are available along N Western Avenue and bus transit is located within ¼-mile to the west on N Classen Boulevard.
- 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)
- 7) **Other Considerations: Retail Node and Corridors**

The Western Avenue Corridor from W Wilshire to NW 36th Street is identified in planokc as a Retail Priority Area under the “Revitalize” Framework.

Retail nodes and corridors seek to develop a robust retail sector to generate sales tax levels and growth to fund quality services for the City, and to meet needs for goods and services to enhance the quality of surrounding neighborhoods. Corridors targeted for revitalization need help strengthening retail uses through filling vacant space, landscape and beautification efforts, façade programs, business coordination and the introduction of new complementary land uses.

Applicable policies under this framework include:

- Seek redevelopment of non-viable space.
- Integrate complementary land uses such as office and multifamily housing.
- Create or enhance pedestrian connections between buildings and centers.
- Limit or reduce curb cuts by encouraging shared entrances.
- Improve facades and design quality.

b. Plan Conformance Considerations

The subject site is located at the northeast corner of N Western Avenue and NW 49th Street. The site is currently zoned SPUD-662 along Western, and SPUD-971 on the east. The new SPUD is requested for a credit union with a drive-thru facility. The credit union (office) use is already permitted, but the rezoning is needed due to the limitations on SPUD-971 that only allow a parking lot. The Master Design Statement reduces sign heights and sizes, limits building height to one story, requires shared access and parking, specifies building materials and traffic circulation, prohibits dumpsters, and increases the landscape buffer to 15 feet on the east to mitigate for impacts next to residential. The exhibit illustrates a completed sidewalk network and landscaping along street frontages. The proposal is consistent with the comprehensive plan and compatible with surrounding development.

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

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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.