

ORDINANCE NO. 28,078

AN ORDINANCE AMENDING CHAPTER 59, SECTION 5150 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, TO INCLUDE ADDITIONAL TERRITORY WITHIN THE SPUD SIMPLIFIED PLANNED UNIT DEVELOPMENT DISTRICT ~~AND DECLARING AN EMERGENCY.~~

AKS

~~EMERGENCY~~ ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Chapter 59, Section 5150 of The Oklahoma City Municipal Code, 2020, be amended to change the boundaries of the SPUD Simplified Planned Unit Development District, as shown upon the District Map to include therein the following described property:

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Thirty-two (32), Thirty-three (33) and Thirty-four (34) in Block Forty (40) in PUTNAM HEIGHTS ADDITION to Oklahoma City, Oklahoma, according to the recorded plat thereof.

SECTION 2. (EMERGENCY) ~~WHEREAS~~, it being immediately necessary for the preservation of the peace, health, safety, and public good of Oklahoma City and the inhabitants thereof that the provisions of the ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage as provided by law.

INTRODUCED AND READ in open meeting of the Council of The City of Oklahoma City, Oklahoma, on this 21ST day of APRIL, 2026.

PASSED by the Council and **SIGNED** by the Mayor of The City of Oklahoma City, Oklahoma, this 19TH day of MAY, 2026.

ATTEST:

Amy K Simpson
CITY CLERK



David Holt
MAYOR

REVIEWED for form and legality.

Susan Romfall
ASSISTANT MUNICIPAL COUNSELOR



MEMORANDUM

Council Agenda
Item No. XI. F
5/19/2026

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Ordinance on final hearing (emergency) recommended for approval (five affirmative votes required for approval) (SPUD-1815), rezoning 2012 NW 40th Street from R-1 Single-Family Residential and SPUD-111 Simplified Planned Unit Development Districts to SPUD-1815 Simplified Planned Unit Development District. Ward 2.

Planning Commission recommended approval subject to the Summary of Technical Evaluation.

Applicant:

Travis Crafton, Crafton & Cox Engineering
Retail Buildings, Inc.

Purpose:

The purpose of this application is to allow commercial use and development, specifically a parking lot expansion for Braum's.

Background:

On March 26, 2026, the Planning Commission recommended approval of the application subject to the amended Summary of Technical Evaluation contained in the Planning Commission staff report, as follows. The applicant has agreed with these conditions and the SPUD document has been amended accordingly.

Amended Technical Evaluation:

1. Replace Landscaping section to read: The subject site shall meet all requirements of Oklahoma City's Landscaping Ordinance in place at the time of development, except that a landscape buffer shall be required along the eastern SPUD boundary if adjacent to a residential zoning district. Said buffer shall be a minimum width of 12 feet, with medium or large trees planted at a minimum on 20-foot centers. A minimum 30 percent of the buffer trees shall be evergreen. The existing street trees on NW 40th Street shall remain.
2. A parking island with one 2"-caliper shade tree shall be installed within the existing parking lot on the south side of the building with the installation of the new parking area.
3. No new driveways will be allowed onto NW 40th Street.
4. Electronic Message Display (EMD) signs are not permitted.
5. Freestanding signs are not allowed on NW 40th Street, except for wayfinding signs.
6. Call boxes shall be located at least 70 feet from east SPUD boundary.

Protests:

None

Previous Action:

The Ordinance was introduced April 21, 2026, and set for final hearing May 19, 2026. Appropriate notice was published and mailed.

Review:

Planning Department

Recommendation: Ordinance be adopted.

caseno	name1	mailingaddress1	city	state	zipcode
SPUD-1815	TRAVIS CRAFTON	107 COMMUNITY BLVD, STE 7	LONGVIEW	TX	75605
SPUD-1815	ELAINE BRAUM	3000 NE 63RD ST	OKLAHOMA CITY	OK	73121
SPUD-1815	FLOWER GARDEN PARK	1617 NW 45TH ST	OKLAHOMA CITY	OK	73118
SPUD-1815	39TH ST DISTRICT ASSOCIATION	PO BOX 58054	OKLAHOMA CITY	OK	73157
SPUD-1815	WOODLAND PARK	1440 NW 45TH	OKLAHOMA CITY	OK	73118
SPUD-1815	OKLAHOMA CITY PUBLIC SCHOOLS, SCOTT RANDALL	PO BOX 36609	OKLAHOMA CITY	OK	73136
SPUD-1815	2012 NW 41ST STREET SERIES A SEPARATE SERIES OF WESTON FAMILY HOLDINGS LLC	18701 HUNTER CREEK DR	EDMOND	OK	73012
SPUD-1815	ABRAHAM PROPERTIES LLC, OKLAHOMA SERIES LIMITED LIABILTY COMPANY	705 S MUSTANG RD STE 177	YUKON	OK	73099
SPUD-1815	ALEX STEELE PROPERTIES LLC	2756 RIDGEVIEW DR	OKLAHOMA CITY	OK	73120
SPUD-1815	ALVISO JOSE P	4429 NW LIBERTY ST	OKLAHOMA CITY	OK	73107
SPUD-1815	CLH3 LLC	1625 GREENBRIAR PL, Unit 100	OKLAHOMA CITY	OK	73159
SPUD-1815	DDDD LLC	PO BOX 964	EL RENO	OK	73036
SPUD-1815	ESSMAN CHARLA & LACEY BLAIR	2009 NW 40TH ST	OKLAHOMA CITY	OK	73118
SPUD-1815	GARCIA LUIS AGUILAR	4800 HUNTON TER	YUKON	OK	73099
SPUD-1815	GDS HOLDINGS LLC SERIES 2000 NW 39TH	2000 NW 39TH ST	OKLAHOMA CITY	OK	73118
SPUD-1815	GUTIERREZ GENOVEVA	2004 NW 40TH ST	OKLAHOMA CITY	OK	73118
SPUD-1815	HEALTH WATCH MEDICAL CENTER LLC	1924 N PORTLAND AVE	OKLAHOMA CITY	OK	73107
SPUD-1815	LE NGUYEN TRUC MY	1924 NW 40TH ST	OKLAHOMA CITY	OK	73118
SPUD-1815	LQM INVESTMENTS LLC	2932 SPRING CREST CIR	JONES	OK	73049
SPUD-1815	LUCKY INVESTMENTS LLC	17645 LEAD LN	EDMOND	OK	73012
SPUD-1815	MCCOY BARBARA F	PO BOX 131675	SPRING	TX	77393
SPUD-1815	MCCOY BARBARA F	PO BOX 82247	OKLAHOMA CITY	OK	73148
SPUD-1815	RBBG DEVELOPMENT PARTNERS LLC	471833 HIGHWAY 51	STILWELL	OK	74960
SPUD-1815	REALTY INCOME CK1 LLC	11995 EL CAMINO REAL STE 101	SAN DIEGO	CA	92130
SPUD-1815	RETAIL BUILDINGS INC	PO BOX 2629	ADDISON	TX	75001
SPUD-1815	ROSA JESUS ALEJANDRO LARRAGA	1509 N MAY AVE	OKLAHOMA CITY	OK	73107
SPUD-1815	SLATE EXPECTATIONS LLC	1933 NW 39TH ST	OKLAHOMA CITY	OK	73118
SPUD-1815	STEELE AI THI	PO BOX 20233	OKLAHOMA CITY	OK	73156
SPUD-1815	SW DEVELOPMENT COMPANY LLC	10001 S PENNSYLVANIA AVE, Unit 100	OKLAHOMA CITY	OK	73159
SPUD-1815	THE HELPING NETWORK LLC	11203 PRAIRIE GROVE RD	GUTHRIE	OK	73044
SPUD-1815	THEPHACHANH JOHN	PO BOX 1893	BETHANY	OK	73008
SPUD-1815	WARD KENNETH L	2525 NW 12TH ST	OKLAHOMA CITY	OK	73107

APPROVED
05-19-2026

BY THE CITY COUNCIL
Angela Simpson CITY CLERK

THE CITY OF OKLAHOMA CITY
SIMPLIFIED PLANNED UNIT DEVELOPMENT DISTRICT

SPUD-1815

MASTER DESIGN STATEMENT FOR

Braum's Ice Cream & Dairy Store
Store #43 – Pavement Addition

Issued: 01/26/2026
03/12/2026

PREPARED BY:

BRAUM'S INC.
LANE WREN
3000 NE 63rd STREET
OKLAHOMA CITY, OK 73121
405-956-6081
lane.wren@braums.com

SPUD-1815 MASTER DESIGN STATEMENT

This document serves as the Master Design Statement and fulfills the ordinance requirements for the Simplified Planned Unit Development (Chapter 59, Section 14150.B of the Oklahoma City Municipal Code, 2020, as amended).

I. Special Development Regulations:

The following Special Development Regulations and/or limitations are placed upon the development of the Simplified Planned Unit Development. Planning and zoning regulations will be those that are in effect at the time of development of this Simplified Planned Unit Development; provided, however, that the density and or intensity of the SPUD shall not be increased. Development is when a permit is issued for any construction or addition to any structure on a development tract. Certain zoning districts are referred to as a part of the Special Development Regulations of this Simplified Planned Unit Development. For purposes of interpretation of these Special Development Regulations, the operative and controlling language and regulations of such zoning districts shall be the language and regulations applicable to the referenced zoning districts as contained in the City of Oklahoma City's Planning and Zoning Code as such exists at the time of development of this Simplified Planned Unit Development. In the event of conflict between provisions of this SPUD and any of the provisions of the Oklahoma City Municipal Code, as amended ("Code"), in effect at the time a permit is applied for with respect to any lot, block, tract and/or parcel of land subject to this SPUD, the provisions of the Code shall prevail and be controlling; provided however, that in the event of a conflict between the Special Use and Development Regulations specifically negotiated as a part of this SPUD and the provisions of the Code in effect at the time a permit is applied for with respect to any lot, block, tract and/or parcel of land subject to this SPUD, such Special Use and Development Regulations of this SPUD shall prevail and be controlling.

1. This site will be developed in accordance with the regulation of the **C-1 Neighborhood 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:

All uses within the C-1 Neighborhood Commercial District

(8300.35) Eating Establishments: Fast Food

(8300.36) Eating Establishments: Fast Food with Drive-Through Window (Call boxes shall be at least 50 feet from adjacent residential use or district.)

1.1 Minimum Lot Size: Per Code.

1.2 Minimum Lot Width: 50 ft.

2. **Maximum Building Height:** 25 ft. and one (1) story

3. **Maximum Building Size:** 6,000 sq. ft.
4. **Maximum Number of Buildings:** Per Code.
5. **Building Setback Lines from SPUD Boundary:**

North: 30 ft.

South: 30 ft.

East: 40 ft.

West: 30 ft.

Building separation shall conform to Building Code and Fire Code requirements.

6. **Sight-proof Screening:** 6 ft. wood stockade fence shall be required along the east SPUD boundary where adjacent to residential.
7. **Landscaping:** The subject site shall meet all requirements of Oklahoma City's Landscaping Ordinance in place at the time of development, except that a landscape buffer shall be required along the eastern SPUD boundary if adjacent to a residential zoning district. Said buffer shall be a minimum width of 12 feet, with medium or large trees planted at a minimum on 20-foot centers. A minimum 30 percent of the buffer trees shall be evergreen. The existing street trees on NW 40th Street shall remain. A parking island with one 2" caliper shade tree shall be installed within the existing parking lot on the south side of the building with the installation of the new parking area.
8. **Signs:** Per Code except that all free standing signage shall be limited to the west 50-feet of this SPUD and that freestanding signs are not allowed on NW 40th Street, except for wayfinding signs, and Electronic Message Displays (EMD) signs are not permitted.
9. **Access:** One access is permitted onto N. Pennsylvania Ave. with secondary access from the alley. One access, not to exceed 30-feet in width, shall be permitted onto NW 40th Street subject to Public Works approval. No additional driveways will be allowed onto NW 40th Street.
10. **Sidewalks:** Per Ordinance

II. 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: 10%**
3. **Street Improvements:** Not required.
4. **Site Lighting:** Per Code.
5. **Dumpsters:** Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Municipal Code, as amended. Dumpsters shall be located within an area screened by a combination of building wall, 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.
6. **Parking:** The design and number of all parking facilities in this SPUD shall be in accordance with the Municipal Code, as amended, at the time of development. A parking island with one 2" caliper shade tree shall be installed within the existing parking lot on the south side of the building with the installation of the new parking area.
7. **Maintenance:** Maintenance shall be the responsibility of the property owner.
8. **Drainage:** Development of this parcel shall comply with the Municipal Code drainage regulations, as amended, at the time of development.
9. **Other:** Call boxes shall be located at least 70 feet from east SPUD boundary.

III. **Supporting Documents:**

Exhibit A: Legal Description

Exhibit B: Site Plan

SPUD-1815 EXHIBIT A- LEGAL DESCRIPTION

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Thirty-two (32), Thirty-three (33) and Thirty-four (34) in Block Forty (40) in PUTNAM HEIGHTS ADDITION to Oklahoma City, Oklahoma, according to the recorded plat thereof.



NW 39TH STREET

"CAUTION" - NOTICE TO CONTRACTOR

THE CONTRACTOR IS PUT ON NOTICE THAT THERE MAY BE NUMEROUS UNDISCOVERED UTILITIES IN THE LINE OF WORK, SUCH AS WATER, SEWER, GAS, PIPELINE, TELEPHONE AND ELECTRIC. SOME MAY BE ABOVEGROUND AND SOME MAY BE ACTIVE. CONTRACTOR MUST INQUIRE FROM THE CITY OF CHICAGO, THE CHICAGO DEPARTMENT OF PUBLIC WORKS, THE CHICAGO DEPARTMENT OF WATER, AND THE CHICAGO DEPARTMENT OF STREET LIGHTS, TO DETERMINE THE LOCATION OF ALL UTILITIES. THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION WHEN CONDUCTING EXCAVATION OPERATIONS. DAMAGES SHALL BE REPAIRED IMMEDIATELY AT CONTRACTOR'S EXPENSE.

THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANY AT LEAST 12 HOURS BEFORE ANY EXCAVATION TO REQUEST THE RELOCATION OF UTILITIES.

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR DEPTH OF UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND ARENE POSITIVE MEASUREMENTS TAKEN IN THE FIELD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF UTILITIES. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANY AT LEAST 12 HOURS BEFORE ANY EXCAVATION TO REQUEST THE RELOCATION OF UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COSTS OF ANY DAMAGE TO UTILITIES AND FOR ANY CONFLICT WITH THE PROPOSED IMPROVEMENT SHOWN ON THE PLANS.



- LOCATION OF THREE LANE STRIPPING SHALL BE APPROVED BY THE LOCAL FIRE MARSHAL PRIOR TO APPLICATION. UNLESS OTHERWISE DIRECTED BY THE FIRE MARSHAL, THREE LANE STRIPPING SHALL BE 10 FEET PAINTED STRIPS ALONG TOP AND FACE OF CURB. PAINT IN 3" MINIMUM, OR DIRECTLY ADJACENT TO PROPOSED PARKING LOT STRIPPING, WITH 4" WHITE STENCILLED LETTERS "THREE LANE - NO PARKING" PAINTED ON RED STRIPE AT 2" CENTER TO CENTER.

CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS REQUIRED BY FEDERAL, STATE, OR LOCAL CODES AND/OR UTILITY SERVICE COMPANIES PRIOR TO START OF CONSTRUCTION.

ISS NO:	1015-026
ISSUE DATE:	04/06/2026
ISSUE NO:	

CASE NUMBER: SPUD-1815

This notice is to inform you that **Travis Crafton, Crafton & Cox Engineering, on behalf of Retail Buildings, Inc.**, filed an application with The City of Oklahoma City to change the zoning designation of the property to SPUD-1815 Simplified Planned Unit Development District. The City Council will consider this zoning application at a public hearing on May 19, 2026. The only property to be rezoned is outlined on the attached map. **The City Council meets in the Council Chamber, Third Floor, Municipal Building, 200 North Walker Avenue, Oklahoma City, Oklahoma beginning at 8:30 a.m.**

Agenda and case materials are available online at <https://okc.primegov.com/public/portal>.

LEGAL DESCRIPTION:

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Thirty-two (32), Thirty-three (33) and Thirty-four (34) in Block Forty (40) in PUTNAM HEIGHTS ADDITION to Oklahoma City, Oklahoma, according to the recorded plat thereof.

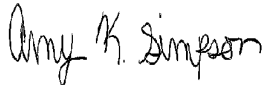
Your property is not included within the area proposed to be rezoned. This notice is being provided to you because you own property nearby.

You are not required to attend the hearing, but if you wish to you may. You can also have someone appear on your behalf.

If you object to the rezoning of the property, you can file legal written protest no later than three days prior to the hearing, with the Office of the City Clerk, 200 North Walker Avenue, Oklahoma City, Oklahoma 73102.

Dated this 21st day of April 2026.

SEAL


Amy K. Simpson, City Clerk

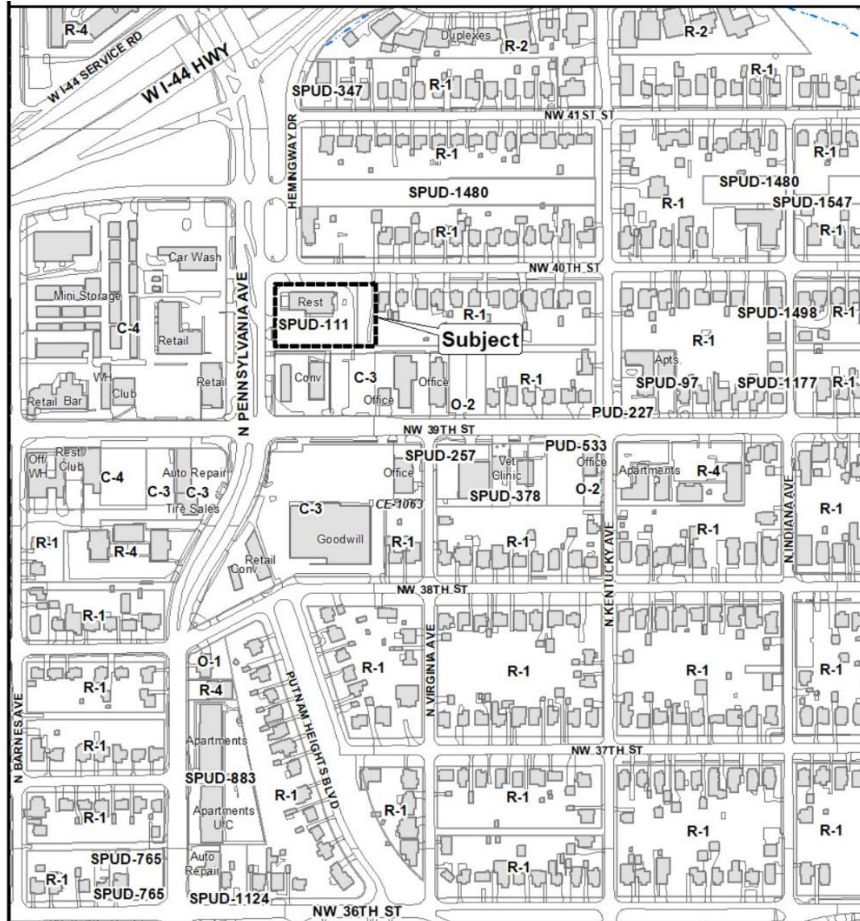


CASE NUMBER: SPUD-1815

FROM: R-1 Single-Family Residential and SPUD-111 Simplified Planned Unit Development Districts

TO: SPUD-1815 Simplified Planned Unit Development District

ADDRESS OF PROPERTY: 2012 NW 40th Street



PROPOSED USE: The purpose of this application is to allow commercial use and development, specifically a parking lot expansion for Braum's.

BRIEF DESCRIPTION OF PROPOSED ZONING DISTRICT:

This site will be developed in accordance with the regulations of the modified **C-1 Neighborhood Commercial District** (OKC Zoning Ordinance, 2020).

Should you have any questions or concerns regarding this application please call:

The City of Oklahoma City

Planning Department

420 West Main Street, Suite 910

Oklahoma City, Oklahoma 73102

(405) 297-2623

subdivisionandzoning@okc.gov

FOR PUBLICATION ONLY

CASE NUMBER: SPUD-1815

LOCATION: 2012 NW 40th Street

NOTICE IS HEREBY GIVEN, that the City Council of Oklahoma City will hold a public hearing on a proposed ordinance, extending the limits of the SPUD-1815 Simplified Planned Unit Development District from R-1 Single-Family Residential and SPUD-111 Simplified Planned Unit Development Districts. A public hearing will be held by the City Council on May 19, 2026. **The City Council meets in the Council Chamber, Third Floor, Municipal Building, 200 North Walker Avenue, Oklahoma City, Oklahoma beginning at 8:30 a.m.**

Agenda and case materials are available online at <https://okc.primegov.com/public/portal>.

Under the terms of said ordinance, the limits of and boundaries of the SPUD Simplified Planned Unit Development District would be extended to include the following described property:

LEGAL DESCRIPTION:

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Thirty-two (32), Thirty-three (33) and Thirty-four (34) in Block Forty (40) in PUTNAM HEIGHTS ADDITION to Oklahoma City, Oklahoma, according to the recorded plat thereof.

PROPOSED USE: The purpose of this application is to allow commercial use and development, specifically a parking lot expansion for Braum's.

BRIEF DESCRIPTION OF PROPOSED ZONING DISTRICT:

This site will be developed in accordance with the regulations of the modified **C-1 Neighborhood Commercial District**(OKC Zoning Ordinance, 2020).

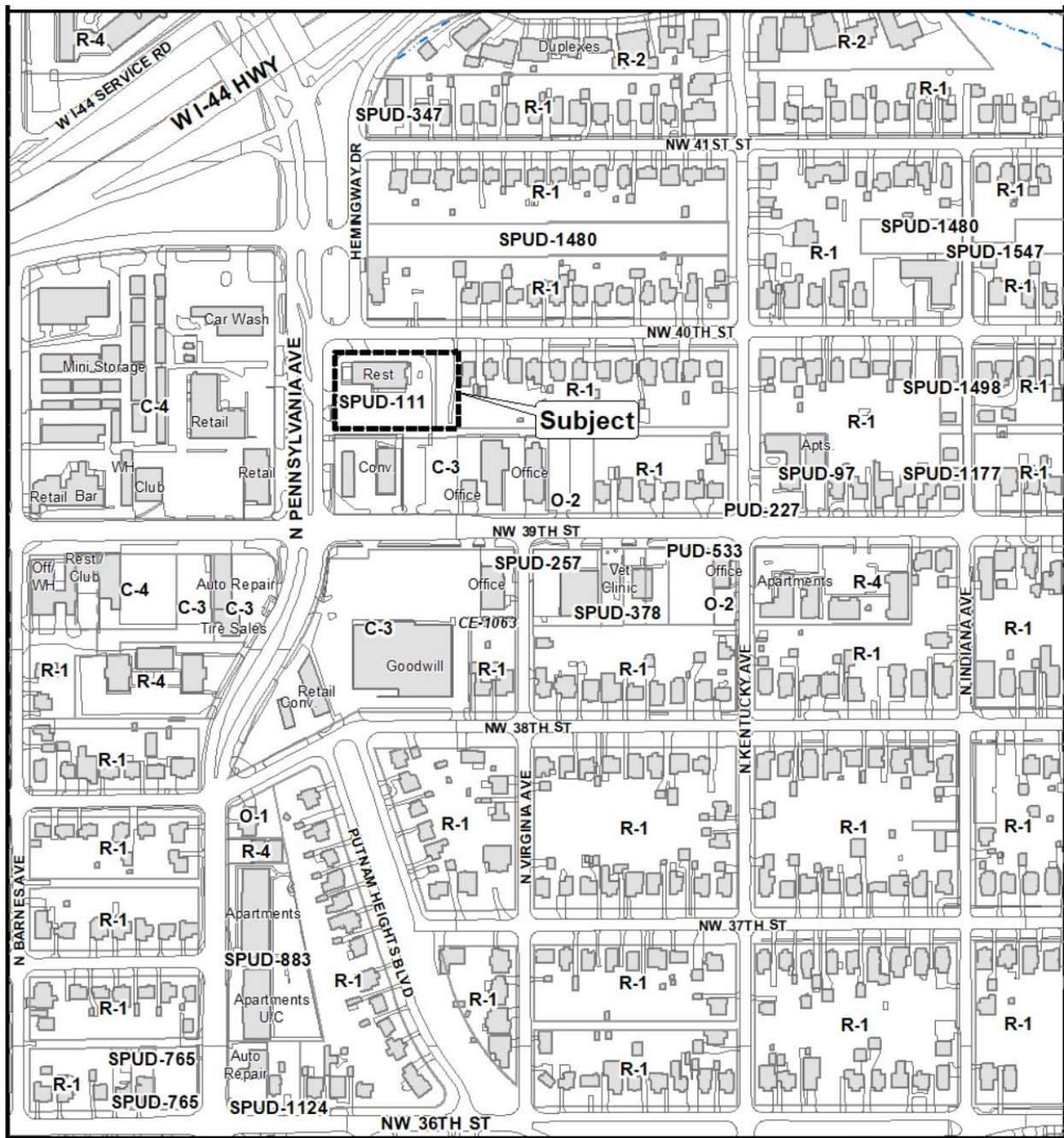
Any person having any objections to the proposed rezoning may appear before the City Council in the **COUNCIL CHAMBER** on the above date set for hearing and show cause why the proposed rezoning should not be carried out in accordance with said ordinance. At any time not later than three days prior to said hearing, any owner of property within the district affected, or any owner of property within a 300-foot radius of the exterior boundary of the subject property, may make legal written protest by filing the same with the Office of the City Clerk, 200 North Walker Avenue, Oklahoma City, Oklahoma 73102.

For further information call (405) 297-2623.

Dated this 21st day of April 2026.

SEAL

Amy K. Simpson, City Clerk



Planning Commission Minutes
March 26, 2026

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:48 a.m. on March 23, 2026)

10. (SPUD-1815) Application by Retail Buildings, Inc. to rezone 2012 NW 40th Street from R-1 Single-Family Residential and SPUD-111 Simplified Planned Unit Development Districts to SPUD-1815 Simplified Planned Unit Development District. Ward 2.

Amended Technical Evaluation:

1. Replace Landscaping section to read: The subject site shall meet all requirements of Oklahoma City's Landscaping Ordinance in place at the time of development, except that a landscape buffer shall be required along the eastern SPUD boundary if adjacent to a residential zoning district. Said buffer shall be a minimum width of 12 feet, with medium or large trees planted at a minimum on 20-foot centers. A minimum 30 percent of the buffer trees shall be evergreen. The existing street trees on NW 40th Street shall remain.
2. A parking island with one 2"-caliper shade tree shall be installed within the existing parking lot on the south side of the building with the installation of the new parking area.
3. No new driveways will be allowed onto NW 40th Street.
4. Electronic Message Display (EMD) signs are not permitted.
5. Freestanding signs are not allowed on NW 40th Street, except for wayfinding signs.
6. Call boxes shall be located at least 70 feet from east SPUD boundary.

The applicant was present. There were no protesters present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED:

MOVED BY POWERS, SECONDED BY MILNER

AYES: CLAIR, POWERS, MEEK, PRIVETT, NEWMAN, MILNER, HARRISON, NOBLE

ABSENT: LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
March 26, 2026

Item No. IV. 10.

(SPUD-1815) Application by Retail Buildings, Inc. to rezone 2012 NW 40th Street from R-1 Single-Family Residential and SPUD-111 Simplified Planned Unit Development Districts to SPUD-1815 Simplified Planned Unit Development District. Ward 2.

A. GENERAL INFORMATION

1. Contacts

Applicant's Representative

Travis Crafton
Crafton Cox Engineering
(903) 931-2947

2. Case History

This application was deferred from the March 12, 2026, Planning Commission hearing date.

3. Reason for Request

The purpose of this application is to allow commercial use and development, specifically a parking lot expansion for Braum's.

B. EXISTING CONDITIONS

1. Size of Site: 1.07 Acres

2. School District: Oklahoma City

3. Zoning and Land Use:

	Subject Site	North	East	South	West
Zoning	PUD-111 / R-1	R-1	R-1	C-3	C-4
Land Use	Restaurant	Residential	Residential	Retail	Office

4. 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.

C. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **C-1 Neighborhood 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:

All uses within the C-1 Neighborhood Commercial District

(8300.35) Eating Establishments: Fast Food

(8300.36) Eating Establishments: Fast Food with Drive-Through Window (Call boxes shall be at least 50 feet from adjacent residential use or district.)

1.1 Minimum Lot Size: Per Code.

1.2 Minimum Lot Width: 50 ft.

2. **Maximum Building Height:** 25 ft. and one (1) story
3. **Maximum Building Size:** 6,000 sq. ft.
4. **Maximum Number of Buildings:** Per Code.
5. **Building Setback Lines from SPUD Boundary:**

North: 30 ft.

South: 30 ft.

East: 40 ft.

West: 30 ft.

Building separation shall conform to Building Code and Fire Code requirements.

6. **Sight-proof Screening:** 6 ft. wood stockade fence shall be required along the east SPUD boundary where adjacent to residential.
7. **Landscaping:** Minimum 10% open space (including buffers but excluding right of way). Minimum 6 ft. buffers on east boundary & east half of north boundary. Trees will be planted on 20 ft. centers & evergreen or non-deciduous trees planted on north buffer with

landscaped berm. Evergreen trees will be planted within the east boundary as shown on the site plan. In addition, 3 ft. berms will be placed on the north boundary on the site plan.

8. **Signs:** Per Code except that all freestanding signage shall be limited to the west 50-feet of this SPUD.
9. **Access:** One access is permitted onto N. Pennsylvania Ave. with secondary access from the alley. Two accesses, not to exceed 30-feet in width, shall be permitted onto NW 40th Street subject to Public Works approval.
10. **Sidewalks:** Per Ordinance

II. 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:** 10%
3. **Street Improvements:** Not required.
4. **Site Lighting:** Per Code.
5. **Dumpsters:** Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Municipal Code, as amended. Dumpsters shall be located within an area screened by a combination of building wall, 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.
6. **Parking:** The design and number of all parking facilities in this SPUD shall be in accordance with the Municipal Code, as amended, at the time of development.
7. **Maintenance:** Maintenance shall be the responsibility of the property owner.
8. **Drainage:** Development of this parcel shall comply with the Municipal Code drainage regulations, as amended, at the time of development.

III. Supporting Documents:

Exhibit A: Legal Description

Exhibit B: Site Plan

D. REVIEW COMMENTS

The following are comments received for this application from City of Oklahoma City departments/divisions and/or outside agencies.

1. Airports: No objection.

2. Fire (OCFD): No objection.

3. Public Works Department:

a. Traffic Services: No objection.

b. Engineering - Storm Sewer Availability:

- 1) The Public Works Engineering staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to the applicable requirements of the Oklahoma City Municipal Code, as amended.
- 2) Storm sewers, in accordance with the City of Oklahoma City's Drainage Ordinance, will be required. For developments abutting section line roads where rainfall-runoff exceeds the capacity of the City of Oklahoma City's standard ditch detail, the installation of enclosed storm sewers and/or concrete channels will be necessary. These improvements must be positioned to provide a minimum clearance of 35 feet from the centerline of the section line road. Concrete channels must be located entirely outside the public right-of-way.
- 3) A flood/drainage study will be required to establish finished floor elevations, common lot areas, and private drainage easements. This study must be reviewed and approved by the Public Works Department.
- 4) Plans for drainage improvements within private drainage easements and/or common areas must be submitted for review. Building permits will not be issued until construction is complete. For subdivisions abutting a stream, private drainage easements and/or common areas along the stream must, at a minimum, encompass the entire FEMA-mapped Zone AE and floodway within the limits of the development.
- 5) Place the following note on the plat and construction plans: *Maintenance of the common areas, private drainage easements, and islands/medians shall be the*

responsibility of the Property Owners Association and/or the adjacent property owners. 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 drainage related common areas and/or drainage-easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner that meets the requirements specified above.

- 6) Drainage easements shall be clearly designated as either public or private in the owner's dedication, on the plat, and/or in the plat notes.
- 7) Sediment and erosion control measures shall be provided for any construction in accordance with Oklahoma Statutes Title 27A, OAC 606 - OPDES Standards, and the City of Oklahoma City Municipal Code, as amended.

A City of Oklahoma City Land Disturbance Permit and an ODEQ Construction Permit are required for land disturbance activities exceeding one (1) acre, as specified by the above-referenced regulations. Additionally, a City of Oklahoma City Land Disturbance Permit is required for any construction activity, regardless of the amount of land disturbed, unless exempt under the ordinance.

- 8) Sidewalks shall be installed for all new construction in accordance with the Municipal Code. Any new sidewalks or repair/replacement of existing sidewalks shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction.
- 9) All private roads and streets shall have a private storm sewer system.

4. Utilities Department:

a. Solid Waste Management:

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

b. Water Availability: No objections

c. Wastewater Availability: No objections.

5. Planning Department:

a. Comprehensive Plan Considerations

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.

Location:

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

The subject site is located along the west side of N. Pennsylvania Avenue, a Major Arterial, and NW 40th Street, a neighborhood street, both in the Urban Medium LUTA.

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 Urban Medium Intensity LUTA outlines a density range of 10 to 40 dwelling units per acre.

National, state, and local permitting require basic best management practices for stormwater management. The SPUD regulations could provide for a FAR within the Urban Medium LUTA range.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Protect existing traditional street grid and reconnect it where possible.
- Keep alleys open and functional.
- 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 SPUD Master Design Statement proposes a new/second driveway on NW 40th Street. Existing driveways are located on NW 40th Street and N. Pennsylvania Avenue. A connection south (to the alley) provides access to through land also owned by the applicant that fronts NW 39th Street.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks are currently available on N. Pennsylvania Avenue. Sidewalks are not located along NW 40th Street. Sidewalks will be provided per city code.

- 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 uses adjacent to existing Low Intensity 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 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 SPUD proposes a maximum building height of one story and 25 feet. Building size will be limited to 6,000 square feet. Proposed setbacks are 30 feet on the north, 30 feet on the south, 40 feet on the east and 30 feet on the west. And a 6-foot-wide buffer and 6-foot-tall stockade fence is proposed on the eastern side of the SPUD.*

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. *The subject site is located along the west side of N. Pennsylvania Avenue, a Major Arterial, and NW 40th Street, a neighborhood street, both in the Urban Medium LUTA.*

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 is requested to expand parking eastward onto a residentially zoned lot where the home has been removed. The home across the street to the north is also gone. The MDS requires an increased building setback of 40 feet and screening against the residence on the east.*

3) Service Efficiency:

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

4) Transportation System: The subject site is located along the west side of N. Pennsylvania Avenue, a Major Arterial, and NW 40th Street, a neighborhood street, both in the Urban Medium LUTA. Transit (bus) service is available adjacent to the site along N. Pennsylvania Avenue.

5) Other Development Related Policies

- Encourage redevelopment and infill development on vacant, underutilized, and brownfield sites in urbanized areas. (SU-19)
- 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)
- Share parking between contiguous developments. (C-31)
- 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)

b. Plan Conformance Considerations

The subject site is located along the east side of N. Pennsylvania Avenue, a Major Arterial, south of NW 40th Street, a Neighborhood street. The applicant originally submitted a SPUD application to rezone the now-vacant R-1 property to the east of Braum's restaurant to expand their parking lot. The application was later revised to also include the Braum's property itself, zoned SPUD-111 (1993).

Properties to the north and east are zoned R-1. A home abuts the site on the east. To south, across a paved alley, is a stand-alone parking lot owned by the applicant, and a Casey's gas station at the arterial intersection. To the west across Pennsylvania Avenue is an office zoned C-4.

The new SPUD is requested to create additional parking spaces for the Braum's store. The SPUD would bring the total number of spaces for the Braums from 57 spaces (including the 12 offsite spaces to the south along NW 39th Street) to 78. Current code requires between 55 and 65 spaces for the building, depending on the amount of cold storage inside the building.

Proposed SPUD-1815 retains building height, setback and landscape requirements provided in SPUD-111. However, it seeks to change access limitations on NW 40th from one drive to two and allow right turns onto NW 40th Street. The comprehensive plan supports development fronting arterials to take access from intersecting streets where possible. However, the current SPUD required a left-only turn onto NW 40th Street.

The proposed SPUD retains all the landscaping requirements of SPUD-111 including a 3-foot berm on the northern side of the SPUD with trees (except where the new driveway is requested) and a six-foot buffer with evergreen trees and a stockade fence along the east SPUD boundary. However, the provided exhibit does not show landscaping as referenced in the MDS. Plan conformance would be strengthened by increasing the width of the eastern buffer to 12 feet (as shown on the site plan submittal) to better ensure tree survivability in the buffer, and by planting trees along North Pennsylvania Avenue if possible, given sewer line locations. The existing trees along NW 40th Street should remain.

E. 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. Replace Landscaping section to read: The subject site shall meet all requirements of Oklahoma City's Landscaping Ordinance in place at the time of development, except that a landscape buffer shall be required along the eastern SPUD boundary if adjacent to a residential zoning district. Said buffer shall be a minimum width of 12 feet, with medium or large trees planted at a minimum on 20-foot centers. A minimum 30 percent of the buffer trees shall be evergreen. The existing street trees on NW 40th Street shall remain.

All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the PUD may be required during either Divisions review of construction plans and prior to City Council approval.

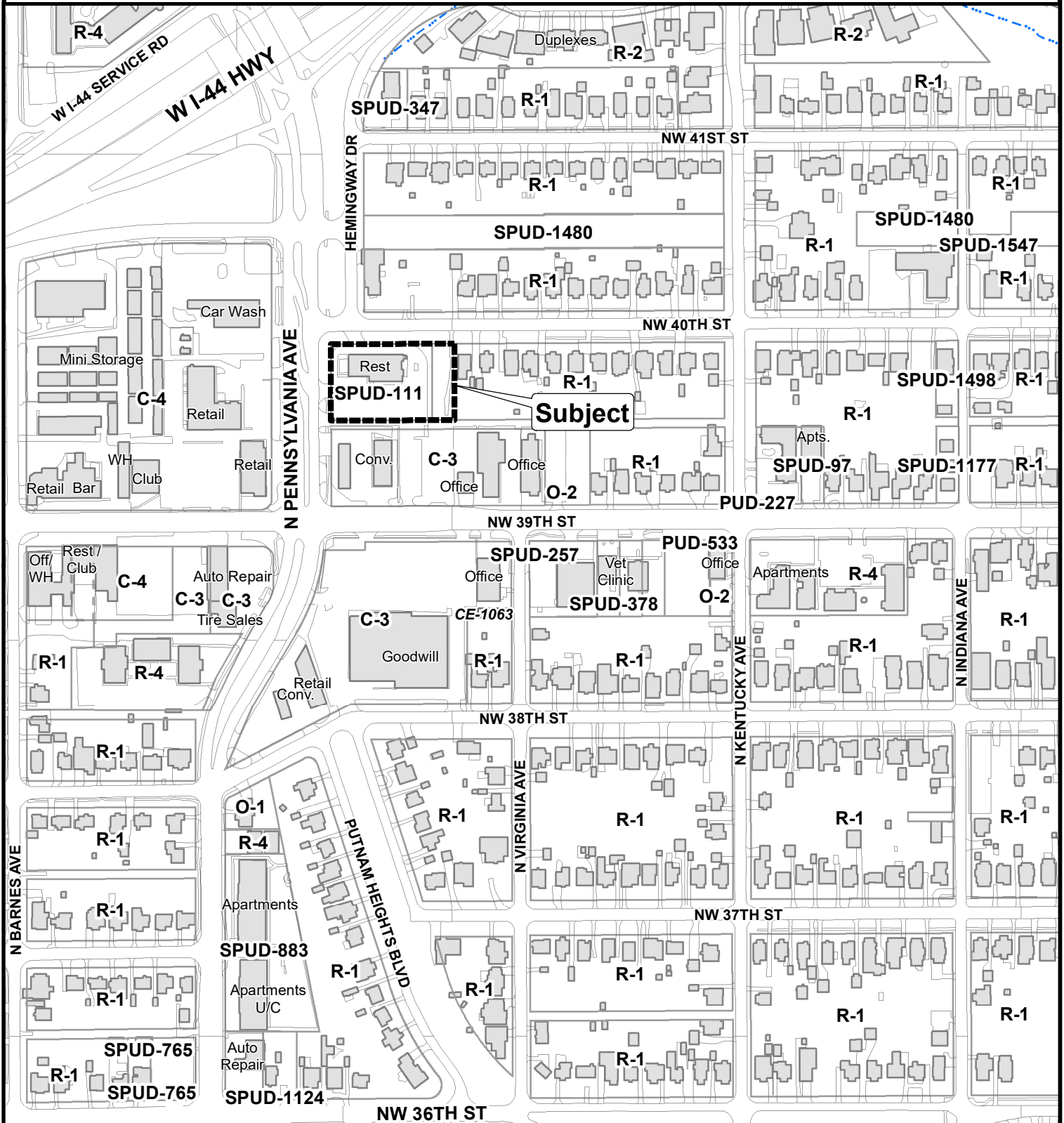
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Case No: SPUD-1815

Applicant: Retail Buildings, Inc.

Existing Zoning: R-1 / SPUD-111

Location: 2012 NW 40th St.



The City of
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Simplified Planned Unit Development



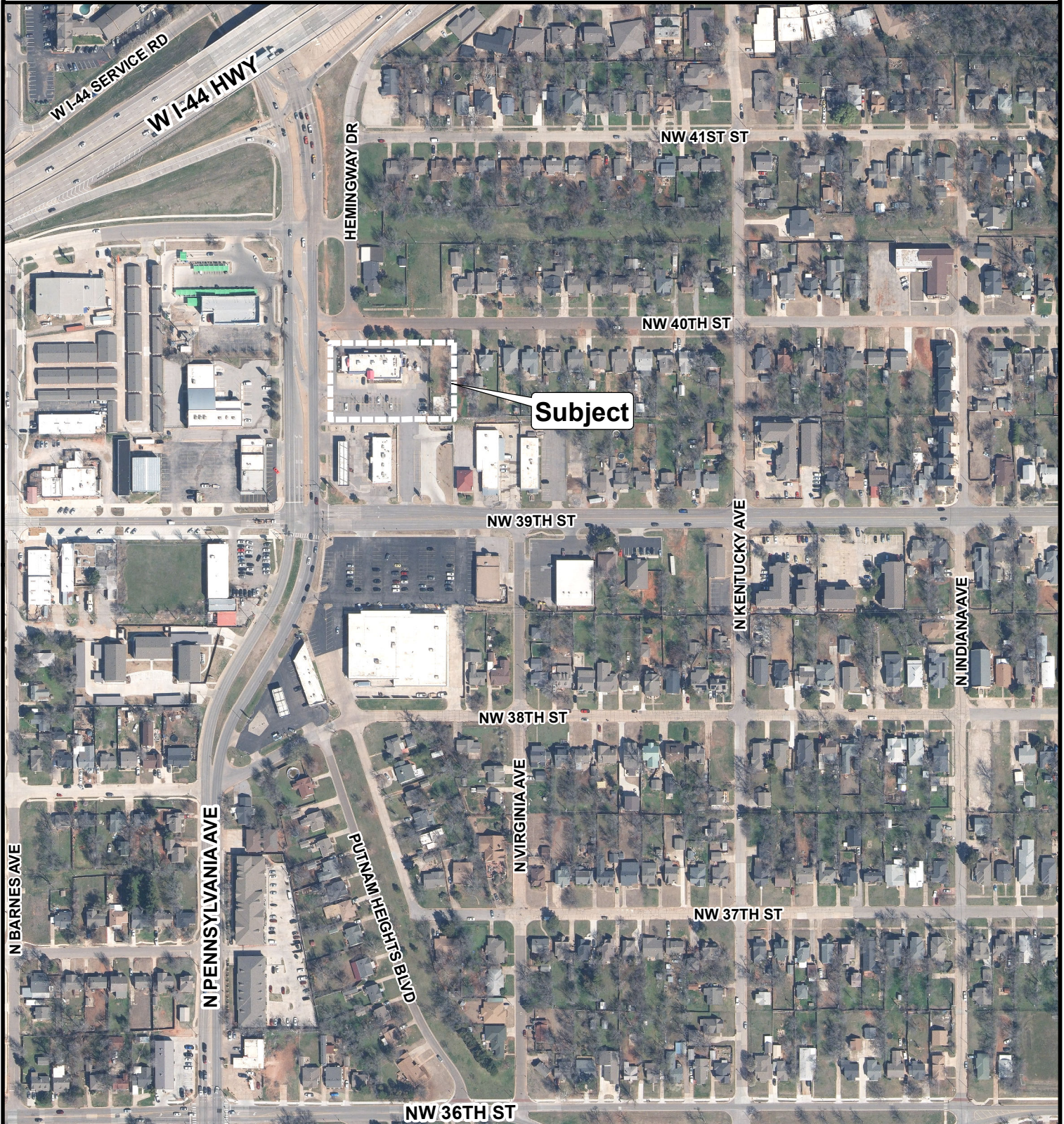
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Case No: SPUD-1815

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Aerial Photo from 3/2025



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