

Planning Commission Minutes  
August 10, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:00 a.m. on August 7, 2023)

5. (SPUD-1548) Application by Desmalchi, LLC to rezone 1103 NW 11th Street from C-4 General Commercial District to SPUD-1548 Simplified Planned Unit Development District. Ward 6.

Amended Technical Evaluation:

1. The development shall be limited to one dwelling unit.
2. Freestanding signs are not allowed.

The applicant was present. There was a protestor present.

**RECOMMENDED APROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.**

MOVED BY GOVIN, SECONDED BY POWERS

AYES: CLAIR, POWERS, MEEK, PRIVETT, NEWMAN, GOVIN, PENNINGTON, NOBLE, LAFORGE



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**August 10, 2023**

**Item No. IV. 5.**

**(SPUD-1548) Application by Desmalchi, LLC to rezone 1103 NW 11th Street from C-4 General Commercial District to SPUD-1548 Simplified Planned Unit Development District. Ward 6.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant/Developer Representative**

Name        Drew A. Cunningham  
Phone       405-234-3270  
Email       drew.cunningham@crowedunlevy.com

**B. Case History**

This is a new application.

**C. Reason for Request**

The purpose of this application is to allow one single-family home.

**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: 0.10 acres**

**3. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	C-4	C-4	C-4	C-4	R-3
<b>Land Use</b>	Undeveloped	Parking Lot	Commercial	Commercial	Residential

## II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **R-3 Medium Density Residential District** regulations (OKC Zoning Ordinance, 2020, as amended).
2. The following use(s) will be the only use(s) permitted on this site:  
All R-3 Medium Density Residential District Permitted uses.
3. **Minimum Lot Size:** 4,000 square feet
4. **Maximum Building Height:** Per R-3 district regulations.
5. **Maximum Building Size:** Per R-3 district regulations.
6. **Maximum Number of Buildings:** Maximum number of buildings shall be one (1) primary structure.
7. **Building Setback Lines:** Per R-3 district regulations.
8. **Sight-proof Screening:** Per R-3 district regulations.
9. **Landscaping:** Landscaping shall meet all requirements of the City of Oklahoma city's Landscaping Ordinance in place at the time of development.
10. **Signs:**
  - 9.1 **Free standing accessory signs:** One monument sign shall be permitted, a maximum of 8 feet high with 100 square feet of display area.
  - 9.2 **Attached signs:** Per the Base Zoning Regulations
  - 9.3 **Non-Accessory Signs:** Shall be prohibited.
  - 9.4 **Electronic Message Display signs:** Shall be prohibited.
11. **Access:** Access to the site shall be via one (1) driveway from NW 11<sup>th</sup> Street.  
  
**Sidewalks:** Five-foot sidewalks shall be constructed on the arterial street or a 6-foot sidewalk 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:** 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:** Per the Base Zoning Regulations
- 3. Street Improvements:** NA
- 4. Site Lighting:** The site lighting in this SPUD for the office development and the high density residential shall be in accordance with Chapter 59, Article XII, section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.
- 5. Dumpsters:** Dumpster shall be a minimum of 50 feet from any residential zone or use and/or on the west side of the proposed SPUD. Roll-off dumpsters shall be permitted during construction
- 6. Parking:** The R-3 district regulations applicable to parking shall apply to this SPUD.
- 7. Maintenance:** All property maintenance is the responsibility of the property owner or their designated representative.
- 8. Drainage:** The site's drainage systems shall comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.
- 6. Sight-proof Screening:** Sight-proof Screen Fence is required where the property is adjacent to residentially zoned property or use. No less than a six-foot and no greater than a eight-foot high fence or wall shall be required along the boundary of this parcel where it is adjacent to any residential zoning or use. Said fence or wall shall be constructed entirely of stucco, brick, stone, wood or any combination thereof and shall be solid and opaque.
- 9. Common Areas:** Not applicable.

**III. Supporting Documents**

Exhibit A: Legal Description  
Exhibit B: Surrounding Properties  
Exhibit C: Site Plan  
Exhibit D: Survey

### **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.
- 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.

**c. Stormwater Quality Management**

**d. Traffic Management\***

**8. Utilities**

**a. Engineering**

**Paving**

**Wastewater Availability**

- 1) An existing 8” wastewater main(s) is located adjacent to the subject site(s).
- 2) An existing wastewater main(s) is within the required distance to the subject site and will be required to be extended to the furthest property line for any proposed development.
- 3) Line capacity is not guaranteed and must be checked by the Engineer of Record and reviewed by the City.
- 4) The developer will be required to extend the City wastewater collection system to and across each lot or site within the subdivision in accordance with the City Standard Specifications and Private Development Design Manual.
- 5) Minimum ten (10) feet horizontal separation is required from water mains and five (5) feet for other utilities. Minimum two (2) feet vertical separation required for all crossings. All wastewater mains must have a minimum cover of four (4) feet and depth no greater than eighteen (18) feet. Developer is responsible for remediating any failure to maintain the minimum four (4) feet of cover.
- 6) Wastewater main(s) must be centrally located in a twenty (20) feet wide easement or larger if necessary. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 7) All existing unused private wastewater service connections must be abandoned and capped at the main in accordance with City Standard Specifications and Private Development Design Manual.
- 8) A PRIVATE UTILITY EASEMENT WILL BE REQUIRED FROM 1211 N WESTERN (NORTH PROPERTY) IN ORDER TO CONNECT TO THE SANITARY SEWER MAIN IN THE ALLEY.

**b. Solid Waste Management**

- 1) The City can provide service provided there is sufficient space for the truck to maneuver to service the addition. The City can provide service for up to 3 units on a single water meter. Any more than 3 units on the same water meter will have to be serviced by a private hauler. A dumpster could be utilized provided there is not enough frontage space for cart placement.

**a. Water/Wastewater Quality**

**Water Availability**

- 1) An existing 6” water main(s) is located adjacent to the subject site(s).

- 2) Minimum ten (10) feet horizontal separation required from wastewater mains and five (5) feet for other utilities. Minimum two (2) foot vertical separation required for all utility crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 3) Proposed and/or existing water mains must be located centrally within a twenty (20) feet wide or larger utility easement or right-of-way. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 4) Dead-end water mains must be avoided when possible. All existing unused water services must be capped and abandoned at the water main in accordance with the City Standard Specifications.
- 5) In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi. The developer is responsible for designing and construction of all fixtures to provide adequate domestic and fire protection under minimum pressure conditions. The developer will be responsible for any failure of domestic or fire protection systems which require water pressure in excess of 25 psi. The developer is responsible for installing pressure reducers if necessary for protection of developer's service lines, plumbing, and fixtures.
- 6) All existing and/or proposed water meters must be located in the right-of-way and/or utility easement within grassy areas outside of sidewalks, driveways, streets, and paving.
- 7) All domestic and fire suppression services must have a separate water service connection. Fire hydrant spacing shall not exceed 500 feet and must be located within ten (10) of a hard surface (i.e. sidewalk, street, paving).
- 8) Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.

## **9. Planning**

### **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.

##### Location:

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

Density: 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 is requested for one residence on a 4,400 sf parcel 10 du/acre)*

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Primary entrance points should be aligned with access points immediately across the street.

*The subject site currently has no improved access. The SPUD proposes one drive along NW 11<sup>th</sup> Street.*

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

*Sidewalks are available along NW 11<sup>th</sup> Street and are required by the SPUD.*

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. The SPUD is requested to rezone C-4 land to build one home next to other R-3 zoned property. No compatibility issues were identified.
- 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 highly 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 NW 11<sup>th</sup> Street, a Neighborhood Street in the Urban Medium LUTA. The nearest transit (bus) service is located east of the site, along N Classen Boulevard.
- 6) **Other Development Related Policies**
  - Support diversity and integration of housing unit types and sizes in all land use typology areas in order to meet the diverse needs of households of different sizes, generational needs, incomes, and preferences. (SU-4)
  - 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)

- 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 on the north side of NW 11<sup>th</sup> Street, west of N Western Avenue. The site is zoned C-4 and undeveloped. The west side of the N Western Avenue corridor, north and south of the site, is zoned C-4 and developed with commercial uses. West of the corridor is zoned R-3 and developed primarily with single-family residential. The SPUD is requested to build a new home in the Classen Ten Penn Neighborhood. The proposal to increase density in the Urban Medium LUTA is in conformance with UM density ranges and comprehensive plan goals to provide a mixture of residential housing types and infill development on vacant lots.

**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.**

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.

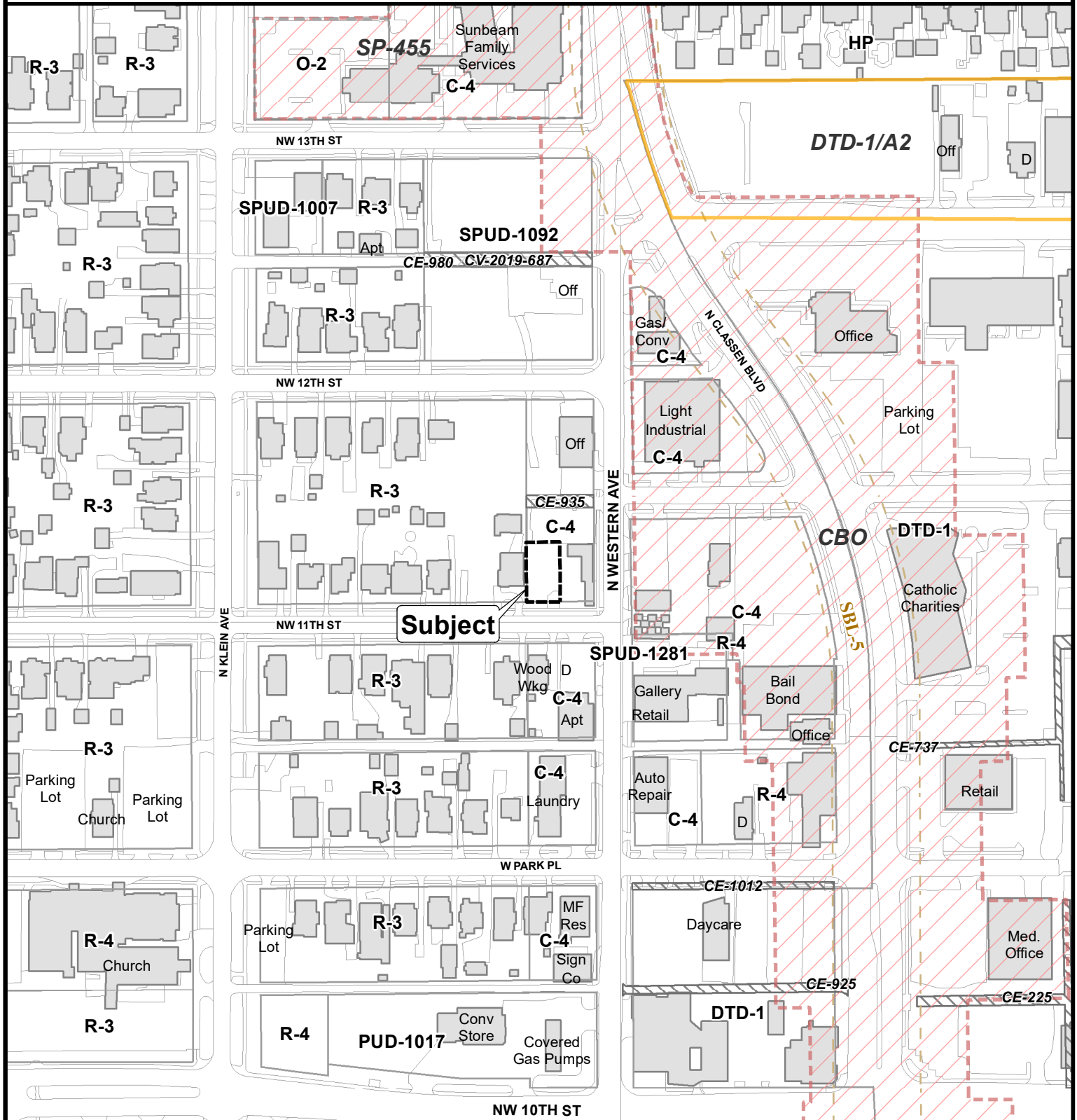
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Case No: SPUD-1548

Applicant: Desmalchi LLC

Existing Zoning: C-4

Location: 1103 NW 11th St.



# Simplified Planned Unit Development

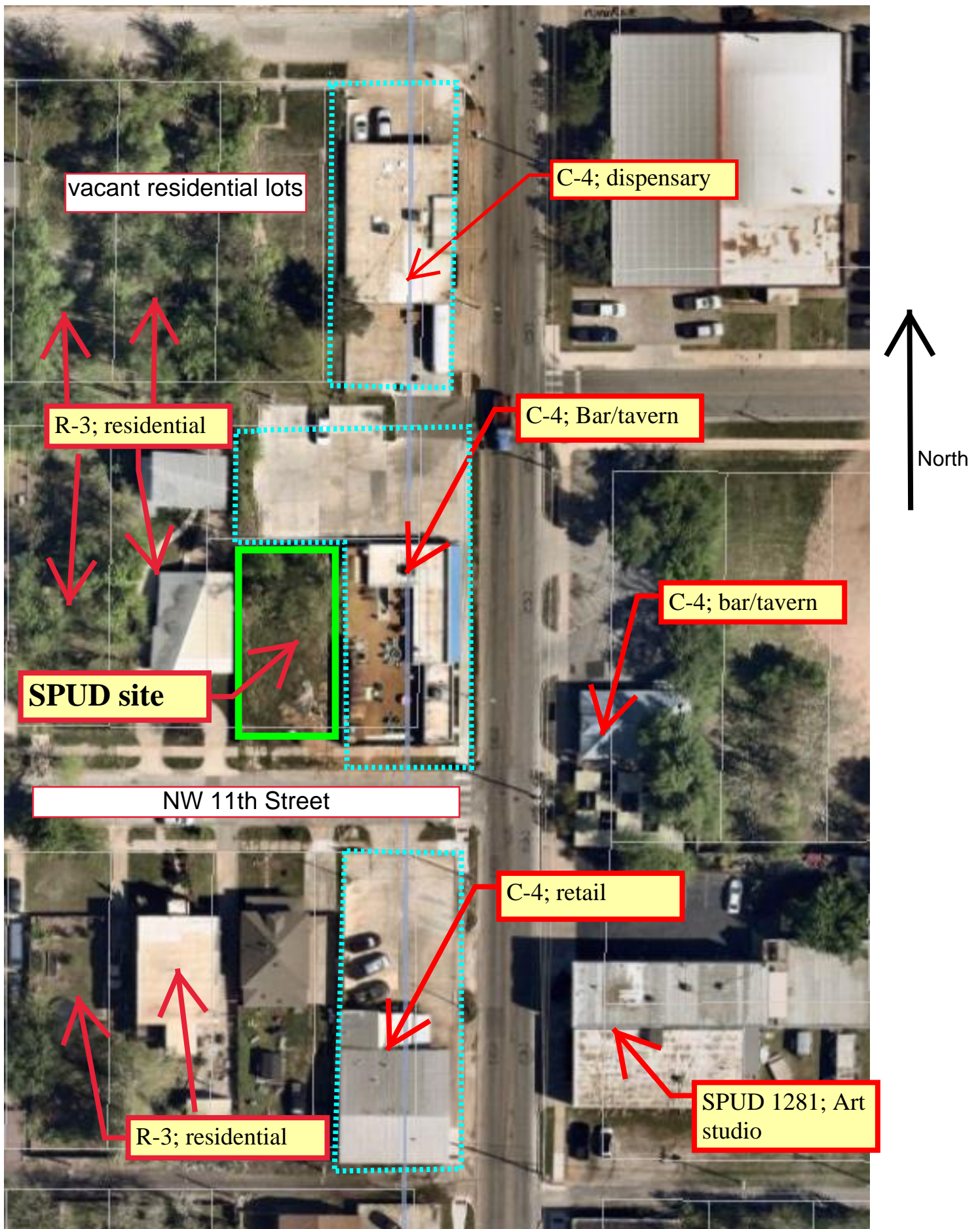


The City of  
OKLAHOMA CITY



0 100 200 Feet

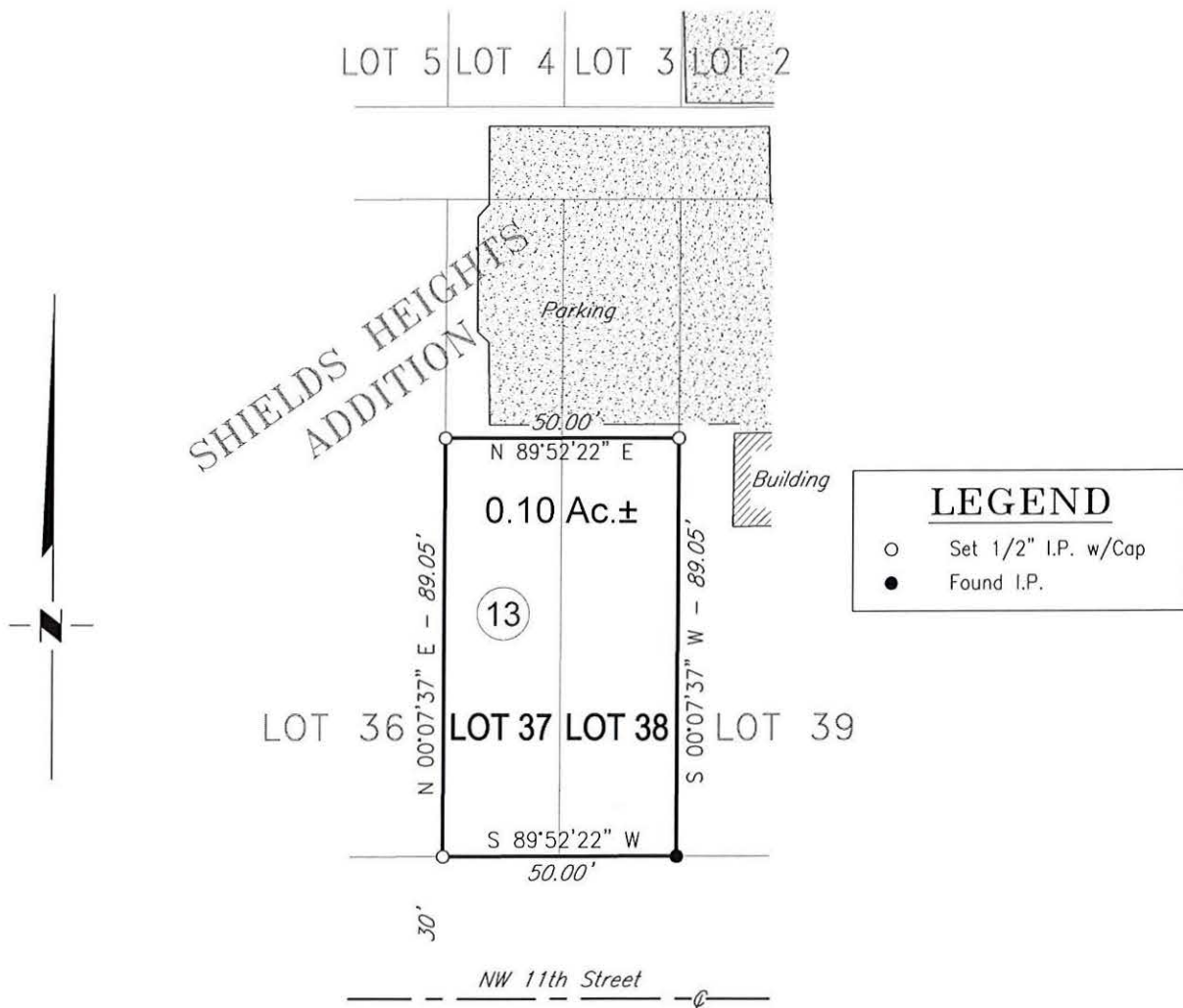
## Exhibit B: Surrounding Properties





## Exhibit C: Site Plan





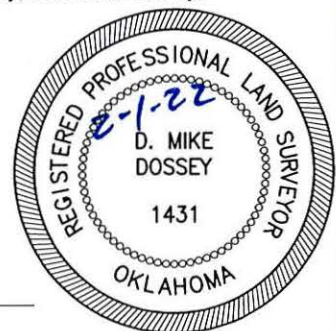
**LEGAL DESCRIPTION:**


The South 89.05 feet of Lots Thirty-seven (37) and Thirty-eight (38) in Block Thirteen (13), of SHIELDS HEIGHTS, being a subdivision of Blocks Thirteen (13) and Eighteen (18), SUMMERS PLACE ADDITION, to Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof. Contains 0.10 Acres more or less.

**BASIS OF BEARINGS:** Established bearing of S 00°07'37" W along the east line of Lot 38 by GPS observation.

THIS PLAT OF SURVEY MEETS THE MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

*[Signature]*  
D. MIKE DOSSEY, R.P.L.S. No. 1431



				<div>PLAT OF SURVEY</div>	SCALE:	1"=40'
					DATE:	12/07/21
NO.	REVISION	DATE	BY		JOB NO.:	2114245
SURVEYED BY: N.H.					DWG. NO.:	2114.245C
DRAWN BY: T.A.W.					AFF. NO:	
APPROVED BY: D.M.D.				<div><div><div>CIMARRON.</div><div>SURVEYING &amp; MAPPING CO.</div><div>CA No. 1780 Expires June 30, 2022</div></div><div><div>1530 SW 89th STREET, Bldg. C3</div><div>Oklahoma City, OK</div><div>(405) 692-7748</div><div>www.cimsurvey.com</div></div></div>	SHEET 1 OF 1	



Case No: SPUD-1548      Applicant: Desmalchi LLC  
Existing Zoning: C-4  
Location: 1103 NW 11th St.



Aerial Photo from 2/2020



The City of  
OKLAHOMA CITY

# Simplified Planned Unit Development

