

Planning Commission Minutes
June 22, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:36 a.m. on June 20, 2023)

19. (SPUD-1537) Application by Wayne Perotka and Laci Ray to rezone 1131 NW 5th Street from R-3 Medium Density Residential District to SPUD-1537 Simplified Planned Unit Development District. Ward 6.

Amended Technical Evaluation:

1. The minimum lot size shall be 2,500 square feet.
2. Parking for development within this SPUD may be located on adjacent parcels.
3. Limit EIFS to a maximum of 30% of the building façade.
4. A Specific Plan shall be required.
5. Strike the Home Sharing use unit as a permitted use.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY GOVIN, SECONDED BY POWERS

AYES: CLAIR, POWERS, PRIVETT, GOVIN, PENNINGTON, NEWMAN

NAY: LAFORGE, NOBLE



STAFF REPORT
The City of Oklahoma City
Planning Commission
June 22, 2023

Item No. IV. 19.

(SPUD-1537) Application by Wayne Perotka and Laci Ray to rezone 1131 NW 5th Street from R-3 Medium Density Residential District to SPUD-1537 Simplified Planned Unit Development District. Ward 6.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Ken Fitzsimmons
Phone 405-625-2115
Email ken@task-design.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow residential and mixed-use development.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Urban – Medium (UM)

UM applies to fully urbanized areas of the city, most of which were built prior to the 1960s. Developments are expected to be larger in scale and have greater intensity and mixture of uses than developments found in UL. Development within UM areas should support efficient transit usage and provide pedestrian and bicycle access to retail, services, parks, and other destinations. Priorities for the UM areas include “infill” developments on vacant lots, rehabilitation of underutilized property, and development that supports revitalization of distressed neighborhoods.

2. Size of Site: 0.06 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-3	I-1	N/A	I-2	I-2
Land Use	Undeveloped	Undeveloped	Right-of-way	Industrial	Industrial

II. SUMMARY OF SPUD APPLICATION

This site will be developed in accordance with the regulation of the **NB Neighborhood Business District** (OKC Zoning Ordinance, 2020), except that the following restrictions will apply:

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

8200.2	dwelling units and mixed use
8200.4	live/ work units
8200.12	multifamily residential
8200.14	single-family residential
8200.15	three- and four-family residential
8200.16	two-family residential
8250.5	cultural exhibits
8250.16	murals
8200.32	convenience sales and personal services
8300.51.1	lodging/accommodations: home sharing
8300.59	personal services-restricted

2. Maximum Building Height: Up to 4 stories / 50-ft.

3. Maximum Building Size: The maximum building lot coverage shall not exceed 85%.

4. Maximum Number of Buildings: The base zoning district regulations shall regulate the number of structures in this SPUD.

5. Building Setback Lines

Front-north-Linwood Diagonal: 0-feet

Rear-south NW 5th: 0-feet

West side -N Klein Ave: 0 -feet

East Side- 0 feet

Setbacks for Sight triangle not required

6. Sight-proof Screening: Sight proof screening shall not be required. A fence up to 8 ft tall shall be permitted along property lines. Fence may be constructed of materials per below II.1 Architecture regulations.

7. Landscaping: The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

8. Signs

8.1 Free standing accessory signs

To be in accordance with the base zoning district regulations.

8.2 Attached signs

To be in accordance with the base zoning district regulations.

8.3 Non-Accessory Signs

Non-Accessory signs shall be prohibited.

8.4 Electronic Message Display signs

Electronic Message Display signs shall be prohibited.

- 9. Access:** On-site parking spaces may be accessed from one drive from NW 5th St. Driveway may be up to a 20-ft wide 2-way drive. West side of drive to be located a minimum of 31.5' ft east of the N Klein Ave. ROW centerline.

Driveways and parking spaces, located on private property, may be constructed of compacted decomposed or crushed granite or screenings contained within concrete curb or steel edging.

- 10. Sidewalks:** One new 4' wide sidewalk, running east-west, to be provided along south side to connect to existing walk/ ramp to remain.

II. OTHER DEVELOPMENT REGULATIONS:

1. Architecture

Permitted exterior wall finish materials include wood, fiber cement, or composite panel or lap siding, masonry, EIFS, stucco, architectural metal panel which may be of a corrugated profile, polycarbonate panels, composite decking, exposed wood or metal, welded wire panels. Cladding may be attached with exposed fasteners.

Roof may be of any configuration, material or pitch.

2. Street Improvements: N/A

3. Site Lighting

The site lighting in this SPUD shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

4. Dumpsters

Dumpster enclosure shall be located within an area screened by a 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 neighboring residential zoning district or use.

5. Parking

For residential use a minimum of 1 space per dwelling unit which may be located within a garage or carport. For commercial use -1 parking space per 1,000 sf to be provided on site. Landscape buffer not required for commercial use parking.

A minimum aisle width of 22 feet shall be allowed for maneuvering. No minimum distance or vehicle barrier required between house and access drive(s).

6. Maintenance

Maintenance of all common areas in the development and maintenance of all amenities located within the common areas shall be the responsibility of the owner(s) of said property. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

7. Drainage

Development of this parcel will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

III. SUPPORTING DOCUMENTS

Exhibit A: Legal Description
Exhibit B: Conceptual Site Plan

III. REVIEW COMMENTS

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

A. Outside Agencies

- 1. Oklahoma City-County Health Department**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas:** Please be advised ONG has an underground or aboveground facility in the area. If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate. Prior to excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior for exact location of our facilities.
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District(s) 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 24” wastewater main(s) is located adjacent to the subject site(s).
- 2) Line capacity is not guaranteed and must be checked by the Engineer of Record and reviewed by the City.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) Connection to the 24 inch wastewater main will require a new manhole installation.

b. Solid Waste Management

- 1) The City can provide service, providing there is sufficient space for the truck to maneuver to service the addition.
- 2) The City can provide service for up to 3 units on a single water meter. Any more than 3 units on the same 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.
- 3) The City can provide solid waste collection services to commercial customers providing refuse is not excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise the customer will have to utilize a private hauler for dumpster service.

c. Water/Wastewater Quality

Water Availability

- 1) An existing 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.
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.

Location:

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

Density: The 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 development with reduced setbacks on a narrow piece of land that could be residential or a mixed-use building.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Protect existing traditional street grid and reconnect it where possible.
- Primary entrance points should be aligned with access points immediately across the street.

Access is limited to one drive on NW 5th Street.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.
- Discourage widening of neighborhood streets and increasing curb radii.

Sidewalks are required along the south boundary of the property.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. Potential operational impacts are identified when locating residential uses near industrial uses or zoning. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass. *The SPUD proposes residential uses and potentially a mixed use building up to 50 feet tall near industrial uses and zoning. However, the site is the only private property located on the “island” between NW 5th Street and Linwood Blvd west of Klein, as the site abuts City-owned (unzoned) land and right-of-way. The design of the development considers its unique location and circumstances, as well as any opportunity to acquire adjacent land.*
- 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 has frontage along NW 5th Street, an Industrial Street, N Klein Avenue, an Industrial Street, and Linwood Diagonal, a Major Arterial Street, all in the Urban Medium LUTA. The nearest transit (bus) service is located along Linwood Diagonal.
- 6) **Other Development Related Policies**
 - Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
 - 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)

b. Plan Conformance Considerations

The subject site is located in a unique position between NW 5th Street, Linwood Diagonal, and N Klein Ave, a block west of N Western Ave. The site is zoned R-3 but is only about 2,600 square feet in size, which does not meet the minimum lot size requirement for the existing zoning district. The rest of the land in the “island” is either owned by the City or is right-of-way.

The SPUD is requested with an NB base and a reduced lot size in order to construct a residence (potentially a mixed-use building) up to 50 feet tall. The design of the development takes into account its unique location and circumstances, as well as any opportunity to acquire adjacent land. 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. The NB base zone allows zero setbacks and no parking. The SPUD may wish to allow parking on adjacent parcels should the opportunity arise.

IV. STAFF RECOMMENDATION

Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning Commission. Planning Commission decisions require a vote of five members to approve or deny an item. The Planning Commission may consider in its decision-making process any additional relevant information presented at the public hearing by the public, applicant, and/or City departments.

Approval of the application subject to the following Technical Evaluations:

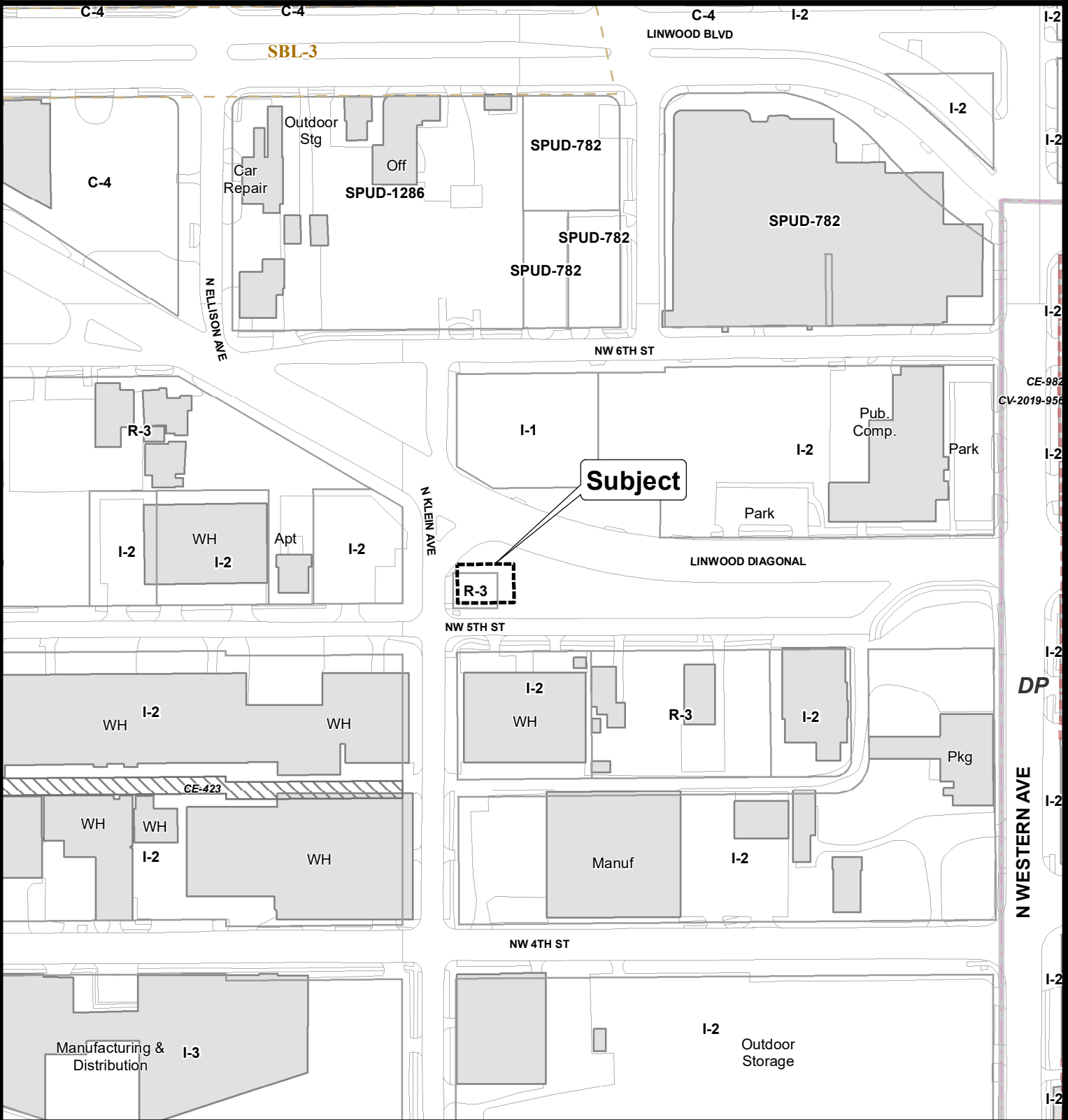
- 1.** The minimum lot size shall be 2,500 square feet.
- 2.** Parking for development within this SPUD may be located on adjacent parcels.

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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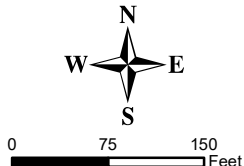
Case No: SPUD-1537
Existing Zoning: R-3
Location: 1131 NW 5th St.

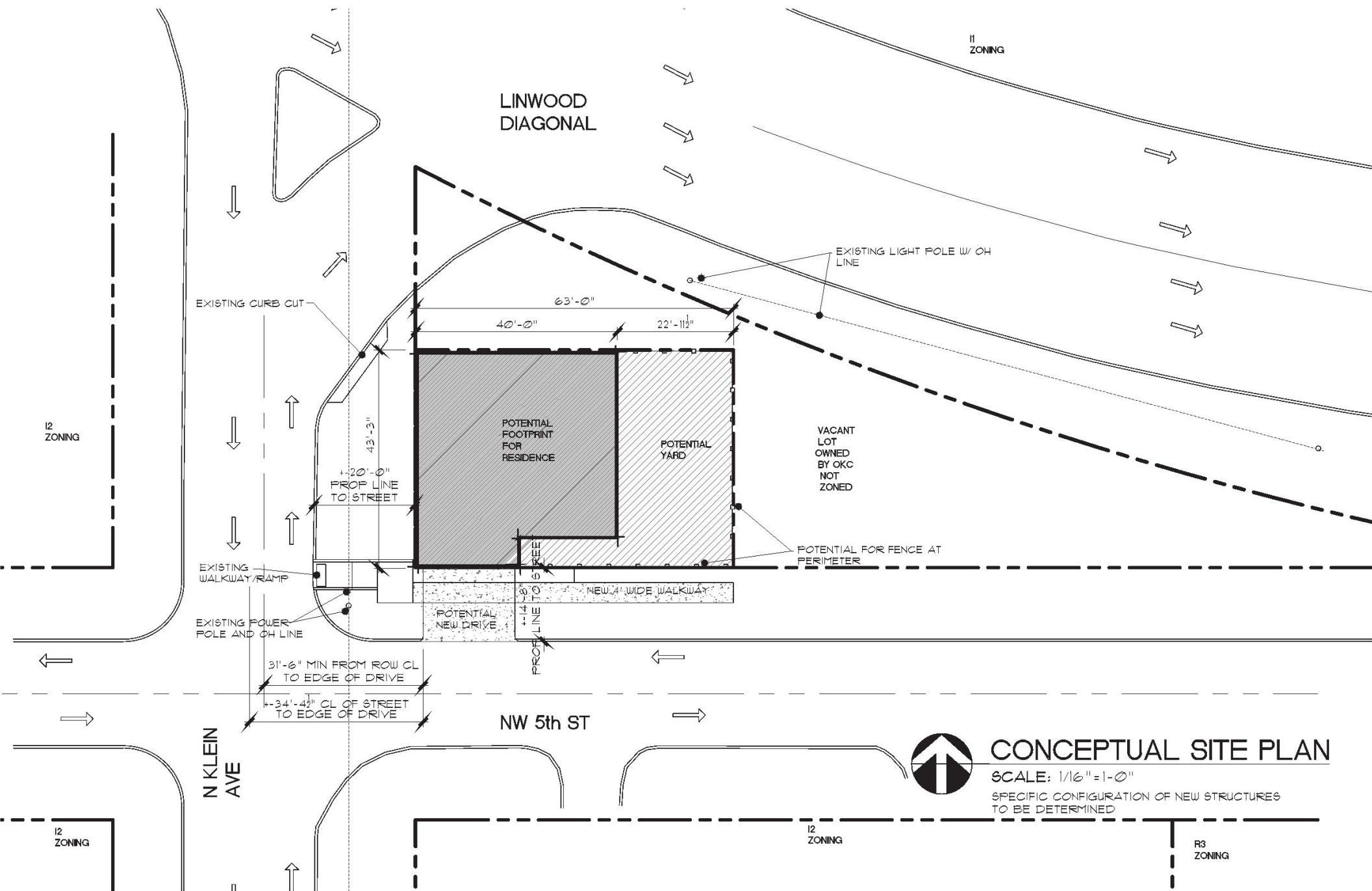
Applicant: Wayne Perotka and Laci Ray



The City of
OKLAHOMA CITY

Simplified Planned Unit Development





Case No: SPUD-1537
Existing Zoning: R-3
Location: 1131 NW 5th St.

Applicant: Wayne Perotka and Laci Ray



Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Simplified Planned Unit Development

