

Planning Commission Minutes  
March 14, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:07 a.m. on March 11, 2024)

6. (PC-10922) Application by Nelson MBM Investments, LLC, to rezone 1512 South Byers Avenue from C-4 General Commercial, SRODD Scenic River Overlay Design, and MH Manufactured Home Overlay Districts to R-2 Medium-Low Density Residential, SRODD Scenic River Overlay Design, and MH Manufactured Home Overlay Districts. Ward 7.

The applicant was present. There were no protestors present.

**RECOMMENDED APPROVAL.**

MOVED BY CLAIR, SECONDED BY PRIVETT

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



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**March 14, 2024**

**Item No. IV. 6.**

**(PC-10922) Application by Nelson MBM Investments, LLC, to rezone 1512 South Byers Avenue from C-4 General Commercial, SRODD Scenic River Overlay Design, and MH Manufactured Home Overlay Districts to R-2 Medium-Low Density Residential, SRODD Scenic River Overlay Design, and MH Manufactured Home Overlay Districts. Ward 7.**

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant**

Andrew Nelson  
Nelson MBM Investments, LLC  
(405) 863-8846  
andy@nelsonlandscapingok.com

**B. Case History**

This application was continued from the February 22, 2024 Planning Commission meeting.

**C. Reason for Request**

The purpose of this request is to bring an existing, non-conforming duplex into zoning conformance.

**D. Existing Conditions**

**1. Size of Site (0.10 Acres)**

**2. 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 / SRODD / MH	R-1 / SRODD / MH	C-4 / SRODD / MH	C-4 / SRODD / MH	I-2 / SRODD
<b>Land Use</b>	Residential	Residential	Residential	Residential	Rotary Park

**3. 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.

## **II. 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 (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Water Resources Board (OWRB)**
- 5. School District (Oklahoma City)**
- 6. Oklahoma Department of Transportation (ODOT)**
- 7. Oklahoma Natural Gas (ONG)**
- 8. Oklahoma Electric Cooperative (OEC)**

### **B. City Departments**

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire (OCFD) \***
- 4. Information Technology/Geographic Support (IT/GIS)**
- 5. Parks and Recreation**
- 6. Police (OCPD)**
- 7. Public Works**

**a. Engineering**

**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 PC will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be

required prior to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.

- 8) Sidewalks 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.

**8. Streets, Traffic and Drainage Maintenance**

**9. Stormwater Quality Management**

**10. Traffic Management \***

**11. Utilities**

**a. Wastewater Comments**

1. An existing 8” 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.

**b. Water Comments**

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.

**c. Solid Waste Management \***

**12. 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 application is requested to bring an existing, non-conforming duplex into zoning conformance.*

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.

*The subject site currently has one paved access along South Byers Avenue. Any changes to access would be per Code.*

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

*Sidewalks are not currently available on the subject site; however, they are available on the west side of South Byers Avenue. Any changes to access would be per Code. Sidewalk requirements cannot be stipulated in a base zoning request.*

- 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 industrial zoning, or residential uses or zoning, “Building Scale and Site Design” 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. The comprehensive plan states that in some cases, a proposed project may need to take measures to reduce the impact of an existing use, and specifically identifies placing residential uses next to an industrial use as an example.

In this case, the I-2 zoning across S Byers Avenue to the west is developed with a park.

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 application is requested to bring an existing, non-conforming duplex into zoning conformance. No triggers requiring mitigation 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 S Byers Avenue, a Neighborhood Street in the Urban Medium LUTA. The nearest transit (bus) service is located south of the subject site, along SE 15<sup>th</sup> Street.
- 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)
  - 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)
- 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)
- Protect the unique character of National Register-listed properties or districts and local Historic Districts and ensure that development and redevelopment is compatible with historic resources and character. (E-29)

**7) Other Considerations: Historic Resources**

The existing duplex was constructed in 1935 according to the Oklahoma County Assessor's website. The structure was identified as within the boundary of a potential Shidler-Wheeler #2 Historic District in a 1992 Intensive Level Survey. The district previously received a formal Determination of Eligibility from the National Register of Historic Places, however that determination is no longer in place. *The City's preservation plan, preserveokc, supports the adaptive reuse of the existing structure.*

**b. Plan Conformance Considerations**

The subject site is located on the east side of South Byers Avenue, just north of SE 15<sup>th</sup> Street. The site, and land to the east and south, are zoned C-4 and within the Manufactured Home (MH) Overlay District. The subject site is developed with an existing, non-conforming duplex. North of the subject site is a single-family residence zoned R-1. Abutting the site on the east is a single-family residence followed by a vacant lot. South of the subject site, at the northeast corner of S Byers Avenue and SE 15<sup>th</sup> Street, is a single-family residence. Across S Byers Avenue to the west is zoned I-2 and is developed with the now-vacant Shidler Elementary School and the Rotary Playground Park. The application is requested to bring the structure into zoning conformance.

The subject area is within the Scenic River Overlay Design District (SRODD - Regatta) and the rezoning application is subject to review by the Riverfront Design Committee (RDC). On March 7, 2024, the RDC recommended approval to the Planning Commission.

**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.**

**gjh**



# STAFF REPORT

## Riverfront Design Committee

03/07/2024

**Agenda Item** VII.A.  
**Case No.** PC-10922  
**Property Address** 1512 S Byers Ave  
**Applicant Name** Andrew Nelson, Nelson MBM Investments  
13408 Old Iron Rd  
Edmond, OK 73013  
**District** Regatta/C-4 General Commercial District

### A. ITEMS FOR CONSIDERATION

To provide a recommendation to the Planning Commission for a request to rezone from C-4 General Commercial District to R-2 Medium-Low Residential District. This property would remain in the Scenic River Overlay Design District (SRODD) and any development/redevelopment would be required to comply with the SRODD regulations and guidelines.

### B. BACKGROUND

#### 1. Location

This site is located on the east side of S Byers Ave, just north of SE 15<sup>th</sup> St.

#### 2. Site History/Existing Conditions

This area was platted in block 18 of the Central Addition to Oklahoma City on April 24, 1908. Currently, there is a duplex on this site. According to the Oklahoma County Assessor's website, the duplex was constructed in 1935.

#### 3. Surrounding Environment

Adjacent to the east and south are single-family residences. Adjacent to the north is a single-family residence with a storage yard and storage buildings. To the northeast is the (closed) Shidler Elementary School. To the west, across S Byers Ave, is Rotary Park.

#### 4. Intended Use

The applicant has stated that he needs to rezone to a district that permits the current use of the property (duplex) because his bank won't refinance the property because it is zoned commercial.

#### 5. Other

Per 59-4250.8.(A), *"The Riverfront Design Committee (RDC) shall have the opportunity to comment upon and provide recommendations on actions proposed to other City boards, committees, and commissions with respect to the effect of such actions upon the District except buildings for which a Notice of Violation for dilapidation has been sent by the City."*

### C. ITEMS IN COMPLIANCE

**STAFF REPORT**

Riverfront Design Review Committee

03/07/2024

PC-10924

The rezoning is consistent with the existing, appropriate use of the property and is compatible with existing development in the surrounding area. The property would remain in SRODD and any development/redevelopment would be required to conform with the Development Regulations and Guidelines of the Scenic River Overlay Design District zoning ordinance. Future development/redevelopment will be required to obtain a Certificate of Approval.

**D. ISSUES AND CONSIDERATIONS**

None

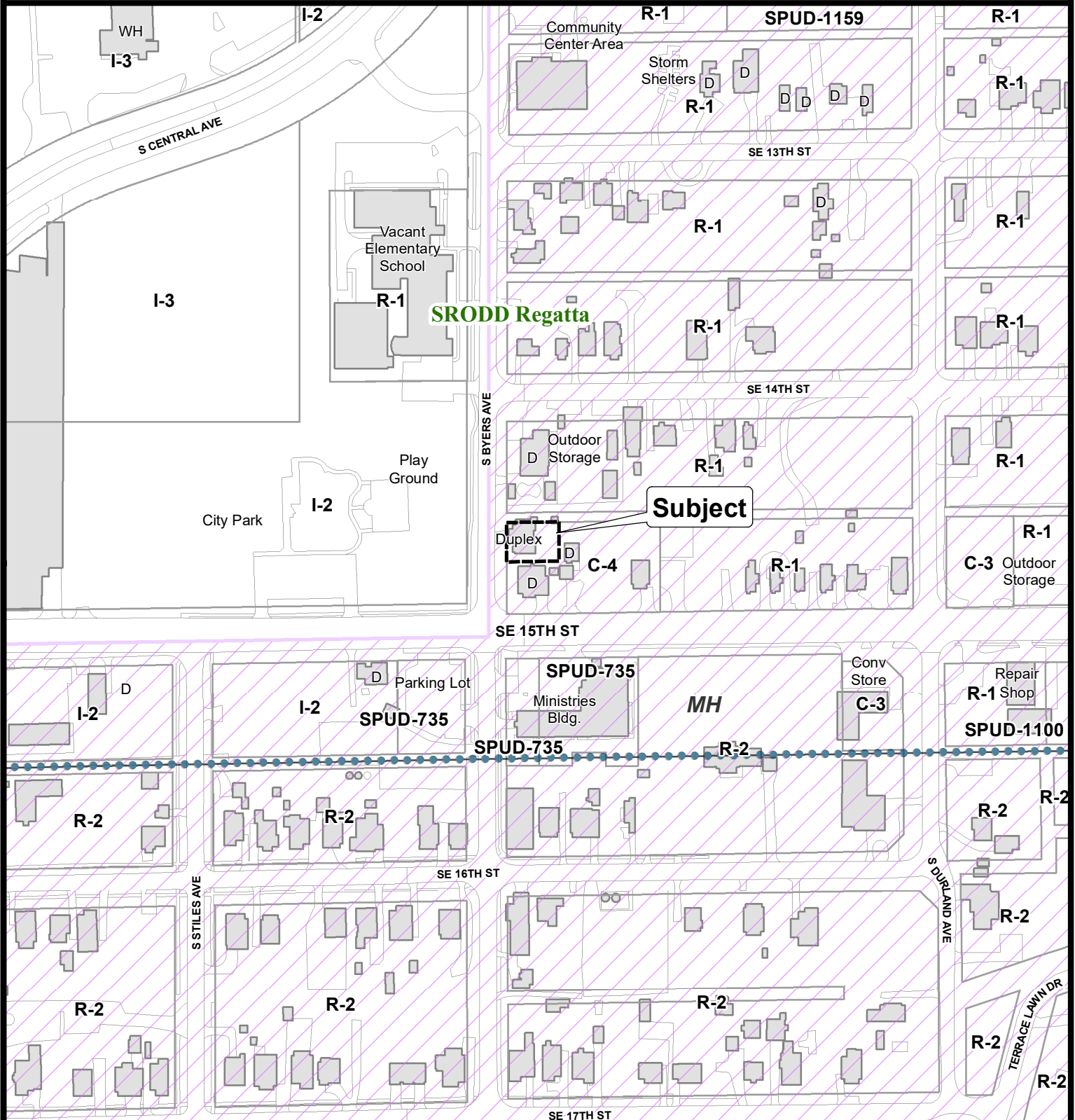
**E. STAFF RECOMMENDATION**

- 1. Provide a recommendation of approval to the Planning Commission** on the basis that the project complies with the Scenic River Overlay Design District zoning ordinance as referenced in Section C of the Staff Report.

*Note: Staff recommendations do not constitute Committee decisions.*

Attachments: Application, Legal Description, Deed, Photos

Case No: PC-10922      Applicant: Nelson MBM Investments, LLC  
Existing Zoning: C-4 / SRODD / MH      Location: 1512 S. Byers Ave.  
Proposed zoning: R-2 / SRODD / MH



The City of  
OKLAHOMA CITY

## Rezoning Application



0 100 200 Feet



Case No: PC-10922      Applicant: Nelson MBM Investments, LLC  
Existing Zoning: C-4 / SRODD / MH  
Proposed zoning: R-2 / SRODD / MH      Location: 1512 S. Byers Ave.



Aerial Photo from 2/2022



The City of  
OKLAHOMA CITY

# Rezoning Application



0 100 200  
Feet