



STAFF REPORT
The City of Oklahoma City
Planning Commission
January 9, 2025

Item No. IV. 13.

(PUD-2048) Application by North Harvey Properties, LLC to rezone 3031 NW 150th Street from PUD-1726 Planned Unit Development, PUD-678 Planned Unit Development and CUP-36 Community Unit Plan Districts to PUD-2048 Planned Unit Development District. Ward 8.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

David Box
Box Law Group, PLLC
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B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow residential development.

D. Existing Conditions

1. Size of Site: 9.9173 Acres

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	PUD-1726, PUD-678, CUP-36	PUD-678	PUD-1925	R-4, CUP-36	O-2
Land Use	Undeveloped	Residential	Undeveloped	Multi-family Residential	Undeveloped

3. Comprehensive Plan Land Use Typology Area: Urban – Low Intensity (UL)

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

II. SUMMARY OF PUD APPLICATION

8.1 USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the R-1 Single-Family Residential District shall govern this PUD, except as herein modified.

All uses within the R-1 District shall be permitted within this PUD.

9.0 SPECIAL CONDITIONS

The following special conditions shall be made a part of this PUD:

9.1 FAÇADE REGULATIONS

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, siding, rock, stone, stucco, or wood, or other similar type finish. No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

9.2 LANDSCAPING REGULATIONS

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

9.3 LIGHTING REGULATIONS

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

9.4 SCREENING REGULATIONS

No less than a six-foot and no greater than an eight-foot-high wall or fence shall be required along the boundary of this parcel where it is adjacent to any residential use. Said wall or fence shall be constructed entirely of stucco, brick, or stone on a continuous footing, or may be constructed of wood, with brick columns with footings on 20' centers and shall be solid and opaque. An entry gate may be permitted. In lieu of screening along the north PUD boundary line, the existing landscaping shall be permitted to remain and shall satisfy screening requirements.

9.5 SUBDIVISION/LOT REGULATIONS

Subdivision shall conform to the Oklahoma City Subdivision Regulations, as amended.

The minimum lot size shall be 5,000 square feet and the minimum lot width shall be forty feet (40'). There shall be a maximum of 75% lot coverage.

9.6 DRAINAGE REGULATIONS

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

9.7 DUMPSTER REGULATIONS

Trash collection facilities in this PUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

9.8 ACCESS REGULATIONS

Access may be taken from NW 150th St.

9.9 PARKING REGULATIONS

The design and number of all parking facilities in this PUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended, except that there shall be two (2) parking spaces per dwelling unit and garages shall count toward meeting the parking requirement. Driveways within this PUD shall be a minimum of 18 feet in length.

9.10 SIGNAGE REGULATIONS

9.10.1 FREESTANDING ON-PREMISE SIGNS

Freestanding accessory signs will be in accordance with the base zoning district regulations.

9.10.2 ATTACHED SIGNS

Attached signs will be in accordance with the base zoning district regulations.

9.10.3 OFF-PREMISE SIGNS

Off-Premise signs shall be prohibited.

9.10.4 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display signs shall be prohibited.

9.11 ROOFING REGULATIONS

Each structure in this PUD shall have Class C roofing or better.

9.12 SIDEWALK REGULATIONS

Four (4) foot sidewalks shall be constructed on one side of the interior streets prior to any occupancy certificates being issued. Said sidewalks shall be constructed along the mountable curb.

9.13 HEIGHT REGULATIONS

The base zoning district regulations shall regulate heights of structures in this PUD.

9.14 SETBACK REGULATIONS

Front: 8 feet
Side: 5 feet
Rear: 10 feet

No additional setback shall be required for garages. Fireplaces, bay windows, entryways, patios, patio covers, and other similar appurtenances may encroach up to two feet into the side yard setback and up to five feet into the rear yard setback; however, said appurtenances shall not extend into a utility easement, right-of-way, or across a property line.

9.15 PUBLIC IMPROVEMENTS

Public improvements shall be made by the property owner throughout the PUD as required by the City of Oklahoma City Public Works Department or other City, County, or State Department or agency. All Local, State, and Federal ordinances as they shall apply to the site will be adhered to fully.

9.16 COMMON AREAS

Maintenance of the common areas, private drainage easements, and islands / medians in the development shall be the responsibility of the property owner or Property Owners Association. 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.

9.17 SPECIFIC PLAN

A specific plan shall not be required.

10.0 DEVELOPMENT SEQUENCE

Developmental phasing shall be allowed as a part of the development of this PUD.

11.0 EXHIBITS

The following exhibits are hereby attached and incorporated into this PUD. These exhibits are:

Exhibit A - Legal Description
Exhibit B - Conceptual Master Development Plan
Exhibit C - Topography 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 (OCCHD):**
- 2. Oklahoma City Urban Renewal Authority (OCURA):**
- 3. Oklahoma Gas and Electric (OGE):**
- 4. Oklahoma Natural Gas (ONG):**
- 5. Oklahoma Water Resources Board (OWRB):**
- 6. School District(s): Edmond**
- 7. Oklahoma Department of Transportation (ODOT):**

B. City Departments

- 1. Airports: ***
- 2. Central Oklahoma Transportation and Parking Authority (COTPA):**
- 3. Fire (OCFD):** no objection, drives and gates must comply with Fire Department requirements.
- 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 PUD 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.
- 11) The proposed private streets will be constructed in accordance with the City of Oklahoma City Standards and Specifications.

b. Stormwater Quality Management

c. Traffic Services *

8. Utilities

a. Engineering

b. Solid Waste Management

- 1) The City can provide service, providing there is sufficient space for the truck to maneuver to service the addition.

c. Water/Wastewater Quality

Water Availability

- 1) An existing 12-inch water main(s) is located adjacent to the subject site(s).
- 2) A 12-inch water main is required to be loop through the development to provide adequate water supply and fire flow protection. Connection to two (2) separate active water mains is required to prevent partial or total shut-off of water supply when a pipeline failure occurs.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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).
- 9) Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.
- 10) Plat may be revised after review and approval of utility plans.

Wastewater Availability

- 1) An existing 8-inch 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) Plat may be revised after review and approval of utility plans.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available.

Location:

- Locate uses that generate high traffic volumes along arterial streets, frontage roads, and interstates.

The subject site is located along the north side of NW 150th Street, an arterial street in the Urban Low Intensity LUTA.

Density: The Urban Low Intensity LUTA outlines a density range of 4 to 8 dwelling units per acre for single family. *The site was previously platted as Esperanza Gardens (C-7136) in 2020 and proposed 42 single-family residential lots and three common areas on 9.87 acres, for a gross residential density of 4.26 dwelling units per acre. The conceptual plan for the development illustrates a similar lot configuration with proposed PUD.*

Automobile Connectivity:

- Maintain, create, and enhance a street network that is highly connected to increase number of viable commercial locations and the effectiveness of the transportation system.
- Limit number of dead-end streets and cul-de-sacs.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Development fronting arterials should take access from intersecting streets where possible.
- Provide vehicular connectivity between adjacent developments.

The subject site is currently served via an improved drive along the east boundary of the site. The PUD regulations propose access via NW 150th Street but does not specify a quantity or location. The conceptual plan for the development illustrates one drive at the existing access point and another at the western boundary. Both entrances are illustrated as gated.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.

Sidewalks are not currently available on the subject site. The PUD regulations do not specify if sidewalks will be available along NW 150th Street but do require them along one side of interior streets, as required in the existing PUD.

- 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 residential, commercial, and office uses or zoning, “Building Scale and Site Design” is a potential compatibility issue identified by the comprehensive plan.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if residential lot sizes in UL are less than 60% of directly adjacent residential lots, 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 PUD alters the R-1 front setback from 20 feet to 8 feet but retains the side and rear setbacks of 5 and 10 feet. The PUD requests modifications to the R-1 base zone that would allow minimum lot size of 5,000 square feet (compared to 6,000 square feet), a minimum lot width of 40 feet (compared to 50 feet) and a maximum lot coverage of 75% (compared to 50%). The previous PUD allowed 5,000 square feet as well but did not alter minimum lot width or maximum lot coverage.*

- 3) **Service Efficiency:**

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

- 4) Environmentally Sensitive Areas:** No ESAs were identified on the subject site.
- 5) Transportation System:** This site takes access from NW 150th Street, a Major Arterial Street in the Urban Low LUTA. The nearest transit (bus) service is located over a mile to the south, along Quail Springs Parkway. According to Streetlight data, last collected in 2022, NW 150th Street had 15,831 average daily trips, with a capacity of 22,000.
- 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. New residential subdivisions should achieve a mixture of housing types within a unified development. (SU-4)
 - 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)
 - Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
 - Ensure proper access to and between subdivisions in order to offer a choice in routes for residents, multiple access points for emergency responders, and to reduce vehicle congestions at arterial intersections. (C-32)
 - 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 north of NW 150th Street, west of North May Avenue. The site is undeveloped and primarily zoned as Tract 1 of PUD-1726, aside from the western boundary which is located in Tract 2. Tract 1 allows single-family residential development on similar lot sizes but varied bulk regulations and Tract 2 allows the base O-2 regulations. The drive on the eastern portion of the site was originally platted as a public street but was vacated in 2010 so as not to adjoin the Esperanza Gardens subdivision located to the north. The site surrounds an R-4 zoned apartment complex that fronts the north side of NW 150th Street. Land to the east is currently undeveloped but was rezoned from R-1 to PUD-1925 for commercial development. Land to the west is zoned O-2 and undeveloped.

The purpose of this PUD is to allow single-family residential gated development with modified R-1 District regulations. The rezoning is needed as residential development is not permitted within the O-2 portion of the site. The existing PUD was approved in 2019 and allows the proposed lot size of 5,000 square feet. The new PUD proposes other modifications to the R-1 base zone that would reduce the minimum lot width to 40 feet (compared to 50 feet) and allow a maximum lot coverage of 75% (compared to 50% in R-1 and 70% in PUD-1726). The proposed PUD would also change the front yard setback to 8 feet (compared to 10 feet in existing PUD), and eliminate the 20-foot setback for garages. The development is proposed to be gated and streets expected to be private, but it was unclear how homes would be designed to accommodate parking without blocking the sidewalks that are required on one side of the street. Both the existing and proposed PUD allow encroachments into the setbacks, which should be eliminated.

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 Evaluation:

1. Modify Section 9.5; There shall be a maximum of 70% lot coverage.
2. Modify Section 9.14 to strike the following: Fireplaces, bay windows, entryways, patios, patio covers, and other similar appurtenances may encroach up to two feet into the side yard setback and up to five feet into the rear yard setback; however, said appurtenances shall not extend into a utility easement, right-of-way, or across a property line.

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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