

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)

12. (SPUD-1553) Application by Oklahoma City Urban Renewal Authority and JAT Realty, Inc. to rezone 2004 North Martin Luther King Avenue from R-3 Medium Low Density Residential, O-1 Limited Office, and HNO Healthy Neighborhoods Overlay Districts to SPUD-1553 Simplified Planned Unit Development District. Ward 7.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL.

MOVED BY POWERS, SECONDED BY PRIVETT

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. 12.

(SPUD-1553) Application by Oklahoma City Urban Renewal Authority and JAT Realty, Inc. to rezone 2004 North Martin Luther King Avenue from R-3 Medium Low Density Residential, O-1 Limited Office, and HNO Healthy Neighborhoods Overlay Districts to SPUD-1553 Simplified Planned Unit Development and HNO Healthy Neighborhoods Overlay Districts. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name	Mark Zitzow
Company	Johnson And Associates
Phone	405-235-8075
Email	mzitzow@jaokc.com

B. Case History

This is a new SPUD application. The north half of the subject site was zoned to the O-1 District in February 2023 for the purpose of a medical office. In April 2023, the Board of Adjustment granted a variance to the side yard (north) setback, allowing the existing 5-foot setback instead of the 15-foot setback imposed by the new O-1 District.

C. Reason for Request

The purpose of this request is to allow office and/or residential uses.

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: 0.36 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	O-1 and R-3	R-1	R-1	R-1	C-3
Land Use	Res/Office	Residential	Residential	Residential	Office

II. SUMMARY OF SPUD APPLICATION

This site will be developed in accordance with the regulation of the **O-1 “Limited Office” District and/or R-3 “Medium Density Residential” 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:

- Administrative and Professional Offices (8300.1)
- Adult Day Care Facilities
- Automotive: Parking Lots, as a Principal Use (8300.13)
- Child Care Centers (8300.25)
- Community Recreation: Property Owners Association (8250.3)
- Dwelling Units and Mixed Uses (8200.2)
- Family Day Care Homes (8300.40)
- Greenhouse (8150.6.3)
- Hoop House (8150.6.5)
- Library Services and Community Centers (8250.11)
- Light Public Protection and Utility: General (8250.12)
- Light Public Protection and Utility: Restricted (8250.13)
- Live/Work Units (8200.4)
- Low Impact Institutional: Neighborhood-Related (8250.14)
- Low Impact Institutional: Residential-Oriented (8200.5)
- Medical Services: Restricted (8300.53)
- Murals (8250.16)
- Personal Services: Restricted (8300.59)
- Retail Sales and Services: General
- Single-Family Residential (8200.14)
- Three- and Four-Family Residential (8200.15)
- Two-Family Residential (8200.16)

2. Maximum Building Height:

The maximum height of any building shall be 35 feet.

3. Maximum Building Size:

There shall be no maximum building size within this SPUD.

4. Maximum Number of Buildings:

There shall be no maximum number of buildings within this SPUD.

5. Building Setback Lines:

North SPUD Boundary: 5 feet
East SPUD Boundary: 10 feet
South SPUD Boundary: 5 feet
West SPUD Boundary: 15 feet

Setbacks between internally divided parcels shall be zero (0) feet, except as required by building and fire code.

6. Sight-proof Screening:

O-1, "Limited Office" District:

No less than a six-foot and no greater than an eight-foot-high sight proof screen shall be required along SPUD boundaries adjacent to properties zoned for residential use. Said sight-proof screen may be constructed of stucco, brick, stone, wood, steel/iron and/or any combination thereof and shall be solid and opaque. No internal screening shall be required.

R-3, "Medium Density Residential" District:

Sight-proof screening shall not be required for this SPUD.

7. Landscaping:

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

8. Signs:

8.1 Freestanding Accessory Signs

No pole signs will be permitted within this SPUD.

Freestanding signs shall be in accordance with the base zoning district.

8.2 Attached Signs

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

8.3 Non-accessory Signs

Non-accessory signs are not permitted in this SPUD.

8.4 Electronic Message Display Signs

Electronic Message Display signs shall not be permitted in this SPUD.

9. Access:

Access shall be taken from N Martin Luther King Avenue via a maximum of one (1) private drive and from NE 19th Street via a maximum of two (2) private drives.

The existing drive along N Martin Luther King Avenue shall be permitted and may be used for access to the rear of the lot to service the proposed parking lot. The drive aisle may be permitted to be 12 feet in width.

10. Sidewalks:

Five-foot sidewalks shall be constructed on NW 19th Street or six-foot sidewalks shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department.

There is an existing five-foot sidewalk along N Martin Luther King Avenue. Should said sidewalk be damaged or removed during construction, the developer shall be required to make the necessary repairs and/or replace if necessary.

All sidewalks shall be in place prior to any occupancy certificates being issued.

II. OTHER DEVELOPMENT REGULATIONS:

1. Architecture:

All structures constructed within this SPUD shall comply with the following architectural standards:

Exterior building wall finish on all structures, exclusive of windows and doors,

shall consist of a minimum 70% brick veneer, rock, concrete board or stone masonry. No more than 30% EIFS, stucco, wood, or architectural metal shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted. Buildings shall be oriented such that the backs of buildings are not facing towards any street.

The existing structure shall be deemed in conformance with this SPUD and shall be permitted.

- 2. Open Space:** N/A
- 3. Street Improvements:** N/A
- 4. Site Lighting:**

All site lighting utilized within this SPUD shall be directed away from any adjacent properties. To accomplish this, lights shall utilize shields, shades or other appropriate methods of directing light beams. 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.

- 5. Dumpsters:**

Dumpsters (if provided) shall be consolidated where practical and located within an area screened by a fence or masonry wall of sufficient height to screen the dumpster from view. Said dumpster shall not be permitted within 50 feet from all property lines adjacent to residential uses.

- 6. Parking:**

The design and number of all parking facilities in this SPUD shall be in accordance with Section 59, Article X of the Oklahoma City Municipal Code, 2020, as amended.

If development within this PUD utilizes the “Commercial District” scheme of development where parking is screened behind or to the sides of structures, the parking requirement for said development shall be reduced by 15%. Parking can be met through shared parking agreements among adjacent office/retail uses.

Lot 10 of this SPUD shall only be required four (4) parking spaces to service the medical office uses. Any other proposed use shall meet the parking requirements outlined within this SPUD.

Proposed uses are not required to have off-street parking located on the same site

as the structure. Off street parking may be provided by parking lots or garages located adjacent to the structure it serves.

If on-site parking is not provided for a proposed use/structure, locations and parking calculations for all structures in this PUD shall be provided with the building permit application.

Pervious paving may be used for parking areas, driveways, pathways, and plazas subject to Public Works review and approval. Where connected to public rights-of-way the access drive apron will be constructed of hard surface paving meeting City code for driveway construction. A hard surface border is required around the perimeter of pervious paving areas. Maintenance of the pervious paving is required, and a maintenance plan must be provided when construction documents are submitted for permitting.

Should this SPUD be developed with the R-3, “Medium Density Residential” District base zoning, garages and/or driveways shall count towards the parking requirements.

7. Maintenance:

Maintenance of the site shall be the responsibility of the developer and/or property owner.

8. Drainage:

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

9. Platting:

Platting shall be subject to the Oklahoma City Subdivision Regulations.

11. Other: N/A

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:**
- 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.
- 11) Section I.10 Add to the end of the second paragraph: Any repair/replacement of Sidewalks within this SPUD shall be in accordance with the City of Oklahoma City Municipal Code and ADA requirements that are in effect at the time of construction.

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) 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. Solid Waste Management

- 1) The City can provide residential service provided there is sufficient space for the truck to maneuver to service the addition. The City can also provide solid waste collection services to commercial customers providing refuse is not in excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise the customer will have to utilize a private hauler.

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.
- Structured parking may be appropriate to achieve desired intensity levels.
- 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 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 site is developed with a home that was recently rezoned to be used as an office.

Automobile Connectivity:

- 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.
- Primary entrance points should be aligned with access points immediately across the street.

The subject site has one existing driveway on Martin Luther King Ave. The SPUD includes the R-3 zoned land at the corner of NE 19th Street and MLK. A driveway from NE 19th Street will provide access to the parking spaces behind the existing building.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks are available along N Martin Luther King Ave and will be required on NE 19th Street.

- 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 office or residential uses adjacent to existing low intensity residential, “Building Scale and Site Design” and “Traffic”, 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. In this case, the north half of the subject site was recently rezoned to allow office use inside an existing house. The new SPUD includes the O-1 zoned parcel and the R-3 zoned parcel on the south, and allows the uses currently permitted in each zoning district on the entire site, plus *Retail Sales and Services: General*.
- 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 at the northeast corner of N Martin Luther King Avenue, a Major Arterial Street, and NE 19th Street, a Neighborhood Street, both in the Urban Medium LUTA. Transit (bus) service is located along N Martin Luther King Avenue with a bus stop within feet of the subject site.
- 6) **Other Development Related Policies**
 - Encourage the integration and mixing of land uses in urban areas. (SU-1)
 - 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)

- 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)
- Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
- 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)
- Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)
- Encourage unified planning for all adjoining land owned or controlled by a project's developer to ensure proper circulation and land use relationships (SU-47)

b. Plan Conformance Considerations

The subject site is located at the northeast corner of N Martin Luther King Avenue and NE 19th Street. The site includes two lots, the northern lot zoned from R-1 to O-1 in February 2023 that is developed with a home, and the corner lot that is zoned R-3 and vacant. Abutting on the north and east are homes zoned R-1 within the Creston Hills South neighborhood. South of the site, across NE 19th Street, is a single-family residence zoned R-3. Across N Martin Luther King Avenue to the west are office and church uses zoned C-3. The site and surrounding area are within the Healthy Neighborhoods Overlay (HNO). The boundary of the HNO would not be affected by the rezoning.

The new SPUD includes the O-1 zoned parcel on the north and the R-3 zoned parcel on the south, and allows the uses currently permitted in each zoning district on the entire site, plus *Retail Sales and Services: General*. The SPUD solves an

access issue for the O-1 parcel by allowing access to the parking behind the existing building from NE 19th Street.

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.

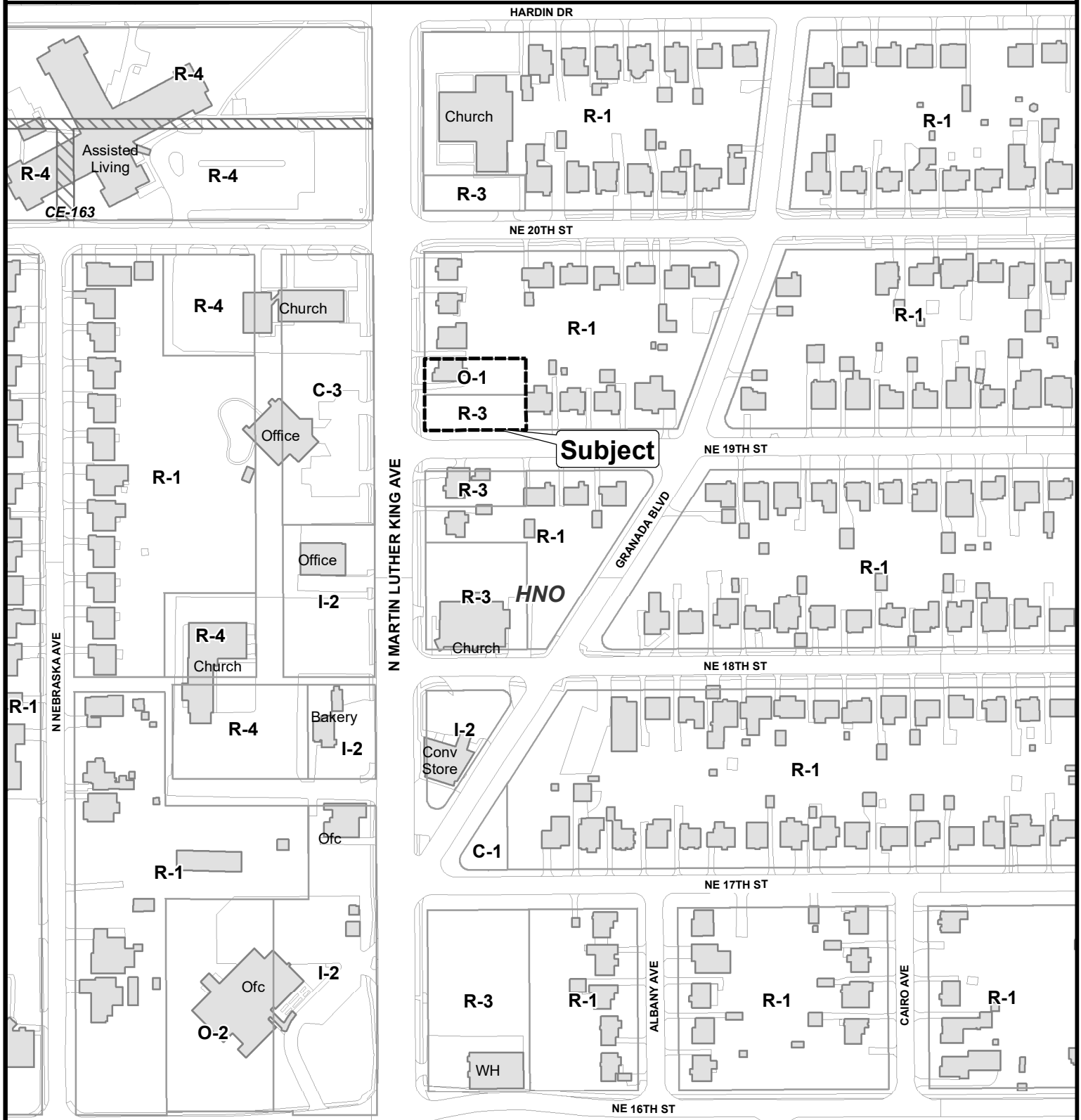
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Case No: SPUD-1553
Authority & JAT Realty Inc.

Applicant: Oklahoma City Urban Renewal

Existing Zoning: R-3 / O-1 / HNO

Location: 2004 N. Martin Luther King Ave.

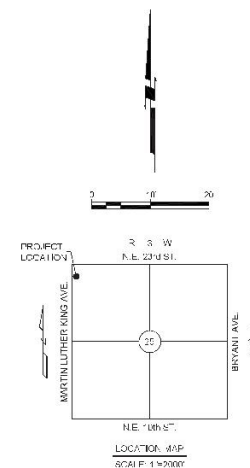
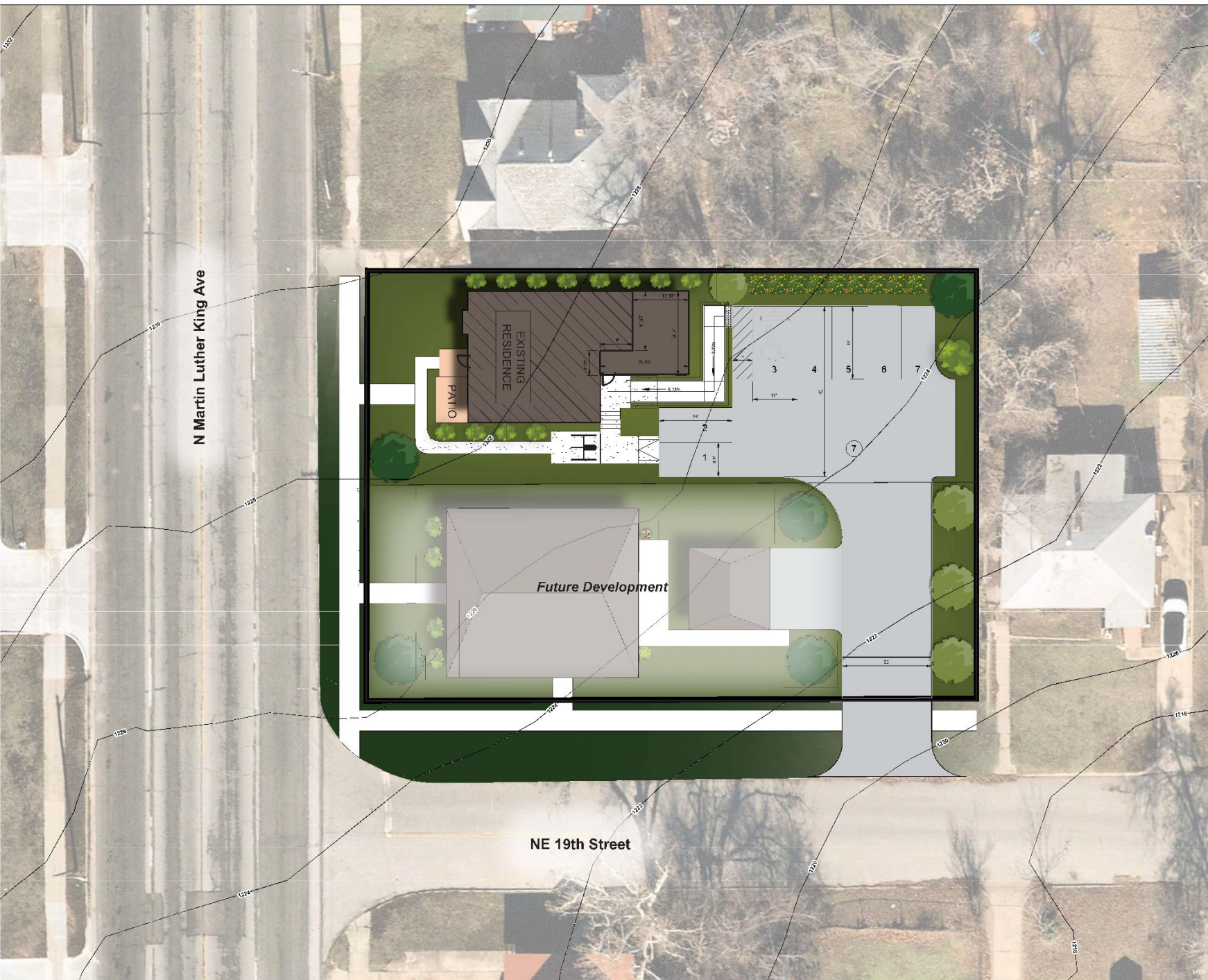


The City of
OKLAHOMA CITY

Simplified Planned Unit Development



0 100 200
Feet



SPUD-1553 NE Family Medical

2000 & 2004 N Martin Luther King

Exhibit B
Conceptual Site Plan
+/- 0.36 Acres



Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
405.251.0171 FAX 405.251.0172

ENGINEERS SURVEYORS PLANNERS

9/26/2016

Conceptual site plan showing lots, building footprint, and other features under proposed rezoning.

Case No: SPUD-1553
Applicant: Oklahoma City Urban Renewal
Authority & JAT Realty Inc.

Existing Zoning: R-3 / O-1 / HNO

Location: 2004 N. Martin Luther King Ave.



Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



0 100 200
Feet