

Planning Commission Minutes
September 12, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:28 p.m. on September 6, 2024)

15. (SPUD-1651) Application by Esperanza Real Estate Investments, LLC to rezone 4235 NE 122nd Street from SPUD-1293 Simplified Planned Unit Development District to SPUD-1651 Simplified Planned Unit Development District. Ward 7.

Amended Technical Evaluation:

1. The western setback shall be 100 feet for residential buildings.
2. The northern setback shall be 25 feet.
3. An 8-foot-high sight-proof fence shall be required along the northern and western boundaries.

The applicant was present. There were protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY PENNINGTON, SECONDED BY NEWMAN

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

ABSENT: POWERS, PRIVETT



STAFF REPORT
The City of Oklahoma City
Planning Commission
September 12, 2024

Item No. IV. 15.

(SPUD-1651) Application by Esperanza Real Estate Investments, LLC to rezone 4235 NE 122nd Street from SPUD-1293 Simplified Planned Unit Development District to SPUD-1651 Simplified Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

| | |
|---------|-------------------------------------|
| Company | Williams, Box, Forshee & Bullard PC |
| Phone | 405-232-0080 |
| Email | dmbox@wbfbllaw.com |

B. Case History

This application was continued from the July 25 and August 22, 2024 Planning Commission meetings.

C. Reason for Request

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

D. Existing Conditions

1. 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.

2. Size of Site: 4.33 acres

3. Zoning and Land Use

| | Subject Site | North | East | South | West |
|-----------------|---------------------|--------------|-------------|------------------|-------------|
| Zoning | SPUD-1293 | AA | R-1 | PUD-718 | AA |
| Land Use | Residential | Residential | Residential | Storage Building | Residential |

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **R-4 General 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:

| | |
|---------|---|
| 8250.3 | Community Recreation: Property Owners Association |
| 8250.13 | Light Public Protection and Utility: Restricted |
| 8200.5 | Low Impact Institutional: Residential-Oriented |
| 8200.12 | Multiple-Family Residential [limited to a maximum of four (4) multifamily structures arranged in a manner to aesthetically mimic a larger mansion/single family home, as depicted in Exhibit C, that have been divided into a tri-plex, four-plex, or five-plex.] |
| 8200.13 | Senior Independent Living |
| 8200.14 | Single-Family Residential |
| 8200.15 | Three- and Four- Family Residential |
| 8200.16 | Two-Family Residential |

2. **Maximum Building Height:**

The maximum building height shall be thirty-five (35) feet and two (2) stories.

3. **Maximum Building Size:**

The maximum building size shall be 8,000 square feet.

4. **Maximum Number of Buildings/Dwelling Units:**

There shall be a maximum of ten (10) structures within this SPUD, consisting of four (4) multifamily structures, four (4) detached garages, and one (1) amenity building.

There shall be a maximum of 30 dwelling units.

5. **Building Setback Lines**

South (NE 122nd Street): 25 feet

North: 15 feet

East (North Coltrane Road): 15 feet

West Side Yard: 15 feet

Internal Setbacks: Per Code

6. Sight-proof Screening:

Sight-proof screening shall be in accordance with the base zoning district.

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, except that the north and west yard setbacks shall contain a six-foot landscape buffer with a minimum of nine (9) points of landscaping installed every twenty-five (25) linear feet of the boundary. Existing healthy trees and native understory shall be preserved to the greatest extent possible throughout the site.

8. Signs:

8.1 Free standing accessory signs

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

8.2 Attached signs

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

8.3 Non-Accessory Signs

Non-Accessory signs will be prohibited.

8.4 Electronic Message Display signs

Electronic Message Display signs will be prohibited.

9. Access:

Access may be taken from one (1) access location, with a boulevard drive off of NE 122nd St.

10. Sidewalks

Five (5) foot sidewalks shall be constructed on North Coltrane Road and NE 122nd Street with each development parcel, or six (6) 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 and ADA requirements. Four (4) foot sidewalks shall be constructed on the interior streets prior to any occupancy certificates being issued.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock or stone masonry, stucco, and cementitious

siding (including, but not limited to, the brand commonly known as James Hardie). No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

2. Open Space:

Open space shall be in accordance with the base zoning district. The following amenities may be included on site within the open space(s): pickleball court, swimming pool, etc.

3. Street Improvements:

N/A.

4. 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.

To minimize light spillover on adjacent residential and/or agricultural uses, outdoor lights will be directed away from any adjacent residential and agricultural properties. To accomplish this, lights shall utilize shields, shades, or other appropriate methods of directing light beams.

5. Dumpsters:

Dumpsters 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 residential zoning district or use. Individual “polycart” trash receptacles will be provided adjacent to each multifamily building and will be collected by a private waste management company. These areas will also be screened from view in a similar manner to the dumpsters.

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

6. Parking:

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

7. Maintenance:

Maintenance of the common areas 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.

8. 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

Exhibit C: Conceptual Rendering

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 contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior to excavation for the exact location of our facilities.
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District:** Oakdale
- 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) 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.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Wastewater Availability

- 1) An existing 8-inch wastewater main(s) is within the required distance to the subject site and will be required to be extended to the furthest property line for any proposed development.
- 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.

Water Availability

- 1) An existing 12-inch 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 more than 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) Plat may be revised after review and approval of utility plans.

b. Solid Waste Management

- 1) The City cannot provide service, contact private hauler.

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 nearby.

Location:

- Locate uses that generate high traffic volumes along arterial streets, frontage roads, and interstates.
- Avoid concentrations of apartment complexes. Instead, integrate multifamily units into neighborhoods with mixes of housing types or in mixed-use developments.

The subject site is located at the northwest corner of NE 122nd Street and North Coltrane Road, both arterial streets. The SPUD is requested to allow multi-family residential development in the form of a triplex, quadplex or five-plex.

Density: The Urban Low Intensity LUTA outlines a density range of 4 to 8 dwelling units per acre for single family, and 15 to 30 dwelling units per acre for multifamily. *The SPUD proposes limiting multi-family residential use to a maximum of 4 multifamily structures that could be configured as a triplex, quadplex or five-plex, with a possible total of 30 dwelling units. The SPUD also proposes allowing single- through four-family residential uses, as well as senior independent living. The maximum 30 dwelling units on the 4.33-acre site would allow a density of 6.9 du/acre.*

Automobile Connectivity:

- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Primary entrance points should be aligned with access points immediately across the street.
- Provide vehicular connectivity between adjacent developments.

The subject site currently has one access point along NE 122nd Street. The SPUD Master Design Statement calls for the retention of one allowed access on NE 122nd Street.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Within parking lots, provide pedestrian access ways separated from vehicle aisles.

Sidewalks are only currently available on the subject site at the arterial intersection. The SPUD requires sidewalks along all streets.

- 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 Low Intensity Residential, “Building Scale and Site Design” and “Traffic” are potential compatibility issues 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. *Lot sizes and lot coverage are not specifically addressed by the SPUD Master Design Statement. The SPUD regulations maintain the base R-4 setbacks for a corner lot. The SPUD proposes a maximum building*

height of 35 feet and two stories. The base R-4 District would typically require step downs in height, 20 ft and one-story abutting or within 60 feet of AA District moving to a bulk plane measurement up to 75 feet. The SPUD proposes a six-foot landscape buffer along the north and west boundaries of the site, adjacent to AA-zoned property with residential uses, and requires existing healthy trees and native understory be preserved to the greatest extent possible across the site.

Traffic: Mitigation measures should be used if the development is inconsistent with the Street Typology, or would substantially exceed the average daily traffic of existing, adjacent uses. *The subject site is located at the northwest corner of NE 122nd Street and North Coltrane Road, both arterial streets. No triggers requiring mitigation related to traffic were identified.*

3) Service Efficiency:

- Water: *Served*
- Sewer: *Served – Open Sewer Sheds or Served*
- Fire Service: *Urban Response*

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 moderately 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. Low impact development techniques include, but are not limited to, using pervious surface materials wherever possible for the construction of driveways, parking areas, sidewalks, patios, etc., to promote increased water percolation and infiltration.

5) Transportation System: This site is located at the northwest corner of NE 122nd Street and North Coltrane Road, both Minor Arterial Streets in the Urban Low LUTA. Transit (bus) service is not available.

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)
- 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)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizeable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)

b. Plan Conformance Considerations

The subject site is located at the northwest corner of NE 122nd Street and North Coltrane Road. The site was rezoned from AA to SPUD-1293 in 2021 to allow the 5-acre parcel to be administratively split into four lots for residential development. The site remains developed with a single-family residence that was in place before the rezoning. Abutting the subject site on the north and west is AA zoned land. To the west is a residence on 5 acres, and to the north a home on 10 acres. Across North Coltrane Road, to the east, is R-1 zoned land platted as Oakdale Ridge Phase II, which has begun development as single-family residential. To the south, across NE 122nd Street, is an 8-acre tract zoned PUD-718 for office and residential development, but undeveloped except for a storage building. The southeast corner of NE 122nd Street and North Coltrane Road serves as a private park area for development to its southeast as part of PUD-58A.

The SPUD is requested to allow multi-family residential development with R-4 base zoning. The Master Design Statement has been modified since first submitted to decrease the allowed density, and now proposes limiting multi-family residential to a maximum of 4 multifamily structures that could be configured as a triplex, quadplex or five-plex, with a possible total of 30 dwelling units. Access would no longer be allowed from Coltrane Avenue, and trash collection has been clarified in the Master Design Statement. The SPUD proposes a maximum building height of 35 feet and two stories and a maximum building size of 8,000 square feet. The SPUD proposes a six-foot landscape buffer along the north and west boundaries of the site, adjacent to AA-zoned property with residential uses, and requires existing healthy trees and native understory be preserved to the greatest extent possible across the site. The SPUD prohibits non-accessory and electronic message display (EMD) signage, requires sidewalks to be constructed on NE 122nd Street and North Coltrane Road, limits certain exterior architectural materials, distances dumpsters at least 50 feet from adjacent residential uses and requires shielding of outdoor lights from adjacent residential uses.

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 Division's review of construction plans and prior to City Council approval.

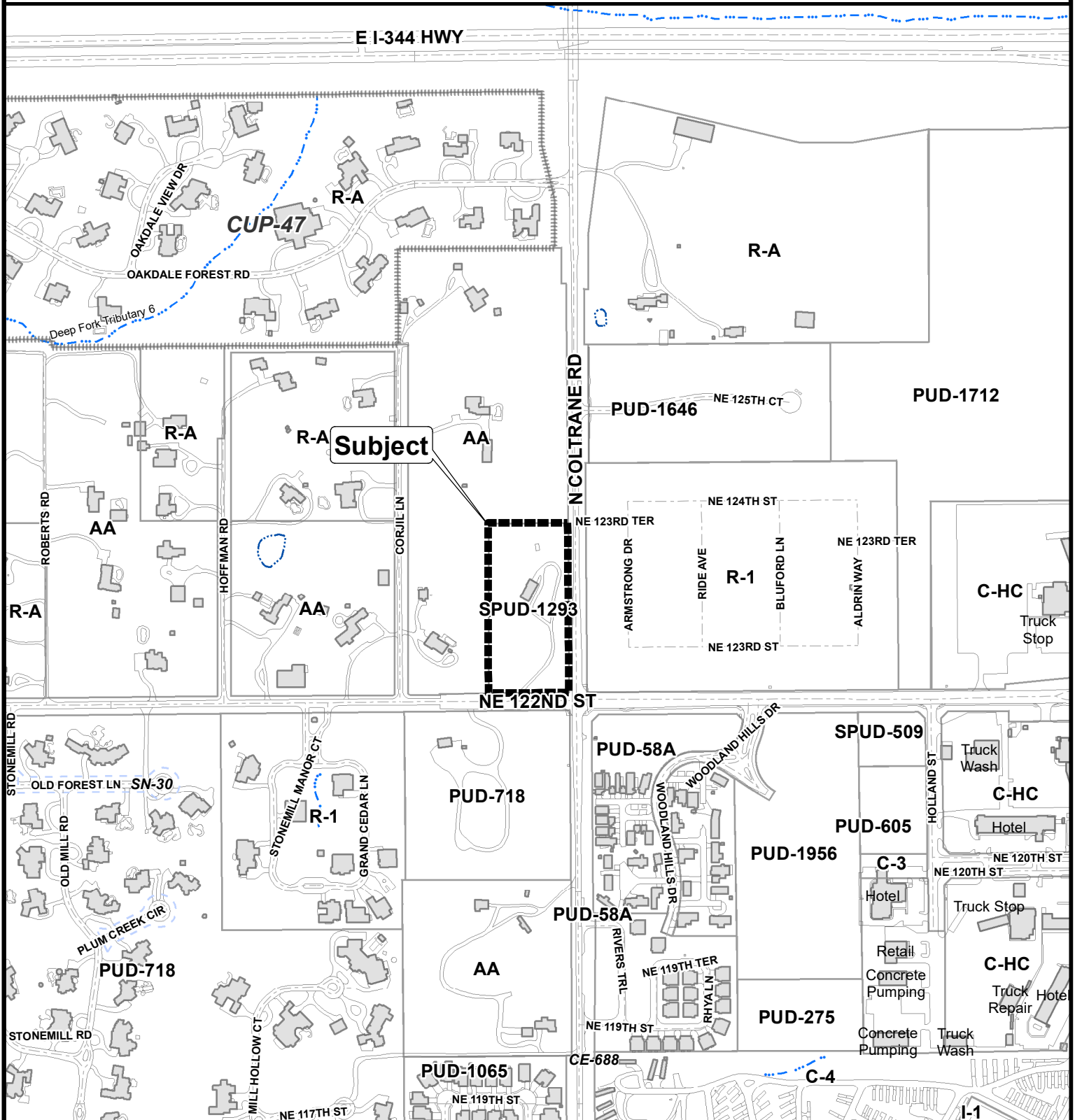
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Case No: SPUD-1651

Applicant: Esperanza Real Estate Investments, LLC

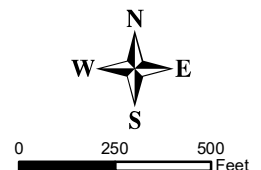
Existing Zoning: SPUD-1293

Location: 4235 NE 122nd St.

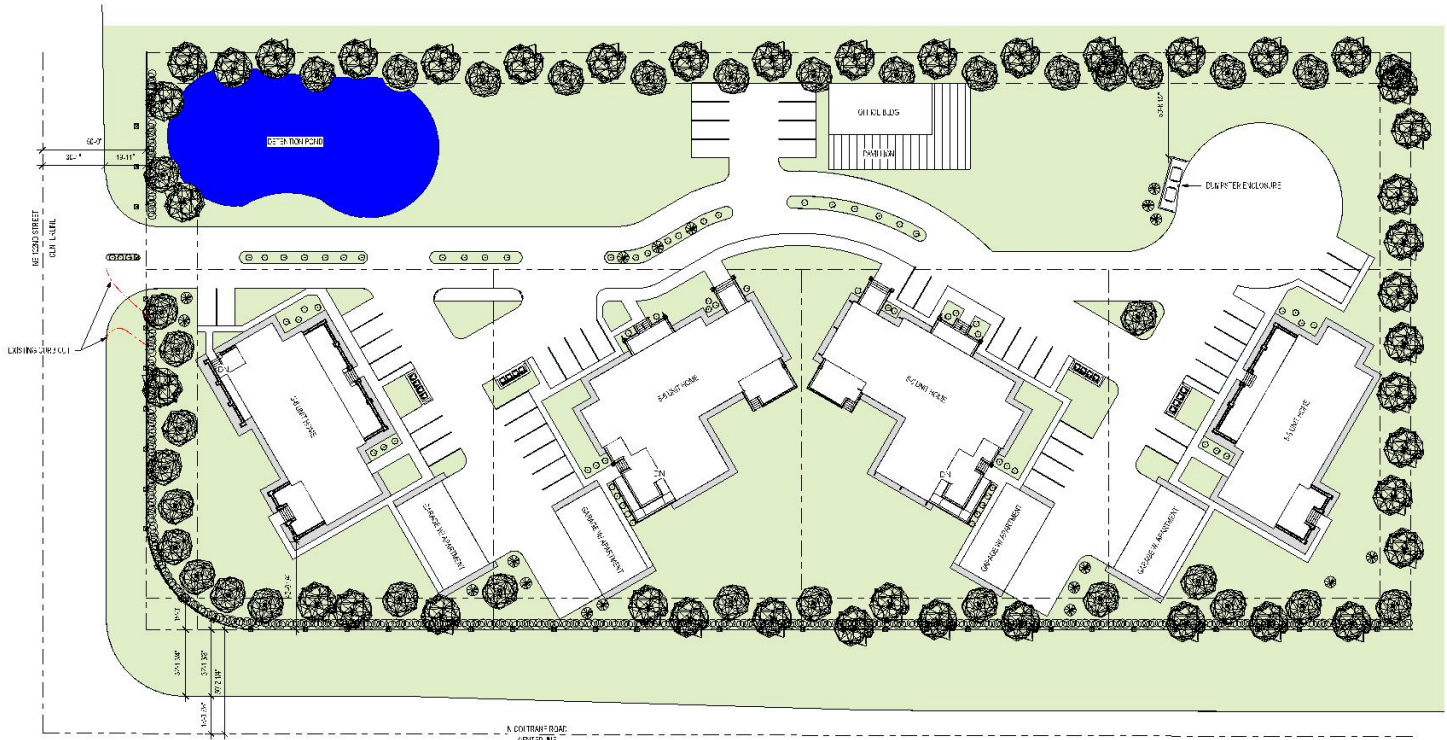


The City of
OKLAHOMA CITY

Simplified Planned Unit Development



1 SITE PLAN
1" = 30'-0"



816 NORTH WALKER, SUITE 100
OKLAHOMA CITY, OK 73102
PHONE: 405.455.1014
WWW.STUDIOAOK.COM

122nd Street Development
Esperanza Real Estate Investing
122nd Street and Coltrane Avenue
Oklahoma City, Oklahoma

| Revision | # | Description | Date |
|----------|---|-------------|------|
| | | | |
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Project Number
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Sheet Title
SITE PLAN

Date
XX/XX/XX

AI.0



Case No: SPUD-1651
Applicant: Esperanza Real Estate Investments, LLC
Existing Zoning: SPUD-1293
Location: 4235 NE 122nd St.



Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Simplified Planned Unit Development

