

Planning Commission Minutes
February 13, 2025

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:45 p.m. on February 7, 2025)

21. (SPUD-1710) Application by Harding Family LLC to rezone 1134 NW 40th Street from R-1 Single-Family Residential District to SPUD-1710 Simplified Planned Unit Development District. Ward 2.

Amended Technical Evaluation:

1. Any new sidewalks or repair/replacement of existing sidewalks shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction of this SPUD.
2. The maximum lot coverage shall be 75 percent.
3. The maximum building size of new structures shall be 2,500 square feet, exclusive of garages.
4. The maximum building height shall be 26 feet.

The applicant was present. There was a protester present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUSTION AS AMENDED.

MOVED BY POWERS, SECONDED BY MEEK

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

ABSENT: LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
February 13, 2025

Item No. IV. 21.

(SPUD-1710) Application by Harding Family LLC to rezone 1134 NW 40th Street from R-1 Single-Family Residential District to SPUD-1710 Simplified Planned Unit Development District. Ward 2.

I. GENERAL INFORMATION

A. Contacts

1. Applicant Representative

John Beedon, Beehold, Inc., 405-923-2772, beedevel@gmail.com

Randy King Hill, E.D. HILL, 405-232-2208

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow four residences.

D. Existing Conditions

1. Size of Site: 0.39 acre

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	R-1	R-1	R-1	R-1
Land Use	Residential	Residential	Residential	Residential	Residential

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. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the use and development regulation of the **R-1 Single Family Residential District** (Oklahoma City Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

2. **Minimum Lot Size:**

The minimum Lot Size within this SPUD shall be no less than Two Thousand Six Hundred (2,600) square feet.

3. **Minimum Lot Width:**

The minimum lot width within this SPUD shall be no less than forty-one feet (41') in width. Lots may have frontage onto NW 40th Street or onto the Common Lot A to be created in a plat such lots shall not be required to have frontage onto NW 40th Street.

4. **Maximum Building Height:**

The maximum building height shall be per the base zoning district regulations.

5. **Maximum Building Size:**

The maximum building size for new residences shall not exceed 2,600 square feet exclusive of garages.

6. **Maximum Number of Buildings:**

The maximum number of buildings shall not exceed four (4) residential structures and four (4) attached / detached garages.

7. **Building Setback Lines**

Building Setback Lines for structures shall be as follows.

Front Yard: The front yard setback from the north exterior boundary of the SPUD shall be twenty feet (20').

Rear Yard: The rear yard setback from the south exterior boundary of the SPUD shall be ten feet (10').

Side Yard: The side yard setback from the east and west exterior boundaries of the SPUD shall be three feet (3') for any existing building built within three feet (3') and five feet (5') in all other instances.

Interior: The interior lot line setback within this SPUD shall be zero feet (0').

Setbacks in this SPUD district shall prevail over platted setback or building lines.

6. Sight-proof Screening:

The base zoning district regulations shall regulate the sight-proof screening of the exterior boundary of this SPUD. No interior screening shall be required.

7. Landscaping:

Landscaping shall comply with the City of Oklahoma City landscape ordinance in effect at the time of development.

8. Signs:

Signs shall be in accordance with the base zoning district regulations.

9. Access:

Shared/Cross Access between lots shall be permitted via a platted private access drive / access easement. Said drive may be constructed of a permeable surface such as decomposed granite (dg) with curbing to hold the dg in place. Lots may front onto the platted Common Lot A for their frontage requirement. There shall be one (1) access point from NW 40th Street to this SPUD.

10. Sidewalks

Sidewalks shall not be required as a part of this SPUD.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, rock, stone, stucco, metal or wood, or other similar type finish. EIFS (Exterior Insulation Finish System) material and exposed concrete block buildings shall not be permitted within this SPUD.

2. Open Space:

The maximum lot coverage, including accessory structures and non-permeable pavement within this SPUD shall not exceed eighty percent (80%).

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 as amended.

5. 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, as amended, except that garage spaces shall count toward parking requirements.

7. Maintenance:

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, and walls, 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, as amended.

9. Garage Roof Decks:

Any garage roof decks which might be constructed shall be required to have sight-proof screening walls between such decks and the properties adjoining this SPUD.

III.Supporting Documents

Exhibit A: Legal Description
Exhibit B: Site Plan
Exhibit C: Survey
Exhibit D: Aerial Photograph
Exhibit E: Proposed Replat

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) 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

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) Replace the text in Section I.10 Sidewalks with the following: Any new sidewalks or repair/replacement of existing sidewalks shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction of this SPUD.
- 12) Amend Section II.8 Drainage: Development of this SPUD will comply with Chapter 16 (Drainage Ordinance) of the City of Oklahoma City as amended. Or, Development can comply with alternative drainage that does not comply provided that it is approved by the City Engineer of the City of Oklahoma City.

- 13) Replace the text in Section II.7 Maintenance with the following: Maintenance of the Common Areas, private drainage easements, private drives, and Islands/Medians shall be the responsibility of the Property Owners a. 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 drainage related common areas and/or drainage areas easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner that meets the requirements specified above.

b. Streets, Traffic and Drainage Maintenance

c. Stormwater Quality Management

d. 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 6-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.
10. Each unit must have a separate water meter and connection to the main.
11. A public water main must be extended south in the drive ending with a fire hydrant in order to service the 4 separate lots with a public U/E.

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.
8. Each unit must have a separate wastewater connection to the main.
9. A public wastewater main extension is required in the drive with a public U/E to service the 4 lots.

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.

Location:

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

Density: The Urban Medium Intensity LUTA outlines a density range of 10 to 40 dwelling units per acre.

National, state, and local permitting require basic best management practices for stormwater management. The SPUD is requested for single-residential development with a modified R-1 base zoning that would allow two new homes to be located behind two existing homes, on separate lots. The conceptual plan for the development illustrates the two existing residences fronting NW 40th Street with two new residences at the rear of the property with attached garages and two new detached garages between the existing and proposed residences. Four dwelling units on the 0.39-acre site would be a density of 10.3 du/acre.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Keep alleys open and functional.

The subject site is currently served by one shared drive between the existing residences. The SPUD proposes retaining the allowance of one drive from NW 40th Street for the site, via a platted shared access drive / access easement. The conceptual plan for the development illustrates the existing concrete approach would serve the existing and an expanded granite driveway. The platted alley located along the southern boundary is not improved or utilized by the public.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks are not currently available on the subject site and are not proposed as part of the SPUD. Sidewalks are available along the north side of NW 40th 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 uses adjacent to existing Low Intensity Residential, “Building Scale and Site Design” is a potential compatibility issue identified by the comprehensive plan. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass.

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 SPUD retains the 20-foot front yard and 10-foot rear yard setbacks from the SPUD boundary, and requests modified (shallower) setbacks on the interior and sides of the property. Building height would be per R-1 (35 feet), but the proposed lot coverage of 80% will exceed the base R-1 District (50%). Conceptual plans indicate the retention of the existing homes, and the addition of two more homes, and two new detached garages. Code typically requires at least 25 percent of a site to be free from buildings and paving. The SPUD proposes permeable paving. The site will need to meet drainage requirements.*

3) Service Efficiency:

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

4) Environmentally Sensitive Areas: No ESAs were identified on the subject site.

5) Transportation System: This site is located along the south side of NW 40th Street, a Neighborhood Street in the Urban Low LUTA. The nearest transit (bus and BRT) service is located within a quarter mile to the west, along North Classen Boulevard.

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)
- 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 City's comprehensive plan and the adopted historic preservation plan for Oklahoma City, **preserveokc**, prioritize protecting National Register-listed properties, local historic districts, and the unique character of historic resources. The subject site is located within the boundary of Putnam Heights East. *Records indicate that the westernmost dwelling was constructed in 1928, and the easternmost dwelling was constructed in 1924. The westernmost residence has*

been altered since the last completed survey and would need to be evaluated to determine if sufficient historical integrity remains for historic consideration. Conformance would be achieved by retaining the easternmost dwelling. The conceptual plan for the development illustrates that both existing structures would be retained. If the residences were to be removed, plan conformance would be strengthened by ensuring new development is compatible with adjacent historic development in the Putnam Heights East Neighborhood.

b. Plan Conformance Considerations

The subject site is located along the south side of NW 40th Street, east of North Military Avenue, generally located between N Classen Blvd and N Western Ave. The site is zoned R-1 and developed with two residential structures. The surrounding area is primarily zoned R-1 and contains a mixture of single-family residences and duplexes. West of the site, along the east side of North Military Avenue, multiple lots have been rezoned to SPUDs to allow additional dwelling units per parcel, on lots previously developed with one or two single-family residences.

The SPUD is requested to allow construction of two new homes and two new detached garages behind the two homes that front NW 40th Street. The SPUD modifies lot sizes, lot widths, side yard and interior setbacks, and proposes access to all lots from a shared access drive. The proposal to increase density in the Urban Medium LUTA is in conformance with UM density ranges and comprehensive plan goals to provide a mixture of residential housing types, but compatibility issues are identified with the proposed lot coverage of 80 percent, compared to 50 percent in the base and surrounding R-1 Districts. Code typically requires at least 25 percent of a site to be free from buildings and paving. The SPUD proposes permeable paving. The site will need to meet new drainage requirements.

IV. STAFF RECOMMENDATION

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

Approval of the application subject to the following Technical Evaluations:

1. Any new sidewalks or repair/replacement of existing sidewalks shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction of this SPUD.
2. The maximum lot coverage shall be 75 percent.

STAFF REPORT
The City of Oklahoma City
Planning Commission
February 13, 2025
SPUD-1710

Item No. 21.

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.

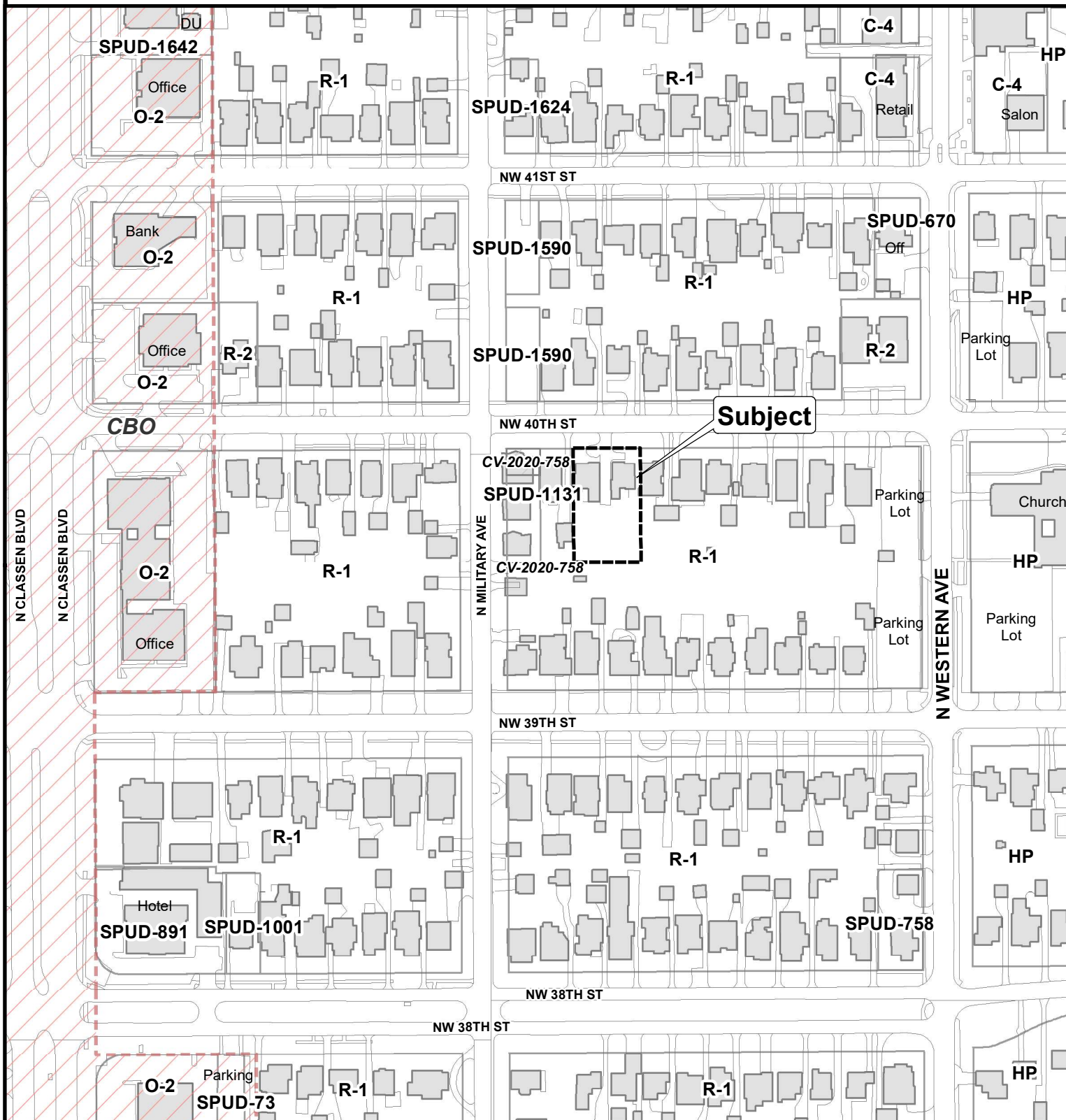
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Case No: SPUD-1710

Applicant: Harding Family, LLC

Existing Zoning: R-1

Location: 1134 NW 40th St.



Note: "Subject" is located approximately 1,545' North of NW 36th St.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development

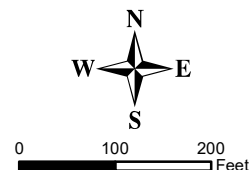


Exhibit B Site Plan

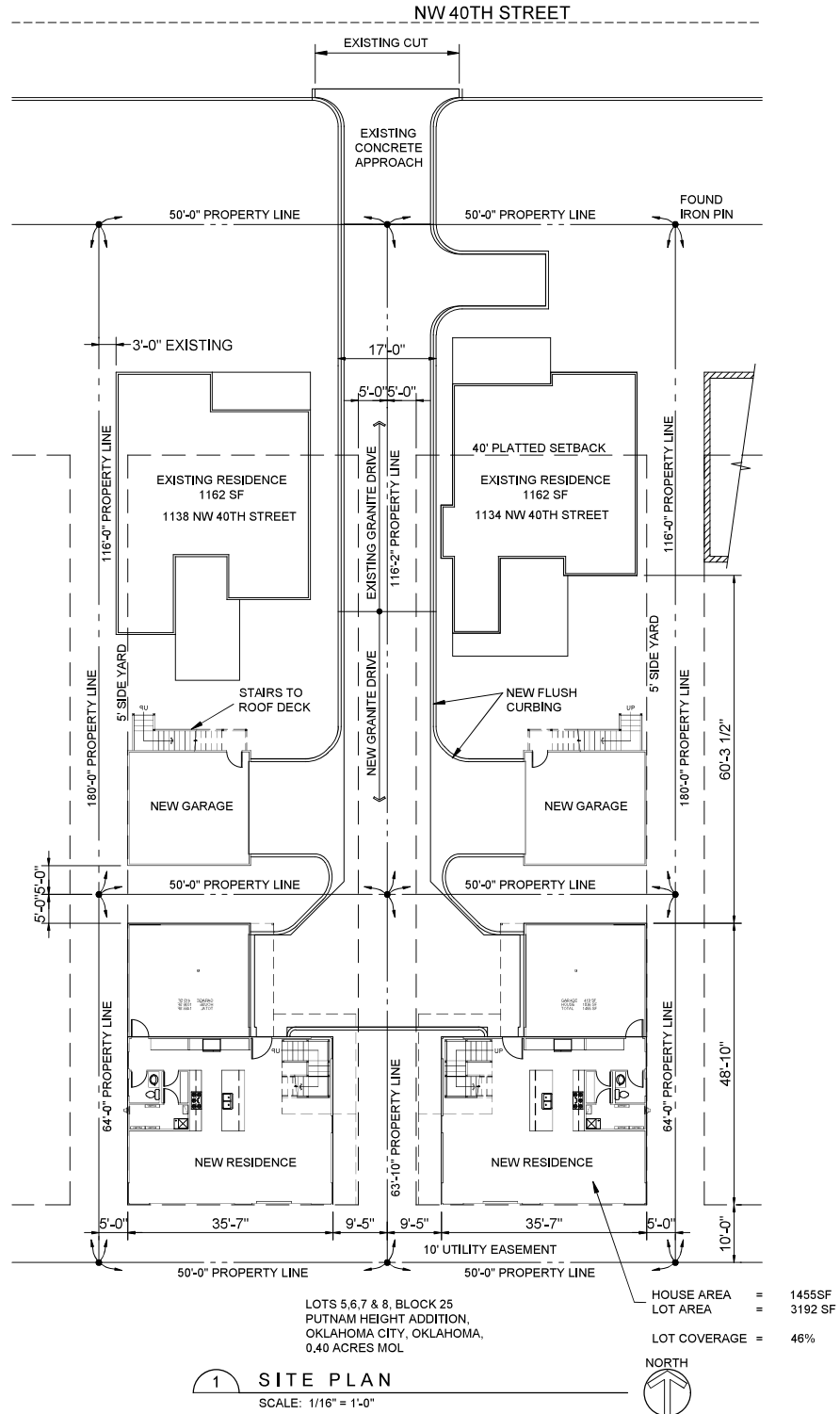
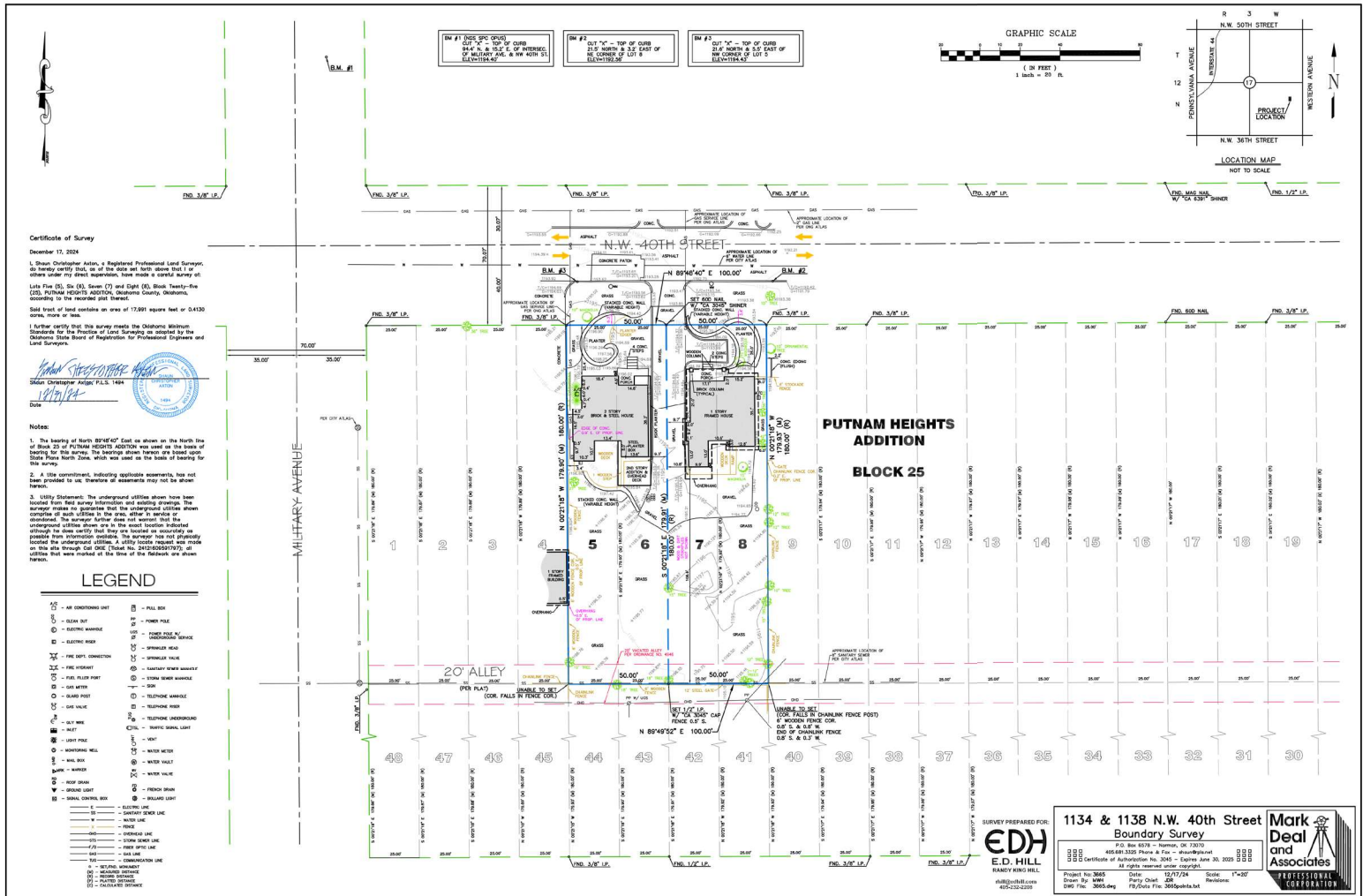


Exhibit C

Survey



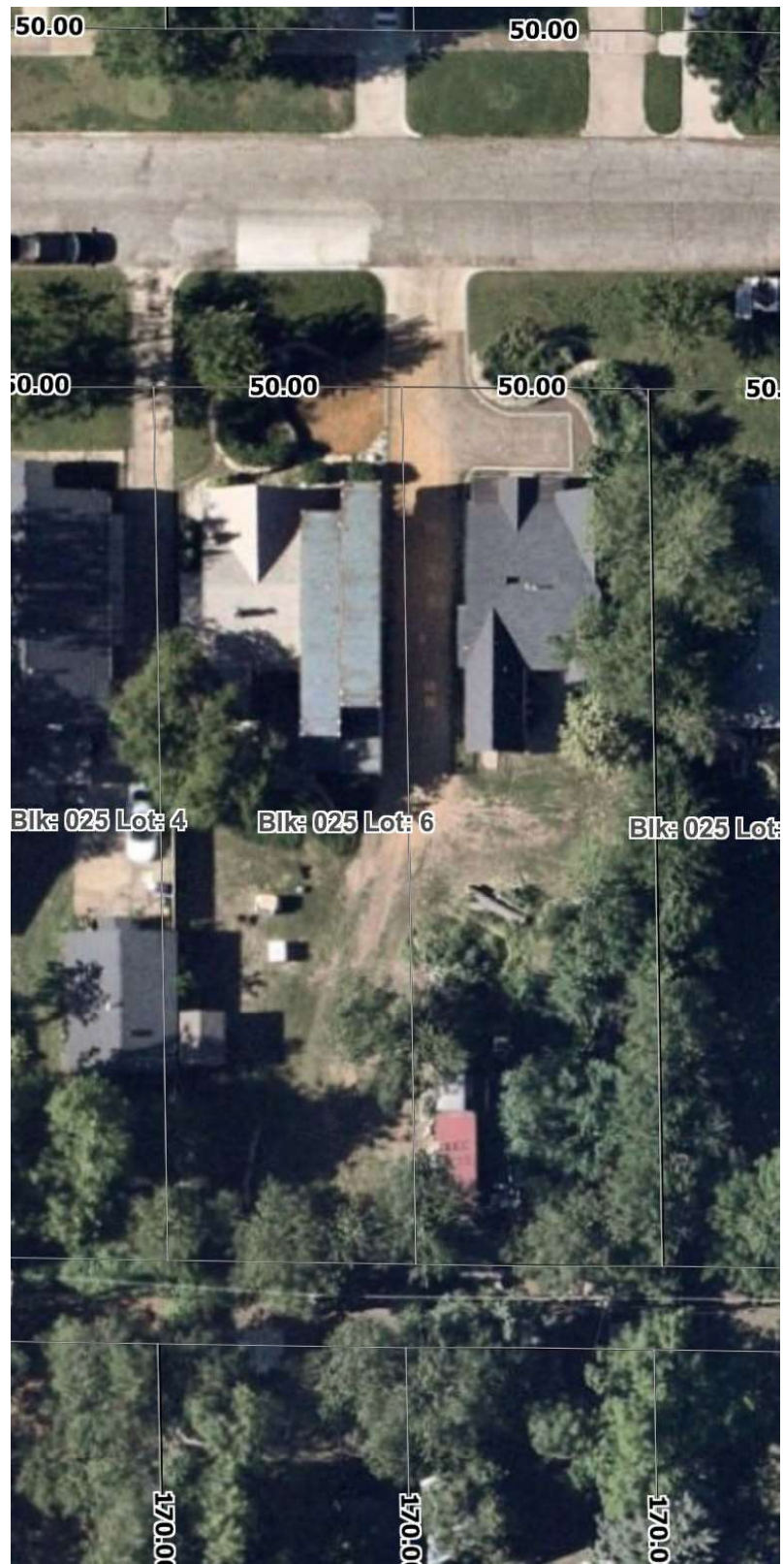
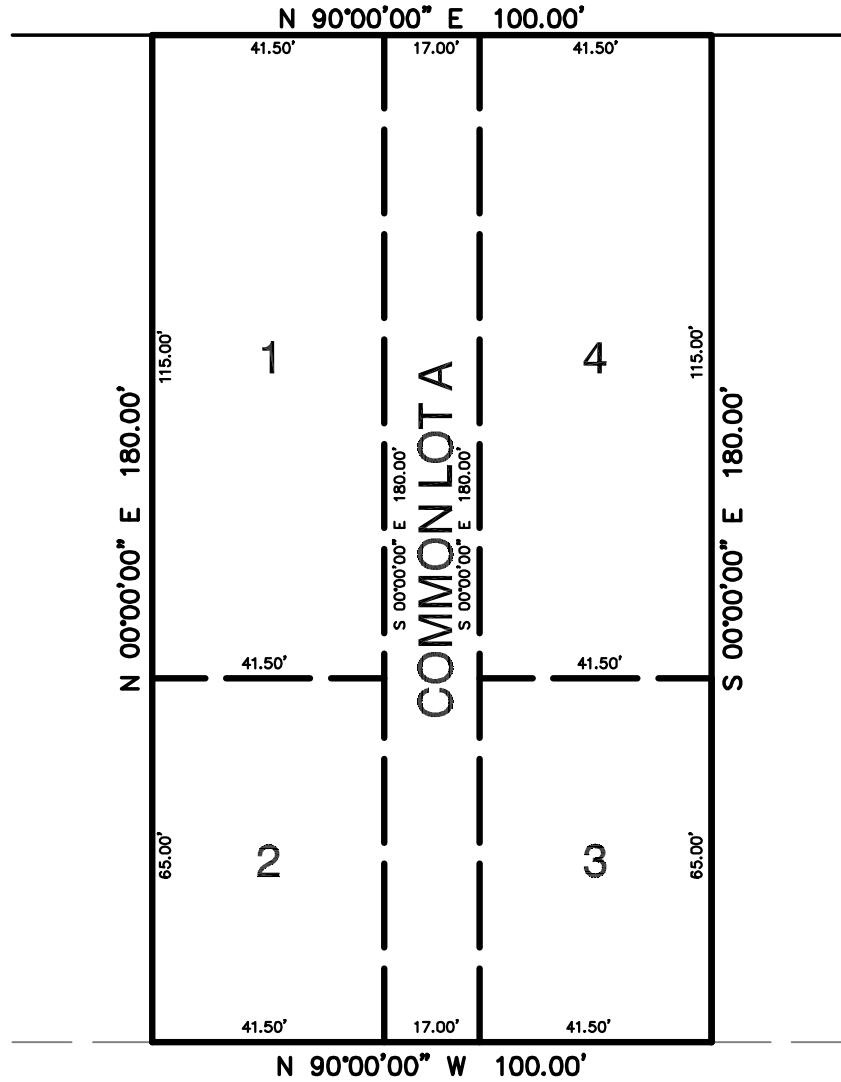
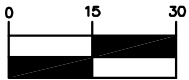


EXHIBIT "E"
PROPOSED REPLAT

N.W. 40TH STREET



GRAPHIC SCALE



(IN FEET)

1 inch = 30 ft.

Case No: SPUD-1710

Applicant: Harding Family, LLC

Existing Zoning: R-1

Location: 1134 NW 40th St.



Aerial Photo from 2/2022

Note: "Subject" is located approximately 1,545' North of NW 36th St.



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Simplified Planned Unit Development



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Feet