

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)

12. (SPUD-1659) Application by Legacy Empowerment Group, LLC to rezone 1900 North Martin Luther King Avenue from R-1 Single- Family Residential, R-3 Medium Density Residential, and HNO Healthy Neighborhood Overlay Districts to SPUD-1659 Simplified Planned Unit Development and HNO Healthy Neighborhood Overlay Districts. Ward 7.

**Technical Evaluation:**

1. Modify conceptual site plan to reflect correct street name.

The applicant was present. There were no protestors present.

**RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION.**

MOVED BY PENNINGTON, SECONDED BY LAFORGE

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

ABSENT: PRIVETT



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

**Item No. IV. 12.**

**(SPUD-1659) Application by Legacy Empowerment Group, LLC to rezone 1900 North Martin Luther King Avenue from R-1 Single-Family Residential, R-3 Medium Density Residential, and HNO Healthy Neighborhood Overlay Districts to SPUD-1659 Simplified Planned Unit Development and HNO Healthy Neighborhood Overlay Districts. Ward 7.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant Representative**

Name Delonia Lowe  
Company Legacy Empowerment Group, LLC  
Phone (405) 535-5835  
Email Delonia.lowe@gmail.com

**B. Case History**

This application was deferred from the August 22, 2024, Planning Commission hearing date.

**C. Reason for Request**

The purpose of this request is to allow commercial and/or residential development.

**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: 0.35 Acres**

**3. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	R-1 / R-3 / HNO	R-3 / R-1 / HNO	R-1 / HNO	I-2 / HNO	I-2 / HNO
<b>Land Use</b>	Commercial	Undeveloped	Undeveloped	Retail	Parking

## **II. SUMMARY OF SPUD APPLICATION**

1. This site will be developed in accordance with the regulation of the **C-3 District and (HNO) Healthy Neighborhoods Overlay District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

The following uses will be the only uses permitted on this site:

Administrative and Professional Office (8300.1)  
Animal Sales and Services: Grooming (8300.8)  
Animal Sales and Services: Kennels and Veterinary, Restricted (8300.11)  
Adult Day Care Facilities (8300.2)  
Business Support Services (8300.24)  
Child Care Center (8300.25)  
Communications Services: Limited (8300.29).  
Convenience Sales and Personal Services (8300.32)  
Cultural Exhibits (8250.5)  
Eating Establishments: Sitdown (8300.37)  
Food and Beverage Retail Sales (8300.41)  
Gasoline Sales, Small: Restricted (8300.46)  
Lodging and Accommodations: Bed and Breakfast (8300.49)  
Medical Services: General (8300.52)  
Medical Services: Restricted (8300.53)  
Participant Recreation and Entertainment: Indoor (8300.55)  
Personal Services: General: (8300.58)  
Personal Services: Restricted (8300.59)  
Personal Storage (8300.60)  
Repair Services: Consumer (8300.61)  
Research Services: Restricted (8300.62)  
Retail Sales and Services: General (8300.63)  
Spectator Sports and Entertainment: Restricted (8300.69)  
Dwelling Units and Mixed Uses (8200.2)  
Library Services and Community Centers (8250.11)  
Low Impact Institutional: Neighborhood Related (8250.14)  
Live/Work Units (8200.4)  
Single-Family Residential (8200.14)  
Two-Family Residential (8200.16)  
Three- and Four-Family Residential (8200.15)  
Senior Independent Living (8200.13)  
Multifamily Residential (8200.12)

2. **Maximum Building Height:** The maximum building height shall be two stories and 35 feet.

3. **Maximum Building Size:** The base zoning district will regulate the maximum size of buildings in this SPUD.
4. **Maximum Number of Buildings:** The base zoning district will regulate the maximum number of buildings in this SPUD.
5. **Building Setback Lines:** Structures existing at the time of approval of this SPUD shall be deemed to be in compliance with all zoning setback requirements.

Setback for all new structures shall be as follows:

Side and Corner Side Setback (north and south): 5 feet

Front Setback (Martin Luther King): 10 feet

Rear Setback (Granada Blvd): 10 feet

6. **Sight-proof Screening:** Not required. If provided, screening shall meet all requirements in place at the time of development.
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.

8. **Signs:**

8.1: Freestanding Signs: Freestanding signs shall be per Code, except that new signs shall be limited to 8 feet tall and 100 square feet in area.

8.2: Attached Signs: Attached signs shall be per Code.

8.3: Electronic Message Display (EMD): Electronic Message Display signs shall be prohibited.

8.4: Non-accessory Signs: Non-accessory/Off-Premise signs are specifically prohibited.

9. **Access:** There shall be a maximum of one access drive permitted from N Martin Luther King Avenue and Granada Blvd and two drives permitted from NE 18<sup>th</sup> Street.
10. **Sidewalks:** Existing sidewalks along Martin Luther King Blvd and NE 18<sup>th</sup> Street shall be maintained and replaced if removed or damaged during construction. Sidewalks shall only be required on Granada if a new driveway is installed to provide access. 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.

**II. Other Development Regulations:**

1. **Architecture:** Exterior building wall finish on all structures exclusive of windows shall consist of a minimum 70% brick veneer, masonry, rock, stone, stucco, architectural metal, or wood, or other similar type finish. A maximum of 30% EIFS (Exterior Insulation Finish System) material shall be permitted for new structures. Exposed metal or exposed concrete block buildings shall not be permitted. Buildings shall be oriented such that no backs of buildings face N Martin Luther King Avenue. An outdoor space such as a patio or landscaped open space shall be allowed on N Martin Luther King Avenue.
2. **Open Space:** Unless modified herein, yard requirements in this SPUD shall be the same as the base-zoning district.
3. **Street Improvements:** N/A
4. **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.
5. **Dumpsters:** Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended. The dumpster location shall be at least 25 feet from a residential use and screened per Code.
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, except that the maximum number of spaces for all uses allowed within this SPUD shall be 12 spaces.
7. **Common Areas:** Maintenance of all common areas in the development and maintenance of all amenities located within the common areas shall be the responsibility of the owner(s) of said property. 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.
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

### **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: 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) Add to Section I.11 Sidewalks: Any 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) Add Section II.4 Drainage: Drainage improvements will be in accordance with the applicable sections of the Code of Ordinances of the City of Oklahoma City, as amended.

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

**c. Stormwater Quality Management**

**d. Traffic Management \***

**8. Utilities**

**a. Engineering**

**b. Solid Waste Management**

- 1) The City can provide solid waste collection services to commercial customers providing refuse is not excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise the customer will have to utilize a private hauler for dumpster service.

**c. Water/Wastewater Quality**

**Water Availability\***

**Wastewater Availability\***

**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.
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape.
- 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 already developed. The SPUD could allow for development within this range.*

Automobile Connectivity:

- Protect existing traditional street grid and reconnect it where possible.
- Keep alleys open and functional.
- 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 frontage on three streets. The SPUD requests access from all streets.*



Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

*Sidewalks have been installed along MLK Ave, NE 18<sup>th</sup> Street, and a portion of Granada Blvd. Sidewalks would typically be required to be extended along Granada with new non-residential development. The SPUD would require them only if a new driveway were installed on Granada.*

- 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 uses or zoning, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass.

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 appears to request to maintain the existing development while allowing additional uses on the site. The site is in a unique location where it is surrounded on three sides by streets, abuts residential zoning on the north, and is across the street from industrial zoning on the south and west.*

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. *No triggers requiring mitigation were identified.*

Operational Impact: The comprehensive plan calls for mitigation measures if new projects propose uses that generate noise levels above those found in typical residential settings, have detectable odors, spill light above that found in typical residential settings, or operate after 10 p.m. within proximity to residential uses. When located near residential uses, the comprehensive plan calls for containing operating effects (including noise and odor) within building walls, using vertical screening to block any mechanical equipment and service areas, and directing light away from adjacent residential areas. *The SPUD has been modified since first submitted to remove light industrial uses and add residential uses. The most likely uses would be commercial, but the SPUD does not allow drive-through or large gas stations. The site is situated near both industrial and residential uses.*

- 3) **Service Efficiency:**

- Water: *Served*
- Sewer: *Fully 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 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. 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 along the east side of North Martin Luther King Avenue, a Major Arterial Street, with frontage along NE 18th Street and Granada Boulevard, Neighborhood Streets, all in the Urban Low LUTA. The nearest transit (bus) service is located adjacent to the site along North Martin Luther King Avenue.
- 6) Other Development Related Policies**
- Encourage the adaptive reuse of underutilized structures and the revitalization of older, economically distressed neighborhoods. (SU-21)
  - Commercial buildings should be built at the street rather than behind a parking lot in order to promote pedestrian circulation, multipurpose shopping trips, and walkable and attractive streetscapes. (SU-28)
  - Neighborhood-scale retail should be developed at the median breaks or intersections of major or minor connectors. (SU-31)
  - 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)
  - 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)

**7) Other Considerations: Historic Resources**

The City's comprehensive plan and the adopted historic preservation plan for Oklahoma City, preserveokc, prioritizes protecting National Register-listed properties, local historic districts, and the unique character of historic resources. The subject site is located within the boundary of the Creston Hills Historic District, determined eligible the National Register of Historic Places in 1993 for its architectural (Criterion C) significance. *The current structure on the site does not appear to be eligible for individual listing on the National Register. If the residence is removed, plan conformance would be strengthened by ensuring new development is compatible with historic development in the Creston Hills Neighborhood.*

**b. Plan Conformance Considerations**

The subject site is located along the east side of North Martin Luther King Avenue, with frontage along NE 18th Street and Granada Boulevard. The site is zoned R-3, R-1, and within the Healthy Neighborhoods Overlay (HNO) District. The HNO Overlay would not be affected by a zoning change. The subject site is developed with a home and other structure, as well as some outdoor storage. The MLK Corridor is zoned a mix of industrial, commercial and residential at this location. Both residential streets lead eastward to the Creston Hills South neighborhood.

The Master Design Statement has been modified since the application was first submitted. Light industrial and warehousing uses have been removed, residential uses added, and commercial uses modified to provide flexibility for the applicant should the existing building be removed or repurposed. Additionally, the requirements for setbacks, access, parking, signs, screening, sidewalks, and dumpster location have been modified or adjusted to reflect the unique site with three frontages. The site plan needs to be modified to reflect the correct street name before forwarding the application to City Council.

**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.*

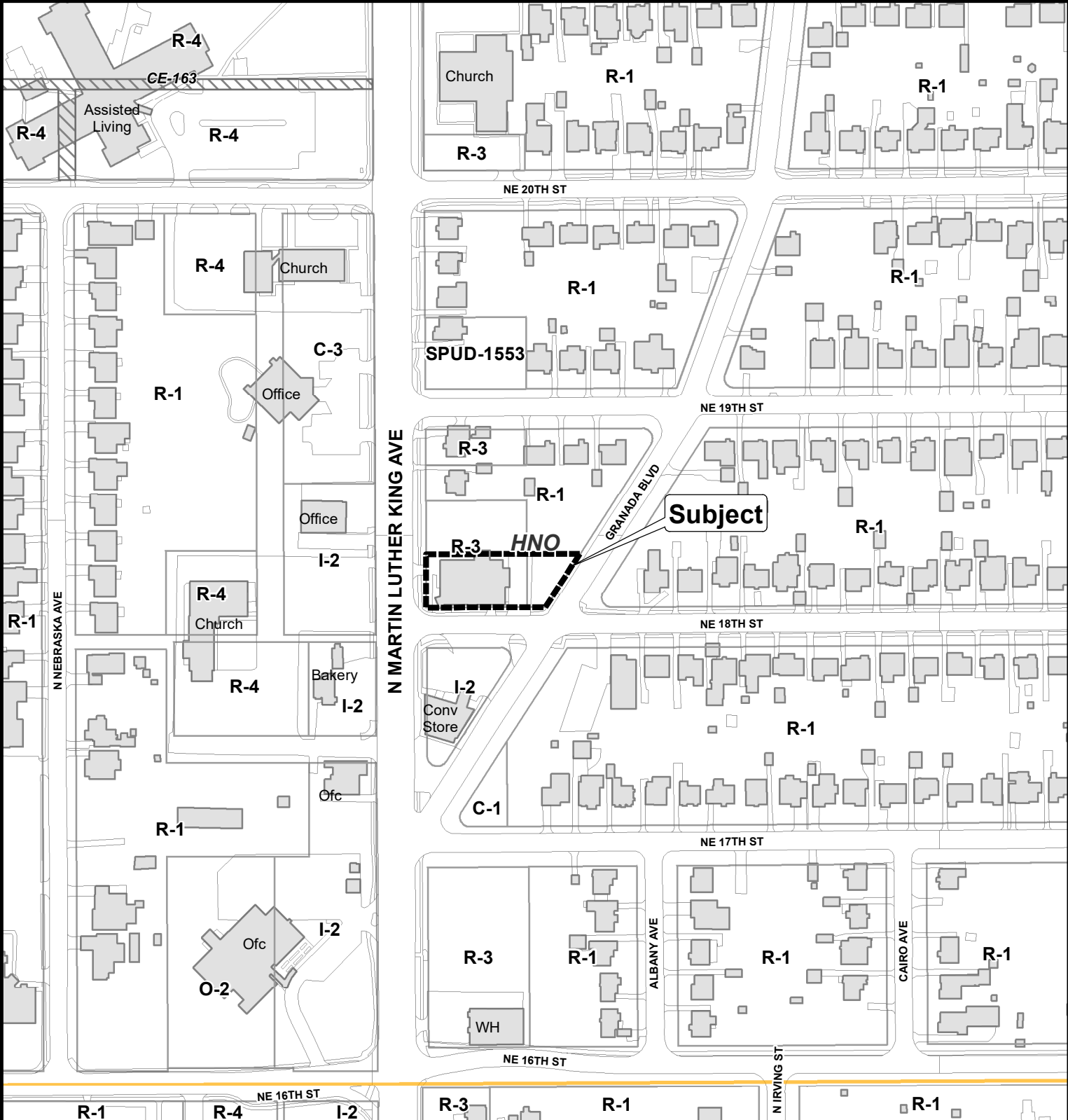
**Approval of the application subject to the following Technical Evaluation:**

1. Modify conceptual site plan to reflect correct street name.

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.

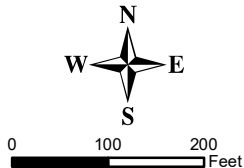
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Case No: SPUD-1659      Applicant: Legacy Empowerment Group, LLC  
Existing Zoning: R-1 / R-3 / HNO  
Location: 1900 N. Martin Luther King Ave.



The City of  
OKLAHOMA CITY

# Simplified Planned Unit Development









Case No: SPUD-1659      Applicant: Legacy Empowerment Group, LLC  
Existing Zoning: R-1 / R-3 / HNO  
Location: 1900 N. Martin Luther King Ave.



Aerial Photo from 2/2022



The City of  
OKLAHOMA CITY

# Simplified Planned Unit Development

