

Planning Commission Minutes  
November 9, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:24 a.m. on November 6, 2023)

15. (SPUD-1571) Application by Lindsey Payton & William Fienberg II to rezone 1615 NW 31st Street from R-1 Single-Family Residential District to SPUD-1571 Simplified Planned Unit Development District. Ward 2.

**Amended Technical Evaluation:**

1. Rooftop terraces ~~and balconies~~ are not allowed. Balconies will face south.
2. Maximum height for accessory structures shall be 24 feet.
3. Lot coverage shall be limited to a maximum of 55 percent including paved areas.

The applicant was present. There were no protestors present.

**RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.**

MOVED BY POWERS, SECONDED BY GOVIN

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

ABSENT: LAFORGE



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**November 9, 2023**

**Item No. IV. 15.**

**(SPUD-1571) Application by Lindsey Payton & William Fienberg II to rezone 1615 NW 31<sup>st</sup> Street from R-1 Single-Family Residential District to SPUD-1571 Simplified Planned Unit Development District. Ward 2.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant/Developer Representative**

Name        Mark Grubbs  
Company    Grubbs Consulting, LLC  
Phone       405-265-0641  
Email        Mark.grubbs@gc.okc.com

**B. Case History**

This is a new application.

**C. Reason for Request**

The purpose of this application is to allow the existing residence and a garage with a loft apartment.

**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: 0.19 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-1          | R-1         | R-4          | R-1         |
| <b>Land Use</b> | Residential         | Residential  | Residential | Residential  | Residential |

**II. SUMMARY OF SPUD APPLICATION**

1. This site will be developed in accordance with the regulations of the **R-1 Single Family Residential District** (OKC Zoning Ordinance, 2020, as amended), except as otherwise noted:

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

- a) Single Family Residential (8200.14) to include an accessory two-car garage and single-family garage apartment

2. **Building Height, Density and Lot Coverage:**

- a) Building height shall be limited to thirty feet and two story with roof top terrace.
- b) Density shall be limited to two single family units.
- c) Maximum lot coverage shall be sixty-five percent, excluding hard surface paving.

3. **Maximum Number of Buildings:**

- a) Two

4. **Building Setback Lines**

Front Yard: 25 feet

Rear Yard: 15 feet

Side Yard: 5 feet on east and west

Corner Side N/A  
Yard:

5. **Sight-proof Screening:**

- a) Not required

6. **Landscaping:**

- a) One tree with a minimum caliper size of two inches shall be provided on the site.

7. **Signs:**

- a) Free standing accessory signs

No sign permitted

- b) Attached signs

No sign permitted

- c) Non-Accessory Signs

Not permitted

- d) Electronic Message Display signs  
Not permitted

**8. Access:**

- a) The site is limited to one driveway from NW 31<sup>st</sup> Street. The existing driveway width shall be permitted.

**9. Sidewalks**

- a) The existing sidewalk along NW 31<sup>st</sup> Street shall remain.

**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, vinyl or wood siding, or other similar type finish. Exposed metal or exposed concrete block buildings shall not be permitted.

**2. Open Space:**

Per ordinance

**3. Street Improvements:**

N/A

**4. Site Lighting:**

Per ordinance

**5. Dumpsters:**

Private

**6. Parking:**

No more than two parking spaces shall be required.

**7. Maintenance:**

Private improvements shall be maintained by the property owner.

**8. Drainage:**

Per ordinance

**9. Other:**

None

**III. Supporting Documents**

- Exhibit A: Legal Description
- Exhibit B: Site Plan
- Exhibit C: Building Elevation

### **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 be advised ONG has an underground or aboveground facility in the area. If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate. Prior to excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior for exact location of our facilities.
- 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) Flood Study will be required to show no rise in FEMA Q 100 and the City of Oklahoma City Q 100 water surface elevation, compared pre-and post-development.
- 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 II.8. Add the following statement: "Development of the parcel will be in compliance with chapter 16 of the Oklahoma City Municipal Code, 2020, as amended."
- 12) Amend section 1:9 Sidewalks: Upon the issuance of a building permit for modification of any building or for additional structures within this PUD,

sidewalks shall be provide in accordance with the City of Oklahoma City Municipal Code and ADA requirements in place 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) 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.
- 4) 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.
- 5) 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 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” water main(s) is located adjacent to the subject site(s) along 31<sup>st</sup>.
- 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.

##### 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 to allow an apartment above a two-car garage. The additional dwelling unit allowed by the SPUD would bring the density to 10.5 du/acre.*

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.

*The site currently has one access along NW 31<sup>st</sup> Street. The conceptual plan shows the drive widened in the rear to serve the proposed two-car garage apartment.*

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

*Sidewalks are currently available on the subject site and required to remain by the SPUD regulations.*

- 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, no compatibility issues are identified by the comprehensive plan.
- 3) Service Efficiency:**
  - Water: *Served*
  - Sewer: *Fully Served*
  - Fire Service: *Urban Service Level*
- 4) Environmentally Sensitive Areas:** No ESAs were identified on the site.
- 5) Transportation System:** This site is located along the north side of NW 31<sup>st</sup> Street, a Neighborhood Street in the Urban Medium LUTA. The nearest transit (bus) service is located to the east, along N Classen Boulevard.
- 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. (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)

- 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**

This property has been identified previously as contributing to a potential historic district, Military Park, which has an official Determination of Eligibility for the National Register of Historic Places via previous survey efforts and federal review processes. preserveokc supports using zoning to encourage the reuse and revitalization of historic resources, such as by maintaining or implementing zoning for historic resources that is compatible with the existing, established physical character, and identifying and addressing zoning requirements that inhibit the redevelopment of historic resources (policy 3.3.1). The proposed SPUD indicates that the intent is to retain the existing, historic primary structure. Additional development at the site should be compatible with, and sensitive to, the existing, established physical character of the surrounding properties, block, and district.

**b. Plan Conformance Considerations**

The subject site is located in the Military Park neighborhood along the north side of NW 31<sup>st</sup> Street, west of N Blackwelder Avenue, in an area generally located west of N Classen Boulevard. The site and land east, west and north is zoned R-1 and developed with single-family homes. Across the street to the north are the Campus Pointe apartments, zoned R-4. Oklahoma City University is four blocks to the south.

The SPUD is requested for an apartment above a two-car garage in the rear of the property. The SPUD proposes a maximum building height of 30 feet for the property, a maximum lot coverage of 65% excluding hard surface paving, and would allow a roof top terrace on the accessory dwelling unit. The existing R-1 District allows a maximum height of 35 feet for primary and accessory structures and 50% lot coverage. No modifications to setbacks are requested, and the existing home is proposed to remain.

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 and infill development. However, the proposed standards for the accessory dwelling differs from those proposed by staff for a future ordinance. Standards currently drafted for the R-1 District would limit accessory dwellings to 24

feet tall, allow a maximum 55 percent lot coverage including paving, and prohibit roof top terraces and balconies.

#### **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. Rooftop terraces and balconies are not allowed.
2. Maximum height for accessory structures shall be 24 feet.
3. Lot coverage shall be limited to a maximum of 55 percent including paved areas.

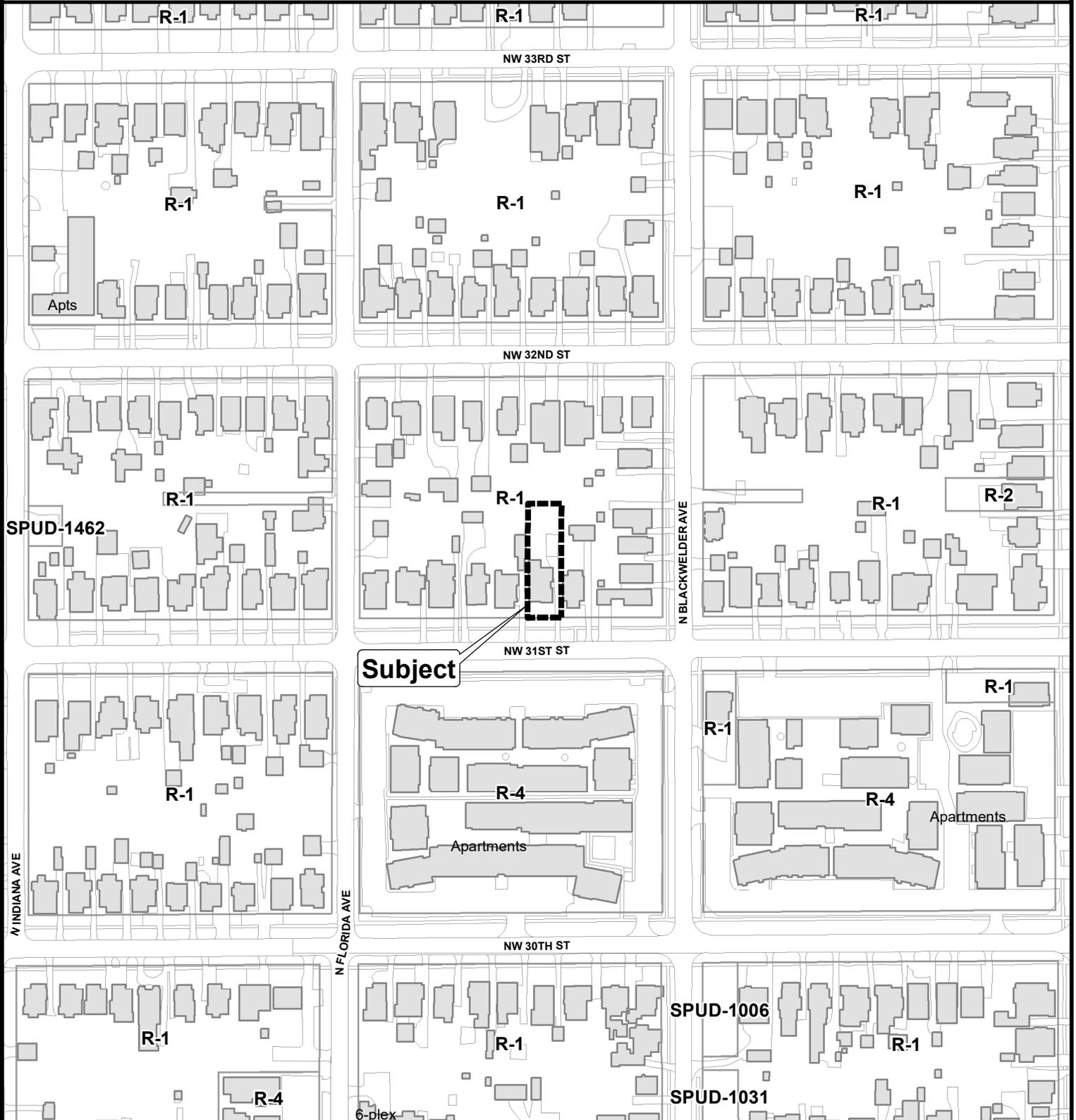
All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the SPUD may be required during either Divisions review of construction plans and prior to City Council approval.

cl

Case No: SPUD-1571

Applicant: Lindsey Ann Payton and William Anthony Fienberg II

Existing Zoning: R-1 Location: 1615 NW 31st St.



Note: "Subject" is located approximately 1,983' South of NW 36th St. and 2,825' West of N. Western Ave.

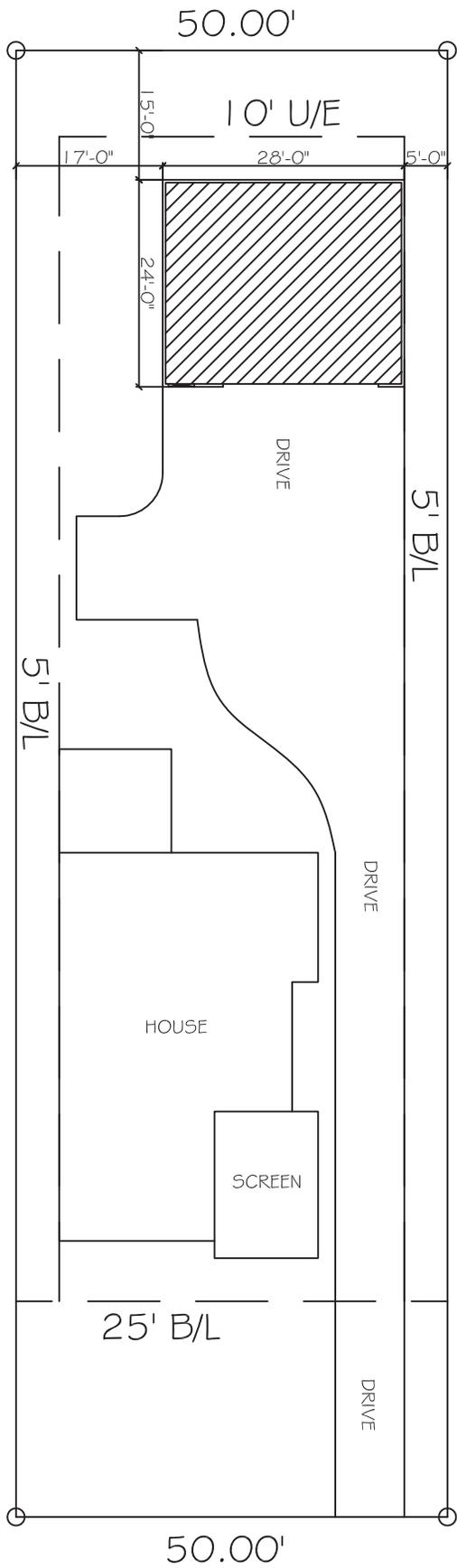
# Simplified Planned Unit Development



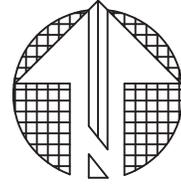
The City of  
OKLAHOMA CITY



0 100 200 Feet



SCALE: 1" = 20'

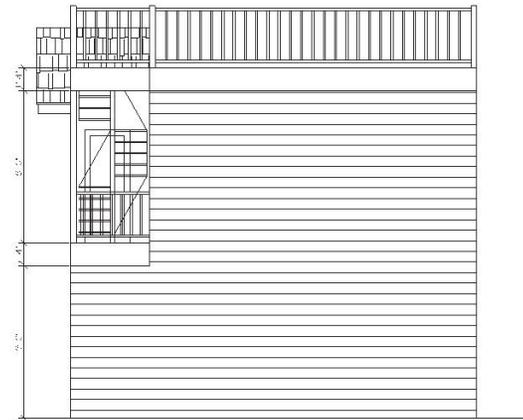


1615 N.W. 31ST ST.

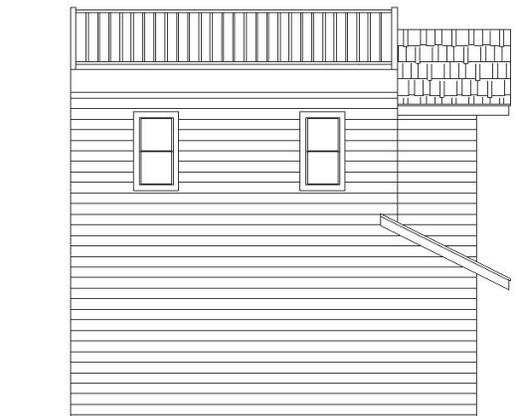
**EXHIBIT B**



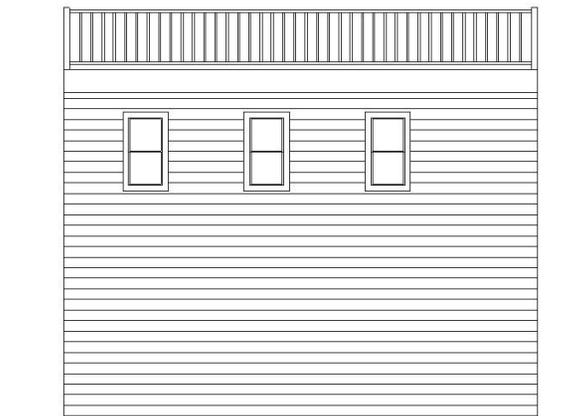
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

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 11/25/2020

DATE:  
 11/25/2020

SCALE:  
 1/8" = 1'-0"

**FIENBERG GARAGE**

GENERAL NOTES:  
 1. SEE ALL NOTES ON SHEETS P-1 THROUGH P-4.  
 2. ALL FINISHES TO BE AS SHOWN ON SHEETS P-1 THROUGH P-4.  
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 4. ALL WORK TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC).  
 5. ALL MATERIALS TO BE APPROVED BY THE LOCAL BUILDING DEPARTMENT.  
 6. ALL ELECTRICAL WORK TO BE PERFORMED BY A LICENSED ELECTRICIAN.  
 7. ALL MECHANICAL WORK TO BE PERFORMED BY A LICENSED MECHANIC.  
 8. ALL PLUMBING WORK TO BE PERFORMED BY A LICENSED PLUMBER.  
 9. ALL ROOFING WORK TO BE PERFORMED BY A LICENSED ROOFER.  
 10. ALL PAINTING WORK TO BE PERFORMED BY A LICENSED PAINTER.  
 11. ALL FINISHES TO BE AS SHOWN ON SHEETS P-1 THROUGH P-4.  
 12. ALL WORK TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC).  
 13. ALL MATERIALS TO BE APPROVED BY THE LOCAL BUILDING DEPARTMENT.  
 14. ALL ELECTRICAL WORK TO BE PERFORMED BY A LICENSED ELECTRICIAN.  
 15. ALL MECHANICAL WORK TO BE PERFORMED BY A LICENSED MECHANIC.  
 16. ALL PLUMBING WORK TO BE PERFORMED BY A LICENSED PLUMBER.  
 17. ALL ROOFING WORK TO BE PERFORMED BY A LICENSED ROOFER.  
 18. ALL PAINTING WORK TO BE PERFORMED BY A LICENSED PAINTER.

FIRST FLOOR FINISH:  
 3/2" x 1/2" OSB  
 SECOND FLOOR FINISH:  
 3/2" x 1/2" OSB  
 BALCONY:  
 2" x 12" LVL  
 THIRD FLOOR:  
 3/2" x 1/2" OSB

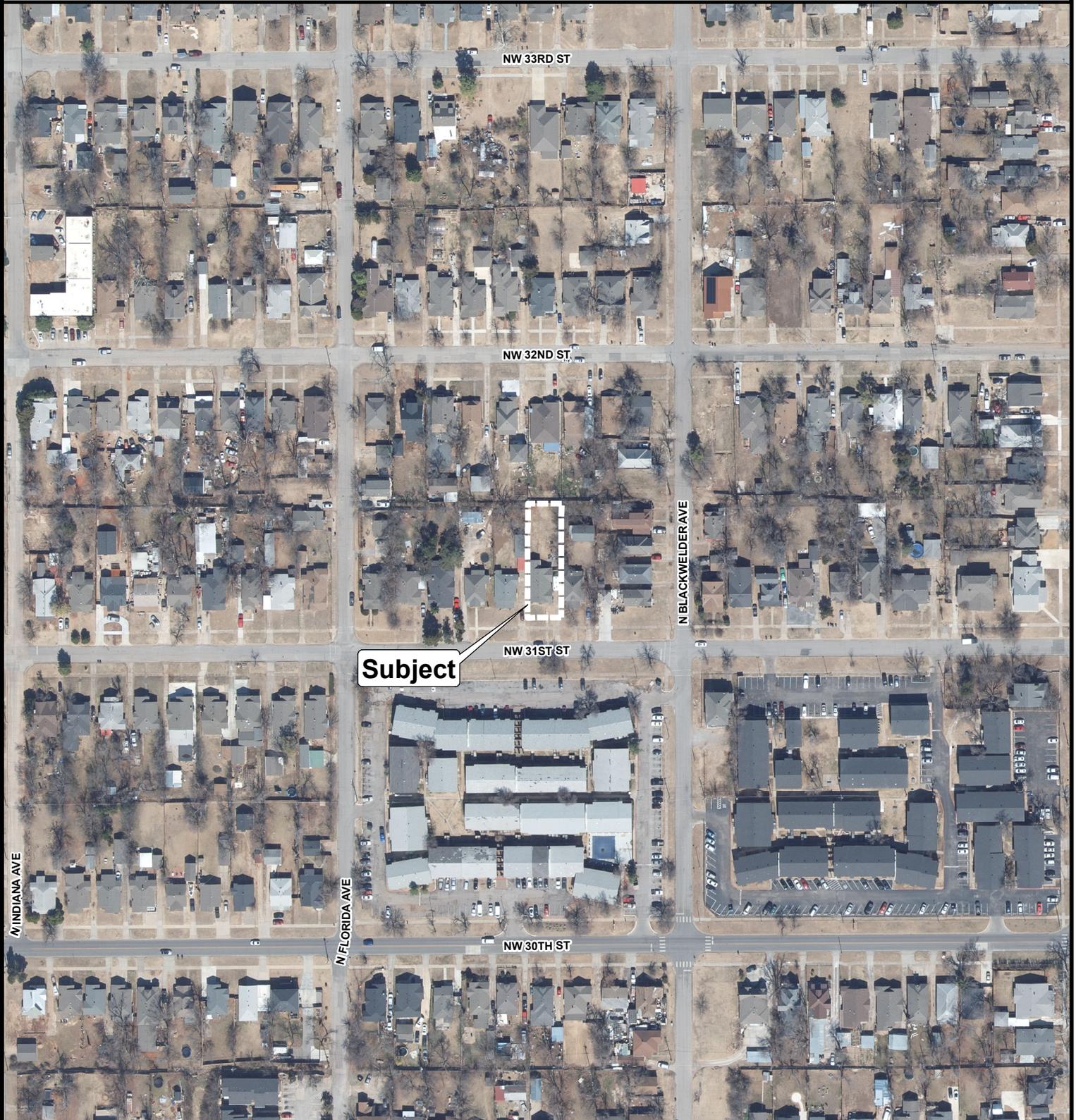
7725 BIRCHMOUNT NW, SUITE 200  
 BIRMINGHAM, AL 35242  
 TEL: (205) 998-4477  
 www.preferredplans.com



**Case No: SPUD-1571**

**Applicant: Lindsey Ann Payton and William Anthony Fienberg II**

**Existing Zoning: R-1      Location: 1615 NW 31st St.**



**Subject**

Aerial Photo from 2/2022

Note: "Subject" is located approximately 1,983' South of NW 36th St. and 2,825' West of N. Western Ave.



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# Simplified Planned Unit Development

