

Planning Commission Minutes
December 14, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:35 a.m. on December 11, 2023)

12. (PUD-1978) Application by Diamond Trail OKC, LLC to rezone 4396 NW 36th Street from R-1 Single-Family Residential and R-4 General Residential Districts to PUD-1978 Planned Unit Development District. Ward 2.

The applicant was present. There was a protestor present.

RECOMMENDED APPROVAL.

MOVED BY CLAIR, SECONDED BY MEEK

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

ABSENT: POWERS, PRIVETT, NEWMAN



STAFF REPORT
The City of Oklahoma City
Planning Commission
December 14, 2023

Item No. IV. 12.

(PUD-1978) Application by Diamond Trail OKC, LLC to rezone 4396 Northwest 36th Street from R-1 Single-Family Residential and R-4 General Residential Districts to PUD-1978 Planned Unit Development District. Ward 2.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Drew A. Cunningham, Esq.
Company Crowe Dunlevy
Phone 405-234-3270
Email Drew.cunningham@crowedunlevy.com

B. Case History

This is a new application.

On June 15, 2023, the Board of Adjustment considered a request for a variance to the maximum building height in the R-4 District for the subject site, but suggested the request be sent to the Planning Commission as a rezoning application instead. The variance application was withdrawn in favor of this PUD.

C. Reason for Request

The purpose of this application is to modify the building height in the R-4 District to bring the existing two-story apartment buildings into zoning conformance.

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: 11.22 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1/R-4	R-1/R-2	R-1/PUD-141	R-1 / PUD-641	R-1/R-4
Land Use	Multifamily Residential	Residential	Residential / Religious	Residential / Religious	Residential / Religious

II. SUMMARY OF PUD APPLICATION

The use and development regulations of the **R-4 General Residential District** shall govern this PUD, except as herein modified, including conditional, special permit, special exception, and/or accessory uses subject to their appropriate conditions and review procedures for public hearings where applicable, unless otherwise noted herein.

9.0.....SPECIAL CONDITIONS

The following special conditions shall be made a part of this PUD:

The following uses shall be permitted:

All uses permitted pursuant to the R-4 General Residential District, including 8200.12 – Multiple Family Residential.

9.1.....FAÇADE REGULATIONS

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, rock, stone, stucco, or wood, or other similar type finish. A maximum of 30% EIFS (Exterior Insulation Finish System) material shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

Buildings shall be oriented such that the backs of buildings are not facing towards NW 36th Street.

The façade of all buildings existing at the time this PUD is created shall be deemed in zoning conformance with this PUD.

9.2 LANDSCAPING REGULATIONS

The subject parcel shall meet all requirements of the City of Oklahoma City’s Landscaping Ordinance in place at the time of redevelopment. All existing landscaping shall be deemed in conformance until a redevelopment of the property occurs.

9.3 LIGHTING REGULATIONS

The site lighting in this PUD 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 residential uses, outdoor lights within any office or commercial or industrial tracts will be directed away from any adjacent residential properties. To accomplish this, lights shall utilize shields, shades, or other appropriate methods of directing light beams.

9.4 SCREENING REGULATIONS

All existing screening in place at the time this PUD is created shall be deemed in conformity with zoning requirements until a redevelopment of the property occurs. Upon redevelopment of the property, the screening requirements for this PUD shall be those applicable to R-4 General Residential District base-zoning district at the time of redevelopment.

9.5 PLATTING REGULATIONS

Platting shall be subject to the City of Oklahoma City Subdivision Regulations.

9.6 DRAINAGE REGULATIONS

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

9.7 DUMPSTER REGULATIONS

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.

9.8 ACCESS REGULATIONS

The existing 2 access points from NW 36th Street shall serve this PUD.

The currently existing streets and driveways shall satisfy all access regulations for this PUD site.

Access to this PUD shall be via the existing 2 access points from NW 36th Street. Should the site be redeveloped, access shall be per the requirements in place at the time of development.

Access to the individual buildings shall be provided by private shared access drives that will provide internal circulation. Private shared access drives shall have a minimum pavement width of twenty (20) feet for one-way drives and twenty-four (24) feet for two-way drives.

A pedestrian system shall be organized to provide adequate and continuous safe pedestrian circulation within the development by defining walkways and distinguishing areas of foot traffic from vehicular movements. Pedestrian connections with adjacent sidewalks and public transportation stops shall be provided.

9.9 PARKING REGULATIONS

The currently existing 318 parking spaces shall be deemed to satisfy the required parking for all multifamily residential uses within this PUD. If redevelopment occurs that increases the building density, parking requirements shall be provided in accordance with applicable codes.

9.10 SIGNAGE REGULATIONS

Existing signage shall be deemed in conformance with this PUD.

There shall be no more than two (2) freestanding signs in this PUD.

All freestanding signs within this PUD shall be ground (monument) signs with the maximum size being 8 feet high and 100 square feet in area. The signs shall be covered with a material consistent with the commercial buildings they serve.

9.10.1 ATTACHED SIGNS

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

9.10.2 NON-ACCESSORY SIGNS

Non-Accessory signs are not permitted.

9.10.3 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display are prohibited.

9.11 ROOFING REGULATIONS

Every structure in this PUD shall have Class C roofing or better

9.12 SIDEWALK REGULATIONS

The existing sidewalks on this PUD shall satisfy the requirements of this PUD. Should the sidewalks be removed or damaged during construction, said sidewalks shall be replaced in accordance with all application guidelines and regulations.

9.13 HEIGHT REGULATIONS

All structures located in this PUD shall have a maximum height of 35 feet and 2 stories. Step-downs in height adjacent to other residential districts are not required.

9.14 SETBACK REGULATIONS

The setback requirements for this PUD shall be the same as the R-4 General Residential District base-zoning district.

9.15 PERMIT REQUIREMENTS

Applications for building permits in this PUD must include an overall PUD site plan that depicts the location of the proposed building permit and the size and address of all existing buildings as well as the parking and landscaping proposed for the building for which a building permit is requested.

9.16 PUBLIC IMPROVEMENTS

Public improvements shall be made by the property owner throughout the PUD as required by the City of Oklahoma City Public Works Department or other City, County, or State Department or agency. All Local, State, and Federal ordinances as they shall apply to the site will be adhered to fully.

9.17 COMMON AREAS

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.

9.18 GENERAL DESIGN AND DEVELOPMENT GUIDELINES

Specific information and plans for General Design and Development Guidelines as contained in Chapter 59 Section 14200.4 for density, amenities, relationship to abutting uses, site design, safety, and circulation systems shall be required at the Specific Plan stage.

9.19 SPECIFIC PLAN

No building permits for construction of additional structures not currently existing at the time this PUD was created shall be issued in this PUD until a Specific Plan, including all items listed in Section 59-14150.D. of the Oklahoma City Municipal Code, 2020, as amended shall have been approved by the Planning Commission.

10.0 DEVELOPMENT SEQUENCE

Developmental phasing shall be allowed as a part of the development of this PUD.

11.0 EXHIBITS

The following exhibits are hereby attached and incorporated into this PUD. These exhibits are:

Exhibit A - Legal Description

Exhibit B – Master Development Plan Map w/topography lines

Exhibit C – Alta Survey

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:** 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: Putnam 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) 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.
- 5) A portion of subject property is situated within a F.E.M.A. Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year) frequency plus 1'. The Public Works Department Engineering staff shall approve these elevations prior to the filing of the final plat.
- 6) A floodplain activity permit must be submitted with plans for any work contemplated within 200 feet of a mapped FEMA floodplain.
- 7) A U.S. Corps of Engineers 404 permit must be submitted for any work permitted in The Waters of the United States.
- 8) 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.
- 9) 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's association. 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.
- 10) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 11) Construction within the limits of this (PLAT, SPUD, PC, PUD, SP) 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.

- 12) Sidewalks shall be installed for all new construction and/or at the time of conversion of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 13) All private road/ street will have private storm sewer system.
- 14) Engineers/Developers must contact the Public Works Department for a detention determination before submittal of Final Plat and Plans.

b. Stormwater Quality Management

c. Traffic Management*

8. Utilities – Engineering

a. Wastewater Availability

No change in existing services. No objections.

b. Water Availability

No change in existing services. No objections.

c. Solid Waste Availability

The City cannot service, contact private hauler.

9. Planning

a. Comprehensive Plan Considerations

1. LUTA Development Policies:

Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways.
- Where possible, provide a continuous system of open space along stream corridors or other appropriate areas that link neighborhoods and park lands.
- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

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.

Density: The Urban Low Intensity LUTA outlines a density range of 15 to 30 dwelling units per acre for multifamily.

National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available. The subject site is already developed as multifamily at density of 20 du/acre.

Automobile Connectivity:

- Maintain, create, and enhance a street network that is highly connected to increase number of viable commercial locations and the effectiveness of the transportation system.
- 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.

The PUD limits access to the two existing drives.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Within parking lots, provide pedestrian access ways separated from vehicle aisles.
- Horizontally mixed-use developments should have public sidewalk connectivity between land uses.

Sidewalks will be required should the site be redeveloped.

- 2. Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. In this case, the subject site is already zoned R-4 and developed with multifamily residential. The PUD is requested to allow the existing 2-story building height. No new compatibility issues were identified.
- 3. Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served Area*
 - Fire Service: *Urban Response*
- 4. Environmentally Sensitive Areas:** No ESAs were identified on the proposed development site.
 - Riparian areas: Riparian areas are vegetated areas adjacent to streams, lakes, ponds, and wetlands that are composed of a mixture of trees, shrubs, and grasses. These areas may also contain floodplain. The comprehensive plan recommends a 100-foot buffer from stream banks. *Riparian area is present on the northwestern portion of the site. Floodplain is present. The site is already developed with apartment buildings facing the creek and an pedestrian bridge crossing it.*
 - Upland Forests: N/A
 - Vulnerable aquifers: The aquifer in this area is considered highly vulnerable to depletion. The comprehensive plan recommends preserving natural open spaces and utilizing low impact development

techniques whenever possible in new developments in order to maintain water quality and allow for the infiltration of stormwater onsite.

5. Transportation System: This site is located off NW 36th Street, an Arterial Street in the Urban Low LUTA. The nearest transit (bus) service is located westbound on NW 36th Street to Meridian, then to NW 50th Street and Portland Ave.

6. Other Development Related Policies

- Higher density multifamily development should be located in areas near employment or educational centers where street and transit systems have, or will soon have capacity to support the added trips. (SU-48)
- Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
- Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
- Avoid under-grounding streams to the greatest extent possible. Where feasible, encourage the re-surfacing of buried streams. Limit the use of culverts or other structures that alter natural streams, and require designs that minimize impacts to stream health and function. (G-11)
- 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 on the south side of NW 36th Street, east of N Meridian Avenue. The site is zoned R-4 and developed with apartments, with an undeveloped portion of the site zoned R-1 at the southern edge of the property. A creek runs along the western portion of the site. West of the creek are apartments zoned R-4, and to their south are religious uses zoned R-1. Southwest of the site is a gated garden-home community zoned PUD-895. To the east are residential and religious uses.

The PUD site is fully developed with apartment buildings constructed in 1971. The current zoning code limits building height to one story and 20 feet within 60 feet of the R-1 District. Of the 35 existing buildings, 10 either abut or are within 60 feet of a neighboring property zoned R-1. All 10 buildings are two stories in height. The PUD is requested to establish a two-story building height for all structures so they could be rebuilt if they were ever destroyed or demolished. The existing use, multifamily residential, will remain unchanged. No new compatibility issues were identified with the request.

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 PUD may be required during either Divisions review of construction plans and prior to City Council approval.

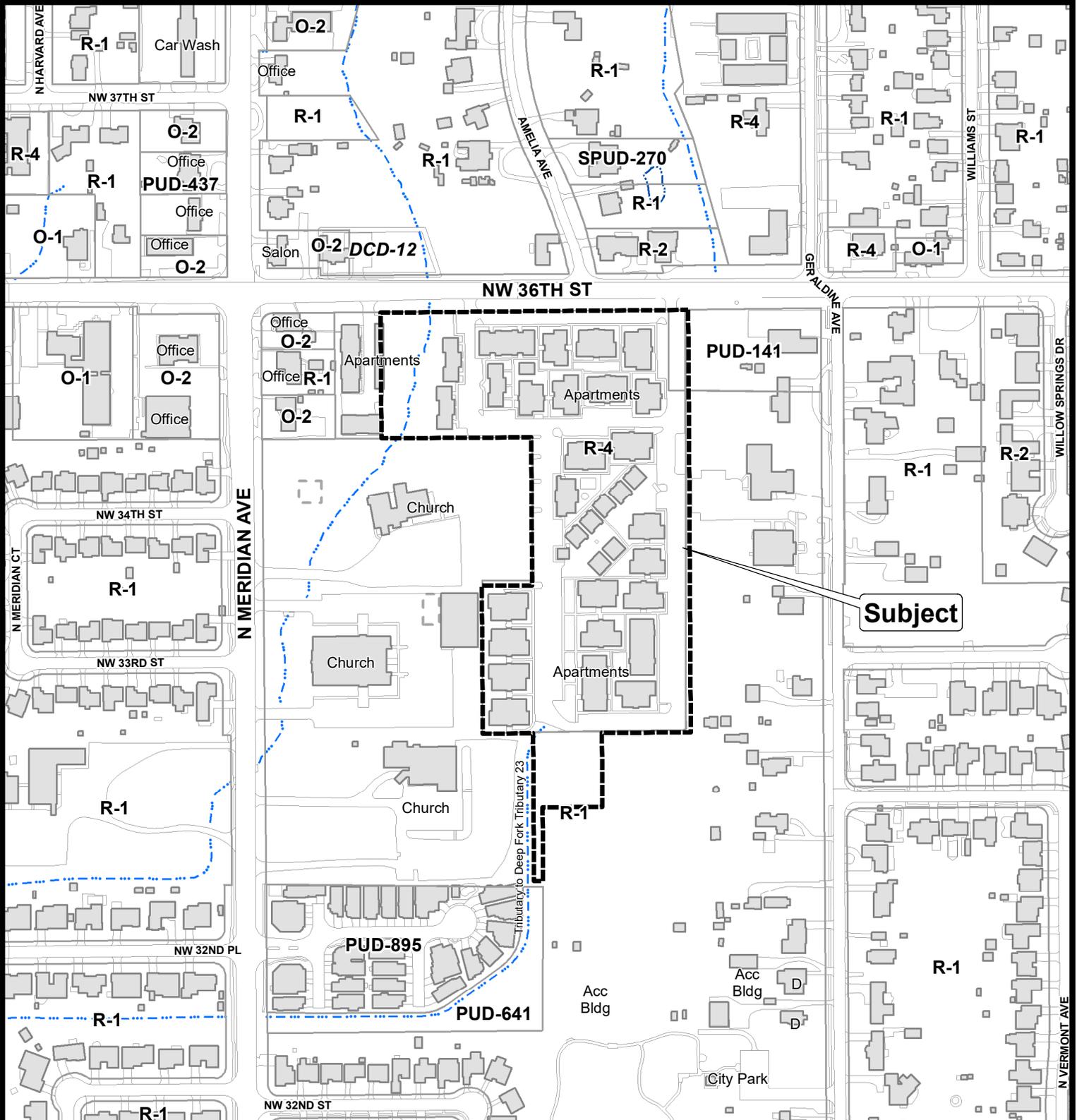
sw

Case No: PUD-1978

Applicant: Diamond Trail OKC, LLC

Existing Zoning: R-4 / R-1

Location: 4396 NW 36th St.

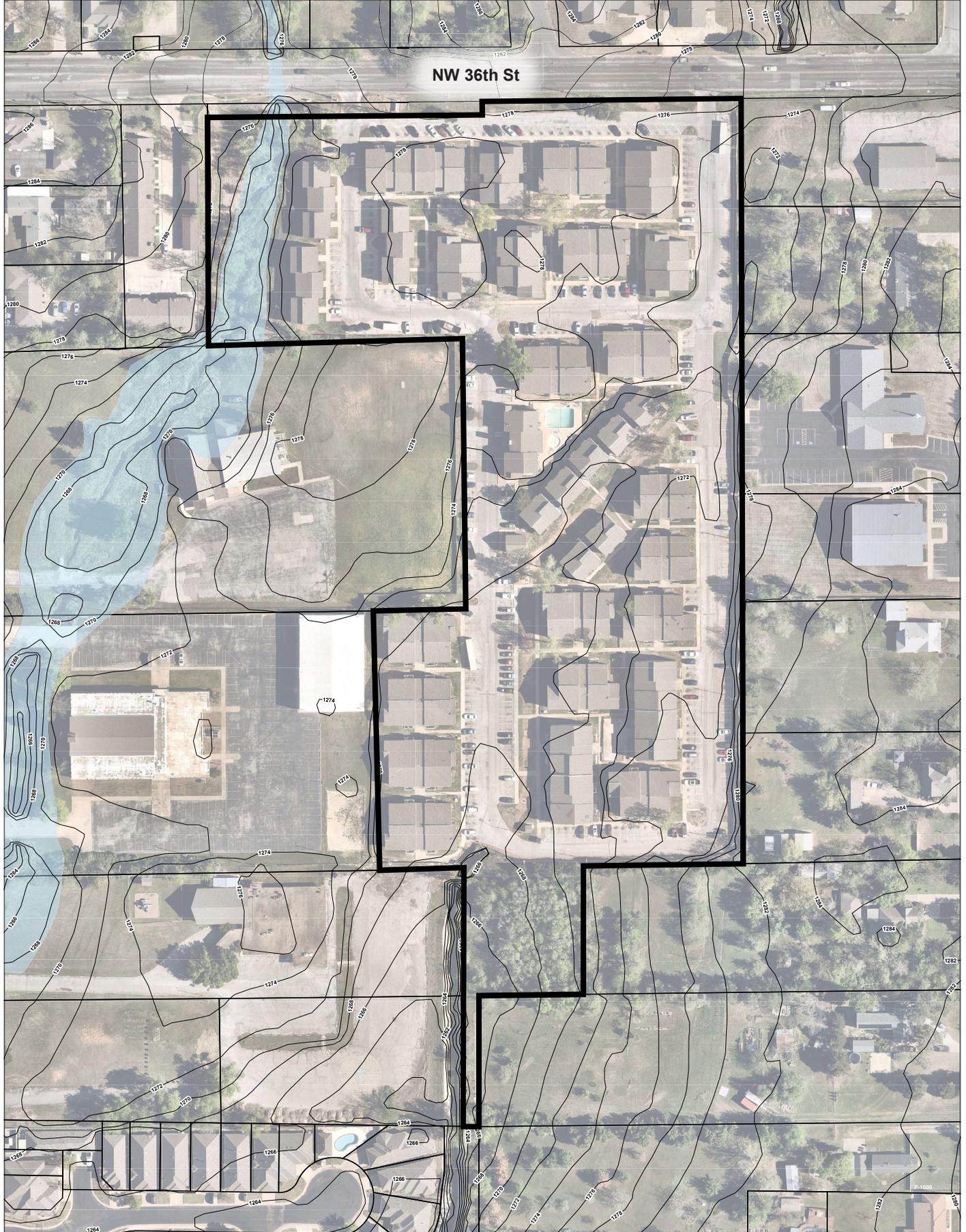


The City of
OKLAHOMA CITY

Planned Unit Development



0 150 300
Feet



**NW 36th Street and
N Meridian Ave**

Exhibit B
+/-11.14 Acres

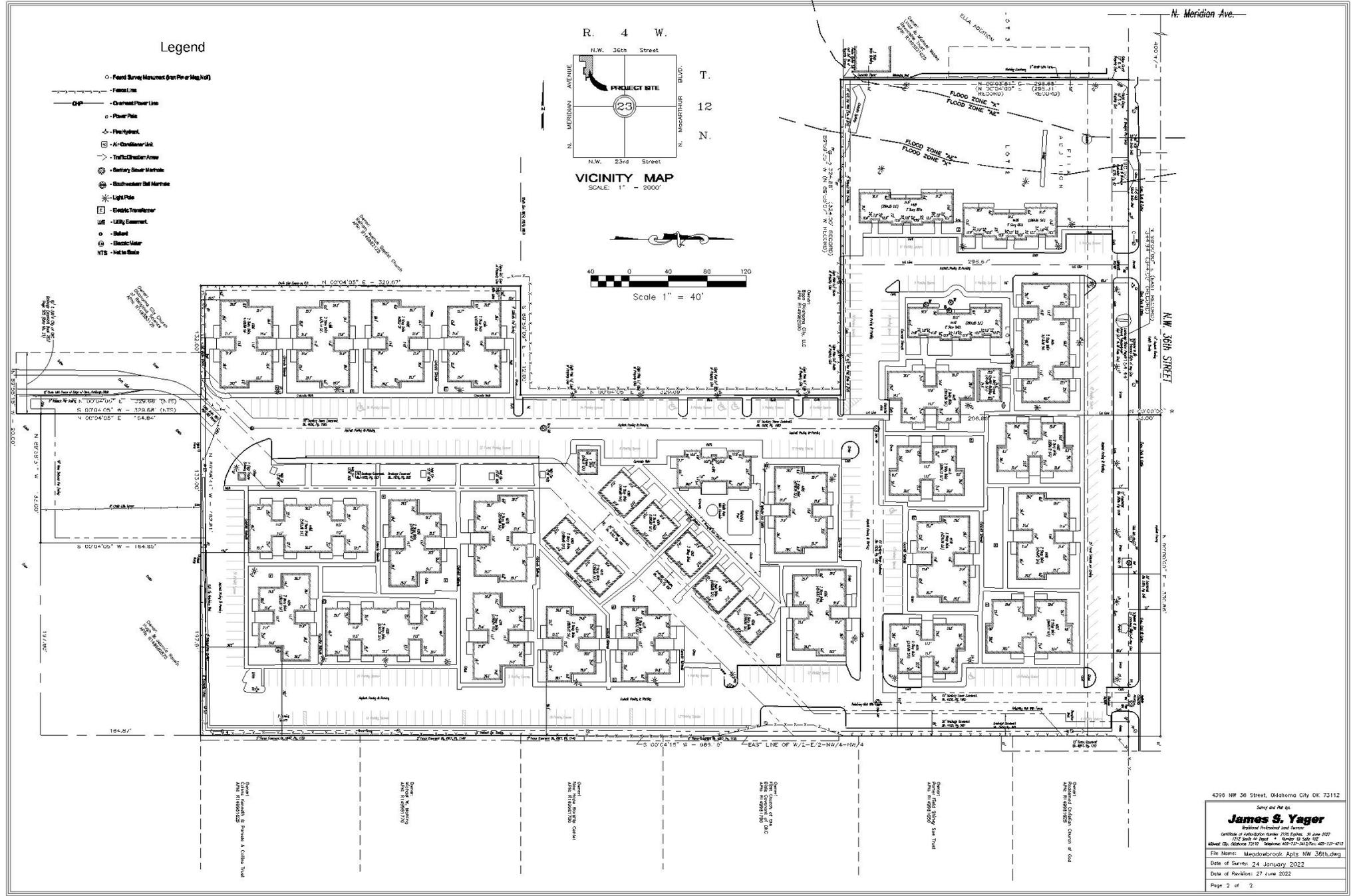
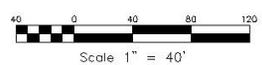
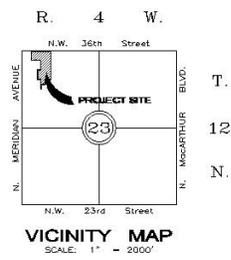


Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
918.233.8875 FAX 918.233.8878
ENGINEERS SURVEYORS PLANNERS

9/7/23

Legend

- Fixed Survey Monument (not Per or Mag Hill)
- Fence Line
- OP — Overhead Power Line
- Power Pole
- ⊕ Fire Hydrant
- ⊠ Air-Conditioner Unit
- Traffic Control Arrow
- ⊙ Secondary Sewer Manhole
- ⊙ Southwestern Bell Manhole
- ⊙ Light Pole
- ⊠ Electric Transformer
- UE — Utility Easement
- Bellard
- ⊙ Electric Meter
- HTS - Not to Scale



4396 NW 36 Street, Oklahoma City OK 73112

Sony and Neil Co.
James S. Yager
Professional Engineer and Surveyor
Certificate of Professional Engineer: 7718 (Oklahoma), 30 June 2022
1725 South 44 Street • Norman, OK 73061-1507
6800 NW 13th Avenue • Oklahoma City, Oklahoma 73107-3412 • 405-723-4713

File Name: Meadowbrook Apts NW 36th.dwg
Date of Survey: 24 January 2022
Date of Revision: 27 June 2022
Page 2 of 2

Case No: PUD-1978
Existing Zoning: R-4 / R-1
Location: 4396 NW 36th St.

Applicant: Diamond Trail OKC, LLC



Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Planned Unit Development



0 150 300
Feet