



STAFF REPORT
The City of Oklahoma City
Planning Commission
June 13, 2024

Item No. IV. 16.

(SPUD-1615) Application by Astro Assets, LLC and FTVM, LLC to rezone 1443 NW 33rd Street from R-1 Single-Family Residential District to SPUD-1615 Simplified Planned Unit Development District. Ward 2.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

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

B. Case History

This application was continued at the May 23, 2024 Planning Commission meeting.

C. Reason for Request

The purpose of this application is to allow multifamily residential development, specifically up to six duplex structures.

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: .34 acres

3. 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

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **R-2 Medium-Low Density Residential District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

In addition to all uses within the R-2 District, the following shall be permitted within this SPUD:

8200.12 Multiple-Family Residential [limited to a maximum of six duplex structures]

2. **Maximum Building Height:**

The maximum height shall be in accordance with the base zoning district.

3. **Maximum Building Size:**

The maximum building size shall be 1,700 square feet.

4. **Maximum Number of Buildings:**

There shall be a maximum of six (6) structures within this SPUD.

5. **Building Setback Lines:**

North:	10 feet
South (NW 33 rd Street):	10 feet
East:	5 feet
West:	5 feet
Internal Setback:	5 feet

6. **Minimum Lot Size:**

The minimum lot size shall be 6,000 square feet.

7. **Minimum Lot Width:**

The minimum lot width shall be 45 feet.

8. **Lot Coverage:**

The maximum lot coverage within this SPUD shall not exceed 75% per lot, including structures and impervious pavement, but excluding porches and balconies.

9. **Sight-Proof Screening:**

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

10. **Landscaping:**

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

11. Signs:

No signs shall be allowed within this SPUD.

12. Access:

Access shall be taken from NW 33rd Street from a maximum of two driveways with a maximum width of 16 feet each.

13. Sidewalks

Five (5) foot sidewalks shall be constructed on the arterial street with each development parcel, or six (6) foot sidewalks shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department. Four (4) foot sidewalks shall be constructed on the interior streets prior to any occupancy certificates being issued.

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.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock or stone masonry, stucco, and cementitious siding (including, but not limited to, the brand commonly known as James Hardie). No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

The southernmost dwellings in the SPUD shall have front entry doors and windows that face NW 33rd Street. All buildings that face NW 33rd Street shall have a front porch. If balconies are constructed, they shall face south. Roof top decks are prohibited.

2. Open Space:

There shall be a minimum of 25% open space, defined as no buildings or impervious paving.

3. Street Improvements: N/A.

4. Site Lighting:

The site lighting in this SPUD shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

5. Dumpsters:

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

Dumpsters shall not be permitted within this SPUD.

6. Parking:

The design and number of all parking facilities in this SPUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended, except that there shall be a maximum of 13 parking spaces.

Pervious paving may be used for parking areas, driveways, pathways, and plazas subject to Public Works review and approval. Gravel drives shall not be permitted. Where connected to public rights-of-way the access drive apron will be constructed of hard surface paving meeting City code for driveway construction. A hard surface border may be required around the perimeter of pervious paving areas. Maintenance of the pervious paving is required, and a maintenance plan must be provided when construction documents are submitted for permitting.

7. Maintenance:

Maintenance of the common areas in the development shall be the responsibility of the property owner or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

8. Drainage:

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

III. Supporting Documents

Exhibit A: Legal Description
Exhibit B: Conceptual Site Plan

III. REVIEW COMMENTS

This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk indicates that the agency, department, and/or division responded with no adverse comments.

A. Outside Agencies

1. Oklahoma City-County Health Department

- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas:** Please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior to excavation for the exact location of our facilities.
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District: Oklahoma City**
- 7. Oklahoma Department of Transportation (ODOT)**

B. City Departments

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire:** Fire truck access lane needs to be 20 feet wide; this needs to extend into the site from NW 33rd Street so 150 feet of hose off the truck will cover the back buildings.
- 4. Information Technology/Geographic Support**
- 5. Parks and Recreation**
- 6. Police**
- 7. Public Works**
 - a. Engineering**
 - b. Streets, Traffic and Drainage Maintenance**

Storm Sewer Availability

- 1) The Public Works Drainage Division staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to chapter 16 of the Oklahoma City Municipal Code.
- 2) Storm sewers in accordance with the City's Drainage Ordinance will be required. Development abutting section line roads with drainage flows that exceed the capacity of OKC standard ditch detail (D-100) will necessitate the installation of enclosed storm sewer and/or concrete channel. These improvements shall be placed to provide a minimum of 35' clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way.
- 3) A flood and/or drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.
- 4) Plans for drainage improvements within the private drainage reserves and/or common areas must be submitted for review, and payment of inspection fees shall be made prior to construction. Building permits will not be issued until construction

is complete. If a subdivision abuts a stream, the private drainage easements and/or common area along stream shall extend to flow line of stream at a minimum.

- 5) Place the following note on the plat and construction plans: Maintenance of the Common Areas and/or Private Drainage Easements shall be the responsibility of the property owner. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the common areas and/or drainage easements shown.
- 6) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 7) Construction within the limits of this SPUD will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be required prior to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.
- 8) Sidewalks shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 9) All private roads /streets will have private storm sewer systems.
- 10) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Wastewater Availability

- 1) An existing 8-inch wastewater main(s) is 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) System will be private internally until connection to public main.

Water Availability

- 1) An existing 6-inch/12-inch water main(s) is located adjacent to the subject site(s).
- 2) A 12-inch water main is required to be looped through the development to provide adequate water supply and fire flow protection. Connection to two (2) separate active water mains is required to prevent partial or total shut-off of water supply when a pipeline failure occurs.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.

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- 8) 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).
- 9) Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.
- 10) Plat may be revised after review and approval of utility plans.
- 11) System will be considered multi-family and will be master metered.
- 12) Would have to split into separate lots for each structure for multiple residential meters.

b. Solid Waste Management

- 1) The City can provide service, providing there is sufficient space for the truck to maneuver to service the addition.

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 six, two-story duplex buildings with an R-2 base zoning. If developed as indicated, the site would include 12 dwelling units on a 0.34-acre site for a density of 35.29 du/acre.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Keep alleys open and functional.
- Primary entrance points should be aligned with access points immediately across the street.

The subject site is partially served by two driveways along NW 33rd Street. An unimproved platted alley is located along the northern boundary of the site, which, if improved, would be served by North McKinley Avenue. The SPUD proposes a maximum of two drives with a maximum width of 16 feet, however the conceptual plan shows only one drive.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks are sporadic in the neighborhood and may need repair/replacement in front of the subject site. Northwest 33rd Street has been identified as a priority area for sidewalks.

- 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” 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 is requested for six, two-story duplex buildings with an R-2 base zoning. The project proposes a maximum lot coverage of 75% compared to the 50% typically allowed in the R-1 and R-2 Districts. The SPUD maintains the maximum building height of the base R-2 District.*

- 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 north side of NW 33rd Street, a Neighborhood Street in the Urban Medium LUTA. The nearest transit (bus) service is located within a quarter mile to the east along North Classen Boulevard. Bus Rapid Transit (BRT) is available along North Classen Boulevard, which provides additional transportation options when traveling northwest or towards downtown.

- 6) Other Development Related Policies**

- Support diversity and integration of housing unit types and sizes in all land use typology areas in order to meet the diverse needs of households of different sizes, generational needs, incomes, and preferences. (SU-4)
- Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
- Improve the functionality and efficiency of the street network by:
 - Providing direct connections from residential developments to nearby places and to each other.
 - Providing street and sidewalk stubs to adjacent vacant land in anticipation of future development.

- Connecting new development to existing street and sidewalk stubs, and to existing trail, open space, and bicycle networks.
- Reducing block sizes and use of dead-end streets.
- Maintaining the existing street grid to preserve connectivity and mobility options. (C-11)
- Share parking between contiguous developments. (C-31)
- 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)
- 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 existing residences were constructed in approximately 1917 according to the Architectural / Historic Survey of Military Park Neighborhood. The structures are identified as contributing to the Military Park Historic District, which was given a formal Determination of Eligibility for the National Register of Historic Places in 1993. The City's preservation plan, *preserveokc*, would support retention of existing residences on the site, although both structures are in poor condition.

b. Plan Conformance Considerations

The subject site is located along the north side of NW 33rd Street, east of North McKinley Avenue. The site and all surrounding property are zoned R-1. An unimproved platted alley is located along the northern boundary of the site, which if improved would be served by North McKinley Avenue.

The SPUD is requested to allow development of six duplexes on two residential lots with R-2 base zoning district on .34 acres in the Military Park neighborhood. The SPUD proposes to maintain the front yard setback along NW 33rd Street, with narrower setbacks for the side and rear yards. The SPUD proposes to maintain the current lot sizes and widths, with lot coverage of 75%. The SPUD proposes allowing the use of pervious paving and requires structures fronting NW 33rd Street to have porches, windows and doors that face the street. Roof top decks are prohibited, and balconies must face away from adjacent properties. 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 on vacant lots. However, the proposed development triggers compatibility issues related to lot coverage. Plan conformance would be strengthened by reducing the number of structures, building coverage, and paving to improve compatibility with the density and bulk of surrounding properties, as well as requiring sidewalks, as the site is in an identified priority area for sidewalks.

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. There shall be a maximum of four (4) buildings within this SPUD, with a maximum building coverage of 45%, not including areas covered by front porches. Delete I. 3. Maximum Building Size.
2. Revise I. 12. Access to road: A maximum of two driveways shall be allowed from NW 33rd Street. If one driveway is constructed, it may be a maximum of 16 feet in width. If two drives are constructed, each may be a maximum of 12 feet in width.
3. Revise I. 13. Sidewalks to read: A five (5) foot sidewalk shall be constructed along NW 33rd Street. 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.
4. Revise the first paragraph of II. 6. Parking to read: The design and number of all parking facilities in this SPUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended, except that there shall be a maximum of one (1) parking space required per dwelling unit.

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

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