

Planning Commission Minutes  
November 14, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:43 a.m. on November 12, 2024)

16. (SPUD-1681) Application by DW Investors, LLC to rezone 1228 NW 92nd Street from R-1 Single-Family Residential District to SPUD-1681 Simplified Planned Unit Development District. Ward 2.

**Technical Evaluation:**

1. If the lots will be split, amend Section 5 to specify the setbacks listed are from the SPUD boundary, and internal setbacks shall be per the base zoning district.

The applicant was present. There were no protesters present.

**RECOMMENDED APPROVAL SUBJECT TO THE TECHNICAL EVALUATION.**

MOVED BY POWERS, SECONDED BY PENNINGTON

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

ABSENT: PRIVETT



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**November 14, 2024**

**Item No. IV. 16.**

**(SPUD-1681) Application by DW Investors, LLC to rezone 1228 NW 92nd Street from R-1 Single-Family Residential District to SPUD-1681 Simplified Planned Unit Development District. Ward 2.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant Representative**

Name        David Box  
Company    Williams, Box, Forshee & Bullard P.C.  
Phone       405-232-0080  
Email       dmbox@ebfblaw.com

**B. Case History**

This is a new application.

**C. Reason for Request**

The purpose of this application is to allow two residential dwellings.

**D. Existing Conditions**

**1. Size of Site:** 0.16 Acres

**2. 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-1	R-1
<b>Land Use</b>	Residential	Residential	Residential	Residential	Residential

**3. 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.

**Comprehensive Plan Land Use Typology Layer:** Transit - Oriented (TO)

The TO layer encourages higher density development, higher levels of transportation system connectivity, and concentrations of housing and commercial activity around areas designated as mass transit stops. The intent is to create unique, mixed-use districts with

housing and employment opportunities around the City's future transit network. TO areas are characterized by a walkable environment, close proximity of buildings, and minimal land used for parking. These nodes of high intensity may be located within lower-intensity areas. Construction at higher intensity maximizes efficiency of the current and future transit system and minimizes reliance on private automobiles. The TO layer is applied within 1/4 mile of a node identified on the Land Use Plan.

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

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

All uses within the R-1 District shall be permitted within this SPUD.

2. **Maximum Building Height:**

The existing structures shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the maximum building height shall be in accordance with the base zoning district.

3. **Maximum Building Size:**

The existing structures shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the maximum building size shall be in accordance with the base zoning district.

4. **Maximum Number of Buildings:**

There shall be a maximum of two (2) dwellings within this SPUD.

5. **Building Setback Lines**

North:	20 feet
South:	50 feet
East:	10 feet
West:	20 feet

6. **Lot Size/Lot Coverage:**

The minimum lot size shall be 3,000 square feet within this SPUD.

7. **Sight-Proof Screening:**

The existing sight-proof screening shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, sight-proof screening shall be in conformance with the base zoning district.

**8. Landscaping:**

The existing landscaping shall be permitted to remain and deemed to conform to applicable regulations. The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

**9. Signs:**

**9.1 Freestanding Accessory Signs**

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

**9.2 Attached Signs**

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

**9.3 Non-Accessory Signs**

Non-accessory signs will be prohibited.

**9.4 Electronic Message Display Signs**

Electronic Message Display signs will be prohibited.

**10. Access:**

Access shall be taken from the existing access drive off of NW 92<sup>nd</sup> St. and N. University Ave.

**11. Sidewalks**

Sidewalks shall not be required within this SPUD.

**II. Other Development Regulations:**

**1. Architecture:**

The existing structures shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the exterior building wall finish, 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.

**2. Open Space:**

Per base zoning.

**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.

**6. Parking:**

The existing parking spaces shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, 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.

**7. Maintenance:**

Maintenance of the common areas, private drainage easements, and island /medians in the development shall be the responsibility of the property owner or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, 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 (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas (ONG)**
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District(s): Oklahoma City**

**7. Oklahoma Department of Transportation (ODOT)**

**B. City Departments**

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire \***
- 4. Information Technology/Geographic Support**
- 5. Parks and Recreation**
- 6. Police**
- 7. Public Works**

**a. Engineering**

**Storm Sewer Availability**

- 1) The Public Works Drainage Division staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to chapter 16 of the Oklahoma City Municipal Code.
- 2) Storm sewers in accordance with the City's Drainage Ordinance will be required. Development abutting section line roads with drainage flows that exceed the capacity of OKC standard ditch detail (D-100) will necessitate the installation of enclosed storm sewer and/or concrete channel. These improvements shall be placed to provide a minimum of 35' clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way.
- 3) A flood and/or drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.
- 4) Plans for drainage improvements within the private drainage reserves and/or common areas must be submitted for review, and payment of inspection fees shall be made prior to construction. Building permits will not be issued until construction is complete. If a subdivision abuts a stream, the private drainage easements and/or common area along stream shall extend to flow line of stream at a minimum.
- 5) Place the following note on the plat and construction plans: Maintenance of the Common Areas and/or Private Drainage Easements shall be the responsibility of the property owner. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the common areas and/or drainage easements shown.
- 6) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.

- 7) Construction within the limits of this SPUD will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be required prior to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.
- 8) Sidewalk shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 9) All private roads /streets will have private storm sewer systems.
- 10) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 11) Amend section 1:11 Sidewalks: Any new sidewalks or the repair or replacement of existing sidewalks, if required, shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements at the time of construction of this SPUD.

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

**c. Stormwater Quality Management**

**d. Traffic Services \***

**8. Utilities**

**a. Engineering**

**Paving**

**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) No objections. Using existing services.

**Wastewater Availability**

- 1) No objections. Using existing services.

## 9. Planning

### a. Comprehensive Plan Considerations

*The subject site is within the Urban - Low Intensity (UL) Area and within an area where the Transit - Oriented (TO) Layer applies. Policies for both are listed below.*

#### 1) LUTA Development Policies:

##### Site Design and Building Form:

- Utilize Best Management Practices (BMP) for stormwater whenever possible. (UL)
- Developments should be served by urban water and sewer utility systems. (UL)
- Developments should have direct pedestrian access on each block face that they occupy. (TO)

*National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available.*

Density: The Urban Low Intensity LUTA outlines a density range of 4 to 8 dwelling units per acre for single family residential. The Transit-Oriented Land Use Typology Layer outlines a density range of 7 to 40 dwelling units per acre. *The site is currently developed with two single-family residences, one fronting NW 92nd Street and the other facing North University Avenue. In the event of redevelopment on the site, the SPUD proposes use the of the base R-1 District regulations with a maximum of two dwellings, for a density of 12.5 du/acre.*

##### Automobile Connectivity:

- Keep alleys open and functional. (UL)

*The subject site abuts a platted alley to the south. No changes to the street grid are proposed.*

##### Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development. (UL)

*Sidewalks are currently available along a portion of NW 92nd Street. The SPUD regulations do not require sidewalks within the development.*

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating the proposed uses adjacent to existing Low Intensity Residential, “Building Scale and Site Design” is a potential compatibility issue identified by the comprehensive plan.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if residential lot sizes in UL are less than 60% of directly adjacent residential lots, 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 site is currently developed with two single-family residences, one fronting NW 92nd Street and the other facing North University Avenue. The SPUD regulations allow the existing structures to remain and would adhere to the base R-1 District regulations in the event of new development.*

**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 at the southeast corner of NW 92nd Street and North University Avenue, both Neighborhood Streets in the Urban Low LUTA. The nearest transit (bus) service is located within a quarter mile east of the subject site, along North Western Avenue.

**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)
- 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)

**b. Plan Conformance Considerations**

The subject site is located at the southeast corner of NW 92nd Street and North University Avenue, generally two blocks west of North Western Avenue and a block south of West Britton Road. The site is within the Urban - Low Intensity (UL) Area and within an area where the Transit - Oriented (TO) Layer applies. The subject site and all surrounding land are zoned R-1 and developed with single-family homes. The southwest corner of NW 91st Street and North University Avenue is developed with apartments, and the West Britton Road corridor to the north is developed with a variety of office and retail uses primarily under the C-3 zoning district.

The SPUD is requested to allow two existing homes. One home faces NW 92<sup>nd</sup> Street and one home faces University Ave. The SPUD requests a minimum lot size of 3,000 square feet, which could allow the parcel to be split into two lots in the future, or would allow two structures to continue to exist on one parcel. In the event two lots are desired, the MDS should specify the setbacks listed are from the SPUD boundary, and internal setbacks will be per the base zoning district.

#### **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. If the lots will be split, amend Section 5 to specify the setbacks listed are from the SPUD boundary, and internal setbacks shall be per the base zoning district.

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.

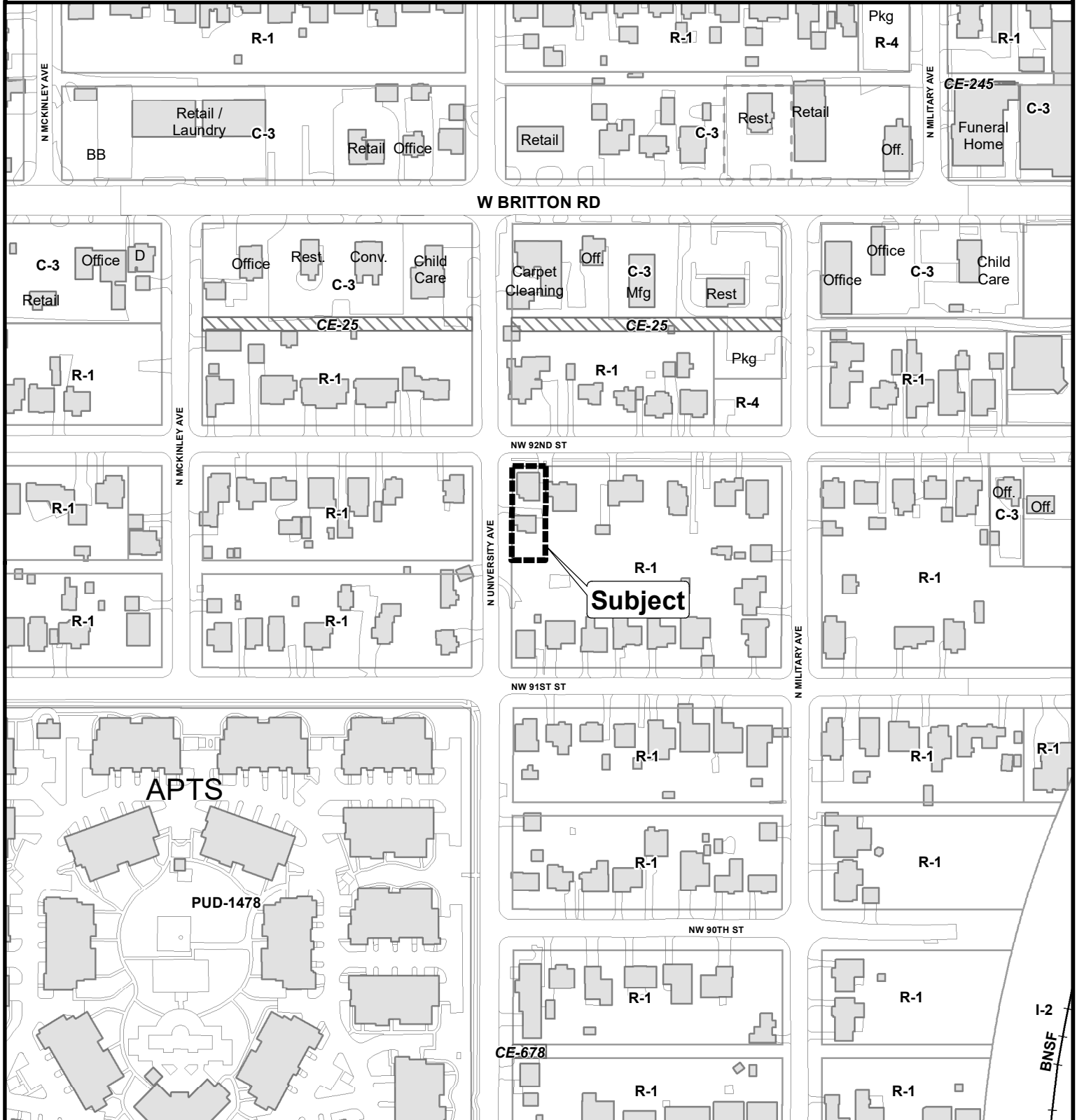
taj

Case No: SPUD-1681

Applicant: DW Investors, LLC

Existing Zoning: R-1

Location: 1228 NW 92nd St.

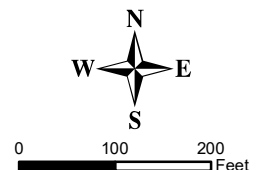


Note: "Subject" is located approximately 1,244' West of N. Western Ave.

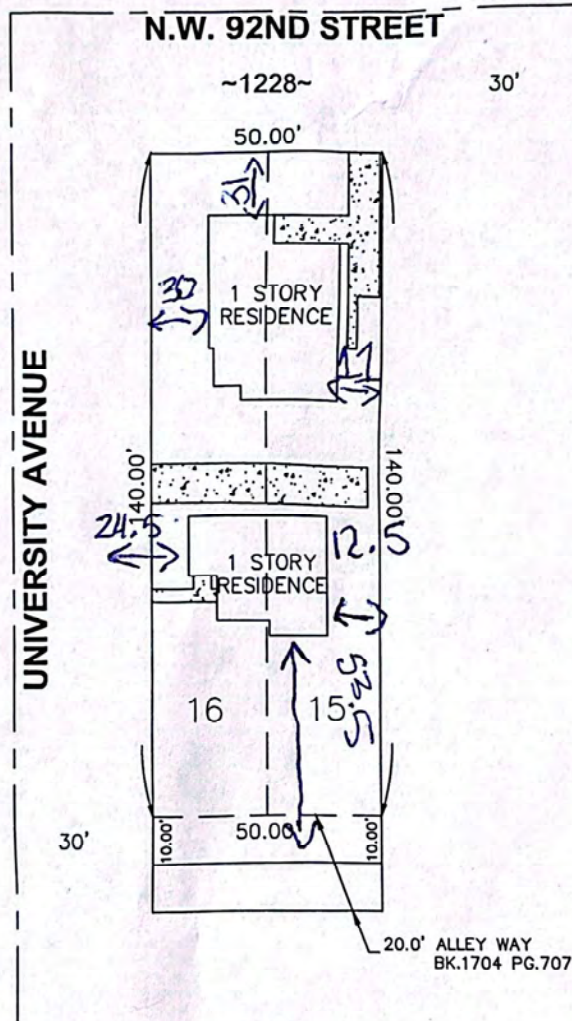


The City of  
OKLAHOMA CITY

# Simplified Planned Unit Development



# EXHIBIT B



## J&J SURVEY, INC.

INSPECTION # 151317  
STR: 32-T13N-R3W  
ADD: BRITTON HEIGHTS ADD  
COUNTY: OKLAHOMA  
BUYER'S NAME: DW INVESTORS, LLC  
DATE: 02/09/2023  
REVISION DATE: 02/22/2023  
DRAWN BY: JBL

## LEGEND

B/L = BUILDING LINE		= ASPHALT
U/E = UTILITY EASEMENT		= CONCRETE
D/E = DRAINAGE EASEMENT		= WOOD DECK
		= GRAVEL

SCALE: 1" = 30'



Case No: SPUD-1681

Applicant: DW Investors, LLC

Existing Zoning: R-1

Location: 1228 NW 92nd St.



Collected by Sanborn

Aerial Photo from 2/2022

Note: "Subject" is located approximately 1,244' West of N. Western Ave.



The City of  
OKLAHOMA CITY

# Simplified Planned Unit Development



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Feet