

Planning Commission Minutes
August 10, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:00 a.m. on August 7, 2023)

10. (PUD-1964) Application by Nikolaus L. and Rosana A. P. Kammerer to rezone 8049 North Bryant Avenue from R-1 Single- Family Residential and HNO Healthy Neighborhoods Overlay Districts to PUD-1964 Planned Unit Development and HNO Healthy Neighborhoods Overlay Districts. Ward 7.

Amended Technical Evaluation:

1. Revise Section 9.5: “If platting occurs, platting requirements shall be per the Subdivision Regulations”.
2. Replace Section 9.12 with: “If the site is redeveloped, all sidewalks shall be ~~in~~ provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements.”
3. The guest house shall not be considered redevelopment of the site.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION.

MOVED BY POWERS, SECONDED BY CLAIR

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



STAFF REPORT
The City of Oklahoma City
Planning Commission
August 10, 2023

Item No. IV. 10.

(PUD-1964) Application by Nikolaus L. and Rosana A. P. Kammerer to rezone 8049 North Bryant Avenue from R-1 Single-Family Residential and HNO Healthy Neighborhoods Overlay Districts to PUD-1964 Planned Unit Development and HNO Healthy Neighborhoods Overlay Districts. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

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

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow a guest house on the property.

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.

Comprehensive Plan Land Use Typology Layer: Employment (EM)

The Employment layer reserves priority areas within the city for large industrial and business development essential for Oklahoma City's economic stability and future growth. The EM designation provides a competitive advantage for attracting new companies and retaining existing companies that need to expand. This designation maintains large acreages (typically 25 acres or above) to maximize clustering for specialization, synergy, transportation efficiency, and knowledge exchange. Appropriate uses within EM include those that generate employment, such as manufacturing, office parks, and office/industrial flex space uses as well as industrial uses such as warehousing or distribution. Multifamily is also appropriate when integrated as part of a holistic development that incorporates the aforementioned uses. Land uses such as

single-family residential, service-related retail, K-12 schools or other civic uses, unless proven to support the primary activity or use, are not appropriate within this area.

2. Size of Site: 5.09 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1 / HNO	R-1 / HNO	R-1 / PUD-1083	R-1 / HNO	R-1 / HNO
Land Use	Residential	Undeveloped	Residential	Undeveloped	Undeveloped

II. SUMMARY OF PUD APPLICATION

8.1.....USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the R-1 Single-Family Residential District shall govern this PUD, except as herein modified.

All uses in the R-1 District shall be permitted.

*Manufactured/mobile housing shall not be permitted within this PUD.

9.0.....SPECIAL CONDITIONS

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

9.1.....FAÇADE REGULATIONS

The existing structure shall be permitted to remain and deemed to conform to applicable façade regulations. In the event of an additional structure, exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, architectural metal, masonry, rock, stone, stucco, or wood, or other similar type finish. No more than 30% EIFS or wood shall be permitted.

9.2 LANDSCAPING REGULATIONS

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

9.3 LIGHTING REGULATIONS

The existing lighting shall be permitted to remain and deemed to conform to applicable lighting.

regulations. In the event of a new structure, 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.

9.4 SCREENING REGULATIONS

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

9.5 PLATTING REGULATIONS

Platting shall not be required within this PUD.

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

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

9.8 ACCESS REGULATIONS

There shall be one (1) access point from N. Bryant Ave.

9.9 PARKING REGULATIONS

The existing parking shall be permitted to remain and deemed to conform to applicable parking regulations. In the event a new structure, the design and number of all parking facilities in this PUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended.

9.10 SIGNAGE REGULATIONS

9.10.1 FREESTANDING ACCESSORY SIGNS

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

9.10.2 ATTACHED SIGNS

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

9.10.3 NON-ACCESSORY SIGNS

Non-Accessory signs will be prohibited.

9.10.4 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display signs will be prohibited.

9.11 ROOFING REGULATIONS

The existing roofing shall be permitted to remain and deemed to conform to applicable roofing regulations. In the event of a new structure in this PUD shall have Class C roofing or better.

9.12 SIDEWALK REGULATIONS

Sidewalks shall not be required within this PUD.

9.13 HEIGHT REGULATIONS

The base zoning district regulations shall regulate heights of structures in this PUD.

9.14 SETBACK REGULATIONS

Setback regulations within this PUD shall be as follows:

Front:	300 feet
Side:	50 feet
Interior Side:	5 feet
Rear:	120 feet

9.15 DENSITY REGULATIONS

There shall be a maximum of two (2) dwelling units and one (1) accessory structure within this PUD.

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 SPECIFIC PLAN

A specific plan shall not be required.

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 - Conceptual Master Development Plan
- Exhibit C - Topography 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:**
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District(s) Millwood**

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) 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 PUD 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) Replace Section 9.12: All Sidewalks shall be in provided accordance with the City of Oklahoma City Municipal Code and ADA requirements.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) No public wastewater service is available for the development. A private on-site wastewater disposal system is required in accordance with ODEQ rules and regulations. Applicants is responsible for obtaining all required City and ODEQ Permits. On-site wastewater disposal system must be installed by an ODEQ certified installer and inspected by ODEQ.
- 2) EXISTING HOUSE IS ON SEPTIC. EXTENSION IS NOT REQUIRED.

b. Solid Waste Management

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

a. Water/Wastewater Quality

Water Availability

- 1) 12-in main along N Bryant Ave. is available for new meter service or can add another connection to the existing water meter.

9. Planning

a. Comprehensive Plan Considerations

The subject site is within the Urban Low Intensity LUTA (UL) and within an area where the Employment Reserve layer (ER) applies. Policies for both are listed below.

1) LUTA Development Policies:

Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible. (UL)
- Developments should be served by urban water and sewer utility systems. (UL)
- Ensure development adjacent to Employment Reserve areas is compatible and will not compromise viability of employment lands.

Density: The Urban Low Intensity LUTA outlines a density range of 4 to 8 dwelling units per acre for single family residential. The Employment Reserve layer does not provide density or FAR ranges.

National, state, and local permitting require basic best management practices for stormwater management. Public water is available on the site however access to public sanitary sewer services is not. The property will be served by septic. The PUD would modify the R-1 District to allow a second home/ guest home to be constructed on the site.

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. (UL)
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points. (UL)

The subject site currently has one access along N Bryant Avenue. The PUD Master Design Statement allows one access, which is identified on the site plan as the existing drive.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development. (UL & ER)

Sidewalks are not available along N Bryant Avenue.

- #### 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 residential uses adjacent to existing agricultural or residential uses or zoning, “Building Scale and Site Design” are potential compatibility issues 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. *No triggers requiring mitigation were identified.*

3) Service Efficiency:

- Water: *Served*
- Sewer: *Not Served*
- Fire Service: *Urban Service Level*

4) Environmentally Sensitive Areas: The following apply to the proposed development site:

- Riparian Areas: N/A
- Upland Forests: The subject area is within the upland forest ESA. The comprehensive plan directs to preserve the Cross Timbers and upland forests, including native understory, to the maximum extent practical. When new-growth or re-growth upland forest trees are removed during construction, trees and other native plants should be replanted on-site. New trees should be planted in clusters that mimic the original tree canopy. The comprehensive plan defines mitigation hierarchy in the following priority: 1) Avoidance and minimization, 2) Restoration, 3) Offset. *Upland forest is primarily present on west portion of the site. When less than 60% covered, the comprehensive plan has a preservation goal of 100 percent. The PUD limits development to two homes and a large shop on a 5+ acre parcel, and the site plan indicates development would not occur on the forested west side of property.*
- Vulnerable Aquifers: The aquifer in this area is considered moderately 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 N Bryant Avenue, a Minor Arterial Street in the Urban Low LUTA. Transit (bus) service is not available in the immediate area.

6) Other Development Related Policies

- 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)

- 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 west side of N Bryant Avenue, north of E Wilshire Boulevard. Land west of N Bryant is zoned R-1 and within the Healthy Neighborhoods Overlay (HNO). The HNO is not affected by the proposed rezoning, nor would it affect residentially zoned property. Land east of N Bryant to I-35 is zoned in a mix of PUDs, SPUDs, R-1, AA, C-3 and C-4, and is developing with large office/warehouse and distribution centers along the interstate.

The subject site is within the Urban Low Intensity LUTA and within an area the comprehensive plan identifies as Employment (EM). The EM layer does not support single-family residential. In this case, the 5+ acre subject site is zoned R-1, developed with a home, and adjacent to a home on the south. Land to the north, west, and south is also zoned R-1. The PUD seeks to allow a guest house to be built on the same parcel as the existing home. The site plan also indicates a large accessory structure/shop, which would be allowed in the existing R-1 zoning for parcels over 3 acres. The site plan indicates a design that would preserve the Upland Forest on the west, and the PUD limits access to one driveway on the arterial street.

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. Revise Section 9.5: "Platting requirements shall be per the Subdivision Regulations".
2. Replace Section 9.12: All Sidewalks shall be in provided accordance with the City of Oklahoma City Municipal Code and ADA requirements.

STAFF REPORT
The City of Oklahoma City
Planning Commission
August 10, 2023
PUD-1964

Item No. 10.

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.

Should this application be approved, 17-foot of additional easement should be requested along North Bryant Avenue to bring the right-of-way width to the standard set by the subdivision regulations.

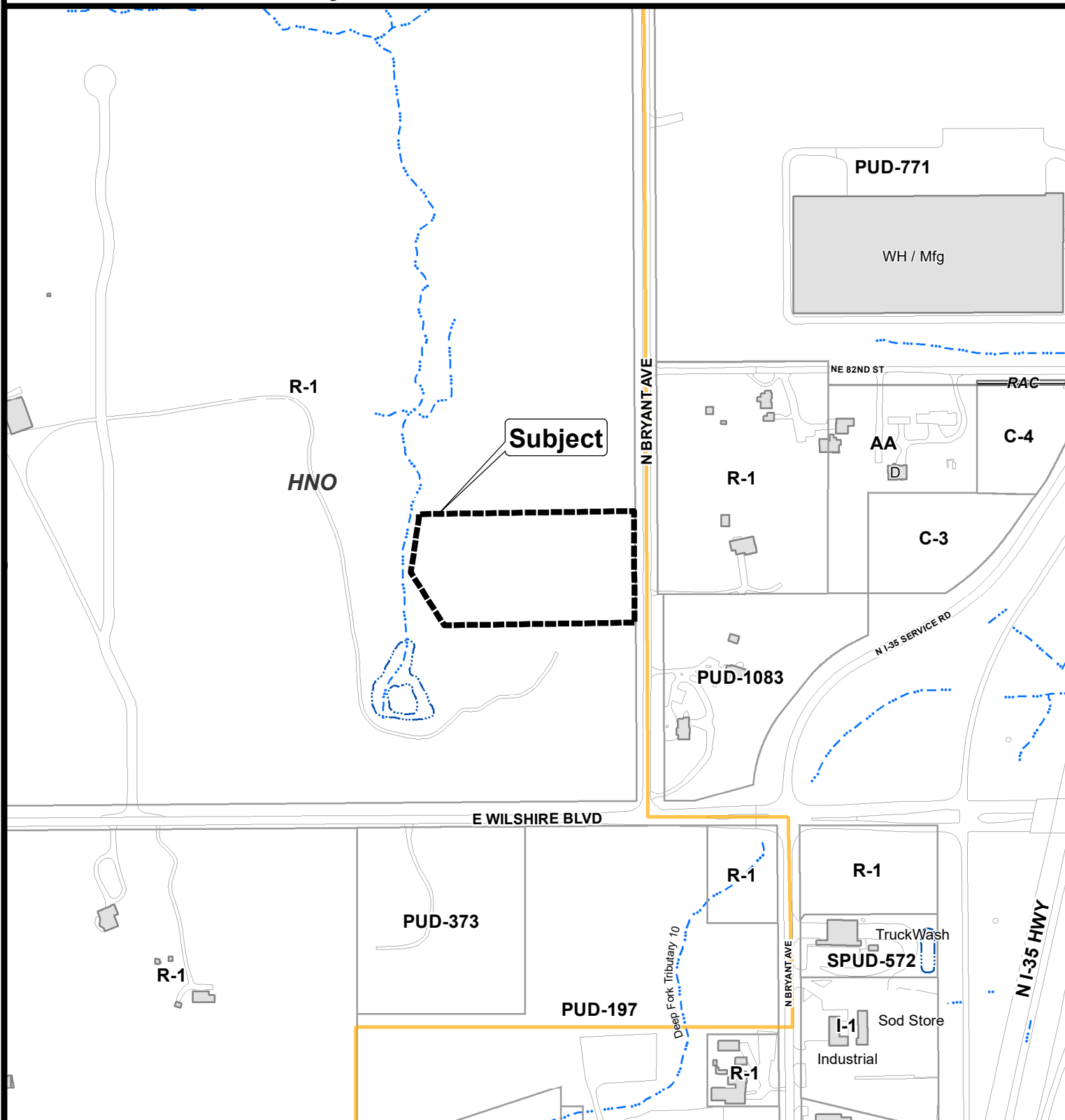
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Case No: PUD-1964

Applicant: Nikolaus L. and Rosanna A. P. Kammerer

Existing Zoning: R-1 / HNO

Location: 8049 N. Bryant Ave.

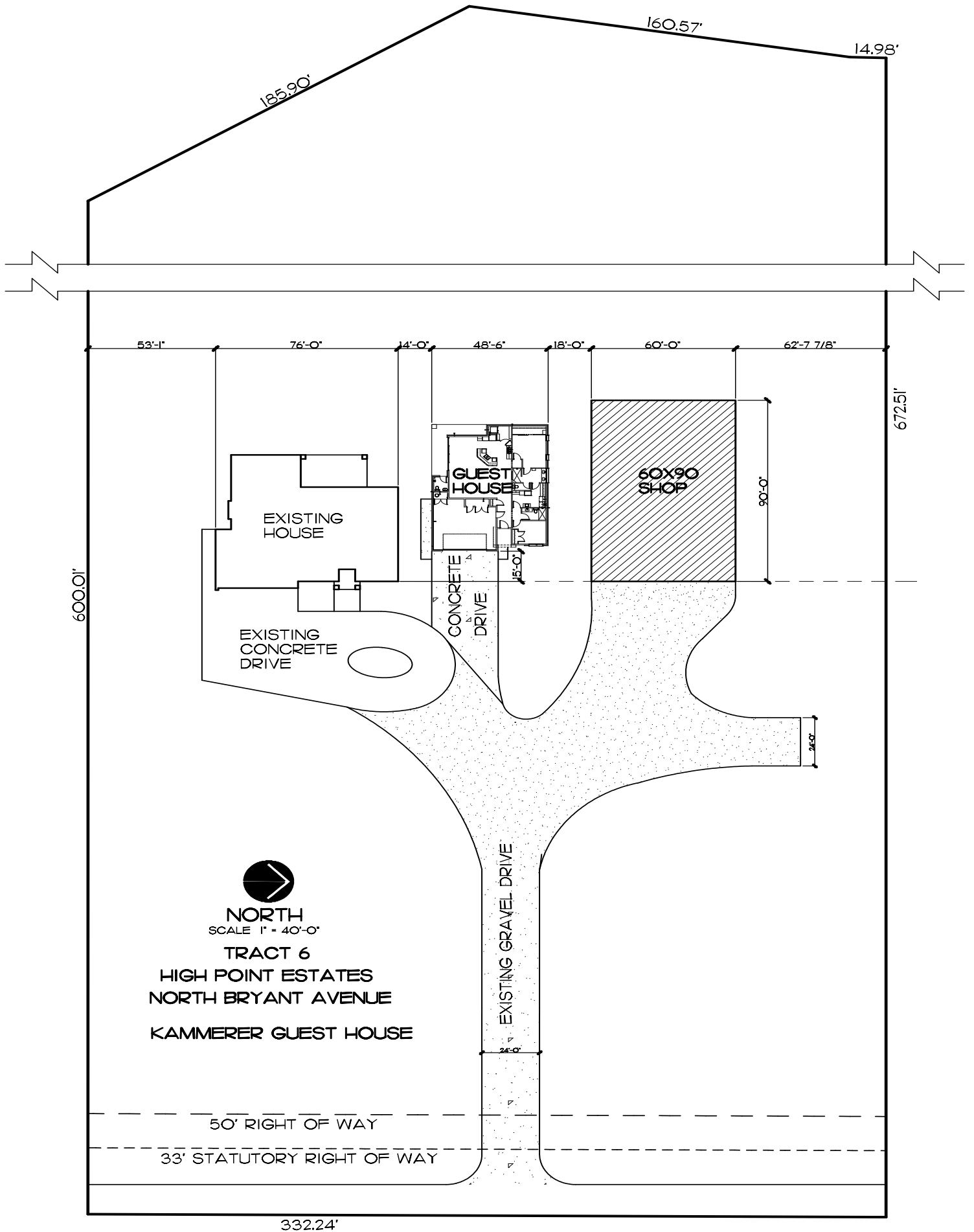


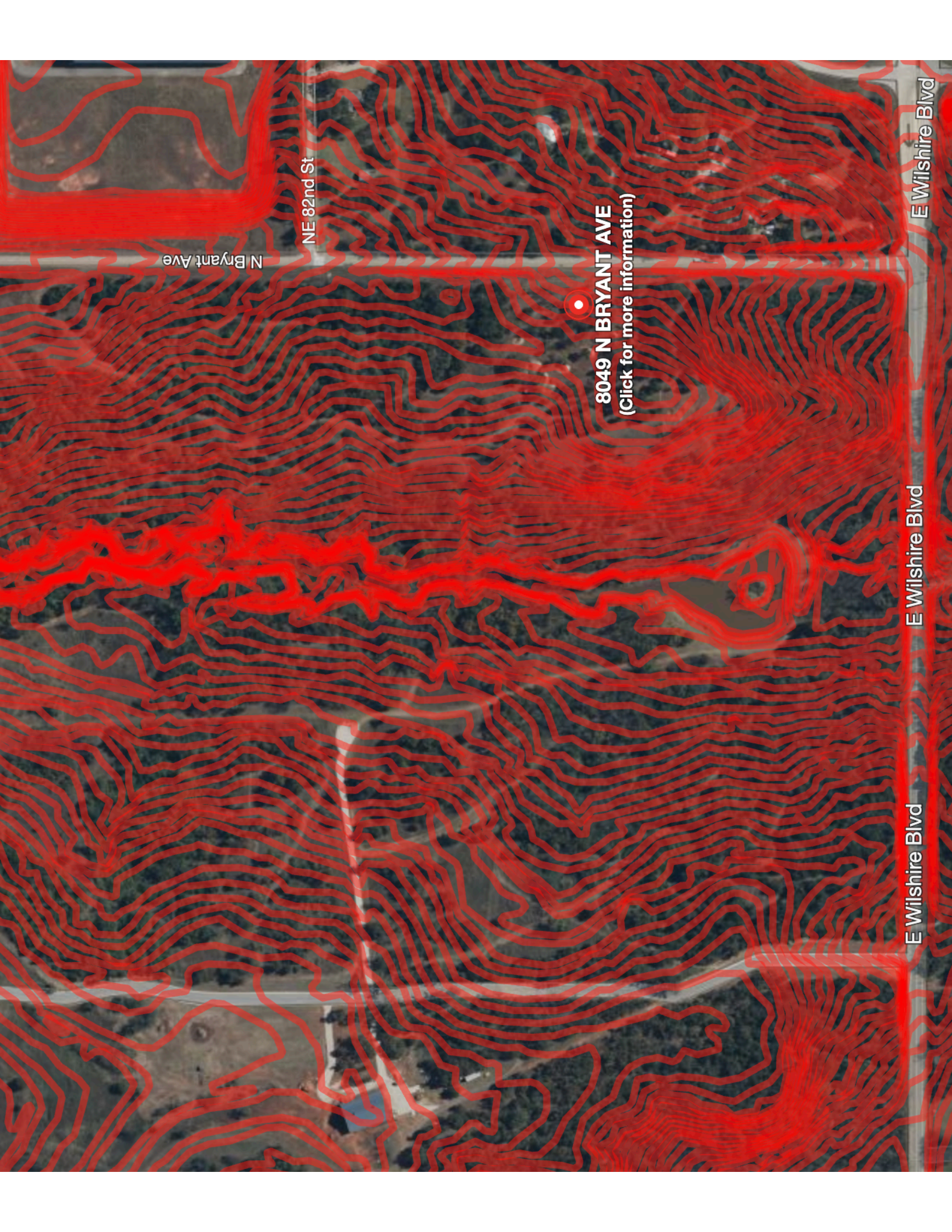
The City of
OKLAHOMA CITY

Planned Unit Development



0 200 400
Feet





N Bryant Ave

NE 82nd St

8049 N BRYANT AVE
(Click for more information)

E Wilshire Blvd

E Wilshire Blvd

E Wilshire Blvd

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Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Planned Unit Development



0 200 400
Feet