

Planning Commission Minutes
June 22, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:36 a.m. on June 20, 2023)

17. (SPUD-1533) Application by Esperanza Real Estate Investments, LLC to rezone 1915 North McKinley Avenue from R-1 Single-Family Residential and Gatewood UC Urban Conservation Districts to SPUD-1533 Simplified Planned Unit Development and Gatewood UC Urban Conservation Districts. Ward 6.

Amended Technical Evaluation:

1. ~~Replace Section 9. Access with "The maximum width of driveways in the front yard shall be 12 feet for one-way drives and 20 feet for two-way drives. Circle drives are permitted. However, two or more separate, unconnected drives in the front yard are not."~~
Two separate drives up to 12 feet in width are allowed and shall extend 18 feet beyond the front setback line which is 25 feet.
2. Specify a minimum lot size of 4,600 square feet for duplex buildings.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY GOVIN, SECONDED BY POWERS

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

RECONSIDER PREVIOUS ACTION.

MOVED BY CLAIR, SECONDED BY PRIVETT

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

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED AND REVISED.

MOVED BY GOVIN, SECONDED BY POWERS

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



STAFF REPORT
The City of Oklahoma City
Planning Commission
June 22, 2023

Item No. IV. 17.

(SPUD-1533) Application by Esperanza Real Estate Investments, LLC to rezone 1915 North McKinley Avenue from R-1 Single-Family Residential and Gatewood UC Urban Conservation Districts to SPUD-1533 Simplified Planned Unit Development District. Ward 6.

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

This purpose of this application is to allow a duplex.

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: 0.11 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1/UC	R-1/UC	R-1/UC	R-1/UC	R-1/UC
Land Use	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 and Gatewood Urban Conservation (UC) Districts (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:**

In addition to all uses permitted under R-1, the following shall also be permitted:

8200.16 Two-Family Residential

- 2. Maximum Building Height:**

The maximum building height shall be 2 ½ stories and 35 feet in height.

- 3. Maximum Building Size:**

The maximum building size shall be in accordance with the base zoning district regulations.

- 4. Maximum Number of Buildings:**

There shall be a maximum of one (1) primary structure with two (2) dwelling units within this SPUD.

- 5. Building Setback Lines**

Front Yard: 25 feet

Rear Yard: 10 feet

Side Yard: 5 feet

Corner Side Yard: N/A

- 6. Sight-proof Screening:**

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

- 7. Landscaping:**

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

- 8. Signs:**

- 8.1 Free Standing Accessory Signs**

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

8.2 Attached Signs

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

8.3 Non-Accessory Signs

Non-Accessory signs will be prohibited.

8.4 Electronic Message Display Signs

Electronic Message Display signs will be prohibited.

9. Access:

There shall be a maximum of two (2) access points from N. McKinley Ave that shall be connected.

10. Sidewalks

Sidewalks shall be extended along N. McKinley where not currently present.

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, or 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 home shall be oriented toward the street.

2. Open Space:

Open space shall be in accordance with the base zoning district.

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:

Dumpsters are not allowed except during construction. 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 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 one parking space shall be required per dwelling unit.

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 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:** 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) 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.

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) 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) **Suggested TE to protect the other homes:** A private easement agreement will be required on this property and filed with the County to protect the private wastewater service line of 1925 McKinley Ave. if it goes through this property. An occupancy permit will not be issued until a copy of easement agreement has been submitted for review.

b. Solid Waste Management

- 1) The City can provide service, providing there is sufficient space for the truck to maneuver to service the addition.
- 2) The City can provide service for up to 3 units on a single water meter. Any more than 3 units on the same meter will have to be serviced by a private hauler. A dumpster could be utilized provided there is not enough frontage space for cart placement.

c. Water/Wastewater Quality

Water Availability

- 1) An existing 6” water main(s) is located adjacent to the subject site(s).
- 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) 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.
- 4) 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.
- 5) 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.
- 6) 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).
- 7) 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 proposed SPUD would allow two dwelling units on a 0.11-acre site, or 18 du/acre.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks will be required where not currently available.

- 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 development adjacent to existing low or medium intensity residential development, “Building Scale and Site Design” is a potential compatibility issue 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 would allow a duplex to be built on a 0.11-acre parcel. The SPUD maintains Gatewood UCD design regulations, and the new duplex will be oriented toward the street. In this case, the proposed and required 25-foot setback may be deeper than the adjacent homes. Allowing new homes to align with them may provide more flexibility on the site. No triggers related to building height were identified.*

- 3) **Service Efficiency:**

- Water: Fully served
- Sewer: *Fully Served*
- Fire Service: *Urban Service Level*

- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the proposed development site.

- 5) **Transportation System:** This site is located along N McKinley Avenue, a neighborhood street within the Urban Medium LUTA. Transit (bus) service is

available on NW 23rd Street, NW 16th Street and N Classen Blvd. Bus Rapid Transit is planned along N Classen Blvd.

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)
- 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)

b. Plan Conformance Considerations

The 0.11-acre subject site is located on the west side of N McKinley, between NW 18th and NW 19th Streets, in the Gatewood Urban Conservation District (UC). The site is zoned R-1 and vacant. All surrounding homes are zoned R-1 and also within the UC. The SPUD is requested with a reduced lot size to allow construction of a new duplex. The proposal to increase density in the Urban Medium LUTA is in conformance with density ranges and comprehensive plan goals to provide a mixture of residential housing types and infill development within Urban Medium LUTA areas. The SPUD should mirror the Gatewood UC for residential driveways. Plan conformance would be strengthened by limiting access to one driveway. The front yard setback is proposed at 25 feet, but the right-of-way for McKinley is 60 feet, and the proposed setback may be farther back than adjacent homes. A shallower setback would be supported in order to provide more flexibility in design, provided the new building's setback was not forward either of the adjacent homes.

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. Replace Section 9. Access with "The maximum width of driveways in the front yard shall be 12 feet for one-way drives and 20 feet for two-way drives. Circle drives are permitted. However, two or more separate, unconnected drives in the front yard are not."
2. Specify a minimum lot size of 4,600 square feet for duplex buildings.

STAFF REPORT
The City of Oklahoma City
Planning Commission
June 22, 2023
SPUD-1533

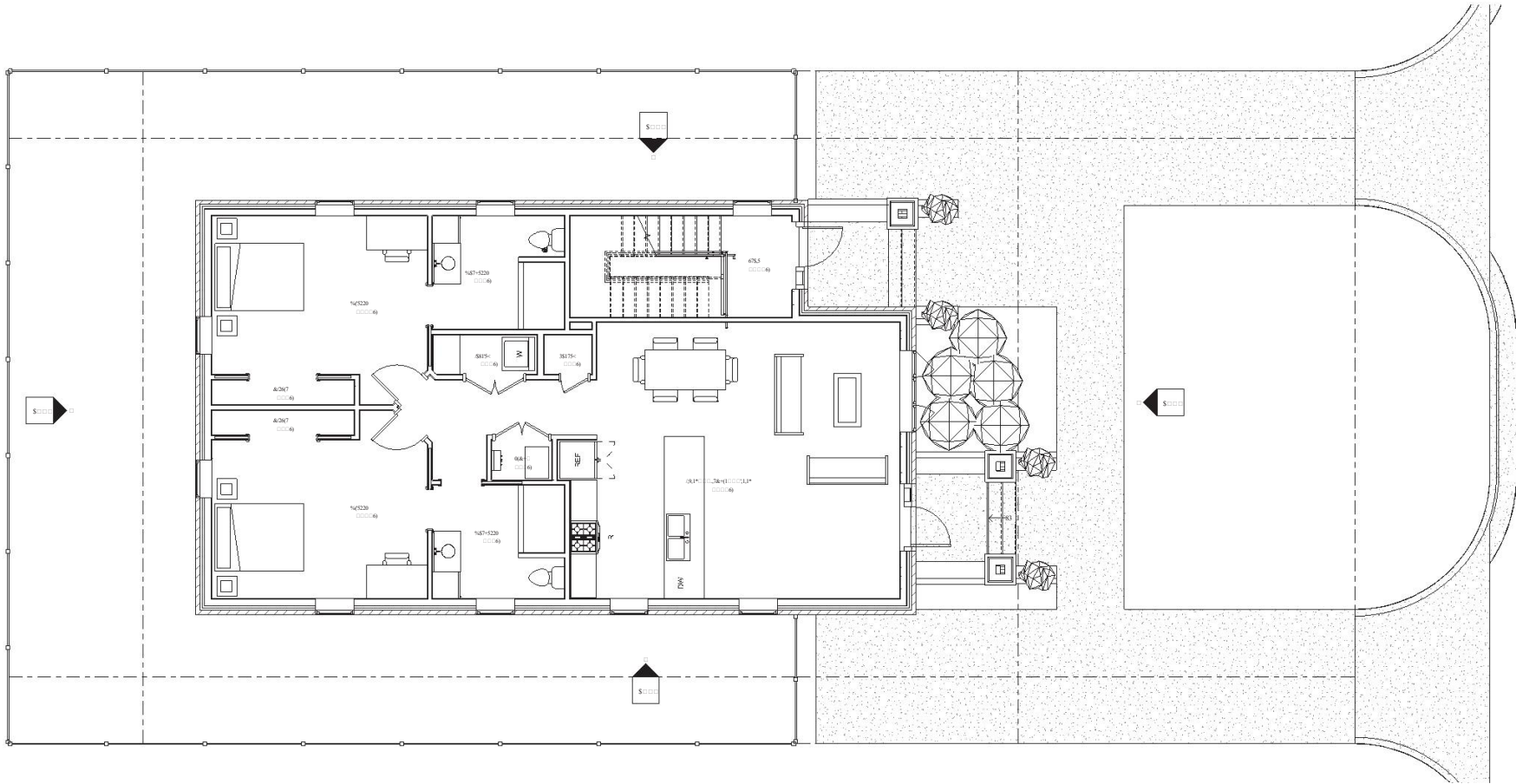
Item No. IV. 17.

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.

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Location: 1915 N. McKinley Ave.





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McKinley Avenue Duplex

Esperanza Real Estate Investing

1915 N. McKinley Avenue
Oklahoma City, Oklahoma

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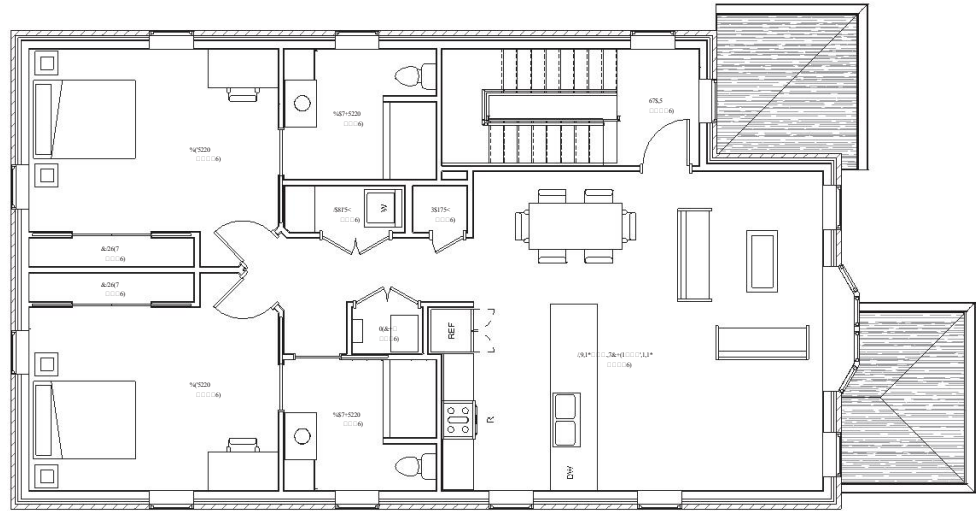
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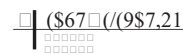
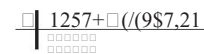
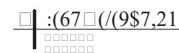
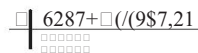
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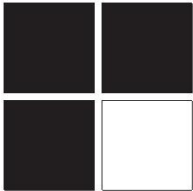
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Case No: SPUD-1533
Applicant: Esperanza Real Estate Investments, LLC
Existing Zoning: R-1 / UCD
Location: 1915 N. McKinley Ave.



Aerial Photo from 2/2022

Note: "Subject" is located approximately 1,691' West of Classen Blvd. and 973' North of NW 16th St.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



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