

Planning Commission Minutes
February 22, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:39 a.m. on February 19, 2024)

9. (SPUD-1603) Application by Nelson MBM Investments, LLC, to rezone 3023 South Clegern Avenue from R-1 Single-Family Residential District to SPUD-1603 Simplified Planned Unit Development District. Ward 6.

Technical Evaluation:

1. Amend Sidewalks Section to read: *Existing only*. All reconstructed and 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 PUD.
2. The Site Plan shows only one access point from South Clegern Avenue. If proposed as access to this SPUD, the existing alleyway must be improved in accordance with the City of Oklahoma City Paving Standards.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION.

MOVED BY GOVIN, SECONDED BY CLAIR

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

ABSENT: POWERS, PRIVETT



STAFF REPORT
The City of Oklahoma City
Planning Commission
February 22, 2024

Item No. IV. 9.

(SPUD-1603) Application by Nelson MBM Investments, LLC, to rezone 3023 South Clegern Avenue from R-1 Single-Family Residential District to SPUD-1603 Simplified Planned Unit Development District. Ward 6.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Andrew Nelson
Company Nelson MBM Investments LLC
Phone 405-863-8846
Email andy@nelsonlandscapingok.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow the existing duplex and the reconstruction of a garage with accessory dwelling unit.

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: 0.16 acre

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 regulations of the **R-3 Medium Density Residential District (OKC Zoning Ordinance, 2020, as amended)**, except that the following restrictions will apply:
 - 1.1 Minimum Lot Size:** Per the base zone, except that dwellings may be detached.
 - 1.2 Minimum Lot Width:** Shall be 50 feet.
- 2. Maximum Building Height:** Per the base zone, except that a second dwelling constructed to the rear of the property shall be limited to 24' in height.
- 3. Maximum Building Size:** Per base zone, except that a second dwelling shall not exceed 15% lot coverage. Any other accessory structure shall be subject to Accessory Structures per Chapter 59-12200.2. The lot coverage of all dwellings and accessory structure shall not exceed the base zone.
- 4. Maximum Number of Buildings:** Two buildings, consisting of one duplex building and one detached accessory dwelling.
- 5. Building Setback Lines**

Per the base zone, except that the rear setback is 3' adjacent to the alley.
Dwellings shall meet building code requirements for separation distance between main structures.
- 6. Sight-proof Screening:** Sight-Proof screening shall not be required.
- 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:** No freestanding or attached signs shall be provided.
- 9. Access:** One access drive no wider than 12 feet shall be provided from S Clergen Avenue. Another access point is permitted from an improved alley at the rear of the property.
- 10. Sidewalks:** A five-foot sidewalk shall be constructed on local streets.

Other Development Regulations:

1. Architecture:

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

2. Open Spaces: Open space, defined as no buildings or paving, shall be 20%.

3. Street improvements: N/A

4. Site Improvements: N/A

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: Two (2) parking spaces per unit shall be required within this SPUD. Garages shall not be required within this SPUD. However, any garage, carport or other parking facility that is constructed, except for driveway paving, shall be located behind the front wall of any primary dwelling.

The design of all parking facilities in this SPUD shall be in accordance with Section 59, Article X of the Oklahoma City Municipal Code, 2020, as amended.

7. Maintenance: N/A

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

Supporting Documents

Exhibit A: Legal Description

Exhibit B: 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:** 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**

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) 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) Engineers/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 11) Amend Section 10 Sidewalks to read: Existing only. All reconstructed and 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 PUD.
- 12) Replace Section 8 Drainage to read: Drainage improvements, if required, will be in accordance with applicable sections of the Oklahoma City Code of Ordinances as amended.
- 13) Section 9 Access- Site Plan shows only one access point from South Clegern Avenue. If proposed as access to this SPUD, the existing alleyway must be improved in accordance with the City of Oklahoma City Paving Standards.

Stormwater Quality Management

Traffic Management*

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) An existing 12” wastewater main(s) is located adjacent to the subject site(s).
- 2) Line capacity is not guarantee 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.

b. Solid Waste Management

- 1) 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) 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.

- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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).
- 8) 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:

- Utilize Best Management Practices (BMP) for stormwater.
- Maintain historical lot and block sizes where possible and appropriate.

Location:

- A 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 single-family house and an accessory garage/dwelling to the rear of the property. The proposed 3 dwellings over 0.16 acre would be a density of 18 du/acre.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Keep alleys open and functional.

No triggers to automobile connectivity were found.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.
- Discourage widening of neighborhood streets and increasing curb radii.

No sidewalks exist on the west side of S Clegern Avenue. The SPUD proposes to add a sidewalk along the neighborhood street.

- 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 residential uses or zoning, “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. *No triggers requiring mitigation were identified.*

- 3) **Service Efficiency:**
- Water: *Served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Service Level*
- 4) **Environmentally Sensitive Areas:** The following apply to the proposed development site.
- Riparian Areas: N/A
 - 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 along S Clegern Avenue, a Neighborhood Street, south of SW 29th Street. A transit stop is located within 500 feet of the site along SW 29th Street.
- 6) **Other Development Related Policies**
- Encourage the integration and mixing of land uses in urban areas. (SU-1)
 - Support diversity and integration of housing unit types and sizes in all land use typology areas to meet the diverse needs of households of different sizes, generational needs, incomes, and preferences.
 - 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)

- Maintain existing alleys or construct new alleys where feasible to provide trash collection service and parking behind primary buildings and minimize curb cuts along the primary street frontage. (C-8)
- 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 application site is zoned R-1 and located along s Clegern Avenue, just south of SW 29th Street and west of S Western Avenue, in the Heronville neighborhood. The site is developed with a duplex and a two-story garage apartment. Surrounding property is zoned R-1 and developed with single-family uses. To the north, along SW 29th Street, is land zoned I-1 and primarily developed with auto sales and service uses along this portion of the corridor.

The SPUD is requested to allow the existing duplex, and to allow the garage apartment to be re-modeled with an accessory dwelling. The proposal is in conformance with density ranges and comprehensive plan goals to provide a mixture of residential housing types within the Urban Medium LUTA.

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. Amend Sidewalks Section to read: *Existing only*. All reconstructed and 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 PUD.
2. The Site Plan shows only one access point from South Clegern Avenue. If proposed as access to this SPUD, the existing alleyway must be improved in accordance with the City of Oklahoma City Paving Standards.

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.

Applicant: Nelson MBM Investments, LLC

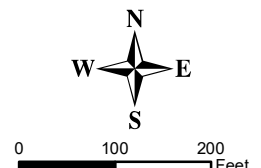
Existing Zoning: R-1

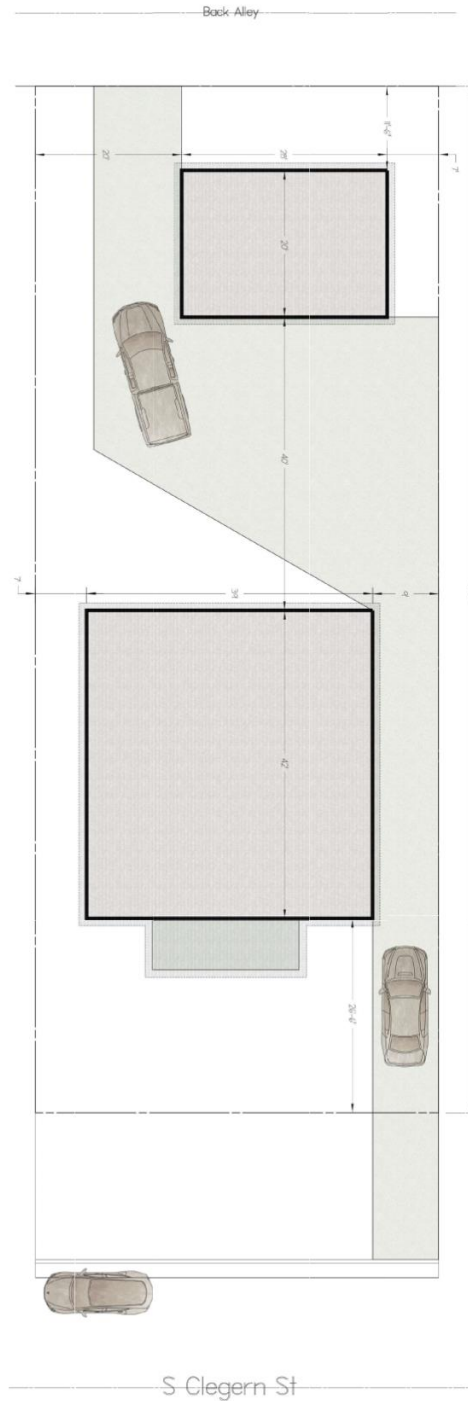
Location: 3023 S. Clegern Ave.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development





Get OKE
1-800-522-4545
Before You Go

NELSON RESIDENCE

3023 S Clegern
Oklahoma City, OK

SCALE
1" = 8'

DATE
1/10/24

DRAWING #
LS-00

Nelson Landscaping is the owner of these landscape plans illustrated on the above drawing and reserves its rights to these plans. These plans may not be used again, reproduced, sold, or assigned to a third party without monetary compensation. The purchaser of these plans assumes all responsibility for their accuracy including verification of all dimensions, compliance with all governing codes, ordinances, and documents having jurisdiction over the site of construction determining any modifications necessary to meet actual site conditions. If changes or modifications are necessary or desired, only persons qualified to make such changes should be consulted as professional engineer, architect, landscape architect, landscape designer, or landscape contractor. Nelson Landscaping assumes no liability for any landscape, irrigation, drainage, lighting, or landscape constructed from these plans. Nelson Landscaping holds all copyrights to the design on this set of plans. Legal action will be taken against those who use, partially or in full, the attached plans without monetary payment.



Nelson Landscaping
OKE's Landscape Expert for Over 25 Years

Case No: SPUD-1603

Applicant: Nelson MBM Investments, LLC

Existing Zoning: R-1

Location: 3023 S. Clegern Ave.



Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



0 100 200
Feet