



STAFF REPORT
The City of Oklahoma City
Planning Commission
January 11, 2024

Item No. IV. 22.

(SPUD-1581) Application by Raymond Jacobs to rezone 408 NW 30th Street from R-2 General Residential, HL Historic Landmark Overlay, and UC Urban Conservation Districts to SPUD-1581 Simplified Planned Unit Development, HL Historic Landmark Overlay, and UC Urban Conservation Districts. Ward 2.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Kaitlyn Turner
Company Williams, Box, Forshee and Bullard, PC
Phone 405-232-0080
Email dmbbox@wbfbllaw.com;
 kturner@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to allow multi-family residential use and development.

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: 0.5 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-2/HL/UC	HP	R-2/HL/UC	R-2/HL/UC	C-3/HL/UC
Land Use	Vacant	Residential/ Vacant	Residential	Residential	Residential

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **R-4 General Residential District the Jefferson Park Urban Design District, and the HL, “Historic Landmark” District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

The following use(s) will be the only use(s) permitted on this site:

8250.3	Community Recreation: Property Owners Association
8250.16	Murals
8200.2	Dwelling Units and Mixed Uses
8200.4	Live/Work Units
8200.12	Multiple-Family Residential
8200.14	Single-Family Residential
8200.15	Three – and Four- Family Residential
8200.16	Two-Family Residential
8300.1	Administrative and Professional Offices

2. **Maximum Building Height:**

The maximum building height shall be 40 feet and shall be subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.

3. **Maximum Building Size:**

The maximum building size shall be subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.

4. **Maximum Number of Buildings:**

There shall be a maximum of three (3) buildings within this SPUD.

5. **Density:**

There shall be a maximum of 20 dwelling units within this SPUD.

6. **Building Setback Lines**

West: 0 ft
East: 5 ft
South: 15 feet
North: 5 feet

7. Sight-proof Screening:

Sight-proof screening shall not be required. A vegetative screen on the south and west sides of the tracts shall be installed in the form of a fence with living vegetation or a landscaped buffer no less than five feet in width planted with a series of evergreen plantings that will grow to a height of at least six feet and spaced in a manner to provide an impervious visual barrier and shall be subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations..

8. Landscaping:

The subject parcel shall meet Oklahoma City Landscape requirements with native trees a minimum of 2-inches in caliper and planted on 30-foot centers on the east and north sides of the SPUD. Trees shall meet the City of Oklahoma City's Landscape Ordinance Streetscape Buffer requirements. Existing healthy mature trees that remain on the site may count toward the required tree count. The vegetative screening and tree requirements shall substitute for all other City of Oklahoma City Landscape Ordinance requirements.

9. Signs:

9.1 Freestanding Accessory Signs

Freestanding signs shall be prohibited.

9.2 Attached Signs

Attached signs shall be in accordance with the base zoning district regulations, except that signage for any commercial use shall be in accordance with the C-3 base zoning district and shall be subject to review and approval of the Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.

9.3 Non-Accessory Signs

Non-accessory signs shall be prohibited.

9.4 Electronic Message Display Signs

Electronic Message Display signs shall be prohibited.

10. Access:

Access will be via a two-way drive that will enter and exit from N. Hudson Avenue. The maximum driveway width shall be 22 feet.

11. Sidewalks:

A minimum of a five-foot sidewalk shall be constructed on local streets, including the reconstruction of existing damaged sidewalks, subject to the policies and procedures of

the Public Works Department and subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.

I. Other Development Regulations:

1. Architecture:

Any new building, or exterior renovations beyond ordinary maintenance and repair, as defined in the Oklahoma City Municipal Code, 2020, as amended, shall meet the regulations outlined within the Municipal Code in reference to the Historic Landmark Overlay and shall be subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission in accordance with applicable guidelines and regulations.

2. Open Space:

There shall be a minimum of 20% open space.

3. Street Improvements:

N/A.

4. Site Lighting and Other Site Standards:

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, and shall be subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.

The site shall comply with Chapter 59, Article XII, Section 59-12300 of the Oklahoma City Municipal Code, 2020, as amended, except that there shall be a permitted encroachment into the sight triangle, as depicted in Exhibit "C".

5. Dumpsters:

Commercial dumpsters may be used within the development. Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and may be located within 5 feet of the south and west SPUD Boundaries.

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

6. Parking:

A minimum of one parking space per unit shall be provided. New off-street parking areas are to be located behind the building that fronts NW 30th Street. Bike racks shall be provided. Construction of parking spaces and associated features shall be subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.

7. Maintenance:

The owner shall provide for the perpetual maintenance of common open space, recreation areas, and sidewalks privately owned and serving the project. Amenities include but are not limited to: bicycle storage racks, wood shade pergola (open air), exterior seating including benches and picnic tables, and landscaped community areas. Street furniture located within a public street right-of-way shall be available for use by the public and subject to approval of one or more revocable permits.

8. Drainage:

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

II. Supporting Documents

Exhibit A: Legal Description

Exhibit B: Conceptual Site Plan Package

Exhibit C: Sight Triangle Depiction

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**
 - 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.

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- 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 I.11 Sidewalks to read:

A minimum of five-foot sidewalk shall be constructed on local streets, including the reconstruction of existing damaged sidewalks. All reconstructed 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.

c. Stormwater Quality Management

d. Traffic Management

8. Utilities

a. Engineering

Wastewater Availability

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 water meter will have to be serviced by a private hauler. A dumpster could be utilized provided there is not enough frontage for cart placement.

c. Water/Wastewater Quality

Water Availability

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.

- Structured parking may be appropriate to achieve desired intensity levels.
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.

The SPUD is requested on three lots of the Jefferson Park Addition that were platted to face east onto N Hudson Avenue. A church and church parking lot were located on the three lots until the building was declared dilapidated and demolished in 2022. Three single-family homes south of the site comprise the remainder of the east-facing block along N Hudson Avenue. Plan conformance would be enhanced if the building closest to N Hudson had front doors that faced N Hudson Avenue like the homes to the south. Building design approval on the site would be subject to a Certificate of Appropriateness by the Historic Preservation Commission, which considers frontage treatments of the design of the site.

National, state, and local permitting require basic best management practices for stormwater management. The SPUD proposes 20% open space that may assist with stormwater management between the buildings. Plants and trees configured to retain and absorb water within the open spaces would help with stormwater management.

Location:

- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved.

The Jefferson Park and Paseo neighborhoods are constructed with a variety of single-family, duplex, quadplex and 8-plex housing types. The Edgemere Park neighborhood to the north has single-family residences and some duplexes.

Density: The Urban Medium Intensity LUTA outlines a density range of 10 to 40 dwelling units per acre.

The SPUD is requested for multiple buildings totaling no more than 20 dwellings in the Jefferson Park neighborhood. The proposed 20 units over 0.48 acres would have a density of 42 du/acre. The existing Historic Landmark Overlay and UC requirements are retained in the SPUD.

Automobile Connectivity:

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

The SPUD proposes one drive that would provide access from N Hudson Avenue. A platted alley west of the site was closed by the City Council at the request of the Jefferson Park neighborhood in 1998, eliminating an avenue for better circulation of the site and the surrounding connector streets. The city retains an easement in the alleyway for utilities and the alley acreage has never been allotted to the SPUD property or the property to the west of the alley.

Pedestrian Connectivity:

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

Sidewalks are existing on N Hudson Avenue and on NW 30th.

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 Residential intensity uses, “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. *Lot coverage, building heights of 40 feet and building size as proposed will exceed the lot coverage and heights of existing single-family development surrounding the proposed SPUD boundary. The R-2 base zone allows 50% lot coverage. The SPUD requests 80% lot coverage. The church which existed on the lot since around 1960 appears to have covered about 75% of the parcel. Mitigation is suggested by retaining the Historic Landmark Overlay which would make building and site design subject to review and approval of a Certificate of Appropriateness from the Historic Preservation Commission. Trees will be required on 30-foot centers along N Hudson and NW 30th Street. Providing quality trees that shade the sidewalk would assist with maintaining the character of the heavily treed Jefferson Park and Edgemere Park neighborhoods.*

3. **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served Area*
 - Fire Service: *Urban Response*
4. **Environmentally Sensitive Areas:** No ESAs apply to the proposed development site.
5. **Transportation System:** This site is located at the corner of N Hudson Avenue and NW 30th Street, both a Connector Streets in the Urban Medium LUTA. Transit (bus) service is available within 1/2-mile on NW 23rd Street.

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)
- 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)
- Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
- 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)

b. Plan Conformance Considerations

The SPUD is requested to build multiple dwellings on a vacant lot that formerly housed a church within the Jefferson Park neighborhood. The church was demolished with HP Commission approval in 2022. Single-family residences are located south, west, east and north of the site, although land along NW 30th west of the site is zoned for C-3 commercial uses. The lots on the south side of NW 30th west of the proposed SPUD are a mixture of single-family residences and small shops. On the north side of NW 30th between N Hudson Avenue and N Walker Avenue is a commercial center with restaurants, studios and offices. The proposal to increase density in the Urban Medium LUTA is in conformance comprehensive plan goals to provide a mixture of residential housing types in the Urban Medium LUTA areas. The subject site is within the Historic Landmark Overlay. The SPUD maintains the design review process and a Certificate of Appropriateness will be required for any construction on the site.

This application is subject to review by the Historic Preservation (HP) Commission. On January 3, 2024, the Commission recommended approval of SPUD-1581 to the Planning Commission with the Specific Findings below.

Specific Findings:

1. That the proposed SPUD retains the requirements and provisions of the HL zoning district; will require review and approval by the Historic Preservation Commission for any changes to the site, and new construction and all future exterior work in the form of a Certificate of Appropriateness; and will not allow work that detracts from the architectural character of the District;
2. That the proposed SPUD facilitates a built form that is not typical of surrounding development, but that may be appropriately reflective of the built form of the previously existing structure;
3. That the proposed SPUD incorporates uses that are compatible with the character of the property and surrounding District;
4. That the proposed SPUD varies setback requirements from the existing zoning in a manner that is generally compatible with the established character of the surrounding District. and with relevant Guidelines for HP and HL Districts as adopted within the Municipal Code;
5. That the proposed SPUD varies height requirements from the existing zoning in a manner that may not be compatible with the established character of the surrounding District or with relevant Guidelines for HP and HL Districts as adopted within the Municipal Code;
6. That the proposed SPUD allows a density that is in excess of the density allowed by the current zoning for this site, is not supported by the comprehensive plan, and is not typical of surrounding development patterns; and
7. That the proposed SPUD includes provisions for open space that are reduced from the current zoning, but will facilitate a built form that is more consistent with surrounding development.

Conditions:

1. That the applicant reduce the maximum number of dwellings to 20;
2. That the applicant retain current City of Oklahoma City regulations for minimum number of parking spaces.

The applicant has agreed to decrease the maximum number of dwellings to 20. The Master Design Statement has been amended accordingly.

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. The number and design of parking spaces shall be per current City of Oklahoma City regulations.

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.