



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**August 22, 2024**

**Item No. IV. 15.**

**(SPUD-1665) Application by BMS Homes, LLC to rezone 1728 NW 13th Street from R-2 Medium-Low Density Residential District to SPUD-1665 Simplified Planned Unit Development District. Ward 6.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant Representative**

Name       Klaas Reiman-Philipp  
Company   Philipp Architect  
Phone       (405) 365-1500  
Email       klaas@philipparchitect.com

**B. Case History**

This is a new application.

**C. Reason for Request**

The purpose of this request is to allow single-, two-, three- and four-family residential 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: 0.24 Acres**

**3. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	R-2	R-2	R-2	R-2	R-2
<b>Land Use</b>	Residential	Residential	Residential	Residential	Residential

**II. SUMMARY OF SPUD APPLICATION**

1. This site will be developed in accordance with the regulation of the **R-2 Medium-Low Density Residential 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:

- (8200.12) Multiple-Family Residential
- (8200.14) Single Family Residential
- (8200.15) Three – and Four- Family Residential
- (8200.16) Two-Family Residential
- (8250.3) Community Recreation: Property Owners Association

2. **Maximum Building Height:** 2 ½ Stories or 35’ building height, with any attic space allowed to be fully built out into habitable space with no wall height or area limitations so long as the building massing still complies with the 35’ height requirements.
3. **Maximum Building Size:** Determined by setbacks, building height, and lot coverage.
4. **Maximum Number of Buildings:** Up to three (3) main buildings/SPUD area and one detached/attached garage with an included Accessory Dwelling Unit (ADU).

**5. Building Setback Lines**

- South: 5’ (property line along adjacent to neighbor)
- East: 10’ (property line adjacent to Gatewood Ave.)
- North: 20’ (property line along NW 13<sup>th</sup> St.)
- West: 5’ (property line along adjacent property)
- Internal 0’ – between internally divided parcels

The setback for accessory structures shall be determined by building or fire codes.

6. **Minimum Lot Size:** 2,500 square feet
7. **Minimum Lot Width:** 50’ facing NW 13<sup>th</sup> St., 35’ facing Gatewood Ave. with 2.5’ wide lot extensions to NW 13<sup>th</sup> St. for water access (see attached exhibits).

8. **Density:** 5 dwelling units/SPUD Area
9. **Minimum Distance Between Buildings:** 3' or as determined by building code.
10. **Sight-proof Screening:** Fences to conform with section 59-12200.3B of the Oklahoma City Municipal Code, 2020, as amended.
11. **Landscaping:** The subject parcel shall meet all requirements of the Oklahoma City Municipal Code, 2020, as amended.
12. **Signs:** The subject parcel shall meet all requirements of the Oklahoma City Municipal Code, 2020, as amended.
13. **Access:** The subject parcel may take access by a maximum of one (1) 32' wide drive from NW 13<sup>th</sup> St. and two (2) 12' wide drives from Gatewood Ave.
14. **Sidewalks:** Subject to the policies and procedures of the Public Works Department. Four-foot sidewalks shall be constructed on the interior streets and five-foot sidewalks shall be required on collector streets prior to any occupancy certificates being issued.

**II. Other Development Regulations:**

1. **Open Space:** 25% of SPUD area shall remain open space with open space defined as any space that isn't building footprint or used for parking as defined in section 59-10250.8B (1) of the Oklahoma City Municipal Code, 2020, as amended.
2. **Parking:** The subject parcel shall meet the requirements of the Oklahoma City Municipal Code, 2020, as amended, with the exception that garages shall count toward meeting the minimum parking requirements, provided each parking space in a garage or off-street shall be a minimum of 8½ feet wide by 18 feet deep.

**III. Supporting Documents**

Exhibit A: Legal Description

Exhibit B: Conceptual Site Plan

Exhibit C: Site Setbacks and Dimensions

### **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: 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) Add Section II.3 Drainage: Drainage improvements will be in accordance with the applicable sections of the Code of Ordinances of the City of Oklahoma City, as amended.
- 12) Verify that the driveway location on NW 13th Street meets the required minimum separation between driveways and street intersections, as described in the City of Oklahoma City's Subdivision Regulations.
- 13) Verify the location of the driveway radius on NW 13th Street in relation to the property line. Extending the radius beyond the property line is not allowed without written permission from the adjacent property owner.

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

**c. Stormwater Quality Management**

**d. Traffic Management:** Maximum driveway width is 30 feet.

**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**

**Wastewater Availability**

- 1) An existing 6-inch 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.
- 7) Plat may be revised after review and approval of utility plans.
- 8) Each unit must have a separate wastewater connection to the main.

**Water Availability**

- 1) An existing 6-inch 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) Plat may be revised after review and approval of utility plans.
- 10) Each unit must have a separate water meter and connection to the main.

## **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 SPUD is requested to allow single- through four-family residential uses with R-2 base zoning. The Master Design Statement calls*

*for a maximum of 5 dwellings in a maximum of three buildings and one accessory dwelling unit. The conceptual plan for the development illustrates a two-story duplex at the corner with an attached two-car garage and accessory dwelling unit with two, two-story single-family residences fronting North Gatewood Avenue. Five dwelling units on a 0.24-acre site would be a density of 20.8 du/acre.*

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.

*The subject site is currently served by one drive along NW 13th Street. The SPUD regulations allow one drive on NW 13th Street, although the SPUD requests a width of 32 feet, and would allow two additional ten-foot-wide drives along North Gatewood Avenue.*

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

*Sidewalks are currently available along NW 13th Street and are required along this street by the SPUD regulations. The Master Design Statement and conceptual plan for the development do not contemplate sidewalks along North Gatewood 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 uses adjacent to existing Low Intensity 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. *The SPUD proposes a minimum lot size of 2,500 square feet with a maximum lot coverage of 60%, which includes all buildings and paving. The setback along NW 13th Street would be 20 feet, and the setback along Gatewood would be 10 feet.*

- 3) Service Efficiency:**

- Water: *Served*
- Sewer: *Fully Served*
- Fire Service: *Urban Response*

- 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. Low impact development techniques include, but are not limited to, using pervious surface materials wherever possible for the construction of driveways, parking areas, sidewalks, patios, etc., to promote increased water percolation and infiltration.

**5) Transportation System:** This site is located at the southwest corner of NW 13th Street and North Gatewood Avenue, both Neighborhood Streets in the Urban Low LUTA. The nearest transit (bus) service is located within a half mile to the north, along NW 16th 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)
- 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)
- 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)

**7) Other Considerations: Historic Resources**

The City's comprehensive plan and the adopted historic preservation plan for Oklahoma City, **preserveokc**, prioritize protecting National Register-listed properties, local historic districts, and the unique character of historic resources. A 1992 Intensive Level Survey of Classen Ten Penn identified a potential historic district. Demolition and incompatible infill development in subsequent years has compromised the integrity of the potentially historic neighborhood, but Classen Ten Penn appears to retain sufficient historic significance and architectural integrity to be considered a potential historic resource (district). *Records indicate that the*

*existing dwelling was constructed in 1923. Conformance would be achieved by retaining the primary residence. If the residence is removed, plan conformance would be strengthened by ensuring new development is compatible with adjacent historic development in the Classen Ten Penn Neighborhood.*

**b. Plan Conformance Considerations**

The subject site is located at the southwest corner of NW 13th Street and North Gatewood Avenue. The site is generally located north of NW 10th Street and east of North Pennsylvania Avenue. The subject site and all surrounding land are zoned R-2. The site is developed with a single-family residence and detached garage at the rear of the property, accessed via NW 13th Street. Adjacent properties are primarily single-family residential, with varying residential products located in the nearby area, including duplex through multi-family residential development.

The SPUD is requested to build up to five dwelling units on a corner lot within the Classen Ten Penn neighborhood. The proposal to increase density in the Urban Medium LUTA is in conformance with UM density ranges and comprehensive plan goals to provide a mixture of residential housing types within the area. Plan conformance would be strengthened by reducing the allowable driveway width on NW 13th Street from 32 feet. The existing driveway is 10 feet wide; it appears the width may be requested to widen the driveway for more parking. The subject site is not within a special district or overlay, but in the nearby Gatewood UCD, the maximum driveway width is 20 feet.

**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 maximum width of the driveway on NW 13<sup>th</sup> Street shall be 20 feet.

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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