

Planning Commission Minutes
March 14, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:07 a.m. on March 11, 2024)

18. (SPUD-1588) Application by Angelica Pereira and Edward Castro to rezone 3208 North Indiana Avenue from SPUD-1462 Simplified Planned Unit Development District to SPUD-1588 Simplified Planned Unit Development District. Ward 2.

Amended Technical Evaluation:

- ~~1. Reduce the number of dwelling units to three.~~

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY POWERS, SECONDED BY GOVIN

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



STAFF REPORT
The City of Oklahoma City
Planning Commission
March 14, 2024

Item No. IV. 18.

(SPUD-1588) Application by Angelica Pereira and Edward Castro to rezone 3208 North Indiana Avenue from SPUD-1462 Simplified Planned Unit Development District to SPUD-1588 Simplified Planned Unit Development District. Ward 2.

I. GENERAL INFORMATION

A. Contacts

1. Applicant Representative

Name Fallon Brooks
Company Jollybird Design
Phone 405-655-8077
Email fallon@jollybird.design

B. Case History

This application was continued from the December 14, 2023, and the January 11, January 25, February 8, and February 22, 2024 Planning Commission Meetings.

C. Reason for Request

The purpose of this request is to allow up to four micro-units within one residential building.

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: 0.07 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	SPUD-1462	R-1	R-1	R-1	R-1
Land Use	Undeveloped	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:

All uses within the R-2 base zoning district shall be permitted. In addition, the following use shall be permitted:

Three- and Four-Family Residential (8200.15)

2. **Maximum Building Height:**

Maximum building height shall be 25'.

No rooftop decks shall be permitted within this SPUD.

3. **Minimum Lot Size:**

The minimum lot size within this SPUD shall be 2,975 square feet.

4. **Maximum Building Size:**

If said building contains more than two (2) units, said units shall not exceed 400 square feet each. If only two units are built, they shall be allowed a maximum of 800 square feet each. If only one unit is constructed, it shall be allowed a maximum of 1,600 square feet.

5. **Maximum Number of Buildings:**

There shall be a maximum of one (1) building with a maximum of four (4) units within said building.

6. **Building Setback Lines:**

Front Yard (West): 10 feet, except garages shall be setback at least 20 feet from N Indiana Avenue

Rear Yard (East): 5 feet

Side Yard (South): 10 feet

Side Yard (North)(Alley): 0 feet

7. **Sight-proof Screenings:**

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

8. Landscaping:

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

9. Signs:

There shall be no signs within this SPUD.

10. Access:

Access shall be permitted by two drive aprons, separated by at least 15 feet of living landscaped area.

11. Sidewalks:

No sidewalks shall be required.

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, stucco, and 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. Concrete block buildings shall not be permitted.

2. Lot Coverage:

A maximum of 65% lot coverage shall be allowed in this SPUD.

3. Open Space:

A minimum of 35% open space shall be preserved.

4. Street Improvements:

N/A

5. 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.

6. Dumpsters:

No dumpsters shall be allowed within this SPUD. Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

7. Parking:

There shall be a minimum of 1 parking space per unit within this SPUD, garage parking may be counted toward the minimum. Up to two required spaces may meet the dimensions for compact cars.

8. 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.

9. 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: 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**
 - 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

- 1) The provided site plan in the master design statement does not indicate the right of way limits or any dimensions. The maximum driveway width is 24 feet for residential developments. If the proposed parking is within the existing right of way the parking will require accessible parking stall for the physically disabled and review and approval through the Oklahoma City Traffic and Transportation Commission and City Council.

8. Utilities

a. Engineering

Wastewater Availability

- 1) An existing 8” wastewater main is located adjacent to the subject site.
- 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.

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 is located adjacent to the subject site.
- 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 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.
- 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:

- 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. In addition, the SPUD MDS requires 40% open space, defined as no buildings or paving.

The SPUD would allow up to four micro-units on the 2,950 square-foot site, which would be 58 du/acre, above the Urban Medium density range. The site's existing zoning of SPUD-1462 would allow a single-family home or a duplex. Two dwelling units on the 2,950-square-foot site would be 29 du/acre, and three dwelling units would be 44 du/acre.

Automobile Connectivity:

- Protect existing traditional street grid and reconnect it where possible.
- Keep alleys open and functional.

The subject site has an existing curb cut on the property. It is unclear whether an alley platted north of the property in the Military Park Addition was closed.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

The SPUD does not require sidewalks adjacent to N Indiana Avenue, due to its substandard right-of-way width, which may not accommodate sidewalks.

- #### 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating Residential High Intensity (+25 du/acre) adjacent to existing Residential Low Intensity, “Building Scale and Site Design” and “Traffic”, are potential compatibility issues 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.

It is unknown when this lot was subdivided. A single-family home existed on the property but was demolished in 2018. The SPUD requests the same lot dimensions, setbacks and building height as was approved in SPUD-1462 with the addition of two additional units. The SPUD as proposed would provide a building orientation that differs from surrounding single-family residential, but not from an 8-plex multi-building northwest of the site. The SPUD seeks to provide mitigation for a building type (a micro-unit quadplex) unlike others in the neighborhood by maintaining 35 percent of unpaved area. This area would be located at the rear of the property behind the building and along the frontage intermixed into the proposed parking spaces.

Traffic: Mitigation measures should be used if the development is inconsistent with the Street Typology or would substantially exceed the average daily traffic of existing, adjacent uses.

The size of the building does not trigger roadway compatibility issues.

- 3) **Service Efficiency:**
 - Water: Served
 - Sewer: Fully Served Area
 - Fire Service: Urban Response
- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the proposed development site.
- 5) **Transportation System:** This site is located along N Indiana Avenue, a Neighborhood Street within the Urban Medium LUTA. Transit (bus) service is available within 1/3-mile to the west along N Pennsylvania Ave and within 1/2-mile to the east along N Classen Blvd, including a BRT stop at NW 31st and N Classen.
- 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)
 - 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 located on the east side of N Indiana Ave, mid-block between NW 31st Street and NW 32nd Street. Within this short segment of N Indiana Ave are three homes that face the numbered streets and an 8-plex at the southwest corner of NW 32nd that faces N Indiana. The subject site is comprised of the back (north) 59 feet of the single-family lot that faces NW 31st Street. It is unknown when this became a separate parcel. A single-family home was located on the subject property until it was demolished. The SPUD is requested to increase the number of dwellings of SPUD-1492, approved in 2022, from 2 to 4. The SPUD requests the same lot dimensions, setbacks and building height as was approved in SPUD-1462.

The SPUD application has been continued at Planning Commission since December of 2023, as staff worked with the applicant on several issues. The SPUD originally requested 5 micro-units and has been amended to 4 micro-units with more open space than was originally contemplated.

The proposal to increase density in the Urban Medium LUTA is in not in conformance with UM density ranges. However, it would meet comprehensive plan goals to provide a mixture of residential housing types and infill development on vacant lots. Plan conformance could be strengthened by using the alley for access and placing all parking to the rear or side of a new building. However, such a design would make it difficult to maintain the 40 percent open space. Plan conformance would be enhanced with a design that allowed no more than 3 dwellings, more in line with suggested density for the UM LUTA density range. Three dwellings could also reduce lot coverage required due to less coverage needed for parking.

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. Reduce the number of dwelling units to three.

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.

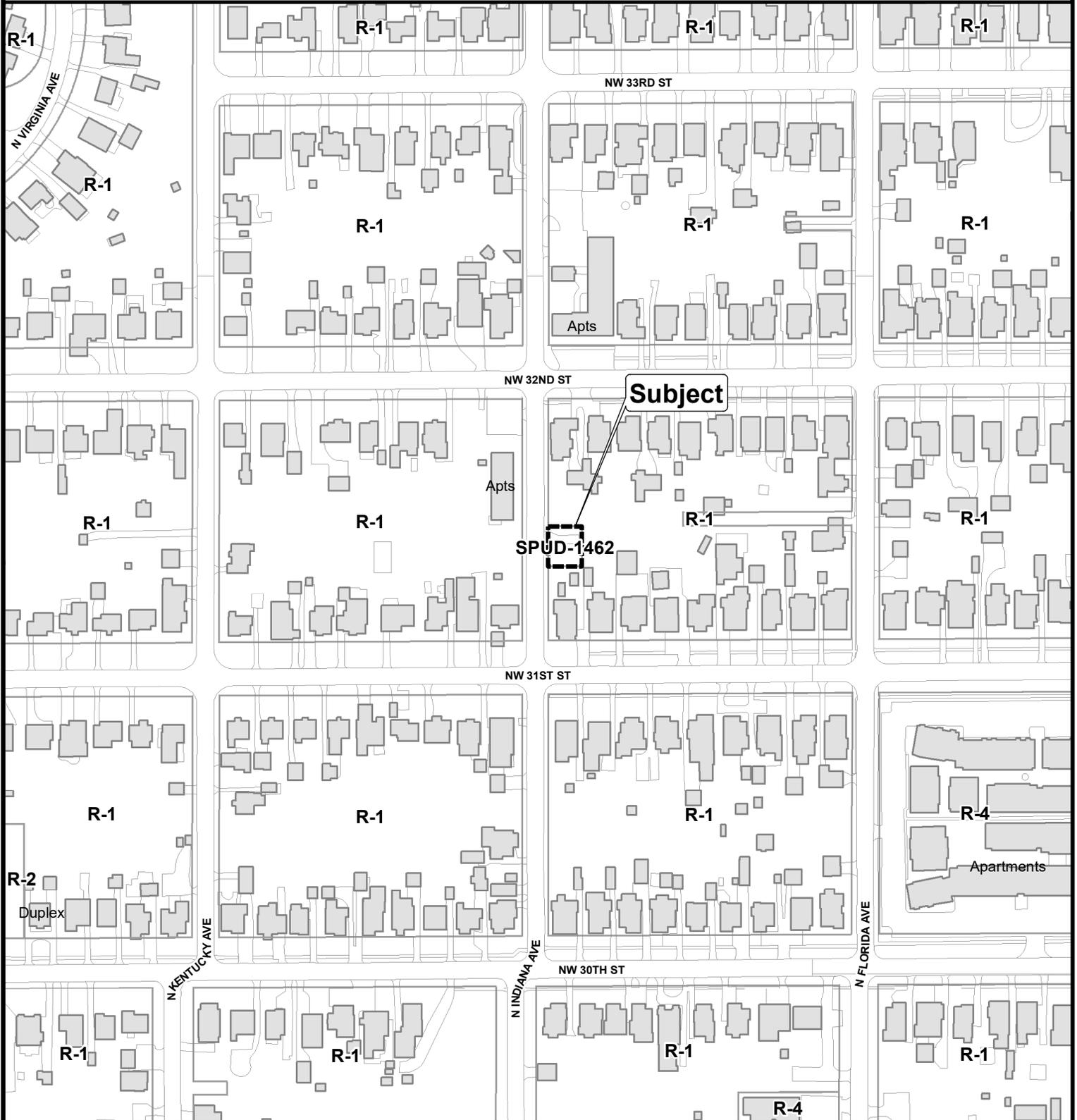
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Case No: SPUD-1588

Applicant: Angelica Pereira and Edward Castro

Existing Zoning: SPUD-1462

Location: 3208 N. Indiana Ave.



Note: "Subject" is located approximately 1,980' South of NW 36th St. and 1,685' East of N. Pennsylvania Ave.

Simplified Planned Unit Development



The City of
OKLAHOMA CITY



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Feet

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Aerial Photo from 2/2022

Note: "Subject" is located approximately 1,980' South of NW 36th St. and 1,685' East of N. Pennsylvania Ave.



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Simplified Planned Unit Development

