



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**March 9, 2022**

**Item No. IV. 19.**

**(SPUD-1481) Application by Omega Investments, LLC., to rezone 904 NW 23<sup>rd</sup> Street from C-3 Community Commercial, UD Urban Design Overlay, and TT Twenty-Third Street Uptown Corridor Overlay Districts to the SPUD-1481 Simplified Planned Unit Development District. Ward 6.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant/Developer Representative**

Name	Mark Zitzow
Company	Johnson And Associates
Phone	405-235-8075
Email	mzitzow@jaokc.com

**B. Case History**

This is a new application.

**C. Reason for Request**

This application is to permit a 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.

**Comprehensive Plan Land Use Typology Layer: Urban Commercial (UC)**

The Urban Commercial encourages the concentration of small-scale retail, office and service businesses in locations that serve as hubs for neighborhood and city-wide consumer activity. The UC designation applies to development within one block of the designated corridor. UC designates strategic areas where the creation or revitalization of a commercial district will drive revitalization and an increase in property value in surrounding neighborhoods. Office and multi-family residential

uses are highly desirable within UC areas, as they generate market demand for retail, incorporate walkable environments and create synergies that encourage full utilization of land.

**Comprehensive Plan Land Use Typology Layer: Transit Oriented (TO)**

The TO layer encourages higher density development, higher levels of transportation system connectivity, and concentrations of housing and commercial activity around areas designated as mass transit stops. The intent is to create unique, mixed-use districts with housing and employment opportunities around the City’s future transit network. TO areas are characterized by a walkable environment, close proximity of buildings, and minimal land used for parking. These nodes of high intensity may be located within lower-intensity areas. Construction at higher intensity maximizes efficiency of the current and future transit system and minimizes reliance on private automobiles. The TO layer is applied within 1/4 mile of a node identified on the Land Use Plan.

**2. Size of Site:** 0.45 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>	C-3	NC	C-3	HP	C-3
<b>Land Use</b>	Commercial	Commercial	Commercial	Commercial	Commercial

**II. SUMMARY OF SPUD APPLICATION**

This site will be developed in accordance with the regulations of the **Twenty-Third Street Uptown Corridor Overlay District, the Urban Design Overlay District and R-4, “General Residential” District** (OKC Zoning Ordinance, 2020), except that the following restrictions will apply:

**1. Uses Permitted**

The Use and Development regulations of the **Twenty-Third Street Uptown Corridor Overlay District, the Urban Design Overlay District and R-4, “General Residential” District** shall govern this SPUD, except as modified below.

The following uses shall be the only uses allowed within this SPUD:

- Administrative and Professional Offices (8300.1)

- Alcoholic Beverage Retail Sales (8300.5)
- Animal Sales and Services: Grooming (8300.8)
- Building Maintenance Services (8300.23)
- Business Support Services (8300.24)
- Child Care Centers (8300.25)
- Communications Services: Limited (8300.29)
- Community Recreation: General (8250.2)
- Community Recreation: Restricted (8250.4)
- Community Recreation: Property Owners Association (8250.3)
- Convenience Sales and Personal Services (8300.32)
- Cultural Exhibits (8250.5)
- Custom Manufacturing (8350.3)
- Dwelling Units and Mixed Uses (8200.2)
- Eating Establishments: Fast Food (8300.35), further restricted to a coffee shop.
- Eating Establishments: Sitdown (8300.37)
- Eating Establishments: Sitdown, Limited Alcohol Permitted (8300.39)
- Food and Beverage Retail Sales (8300.41)
- Library Services and Community Centers (8250.11)
- Light Public Protection and Utility: General (8250.12)
- Light Public Protection and Utility: Restricted (8250.13)
- Live/Work Units (8200.4)
- Lodging Accommodations: Bed and Breakfast 8300.49)
- Lodging Accommodations: Commercial Lodging (8300.51)
- Low Impact Institutional: Neighborhood-Related (8250.14)
- Low Impact Institutional: Residential-Oriented (8200.5)
- Medical Services: General (8300.52)
- Medical Services: Restricted (8300.53)
- Multi-Family Residential (8200.12)
- Murals (8250.16)
- Participant Recreation and Entertainment: Indoor (8300.55)
- Personal Services: General (8300.58)
- Personal Services: Restricted (8300.59)
- Repair Services: Consumer (8300.61)
- Research Services: Restricted (8300.62)
- Retail Sales and Services: General (8300.63)
- Senior Independent Living (8200.13)
- Three- and Four-Family Residential (8200.15)

Commercial uses shall be restricted to the first floor, with the exception of the

Administrative and Professional Offices (8300.1) use.

**2. Maximum Building Height:**

Maximum height of any structure within this SPUD shall be 40 feet, as measured per the municipal code.

**3. Minimum Lot Size:**

There shall be no minimum lot size within this SPUD.

**4. Maximum Building Size:**

The building size shall utilize R-4, “General Residential” District regulations.

**5. Minimum Lot Width:**

The minimum lot width within this SPUD shall be 25 feet.

**6. Maximum Building Coverage:**

The maximum building coverage within this SPUD shall be 85%.

**7. Maximum Density:**

The maximum total units permitted within this SPUD shall be 36 units

**8. Building Setback Lines:**

Front: Maximum setback of 25 feet

West: 6 feet

East: 10 feet; 5 feet if on-street parking is proposed

Rear: 15 feet

There shall be no interior setbacks within this SPUD except as required by City of Oklahoma City building and fire codes.

The special building line of 60 feet from the street centerline established for NW 23<sup>rd</sup> St. shall not be applicable for development contained within this SPUD.

Should the site not redevelop, the existing building setbacks shall be deemed in conformance with this SPUD.

**9. Sight-proof Screening:**

Sight-proof fencing shall not be required for this SPUD. If fencing is installed it shall be as per review and approval of a Certificate of Approval by the Urban Design Commission, in accordance with applicable guidelines and regulations.

Should a surface parking lot be located within this SPUD, said parking lot shall be screened from view from N Francis Ave. Said screening for parking will be reviewed at the certificate of approval application stage.

**10. Landscaping:**

The subject site shall meet all requirements of Oklahoma City's Landscaping Ordinance in place at the time of development. If applicable, the landscaping shall be subject to review and approval of a Certificate of Approval by the Urban Design Commission.

A landscaped screening buffer along the south SPUD boundary abutting the existing alley shall not be required for this SPUD.

**11. Signs:**

**11.1 Freestanding Accessory Signs**

Freestanding accessory signage within this SPUD shall be per the base zoning district.

No pole signs shall be permitted.

**11.2 Attached Signs**

Attached signs shall be in accordance with the applicable sign regulations and design guidelines contained in the UD Overlay District and shall be per the review and approval of a Certificate of Approval by the Urban Design Commission, in accordance with applicable guidelines and regulations.

**11.3 Non-accessory Signs**

Non-accessory signs are not permitted in this SPUD.

**11.4 Electronic Message Display Signs**

Electronic Message Display signs shall not be permitted in this SPUD.

**12. Vehicular Access:**

Access may be taken via one (1) drive from NW 23<sup>rd</sup> St., one (1) from N Francis Ave. via the existing drive and parking may be positioned off the platted and paved alley that serves this SPUD.

Installation of new driveways shall be subject to review and approval of a Certificate of Approval by the Urban Design Commission in accordance with applicable guidelines and regulations.

The existing driveways on NW 23<sup>rd</sup> St. and N Francis Ave. will be closed and curbed at the time of development.

**13. Sidewalks:**

There are existing sidewalks along NW 23<sup>rd</sup> St. and N Francis Ave. Should the existing sidewalks be damaged or removed during construction, the developer shall be required to repair/reinstall said sidewalks. Replacement of sidewalks exceeding the definition of ordinary maintenance and repair shall be subject to review and approval of a Certificate of Approval by the Urban Design Commission in accordance with applicable guidelines and regulations.

**II. OTHER DEVELOPMENT REGULATIONS:**

**1. Architecture:**

Alteration to, or demolition of, existing structures and site features and construction of new structures and site features shall be subject to review and approval of a Certificate of Approval by the Urban Design Commission in accordance with applicable guidelines and regulations.

Any new building shall be subject to the development regulations within this SPUD and shall be per review and approval of a Certificate of Approval by the Urban Design Commission, in accordance with applicable guidelines and regulations except as herein defined by this SPUD.

**2. Street Improvements:**

N/A

**3. Site Lighting:**

All site lighting utilized within this SPUD shall be directed away from any adjacent properties. To accomplish this, lights shall utilize shields, shades or other appropriate methods of directing light beams. 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.

New lighting shall be subject to review and approval of a Certificate of Approval by the Urban Design Commission in accordance with applicable guidelines and regulations.

**4. Dumpsters:**

Dumpsters shall be consolidated and located within an area screened by a fence or masonry wall of sufficient height to screen the dumpster from view. Placement and screening of dumpsters shall be Certificate of Approval by the Urban Design Commission, in accordance with applicable guidelines and regulations.

**5. Parking:**

The subject parcel shall meet the design requirements of the Oklahoma City Municipal Code, 2020, as amended.

There shall be no required parking within this SPUD per the overlay district. Compact parking spaces shall be permitted within this SPUD and may be up to 50% of provided parking.

Proposed uses are not required to have off-street parking located on the same site as adjacent to the structure it serves. If on-site parking is not provided for a proposed use/structure, locations and parking calculations for all structures in this SPUD shall be provided with the building permit application.

Installation of new paving shall be subject to review and approval of a Certificate of Approval by the Urban Design Commission in accordance with applicable guidelines and regulations.

The existing 20-foot-wide alley shall be considered sufficient to provide the necessary drive aisle width for the parking stalls proposed immediately the alley. No additional paving shall be required.

**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(s) 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) 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.
- 4) 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.
- 5) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 6) 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.
- 7) 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.

- 8) All private roads /streets will have private storm sewer systems.
- 9) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

**a. Stormwater Quality Management**

**b. Traffic Management**

- 1) On street angled parking on N Francis Avenue including the designated parking for the physically disabled as well as the parallel designated parking for the physically disabled on NW 23 Street will require review and approval thru the Oklahoma City Traffic and Transportation Commission.

**8. Utilities**

**a. Engineering**

**Paving**

**Wastewater Availability**

**Wastewater Availability**

- 1) An existing 8” 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) The location of the existing main will allow for separate connections to the system.

**a. Solid Waste Management**

- 1) The City cannot provide service, contact private hauler.

**b. Water/Wastewater Quality**

**Water Availability**

- 1) An existing 10" 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 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.

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- 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 guarantee and will be reviewed at time of review of construction documents.
- 9) Location of existing main will allow for separate meter connections.

### 9. Planning

*The subject site is within the Urban – Medium Land Use Typology Area (UM) and within the Urban Commercial (UC) and Transit Oriented (TO) Land Use Typology Layers. Policies for each are listed below.*

#### 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.
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape.
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.
- Encourage all buildings fronting a designated corridor or node to have ground floor space for retail or service businesses. (UC)
- All signage should be designed to provide visual coherency, which includes a consistent and cohesive pattern of materials, lighting, and height. (UC)

###### 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.

*The Urban Medium Intensity LUTA outlines a density range of 10 to 40 dwelling units per acre. Within Transit-Oriented areas the density range is 15 to 60 dwelling units per acre, and within the Urban Commercial area the density range is 20 to 75 dwelling units per acre. National, state, and local permitting require basic best management practices for stormwater management. The SPUD is requested for multifamily residential and also*

*allows limited commercial uses on the ground floor. The SPUD allows up to 36 dwelling units over the 0.45-acre site, or a density of 80 du/acre.*

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Protect existing traditional street grid and reconnect it where possible.
- Keep alleys open and functional.
- Limit curb cuts on arterial streets and where possible, concentrate access for retail development at shared entrance points.
- Development fronting arterials should take access from intersecting streets where possible.
- Primary entrance points should be aligned with access points immediately across the street.

*The SPUD allows access from one driveway per street frontage and from the alley, and commits to closing drives.*

Pedestrian Connectivity:

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

*Sidewalks are available and the SPUD commits to replacing as necessary.*

- 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 multifamily and office/commercial use adjacent to existing residential uses, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” 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.

*The SPUD is requested for multifamily residential along NW 23rd Street, with an allowance for limited commercial uses on the ground floor. The SPUD would allow a height of 40 feet and establish a maximum front setback of 25 feet. Parking would be from the alley. The subject site is*

*within a design district and the SPUD maintains the design review requirements of the Urban Design Overlay District. No other compatibility issues related to traffic or operational impacts were identified.*

- 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 at the southwest corner of NW 23<sup>rd</sup> Street, a Major Arterial Street, and N Francis Avenue, a Neighborhood Street, both in the Urban Medium LUTA. The nearest transit (bus) service is located either just north or west from the subject site along NW 23<sup>rd</sup> 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)
  - 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)
  - 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)
  - 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)

**7) Other Considerations: Retail Corridor**

The comprehensive plan identifies and categorizes several retail nodes and corridors throughout the city. The subject area is along a retail corridor, categorized under the “Revitalize” framework. Areas categorized as “revitalize” are areas that generally do not require wholesale changes, but rather, help strengthening existing retail uses. Policies related to this category include: Integrating complementary uses; maintaining community scale retail in nodes rather than allowing linear expansion; ensuring good street connectivity between and within existing centers; creating or enhancing pedestrian connections between buildings and centers; improving facades and design quality; and creating or enhancing visual coherency through signage.

**b. Plan Conformance Considerations**

The subject site is located on the southwest corner of NW 23<sup>rd</sup> Street and N Francis Ave. The site is zoned C-3 and within the Uptown NW 23<sup>rd</sup> Street Urban Design District. To the north, across NW 23<sup>rd</sup> Street is a small commercial strip center at the northwest corner of NW 23<sup>rd</sup> St and N Francis Ave. To the west is a one-story building with a surface parking lot that is presently occupied by The Escape OKC. To the east, across N Francis Ave, is a one-story commercial building occupied by a jewelry repair shop. To the south, across the adjacent alley is the Mesta Park Historic District, and developed as residential.

The SPUD is requested for new multifamily residential, and would allow office and limited ground floor retail uses. Parking would be located behind buildings. Any on-street parking would be subject to Traffic Commission review and approval. The proposal to increase density in the Urban Medium LUTA is higher than the density ranges, but is consistent with comprehensive plan goals to provide a mixture of residential housing types in the UM LUTA, Transit Oriented, and Urban Commercial areas. The SPUD maintains the requirements of the Urban Design District.

This application is subject to review and recommendation by the Urban Design Commission (UDC). On February 22, 2023, the UDC recommended approval of SPUD-1481 to the Planning Commission.

**V. 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**

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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