



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**November 18, 2021**

**Item No. IV. 18.**

**(SPUD-1340) Application by H and H Real Estate, LLC., to rezone 8820 South Pennsylvania Avenue from the C-3 Community Commercial District to the SPUD-1340 Simplified Planned Unit Development District. Ward 5.**

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant/Developer Representative**

Name David Box  
Company Williams, Box, Forshee & Bullard PC  
Phone 405-232-5814  
Email dmbox@wbfbllaw.com

**B. Case History**

This application was continued from the August 26, September 9, and October 14, 2021 meetings.

**C. Reason for Request**

This application is to permit a multi-family residential development.

**D. Existing Conditions**

**1. Comprehensive Plan Land Use Typology Area: Urban - Low Intensity (UL)**

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

**2. Size of Site: 1.67 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	R-1	R-1	C-3	C-3
<b>Land Use</b>	Undeveloped	Residential	Residential	Comm/Off	Ret/Off

- 4. Development Context:** The 1.73-acre subject site is located east of S Pennsylvania Avenue and north of SW 89<sup>th</sup> Street, behind buildings that front both streets. The site is zoned C-3 and undeveloped.

To the north and east is single-family residential subdivision zoned R-1. Across S Pennsylvania Ave, to the west, is a church within the C-3 District. The application would rezone the subject site to allow multi-family residential development under a modified R-4 base zone. The SPUD specifies building types (4-plex, 5-plex and 6-plexes), limits all buildings to one story, and shares access with surrounding office uses.

## **II. SUMMARY OF PUD APPLICATION**

This SPUD shall be developed in accordance with the regulations of the **R-4 General Residential District** (OKC Zoning Ordinance, 2020), except as modified herein:

**1. The following uses shall be permitted within this SPUD:**

Community Recreation: Property Owner's Association (8250.3)  
Multiple-Family Residential (8200.12)  
Two- Family Residential (820016)  
Three-and Four-Family Residential (8200.15)

**2. Maximum Building Height:**

The maximum building height within this SPUD shall be 25 feet.

**3. Maximum Building Size:**

The maximum building size within this SPUD shall be governed by the base zoning district.

**4. Maximum Number of Buildings:**

There shall be (1) 5-plex, (5) fourplex, and (2) six-plex buildings in this SPUD. There shall be 37 one-bedroom units total. All units shall be one-story.

**5. Building Setback Lines**

South: 0 feet  
North: 10 feet  
West: 5 feet  
East: 10 feet

**6. Sight-Proof Screening:**

A six-foot to eight-foot high fence or wall shall be required along the north, west and east boundaries of this SPUD. The wall shall be constructed of stucco, brick, stone, wood, and/or any combination thereof and shall be solid and opaque.

**7. Landscaping:**

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

**8. Signs:**

One directional sign shall be permitted on S. Pennsylvania Ave. frontage with a maximum height of three (3) feet and a maximum width of five (5) feet.

**9. Access:**

Cross access from the existing office park drives shall provide access to this site.

**II. Other Development Regulations**

**1. Architecture:**

Permitted exterior materials shall be painted fiber cement panel or siding, composite panel or siding, masonry, EIFS, stucco, composite decking, exposed wood.

**2. Street Improvements:**

N/A.

**3. Other:**

**3.1 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.

**3.2 Dumpsters:**

Dumpsters shall be located as shown in Exhibit “B” and shall be screened from view inside a site proof enclosure with a height of six (6) feet.

**3.3 Drainage:**

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

**3.4 Parking:**

This SPUD shall provide 68 on-site parking spaces and shall be in compliance with the Oklahoma City parking ordinances.

**3.5 Common Areas:**

Maintenance of all common areas in the development and maintenance of all amenities located within the common areas shall be the responsibility of the owner(s) of said property. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause 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.

**I. Supporting Documents:**

Exhibit A: Legal Description  
Exhibit B: Conceptual Site Plan  
Exhibit C: Conceptual Building Elevation

**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) Moore**

**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) The Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

**c. Stormwater Quality Management**

**d. Traffic Management\***

**8. Utilities**

**a. Engineering**

**Paving**

**Sanitary Sewer Availability**

- 1) An existing 8" sanitary sewer main(s) is adjacent to the subject site and a connection will be permitted in accordance with City Standard Specifications.
- 2) No trees, signs, dumpsters, or fences within 10 feet of any existing or proposed sanitary sewer main.
- 3) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.
- 4) Additional Comments: Sanitary sewer extension required. Dumpsters cannot be located within the easement.

**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) The subject site is adjacent to a 6" water main on adjacent related property to the south.
- 2) No trees, signs, dumpsters or fences within 10 feet of any existing or proposed water main.

- 3) All existing and proposed meters must meet current Meter Specifications. Meters must be in a grassed area. All domestic and fire suppression services must have separate water service connections. All existing unnecessary water services must be abandoned at the water main.
- 4) Additional Comments: 6" water main extension required.

## 9. Planning

### a. Comprehensive Plan Considerations

#### 1) LUTA Development Policies:

##### Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems. *National, state, and local permitting require basic best management practices for stormwater management. The SPUD does not alter the open space requirement of 40% and Exhibit B illustrates a detention area on site.*

##### Location:

- Locate uses that generate high traffic volumes along arterial streets, frontage roads, and interstates.
- Avoid concentrations of apartment complexes. Instead, integrate multifamily units into neighborhoods with mixes of housing types or in mixed-use developments. *The SPUD proposes multi-family residential development in an area with single-family residential, commercial, and office uses.*

Density: The Urban Low Intensity LUTA outlines a density range of 4 to 8 dwelling units per acre for single family, and 15 to 30 dwelling units per acre for multifamily. *The MDS specifies 37 dwelling units will be provided over 1.73 acres, for a density of 21.39 du/acre, within the UL LUTA range.*

##### Automobile Connectivity:

- Maintain, create, and enhance a street network that is highly connected to increase number of viable commercial locations and the effectiveness of the transportation system.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Provide vehicular connectivity between adjacent developments.
- Horizontally mixed-use developments should have connectivity between land uses.



*The development will be located behind commercial buildings and access will be shared, in conformance with the comprehensive plan. No new curb cuts on the arterial street will be required.*

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Within parking lots, provide pedestrian access ways separated from vehicle aisles.
- Horizontally mixed-use developments should have public sidewalk connectivity between land uses.

*Sidewalks are available along S Pennsylvania Ave. Plan conformance would be increased if pedestrian facilitates were provided from the proposed multi-family development to S Pennsylvania Ave and if residents could safely walk to retail offerings on the south and west. However, access to the property will be shared and from drives that are not part of the SPUD application.*

- 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 multi-family residential uses adjacent to existing Low Intensity Residential, “Building Scale and Site Design” and “Traffic” are potential compatibility issues identified by the comprehensive plan.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if setbacks are significantly deeper or more shallow than the predominant character of adjacent development; the building’s orientation to the street differs from the predominant character of adjacent development; building size or street frontage dramatically differs from that of adjacent uses, the lot coverage (including buildings and paved areas) dramatically exceeds that of adjacent uses, or if buildings within 40 ft. of a single-family residential structure exceed a 3:1 ratio in height. *No compatibility issues were identified adjacent to the existing commercial development on the south or west. Potential compatibility issues are triggered on the north and east where abutting a residential subdivision. The SPUD limits all buildings to one story and provides a 10-foot setback adjacent to residential. Screening and a landscape buffer will be required. The base R-4 District requires 40 percent open space compared to the 100 percent lot coverage allowed in the site’s existing C-3 District.*

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 site takes access from existing drives that connect to two arterial streets. No triggers requiring mitigation were identified.*

**3) Service Efficiency:**

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

**4) Environmentally Sensitive Areas:** No ESAs were identified on the subject site.

**5) Transportation System:** This site is located off S Pennsylvania Ave, a Major Arterial Street in the Urban Low LUTA. *Bus transit is available along S Pennsylvania Ave, with a bus stop is located approximately 160 feet south of the subject site. Sidewalks have been installed along S Pennsylvania Ave. A planned multi-use trail will be located a mile to the west, along S May Ave, and a mile to the south, along SW 104<sup>th</sup> St.*

**6) Other Development Related Policies**

- 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)
- 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)

**b. Plan Conformance Considerations**

The rezoning is requested for property located behind existing buildings that front SW 89<sup>th</sup> Street and S Pennsylvania Avenue. The proposal would rezone the subject site from C-3 to a SPUD with a modified R-4 base. The SPUD would allow 4-, 5-, and 6-plexes. Building height is limited to one story, the density is within the Urban Low LUTA range, and access would be shared with the surrounding office uses, in conformance with the comprehensive plan. The rezoning would increase the amount of open space required compared to the existing commercial zoning. The conceptual plan indicates this may be achieved with the detention facility. It was unclear what recreational amenities and usable open space would be available for residents and should be specified in the Master Design Statement.

**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. Specify in the Master Design Statement and/or show on site plan what usable open space will be available to residents.

*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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