



STAFF REPORT
The City of Oklahoma City
Planning Commission
April 14, 2022

Item No. 21.

(SPUD-1217) Application by Steven White, John Brown, and Lindsay Lucas, to rezone 4020 and 4021 North McKinley Avenue from the R-1 Single Family Residential District to the SPUD-1217 Simplified Planned Unit Development District. Ward 2.

I. GENERAL INFORMATION

A. Contacts

Applicant and/or Developer

Name J. Kelly Work
Company J. Kelly Work Attorney at Law
Phone 405-232-3966
Email jkwork225@gmail.com

B. Case History

This application was continued from the May 14, May 28, June 11, July 9, August 13, September 10, October 8, October 22, November 12, 2020; January 28, March 25, April 22, May 27, July 8, August 26, September 23, October 28, November 18, December 9, 2021; January 13, January 27, March 10, and March 24, 2022, meetings.

The application was amended, and subject area expanded, requiring new notice for the March 10, 2022, meeting.

C. Reason for Request

The purpose of this request is to permit a single-family 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: 0.63 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	R-1	R-1	R-1	R-1
Land Use	Undeveloped	Residential	Residential	Residential	Residential

- 4. Development Context:** The subject site is located along McKinley Ave south of NW 40th Street, about one block west of N Classen Boulevard. The rezoning request includes unzoned former street right-of-way and an existing residence across the street. The right-of-way was vacated in District Court in 2019 with easements retained for sanitary sewer running east-west through the center of the site, and for a storm sewer along the western portion of the site. The subject site is surrounded by R-1 zoned single-family lots with parcel sizes ranging from 6,800 square feet to 9,400 square feet. The SPUD has been modified since originally submitted to remove the southern half of the property on the east side of the street and add the residence on the west side. The SPUD would allow three new single-family detached homes on the vacant land.

II. SUMMARY OF SPUD APPLICATION

This SPUD shall consist of Tract 1 and Tract 2 as described on Exhibit A and as depicted on Exhibit B, attached hereto. This SPUD will be developed in accordance with the regulations of **R-1 Single-Family Residential District** (OKC Zoning Ordinance, 2020, as amended), except as modified herein.

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

8200.14 Single Family Residential
8250.3 Community Recreation: Property Owners Association

2. Maximum Building Height: 35'

3. Minimum Lot Size: 2,500 sf

4. Maximum Building Size: 3,800 sf

5. Minimum Lot Width: 45 feet

6. Maximum Building Coverage: 75%

7. Maximum Number of Buildings:

For Tract 1: Three (3); not including permitted accessory structures.

For Tract 2: One (1); not including permitted accessory structures.

8. Building Setback Lines:

Setback from NW 40th Street: minimum 18' for buildings.

Setback from McKinley Avenue: minimum 5' (Garages where the doors open toward N McKinley Ave. shall have a minimum setback of 18 feet from the edge of the street paving).

Setback between each of the Tracts and adjacent lots that are not part of this SPUD, including rear yards: minimum 0', except as required by building and fire codes.

Setback between internally divided parcels: minimum 0', except as required by building and fire codes.

9. Sight-proof Screening:

Sight proof fencing is not required but shall be permitted.

10. Landscaping:

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

For the corner lot at NW 40th and McKinley, if a wall or fence is constructed, or the buildings are situated such that the side yard abuts NW 40th, additional landscaping shall be required. Additional landscaping shall consist of a mixture of evergreen and deciduous trees reaching at least 6 feet in height at maturity and spaced in a manner to provide a visual barrier. Bradford pear trees and cedar trees shall not be permitted as part of the additional landscaping.

11. Signs:

Signage will not be permitted for this parcel.

12. Access:

Access shall be taken from N McKinley Ave. The northernmost lot in Tract 1 shall also be permitted to take access from NW 40th Street.

13. Parking Regulations:

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 shall be a minimum of 8½ feet wide by 18 feet deep. Driveways shall be a minimum 18 feet in length from the back of curb along N McKinley Ave.

14. Sidewalks Required Along N.W. 40th Street:

Sidewalks shall be required as part of this development along the south side of NW 40th Street only.

I. Other Development Regulations:

1. Architecture:

The residence constructed along the northernmost lot in Tract 1 shall provide an entry door facing NW 40th Street.

Exterior building wall finish on all main structures (excluding the accessory structures), exclusive of windows and doors, shall consist of a minimum 10% brick veneer, rock, concrete board, stucco or stone masonry.

2. Open Space:

N/A.

3. Street Improvements:

The existing asphalt street paving shall be deemed to satisfy all paving requirements under the Code.

4. Platting:

All land within Tract 1 of this PUD shall be contained within a Final Plat and any plat dedications shall be approved by the City Council prior to any occupancy permits being issued in the PUD.

Lot lines may be adjusted to realign the location of homes prior to the platting stage.

Platting shall not be required for Tract 2.

5. Other:

5.1 Lighting: N/A

5.2 Dumpsters: N/A

5.3 Common Areas: Not Required

III. Supporting Documents:

Exhibit A: Legal Descriptions of Tract 1 and Tract 2

Exhibit B: Conceptual Site Plan

Exhibit C: Aerial photo with tracts shown

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 Water Resources Board (OWRB)**
- 5. School District(s) Oklahoma City**
- 6. 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

- 1) Under Ordinance 25,374 all residential development is subject to the Park Impact Fee. The development is located outside of the existing local park area and will be assessed the full fee. The development can qualify for the local park exemption by providing a developer-provided private local park, which complies with all of the standards and requirements established in Ordinance 25,374.

6. Police

7. Public Works

Engineering

a. Streets, Traffic and Drainage Maintenance

Paving

- 1) 25 feet sight triangle and sidewalks are required along public streets.

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.

b. Stormwater Quality Management

c. Traffic Management *

8. Utilities

a. Engineering

Sanitary Sewer Availability

- 1) An existing 8” wastewater main(s) is adjacent to the subject site(s) and a service connection will be permitted in accordance with City Standard Specifications. A separate service connection is required for each building/structure.
- 2) All wastewater mains must flow within the existing drainage basin. Proposed wastewater mains that will flow to another drainage basin across a ridgeline will not be allowed.
- 3) Minimum ten (10) foot horizontal separation required for water mains and five (5) foot for other crossings. Minimum two (2) foot vertical separation required for all crossings.
- 4) The developer will be required to extend the wastewater collection system to each lot or site within the subdivision or land improvements in accordance with City Standard Specifications and the current Subdivision Regulations.
- 5) All existing unused wastewater services must be abandoned at the wastewater main.
- 6) Proposed wastewater main(s) must be located in a twenty (20) foot wide easement.
- 7) No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 8) All wastewater mains must have a minimum cover of six (6) feet and a depth no greater than eighteen (18) feet.
- 9) An 8” wastewater line extension along McKinley Ave. is required.

b. Solid Waste Management

- 1) The City can provide service provided there is sufficient space for the truck to maneuver to service the addition.

c. Water/Wastewater Quality

Water Availability

- 1) An existing 6" water main(s) is adjacent to the subject site(s) and a service connection will be permitted in accordance with City Standard Specifications. A separate service connection and meter is required for each building/structure.
- 2) Minimum ten (10) foot horizontal separation required for wastewater mains and five (5) foot for other mains. Minimum two (2) foot vertical separation required for all crossings.
- 3) Dead-end water mains must be avoided where applicable.
- 4) All existing unnecessary water services must be abandoned at the water main.
- 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 and fire protection systems which require water pressure in excess of 25 psi.
- 6) Proposed water main(s) must be located within a utility easement or right-of-way. No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 7) All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 8) A 12-inch water main is required to be looped through the development to provide adequate water supply and fire flow protection. Connection to two (2) separate active water mains is required to prevent partial or total shut-off of water supply when a pipeline failure occurs within the proposed development.
- 9) All existing and proposed meters must meet current specifications and standard details and be located in the right-of-way or utility easement within grassy areas outside of sidewalks, driveways, streets and/or paving.
- 10) All domestic and fire suppression services must have separate water service connections.

- 11) Fire hydrants maximum spacing is 500 foot and must be located within 10-foot of a hard surface (i.e. sidewalk, street, and/or paving).

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- 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 proposes 3 new dwelling units on approximately 0.34 acre of vacant land, or 8 du/acre.

Automobile Connectivity:

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

The site has frontage along two streets. The proposed design allows up to three new driveways on McKinley Ave. The SPUD allows one driveway onto NW 40th Street for flexibility in design.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

The SPUD requires sidewalks along NW 40th Street but not along N McKinley Avenue.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating Residential Medium adjacent to existing Residential Low Intensity, “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 has been modified since originally submitted to require an 18-foot setback from NW 40th Street with the northernmost home orientated toward NW 40th Street, which is more consistent with development pattern along the street. The setback on McKinley is proposed at 5 feet except that garages shall be 18 feet from the edge of the street paving.*

3) Service Efficiency:

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

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

5) Transportation System: This site is located along N McKinley Avenue and NW 40th Street, both neighborhood/local streets within the Urban Medium LUTA. Sidewalks are not available on any of the subject site's frontages. Bus Transit is located within ¼-mile of the site on N Classen Boulevard.

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. New residential subdivisions should achieve a mixture of housing types within a unified development. (SU-4)
- 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 subject site is located south of NW 40th Street along N McKinley Avenue. The SPUD was originally requested to build six homes on a vacant parcel on the east side of the street. The SPUD has since been modified to only include the north half of the vacated right-of-way and add an existing home across the street. The revised SPUD would allow three detached single-family homes on the vacant land. The Master Design Statement (MDS) now commits to sidewalks on NW 40th Street. Plan conformance would be strengthened by also installing sidewalks on McKinley Avenue; however, information available at the time of review indicated the reduced right-of-way may only accommodate sidewalks on the west side of the street, which would likely require the removal of existing trees.

The MDS now also requires an 18-foot setback from NW 40th Street, an entry door to face NW 40th Street, and an 18-foot setback for garages facing McKinley Avenue. 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 and infill development on vacant lots.

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.

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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