



STAFF REPORT
The City of Oklahoma City
Planning Commission
October 13, 2022

Item No. IV. 30.

(SPUD-1450) Application by Pedro Esquivel, to rezone 1500 NE 9th Street from the R-2 Medium-Low Residential Districts to the SPUD-1450 Simplified Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name David M Box
Company Williams, Box, Forshee & Bullard PC
Phone 405-232-0080
Email dmbox@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

This application is to permit a 4-plex.

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: 0.18 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-2	R-2	R-2	R-2	R-2
Land Use	Residential	Undeveloped	Residential	Residential	Residential

- 4. Development Context:** The subject site is located at the southeast corner of NE 9th Street and N Bath Avenue, two blocks east of N Lottie Avenue, in the Culbertson East Highland neighborhood. The site and all adjacent property are zoned R-2. Adjacent on the east, south, and west are single-family residences, and the land to the north across NE 9th Street is undeveloped. The SPUD would allow the existing single-family home to be converted into a quadplex.

II. SUMMARY OF PUD 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:

In addition to all permitted R-2 uses, the following use(s) will be the only use(s) permitted on this site:

8200.15 Three- and Four- Family Residential (limited to four dwelling units)

- 2. Maximum Building Height:**

The maximum building height shall be in accordance with the base zoning district.

- 3. Maximum Building Size:**

The maximum building size shall be in accordance with the base zoning district.

- 4. Maximum Number of Buildings:**

The existing structure shall remain and shall be the only building within this SPUD.

- 5. Building Setback Lines**

The existing structure shall be permitted to remain and deemed to conform to setback regulations. In the event of a new structure, the building setback lines shall be in accordance with the base zoning district.

- 6. Sight-proof Screening:**

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

- 7. Landscaping:**

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

8. Signs:

8.1 Free standing accessory signs

Freestanding signs will be in accordance with the base zoning district regulations.

8.2 Attached signs

Attached signs will be in accordance with the base zoning district regulations.

8.3 Non-Accessory Signs

Non-Accessory signs shall be prohibited within this SPUD.

8.4 Electronic Message Display signs

Electronic Message Display signs shall be prohibited within this SPUD.

9. Access:

There shall be one (1) access point from NE 9th St. and two (2) access points from N. Bath Ave.

10. Sidewalks

The existing sidewalks shall be permitted to remain and deemed to conform to sidewalk regulations. If they are damaged or replaced, reconstruction shall be in accordance with and subject to the policies and procedures of the Public Works Department.

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. Exposed metal or exposed concrete block buildings shall not be permitted.

2. Open Space:

N/A.

3. Street Improvements:

N/A.

4. 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.

5. Dumpsters:

Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

6. Parking:

The existing parking shall be permitted to remain and deemed to conform to parking regulations. Parking shall be permitted along NE 9th St. There shall be a maximum of nine (9) parking spaces within this SPUD.

7. 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.

8. 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:** 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) 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) Proposed structured parking spaces #4 and #5 as shown on the submitted exhibit are partially within the public right of way. All angled parking within the public right of way is required to be reviewed and approved by the Oklahoma City Traffic and Transportation Commission. Parking within the right of way must meet the requirements of the Americans with Disability Act (ADA). One handicap accessible parking stall must be provided. A five (5') foot sidewalk is also required in conjunction with the proposed angled parking.

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) An existing 6" 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) 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.

b. Solid Waste Management

- 1) Not enough information. It does not appear that we would be able to service this property for trash.

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. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) All domestic and fire suppression services must have separate water service connections. Fire hydrants maximum spacing is 500 foot and must be located within 10 feet of a hard surface (i.e. sidewalk, street, and/or paving).

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 would allow up to 4 dwelling units over the 0.18-acre site, or 22 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.

The site has two existing covered parking spaces on N Bath Ave. The SPUD proposes adding a driveway to the south to access a new parking area in the back and adding a driveway on NE 9th Street for additional parking. No changes to the unimproved alley that runs east-west along the southern boundary of the site are proposed. The comprehensive plan supports improving the alley for access, if possible.

Pedestrian Connectivity:

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

Sidewalks are present along both street frontage but need repair.

- 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, “Building Scale and Site Design” 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 to convert an existing home into a quadplex; no compatibility issues related to building height, setbacks or orientation were identified. The site plan indicates lot coverage would be increased to add paved parking in the front and back.

- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Service Level*
- 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.
- 5) **Transportation System:** This site is located off NE 9th Street and N Bath Avenue, both Neighborhood Streets in the Urban Medium LUTA. The nearest transit (bus) service is located to the south along NE 4th Street. Access to the City trail network is available to the south along the Katy Trail at NE 4th 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. New residential subdivisions should achieve a mixture of housing types
 - Encourage the adaptive reuse of underutilized structures and the revitalization of older, economically distressed neighborhoods. (SU-21)
 - Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
 - Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)

b. Plan Conformance Considerations

The subject site is located at the southeast corner of NE 9th Street and N Bath Avenue in the Culbertson East Highland neighborhood. The SPUD is requested to convert the existing single-family home into a quadplex.

The proposal to increase density in the Urban Medium LUTA is in conformance with density ranges and comprehensive plan goals to provide a mixture of residential housing types in UM areas. The comprehensive plan also supports the adaptive reuse of existing buildings. Plan conformance would be strengthened by limiting the amount of pavement and/or driveway cuts, and specifying in the Master Design Statement that sidewalks will be repaired or replaced as necessary along both street frontages.

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(s):

- 1.** Parking spaces 4 and 5 as indicated on the site plan shall be removed and the curb replaced.
- 2.** Sidewalks shall be repaired or replaced as necessary to meet Public Works standards.

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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