



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

**Item No. IV. 13.**

**(SPUD-1447 Application by R7 Capital Funding, LLC., to rezone 1900 NW 10<sup>th</sup> Street from the R-2 Medium-Low Density Residential District to the SPUD-1447 Simplified Planned Unit Development District. Ward 6.**

**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 multi-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: 2.28 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>	R-2	R-2	R-2	R-2	R-2
<b>Land Use</b>	School	Residential	Residential	Residential	Residential

- 4. Development Context:** The subject site is located at the southwest corner of NW 10th Street and N Kentucky Avenue in the Metro Park neighborhood, one of the City's Strong Neighborhood Initiative (SNI) neighborhoods. The subject site spans the length of the block south to NW 9th Street. The site is zoned R-2 and is developed with the vacant Whittier School building. To the north across the NW 10th Street Boulevard is the Classen Ten Penn neighborhood. Land to the east, south, and west of the subject site is single-family residential. The zoning in the area is primarily R-2 with the C-3 and C-4 districts located along N Virginia Avenue to the west. The SPUD is requested to convert the existing school building into apartments with added amenities and the potential for a second building.

## **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:**

8250.3 Community Recreation: Property Owners Association  
8250.13 Light Public Protection and Utility: Restricted  
8200.5 Low Impact Institutional: Residential-Oriented  
8200.12 Multiple-Family Residential (The maximum number of dwelling units within this SPUD shall be 46)  
8200.14 Single-Family Residential  
8200.15 Three- and Four-Family Residential  
8200.16 Two-Family Residential

**2. Maximum Building Height:**

The height of the existing structure shall be deemed in conformance with the height regulations in this SPUD and shall remain. New structures shall be permitted a building height up to 35 feet.

**3. Maximum Building Size:**

There shall be no maximum building size within this SPUD.

**4. Maximum Number of Buildings**

There shall be no maximum number of buildings within this SPUD.

**5. Building Setback Lines:**

North: 25'  
East: 20'  
South: 20'  
West: 20'

**6. Sight-proof Screening:**

Screening regulations shall be in accordance with the base zoning.

**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. Healthy, mature trees shall be preserved to the extent possible. At least one medium tree shall be planted and/or maintained for every 25 feet, or fraction thereof, along the NW 9th Street frontage.

**8. Signs:**

**8.1 Freestanding Accessory Signs:**

Freestanding Accessory signs shall be in accordance with the base zoning district.

**8.2 Attached Signs:**

Attached signs shall be in accordance with the base zoning district.

**8.3 Non-Accessory Signs:**

Non-Accessory signs will be prohibited within this SPUD.

**8.4 Electronic Message Display Signs:**

Electronic Message Display signs shall be prohibited within this SPUD.

**9. Access:**

Access to the site shall be from a maximum of two (2) drives off of 9<sup>th</sup> Street, one (1) drive off of NW 10<sup>th</sup> Street and two (2) drives off of Kentucky Ave.

**10. Parking Regulations:**

The parking regulations shall conform with Section 59, Article X of the Oklahoma City Municipal Code, 2020.

Parking shall not be permitted between the existing structure on N. Kentucky Ave. and NW 10<sup>th</sup> St.

**11. Sidewalk Regulations:**

Five (5) foot sidewalks shall be constructed on the arterial street with each development parcel, or six (6) foot sidewalks shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department. Four (4) foot sidewalks shall be constructed on the interior streets prior to any occupancy certificates being issued.

**I. Other Development Regulations:**

**1. Architecture:**

Existing buildings shall be permitted to remain and shall be deemed in conformance with all applicable building requirements contained within this SPUD. In the event that any new structure is constructed, the following shall apply:

Exterior building wall finish on all structures, exclusive of windows and doors, shall consist of a minimum of 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:**

Open space requirements shall be in accordance with the base zoning district.

**3. Street Improvements:**

N/A.

**4. 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. Drainage:**

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

**6. Dumpsters:**

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

**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.

**II. 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) 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\***

**8. Utilities**

**a. Engineering**

**Paving**

**Wastewater Availability**

- 1) An existing 6”and 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. All wastewater mains must have a minimum cover of six (6) feet and a depth no greater than eighteen (18) feet.
- 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) Proposed wastewater main(s) must be located in a twenty (20) foot wide easement. No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement. All existing unused wastewater services must be abandoned at the wastewater main.

**b. Solid Waste Management**

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

**c. Water/Wastewater Quality**



**Water Availability**

- 1) An existing 12" 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) 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.
- 3) 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.
- 4) Dead-end water mains must be avoided where applicable. 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 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.
- 8) 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) System will be master metered and will be consider private.

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 46 multifamily dwelling units over the 2.28-acre site, or 20 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 subject site has one improved drive along NW 9<sup>th</sup> Street and no access points on NW 10<sup>th</sup> Street or N Kentucky Avenue. The SPUD Master Design Statement would allow access from all streets, although the conceptual design indicates the existing driveway would be the only one and used to access the parking on the south. Plan conformance would be strengthened by prohibiting driveways on NW 10<sup>th</sup> Street.*

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

*Sidewalks are present along all three street frontages but may need repair. The SPUD Master Design Statement calls requires five- or six-foot sidewalks along NW 10<sup>th</sup> Street and four-foot sidewalks on interior streets.*

- 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 uses, “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 a historic school building into apartments and add a second multifamily building. No triggers requiring mitigation were identified.*

- 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 has frontage along NW 10<sup>th</sup> Street, a Major Arterial Street, and N Kentucky Avenue and NW 9<sup>th</sup> Street, both Neighborhood Streets, in the Urban Medium LUTA. The nearest transit (bus) service is located along NW 10<sup>th</sup> Street, with stops across the boulevard to the north, and within two blocks to the east and west.
- 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)
- Encourage the adaptive reuse of underutilized structures and the revitalization of older, economically distressed neighborhoods. (SU-21)
- 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)
- Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- Protect the unique character of National Register-listed properties or districts and local Historic Districts and ensure that development and redevelopment is compatible with historic resources and character. (E-29)

**7) Other Considerations: Historic Resources**

The proposed SPUD is requested for the renovation of the Whittier School building into apartments. The building was listed in the National Register of Historic Places in June 2021. The preservation of the building is in conformance with the comprehensive plan and the City's adopted Historic Preservation Plan, preserveokc.

**b. Plan Conformance Considerations**

The subject site is located at the southwest corner of NW 10th Street and N Kentucky Avenue in the Metro Park neighborhood, a Strong Neighborhoods Initiative neighborhood. The site is zoned R-2 and is developed with a vacant school (Whittier School). The SPUD is requested to convert the existing structure into apartments and would allow a second apartment building. The SPUD prohibits the addition of parking between the existing building and NW 10<sup>th</sup> Street and requires the tree line to be extended along NW 9<sup>th</sup> Street. 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. Additionally, the preservation of the National-Register listed building is in conformance with the comprehensive plan and the City's adopted Historic Preservation Plan, preserveokc.

#### **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. No new driveways shall be permitted on NW 10<sup>th</sup> Street.

*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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