



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

Item No. IV. 24.

(SPUD-1454) Application by Home Ownership Made Easy, LLC., to rezone 1417 North Blackwelder Avenue from the R-2 Medium-Low Residential Districts to the SPUD-1454 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 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: 0.896 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-2	R-2 SPUD-1390	R-2	R-2	R-2
Land Use	Residential	Commercial	Duplex	Residential	Duplex

- 4. Development Context: Development Context:** The subject site is located on the west side of N Blackwelder Avenue and spans from NW 13th to NW 14th Street, in the Classen Ten Penn neighborhood. The site is developed with two homes that are proposed to be demolished. The site will “wrap” around three remaining homes that face N Blackwelder. The site abuts single family residential on the west. The subject site and all surrounding land are zoned R-2 except for SPUD-1390 across the street to the north, which was approved in March 2020 for three single-family homes on a reduced lot size and width. The Plaza District is two blocks north at NW 16th Street. The proposed SPUD is requested for a multifamily residential development.

II. SUMMARY OF PUD APPLICATION

This site will be developed in accordance with the regulation of **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 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:

- Community Recreation: Property Owners Association (8250.3)
- Multiple-Family Residential (8200.12)
- Senior Independent Living (8200.13)
- Single-Family Residential (8200.14)
- Three- and Four-Family Residential (8200.15)
- Two-Family Residential (8200.16)

2. Maximum Building Height:

Maximum height of any building within this SPUD shall be 3 stories or 50 feet.

3. Minimum Lot Size:

The minimum lot size within this SPUD shall be 5,000 SF.

4. Minimum Lot Width:

The minimum lot width within this SPUD shall be 40 feet.

5. Maximum Building Coverage:

The maximum building coverage within this SPUD shall be 75%.

6. Building Setback Lines:

North SPUD Boundary (NW 14th St.): 10 feet
East SPUD Boundary (N Blackwelder Ave.): 5 feet
South SPUD Boundary (NW 13th St.): 5 feet
West SPUD Boundary: 10 feet

5-foot setbacks shall be required along SPUD boundaries abutting existing single-family structures.

There shall be no internal setbacks except as required by building and fire codes.

7. Sight-proof Screening:

Sight-proof fencing shall be required along SPUD boundaries that abut residentially zoned property (south, east and west).

The existing fence west of the west SPUD boundary shall meet the screening requirements.

8. Landscaping:

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

A five foot landscape buffer with evergreen plantings on 20 foot centers shall be required along the east and south SPUD boundaries where adjacent to single family development.

9. Signs:

Signage shall be per the base zoning district regulations.

Freestanding signage shall not be permitted within this SPUD.

10. Vehicular Access:

The platted alley shall be improved should access be taken from it. Two drives shall be permitted via the platted alley.

One (1) drive shall be from NW 14th St. and one (1) drive shall be from NW 13th St. No drives shall be permitted from N Blackwelder Ave. The existing drives along N Blackwelder Ave. will be closed and curbed.

11. Sidewalks:

There are existing five-foot sidewalks along NW 14th St., N Blackwelder Ave. and NW 13th St. Should said sidewalks be damaged or removed during construction the developer shall be required to make the necessary repairs and/or replace if necessary.

II. OTHER DEVELOPMENT REGULATIONS:

1. Architecture:

Exterior building wall finish on all main structures (excluding the accessory structures), exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock, concrete board, stucco or stone masonry. No more than 30% EIFs, wood or architectural metal shall be permitted. Architectural regulations do not apply to accessory structures.

2. Open Space:

There shall be a minimum of 15% open space required for this SPUD.

3. Street Improvements:

N/A

4. Platting:

Platting shall not be required for this property.

5. Other:

5.1 Lighting:

To minimize light spillover on residential uses, outdoor lights within this SPUD will be directed away from any adjacent residential properties. To accomplish this, lights shall utilize shields, shades or other appropriate methods of directing light beams.

The design site lighting in this PUD shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

Ground level lighting shall be included as part of this development to enhance the pedestrian experience. This may be done through various methods and outlined during the building permit stage.

5.2 Dumpsters:

Dumpsters shall be consolidated where practical and located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets.

5.3 Parking:

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

The residential parking ratio for this SPUD shall be 1 space per unit.

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 PUD shall be provided with the building permit application.

Any parking approved through the Oklahoma City Traffic Commission in conjunction with this project may count toward the required parking of this SPUD.

Pervious paving may be used for parking areas, driveways, pathways and plazas subject to Public Works Review and approval. Where connected to public rights-of-way that access drive apron will be constructed of hard surface paving meeting City code for driveway construction. A hard surface border is required around the perimeter of pervious paving areas. Maintenance of the pervious paving is required, and a maintenance plan must be provided when construction documents are submitted for permitting.

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) 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.
- 11) Add Section II.5.5 Drainage
All drainage design for this development shall be in accordance with the applicable requirements of chapter 16 of the Oklahoma City Municipal Code that are in effect at the time the plans are submitted for review.

c. Stormwater Quality Management

d. Traffic Management

- 1) Parking – Proposed on street parallel parking must meet separation requirements set forth in section 32-304 of Oklahoma City Municipal Code, 2020, as amended. 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.

8. Utilities

a. Engineering

Paving

Wastewater 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) 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.
- 4) System will be considered private.

b. Solid Waste Management

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

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) 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 foot of a hard surface (i.e. sidewalk, street, and/or paving).
- 9) System will be master metered and considered 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 multifamily residential development along N Blackwelder Ave between NW 13th Street and NW 14th Street. The Master Design Statement does not vary the R-4 District requirements, but the conceptual plan has been revised since first submitted to illustrate 63 dwelling units in five buildings. The density shown (70 du/acre) is more than double what the base R-4 District would allow on a 0.9-acre site (31 multifamily units) and would not be achievable without amending the development standards in the SPUD. The Urban Medium LUTA calls for a density range up to 40 du/acre, or 35 dwelling units.

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 SPUD limits driveways to one on NW 13th Street and one on NW 14th Street. No driveways will be permitted on N Blackwelder, and existing driveways will be closed and curbed, in conformance with the comprehensive plan.

Pedestrian Connectivity:

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

Sidewalks are present along all three street frontages and will be repaired or replaced 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 residential uses adjacent to existing low or medium intensity residential, “Building Scale and Site Design”, and “Traffic” 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 lot coverage proposed is 75 feet, with 15 percent open space required. The site plan has been revised since first submitted to increase density and remove amenity areas. The proposed 5-foot setback on NW 13th Street is intended to align with the side yard setback of the home at the corner. The setbacks proposed on NW 14th Street are likely shallower than the homes to the west, but 10 feet is consistent with the setback approved in SPUD-1390 to the north. The SPUD proposes a 5-foot setback along N Blackwelder. The SPUD to the north was approved with a 10-foot setback. Additionally, the requested building height of 3 stories and 50 feet trigger potential building height compatibility issues within 5 feet of single-family lots. The revised conceptual plan illustrates a 3-story 12-plex stretching over 100 feet along the backyards of the three homes facing N Blackwelder. The existing and surrounding zoning districts limit height to 35 feet and 2½ stories.

Plan conformance would be strengthened by reducing the building height and/or bulk of the buildings, increasing open space, and ensuring setbacks are consistent with adjacent development. It was unclear at the time of review what the appearance of the buildings, screening and landscaping would be from the streets.

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. *No triggers requiring mitigation were identified.*

- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served Area*
 - Fire Service: *Urban Response*
- 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:** The subject site has frontage along NW 13th and NW 14th Streets, both Neighborhood Streets, as well as N Blackwelder Ave, a Connector Street, within the Urban Medium LUTA. Transit (bus) service is available on NW 16th Street and NW 10th Street. Bus Rapid Transit is planned along N Classen Blvd.
- 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)

- 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)
- 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)

b. Plan Conformance Considerations

The subject site is located on the west side of N Blackwelder Ave between NW 13th and NW 14th Streets, in the Classen Ten Penn Neighborhood. The SPUD is requested for a new multifamily residential development. The proposal is consistent with comprehensive plan goals to provide a mixture of residential housing types and infill development in Urban Medium areas; however, building scale and site design issues are identified with a request for 3-story apartment buildings up to 50 feet tall placed within five feet of homes. It was unclear at the time of review what the appearance of the buildings, screening and landscaping would be from the streets.

The revised conceptual plan illustrates 63 multifamily units in five buildings, more than double what would be allowed in the base R-4 District. The Urban Medium LUTA supports a density range of 10-40 du/acre, or 8-36 dwelling units on the subject site. The SPUD commits to limiting access one driveway on NW 13th and NW 14th Street, improving the alley should access be taken from it, and prohibits access from a Connector Street, in conformance with the comprehensive plan. However, the site plan indicates on-street striped parking that cannot be approved in a zoning application. Plan conformance would be strengthened by reducing the building height and bulk of the buildings, increasing open space, and ensuring setbacks are consistent with adjacent development. A maximum density within the UM range should be stated 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(s):

1. The maximum building height shall be 35 feet and 2 stories.
2. The setback along N Blackwelder Ave shall be 10 feet.
3. All garages shall be set back at least 18 feet.
4. The maximum number of dwelling units shall be 36.

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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