



STAFF REPORT
The City of Oklahoma City
Planning Commission
January 12, 2023

Item No. IV. 24.

(SPUD-1480) Application by Omega Investments, LLC., to rezone 4108 Hemingway Drive from the R-1 Single Family Residential District to the SPUD-1480 Simplified Planned Unit Development District. Ward 2.

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 application was continued from the December 8, 2022 Planning Commission meeting to renote due to an enlargement of the subject site.

C. Reason for Request

This application is to permit a multifamily residential 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: 1.76 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	Surplus ROW	Residential	Residential	Residential	Residential

II. SUMMARY OF SPUD 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)
- Light Public Protection and Utility: Restricted (8250.13)
- Low Impact Institutional: Residential-Oriented (8200.5)
- 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 shall be 30 feet. Said height shall be measured per municipal standards.

3. Minimum Lot Size:

The minimum lot size within this SPUD shall be 1,250 SF.

4. Minimum Lot Width:

The minimum lot width within this SPUD shall be 20 feet.

5. Maximum Building Coverage:

The maximum building coverage within this SPUD shall be 65%.

6. Maximum Number of Buildings:

There shall be no maximum number of buildings on this site.

7. Building Setback Lines:

North SPUD Boundary:	5 feet
South SPUD Boundary:	15 feet
East SPUD Boundary:	5 feet
West SPUD Boundary:	5 feet

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

8. Sight-proof Screening:

No less than a six-foot and no greater than an eight-foot-high sight proof screen shall be required along SPUD boundaries adjacent to properties zoned for residential use. Said sight-proof screen may be constructed of stucco, brick, stone, wood, steel/iron and/or any combination thereof and shall be solid and opaque.

9. Landscaping:

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

In Addition, there shall be a minimum landscaping buffer of no less than 5 feet along the north and 3 feet along the south boundary lines of this SPUD if developed as multiple family residential.

10. Signs:

Signage shall be per the R-4, "General Residential" District regulations.

Decorative artwork and/or architectural structures shall be permitted in this SPUD, including, without limitation, upon or across public right-of-way with applications for review for such improvements submitted to the Arts Liaison in the Office of Arts & Cultural Affairs and subject to recommendation by the Oklahoma City Arts Commission and approval by the Public Works Department and require issuance of a permit. If located on upon or across public right-of-way shall also require approval by the Oklahoma City City Council.

Decorative artwork, architectural structures may include but are not limited to fountains, individual art pieces, clock towers, decorative entry structures, etc.

Decorative artwork/architectural structures shall not exceed twenty-five (25) feet in height, must have a minimum fourteen (14) feet clearance in height (for archways), and be located a minimum of twenty-five (25) feet from the curb of an

adjacent public street.

11. Vehicular Access:

One (1) driveway shall be permitted from Hemingway Dr., one (1) driveway shall be permitted from N Kentucky Ave. and one (1) driveway shall be permitted from N Indiana Ave.

12. Sidewalks:

Five-foot sidewalks shall be constructed on Hemingway Dr., N Kentucky Ave. and N Indiana Ave. or 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. All sidewalks shall be in place prior to any occupancy certificates being issued.

13. Parking:

The design and number of all parking facilities in this SPUD shall be in accordance with Section 59, Article X of the Oklahoma City Municipal Code, 2020, as amended.

This spud shall only be required one space per unit and said parking may be up to 75% compact spaces.

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:

N/A

3. Street Improvements:

N/A

4. Platting:

All land within this SPUD may be contained within a Final Plat or subdivided via administrative lot splits if minimum requirements are.

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

5. Other:

5.1 Lighting: To minimize light spillover on residential uses, outdoor lights within in 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.

5.2 Dumpsters: Dumpster shall be located where practical and in a manner to minimize the potential impact on any neighboring residential. Said dumpsters shall be screened by a masonry wall of sufficient height.

5.3 Common Areas: The western tract of this SPUD shall have a minimum common area/amenity area requirement of 15%.

Maintenance of all common areas, private drainage easements, and islands/medians shall be the responsibility of the property owner. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that may 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. 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

5.4 Density: This SPUD shall not exceed 36 dwelling units per acre.

5.5 Drainage: Drainage design for this development shall be in accordance with the applicable requirements of Chapter 16 of the Oklahoma City Municipal Code, as amended.

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.

a. Stormwater Quality Management

b. Traffic Management*

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) 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.

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability

- 1) 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.
- 2) Dead-end water mains must be avoided where applicable. All existing unnecessary water services must be abandoned at the water main.
- 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.

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 is requested to construct multiple multifamily buildings within surplus rights-of-way that are approximately 75 feet wide and run behind residential lots. The R-4 District allows up to 34 du/acre. The SPUD proposes 36 du/acre, or up to 63 dwelling units over the 1.76-acre parcels.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Protect existing traditional street grid and reconnect it where possible.

Access to the sites is only available from adjacent north-south residential streets.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

The SPUD requires sidewalks on residential streets.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating multifamily uses adjacent to existing low 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 SPUD limits building height to 30 feet and requires 5-foot (north) and 3-foot (south) landscape buffers. The R-4 District requires 40 percent open space, but the Master Design Statement indicates no Open Space or Common Area will be required.*

Instead, the SPUD establishes a maximum building coverage of 65 percent.

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. *Traffic to the proposed development will need to use residential streets for access. Driveways between N Kentucky Ave and Hemingway Ave would need to be one-way and approved through the building permit process.*

3) Service Efficiency:

- Water: *Served*
- Sewer: *Fully Served Area*
- Fire Service: *Urban Response*

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

5) Transportation System: The subject sites have frontage on Hemingway Dr, N Kentucky Ave and N Indiana Ave, all Neighborhood Streets within the Urban Medium LUTA. The nearest transit (bus) service is located along N Pennsylvania Ave with a stop within 100 feet of the western edge of the SPUD.

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)
- 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)
- Improve the functionality and efficiency of the street network by:
 - Providing direct connections from residential developments to nearby places and to each other.
 - Providing street and sidewalk stubs to adjacent vacant land in anticipation of future development.
 - Connecting new development to existing street and sidewalk stubs, and to existing trail, open space, and bicycle networks.
 - Reducing block sizes and use of dead-end streets.
 - Maintaining the existing street grid to preserve connectivity and mobility options. (C-11)

- Share parking between contiguous developments. (C-31)
- Encourage unified planning for all adjoining land owned or controlled by a project's developer to ensure proper circulation and land use relationships (SU-47)

b. Plan Conformance Considerations

The proposed SPUD is comprised of two noncontiguous sites generally located east of N Pennsylvania Ave between NW 40th and NW 41st Street. The SPUD is requested to construct multifamily residential buildings within surplus rights-of-way that are approximately 75 feet wide and located behind/between developed residential lots. The SPUD would allow up to 63 dwelling units (36 du/acre) between the two parcels.

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. However, the proposed development triggers potential compatibility issues related to building scale and traffic. Mitigation measures proposed in the SPUD include a maximum building height of 30 feet, screening, landscape buffers (5 feet on north, 3 feet on south), and a maximum 65 percent building coverage. Plan conformance would be strengthened by specifying a minimum amount of the site that will be used as open space/common area for residents.

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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