



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

**Item No. IV. 28.**

**(SPUD-1488) Application by NHG, LLC., to rezone 801 NW 64<sup>th</sup> Street from SPUD-1042 Simplified Planned Unit Development, PUD-1653 Planned Unit Development, and SPUD-1109 Simplified Planned Unit Development Districts to SPUD-1488 Simplified Planned Unit Development District. Ward 2.**

**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 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.

**Comprehensive Plan Land Use Typology Layer: Transit Oriented (TO)**

The TO layer encourages higher density development, higher levels of transportation system connectivity, and concentrations of housing and commercial activity around areas designated as mass transit stops. The intent is to create unique, mixed-use districts with housing and employment opportunities around the City’s future transit network. TO areas are characterized by a walkable environment, close proximity of buildings, and minimal land used for parking. These nodes of high intensity may be

located within lower-intensity areas. Construction at higher intensity maximizes efficiency of the current and future transit system and minimizes reliance on private automobiles. The TO layer is applied within 1/4 mile of a node identified on the Land Use Plan.

**2. Size of Site:** 4.67 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>	PUD-1653 SPUD-1042 SPUD-1109	I-2/R-1 PUD-1653	PUD-1653 I-2	R-1 I-1/I-2/O-2	I-2
<b>Land Use</b>	Undeveloped	Commercial	Ind/Whse	Whse/Off	Office

## **II. SUMMARY OF PUD APPLICATION**

1. This site will be developed in accordance with the regulation of the **R-4 General Residential District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

**All R-4 uses shall be permitted on this site.**

2. **Maximum Building Height:**

There shall be a maximum height of five (5) stories or eighty (80) feet within this SPUD.

3. **Maximum Building Size:**

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

4. **Maximum Number of Buildings:**

There shall be a maximum of one (1) building within this SPUD.

5. **Building Setback Lines**

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 will be prohibited.

**8.4 Electronic Message Display signs**

Electronic Message Display signs will be prohibited.

**9. Access:**

Access shall be taken from a maximum of one (1) drive off of NW 64<sup>th</sup> St. and a maximum of two (2) drives off of N. Shartel Ave.

**10. Sidewalks**

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.

**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, hardie board, lap, 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.

**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:**

Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and shall be placed no closer than 50 feet from all property lines adjacent to residential zoning district or use.

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 design and number of all parking facilities in this SPUD shall be in accordance with Chapter 59, Article X 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.

**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

Exhibit C: Rendering

### **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).
- 2) Line capacity is not guarantee and must be checked by the Engineer of Record and reviewed by the City.
- 3) The developer will be required to extend the City wastewater collection system to and across each lot or site within the subdivision in accordance with the City Standard Specifications and Private Development Design Manual.
- 4) Minimum ten (10) feet horizontal separation is required from water mains and five (5) feet for other utilities. Minimum two (2) feet vertical separation required for all crossings. All wastewater mains must have a minimum cover of four (4) feet and depth no greater than eighteen (18) feet. Developer is responsible for remediating any failure to maintain the minimum four (4) feet of cover.
- 5) Wastewater main(s) must be centrally located in a twenty (20) feet wide easement or larger if necessary. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.

- 6) All existing unused private wastewater service connections must be abandoned and capped at the main in accordance with City Standard Specifications and Private Development Design Manual.

**b. Solid Waste Management**

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

**c. Water/Wastewater Quality**

**Water Availability**

- 1) An existing 6" and 8" water main(s) is adjacent to the subject site(s).
- 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) Proposed and/or existing water mains must be located centrally within a twenty (20) feet wide or larger utility easement or right-of-way. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 5) Dead-end water mains must be avoided when possible. All existing unused water services must be capped and abandoned at the water main in accordance with the City Standard Specifications.
- 6) 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 or fire protection systems which require water pressure in excess of 25 psi. The developer is responsible for installing pressure reducers if necessary for protection of developer's service lines, plumbing, and fixtures.



All existing and/or proposed water meters must be located in the right-of-way and/or utility easement within grassy areas outside of sidewalks, driveways, streets, and paving.

- 7) All domestic and fire suppression services must have a separate water service connection. Fire hydrant spacing shall not exceed 500 feet and must be located within ten (10) of a hard surface (i.e., sidewalk, street, paving).
- 8) Supply capacity for development is not guarantee and will be reviewed at time of review of construction documents.

## **9. Planning**

### **a. Comprehensive Plan Considerations**

#### **1) LUTA Development Policies:**

##### Site Design:

- Maintain historical lot and block sizes where possible and appropriate. (UM)
- Utilize Best Management Practices (BMP) for stormwater. (UM)
- Structured parking may be appropriate to achieve desired intensity levels. (UM)
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest. (UM)
- Project design should accommodate easy travel by walking, biking, and transit to transit stops. (TO)
- Uses should minimize land area used for parking. (TO)
- Development should complement goal of a mixed-use “village” environment around major stops or stations to provide easy access to multiple destinations including jobs, shopping, entertainment and recreation. (TO)
- Incorporate shallow building setbacks and wide sidewalks to accommodate pedestrian activity. (TO)
- Developments should have direct pedestrian access on each block face that they occupy. (TO)
- Create and maintain small block sizes. (TO)

##### 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. Within Transit-Oriented areas the density range is 15 to 60 dwelling units per acre.

*National, state, and local permitting require basic best management practices for stormwater management. The SPUD is requested for a 5-story apartment building. Parking is provided in a parking garage. The conceptual plan indicates 308 units over the 4.6-acre site, or 66 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.
- 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 access on N Shartel Ave and NW 64<sup>th</sup> Street. The SPUD is associated with CE-1089 to close unimproved right-of-way in the center of the site.*

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

*Sidewalks will be required.*

- 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 intensity residential uses, “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. *Potential compatibility issues are identified with a 5-story parking garage or building abutting single-family residential on the north. The SPUD should offer mitigation on the north side such as lowering building height or specifying architectural regulations.*

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. *The subject site is located in an area where streets serve both residential and industrial uses.*

- 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:** This site is located off N Shartel Ave and NW 64<sup>th</sup> Street, both Neighborhood Streets within the Urban Medium and TO LUTAs. The nearest transit (bus) service is located to the west along N Western Ave.
- 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)
  - 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 subject site is located at the northwest corner of NW 64<sup>th</sup> Street and N Shartel Ave, which is one block east of N Classen Blvd and one block from NW

63rd Street. Land to the north is zoned R-1 and developed with homes. Land to the east, west and south is zoned for and developed with office and light industrial uses. The SPUD is requested to build a 5-story apartment building and parking garage. The proposal to increase density in the Urban Medium LUTA is in slightly over the UM and TO density ranges but is consistent with comprehensive plan goals to provide a mixture of residential housing types and infill development on vacant lots. The proposed development triggers potential compatibility issues related to building scale where 5-story buildings may abut single-family residential uses on the north. Plan conformance could be strengthened by providing mitigation such as, but not limited to, step-downs in building height, increased landscape buffers, and architectural detail on parking garages where adjacent to existing single-family uses.

#### **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. 20 percent Open Space shall be provided.
2. Reduce building height and/or establish architectural regulations for parking garages abutting single-family residential homes.
3. A 20-foot landscape buffer is required along the north side of the property where adjacent to the R-1 District.

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.

cl