



STAFF REPORT
The City of Oklahoma City
Planning Commission
March 9, 2023

Item No. IV. 20.

(SPUD-1498) Application by Omega Investments, LLC to rezone 1800 NW 40th Street from R-1 Single Family Residential District to SPUD-1498 Simplified Planned Unit Development District. Ward 2.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Klaas Reimann-Philipp
Company Philip Architect, PLLC
Phone 405-365-1500
Email klaas@philipparchitect.com

B. Case History

This application was continued from the February 23, 2023 meeting.

C. Reason for Request

This application is to permit a mixed use 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: 0.2 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	R-1	R-1	SPUD-1117	R-1
Land Use	Residential	Residential	Residential	Residential	Residential

II. SUMMARY OF SPUD APPLICATION

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

The following use(s) will be the only use(s) permitted on this site:

- (59-8200.14) Single Family Residential
- (59-8250.3) Community Recreation: Property Owners Association

2. **Maximum Building Height:** 2 ½ Stories or 35' building height
3. **Maximum Building Size:** Determined by setbacks, building height, and lot coverage.
4. **Maximum Number of Buildings:** Up to four (4) buildings/SPUD area

5. **Building Setback Lines**

- Front Yard: 25'
- Rear Yard: 0' - adjacent to 20' rear alley
- Side Yard: 5' - between SPUD area and adjacent lots
0' – between internally divided parcels
- Corner Side Yard: 8' (property line along N Indiana Ave.)
Note: there is an 8' easement proposed along N Indiana Ave. to match an existing easement located on the property directly south of the subject parcel.

6. **Minimum Lot Size:** 1,120 square feet
7. **Minimum Lot Width:** 2.5' (for utilities) Note:
Note: Ideally an easement could allow for sewer access, and a water line extension in the proposed 8' wide city easement would allow for utility access in lieu of lot panhandles.
8. **Density:** 4 DU/SPUD Area
9. **Minimum Distance Between Buildings:** 5'
10. **Sight-proof Screening:** Fences to conform with section 59-12200.3B of the Oklahoma City Municipal Code, 2020, as amended.

- 11. Landscaping:** The subject parcel shall meet all requirements of the Oklahoma City Municipal Code, 2020, as amended.
- 12. Signs:** The subject parcel shall meet all requirements of the Oklahoma City Municipal Code, 2020, as amended
- 13. Access:** The subject parcel may take access from N Indiana Ave. or NW 40th St.
- 14. Sidewalks:** Sidewalks shall be provided where none exist along N Indiana Ave. and NW 40th St.

II. Other Development Regulations:

- 1. Open Space:** 25% of SPUD area shall remain open space with open space defined as any space that isn't building footprint or used for parking as defined in section 59-10250.8B (1) of the Oklahoma City Municipal Code, 2020, as amended.
- 2. Parking:** The subject parcel shall meet the requirements of the Oklahoma City Municipal Code, 2020, as amended, with the exception that a minimum one off-street parking space be provided per dwelling unit and that garages shall count toward meeting the minimum parking requirements, provided each parking space in a garage or off-street shall be a minimum of 8½ feet wide by 18 feet deep.

III. Supporting Documents

Exhibit A: Legal Description
Exhibit B: Conceptual Site
Exhibit C: Lots and Setbacks

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) 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.
- 4) 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.
- 5) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 6) 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.
- 7) 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.
- 8) All private roads /streets will have private storm sewer systems.
- 9) 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 8" wastewater main(s) is located adjacent to the subject site(s).
- 2) An existing 8" wastewater main(s) is within the required distance to the subject site and will be required to be extended to the furthest property line for any proposed development.
- 3) Line capacity is not guarantee and must be checked by the Engineer of Record and reviewed by the City.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) Lot lines cutting off the south house will have no backyard and no set back. Assuming lines are lot lines and not easements. You have to be adjacent to utilities. Extension of mains are required.

b. Solid Waste Management

- 1) The City can provide service, providing there is sufficient space for the truck to maneuver to service the addition.
- 2) The carts must be placed at the curb on N Indiana Ave. and will not be collected from the alley.

a. Water/Wastewater Quality

Water Availability

- 1) An existing 6" water main(s) is located adjacent to the subject site(s).
- 2) Minimum ten (10) feet horizontal separation required from wastewater mains and five (5) feet for other utilities. Minimum two (2) foot vertical separation required for all utility crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 3) 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.
- 4) 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.
- 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 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.
- 6) 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) Extension of main required.

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.
- Structured parking may be appropriate to achieve desired intensity levels.

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.

The proposal does not maintain the historical lot sizes of the Putnam Heights subdivision. Instead, it splits one corner lot into four new lots with three homes facing east, and one home maintaining the traditional orientation and front setbacks along NW 40th Street. National, state, and local permitting require basic best management practices for stormwater management. Four dwelling units over the 8,500 square foot site would be 21 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.

A 20-foot platted alley runs along the southern boundary of the application site. The alley is not paved and no plans to close it are proposed. Access from an existing driveway is proposed for the lot facing NW 40th Street. Three new driveways are proposed within the 170 feet of frontage along Indiana Ave for a total of six along the west side, including those installed with the project to the south. Indiana Ave is only 25 feet wide at this location.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

The Master Design Statement requires sidewalks along NW 40th Street and N Indiana Avenue. However, the number of driveways, shallow setbacks and limited right-of-way along N Indiana Ave create an interrupted pedestrian network. Garages should be set back at least 18 feet.

- 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 residential uses adjacent to existing Low Intensity Residential, “Building Scale and Site Design” is a potential compatibility issue 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 proposes splitting one corner parcel into four single-family residential lots. The proposed regulations are similar to those approved in SPUD-1177 to the south, which is now developed with three new homes. Lot coverage dramatically exceeds the surrounding R-1 District for both projects. One home will face NW 40th Street and maintain a 25' setback, consistent with adjacent development. Three of the homes would face east and take access from N Indiana Avenue, a local street with only 25 feet of right-of-way. The comprehensive plan lists potential measures to mitigate issues of compatibility which include providing gradual transition between smaller and larger residential lots; adjusting yards, landscaping, and building setbacks to reflect patterns in adjacent, lower-intensity residential areas; and/or varying massing. The SPUD proposes 25% open space as mitigation. The proposed building height is the same as currently allowed in the R-1 District.*

- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Service Level*
- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the site.
- 5) **Transportation System:** This site is located at the southwest corner of NW 40th Street and N Indiana Avenue, both Neighborhood Streets in the Urban Medium LUTA. The nearest transit (bus) service is located within ¼-mile, to the west, on N Pennsylvania Avenue and within one-half mile, to the east, on N Classen Boulevard
- 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)
 - Require sidewalks on both sides of all streets in urban LUTAs. (C-7)

- Maintain existing alleys or construct new alleys where feasible to provide trash collection service and parking behind primary buildings and minimize curb cuts along the primary street frontage. (C-8)
- 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)
- 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 8,500-square-foot subject site is located at the southwest corner of NW 40th Street and N Indiana Avenue, two blocks east of N Pennsylvania Ave. The site is currently developed with a single-family home facing NW 40th Street and a garage on the southern portion of the site, fronting N Indiana Avenue. A church is located to the north of the property, across NW 40th Street. The lot adjacent on the west is vacant. Single-family homes line NW 40th Street to the east and west.

This SPUD requests regulations similar to SPUD-1177 on the south, which was approved in 2020 and has been developed with three homes, one facing NW 39th Street and two facing N Indiana Avenue. However, the new SPUD is requested to split the corner lot into four new lots, with three homes facing east, and one home maintaining the traditional orientation and front setbacks along NW 40th 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, but concerns related to the massing along N Indiana are identified on a street with only 25 feet of right-of-way. The SPUD proposes reduced setbacks along Indiana while incorporating a planned 8-foot easement into the site design. Setbacks and lot width have been adjusted to allow 5-foot panhandles along the west side of the SPUD for private sewer lines, which would be the rear yard for the three homes proposed to face Indiana Ave. It was unclear at the time of review how this area would be fenced/protected and not treated as a yard. Plan conformance could be strengthened by addressing the massing/bulk which could include smaller or fewer buildings and larger yards, and specifying techniques that address pedestrian safety, such as limiting the number and/or width of driveways and increasing setbacks for garages.

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 Evaluations:

- 1) Garages shall be setback at least 18 feet.
- 2) Specify a maximum driveway width.
- 3) The number of lots shall be limited to three.

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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