



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

**Item No. IV. 18.**

**(SPUD-1503) Application by Luther Norvell Viney, Jr to rezone 1821 NE 26th Street from R-1 Single Family Residential and HNO Healthy Neighborhoods Overlay Districts to HNO Healthy Neighborhoods Overlay and SPUD-1503 Simplified Planned Unit Development Districts. Ward 7.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant/Developer Representative**

Name        Toris Louie  
Company    Kings Consulting LLC  
Phone       405-237-5857  
Email        kingsconsultingllc@gmail.com

**B. Case History**

This is a new application.

**C. Reason for Request**

This application is to permit a multi-family residential use and 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: 1.62 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-1	R-1	R-1	R-1	R-1
<b>Land Use</b>	Undeveloped	Residential	Residential	Residential	Residential

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

This site will be developed in accordance with the regulations of **R-4 General Residential District** (OKC Zoning Ordinance, 2010), except as modified herein.

### **1. The following uses shall be the only uses permitted on this site:**

- (8250.3) Community Recreation: Property Owners Association
- (8250.13) Light Public Protection & Utility: Restricted.
- (8200.5) Low Impact Institutional: Residential-Oriented
- (8200.12) Multi-Family Residential (To permit townhomes)
- (8250.14) Single-Family Residential (To permit townhomes)
- (8200.16) Two-Family Residential

All structures on site shall be deemed to conform to any requirements contained within this spud. In the event of a new structure, there shall be no maximum number of buildings permitted within this SPUD except as limited by building and fire codes.

### **2. Maximum Building Height:**

The maximum building height within this SPUD shall be 35 feet per City ordinance.

### **3. Maximum Building Size:**

There shall be no maximum building size within this SPUD.

### **4. Building Setback Lines**

North: 10'-0"

East: 5'-0"

West: 5'-0"

South: 0'-0"

### **5. LOT SPLITS**

This SPUD shall permit the issuance of three (3) lot splits to create a total of four (4) lots without the need to plat.

#### **6.1 Lot Size**

N/A

#### **6.2 Lot Coverage**

Maximum lot coverage shall maintain city ordinance for lot coverage. Within this SPUD it shall not exceed 70%.

**6.3 Density**

There shall be permitted up to 32 dwelling units within this SPUD.

**6. Landscaping**

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development, except as modified herein.

**7. Signs**

Per R-4 Regulations.

**8. Access**

Access shall be taken from NE 26th St.

**9. Sidewalk Regulations**

Sidewalks shall be constructed along 26<sup>th</sup> street subject to all necessary approvals.

**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, dryvit rock, stone, stucco, or wood, or other similar type finish approved by the Planning Director of the City of Oklahoma City. No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

All structures within this SPUD shall have laminate Class C fire rated shingles or better.

**2. Open Space:**

Per attached Site Plan.

**3. Street Improvements:**

N/A.

**Other:**

**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, 2010, as amended.

**5. Dumpsters:**

Any dumpsters within this SPUD shall be in accordance with Chapter 59, Article XII, Section 59-12200 of the Oklahoma City Municipal Code, 2020, as amended, except that setbacks shall not be required.

**6. Common Areas:**

Maintenance of the Common Areas in the development shall be the responsibility of the property owner or Property Owner's 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.

**III. Supporting Documents:**

**Exhibit A:** Legal Description

**Exhibit B:** 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) Section II Add the following statement: Drainage: The development will be in comply with chapter 16 of the Oklahoma City Municipal Code, 2020, as amended." This should be added as a TE or a revised Spud submitted before the PC Meeting.
- 12) Add to section I. 10: Sidewalks within this SPUD will be in accordance with the City of Oklahoma City Municipal Code requirements.

**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) Wastewater main extension is required. Internal system will be private.

**b. Solid Waste Management**

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

**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) Supply capacity for development is not guarantee and will be reviewed at time of review of construction documents.
- 9) Lot will be master metered. Internal system will be private.

**9. Planning**



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 allow 32 one-bedroom units, grouped in pairs of two attached units. The proposed 32 units over 1.62 acres would be a density of 20 du/acre, within the UM LUTA density range.*

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.
- Primary entrance points should be aligned with access points immediately across the street.

*The subject site currently has one improved curb cut along NE 26<sup>th</sup> Street. The SPUD Master Design Statement calls for access from NE 26<sup>th</sup> Street but does not clarify how many drives would be accessed. The conceptual plan for the proposal shows one access point along NE 26<sup>th</sup> Street.*

Pedestrian Connectivity:

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

*Sidewalks are currently available along NE 26<sup>th</sup> Street and required by the SPUD Master Design Statement.*

- 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, “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 street frontage and lot coverage will vary from the adjacent residential uses. Lot coverage is limited to 70%. Height is limited to 35 feet. The SPUD requests shallower setbacks including no setback along NE 26th Street. The conceptual plan indicates this would be in order to place buildings along the perimeter of the site and facing the street, and parking on the interior.*

- 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 is located off NE 26<sup>th</sup> Street, a Neighborhood Street in the Urban Medium LUTA. The nearest transit (bus) service is located less than a mile to the east along N Martin Luther King Avenue or to the south along NE 23<sup>rd</sup> Street.
- 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)
  - 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)
- 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)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizeable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)

**b. Plan Conformance Considerations**

The subject site is located on the north side of NE 26<sup>th</sup> Street, west of N Missouri Avenue, in an area generally located north of NE 23<sup>rd</sup> Street and west of N Martin Luther King Avenue. The site is undeveloped and zoned R-1. All surrounding land is zoned R-1. Adjacent on the north are multiple buildings associated with a church. Land east of the site is developed with single-family residential. South of the site, across NE 26<sup>th</sup> Street, are a mix of single-family residences and undeveloped lots. Land west of the subject site is developed with an American Legion building. The subject site is within the Healthy Neighborhoods Overlay which would remain unchanged by the rezoning.

The SPUD is requested to build 32 dwelling units, grouped in pairs of two attached units, on an undeveloped parcel. 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.

**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. The number of driveways on NE 26<sup>th</sup> Street shall be limited to two.
2. Section II Add the following statement: “Drainage: The development will be in comply with chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.”
3. Add to section I. 10: Sidewalks within this SPUD will be in accordance with the City of Oklahoma City Municipal Code requirements.

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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