



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

**Item No. IV. 13.**

**(SPUD-1502) Application by Oklahoma City Urban Renewal Authority to rezone 1619 NE 9th Street from C-3 Community Commercial District to SPUD-1502 Simplified Planned Unit Development District. Ward 7.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant/Developer Representative**

Name        Thorne Stallings  
Phone       405-443-6638  
Email        tstallings3@msn.com

**B. Case History**

This is a new application.

**C. Reason for Request**

This application is to permit a 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: 0.13 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>	C-3	C-3	C-3	C-3	R-1
<b>Land Use</b>	Undeveloped	Residential	Undeveloped	Commercial	Residential

## **II. SUMMARY OF SPUD APPLICATION**

1. This SPUD shall consist of Tract 1 as described on Exhibit A as depicted on Exhibit B, attached hereto. This SPUD will be developed in accordance with the regulations of R-1 Single Family Residential District (OKC Zoning Ordinance, 2010), except as modified herein.
2. The following uses shall be the only uses permitted on this site:  
8200.14: Single-Family Residential
3. Maximum Building Height: 35 feet
4. Maximum Building Size: 2,500 sq/ft
5. Maximum Number of Buildings: Maximum of two (2) permitted within this SPUD, with one (1) per divided lot. Does not include accessory structures.
6. Building Setback Lines:  
South: 25 feet.  
East: 5 feet.  
North: 5 feet.  
West: 5 feet.  
Setback between internally divided parcels: 0 feet.  
Porches may encroach into setbacks.
7. Sight-proof Screening: Sight-proof fencing is not required.
8. Landscaping: The subject SPUD shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.
9. Signs: Signage will not be permitted for this parcel.
10. Access: Two driveways shall be permitted from Kelham Ave. One driveway shall be permitted to be constructed within the platted alley with approval of Public Works via a revocable permit.
11. Sidewalks: There are existing sidewalks along NE 8th Street and Kelham Ave. Should the existing sidewalk be damaged or removed during construction, the developer shall be required to repair/reinstall said sidewalk.

## **II. Other Development Regulations**

1. Architecture: Exterior building wall finish on all main structures (excluding any accessory structures), exclusive of windows and doors, shall consist of a minimum of 70% brick veneer, rock, concrete board, stucco, or stone masonry. Wood or architectural metal shall be permitted.
2. Open Space: N/A
3. Street Improvements: The developer shall be required to improve the northern alley to the extent shown on the attached site plan labeled Exhibit B
4. Site Lighting: N/A
5. Dumpsters: N/A
6. Parking: The subject parcel shall meet the requirements of the Oklahoma City Municipal Code, 2020, as amended, with the exception that garages shall count toward meeting the minimum parking requirements, provided each parking space in a garage shall be a minimum of 8.5 feet wide by 18 feet deep.

## **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) Section II.7: **DRAINAGE** "The proposed development will comply with chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.
- 12) Sidewalks within this SPUD shall be in compliance 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) 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 can provide service, providing there is sufficient space for the truck to maneuver to service the addition.

**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. 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 allow two single-family residences on a corner lot. The proposed 2 units over 0.13 acres would be a density of 15 du/acre. The site is nearing completion of construction.*

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 site currently has no improved access points. The SPUD proposes two new drives along N Kelham Avenue. Conceptual plans show one from the street and one from the platted alley adjacent on the north.*

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

*Sidewalks are currently available on the subject site.*

- 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” 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. *No triggers requiring mitigation were identified.*

- 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 at the northwest corner of NE 9<sup>th</sup> Street and N Kelham Avenue, both Neighborhood Streets 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 4<sup>th</sup> Street. Access to the City trail system is available to the south along NE 4<sup>th</sup> Street at the Katy Trail.
- 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)
  - 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 on the northwest corner NE 9<sup>th</sup> Street and N Kelham Avenue, generally north of NE 8<sup>th</sup> Street and west of N Martin Luther King Avenue.

The site is zoned C-3 currently being developed with two residential structures. The surrounding area is a mix of R-2 and C-3 zoning with primarily residential uses and numerous undeveloped lots. Adjacent on the north are single-family residences. Land east of the site, across N Kelham Avenue, is undeveloped and zoned C-3. South of the site, across NE 9<sup>th</sup> Street, is C-3 zoned daycare. The lot adjacent on the west would remain zoned C-3, but everything westward is zoned R-2 and developed with homes.

The SPUD is requested to allow two single-family residences on a corner lot. 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.

#### **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.** Add Section II.7: DRAINAGE “The proposed development will comply with chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.
- 2.** Sidewalks within this SPUD shall be in compliance 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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