



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

Item No. IV. 14.

(SPUD-1497) Application by Robert Holsey to rezone 140 NE 14th Street from R-3 Medium Density Residential District and DSHA Downtown Scenic Highway Area to SPUD-1463 Simplified Planned Unit Development District and DSHA Downtown Scenic Highway Area. Ward 7.

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 February 23, 2023 meeting.

C. Reason for Request

This application is to permit a single-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.

2. Size of Site: 0.34 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-3/DSHA	R-2/DSHA	R-1	R-3 /O-2	ROW
Land Use	Undeveloped	Residential	Multifamily Residential	Parking lot / Office	I-235

II. SUMMARY OF SPUD APPLICATION

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

1. Uses Permitted

The Use and Development regulations of the R-1, “Single-Family 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)
- Low Impact Institutional: Residential-Oriented (8200.5)
- Murals (8250.16)
- Single-Family Residential (8200.14)

2. Maximum Building Height:

Maximum height of any building shall be 35 feet.

3. Minimum Lot Size:

The minimum lot size within this SPUD shall be 1,900 SF.

4. Minimum Lot Width:

The minimum lot width within this SPUD shall be 25 feet.

5. Maximum Building Coverage:

The maximum lot coverage within this SPUD shall be 80%.

6. Building Setback Lines:

Front Yard: 15 feet
Side Yard: None
Rear Yard: 10 feet

Setbacks between internally divided parcel shall be zero (0) feet, except as required by building and fire codes.

7. Sight-proof Screening:

Sight-proof screening shall not be required for this SPUD.

8. Landscaping:

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

A decorative 6' entry wall may be constructed in the front yards of these homes in an effort to create a semiprivate courtyard style entrance. Said wall shall be permitted four feet of opaque material (columns up to six feet) with decorative wood or metal on top for an additional two feet. The provided details in Ex. C shall be permitted within this SPUD.

In addition to the landscaping requirements per the City of Oklahoma City Ordinance, a minimum of a four-foot-wide landscape buffer (excluding pathways) shall be required on the exterior side of the entry walls with various types of plantings and ground cover.

9. Signs:

Signage shall be per the base zoning.

10. Vehicular Access:

One (1) driveway shall be permitted from Walnut Ave. Shared access via adjacent tracts may occur with recorded cross access agreements.

11. Sidewalks:

Five-foot sidewalks shall be constructed on NE 14th St. and Walnut 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.

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 subdivided via administrative lot splits with private access easements.

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

5. Drainage:

Development of this parcel will comply with Chapter 16 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 Section 59, Article X of the Oklahoma City Municipal Code, 2020, as amended.

7. Other:

7.1 Lighting: N/A

7.2 Dumpsters: N/A

7.3 Common Areas: Not Required

III. SUPPORTING DOCUMENTS

Exhibit A: Legal Description
Exhibit B: Master Development Plan
Exhibit C: Fence Details

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.

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).

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 for single-family residential development. Five dwelling units over the 0.34-acre site would be 14 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.

Access for all units is limited to one shared drive that will be used to access parking (garages) located behind homes facing NE 14th Street.

Pedestrian Connectivity:

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

Sidewalks are required along both street frontages where not already installed.

- 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 residential uses, “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 requests a minimum lot size of 1,900 square feet and a minimum lot width of 25 feet in order to construct five new homes. Conceptual plans show homes oriented north to NE 14th Street with all parking behind the homes. The SPUD also requests six-foot walls in front yards to create semiprivate courtyard style entrances from NE 14th Street. The SPUD has been modified since submitted to provide additional details regarding the courtyard walls. The SPUD requests up to 80 percent lot coverage. The base R-1 District would limit lot coverage to 50 percent, but the site’s existing R-3 zoning allows up to 100 percent. The SPUD requests reduced front and corner side setbacks. Due to the wide rights-of-way of both streets, no issues were identified. No compatibility issues regarding building height were identified.*

3) Service Efficiency:

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

4) Environmentally Sensitive Areas: The following apply to the proposed development site:

- Riparian areas: N/A
- Upland Forest: 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 has frontage along NE 14th Street and N Walnut Avenue, both Neighborhood Streets. Bus transit is available to the south along NE 13th Street and to the east along Lincoln Blvd.
- 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)
 - 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)

7) **Other Considerations: Innovation District**

The subject site is within the Land Use Plan for the Innovation District and Capitol Environs, which was adopted as an amendment to the comprehensive plan on November 18, 2021. The subject site is within the Neighborhood Typology. The Plan states, "Neighborhood areas should be the lowest density, with primarily historic and existing single-family detached homes and "house scale" multifamily such as duplexes and fourplexes. Existing neighborhoods could be identified with opportunities to infill. Parcels are typically deep with narrow street frontages. Setbacks and front yards vary. This development type should have the lowest pedestrian and vehicular activity due to its predominance of less intense residential uses and limited amount of office, retail and dining."

b. Plan Conformance Considerations

The subject site is located on the south side of NE 14th Street, west of N Walnut Avenue. Northeast 14th Street is a cul-de-sac street that terminates on the west at the I-235 right-of-way. Abutting on the south is parking for the Walcourt Building, located on NE 13th Street. Across the street to the north are residences zoned R-2. Across N Walnut Street to the east is an apartment building within the Classen North Highland Parked neighborhood. The subject site and some abutting land are within the Downtown Scenic Highway Area (DSHA) which prohibits new billboards. The rezoning would not affect the DSHA. The general area is also within the Innovation District and assigned the Neighborhood Typology in the Land Use Plan, as noted above.

The subject site is undeveloped and zoned R-3, which allows single- through four-family attached residential development. The site does not appear to have been platted. The SPUD requests a modified R-1 base district with reduced lot sizes and lot widths in order to construct up to five new single family detached homes. All homes will be accessed from one shared drive off Walnut Ave, with no driveways on NE 14th Street. The SPUD also states “a decorative 6’ entry wall may be constructed in the front yards of these homes in an effort to create a semiprivate courtyard style entrance.” The Zoning Code currently allows front yard fences provided they are a “decorative-type open fence that does not exceed four feet in height. Only chain-link, decorative ornamental metal, picket and split rail fencing shall be permitted.” The SPUD has been modified since submitted to provide additional details regarding the proposed courtyard entry walls.

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.

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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