



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**July 27, 2023**

**Item No. IV. 20.**

**(SPUD-1540) Application by SFR WR, LLC, to rezone 4330 N Francis Avenue from R-4 General Residential District to SPUD-1540 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 P.C.  
Phone 405-232-0080  
Email dmbox@wbfbllaw.com

**B. Case History**

This application was continued from the July 13, 2023 meeting.

**C. Reason for Request**

The purpose of this application is to allow multifamily residential, townhome, and/or live/work uses 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: 0.24 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-4	R-1	R-4	HP	PUD-114
<b>Land Use</b>	Residential	Residential	Residential	Residential	Parking

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### II. SUMMARY OF SPUD 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:

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

8250.3	Community Recreation: Property Owners Association
8250.13	Light Public Protection and Utility: Restricted
8200.4	Live/Work Units
8200.5	Low Impact Institutional: Residential-Oriented
8200.12	Multiple-Family Residential
8200.14	Single-Family Residential
8200.15	Three – and Four- Family Residential
8200.16	Two-Family Residential

2. **Maximum Building Height:**

The maximum building height within this SPUD shall be 35 feet. Buildings shall be a maximum of 25 feet if within 20 feet of the abutting HP district.

3. **Maximum Building Size:**

There shall be a maximum of 5,500 livable square feet per building. There shall be one (1) dwelling unit per 950 sq. ft.

There shall be a maximum of nine (9) units.

4. **Maximum Number of Buildings:**

There shall be two (2) buildings within this SPUD.

5. **Minimum Lot Width**

The minimum lot width shall be 75 feet.

6. **Building Setback Lines**

West: 5 feet

East: 3 feet

South: 5 feet

North: 20 feet

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### **7. Sight-proof Screening:**

No less than a six-foot and no greater than an eight-foot-high fence or wall shall be required along the South and East boundaries of the parcel where it is adjacent to any residential zoning or use. Said wall shall be constructed of brick, stone, wood, and/or any combination thereof and shall be solid and opaque.

### **8. Landscaping:**

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscape Ordinance in place at the time of development. The entirety of the East lot boundary shall be exempt from the 5-foot landscape buffer requirement. A minimum of (4) street trees shall be provided along the west border of the property along Francis Ave. A landscape buffer shall also be provided along the south border of the property.

### **9. Signs:**

Signs will not be permitted within this SPUD.

### **10. Access:**

Access will be via a one-way drive that will enter from NW 43rd Street and Exit onto North Francis Avenue. Minimum drive width will be 12'-0".

All portions of the driveway approach on NW 43rd Street and North Francis Avenue, connected to paved streets for which the grade has been established, must be permanently paved with hard-surfaced pavement. Permeable paving surfaces, such as unit pavers or recycled-plastic grid systems installed below grade, to reduce run-off and flooding, shall be allowed in the central shared drive of the site and shall not connect to the paved streets. A gravel drive shall not be permitted.

### **11. Sidewalks**

A minimum of four-foot sidewalks shall be constructed on local streets.

## **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, 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. Exposed metal or exposed concrete block buildings shall not be permitted.

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### **2. Open Space:**

There shall be a minimum of 20% open space within this SPUD.

### **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:**

Commercial dumpsters may be used within the development. 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 fifteen (15) feet from the south SPUD boundary.

Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

### **6. Parking:**

Parking shall be provided at a rate of two (2) parking space per dwelling unit. Garages shall count toward meeting the minimum parking requirements, provided each parking space in a garage shall be a minimum of 8-1/2 feet wide by 18 feet deep.

### **7. Maintenance:**

Owner shall provide for the perpetual maintenance of common open space, recreation areas, and sidewalks privately owned and serving the project. Amenities include but are not limited to: bicycle storage racks, wood shade pergola (open air), exterior seating including benches and picnic tables, and landscaped community areas.

### **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: Conceptual Site Plan

Exhibit C: Conceptual Rendering

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### **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**

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### **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.

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- 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 guaranteed 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 for up to 3 units on a single water meter. Any more than 3 units on the same meter will have to be serviced by a private hauler. A dumpster could be utilized provided there is not enough frontage space for cart placement.

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### a. Water/Wastewater Quality

#### Water Availability

- 1) An existing 8" 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 guaranteed and will be reviewed at time of review of construction documents.
- 9) Buildings will be master metered. Due to the configuration of the buildings, one meter per building can be achieved or can installed one meter for both buildings.



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If fire hydrants are required to be added WF plans need to be submitted to utility department for review and approval.

### 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.

*National, state, and local permitting require basic best management practices for stormwater management. The SPUD is requested for two multi-family buildings with a maximum of 9 units. The maximum allowable units under the existing R-4 District would be 8 units, provided all bulk regulations could be met. The proposed 9 units over 0.24 acres would be a density of 37.5 du/acre.*

###### Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.

*The SPUD proposes a one-way drive from NW 43<sup>rd</sup> Street that exits onto N Francis Avenue and bisects the two proposed buildings.*

###### Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

*Sidewalks are not available on the subject site but are required along both frontages by the SPUD.*

- ##### 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” 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

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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 where adjacent to the single-family residential in the abutting HP zoning to the south. The existing R-4 District requires a maximum height of 20 feet and 1 story when abutting or within 60 feet of the HP District. The SPUD proposes a maximum height of 25 feet within 20 feet of the HP District, and 35 feet beyond the 20-foot point. The SPUD proposes setbacks of 20 feet on the north, 3 feet on the east, and 5 feet on both the south and west. The R-4 District typically would require 5 feet on the east where adjacent to other R-4 zoning, and 15 feet on the south and along the corner side yard. Lot coverage will exceed the adjacent single-family residential lots. The R-4 District requires 40% open space, but the SPUD proposes an open space requirement of 20%. The multi-unit buildings are proposed along the east and west sides of the site, with a drive aisle in-between, instead of honoring the traditional orientation of homes as platted, facing NW 43<sup>rd</sup> Street.*

**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 southeast corner of N Francis Avenue and NW 43<sup>rd</sup> Street, both Neighborhood Streets in the Urban Medium LUTA. The nearest transit (bus) service is located less than a half-mile to the west along 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.

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- 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 subject site is located at the southeast corner of N Francis Avenue and NW 43<sup>rd</sup> Street, half a block east of N Western Avenue. North of the site, across NW 43<sup>rd</sup> Street, are single-family homes zoned R-1. Land abutting on the east is zoned R-4 and developed with single-family homes. The site abuts single-family residences within the Crown Heights Historic Preservation District on the south. West of the site, across N Francis Avenue, is developed with a parking lot that serves the Will Rogers Theatre and other businesses along N Western Avenue.

The subject site is zoned R-4. The SPUD is requested in order to build 9 multi-family units within two buildings on a 0.24-acre site within the Douglas Edgemere Neighborhood. 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, however the proposed development triggers compatibility issues where adjacent to the single-family residential homes and adjacent to the abutting HP District to the south.

Proposed variations to the existing R-4 bulk regulations are:

- Density: The SPUD proposes one dwelling unit per 950 square feet (1 du/950 sf), compared to 1 du/1,250 sf in the R-4 District (and 1 du/5,000 sf for single-family, 1 du/2,500 sf for duplexes)
- Minimum Lot Width: The SPUD proposes a minimum lot width of 75 feet. The R-4 District requires a minimum lot width of 100 feet for “other” uses besides single- and two-family residential. The site does have over 100 feet of frontage along N Francis Ave.
- Building Height: The SPUD proposes a maximum building height of 25 feet if within 20 feet of the abutting HP district, otherwise 35 feet, compared to the R-4 requirement that building height be limited to 20 feet and one story within 60 feet of the HP District, and then shall not exceed a 45-degree bulk plane between 60 and 75 feet.

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- Front Yard Setback: The SPUD proposes a 20-foot setback on the north, compared to a 25-foot traditional front yard setback in the R-4 District.
- Side Yard Setbacks: The SPUD proposes a 3-foot setback on the east, and a 5-foot setback on the west, which would be a corner side yard. The R-4 District requires a 5-foot setback on the interior side yard (east), and a 15-foot corner side yard setback (west).
- Rear Yard Setback: The SPUD proposes a rear yard (south) setback of 5 feet, compared to the R-4 rear yard requirement of 15 feet.
- Common Open Space: The SPUD proposes 20% open space compared to the R-4 District requirement of 40%.

Additionally, multi-unit buildings are proposed along the east and west sides of the site, with a drive aisle in-between, instead of honoring the traditional orientation of homes as platted, facing NW 43<sup>rd</sup> Street. Dumpsters would be allowed within 15 feet of the adjacent properties, instead of a minimum of 25 feet as required by Code. Plan conformance would be strengthened by specifying techniques to address street frontage, open space, and compatibility with adjacent homes.

## 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. Buildings shall be oriented toward and/or have front doors that face NW 43<sup>rd</sup> Street.
2. Parking shall not be allowed within setbacks.
3. The Master Design Statement shall specify techniques that address street frontage, open space, and compatibility with adjacent uses.

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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