



The City of Oklahoma City
Planning Commission
STAFF REPORT
May 27, 2021

(SPUD-1317) Application by Michael Shin, to rezone 1600 and 1604 NW 22nd Street from the R-1 Single Family Residential and Urban Conservation District to the SPUD-1317 Simplified Planned Unit Development District. Ward 2.

I. GENERAL INFORMATION

A. Contacts

Applicant/Developer Representative

Name David Box
Company Williams, Box, Forshee & Bullard PC
Phone 405-232-0080
Email dmbox@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

This application is to permit a multi-family 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: 0.32 acres

3. Zoning and Land Use

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

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- 4. Development Context:** The 14,000 square foot site is located at the southwest corner of NW 22nd Street and N McKinley Avenue. The site is developed with a single-family home and two duplexes. The site zoned R-1 and within the Gatewood Urban Conservation District (UCD). To the south and east of the site are single-family homes. To the north is a duplex and a single-family home and the Uptown 23rd commercial district. The area is developed with single-family homes, duplexes, quadplexes and prior SPUD zonings to allow townhomes on smaller lots or in groups.

The SPUD requests an R-4 base zone. It does not specify if/which Gatewood UCD regulations would be retained. The following variations are requested:

	<i>R-4 Standard</i>	<i>SPUD Proposed Standard</i>
Table 59-6200.2 Bulk Standards		
Density	1 du/1,250 sf (11 units)	1 du/1,183 sf (12 units)
Building Height (R-4)	Where abutting R-1 District or within 60 ft: 20 ft and 1 story	3 stories
Building Height Gatewood	35 feet	3 stories
Setbacks (R-4)	Front: 25 feet; Side: 10 feet; Corner Side: 15 feet; Rear: 15 feet	Front: 5 feet; Side: 10 feet; Corner Side: 10 feet; Rear: 5 feet
Setbacks Gatewood	Front: 25 feet; Side: 10 feet, Rear: 15 feet	
Building Orientation Gatewood	Buildings face shall face the front of the lot on a local street; gable or pitched roofs with at least a 10 degree pitch	None
Common Open Space	40%	None
Landscaping		
Gatewood	10 percent of the required parking area; shrubs or berms adjacent to street to screen parking	Per landscape code: Where parking lot is adjacent to a street: evergreen shrubs reaching a mature height of at least three feet and spaced a maximum of five feet on center, and/or Trees planted up to 35 feet on center
Screening	Fence + 5-foot landscaping or 6-foot vegetative barrier	Fence + 5-foot landscaping or 6-foot vegetative barrier
Table 59-10600.2 Parking		
	1.5 per 1-bedroom; 2 per 2 bedroom (20) or 1.66/du	Showing 8 onsite; .66/du

II. SUMMARY OF PUD APPLICATION

This SPUD shall be developed in accordance with the regulations of the **R-4 General Residential District** (OKC Zoning Ordinance, 2020), except as modified herein.

1. The following uses shall be permitted within this SPUD:

Community Recreation: Property Owners Association (8250.3)
Light Public Protection and Utility: Restricted (8250.13)
Low Impact Institutional: Residential-Oriented (8200.5)
Multiple-Family Residential (8200.12)
Single-Family Residential (8200.14)
Three- and Four-Family Residential (8200.15)
Two-Family Residential (8200.16)

2. Maximum Building Height:

The maximum building height within this SPUD shall be three (3) stories.

3. Maximum Building Size:

The maximum building size within this SPUD shall be governed by the base zoning district.

4. Building Setback Lines:

The building setback lines within this SPUD shall be as follows:

NW 22 nd St.:	5'
N McKinley Ave:	10'
South:	5'
West:	10'

5. Sight-proof Screening:

Sight-proof screening shall be required in this SPUD.

6. Landscaping:

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

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7. Signs:

The signage within this SPUD shall be governed by the base zoning district.

8. Access:

Access to the site shall be taken from N McKinley Ave.

9. Parking Regulations:

The minimum number of parking spaces required within this SPUD shall be 15. This figure shall be achieved through both onsite and off-site parking.

10. Sidewalk Regulations:

Sidewalks shall be required, subject to the policies and procedures of the Public Works Department.

11. Density:

The maximum number of dwelling units within this SPUD shall be 12.

II. Other Development Regulations:

1. Architecture:

Exterior building wall finish on all structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock or stone masonry, stucco, wood and cementitious siding (including, but not limited to, the brand commonly known as James Hardie). Architectural metal panels shall be permitted.

2. Open Space:

N/A.

3. Street Improvements:

N/A.

4. Other:

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4.1 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.

4.2 Drainage:

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

4.3 Dumpsters:

Dumpsters shall be located within an area screened by a wall that is of sufficient height to screen the dumpsters from view.

III. Supporting Documents:

Exhibit A: Legal Description

Exhibit B: Site Plan – Conceptual

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

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- 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.

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- 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) Detention Determination
 - A detention requirement determination will not be issued at the Preliminary Plat stage unless the development is located within the current "detention required area".
 - Prior to the preparation of a Final Plat and Construction Plans, the Engineer or Developer may contact the Public Works Engineering Department and receive a Detention Determination for that individual Final Plat
 - This Detention Determination will be specific to the single Final Plat under consideration
 - The Detention Determination will be valid for a period of six (6) months
 - If the Final Plat and Construction Plans have not been submitted, reviewed, and approved by the Public Works Engineering Department within that 6 month time frame, the Detention Determination will be void and a new Detention Determination must be requested.
 - If construction has not started on the development within six (6) months of the approval of the construction plans, the Detention Determination will be void and a new Detention Determination must be requested.

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- For new commercial developments that do not require hearings before the PC or CC, the Engineer or Developer may contact the Public Works Engineering Department and receive a Detention Determination for that commercial development.

c. Stormwater Quality Management

d. Traffic Management

- 1) 32-302(a) of the Oklahoma City Municipal Code, 2020, requires all angle parking within the public right-of-way be subject to approval via ordinance enacted by the Oklahoma City Council following review and recommendation by the Oklahoma City Traffic and Transportation Commission.
- 2) Angle parking areas within the public right-of-way must meet the requirements of the Americans with Disabilities Act with respect to the number of reserved parking spaces for the physical disabled provided. §32-329 of the Oklahoma City Municipal Code, 2020, requires reserved parking spaces for the physically disabled be subject to approval via ordinance enacted by the Oklahoma City Council following review and recommendation by the Oklahoma City Traffic and Transportation Commission.

8. Utilities

a. Engineering

Paving

- 1) Sidewalk (ADA accessible path along public streets) must be within the right away.
- 2) Any on street angled parking must be taken to the Traffic Commission. On street parking within the right of way cannot be reserved for specific property or business. The final on street parking design may change if shown sidewalk would still be within the right of away. The sidewalk should be designed such that any vehicle overhangs still leaves 4 feet of accessible path width.

Sanitary Sewer Availability

- 1) An existing 12” sanitary sewer main(s) is adjacent to the subject site and a connection will be permitted in accordance with City Standard Specifications.
- 2) No trees, signs, dumpsters, or fences within 10 feet of any existing or proposed sanitary sewer main.
- 3) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.
- 4) Additional Comments: No objections

b. Solid Waste Management

c. Water/Wastewater Quality

Water Availability

- 1) The subject site is adjacent to a 6” water main in the street right-of-way of NW 22nd Street and N McKinley Ave.
- 2) Dead-end water mains must be avoided. Connection to at least two active feeder or grid water mains will be necessary to prevent partial or total shut-off of water supply when a pipeline failure occurs within the proposed development.
- 3) 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 and fire protection systems which require water pressure in excess of 25 psi.
- 4) No trees, signs, dumpsters or fences within 10 feet of any existing or proposed water main.
- 5) All existing and proposed meters must meet current Meter Specifications. Meters must be in a grassed area. All domestic and fire suppression services must have separate water service connections. All existing unnecessary water services must be abandoned at the water main.
- 6) Additional Comments: No objections

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.

The SPUD is requested to redevelop four residential lots with one residential building facing NW 22nd Street, and a 3-story 9-plex along N McKinley Ave. The Gatewood UCD calls for buildings to face the front of the lot on a local street. Plan conformance would be increased if front entrances were required on NW 22nd Street similar to existing homes. National, state, and local permitting require basic best management practices for stormwater management.

Location:

- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved.

Some multi-family uses, including quadplexes and duplexes, are available in the area.

Density: The Urban Medium Intensity LUTA outlines a density range of 10 to 40 dwelling units per acre. *The application proposes 12 units for 37 du/acre, at the high end of the UM LUTA.*

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 SPUD states that access will be from McKinley, and the conceptual plan indicates the drive will serve the parking in the back. The Gatewood UCD limits driveways to 12 feet as shown. The MDS should limit access to one 12-foot wide driveway or the platted alley.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

The SPUD requires sidewalks. The existing sidewalks are in poor condition and should be repaired.

- #### 2) **Compatibility:**
- The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating Residential High Intensity adjacent to existing Residential Low Intensity, “Building Scale and Site Design” and “Traffic” 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. *The application proposes lot coverage, setbacks and building orientation that is dramatically different from existing single-family homes. Mitigation is provided according to Exhibit B by placing the buildings on the street edge, grouping parking together at the southern edge of the site and limiting access to McKinley Avenue. Landscaping requirements will require evergreen shrubs to screen the parking area from the street. Plan conformance would be increased if the Architecture section delineated that building design and elevation will complement adjacent lower density development. The UCD requires pitched roofs. The proposed setback along NW 22nd Street of 5 feet is significantly shallower than the existing homes on the street and the requirements of the UCD, and should be increased. Other options to mitigate for differences in scale and lot coverage could include providing vegetated buffers, increasing open space by decreasing the size of buildings, providing covered porches or other architectural features consistent with homes in the neighborhood, and planting street trees.*

Traffic: Mitigation measures should be used if the development is inconsistent with the Street Typology or would substantially exceed the average daily traffic of existing, adjacent uses. *The site plan indicates on-street parking would be requested and required for 12 dwelling units. Per the conceptual plan, 8 spaces would be accommodated on-site, or 1 space per dwelling unit.*

- 3) **Service Efficiency:**
 - Water: *Fully served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Service Level*
- 4) **Environmentally Sensitive Areas:** No ESAs are identified on the site.
- 5) **Transportation System:** This site is located along NW 22nd Street and N McKinley Avenue, Neighborhood Streets in the Urban Medium LUTA.

Sidewalks are available in the area and bus transit is located within 1/4-mile on NW 23rd Street.

6) Other Development Related Policies

- Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
- Avoid concentrations of apartment complexes. Instead, integrate multi-family units into neighborhoods with mixes of housing types or in mixed-use developments. (SU-49)
- 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 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 at the southwest corner of NW 22nd Street and McKinley Ave in the Gatewood UCD. The SPUD is requested to redevelop the site with up to 12 dwelling units, including a 3-story, 9-unit building. 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 related to lot coverage, building orientation and setbacks that will dramatically differ from surrounding R-1 zoning and single-family residential uses.

The SPUD does not specify if/which Gatewood UCD regulations would apply or are requested to be varied. Plan conformance could be strengthened by specifying that new development will comply with the UCD regulations, by increasing the setbacks to 25 feet on NW 22nd Street, and orienting buildings to NW 22nd Street. In addition, the MDS should specify that parking will be located at the rear of the property as shown in the exhibit and accessed from one driveway on McKinley Ave, and that the driveway width is a maximum 12 feet. The exhibit should be modified to remove the on-street parking that would require Traffic Commission and City Council approval, and the parking requirement should mirror what can be provided on-site (8, as shown on exhibit). The number of units may need to be adjusted to comply with setbacks. Sidewalks in poor condition should be replaced, and the development should meet the Gatewood UCD requirement for one tree planted for every 25 feet of street frontage.

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.

Continue the application to July 8, 2021 to address staff comments and revise Master Design Statement and Exhibit B according to Gatewood UCD.

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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