

Planning Commission Minutes  
April 27, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:37 a.m. on April 24, 2023)

10. (PC-10875) Application by Mark Walther, to rezone 3645 NW 15th Street from R-1 Single-Family Residential District to C-1 Neighborhood Commercial District. Ward 6.

The applicant was present. There were no protestors present.

**RECOMMENDED APPROVAL**

MOVED BY GOVIN, SECONDED BY NOBLE

AYES: CLAIR, POWERS, FRALEY, HINKLE, GOVIN, PENNINGTON, NOBLE;

ABSENT: PRIVETT, LAFORGE



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

**Item No. IV. 10.**

(PC-10875) Application by Mark Walther, to rezone 3645 NW 15<sup>th</sup> Street from R-1 Single-Family Residential District to C-1 Neighborhood Commercial District. Ward 6.

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant's Representative**

Dakota Desai, Smith, Roberts, Baldischwiler, LLC  
(405) 312-4890  
Dakota.desai@srbok.com

**B. Case History**

This is a new application. This application was continued from the March 23, 2023 Planning Commission hearing date.

**C. Reason for Request**

The purpose of this request is to allow commercial use and development.

**D. Existing Conditions**

**1. Size of Site (0.16 Acre)**

**2. 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	SPUD-29	R-1	C-3	C-3
<b>Land Use</b>	Undeveloped	Retail	Residential	Retail	Retail

**3. Comprehensive Plan Land Use Typology Area: Urban – Low Intensity (UL)**

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

**II. 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 (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Water Resources Board (OWRB)**
- 5. School District (Oklahoma City)**
- 6. Oklahoma Department of Transportation (ODOT)**
- 7. Oklahoma Natural Gas (ONG)**
- 8. Oklahoma Electric Cooperative (OEC)**

**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**

**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 PC 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) Sidewalks 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.

**8. Streets, Traffic and Drainage Maintenance**

**9. Stormwater Quality Management**

**10. Traffic Management \***

**11. Utilities**

**a. Wastewater Comments**

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. Water Comments**

1. An existing 8” and 10” 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.

**c. Solid Waste Management**

No Solid Waste Management services needed.

**12. Planning**

**a. Comprehensive Plan Considerations**

**1) LUTA Development Policies:**

Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

*National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available.*

Location:

- Locate uses that generate high traffic volumes along arterial streets, frontage roads, and interstates.

*The subject site has frontage along N Portland Avenue, a major arterial street.*

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The C-1 District could allow development within the LUTA range.*

Automobile Connectivity:

- Maintain, create, and enhance a street network that is highly connected to increase number of viable commercial locations and the effectiveness of the transportation system.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Development fronting arterials should take access from intersecting streets where possible.
- Primary entrance points should be aligned with access points immediately across the street.
- Retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores.
- Provide vehicular connectivity between adjacent developments.
- Keep existing alleys open and functional.
- Horizontally mixed-use developments should have connectivity between land uses.

*The site has frontage along N Portland Ave and NW 15<sup>th</sup> Street. No changes to the alley are proposed. Access would be per Code requirements.*

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Within parking lots, provide pedestrian access ways separated from vehicle aisles.

- Horizontally mixed-use developments should have public sidewalk connectivity between land uses.

*Sidewalks are available along a portion of N Portland Avenue. New sidewalks are proposed along N Portland Avenue as part of the 2017 GO Bond.*

- 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 commercial uses adjacent to existing residential uses, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if 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 C-1 District regulations allow greater lot coverage than the site’s existing and the adjacent R-1 Districts. Code will require a step-down in height, screening, and a landscape buffer for new commercial development adjacent to a residential district. Mitigation measures beyond Code requirements cannot be stipulated in a base zoning request.*

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. *No triggers requiring mitigation were identified.*

Operational Impact: The comprehensive plan calls for mitigation measures if new projects propose uses that generate noise levels above those found in typical residential settings, have detectable odors, spill light above that found in typical residential settings, or operate after 10 p.m. within proximity to residential uses. When located near residential uses, the comprehensive plan calls for containing operating effects (including noise and odor) within building walls, using vertical screening to block any mechanical equipment and service areas, and directing light away from adjacent residential areas. *The application was originally submitted as a request for the C-3 District. The application has been modified to the C-1 District which is intended to allow a limited number of uses “that will not create increased traffic, noise or other incompatible factors caused by uses serving a larger part of the City”. The zoning district does not allow*

*fast food drive-thru, large gas sales, or auto sales/repair uses. Code will require increased setbacks, screening, and landscape buffers adjacent to a residential district. Mitigation measures beyond Code requirements cannot be stipulated in a base zoning request.*

- 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 at the northeast corner of NW 15<sup>th</sup> Street, a Neighborhood Street, and N Portland Avenue, a Major Arterial, both in the Urban Low LUTA. The nearest transit (bus) service is located north of the subject site along NW 16<sup>th</sup> Street. A bike lane is planned to the west along N Portland Avenue, with a construction date to be determined at a later date.
- 6) **Other Development Related Policies**
  - Encourage redevelopment and infill development on vacant, underutilized, and brownfield sites in urbanized areas. (SU-19)
  - Regional-, community-, and neighborhood-scale retail developments should provide an internal vehicle and pedestrian circulation system between new and existing centers and individual stores that draws on the following principles:
    - Concentrate access for new retail development at shared primary entrance points. Primary entrance points should be aligned with access pints immediately across intersecting roads. Limit curb cuts on primary highways and arterials.
    - Provide pedestrian circulation, including sidewalks and median breaks along interior and exterior fronting roads and within parking lots.
    - Encourage coordinated development of retail centers in order to facilitate internal pedestrian and vehicle circulation and optimal center performance (SU-27)

- Commercial buildings should be built at the street rather than behind a parking lot in order to promote pedestrian circulation, multipurpose shopping trips, and walkable and attractive streetscapes. (SU-28)
- New neighborhood-scale retail should be located within new residential growth areas to serve daily shopping needs and limit trip distances. In newly developing areas, this retail format is preferred to the existing linear development patterns along arterials. (SU-30)
- Neighborhood-scale retail should be developed at the median breaks or intersections of major or minor connectors. (SU-31)
- 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)
- Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
- Share parking between contiguous developments. (C-31)
- Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)

**b. Plan Conformance Considerations**

The subject site is located at the northeast corner of NW 15<sup>th</sup> Street and N Portland Avenue. The site is zoned R-1 and undeveloped. To the east is a home and neighborhood zoned R-1. Abutting on the north is a gas station and convenience store zoned SPUD-29. Across NW 15th Street to the south is a retail store zoned C-3. Across N Portland to the west is a printing facility zoned C-3. The application was originally submitted as a request for the C-3 District but has been modified to the C-1 District to address the parcel size (7,000 square feet), and compatibility next to residential on the east. The C-1 District limits freestanding signs to 8-foot monument signs and does not allow uses such as fast food with drive-thru, large gas sales, or auto sales/repair uses.

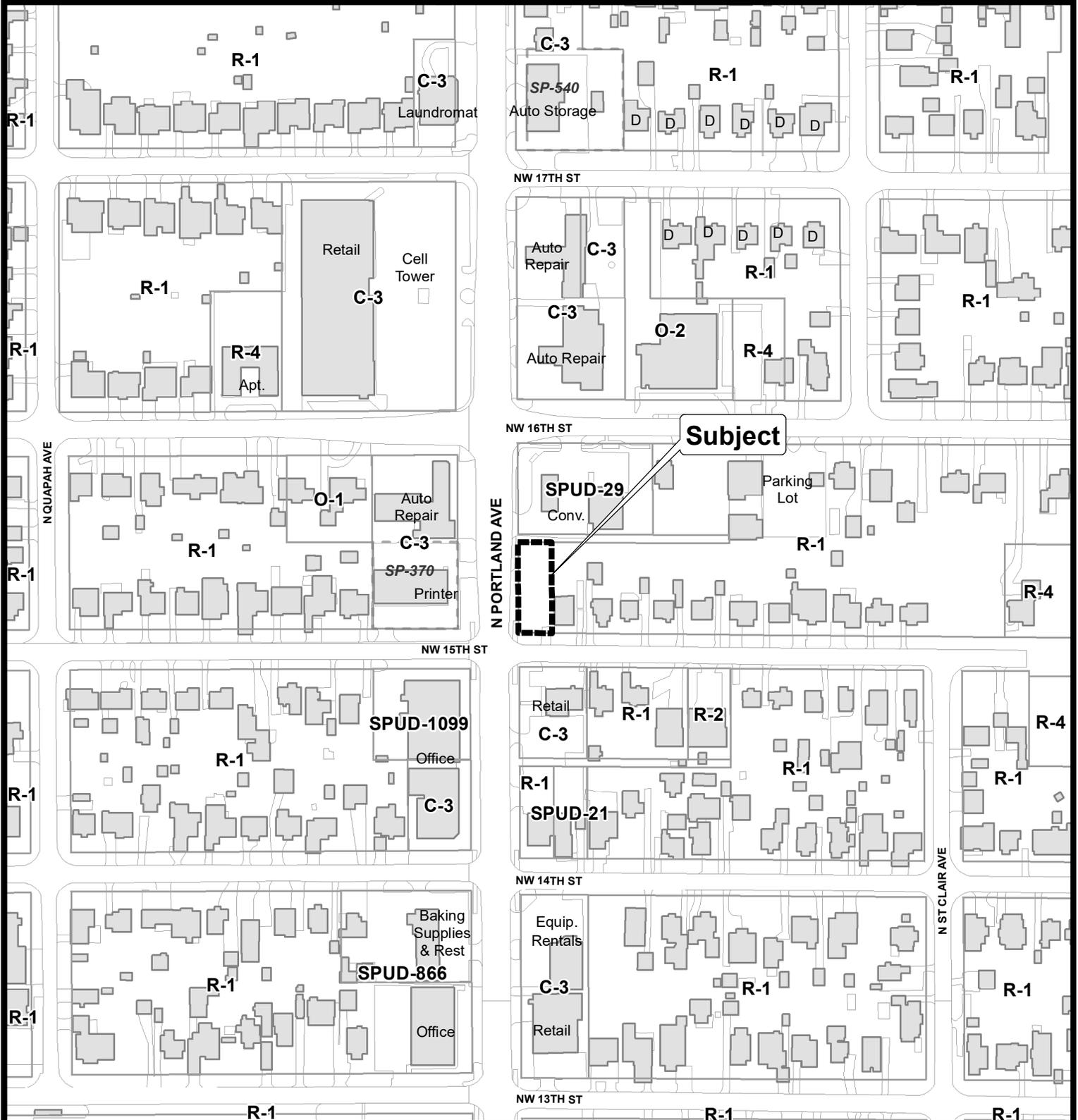
**IV. STAFF RECOMMENDATION**

*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.**

**taj**

**Case No: PC-10875      Applicant: Mark F. Walther**  
**Existing Zoning: R-1      Proposed zoning: C-1**  
**Location: 3645 NW 15th St.**



The City of  
**OKLAHOMA CITY**

# Rezoning Application



0 100 200  
 Feet

**Case No: PC-10875      Applicant: Mark F. Walther**  
**Existing Zoning: R-1      Proposed zoning: C-1**  
**Location: 3645 NW 15th St.**



Aerial Photo from 2/2020



The City of  
OKLAHOMA CITY

# Rezoning Application



0      100      200  
Feet