

Planning Commission Minutes  
June 13, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 2:55 p.m. on June 7, 2024)

9. (PC-10937 Application by Topmark Homes, LLC to rezone 212 NW 122nd Street from R-1 Single-Family Residential and O-1 Limited Office Districts to R-2 Medium-Low Density Residential District. Ward 7.

The applicant was present. There was a protestor present.

**RECOMMENDED APPROVAL.**

MOVED BY CLAIR, SECONDED BY MEEK

AYES: CLAIR, POWERS, MEEK, PRIVETT, NEWMAN, GOVIN, PENNINGTON,  
NOBLE, LAFORGE



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**June 13, 2024**

**Item No. IV. 9.**

**(PC-10937 Application by Topmark Homes, LLC to rezone 212 NW 122<sup>nd</sup> Street from R-1 Single-Family Residential and O-1 Limited Office Districts to R-2 Medium-Low Density Residential District. Ward 7.**

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant's Representative**

Mark Grubbs  
Grubbs Consulting, LLC  
405-265-0641  
Mark.grubbs@gc-okc.com

**B. Case History**

This is a new application.

**C. Reason for Request**

The purpose of this request is to change the existing residential and office based zoning to a residential based zoning that will permit the use and development of duplexes.

**D. Existing Conditions**

**1. Size of Site 0.84 Acres**

**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/O-1             | I-2           | I-1                   | R-1          | R-2         |
| <b>Land Use</b> | Undeveloped         | Manufacturing | Construction Services | Residential  | Undeveloped |

**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 (OCFD) \***
- 4. Information Technology/Geographic Support (IT/GIS)**
- 5. Parks and Recreation**
- 6. Police (OCPD)**
- 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 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.
7. Plat may be revised after review and approval of utility plans.
8. Each unit must have a separate wastewater connection to the main.

**b. Water Comments**

1. An existing 12" 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. Plat may be revised after review and approval of utility plans.
10. Each unit must have a separate water meter and connection to the main.

**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.

Density: The Urban Low Intensity LUTA outlines a density range of 4 to 8 dwelling units per acre for single family, and 15 to 30 dwelling units per acre for multifamily.

*National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available. The proposed R-2 District would allow one duplex per 50 feet of frontage. Eight dwelling units over 0.84-acre would be 9.52 du/acre.*

Automobile Connectivity:

- 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.
- Keep existing alleys open and functional.

*The subject site is located at the southwest corner of NW 122nd Street, an arterial street, and North Robison Avenue, a neighborhood street. The site*

*is currently accessed from one drive along NW 122nd Street, which does not align with available drives across NW 122nd Street, to the north. Code requires residential structures with four or less units to take access from a local residential street, if able, when located along an arterial street. The corner lot would be required to take access from North Robinson Avenue, while the other lots would be accessed from NW 122nd Street. An unimproved platted alley abuts the site on the south.*

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.

*Sidewalks are not currently available on the subject site. Sidewalk requirements would be per Code.*

- 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.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if residential lot sizes in UL are less than 60% of directly adjacent residential lots, 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 measures related to building scale and site design were identified. The site is located across the street from I-1 property to the east and I-2 zoned property to the north. The comprehensive plan states that in some cases a proposed project may need to take measures to reduce the impact of an existing use.*

- 3) **Service Efficiency:**

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

- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the site.

- 5) **Transportation System:** This site is located at the southwest corner of NW 122nd Street, a Major Arterial Street, and North Robinson Avenue, a Neighborhood Street, both in the Urban Low LUTA. Transit (bus) service is not available nearby.



**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.
  - 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)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- 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 122nd Street and North Robinson Avenue, generally one block west of N Santa Fe Avenue. The site is undeveloped and zoned R-1 and O-1. Across NW 122nd Street, to the north, are industrial uses zoned I-2 and designated as 'Heavy Industrial' in the comprehensive plan. East of the site, across North Robinson Avenue, is an air conditioning, heating, and plumbing business zoned I-1, which is also designated as 'Heavy Industrial'. The Chisholm Creek neighborhood abuts the sites on the south and is developed with a mix of R-1 and R-2 zoned properties. The property abutting the site on the west was rezoned from R-1 to R-2 in 2022 for similar development as proposed on the subject site. The proposed R-2 District would allow one duplex per 50 feet of frontage. The sites to the west along NW 122<sup>nd</sup> Street have been developed/are developing as duplexes on 75-foot-wide parcels.

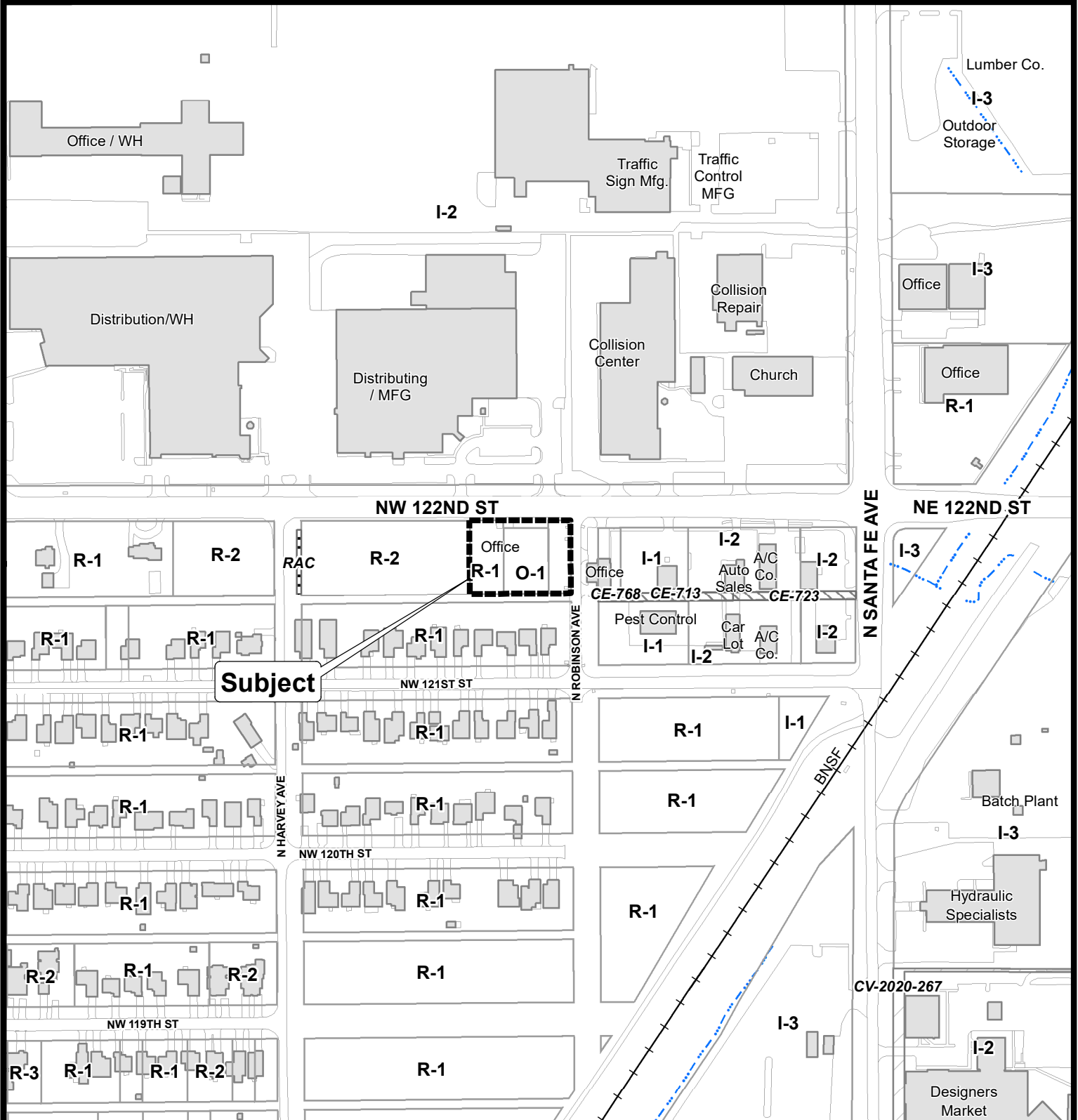
#### **IV. STAFF RECOMMENDATION**

*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.**

**gjh**

**Case No: PC-10937      Applicant: Topmark Homes, LLC**  
**Existing Zoning: R-1 / O-1      Proposed zoning: R-2**  
**Location: 212 NW 122nd St.**



The City of  
OKLAHOMA CITY

## Rezoning Application



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Feet



Case No: PC-10937      Applicant: Topmark Homes, LLC  
Existing Zoning: R-1 / O-1      Proposed zoning: R-2  
Location: 212 NW 122nd St.



Aerial Photo from 2/2022



The City of  
OKLAHOMA CITY

# Rezoning Application

