

Planning Commission Minutes
March 14, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:07 a.m. on March 11, 2024)

10. (PC-10923) Application by Dorita L Herd to rezone 1401 NE 44th Street from R-1 Single-Family Residential and HNO Healthy Neighborhood Overlay Districts to R-2 Medium-Low Density Residential and HNO Healthy Neighborhood Overlay Districts. Ward 7.

The applicant was present. There were no protestors 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
March 14, 2024

Item No. IV. 10.

(PC-10923) Application by Dorita L Herd to rezone 1401 NE 44th Street from R-1 Single-Family Residential and HNO Healthy Neighborhood Overlay Districts to R-2 Medium-Low Density Residential and HNO Healthy Neighborhood Overlay Districts. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant

Dorita L Herd
404-435-7770
Dlherd3@yahoo.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to allow single-family or two-family (duplex) residential development.

D. Existing Conditions

1. Size of Site: 7,000 Square Feet

2. Zoning and Land Use

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

3. 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.

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 ***
- b. **Water Comments ***
- c. **Solid Waste Management**

12. 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 proposed R-2 District would allow a duplex to be built on a 50-foot-wide platted lot. Two dwelling units over 0.16-acre would be 12.5 du/acre.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.

- Primary entrance points should be aligned with access points immediately across the street.

The subject site has one improved drive along NE 44th Street. Any changes to access would be per Code and the subdivision regulations.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks are not currently available on the subject site or within the block.

- 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 residential uses, “Building Scale and Site Design” is a potential compatibility issue identified by the comprehensive plan.

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. *No triggers requiring mitigation related to building scale were identified.*

- 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 off NE 44th Street, a Neighborhood Street in the Urban Medium LUTA. The nearest transit (bus) service is located east of the subject site, along N Prospect Avenue.

- 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)
- 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)
- Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)
- 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 along the north side of NE 44th Street, between North Everest Avenue and North Prospect Avenue. The site is generally located south of NE 50th Street and east of North Kelley Avenue. The site, and all surrounding land, is zoned R-1. The site is undeveloped. All adjacent lots are developed with single-family residences.

The requested R-2 District would allow a duplex to be built on a vacant lot. 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.

gjh

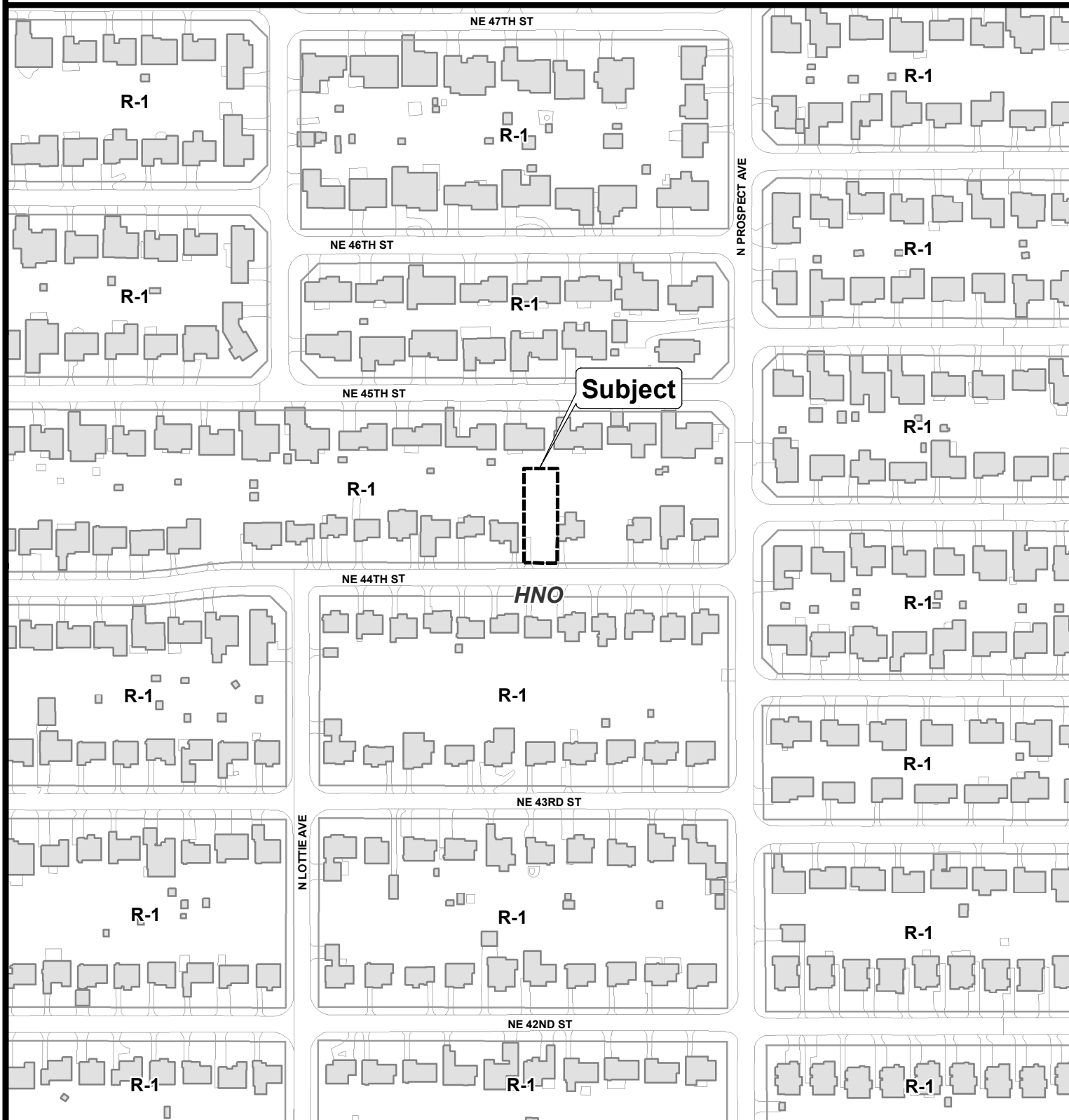
Case No: PC-10923

Applicant: Dorita Herd

Existing Zoning: R-1 / HNO

Proposed zoning: R-2 / HNO

Location: 1401 NE 44th St.



Note: "Subject" is located approximately 1,660' South of NE 50th St. and 2,330' East of N. Kelley Ave.



The City of
OKLAHOMA CITY

Rezoning Application



0 100 200
Feet

Case No: PC-10923

Applicant: Dorita Herd

Existing Zoning: R-1 / HNO

Proposed zoning: R-2 / HNO

Location: 1401 NE 44th St.



Aerial Photo from 2/2022

Note: "Subject" is located approximately 1,660' South of NE 50th St. and 2,330' East of N. Kelley Ave.



The City of
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Rezoning Application



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Feet