

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)

8. (CE-1113) Application by 1114 NW 90th, LLC, to close a portion of the NW 90th Street right-of-way between Blocks 45 and 46 of Britton Heights Addition, west of North Western Avenue and north of NW 89th Street. Ward 2.

**Technical Evaluation:**

1. Prior to City Council consideration, applicant must provide a topographic survey showing the location of all utilities, with dimensions, within the proposed closure area.

The applicant was present. There were no protestors present.

**RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION.**

MOVED BY POWERS, SECONDED BY CLAIR

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. 8.**

**(CE-1113) Application by 1114 NW 90th, LLC, to close a portion of the NW 90<sup>th</sup> Street right of way between Block 45 and 46 of Britton Heights Addition, west of North Western Avenue and north of NW 89<sup>th</sup> Street. Ward 2.**

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant's Representative**

David M. Box  
Williams, Box, Forshee, and Bullard, P.C.  
(405) 232-0080  
dmbox@wbfbllaw.com

**B. Case History**

This is a new application.

**C. Reason for Request**

The purpose of this request is to consolidate the property abutting the unimproved right of way and to permit installation of a fence.

**D. Existing Conditions**

**1. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	ROW	C-3 / I-2	ROW	C-3	I-2
<b>Land Use</b>	ROW	Warehouse	ROW	Warehouse	Railroad

**2. 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.

**Comprehensive Plan Land Use Typology Layer: Transit - Oriented (TO)**

The TO layer encourages higher density development, higher levels of transportation system connectivity, and concentrations of housing and commercial activity around

areas designated as mass transit stops. The intent is to create unique, mixed-use districts with housing and employment opportunities around the City's future transit network. TO areas are characterized by a walkable environment, close proximity of buildings, and minimal land used for parking. These nodes of high intensity may be located within lower-intensity areas. Construction at higher intensity maximizes efficiency of the current and future transit system and minimizes reliance on private automobiles. The TO layer is applied within 1/4 mile of a node identified on the Land Use Plan.

## **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**

A perpetual easement for water and wastewater, drainage, storm water, sidewalks, and traffic controls systems (collectively “City systems”) are hereby expressly reserved until such time as plans have been approved by the Public Works and Utilities departments, respectively, which plans must include new executed and recorded easements, as necessary, before each individual easement may be released.

**Storm Sewer Availability**

1. Any existing utility easements are to be reserved until such time as any existing utilities are relocated, removed, or abandoned in place in accordance with the City of Oklahoma Municipal Code.

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

**9. Stormwater Quality Management**

**10. Traffic Management \***

**11. Utilities**

**a. Wastewater Comments**

1. There is currently not a wastewater main adjacent to the lots in this area. If wastewater service is required a Public Utility Easement will be required at no cost to the City for required easement for wastewater service.

**b. Water Comments**

1. There is currently not a water main adjacent to the lots in this area. If water service is required a Public Utility Easement will be required at no cost to the City for required easement for water service.

**c. Solid Waste Management**

No Solid Waste Management services needed.

**12. Planning**

**a. Comprehensive Plan Considerations**

*The subject site is within the Urban - Low Intensity (UL) Area and within an area where the Transit - Oriented (TO) Layer applies. Policies for both are listed below.*

**1) LUTA Development Policies:**

Site Design (UL)

- Utilize Best Management Practices (BMP) for stormwater whenever possible.

Site Design and Building Form (TO)

- Project design should accommodate easy travel by walking, biking, and transit to the transit stop.
- Uses should share parking to minimize land area used for parking.
- Create and maintain small block sizes.

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. (UL)
- Limit number of dead-end streets and cul-de-sacs. (UL)
- Provide vehicular connectivity between adjacent developments. (UL)
- Protect or establish a functioning and dense street grid. (TO)
- Connect the vehicular and pedestrian networks between individual developments. (TO)

**2) Other Development Related Policies**

- Maintain historical lot and block sizes where possible and appropriate. (C-9)
- Maintain the traditional grid street pattern where it currently exists, reconnect it where possible, and keep alleys open and functioning. (C-10)
- 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)

**b. Plan Conformance Considerations**

The application seeks to close a portion of NW 90<sup>th</sup> Street in an area generally west of N Western Avenue, within the Britton Heights Addition (1907). The closure request extends to the BNSF Railroad to the west, where the street right-of-way terminates. NW 90<sup>th</sup> Street, west of N Western Avenue, is in disrepair and does not appear to be used by the public. Within the Urban Low LUTA, the comprehensive plan calls for maintaining historical lot and block sizes where possible and appropriate, limiting number of dead-end streets, and taking access from intersecting streets where possible. In this case the right-of-way is requested to be closed for the purpose of building a fence enclosure. The street terminates at the railroad. The closure does not appear to affect connectivity in the area.

**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.*

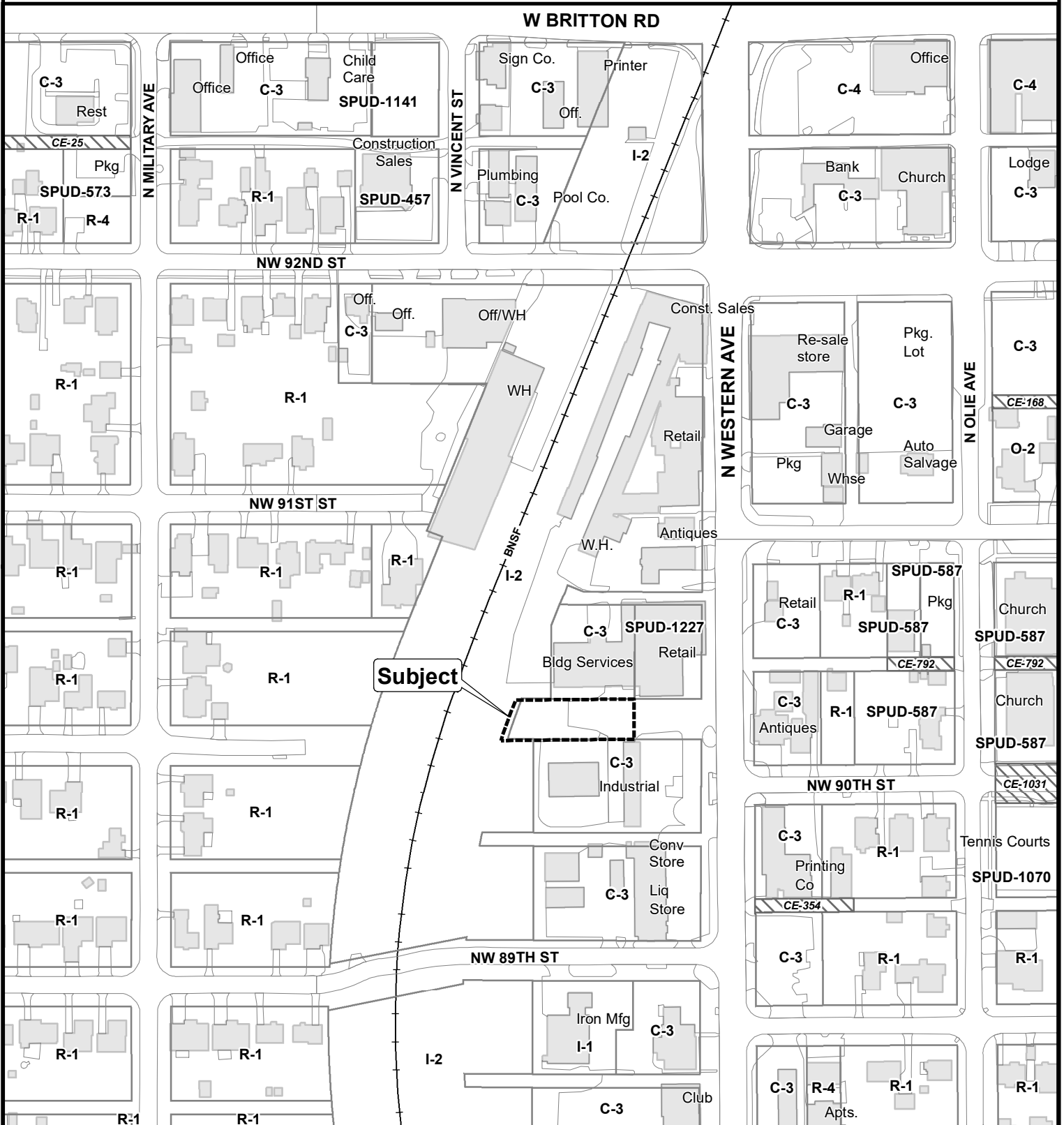
**Approval of the application subject to the following technical evaluation:**

1. Prior to City Council consideration, applicant must provide a topographic survey showing the location of all utilities, with dimensions, within the proposed closure area.

taj

**Case No: CE-1113**

**Applicant: 1114 NW 90th LLC**



The City of  
OKLAHOMA CITY

## Application for Closing Public Way or Easement



0 100 200  
Feet



A tract of land situated within the Northeast Quarter (NE/4) of Section Thirty-two (32), Township Thirteen North (T13N), Range Three West (R3W) of the Indian Meridian (I.M.), Oklahoma County, Oklahoma, same being a portion of BRITTON HEIGHTS ADDITION TO OKLAHOMA CITY, an Addition of the City of Oklahoma City filed in the Office of the Oklahoma County Clerk in Book 7 of Plats, Page 64, being more particularly described by metes and bounds as follows:

**LOCATION MAP**

1"=400'

[illegible]

## Legend /

PARTIAL RIGHT-OF-WAY VACATION OF NW 90TH STREET IN BRITTON HEIGHTS ADDITION, AN ADDITION TO THE CITY OF OKLAHOMA CITY FILED IN THE OFFICE OF THE OKLAHOMA CLERK IN BOOK 7 OF PLATS, PAGE 64.

**SURVEYING**  
300 Pointe Parkway Blvd  
Yukon, OK 73099

NW 90TH STREET  
BRITTON HEIGHTS ADDITION  
SECTION 32, T13N, R3W, I.M.  
OKLAHOMA CITY, OKLAHOMA, OK

REV #	REV DESC	Date
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SCALE: 1" = 40'

SHEET 1 OF 1



Case No: CE-1113  
Applicant: 1114 NW 90th LLC



Aerial Photo from 2/2022



The City of  
OKLAHOMA CITY

Application for Closing  
Public Way or Easement

