

Planning Commission Minutes  
April 28, 2022

(The agenda was filed with the City Clerk of The City of Oklahoma City at 10:13 a.m. on April 25, 2022.)

6. (PC-10809) Application by Northwest 10th Real Estate, LLC, to rezone 3233 NW 10th Street from the R-1 Single-Family Residential District and R-4 General Residential District to the R-4 General Residential District. Ward 6.

The applicant was present. There were no protestors present.

**RECOMMENDED APPROVAL.**

MOVED BY HIGHSMITH, SECONDED BY CLAIR

AYES: CRAVENS, CLAIR, PRIVETT, HINKLE, HIGHSMITH, LAFORGE;

ABSENT: POWERS, PENNINGTON



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**April 28, 2022**

**Item No. IV. 6.**

(PC-10809) Application by Northwest 10<sup>th</sup> Real Estate, LLC, to rezone 3233 NW 10<sup>th</sup> Street from the R-1 Single-Family Residential District and R-4 General Residential District to the R-4 General Residential District. Ward 6.

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant's Representative**

J. Michael De Yong, Attorney  
(405) 414-5297  
michael@deyongcheatham.com

**B. Case History**

This is a new application.

**C. Reason for Request**

The purpose of this request is to change the existing R-1 zoned portions of this property to R-4 to consolidate the existing development into a conforming zoning district.

**D. Existing Conditions**

**1. Size of Site (2.98 Acres (1.25 Acre rezoning))**

**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 / R-4	R-1	R-1	I-2	R-1
<b>Land Use</b>	Nursing Home	Residential	Residential	Vacant	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.

- 4. Development Context:** The subject site is located north of NW 10<sup>th</sup> Street and east of N Independence Avenue. The site is a parking lot for a skilled nursing center (The Fairmont). The facility is zoned R-4 and the parking lot is zoned R-1. The rezoning is requested to bring all property within the same zoning district. To the north and west is the Reed Park neighborhood. Adjacent on the east of the subject site is a church. The facility is oriented south towards NW 10<sup>th</sup> Street and State Fair Park.

## **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. Engineering**

**Wastewater Availability**

- 1) An existing 8" wastewater main(s) is adjacent to the subject site(s) and a service connection will be permitted in accordance with City Standard Specifications. A separate service line connection is required for each building/structure.
- 2) All wastewater mains must flow within the existing drainage basin. Proposed wastewater mains that will flow to another drainage basin across a ridgeline will not be allowed.
- 3) Minimum ten (10) foot horizontal separation required for water mains and five (5) foot for other crossings. Minimum two (2) foot vertical separation required for all crossings.
- 4) The developer will be required to extend the wastewater collection system to each lot or site within the subdivision or land improvements in accordance with City Standard Specifications and the current Subdivision Regulations.

- 5) All existing unused wastewater services must be abandoned at the wastewater main(s).
- 6) Proposed wastewater main(s) must be located in a twenty (20) foot wide easement.
- 7) No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 8) All wastewater mains must have a minimum cover of six (6) feet and a depth no greater than eighteen (18) feet.

**b. Solid Waste Management**

No Solid Waste Management services needed.

**c. Water/Wastewater Quality**

**Water Availability**

- 1) An existing 6" and 10" water main(s) is adjacent to the subject site(s) and a service connection will be permitted in accordance with City Standard Specifications.
- 2) Minimum ten (10) foot horizontal separation required for water mains and five (5) foot for other crossings. Minimum two (2) foot vertical separation required for all crossings.
- 3) Dead-end water mains must be avoided where applicable.
- 4) All existing unnecessary water services must be abandoned at the water main(s).
- 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 and fire protection systems which require water pressure in excess of 25 psi.

- 6) Proposed water main(s) must be located within a utility easement and/or right-of-way. No trees, signs, dumpsters, fences, and/or structures shall be permitted within any proposed or existing utility easement.
- 7) All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 8) All existing and proposed meters must meet current specifications and standard details and be located in the right of-way or utility easement within grassy areas outside of sidewalks, driveways, streets and/or paving.
- 9) All domestic and fire suppression services must have separate water service connections.
- 10) Fire hydrants maximum spacing is 500 foot and must be located within 10 foot of a hard surface (i.e. sidewalk, street, and/or paving).

## 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.

*National, state, and local permitting require basic best management practices for stormwater management.*

##### Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Protect existing traditional street grid and reconnect it where possible.

*Access is existing for the facility. No changes are anticipated.*

##### Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

*Sidewalks are present around the perimeter of the facility.*

- #### 2) **Compatibility:**
- The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass. *The rezoning is requested for an existing parking lot. No new potential compatibility issues are identified by the comprehensive plan.*

- 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 north end of an existing building with frontage along NW 10<sup>th</sup> St, a Major Arterial Street, and is adjacent to N Independence Ave and W Park Pl, both Neighborhood Streets, all within the Urban Medium LUTA. The nearest transit (bus) service is located to the south along NW 10<sup>th</sup> St. The Will Rogers Trail is available to the south and west of the subject site.
- 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)
  - Higher density multifamily development should be located in areas near employment or educational centers where street and transit systems have, or will soon have capacity to support the added trips. (SU-48)
  - 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)
  - Share parking between contiguous developments. (C-31)



- 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 north of NW 10<sup>th</sup> Street and east of N Independence Avenue, in the Urban Medium LUTA. The subject site is a parking lot for a skilled nursing center (The Fairmont). The facility is zoned R-4 and the parking lot is zoned R-1. The rezoning is requested to bring all property within the same zoning district.

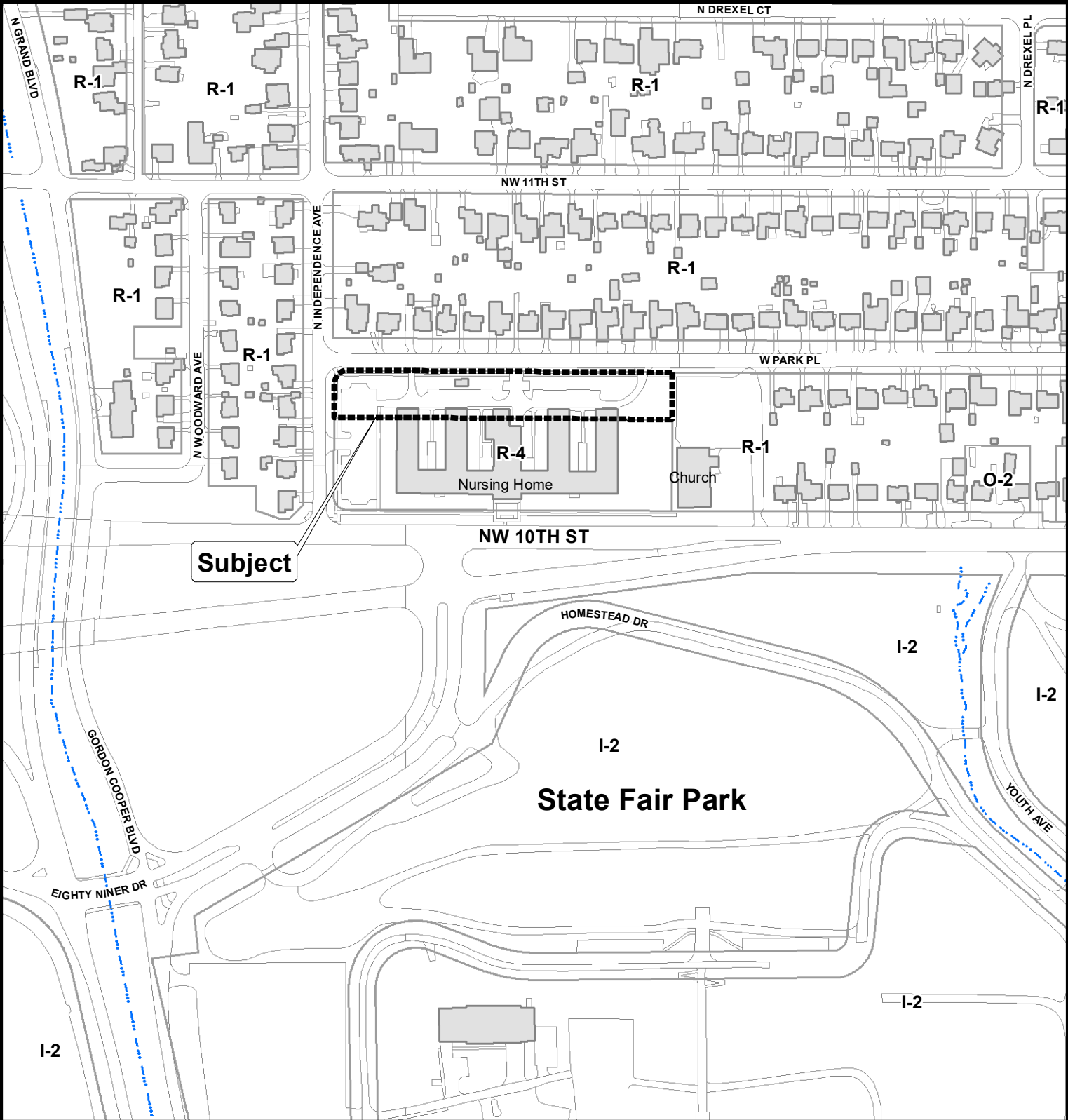
**IV. STAFF RECOMMENDATION**

*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.**

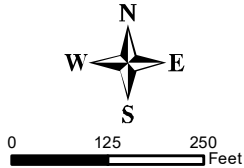
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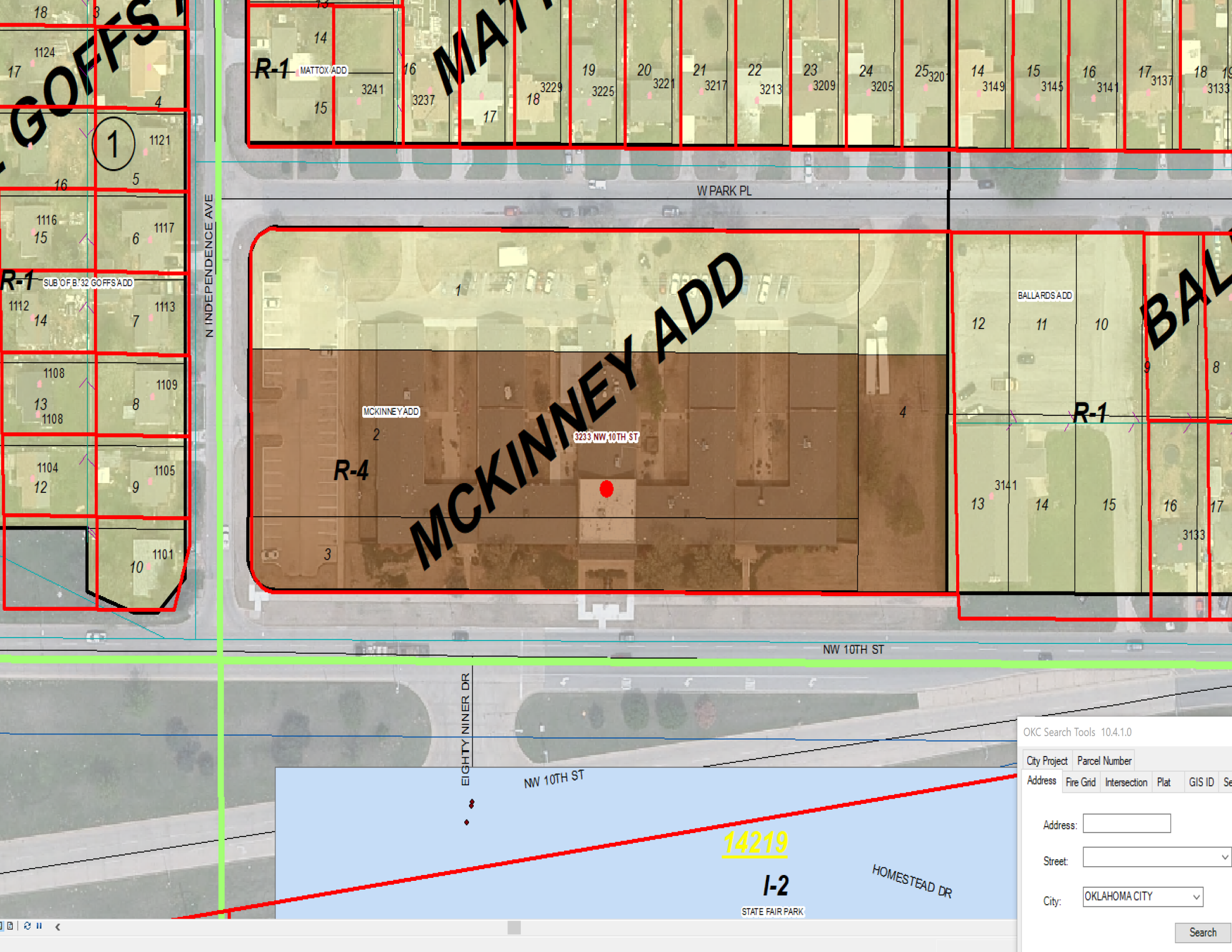
Case No: PC-10809    Applicant: Northwest 10th Real Estate, LLC  
Existing Zoning: R-1                      Proposed zoning: R-4  
Location: 3233 NW 10th St.



The City of  
OKLAHOMA CITY

# Rezoning Application





**GOFFS**

1

1121

1117

1113

1109

1105

1101

R-1

SUB OF B/32 GOFFS ADD

**MATTOX**

R-1

MATTOX ADD

14

15

16

17

18

19

20

21

22

23

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25

3241

3237

3229

3225

3221

3217

3213

3209

3205

320

14

15

16

17

18

19

3149

3145

3141

3137

3133

**MCKINNEY ADD**

R-4

MCKINNEY ADD

3233 NW 10TH ST

2

3

4

**BALLARDS**

R-1

BALLARDS ADD

12

11

10

9

8

13

14

15

16

17

3141

3133

OKC Search Tools 10.4.1.0

City Project	Parcel Number
Address	Fire Grid
Intersection	Plat
GIS ID	Se

Address:

Street:

City:

**14219**

**I-2**

**HOMESTEAD DR**

STATE FAIR PARK

NW 10TH ST

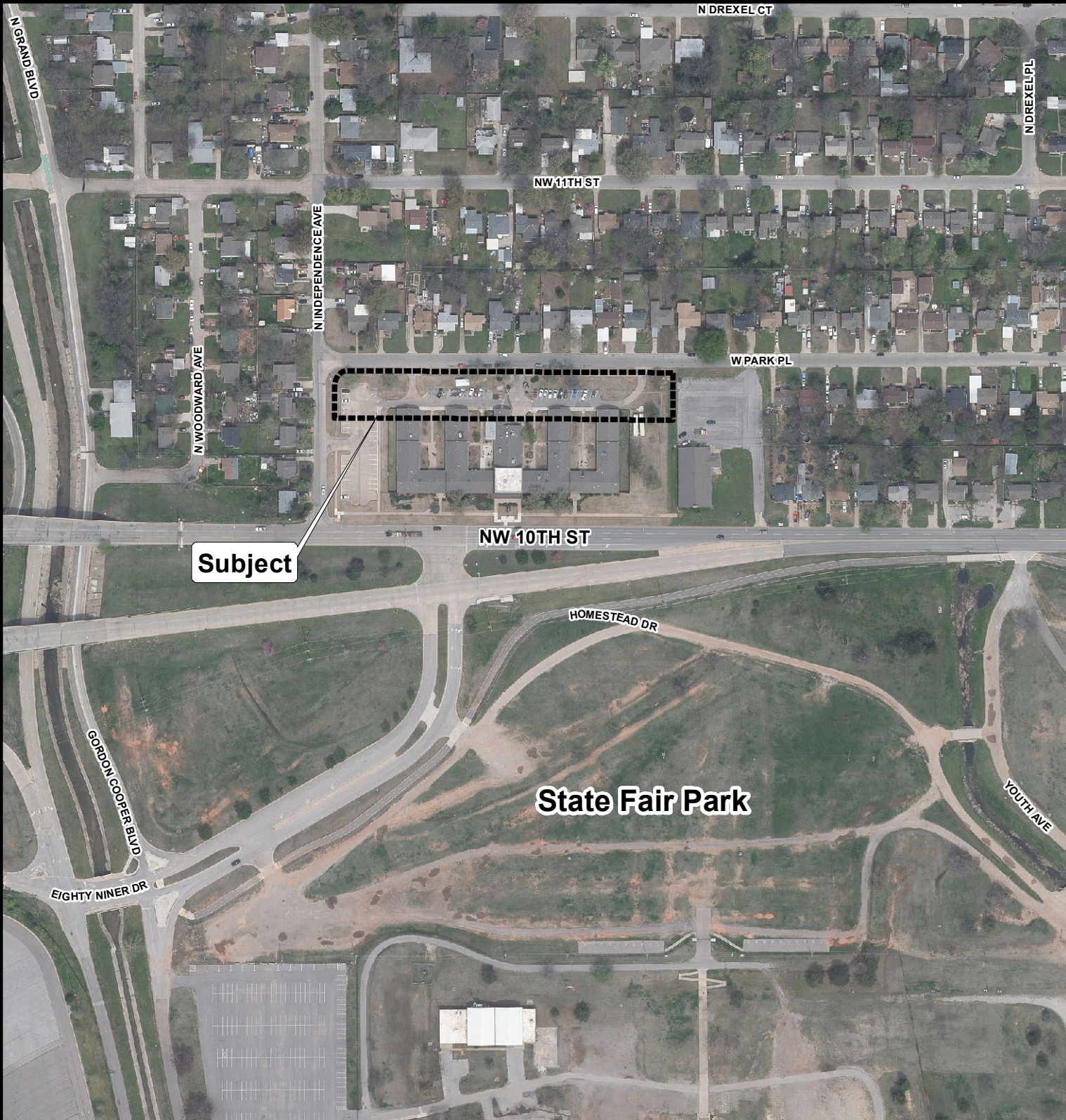
EIGHTY NINER DR

W PARK PL

N INDEPENDENCE AVE



Case No: PC-10809    Applicant: Northwest 10th Real Estate, LLC  
Existing Zoning: R-1                      Proposed zoning: R-4  
Location: 3233 NW 10th St.



Aerial Photo from 2/2020



The City of  
OKLAHOMA CITY

# Rezoning Application

