

Planning Commission Minutes
November 10, 2022

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:45 p.m. on November 04, 2022)

9. (PC-10847) Application by Sabino and Dalida Calderon, to rezone 2904 NW 13th Street from the R-1 Single-Family Residential District to the C-1 Neighborhood Commercial District. Ward 6.

Applicant was present. No protestors were present.

RECOMMENDED APPROVAL.

MOVED BY GOVIN, SECONDED BY POWERS

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

ABSENT: LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
November 10, 2022

Item No. IV. 9.

(PC-10847) Application by Sabino and Dalida Calderon, to rezone 2904 NW 13th Street from the R-1 Single-Family Residential District to the C-1 Neighborhood Commercial District. Ward 6.

I. GENERAL INFORMATION

A. Contacts

Applicant

Dalida Calderon
(405) 822-7211
calderonscorp@gmail.com

B. Case History

This application was continued from the October 27, 2022, hearing date for lack of representation.

C. Reason for Request

The purpose of this request is to change the existing residential based zoning to a commercial based zoning that will permit a convenience store, café, and office.

D. Existing Conditions

1. Size of Site (0.15 acre)

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	R-1 / C-3	R-1	PUD-950	R-1
Land Use	Residential	Undeveloped	Retail	Retail	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 at the southwest corner of NW 13th Street and N May Avenue. The site is zoned R-1 and developed with a residence on NW 13th Street and restaurant/market on N May Avenue. Adjacent to the subject site on the south is a commercial building within PUD-950 (2003) which allows outside sales and display under a modified C-4 District. To the north across NW 13th Street is a parking lot zoned C-3 and a vacant R-1 zoned lot. Across N May Avenue to the east is PUD-1331 (2007) which was approved for two existing homes and a commercial building along N May Avenue. To the west are homes in the Reed Park neighborhood. The Miller neighborhood is east of N May Avenue, and Reed Park is one block south.

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 12" 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. All wastewater mains must have a minimum cover of six (6) feet and a depth no greater than eighteen (18) feet.

- 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) Proposed wastewater main(s) must be located in a twenty (20) foot wide easement. No trees, signs, dumpster, fences, and/or structures shall be permitted within any proposed or existing utility easement. All existing unused wastewater services must be abandoned at the wastewater main.

b. Water Comments

- 1) An existing 6" and 8" water 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 connection and meter is required for each building / structure.
- 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. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 3) Dead-end water mains must be avoided where applicable. All existing unnecessary water services must be abandoned at the water main(s).
- 4) 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.
- 5) 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.
- 6) 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.
- 7) All domestic and fire suppression services must have separate water service connections. 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).

c. Solid Waste Management

No Solid Waste Management services needed.

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.
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape.
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.

Location:

- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved.

Density: The non-residential Floor to Area Ratio (FAR) range for the UM LUTA is 0.4 to 1.2 with a typical FAR of 1.

National, state, and local permitting require basic best management practices for stormwater management. C-1 zoning limits building height to 35 feet and requires setbacks next to residential uses, likely limiting the FAR to less than 1.0.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.
- Keep alleys open and functional.
- Limit curb cuts on arterial streets and where possible, concentrate access for retail development 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.

No changes to the alley are requested. The parking for the existing commercial building is in front of the building and accessed from N May Ave. Access cannot be specified in a base zoning request and would be per code for new development.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks are available along the east side of N May Avenue but not the west side.

- 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 retail uses adjacent to existing low intensity residential or commercial uses and zoning, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass.

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. *The C-1 District regulations allow greater lot coverage (100%) than the adjacent R-1 District (50%). Code requires a step-down in height, screening, and a landscape buffer adjacent to the R-1 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. *Code will require screening and landscape buffers along the west side of the property where adjacent to a residential district. The C-1 District “is intended to provide a location for a limited number of retail commercial goods and personal services that serve the day-to-day needs of residents of surrounding neighborhoods” and does not allow uses such as heavy auto repair, large gas stations, or drive-through restaurants.*

Service Efficiency:

- Water: *Served*
- Sewer: *Fully Served Area*
- Fire Service: *Urban Service Level*

3) 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.

4) Transportation System: This site is located at the southwest corner of NW 13th Street, a Neighborhood Street, and N May Avenue, a Major Arterial, within the Urban Medium LUTA. The nearest transit (bus) service is located to the north along NW 16th Street.

5) Other Development Related Policies

- Favor commercial development clustered in nodes at arterial or collector intersections or along brief “main street” style corridors over commercial development extending in a linear pattern for long distances along highway, arterial, or collector corridors. (SU-25)
- 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)
- Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
- 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)
- 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 at the southwest corner of NW 13th Street and N May Avenue. The site is zoned R-1 and developed with a residence facing NW 13th Street and restaurant/market along N May Avenue.

The proposed C-1 District is consistent with but less intense than the C-3 zoning along the N May Ave corridor, and the requested westward extension of commercial zoning matches the zoning to the south.

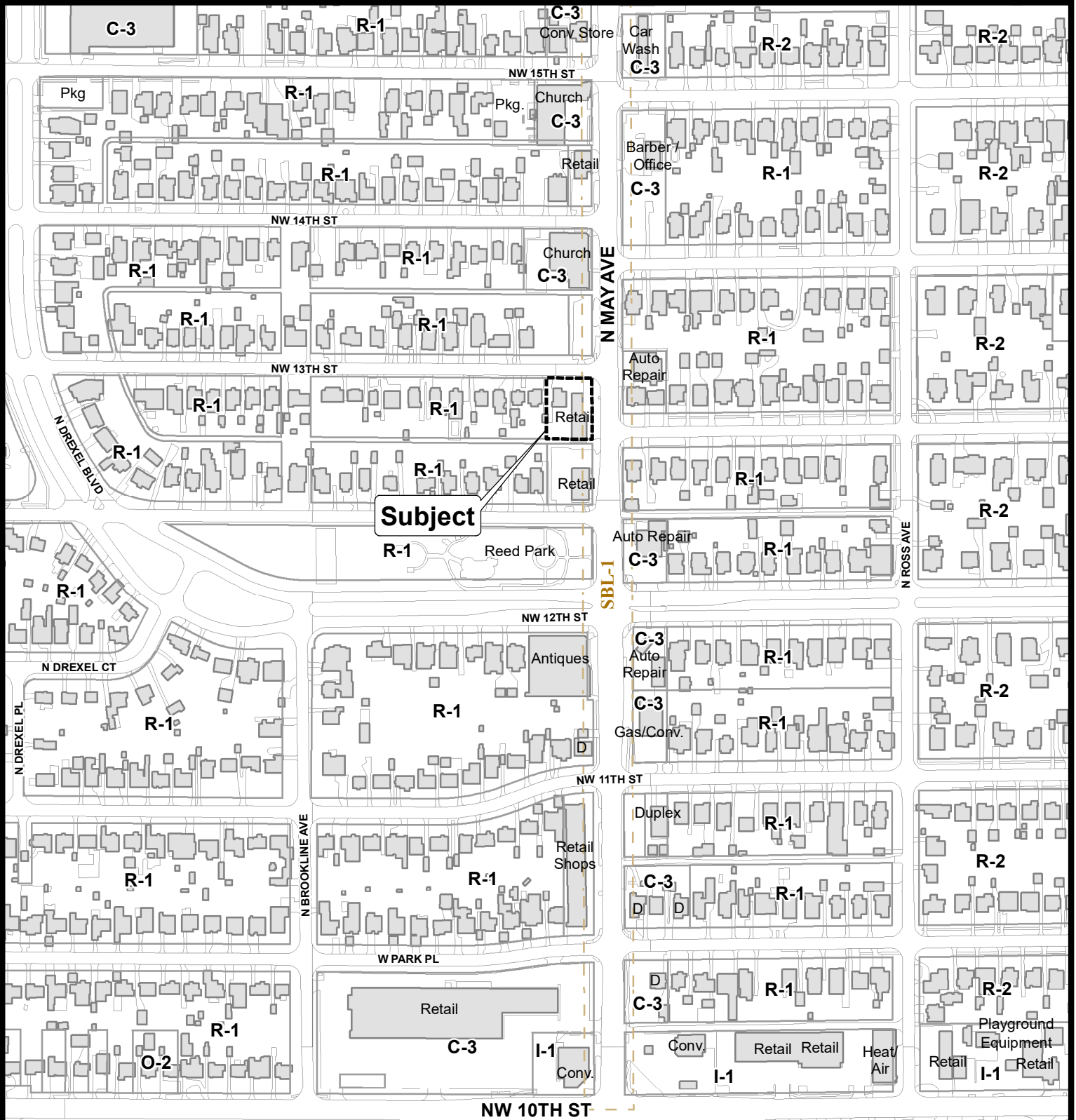
IV. STAFF RECOMMENDATION

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-10847 Applicant: Sabino and Dalida Calderon
Existing Zoning: R-1 Proposed zoning: C-1
Location: 2904 NW 13th St.



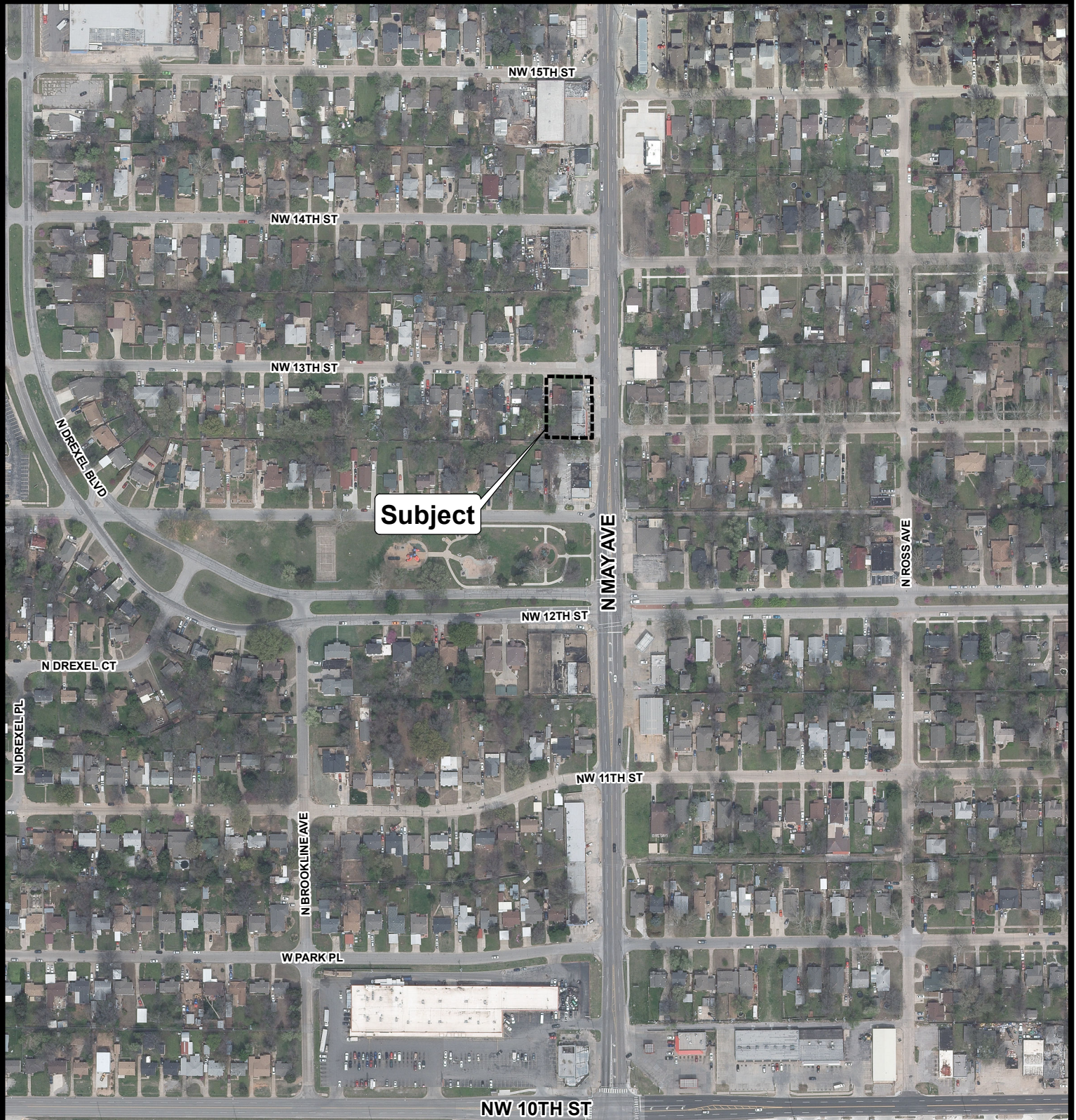
The City of
OKLAHOMA CITY

Rezoning Application



0 150 300 Feet

Case No: PC-10847 Applicant: Sabino and Dalida Calderon
Existing Zoning: R-1 Proposed zoning: C-1
Location: 2904 NW 13th St.



Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Rezoning Application



0 150 300
Feet