



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**October 13, 2022**

**Item No. IV. 31.**

(PC-10841) Application by Phillip F and Annette T Porter, to rezone 2900 North Portland Avenue from the C-3 Community Commercial District and R-1 Single-Family Residential District to the C-3 Community Commercial District. Ward 2.

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant**

Annette Porter  
(405) 942-5648  
speedylube@sbcglobal.net

**B. Case History**

This is a new application.

**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 commercial use and development.

**D. Existing Conditions**

**1. Size of Site (0.76 Acre)**

**2. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	C-3 / R-1	C-3	R-1	R-1	C-3
<b>Land Use</b>	Automotive	Retail	Residential	Residential	Retail

**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.

**4. Development Context:** The subject site is located at the northeast corner of N Portland Avenue and NW 28<sup>th</sup> Street. The site is zoned C-3 and R-1 and developed with an auto service business. The application seeks to rezone the residential lots on the east side of the subject site into the existing C-3 District.

To the north is Will Rogers Park Plaza, a shopping center zoned C-3. Adjacent on the east and across the street to the south are homes zoned R-1.

## **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 \*
- b. Water Comments \*
- 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.

*National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are available.*

Location:

- Locate uses that generate high traffic volumes along arterial streets, frontage roads, and interstates.

*The subject site is located along N Portland Avenue, a Major Arterial Street in the UL LUTA.*

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The FAR of the existing development on the subject site is within the LUTA range.*

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.
- 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.
- Provide vehicular connectivity between adjacent developments.

*The subject site has multiple existing access points on N Portland Avenue and NW 28<sup>th</sup> Street. A street enhancement project is planned for the N Portland Avenue corridor. It is unknown how the additional land requested to be zoned into the C-3 District will be accessed.*

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.
- Within parking lots, provide pedestrian access ways separated from vehicle aisles.
- Horizontally mixed-use developments should have public sidewalk connectivity between land uses.

*Sidewalks are not available along the subject site. A street enhancement project is planned for N Portland Avenue between NW 23<sup>rd</sup> and NW 36<sup>th</sup> Streets. Sidewalks should be required along NW 28<sup>th</sup> Street if new non-residential development occurs.*

- 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 commercial uses adjacent to existing Low Intensity Residential, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” 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 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-3 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 for new commercial development adjacent to a residential 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. *The C-3 District allows uses that could have operational impacts next to residential uses. Code will require increased setbacks, screening, and landscape buffers for new development where adjacent to a residential district. It was unknown at the time of review how the land facing a residence and requested to be zoned into the C-3 District would be used, but it is expected to be for the auto service business. Cars awaiting repair are required to be screened from view. Mitigation measures beyond Code requirements cannot be stipulated in a base zoning request.*

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 northeast corner of N Portland Avenue, a Major Arterial Street, and NW 28<sup>th</sup> Street, a Neighborhood Street, both in the Urban Low LUTA. The nearest transit (bus) service is located along N Portland Avenue with bus stops near the subject site. Access to the public trail system is available one block east at Grand Blvd.

**6) Other Development Related Policies**

- Encourage redevelopment and infill development on vacant, underutilized, and brownfield sites in urbanized areas. (SU-19)
- 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)
- New neighborhood-scale retail should be located within new residential growth areas to serve daily shopping needs and limit trip distances. In newly developing areas, this retail format is preferred to the existing linear development patterns along arterials. (SU-30)
- Neighborhood-scale retail should be developed at the median breaks or intersections of major or minor connectors. (SU-31)
- 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)
- 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 northeast corner of N Portland Avenue and NW 28<sup>th</sup> Street. The site is zoned C-3 and developed with an auto service business at the corner. The application seeks to rezone the residential lots on the east side of the subject site into the C-3 District.

The request would bring all land under one ownership into the same zoning district and is consistent with the C-3 District to the north (Will Rogers Park Plaza). However, it would also extend commercial zoning eastward on NW 28<sup>th</sup> Street beyond the current C-3 extent, placing commercial uses adjacent to a home on the east and facing a home on the south. New development will require screening and landscaping on the east. It was unknown at the time of review how the site would be developed or what the visual and operational impacts would be to the residences on the south. The existing operation has multiple cars parked on-site. If the intent for the additional C-3 land is parking, the parking area should be accessed from the existing business and screened from view, with sidewalks and trees planted along NW 28<sup>th</sup> Street.

#### **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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