



STAFF REPORT
The City of Oklahoma City
Planning Commission
January 12, 2023

Item No. IV. 30.

(PC-10856) Application by M & W Landmark, LLC, to rezone 941 West Memorial Road from C-3 Community Commercial District to R-4 General Residential District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

David M. Box
Williams, Box, Forshee, & 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 change the existing commercial base zoning to a residential base zoning that will permit multi-family residential use and development.

D. Existing Conditions

1. Size of Site (11.49 Acres)

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	C-3	PUD-1137 / R-3	R-3 / R-1	C-3	C-3
Land Use	Undeveloped	Office / Residential	Residential	Retail	Undeveloped

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.

Comprehensive Plan Land Use Typology Layer: Regional District (RD)

The RD layer designates areas that strategically prioritize the location and concentration of regionally serving retail and entertainment uses. This includes major national retailers that have a regional draw, as well as concentrations of retail that draw visitors from outside of the city. Uses that generate sales-tax are a priority within RD areas. Complementary uses such as office, entertainment, high density housing, and services may be appropriate as limited secondary uses, provided they are inter-connected to create mixed use urban centers.

- 4. Development Context:** The subject site is located at the northeast corner of N Western Avenue and W Memorial Road. The site ‘wraps’ around a retail center and restaurants at the corner of the intersection and abuts commercial uses and the Fairhill Center on the southeast, which are all zoned C-3. To the north is The Glen Eagles Office Park, zoned PUD-1137, and to the east are duplex homes zoned R-3 that face Fairhill Avenue. Access to The Kilpatrick Turnpike is available at/south of W Memorial Road. The request would rezone the property from C-3 to R-4 to allow multifamily residential development.

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 (Edmond)**
- 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) Flood Study will be required to show no rise in FEMA Q 100 and the City of Oklahoma City Q 100 water surface elevation, compared pre-and post-development.

- 5) A portion of subject property is situated within a F.E.M.A. Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year) frequency plus 1'. The Public Works Department Engineering staff shall approve these elevations prior to the filing of the final plat.
- 6) A floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.
- 7) A Corps of Engineers 404 permit must be submitted with plans for any work contemplated within the floodplain, creek, or channel (waters of the United States) included in the case limits.
- 8) 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.
- 9) 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.
- 10) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 11) 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.
- 12) 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.
- 13) All private roads /streets will have private storm sewer systems.

- 14) 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 18 and 8" wastewater main(s) is adjacent to the subject site(s).
- 2) Line capacity is not guaranteed and must be checked by the Engineer of record and reviewed by the City.
- 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) 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. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right of way.
- 6) System will be considered private inside property.

b. Water Comments

- 1) An existing 12" water main(s) is adjacent to the subject site(s).
- 2) A 12-inch water main is required to be looped through the development to provide adequate water supply and fire flow protection. Connection to two (2) separate active water mains is required to prevent partial or total shut-off of water supply when a pipeline failure occurs within the proposed development.

- 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 water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 4) Dead-end water mains must be avoided where applicable. 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 domestic and fire suppression services must have separate water service connections. Fire hydrants maximum spacing is 500 foot and must be located within 10 feet of a hard surface (i.e. sidewalk, street, and/or paving).
- 8) System will be mastered meter and considered private.

c. Solid Waste Management

No Solid Waste Management services needed.

12. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways.
- Where possible, provide a continuous system of open space along stream corridors or other appropriate areas that link neighborhoods and park lands.
- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

Location:

- Locate uses that generate high traffic volumes along arterial streets, frontage roads, and interstates.
- Avoid concentrations of apartment complexes. Instead, integrate multifamily units into neighborhoods with mixes of housing types or in mixed-use developments.

Density: The Urban Low Intensity LUTA outlines a density range of 15 to 30 dwelling units per acre for multifamily, and 20-30 du/acre for development within a Regional District.

One-hundred-year floodplain is present on the east and southeastern portions of the subject site. The development is required to comply with all City, State, and Federal requirements within the floodplain. Public water and sewer are available. The application would allow single-family throughout the multi-family development. The R-4 District allows up to 34 du/acre.

Automobile Connectivity:

- Maintain, create, and enhance a street network that is highly connected to increase the 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.
- Horizontally mixed-use developments should have connectivity between land uses.

The site has frontage on two arterial streets. Access requirements would be per Code. Conceptual plans show one drive per frontage.

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 were installed along portions of W Memorial and N Western Ave when the retail center at the corner was redeveloped and are required along arterial streets as new 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 multifamily residential adjacent to existing duplex development (east), “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 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 R-4 District requires 40 percent open space and a 15-foot setback from the abutting residential, although the separation will be greater due to the tributary running along the east side of the property.*

3) **Service Efficiency:**

- Water: *Served*
- Sewer: *Fully Served Area*
- Fire Service: *Urban / Rural Response*

4) **Environmentally Sensitive Areas:** The following apply to the proposed development site:

- Riparian areas: Riparian areas are vegetated areas adjacent to streams, lakes, ponds, and wetlands that are composed of a mixture of trees, shrubs, and grasses. These areas may also contain floodplain. The comprehensive plan recommends a 100-foot buffer from stream banks. *A tributary of Chisholm Creek runs along the eastern side and through the southeast corner of the subject site. Riparian area protections cannot be stipulated in a base zoning request. The development is required to comply with all City, State, and Federal requirements within the floodplain.*
- Upland Forests: N/A
- Vulnerable aquifers: N/A

5) **Transportation System:** This site has frontage along N Western Ave and W Memorial Road, both Arterial Streets in the Urban Low LUTA. The nearest transit (bus) service is located one mile west along N Pennsylvania Ave.

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)
- 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)
- Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
- Avoid under-grounding streams to the greatest extent possible. Where feasible, encourage the re-surfacing of buried streams. Limit the use of culverts or other structures that alter natural streams and require designs that minimize impacts to stream health and function. (G-11)
- 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 northeast corner of N Western Avenue and W Memorial Road. The proposal would rezone 11.49 acres of undeveloped C-3 land to R-4 to allow a multifamily residential development. The site is located between commercial uses at the corner and along W Memorial Road, an office park to the north, and duplex homes to the east. The subject site is within the Urban Low LUTA and at the eastern end of a Regional District (RD) that extends west to Portland/Lake Hefner Parkway and includes the Quail Springs Mall area and parts of Chisholm Creek. High density housing is considered a complementary use within the RD areas when connected to or part of a mixed-use center.

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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