



The City of Oklahoma City
Planning Commission
STAFF REPORT
May 27, 2021

(PC-10737) Application by Express Development, Inc. to rezone 740 NW 122nd Street from the R-1 Single Family Residential, and R-4 General Residential District to the R-4 General Residential District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant

Michael Tibbetts
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B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to consolidate the existing mixed district zoning to a residential based zoning that will permit multi-family development.

D. Existing Conditions

1. Size of Site (5.94 Acres)

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-4 / R-1	PUD-707	PUD-75	PUD-928	C-3
Land Use	Apartments	Undeveloped	Residential	Residential	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.

- 3. Development Context:** The 5.94-acre subject site is located on the south side of NW 122nd Street, east of N Western Avenue. The John Kilpatrick Turnpike is located just over a mile to the north. The subject site is zoned R-1, R-4, and C-3 and is currently undeveloped. To the north is PUD-707, which provides baseball and softball facilities (D-Bat), and land recently rezoned for industrial uses east of Legends Blvd.

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Adjacent on the east of the subject site is a senior housing facility zoned R-4. South of the site are PUD-928, which has been developed as single-family residential under a R-1ZL base zoning, and Tract IV of PUD-75 which is City-owned parkland. The land west of the subject site is zoned C-3 and undeveloped. The subject site is almost entirely zoned R-4 but has narrow strips of R-1 and C-3 within it. Approval of the application would bring the entire site into the R-4 District.

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

1) Storm Sewer

- a) 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.
- b) 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. The improvements shall be placed to provide a minimum of 35 feet clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way. Sidewalks shall be constructed in compliance with the Oklahoma City Ordinance and meet all applicable ADA regulations.
- c) A flood/drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. The study must be reviewed and approved by the Public Works Department.
- d) 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 areas along the stream shall extend to the flow line of the stream at a minimum.
- e) 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's association. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the drainage-related common areas and/or drainage easements shown.
- f) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.

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- g) 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 ½ acre or greater.
- h) 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.
- i) Sidewalks shall be installed for all new construction and/or at the time of conversion of a residential use to a more intense use on all lots having frontage on a public street classified as major or minor arterial.
- j) All private road/street will have private storm sewer system.
- n) Detention Determination
 - A detention requirement determination will not be issued at the Preliminary Plat stage unless the development is located within the current “detention required area”.
 - Prior to the preparation of a Final Plat and Construction Plans, the Engineer or Developer may contact the Public Works Engineering Department and receive a Detention Determination for that individual Final Plat
 - This Detention Determination will be specific to the single Final Plat under consideration
 - The Detention Determination will be valid for a period of six (6) months
 - If the Final Plat and Construction Plans have not been submitted, reviewed, and approved by the Public Works Engineering Department within that 6-month time frame, the Detention Determination will be void and a new Detention Determination must be requested.
 - If construction has not started on the development within six (6) months of the approval of the construction plans, the Detention Determination will be void and a new Detention Determination must be requested.
 - For new commercial developments that do not require hearings before the PC or CC, the Engineer or Developer may contact the Public Works Engineering Department and receive a Detention Determination for that commercial development.

8. Streets, Traffic and Drainage Maintenance *

9. Stormwater Quality Management

10. Traffic Management *

11. Utilities

a. Engineering

Sanitary Sewer Availability

- 1) An existing 8” sanitary sewer main(s) is adjacent to the subject site and a connection will be permitted in accordance with City Standard Specifications.
- 2) No trees, signs, dumpsters, or fences within 10 feet of any existing or proposed sanitary sewer main.
- 3) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.

b. Solid Waste Management *

c. Water/Wastewater Quality

Water Availability

- 1) The subject site is adjacent to a 12” water main in the street right-of-way of NW 122nd Street.
- 2) 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.
- 3) No trees, signs, dumpsters or fences within 10 feet of any existing or proposed water main.
- 4) No structures within 20 feet of any existing or proposed water main or fire hydrant.

- 5) All existing and proposed meters must meet current Meter Specifications. Meters must be in a grassed area. All domestic and fire suppression services must have separate water service connections. All existing unnecessary water services must be abandoned at the water main.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- 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.

National, state, and local permitting require basic best management practices for stormwater management. A stream on the west is envisioned as a trail corridor.

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.

The subject site is located along an arterial street, NW 122nd St.

Density: The Urban Low Intensity LUTA outlines a density range of 4 to 8 dwelling units per acre for single family, and 15 to 30 dwelling units per acre for multifamily. *The R-4 District would allow densities within the UL 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 number of dead-end streets and cul-de-sacs.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Primary entrance points should be aligned with access points immediately across the street.
- Provide vehicular connectivity between adjacent developments.

The subject site has frontage along NW 122nd Street. Access cannot be stipulated in a base zoning request.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.

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- Within parking lots, provide pedestrian access ways separated from vehicle aisles.

Sidewalks will be required on the arterial street as 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 High Intensity Residential adjacent to the existing residential uses, “Building Scale and Site Design” and “Traffic” 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 proposed R-4 District requires step-downs in height, screening, landscaping next to single-family residential, and requires 40 percent open space. No triggers requiring mitigation were identified.*

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.*

- 3) **Service Efficiency:**

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

- 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 western boundary of the site. Floodplain is not present. It is uncertain whether development would be within 100-feet of the riparian area. Riparian area protections cannot be defined in base zoning requests.*

30 Upland Forests: N/A

31 Vulnerable Aquifers: N/A

- 5) **Transportation System:** This site is located off NW 122nd St, a Major Arterial Street in the Urban Low LUTA.

Bus transit is available just over a mile to the west, along N Pennsylvania Ave, and to the southwest, along W Hefner Rd and N Western Ave. bikewalkokc envisions a multi-use trail (North Greenway) along the riparian corridor.

6) Other Development Related Policies

- 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)
- 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)
- 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)
- Acquire easements in new and existing developments to develop and connect trails. (P-16)
- Require that new development tie into the park and trail system by providing linkages to existing parks or dedicating new park land. Connect existing parks and neighborhoods to create a continuous system of open spaces, for example along stream corridors. (P-18)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizeable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)

b. Plan Conformance Considerations

The subject site is located on the south side of NW 122nd Street, east of N Western Avenue. The proposal is requested to bring portions of a 5.94-acre parcel that are zoned R-1 and C-3 into the R-4 District, which is what most of the application site is already zoned. The proposed R-4 District is located adjacent to other R-4 zoned property and across the street from land designated in **planokc** for employment uses. The proposal is consistent with the comprehensive plan and compatible with the surrounding area. Conformance with the plan would be strengthened with a design that protects Chisholm Creek Tributary 8 along the west side of the site for environmental purposes and preserves the opportunity for a future trail.

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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