

Planning Commission Minutes
October 24, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:35 a.m. on October 21, 2024)

17. (PC-10939) Application by BR Custom Homes, LLC to rezone 5500 South Hiwassee Road from AA Agricultural District to RA2 Single-Family Two-Acre Rural Residential District. Ward 4.

The applicant was present. There were protestors present.

RECOMMENDED APPROVAL.

MOVED BY PRIVETT, SECONDED BY MEEK

AYES: CLAIR, POWERS, MEEK, PRIVETT, NEWMAN, GOVIN, NOBLE,
LAFORGE

ABSENT: PENNINGTON



STAFF REPORT
The City of Oklahoma City
Planning Commission
October 24, 2024

Item No. IV. 17.

(PC-10939) Application by BR Custom Homes, LLC to rezone 5500 South Hiwassee Road from AA Agricultural District to RA2 Single-Family Two-Acre Rural Residential District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

David Jones
The Orion Group
405-359-3136
djones@orionae.com

B. Case History

This application was previously considered for the RA District. On July 25, 2024, the Planning Commission continued the application indefinitely.

The application has been reinstated as a request to rezone to the RA2 District and is associated with the proposed Preliminary Plat of Hiwassee Ridge (C-7689).

C. Reason for Request

The purpose of this request is to allow a single-family residential subdivision.

D. Existing Conditions

1. Size of Site 25.22 Acres

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	AA	AA	AA/RA	AA
Land Use	Residential	Residential	Residential	Residential	Residential

3. Comprehensive Plan Land Use Typology Area: (Rural – Medium Intensity (RM))

Rural – Medium is similar to the Rural-Low Typology Area except that it allows higher housing densities. These areas are usually near a fire station. Rural-Medium areas are often located adjacent to Urban-Low and Urban Reserve typologies, which are areas intended to urbanize in the future. While there is no expectation for urban

services, RM areas have limited potential to connect to City water or sewer service, and may become more integrated into the urbanized area in the distant future. Commercial and light industrial uses may be appropriate provided they do not negatively impact the rural residential character.

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 (Mid-Del 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 (OCFD) no objection but water supply or sprinklers will be required with platting**
- 4. Information Technology/Geographic Support (IT/GIS)**
- 5. Parks and Recreation**
- 6. Police (OCPD)**

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.
- 11) Owner's dedication is not generally required or provided for a Preliminary Plat. However, the streets/roadways on the Preliminary Plat should be labeled as "Private".

8. Streets, Traffic and Drainage Maintenance

9. Stormwater Quality Management

10. Traffic Services *

11. Utilities

a. Wastewater Comments

1. No public wastewater service is available for the development. A private on-site wastewater disposal system is required in accordance with ODEQ rules and regulations. Applicant is responsible for obtaining all required City and ODEQ Permits. On-site wastewater disposal system must be installed by an ODEQ certified installer and inspected by ODEQ.

b. Water Comments

1. No water service is available for proposed development, private on-site water system is required. The developer must provide a water distribution system that is capable of supplying water to each lot or tract within the development in accordance with ODEQ and OWRB. Well permits must be obtained from OWRB and a copy of the permit must be filed with the Utilities Department.

No private water source or groundwater source may be connected to any service or system connected to the City water system.

c. Solid Waste Management

No Solid Waste Management services needed.

12. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Design buildings and sites to complement the character of surrounding areas and not detract from the open character of the landscape.
- Utilize Best Management Practices (BMP) for stormwater.
- Cluster development may be appropriate provided it maintains rural character by preserving open space and/or Environmentally Sensitive Areas (ESAs) by clustering lots, and maximum gross density requirements are not exceeded. Open space and/or ESAs should be permanently protected through mechanisms such as conservation easements, dedicated zoning tracts, deed restriction, etc.

National, state, and local permitting require basic best management practices for stormwater management. Plan conformance would be strengthened if common area for the associated preliminary plat was used to preserve upland forest areas; however, this cannot be stipulated in a base zoning request.

Density: The Rural Medium LUTA outlines a minimum lot size of 2 acres and a gross density of 0.5 du/acre or below. Smaller lots (1-2 acres) may be appropriate in cluster developments provided the maximum gross density of the project is maintained. *The proposed RA2 District allows densities of 0.35 to 0.45 du/acre, consistent with the Rural Medium LUTA. The associated preliminary plat, Hiwassee Ridge (C-7689), proposes 12 single-family residential lots over the 25.2-acre subject site, for 0.48 du/acre, which would be just over the density range allowed by the RA2 District. Modification to the plat will be necessary.*

- 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 uses adjacent to existing Agricultural or Low Intensity Residential uses or zoning, “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 residential lot sizes in UL are less than 60% of directly adjacent residential lots, 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 RA2 District is intended for rural subdivisions. Lot coverage for residential uses is allowed at 30% compared to 5% for residential uses in the AA District. Building heights and setbacks are similar to the AA District. The associated preliminary plat, Hiwassee Ridge (C-7689), proposes 12 single-family residential lots accessed via a private drive from South Hiwassee Road. Surrounding properties are mostly zoned AA, except one property to the south which was rezoned from AA to RA in 2021. Adjacent properties to the north and south are primarily developed with single-family residences fronting South Hiwassee Road, and further east SE 59th Street. Abutting parcels range from 0.51- to 11-acres, with a 75-acre property adjacent on the east which is used for agricultural purposes. The building lines proposed on the associated plat are not consistent with the RA2 District, which require a 40-foot front yard setback.*

3) Service Efficiency:

- Water: *Not Served*
- Sewer: *Not Served - Need for Major Investment*
- Fire Service: *Rural Response*

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

- Riparian Areas: *N/A*
- Upland Forests: The subject area is within the upland forest ESA. The comprehensive plan directs to preserve the Cross Timbers and upland forests, including native understory, to the maximum extent practical. When new-growth or re-growth upland forest trees are removed during construction, trees and other native plants should be replanted on-site. New trees should be planted in clusters that mimic the original tree canopy. The comprehensive plan defines mitigation hierarchy in the following priority: 1) Avoidance and minimization, 2) Restoration, 3) Offset. *Upland Forest is present in the central and eastern portions of the site. When 60 percent or less of the site is covered, the plan has a preservation goal of 100%. Plan conformance would be strengthened by preserving existing, healthy trees on the site, especially within upland forest areas; however, this cannot be stipulated in a base zoning request.*
- Vulnerable Aquifers: The aquifer in this area is considered moderately 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. Low impact development

techniques include, but are not limited to, using pervious surface materials wherever possible for the construction of driveways, parking areas, sidewalks, patios, etc., in order to promote increased water percolation and infiltration.

5) Transportation System: The site is located along the east side of South Hiwassee Road, a Minor Arterial Street in the Rural Medium LUTA. South of the subject site, South Hiwassee Road turns east and becomes a Neighborhood Street. Transit (bus) service is not available nearby.

6) Other Development Related Policies

- Preserve overall landscape character and natural landforms (rolling hills, native vegetation, etc.) to the greatest extent possible. (G-4)
- Ensure that development in rural areas is consistent with local design and scale and does not detract from the open character of the landscape. (SU-45)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)
- Ensure proper access to and between subdivisions in order to offer a choice in routes for residents, multiple access points for emergency responders, and to reduce vehicle congestions at arterial intersections. (C-32)

b. Plan Conformance Considerations

The approximate 25-acre subject site is located along the east side of South Hiwassee Road, north of SE 59th Street. South of the subject site, South Hiwassee Road turns east and then back south, connecting to SE 59th Street. While South Hiwassee Road runs adjacent to the north side of East Interstate 40, the nearest access to the interstate is over a mile away at either South Anderson Road or South Choctaw Road. The site is currently zoned AA and developed with a single-family residence and metal outbuilding, both located on the western portion of the site. Surrounding properties are mostly zoned AA, except one property to the south which was rezoned from AA to RA in 2021. Adjacent properties to the north and south are primarily developed with single-family residences fronting South Hiwassee Road, and further east SE 59th Street. Abutting parcels range from 0.51- to 11-acres, with a 75-acre property adjacent on the east which is used for agricultural purposes.

The application seeks to rezone the site from the AA District to the RA2 District. The application was originally proposed as a request for the RA District and has been modified to the RA2 District which allows densities of 0.35 to 0.45 du/acre. While the proposed zoning is consistent with the comprehensive plan's recommended density range in the Rural Medium LUTA, the associated preliminary plat application for Hiwassee Ridge (C-7689) proposes 12 single-family residential lots over the 25.2-acre subject site, for 0.48 du/acre, which would be just over the density range allowed by the RA2 District. Additionally, the front setback/building line on the proposed plat will need to be adjusted to 40 feet instead of 25 feet to be compliant with the rural

residential zoning districts. Conformance with the plan would be strengthened by preserving existing, healthy trees on the site, especially within upland forest areas; however, this cannot be stipulated in a base zoning request.

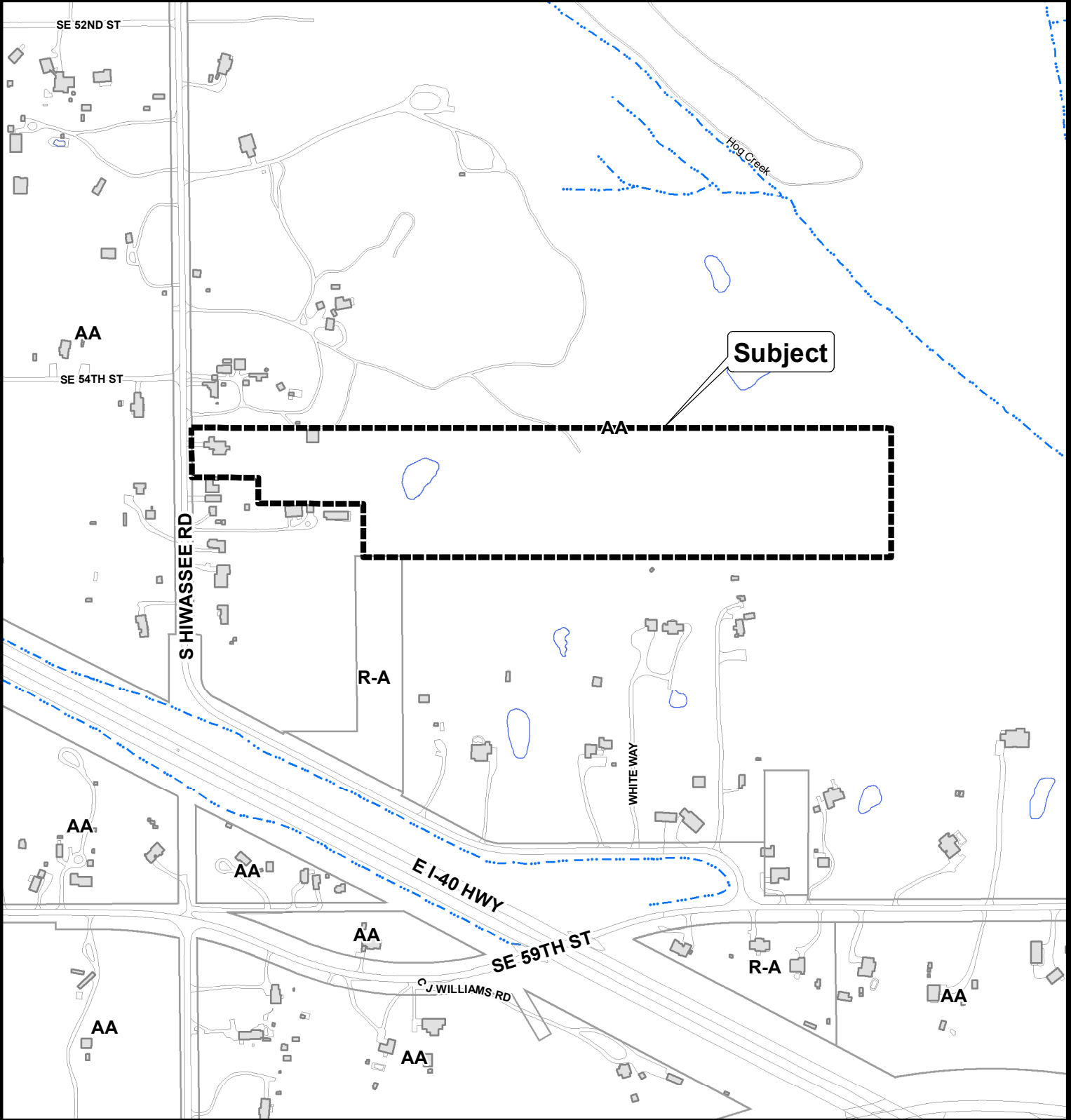
IV. STAFF RECOMMENDATION

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.

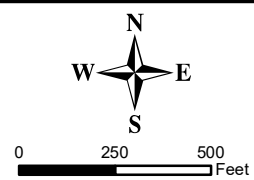
gjh

Case No: PC-10939 Applicant: BR Custom Homes, LLC
Existing Zoning: AA Proposed zoning: RA2
Location: 5500 S. Hiwassee Rd.



The City of
OKLAHOMA CITY

Rezoning Application



Case No: PC-10939 Applicant: BR Custom Homes, LLC
Existing Zoning: AA Proposed zoning: RA2
Location: 5500 S. Hiwassee Rd.



Aerial Photo from 2/2022



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Rezoning Application

