

Planning Commission Minutes
June 13, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 2:55 p.m. on June 7, 2024)

6. (PC-10913) Application by Bowman Oil & Gas, LLC to rezone 7200 North Santa Fe Avenue from R-1 Single-Family Residential District to AA Agricultural District. Ward 7.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL.

MOVED BY CLAIR, SECONDED BY GOVIN

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



STAFF REPORT
The City of Oklahoma City
Planning Commission
June 13, 2024

Item No. IV. 6.

(PC-10913) Application by Bowman Oil & Gas, LLC to rezone 7200 North Santa Fe Avenue from R-1 Single-Family Residential District to AA Agricultural District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant

Chalmer H. Bowman
Bowman Oil & Gas, LLC
405-789-1818
hadleybowman@gmail.com

Applicant's Representative

Timothy D. Beets
Midtown Attorneys, P.C.
405-942-9595
Beets@midtownattorneys.com

B. Case History

This is a new application. This application was deferred from the January 11, February 22, March 28, April 25 and May 9, 2024, hearing dates.

C. Reason for Request

The purpose of this application is to allow agricultural uses.

D. Existing Conditions

1. Size of Site (10 Acres)

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	R-1 /O-2	R-1	I-1	ROW / I-2
Land Use	Residential	Undeveloped	Undeveloped	Office/ Warehouse	Office

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.

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 (OCFD)**
- 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) 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.
- 5) 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.
- 6) 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.
- 7) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.

- 8) 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.
- 9) 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.
- 10) All private roads /streets will have private storm sewer systems.
- 11) 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

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.

The site is within the Urban Low Intensity LUTA and is served by water but not sewer. National, state, and local permitting require basic best management practices for stormwater management.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. *The application is*

requested to allow the land to be rezoned for agricultural uses. Development within the AA District typically has FAR below this range. If developed as residential, the AA District allows one dwelling unit per 5 acres, below the Urban Low LUTA range of 4-8 dwelling units/acre.

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.
- Provide vehicular connectivity between adjacent developments.

The subject site has two driveways along N Santa Fe Avenue. Automobility connectivity would be subject to Code and cannot be stipulated in a base zoning request.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.

Sidewalks are not available along N Santa Fe Avenue.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating agricultural uses or zoning adjacent to existing industrial, office, or residential uses or zoning, no potential compatibility issues are identified by the comprehensive plan.
- 3) **Service Efficiency:**
 - Water: *Close to Service or Served*
 - Sewer: *Not Served – Open Sewer Shed*
 - 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. *Riparian area is present on the eastern portion of the subject site, in a wooded area. Floodplain is not present. Plan conformance could be strengthened by maintaining healthy, existing trees along the riparian corridor; however, this cannot be stipulated in a base zoning request.*
 - 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. *A portion of the subject site is covered in upland forest. When 60-70 percent covered in upland forest, the comprehensive plan has a preservation goal of 90 percent. Plan conformance could be strengthened by maintaining healthy, existing trees within the Upland Forest area; however, this cannot be stipulated in a base zoning request.*

- Vulnerable Aquifers: N/A

5) **Transportation System:** This site is located off N Santa Fe Avenue, an Industrial Street in the Urban Low LUTA. The nearest transit (bus) service is located south of the site, along NW 63rd Street.

6) **Other Development Related Policies**

- Encourage redevelopment and infill development on vacant, underutilized, and brownfield sites in urbanized areas. (SU-19)
- 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)
- 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)
- 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 along the east side of N Santa Fe Avenue, between E Wilshire Boulevard and NE 70th Street, and zoned R-1. To the north is undeveloped O-2 zoned land that stretches to E Wilshire Blvd. The land to the south along NE 70th Street is zoned I-1 and developed with multiple office/warehouses. Abutting the subject site on the east is R-1 zoned land, and

farther down NE 70th Street is PUD-1897 which was approved in 2022 for a small golf course. A portion of PUD-1897 is currently under consideration for a rezoning to the I-1 District. Across N Santa Fe Avenue to the west are a mix of office, retail, and warehouse uses within the I-2 District that also have frontage along Broadway Extension.

The application proposes rezoning the 10-acre site from R-1 Single-Family Residential to the AA Agricultural District. The site appears to be developed with a home, multiple accessory buildings, oil/gas facilities, and outdoor storage of equipment and materials. A non-residential zoning district would be more consistent with the zoning to the north and south than the existing single-family residential district. However, it was unclear at the time of review if the proposed AA District would be sufficient for the desired use of a commercial apiary, or if the zoning change would be necessary for personal use. Additionally, the change from R-1 to AA could create more leniency for conditions such as high grass and storage of materials, which are previous complaints made on the subject property. Plan conformance would be strengthened by maintaining healthy, mature trees on the site, especially within the riparian corridor, but this cannot be stipulated in a base zoning request. A Planned Unit Development (PUD) may be more appropriate at this location to ensure the desired uses are specifically allowed, and that new development is compatible with the surrounding area.

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.

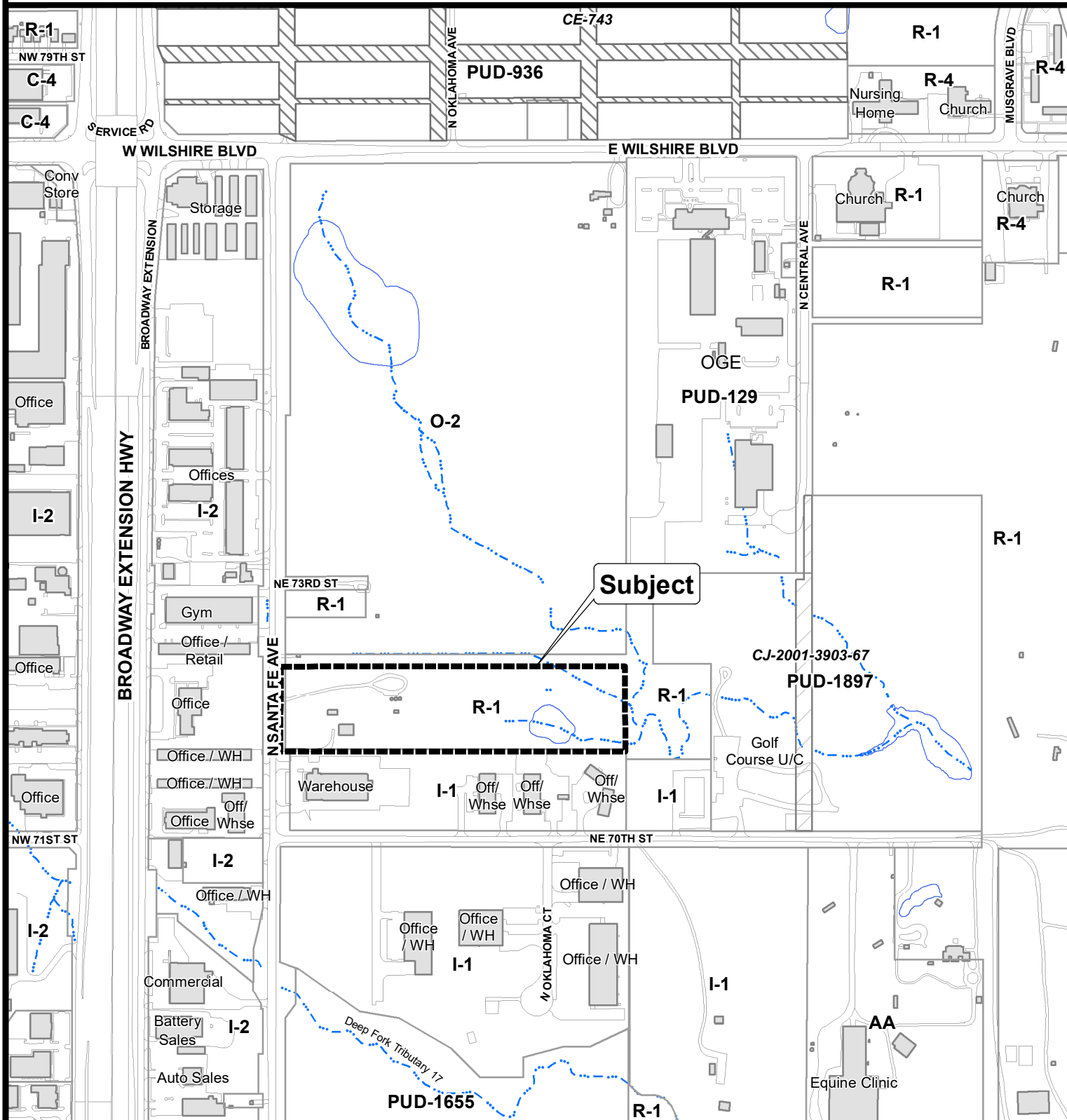
Denial of the application; OR

Continue the application to submit a PUD application.

gjh

Case No: PC-10913
Existing Zoning: R-1
Proposed zoning: AA

Applicant: Bowman Oil & Gas, LLC
Location: 7200 N. Santa Fe Ave.



The City of
OKLAHOMA CITY

Rezoning Application



0 250 500
Feet

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Existing Zoning: R-1
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Applicant: Bowman Oil & Gas, LLC
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Aerial Photo from 2/2022



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0 250 500
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