

Planning Commission Minutes
July 14, 2022

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:46 p.m. on July 8, 2022.)

26. (PUD-1903) Application by Friendship Investments, LLC., to rezone 14998 South Choctaw Road from the AA Agricultural District to the PUD-1903 Planned Unit Development District. Ward 4.

The applicant was present. There were no protestors present.

Amended Technical Evaluation:

- ~~1. Residential lots sizes shall be a minimum of 5 acres.~~
- ~~2. A 50-foot setback shall be provided between the commercial and residential tracts, and trees shall be preserved within the setback.~~
3. Dumpsters shall be at least 50 feet from a residential zoning district and screened per Code.
4. A 150-foot setback from a residential zoning district is required for *8300.45 Gasoline Sales, Large*.
5. Proposed streets/driveways must meet separation requirements and be clearly marked at the site in order for Traffic Mgmt. to verify sight distance compliance.
6. Delete *8200.16 Two-family Residential* as a permitted use in Tract 2 or provide justification.
7. EMD, ~~and~~ Non-Accessory Signs/Billboards and Pole signs shall be prohibited.

**RECOMMENDED APPROVAL SUBJECT TO TECHNICAL
EVALUATION, AS AMENDED.**

MOVED BY PRIVETT, SECONDED BY HINKLE

AYES: CLAIR, POWERS, FRALEY, PRIVETT, HINKLE, GOVIN,
PENNINGTON, NOBLE;

ABSENT: LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
July 14, 2022

Item No. IV. 26.

(PUD-1903) Application by Friendship Investments, LLC., to rezone 14998 South Choctaw Road from the AA Agricultural District to the PUD-1903 Planned Unit Development District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name David M Box
Company Williams, Box, Forshee & Bullard PC
Phone 405-232-0080
Email dmbox@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

This application is to permit mixed residential and commercial development.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Rural – Low Intensity (RL)

Rural – Low Intensity applies to areas where large-lot neighborhoods and residential acreages/estates may remain with no expectation of urbanization or provision of urban infrastructure such as water or sewer. RL areas are predominantly composed of residential and agricultural uses but may support commercial and light industrial uses provided they do not negatively impact the rural residential character.

2. Size of Site: 120.76 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	RA/AA	AA	Norman	AA
Land Use	Undeveloped	Residential	Undeveloped	Res/Undev	Residential

4. Development Context: The subject site is located at the northeast corner of SE 149th Street and S Choctaw Road. The site is zoned AA and undeveloped.

Land south of SE 149th Street is outside OKC limits and developed with a substation, home, church, and a convenience store. Land north of SE 149th Street is within Oklahoma City, zoned AA, and primarily 5-acre residential or agricultural parcels. However, at the time of review, the northwest corner of the intersection was under consideration for rezoning to PUD-1893 for commercial uses. This PUD proposes five acres of modified C-3 uses and 115 acres of rural residential development.

II. SUMMARY OF PUD APPLICATION

8.1 USE AND DEVELOPMENT REGULATIONS

There shall be two (2) Tracts within this PUD.

Tract 1

The use and development regulations of the **C-3 Community Commercial District** shall govern Tract 1, except as herein modified.

The following uses shall be permitted:

8300.1	Administrative and Professional Offices
8300.5	Alcoholic Beverage Retail Sales
8300.8	Animal Sales and Services: Grooming
8300.11	Animal Sales and Services: Kennel and Veterinary, Restricted
8300.23	Building Maintenance Services
8300.24	Business Support Services
8300.25	Child Care Centers
8300.29	Communications Services: Limited
8250.2	Community Recreation: General
8250.3	Community Recreation: Property Owners Association
8250.4	Community Recreation: Restricted
8300.32	Convenience Sales and Personal Services
8250.5	Cultural Exhibits
8350.3	Custom Manufacturing
8200.2	Dwelling Units and Mixed Uses
8300.34	Eating Establishments: Drive-In
8300.35	Eating Establishments: Fast Food
8300.36	Eating Establishments: Fast Food, With Drive-Thru Window [drive thru speakers shall be located no closer than 150 feet away from residential uses]
8300.37	Eating Establishments: Sitdown
8300.39	Eating Establishments: Sitdown, Limited Alcohol Permitted
8300.41	Food and Beverage Retail Sales

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8300.45	Gasoline Sales, Large
8150.6.3	Greenhouse
8150.6.5	Hoop House
8300.48	Laundry Services
8250.11	Library Services and Community Centers
8250.12	Light Public Protection and Utility: General
8250.13	Light Public Protection and Utility: Restricted
8250.14	Low Impact Institutional: Neighborhood-Related
8300.52	Medical Services: General
8300.53	Medical Services: Restricted
8300.58	Personal Services: General
8300.59	Personal Services: Restricted
8300.61	Repair Services: Consumer
8300.62	Repair Services: Restricted
8300.63	Retail Sales and Services: General

Tract 2

The use and development regulations of the **RA2 Single-Family Two-Acre Rural Residential District** shall govern Tract 2, except as herein modified.

The following uses shall be permitted:

8250.3	Community Recreation: Property Owners Association
8300.40	Family Day Care Homes
8250.13	Light Public Protection and Utility: Restricted
8200.5	Low Impact Institutional: Residential-Oriented
8200.14	Single-Family Residential
8200.16	Two-Family Residential

The minimum lot size within Tract 2 shall be two (2) acres.

9.0 SPECIAL CONDITIONS

The following special conditions shall be made a part of this PUD:

9.1 FAÇADE REGULATIONS

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, drivet, rock, stone, stucco, or wood, or other similar type finish. Buildings finished with EIFS (Exterior Insulation Finish System) material shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

9.2 LANDSCAPING REGULATIONS

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

9.3 LIGHTING REGULATIONS

The site lighting in this PUD shall be in accordance with Chapter 59, Article XII, Section m59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

9.4 SCREENING REGULATIONS

No less than a six-foot and no greater than an eight-foot-high wall shall be required along the boundary of this parcel where it is adjacent to any residential use. Said wall shall be constructed entirely of stucco, brick, or stone on a continuous footing, or may be constructed of wood, with brick columns with footings on 20' centers and shall be solid and opaque.

9.5 PLATTING REGULATIONS

Platting shall be required for Tract 2 within this PUD.

9.6 DRAINAGE REGULATIONS

Development of this parcel will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

9.7 DUMPSTER REGULATIONS

Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and shall be placed no closer than 50 feet from all property lines adjacent to residential zoning district or use.

Trash collection facilities in this PUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

9.8 ACCESS REGULATIONS

Access shall be taken from SE 149th and S. Choctaw Rd.

9.9 PARKING REGULATIONS

The design and number of all parking facilities in this PUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended.

9.10 SIGNAGE REGULATIONS

9.10.1 FREESTANDING ACCESSORY SIGNS

Freestanding accessory signs will be in accordance with the base zoning district regulations.

9.10.2 ATTACHED SIGNS

Attached signs will be in accordance with the base zoning district regulations.

9.10.3 NON-ACCESSORY SIGNS

Non-Accessory signs will be in accordance with the base zoning district regulations.

9.10.4 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display signs will be in accordance with the base zoning district regulations.

9.11 ROOFING REGULATIONS

Each structure in this PUD shall have Class C roofing or better.

9.12 SIDEWALK REGULATIONS

Five (5) foot sidewalks shall be constructed on the arterial street with each development parcel, or six (6) foot sidewalks shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department. Four (4) foot sidewalks shall be constructed on the interior streets prior to any occupancy certificates being issued.

9.13 HEIGHT REGULATIONS

The base zoning district regulations shall regulate heights of structures in this PUD.

9.14 SETBACK REGULATIONS

Unless modified herein, yard requirements in this PUD shall be the same as the base-zoning district.

9.15 PERMIT REQUIREMENTS

Applications for building permits in the commercial or industrial part(s) of this PUD must include an overall PUD site plan that depicts the location of the proposed building permit and the size and address of all existing buildings as well as all existing parking and landscaping in the commercial/industrial part(s) of this PUD and including parking and landscaping proposed for the building for which a building permit is requested.

9.16 PUBLIC IMPROVEMENTS

Public improvements shall be made by the property owner throughout the PUD as required by the City of Oklahoma City Public Works Department or other City, County, or State Department or agency. All Local, State, and Federal ordinances as they shall apply to the site will be adhered to fully.

9.17 COMMON AREAS

Maintenance of the common areas in the development shall be the responsibility of the property owner or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

9.18 GENERAL DESIGN AND DEVELOPMENT GUIDELINES

Specific information and plans for General Design and Development Guidelines as contained in Chapter 59 Section 14200.4 for density, amenities, relationship to abutting uses, site design, safety, and circulation systems shall be required at the Specific Plan stage.

9.19 ARCHITECTURAL REGULATIONS

Exterior building wall finish on all main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock or stone masonry, stucco, and cementitious siding (including, but not limited to, the brand commonly known as James Hardie). No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

9.20 SPECIFIC PLAN

A specific plan shall not be required.

10.0 DEVELOPMENT SEQUENCE

Developmental phasing shall be allowed as a part of the development of this PUD.

11.0 EXHIBITS

The following exhibits are hereby attached and incorporated into this PUD. These exhibits are:

- Exhibit A - Legal Description
- Exhibit B – Master Development Plan
- Exhibit C - Topography Plan

III. 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**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Natural Gas:** Please be advised ONG has an underground or aboveground facility in the area. If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate. Prior to excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior for exact location of our facilities.
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District(s) Moore**
- 7. Oklahoma Department of Transportation (ODOT)**

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**
 - b. Streets, Traffic and Drainage Maintenance**

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 SPUD 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) Sidewalk 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.

c. Stormwater Quality Management

d. Traffic Management

- 1) Proposed street/driveways must be clearly marked at the site in order for Traffic Management to verify sight distance compliance.

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 1) No wastewater service is available for proposed improvements, private on-site sewage disposal systems are required in accordance to ODEQ rules and regulations. On-site sewage disposal system must be installed by an ODEQ certified installer and inspected by ODEQ.

b. Solid Waste Management

- 1) **Residential:** The City can provide service, providing there is sufficient space for the truck to maneuver to service the addition.
- 2) **Commercial:** The City cannot provide service, contact private hauler.

c. Water/Wastewater Quality

Water Availability

- 1) No water service is available for proposed improvements, private on-site water systems are required. The developer will provide an inter (on-site) water distribution system capable of supply water to each lot or tract within the proposed subdivision or land development in accordance with City Standard Specifications and the current Subdivision Regulations.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Design new buildings to compliment the character of surrounding areas and not detract from the open character of the landscape.
- Utilize Best Management Practices (BMP) for stormwater whenever possible.

National, state, and local permitting require basic best management practices for stormwater management.

Location: Support limited amounts of commercial in rural areas appropriate to the needs of rural residents and passersby. Commercial uses in rural areas should be located in small clusters either on uninterrupted arterials or at freeway interchanges. *The proposed commercial uses are located at the intersection of major and minor arterial streets.*

Density: The Rural Low LUTA outlines a minimum lot size of 5 acres (gross density of 0.2 du/acre) for residential. *The PUD proposes two tracts; 5 acres of commercial at the corner, and 2-acre residential lots behind/northeast of the commercial. The proposed residential lot size is not consistent with the RL LUTA.*

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating low intensity residential adjacent to existing low intensity residential (north) or agricultural uses, “Building Scale and Site Design” is a potential compatibility issue identified by the comprehensive plan. Placing the proposed retail/commercial uses adjacent to planned low intensity residential development also triggers potential “Building Scale and Site Design”, “Traffic”, and “Operational Impact” issues.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if 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 PUD proposes RA2, a rural residential district, as the base zone in Tract 2, and sets a minimum lot size of 2 acres. The Rural Low LUTA calls for residential lots to be at least 5 acres. Lot coverage permitted in RA2 is 30 percent compared to 5 percent in adjacent AA Districts, but other bulk regulations are similar. The PUD does not offer increased setbacks or landscaping between tracts.*

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 PUD proposes commercial uses at a rural arterial intersection. Some uses such as drive-thru restaurants and large gas stations could have operational impacts near the proposed residences. The PUD requires drive thru restaurant speakers to be at least 150 feet from residences.*

- 3) **Service Efficiency:**
 - Water: *Not served*
 - Sewer: *Not available*
 - Fire Service: *Outside 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 on the subject site. When 90-100 covered, the comprehensive plan has a preservation goal of 60 percent. The PUD is silent on tree preservation. Plan conformance would be strengthened by designing the site to clear as few trees as possible. Preserving swaths of forest would also assist with separation between the residential and commercial tracts and could satisfy screening requirements.*
 - 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.
- 5) **Transportation System:** This site is located at the northeast corner of SE 149th Street, a Minor Arterial, and S Choctaw Road, a Major Arterial Street in the Rural Low LUTA. Transit (bus) service is not available.
- 6) **Other Development Related Policies**
 - 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)
 - Support limited amounts of commercial (one to two acres per use) in rural areas appropriate to the needs of rural residents. Commercial uses in rural areas should be located in small clusters either on uninterrupted arterials or at freeway interchanges. (SU-46)
 - Preserve overall landscape character and natural landforms (rolling hills, native vegetation, etc.) to the greatest extent possible. (G-4)

- 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)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
- 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

This proposal would allow 5 acres of commercial development at the northeast corner of SE 149th and S Choctaw Road, within the Rural Low LUTA. The comprehensive plan supports limited amounts of commercial in rural areas on uninterrupted arterial streets appropriate to the needs of rural residents and passersby. The PUD also proposes 115 acres of residential development with a minimum lot size of 2 acres. The requested lot size is not consistent with the minimum 5-acre lots called for in the Rural Low LUTA.

At the time of review, the northwest corner of the intersection was under consideration for a rezoning to PUD-1893 to allow six acres of commercial uses. The uses proposed in this PUD are similar to those requested in the one to the west, except that this PUD would allow large gasoline stations. As drafted, the PUD to the west also prohibits EMD signs and billboards, requires a 50-foot setback along the north boundary where adjacent to residential parcels, and preserves trees within the setback.

Plan conformance would be strengthened by increasing the residential lot size, increasing the setback along the north and east boundaries of the commercial tract to 50 feet, and preserving trees within the setback.

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.

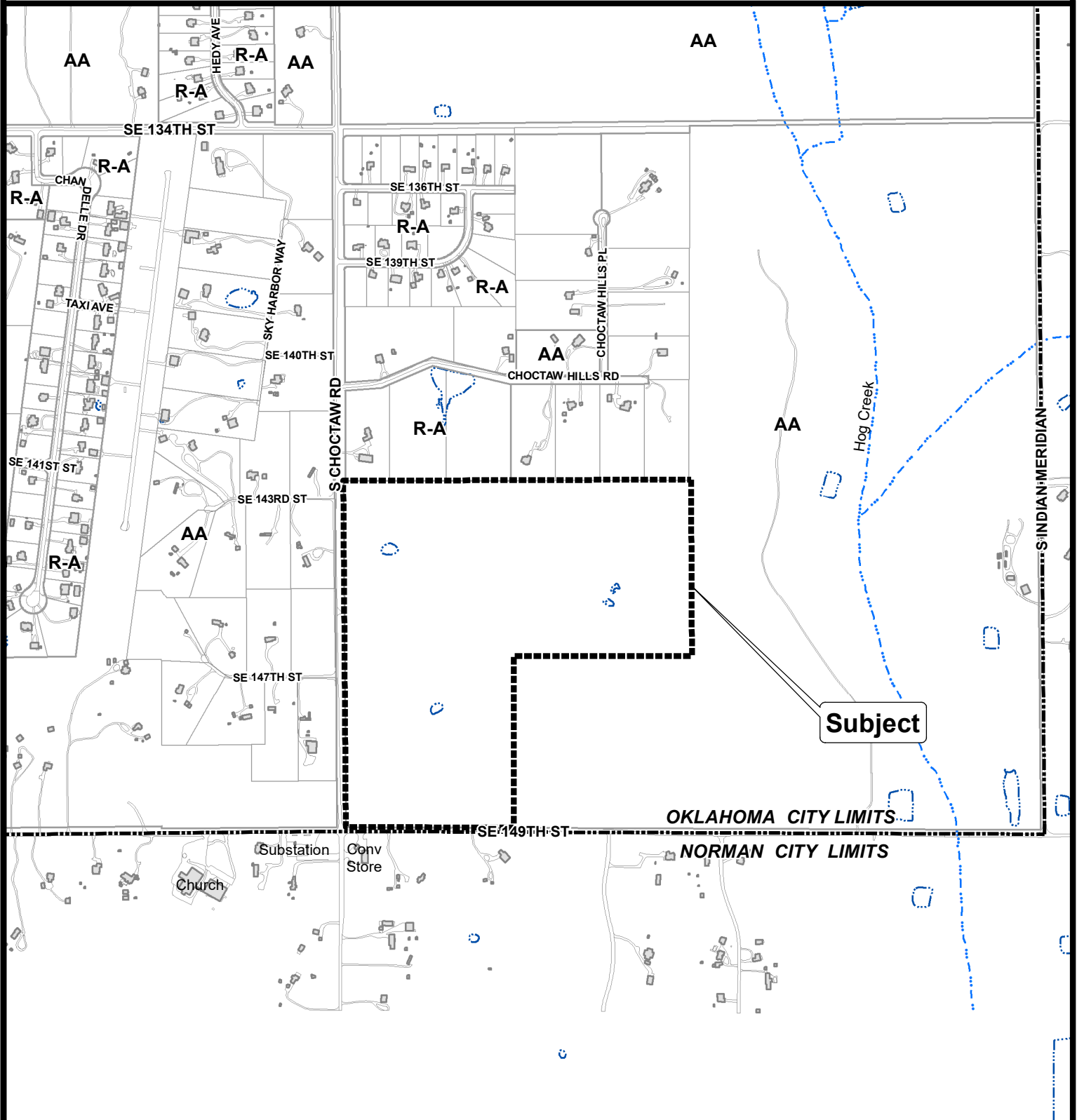
Approval of the application subject to the following Technical Evaluations:

1. Residential lots sizes shall be a minimum of 5 acres.
2. A 50-foot setback shall be provided between the commercial and residential tracts, and trees shall be preserved within the setback.
3. Dumpsters shall be at least 50 feet from a residential zoning district and screened per Code.
4. A 150-foot setback from a residential zoning district is required for the 8300.45 *Gasoline Sales, Large*.
5. Proposed streets/driveways must meet separation requirements and be clearly marked at the site in order for Traffic Mgmt. to verify sight distance compliance.
6. Delete 8200.16 *Two-family Residential* as a permitted use in Tract 2 or provide justification.
7. EMD and Non-Accessory Signs/Billboards shall be prohibited.

All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the SPUD may be required during either Divisions review of construction plans and prior to City Council approval.

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Case No: PUD-1903 Applicant: Friendship Investments, LLC
Existing Zoning: AA
Location: 14998 S. Choctaw Rd.

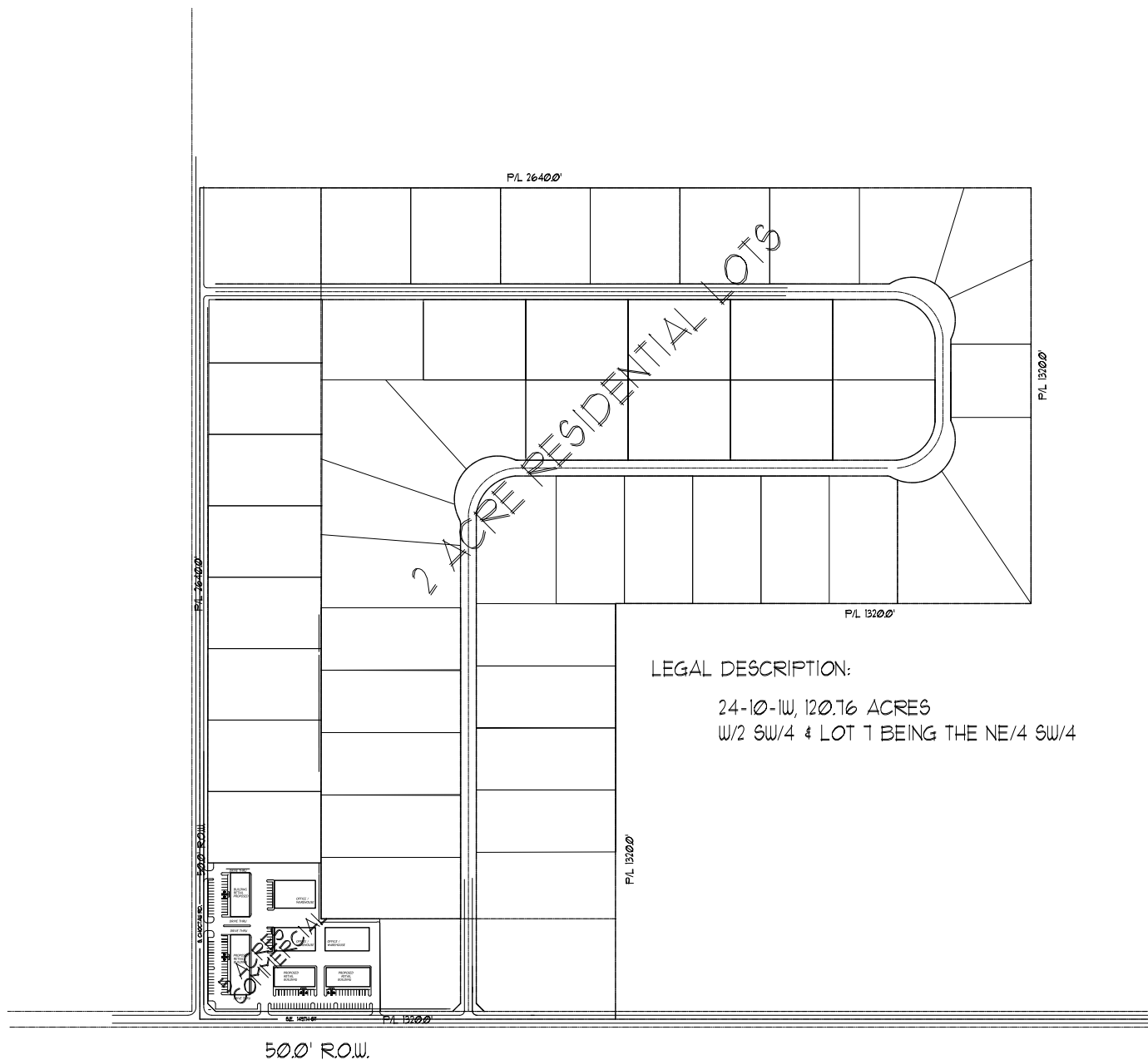


The City of
OKLAHOMA CITY

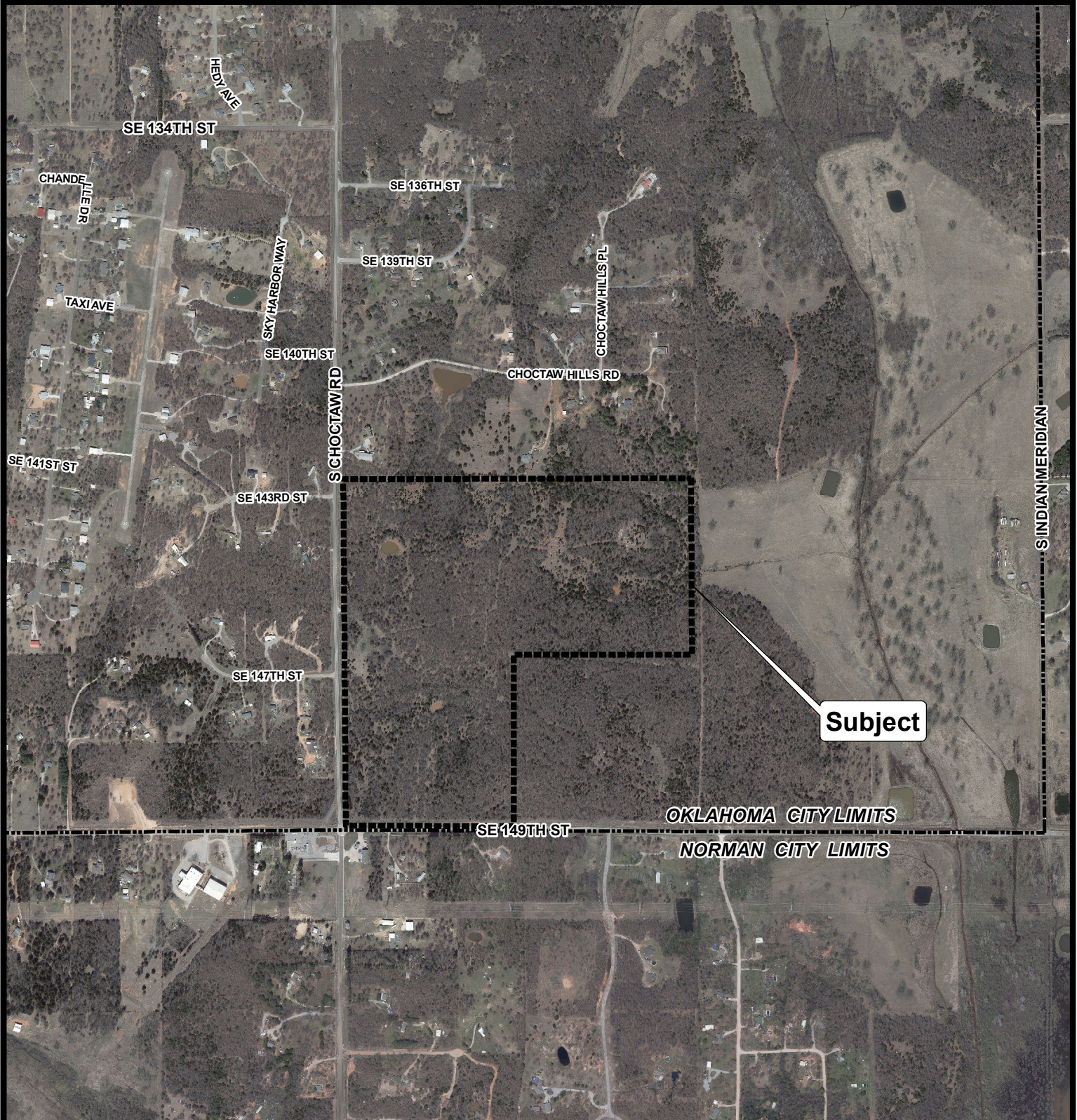
Planned Unit Development



0 500 1,000
Feet



Case No: PUD-1903 Applicant: Friendship Investments, LLC
Existing Zoning: AA
Location: 14998 S. Choctaw Rd.



Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Planned Unit Development



0 500 1,000
Feet