

Planning Commission Minutes  
October 14, 2021

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:58 a.m. on October 11, 2021.)

26. (PC-10770) Application by Hiwassee80, LLC, to rezone 14624 SE 104th Street from the AA Agricultural District to the RA Single-Family One-Acre Rural Residential District. Ward 4.

The applicant was present. There were no protestors present.

**RECOMMENDED APPROVAL.**

MOVED BY LAFORGE, SECONDED BY HINKLE

AYES: CRAVENS, HINKLE, HIGHSMITH, PENNINGTON,  
LAFORGE;

NAY: CLAIR, POWERS;

ABSENT: COFFEY, PRIVETT



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**October 14, 2021**

**Item No. IV. 26.**

(PC-10770) Application by Hiwassee80, LLC, to rezone 14624 SE 104<sup>th</sup> Street from the AA Agricultural District to the RA Single-Family One-Acre Rural Residential District. Ward 4.

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant's Representative**

Mark Grubbs, Grubbs Consulting, LLC  
Mark.grubbs@gc-okc.com  
(405) 265-0641

**B. Case History**

This is a new application. This application is associated with CPA-2021-00011, a request to amend the LUTA from Rural Low Intensity to Rural Medium Intensity.

**C. Reason for Request**

The purpose of this request is to change the existing agricultural based zoning to a residential based zoning that will permit rural residential development.

**D. Existing Conditions**

**1. Size of Site (160 Acres)**

**2. Zoning and Land Use**

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

**3. (Existing) 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.

***(Proposed) 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.

- 3. Development Context:** The 160-acre subject site is located the southwest corner of SE 104<sup>th</sup> Street and S Choctaw Road. The site zoned AA and heavily forested, with two residences located along SE 104<sup>th</sup> Street. Land to the north and east is zoned AA and developed with residences on parcels ranging from 5 to 27 acres. The northwest corner of the intersection is zoned SPUD-1085 and developed with a Dollar General store. To the south is 70 acres of AA zoned land developed with a home and a business that creates custom copper architectural pieces. Adjacent to the subject site on the west is a 160-acre rural residential subdivision (Creekwood Estates) that extends to S Henney Road. The abutting subdivision is zoned R-A and developed with 2-acre lots. Across S Choctaw to the southeast is R-A zoned land developed with an equestrian facility. The application seeks to rezone the site to the R-A District to allow a subdivision. No plat was submitted with the rezoning application.

## **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)**
- 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.
- 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.
- k) 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) City wastewater system is not currently within the required distance for extension per the current Subdivision Regulations; therefore, extension of the City wastewater system is not required.

**b. Solid Waste Management**

The City can also service residential customers providing there is sufficient space for the truck to maneuver to service the addition.

**c. Water/Wastewater Quality**

### Water Availability

- 1) City water system is not currently within the required distance for extension per the current Subdivision Regulations; therefore, extension of the City water system is not required.

## 12. Planning

### a. Comprehensive Plan Considerations

#### 1) LUTA Development Policies:

##### Site Design:

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

Density: The existing Rural Low LUTA (RL) outlines a minimum lot size of 5 acres for residential development. The proposed Rural Medium LUTA (RM) 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 in RM provided the maximum gross density of the project is maintained.

*The site's existing AA zoning requires 5-acre minimum lot sizes, consistent with the Rural Low LUTA. The proposed RA District allows densities of 0.7 to 1.0 du/acre, which is not consistent with RL or RM. If the LUTA is changed to Rural Medium, the RA2 District would be considered compatible as it allows densities between 0.35 to 0.45.*

- 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 or Agricultural uses and 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 buildings immediately adjacent to single-family residential exceed a ratio of 3:1 in height; 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; or if the overall massing of proposed non-residential projects dramatically exceeds that of adjacent uses. In addition, the comprehensive plan calls for mitigation measures for new projects if residential lot sizes within Rural Medium areas are less than 40% of directly adjacent residential lots. *No triggers regarding height or setbacks were identified.*

*However, the proposed RA District allows minimum lot sizes of 30,000 square feet and lot coverage up to 30%. compared to 5-acre minimum parcel sizes and 5% maximum lot coverage for residential uses in nearby AA zoned properties. The proposed RA District regulations are consistent with the land to the west which is developed with a 2-acre subdivision, but no plat was submitted so lot sizes and subdivision design were unable to be assessed. Without public water and sewer, new lots are expected to be at least 0.75 acres.*

**3) Service Efficiency:**

- Water: *Not available*
- Sewer: *Not available – need for major investment*
- Fire Service: *Rural 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 in the form of an intermittent stream is present on the eastern portion of the property. Riparian area protections 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. *Upland forest is present on the proposed development site. When 80 to 90 percent covered, the comprehensive plan has a preservation goal of 70 percent. Tree preservation cannot be stipulated in a base zoning request. Plan conformance would be strengthened at the platting stage with a subdivision design that retains large swaths of trees and habitat.*
- **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 has frontage along SE 104<sup>th</sup> Street and S Choctaw Road, both arterial streets within the Rural Low LUTA. Bus transit is not available to the area.
- 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)
  - 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. Include provisions and best management practices to ensure proper tree protection throughout the construction process. (G-26)
  - 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)
  - Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)

**b. Plan Conformance Considerations**

The 160-acre subject site is located at the southwest corner of SE 104<sup>th</sup> Street and S Choctaw Road. The subject site is zoned AA and within an area that the comprehensive plan designates as Rural Low Intensity (RL), which calls for 5-acre minimum lot sizes. The existing AA District is consistent with the comprehensive plan. The proposed RA District would allow densities up to 1 dwelling unit per acre (160 lots) and is not consistent with the comprehensive plan.

This application is associated with CPA-2021-00011, a request to amend the comprehensive plan and designate the subject site as Rural Medium Intensity (RM). Rural Medium areas are normally adjacent to urbanized areas and have potential to connect to City water or sewer. The proposed development site does not have access to public water or sewer and is not near urbanized areas or areas intended to urbanize in the future. The nearest Rural Medium Area is 1.5 miles to the west, but the nearest public water is located on Douglas Road and SE 74<sup>th</sup> Street, past I-240.

If the CPA is approved and the subject site is designated Rural Medium, the zoning district should be amended to the RA2 District which allows densities up to 0.45 du/acre (72 lots), consistent with the new LUTA and the subdivision on the west, which is developed with 2-acre lots. Additionally, plan conformance would be strengthened at the platting stage by preserving and protecting upland forest.

#### **IV. STAFF RECOMMENDATION**

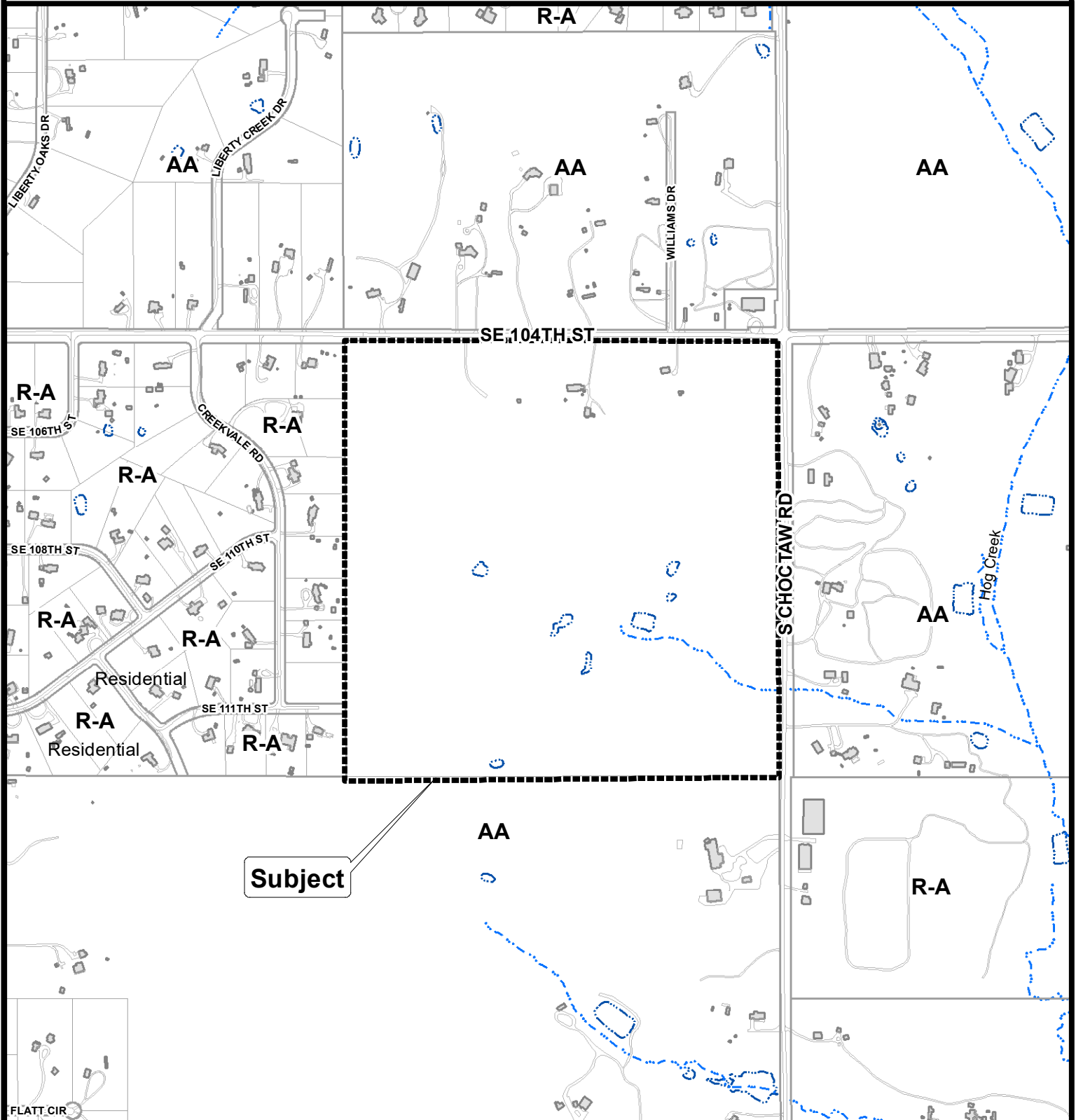
*Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the 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.*

**If CPA-2021-00011 is denied, denial of the application.**

**If CPA-2021-00011 is approved, amend the application to the RA2 District and approve.**

taj

Case No: PC-10770    Applicant: Hiwassee80, LLC  
Existing Zoning: AA    Proposed zoning: RA  
Location: 14624 SE 104th St.



The City of  
OKLAHOMA CITY

## Rezoning Application



0 400 800 Feet



Case No: PC-10770    Applicant: Hiwassee80, LLC  
Existing Zoning: AA                      Proposed zoning: RA  
Location: 14624 SE 104th St.



Aerial Photo from 2/2020



The City of  
OKLAHOMA CITY

## Rezoning Application



0 400 800  
Feet