

Planning Commission Minutes
November 9, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:24 a.m. on November 6, 2023)

16. (PUD-1971) Application by Hiwassee80, LLC to rezone 14924 SE 104th Street from RA Single Family One-Acre Rural Residential District to PUD-1971 Planned Unit Development District. Ward 4.

Technical Evaluation:

1. A Specific Plan will be required for uses other than a farmer's market / temporary outdoor sales.
2. Delete Section 8.18 "OTHER" from the Master Design Statement.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION.

MOVED BY PRIVETT, SECONDED BY NEWMAN

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

ABSENT: LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
November 9, 2023

Item No. IV. 16.

(PUD-1971) Application by Hiwassee80, LLC to rezone 14924 SE 104th Street from RA Single Family One-Acre Rural Residential District to PUD-1971 Planned Unit Development District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Mark Grubbs
Company Grubbs Consulting LLC
Phone 405-265-0641
Email mark.grubbs@gc-okc.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow rural commercial use and development, specifically a farmer's market.

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: 5.47 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	RA	AA/SPUD-1075	AA	RA	RA
Land Use	Undeveloped	Commercial	Residential	Undeveloped	Residential

II. SUMMARY OF PUD APPLICATION

The use and development regulations of the **RC Rural Commercial District** shall govern the property except as herein modified.

- a. As a temporary use the following shall be the only use permitted:
 1. Outdoor Sales and Display, and Outdoor Storage (8300.54), further limited to a farmers market offering agricultural products such as fruits, vegetables and plants cultivated within the metropolitan area.
- b. The following permanent uses shall be permitted but only when the above temporary use has been removed or not pursued. The combination of the above described temporary use and the following permanent uses shall not be permitted.
 1. Administrative and Professional Offices (8300.1)
 2. Food and Beverage Retail Sales (8300.41)
 3. Retail Sales and Services: General (8300.63)
 4. Outdoor Sales and Display, and Outdoor Storage (8300.54), further limited to a farmers market offering agricultural products such as fruits, vegetables and plants cultivated within the metropolitan area.

8.2 LANDSCAPE & SCREENING REGULATIONS

1. All requirements of the City of Oklahoma City's Landscaping and Screening Ordinance in place at the time of development shall apply to all uses other than the temporary farmers market as described herein, except as otherwise noted.
2. For the temporary farmers market use as described herein, landscaping and screening shall consist of the following:
 - a. In lieu of sight proof screening required by ordinance, a landscape buffer, minimum of 10 feet wide, shall be provided along the west and south property lines. Existing trees shall be retained within these areas and if removed, trees that grow to a height of at least six feet shall be planted within the buffer on maximum 20-foot centers.
 - b. In lieu of landscaping for the temporary farmers market use and associated parking lot, for every forty linear feet of street frontage, a minimum of two existing trees spaced no more than ten feet apart shall be retained within five feet of the statutory right of way of SE 104th Street and Choctaw Road. Otherwise, trees that grow to a height of at least six feet shall be planted within five feet of the statutory right of way of said streets, planted on maximum 20-foot centers.

8.3 ACCESS REGULATIONS

1. The number of access points and/or driveways shall be in accordance with the Municipal Code.
2. All access drives shall meet the requirements of the Subdivision Regulations and Oklahoma City municipal ordinances in place at the time of development.

8.4 SIGN REGULATIONS

- 1) Signs shall comply with the OKC Municipal Code, except as otherwise noted herein.

a) FREESTANDING ACCESSORY SIGNS

There shall be one free-standing monument type sign permitted. Said sign shall have a maximum height of eight feet with a maximum display area of 100 square feet. Pole signs are prohibited.

b) ATTACHED SIGNS

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

c) NON-ACCESSORY SIGNS

Non-Accessory signs are prohibited.

d) ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display signs are prohibited.

8.5 PARKING REGULATIONS

1. The design and number of all parking facilities shall be in accordance with Chapter 59 of the Oklahoma City Municipal Code, as amended, except parking for the temporary farmers market use as described herein shall be permitted to maintain a gravel surface.
2. Driveway approaches from SE 104th Street and from Choctaw Road and ADA compliant parking and access shall be in accordance with Chapter 59 of the Oklahoma City Municipal Code, as amended.

8.6 COMMON AREA REGULATIONS

1. Maintenance of common areas and private drainage easements is the responsibility of the property owner's association and/or property owners within the PUD, and as

depicted within covenants and restrictions filed as separate documents. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent, shall be placed within drainage related common areas or drainage easements.

8.7 PLATTING & SPECIFIC PLAN REGULATIONS

1. Platting shall not be required.
2. A Specific Plan shall not be required.

8.8 FAÇADE/ARCHITECTURAL REGULATONS

1. Open air canvas tents, canopies, or other all-weather types of shelter shall be permitted for the temporary farmers market use as described herein.

8.9 LIGHTING REGULATIONS

- a) The site lighting shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.
- b) Lights shall not be located closer than twenty feet to any property line that adjoins a single family residence. All lighting shall be arranged so that there will be no annoying glare directed or reflected toward adjacent residential properties. To accomplish this, lights shall utilize shields, shades, or other appropriate methods of directing light beams.

8.10 DRAINAGE REGULATIONS

1. Drainage improvements will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

8.11 DUMPSTER REGULATIONS

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

8.12 ROOFING REGULATIONS

1. Permanent primary structures shall have Class C roofing or better.

8.13 SIDEWALK REGULATIONS

1. Sidewalks shall not be required along SE 104th Street or along Choctaw Road.

8.14 HEIGHT REGULATIONS

1. The base zoning district regulations shall regulate heights of structures.

8.15 SETBACK REGULATIONS

1. Unless modified herein, yard requirements shall be the same as the base zoning district.

8.16 PUBLIC IMPROVEMENTS

1. Public improvements shall be made by the property owner 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.

8.17 GENERAL DESIGN AND DEVELOPMENT GUIDELINES

1. 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 may be required at the building permit stage.

8.18 OTHER

1. Outdoor portable waste facilities (porta-potties) shall be permitted until such time as permanent buildings are constructed. There shall be no more than six and their location must be screened from view of the adjacent streets and the west and south boundaries of the subject site.
2. At least one portable waste facility shall be ADA compliant.

SECTION 9.0 DEVELOPMENT SEQUENCE

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

SECTION 10.0 EXHIBITS

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

EXHIBIT A: LEGAL DESCRIPTION
EXHIBIT B: MASTER DEVELOPMENT PLAN MAP

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) Mid-Del City**
- 7. Oklahoma Department of Transportation (ODOT)**

B. City Departments

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire:** Outdoor portable restrooms are not a zoning issue this needs to go to the Development Center.
- 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 PUD 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.
- 11) Replace Section 8.13 Sidewalk Regulations as follows: All sidewalks shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements in place at the time of construction.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

Paving

Wastewater Availability

- 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. Applicants 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. Solid Waste Management

- 1) The City can provide solid waste collection services to commercial customers providing refuse is not excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise the customer will have to utilize a private hauler for dumpster service.

c. Water/Wastewater Quality

Water Availability

- 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.
- 2) For commercial developments a water storage tank may be required. Fire Department to determine size of tank if required.

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 PUD is requested for office, retail and food/beverage sales, or a farmers market, and would be located at the intersection of two arterial streets.*

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”, “Traffic”, and “Operational Impact” 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 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 requires a 10-foot landscape buffer with trees preserved within setbacks. The PUD is requested for a temporary farmer’s market, and would allow permanent retail, office or food and beverage uses. No details about design were provided for permanent uses, and should be provided for in a Specific Plan.*

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. *The subject site is located at the intersection of two arterial streets. 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. *No triggers requiring mitigation were identified for the limited commercial uses. It was unclear what, if any, impacts the farmer’s market may have.*

3. **Service Efficiency:**
 - Water: *Not Served*
 - Sewer: *Not Served*
 - Fire Service: *Rural Service Level*

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 nearly the entire proposed development site. When 90 to 100 percent covered, the comprehensive plan has a preservation goal of 60 percent. The development as a farmer's market use would necessitate the PUD implementing a minimum landscape buffer of 10 feet, in lieu of sight-proof screening along the south and west property lines. Additionally, for every forty linear feet of street frontage, a minimum of two existing trees spaced no more than ten feet apart shall be retained within the statutory right-of-way of SE 104th Street and Choctaw Road. Existing trees shall be retained, and if removed, trees that grow to a height of at least six feet shall be planted within the buffer or right-of-way on maximum 20-foot centers. Plan conformance would be strengthened by retaining as many healthy, mature trees as possible.*
 - 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 southwest corner of SE 104th Street, a Minor Arterial Street, and S Choctaw Road, a Major Arterial Street, both 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)

b. Plan Conformance Considerations

The subject site is located at the southwest corner of SE 104th Street and S Choctaw Road. The site is undeveloped and was rezoned, along with the land to the south and west, from AA to R-A in 2022 (PC-10770). Land to the south and west would remain zoned R-A and has been preliminarily platted as The Preserve (C-7464). The northwest corner of the intersection is zoned SPUD-1085 and developed with a Dollar General store. The northeast and southeast corners of the intersection are zoned AA and undeveloped, with a mix of agricultural land and rural residential found in the general area surrounding the site.

The PUD is requested with a base zone of RC, limited to three permanent uses (retail, office, and food/beverage retail), and is specifically requested to allow a farmer's market as temporary use. The subject site is within the Rural Low LUTA. The comprehensive plan supports limited amounts of commercial in rural areas appropriate to the needs of rural residents and passersby, and located in small clusters on uninterrupted arterials. The site has frontage on two uninterrupted arterials. The PUD does not provide details about design. A Specific Plan should be provided for permanent uses. Plan conformance would be strengthened by preserving healthy, mature trees to the maximum extent possible.

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. A Specific Plan will be required for uses other than a farmer's market / temporary outdoor sales.
2. Delete Section 8.18 "OTHER" from the Master Design Statement.

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

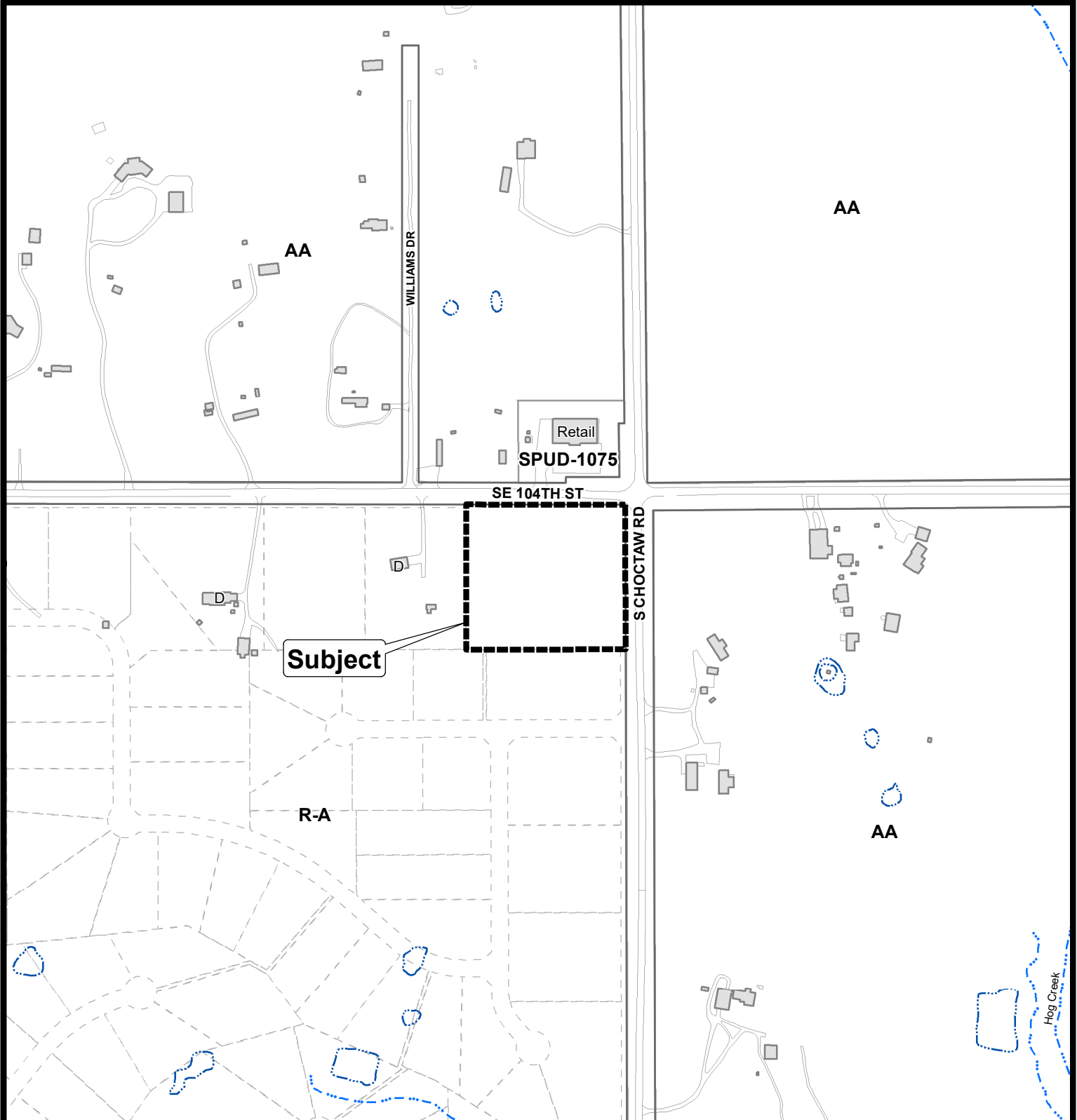
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Case No: PUD-1971

Applicant: Hiwassee80, LLC

Existing Zoning: R-A

Location: 14924 SE 104th St.



The City of
OKLAHOMA CITY

Planned Unit Development



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Feet

R 1 W

S.E. 104TH STREET

HENNEY ROAD

11

SITE

CHOCTAW ROAD

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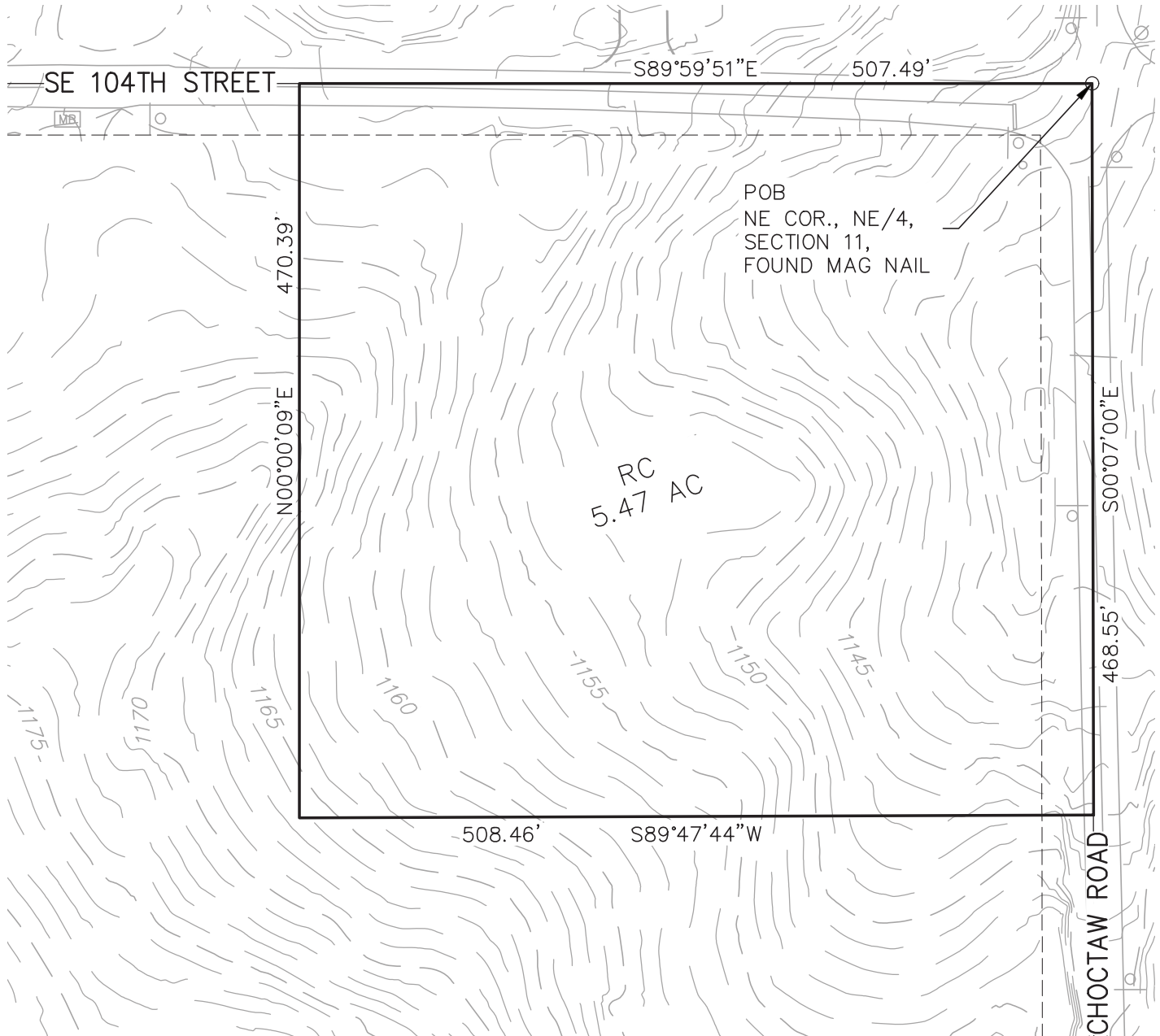
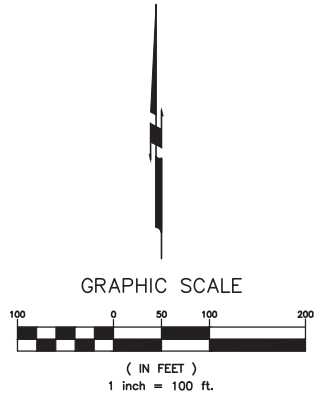
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S.E. 119TH STREET

LOCATION MAP

SCALE: 1" = 4000'



RUBBS CONSULTING, LLC
CIVIL ENGINEERING & LAND PLANNING
1800 S. Sara Road
Yukon, OK 73099
Phone: (405) 265-0641
Fax: (405) 265-0649

GRUBBS CONSULTING, LLC CERTIFICATE OF AUTHORIZATION NO. CA 5115 EXP. 06/30/24

FIGURE NO.

B

Case No: PUD-1971

Applicant: Hiwassee80, LLC

Existing Zoning: R-A

Location: 14924 SE 104th St.



Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Planned Unit Development



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Feet