

Planning Commission Minutes
March 23, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 9:44 a.m. on March 20, 2023)

12. (SPUD-1507) Application by James Lee and Carole Dullisse to rezone 14017 Timber Ridge Estates Boulevard from PUD-1575 Planned Unit Development District to SPUD-1507 Simplified Planned Unit Development District. Ward 1.

Amended Technical Evaluation:

1. A landscape buffer of trees and vegetative cover shall be provided along the outside of any front yard fence.
2. No production crops or crops grown for sale, livestock, or structures shall occur on the parcel.

The applicant was present. There was a protestor present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY CLAIR, SECONDED BY POWERS

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



STAFF REPORT
The City of Oklahoma City
Planning Commission
March 23, 2023

Item No. IV. 12.

(SPUD-1507) Application by James Lee and Carole Dullisse to rezone 14017 Timber Ridge Estates Boulevard from PUD-1575 Planned Unit Development District to SPUD-1507 Simplified Planned Unit Development District. Ward 1.

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 for agriculturally based zoning that will allow residential use and development.

D. Existing Conditions

1. 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.

2. Size of Site: 3.17 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	PUD-1575	PUD-1575	PUD-1575	PUD-1575	AA
Land Use	Undeveloped	Undeveloped	Residential	Residential	Residential

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **AA Agricultural District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

All use units within the AA Agricultural District shall be permitted on this site.

2. **Maximum Building Height:**

Maximum building height shall be in accordance with the base zoning district.

3. **Maximum Building Size:**

Maximum building size shall be in accordance with the base zoning district.

4. **Maximum Number of Buildings:**

Maximum number of buildings shall be in accordance with the base zoning district.

5. **Lot Size**

The minimum lot size shall be three (3) acres.

6. **Building Setback Lines**

Building setback lines shall be in accordance with the base zoning district.

7. **Sight-proof Screening:**

All existing sight-proof screening shall be permitted to remain and deemed to conform to all applicable regulations.

8. **Landscaping:**

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

9. **Signs:**

- 9.1 **Free standing accessory signs**

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

- 9.2 **Attached Signs**

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

9.3 Non-Accessory Signs

Non-Accessory signs will be prohibited.

9.4 Electronic Message Display signs

Electronic Message Display signs will be prohibited.

10. Access:

Access shall be taken from N. Frisco Rd.

11. Sidewalks

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.

II. Other Development Regulations:

1. Architecture:

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.

2. Open Space:

Open space requirements shall be in accordance with the base zoning district.

3. Street Improvements:

N/A.

4. Site Lighting:

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

5. Dumpsters:

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 SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

6. Parking:

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

7. Maintenance:

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.

8. Drainage:

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

III. Supporting Documents

Exhibit A: Legal Description
Exhibit B: Site 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) Piedmont

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) Flood Study will be required to show no rise in FEMA Q 100 and the City of Oklahoma City Q 100 water surface elevation, compared pre-and post-development.
- 5) A portion of subject property is situated within a F.E.M.A. Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year) frequency plus 1'. The Public Works Department Engineering staff shall approve these elevations prior to the filing of the final plat.
- 6) A floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 11) 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.

- 12) 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.
- 13) All private roads /streets will have private storm sewer systems.
- 14) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

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 service, providing there is sufficient space for the truck to maneuver to service the addition.
- 2) The City can provide service for up to 3 units on a single water meter. Any more than 3 units on the same meter will have to be serviced by a private hauler. A dumpster could be utilized provided there is not enough frontage space for cart placement.

a. Water/Wastewater Quality

Water Availability

- 1) An existing 8” water main(s) is located adjacent to the subject site(s).
- 2) If a larger main than 12-inch is required, the developer may make an application under the Policy “A-1” program for OCVUT participation in construction costs if an oversized is required. Approval will be subject to funding availability but will not be granted for oversized mains that are necessary to provide additional capacity for the development or other developer owned property.
- 3) Minimum ten (10) feet horizontal separation required from wastewater mains and five (5) feet for other utilities. Minimum two (2) foot vertical separation required for all utility crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 4) Proposed and/or existing water mains must be located centrally within a twenty (20) feet wide or larger utility easement or right-of-way. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 5) Dead-end water mains must be avoided when possible. All existing unused water services must be capped and abandoned at the water main in accordance with the City Standard Specifications.
- 6) In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi. The developer is responsible for designing and construction of all fixtures to provide adequate domestic and fire protection under minimum pressure conditions. The developer will be responsible for any failure of domestic or fire protection systems which require water pressure in excess of 25 psi. The developer is responsible for installing pressure reducers if necessary for protection of developer’s service lines, plumbing, and fixtures.
- 7) All existing and/or proposed water meters must be located in the right-of-way and/or utility easement within grassy areas outside of sidewalks, driveways, streets, and paving.

- 8) All domestic and fire suppression services must have a separate water service connection. Fire hydrant spacing shall not exceed 500 feet and must be located within ten (10) of a hard surface (i.e. sidewalk, street, paving).
- 9) Supply capacity for development is not guarantee and will be reviewed at time of review of construction documents.
- 10) Three (3) existing water service lines were installed with water main extension project WA-2272. If these are not to be used, they must be plugged and abandoned at the main and inspected by Field Services once abandoned. Fire hydrants should remain outside fenced area.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Avoid development within or modification of 100-year floodplains or floodways.
- 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.

Floodway and 100-year floodplain are present on the subject site. The development is required to comply with all City, State, and Federal requirements within the floodplain.

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 subject site is zoned and platted for one-acre residential development. The PUD would rezone the site to a 3-acre PUD with an AA base with the intent to combine it with land to the west owned by the applicant and already zoned AA. The AA District allows one dwelling unit per 5 acres.*

- #### 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 Low Intensity Residential, “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 within Rural Medium areas are less than 40% 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 PUD would rezone and presumably fence off three one-acre residential lots from the existing subdivision, essentially turning three front yards into a rear yard. A landscape buffer should be provided along the outside of the fence.*

3) Service Efficiency:

- Water: *Served*
- Sewer: *Potential Long-Term Connectivity (Not Served)*
- 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 is present on the subject site in the form of floodway and 100-year floodplain.*
- Upland Forests: N/A
- Vulnerable Aquifers: N/A

5) Transportation System: This site is located off Timber Ridge Estates Boulevard, a Neighborhood Street in the Rural Medium LUTA. Transit (bus) service is not available.

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)

b. Plan Conformance Considerations

The PUD appears to propose to combine three platted residential lots with AA zoned land to the west, in effect turning three front yards into three rear yards and fencing it. If approved, a landscape buffer should be required on the outside of the fence. The proposed minimum lot size of three acres would remove the ability of the lots to be developed as platted.

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.

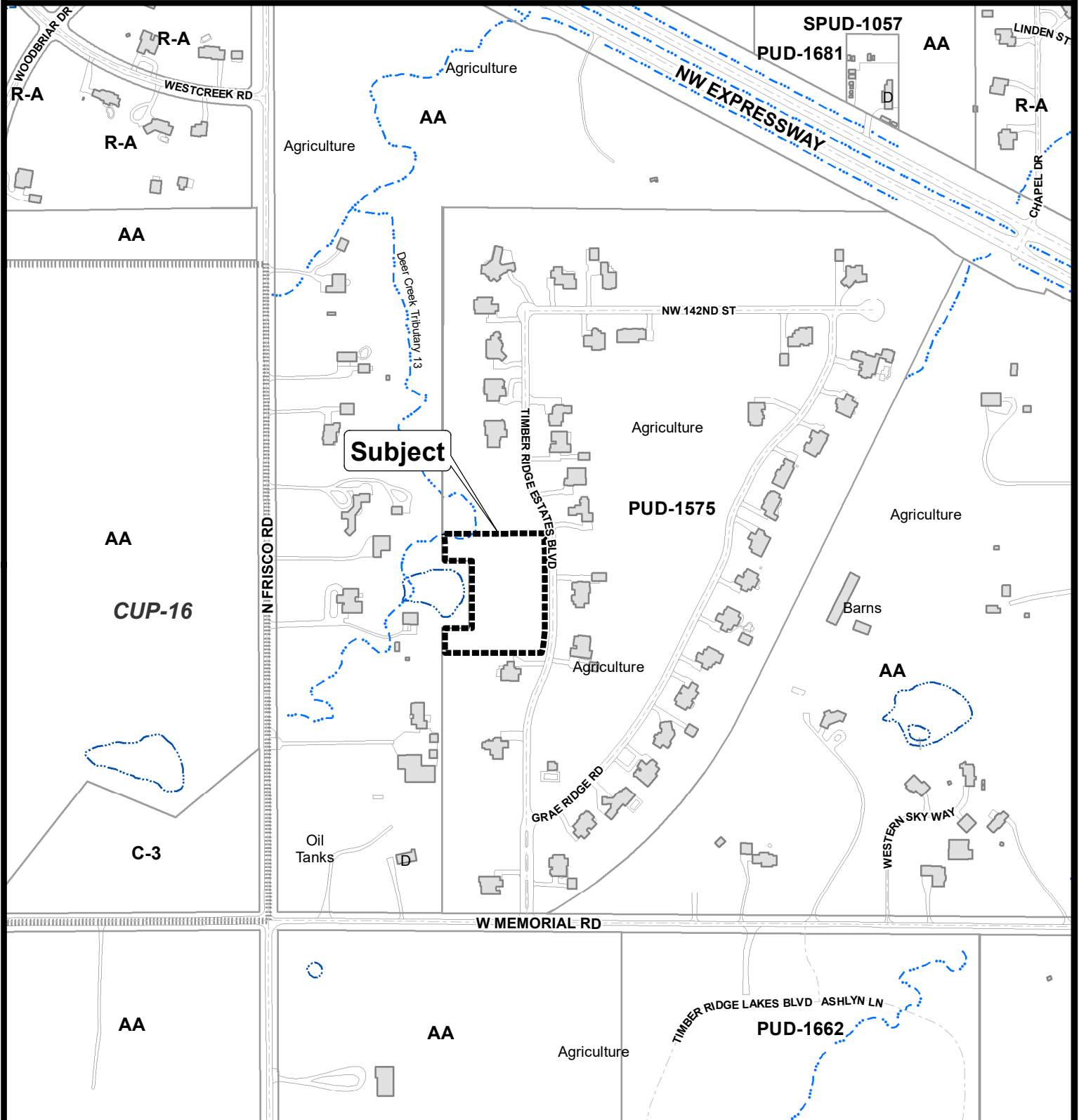
Approval of the application subject to the following Technical Evaluations:

1. A landscape buffer shall be provided along the outside of any front yard fence.

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.

cl

Case No: SPUD-1507 Applicant: James P. Lee & Carole Dulisse
Existing Zoning: PUD-1575
Location: 14017 Timber Ridge Estates Blvd.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



0 250 500
Feet

[illegible]

Case No: SPUD-1507 Applicant: James P. Lee & Carole Dulisse
Existing Zoning: PUD-1575
Location: 14017 Timber Ridge Estates Blvd.



Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



0 250 500
Feet