



STAFF REPORT
The City of Oklahoma City
Planning Commission
May 23, 2024

Item No. IV. 19.

(PUD-2006) Application by Outback Investments, LLC to rezone 8901 South Anderson Road from AA Agricultural and AE-2 Airport Environs Zone Two Overlay Districts to PUD-2006 Planned Unit Development and AE-2 Airport Environs Zone Two Overlay Districts. Ward 4.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Company	Williams, Box, Forshee & Bullard P.C.
Phone	405-232-0080
Email	dmbox@wbfbllaw.com

B. Case History

This application was continued from the April 25 and May 9, 2024 Planning Commission meetings.

C. Reason for Request

The purpose of this application is to allow single-family residential and commercial 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: 166.95 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA/AE-2	AA/AE-2	AA	AA	AA
Land Use	Undeveloped	Agriculture/ Residential	Agriculture/ Residential	Agriculture/ Residential	Agriculture/ Residential

II. SUMMARY OF PUD APPLICATION

There shall be two (2) tracts within this PUD. Tract 1 shall consist of 162.32 acres as outlined in Exhibit “B.” The use and development regulations of the RA Single-Family One-Acre Rural Residential District shall govern Tract 1 of this PUD, except as herein modified.

All uses within the RA District shall be permitted within Tract 1.

Tract 2 shall consist of 4.63 acres. The use and development regulations of the RC Rural Commercial District shall govern Tract 2 of this PUD, except as herein modified.

All uses within the RC Rural Commercial District shall be permitted within Tract 2.

9.0.....SPECIAL CONDITIONS

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

9.1.....FAÇADE REGULATIONS

The front exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, architectural metal, masonry, rock, stone, stucco, or wood, or other similar type finish. No more than 30% EIFS or wood 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 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

9.4 SCREENING REGULATIONS

Screening regulations within each tract shall be in accordance with the base zoning district.

9.5 PLATTING REGULATIONS

All land within this PUD shall be contained within a final plat and any plat dedications shall be approved by the City Council prior to any occupancy permits being issued in the 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 89th St. and S. Anderson 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 shall not be permitted.

9.10.4 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display signs shall not be permitted.

9.11 ROOFING REGULATIONS

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

9.12 SIDEWALK REGULATIONS

Sidewalks shall not be required within this PUD.

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 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.

9.16 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.

9.17 SPECIFIC PLAN

A specific plan shall be required for Tract 2.

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 - Conceptual 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 contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior to excavation for the exact location of our facilities.
- 5. Oklahoma Water Resources Board (OWRB)**
- 6. School District: Mid-Del City**
- 7. Oklahoma Department of Transportation (ODOT)**

B. City Departments

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire:** Over 30 lots single access. Second access or sprinkler systems required. Water tanks, or fire hydrants required at permitting.
- 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 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.
- 12) Sidewalks shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 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.
- 15) Amend Section 9.16 Common Areas: Maintenance of the common areas, private drainage easements, and islands/medians 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 may 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 that meets the requirements specified above.

c. Stormwater Quality Management

d. Traffic Management*

8. Utilities

a. Engineering

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. Applicant 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.

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.

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 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.

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, near where the West Branch of Hog Creek runs through the site. The development is required to comply with all City, State, and Federal requirements within the floodplain.

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 development within Tract 2 would be located at the intersection of two arterial streets.

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 density allowed in the proposed RA District (0.7-1.0 du/acre) is not consistent with the Rural Medium LUTA. Plan conformance would be strengthened by amending the application to a RA2 base zone which allows densities between 0.35-0.45 du/acre.*

- 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, “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 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. *No triggers requiring mitigation were identified for height, setbacks or street frontage. Land to the east and west of the subject site is primarily developed with 4- to 6-acre rural residential properties. The density allowed in the proposed RA District (0.7-1 du/acre) is not consistent with the Rural Medium LUTA. Plan conformance would be strengthened by amending the application to a RA2 base zone which allows densities between 0.35-0.45 du/acre. Lot coverage allowed in the RA and RA2 Districts is 30 percent compared to 5 percent for residential uses in the AA District.*

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 northeast corner of South Anderson Road and SE 89th Street, both arterial streets. No issues requiring mitigation measures 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 subject site abuts agricultural and residential uses or zoning on all sides. The PUD proposes uses at the arterial intersection (Tract 2) that could generate noise levels, spillover light and odors beyond what is found in typical agricultural or residential settings. The PUD regulations call for the base RC District regulations to be in place for setbacks, height limits, and screening requirements which would all require increased standards adjacent to agricultural or residential uses.*

3) Service Efficiency:

- Water: *Not Served*
- Sewer: *Not Served – 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 is present on the subject site. Floodway and 100-year floodplain are present on the subject site, near where the West Branch of Hog Creek runs through the site. Plan conformance would be strengthened by maintaining stream bank buffers in a natural or enhanced state. The buffer width should accommodate future stream movement, mitigate against erosion and flooding issues, and preserve the greatest extent of existing habitat possible.*
 - **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 less than 60 percent of the site is covered, the plan has a preservation goal of 100%. Plan conformance would be strengthened by preserving existing, healthy trees as much 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. Low impact development techniques include, but are not limited to, using pervious surface materials wherever possible for the construction of driveways, parking areas, sidewalks, patios, etc., in order to promote increased water percolation and infiltration, and use of bioswales and rain gardens to capture stormwater and allow it to slowly infiltrate instead of running off.
- 5) Transportation System:** This site is located at the northeast corner of South Anderson Road, a Major Arterial Street, and SE 89th Street, a Minor Arterial Street, both in the Rural Medium LUTA. Transit (bus) service is not available.
- 6) Other Development Related Policies**
- 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 on major, 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)
 - 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)
- 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

The subject site is located at the northwest corner of South Anderson Road and SE 89th Street, in an area generally located northeast of Lake Stanley Draper and south of East Interstate 240. The site and all surrounding land are zoned AA. The site is currently undeveloped. The 45-acre parcel to the north is primarily undeveloped aside from a few agricultural outbuildings. Floodway and 100-year floodplain are present on the subject site, near where the West Branch of Hog Creek runs through the site. Land to the east and west of the subject site is primarily developed with 4- to 6-acre rural residential properties. The easternmost portion of the subject site is within the Airport Environs 2 (AE-2) Overlay area for Tinker Air Force Base.

The PUD is requested to allow residential development with one-acre lots on 123.38 acres and C-3 Community Commercial District development on 4.63 acres. The density allowed in the proposed RA District (0.7-1 du/acre) is not consistent with the Rural Medium (RM) LUTA. Additionally, the access shown for the proposed number of lots does not meet Subdivision Regulations, which require residential developments with more than 30 lots to have at least two access points. RC Rural Commercial District base zoning within Tract 2 conforms to the RM LUTA, which supports limited amounts of commercial development appropriate to the needs of rural residents and passersby. The PUD prohibits non-accessory and electronic message display signage, which supports preservation of the rural character of the site and adjacent properties.

Plan conformance would be strengthened by amending the application to a RA2 base zone which allows densities between 0.35-0.45 du/acre, consistent with the Rural Medium LUTA. Alternatively, the PUD could state a maximum number of lots and minimum lot size of one acre. The comprehensive plan supports up to 61 lots on 123 acres, or 0.5 du/acre. Plan conformance would also be strengthened by requiring a 100-foot setback from the floodplain that traverses the site, which would support preservation of Riparian Areas and Upland Forest, both identified in the comprehensive plan as Environmentally Sensitive Areas.

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. Amend the base zoning in Tract 1 to the RA2 Single-Family Two-Acre Rural Residential District or establish a maximum density of 0.5 dwelling units per acre.
2. Access shall be per the Subdivision Regulations.
3. There shall be no buildings or paving within 100 feet of the 100-year floodplain. Trees and native understory shall be preserved within the setback to the maximum extent possible.

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

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