

Planning Commission Minutes  
June 23, 2022

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:26 a.m. on June 21, 2022.)

4. (PC-10820) Application by Lowell and Jackie Roberts, to rezone 11910 SE 44th Street from the AA Agricultural District to the RA-2 Single-Family Two-Acre Rural Residential District. Ward 4.

**RECOMMENDED APPROVAL.**

MOVED BY PENNINGTON, SECONDED BY POWERS

AYES: CRAVENS, POWERS, FRALEY, HINKLE, GOVIN, PENNINGTON;

ABSENT: CLAIR, PRIVETT, LAFORGE



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**June 23, 2022**

**Item No. IV. 4.**

(PC-10820) Application by Lowell and Jackie Roberts, to rezone 11910 SE 44<sup>th</sup> Street from the AA Agricultural District to the RA-2 Single-Family Two-Acre Rural Residential District. Ward 4.

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant's Representative**

Justin Curling  
(405) 651-9990  
okinstall@gmail.com

**B. Case History**

This is a new application. Subsequent to notice, this applicant requested amendment from RA to the RA-2 district.

**C. Reason for Request**

The purpose of this request is to permit rural residential use and development.

**D. Existing Conditions**

**1. Size of Site (6.5 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	RA	AA / AE-2	AA	AA
<b>Land Use</b>	Residential	residential	Residential	Residential	Residential

**3. 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.

- 4. Development Context:** The subject site is located at the southwest corner of SE 44<sup>th</sup> Street and S Anderson Road, approximately a quarter mile north of the I-40 interchange. Abutting on the south and west are residences on five- and six-acre parcels zoned AA. Across the street to the north are residences on one-acre parcels zoned R-A. To the east across S Anderson Road is a home on 5 acres and SPUD-1154 (2019) which allows commercial and light industrial uses. Land to the south at the I-40 interchange is zoned for commercial uses. PUD-1853 was approved in January 2022 to allow expansion of the RV sales business developed under PUD-1332. The application requests to rezone the site for rural residential development.

## **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 City)**
- 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**

**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) 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.
- 6) 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.

- 7) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 8) 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 1/2 acre or greater.
- 9) 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.
- 10) All private roads /streets will have private storm sewer systems.
- 11) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

#### **8. Streets, Traffic and Drainage Maintenance**

#### **9. Stormwater Quality Management**

#### **10. Traffic Management**

#### **11. Utilities**

##### **a. Engineering**

##### **Wastewater Availability**

- 1) No wastewater service is available for proposed improvements, private on-site sewage disposal systems are required in accordance with 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**

No Solid Waste Management services needed.

**c. Water/Wastewater Quality**

**Water Availability**

- 1) No water service is available for proposed improvements, private on-site water systems is required. The developer will provide an internal (on-site) private 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.

**12. Planning**

**a. Comprehensive Plan Considerations**

**1) LUTA Development Policies:**

Site Design:

- 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.
- Cluster development may be appropriate provided it maintains rural character by preserving open space and/or Environmentally Sensitive Areas (ESAs) by clustering lots, and maximum gross density requirements are not exceeded. Open space and/or ESAs should be permanently protected through mechanisms such as conservation easements, dedicated zoning tracts, deed restriction, etc.

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

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 RA2 District allows densities of .035-0.45, within the LUTA range.*

- 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, “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. *No triggers requiring mitigation were identified for height, setbacks or street frontage. Lot coverage allowed in the RA2 District is 30 percent compared to 5 percent for residential uses in the AA District. Two acre lots are considered compatible with the 5-acre minimum lot size required in adjacent AA Districts.*

- 3) **Service Efficiency:**
  - Water: *Not Served*
  - Sewer: *Need for Major Investment*
  - 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. *planokc identifies Upland Forest is present on the eastern and southern portions of the site. Plan conformance would be strengthened by preserving and protecting existing trees. Tree preservation cannot be stipulated in a base zoning request.*
  - 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:** The subject site is located off SE 44<sup>th</sup> Street, a minor arterial street, and S Anderson Road, a major arterial street, within the Rural Medium LUTA. Bus transit is not available in the area.
- 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)
- 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 6.5-acre subject site is located at the southwest corner of NE 44<sup>th</sup> Street and S Anderson Road. The site is zoned AA and developed with a home. The density permitted within the proposed RA2 District is consistent with the comprehensive plan's Rural Medium LUTA. Plan conformance would be strengthened by preserving healthy, mature trees, specifically along the southern boundary of the site.

**IV. STAFF RECOMMENDATION**

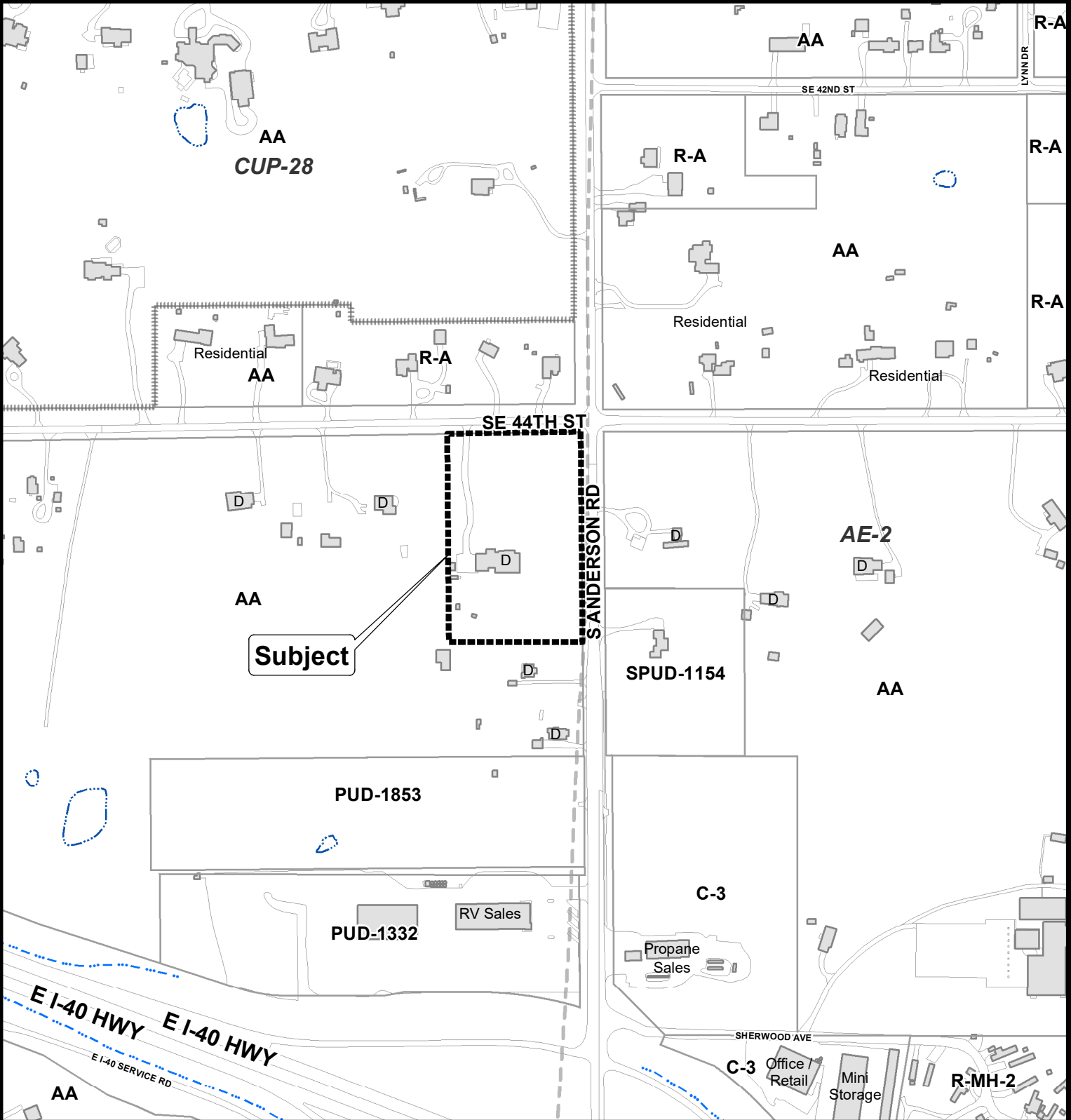
*Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the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

taj

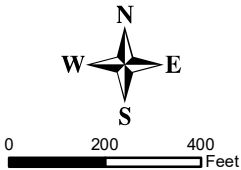


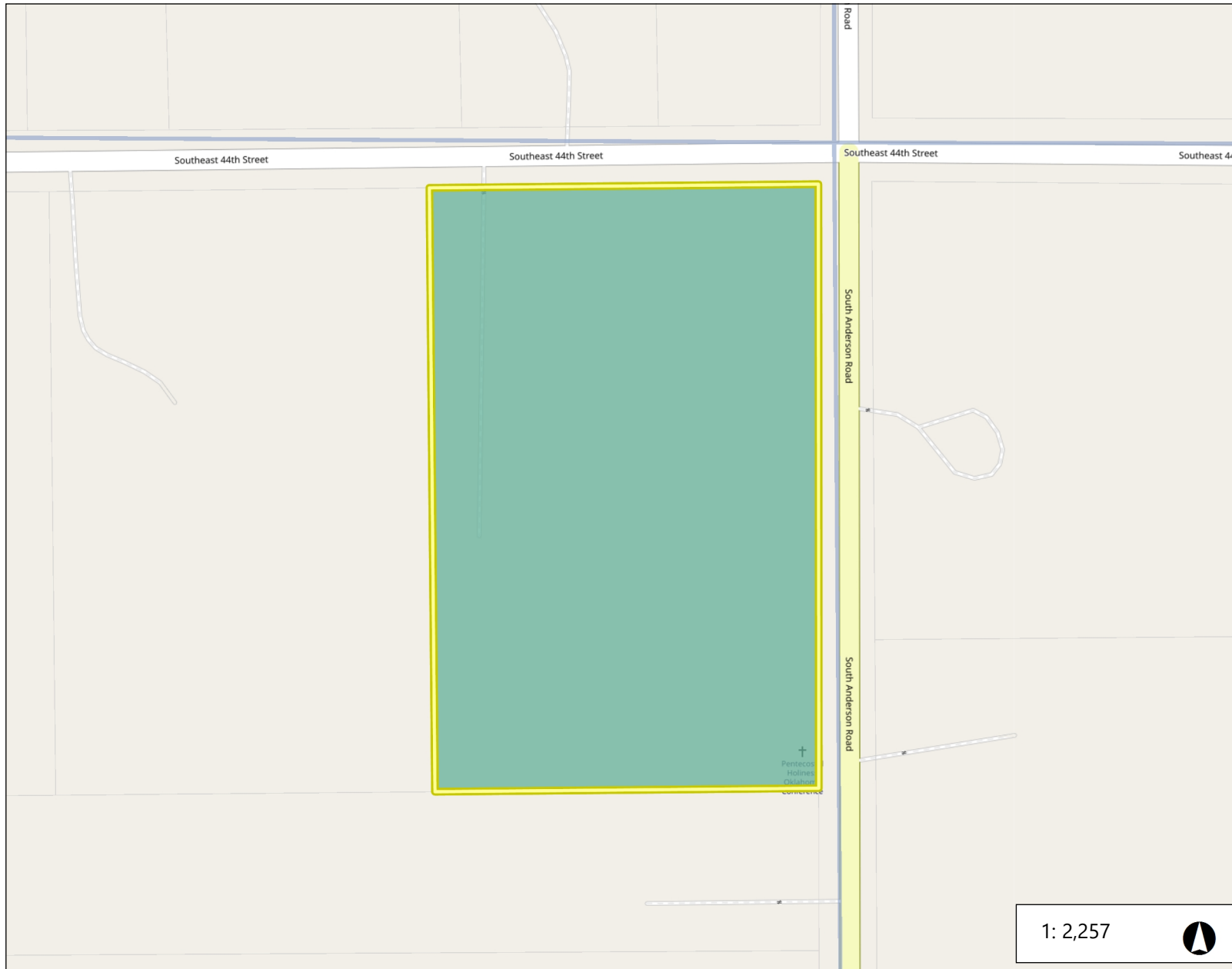
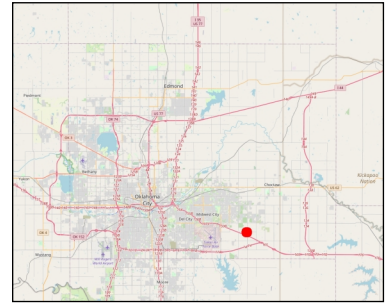
Case No: PC-10820     Applicant: Justin S. Curling  
Existing Zoning: AA     Proposed zoning: RA-2  
Location: 11910 SE 44th St.



The City of  
OKLAHOMA CITY

# Rezoning Application





### Legend

- Sections (>1:40,000)
- Parcels
- OK County Boundary

1: 2,257



0.1 0 0.04 0.1 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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### Notes

Enter Map Description



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Aerial Photo from 2/2020



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# Rezoning Application

