

Planning Commission Minutes
October 12, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:46 p.m. on October 6, 2023)

12. (PUD-1950) Application by Bentwood Investments, LLC, to rezone 13500 North Midwest Boulevard from AA Agricultural District to PUD-1950 Planned Unit Development District. Ward 7.

The applicant was present. There was a protestor present.

RECOMMENDED APPROVAL.

MOVED BY CLAIR, SECONDED BY GOVIN

AYES: CLAIR, PRIVETT, NEWMAN, GOVIN, PENNINGTON, NOBLE, LAFORGE

ABSENT: POWERS, MEEK



STAFF REPORT
The City of Oklahoma City
Planning Commission
October 12, 2023

Item No. IV. 12.

(PUD-1950) Application by Bentwood Investments, LLC, to rezone 13500 North Midwest Boulevard from AA Agricultural District to PUD-1950 Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name David M Box
Company Williams, Box, Forshee & Bullard P.C.
Phone 405-232-0080
Email dmbox@wbflaw.com

B. Case History

On June 22, 2023, the Planning Commission approved a request to amend the Comprehensive Plan (CPA-23-00003), changing the Land Use Typology Area from Rural Low Intensity to Rural Medium Intensity.

This PUD application was continued from the May 11, May 25, June 22, July 13, August 24, and September 14, 2023 Planning Commission meetings.

C. Reason for Request

The purpose of this request is to allow a residential subdivision.

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: 41.37 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	AA/SPUD-1278	AA	R-A	AA
Land Use	Undeveloped	Residential	Farms	C-7261&7561	Undeveloped

II. SUMMARY OF PUD APPLICATION

8.1.....USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the RA2 Single-Family Two-Acre Rural Residential District shall govern this PUD, except as herein modified.

The following uses shall be the only uses permitted:

- 8250.3 Community Recreation: Property Owners Association
- 8150.6.2 Composting [limited to accessory uses for the single-family residential]
- 8150.6.3 Greenhouse [limited to accessory structures for the single-family residential]
- 8150.6.5 Hoop House [limited to accessory structures for the single-family residential]
- 8200.14 Single-Family Residential (There shall be a maximum of 21 dwelling units within this PUD)

9.0.....SPECIAL CONDITIONS

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

9.1.....FAÇADE REGULATIONS

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, rock, stone, stucco, or wood, or other similar type finish. Buildings finished with a maximum 30% EIFS (Exterior Insulation Finish System) material shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted on primary structures.

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.

Trees shall be preserved within common areas and on the entire PUD site to the maximum extent possible.

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 shall be in accordance with the Municipal Code.

9.5 PLATTING REGULATIONS

Platting shall be required within this 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

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

There shall be no more than one (1) access point from N. Midwest Blvd. Access shall also be permitted along Memorial Road. If individual lots take access from Memorial Road, said lot shall be a minimum of 2 acres in size and a minimum of 250 feet in width.

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 will be prohibited within this PUD.

9.10.4 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display signs will be prohibited within this PUD.

9.11 ROOFING REGULATIONS

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

9.12 SIDEWALK REGULATIONS

Sidewalks shall not be required along the adjacent rural arterial streets, or interior to the development.

9.13 HEIGHT REGULATIONS

The base zoning district regulations shall regulate heights of structures in this PUD.

9.14 SETBACK, LOT AND YARD REGULATIONS

Unless modified herein, setback, lot and yard requirements in this PUD shall be as follows:

- 1) Minimum lot size shall comply with the base zoning.
- 2) Maximum lot coverage shall be thirty percent (30%).
- 3) Lots abutting cul-de-sacs shall maintain a minimum lot width of 90 feet measuring at the platted building limit line, with street frontage width not less than fifty feet.

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. Trees within common areas shall be preserved.

9.17 **SPECIFIC PLAN**

A specific plan shall not be required.

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 - 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 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) Oklahoma City**
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) 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 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.
- 8) 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.
- 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) Modify Section 9.5: platting shall be required for single family residential uses.

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.

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.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Avoid development within or modification of 100-year floodplains or floodways.
- Design new buildings 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 PUD application has been modified since first submitted to comply with the RA2 District. Further, the PUD limits the number of dwelling units allowed to 21 over the 41-acre site, or 0.5 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 Low Intensity Residential near existing Agricultural or Low Intensity Residential, “Building Scale and Site Design” 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 proposed development site does not abut a platted subdivision. The lot coverage typically allowed in rural residential districts is 30 percent compared to 5% for residential uses in the AA District. The PUD has been modified since first submitted to comply with the RA2 base district regulations.*

- 3) **Service Efficiency:**

- Water: *Not Served*
- Sewer: *Not Served*
- Fire Service: *Longer than 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 eastern side of the subject site. Floodplain is not present.*
- 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 identified on the entire subject site. When 90-100 percent forested, the comprehensive plan has a preservation goal of 60 percent. The PUD states trees will be preserved within common areas and to the extent possible on the entire site.*

- Vulnerable Aquifers: The aquifer in this area is considered highly 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 off N Midwest Boulevard and E Memorial Road, both Minor Arterial Streets 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)
 - 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)
 - 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 southeast corner of N Midwest Blvd and E Memorial Road and has frontage on East I-44. The site is zoned AA and heavily forested. The surrounding area is primarily zoned AA and developed with rural residential and agricultural uses on parcels ranging from 5 to 40 acres. The northwest corner of E Memorial Rd and Midwest Blvd is zoned C-3. The land south of I-44 on the east side of Midwest Blvd. was rezoned to the RA District in 2020.

The subject site was within the Rural Low LUTA (RL), which called for a minimum residential lot size of 5 acres. Planning Commission approved a change to the comprehensive plan to designate the subject site Rural Medium Intensity (RM). The PUD has since been modified to allow development per the RA2 District, and limits the number of lots to 21 over the 41-acre site, for a density of 0.5 du/are, consistent with the RM LUTA. The PUD has also been modified to align the open space requirements with the RA2 District, and commits to preserving healthy, mature trees within common areas and throughout the development.

IV. STAFF RECOMMENDATION

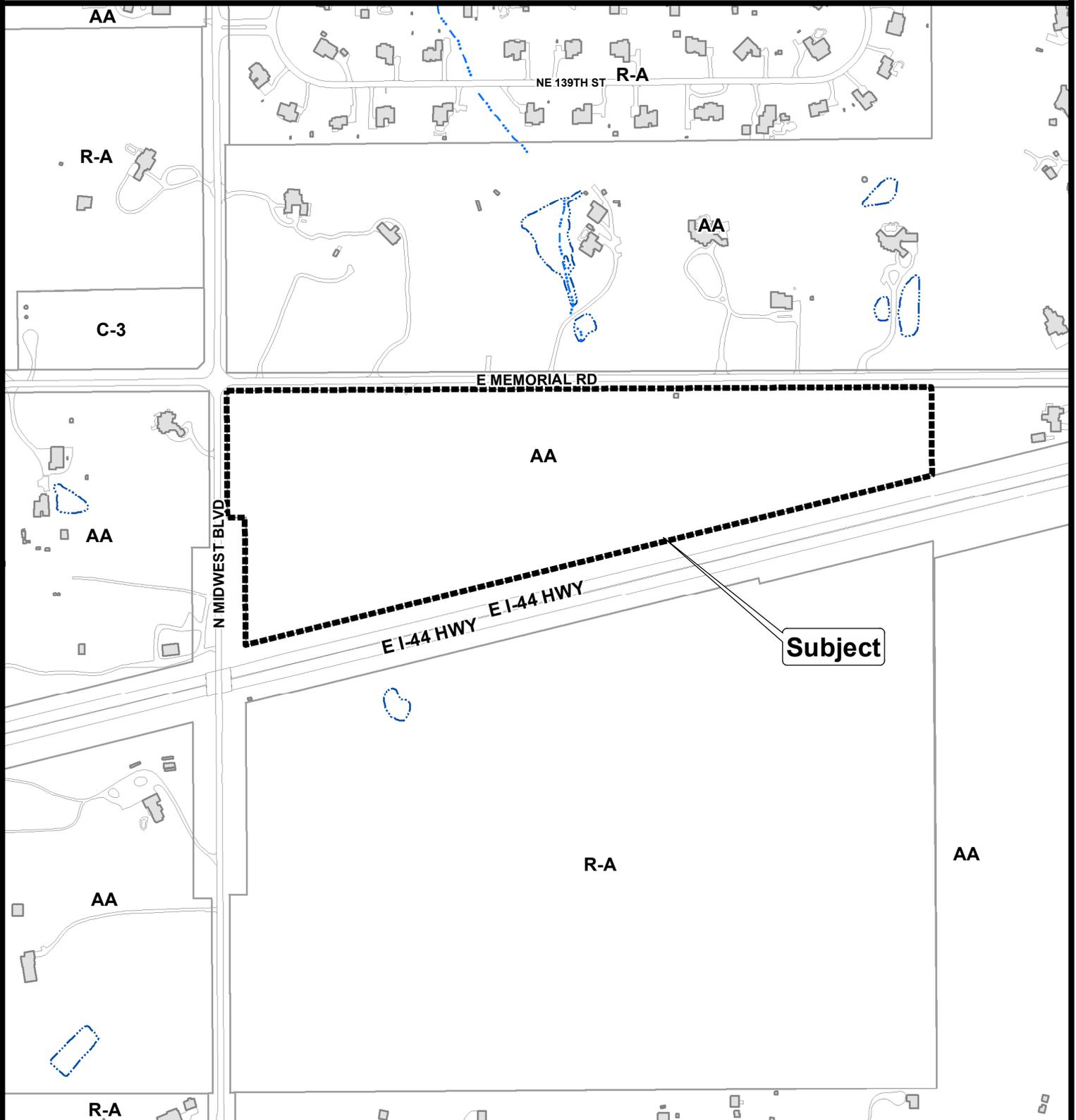
Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning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

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: PUD-1950 Applicant: Bentwood Investments LLC
Existing Zoning: AA
Location: 13500 N. Midwest Blvd.



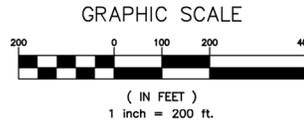
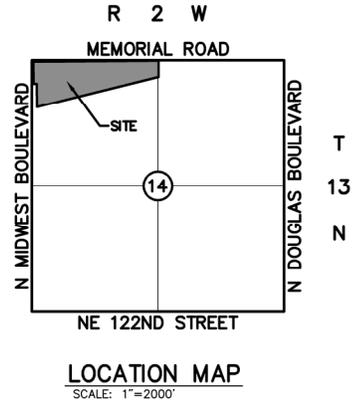
The City of
OKLAHOMA CITY

Planned Unit Development

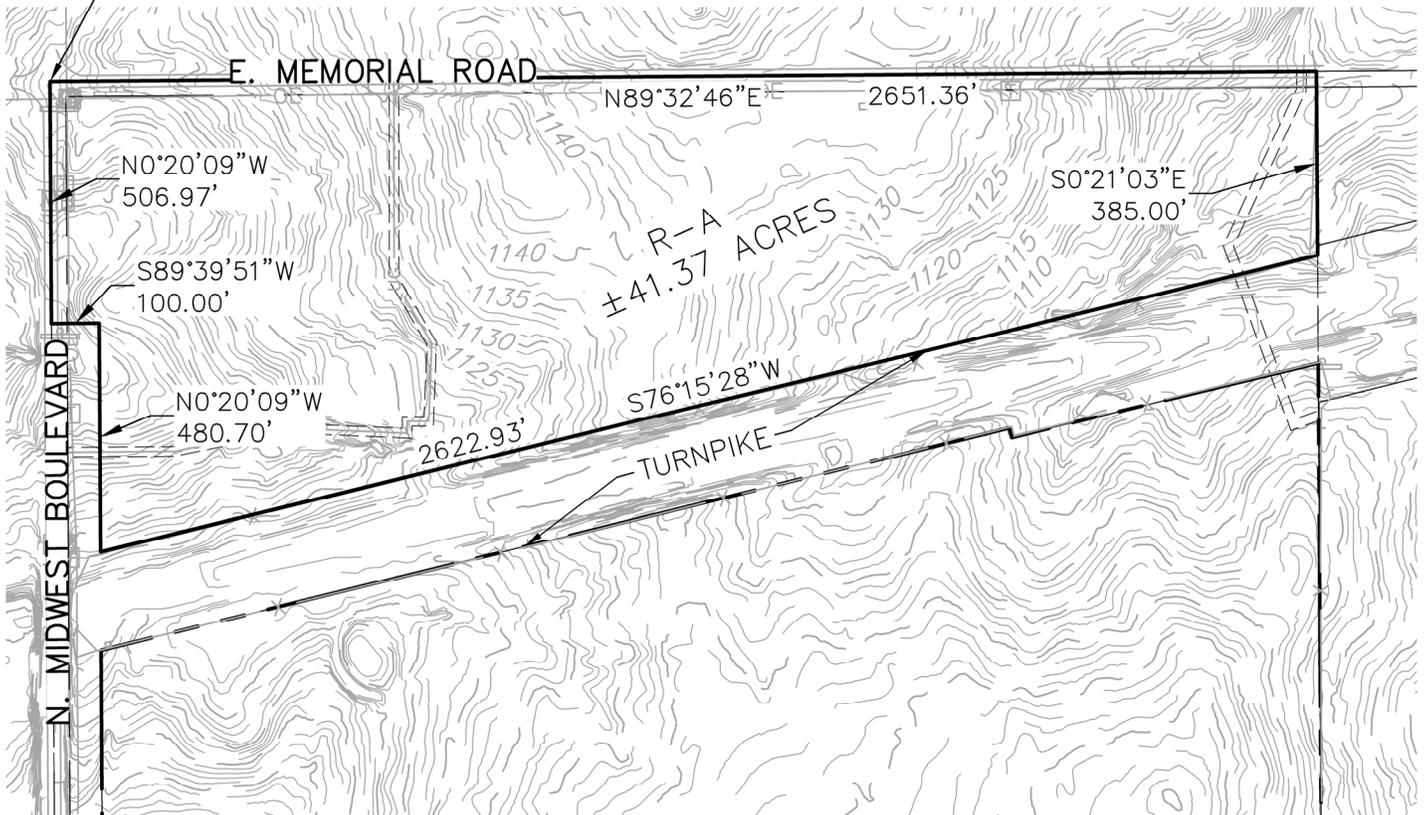


0 250 500
Feet

EXHIBIT C



NW COR., NW/4,
SEC. 14, T13N,
R2W, I.M.



Proj. No.: 20-075
Date: 3/29/2023
Scale: (Horiz.) 1"=400'
(Vert.) N/A
Drawn By: KLTP
Checked By: TM
Approved By: MCG

ARCADY HEIGHTS

E MEMORIAL ROAD & N MIDWEST BLVD
OKLAHOMA CITY, OKLAHOMA CO., OKLAHOMA

TOPOGRAPHIC MAP



RUBBS CONSULTING, LLC

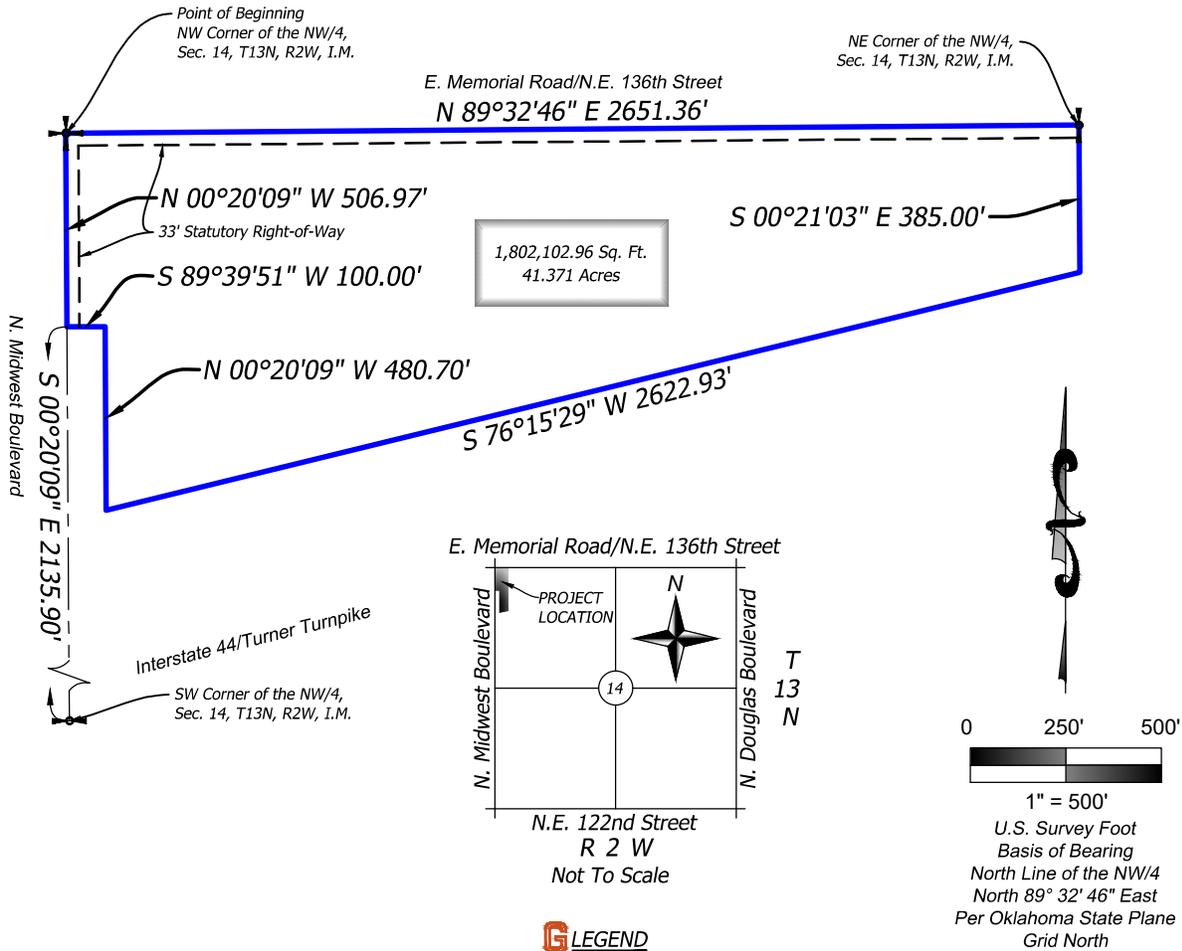
CIVIL ENGINEERING & LAND PLANNING

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

EXH
C

EXHIBIT D



LEGEND

- SECTION CORNER
- QUARTER CORNER
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- SECTION LINE

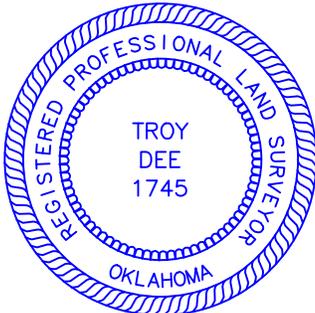
LEGAL DESCRIPTION

A tract of land lying in the Northwest Quarter (NW/4) of Section Fourteen (14), Township Thirteen (13) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows:

Beginning at the Northwest corner of the NW/4; Thence N 89°32'46" E along the North line of said NW/4 a distance of 2651.36 feet to the Northeast corner of said NW/4; Thence S 00°21'03" E along the East line of said NW/4 a distance of 385.00 feet to a point on the North line of Interstate 44 as described in a Report of Commissioners recorded in Book 1885, Page 574 in the office of the Oklahoma County Clerk; Thence S 76°15'29" W along said North line of Interstate 44 a distance of 2622.93 feet; Thence N 00°20'09" W a distance of 480.70 feet; Thence S 89°39'51" W a distance of 100.00 feet to a point on the West line of said NW/4; Thence N 00°20'09" W along the West line of said NW/4 a distance of 506.97 feet to the Northwest corner of said NW/4 and to the Point of Beginning.

Containing 1,802,102.96 Sq. Ft. or 41.371 Acres, more or less.

Legal Description prepared on November 16, 2020 by Troy Dee, Registered Professional Land Surveyor No. 1745.



Troy Dee
Troy Dee, PLS #1745
November 16, 2020

Prepared By
GOLDEN
LAND SURVEYING

7304 NW 164th St., Suite #5, Edmond, Oklahoma 73013
C.A.# 7263 / Exp. Date =6/30/2022
Telephone: (405) 802-7883 Email: troy@goldenls.com
Drafted by: SQ GLS Job No.: 20347
Plot Date: November 16, 2020

Case No: PUD-1950 Applicant: Bentwood Investments LLC
Existing Zoning: AA
Location: 13500 N. Midwest Blvd.



Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Planned Unit Development



0 250 500
Feet