

Planning Commission Minutes
May 25, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:30 a.m. on May 22, 2023)

3. (PUD-1951) Application by the David J. Batson Trust to rezone 16160 North Morgan Road from AA Agricultural District to PUD- 1951 Planned Unit Development District. Ward 1.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL.

MOVED BY PRIVETT, SECONDED BY GOVIN

AYES: CLAIR, PRIVETT, GOVIN, LAFORGE, NOBLE

ABSENT: POWERS, PENNINGTON



STAFF REPORT
The City of Oklahoma City
Planning Commission
May 25, 2023

Item No. IV. 3.

(PUD-1951) Application by the David J. Batson Trust to rezone 16160 North Morgan Road from AA Agricultural District to PUD-1951 Planned Unit Development District. Ward 1.

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@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

This purpose of this application is to allow an indoor gymnasium inside an existing accessory structure.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Urban – Low Intensity (UL)

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

Comprehensive Plan Land Use Typology Layer: Urban Future (UF)

The UF layer maintains agricultural land and large acreage estates until the area is ready for urbanization. The purpose of the UF designation is to retain land in a condition that provides the most flexibility for developing at urban densities in the future and ensures the most efficient, sustainable delivery of services. Land assembly is one of the most difficult tasks associated with effective land development. To the extent parcels become fragmented, the potential to efficiently urbanize UF areas is compromised due to the challenges of land assembly. Urban Future areas may have access to the City's public water supply or sanitary sewer systems but not both, and typically don't have urban levels of fire service. These areas present opportunities to increase service levels over time and responsibly manage the public costs of growth.

Urban services, including City water and sewer, are not intended to be provided to UF areas until the designation is removed through an amendment to plan **okc**. Commercial and light industrial uses may be appropriate provided they do not negatively impact agricultural operations and character or the potential to eventually urbanize.

2. Size of Site: 41.06 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	AA	AA	AA	AA
Land Use	Barn	Residential	Undeveloped	Undeveloped	Undeveloped

II. SUMMARY OF PUD APPLICATION

8.1.....USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the AA District shall govern this PUD, except as herein modified.

All AA uses shall be permitted within this PUD, including the following:

8300.55 Participant Recreation and Entertainment: Indoor

9.0.....SPECIAL CONDITIONS

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

9.1.....FAÇADE REGULATIONS

All existing structures shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: 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. Exposed metal or exposed concrete block buildings shall not be permitted.

9.2 LANDSCAPING REGULATIONS

All existing landscaping shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: 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

All existing screening shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, screening shall be in accordance with the base zoning district.

9.5 PLATTING REGULATIONS

Platting shall not 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 one (1) access point from N. Morgan Rd.

9.9 PARKING REGULATIONS

The existing parking/driveway shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: 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.

9.10.4 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display signs will be prohibited.

9.11 ROOFING REGULATIONS

All existing structures shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: each structure in this PUD shall have Class C roofing or better.

9.12 SIDEWALK REGULATIONS

In the event of a new structure, the following shall apply: 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. Four (4) foot sidewalks shall be constructed on the interior streets prior to any occupancy certificates being issued.

9.13 HEIGHT REGULATIONS

All existing structures shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: the base zoning district regulations shall regulate heights of structures in this PUD.

9.14 SETBACK REGULATIONS

All existing structures shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: 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 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 - Aerial
- 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) 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) 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.
- 8) 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.
- 9) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 10) 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.

- 11) 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.
- 12) All private roads /streets will have private storm sewer systems.
- 13) 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 cannot provide service, contact private hauler.

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

The subject site is within the Urban Low Land Use Typology Area (UL) and within the Urban Future (UF) Land Use Typology Layer. When the Urban Future layer is removed for new development, UL policies will apply.

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways.
- Where possible, provide a continuous system of open space along stream corridors or other appropriate areas that link neighborhoods and park lands.
- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

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. Public water and sewer are not available. Urban services, including City water and sewer, are not intended to be provided to UF areas until the designation is removed through an amendment to plan 06c. Urban services are not needed for the intended use.

Location:

- Locate uses that generate high traffic volumes along arterial streets, frontage roads, and interstates.

The subject site is located along N Morgan Road, an arterial street.

Automobile Connectivity:

- Limit number of dead-end streets and cul-de-sacs.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Provide vehicular connectivity between adjacent developments.

The site currently has one access from N Morgan Road, which matches the PUD Master Design Statement allowance.

Pedestrian Connectivity:

- Within parking lots, provide pedestrian access ways separated from vehicle aisles.

Sidewalks are not currently available on the subject site or required by the PUD under the current development. The Master Design Statement calls

for new sidewalks to be constructed along N Morgan Road if new development were to occur.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. The PUD maintains the existing AA uses and would allow an indoor gym on the 40+ acre site. No new compatibility issues were identified.
- 3) **Service Efficiency:**
 - Water: *Not served*
 - Sewer: *Within an Open Sewer Sheds*
 - Fire Service: *Longer Than Rural Service Levels*
- 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 in the form of a small stream. Floodway and 100-year floodplain are present on the southern two-thirds of the subject site. The current building and where the change of use is proposed is located outside of floodway and floodplain.*
 - Upland Forests: N/A
 - Vulnerable Aquifers: N/A
- 5) **Transportation System:** This site is located off N Morgan Road, a Minor Arterial Street in the Urban Low LUTA. Transit (bus) service is not available.
- 6) **Other Development Related Policies**
 - Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
 - Avoid under-grounding streams to the greatest extent possible. Where feasible, encourage the re-surfacing of buried streams. Limit the use of culverts or other structures that alter natural streams and require designs that minimize impacts to stream health and function. (G-11)
 - Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)

- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizeable 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 41-acre subject site is located on the east side of N Morgan Road, south of NW 164th Street, which is the City limit in this part of Oklahoma City. The site is zoned AA and developed with a barn. All land surrounding the site is zoned AA. The 5-acre tract to the north is owned by the applicant and developed with a home. The PUD is requested in order to convert the existing accessory structure into an indoor gymnasium. The subject site is within an area where the comprehensive plan applies the 'Urban Future' Land Use Typology Layer. No changes to the comprehensive plan were requested as the PUD retains the AA base district and is requested to add only one use inside an existing building. No new compatibility issues were identified with the request.

IV. STAFF RECOMMENDATION

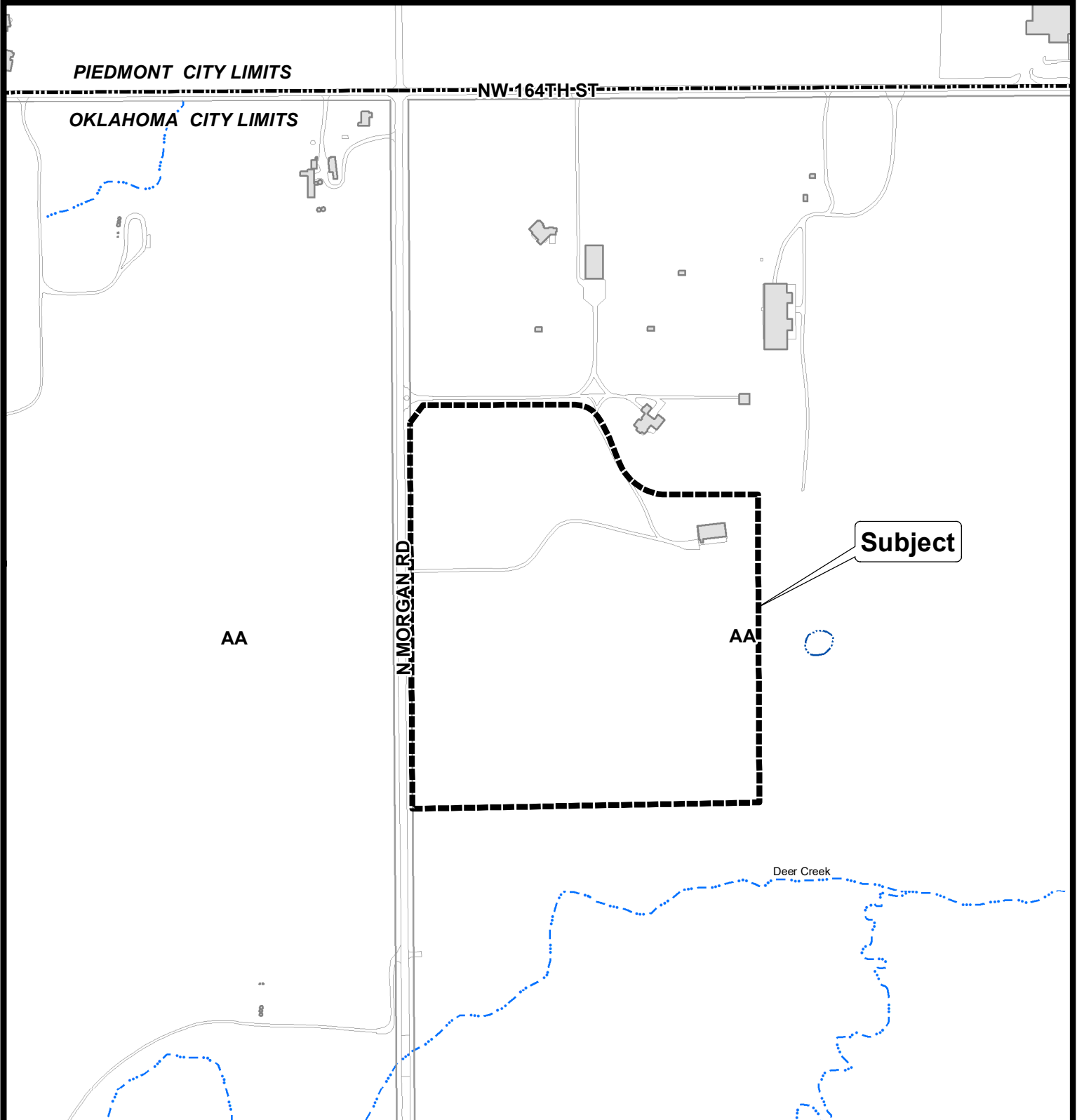
Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning 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 PUD may be required during either Divisions' review of construction plans and prior to City Council approval.

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Case No: PUD-1951 Applicant: David J. Batson Trust
Existing Zoning: AA
Location: 16160 N. Morgan Rd.



The City of
OKLAHOMA CITY

Planned Unit Development



0 250 500
Feet

Lat: 35.634° ; Long: -97.686°



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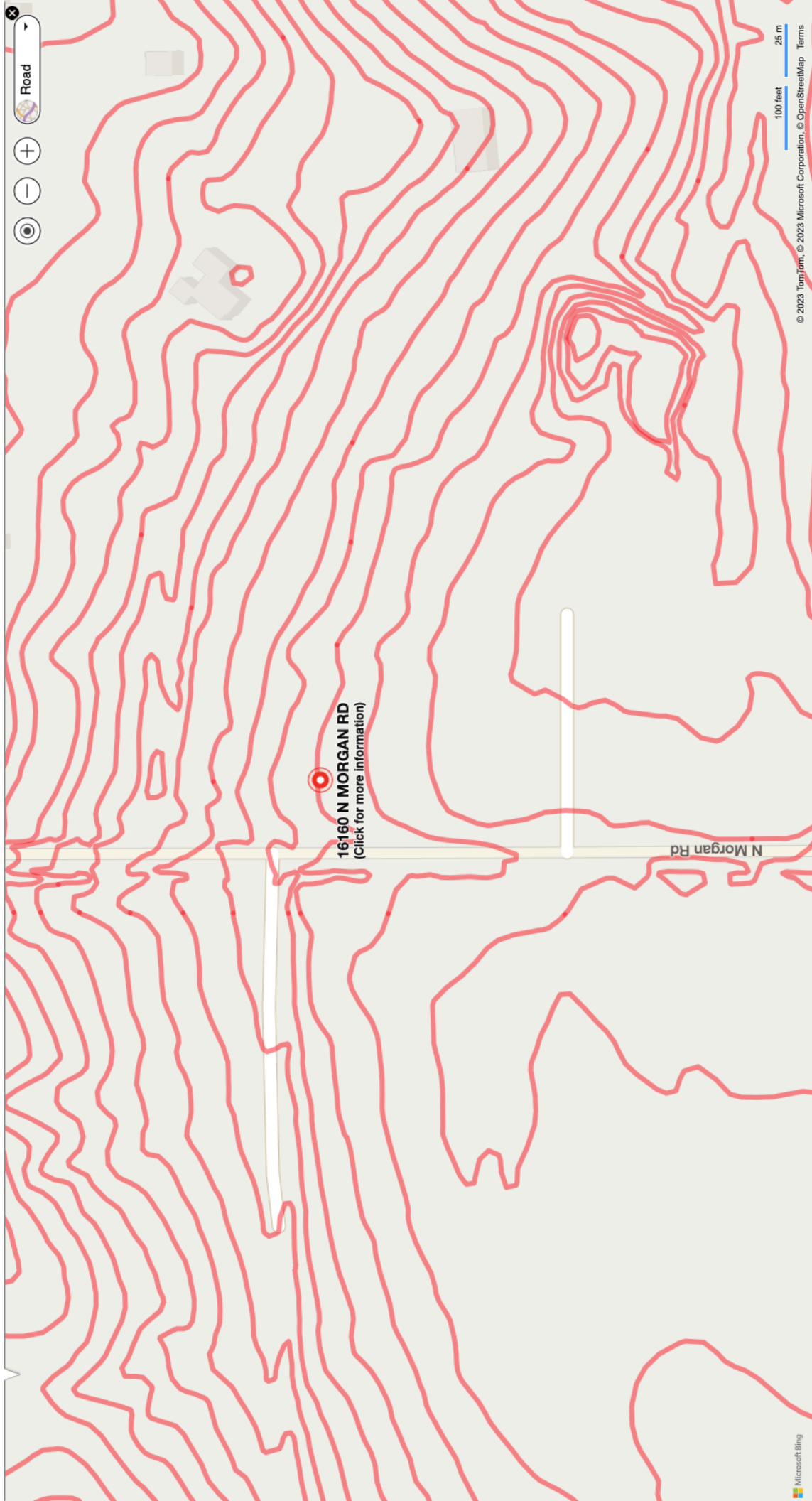
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N Morgan Rd.

Deer Cre

Deer Creek

100 m
300 ft



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Microsoft Bing

Case No: PUD-1951 Applicant: David J. Batson Trust
Existing Zoning: AA
Location: 16160 N. Morgan Rd.



Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Planned Unit Development



0 250 500
Feet