

Planning Commission Minutes  
May 26, 2022

(The agenda was filed with the City Clerk of The City of Oklahoma City at 1:59 p.m. on May 23, 2022.)

9. (PUD-1896) Application by Kelsey and Zachery McLain to rezone 13665 SE 59th Street from the AA Agricultural District to the PUD-1896 Planned Unit Development District. Ward 4.

The applicant was present. There were no protestors present.

**RECOMMENDED APPROVAL.**

MOVED BY PRIVETT, SECONDED BY HINKLE

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



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**May 26, 2022**

**Item No. IV. 9.**

**(PUD-1896) Application by Kelsey and Zachery McLain to rezone 13665 SE 59<sup>th</sup> Street from the AA Agricultural District to the PUD-1896 Planned Unit Development District. Ward 4.**

**I. GENERAL INFORMATION**

**A. Contacts**

**1. Applicant/Developer Representative**

Name        Jessica McLain Utterback  
Phone       405-850-0338  
Email        jdutterbac@icloud.com

**B. Case History**

This is a new application.

**C. Reason for Request**

This application is to permit a two single family rural residential homes.

**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: 9.47 acres**

**3. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	AA	AA	AA	AA	AA
<b>Land Use</b>	Undeveloped	Undeveloped	Residential	Residential	Residential

- 4. Development Context:** The subject site is located on the north side of SE 59<sup>th</sup> Street between S Hiwassee and S Henney Roads. The subject site and surrounding land are zoned AA. Nearby parcels range in size from 5 acres to 40 acres. Hog Creek runs through the rear of the site. The proposal would rezone the site to a PUD with a RA2 District that allows a maximum of two homes on the 9-acre site.

## **II. SUMMARY OF PUD APPLICATION**

### **8.1 USE AND DEVELOPMENT REGULATIONS**

The use and development regulations of the **R-A2 Single-Family Two Acre Rural Residential District** shall govern this PUD, except as herein modified, including conditional, special permit, special exception requirements and/or accessory uses subject to their appropriate conditions and review procedures for public hearings where applicable, unless otherwise noted herein.

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

- All RA-2 uses permitted
- A maximum of 2 lots shall be permitted
- Minimum lot size shall be 2 acres
- Minimum lot width shall be 25 feet

### **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 main structures, exclusive of windows and doors, shall consist of a minimum 70% brick veneer, rock or stone masonry. No more than 30% EIFS, stucco, wood, or concrete-board 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. In addition, the required points for the Subdivision Buffer along the section line roads shall be doubled in this PUD.

#### **9.3 LIGHTING REGULATIONS**

The design site lighting in this PUD shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2010, as amended.

#### **9.4 SCREENING REGULATIONS**

Screening shall not be required.

#### **9.5 PLATTING REGULATIONS**

Platting shall not be required.

#### **9.6 DRAINAGE REGULATIONS**

Drainage improvements, if required, will be in accordance to applicable sections of the Oklahoma City Code of Ordinances. Drainage ways may be permitted and constructed in accordance with Chapter 16 of the Oklahoma City Municipal Code, which includes certain allowances in construction standards for PUD, provided the PUD is platted with drainage areas confined to common areas. Such drainage ways must be designed to handle adequate flows and cannot be built without specific approval of the City Engineer. The maintenance will be the responsibility of the property owners; or, development of this parcel will comply with Chapter 16 of the Oklahoma City Municipal Code, 2010, as amended.

#### **9.7 DUMPSTER REGULATIONS**

Dumpsters shall only be permitted during construction

#### **9.8 ACCESS REGULATIONS**

There shall be one shared access point from SE 59th Street in this PUD.

Driveways within and adjacent to this Tract/parcel shall have a minimum of 200 feet of separation from driveway centerline to driveway centerline and shall meet all City design standards.

Streets or driveways on adjacent property within 200 feet of this Planned Unit Development shall be shown on the Master Development Plan.

#### **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, 2010, as amended.

Attached or detached garages shall count toward meeting parking requirements, provided each parking space in a garage shall be a minimum of 8½ feet by 18 feet.



**9.10 SIGNAGE REGULATIONS**

**9.10.1 FREESTANDING ACCESSORY SIGNS**

None.

**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 are specifically prohibited in this PUD.

**9.10.4 ELECTRONIC MESSAGE DISPLAY SIGNS**

Electronic Message Display Signs are specifically prohibited in this PUD.

**9.11 ROOFING REGULATIONS**

Every structure in this PUD shall have a pitched roof and have Class C roofing or better.

**9.12 SIDEWALK REGULATIONS**

Sidewalks are not required in 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 owner(s) of said property. 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.

The boundary of the common area shall be adjusted, if necessary, to ensure that the common area covers the entire 100-year flood plain.

#### **9.18 SPECIFIC PLAN AND FINAL PLAT**

Specific plan and platting not 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: SITE PLAN/TOPO
- EXHIBIT C: SURVEY

### **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) Choctaw/Nicoma Park**

**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 wastewater service is available for proposed improvements, private on-site sewage disposal systems are required in accordance to 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**

- 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 improvements, private on-site water systems are required.

The developer will provide an inter (on-site) 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.

## 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.

*National, state, and local permitting require basic best management practices for stormwater management. Floodway and 100- and 500-year floodplain are present on the subject site.*

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. *PUD is limited to two lots on the 9.7-acre site.*

- #### 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 Agriculture 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 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.*

- 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: 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 rear (north) third of the subject site.*
  - 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%.*
  - 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:** This site is located off SE 59<sup>th</sup> Street, a Minor Arterial 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 9.7-acre subject site is located on the north side of SE 59<sup>th</sup> Street between S Hiwassee and S Henney Roads. The subject site is/was part of a 135-acre parcel zoned AA. The surrounding area is zoned AA. Nearby parcels range in size from 5 to 40 acres. To the west at the intersection of S Hiwassee road and SE 59<sup>th</sup> Street are four homes zoned R-A and SPUD-308. Hog Creek runs through the rear (north) of the site. The application was originally submitted as a request to rezone to the RA2 base and split the parcel into two lots (7 acres and 2 acres). However, the RA2 District requires 300 feet of street frontage. The application has been modified to a PUD to allow the lot width of one lot to be 25 feet and specify the number of lots will be limited to two. To address driveway separation, access will be shared. The density allowed within the proposed PUD is consistent with the comprehensive plan's Rural Medium LUTA designation. Plan conformance would be strengthened by maintaining a 100-foot setback from the stream bank and preserving healthy, mature trees.

**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.**

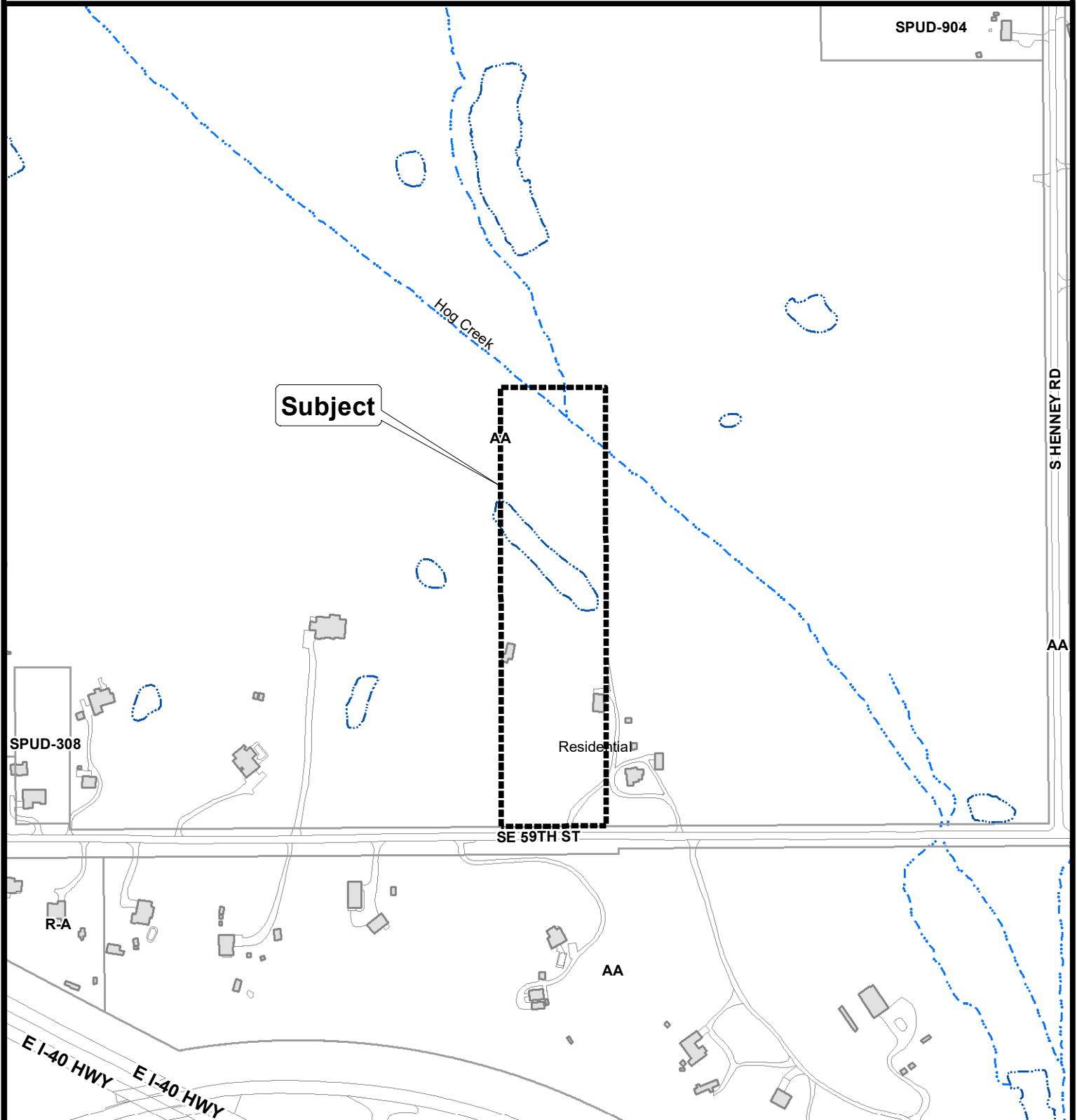
*All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the SPUD may be required during either Divisions review of construction plans and prior to City Council approval.*

Should this application be approved, 17-foot of additional easement should be requested at the along SE 59<sup>th</sup> St. to bring the right-of-way width to the standard set by the subdivision regulations.

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**Case No: PUD-1896      Applicant: Kelsey and Zachary McLain**  
**Existing Zoning: AA**  
**Location: 13665 SE 59th St.**

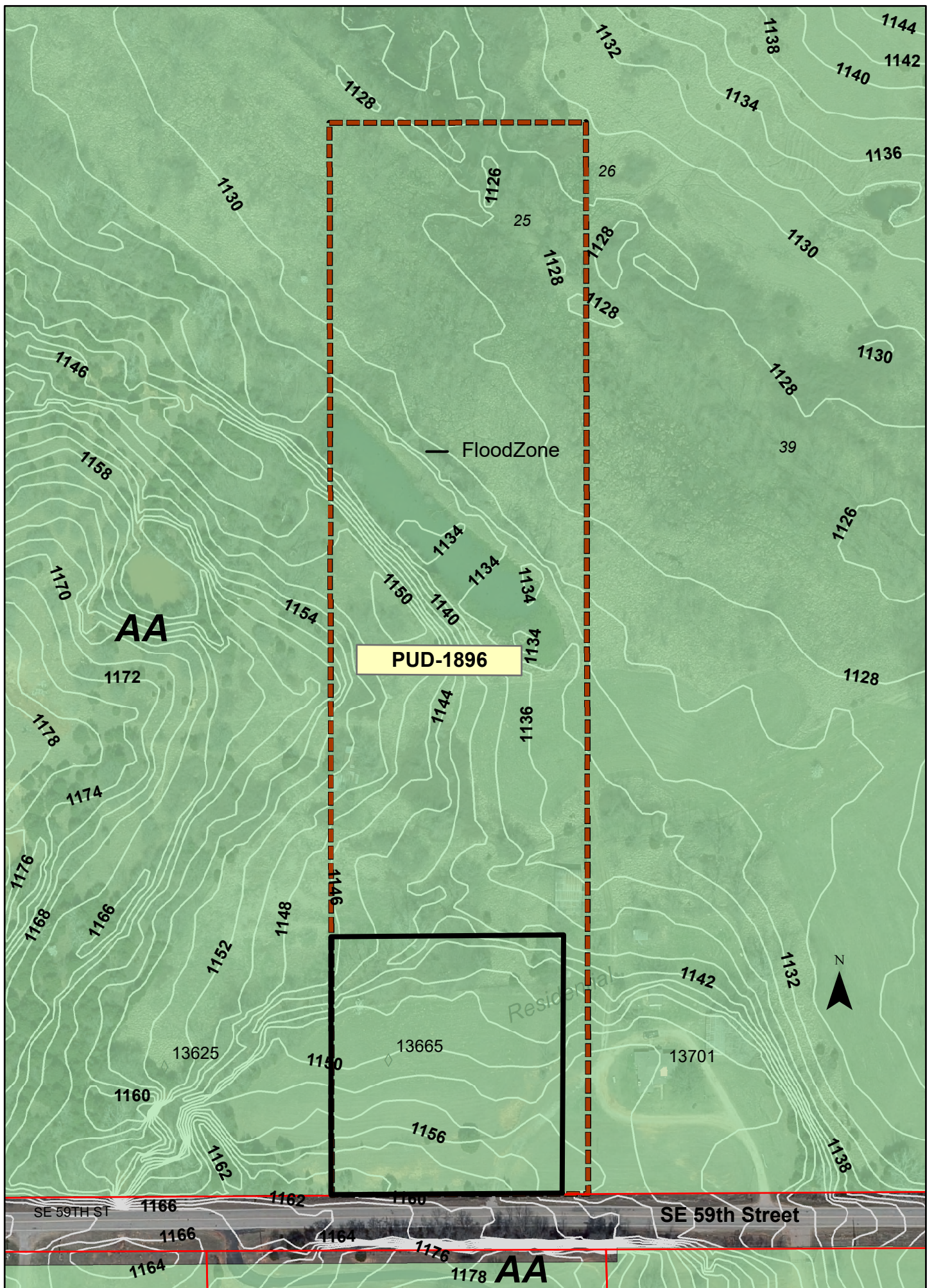


The City of  
OKLAHOMA CITY

## Planned Unit Development



0 200 400  
Feet



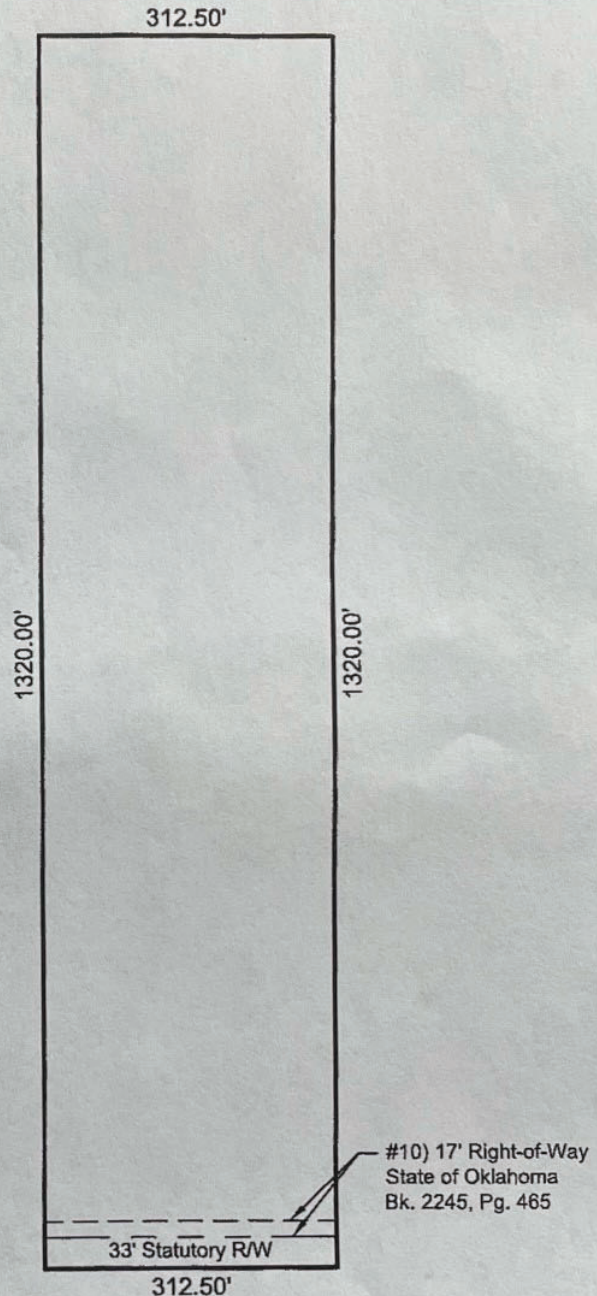


# MORTGAGE INSPECTION REPORT



## Not a Land or Boundary Survey

Schedule B, Part II (DNA - Does Not Affect, BL - Blanket, AAS - Affects as Stated)

- #11) Easement recorded in Book 2253, Page 154, BL  
#12) Conservancy District recorded in Book 13925, Page 874, AAS



### Sketch Legend

—————	SUBJECT PROPERTY
-----	LOT LINE
—————	BUILDING LINE
-----	EASEMENT LINE
-----	RIGHT-OF-WAY LINE
B/L	BUILDING LINE
U/E	UTILITY EASEMENT
D/E	DRAINAGE EASEMENT
R/W	RIGHT-OF-WAY
	DECK
	CONCRETE

### SE 59th St.

I, Curtis Lee Hale, a Registered Land Surveyor, do hereby state that a careful inspection has been made under my supervision on the following described property, to wit;

A tract of land in the Southeast Quarter (SE/4) of Section Twenty-two (22), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described by Curtis Lee Hale, LS 1084 on January 22, 2020, with metes and bounds as follows: Commencing at the Southeast corner of said SE/4; Thence South 89°51'38" West as the basis of bearing on the South line of said Section 22 a distance of 1338.14 feet to the Point of Beginning; Thence continuing South 89°51'38" West on said South line a distance of 312.50 feet; Thence North 00°07'50" West a distance of 1320.00 feet; Thence North 89°51'38" East and parallel to the South line of said SE/4 a distance of 312.50 feet; Thence South 00°07'50" East a distance of



**Case No: PUD-1896      Applicant: Jessica McLain Utterback**  
**Existing Zoning: AA**  
**Location: 13665 SE 59th St.**



Aerial Photo from 2/2020



The City of  
OKLAHOMA CITY

## Planned Unit Development



0 200 400  
Feet