

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.)

3. (SPUD-1406) Application by Cecil and Shirley Maxey, to rezone 12101 North Midwest Boulevard from the AA Agricultural District to the SPUD-1406 Simplified Planned Unit Development District. Ward 7.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL.

MOVED BY CLAIR, SECONDED BY PRIVETT

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. 3.

(SPUD-1406) Application by Cecil and Shirley Maxey, to rezone 12101 North Midwest Boulevard from the AA Agricultural District to the SPUD-1406 Simplified Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name	Cecil and Shirley Maxey
Phone	405-830-8962
Email	maxey45@aol.com

B. Case History

This is a new application.

C. Reason for Request

This application is to permit single family residence.

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 planokc. 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: 2.03 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	C-3	R-1	C-3	C-3	C-3
Land Use	Billboard	Residential	Commercial	Res/Com	Commercial

4. Development Context: The 2-acre subject site is located on the west side of N Midwest Boulevard between NE 122nd Street and E Hefner Road. The site is undeveloped and zoned AA. The surrounding area is zoned AA and primarily held in 5-40 acre parcels, with a smaller RA zone tract 500 feet north, and RA zoned subdivisions (1 to 2 acres) located north of NE 122nd and west of N Midwest Blvd. The SPUD is requested to build one home. The parcel has already been split off from the surrounding parcel at the County.

II. SUMMARY OF PUD APPLICATION

- 1.** This site will be developed in accordance with the regulation of the **RA-2 Single-Family, Two-Acre Rural Residential District** (OKC Zoning Ordinance, 2020), the following exceptions will apply:
- 2. Maximum Building Height:** 16'
- 3. Maximum Building Size:** 2000 sq ft
- 4. Maximum Number of Buildings:** one
- 5. Building Setback Lines**
 - Front Yard: 136' from edge of street
 - Rear Yard: 111'
 - North Side: 120'
 - South Side: 136'
- 6. Sight-proof Screening:** Plant evergreens in gaps on road frontage; trees and native plants screen road.

7. Landscaping: Native trees surround property on all four sides. Trees are a mixture of Oaks, Cottonwood, Redbuds, Elm, and Black Walnut. Shrubs.

8. Signs: none

8.1 Free standing accessory signs: none

8.2 Attached signs: none

8.3 Non-Accessory Signs: none

8.4 Electronic Message Display signs: none

9. Access: none

10. Sidewalks: none

I. Other Development Regulations:

1. Architecture: 1200 sq ft living area with 10' front and back covered porch; structure is steel with metal sides, roof, and end wall overhangs.

2. Open Space: Property 88,500 sq ft; Building 2,000 sq ft

3. Street Improvements: none

4. Site Lighting: Light for street entry

5. Dumpsters: none

6. Parking: Recycled Asphalt

7. Maintenance: Property owner responsibility

8. Drainage: All drainage is not affected by building; property is sloping in three directions; no water is redirected.

II. Supporting Documents

Exhibit A: Legal Description

Exhibit B: Site 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) Jones**
- 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) 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.
- 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.

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

The subject site is within an area where the comprehensive plan applies the Urban Future (UF) Land Use Typology Layer. If the layer is removed, UL policies apply. An amendment was not requested for one residential parcel on the arterial street.

1) LUTA Development Policies:

Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

National, state, and local permitting require basic best management practices for stormwater management. Public water and sewer are not yet available.

Automobile Connectivity:

- Maintain, create, and enhance a street network that is highly connected to increase number of viable commercial locations and the effectiveness of the transportation system.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Primary entrance points should be aligned with access points immediately across the street.

The SPUD is requested for one residence. The site has 300 feet of frontage, the required amount for rural residential subdivisions on arterial streets.

- #### 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 residential use adjacent to existing low intensity residential or agricultural uses/zoning, “Building Scale and Site Design” is a 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 in UL are less than 60% 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 Efficient to Serve*
- Sewer: *Within Open Shed*
- Fire Service: *Longer than 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. *Upland Forest is present on the subject site. When 90-100% percent of the site is covered, the plan has a preservation goal of 60%. The SPUD is requested to build one home and preserve native trees that surround the property on all sides.*
- 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 Blvd, a Minor Arterial Street in the Urban Low LUTA. Transit (bus) service is not available.

6) **Other Development Related Policies**

- 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 2-acre subject site is located on the west side of N Midwest Boulevard between NE 122nd Street and E Hefner Road. The site is undeveloped and zoned AA. The surrounding area is zoned AA and primarily held in 5-40 acre parcels, with a smaller RA zone tract 500 feet north, and RA zoned subdivisions (1 to 2 acres) concentrated north of NE 122nd Street and west of N Midwest Blvd. The SPUD is requested to build one home. The subject site has already been split off from the surrounding parcel at the County.

IV. STAFF RECOMMENDATION

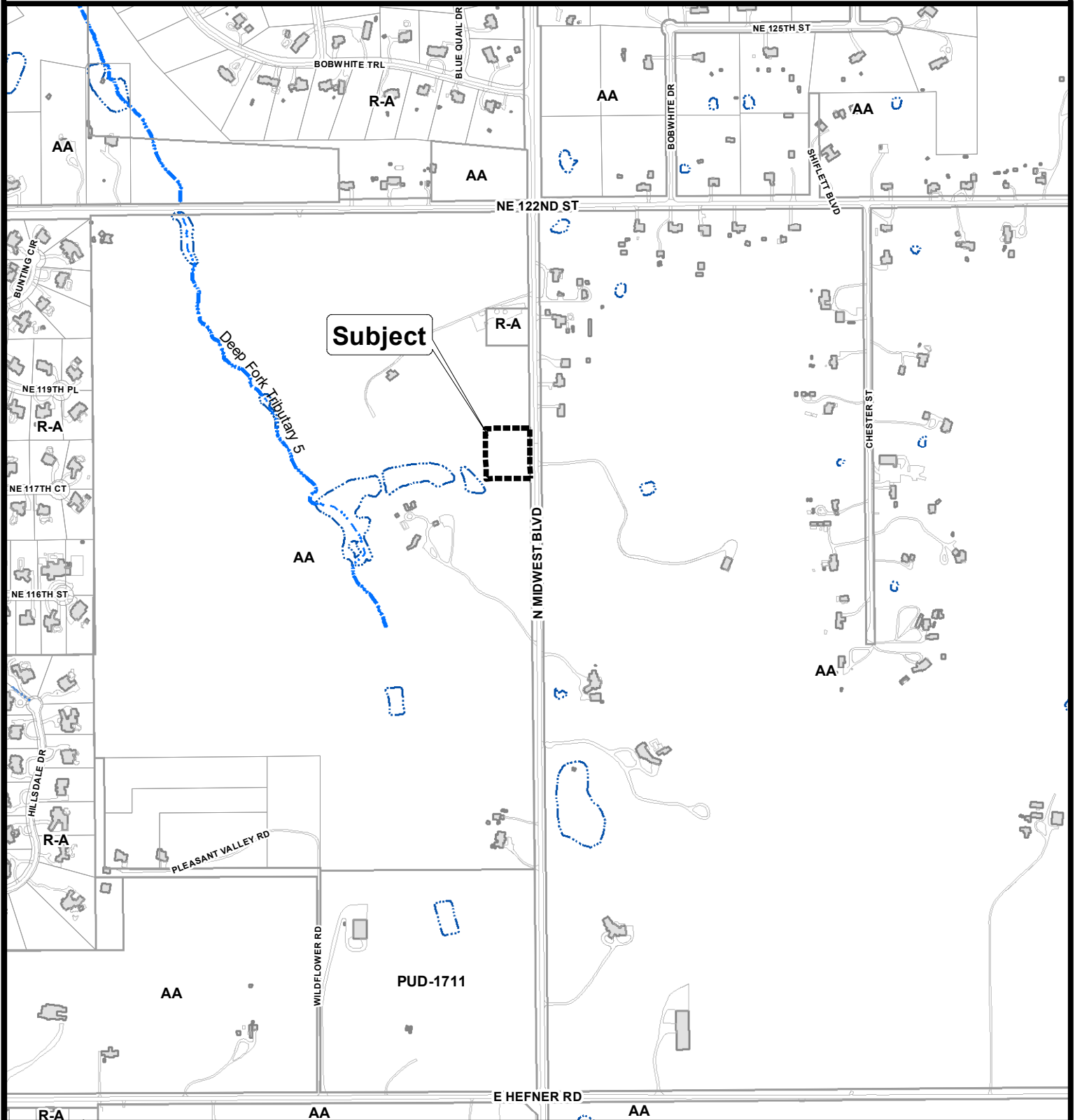
Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning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

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Case No: SPUD-1406 Applicant: Cecil & Shirley Maxey
Existing Zoning: AA
Location: 12101 N. Midwest Blvd.



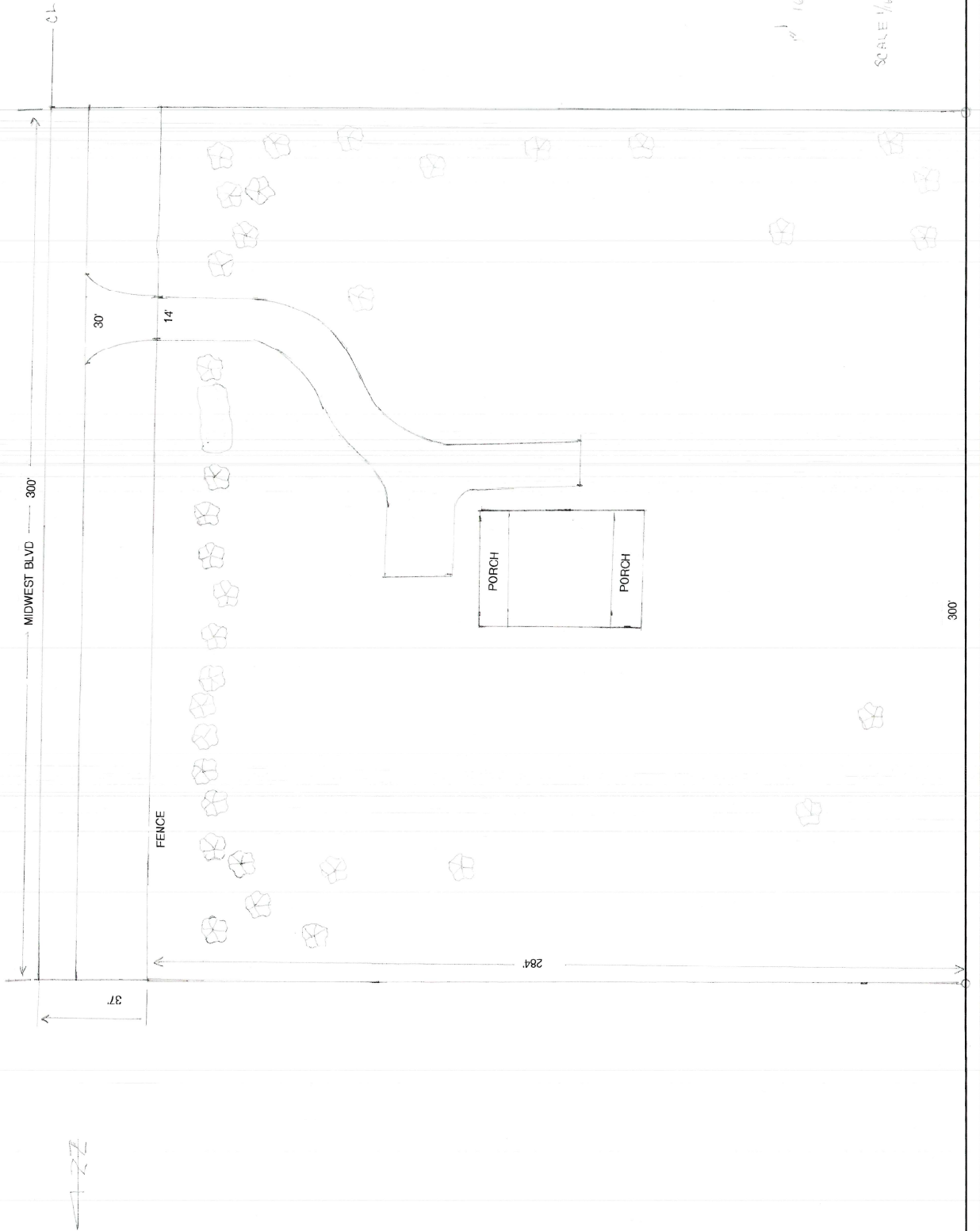
The City of
OKLAHOMA CITY

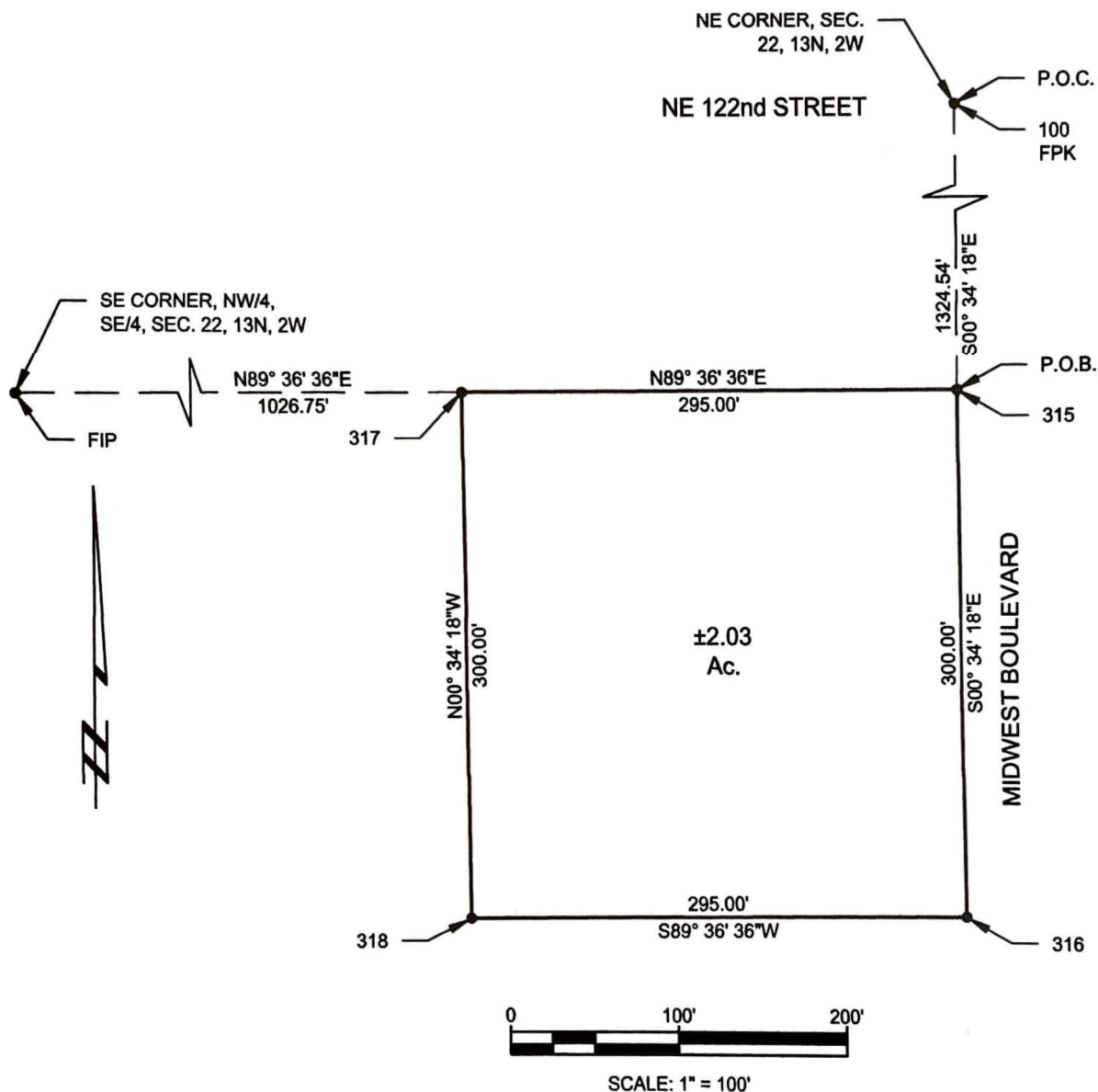
Simplified Planned Unit Development



0 400 800
Feet

MAXEY'S RESIDENCE





LEGAL DESCRIPTION
2 ACRE TRACT

A part of the Northeast Quarter (NE/4) of Section 22, Township 13 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma, said part being more particularly described as follows:

Beginning at a point 1324.54 feet South 00°34'18" East of the Northeast Corner of said NE/4; Thence from said P.O.B. South 00°34'18" East a distance of 300.00 feet; Thence South 89°36'36" West a distance of 295.00 feet; Thence North 00°34'18" West a distance of 300.00 feet; Thence North 89°36'36" East a distance of 295.00 feet to the Point of Beginning.

Said tract contains 2.03 acres, more or less.

HUITT-ZOLLARS

Huitt-Zollars, Inc. Oklahoma City
 CA 1489 EXP. 6-30-23

701 N. BROADWAY AVENUE
 Oklahoma City, Oklahoma 73102
 Phone (405) 842-0363
 www.huitt-zollars.com

TITLE:	BOUNDARY EXHIBIT
PROJECT NAME:	MAGNESS FARM 2 ACRE TRACT
PROJECT NO:	R313037.01
DATE:	12/10/2020
REVISED DATE:	10/20/2021
APPROVED BY:	B.E.C.
PAGE:	1 OF 1

Case No: SPUD-1406 Applicant: Cecil & Shirley Maxey
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Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



0 400 800 Feet