

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.)

6. (SPUD-1411) Application by Syed and Brittany Ali to rezone 11436 Burning Oaks Road from the AA Agricultural District and CUP-28 Overlay District to the SPUD-1411 Simplified 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. 6.

(SPUD-1411) Application by Sayed and Brittany Ali to rezone 11436 Burning Oaks Road from the AA Agricultural District and CUP-28 Overlay District to the SPUD-1411 Simplified Planned Unit Development District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name David Box
Company Williams, Box, Forshee & Bullard PC
Phone 405-232-0080
Email dmbox@wbfbllaw.com

B. Case History

This is a new application.

C. Reason for Request

This application is to permit two, 2-acres single family residences.

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: 4.62 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA/CUP-28	AA/CUP-28	AA/CUP-28	AA/CUP-28	AA/CUP-28
Land Use	Residential	Residential	Residential	Residential	Residential

- 4. Development Context:** The subject site is residential lot within the Burning Oaks subdivision, which is located east of S Westminster Road between SE 29th and SE 44th Streets. The subdivision is zoned AA and within a Community Unit Plan (CUP-28) that was approved in 1975 and allows rural residential lots ranging from 1.25 to 5 acres. The SPUD would allow a 4.62-acre lot to split into two lots and allow larger accessory structures than currently permitted in the CUP.

II. SUMMARY OF PUD APPLICATION

- 1.** This site will be developed in accordance with the regulation of the **AA Agricultural District** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

All AA residential uses shall be permitted on this site and in addition, the following uses shall be permitted by right.

8200.14 Single-Family Residential [no more than two dwelling units shall be permitted within this SPUD.]

- 2. Maximum Building Height:**

The maximum building height shall be in accordance with the base zoning district.

- 3. Maximum Building Size:**

The maximum building size for residential structures shall be in accordance with the base zoning district.

Accessory buildings shall be a maximum square footage of 2,400 square feet.

- 4. Maximum Number of Buildings:**

Each lot shall be permitted one dwelling unit and one accessory building.

- 5. Density**

The minimum lot size shall be 2.25 acres.

- 6. Building Setback Lines**

Front: As Platted

Sides: 25 feet

Rear: 25 Feet

- 7. Sight-proof Screening:**

Sight-proof screening shall be in accordance with the base zoning district.

8. Landscaping:

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

9. Signs:

8.1 Free standing accessory signs

Freestanding signs will be in accordance with the base zoning district regulations.

8.2 Attached signs

Attached signs will be in accordance with the base zoning district regulations.

8.3 Non-Accessory Signs

Non-Accessory signs will be in accordance with the base zoning district regulations.

8.4 Electronic Message Display signs

Electronic Message Display signs will be in accordance with the base zoning district regulations.

10. Access:

Access to the property shall be taken from Burning Oaks Rd.

11. Sidewalks

Sidewalks shall not be required in this SPUD.

1. Other Development Regulations:

Architecture:

For dwelling units: 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, stucco, and cementitious siding (including, but not limited to, the brand commonly known as James Hardie). No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted.

Exposed metal shall be permitted for accessory structures.

2. Open Space:

Open space requirements shall be regulated by the base zoning district.

3. Street Improvements:

N/A

4. Site Lighting:

The site lighting in this SPUD shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

5. Dumpsters:

Trash collection facilities in this SPUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

6. Parking:

The design and number of all parking facilities in this SPUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended.

7. Drainage:

Development of this parcel will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

I. 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) MidDel**

7. **Oklahoma Department of Transportation (ODOT)**

B. City Departments

1. **Airports**

2. **Central Oklahoma Transportation and Parking Authority (COTPA)**

3. **Fire:** If no City water service, a water tank is required by Subdivision Regulation and OKC Fire Code.

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

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.

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 SPUD would result in the creation of two lots each at least 2 acres in size.

- 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 uses adjacent to existing Low Intensity Residential, “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.*

- 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. *Upland forest is present on the subject site. When less than 60 percent covered, the comprehensive plan has a preservation goal of 100 percent.*

The SPUD maintains the AA maximum lot coverage. Plan conformance would be strengthened if trees could be preserved and protected as homes are constructed.

- 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 Burning Oaks Rd, a Neighborhood 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 subject site is located within an existing rural subdivision that is zoned AA but also has a CUP (overlay) that was approved in 1975 and allows a variety of lot sizes ranging from 1.25 to 5 acres. The SPUD would allow a 4.62-acre lot to be split into two new lots. The lot size and density are consistent with the Rural Medium LUTA and the surrounding area.

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.

STAFF REPORT
The City of Oklahoma City
Planning Commission
May 26, 2022
SPUD-1411

Item No. IV. 6.

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.

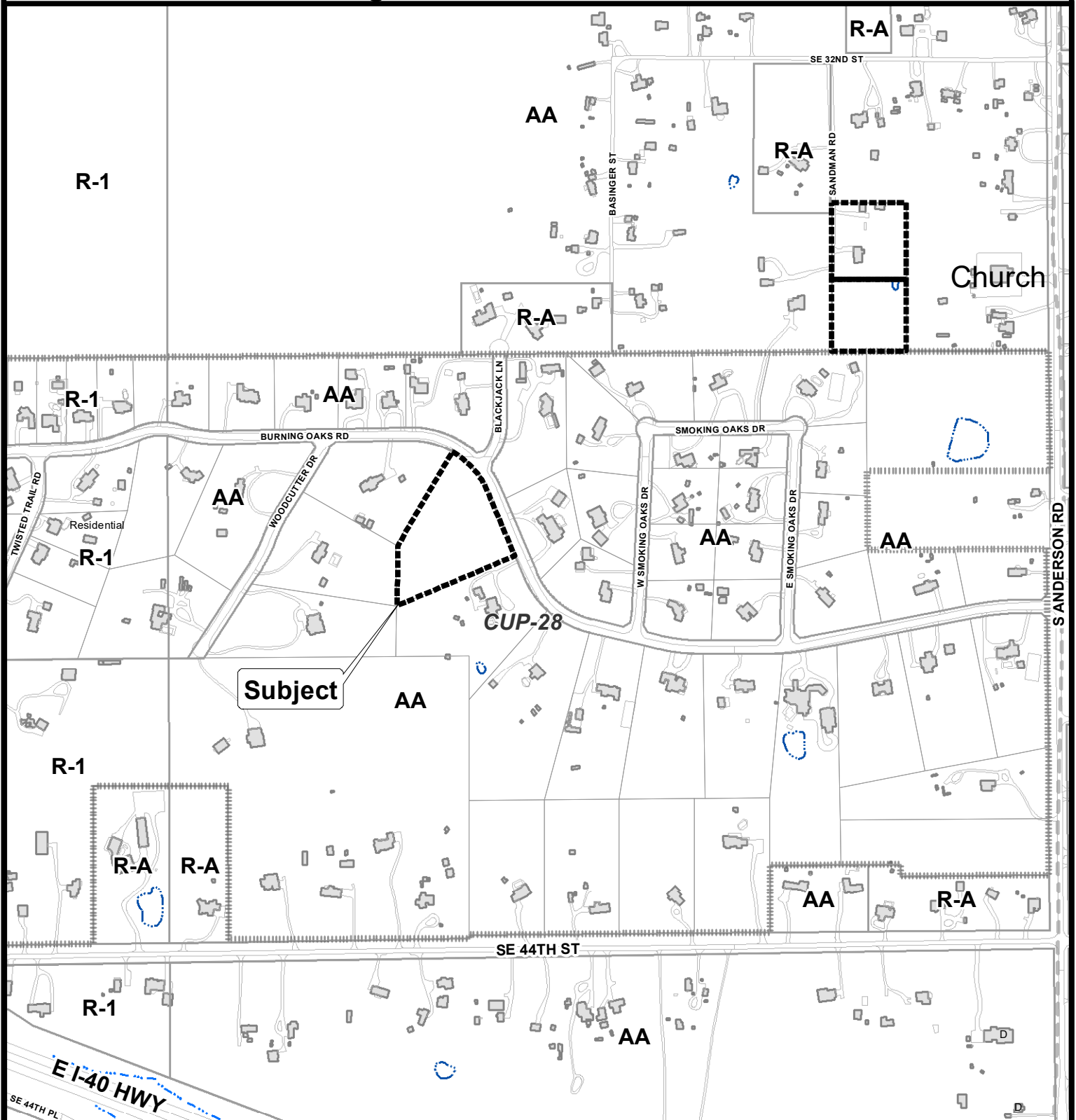
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Case No: SPUD-1411

Applicant: Syed and Brittany Ali

Existing Zoning: AA / CUP-28

Location: 11436 Burning Oaks Rd.



The City of
OKLAHOMA CITY

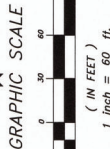
Simplified Planned Unit Development



0 300 600 Feet

BOUNDARY SURVEY
11436 BURNING OAKS ROAD
OKLAHOMA CITY, OKLAHOMA 73150

BEARINGS ARE ON
OKLAHOMA STATE PLANE
COORDINATE SYSTEM
OKLAHOMA NORTH ZONE DATUM
NAD 83, NAVD 88, U.S. FEET.
CONTROL MONUMENT DESIGNATION
ALLTERRA MAPPING PLANE
GRID NORTH IS (N 00°00'00" E).



Curve #	Length	Radius	Chord	(Chord)	Chord Length
C1	241.93'	373.84'	N 41°53'23" W	(N 41°27'37" W)	237.73'

LOT FOUR (4), IN BLOCK SIX (6), OF BURNING OAKS SECTION TWO, AN ADDITION TO THE CITY OF OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

TO: ZAFAR ALI, 665 CRESCENT CIRCLE, MIDWEST CITY, OK 73110

I, SPENCER JIVDEN, A REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT ON THE 9TH DAY OF FEBRUARY, 2022, A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY WAS COMPLETED UNDER MY DIRECT SUPERVISION AND WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR THE STATE OF OKLAHOMA.

FEBRUARY 16, 2022

STATE OF OKLAHOMA }

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS 16TH DAY OF FEBRUARY, 2022, PERSONALLY APPEARED SPENCER JIVIN TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MARKER THEREOF AND THAT HE EXECUTED THE SAME AS HIS OWN VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THERE SET FORTH.

MY COMMISSION EXPIRES: 6/30/2025
 MY COMMISSION NUMBER: 02009016

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR PRESENT.



3403 E. Memorial Road
Edmond, Oklahoma 73013
C.A. 4151 - Expire June 30, 2023
Office (405) 478-0772 Office (405) 25U-RVEY
Fax (405) 478-3272 (405) 278-7839
<http://www.iacsurvey.com>

VERIFY SCALE

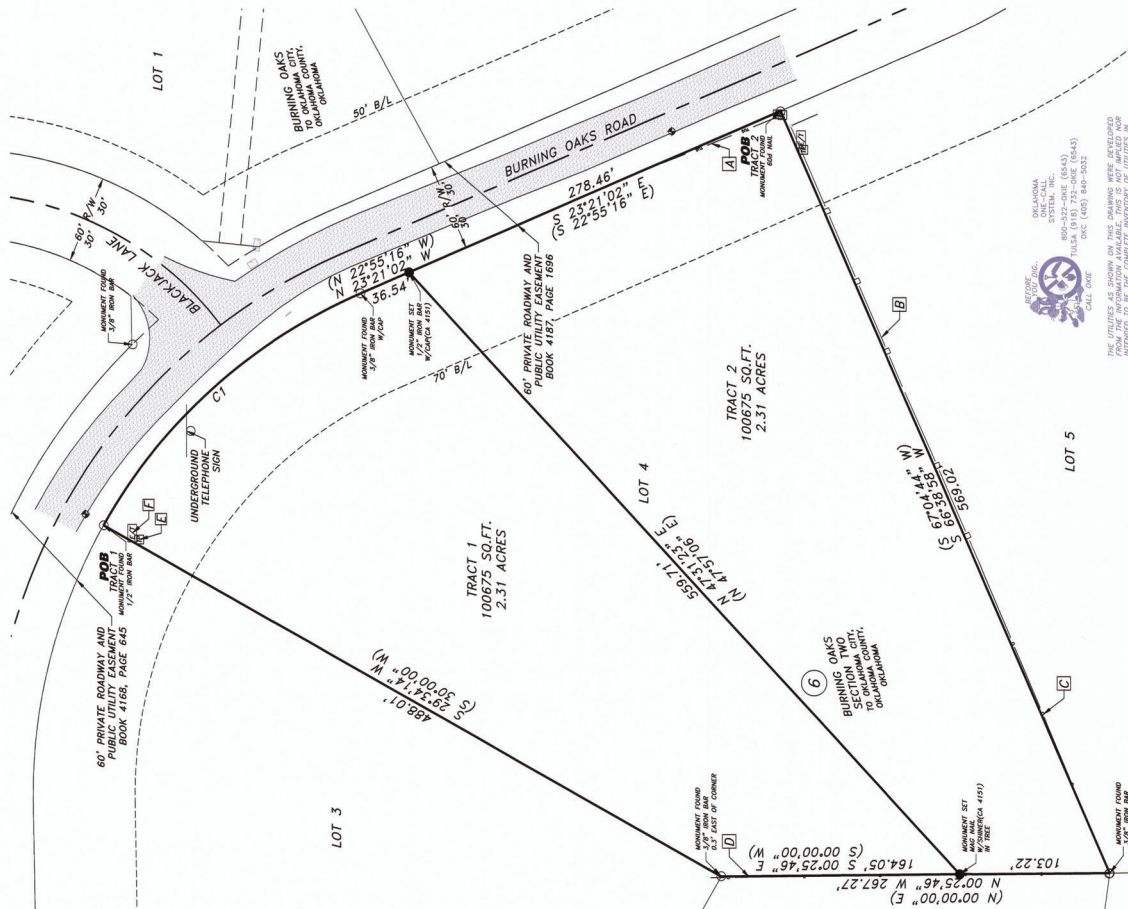
1" —

BAR IS ONE INCH ORIGINAL
DRAWING. IF NOT ONE INCH
DRAWING, SCALE AND SIZE, COLLECT

ZAFAR ALI
665 CRESCENT CIRCLE
MIDWEST CITY, OK 73110

DATE DRAWN	FEBRUARY 1, 2022
DRAWN BY	R. WOODS
PROJECT NO.	143-21 - Burning Oaks Addition
DWG NAME	143-21 boundary.dwg

Page 1 of 1



THE UTILITIES AS SHOWN ON THIS DRAWING WERE DEVELOPED FROM THE INFORMATION AVAILABLE, THIS IS NOT IMPLIED NOR INTENDED TO BE THE COMPLETE INVENTORY OF UTILITIES IN THIS AREA. IT IS THE CLIENTS RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND

TRACT OF LAND SITUATED IN LOT FOUR (4), BLOCK SIX (6), OF BURNING OAKS SECTION TWO, AN ADDITION TO THE CITY OF OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, MORE SPECIALLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4, THENCE S 30°00'00" W 4' DISTANCE OF 488.01 FEET (E) ALONG THE SOUTHWESTERLY (S 30°00'00" W) A DISTANCE OF 164.05 FEET, THENCE S 89°59'59" W 4' DISTANCE OF 164.05 FEET, THENCE N 00°00'00" E ALONG THE WEST BOUNDARY OF SAID LOT 4 A DISTANCE OF 164.05 FEET, THENCE N 89°59'59" W 4' DISTANCE OF 164.05 FEET, THENCE N 00°00'00" E ALONG THE BOUNDARY OF SAID LOT 4 THENCE NORTHWESTERLY (N 00°00'00" E) A DISTANCE OF 36.54 FEET, THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 373.84 FEET, A CHORD DIRECTION OF N 41°42'37" W 4' DISTANCE OF 337.73 FEET, AND AN ARC LENGTH OF 23.51 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 2.31 ACRES.

A TRACT OF LAND SITUATED IN LOT FOUR (4), BLOCK SIX (6), OF BURNING WOODS SECTION TWO, AN ADDITION TO THE CITY OF OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWESTERLY (S 67°04'44" W) A DISTANCE OF 568.02 FEET TO THE WESTERLY BOUNDARY OF SAID LOT 4, THENCE NORTH (N 00°00'00" E) ALONG THE WESTERLY BOUNDARY OF SAID LOT 4 A DISTANCE OF 103.22 FEET, THENCE NORTHEAST (N 47°57'06" E) A DISTANCE OF 559.71 FEET TO A POINT 222.51 FEET FROM THE BEGINNING OF SAID LOT 4, THENCE SOUTHWEST (S 22°25'16" E) A DISTANCE OF 278.46 FEET TO THE POINT OF BEGINNING. SAID LOT 4 CONTAINING 2.31 ACRES.

A AN UNDERGROUND TELEPHONE LINE (AS MARKED) AND TWO TELEPHONE POLES ARE LOCATED 10 FEET WEST OF THE RIGHT-OF-WAY ALONG THE EAST BOUNDARY OF THE SUBJECT PROPERTY.
 B A WOODEN POST AND RAIL FENCE LIES 2.3 FEET SOUTH OF THE SOUTH BOUNDARY OF THE SUBJECT PROPERTY.
 C A CHAIN LINK FENCE LIES 2.1 FEET SOUTH OF THE SOUTH BOUNDARY OF THE SUBJECT PROPERTY.
 D A CHAIN LINK FENCE LIES 0.7 FEET WEST OF THE WEST BOUNDARY OF THE SUBJECT PROPERTY.
 E A TELEPHONE PEDESTAL LIES 26.1 FEET WEST OF THE RIGHT-OF-WAY ALONG THE EAST BOUNDARY OF THE SUBJECT PROPERTY.
 F AN ELECTRIC TRANSFORMER LIES 10.1 FEET WEST OF THE RIGHT-OF-WAY ALONG THE EAST BOUNDARY OF THE SUBJECT PROPERTY.

Case No: SPUD-1411

Applicant: David M. Box on behalf of applicant

Existing Zoning: AA / CUP-28

Location: 11436 Burning Oaks Rd.



Aerial Photo from 2/2020



The City of
OKLAHOMA CITY

Simplified Planned Unit Development



0 300 600
Feet