



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**November 18, 2021**

**Item No. 42.**

**Petition requesting the annexation of 160-acres to The City of Oklahoma City, pursuant to 11 O.S. § 21-105, located at the southeast corner of N May Avenue and NW 206<sup>th</sup> Street in Ward 8.**

This staff report evaluates the potential impacts of the proposed annexation to the City of Oklahoma City municipal service provision, and conformance with City of Oklahoma City policies such as planOKC and other adopted policies.

## **1. GENERAL INFORMATION**

### **A. Petitioner/ Petitioner's Representative**

David M. Box and Mason J. Schwartz, Attorneys on behalf of Garrett Development, LLC  
522 Colcord Drive, Oklahoma City, OK 73102-2202  
(405) 232-0080

### **B. Case History**

- In November 2016, the City of Oklahoma City received a petition from a property owner requesting to be annexed into the City's corporate limits. The City Clerk verified the signatures and the City's property management staff mapped the legal description included in the petition. As a companion item, the property owner submitted an application to zone the site as an R-1 residential district.
- On April 11, 2017, the Council Ad Hoc Annexation-Deannexation Committee (Committee) convened to consider the request. Planning staff presented analysis of the impacts of the annexation, *DRAFT Staff Evaluation for N May and 206<sup>th</sup> 2017* (Staff Evaluation 2017), attached hereto as Exhibit C, and found the following:
  - From a regional perspective, It is better for these units to be clustered here than spread out over a larger area.
  - City of Oklahoma City services are available albeit at the edge of our current urban service zone.

Based on those findings, the Committee voted 3-0 on a motion to support the annexation with the following conditions:

1. A full release from the Deer Creek Rural Water District be obtained.
2. The annexation area be modified to exclude all of NW 206<sup>th</sup> Street and its right-of-way; and
3. Include right-of-way along the east and west sides of May Avenue north from the existing City of Oklahoma City limits up to and not including NW 206<sup>th</sup>.

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- The Petitioner has been engaged in ongoing federal litigation with Deer Creek Water Corporation. On August 16, 2021, the Findings of Fact and Conclusions of Law issued by Federal Judge DeGuisti state, in part:

Therefore, under the specific facts and circumstances of this case, Garrett is not required to obtain service from Deer Creek and is free to obtain water from any other provider. The clerk is directed to enter a final judgement on all claims and counterclaims resolved this Order as set forth herein.

- On September 13, 2021, Deer Creek Water Corporation filed a notice appealing Judge DeGuisti's Order. The City of Oklahoma City's Municipal Counselor Office advises as follows:

Although Mr. Garrett may assume certain risk by proceeding in accordance with Judge DeGiusti's Order while an appeal is pending, if Garrett applies for annexation, in accordance with Judge DeGiusti's Order Garrett is free to obtain water from any provider.

- On October 19, 2021, the petitioner filed a new petition with the City of Oklahoma City Office of the Clerk, attached herein as Exhibit A.

## **2. ANNEXATION PETITION REQUEST**

Petition requesting 160- acres to be annexed into The City of Oklahoma City, pursuant to 11 O.S. § 21-105, located at the southeast corner of N May Ave. and NW 206<sup>th</sup> St. adjacent to Ward 8, Oklahoma City, Oklahoma County. A draft of the annexation ordinance, which designates the property zoning as R-1, is included herein for Council consideration as Exhibit B. The legal description in the ordinance indicates the boundaries per the Committee's motion, noted above.

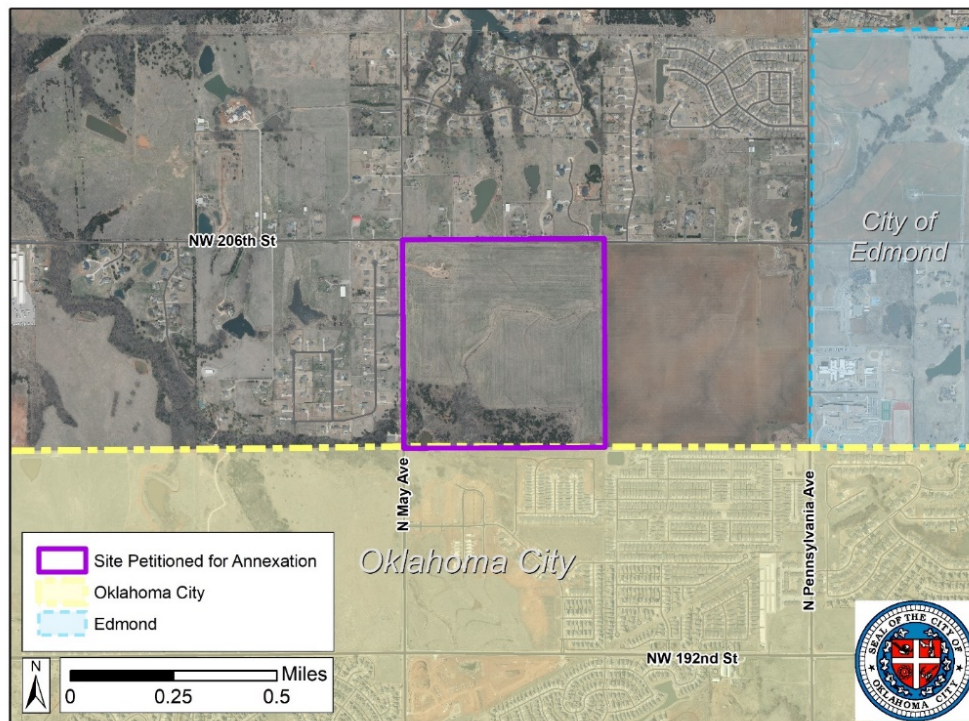
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### 3. EXISTING CONDITIONS

#### A. Location and Size

The site petitioned for annexation is 160 acres, a quarter section, located southeast of the intersection of N May Avenue and NW 206<sup>th</sup> Street (Covell Road in Edmond). **Figure Error! Reference source not found.** shows the relative location and size of the site in Oklahoma County, north of Oklahoma City and west of Edmond. The annexation would include the entire right-of-way of May Avenue up to the southern part of the NW 206<sup>th</sup> intersection. None of the NW 206<sup>th</sup> St. right-of-way would be included.



**Figure 1 N May Ave. and NW 206<sup>th</sup> St.**

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### B. Adjacent Existing Land Uses

The dominant land use pattern in the area is undeveloped and residential uses. There is an oil well in the northwest corner of the subject site. The subject is undeveloped.

Site	North Oklahoma County	South	East Oklahoma County	West Oklahoma County
Undeveloped	Rural Residential/ Undeveloped	Partially Developed – Rural/ Residential	Undeveloped	Residential

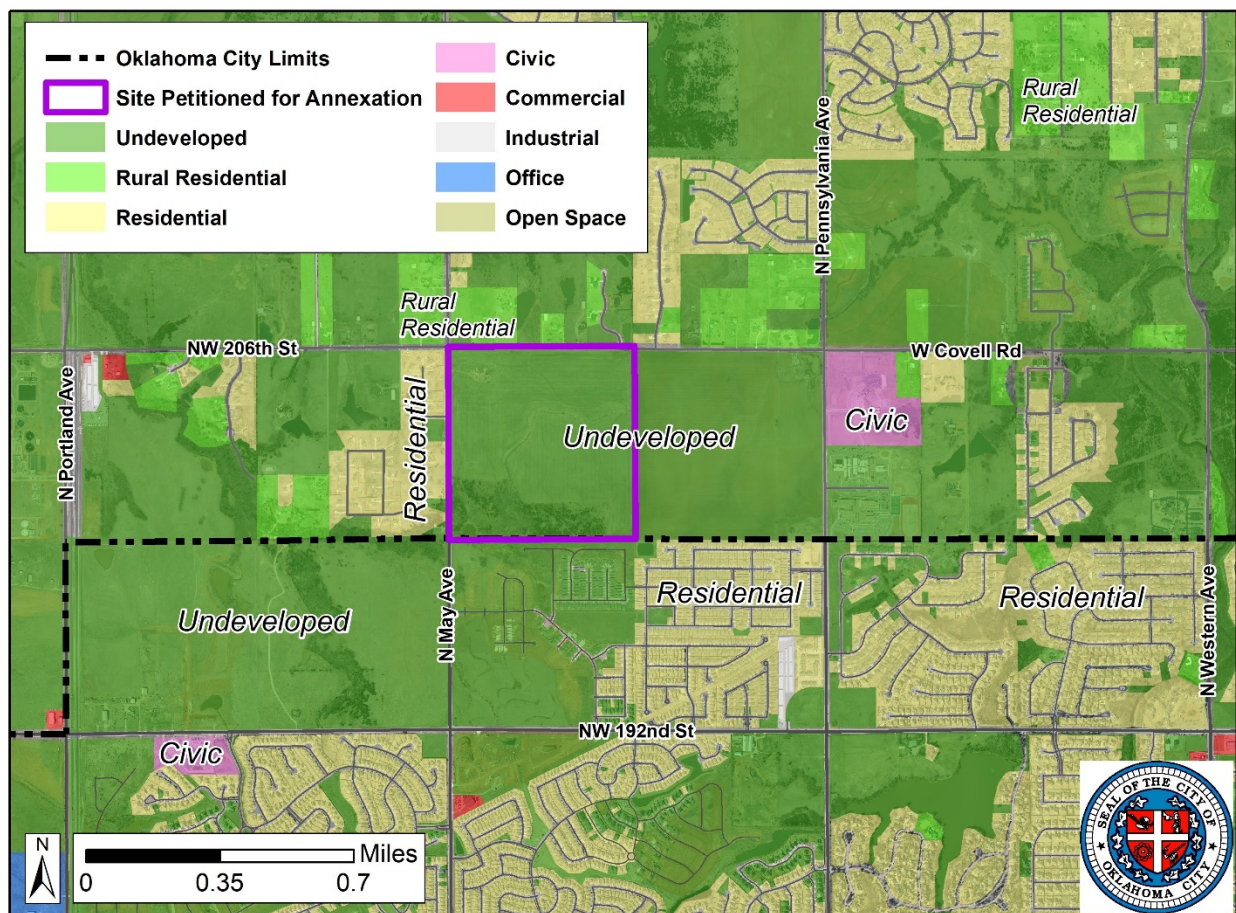


Figure 2 City of Oklahoma City Current Land Use Map



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### C. Adjacent Zoning Uses

The dominant zoning pattern in the area is residential and PUDS.

Site	North Oklahoma County	South	East Oklahoma County	West Oklahoma County
Agricultural/ Rural Residential	Agricultural/ Rural Residential	Residential/ R-1ZL	Planned Unit Development	Acreage Residential

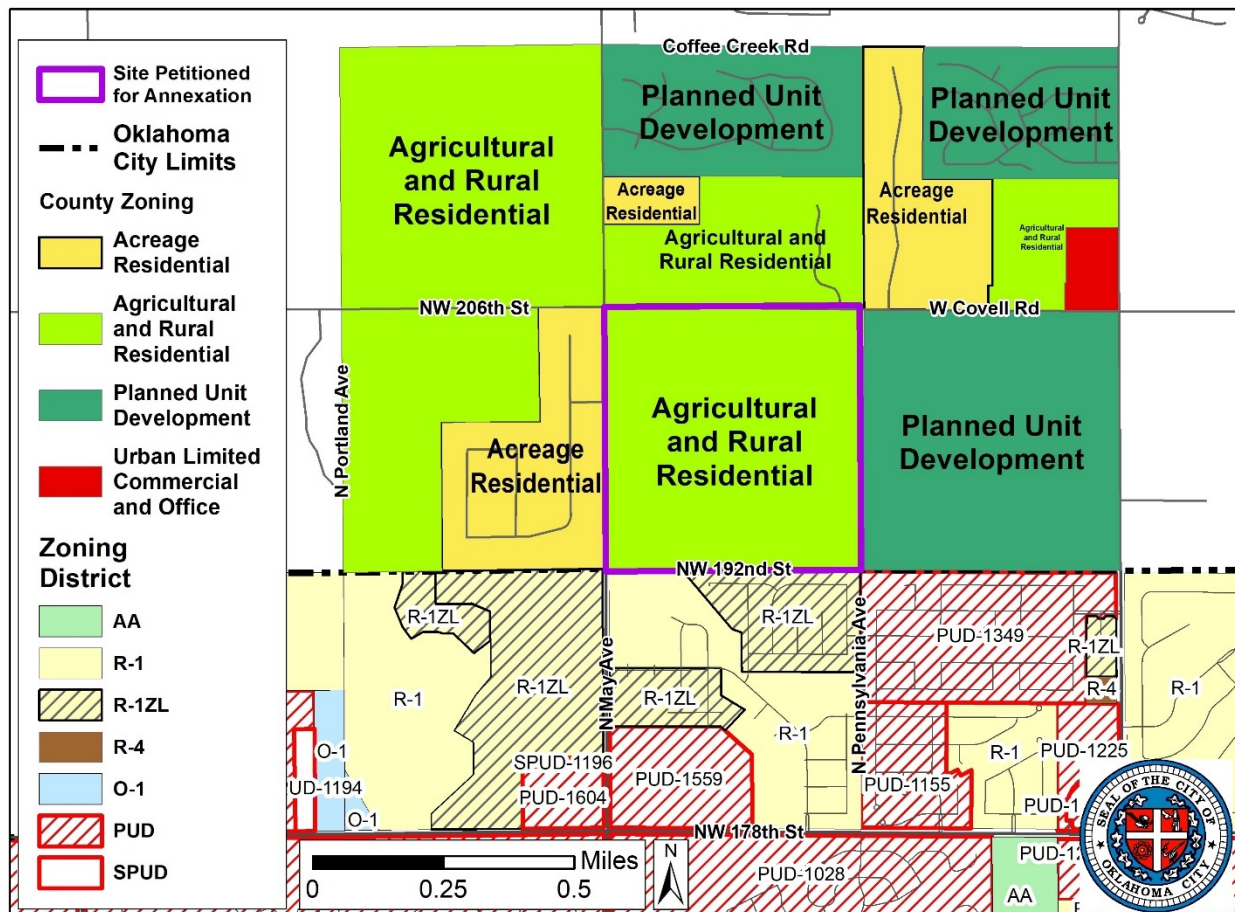


Figure 3 City of Oklahoma City Zoning Map

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### D. Surrounding Land Use Typology Area (LUTA)

planokc designates the area to the south of the site as Urban Low Intensity LUTA.

Site	North Oklahoma County	South	East Oklahoma County	West Oklahoma County
N/A	N/A	Urban Low	N/A	N/A

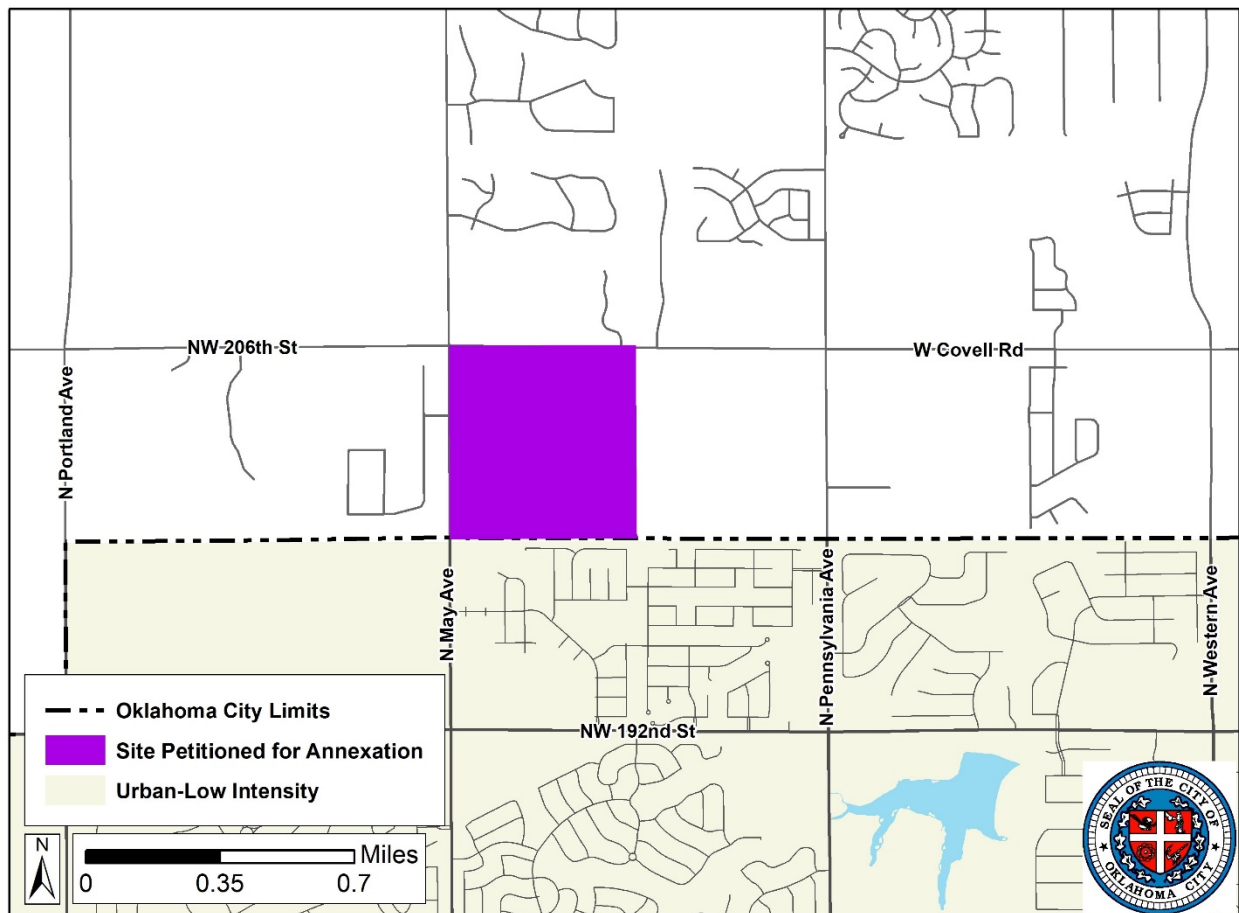


Figure 4 planokc Land Use Typology Map

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### 4. STATUS OF CITY IMPROVEMENTS, SERVICES AND EASEMENTS

Review of this annexation petition request was sought from Water and Sewer Utilities, Public Works, and The City Surveyor. All entities responded as follows:

#### A. Water and Sewer Utilities:

##### Public Water Supply

The site is adjacent to developments currently served by Oklahoma City's water.

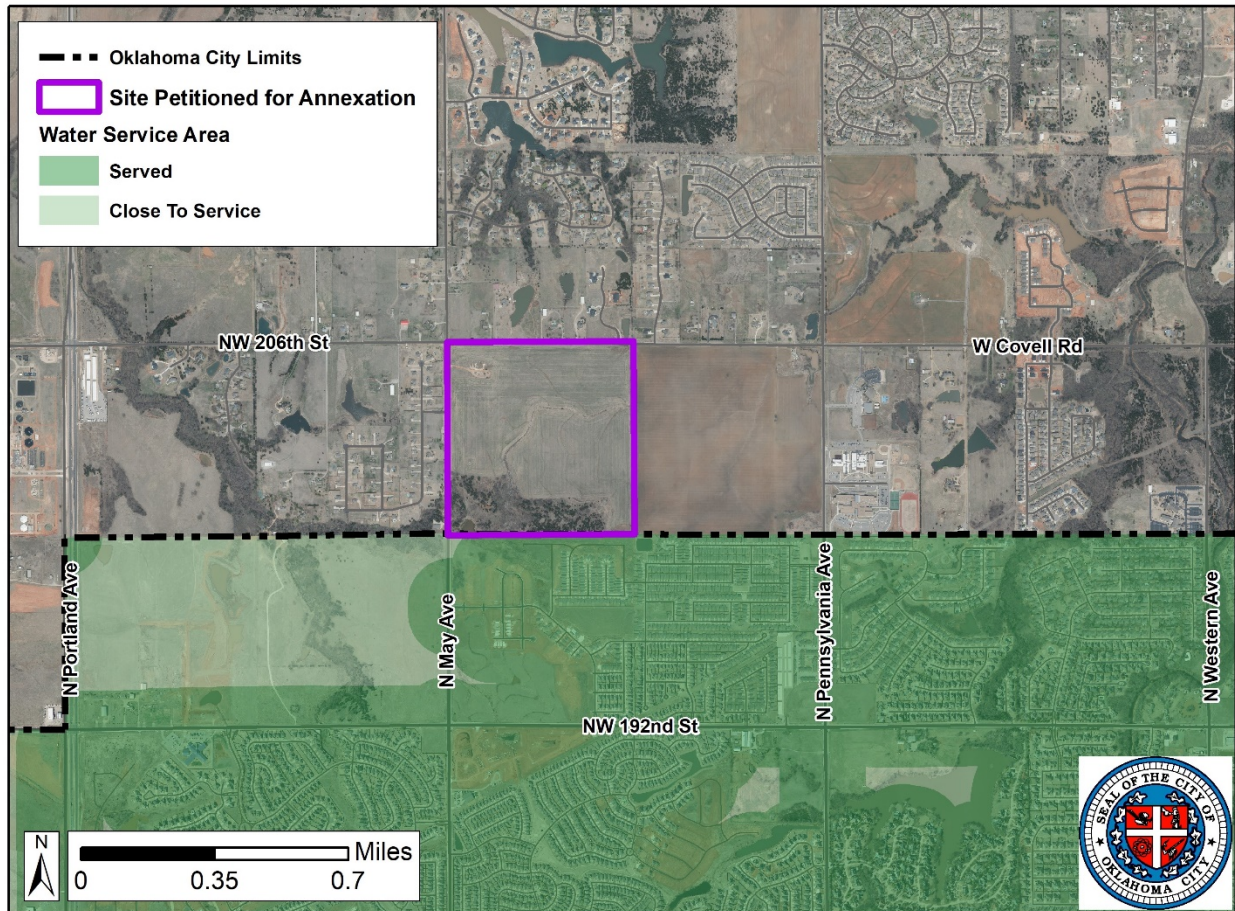


Figure 6 Current City of Oklahoma City Public Water Utilities Service Area Map



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### Wastewater Service

The site is adjacent to developments currently served by Oklahoma City sewer and drainage systems.

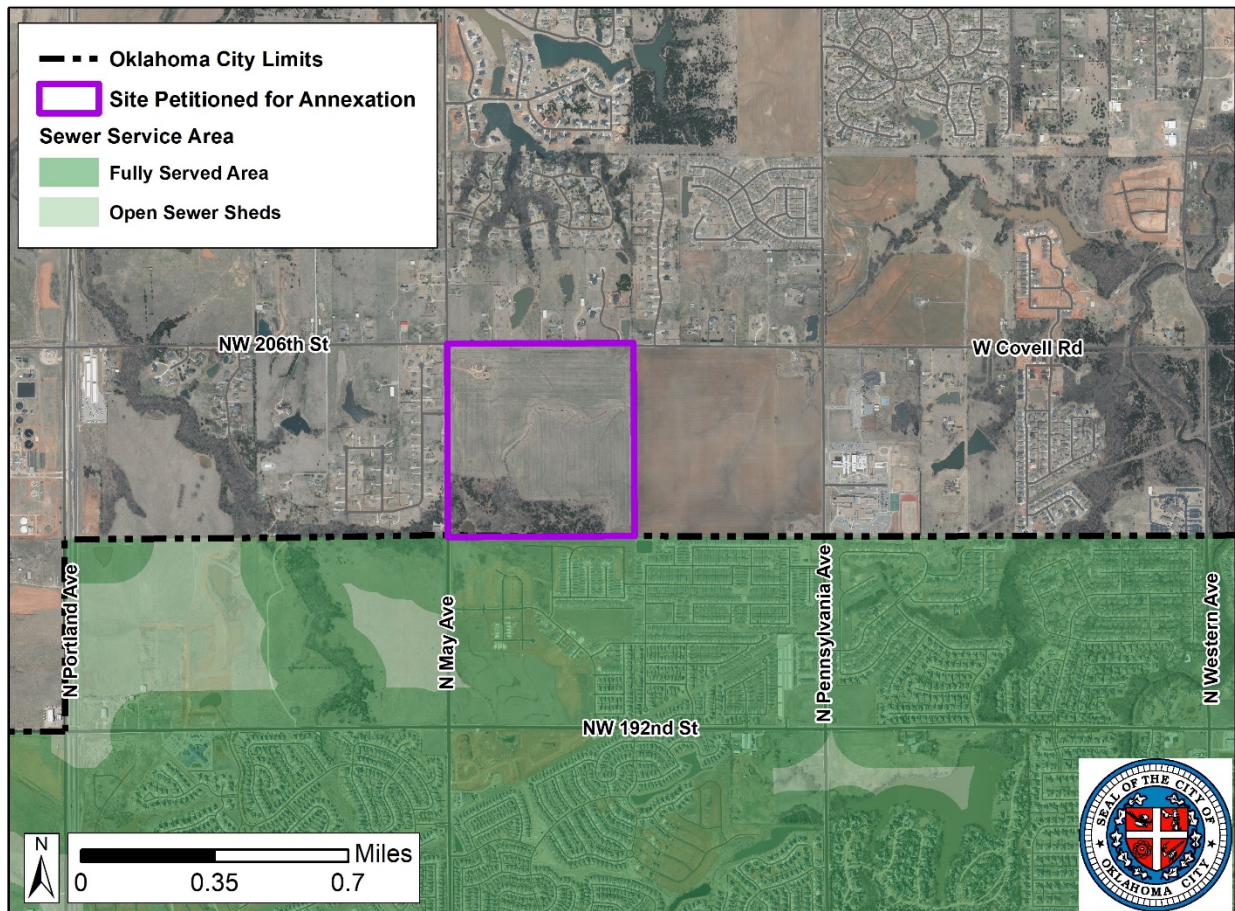


Figure 7 Current City of Oklahoma City Sewer Utilities Service Area Map



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### B. Fire Service:

The site is projected to have Rural Response time for fire services.

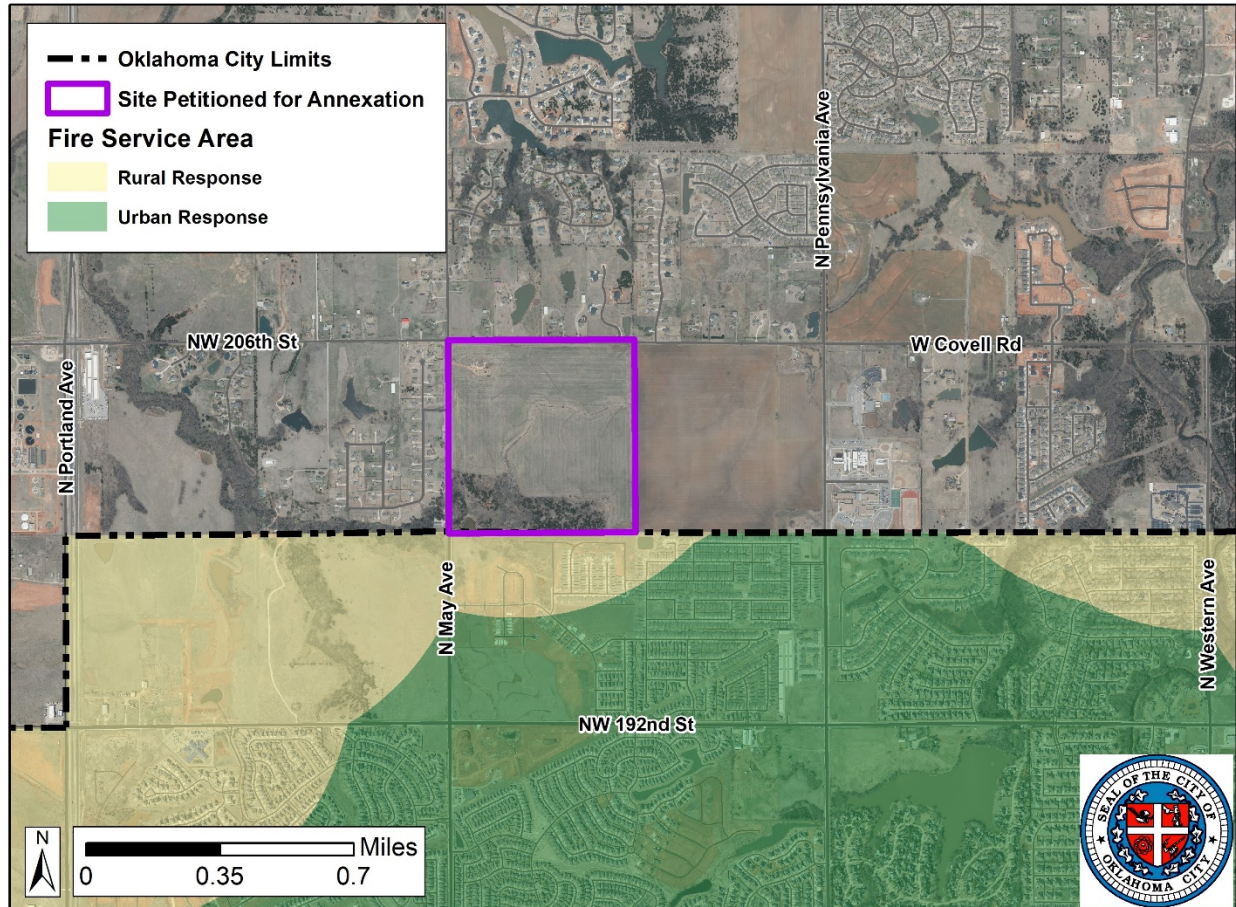


Figure 8 Current City of Oklahoma City Fire Services Response Area Map

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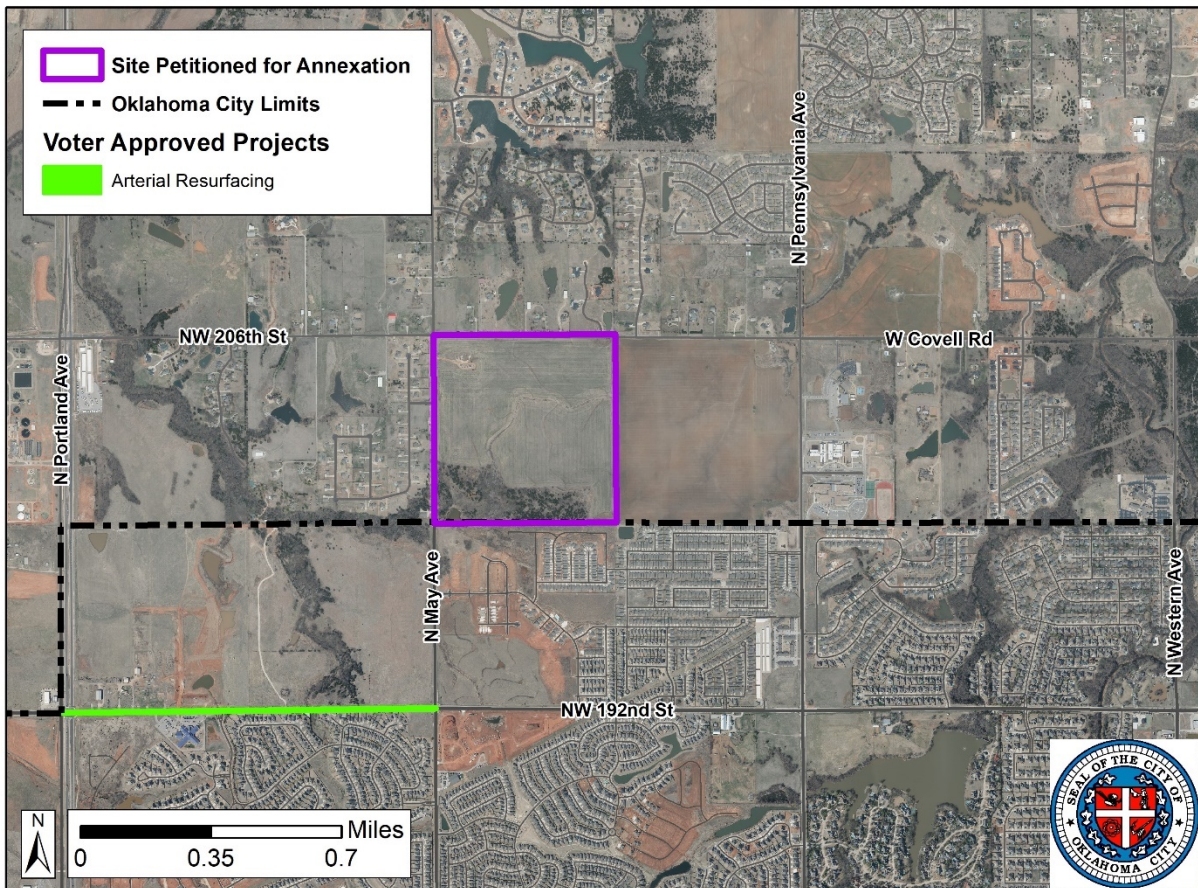
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### C. Public Works:

**Area Improvements:** The City does not have any recent or upcoming City-funded capital improvement projects in the area.

**May Avenue Widening.** The proposed development will add traffic impacts and May Ave. may need to be expanded to 4-lanes on the northern portion of the section.

**Right of Way:** Include both sides of May Ave up to and not including NW 206<sup>th</sup>.





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### **5. EVALUATION:**

#### **A. planokc's Guidance for Annexations and Detachments:**

- Oklahoma City residents' quality of life and levels of service will be maintained or improved;
- The City's ability to provide services efficiently will be made easier or will not be impacted;
- Future development brought about by the change in municipal boundaries will not create adverse impacts or untimely development pressure on Oklahoma City;
- Proposed boundaries do not create irregular geographies with confusing service areas, rather they follow significant features such as rights of way and/or topographic ridgelines (watersheds);
- Jurisdictional responsibility for maintaining streets and rights-of-way are clearly defined; and
- Agreements are established with neighboring jurisdictions defining how development along a shared street will be designed, reviewed and approved.

Staff believes the proposed annexation will have either a neutral or positive impact on each of the above considerations.

#### **B. Potential Economic and Fiscal Impact:**

Annexation of the subject site would likely bring a residential development that would add both additional cost and revenue.

The northern section of May Avenue may require expansion from 2-lanes to 4-lanes in order to meet road capacity demands resulting in part from the proposed new development. This improvement is estimated at \$3 million—far more than would be collected from impact fees associated with this development. General Obligation Bond funding would be needed as well if street widening were to become necessary.

Revenue sources include impact fees and sales and property taxes. Impact fees are used to provide additional capacity related to streets, parks, and utilities. Property taxes are used to build and repair infrastructure and sales taxes are used to fund operations, such as public safety.



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### C. Pros and Cons of Requested Annexation

City staff believes excepting inflation, conditions have not changed materially since the DRAFT 2017 Staff Evaluation, attached hereto as Exhibit C. The Staff Evaluation (p.16) established the following pros and cons for the subject annexations:

The following items may support annexing the site into Oklahoma City:

- *Property Tax Revenue:* Oklahoma City could receive between \$190,600 and \$363,000 per year in property taxes.
- *Sales Tax Revenue:* Oklahoma City could receive between \$161,000 and \$306,600 per year in sales taxes from retail spending by the households in the proposed development.
- *Impact Fees Revenue:* Oklahoma City could receive between \$1,040,000 and \$2,027,000 in impact fees to help increase infrastructure capacity in this area of the city.
- *Regional Considerations of new growth:* If the site is developed in Oklahoma City, it can achieve higher densities than in the county. Benefits from building the same units in the City versus spreading them out over a larger area in the County include:
  - Improved transportation efficiency and air quality due to shorter trips for the future households.
  - More efficient service delivery.

The following concerns are associated with annexing this site:

- *Service and Maintenance Costs:* Once the site is developed Oklahoma City will spend approximately between \$430,700 and \$788,400 per year to provide the site with police, fire, and street maintenance services.
- *Fire Service:* In order to provide preferred response times for Fire and EMS, a new station would need to be constructed closer to the site. There are currently no plans to build a new fire station in this area.
- *Land Supply:* Oklahoma City has thousands of acres of undeveloped land with immediate access to urban services in the northwest area. From this perspective, adding additional undeveloped land that is outside our current service area is unnecessary at this time.

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### **6. SUMMARY OF FINDINGS**

- A.** Additional vehicle traffic on NW 206<sup>th</sup> Street and N May Avenue resulting from the new residential development can be accommodated with existing infrastructure.
- B.** The fiscal impact of the annexation is likely to be near neutral.
- C.** Benefits from building the same number of units in Oklahoma City versus spreading them out over a larger area in the county include:
  - Improved transportation efficiency and air quality due to shorter trips for the future households.
  - More efficient service delivery.

### **7. STAFF RECOMMENDATION**

Staff recommends the Planning Commission receive this report and recommend the Annexation petition and ordinance for consideration by City Council.

### **8. ATTACHMENTS**

- A.** Exhibit A: 2021 Petition for Annexation
- B.** Exhibit B: Ordinance
- C.** Exhibit C: DRAFT Staff Evaluation for N May and 206th 2017