



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

Item No. IV. 31.

(PUD-1860) Application by Allen Engineering Services, Inc., to rezone 9600 NE 150th Street from the PUD-1323 District to the PUD-1860 Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant/Developer Representative

Name Charles Allen
Company Allen Engineering Services, Inc
Phone 405-840-9901
Email callen@aeswins.com

B. Case History

This is a new application.

C. Reason for Request

This application is to permit residential development.

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: 91.6 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	PUD-1323	Edmond	R-A	AA	AA
Land Use	Undeveloped	Residential	Residential	Undeveloped	Camp/Res

- 4. Development Context:** The 91.62-acre subject site is located southwest of N Post Road and NE 150th Street with frontage on both streets. The site was zoned to PUD-1323 in 2008 for residential development with a 2-acre minimum lot size. The proposed PUD wraps around PUD-1402 at the intersection, which was zoned in 2009 and allows commercial under a modified RC base. Across the street to the east is The Falls, a residential subdivision zoned to PUD-1548 in 2014 and developed with lot sizes averaging 30,000 square feet. Land to the west and south is zoned AA. Land north of NE 150th Street is within the City of Edmond. Lake Arcadia is a half mile to the west. The PUD requests a modified R-1 base with a minimum lot size of a minimum of three quarters ($\frac{3}{4}$) of an acre and lot lines that go to the center of the street.

II. SUMMARY OF PUD APPLICATION

8.1 USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the **R-1 Single-family Residential District** shall govern this PUD, except as herein modified, including conditional, special permit, special exception, alcohol beverage consumption requirements and/or accessory uses subject to their appropriate conditions and review procedures for public hearings where applicable, unless otherwise noted herein.

The minimum lot size shall be three quarters ($\frac{3}{4}$) of an acre (32,670 square feet), which will include the private roadway and public utility easement.

9.0 SPECIAL CONDITIONS

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

Permitted Use(s):

The following uses shall be the only uses permitted:

Single-Family Residential (8200.14),
Community Recreation: Property Owners Association (8250.3), and
Family Day Care Homes (8300.40).

9.1 FAÇADE REGULATIONS

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, drivet, rock, stone, stucco, or wood, or other similar type finish approved by the Planning Director of the City of Oklahoma City. Buildings finished with EIFS (Exterior Insulation Finish System) material shall be permitted. Exposed metal R panels or exposed concrete block buildings shall not be permitted.

Buildings shall be oriented such that the backs of buildings are not facing towards any street.

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.

The area located within the rights-of-way of NE 150th Street and Post Road will be seeded with grass. A Subdivision Buffer shall not be required where existing bar ditches and/or utility easements preclude it. All practical means shall be used to preserve existing large trees on residential lots and common areas.

Unique natural resources, such as significant vegetation, watercourses, or native rock outcroppings and other natural features that create desirable and functional environments for patrons, pedestrians and occupants shall be preserved when practical.

Existing healthy, mature trees shall be protected in this PUD and shall be preserved when practical.

9.3 LIGHTING REGULATIONS

The site lighting in this PUD shall be in accordance with Chapter 59, Article XII, Section m59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

9.4 SCREENING REGULATIONS

No sight-proof screening shall be required for this PUD.

9.5 PLATTING REGULATIONS

All land within this PUD shall be contained within a final plat and any plat dedications shall be approved by the City Council prior to any occupancy permits being issued in the PUD.

9.6 DRAINAGE REGULATIONS

Drainage improvements, if required, will be in accordance with 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.

9.7 DUMPSTER REGULATIONS

Dumpsters shall not be permitted in this PUD.

9.8 ACCESS REGULATIONS

There shall be two (2) access points to this PUD. One (1) from Post Road and one (1) from NE 150th Street in this PUD.

There shall be no access to arterial streets from individual lots within this PUD. "Limits of No Access" along NE 150th Street and Post Road shall be clearly shown on the Final Plat.

Access to individual lots within the PUD shall be permitted to be from a private roadway easement. A Property Owners Association through the use of recorded Covenants and Restrictions shall govern maintenance of the private roadway.

No pedestrian system shall be required in this PUD.

9.9 PARKING REGULATIONS

Attached or detached garages shall count toward meeting parking requirements, provided each parking space in a garage shall be a minimum of 8 ½ feet by 18 feet.

9.10 SIGNAGE REGULATIONS

A maximum of two residential development identification signs shall be permitted per access point to a public street. Signs shall be a maximum of 8 feet in height with a maximum display area of 120 square feet (actual sign letters/characters shall not exceed 40 square feet; the remainder of the sign display area may be used for background/ornamentation; support columns shall not be counted towards the overall sign display area).

9.10.1 FREESTANDING ACCESSORY SIGNS

Freestanding signs shall be required to have a landscaped base of no less than 25 square feet in area and shall be covered with a material consistent with the residential buildings it serves.

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 shall be prohibited in this PUD.

9.10.4 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display signs shall be prohibited in this PUD.

9.11 ROOFING REGULATIONS

Every structure in this PUD shall have Class C roofing or better

9.12 SIDEWALK REGULATIONS

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.

Sidewalks will be added when Post Road and NE 150th Street are improved.

No pedestrian sidewalks shall be required within 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 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.

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

9.17 GENERAL DESIGN AND DEVELOPMENT GUIDELINES

Specific information and plans for General Design and Development Guidelines as contained in Chapter 59 Section 14200.4 for density, amenities, relationship to abutting uses, site design, safety, and circulation systems shall be required at the Specific Plan stage.

9.18 SPECIFIC PLAN AND FINAL PLAT

Specific Plan approval shall not be required for this PUD.

No building permits shall be issued in this PUD until Final Plat, including all items listed in Section 59-14150C of the Oklahoma City Municipal Code, 2020, as amended shall have been approved by the Planning Commission.

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 – Master Development Plan.
- Exhibit C – Residential Exhibit

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) Edmond**
- 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

Sanitary Sewer Availability

- 1) City wastewater system is not currently within the required distance for extension per the current Subdivision Regulations; therefore, extension of the City wastewater system is not required.

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) The subject site is adjacent to a 12” water main in the street right-of-way of W Wilshire Blvd.
- 2) The developer will be required to extend a minimum 12-inch water main (or larger as recommended by the approved Current Water Master Plan) along the section line street, border or perimeter of the development and/or all interior water mains for domestic use and fire flow protection.
- 3) The developer will provide an internal (on-site) water distribution system capable of supplying water to each lot or tract within the proposed subdivision or land development in accordance with City Standard Specifications and the current Subdivision Regulations.
- 4) The developer may make an application under the Policy “A-1” program to the Oklahoma City Water Utilities Trust (OCWUT) for purchase of construction costs for an oversized water main extension (16-inch or larger). Approval will be subject to funds available for improvements.
- 5) Dead-end water mains must be avoided. Connection to at least two active feeder or grid water mains will be necessary to prevent partial or total shut-off of water supply when a pipeline failure occurs within the proposed development.
- 6) In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi. The developer is responsible for designing and construction of all fixtures to provide adequate domestic and fire protection under minimum pressure conditions. The developer will be responsible for any failure of domestic and fire protection systems which require water pressure in excess of 25 psi.
- 7) All existing and proposed meters must meet current Meter Specifications. Meters must be in a grassed area. All domestic and fire suppression services must have separate water service connections. All existing unnecessary water services must be abandoned at the water main.

- 8) Additional Comments: 16” water main extension required along NE 150th St to the furthest property boundary of the development.

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.
- Cluster development may be appropriate provided it maintains rural character by preserving open space and/or Environmentally Sensitive Areas (ESAs) by clustering lots, and maximum gross density requirements are not exceeded.

National, state, and local permitting require basic best management practices for stormwater management. The PUD places floodplain within a common area. The PUD proposes a minimum lot size ¾-acre.

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 existing zoning requires a minimum lot size of 2 acres, consistent with the LUTA. The PUD does not state a max density and proposes the R-1 base. Exhibit B indicates a subdivision with 71 lots over 91.6 acres, or a density of 0.70 du/acre, over the Rural Medium LUTA range.*

- 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 low intensity residential or agricultural uses, “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. *The PUD proposes an R-1 base with a minimum lot size of $\frac{3}{4}$ acre. The R-1 District allows greater lot coverage and shallower setbacks than the surrounding AA District. The PUD should use a rural residential base zone which would limit lot coverage to 30 percent and require wider setbacks, especially since the area is not served by public sewer.*

3) Service Efficiency:

- Water: *Not Served by Oklahoma City*
- Sewer: *Not Served - Need for Major Investment*
- Fire Service: *Longer Than 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 in the southwest portion subject site, including a small portion of 100-year floodplain. Exhibit B indicates the riparian area would be contained in a common area, and the Master Design Statement requires the common area to be adjusted to cover the entire floodplain.*
- 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 proposed development site but it was difficult to determine the amount forested. If 70 to 80 percent of the site is covered in upland forest, the comprehensive plan has a preservation goal of 80 percent. The PUD commits to preserving as much tree cover as possible.*
- Vulnerable Aquifers: The aquifer in this area is considered moderately/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. *Retention of existing trees on site would assist with allowing infiltration of stormwater on site.*

- 5) **Transportation System:** The subject site is located off NE 150th St and N Post Rd, both Minor Arterial Streets in the Rural Medium LUTA. The Turner Turnpike is located less than a mile to the south, but the nearest toll gates are at Hogback Road and Sooner Road. Bus transit is not available to the area.
- 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)
 - Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
 - Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
 - Ensure proper access to and between subdivisions in order to offer a choice in routes for residents, multiple access points for emergency responders, and to reduce vehicle congestions at arterial intersections. (C-32)

b. Plan Conformance Considerations

The subject site is located southwest of Post Road and NE 150th Street in the Rural Medium LUTA. The RM LUTA supports a maximum density of 0.5 du/acre (45 lots). The PUD proposes an R-1 base with a minimum lot size of ¾-acre and would allow lot lines to extend to the center of the street. The PUD does not state a maximum density or number of lots, but Exhibit B illustrates 71 new lots over 91.6 acres, or 0.70 du/acre which is not consistent with RM LUTA. The Falls, the subdivision across the street to the east, is developed with 30,000 square foot lots and served with public water through an agreement with Edmond. It was unclear at the time of review if the subject site would also be served.

Conformance with the comprehensive plan would be strengthened by amending the proposed PUD's base zone to a rural residential base zone, specifying a maximum number of lots and/or density consistent with the comprehensive plan (0.5 du/acre or 45 lots), and specifying areas of tree preservation on future plats.

V. 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 subject to the following Technical Evaluation:

1. Specify the maximum number of lots and/or density allowed.
2. Modify base zone to the RA or RA2 District commensurate with the density allowed.
3. Indicate areas of tree preservation on future plats.

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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