



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

**Item No. IV. 28.**

**(PUD-1848) Application by Midwest 80, LLC., to rezone 4831 South County Line Road from the AA Agricultural District to the PUD-1848 Planned Unit Development District. Ward 3.**

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant/Developer Representative**

Name        Kendall Dillon  
Company    Crafton Tull and Associates  
Phone       405-787-6270  
Email       kendall.dillon@craftontull.com

**B. Case History**

This application was continued from the October 14, and October 28, 2021 meetings.

**C. Reason for Request**

This application is to permit a residential development. The application is associated with the Preliminary Plat of Mustang Lake (C-7363).

**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.

**2. Size of Site: 58.52 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                  | PUD-1488     | R-1         | AA           | AA          |
| <b>Land Use</b> | Undeveloped         | Residential  | Undeveloped | Industrial   | Undeveloped |

- 4. Development Context:** The 58.52-acre subject site is located south of SW 44<sup>th</sup> Street and west of S County Line Road. The Kilpatrick Turnpike runs along the southern boundary of the site. The site abuts a 5-acre AA zoned residence on the west. The proposed development site ‘wraps’ around the Crystal Hill Estates subdivision to the north/east, which was originally zoned to PUD-1488 in 2013. The general area has been zoned, platted, and/or is developing in urban residential subdivisions. Three of the corners at SW 44<sup>th</sup> Street and S County Line Road are zoned C-3. The PUD proposes two residential tracts. Tract 1 (west) would take access from SW 44<sup>th</sup> Street and proposes an R-A base with 1/2-acre lots served with public water but not sewer, and Tract 2 (east) would take access from S County Line Road and have an R-1ZL base and be served with both water and sewer. The application is associated with the Preliminary Plat of Mustang Lake (C-7363).

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

### **TRACT 1**

The use and development regulations of the **R-A Single Family One-Acre Rural Residential District** shall govern this Tract, 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 use & development regulations shall apply:

- a. Minimum lot size shall be 21,780 square feet.
- b. Maximum lot coverage shall be 45%.
- c. Density shall not exceed 1.3 du/acre.
- d. Minimum lot width shall be 100 feet measured at the platted front building line; however, lots located on a cul-de-sac, “eyebrow” or “elbow” designed intersection and/or along a curved street shall have a minimum lot width of 90 feet measured at the platted front building line.
- e. Front yard setback shall be 30 feet.

### **TRACT 2**

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

The following use & development regulations shall apply:

- a. Minimum lot size shall be 5,000 square feet.

- b. Minimum lot width shall be 45 feet.
- c. Front yard setback shall be 20 feet.

## **SECTION 9 SPECIAL CONDITIONS**

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

The following uses shall be the only uses permitted:

- Single-Family Residential (8200.14)
- Community Recreation: Property Owners Association (8250.3)

### **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, or wood shall be permitted. Exposed metal or exposed concrete block accessory 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.

### **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, 2020, as amended.

### **9.4 SCREENING REGULATIONS**

Sight-proof screening will not be required.

### **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 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.

## **9.7 ACCESS REGULATIONS**

Individual lots shall not be permitted to take access from arterial/section line road(s) and “Limits of No Access” shall be established along lots abutting an arterial/section line road.

Access to this PUD may include a divided street or drive with central landscaped medians.

## **9.8 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, 2020, as amended.

On-Street maneuvering into parking spaces shall be permitted. The location of the On-Street maneuvering shall only be permitted within the frontage of a common area lot. All parking spaces shall be located on private property.

## **SIGNAGE REGULATIONS**

### **9.9.1 FREESTANDING ACCESSORY SIGNS**

A maximum of two residential development identification signs shall be permitted per access point to a public street, one for each side of the street or entry street median. Signs on each side of the entry street 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). All free-standing accessory signs shall provide a landscaped area containing one (1) point per two (2) square feet of sign or fraction thereof located within 10 feet of the base of any freestanding accessory sign. This landscaping may be applied to fulfill site or parking point requirements. Turf grass shall not be used to satisfy this requirement.

### **9.9.2 ATTACHED SIGNS**

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

#### 9.9.3 NON-ACCESSORY SIGNS

Non-accessory signs are specifically prohibited in this PUD.

#### 9.9.4 ELECTRONIC MESSAGE DISPLAY SIGNS

Electronic Message Display Signs are specifically prohibited in this PUD.

#### 9.9 ROOFING REGULATIONS

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

#### 9.10 SIDEWALK REGULATIONS

Interior and arterial sidewalks will not be required for Tract 1 of this rural addition.

Interior and arterial sidewalks will be required for Tract 2 of this addition.

A five-foot sidewalk shall be constructed along S. County Line Rd. A six-foot sidewalk shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department.

#### 9.11 HEIGHT REGULATIONS

The base zoning district regulations shall regulate heights of structures in this PUD.

#### 9.12 SETBACK REGULATIONS

Unless modified herein, yard requirements in this PUD shall be the same as the base-zoning district.

Fireplaces, bay windows, entryways, patios, patio covers, and other similar appurtenances may encroach up to two feet into the side yard setback and up to five feet into the rear yard setback. However, said appurtenances shall not extend into a utility easement, right-of-way, or across a property line.

#### 9.13 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.

#### 9.15 COMMON AREAS

Maintenance of the common areas in the development shall be the responsibility of the owner(s) of said property 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 common areas may be provided within the overall boundary of this PUD.

#### 9.16 FINAL PLAT

No building permits shall be issued in this PUD until a final plat has been approved by the Planning Commission.

#### 9.17 HOMEOWNER'S ASSOCIATION

A mandatory Homeowner Association shall be required for the proposed subdivision.

### SECTION 10.0 DEVELOPMENT SEQUENCE

Developmental phasing shall be allowed as a part of the development of this PUD.

### SECTION 11.0 EXHIBITS

The following exhibits are hereby attached and incorporated into this PUD. These exhibits are:

EXHIBIT A: LEGAL DESCRIPTIONS

EXHIBIT B: MASTER DEVELOPMENT PLAN

EXHIBIT C: TOPOGRAPHY MAP

## 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) Mustang**
- 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) 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.
- 5) 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.
- 6) 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.
- 7) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.



- 8) 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.
- 9) 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.
- 10) All private roads /streets will have private storm sewer systems.
- 11) 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) Additional Comments: Due to the topography of the site, a sanitary sewer extension will not be 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 SW 44<sup>th</sup> St.

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- 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) 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.
- 5) 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.
- 6) No trees, signs, dumpsters or fences within 10 feet of any existing or proposed water main.
- 7) Proposed water main(s) must be in a dedicated easement. No other utilities will be allowed within the dedicated easement.
- 8) 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.
- 9) Additional Comments: Water main extension required.

## **9. Planning**

### **a. Comprehensive Plan Considerations**

#### **1) LUTA Development Policies:**

##### Site Design:

- Large-scale (20+ acres or 50 or more single family units) residential subdivisions should provide a diversity of home sizes, lot sizes, price points, architectural styles, and density ranges.

- 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. The PUD proposes two tracts (1/2 acre lots and 4,000 square foot lots). Tract 1 is not in conformance with the comprehensive plan because it proposes residential lots without public sewer within the UL LUTA.*

Density: The Urban Low Intensity LUTA outlines a density range of 4 to 8 dwelling units per acre for single family residential. *The PUD proposes two tracts that do not connect, but the overall development would provide 94 lots over 58.52 acres for a density of 1.6 du/acre, below the UL range.*

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 number of dead-end streets and cul-de-sacs.
- Primary entrance points should be aligned with access points immediately across the street.
- Provide vehicular connectivity between adjacent developments.
- Subdivisions with more than 50 units should have at least two points of entrance / egress no closer than 300 feet apart.

*The PUD is divided into two tracts which are not proposed to connect to each other, but would each connect to Crystal Hill Estates, located to the north and east. No street stub is provided west. Connections south are not possible due to the turnpike.*

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.

*The PUD provides sidewalks in Tract 2, but proposes exempting them on SW 44<sup>th</sup> Street and within Tract 1 due to the RA base district and road standards. Sidewalks should be provided on all arterial streets and in new subdivisions within the Urban Low LUTA.*

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating low or medium intensity residential 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 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. *The PUD would locate ½ acre lots adjacent to a 5-acre parcel on the west. No triggers related to building scale and site design were identified on the north/east as the proposed PUD mirrors the development standards approved in the adjacent PUD.*

**3) Service Efficiency:**

- Water: *Fully Served*
- Sewer: *Served or Within an Open Shed*
- Fire Service: *Urban Service Level*

**4) Environmentally Sensitive Areas:** The following apply to the proposed development site:

- Riparian areas: N/A
- Upland Forests: N/A
- 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. *The associated plat maintains an existing pond as common area.*

**5) Transportation System:** This site is located off SW 44<sup>th</sup> Street and S County Line Road, both arterial streets within the Urban Low LUTA. The Kilpatrick Turnpike runs along the southern boundary of the site with the nearest access at S Morgan Road. Bus transit is not available to the area.

**6) Other Development Related Policies**

- Support diversity and integration of housing unit types and sizes in all land use typology areas in order to meet the diverse needs of households of different sizes, generational needs, incomes, and preferences. New residential subdivisions should achieve a mixture of housing types within a unified development. (SU-4)
- Prioritize and concentrate development where facilities, infrastructure, and services have capacity and in areas where the Police and Fire Departments are best able to respond. Guide the location and timing of development through the proactive and strategic installation of infrastructure. (SU-14)
- Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
- 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)
- Improve the functionality and efficiency of the street network by:
  - Providing direct connections from residential developments to nearby places and to each other.
  - Providing street and sidewalk stubs to adjacent vacant land in anticipation of future development.
  - Connecting new development to existing street and sidewalk stubs, and to existing trail, open space, and bicycle networks.
  - Reducing block sizes and use of dead-end streets.
  - Maintaining the existing street grid to preserve connectivity and mobility options. (C-11)
- 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)
- Encourage unified planning for all adjoining land owned or controlled by a project's developer to ensure proper circulation and land use relationships (SU-47)

**b. Plan Conformance Considerations**

The proposed PUD is located southwest of SW 44<sup>th</sup> Street and S County Line Road. The PUD is requested for residential development on two unconnected tracts. The proposed subdivision provides a variety of lot sizes, places the existing pond in a common area, and connects to the adjoining subdivision, in conformance with the comprehensive plan. Tract 1 (west) proposes an RA base with ½ acre lots on public water but not sewer. The lot sizes are consistent with development to the east, but the proposal is not in conformance with the comprehensive plan because it does not provide a public sewer connection to the proposed lots and does not provide sidewalks. Tract 2 proposes an R-1ZL base which is consistent with the comprehensive plan as long as the street connection to the north is installed.

The subject site is within the Urban Low Intensity LUTA where urban levels of service (connections to public water and sewer) are expected. In this case, the subject site is close to a sewer line and the Subdivision Regulations require a connection. A variance to the extension is requested for Tract 1 because a lift station would be required to serve the western portion of the development.

Plan conformance would be strengthened by serving all lots with sewer and installing sidewalks along all streets in both tracts.

#### **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 subject to the following Technical Evaluations:**

1. Sewer service shall be extended to all lots within the PUD.
2. Sidewalks shall be required on all arterial streets in both tracts.
3. Sidewalks shall be required on all new residential streets where lot sizes are smaller than one acre.

*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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