



STAFF REPORT
The City of Oklahoma City
Planning Commission
April 14, 2022

Item No. IV. 17.

(PUD-1888) Application by Williams, Box, Forshee & Bullard PC, to rezone 13300 SE 74th Street from the AA Agricultural District to the PUD-1888 Planned Unit Development District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name David M 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 a modified 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: 79.509 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	RA	AA	AA	AA
Land Use	Undeveloped	Residential	Residential	Residential	Residential

4. **Development Context:** The subject site is located along the south side of SE 74th Street between S Hiwassee Road and S Henney Road. The site is zoned AA, undeveloped, and wooded. To the north of the subject site, across SE 74th Street is an RA subdivision (Country Oaks) with lots ranging from 1 to 1.5 acres. Land to the east, south, and west are AA zoned parcels ranging from 1.4 to 36 acres. Homes abut the site to the east, south, and northwest. The PUD is requested for residential uses on two tracts. Tract 1 (west) would allow an RA base with minimum one acre lots, and Tract 2 (east) would maintain the AA base zoning that allows 5-acre lots.

II. SUMMARY OF PUD APPLICATION

8.1 USE AND DEVELOPMENT REGULATIONS

There shall be two tracts within this PUD. The use and development regulations of the **R-A Single-Family One-Acre Rural Residential District shall govern Tract 1** within this PUD and the use and development regulations of the **AA Agricultural District shall govern Tract 2** within 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. Tract boundaries can increase or decrease by not more than 15%.

9.0 SPECIAL CONDITIONS

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

Permitted Use(s) for Tract 1:

All uses permitted within the R-A District shall be permitted within Tract 1 of this PUD.

Permitted Use(s) for Tract 2:

All uses permitted within the AA District shall be permitted within Tract 2 of this PUD.

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, 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.

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.

Existing healthy, mature trees shall be protected when feasible.

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

Screening shall be in accordance with Chapter 59 of the Oklahoma City Municipal Code, 2020, as amended

9.5 PLATTING REGULATIONS

All land within Tract 1 of 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 PUDs, 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

Commercial dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and shall be placed no closer than 50 feet from all property lines adjacent to residential zoning district or use.

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

9.8 ACCESS REGULATIONS

There shall be one access point for Tract 1 from SE 74th St. and individual access points for each lot within Tract 2 from SE 74th St. in this PUD.

Streets or driveways on adjacent property within two hundred (200) feet of this Planned Unit Development shall be shown on the Master Development Plan.

9.9 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.

9.10 SIGNAGE REGULATIONS

Signs shall conform to Oklahoma City Sign standards.

9.11 ROOFING REGULATIONS

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

9.12 SIDEWALK REGULATIONS

Sidewalks shall not be required.

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.

9.14.1 GARAGE SETBACK REGULATIONS

There shall be no garage setback restrictions.

9.15 PUBLIC IMPROVEMENTS

Public improvements shall be made by the property owner throughout the PUD as required by the City of Oklahoma City Subdivision Regulations or other City, County, or State Department or agency regulations in place at the time of development. 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.

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 platting stage.

9.18 SPECIFIC PLAN

Due to the residential nature, a Specific Plan shall not be required.

10.0 DEVELOPMENT SEQUENCE

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

11.0 PLANNED USES

Total Dwelling Units	Non-Residential (sq. ft.)	Common Open Space (acres)	Natural Resource Area (acres)	Public Uses (acres)	Other Planned Uses (acres)
Min.: 25 Max.: 35	N/A	Min.: 0	Min.: 0	N/A	N/A

12.0 EXHIBITS

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

Exhibit A - Legal Description

Exhibit B – Master Development Plan & 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) Mid-Del**
- 7. Oklahoma Department of Transportation (ODOT)**

B. City Departments

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire**

- 1) **Objection, no provisions for firefighting shown**, Residential lots under 5 acres that are created outside of OKC water line service areas. When this is done the applicant needs to provide watertanks for firefighting in accordance with NFPA 1142 and the OKC Fire Marshal OR, provide residential sprinkler systems in accordance with NFPA 13D.

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

- 1) Proposed street/driveways must be clearly marked at the site in order for Traffic Management to verify sight distance compliance.

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 service residential customers 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.
- 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. Open space and/or ESAs should be permanently protected through mechanisms such as conservation easements, dedicated zoning tracts, deed restriction, etc.

National, state, and local permitting require basic best management practices for stormwater management. The PUD limits the number of lots and lot sizes and does not request any variations that would be less restrictive than the base zone regulations. Exhibit B indicates the southeast portion of the site would remain undeveloped.

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 PUD proposes 35 lots over 79 acres for a density of .44 du/acre, consistent with the RM LUTA range. Tract 1 establishes a minimum lot size of 1 acre, while Tract 2 requires a 5-acre minimum.*

- 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 agricultural or residential 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 RA base with a minimum lot size of one acre in Tract 1 (west). Potential lot size compatibility issues are identified where abutting the 5-acre residence on the northwest corner of the site. No other compatibility issues are identified.*

- 3) **Service Efficiency:**
- Water: *Potential Connectivity*
 - Sewer: *Need for Major Investment*
 - Fire Service: *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 on the subject site in the form of an intermittent stream. Floodplain is not present.*
 - 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 Master Design Statement says exiting healthy mature trees will be protected "when feasible". The conceptual plan indicates the southeast portion of the site would remain undeveloped.*

- 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 SE 74th St, 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 along the south side of SE 74th Street between S Hiwassee Road and S Henney Road. The PUD is requested for residential uses on two tracts. Tract 1 would allow an RA base with minimum one acre lots, and Tract 2 would maintain the AA base zoning and allow 5-acre lots. The subject site is located within the Rural Medium LUTA which supports one acre lots when preserving environmentally sensitive areas, and calls for a maximum density of 0.5 du/acre. The PUD is consistent with the RM density ranges and lot sizes. Plan conformance would be strengthened by increasing the lot size at the northwest corner of the site where abutting a 5-acre residence. At the time of review, it was unclear how the south half of Tract 2 would be accessed. Plan conformance would be strengthened by establishing it as a tree preservation 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.

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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