



STAFF REPORT
The City of Oklahoma City
Planning Commission
October 13, 2022

Item No. IV. 19.

(PUD-1905) Application by Consul Properties, LLC. and Thousand Oaks Farms, LLC., to rezone 7101 South Indian Meridian from the AA Agricultural District to the PUD-1905 Planned Unit Development District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Stephen Landes
Company Landes Engineering.net
Phone 405-275-5388
Email Slandes@landesengineering.net

B. Case History

This application was recommended for approval at the August 11, 2022 meeting. The applicant revised the PUD at the request of the neighbors, which necessitates a new hearing by the Planning Commission.

C. Reason for Request

This application is to permit a mixed residential and light industrial development.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Rural – Low Intensity (RL)

Rural – Low Intensity applies to areas where large-lot neighborhoods and residential acreages/estates may remain with no expectation of urbanization or provision of urban infrastructure such as water or sewer. RL areas are predominantly composed of residential and agricultural uses but may support commercial and light industrial uses provided they do not negatively impact the rural residential character.

2. Size of Site: 90.15 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	AA	AA	AA	AA
Land Use	Ind/Res	Residential	Res/Undev	Undeveloped	Undeveloped

4. Development Context: The subject site is located on the east side of S Indian Meridian, north of the unimproved right-of-way for SE 74th Street. The site is zoned AA and used agriculturally. Hog Creek runs along the western portion of the PUD. To the north, and across Indian Meridian to the east, are residents on 4- to 5-acre parcels and agricultural uses. To the south is an 80-acre AA parcel and beyond it, Interstate 40. Access is not available to the interstate from Indian Meridian. The PUD is requested to maintain the existing AA uses permitted, allow a 0.45-acre tract on the interior of the site for processing, and allow up to 13 residences on the 90-acre site.

II. SUMMARY OF PUD APPLICATION

8.1 USE AND DEVELOPMENT REGULATIONS

Tract I

The use and development regulations of the AA Agricultural District shall govern this tract, 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 following uses shall be permitted:

8150.2 Agricultural Processing: Limited
8150.3 Animal Raising: Commercial
8150.5 Animal Raising: Personal
8250.3 Community Recreation: Property Owners Association
8150.6.2 Composting
8300.40 Family Day Care Homes
8150.6.3 Greenhouse
8150.6.4 Home Garden
8150.6.5 Hoop House
8250.12 Light Public Protection and Utility: General
8150.8 Row and Field Crops
8200.14 Single-Family Residential

Conditional Uses:

These uses necessitate the application of special standards in order to coexist with adjacent and nearby uses, and the neighborhood or land use areas in which they are to be placed. Special standards for these uses are found in Chapter 59, Article IX, Section 9350, "Standards for Specific Uses" of the Oklahoma City Municipal Code 2020, as amended.

8150.2.1 Animal Raising: Chickens and Quail
8300.27 Communications Services: Antennas
8300.28 Communications Services: Broadcast Towers
8300.30 Communications Services: Telecommunication Towers

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8150.7 Horticulture
8150.7.1 Rainwater Harvesting
8150.9 Urban Farm

Tract 2

The use and development regulations of the RA2 Rural Residential District shall govern this tract 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.

8150.6.2 Composting
8200.14 Single-Family Residential - A maximum thirteen (13) single-family parcels shall be permitted. Single family homes shall be limited to a minimum 2,400 sq. ft. constructed on a permanent foundation.

Conditional Uses:

These uses necessitate the application of special standards in order to coexist with adjacent and nearby uses, and the neighborhood or land use areas in which they are to be placed. Special standards for these uses are found in Chapter 59, Article IX, Section 9350, "Standards for Specific Uses" of the Oklahoma City Municipal Code 2020, as amended.

8150.2.1 Animal Raising: Chickens and Quail
8150.5 Animal Raising: Personal
8150.6.4 Home Garden
8150.7 Horticulture

Tract 3

The use and development regulations of the AA Agricultural District shall govern this tract, 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 following uses shall be permitted:

8150.1 Agricultural Processing: General
8150.2 Agricultural Processing: Limited.
8350.3 Custom Manufacturing
8350.8 Industrial, Light
8350.7 Industrial, Moderate.
8300.62 Research Services: Restricted

SECTION 9.0 SPECIAL CONDITIONS

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

9.1 FAÇADE REGULATIONS

Per the AA District except that the follow shall apply in Tract 2: Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, 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, at no greater than 30%. Exposed metal or exposed concrete block 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 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

Sight-proof screening is not required but may be provided in accordance with the base zoning regulations. A 300-foot setback shall be provided from the western PUD boundary. Trees will be preserved within the western setback. In addition, trees within the entire PUD site will be preserved to the maximum extent possible. No large trees may be removed unless damaged due to environmental conditions such as tornado, draught, or fire causing the trees to die.

9.5 DRAINAGE REGULATIONS

Drainage improvements will be in accordance with applicable sections of the Oklahoma City Code of Ordinances. Private 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 as defined in the previous sections. Such drainage ways must be designed to handle adequate flows.

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

9.6 DUMPSTER REGULATIONS

Dumpsters shall be located as required on the Agricultural property. Residential developments in Tract 2 shall utilize polycarts.

9.7 ACCESS REGULATIONS

Access to Tract 1 shall be from one drive on Indian Meridian.

Access to Tract 2 shall be from an interior street as required by the Oklahoma City Subdivision Regulations or from Indian Meridian based on AA frontage regulations. Roads or drives for residential tracts shall be limited to only 4 access points off Indian Meridian. (Two access points for Tract 2 (north tract) and two access points for Tract 2 (south tract).

Frontage on an improved street is not required for Tract 3 and access is permitted through other tracts.

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.

9.9 SIGNAGE REGULATIONS

9.9.1 FREESTANDING ACCESSORY SIGNS

There shall be no freestanding signs permitted in this PUD except as permitted for residential subdivisions.

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 will be prohibited.

9.9.4 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display signs will be prohibited.

9.10 ROOFING REGULATIONS

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

9.11 SIDEWALK REGULATIONS

No sidewalks shall be required.

9.12 HEIGHT REGULATIONS

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

9.13 SETBACK REGULATIONS

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

All structures shall have a minimum building line off Indian Meridian Road of 100 feet from Right of Way.

9.14 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 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.

No development will occur within the area shown on Exhibit B as “Open Space”.

9.16 GENERAL DESIGN AND DEVELOPMENT GUIDELINES

9.17 SPECIFIC PLAN

Due to the agricultural and residential nature of the PUD, a Specific Plan is not required.

9.18 PLATTING

Platting shall be required per Subdivision Regulations.

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 (s)
- Exhibit B – Master Development Plan & Topographic Map
- Exhibit C - Flood 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) Choctaw/Nicoma Park**
- 7. Oklahoma Department of Transportation (ODOT)**

B. City Departments

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

3. Fire

- 1) Objection, need to show fire protection method, water tank, fire hydrant, or fire suppression per the subdivision regulations. Show which alternative is to be used.

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 floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.

- 6) 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.
- 7) 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.
- 8) 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.
- 9) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 10) 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.
- 11) 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.
- 12) All private roads /streets will have private storm sewer systems.
- 13) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 14) SEC 9.5 DRAINAGE REGULATIONS
Remove the first paragraph

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.
- 2) The City can provide solid waste collection services to commercial customers providing refuse is not excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise the customer will have to utilize a private hauler for dumpster service.

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:

- Avoid developing within or modification of 100-year floodplains or floodways.
- Design new buildings to compliment the character of surrounding areas and not detract from the open character of the landscape.

- Utilize Best Management Practices (BMP) for stormwater whenever possible.

Floodway and 100-year floodplain are present on the subject site. The development is required to comply with all City, State, and Federal requirements within the floodplain. The PUD also includes a “preserve” area along the creek.

Location: Support limited amounts of commercial in rural areas appropriate to the needs of rural residents and passersby. Commercial uses in rural areas should be located in small clusters either on uninterrupted arterials or at freeway interchanges. *The PUD seeks to allow light industrial (processing) uses on 0.45 acre in the center of the 90-acre site.*

Density: The Rural Low LUTA outlines a minimum lot size of 5 acres (gross density of 0.2 du/acre) for residential. *The PUD proposes an RA2 base for the residential tract that would allow lot sizes that are not consistent with the Rural Low LUTA. The PUD limits the number of residential lots to 13 over the tract dedicated for residential uses and the open space/preserve area around Hog Creek, so that the maximum density permitted is 0.2 du/acre.*

- 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 or zoning, “Building Scale and Site Design” is a potential compatibility issue identified by the comprehensive plan. When locating light industrial uses near agricultural uses or zoning, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if 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.*

Traffic: Mitigation measures should be used if the development is inconsistent with the Street Typology, or would substantially exceed the average daily traffic of existing, adjacent uses. *No triggers requiring mitigation were identified.*

Operational Impact: The comprehensive plan calls for mitigation measures if new projects propose uses that generate noise levels above those found in typical residential settings, have detectable odors, spill light above that found in typical residential settings, or operate after 10 p.m. within proximity to residential uses. When located near residential uses, the comprehensive plan calls for containing operating effects (including noise and odor) within building walls, using vertical screening to block any mechanical equipment and service areas, and directing light away from adjacent residential areas. *The proposed industrial/processing use is limited to 0.45-acre in the middle of the 90-acre site.*

3) **Service Efficiency:**

- Water: *Not Served*
- Sewer: *Not Served*
- Fire Service: *Outside Rural Response*

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 including the floodway and floodplain for Hog Creek is located along the western edge of the development. The PUD requires a 300-foot setback from the west boundary of the PUD which encompasses the riparian area, and establishes an open space area along the creek where no development will occur.*
- 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. The PUD requires tree preservation in the “preserve” area and in the PUD to the maximum extent possible.*
- 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 S Indian Meridian, a minor Arterial Street in the Rural Low LUTA. Transit (bus) service is not available.

6) **Other Development Related Policies**

- 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)
- Support limited amounts of commercial (one to two acres per use) in rural areas appropriate to the needs of rural residents. Commercial uses in rural areas should be located in small clusters either on uninterrupted arterials or at freeway interchanges. (SU-46)
- Preserve overall landscape character and natural landforms (rolling hills, native vegetation, etc.) to the greatest extent possible. (G-4)
- 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 on the east side of S Indian Meridian, north of the unimproved right-of-way for SE 74th Street. Hog Creek runs along the western portion of the PUD. The PUD is requested to maintain the existing AA uses permitted and operating on the site and allow processing on a 0.45-acre tract in the center of the 90-acre site. The PUD would also allow residential development per the RA2 District.

The RA2 District allows smaller lots than called for in the comprehensive plan's Rural Low LUTA. In response, the PUD would limit the number of residential lots and create an open space area along Hog Creek, so that the total number of lots (13) within the tract dedicated for residential development and the open space area (totaling 65 acres) would be equal to the 0.2 du/acre density called for in the comprehensive plan. The Master Design Statement may need to be modified to clarify platting requirements will be per the Subdivision Regulations and specify in the Master Design Statement that no development will occur in the "Preserve" area as indicated on Exhibit B.

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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