



STAFF REPORT
The City of Oklahoma City
Planning Commission
January 12, 2023

Item No. IV. 32.

(PC-10858) Application by Poage Land Investments, LLC, to rezone 1100 North Cimarron Road from AA Agricultural District to RA Single-Family One-Acre Rural Residential District. Ward 3.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

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B. Case History

This is a new application. This application is associated with a Comprehensive Plan amendment application (CPA-2022-00006) requesting to lift the Agricultural Preserve (AP) Land Use Typology Layer and change the base LUTA from Rural Low Intensity (RL) to Rural Medium Intensity (RM).

C. Reason for Request

The purpose of this request is to change the existing agricultural base zoning to a residential based zoning that will permit rural residential use and development.

D. Existing Conditions

1. Size of Site (120 Acres)

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	AA	AA	AA	AA
Land Use	Undeveloped	Tank Farm	Residential	Residential	Airport

3. (Existing) 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.

***(Existing)* Comprehensive Plan Land Use Typology Layer: Agricultural Preserve (AP)**

AP preserves large scale acreages used primarily for agricultural purposes that are within the municipal boundaries. A large portion of the AP area consists of undevelopable floodplains. Existing development patterns are expected to remain unchanged for a long period of time, allowing agricultural operations to exist and thrive at different scales. Commercial and light industrial uses may be appropriate provided they do not negatively impact agricultural operations and character.

***(Proposed)* 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

- 4. Development Context:** The 120-acre subject site is located at the northeast corner of NW 10th Street and N Cimarron Road, one mile from the western City limit. The property is zoned AA Agricultural. The surrounding area is zoned AA with parcels ranging from 5 to 160 acres that are developed with rural residential and agricultural uses. CE Page Airport property is across the street to the west. The application requests the RA District for the purpose of a rural residential subdivision. The subject site is within the Rural Low LUTA (RL) and within an area where the comprehensive plan applies the Agricultural Preserve Land Use Typology Layer (AP). This application is associated with a request to amend the plan by removing the AP Layer and changing the base LUTA to Rural Medium Intensity. (CPA-2022-00006)

II. 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 (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**

- 4. Oklahoma Water Resources Board (OWRB)**
- 5. School District (Banner)**
- 6. Oklahoma Department of Transportation (ODOT)**
- 7. Oklahoma Natural Gas (ONG)**
- 8. Oklahoma Electric Cooperative (OEC)**

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**

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 PC 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) Sidewalks 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.

8. Streets, Traffic and Drainage Maintenance

9. Stormwater Quality Management

10. Traffic Management

11. Utilities

a. Wastewater Comments

1. No public wastewater service is available for the development. A private on-site wastewater disposal system is required in accordance with ODEQ rules and regulations. Applicants is responsible for obtaining all required City and ODEQ Permits. On-site wastewater disposal system must be installed by an ODEQ certified installer and inspected by ODEQ.
2. Minimum lot size of ½ acre if on Public Water or ¾ acre if septic and private water system.

b. Water Comments

1. No water service is available for proposed development, private on-site water system is required. The developer must provide a water distribution system that is capable of supplying water to each lot or tract within the development in accordance with ODEQ and OWRB. Well permits must be obtained from OWRB, and a copy of the permit must be filed with the Utilities Department. No private water source or groundwater source may be connected to any service or system connected to the City water system.
2. Will need to obtain release from Canadian County water authority to be served by OKC water system.

c. Solid Waste Management

No Solid Waste Management services needed.

9. Planning

The subject site is within the Rural Low LUTA. An application requesting to change the base LUTA to Rural Medium is associated with this application. Policies for both LUTAs are listed below.

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Avoid development within or modification of 100-year floodplains or floodways. (RL & RM)
- Design new buildings to complement the character of surrounding areas and not detract from the open character of the landscape. (RL & RM)
- Utilize Best Management Practices (BMP) for stormwater. (RL & RM)
- 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. (RM)

Floodplain and floodway are present on the southeastern corner of the site. The development is required to comply with all City, State, and Federal requirements within the floodplain. The proposed RA District would allow a rural residential subdivision. Subdivision design would be per the Subdivision Regulations and cannot be stipulated in a base zoning request.

Density:

The existing Rural Low LUTA outlines a minimum lot size of 5 acres (gross density of 0.2 du/acre) for residential. *The existing AA District is consistent with the Rural Low LUTA. The density allowed within the RA District is not consistent with the RL LUTA.*

The proposed 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. *If the LUTA is changed to Rural Medium, the allowable RA District (0.7-1 du/are) would not be within this range, but the RA2 District density (0.35-0.45 du/acre) would be consistent with the RM 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 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; and in all LUTAs 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. *The proposed development site does not abut a platted subdivision. The lot coverage allowed in rural residential districts is 30 percent compared to 5% for residential uses in the AA District. Setbacks and building heights in rural residential districts are similar or more restrictive than in the AA District.*

- 3) **Service Efficiency:**
- Water: *Not served*
 - Sewer: *Not served/ Major Investment Needed*
 - Fire Service: *Longer than Rural Response Time*
- 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 100-year floodplain is present on the southeast portion subject site. Riparian area protections cannot be stipulated in a base zoning request. The development is required to*

comply with all City, State, and Federal requirements within the floodplain.

- Upland Forests: N/A
- Vulnerable aquifers: N/A

5) Transportation System: This site has frontage on NW 10th Street and N Cimmaron Road, both minor arterial streets within the Rural Low LUTA. Bus transit 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)
- 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)
- 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 120-acre subject site is located at the northeast corner of NW 10th Street and N Cimarron Road. The property and surrounding area are zoned AA and developed with rural residential and agricultural uses on parcels ranging from 5 to 160 acres. CE Page Airport property is across the street to the west. The application requests the RA District for the purpose of a rural residential subdivision.

The subject site is within the Rural Low LUTA (RL) and within an area where the comprehensive plan applies the Agricultural Preserve Land Use Typology Layer (AP). An application requesting to change the LUTA to Rural Medium Intensity is associated with this request. If CPA-2022-00006 is denied, the proposed RA District would not be consistent with the comprehensive plan.

If the amendment is approved and the site is designated Rural Medium, the density allowed within the RA2 District would be more consistent with the comprehensive plan than the requested RA District.

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.

- 1) If CPA-2022-00006 is denied, deny the application.**
- 2) If CPA-2022-00006 is approved, amend the application to the RA2 District and approve the application.**

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