



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

Item No. IV. 22.

(PUD-1926) Application by Thomas L. and Robin M. Montgomery to rezone 13621 SW 59th Street from AA Agricultural District to PUD-1926 Planned Unit Development District. Ward 3.

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 residential development.

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.

Comprehensive Plan Land Use Typology Layer: Urban Future (UF)

The UF layer maintains agricultural land and large acreage estates until the area is ready for urbanization. The purpose of the UF designation is to retain land in a condition that provides the most flexibility for developing at urban densities in the future and ensures the most efficient, sustainable delivery of services. Land assembly is one of the most difficult tasks associated with effective land development. To the extent parcels become fragmented, the potential to efficiently urbanize UF areas is compromised due to the challenges of land assembly. Urban Future areas may have access to the City's public water supply or sanitary sewer systems but not both, and typically don't have urban levels of fire service. These areas present opportunities to increase service levels over time and responsibly manage the public costs of growth.

Urban services, including City water and sewer, are not intended to be provided to UF areas until the designation is removed through an amendment to planokc.

Commercial and light industrial uses may be appropriate provided they do not negatively impact agricultural operations and character or the potential to eventually urbanize.

2. Size of Site: 5.1 acres

3. Zoning and Land Use

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

II. SUMMARY OF PUD APPLICATION

There are two (2) tracts within this PUD. The use and development regulations of the RA2 Single-Family Two-Acre Rural Residential District shall govern both tracts within this PUD, except as herein modified.

All uses within the RA2 district shall be permitted.

9.0.....SPECIAL CONDITIONS

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

9.1.....FAÇADE REGULATIONS

Existing façade shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: 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. Buildings finished with EIFS (Exterior Insulation Finish System) material shall be permitted. 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

Existing structures shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: the 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

Existing screening shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: no less than a six-foot and no greater than an eight-foot-high wall shall be required along the boundary of this parcel where it is adjacent to any residential use. Said wall shall be constructed entirely of stucco, brick, or stone on a continuous footing, or may be constructed of wood, with brick columns with footings on 20' centers and shall be solid and opaque.

9.5 PLATTING REGULATIONS

Platting shall not be required.

9.6 DRAINAGE REGULATIONS

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

9.7 DUMPSTER REGULATIONS

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 two (2) access points from SW 59th St., one (1) for each tract.

9.9 PARKING REGULATIONS

Existing parking shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: 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

Signage shall be prohibited within this PUD.

9.11 ROOFING REGULATIONS

Existing roofing shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: each new structure shall have Class C roofing or better.

9.12 SIDEWALK REGULATIONS

Sidewalks shall not be required within this PUD.

9.13 HEIGHT REGULATIONS

Existing structures shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: the base zoning district regulations shall regulate heights of structures in this PUD.

9.14 SETBACK REGULATIONS

Existing structures shall be permitted to remain and deemed to conform to applicable regulations. In the event of a new structure, the following shall apply: yard requirements in this PUD shall be the same as the base-zoning district.

9.15..... LOT SIZE AND WIDTH

There shall be a minimum lot size of two acres.

The minimum lot frontage shall be 321.12 feet for Tract A and 45.02 feet for Tract B, as illustrated in the attached Exhibit “D”.

9.16 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**.

9.17 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.

9.18 SPECIFIC PLAN

A specific plan shall not be required.

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 - Topography Plan
- Exhibit D - Survey

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) 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.

- 5) 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.
- 6) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 7) 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.
- 8) 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.
- 9) All private roads /streets will have private storm sewer systems.
- 10) 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

Wastewater Availability

- 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.

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) 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

The site is within the Urban Low LUTA and in an area the comprehensive plan designates as Urban Future. An amendment to the comprehensive plan was not requested for the addition of one dwelling unit.

1) LUTA Development Policies:

Site Design:

- Utilize Best Management Practices (BMP) for stormwater whenever possible.
- Developments should be served by urban water and sewer utility systems.

Density: The Urban Low Intensity LUTA outlines a density range of 4 to 8 dwelling units per acre for single family residential.

National, state, and local permitting require basic best management practices for stormwater management. The site is currently developed with a home and an accessory structure. The PUD would allow a second home on the 5-acre parcel. The site is already developed with well and septic systems; public water and sewer are not required to be extended. Two homes on 5 acres would be 0.4 du/acre.

Automobile Connectivity:

- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.

The subject site has two driveways, one per tract. No changes to access are proposed.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.

Sidewalks are not present nor required by the PUD.

- 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 in UL are less than 60% of directly adjacent residential lots or less than 40% within Rural Medium areas; 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 site abuts the Rural Medium LUTA and 5-acre residential parcels on the east. The PUD establishes a minimum lot size of 2 acres which would be considered compatible adjacent to the 5-acre minimum lot size within the neighboring AA District. No triggers requiring mitigation were identified.*

- 3) **Service Efficiency:**

- Water: *Not Served*
- Sewer: *Within an Open Shed*
- Fire Service: *Rural Response*

- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the proposed development site.

- 5) **Transportation System:** This site is located off SW 59th Street, a Minor Arterial Street. Transit (bus) service is not available.

b. Plan Conformance Considerations

The subject site is a 5-acre residential parcel located on the north side of SW 59th Street, east of S Frisco Road. The subject site is within the Urban Low LUTA and Urban Future (UF) Land Use Typology Layer, and adjacent to the Rural Medium LUTA on the east. Land to the north, east, west and southwest is zoned AA and

developed with rural residences and residential subdivisions on 5-acre parcels or larger, or undeveloped. Land to the south across SW 59th Street is within the City of Mustang. Across Frisco Road to the west is PUD-1858, which was approved in 2022 and allows a one-acre subdivision.

The subject site is developed with a home and accessory structure. The PUD would allow the parcel to be split into two lots, a minimum of 2 acres each, to allow a second dwelling unit. The site is currently served with well and private septic systems and is not within the distance required to connect. An amendment to lift the UF Layer was not requested for the addition/conversion of one dwelling unit. The proposed lot sizes would be considered compatible adjacent to the 5-acre minimum lot size within the neighboring AA District. No changes to access are proposed and no triggers requiring mitigation were identified.

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 or prior to City Council approval.

Should this application be approved, 17-foot of additional easement should be along SW 59th St. to bring the right-of-way width to the standard set by the subdivision regulations.

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