



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

Item No. IV. 9.

(C-7522) Final Plat of Whispering Creek Phase 3, being a part of the Southwest Quarter of Section 19, Township 11 North, Range 4 West of the Indian Meridian, located north of SW 59th Street and east of S. County Line Road; and a Variance to Section 3.6.2.B.5 of the Subdivision Regulations. Ward 3.

I. GENERAL INFORMATION

A. Contacts

Kendall Dillon, Crafton Tull & Associates 405-787-6270
Kendall.Dillon@craftontull.com

B. Case History

This is a new application. The preliminary plat for Whispering Creek Phase 2 Was approved on October 26, 2017. The final plat for Whispering Creek Phase 2 was approved on December 14, 2017, which extended the effective period for the preliminary plat to December 14, 2022. The applicant is requesting a variance to the 5-year effective period of the preliminary plat to allow the phase 3 final plat to be considered (the final phase of the development).

C. Reason for Request

The developer proposes a duplex residential development on this site.

D. Existing Conditions

1. Size of Site: 9.82 acres

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	PUD-1656 (R-2)	PUD-1466 (R-2)	R-1	AA	R-1
Land Use	Vacant	Duplexes	Residences	Residences	Residences

II. SUMMARY OF APPLICATION

The developer is proposing 25 duplex lots (50 units) and two common areas on 9.82 acres, yielding a gross residential density of 5.09 dwelling units per acre. Private streets, public storm sewer, public sanitary sewer, and public water improvements are proposed. The site is currently zoned PUD-1656 which allows for development under the R-2 district regulations. PUD-1656 allows for 4,800 square feet minimum lot sizes for duplex lots (2,400 square feet

per dwelling unit). Lots within this plat range in size from approximately 5,000 square feet to approximately 10,000 square feet.

Access to the subdivision will be taken from one divided entry off of S. County Line Road. This phase connects to two street stubs to the north for phase 2 of the development. Emergency access is also provided by a connection to Goldeneye Road into the Silver Leaf East subdivision to the north. The entire subdivision meets the access requirements in the Subdivision Regulations for subdivision with between 31 and 100 lots. No future connections are provided to the east due to a creek / floodplain along the eastern side of the site. Streets in this plat are private and the community is gated.

A note on the plat indicates that the maintenance of all common areas and drainage easements are the responsibility of the property owner's association. Per PUD-1665, no sidewalks are required along the local streets within this subdivision.

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.

1) Outside Agencies

- 1. Oklahoma City-County Health Department**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Water Resources Board (OWRB)**
- 5. Mustang School District**
- 6. Oklahoma Department of Transportation (ODOT)**

2) 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

1) Streets

a) All City streets and drives on City right-of-way serving this subdivision must be paved in accordance with City standards.

b) The subject property is served by a public street.

2) Storm Sewer

a) 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.

b) 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. The improvements shall be placed to provide a minimum of 35 feet clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way. Sidewalks shall be constructed in compliance with the Oklahoma City Ordinance and meet all applicable ADA regulations.

c) A flood and / or drainage study will be required for improvements 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.

d) Flood Study will be required to show that there is no rise in the 100-year rainfall runoff established by the Federal Emergency Management Agency (FEMA) and the City of Oklahoma City, compared pre-& post-development.

e) The subject property is situated within a FEMA floodplain. Therefore, the establishment of minimum finish floor elevation for each lot within the

floodplain will be required. Based on the 100-year water surface elevation (established from the City of Oklahoma City urbanized study or FEMA Study, whichever is more restrictive or imposes higher standards) + 1-foot. The Public Works Department's Engineering staff shall approve these elevations prior to the filing of the final plat.

- f) A floodplain activity permit must be submitted with plans for any work contemplated within FEMA floodplain.
- g) A U.S. Corps of Engineers 404 permit must be submitted for any work permitted in the Waters of the United States.
- h) 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 areas along the stream shall extend to the flow line of the stream at a minimum.
- i) 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's association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent shall be placed within the drainage-related common areas and/or drainage easements shown.
- j) Construction within the limits of this plat 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 ½ acre or greater.
- k) Drainage easements shall be clearly denoted as public or private in the owner's dedication, on the plat, and / or in the plat notes.
- l) Sidewalks shall be installed for all new construction and/or at the time of conversion of a residential use to a more intense use on all lots having frontage on public streets classified as major or minor arterial.
- m) All private roads / streets will have private storm sewer systems.
- n) Engineers / Developers will be contacting PW for a detention determination before they submit their Final Plat and Plans.

- o) All common areas should be denoted as private drainage easements.

Change “Common Area G & D/E to “ Common Area G & P/D/E” on the plat, Sheet 2 of 2.

Change “Common Area H & D/E” to “Common Area H & P/D/E” on the Plat, Sheet 2 of 2.

- p) Modify Owner’s Certification and Dedication on the Plat, Sheet 1 of 2, to read –

“That R&R Land Development, LLC, an Oklahoma limited liability company and R&R Land Investment Company, LLC an Oklahoma limited liability company, does hereby certify that they are the owners of and the only persons, firms or corporation having any rights, title, or interest in and to the land shown on the annexed plat and they have caused the same to be surveyed and platted, and that they herby dedicate all easements (except private easements) shown hereon to the public, ____”.

- q) Add the following note:

Maintenance of all common areas and private drainage easements within the subdivision shall be the responsibility of the Property Owner’s Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that may cause a blockage or 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.

- r) Detention Determination

- A detention requirement determination will not be issued at the Preliminary Plat stage unless the development is located within the current “detention required area”.
- Prior to the preparation of a Final Plat and Construction Plans, the Engineer or Developer may contact the Public Works Engineering Department and receive a Detention Determination for that individual Final Plat

- This Detention Determination will be specific to the single Final Plat under consideration
- The Detention Determination will be valid for a period of six (6) months
- If the Final Plat and Construction Plans have not been submitted, reviewed, and approved by the Public Works Engineering Department within that 6-month time frame, the Detention Determination will be void and a new Detention Determination must be requested.
- If construction has not started on the development within six (6) months of the approval of the construction plans, the Detention Determination will be void and a new Detention Determination must be requested.

For new commercial developments that do not require hearings before the PC or CC, the Engineer or Developer may contact the Public Works Engineering Department and receive a Detention Determination for that commercial development.

- b) Streets, Traffic and Drainage Maintenance
- c) Stormwater Quality Management
- d) Streets, Traffic and Drainage Maintenance
- e) Stormwater Quality Management
- f) Traffic Management *

8. Utilities

- 1) Sanitary Sewer Availability:
 - a) An existing 8-inch wastewater main(s) is within the required distance to the subject site and will be required to be extended to the furthest property one for any proposed development.
 - b) Line capacity is not a guarantee and must be checked by the Engineer of Record and reviewed by the City.

- c) The developer will be required to extend the City wastewater collection system to and across each lot or site within the subdivision in accordance with the City Standard Specifications and Private Development Design Manual.
- d) Minimum ten (10) foot horizontal separation required for water mains and five (5) foot for other crossings. Minimum two (2) foot vertical separation required for all crossings. All wastewater mains must have a minimum cover of four (4) feet and depth no greater than eighteen (18) feet. Developer is responsible for remediating any failure to maintain the minimum four (4) feet of cover.
- e) Wastewater main(s) must be centrally located in a twenty (20) foot wide easement or larger if necessary. No trees, signs, dumpster, fence and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- f) All existing unused private wastewater service connections must be abandoned and capped at the main in accordance with City Standard Specifications and Private Development Design Manual.
- g) SD-2022-00123

2) Solid Waste Management

The City can provide residential service provided there is sufficient space for the truck to maneuver to service the addition.

3) Water Availability:

- a) An existing 12-inch water main(s) is within the required distance to the subject site and the developer will be required to extend a 12-inch or larger water main along street frontage and will be required to extend the water system to each lot or site within the development in accordance with City Standard Specifications and Private Development Design Manual.
- b) A 12-inch water main is required to be looped through the development to provide adequate water supply and fire flow protection. Connection to two (2) separate active water mains is required to prevent partial or total shut-off of water supply when a pipeline failure occurs.
- c) Minimum ten (10) foot horizontal separation required for wastewater mains and five (5) foot for other mains. Minimum two-foot vertical separation

required for all crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.

- d) Proposed and/or existing water mains must be located centrally within a twenty (20) foot wide or larger utility easement or right-of-way. No trees, signs, dumpsters, fenced and/or structures shall be permitted over any proposed or existing utility mains. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- e) Dead-end water mains must be avoided when possible. All existing unnecessary water services must be abandoned at the water main(s) in accordance with the City Standard Specifications.
- f) In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi. The owner is responsible for designing and construction of all fixtures to provide adequate domestic and fire protection under minimum pressure conditions. The owner will be responsible for any failure of domestic and fire protection systems which require water pressure in excess of 25 psi. the developer is responsible for installing pressure reducers if necessary for protection of developer's service lines, plumbing, and fixtures.
- g) All domestic and fire suppression services must have separate water service connections. Fire hydrants maximum spacing is 500 feet and must be located within 10-feet of a hard surface (i.e., sidewalk, street, and/or paving).
- h) All existing and proposed meters must meet current Meter Specifications and standard details and be located in the right-of-way or utility easement within grassy areas outside of sidewalks, driveways, streets and/or paving.
- i) Supply capacity for development is not guaranteed and will be reviewed at the time of review of construction documents.
- j) WA-2022-00112 4 has been submitted for review.

9. Subdivision and Zoning

The design of this final plat conforms to the Subdivision Regulations as they relate to subdivisions with between 31 and 100 lots. The design of the subdivision also conforms to the requirements of PUD-1656 and the approved preliminary plat.

Section 3.6.2.B.5 of the Subdivision Regulations indicates the approval of a preliminary plat shall be effective for a period of five (5) years. Approval of a final plat must be obtained from the Planning Commission within the five (5) year period.

The regulations further state that approval of a final plat (and each subsequent final plat) shall automatically validate the remainder of the preliminary plat for an additional five (5) years. The preliminary plat for Whispering Creek Phase 2 (including the area contained in the final plats of Phases 2 and 3) was originally approved on October 26, 2017. This made the original effective period of the preliminary plat through October 26, 2022. The final plat for Whispering Creek Phase 2 was approved on December 14, 2017, extending the effective period of the preliminary plat through December 14, 2022. This means that the preliminary plat has been expired for approximately 1 month as of the time of this hearing. The developer is requesting a variance to Section 3.6.2.B.5 of the Subdivision Regulations relating to the 5-year effective period of the preliminary plat to allow consideration of the Phase 3 final plat (the final phase of the development).

The size of the plat, 9.82 acres, does not require additional open space to be provided as the area is less than 10-acres in size. The developer is providing approximately 3.45 acres of additional open space with this phase of the development. A letter from the developer indicates that a community center, walking trails and a pond were constructed in Whispering Creek Phase 1, and that these amenities are available for the use of all residents in the Whispering Creek development. The amount of open space and amenities provided satisfy the Subdivision Regulations for the overall Whispering Creek development.

As provided in Section 5.8.2 of the Subdivision Regulations and Section 12100.2.G of the Zoning Code, a sidewalk will be required along both section line roads. The construction plans for the development must show the sidewalks along the arterial streets and along the common areas. The developer will be responsible for construction of these sidewalks. According to Section 5.8.2.B.3(d) of the Subdivision Regulations, where arterial right-of-way is designated for programmed capital improvements, and for which the installation of sidewalks would be impractical, the developer may, with the approval of the City Engineer, pay a fee in lieu of sidewalk construction.

A Subdivision Buffer is required along County Line Road and SW 59th Street. This buffer is required to be installed by the developer, prior to the issuance of a certificate of occupancy.

Separate instruments will be required to be submitted with this final plat for proposed easements lying outside the boundaries of the plat. The instruments will be processed to City Council at the same time as the final plat and will be recorded by the City Clerk. The final plat will not be released until after the easements are recorded.

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. 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.

A. Approve the application subject to the following technical evaluations:

- 1.** Approval of this plat is subject to City Council acceptance of the dedications and improvements or assurance for completion of the improvements.
- 2.** The developer is requesting a Variance to Section 3.6.2.B.5 of the Subdivision Regulations relating to the 5-year effective period for a preliminary plat. Six affirmative votes are required for variance approval.
- 3.** Separate instruments will be required to be submitted with this final plat for proposed easements lying outside the boundaries of the plat. The instruments will be processed to City Council at the same time as the final plat and will be recorded by the City Clerk. The final plat will not be released until after the easements are recorded.

All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the plat may be required during either Divisions review of construction plans and prior to City Council acceptance.

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