



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

**Item No. IV. 33.**

(PC-10859) Application by Bentwood Investments, LLC, to rezone 13500 North Midwest Boulevard from AA Agricultural District to C-3 Community Commercial District. Ward 7.

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant's Representative**

Mark Grubbs, Grubbs Consulting, LLC  
(405) 265-0641  
Mark.grubbs@gc-okc.com

**B. Case History**

This is a new application.

**C. Reason for Request**

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

**D. Existing Conditions**

**1. Size of Site (41.37 Acres)**

**2. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	AA	AA	AA	RA	AA
<b>Land Use</b>	Undeveloped	Residential	Residential	Undeveloped	Residential

**3. 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.

## **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 (Edmond)**
- 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) 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 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.

- 8) 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.
- 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.

**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  $\frac{3}{4}$  acre required.

**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. Minimum lot size of  $\frac{3}{4}$  acre required.

**c. Solid Waste Management**

No Solid Waste Management services needed.

## 12. Planning

### a. Comprehensive Plan Considerations

#### 1) LUTA Development Policies:

##### Site Design:

- 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.

*National, state, and local permitting require basic best management practices for stormwater management. 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 Rural Low LUTA outlines a minimum lot size of 5 acres (gross density of 0.2 du/acre) for residential.

*The existing AA District requires a 5-acre minimum lot size and is consistent with the Rural Low LUTA. The density allowed within the RA District (0.7-1 du/are) is not consistent with the RL 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. Additionally, potential traffic and operational impacts are identified when locating the C-3 District adjacent to low intensity residential uses, as proposed on the application site.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if 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 is present on the western side of the subject site. Floodplain is not present. Riparian area protections cannot be stipulated in a base zoning request.*
  - 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 identified on the entire subject site. When 90-100 percent forested, the comprehensive plan has a preservation goal of 60 percent. Tree preservation cannot be stipulated in a base zoning request.*
  - Vulnerable aquifers: The aquifer in this area is considered /highly 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 N Midwest Blvd and E Memorial Road, both Minor Arterial Streets 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)
  - 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 subject site is located at the southeast corner of N Midwest Blvd and E Memorial Road and has frontage on E I-44. The site is heavily forested. The property and surrounding area are zoned AA and RA and developed with rural residential and agricultural uses on parcels ranging from 5 to 40 acres. The land south of I-44 was rezoned to the RA District in 2020. The application requests the C-3 District along Midwest Blvd, and the RA District on the balance of the site for the purpose of a rural residential subdivision.

The subject site is within the Rural Low LUTA (RL), which calls for a minimum residential lot size of 5 acres. The existing AA District is consistent with the comprehensive plan. The RA District allows lot sizes and a density (0.7-1 du/are) that are not consistent with the RL LUTA. An application to amend the plan was not submitted. Additionally, concerns regarding subdivision design, compatibility and tree preservation cannot be stipulated in a base zoning request.

**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. Denial of the Application; OR
2. Continue the application to submit an application to amend the comprehensive plan and modify the zoning accordingly.

**taj**