



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**March 23, 2023**

**Item No. IV. 10.**

(PC-10872) Application by William Solomon, Jr. and Kesha Jacobs, to rezone 5925 Marshall Street from AA Agricultural District to R-1 Single-family Residential District. Ward 7.

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant**

Kesha Jacobs  
(405) 305-4799  
jladystyle@hotmail.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 residential based zoning that will permit residential use and development.

**D. Existing Conditions**

**1. Size of Site (0.76 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	AA	AA
<b>Land Use</b>	Undeveloped	Undeveloped	Undeveloped	Undeveloped	Undeveloped

**3. 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 area in the distant future. Commercial and light industrial uses may be appropriate provided they do not negatively impact the rural residential character.

**4. Development Context:** The subject site is located along the west side of Marshall Street, in an area generally located south of NE 63<sup>rd</sup> Street and east of N Post Road.

The site is undeveloped and zoned AA. North, east, and south of the subject site, along Marshall Street, are parcels smaller than one acre and zoned AA with single-family residences built sporadically throughout the area. West of the subject site are five-acre parcels zoned AA with a mix of agricultural and residential uses. The application seeks to rezone the subject site to the R-1 District.

## **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 (Oklahoma City)**
- 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.

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- 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. Lot size would have to be  $\frac{3}{4}$  acre minimum.

#### **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. Lot size would have to be  $\frac{3}{4}$  acre minimum.

#### **c. Solid Waste Management**

No Solid Waste Management services needed.

## 12. Planning

### a. Comprehensive Plan Considerations

#### 1) LUTA Development Policies:

##### Site Design:

- Design buildings and sites to complement the character of surrounding areas and not detract from the open character of the landscape.
- Utilize Best Management Practices (BMP) for stormwater.

Density: The 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.

*The subject site was platted in 1944 on a 0.75-acre lot.*

#### 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating the proposed uses adjacent to existing Agricultural, “Building Scale and Site Design” 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 residential lot sizes within Rural Medium areas are less than 40% of directly adjacent residential lots; 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 subject site abuts the rear yards of 5-acre parcels but is otherwise surrounded by lots of a similar size (0.75 to one acre), as were platted in the 1940s.*

#### 3) **Service Efficiency:**

- Water: *Not Served*
- Sewer: *Not Served*
- Fire Service: *Rural Service Level*

#### 4) **Environmentally Sensitive Areas:** The following apply to the proposed development site:

- Riparian Areas: N/A
- 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 proposed development site. When 90-100 percent of the site is covered in upland forest, the comprehensive plan has a preservation goal of 60 percent. Plan conformance would be strengthened by preserving existing trees; however, this 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 Marshall Street, a Neighborhood Street in the Rural Medium LUTA. Transit (bus) service is not available.

**6) Other Development Related Policies**

- Preserve overall landscape character and natural landforms (rolling hills, native vegetation, etc.) to the greatest extent possible. (G-4)
- 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)
- 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)

**b. Plan Conformance Considerations**

The subject site is located along the west side of Marshall Street, in an area generally located south of NE 63rd Street and east of N Post Road. The site is undeveloped, zoned AA, and within the Rural Medium Land Use Typology Area. This subject site is part of the Freedom City 2 subdivision, platted in 1944, prior to annexation into Oklahoma City. The zoning applied at annexation requires a 5-acre minimum lot size. The proposed R-1 District would allow the existing lot size and reduced setbacks, but would not supersede requirements such as setbacks for well and septic systems. The surrounding area includes a mix of AA and R-1 zoning.

**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**

**taj**