



**The City of Oklahoma City
Planning Commission
STAFF REPORT
April 8, 2021**

(PC-10720) Application by Matthew L. Williams and Matt & Jenny Williams, to rezone 10501 East I-40 Highway from the R-1 Single-Family Residential District to the RA Single-Family One-Acre Rural Residential District. Ward 4.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative
Kendall Dillon, Crafton Tull
(405) 787-6270
Kendall.dillon@craftontull.com

B. Case History

This is a new application. This application was deferred from the March 25, 2021 Planning Commission hearing. This application is associated with C-7279, the preliminary Plat of Williams Acres.

C. Reason for Request

The purpose of this request is to modify existing residential based zoning to permit development of a rural subdivision.

D. Existing Conditions

1. Size of Site (Acres) 26.413

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-1	R-1	R-1	R-1	R-1
Land Use	Undeveloped	Residential	Residential	Residential	Residential

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.

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- 4. Development Context:** The 26.41-acre subject site is located on the north side of E Interstate 40 and east of Noma Rd. The site is zoned R-1 and has a residence on site. Adjacent on the north and northwest of the subject site are 5-acre residential parcels. East of the subject site are homes on 2+ acre lots (Rowlett Estates). An unimproved portion of I-40 Service Road runs along the south boundary of the site. To the west, across Noma Rd is a 9-acre residential parcel. The subject site is within the Rural Medium LUTA. Land to the west was changed from Rural Medium to Urban Low Intensity in 2020. The application proposes rezoning the subject site from R-1 to the R-A District and is associated with the proposed Preliminary Plat of Williams Acres.

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 (Mid-Del 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

1) 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/drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. The study must be reviewed and approved by the Public Works Department.
- d) 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.
- e) 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.

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- f) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- g) 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 ½ acre or greater.
- h) 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 a public street classified as major or minor arterial.
- i) All private road/street will have private storm sewer system.
- n) 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.

8. Streets, Traffic and Drainage Maintenance

- 1) Subject property is served by a public street.
- 2) All City streets and drives on City right-of-way serving this site must be paved in accordance with City standards.

9. Stormwater Quality Management

10. Traffic Management *

11. Utilities

a. Engineering

Sanitary Sewer Availability

- 1) Side lot easements adjacent to other lots must combine to equal a total of 20 feet.

b. Solid Waste Management

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

c. Water/Wastewater Quality

Water Availability *

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.
- 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.

National, state, and local permitting require basic best management practices for stormwater management. The associated plat indicates lots on one acre or larger.

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 proposed R-A District allows densities ranging from 0.70 to 1 dwelling unit per acre, above the RM range. In this case, the RM would support 13 lots over the subject site's 26 acres. The associated plat indicates 15 lots for a density of 0.56 du/acre, slightly over the LUTA range. Lots range from one to two and half acres in size.*

- 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, "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; 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 and surrounding area are zoned R-1. The proposed R-A District requires greater setbacks, larger lots, and requires more open space per lot than the R-1 District. No issues related to building height were identified. Potential compatibility related to lot size may be triggered adjacent to 5-acre parcels, but this cannot be stipulated in a base zoning request. Lot layout and subdivision design is determined at the platting stage.*

- 3) **Service Efficiency:**
- Water: *Not Available*
 - Sewer: *Not Available*
 - 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. *Much of the Upland Forest once present on the site has been cleared. When 60 percent or less covered, the plan has a preservation goal of 100%. Plan conformance would be strengthened by preserving the trees that remain around the perimeter of the site, but forest protections cannot be defined within a base zoning request.*
 - Vulnerable aquifers: The aquifer in this area is considered moderately 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. *Retention of existing trees on site would assist with allowing infiltration of stormwater on site. However, this request cannot be stipulated in a base zoning request.*
- 5) **Transportation System:** The subject site has frontage along E Interstate 40 Service Road, although the road does not provide access to I-40. The road is unimproved from S Post Road to the southeast corner of the subject site and does not continue east to S Westminster Rd. Conditions approved with PUD-1750 to the west require improvements to the frontage road if/when development occurs. The preliminary plat associated with this application indicates access to the new subdivision would be from Noma Road, a rural residential street that connects the unimproved service road to SE 29th Street, roughly ¾-mile to the north. Bus transit is not available in the area.
- 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 application proposes the RA District which allows higher densities than supported within the Rural Medium LUTA (RM). In this case, the subject site is zoned R-1 and could be developed according to R-1 regulations which would allow lot sizes smaller than one acre provided DEQ requirements for water and septic systems were met. The comprehensive plan supports densities of 0.5 dwelling units per acre with the RM LUTA, or 13 lots over the 26-acre subject site. The rezoning application is associated with the Preliminary Plat of Williams Acres (C-7279) which proposes 15 lots ranging from 1-acre to 2.5-acres in size, and a density of 0.56 du/acre. Approval of both the zoning and plat would allow a new subdivision to be developed using rural subdivision standards. Plan conformance would be strengthened if remaining Upland Forest was preserved.

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 application.

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