



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

(PC-10723) Application by **Ascend Development Group**, to rezone 9841 SW 44th Street from the AA Agricultural District to the R-1 Single-Family Residential District. Ward 3.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

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B. Case History

This is a new application. This application is associated with C-7283 Preliminary Plat of Morgan Glen.

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 development of a housing community.

D. Existing Conditions

1. Size of Site (76.91 Acres)

2. Zoning and Land Use

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

3. 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.

4. Development Context: The 76.9-acre subject site is located on the north side of SW 44th St, between the John Kilpatrick Turnpike and S Morgan Rd. The site is zoned AA and is undeveloped. Land north of the subject site is developed as Wimberley Estates under the RA and R-1 Districts. The site is surrounded on the east and west by 25+ acre, AA zoned parcels.

**The City of Oklahoma City
Planning Commission
STAFF REPORT
PC-10723
April 8, 2021**

To the south across SW 44th Street are 5-acre residential parcels. The application seeks to rezone the subject site to the R-1 District and is associated with the Preliminary Plat of Morgan Glen (C-7283).

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 (Mustang)**
- 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**

Extend water lines as required for hydrant coverages.

- 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.
- f) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.

The City of Oklahoma City
Planning Commission
STAFF REPORT
PC-10723
April 8, 2021

- 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) A Corps of Engineers 404 permit must be submitted with plans for any work contemplated within the floodplain, creek, or channel (waters of the United States) included in the case limits.
- i) 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.
- j) All private road/street will have private storm sewer system.
- k) 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) An existing 8” and 12” sanitary sewer main(s) is adjacent to the subject site and a connection will be permitted in accordance with City Standard Specifications.
- 2) All sanitary sewer mains must flow within the existing drainage basin. Proposed sewer mains that will flow to another drainage basin across a ridgeline will not be allowed.
- 3) All sanitary sewer mains must have a minimum cover of 6 feet and a depth no greater than 18 feet.
- 4) The developer will be required to extend a gravity sanitary sewer collection system to each lot or site within the subdivision or land improvement in accordance with City Standard Specifications and the current Subdivision Regulations. No private or public lift stations will be allowed.
- 5) No trees, signs, dumpsters, or fences within 10 feet of any existing or proposed sanitary sewer main.
- 6) No structures within 20 feet of any existing or proposed sanitary sewer main.
- 7) All existing unnecessary sanitary sewer services must be abandoned at the sanitary sewer main.
- 8) Public sanitary sewer main extension required. 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 provided there is sufficient space for the truck to maneuver to service the addition.

c. Water/Wastewater Quality

Water Availability

- 1) The subject site is adjacent to a 16" water main in the street right-of-way of S Morgan Rd.
- 2) The developer will be required to extend a minimum 12-inch water main (or larger as recommended by the approved Current Water Master Plan) along the section line street, border or perimeter of the development and/or all interior water mains for domestic use and fire flow protection.
- 3) The developer will provide an internal (on-site) water distribution system capable of supplying water to each lot or tract within the proposed subdivision or land development in accordance with City Standard Specifications and the current Subdivision Regulations.
- 4) Dead-end water mains must be avoided. Connection to at least two active feeder or grid water mains will be necessary to prevent partial or total shut-off of water supply when a pipeline failure occurs within the proposed development.
- 5) In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi. The developer is responsible for designing and construction of all fixtures to provide adequate domestic and fire protection under minimum pressure conditions. The developer will be responsible for any failure of domestic and fire protection systems which require water pressure in excess of 25 psi.
- 6) No trees, signs, dumpsters, or fences within 10 feet of any existing or proposed water main.
- 7) No structures within 20 feet of any existing or proposed water main or fire hydrant.

- 8) All existing and proposed meters must meet current Meter Specifications. Meters must be in a grassed area. All domestic and fire suppression services must have separate water service connections. All existing unnecessary water services must be abandoned at the water main.
- 9) Public water main extension required.

12. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways.
- Large-scale (20+ acres or 50 or more single family units) residential subdivisions should provide a diversity of home sizes, lot sizes, price points, architectural styles, and density ranges.
- Where possible, provide a continuous system of open space along stream corridors or other appropriate areas that link neighborhoods and park lands.
- Utilize Best Management Practices (BMP) for stormwater whenever possible.

Floodplain is present on portions of the subject site. National, state, and local permitting require basic best management practices for stormwater management.

Density: The Urban Low Intensity LUTA outlines a density range of 4 to 8 dwelling units per acre for single family residential. *The R-1 District allows development within the UL range.*

Automobile Connectivity:

- Maintain, create, and enhance a street network that is highly connected to increase number of viable commercial locations and the effectiveness of the transportation system.
- Limit number of dead-end streets and cul-de-sacs.
- Limit curb cuts on arterial streets, and where possible concentrate access at shared entrance points.
- Development fronting arterials should take access from intersecting streets where possible.
- Primary entrance points should be aligned with access points immediately across the street.
- Provide vehicular connectivity between adjacent developments.
- Subdivisions with more than 50 units should have at least two points of entrance / egress no closer than 300 feet apart.

Automobile connectivity cannot be defined within a base zoning request and is subject to zoning and Subdivision Regulations.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development.

Sidewalks are required along arterial streets and within new urban subdivisions.

- 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 in UL are less than 60% 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 comprehensive plan identifies potential compatibility issues for lots less than 60% of the adjacent 1-acre lots. The zoning code would require lot sizes of 7,500 square feet where abutting the rural residential development. Mitigation measures beyond code requirements cannot be specified in a base zoning request. Lot layout is addressed at the platting stage.*

- 3) **Service Efficiency:**

- Water: *Close to Served*
- Sewer: *Open Sewer Shed*
- Fire Service: *Rural Service Level*

- 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 and floodplain are present on the subject site. A tributary of Mustang Creek runs across the site in two locations. Riparian area protections cannot be specified within base zoning requests.*
- Upland Forests: N/A
- 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. *Retention of existing trees on site would allow assist with allowing infiltration of stormwater on site, however this cannot be stipulated in a base zoning request.*

- 5) **Transportation System:** This site is located off SW 44th St, a Minor Arterial Street in the Urban Low LUTA. South Morgan Terrace, a private street, runs along the western boundary of the subject site. Bus transit is not available in the area.

6) **Other Development Related Policies**

- Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
- Improve the functionality and efficiency of the street network by:
 - Providing direct connections from residential developments to nearby places and to each other.
 - Providing street and sidewalk stubs to adjacent vacant land in anticipation of future development.
 - Connecting new development to existing street and sidewalk stubs, and to existing trail, open space, and bicycle networks.
 - Reducing block sizes and use of dead-end streets.
 - Maintaining the existing street grid to preserve connectivity and mobility options. (C-11)
- Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
- 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)
- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizeable 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 proposed R-1 District is requested on a 76-acre site located on the north side of SW 44th St between the John Kilpatrick Turnpike and S Morgan Rd. The proposal is consistent with comprehensive plan's Urban Low Intensity Land Use Typology Area.

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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.

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