



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

(PC-10724) Application by **B&B Trust**, to rezone 2909 South Cemetery Road from the AA Agricultural District to the C-3 Community Commercial District. Ward 3.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

Kendall Dillon
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Kendall.dillon@craftontull.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 based zoning that will permit commercial development.

D. Existing Conditions

1. Size of Site (5.00 Acres)

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	PUD-1778	AA	R-A	SPUD-36
Land Use	Residential	Undeveloped	Undeveloped	Undeveloped	Oilfield Svcs

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 5-acre subject site is located at the northwest corner of S Cemetery Rd and SW 29th St. The site is zoned AA and has a residence on site. Adjacent on the west is a dog training and boarding business zoned SPUD-36.

**The City of Oklahoma City
Planning Commission
STAFF REPORT
PC-10724
April 8, 2021**

5. To the north is PUD-1778, which was recently zoned and preliminarily platted for a one-acre residential subdivision. To the east across S Cemetery Road is undeveloped land zoned AA. To the south across SW 29th Street is RA zoned land, and at the southeast corner of SW 29th Street and S Cemetery Road is a 5-acre subdivision. In general, the land around the subject site and east to S Czech Hall Road between SW 15th Street and SW 29th Street has been developed or approved for residential lots ranging from 5 acres to one-half acre as public water is available, but sewer is not. Higher densities are located to the north, east and south where public sewer is available or able to be extended. Land west of the subject site to the city limit is primarily zoned AA and unserved. The application requests the C-3 District at the arterial intersection.

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 ***

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.

The City of Oklahoma City
Planning Commission
STAFF REPORT
PC-10724
April 8, 2021

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.
- 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 *

b. Solid Waste Management *

c. Water/Wastewater Quality

Water Availability

- 1) The subject site is adjacent to a 12" water main in the street right-of-way of S Cemetery Rd.
- 2) 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.

- 3) No trees, signs, dumpsters, or fences within 10 feet of any existing or proposed water main.

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.

National, state, and local permitting require basic best management practices for stormwater management.

Location:

- Support limited amounts of commercial in rural areas appropriate to the needs of rural residents and passersby. Commercial uses in rural areas should be located in small clusters either on uninterrupted arterials or at freeway interchanges.

The subject site is located along two arterial streets.

- 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 commercial/office uses adjacent to existing agriculture or residential uses, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” 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 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. *New development would be subject to step-downs in height, increased setbacks, screening and a landscape buffer adjacent to residential uses. The land to the north was recently platted for residential development. The subject site will back up to lots over 500 feet deep. Mitigation measures beyond what code requires cannot be stipulated within base zoning requests.*

Traffic: Mitigation measures should be used if the development is inconsistent with the Street Typology, or would substantially exceed the average daily traffic of existing, adjacent uses. *The subject site is located at the intersection of two arterial streets.*

Operational Impact: The comprehensive plan calls for mitigation measures if new projects propose uses that generate noise levels above those found in typical residential settings, have detectable odors, spill light above that found in typical residential settings, or operate after 10 p.m. within proximity to residential uses. When located near residential uses, the comprehensive plan calls for containing operating effects (including noise and odor) within building walls, using vertical screening to block any mechanical equipment and service areas, and directing light away from adjacent residential areas. *The C-3 District allows some uses, particularly gasoline sales, drive through facilities, and auto repair that may create spill light, noise or detectable odors above those found in typical residential settings. Homes planned for the north will be on lots over 500 feet deep. Mitigation measures beyond what code requires cannot be stipulated within base zoning requests.*

- 3) **Service Efficiency:**
 - Water: *Close to Served*
 - Sewer: *Within Open Shed*
 - Fire Service: *Urban 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. *Information available at the time of review indicated a riparian area running north-south through the center of the property. Riparian area protections cannot be specified within base zoning requests.*
 - Upland Forests: N/A
 - Vulnerable Aquifers: N/A
- 5) **Transportation System:** This site is located off S Cemetery Rd, a Major Arterial, and SW 29th St, a Minor Arterial, in the Rural Medium LUTA. Bus transit is not available in the area. Sidewalks are not available.
- 6) **Other Development Related Policies**
 - Support limited amounts of commercial (one to two acres per use) in rural areas appropriate to the needs of rural residents.

Commercial uses in rural areas should be located on major, uninterrupted arterials or at freeway interchanges. (SU-46)

- 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 C-3 District is requested at the northwest corner of S Cemetery Rd and SW 29th St. Several applications allowing new residential development have been approved within a mile to the north and east/southeast of the subject site. The commercial development is proposed at the intersection of two arterial streets, consistent with location policies for the Rural Medium Land Use Typology Area.

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.

Should this application be approved, an additional 17 feet of right-of-way should be requested along SW 29th Street and Cemetery Road to bring the right-of-way width to the standard set by the Subdivision Regulations.

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