



The City of Oklahoma City
Planning Commission
STAFF REPORT
May 27, 2021

(PC-10733) Application by Ustorageok.com, to rezone 7701 East Memorial Road from the AA Agricultural District to the RA Single-Family One-Acre Rural Residential District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

David M. Box
(405) 232-0080
dmbox@wbfbllaw.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 development.

D. Existing Conditions

1. Size of Site (29.25 Acres)

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	AA	AA	RA	AA	AA
Land Use	Undeveloped	Agricultural	Residential	Agricultural	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.

- 3. Development Context:** The 29.25-acre subject site is located on the north side of E Memorial Rd, west of N Midwest Blvd. The site is zoned AA, wooded, and undeveloped. The site abuts AA zoned land held by the Army Corps of Engineers on the north and east, as Lake Arcadia is approximately 300 feet north, northeast and northwest.

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The southeast corner of the site abuts a 39-acre parcel zoned RA and developed with one home. To the west are five, 5-acre residential parcels zoned AA, and beyond them, a 10-acre residence and the recently approved PUD-1765 which allows a 7-acre parcel to be split into two lots. The application proposes rezoning the subject site from AA to the R-A District. At the time of review, no plat had been submitted.

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

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) A portion of the subject property is situated within a FEMA Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year frequency plus one-foot). These elevations shall be approved by the Public Works Department Engineering staff prior to filing of the final plat.
- e) 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.
- f) 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.

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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.

- g) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- h) 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.
- i) 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.
- j) 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.
- k) All private road/street will have private storm sewer system.
- l) 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 *

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Avoid development within or modification of 100-year floodplains or floodways.
- Design new buildings to complement the character of surrounding areas and not detract from the open character of the landscape.
- Utilize Best Management Practices (BMP) for stormwater.

Information available at the time of review indicated 100-year floodplain around the north and east boundaries of the subject site, and present on the narrowest portion of the subject site. National, state, and local permitting require basic best management practices for stormwater management. Mitigation measures beyond code 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 proposed R-A District allows densities ranging from 0.70 to 1 dwelling unit per acre, above the RL range. The existing AA District requires a 5-acre minimum, consistent with the 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 Agricultural other Low Intensity Residential uses, “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 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 proposed R-A District is similar to the surrounding AA District in building height and setbacks, but it allows smaller lot sizes and more lot coverage than the surrounding AA Districts. Lot sizes range from 30,000 square feet to 1-acre, compared to the 5-acre requirement in AA.*

3) **Service Efficiency:**

- Water: *Not Served*
- Sewer: *Not Available*
- Fire Service: *Longer than 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 100-year floodplain are present on the subject site. Riparian area protections cannot be specified within base zoning requests.*
- 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 site. When 90-100 percent of the site is covered, the plan has a preservation goal of 60%. Plan conformance would be strengthened with a design that preserved trees, but this cannot be stipulated in a base zoning request.*

- Vulnerable aquifers: The aquifer in this area is considered moderately/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 assist with allowing infiltration of stormwater on site.*
- 5) **Transportation System:** This site is located off E Memorial Road, a Major Arterial in the Rural Low LUTA. No sidewalks or transit are 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)
 - 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)

b. Plan Conformance Considerations

The requested R-A District is not in conformance with the comprehensive plan as it allows higher densities and smaller lot sizes than supported within the Rural Low Land Use Typology. The RA District allows lot sizes down to 30,000 square feet and densities ranging from 0.7–1.0 dwelling unit per acre, depending on how much open space is provided. In this case, that range would be 20-29 lots. Water and sewer are not available, so all lots would be served by individual well and septic systems.

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Additionally, the subject site is within 300 feet of Lake Arcadia and a portion of the subject site is within its 100-year floodplain. The comprehensive plan does not support modification of the floodplain, and calls for preservation of trees which cannot be stipulated in the base zoning request.

The site's existing AA District requires 5-acre lot sizes, consistent with planokc. While still not consistent with density ranges prescribed by the comprehensive plan, other options include requesting the RA2 District which allows 0.35 – 0.45 dwelling units per acre (10 to 13 lots), or submitting a PUD could be used to specify density, design, lot coverage and tree/lake protection.

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.

Denial of the application.

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