

Agenda Item No. 3a being: REPORTS – PLANNING COMMISSION MEMBERS – None

Agenda Item No. 3b, being: REPORTS - PLANNING COMMISSION STAFF - None

Agenda Item No. 4a, being: NEW BUSINESS

Agenda items 4a and 4b are companion items to be discussed together and voted on separately.

Discuss and consider **Rezoning Application No. RZ1004**, located in the SE/4 of Section 19, T10N, R2W, being north of SE 19th Street and west of Sunnyslane Road, from A-1 Rural Agricultural District to R-1 Single Family Dwelling District. Application by Farzaneh Development LLLP/Hossein Farzaneh. **Ward 1.**

The subject site is located north of SE 19th Street and west of S Sunnyslane Rd. The property is currently zoned A-1 Rural Agricultural and is vacant. The applicant is proposing to develop a single-family residential development approximately 70 acres in total size with 5 formalized common areas and 244 living units, resulting in an overall density of 3.49 living units per acre. To develop as proposed, the property must be rezoned from A-1 Rural Agricultural District to R-1 Single-Family Residential District.

The Envision Moore 2040 Plan calls for this location to be Open Space Residential. Land uses in Open Space Residential include existing neighborhoods with large lots, or new neighborhoods with smaller lots featuring significant open space, up to 3 lots per acre and 30% open space. This application was reviewed as to its conformance with the intent of the Plan.

This subject site includes approximately 15 acres of open space including 2 acres of 'upland' open space, which is approx. 20% open space, of which 10% being useable open space. It should be noted that the open space provided by this application is less than the 30% as prescribed by the Plan, but is still a substantial amount of open space that preserves floodplains and offers a large retention pond as an amenity. The Planning Commission and City Council must determine if the 20% Open Space and 3.49 lots per acre is adequate to meet the Open Space Residential land use.

Kent Graham motioned to approve the **Rezoning Application No. RZ1004**. Gary Lunow seconded the motion. Roll was called.

Ayes: Graham, Lunow, Snow, Jarema, Rickman, Laib, Joiner, Sherrard

Nays: Burks

Abstained:

Absent:

Agenda Item No. 5b, being: NEW BUSINESS

Discuss and consider the **Preliminary Plat of Cypress Creek**, located in the SE/4 of Section 19, T10N, R2W, being north of SE 19th Street and west of Sunnyslane Road. Application by Farzaneh Development LLLP/Hossein Farzaneh. **Ward 1.**

The subject site is located north of SE 19th Street and west of S Sunnyslane Rd. The Preliminary Plat consists of one tract of land being approximately 70 acres in size. This property is seeking a rezoning to R-1 Single-Family Residential District with the intention of redeveloping the property as a single-family subdivision. The existing oil well and appurtenances will be removed/abandoned per Oklahoma Corporation Commission requirements. The Preliminary Plat proposes 244 residential lots and 5 common areas, resulting in a density of approximately 3.5 lots per acre.

Stormwater detention for this development is required. The development includes two detention ponds along the west property boundary, and a larger retention pond on the east side of the development. A FEMA floodplain and floodway is located at the southeast corner of the site and a separate floodplain is located along the west boundary of the site; no modifications of the floodplains or floodway are proposed.

Access is proposed by a divided-median entryway from SE 19th St. via 'Cypress Creek Blvd.' and through the existing Noah Drive street stub which dead-ends into the subject site; these two access points meet the access standards as set out in the Subdivision Regulations. Additionally, to increase future connectivity between neighborhoods, two street stubs have been provided abutting the undeveloped property to the east and one street stub to the undeveloped property to the west. Because 'Cypress Creek Blvd.' connects to the street-stub to the east that will provide access to Sunnyslane, this portion of 'Cypress Creek Blvd.' will carry more traffic and must be designed as a collector street.

Although the access to Noah Drive is anticipated to increase traffic flow through the Rock Creek neighborhood to some extent, this connection is in keeping with the original agreement for the development of the final phase of Rock Creek by establishing another access point to the south for the Rock Creek neighborhood.

This property has been used in the past as a dump site for wood remnants/chips. Approximately 25 lots are affected by the wood chips. These wood chips present a challenge for development as they must be removed and fill dirt brought in to establish adequate build-sites.

This plat contains two long relatively straight north-south streets that span the full ½ mile length of the development- 'Cypress Creek Blvd.' and 'Pin Cherry Lane'. Past experience with similar layouts has shown that speeding becomes a problem for the safety and peace of the neighborhood. Traffic calming techniques are required for both streets and will be reviewed for such at the final plat stage.

Public water is available along SE 19th St and with an 8" stub-out at Noah Drive. Sanitary sewer is available to north and west by an 8" gravity line.

The Envision Moore 2040 Plan calls for this location to be Open Space Residential. Land uses in Open Space Residential include existing neighborhoods with large lots, or new neighborhoods with smaller lots featuring significant open space, up to 3 lots per acre and 30% open space. This application was reviewed as to its conformance with the intent of the Plan.

This subject site includes approximately 15 acres of open space with 2 acres of 'upland' open space, which is approx. 20% open space, of which 10% being useable open space. It should be noted that in previous discussions with the Planning Commission, it was determined that 30% as prescribed by the Plan was

excessive and a lesser amount may be more appropriate. Planning Commission and City Council must determine if 20% Open Space is adequate to meet the Open Space Residential land use.

This proposed development is not located within a ¼ mile from a school or park. The floodplains in this development are shown on the Bikeway and Greenway Network Map (pg. 105) as multi-use trail corridors. As such, a pedestrian easement will be required for future trail construction as shown in the Comprehensive Plan.

This application provides one divided-median entryway from SE 19th Street and a residential local street connection with the existing Noah Drive in the Rock Creek neighborhood. Additionally, street stubs are provided to the undeveloped properties to both the west and east, and conforming with the Plan's Recommended Transportation Improvements (pg. 110).

This site contains a significant amount of FEMA floodplains and a floodway. The proposed development preserves these areas in their natural state.

This development was designed with the Open Space Residential land use requirements in mind. Although the proposal does not meet the 30% as prescribed in the plan, it does have 20% open space with 10% of that open space being 'upland' or 'useable' open space. It preserves the natural floodplains and furthers the City's future trails system. If the Planning Commission and City Council determine that the 20% Open Space is acceptable as the standard, staff believes that this application complies with the comprehensive plan.

This Preliminary Plat seeks to develop a vacant property in a growing part of Moore to a low-density residential neighborhood with 244 lots and approximately 3.5 lots per acre. The plat meets the requirements as set out by City Code and many of the goals and policies of the Comprehensive Plan. Staff recommends approval.

Commissioner Snow asked if the entrance to this proposed plat lines up to be directly across from the Edgewater Addition. Ms. Weitman answered, yes. Commissioner Snow commented, a stop sign or stop light may become necessary in the future as traffic to the area increases.

Commissioner Burks commented, he is aware that there are flooding issues in the area and is wondering if the City has any plans for improvements to the creek.

Ms. Weitman answered, the creek located behind Ann's Place and to the south, has been identified as a problem area, in the City's Master Drainage Plan. The City does perform emergency clearing and maintenance of creeks, however, the creek is located in a common area, which requires the City to obtain permission from the HOA to enter the property to perform any work. Ms. Weitman went on to say, the City is aware of the flooding problems in that area but she would need to check into a specific time frame for any scheduled improvements.

Commissioner Burks asked about road improvements in the area. Ms. Weitman stated, SE 19th Street in the long range is slated to be improved to four lanes. That will, of course, require a funding source. Those types of improvements are usually funded through a G.O Bond so much of the funding will be up to the Citizens of Moore and depend on how they vote. The City does recognize SE 19th Street is a major thorough fair that receives heavy traffic today and will only increase into the future.

Commissioner Burks expressed concern regarding the number of large developments that have recently begun in the area and with the school system's ability to keep up with the rapid growth. In addition, Commissioner Burks expressed concern with adequate infrastructure to handle what is coming. Ms. Weitman answered, this is a common concern that comes up frequently. Ms. Weitman stated, the City of Moore does notify the Moore School System of all upcoming development. Ms. Weitman stated she has had this discussion with the school system many times and they have assured her they feel confident in their ability to keep up with any future development.

Ms. Weitman went on to say, Mr. Burks is correct, there is a lot happening in that area; because the SE/Quadrant is basically the last quadrant left to be developed in Moore, so any large scale development coming down the pike in the near future is likely to take place there. With regard to infrastructure, road improvements can always be a bit of a balancing act as to what comes first; the traffic that needs the road or the road that can handle the traffic. Ms. Weitman commented, the City of Moore has a history of making sure adequate infrastructure is in place to meet development demands.

Finally, Ms. Weitman stated, she would like to touch on other types of improvements such as water and sewer lines. Ms. Weitman reported, the City is in the process of constructing a Southeast lift station. This is a regional lift station that will handle all of the area in the Southeast quadrant. Regarding sewer planning and capacity, the City is anticipating the development of this area with higher densities than agriculture. The Comprehensive Plan does allow for that option and that is what we are working toward.

Commissioner Graham stated he would like to address the proposed plat and the compromise to the 30% open-space requirement. Commissioner Graham stated, that he would like clarification as to whether deviating from the Comp-Plan-Amendment in this way, would require a more formal request, such as an Amendment to the Comprehensive Plan. Commissioner Graham also stated, he does not remember any previous discussions or items that have come before this board seeking to relax specifically the open space requirement as outlined in the plan. Mr. Graham stated, that he is somewhat disappointed to see the City willing to relax those requirements at the first request and would like to know the reasoning behind that decision.

Ms. Weitman responded, when the Comprehensive Plan was initially adopted a study-session was held, at which-time, there were discussions around the *intent* of the open space requirement. Different properties were considered. For, properties containing floodplain it was not difficult to reach 30% and for environmentally sensitive property containing flood plain and floodways the Comprehensive Plan gave us a tool to preserve those areas.

Ms. Weitman stated, as she recalls the discussions, during the comparison of different properties there were some Planning Commissioners who voiced concerns of 30% having the potential to be excessive in some instances, for example; a 40 acre tract without floodplain.

Ms. Weitman explained, formally amending the plan has never been a requirement for relaxing some of the stated requirements. The layout with the proposed densities before you, is the result of discussions between staff and the applicant.

Commissioner Graham stated, the plan does allow other options for the applicant, such as, reducing the

densities. Mr. Graham stated that he believes compromising the amount of required open space will set a negative precedent for future applications.

Chairman Sherrard asked for clarification of the up-land within the open space. Mr. Sherrard referenced a comment in the staff report that states; of the 15 acres of open space provided, there are 2 acres of up-land. Does that mean that the remaining 13 acres consists of lowland and floodplain? Ms. Weitman answered, yes. The 13 acres is made up of floodplain, floodway, and detention pond.

Chairman Sherrard stated, for clarification what we have before us to consider tonight is the Rezoning Application, the Preliminary Plat, and some sort of a recommendation regarding relaxing the percentage of open space requirement. In addition, it should be noted that the application is asking for an increased density of 3.49 lots per acre which is more than the approved density for R-1 which is 3.0 lots per acre. Ms. Weitman answered, yes that is correct.

David Box, 522 Colcord Drive, Oklahoma City introduced himself as representing the applicant. Mr. Box also introduced Kendall Dillon with Crafton Tull, as the civil engineer for the project, also is also in attendance. Mr. Box stated he would like to respond to Commissioner Graham and the question regarding a formal variance to the Comprehensive Plan. It is worth noting, the Comprehensive Plan is viewed as a policy guide. It is not passed by Ordinance and does not rise to the level of law. Mr. Box stated, in the past, when there have been challenges with regard to the interpretation of the Comprehensive Plan, the courts have ruled in their favor.

Mr. Box reported that a neighborhood meeting was hosted via zoom at the recommendation of staff. The meeting was well attended. There were more than 20 participants. The questions that were voiced during the meeting, primarily focused on drainage and traffic.

Mr. Box stated, overall the application submitted is for a development compliant with the surrounding area. Although the applicant is proposing 3.49 dwellings per acre vs 3 dwellings per acre, it is worth noting the density proposed within the plat is fully compliant with R-1 standards. R-1 allows 6000 sf lots. All of the lots meet all subdivision regulations, as well as, meet all zoning regulations as it relates to R-1 zoning. The proposed development is surrounding by R-1 zoning to the north and to the west. The applicant is providing adequate stub streets. Mr. Box stated they have reviewed and are in agreement with all staff recommendations for both the Rezoning and the Plat.

Mr. Box explained, so one challenge to consider with the development of this property would be, the stub to the east of the proposed development is under different ownership. If the entire quarter section were to be developed at one time, then certainly with regard to the open area, 30% would be much easier to achieve. However, 20% of open space is significant as it relates to the 70 acre tract.

Playground equipment, walking trails, a basketball court, creates meaningful open space. Although 20% does not meet the goal of the Comprehensive Plan, it does however, serve to achieve the *intent* of the Plan which is activated open space, amenities, and things for residents to do.

As noted in the Staff Report, the open space proposed is significant and preserves flood plain. In addition, it offers a large detention pond with amenities meeting the purpose and intent of the Comprehensive Plan.

Kent Graham commented, if 30% is truly excessive for this particular parcel, then instead of a list of reasons as to why the Comprehensive Plan is not a weighty document, the more productive approach would be to hear from the developer, a list of any characteristics specific to this property that support an exemption.

Kendall Dillon with Crafton Tull, Yukon, OK, introduced himself as the engineer for the project, representing the applicant.

Mr. Dillon stated he would like to address the reduced open space in the way that it relates to the Comprehensive Plan. If the only thing under consideration today are the actual numbers then yes, it is true the application is not going to conform. Mr. Dillon stated, however, in his opinion there are things within the proposed lay-out which absolutely conform to the Plan and should carry merit in support of an application that is not held to the letter of open-space and the 30% as outlined in the Plan. As Ms. Weitman noted earlier comments and in the staff report, each site is unique and can be considered individually based on characteristics specific to the site.

One consideration should be, if this site were to be developed as a full quarter section without floodplain is it possible that 30% open-space would be excessive. So referencing the Comprehensive Plan, it talks about protecting acreage lots. There is one acreage lot that appears in the aerial of the area. That lot is separated from the proposed development not only by the floodplain, but also trees. In addition, this site abuts floodplain to the west and an R-1 neighborhood to the east. So in answer to the question, does the proposed development have adverse impacts on acreage lots the answer would be no.

Second item to consider. Again, referencing the Comprehensive Plan it talks about protecting environmentally sensitive property. The application before you keeps the existing ponds and is not encroaching onto any floodplain. All of the riparian zone is included within the common area. That too, complies with the Comprehensive Plan.

Finally, pedestrian access to the common area is available through the easement provided by the developer and most of the trees will be preserved. Mr. Dillon stated, again, does the open space meet the goal of 30%; the answer is no. However, from a design and a planning standpoint the proposed layout does comply with the goals and intent of the Comprehensive Plan.

Chairman Sherrard commented, although the common area for the application does not meet the 30% of open space, the developer still has the choice of meeting that goal through lot size. However, the developer has chosen to go with the smaller lots.

Chairman Sherrard asked if there were any members of the audience who wished to address this item.

Ken Jones, 1004 Lonnie Lane, introduced himself as a property owner in the Rock Creek Addition and asked about the street stub.

Chairman Sherrard answered a street-stub was recommended to the west of the property. Because of the creek that runs along that boundary and the proposed development, the land to the west would become landlocked. The developer has agreed to provide the stub with this development.

Chairman Sherrard requested a motion.

Kent Graham motioned to table the **Preliminary Plat of Cypress Creek** to the March 9, 2021, Planning Commission Meeting, to allow the applicant additional time to review lot sizes. Chris Rickman seconded the motion. Roll was called.

Ayes: Graham, Lunow, Snow, Jarema, Rickman, Laib, Joiner, Sherrard

Nays: Burks

Abstained:

Absent:

Agenda Item No. 5 being: CITIZENS - None

Agenda Item No. 7 being: ADJOURNMENT

Commissioner Sherrard requested a motion to adjourn at 7:35 p.m.

Motion: Kent Graham motioned for adjournment. Chris Rickman seconded the motion. Roll was called.

Ayes: Graham, Lunow, Burks, Snow, Jarema, Rickman, Laib, Joiner, Sherrard

Nays:

Abstained:

Absent:

RECORDED FROM NOTES & TRANSCRIBED BY _____
Nora Kerbo, Administrative Assistant