

Planning Commission Minutes
July 25, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 3:47 p.m. on July 19, 2024)

7. (CE-1124) Application by Dowell Center Grage, LLC, to close a portion of the east-west right-of-way of NW 4th Street, a portion of the north-south right-of-way of North Harvey Avenue, and a portion of the east-west alley in Block 47 of the Oklahoma City Original Addition Supplemental Plat. Ward 6.

Technical Evaluation:

1. Prior to City Council consideration, applicant must provide a topographic survey showing the location of all utilities, with dimensions, within the proposed closure area.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION.

MOVED BY GOVIN, SECONDED BY LAFORGE

AYES: CLAIR, POWERS, PRIVETT, NEWMAN, GOVIN, PENNINGTON, NOBLE,
LAFORGE

ABSENT: MEEK



STAFF REPORT
The City of Oklahoma City
Planning Commission
July 25, 2024

Item No. IV. 7.

(CE-1124) Application by Dowell Center Grage, LLC, to close a portion of the east-west right-of-way of NW 4th Street, a portion of the north-south right-of-way of North Harvey Avenue, and a portion of the east-west alley in Block 47 of the Oklahoma City Original Addition Supplemental Plat. Ward 6.

I. GENERAL INFORMATION

A. Contacts

Applicant

Richard S Dowell
Dowell Center Garage, LLC
(405) 760-2383
Richard.dowell@yahoo.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is close a portion of street and alley rights-of-way to remediate a building façade encroachment.

D. Existing Conditions

1. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	DBD	DBD	DBD	DBD	DBD
Land Use	Parking Gar.	Church	Office	Office	Parking

2. Comprehensive Plan Land Use Typology Area: Downtown (DT)

DT applies to the city center, Oklahoma City's most intense development area, envisioned as a regional center for commerce and tourism. Urban experience, interaction, creativity and knowledge exchange, and economic dynamism are guiding objectives that necessitate high intensity and extremely close proximity among businesses, residents, destinations, and amenities.

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 (Oklahoma 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 (OCFD) ***
- 4. Information Technology/Geographic Support (IT/GIS)**
- 5. Parks and Recreation**
- 6. Police (OCPD)**
- 7. Public Works**
 - a. Engineering**

A perpetual easement for water and wastewater, drainage, storm water, sidewalks, and traffic controls systems (collectively “City systems”) are hereby expressly reserved until such time as plans have been approved by the Public Works and Utilities departments, respectively, which plans must include new executed and recorded easements, as necessary, before each individual easement may be released.

b. Storm Sewer Availability *

8. Streets, Traffic and Drainage Maintenance

9. Stormwater Quality Management

10. Traffic Management

Sufficient sidewalk must remain in the right of way to provide for ADA accessible path. The amenity zone is not considered in the width of accessible paths.

11. Utilities

a. Wastewater Comments *

b. Water Comments *

c. Solid Waste Management

No Solid Waste Management services needed.

12. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design, Building Form, and Location

- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest.
- Avoid unbroken stretches of blank walls.

Automobile Connectivity

- Keep alleys open and functional.

Pedestrian Connectivity

- Preserve and expand the pedestrian and bicycle networks.
- Provide public connectivity through blocks via alley or internal access for large-scale, block sized developments.

b. Plan Conformance Considerations

The subject site is generally located west of North Harvey Avenue and south of NW 4th Street. The proposed application seeks to close portions of the right-of-way for NW 4th Street, North Harvey Ave, and a portion of the public alley to resolve an encroachment caused by the addition of block veneer to a parking garage. The encroachment varies between one and two feet. A revocable permit was previously approved to allow the encroachment. Within the Downtown LUTA, the comprehensive plan calls for keeping alleys open and functional and providing public connectivity through blocks via alleys. The proposed closure would not affect connectivity or pedestrian access.

The subject site is zoned Downtown Business District (DBD). This easement closure application is subject to review and recommendation by the Downtown Design Review Committee (DDRC). On July 18, 2024, the DDRC voted “No Recommendation and note that there was extensive conversation about the concern of giving right-of-way property away forever, specifically with respect to what might happen if this building was ever taken down and something else was built in its place. DDRC would like the Planning Commission to take that into consideration as they make their ruling on whether or not this right-of-way should be closed, and subsequently vacated. DDRC would also suggest that the Planning Commission watch the video of the DDRC meeting to hear all of the discussion on this item.”

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. 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 subject to the following Technical Evaluation:

1. Prior to City Council consideration, applicant must provide a topographic survey showing the location of all utilities, with dimensions, within the proposed closure area.

taj



STAFF REPORT

Downtown Design Review Committee

07/18/2024

Agenda Item VII. A.
Case No. CE-01124
Property Address 433 N Harvey Ave
Applicant Name Richard S Dowell, Dowell Center Garage, LLC
1932 W Lindsey St, Ste A
Norman, OK 73069
District DBD

A. ITEMS FOR CONSIDERATION

Request to close a portion of the adjacent right-of-way of NW 4th St, N Harvey Ave and the east-west alley between NW 4th St, N Harvey Ave, Dean A McGee Ave, and N Hudson Ave to resolve an encroachment.

B. BACKGROUND

1. Location

This site is located at the southwest corner of NW 4th St and N Harvey Ave.

2. Site History/Existing Conditions

According to the Oklahoma County Assessor's website, this parking garage was constructed in 1978 and was remodeled in 1999. The North Downtown Urban Design Committee approved adding split-face masonry to the metal sides of the parking garage facing the streets to the east and north in 1999. In November 1999, the City of Oklahoma City issued a permit to add new block veneer to the exterior of the parking garage. At that time, a Revocable Permit was issued by the City to allow adding the block veneer cladding to the exterior of the parking garage, which encroached into the right-of-way.

The property owner is requesting the right-of-way covered by the revocable permit be closed so that he can then go to District Court and vacate this right-of-way. He is in the process of selling this property and is attempting to clean up the title.

3. Surrounding Environment

To the north, across NW 4th St, is St. Joseph Old Cathedral. To the northwest, is the Oklahoma City National Memorial and Museum. To the east, across N Harvey Ave, is the William J Holloway, Jr United States Courthouse. To the south, across the alley, is the Oklahoma Natural Gas building. Adjacent to the west is an addition to the subject parking garage. Further west is a parking lot.

4. Previous Actions / Other

According to Section 59-3250.2.C., the Downtown Design Review Committee shall have the power to "comment upon and provide recommendations on actions proposed to other City boards, committees, and commissions with respect to the effect of such actions upon the District."

C. ITEMS IN COMPLIANCE

1. Unless noted below in Section D. Issues and Considerations, all other case items of this proposal comply with the Development Regulations and Guidelines of the Downtown Design District zoning ordinance as referenced below:

None

Note: All other Regulations and Guidelines of the Downtown Design District zoning ordinance not listed above are either not applicable to this case or apply to elements of this project to be considered as a separate case at a later date.

D. ISSUES AND CONSIDERATIONS

1. Development Guidelines

This proposal may not comply with the Development Guidelines of the Downtown Design District zoning ordinance as follows:

- a. **RE: Request to close a portion of adjacent street and alley right-of-way, Case Item A.**

- 1) Description: The applicant proposes to close a portion of the adjacent right-of-way of NW 4th St, N Harvey Ave and the east-west alley between NW 4th St, N Harvey Ave, Dean A McGee Ave, and N Hudson Ave to resolve an encroachment.

- 2) Reference: §7200.1.A. Purpose and Intent.

“This commercial district is intended to support diverse forms of business and residential activity, including mixed-uses in a single building, within the central area of the City. Development regulations and guidelines in this district are intended to:

- (1) Promote the development and redevelopment of the downtown area in a manner consistent with the unique and diverse design elements and urban character of the downtown districts;*
- (2) Ensure that a proposed use is compatible with the commercial, cultural, historic, and governmental significance of the downtown districts;*
- (3) Promote the downtown area as a vital mixed-use area;*
- (4) Create a network of pleasant, safe, and connected public spaces and pedestrian amenities in the downtown area;*
- (5) Enhance existing structures and circulation patterns;...”*

Reference: §7200.2. Downtown Business District (DBD).

- A. Purpose and Intent.

“The DBD District is support diverse forms of business and residential activity, including mixed-uses in a single building, within the central area of the City. Development regulations and guidelines in this district are intended to promote the development and redevelopment of the downtown area in a manner consistent with the unique and diverse design elements and urban character of the

downtown district; ensure that uses are compatible with the commercial, cultural, historical and government significance of downtown; promote the downtown as a vital mixed-use area; create a network of pleasant, safe, and connected public spaces and pedestrian amenities; enhance existing structures and circular patterns; and encourage preservation and restoration (of) historic features.”

- 3) Considerations: As referenced above, a Revocable Permit was issued to allow the construction of the masonry façade for this parking garage. The property owner is requesting the closure of that part of the right-of-way that was covered by the Revocable Permit. There will be no additional encroachment into the sidewalk/streetscape by the building.

Staff has no issue with the proposed CE.

E. STAFF RECOMMENDATION

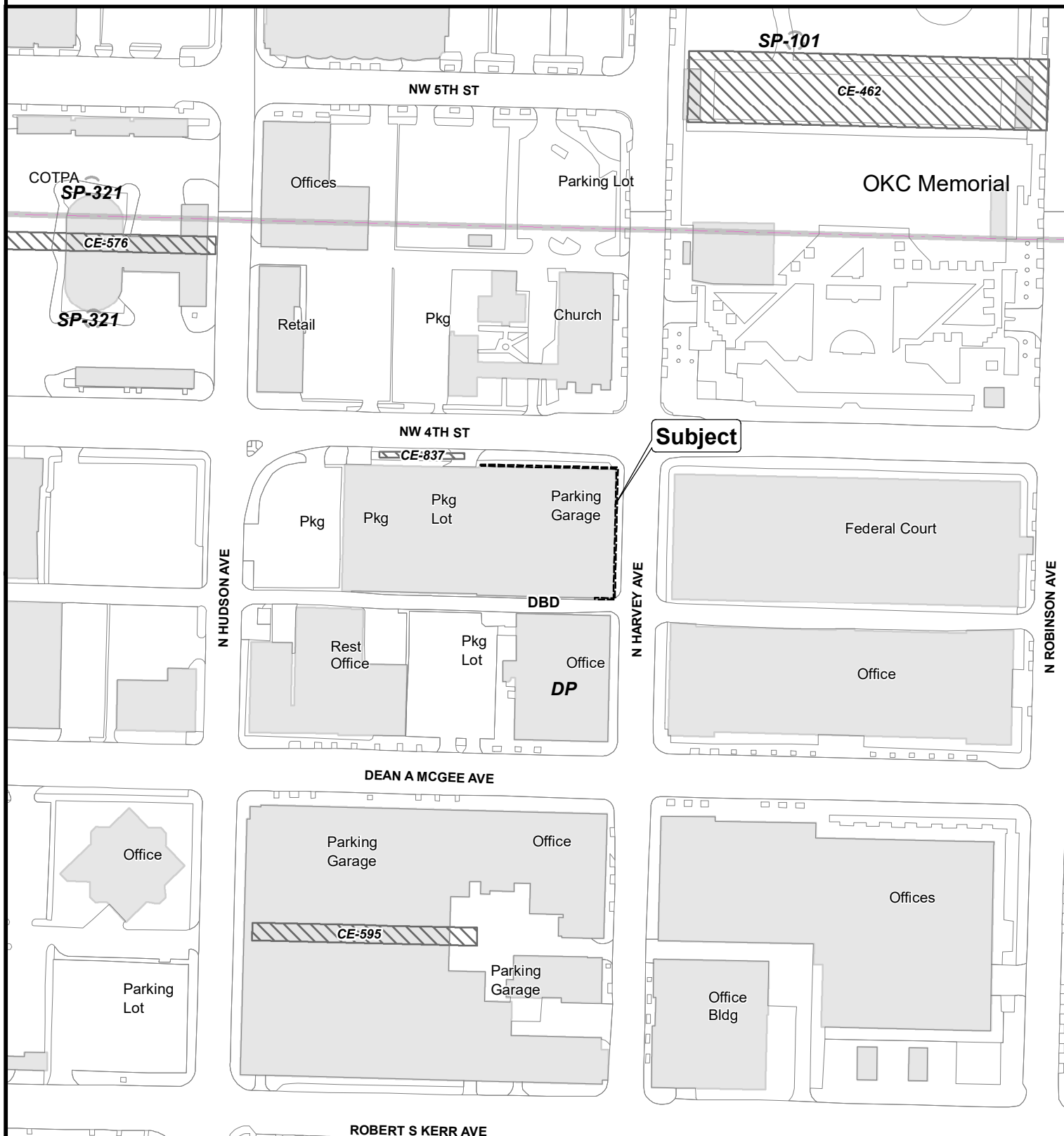
1. Provide a recommendation of **approval** to the Planning Commission for the request to close a portion of the adjacent right-of-way of NW 4th St, N Harvey Ave and the east-west alley between NW 4th St, N Harvey Ave, Dean A McGee Ave, and N Hudson Ave to resolve an encroachment.

Note: Staff recommendations do not constitute Committee decisions.

Attachments: Zoning Map, Application, Design Statement, Drawings, Photos.

Case No: CE-1124

Applicant: Dowell Center Garage, LLC



ROBERT S KERR AVE

Note: "Subject" is located approximately 845' East of N. Walker Ave. and 2,307' South of NW 10th St.



The City of
OKLAHOMA CITY

Application for Closing Public Way or Easement

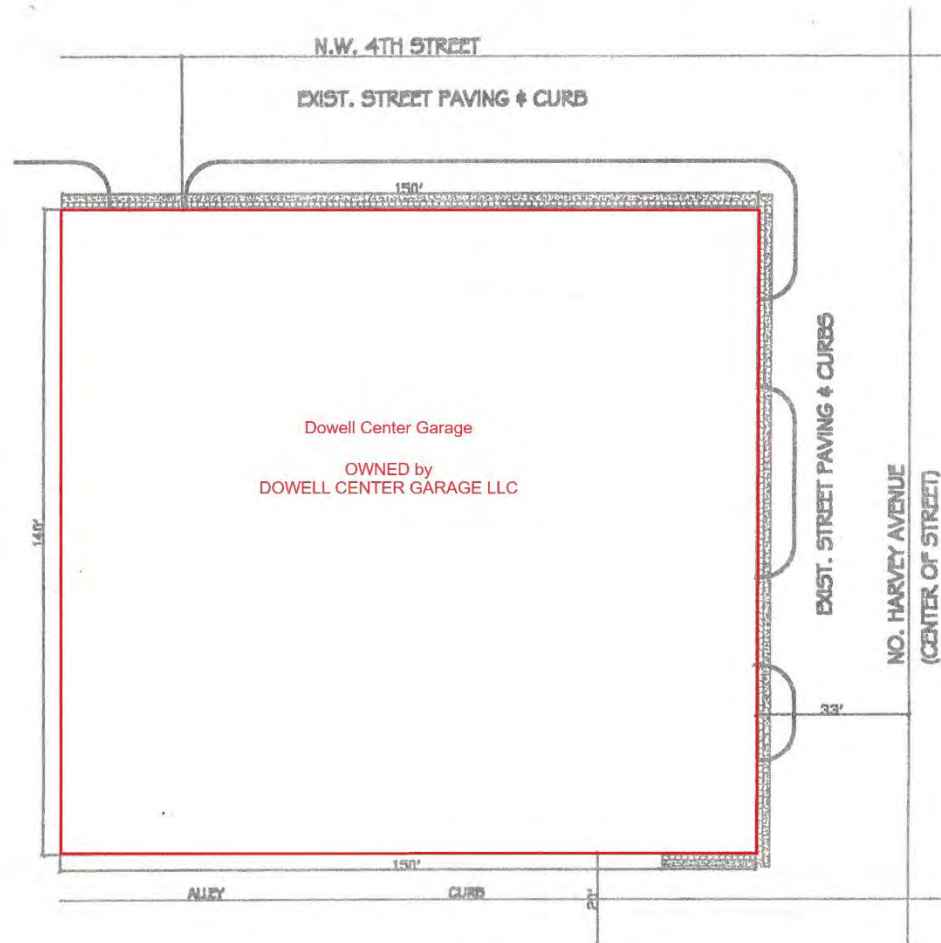


0 75 150
Feet

CE-1124
Exhibit B

Property line
marked in RED

Easement to be
closed denoted by



PLOT PLAN
SCALE: 1/32" = 1'-0"



Case No: CE-1124

Applicant: Dowell Center Garage, LLC



Aerial Photo from 2/2022

Note: "Subject" is located approximately 845' East of N. Walker Ave. and 2,307' South of NW 10th St.



The City of
OKLAHOMA CITY

Application for Closing Public Way or Easement



0 75 150
Feet