

Planning Commission Minutes
April 13, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 9:06 a.m. on April 10, 2023)

8. (CE-1099) Application by Wheeler District, LLC to close the west 25 feet of a 42-foot wide north-south easement located west of South Western Avenue and south of the Oklahoma River. Ward 6.

Amended 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.
2. The extents of the easement to be released and vacated shall be revised to remove the north 385 feet from the legal description.
~~should be revised to exclude 50 feet from the bridge approach slab on the south side of the bridge crossing the Oklahoma River.~~

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY GOVIN, SECONDED BY POWERS

AYES: CLAIR, POWERS, FRALEY, PRIVETT, HINKLE, GOVIN, LAFORGE, NOBLE; ABSENT: PENNINGTON



STAFF REPORT
The City of Oklahoma City
Planning Commission
April 13, 2023

Item No. IV. 8.

(CE-1099) Application by Wheeler District LLC, to close the west 25 feet of a 42-foot wide north-south easement located west of South Western Avenue and south of the Oklahoma River. Ward 6.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

Mark W. Zitzow, Johnson & Associates
(405) 235-8075
mzitzow@jaokc.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to consolidate the property abutting the easement to facilitate future development.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Urban – Medium (UM)

UM applies to fully urbanized areas of the city, most of which were built prior to the 1960s. Developments are expected to be larger in scale and have greater intensity and mixture of uses than developments found in UL. Development within UM areas should support efficient transit usage and provide pedestrian and bicycle access to retail, services, parks, and other destinations. Priorities for the UM areas include “infill” developments on vacant lots, rehabilitation of underutilized property, and development that supports revitalization of distressed neighborhoods.

2. Zoning and Land Use

| | Subject Site | North | East | South | West |
|-----------------|---------------------|--------------|-------------|--------------|-------------|
| Zoning | PUD-1611 | PUD-1611 | R-1 / I-3 | I-2 | PUD-1611 |
| Land Use | Residential | Undeveloped | Warehouse | Undeveloped | Residential |

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. Oklahoma City School District**
- 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**

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 may include provision of new easements, as necessary, and/or individual easements being released.

Storm Sewer Availability

- 1) Any existing utility easements within the vacated public right of way to be reserved until such time as any existing utilities are relocated.

8. Streets, Traffic and Drainage Maintenance

9. Stormwater Quality Management

10. Traffic Management *

11. Utilities

a. Wastewater Comments

- 1) Active 42” Public wastewater main and manhole project #9E115 crosses within easement. Maintain access easement for utilities or submit plans to relocate public wastewater main.

b. Water Comments

- 1) Active 8” & 12” Public water mains and fittings project #WBI-18-207, WA-2400, and WA-2544 crosses within easement. Maintain access easement for utilities or submit plans to relocate public water mains.

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

- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape.

Automobile Connectivity

- Maintain and enhance the connectivity of the street network.
- Protect existing traditional street grid and reconnect it where possible.
- Maintaining the existing street grid to preserve connectivity and mobility options.

b. Plan Conformance Considerations

The application seeks to close the western 25 feet of a 42-foot-wide easement located along the west side of S Western Ave, south of the Oklahoma River and north of the BNSF railroad tracks. The closure area is approximately 2,288 lineal feet. The easement that was accepted by the City of Oklahoma City in 1966 for street purposes. The closure is requested to allow the continued development of the Wheeler District. The standard 50 feet of right-of-way from the centerline of N Western Avenue would remain as right-of-way.

The subject site is within the Scenic River Overlay Design District. This easement closure application is subject to review and recommendation by the Riverfront Design Committee (RDC). On April 6, 2023, the RDC recommended approval of CE-1099.

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 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.
2. The extents of the easement to be released and vacated should be revised to exclude 50-feet from the bridge approach slab on the south side of the bridge crossing the Oklahoma River.

taj



STAFF REPORT

Riverfront Design Committee

04/06/2023

Agenda Item **VII.B.**
Case No. **CE-01099**
Property Address **1701 S Western Ave**
Applicant Name **Mark W Zitzow, Johnson & Associates**
 for
 Blair Humphreys, President, Wheeler District, LLC
 1 E Sheridan Ave
 Oklahoma City, OK 73104
District/Zoning **SRODD/Western Gateway/PUD-01611**

A. ITEMS FOR CONSIDERATION

Request to: close the west 25 ft. of the 42 ft. wide Oklahoma City easement located on the east side of S Western Ave, south of the Oklahoma River and north of the BNSF railroad tracks.

B. BACKGROUND

1. Location

This application to close the west 25 ft. of the 42 ft. wide Oklahoma City easement is located on the east side of S Western Ave, south of the Oklahoma River and north of the BNSF railroad tracks.

2. Site History/Existing Conditions/Previous Actions

This is the site of the former Downtown Airpark. Development is on-going, including new homes.

The Ferris Wheel and associated accessory structures, including a mural screen wall, were approved by the Riverfront Design Committee (RDC) on May 7, 2015 under SRCA-15-00007. Two subsequent revisions were approved administratively in July 2015 and February 2016.

SPUD-855, which permitted community recreational uses associated with the Ferris Wheel, was recommended by the RDC on November 5, 2015. Subsequently, City Council approved the SPUD.

PUD-01611, which permitted a variety of housing types with supporting mixed-use development, including commercial, institutional, and open space recreational areas, was recommended by the RDC on April 7, 2016. Subsequently, City Council approved the PUD.

On December 5, 2019, the RDC approved SRCA-19-00023 to allow the construction of a 3-story commercial building.

On March 12, 2023, the RDC approved SRCA-23-00003, to construct a 5-story apartment building. Also on that date, the RDC approved SRCA-23-00004, to construct a 3-story apartment building.

3. Surrounding Environment

The property is adjacent to the Oklahoma/North Canadian River, industrial development, residential development, Twin Creek and Western Ave.

4. Specific Request/Intended Use

The applicant has advised that “the 42-foot easement was granted in 1966 as additional right-of-way. This is significantly larger than the typical 17-feet of additional right-of-way seen today.” The request “will result in the east 17 feet of the easement remaining. Upon the requested closure, the Wheeler District development will be permitted to continue as planned.”

5. Other

According to Section 59-4250.8.A., the Riverfront Design Committee (RDC) “shall have the opportunity 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...”

This case is scheduled to be heard at Planning Commission on April 13, 2023.

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 (per the base zoning district in the PUD) 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

None

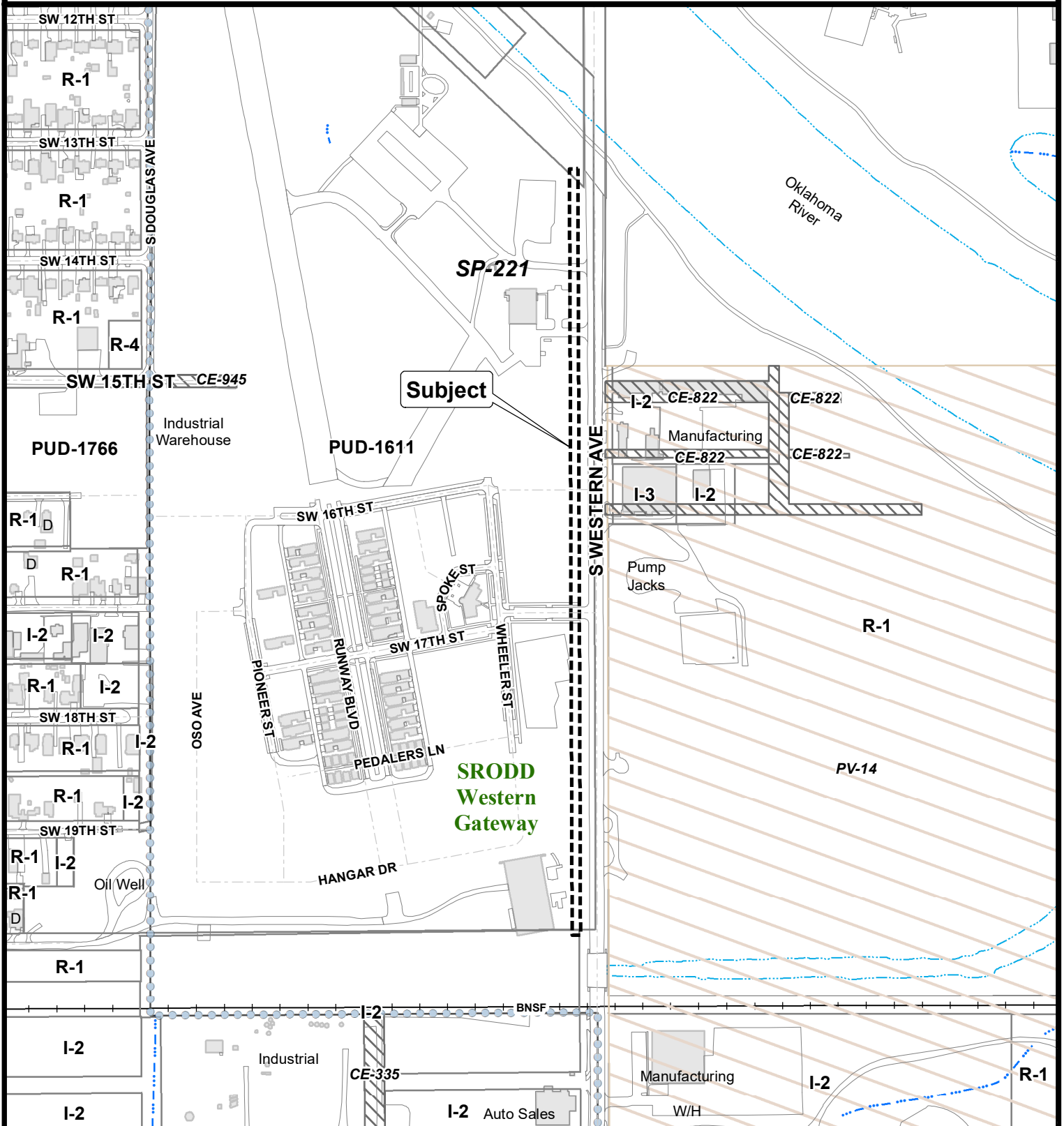
E. STAFF RECOMMENDATION

1. Provide a recommendation of approval to the Planning Commission to close the west 25 ft. of the 42 ft. wide Oklahoma City easement located on the east side of S Western Ave, south of the Oklahoma River and north of the BNSF railroad tracks.

Note: Staff recommendations do not constitute Committee decisions.

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

Case No: CE-1099 (Original)
Applicant: Wheeler District, LLC
Location: 1701 S. Western Ave.



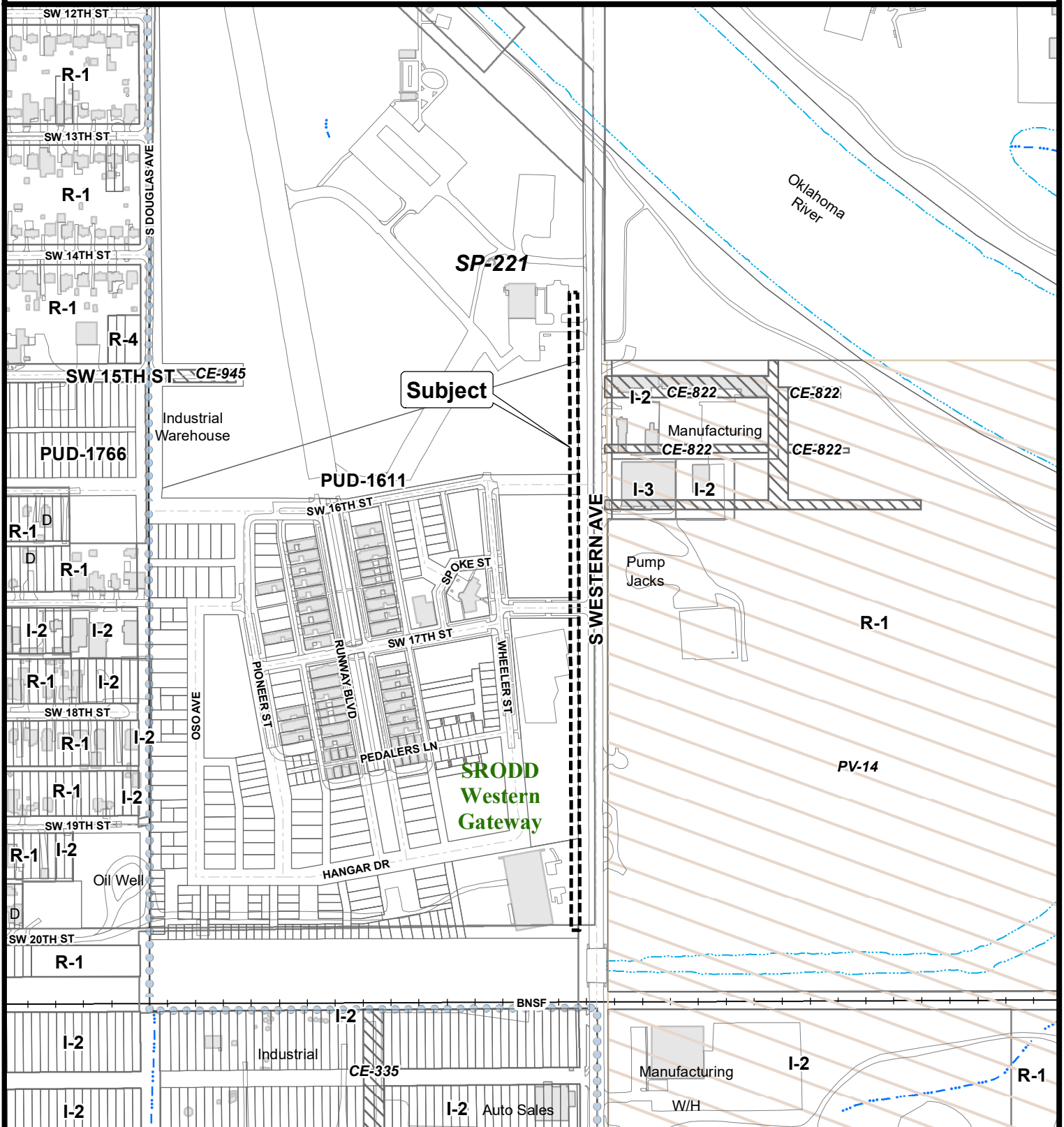
The City of
OKLAHOMA CITY

**Application for Closing
Public Way or Easement**



0 200 400
Feet

Case No: CE-1099 (Revised)
Applicant: Wheeler District, LLC
Location: 1701 S. Western Ave.



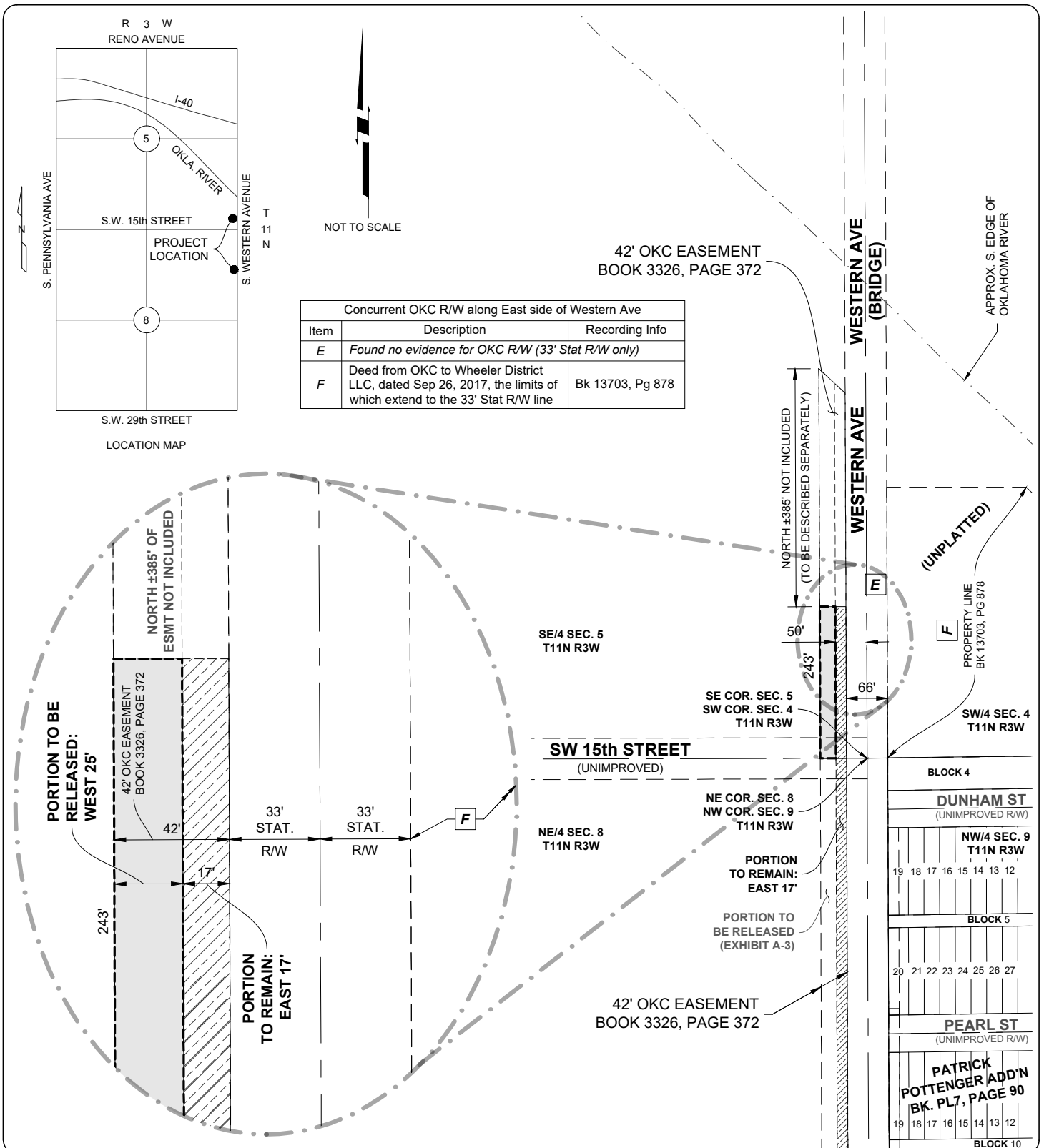
The City of
OKLAHOMA CITY

Application for Closing Public Way or Easement



0 200 400
Feet

EXHIBIT B-1



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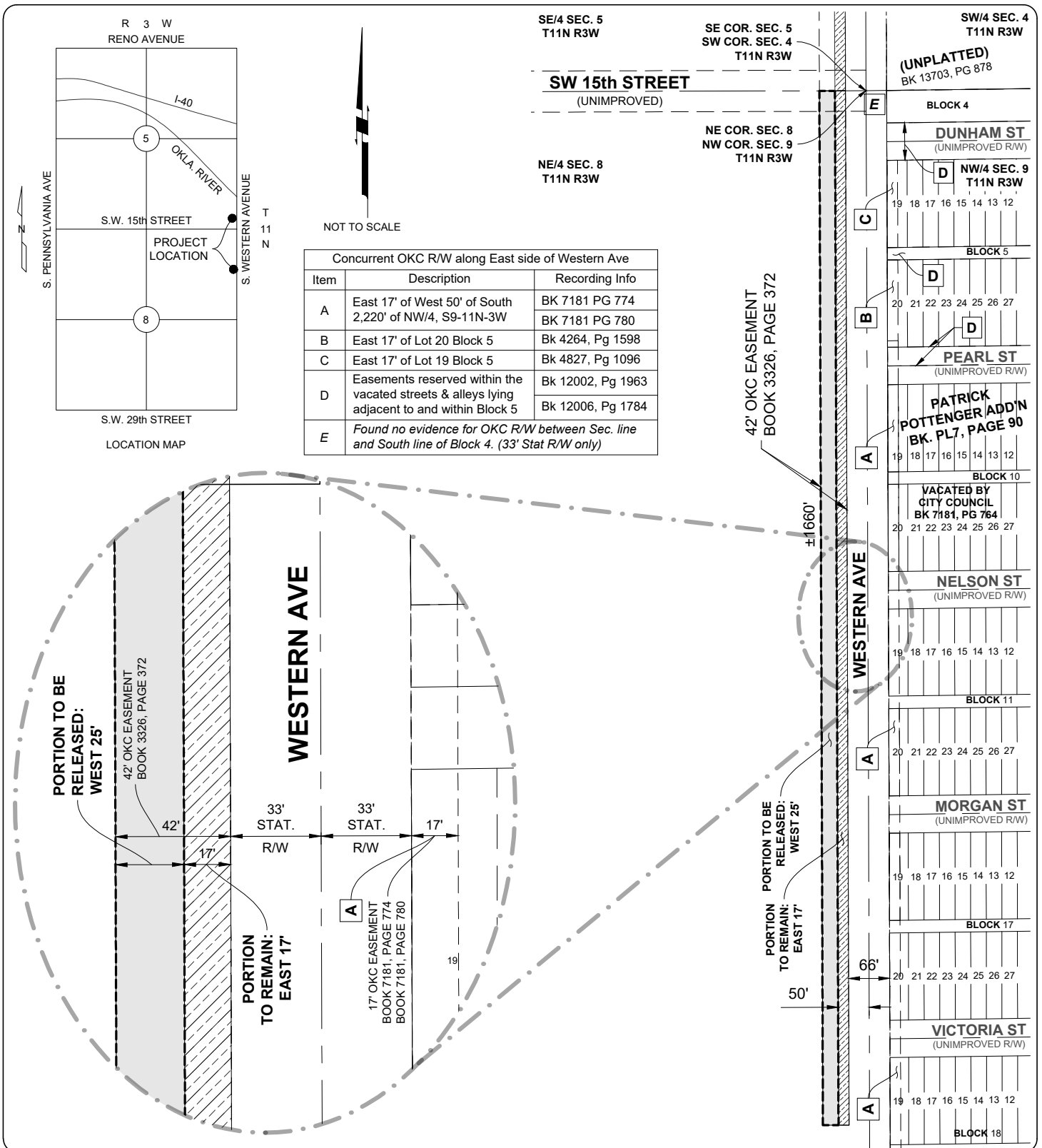
SHEET 1 of 2

PARTIAL RELEASE OF EASEMENT
RECORDED IN BK 3326, PG 372
OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA
PORTION WITHIN SE/4 SEC. 5



Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 235-8075 FAX (405) 235-8078 www.jaokc.com
Certificate of Authorization #1484 Exp. Date: 06-30-2023
• ENGINEERS • SURVEYORS • PLANNERS •

EXHIBIT B-2



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| Date: | <u>4-17-23</u> |
| Scale: | N.T.S. |

SHEET 2of2

**PARTIAL RELEASE OF EASEMENT
RECORDED IN BK 3326, PG 372**

OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA

PORTION WITHIN NE/4 SEC. 8



Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 235-8075 FAX (405) 235-8078 www.jaokc.com
Certificate of Authorization #1484 Exp. Date: 06-30-2023

• ENGINEERS • SURVEYORS • PLANNERS •

Case No: CE-1099
Applicant: Wheeler District, LLC
Location: 1701 S. Western Ave.



Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Application for Closing Public Way or Easement



0 200 400
Feet